

IN THE MATTER OF
JAMES AND Verna JONES
LEGAL OWNER AND PETITIONER
FOR VARIANCE ON THE
PROPERTY LOCATED AT
7520 AVONDALE AVENUE

12th ELECTION DISTRICT
7th COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* CASE NO.: 19-234-A

* * * * *

OPINION AND ORDER

This matter comes before the Board of Appeals for Baltimore County as an appeal of Baltimore County Administrative Law Judge, John Beverungen's April 16, 2019 Opinion and Order, and his May 21, 2019 Opinion and Order on Motion for Reconsideration, both denying a Petition for Variance filed by James and Verna Jones as owners and Krystyna Osowski, purchaser of the property at 7520 Avondale Avenue, (collectively, "Petitioner").

The Petitioner is requesting variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R) (1) to allow a dwelling with a side yard setback of five feet in lieu of the required ten feet and a street-side setback of ten feet in lieu of the required twenty-five feet; (2) to allow a lot width of forty-five feet in lieu of fifty-five feet; and (3) to allow an area of five thousand one hundred eleven square feet in lieu of the required six thousand square feet.

A hearing was held before this Board on December 5, 2019. Timothy M. Kotroco, Esquire appeared on behalf of the Petitioner. Also appearing for Petitioner was Mitchell Kellman of DMW, accepted as an expert in land planning and zoning. Also in attendance was Protestant, James Shomper. The case was publically deliberated on January 15, 2020.

FACTS

The subject property is located in southeast Baltimore County in an area lying east of Eastern Avenue and south of North Point Boulevard. The property consists of lots 556 and 557 of the 1920 subdivision of East-View, which predates the enactment of zoning in Baltimore County by at least 25 years.

The property is zoned D.R. 5.5 and is located at the southwest corner of the intersection of Avondale Avenue and Southern Avenue. The lot is irregularly shaped, being most narrow at the street frontage on Avondale Avenue and widest at the rear property line. Public utilities serve the property.

Mr. Jones testified that he grew up on Southern Avenue next to the subject property, which he acquired in 1957. Mr. Jones, who is now 86 years old, wishes to sell the property. He engaged a surveyor to prepare Petitioner's Exhibit 1, a site plan, which accompanied the petition.

Mitch Kellman then testified in support of the Petition. He stated that the lot is governed by the small lot table of the BCZR and that no variances were being sought for the front or rear yards, only for the lot size and side yards. Mr. Kellman further stated that the proposal is consistent with development that has occurred in the area. The use is one permitted as of right in the zone and will not increase density over that permitted in the zone. Mr. Kellman further testified that the relief being sought is the minimum required to allow a house to be constructed on the lot.

Mr. Kellman also testified that the corner location and irregular lot configuration render it unique. He also stated that BCZR setback requirements for a corner lot are greater than those for an interior lot. These factors, coupled with the physical characteristics of the property result

in the BCZR requirements impacting the property in a manner different than other properties in the zone, thus resulting in practical difficulty.

Mr. Kellman submitted as Petitioner's Exhibit 4 a plat showing the building envelope that would exist if the small lot table setbacks were required without variance relief, and opined that not granting the variances would render the lot unusable for any permitted purpose.

Following the close of Petitioner's case, James Shomper testified in opposition to the subject petition. Mr. Shomper lives directly opposite the property at 7519 Avondale Avenue, and his house similarly occupies two of the originally platted lots, though these form a regular rectangle. Mr. Shomper disagrees with granting a side yard variance as narrow as five feet out of a concern that doing so would create a hazard from fire. Mr. Shomper also described traffic concerns created by vehicles exceeding the speed limit on Southern Avenue. He also believes that vehicles, especially emergency vehicles, do not have sufficient turning radius to navigate turns at this corner, and any improvements on the subject property would exacerbate these conditions.

DECISION

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 first determination is that of the uniqueness of the property. Here the Board found that the irregular shape and corner location are characteristics unique to this site and not generally shared by other properties in the area.

The second determination is whether strict application of the BCZR to this property has a disproportionate impact caused by the property's unique characteristics.

The 2018 case of *Dan's Mountain Wind Force, LLC v. Allegany County Board of Zoning Appeals*, 236 Md. App 483, is instructive in this analysis in that any variance analysis must also examine the nexus between the property's unusual characteristics and the application of the zoning law from which relief is sought. Quoting *Cromwell*, the Court reiterated "[v]ariations should be granted when the uniqueness or peculiarity of the subject property is not shared by the neighboring property and where the uniqueness of that property results in an extraordinary impact upon the operation of the statute," and "where by reason of the exceptional narrowness, shallowness, or unusual shape of a specific property, or by reason of exception topographic conditions or other extraordinary situations or special conditions of property...make it exceptionally difficult to comply." *North v. St. Mary's County*, 99 Md. App 502.

The Court's analysis applied to the subject property satisfies both prongs of the tests articulated in *Cromwell* and expanded upon in *Dan's Mountain*, and the standards for variance relief set forth in BCZR Section 307.1. Therefore, the requested relief will be granted.

ORDER

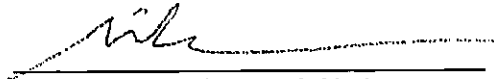
THEREFORE, IT IS THIS 11th day of March, 2020, by the
Board of Appeals of Baltimore County

In the matter of: James and Verna Jones – Legal Owners
Krystyna Osowski, Contract Purchaser
Case No.: 19-234-A

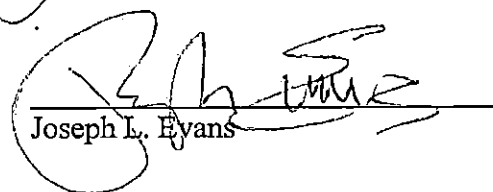
ORDERED, that the Petition for Variance (1) to allow an a dwelling with a side yard setback of five feet in lieu of the required ten feet, and a street-side setback of ten feet in lieu of the required twenty-five feet; (2) to allow a lot width of forty-five feet in lieu of fifty-five feet; and (3) to allow an area of five thousand one hundred eleven square feet in lieu of the required six thousand square feet, be and is hereby **GRANTED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Andrew M. Belt, Panel Chair

Deborah C. Dopkin

Joseph L. Evans



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 11, 2020

Timothy M. Kotroco, Esquire
305 Washington Avenue, Suite 502
Towson, MD 21204

RE: In the Matter of: James and Verna Jones – Legal Owner
Krystyna Osowski - Contract Purchaser
Case No.: 19-234-A

Dear Mr. Kotroco:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra "Sunny" Cannington
Administrator

Enclosure

c: James and Verna Jones
Krystyna Osowski
Benjamin Gary/John C. Mellema Sr., Inc.
Richard Simon
James Shomper
C. Pete Gutwald, Director/Department of Planning
James R. Benjamin, Jr., County Attorney
Michael Mallinoff, Director/Permits, Approvals and Inspections
Nancy C. West, Assistant County Attorney
Office of People's Counsel
Paul Mayhew, Managing Administrative Law Judge

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: James and Verna Jones

19-234-A

DATE: January 14, 2020

BOARD/PANEL: Andrew M. Belt, Chair
Deborah C. Dopkin
Joseph L. Evans

RECORDED BY: Tammy A. Zahner, Legal Secretary

PURPOSE: To deliberate the following:

Petition for Variance relief pursuant to BCZR § 1B02.3.C.1 to allow:

- 1) a dwelling with a side yard setback of 5 ft. in lieu of the required 10 ft., and a street-side setback of 10 ft. in lieu of the required 25 ft.;
- 2) a lot width of 45 ft. in lieu of 55 ft.; and
- 3) an area of 5,111 sq. ft. in lieu of 6,000 sq. ft.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

- The Board reviewed the history of the case. The Petitioners testified they purchased the lot, which is actually a double lot located on the corner, over 60 years ago and never developed it. They now wish to sell the lot, and need variance relief for the construction of a house.
- The Board heard testimony from community members expressing concerns about traffic at the intersection, and safety. They believe the laws are there for a reason and should be enforced.
- The Board discussed the practical difficulty factor of *Cromwell*. The Board noted there is a mirror lot across the street which has a house built prior to the zoning laws. The use is permitted in the zone, and the minimum relief necessary is being requested. The Board found the Petitioners would suffer a practical difficulty if the variance was not granted.
- The Board next discussed the uniqueness requirement of *Cromwell*. The Board noted that without variance relief the property cannot be used for its intended purpose. It was noted that although the topography of the lot is similar to others in the area, due to its shape and location on the corner, the regulations impact the lot differently. It was also noted there is a geographic uniqueness to the lot due to its side setback which changes down the length of the lot. The Board found that the property is unique.

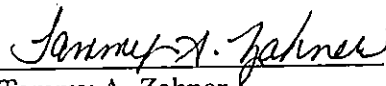
CONCLUSION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to GRANT the requested Petition for Variance.

