

M E M O R A N D U M

DATE: April 1, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0175-A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 28, 2019. 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

(2807 Alabama Avenue)

13th Election District

1st Council District

Doreen Lucke

Legal Owner

Petitioner

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2019-0175-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Doreen Lucke, legal owner of the subject property (“Petitioner”). Petitioner is requesting variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”) to permit an existing single-family dwelling on a lot 40 ft. wide with an area of 5,000 sq. ft. in lieu of the required 55 ft. lot width and 6,000 sq. ft. A site plan was marked as Petitioner’s Exhibit 1.

Doreen Lucke appeared in support of the petition. Alan Fink, Esquire represented Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”). That agency did not oppose the request.

The site is approximately 5,000 sq. ft. in size and is zoned DR 5.5. The property is comprised of two lots (Lot Nos. 13 & 14, each 20' x 125') created by the Plat of Rosemont. The property is improved with a small one story single-family dwelling (912 sq. ft.) constructed in 1930. Petitioner also owns two unimproved lots (Nos. 15 & 16) adjoining the subject property, on which she proposes to construct a dwelling, as discussed in the companion case No. 2019-

ORDER RECEIVED FOR FILING

Date

2/26/19

By

Sen

0176-A. Though filed as a variance request I believe Petitioner would also be entitled to relief under BCZR Section 304 concerning undersized lots, since the only deficiencies are lot width and area.

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).

The property is narrow and deep and is therefore unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because she would be required to raze or relocate the existing dwelling. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

THEREFORE, IT IS ORDERED, this 26th day of **February, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("BCZR") to permit an existing single-family dwelling on a lot 40 ft. wide with an area of 5,000 sq. ft. in lieu of the required 55 ft. and 6,000 sq. ft. respectively, 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 her 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

Date

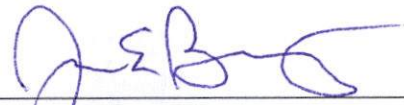
2/26/19

By

Sen

2. Petitioner must submit for approval by the DOP at the time of permit application elevations of the proposed dwelling.

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 2/26/19

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 2807 Alabama Ave Baltimore which is presently zoned DRS.5
 Deed References: 10235/00212 10 Digit Tax Account # 1311000560
 Property Owner(s) Printed Name(s) DOREEN LUCKE

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

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

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

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

3. ☒ a Variance from Section(s)

SEE ATTACHED

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

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:

ALAN FUNK
 Name- Type or Print

Signature

600 BALTIMORE AVE. #208 TOWSON, MD
 Mailing Address City State

21204 410-828-5330 AFUNK@ALANFUNKLAW.COM
 Zip Code Telephone # Email Address

CASE NUMBER 2019-0175-A Filing Date 11/30/18

Legal Owners (Petitioners):

Doreen Lucke
 Name #1 Type or Print Name #2 - Type or Print

X Doreen Lucke
 Signature #1 Signature #2

321 10th Ave Baltimore MD
 Mailing Address City State

21225 443-623-8908 David.lucke@n.c
 Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Do Not Schedule Dates:

ORDER RECEIVED FOR FILING
 2/26/19
 Date

ZONING VARIANCE REQUEST FOR 2807 ALABAMA AVENUE

... Section 1B02.3.C.1 – to permit an existing single family dwelling on a lot 40 feet wide with a density of 5000 square feet in lieu of the required 55 feet and 6000 square feet.

Item #0175

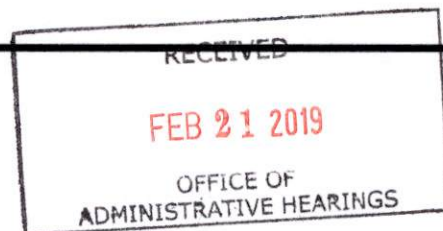
ZONING PROPERTY DESCRIPTION FOR 2807 ALABAMA AVENUE

Beginning at a point on the southwest side of Alabama Avenue, which has a 50-foot right of way, at a distance of +/-185 feet southeast of the centerline of the nearest improved intersecting street Annapolis Road, which has a 40-foot right of way. Being Lots #13 and #14, Block B, in the subdivision of ROSEMONT as recorded in Baltimore County Plat Book #5, Folio #55, containing 5000 square feet. Located in the 13th Election District and 1st Councilmanic District.