JAMES AND VERA JONES
19-234-A
MINUTES OF DELIBERATION

PAGE 2

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,


Tammy A. Zahner



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

December 13, 2019

NOTICE OF DELIBERATION

IN THE MATTER OF: James and Verna Jones - Legal Owners
Krystyna Osowski - Contract Purchaser
19-234-A 7520 Avondale Avenue
12th Election District; 7th Councilmanic District

Re: Petition for Variance relief pursuant to BCZR § 1B02.3.C.1 to allow:

- 1) a dwelling with a side yard setback of 5 ft. in lieu of the required 10 ft., and a street-side setback of 10 ft. in lieu of the required 25 ft.;
- 2) a lot width of 45 ft. in lieu of 55 ft.; and
- 3) an area of 5,111 sq. ft. in lieu of 6,000 sq. ft.

4/16/19 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

5/14/19 Motion for Reconsideration filed by James Jones, Petitioner.

5/21/19 Opinion and Order on Motion for Reconsideration of the Administration Law Judge wherein the Motion was DENIED.

6/19/19 Petitioner's Motion for Reconsideration filed by Timothy M. Kotroco, Esquire on behalf of James and Verna Jones, Petitioners/Owners.

8/29/19 Opinion and Order on Second Motion for Reconsideration of the Administrative Law Judge wherein the Motion was DENIED.

This matter having been heard and concluded on December 5, 2019, a public deliberation has been scheduled for the following:

DATE AND TIME: JANUARY 14, 2020 AT 9:00 A.M.

LOCATION: Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. A WRITTEN OPINION AND ORDER WILL BE ISSUED BY THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER DELIBERATION AND A COPY SENT TO ALL PARTIES.

Notice of Public Deliberation

In the matter of: James and Verna Jones - Legal Owners

Krystyna Osowski - Contract Purchaser

Case No: 19-234-A

December 13, 2019

Page 2

For further information, including our inclement weather policy, please visit our website
www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra Cannington
Administrator

c.	Counsel for Petitioners	: Timothy Kotroco, Esquire
	Legal Owners	: James and Verna Jones
	Contract Purchaser	: Krystyna Osowski
	Protestants	: Richard Simon and James Shomper

Benjamin Gary/John C. Mellema, Sr., Inc.

C. Pete Gutwald, Director/Department of Planning
James R. Benjamin, Jr., County Attorney
Michael D. Mallinoff, Director/PAI
Nancy C. West, Assistant County Attorney
Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge

TIMOTHY M. KOTROCO

Attorney at Law
305 Washington Avenue, Suite 502
Towson, Maryland 21204
410-299-2943
Tkotroco@gmail.com

December 15, 2019

Board of Appeals for Baltimore County
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204



Re: In the Matter of: James & Verna Jones
Case No. 19-234-A
Post Hearing Memo to Board

Dear Members of the Board,

At the close of the variance hearing before the Board, heard on the 5th day of December 2019 the Board requested a short memo summarizing the variance relief being requested. Please accept this letter for that purpose.

You will recall that Mr. & Mrs. Jones, the petitioners and owners of this lot of record, purchased this vacant lot 62 years ago, upon Mr. Jones' return from service from the Korean War. This lot of record is located within the East-View subdivision which was recorded 100 years ago. The lots comprise 20 ft wide lots with most owners buying two lots for a total lot width of 40 feet. The lot owned by Mr. & Mrs. Jones is a corner lot, measuring 40 ft in width along Avondale Avenue. Due to the "pie-shaped" nature of the lot, the rear lot line measures 62.22 ft. This lot fronts on Avondale Avenue.

After paying taxes and maintaining this property for the past 62 years, Mr. & Mrs. Jones, now both octogenarians wish to sell this lot to a buyer and intend to use the proceeds of sale for their future care. The lot is useless unless a variance is granted to allow a house to be constructed thereon.

Mr. Jones testified as did Mr. Mitchell Kellman, an expert in the Baltimore County zoning and development regulations. To summarize, the current BCZR require the following setbacks for properties zoned DR 5.5.

<u>Required</u>	<u>Proposed</u>
25 ft. Front Yard	25 ft. provided
30 ft. Rear Yard	30 ft. provided
10 ft. Side Yard	5 ft. requested
25 ft. Side/Corner Yard	10 ft requested
55 ft. Lot width at front foundation line	45 ft. requested
6,000 sq. ft lot size	5,111 sq. ft requested

The attachments to this letter illustrate the setback requirements of the BCZR and the extreme hardship those regulations would impose upon Mr. & Mrs. Jones if no variance relief is granted for this lot. Exhibit #1 shows our lot of record with the required setbacks highlighted thereon. Exhibit #1 shows that a house (without variance relief) would have a width of 5 feet at the front, widening to about 13 feet to the rear. Without variance relief being granted, this lot is rendered useless and unbuildable. (See attached)

The second exhibit #2 demonstrates the relief we are requesting, allowing for a house of reasonable size to be built on this lot. Our proposed house will be compatible with the other houses in the neighborhood. (See attached)

It is respectfully requested that the variance relief requested by Mr. & Mrs. Jones be granted. Thank you for your consideration of this request.

Very truly yours,



Timothy M. Kotroco

Copy Mailed to: James Shomper, 7519 Avondale Avenue

Exhibit 1

LOT 726

#534

LOT 725

#534

RICHAR A. SIMON
TAX NO. 1206022130
DEED REF.: 27214/480

LOT 724

#7518

MARION W. BUZGIERSKI SR.
TAX NO. 1213014540
DEED REF.: 35788/415

#7516

LOUIS KOPSIES
STELLA KOPSIES
TAX NO. 1203068348
DEED REF.: 21795/671

LOT 553

LOT 554

LOT 552

SOUTHERN AVENUE
(36' R/W)

#7600

EX. 8" SEWER
53-234
EXIST. 6" WATER
102.44'

62.22'

30' Rear

House Allowed

25' Front

NO OUTLET SIGN

#7601

#7518

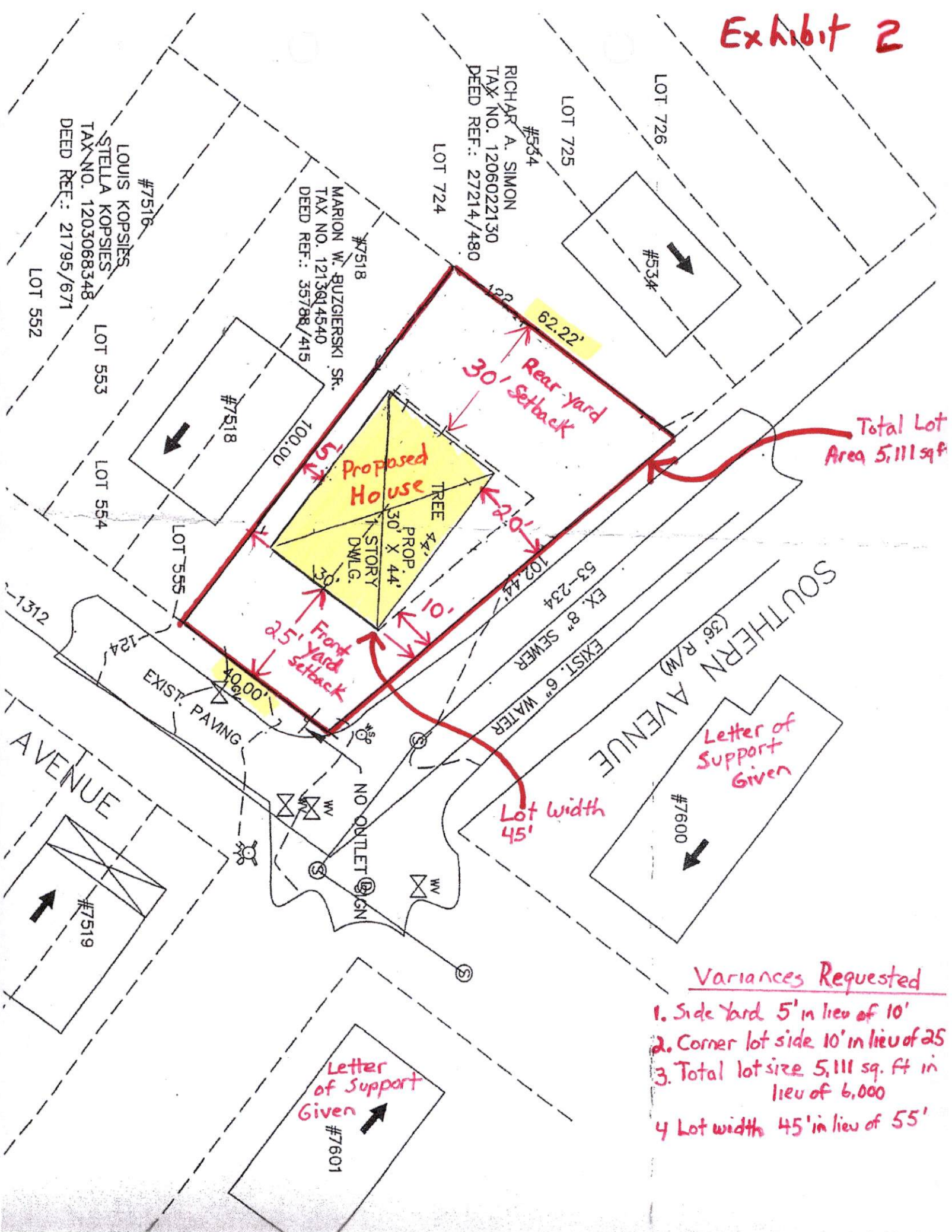
LOT 555

EXIST. PAVING

AVENUE

#7519

Exhibit 2





Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

October 16, 2019

NOTICE OF ASSIGNMENT

IN THE MATTER OF: James and Verna Jones - Legal Owners
Krystyna Osowski - Contract Purchaser
19-234-A 7520 Avondale Avenue
12th Election District; 7th Councilmanic District

Re: Petition for Variance relief pursuant to BCZR § 1B02.3.C.1 to allow:

- 1) a dwelling with a side yard setback of 5 ft. in lieu of the required 10 ft., and a street-side setback of 10 ft. in lieu of the required 25 ft.;
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4/16/19 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

5/14/19 Motion for Reconsideration filed by James Jones, Petitioner.