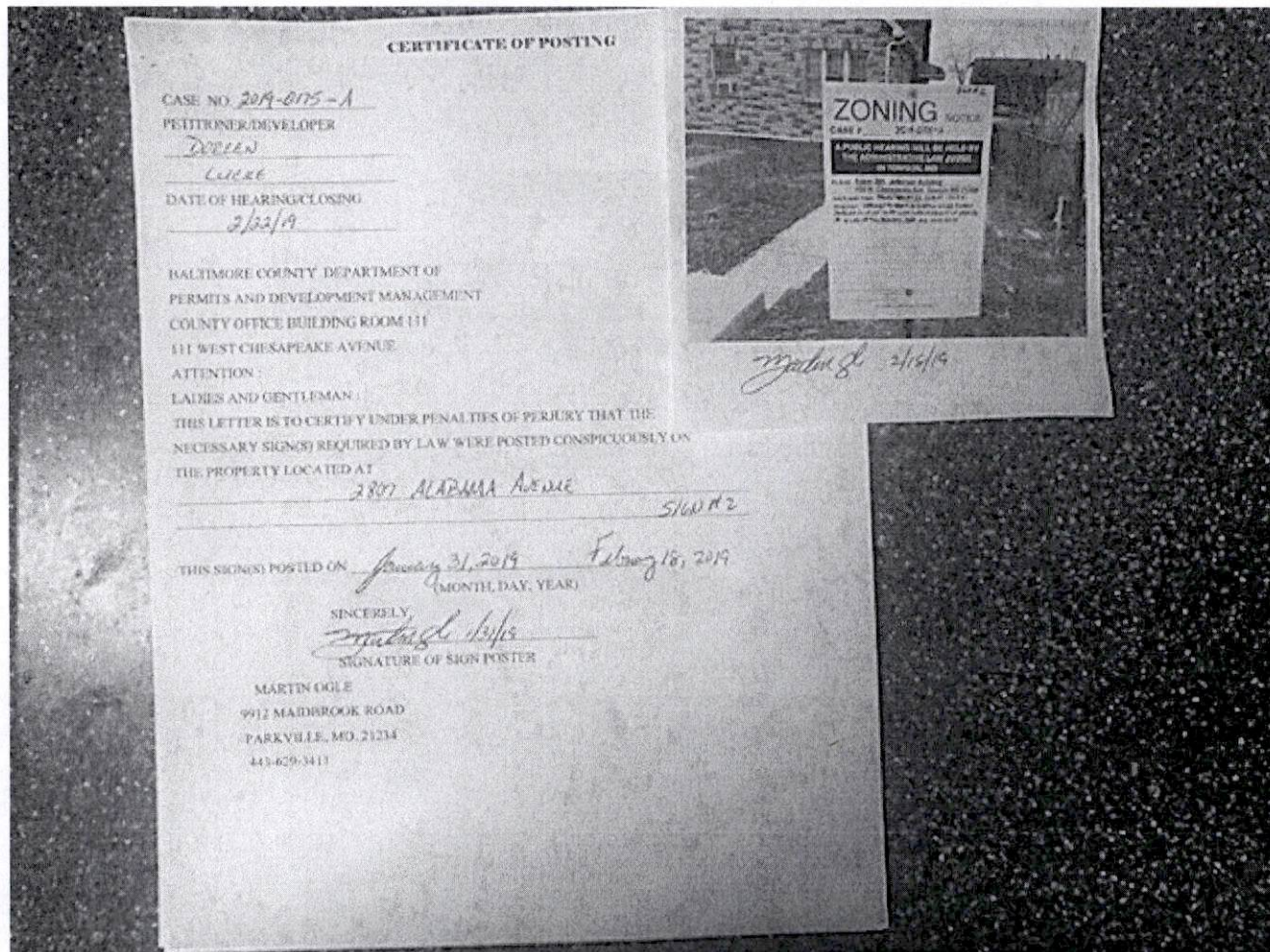
Item #0175

Debra Wiley

From: Marty Ogle <mert1114@aol.com>
Sent: Wednesday, February 20, 2019 8:35 PM
To: Administrative Hearings
Subject: 2807 Alabama



2nd set of certificates



CERTIFICATE OF POSTING

CASE NO. 2019-0115-A

PETITIONER/DEVELOPER

Deleen

Lucie

DATE OF HEARING/CLOSING

2/12/19

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

2807 ALABAMA AVENUE

SHARPS

THIS SIGN(S) POSTED ON

January 31, 2019

February 18, 2019

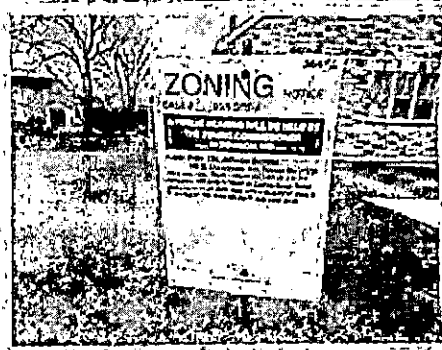
(MONTH, DAY, YEAR)

SINCERELY,

[Signature]

SIGNATURE OF SIGN POSTER

MARTIN OGLE
7912 MAIDMOROCK ROAD
PARKVILLE, MD 21234
410-629-7411



2807 ALA 2/13/19

Sent from my iPhone

C E R T I F I C A T E O F P O S T I N G

CASE NO. 2019-0175-A

PETITIONER/DEVELOPER

DOREEN

LUCKE

DATE OF HEARING/CLOSING

2/22/19

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION :

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

2807 ALABAMA AVENUE
SIGN#1

THIS SIGN(S) POSTED ON January 31, 2019
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 1/31/19
SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

5/6N #1

ZONING NOTICE

CASE # 2019-0175-A

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

PLACE: Room 205, Jefferson Building
105 W. Chesapeake Ave, Towson MD 21204

DATE AND TIME: FRIDAY, FEBRUARY 22, 2019 AT 1:30 P.M.

REQUEST: VARIANCE TO PERMIT AN EXISTING SINGLE FAMILY
DWELLING ON A LOT 40 FT WIDE WITH A DENSITY OF 5000 SQ
FT. IN LIEU OF THE REQUIRED 55 FT AND 6000 SQ FT.

PLEASE NOTE: DUE TO WEATHER OR OTHER CONSTRAINTS ARE SOMETIMES NECESSARY
TO CANCEL OR RESCHEDULE. PLEASE CALL 410-581-5801
DO NOT REARSE THIS SIGN AND POST UNTIL AFTER THE PUBLIC HEARING UNDER PENALTY OF LAW.

HANDICAPPED ACCESSIBLE

ingaulm gl 1/31/19

C ERTIFICATE OF POSTING

CASE NO. 2019-0175-A

PETITIONER/DEVELOPER

DOREEN

LUCKE

DATE OF HEARING/CLOSING

2/22/19

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION :

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

2807 ALABAMA AVENUE
SIGN #2

THIS SIGN(S) POSTED ON January 31, 2019
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 1/31/19

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

5160 52

ZONING NOTICE

CASE # 2019-0175-A

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

PLACE: Room 205, Jefferson Building
105 W. Chesapeake Ave, Towson MD 21204

DATE AND TIME: ~~FRIDAY~~ FEBRUARY 22, 2019 AT 1:30 P.M.

REQUEST: VARIANCE TO PERMIT AN EXISTING SINGLE FAMILY
DWELLING ON A LOT 40 FT WIDE WITH A DENSITY OF 5000 SQ
FT IN LIEU OF THE REQUIRED 55 FT AND 6000 SQ FT

PORTIONMENT IS DUE TO WEATHER OF OTHER CONDITIONS ARE SOME TIMES NECESSARY
TO CONSIDER AN ALTERNATE DATE, NO FEE

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

negotiated 1/31/19

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:

2/1/2019

Order #: 11683381
Case #: 2019-0175-A
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0175-A



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: 2019-0175-A

2807 Alabama Avenue

SW/s Alabama Avenue, southeast of Annapolis Road

13th Election District - 15th Councilmanic District

Legal Owners: Doreen Lucke

Variance to permit an existing single family dwelling on a lot 40 ft. wide with a density of 5000 sq. ft. in lieu of the required 55 ft. and 6000 sq. ft.

Hearing: Friday, February 22, 2019 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Mike Mohler

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.

□



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

January 17, 2019

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: 2019-0175-A

2807 Alabama Avenue

SW/s Alabama Avenue, southeast of Annapolis Road

13th Election District – 1st Councilmanic District

Legal Owners: Doreen Lucke

Variance to permit an existing single family dwelling on a lot 40 ft. wide with a density of 5000 sq. ft. in lieu of the required 55 ft. and 6000 sq. ft.

Hearing: Friday, February 22, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Mike Mohler".

Mike Mohler
Director

AJ:kl

C: Alan Fink, 600 Baltimore Avenue, #208, Towson 21204
Doreen Lucke, 321 10th Avenue, Baltimore 21225

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 2, 2019.**
- (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
Friday, February 1, 2019 - Issue

Please forward billing to:

Alan Fink
Alan Fink, LLC
600 Baltimore Avenue, Ste. 208
Towson, MD 21204

410-828-5330

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: 2019-0175-A

2807 Alabama Avenue
SW/s Alabama Avenue, southeast of Annapolis Road
13th Election District – 1st Councilmanic District
Legal Owners: Doreen Lucke

Variance to permit an existing single family dwelling on a lot 40 ft. wide with a density of 5000 sq. ft. in lieu of the required 55 ft. and 6000 sq. ft.

Hearing: Friday, February 22, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Mike Mohler
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
2807 Alabama Avenue; SW/S of Alabama Ave.,	*	
185' SE of c/line of Annapolis Road	*	OF ADMINISTRATIVE
13 th Election & 1 st Councilmanic Districts	*	
Legal Owner(s): Doreen Lucke	*	HEARINGS FOR
Petitioner	*	
	*	BALTIMORE COUNTY
	*	
	*	2019-175-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

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED
DEC 18 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of December, 2018, a copy of the foregoing Entry of Appearance was mailed to Alan Fink, Esquire, 600 Baltimore Avenue, Suite 208, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**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: 2019-0175-A
Property Address: 2807 Alabama Ave
Property Description: Southwest side Alabama Ave, 185' southeast
of Annapolis Rd
Legal Owners (Petitioners): DOREEN LUCKE
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: ALAN FINK
Company/Firm (if applicable): ALAN FINK, LLC
Address: 600 BALTIMORE AVE.
SUITE 208
TOWSON, MD 21204
Telephone Number: 410-828-5330