5/21/19 Opinion and Order on Motion for Reconsideration of the Administration Law Judge wherein the Motion was DENIED.

6/19/19 Petitioner's Motion for Reconsideration filed by Timothy M. Kotroco, Esquire on behalf of James and Verna Jones, Petitioners/Owners.

8/29/19 Opinion and Order on Second Motion for Reconsideration of the Administrative Law Judge wherein the Motion was DENIED.

ASSIGNED FOR: **DECEMBER 5, 2019, AT 10:00 A.M.**

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Notice of Assignment

In the matter of: James and Verna Jones - Legal Owners

Krystyna Osowski - Contract Purchaser

Case number: 19-234-A

October 16, 2019

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- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.
- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits with the Board unless otherwise requested. Said Motions, Memoranda and exhibits must be in MDEC compliant formats pursuant to the Maryland Rules, unless otherwise requested
- Please contact our office for information about projection equipment. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

**Krysundra “Sunny” Cannington,
Administrator**

c. Counsel for Petitioners
Legal Owners
Contract Purchaser

: Timothy Kotroco, Esquire
: James and Verna Jones
: Krystyna Osowski

Protestants

: Richard Simon and James Shomper

Benjamin Gary/John C. Mellema, Sr., Inc.

C. Pete Gutwald, Director/Department of Planning
Michael D. Mallinoff, Director/PAI
Michael E. Field, County Attorney
Nancy C. West, Assistant County Attorney
Office of People’s Counsel
Paul M. Mayhew, Managing Administrative Law Judge



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge

September 30, 2019

Timothy M. Kotroco, Esq.
305 Washington Avenue, Suite 502
Towson, Maryland 21204

RE: **APPEAL TO BOARD OF APPEALS**
Petition for Variance
Case No. 2019-0234-A
Property: 7520 Avondale Avenue



Dear Mr. Kotroco:

Please be advised that an appeal of the above-referenced case was filed in this Office on September 27, 2019. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl".
LAWRENCE M. STAHL
Administrative Law Judge
for Baltimore County

LMS/sln

c:

Baltimore County Board of Appeals
People's Counsel
James and Verna Jones, 4802 Royahn Avenue, Baltimore, Maryland 21236

APPEAL TO BOARD OF APPEALS-

Case No. 2019-0234-A

Address: 7520 Avondale Avenue

Page 2

Krystyna Osowski, 11 Shad Court, Baltimore, MD 21220

Richard Simon, 534 Southern Avenue, Baltimore, MD 21224

James Shomper, 7519 Avondale Avenue, Baltimore, MD 21224

APPEAL

**Petition for Variance
(7520 Avondale Road)
12th Election District – 7^h Councilmanic District
Legal Owner: James & Verna Jones
Contract Purchaser: Krystyna Osowski
Case No. 2019-0234-A**

Petition for Variance Hearing (February 13, 2019)

Zoning Description of Property

Notice of Zoning Hearing (March 9, 2019)

Certificate of Publication (March 26, 2019) – The Daily Record

Certificate of Posting:

1st Posting: March 25, 2019 (Linda O'Keefe)

2nd Posting: April 14, 2019 (Linda O'Keefe)

Entry of Appearance by People's Counsel –February 22, 2019

Petitioner(s) Sign-in Sheet – 1 Sheet

Citizen(s) Sign-in Sheet – 1 Sheet

Zoning Advisory Committee (ZAC) Comments

Petitioner(s) Exhibits:

1. Site Plan
2. Site Photo

Protestant(s) Exhibits:

1. Statement from Richard Simon

Miscellaneous (Not Marked as Exhibits)- SDAT- Real Property Search

Administrative Law Judge Order and Letter (DENIED –April 16, 2019)

Motion for Reconsideration from Petitioners: (James Jones)

Administrative Law Judge Order and Letter on Petitioners Motion for Reconsideration:
(DENIED- May 21, 2019)

2nd Motion for Reconsideration filed by Timothy M. Kotroco, Esq

Administrative Law Judge Order and Letter on Timothy M. Kotroco's Motion for
Reconsideration: (DENIED- August 29, 2019)

Notice of Appeal & Receipt – September 27, 2019 by Timothy M. Kotroco, Esq.

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

No. **174834**

Date: **9-27-19**

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
 9/27/2019 9/27/2019 14:12:15 1

REC WSO1 WALKIN LJR
 >> RECEIPT # 034179 9/27/2019 CFLN

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				300.00

DEPT 5 528 ZONING VERIFICATION
 CR NO. 174834

Recpt Tot \$ 300.00
 300.00 CR .00 CA
 Baltimore County, Maryland

Total: **300.00**

Rec From: **Timothy Kotroco, Esq.**

For: **Office of Administrative Hearings - Appeal**
Case 2019-0234-A
7520 Avondale Ave.
Hearing Date: 4-15-19
Check # 1651

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

IN RE: PETITION FOR VARIANCE

(7520 Avondale Avenue)
12th Election District
7th Council District

James & Verna Jones
Legal Owners
Krystyna Osowski,
Contract Purchaser
Petitioners

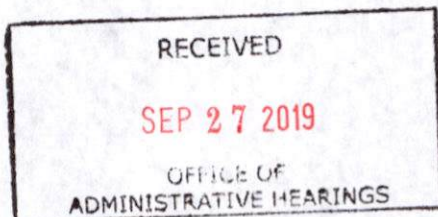
* BEFORE THE OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR
* BALTIMORE COUNTY
*
Case No. 2019-0234-A
*

* * * * *

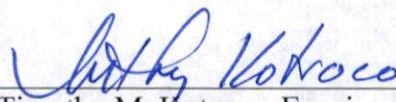
NOTICE OF APPEAL TO COUNTY BOARD OF APPEALS

The Petitioners, James and Verna Jones, owners and Krystyna Osowski, contract purchaser Appellants by and through their attorney, Timothy M. Kotroco, Esquire, being aggrieved by the decision of the Administrative Law Judge's Opinion and Order on the Second Motion for Reconsideration dated the 29th day of August, 2019 hereby file an Appeal of the Decision rendered in the above captioned matter.

Filed concurrently with this Appeal is Appellant's check made payable to Baltimore County to cover the costs of the Appeal.



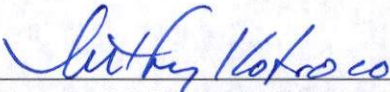
Respectfully Submitted,



Timothy M. Kotroco, Esquire
305 Washington Avenue, Suite 502
Towson, Maryland 21204
410-299-2943
Attorney for the Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 29th day September, 2019 a copy of the foregoing Notice of Appeal was mailed first class, postage prepaid to Richard Simon, 534 Southern Avenue, Baltimore, MD 21224 and James Shomper 7519 Avondale Avenue, Baltimore, Maryland 21224 participants in the matter below.



Timothy M. Kotroco, Esquire

IN RE: PETITION FOR VARIANCE

(7520 Avondale Avenue)

12th Election District

7th Council District

James & Verna Jones

Legal Owners

Krystyna Osowski

Contract Purchaser

Petitioners

*

*

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*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0234-A

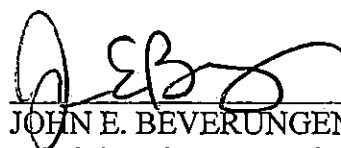
* * * * *

OPINION AND ORDER ON SECOND MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration filed by Petitioner James Jones. In fact, this is the second Motion for Reconsideration filed by Petitioner. Since Petitioner has not identified any new issues which were not considered in the earlier Orders the Motion will be denied.

THEREFORE, IT IS ORDERED, this 29th day of **August, 2019**, by the Administrative Law Judge for Baltimore County, that the Motion for Reconsideration filed by Petitioner, be and is hereby DENIED.

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:slm:



JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

August 29, 2019

Timothy M. Kotroco, Esq.
305 Washington Avenue, Suite 502
Towson, Maryland 21204

RE: Petition for Variance (Motion for Reconsideration)
Case No. 2019-0234-A
Property: 7520 Avondale Avenue

Dear Mr. Kotroco:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal stroke extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

IN RE: PETITION FOR VARIANCE

(7520 Avondale Avenue)

12th Election District

7th Council District

James & Verna Jones

Legal Owners

Krystyna Osowski

Contract Purchaser

Petitioners

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0234-A

* * * * *

OPINION AND ORDER ON SECOND MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration filed by Petitioner James Jones. In fact, this is the second Motion for Reconsideration filed by Petitioner. Since Petitioner has not identified any new issues which were not considered in the earlier Orders the Motion will be denied.