Revised 7/9/2015

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

No. **177728**

Date: **11/30/2018**

PAID RECEIPT

BUSINESS ACTUAL TIME INQ
 11/30/2018 11/30/2018 11:19:45 5

REG-MSIS WALKIN ALR
 RECEIPT 904B21 11/30/2018 OFLR
 528 ZONING VERIFICATION

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$ 75

CR NO. 11728
 Recd Tot \$75.00
 \$75.00 CR \$1.00 CA
 Baltimore County, Maryland

Total: **\$ 75**

Rec From:

For:

zoning hearing - case # 2019-0175-A

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

February 14, 2019

Alan Fink
600 Baltimore Ave #208
Towson MD, 21204

RE: Case Number: 2019-0175-A, 2807 Alabama Ave

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 November 30, 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,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

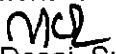
Enclosures

c: People's Counsel
Doreen Lucke 321 10th Ave Baltimore MD, 21225

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Michael Mohler, Acting Director
Department of Permits, Approvals

DATE: Jan 17, 2019

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 10, 2018
ItemNo.2019-0165-A, 0175-A, 0176-A, 0178-A, 0179-A, 0180-A, 0181-A,
0182-A, 0184-SPHA, 0185-A, 0188-SPHX and 0190-A

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

*

*

*

*

*

VKD: cen

cc: file

2-22

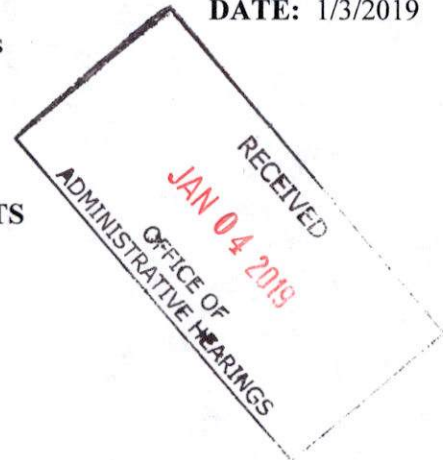
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Mike Mohler
Acting Director of Permits, Approvals and Inspections

DATE: 1/3/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-175



INFORMATION:

Property Address: 2807 Alabama Avenue
Petitioner: Doreen Luke
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit an existing single family dwelling on a lot 40 feet wide with a density (area) of 5,000 square feet in lieu of the required 55 feet and 6,000 square feet respectively.

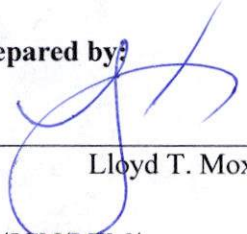
A site visit was conducted on December 26, 2018. The site is improved with a one-story, single-family dwelling. The property exists on the record plat for "Rosemont" recorded among the Land Records for Baltimore County in P.B.5 at Pg.55. In discussions with the petitioners, the Department understands that retaining the existing dwelling is an alternative plan to be utilized only in the event their plan to construct new dwellings on this site and at the adjacent 2809 Alabama Avenue is not successful.

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

- Although the petition was not filed under BCZR § 304, the Department recommends it is appropriate that at the time of building permit application, petitioners shall provide to the Department architectural elevations illustrating the proposed design elements pursuant to BCZR § 304.2.B.2.

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

Prepared by:

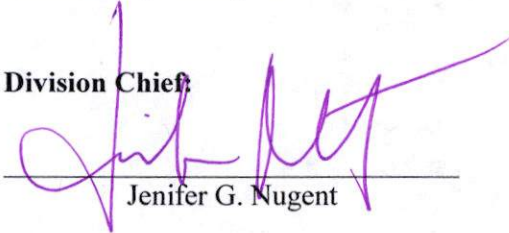


Lloyd T. Moxley

JM/JGN/LTM/

c: Amy Mantay
Alan Fink
Office of the Administrative Hearings
People's Counsel for Baltimore County

Division Chief:



Jenifer G. Nugent

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Mike Mohler
Acting Director of Permits, Approvals and Inspections

DATE: 1/3/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-175

INFORMATION:

Property Address: 2807 Alabama Avenue
Petitioner: Doreen Luke
Zoning: DR 5.5
Requested Action: Variance

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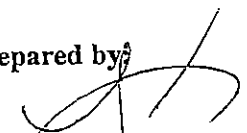
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For further information concerning the matters stated herein, please contact Amy Mantay at 410-887-3480.

Prepared by:

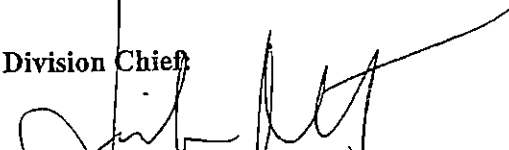


Lloyd T. Moxley

JM/JGN/LTM/

c: Amy Mantay
Alan Fink
Office of the Administrative Hearings
People's Counsel for Baltimore County

Division Chief



Jenifer G. Nugent

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: December 27, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0175-A
Address 321 10th Avenue
(Lucke Property)

Zoning Advisory Committee Meeting of **December 24, 2018**.

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

Reviewer: Steve Ford

CASE NAME 2019-175-A
CASE NUMBER _____
DATE 4 2/22/2019

[illegible]



2807 Alabama Ave
House & open lots

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 - 13 Account Number - 1320200150
Owner Information		
Owner Name:	BURY WAYNE E BURY KRISTINE A	Use: Principal Residence:
Mailing Address:	2826 ALABAMA AVE BALTIMORE MD 21227	Deed Reference:
		RESIDENTIAL YES /11442/ 00065
Location & Structure Information		
Premises Address:	2826 ALABAMA AVE 0-0000	Legal Description:
		LT 67,68 2826 ALABAMA AVE ROSEMONT
Map:	Grid:	Parcel:
0109	0011	0359
Sub District:	Subdivision:	Section:
	0000	H
Block:	Lot:	Assessment Year:
	67	2019
Plat No:	Plat Ref:	
	0007/ 0100	
Special Tax Areas:		Town:
		NONE
		Ad Valorem:
		Tax Class:
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1922	1,728 SF	Property Land Area
		5,000 SF
County Use		
		04
Stories	Basement	Type
2	YES	STANDARD UNIT
Exterior	Full/Half Bath	Garage
WOOD SHINGLE	1 full	
Last Major Renovation		
Value Information		
	Base Value	Value
		As of
		01/01/2019
Land:	62,600	62,600
Improvements	108,200	122,200
Total:	170,800	184,800
Preferential Land:	0	0
		Phase-in Assessments
		As of
		07/01/2018
		As of
		07/01/2019
		170,800
		175,467
Transfer Information		
Seller: ENGELSKIRCH JEFFREY J	Date: 02/21/1996	Price: \$94,900
Type: ARMS LENGTH IMPROVED	Deed1: /11442/ 00065	Deed2:
Seller: WHITE MARIAN TERRY	Date: 10/07/1988	Price: \$68,000
Type: ARMS LENGTH IMPROVED	Deed1: /07993/ 00380	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2018
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		

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 - 13 Account Number - 1312000780
Owner Information		
Owner Name:	BLOB TIMOTHY M	Use: RESIDENTIAL
		Principal Residence: YES
Mailing Address:	2813 ALABAMA AVE BALTIMORE MD 21227-2203	Deed Reference: /29580/ 00096
Location & Structure Information		
Premises Address:	2813 ALABAMA AVE 0-0000	Legal Description: LTS 19,20 2813 ALABAMA AVE ROSEMONT
Map:	Grid:	Parcel:
0109	0011	0359
Sub District:	Subdivision:	Section:
	0000	B
Block:	Lot:	Assessment Year:
	19	2019
Plat No:	Plat Ref:	0007/0100
Special Tax Areas:	Town:	NONE
	Ad Valorem:	
	Tax Class:	
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1930	1,158 SF	Property Land Area
		5,000 SF
County Use		04
Stories	Basement	Type
1 1/2	YES	STANDARD UNIT
Exterior	Full/Half Bath	Garage
ASBESTOS SHINGLE	1 full	Last Major Renovation
Value Information		
	Base Value	Value
		As of 01/01/2019
Land:	62,600	62,600
Improvements	103,600	116,200
Total:	166,200	178,800
Phase-in Assessments		As of 07/01/2018
		As of 07/01/2019
166,200		170,400
Preferential Land:	0	0
Transfer Information		
Seller: WINDESHEIM MAYNARD W,JR	Date: 06/16/2010	Price: \$112,000
Type: ARMS LENGTH IMPROVED	Deed1: /29580/ 00096	Deed2:
Seller: GARTSIDE STEPHEN C,SR	Date: 06/08/2006	Price: \$215,000
Type: ARMS LENGTH IMPROVED	Deed1: /23975/ 00090	Deed2:
Seller: DETORIO REY	Date: 10/13/2004	Price: \$154,500
Type: ARMS LENGTH IMPROVED	Deed1: /20818/ 00056	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	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	