THEREFORE, IT IS ORDERED, this 29th day of **August, 2019**, by the Administrative Law Judge for Baltimore County, that the Motion for Reconsideration filed by Petitioner, be and is hereby DENIED.

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 8-29-19

By EW

Debra Wiley

From: Debra Wiley
Sent: Tuesday, August 13, 2019 2:04 PM
To: Peoples Counsel
Subject: Case No. 2019-0234-A - 7520 Avondale Ave.
Attachments: 20190813140319469.pdf

Pete/Rebecca,

Please see attached - John's note in file regarding MFR.

Let me know if you have any questions.

Thanks.

-----Original Message-----

From: adminhearingscpr@baltimorecountymd.gov <adminhearingscpr@baltimorecountymd.gov>
Sent: Tuesday, August 13, 2019 2:03 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Message from "RNP002673F6C9D3"

This E-mail was sent from "RNP002673F6C9D3" (MP 3055).

Scan Date: 08.13.2019 14:03:19 (-0400)
Queries to: adminhearingscpr@baltimorecountymd.gov

IN RE: **PETITION FOR VARIANCE**

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BEFORE THE

(7520 Avondale Avenue)

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OFFICE OF ADMINISTRATIVE

12th Election District

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HEARINGS FOR

7st Council District

*

BALTIMORE COUNTY

James & Verna Jones

Legal Owner

Petitioner

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Case No. 2019-0234-A

* * * * *

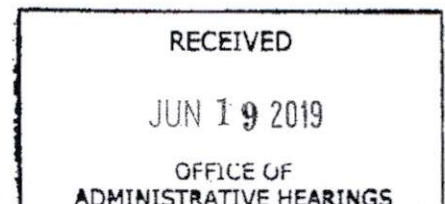
PETITIONER'S MOTION FOR RECONSIDERATION

The Petitioners and Owners, James and Verna Jones, by and through their undersigned counsel, requests this Honorable Court to reconsider its decision dated the 21st day of May, 2019 and in support thereof,

1. This matter came on for a hearing the 16th day of April, 2019. The owners appeared at the hearing of Counsel. Several neighbors appeared at the hearing in opposition.

2. After a hearing on the merits, the New information has come to light regarding the property in question and the variance request. The Owners of the property, this time with the assistance of Counsel, would like to have an opportunity to present this additional information to the ALJ.

3. In addition to seeking a variance for this new house to be built, the Owners are exploring the possibility of placing the property into an open space or neighbor space program and would need some additional time to explore that option. The results of those efforts, once obtained, will be brought to the attention of the ALJ.



Peter Max Zimmerman

From: Peter Max Zimmerman
Sent: Monday, June 24, 2019 12:01 PM
To: John E. Beverungen
Cc: 'tkotroco@gmail.com'; 'trapture107@gmail.com'; 'serptent65@aol.com'
Subject: Petition for Variances -- 7520 Avondale Avenue; Zoning Case No. 2019-234-A, Second Motion for Reconsideration

Dear Judge Beverungen,

We received a copy of the Motion for Reconsideration filed by Timothy Kotroco on behalf of Petitioners.

It is the second motion for reconsideration, following your April 6 initial denial of the variances and May 21, 2019 denial of the first motion filed by Petitioners themselves.

Our office does not believe that Rule 4K intends multiple or repeat motions for reconsideration by any party, whether petitioner or protestant.

I have a telephone call in to Mr. Kotroco's office and look forward to discussing this with him.

Sincerely, Peter Max Zimmerman, People's Counsel, 410 887-2188

IN RE: **PETITION FOR VARIANCE**

(7520 Avondale Avenue)
12th Election District
7st Council District
James & Verna Jones
Legal Owner
Petitioner

* BEFORE THE

* OFFICE OF ADMINISTRATIVE

* HEARINGS FOR

* BALTIMORE COUNTY

• **Case No. 2019-0234-A**

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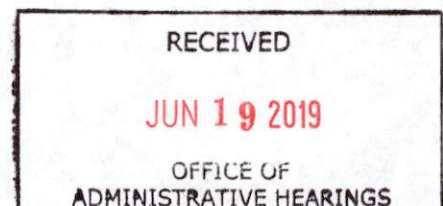
PETITIONER'S MOTION FOR RECONSIDERATION

The Petitioners and Owners, James and Verna Jones, by and through their undersigned counsel, requests this Honorable Court to reconsider its decision dated the 21st day of May, 2019 and in support thereof, states the following:

1. This matter came on for a hearing before your Honor on the 16th day of April, 2019. The owners appeared at the hearing without the assistance of Counsel. Several neighbors appeared at the hearing in opposition.

2. After a hearing on the merits, the petition was denied. New information has come to light regarding the property in question and the variance request. The Owners of the property, this time with the assistance of Counsel, would like to have an opportunity to present this additional information to the ALJ.

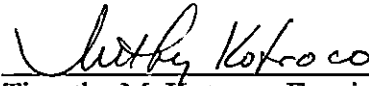
3. In addition to seeking a variance for this new house to be built, the Owners are exploring the possibility of placing the property into an open space or neighbor space program and would need some additional time to explore that option. The results of those efforts, once obtained, will be brought to the attention of the ALJ.



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4. It is respectfully requested that this Motion be considered and the matter be set in for a hearing so that this new information can be presented to the ALJ and an update can be provided regarding the use of this property as a park.

Respectfully Submitted,



Timothy M. Kotroco, Esquire
305 Washington Avenue, Suite 502
Towson, Maryland 21204
410-299-2943

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 19th day June, 2019 a copy of the foregoing MOTION was mailed first class, postage prepaid to Peter M. Zimmerman, People's Counsel for Baltimore County, The Jefferson Building, Suite 204, 105 W. Chesapeake Avenue, Towson, Maryland 21204 and to the neighbors whose names appeared on the sign in sheet.



Timothy M. Kotroco, Esquire

IN RE: PETITION FOR VARIANCE

(7520 Avondale Avenue)

12th Election District

7th Council District

James & Verna Jones

Legal Owners

Krystyna Osowski

Contract Purchaser

Petitioners

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0234-A

* * * * *

OPINION AND ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration filed in a timely fashion by Petitioner James Jones. Petitioner seeks reconsideration of the April 16, 2019 Order denying variance relief in the above case. While I am sympathetic to Petitioner's plight, I cannot grant a variance on that basis.

In his motion Petitioner presents evidence that - - contrary to the testimony of his neighbors who attended the hearing - - there have been only 10 auto accidents at the intersection of Southern and Avondale Avenues in the last 11 years. Petitioner also submitted documents showing his neighbor's house sits 5-feet higher than the subject property and that drainage would be graded to the street rather than his neighbor's yard. Having reviewed these materials I believe both arguments raised by Petitioner are valid. But the variance was not denied for either of those reasons.

Under Maryland law variances are supposed to be granted "sparingly," since it is an authorization for something prohibited by the zoning regulations. Petitioner's lots were created long before adoption of the BCZR, and Section 304 of the regulations would allow a dwelling to be constructed on a 45 ft. wide lot which is only 5,111 square feet in size. But Petitioner also requires two side yard setback variances. While the proposed 5 ft. setback adjacent to 7518 Avondale might not be problematic in and of itself, the proposed road side setback of 10 ft. is only

ORDER RECEIVED FOR FILING

Date

5/21/19

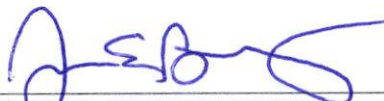
By

per

40% of the 25 foot setback required. This is a significant departure from the regulations and I do not believe a variance can be properly granted in these circumstances.

THEREFORE, IT IS ORDERED, this 21st day of **May, 2019**, by the Administrative Law Judge for Baltimore County, that the Motion for Reconsideration filed by Petitioner, be and is hereby DENIED.

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 5/21/19
By sen



JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

May 21, 2019

James and Verna Jones
4802 Royahn Avenue
Baltimore, MD 21236

RE: Petition for Variance (Motion for Reconsideration)
Case No. 2019-0234-A
Property: 7520 Avondale Avenue

Dear Mr. and Mrs. Jones:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

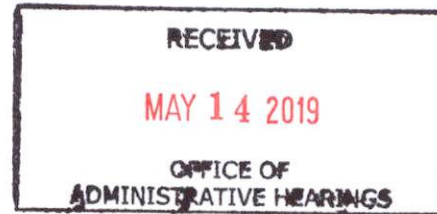
JEB:slm
Enclosure

c: Krystyna Osowski, 11 Shad Court, Baltimore, MD 21220
Richard Simon, 534 Southern Avenue, Baltimore, MD 21224
James Shomper, 7519 Avondale Avenue, Baltimore, MD 21224

James L Jones

To: Administrativehearings@baltimorecountymd.gov
Subject: 7520 Avondale Ave. case # 2019-0234-A

John E. Beverungen
Administrative Law Judge
For Baltimore County



Sir,

I would like you to reconsider your decision based on the following facts.