2802 Alabama Ave and 2804 Alabama Ave



Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Tax Exempt:		Special Tax Recapture:							
Exempt Class:		NONE							
Account Identifier:		District - 13 Account Number - 1313203530							
Owner Information									
Owner Name:		VAZQUEZ SILVESTRE LANDEROS				Use:		RESIDENTIAL	
						Principal Residence:		YES	
Mailing Address:		2802 ALABAMA AVE BALTIMORE MD 21227-2202				Deed Reference:		/37304/ 00168	
Location & Structure Information									
Premises Address:		2802 ALABAMA AVE BALTIMORE 21227-2202				Legal Description:		LT 43,44 2802 ALABAMA AVE ROSEMONT	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0109	0011	0359		0000	C		43	2019	Plat Ref: 0007/0100
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1942		1,306 SF				5,000 SF		04	
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation		
1 1/2	YES	STANDARD UNIT		FRAME	2 full				
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2019		07/01/2018		07/01/2019	
Land:		62,600		62,600					
Improvements		84,700		114,600					
Total:		147,300		177,200		147,300		157,267	
Preferential Land:		0						0	
Transfer Information									
Seller: DEUTSCHE BANK NATIONAL				Date: 03/22/2016		Price: \$105,000			
Type: ARMS LENGTH IMPROVED				Deed1: /37304/ 00168		Deed2:			
Seller: SMITH KENNETH E				Date: 11/16/2015		Price: \$148,756			
Type: NON-ARMS LENGTH OTHER				Deed1: /36884/ 00008		Deed2:			
Seller: SMITH KENNETH E				Date: 06/25/2003		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /18270/ 00731		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									

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment1/17DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)No Comments12/27DEPS
(if not received, date e-mail sent _____)No Comment1/3FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)No Obj
w/conditions

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 2/1/19SIGN POSTING (1st) Date: 1/31/19 by OgleSIGN POSTING (2nd) Date: 2/18/19 by OglePEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

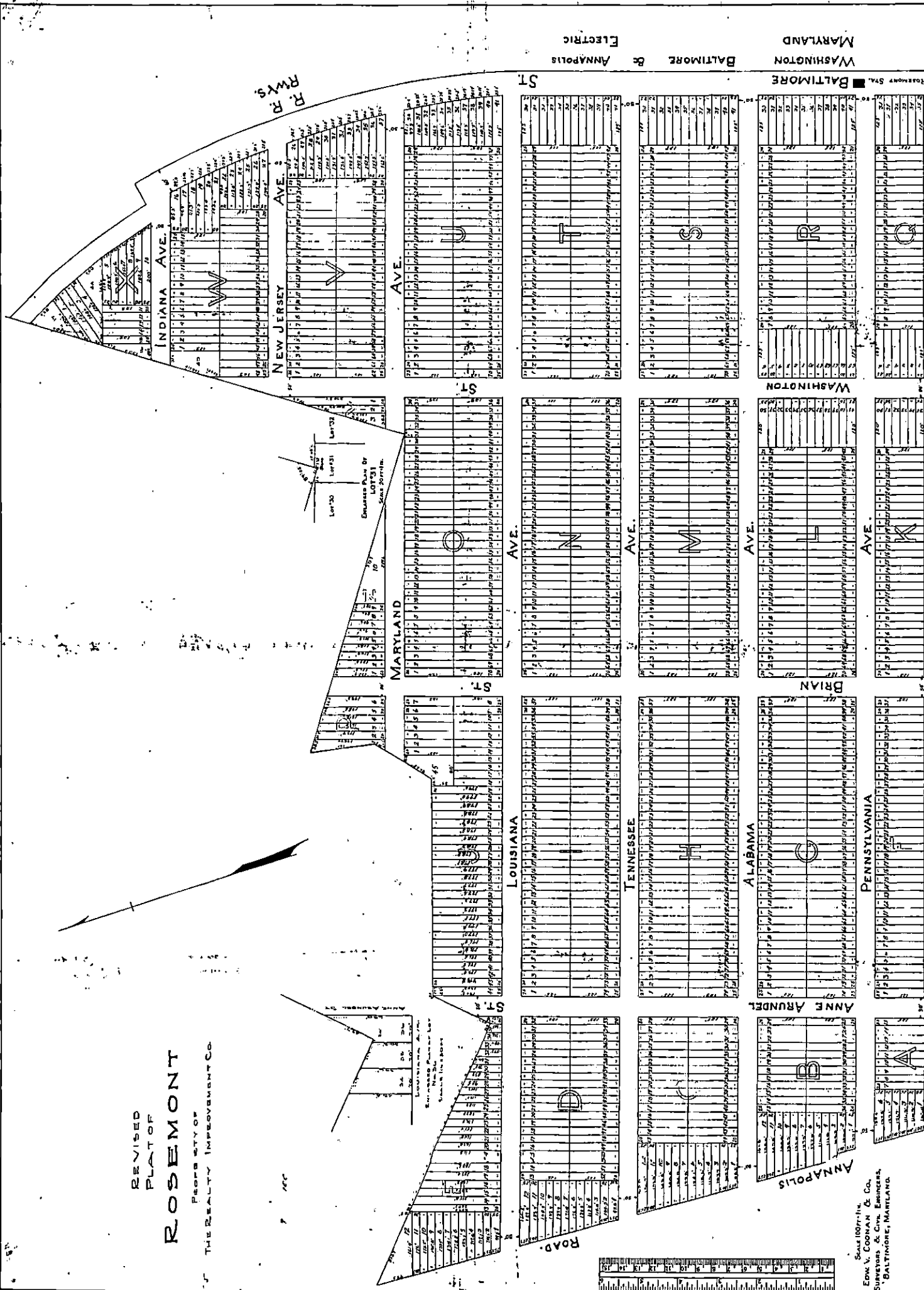
Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

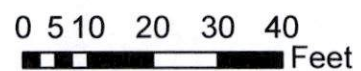
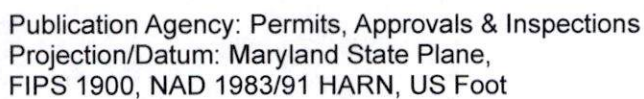
View Map			View GroundRent Redemption				View GroundRent Registration			
Tax Exempt: Exempt Class:			Special Tax Recapture: NONE							
Account Identifier:			District - 13 Account Number - 1311000560							
Owner Information										
Owner Name:			LUCKE DOREEN		Use:		RESIDENTIAL			
Mailing Address:			321 10TH AVE BALTIMORE MD 21225-		Principal Residence:		NO			
					Deed Reference:		/40235/ 00212			
Location & Structure Information										
Premises Address:			2807 ALABAMA AVE HALETHORPE 21227-		Legal Description:		LT 13-16 2807 ALABAMA AVE ROSEMONT			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0109	0011	0359		0000	B		13	2019	Plat Ref:	0005/ 0055
Special Tax Areas:				Town:			NONE			
				Ad Valorem:						
				Tax Class:						
Primary Structure Built:		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1930		912 SF				10,000 SF		04		
Stories	Basement	Type		Exterior	Full/Half Bath		Garage	Last Major Renovation		
1	YES	STANDARD UNIT		BLOCK	1 full					
Value Information										
		Base Value		Value		Phase-In Assessments				
				As of		As of		As of		
				01/01/2019		07/01/2018		07/01/2019		
Land:		65,300		65,300						
Improvements		74,500		83,000						
Total:		139,800		148,300		139,800		142,633		
Preferential Land:		0						0		
Transfer Information										
Seller: PERNIA CAROL S				Date: 05/09/2018				Price: \$100,000		
Type: ARMS LENGTH IMPROVED				Deed1: /40235/ 00212				Deed2:		
Seller: SAVALISKI JEROME F				Date: 06/24/2003				Price: \$94,000		
Type: ARMS LENGTH IMPROVED				Deed1: /18264/ 00166				Deed2:		
Seller: KALISTER EVA L				Date: 05/25/2000				Price: \$65,000		
Type: NON-ARMS LENGTH OTHER				Deed1: /14489/ 00155				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:				

REVISED
 PLAT OF
ROSEMONT
 PROPERTY OF
 THERAPY IMPROVEMENT CO.