The men that testified against me said there are many accidents at the

Intersection, Baltimore County Police records show 1 auto accident

WITH AND 9 PROPERTY DAMAGE ACCIDENT - Personal injury in the last ten years. Richard Simon said he is fear full, ELEVEN THAT WAS LESS THEN 1 PER YEAR

storm water would go onto his property. Fact is he has never back filled

against his foundation that faces my property. I have checked elevations

and learned his street elevation is 5 feet higher then mine. Storm

water RUN OFF ON MY PROPERTY WOULD BE GRADED TO does not run uphill! You were concerned about me paying tax READ

based on \$1,000. AS AN UNDEVELOPED LOT AND HAVE NEVER RELIEVED NOTICE FROM BALTIMORE COUNTY THAT IT WAS UNBUILDABLE HAVE IN order to mow the lawn. I had to haul a gasoline lawn mower to the lot, lift it

out, cut the grass then lift it in again. Keep mind this lawn has been maintained

upwards of a thousand times. Plus we raised 4 children & had 2
Jobs & served in
the MD Nat'l Guard after service in the US Army, I ask the tax
assessors to give me a

financial break, APPROXIMATELY 20 YEARS AGO.

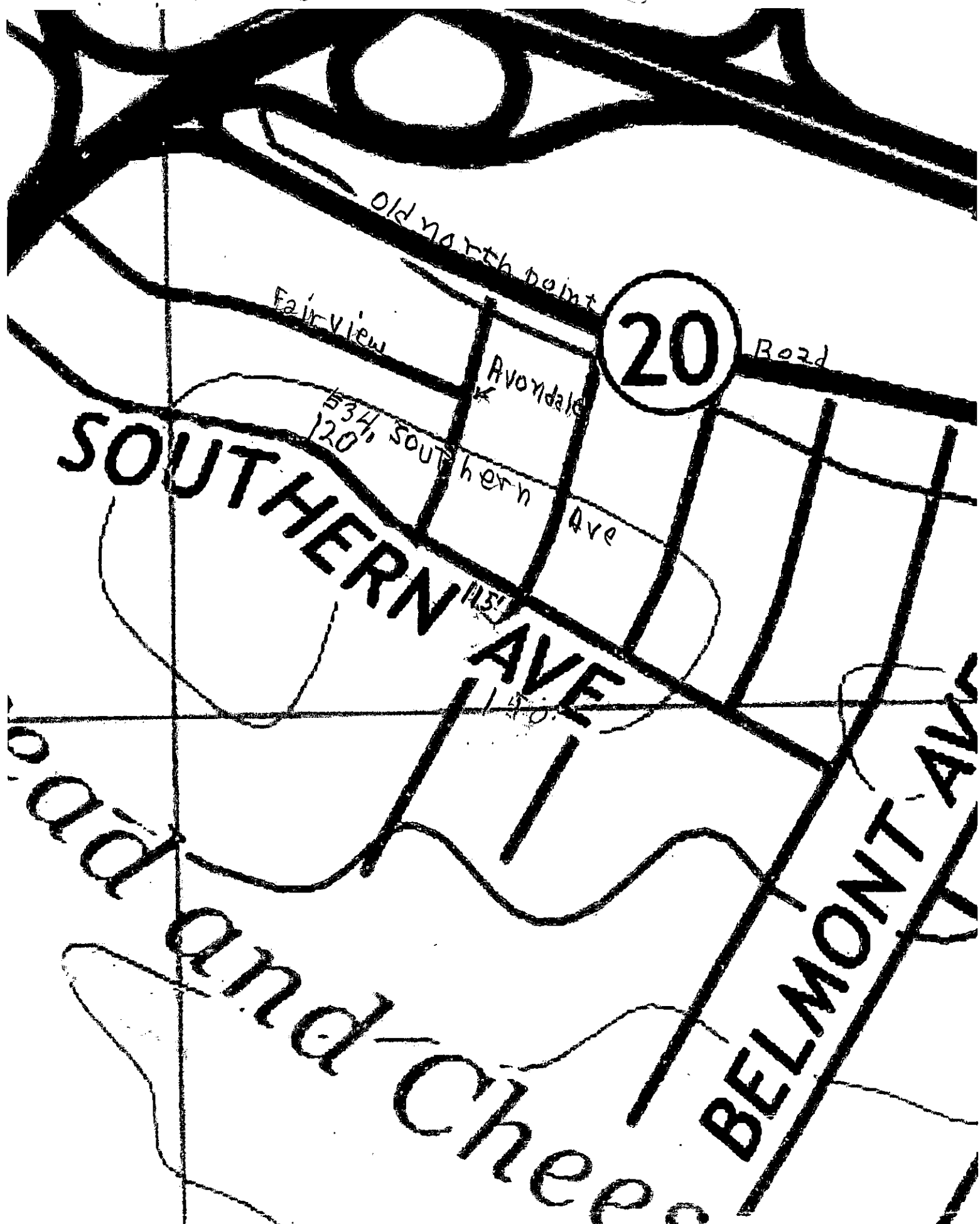
I had no idea it would later deprive me when I wanted to build or
sell the lot. Krystyna

Osowski who desires the lot, has a ~~prod in her leg that may have~~
~~to be redone~~ she WITH A

Is hoping to construct a small house, ~~that is wheel chair~~ CONSTRUCTED ON IT AS
accessible. In the event you REVIEWED BY THE BALTIMORE CO.
~~would like, documents pertaining to the facts, I can, deliver~~
promptly. DEPARTMENT OF PLANNING, THE BUILDING

WILL NOT
CHANGE THE
INTERSECTION
IN ANY WAY

Sincerely,
James Jones



20

SOUTHERN AVE

and Chee

BELMONT AVE

1988-0353-X15000123

Dee L...

PAI # 128031
PAI # 128031

SOUTHERN AVE

RIDDLE AVE

Copy

TERRENCE B. SHERIDAN
Chief of Police



"INTEGRITY...FAIRNESS...SERVICE"

BALTIMORE COUNTY POLICE
Headquarters
700 East Joppa Road
Towson, MD 21286
(410) 887 - 2214
Fax (410) 821 - 8887
bcopd@baltimorecountymd.gov
www.baltimorecountymd.gov/police

April 29, 2019

Mr. James L. Jones
jljones5@verizon.net

Dear Mr. Jones:

In response to your request received on April 26, 2019, analysts in Scanning & Forecasting have produced the enclosed table.

The table lists the number of traffic accidents reported to the Baltimore County Police Department at the intersection of Avondale Avenue and Southern Avenue by accident type and year from January 1, 2008 through April 28, 2019.

A map of the location is included.

If there are any questions, please feel free to call me at 410-887-4946.

Sincerely,

Matthew Borkovic
Statistical Analyst
Scanning & Forecasting

C: Director Cynthia Tidler, Planning & Crime Analysis Section
Captain Glen W. Wiedeck, Precinct 12

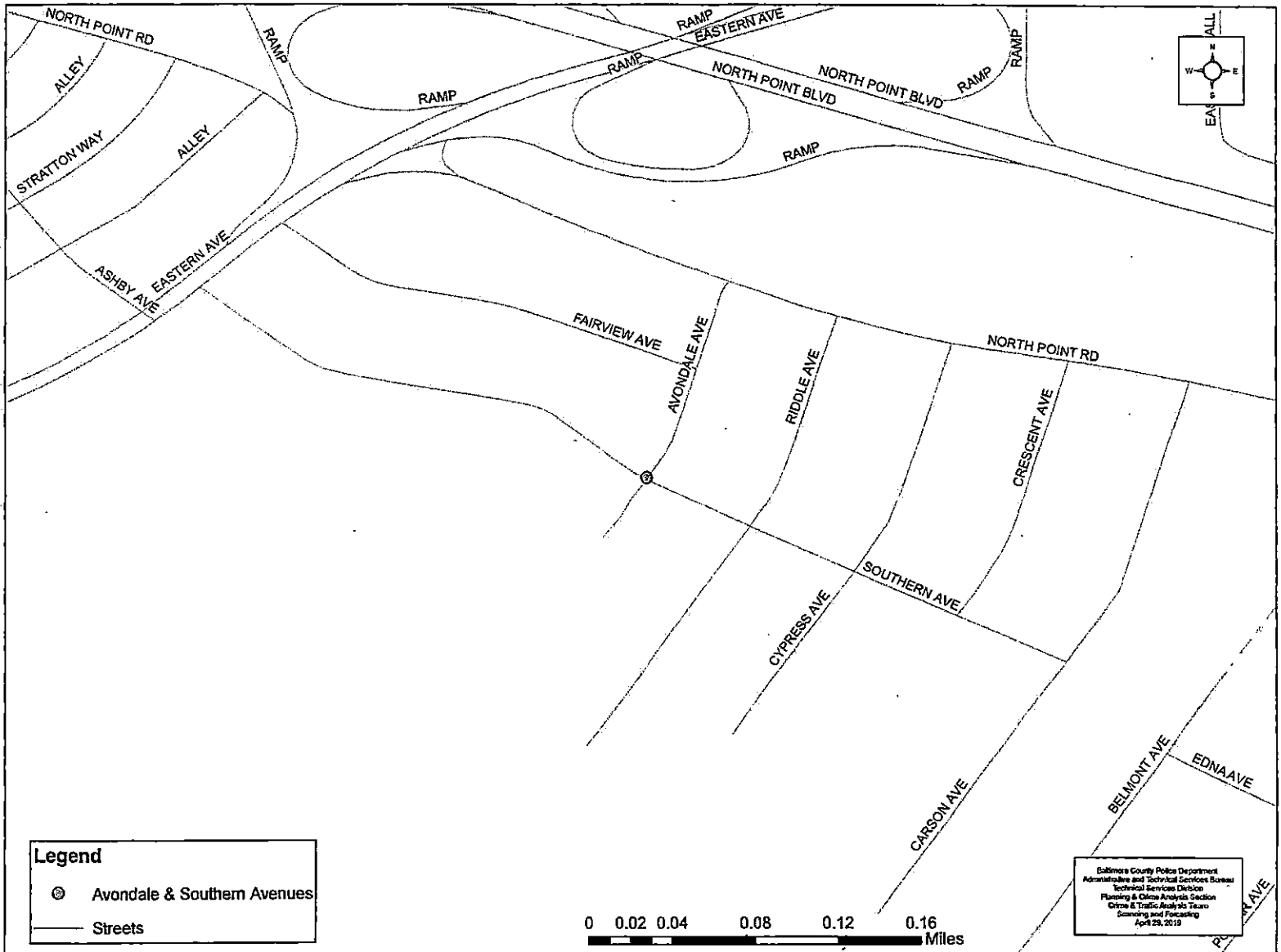


TRAFFIC ACCIDENTS REPORTED FROM OR DIRECTED TO
IN CLOSE PROXIMITY AND INCLUDING THE INTERSECTION OF AVONDALE AND SOUTHERN AVENUES
BY YEAR
JANUARY 1, 2008 => APRIL 28, 2019

SF CODE	LITERAL DEFINITION	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019 (1/1-4/21)	TOTAL
C1	Auto Accident - Property Damage	1	1	0	0	0	2	0	1	0	2	0	0	7
C2	Auto Accident - Personal Injury	0	0	0	0	1	0	0	0	0	0	0	0	1
C7	Hit & Run Accident - Property Damage	0	0	1	0	0	0	0	0	0	1	0	0	2
TOTAL		1	1	1	0	1	2	0	1	0	3	0	0	10

Sources: Calls for Service Module of the InFursuit Records Management System

INTERSECTION OF AVONDALE AVENUE AND SOUTHERN AVENUE



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 3/12/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-234

INFORMATION:

Property Address: 7520 Avondale Avenue
Petitioner: James Jones, Verna Jones
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit a single family dwelling with a side yard setback of 5' and a street side setback of 10' on a lot having a width of 45' and an area of 5,111 sq. ft. in lieu of the required 10', 25', 55' and 6,000 sq. ft. respectively.

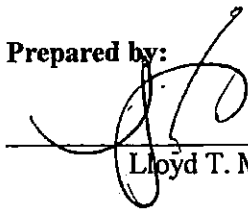
A site visit was conducted on February 26, 2019.

The Department has no objections to granting the petitioned zoning relief conditioned upon the following;

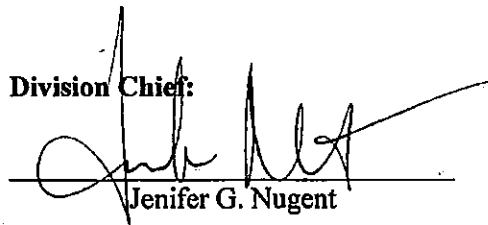
- Install vegetative screening along the lot line common with 7518 Avondale Avenue.
- On the northeast façade facing Southern Avenue, incorporate architectural elements such as windows, shutters, etc. so as not to be left as a blank wall.
- Through the hearing process, amend the plan to indicate the driveway location and dwelling front orientation.

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

Prepared by:


Lloyd T. Moxley

Division Chief:


Jenifer G. Nugent

JM/JGN/LTM/

c: Krystle Patchak
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
John C. Mellema Sr.
Office of the Administrative Hearings
People's Counsel for Baltimore County

IN RE: PETITION FOR VARIANCE

(7520 Avondale Avenue)

12th Election District7th Council District

James & Verna Jones

Legal Owners

Krystyna Osowski

Contract Purchaser

Petitioners

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0234-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County as a Petition for Variance filed by James and Verna Jones, legal owners of the subject property and Krystyna Osowski, contract purchaser ("Petitioners"). Petitioners are requesting variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("BCZR"): (1) to allow a dwelling with a side yard setback of 5 ft. in lieu of the required 10 ft. and a street-side setback of 10 ft. in lieu of the required 25 ft.; (2) to allow a lot width of 45 ft. in lieu of 55 ft.; and (3) to allow an area of 5,111 sq. ft. in lieu of 6,000 sq. ft. A site plan was marked as Petitioners' Exhibit 1.

James Jones appeared in support of the petition. Two neighbors opposed the request. 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").

The site is approximately 5,111 sq. ft. in size and is zoned DR 5.5. The property is unimproved and Petitioners propose to construct a single family dwelling (30' x 44') on the lots. Two neighbors opposed the requests and expressed concern with traffic safety (especially for fire trucks and other emergency vehicles) and stormwater drainage issues.

ORDER RECEIVED FOR FILINGDate 4-16-19By 102

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).

Based on a review of the site plan (Petitioners' Exhibit 1), it appears as if the subject property is very similar to other lots in the neighborhood in terms of size and lot dimensions. No evidence was presented to show the lots are unique in a zoning sense, and the petition must therefore be denied. Maryland courts have made clear variances can only be granted "sparingly," since it is an "authorization for [that] ... which is prohibited by a zoning ordinance." Cromwell, 102 Md. App. at 699.

I am mindful of the fact Mr. Jones has owned the property for more than 60 years, and I regret that I cannot accommodate his request. But I am obligated to resolve cases based on the facts and the law, and not on whether I believe it would be equitable to approve the petition. For what it is worth, the state tax records reflect a nominal \$1,000 assessed value for the land, which is at least some indication this is not a buildable lot.

THEREFORE, IT IS ORDERED, this 16th day of **April, 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"): (1) to allow a dwelling with a side yard setback of 5 ft. in lieu of the required 10 ft., and a street-side setback of 10 ft. in lieu of the required 25 ft.; (2) to allow a lot width of 45 ft. in lieu of 55 ft.; and (3) to allow an area of 5,111 sq. ft. in lieu of 6,000 sq. ft., be and is hereby DENIED.

ORDER RECEIVED FOR FILING

Date 4-16-19

By EW

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:dlw

ORDER RECEIVED FOR FILING

Date 4-16-19

By DLW



JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

April 16, 2019

James and Verna Jones
4802 Royahn Avenue
Baltimore, MD 21236

RE: Petition for Variance
Case No. 2019-0234-A
Property: 7520 Avondale Avenue

Dear Mr. and Mrs. Jones:

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

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

Sincerely,

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Krystyna Osowski, 11 Shad Court, Baltimore, MD 21220
Richard Simon, 534 Southern Avenue, Baltimore, MD 21224
James Shomper, 7519 Avondale Avenue, Baltimore, MD 21224

ORDER RECEIVED FOR FILING

Date _____

By _____

CASE NAME 2019-234-A
CASE NUMBER _____
DATE 4-15-19

NAME _____

CITY, STATE, ZIP

E - MAIL

[illegible]

CASE NAME 2019-0234-A
CASE NUMBER _____
DATE 4-15-19

NAME _____

CITY, STATE, ZIP

E - MAIL

[illegible]

SECOND CERTIFICATE OF POSTING

ATTENTION: SHERRY NUFFER

DATE: 4/14/2019

Case Number: 2019-0234-A

Petitioner / Developer: MR. & MRS. JONES ~

JOHN MELLEMA SURVEYORS ~ KRYSTYNA OSOWSKI

Date of Hearing: APRIL 15, 2019

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
7520 AVONDALE AVENUE

The sign(s) were posted on: **MARCH 25, 2019**

The sign(s) were re-photographed on: **APRIL 14, 2019**



1ST Sign

Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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

RECEIVED

APR 15 2019

OFFICE OF
ADMINISTRATIVE HEARINGS

1.