SCALE 100'-1"=1'
 EDW. V. COOKMAN & CO.
 SURVEYORS & CIVIL ENGINEERS
 BALTIMORE, MARYLAND

1-000-560



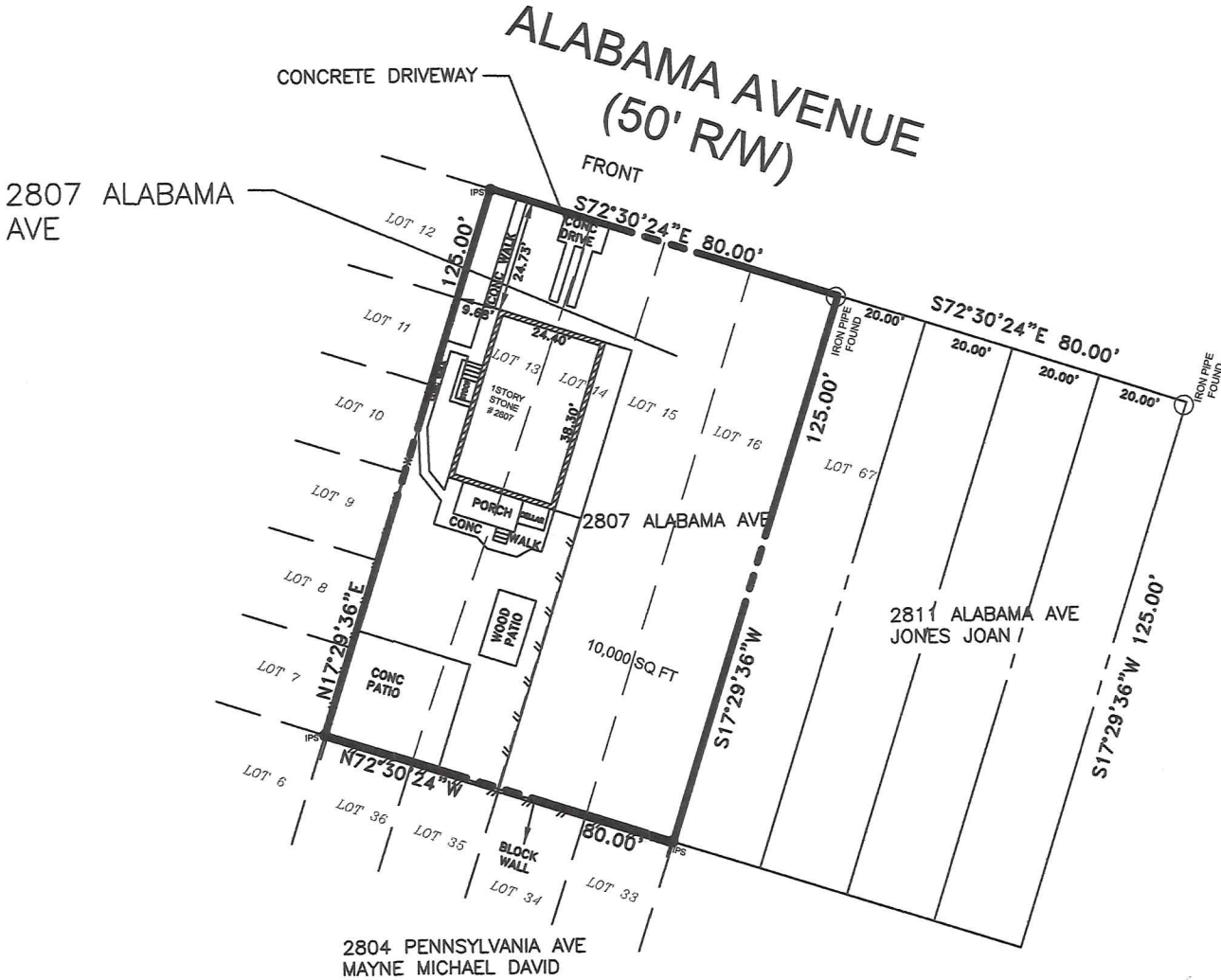
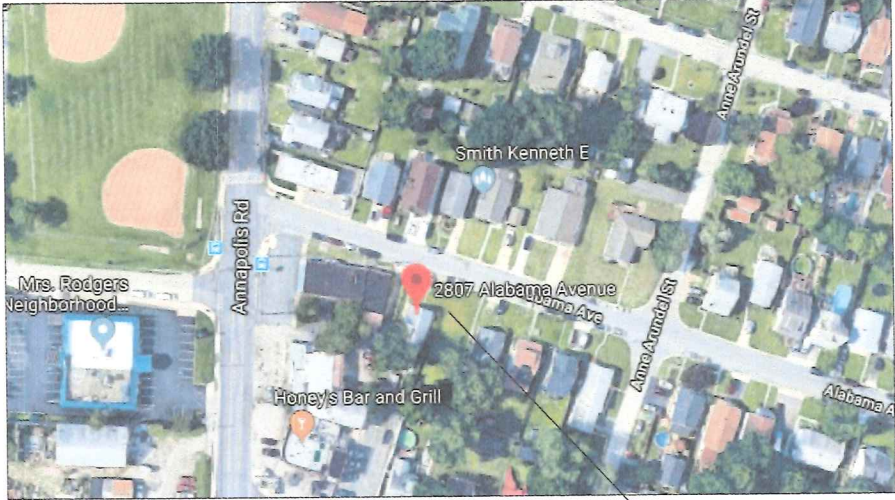
1 inch = 30 feet

Item #0175

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____

ADDRESS: 2807 ALABAMA AVE, HALETHORPE, MD 21227 OWNERS NAME: LUCKE DOREEN
SUBDIVISION NAME: ROSEMONT LOT# 13,14,15,16 BLOCK # N/A SECTION # B

PLAT BOOK # 0005 / 0055 FOLIO # 0055 DEED REF /40235 / 00212 10 DIGIT TAX NO: 1311000560



KEY PLAN

NOT TO SCALE

ZONING MAP # 109B1
SITE ZONED DR5.5
ELECTION DISTRICT 13
COUNCIL DISTRICT 1
LOT REA ACREAGE 0.172
HISTORIC : NO
IN CBCA NO
IN FLOOD PLAIN NO

UTILITIES
WATER PUBLIC X PRIVATE ____
SEWER PUBLIC X PRIVATE ____
PRIOR HEARING NO

COVERAGE CALCULATIONS
LOT COVERAGE = 10000 SF ($\div 2 = 5000$)
BUILDING COVERAGE = 912 SF



SITE PLAN

SCALE: 1" = 40'

#2019-0175-A

PLAN DRAWN BY: PRAFUL PATEL



DOREEN RESIDENCE 2807 ALABAMA AVE HALETHORPE, MD 21227 NEW HOME		C1
EXISTING CONDITION SITE PLAN		
ARENCO, LLC ARCHITECTURAL ENGINEERING CONSULTANTS 8207 DRAGONFLY COURT LAUREL, MD 20723		
SCALE 1" = 40'	WORK REQUEST # 18-96	SHEET 1 OF 1
DRAWING NO. 18-96-01		