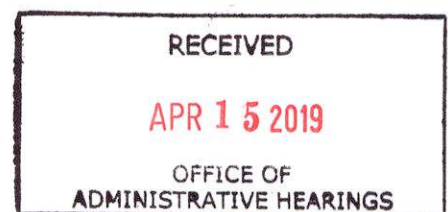
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.. 38 1.3.121

2001年12月27日



Background photo 2nd sign posted @ 7520 Avondale Ave. ~ 4/14/2019
CASE # 2019-0234-A



RECEIVED
JUL 1 1964
ADMINISTRATIVE SERVICES

Debra Wiley

JB 4-15-19
11 Am

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Sunday, April 14, 2019 11:08 PM
To: Administrative Hearings
Subject: Cert. Case # 2019-0234-A Avondale Ave.
Attachments: Avondale Ave. Cert. .jpeg; Avondale Ave. photo .docx

Hi Debra,

I have a 2nd Cert. for you of Case # 2019-0234-A @ 7520 Avondale Avenue.
Have a nice day,

Linda

Linda O'Keefe
523 Penny Lane
Hunt Valley MD 21030
Phone # 410-666-5366
Cell# 443-604-6431
Fax# 410-666-0929
luckylinda1954@yahoo.com



RECEIVED
ADMINISTRATIVE HEARINGS
UNIT OF THE



JOHN A. OLSZEWSKI, JR.
County Executive

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

April 11, 2019

Keystyna Osowski
11 Shad Ct.
Baltimore MD 21220

RE: Case Number: 2019-0234-A, 7520 Avondale 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 February 13, 2019. 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/kl

Enclosures

c: People's Counsel
James & Verna Jones 4802 Royahn Ave Baltimore MD 212236
John Mellrome 5409 East Dr. Baltimore MD 21227

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 13, 2019

FROM: 
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 25, 2019
Item No. 2019-0227-A, 0229-A, 0230-A, 0232-A, 0233-A,
0234-A, 0235-SPH & 0236-SPH

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

*

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VKD: cen
cc: file

4-15

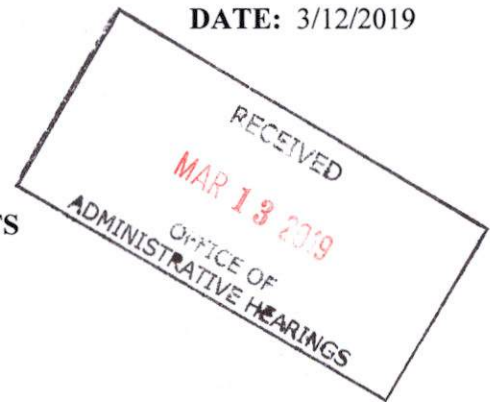
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-234

DATE: 3/12/2019



INFORMATION:

Property Address: 7520 Avondale Avenue
Petitioner: James Jones, Verna Jones
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit a single family dwelling with a side yard setback of 5' and a street side setback of 10' on a lot having a width of 45' and an area of 5,111 sq. ft. in lieu of the required 10', 25', 55' and 6,000 sq. ft. respectively.

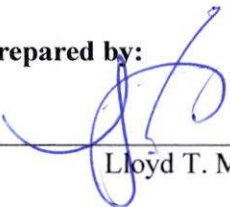
A site visit was conducted on February 26, 2019.

The Department has no objections to granting the petitioned zoning relief conditioned upon the following;

- Install vegetative screening along the lot line common with 7518 Avondale Avenue.
- On the northeast façade facing Southern Avenue, incorporate architectural elements such as windows, shutters, etc. so as not to be left as a blank wall.
- Through the hearing process, amend the plan to indicate the driveway location and dwelling front orientation.

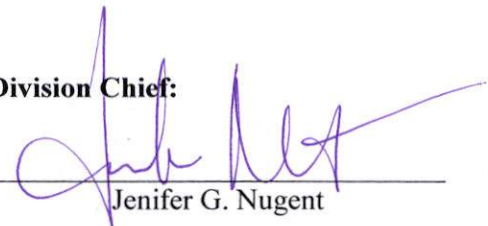
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

JM/JGN/LTM/

c: Krystle Patchak
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
John C. Mellema Sr.
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: March 11, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0234-A
Address 7520 Avondale Avenue
(Jones Property)

Zoning Advisory Committee Meeting of **February 25, 2019.**

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

Reviewer: Steve Ford

Date: 2/25/14

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:

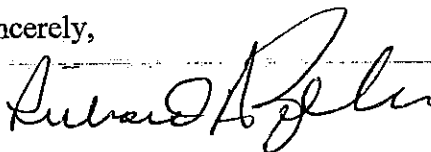
Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2018-0234-A

Variance

James S. Verna Jones
7520 Avondale 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

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:

3/26/2019

Order #: 11714766
Case #: 2019-0234-A
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0234-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: 2019-0234-A

7520 Avondale Avenue

S/w of centerline of Avondale and South Avenues

12th Election District - 7th Councilmanic District

Legal Owners: James & Verna Jones

Contract Purchaser/Lessee: Krystyna Osowski

Variance to allow a dwelling on a lot with a side yard of 5 ft. in lieu of the 10 ft. To allow a sideyard of 10 ft. in lieu of 25 ft. on a sidestreet. To allow a lot width of 45 ft. in lieu of 55 ft.; to allow an area of 5111 sq. ft. in lieu of 6000 sq. ft.

Hearing: Monday, April 15, 2019 at 11:00 a.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.

mh26

2

1

20

...the

$$D_{\text{eff}} = \frac{1}{2} \left(\frac{1}{D_1} + \frac{1}{D_2} \right) \quad (1)$$
[illegible]

© 2006 The Authors
Journal compilation © 2006 Blackwell Publishing Ltd

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 3/25/2019

Case Number: 2019-0234-A

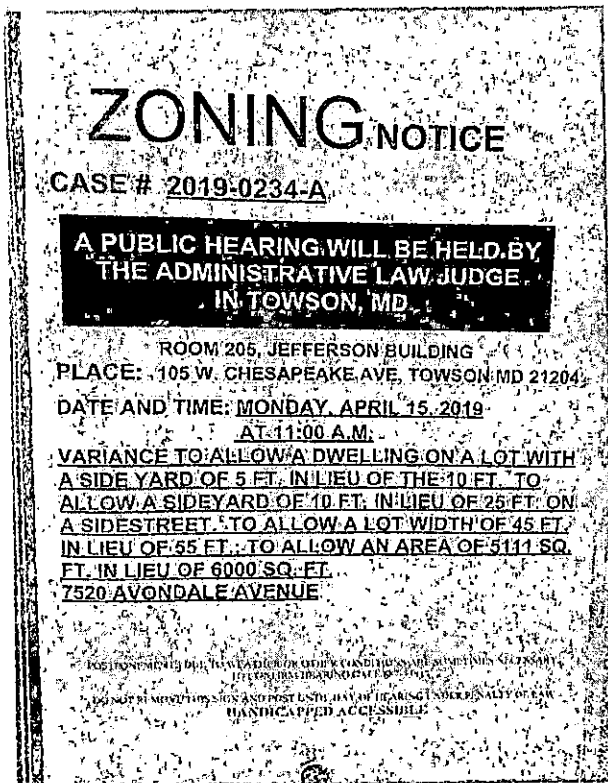
Petitioner / Developer: MR. & MRS. JONES ~

JOHN MELLEMA SURVEYORS ~ KRYSTYNA OSOWSKI

Date of Hearing: APRIL 15, 2019

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
7520 AVONDALE AVENUE

The sign(s) were posted on: **MARCH 25, 2019**



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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



JOHN A. OLSZEWSKI, JR.
County Executive

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

March 9, 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: 2019-0234-A

7520 Avondale Avenue
S/w of centerline of Avondale and South Avenues
12th Election District – 7th Councilmanic District
Legal Owners: James & Verna Jones
Contract Purchaser/Lessee: Krystyna Osowski

Variance to allow a dwelling on a lot with a side yard of 5 ft. in lieu of the 10 ft. To allow a sideyard of 10 ft. in lieu of 25 ft. on a sidestreet. To allow a lot width of 45 ft. in lieu of 55 ft.; to allow an area of 5111 sq. ft. in lieu of 6000 sq. ft.

Hearing: Monday, April 15, 2019 at 11:00 a.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

MM:kl

C: Mr. & Mrs. Jones, 4802 Royahn Avenue, Baltimore 21236
John Mellema Surveyors, Ben Gary, 5409 East Drive, Baltimore 21227
Krystyna Osowski, 11 Shad Court, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 25, 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.**

RE: PETITION FOR VARIANCE
7520 Avondale Avenue; SW of Avondale
Avenue & South Avenue
12th Election & 7th Councilmanic Districts
Legal Owner(s): James & Verna Jones
Contract Purchaser(s): Krystyna Osowski
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2019-234-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
FEB 22 2019

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carol 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 22nd day of February, 2019, a copy of the foregoing Entry of Appearance was mailed to John Mellema Surveyors, 5409 East Drive, Baltimore, Maryland 21227, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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 7520 AVONDALE AVE. BALTO. MD 21236 which is presently zoned DR 5.5

Deed References: 3120/39 10 Digit Tax Account # 1210047130

Property Owner(s) Printed Name(s) JAMES JONES

(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. ☒ a **Variance** from Section(s) 1B02.3C.1 ^{✓BC22} To Allow A Dwelling on a lot with A Side Yard of 5' in lieu of 10'. Also Allow A Sideyard of 10' in lieu of 25' on A Side Street. To Allow A lot width of 45' in lieu of 55'. To Allow an area of 5111 Sq.Ft. in lieu of 6000 Sq. Ft.

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:

KEYSTYNA OSOWSKI
Name- Type or Print

Krystyna Osowski
Signature

11 SHAD CT. Balto MD
Mailing Address City State

21220 / 410-335-1880 /
Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

JAMES JONES / Verina Jones
Name #1 - Type or Print Name #2 - Type or Print

James L. Jones / Verina Jones
Signature #1 Signature #2

4802 ROYAL H AVE. Baltimore MD
Mailing Address City State

21236 / 410-665-8503 / JLJONES@VERIZON.NET
Zip Code Telephone # Email Address

Representative to be contacted:

JOHN MELLERDA SURVEYOR (Ben Gray)
Name - Type or Print

Signature

5409 EAST DR. Balto MD
Mailing Address City State

21227 / 410-247-7488 / JCM@LS.VERIZON.NET
Zip Code Telephone # Email Address

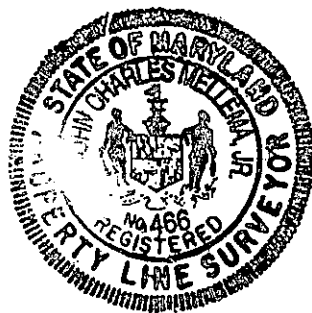
CASE NUMBER 2019.0234-A Filing Date 2/13/19 Do Not Schedule Dates: Reviewer CF

JOHN C. MELLEMA SR., INC.
LAND SURVEYORS
5409 EAST DRIVE BALTO. MD. 21227
PHONE: 410-247-7488 FAX: 410-247-2507
FEBRUARY 12, 2019

ZONING DESCRIPTION
#7520 AVONDALE AVENUE
BALTIMORE COUNTY, MARYLAND
TAX MAP 096 GRID 16 PARCEL 205

BEGINNING FOR THE SAME AT A POINT ON THE SOUTHWEST INTERSECTION OF AVONDALE AVENUE AND SOUTHERN AVENUE SAID POINT BEING SOUTHWESTERLY 18' FROM THE INTERSECTION OF THE CENTERLINE OF AVONDALE AVENUE AND SOUTHERN AVENUE, THENCE BINDING ON THE SOUTHWEST SIDE OF AVONDALE AVENUE SOUTHWESTERLY 40 FEET, THENCE LEAVING AVONDALE AVENUE AND RUNNING NORTHWESTERLY 100 FEET, THENCE NORTHEASTERLY 62.22 FEET TO THE SOUTHWEST SIDE OF SOUTHERN AVENUE, THENCE WITH THE SOUTHWEST SIDE OF SOUTHERN AVENUE SOUTHEASTERLY 102.44 FEET TO THE PLACE OF BEGINNING CONTAINING 5111 SQUARE FEET OF LAND MORE OR LESS.

BEING LOT 556 AND LOT 557 AS SHOWN ON THE PLAT OF EAST-VIEW NO. 2 RECORDED IN BALTIMORE COUNTY MARYLAND IN PLAT BOOK 7 FOLIO 1 AND DESCRIBED IN A DEED DATED FEBRUARY 20, 1957 BETWEEN JOHN H. FILLIAUX AND JAMES L. JONES AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY MARYLAND IN DEED LIBER 3120 FOLIO 038



2019-0234-A



A-1880-P-100

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 - 12 Account Number - 1210047130							
Owner Information									
Owner Name:		JONES JAMES L JONES VERA C				Use:		RESIDENTIAL	
Mailing Address:		4802 ROYAHN AVE BALTIMORE MD 21236-3819				Principal Residence:		NO	
						Deed Reference:		/03120/ 00038	
Location & Structure Information									
Premises Address:		AVONDALE AVE 0-0000				Legal Description:		LT 556,557 EASTVIEW	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0096	0016	0205		0000			556	2018	0007/ 0001
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
						4,000 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:		1,000		1,000					
Improvements		0		0					
Total:		1,000		1,000		1,000		1,000	
Preferential Land:		0						0	
Transfer Information									
Seller: FILLIAUX JOHN H				Date: 03/14/1957			Price: \$500		
Type: ARMS LENGTH IMPROVED				Deed1: /03120/ 00038			Deed2:		
Seller:				Date:			Price:		
Type:				Deed1:			Deed2:		
Seller:				Date:			Price:		
Type:				Deed1:			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 Status: No Application

Date:

IN THE MATTER OF
JAMES AND Verna JONES
LEGAL OWNER AND PETITIONER
FOR VARIANCE ON THE
PROPERTY LOCATED AT
7520 AVONDALE AVENUE

12th ELECTION DISTRICT
7th COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* CASE NO.: 19-234-A

* * * * *

OPINION AND ORDER

This matter comes before the Board of Appeals for Baltimore County as an appeal of Baltimore County Administrative Law Judge, John Beverungen's April 16, 2019 Opinion and Order, and his May 21, 2019 Opinion and Order on Motion for Reconsideration, both denying a Petition for Variance filed by James and Verna Jones as owners and Krystyna Osowski, purchaser of the property at 7520 Avondale Avenue, (collectively, "Petitioner").

The Petitioner is requesting variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R) (1) to allow a dwelling with a side yard setback of five feet in lieu of the required ten feet and a street-side setback of ten feet in lieu of the required twenty-five feet; (2) to allow a lot width of forty-five feet in lieu of fifty-five feet; and (3) to allow an area of five thousand one hundred eleven square feet in lieu of the required six thousand square feet.

A hearing was held before this Board on December 5, 2019. Timothy M. Kotroco, Esquire appeared on behalf of the Petitioner. Also appearing for Petitioner was Mitchell Kellman of DMW, accepted as an expert in land planning and zoning. Also in attendance was Protestant, James Shomper. The case was publically deliberated on January 15, 2020.

FACTS

The subject property is located in southeast Baltimore County in an area lying east of Eastern Avenue and south of North Point Boulevard. The property consists of lots 556 and 557 of the 1920 subdivision of East-View, which predates the enactment of zoning in Baltimore County by at least 25 years.

The property is zoned D.R. 5.5 and is located at the southwest corner of the intersection of Avondale Avenue and Southern Avenue. The lot is irregularly shaped, being most narrow at the street frontage on Avondale Avenue and widest at the rear property line. Public utilities serve the property.

Mr. Jones testified that he grew up on Southern Avenue next to the subject property, which he acquired in 1957. Mr. Jones, who is now 86 years old, wishes to sell the property. He engaged a surveyor to prepare Petitioner's Exhibit 1, a site plan, which accompanied the petition.

Mitch Kellman then testified in support of the Petition. He stated that the lot is governed by the small lot table of the BCZR and that no variances were being sought for the front or rear yards, only for the lot size and side yards. Mr. Kellman further stated that the proposal is consistent with development that has occurred in the area. The use is one permitted as of right in the zone and will not increase density over that permitted in the zone. Mr. Kellman further testified that the relief being sought is the minimum required to allow a house to be constructed on the lot.

Mr. Kellman also testified that the corner location and irregular lot configuration render it unique. He also stated that BCZR setback requirements for a corner lot are greater than those for an interior lot. These factors, coupled with the physical characteristics of the property result

in the BCZR requirements impacting the property in a manner different than other properties in the zone, thus resulting in practical difficulty.

Mr. Kellman submitted as Petitioner's Exhibit 4 a plat showing the building envelope that would exist if the small lot table setbacks were required without variance relief, and opined that not granting the variances would render the lot unusable for any permitted purpose.

Following the close of Petitioner's case, James Shomper testified in opposition to the subject petition. Mr. Shomper lives directly opposite the property at 7519 Avondale Avenue, and his house similarly occupies two of the originally platted lots, though these form a regular rectangle. Mr. Shomper disagrees with granting a side yard variance as narrow as five feet out of a concern that doing so would create a hazard from fire. Mr. Shomper also described traffic concerns created by vehicles exceeding the speed limit on Southern Avenue. He also believes that vehicles, especially emergency vehicles, do not have sufficient turning radius to navigate turns at this corner, and any improvements on the subject property would exacerbate these conditions.

DECISION

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).

In the matter of: James and Verna Jones – Legal Owners
Krystyna Osowski, Contract Purchaser
Case No.: 19-234-A

The first determination is that of the uniqueness of the property. Here the Board found that the irregular shape and corner location are characteristics unique to this site and not generally shared by other properties in the area.

The second determination is whether strict application of the BCZR to this property has a disproportionate impact caused by the property's unique characteristics.

The 2018 case of *Dan's Mountain Wind Force, LLC v. Allegany County Board of Zoning Appeals*, 236 Md. App 483, is instructive in this analysis in that any variance analysis must also examine the nexus between the property's unusual characteristics and the application of the zoning law from which relief is sought. Quoting *Cromwell*, the Court reiterated "[v]ariations should be granted when the uniqueness or peculiarity of the subject property is not shared by the neighboring property and where the uniqueness of that property results in an extraordinary impact upon the operation of the statute," and "where by reason of the exceptional narrowness, shallowness, or unusual shape of a specific property, or by reason of exception topographic conditions or other extraordinary situations or special conditions of property...make it exceptionally difficult to comply." *North v. St. Mary's County*, 99 Md. App 502.

The Court's analysis applied to the subject property satisfies both prongs of the tests articulated in *Cromwell* and expanded upon in *Dan's Mountain*, and the standards for variance relief set forth in BCZR Section 307.1. Therefore, the requested relief will be granted.

ORDER

THEREFORE, IT IS THIS 11th day of March, 2020, by the
Board of Appeals of Baltimore County

In the matter of: James and Verna Jones – Legal Owners
Krystyna Osowski, Contract Purchaser
Case No.: 19-234-A

ORDERED, that the Petition for Variance (1) to allow an a dwelling with a side yard setback of five feet in lieu of the required ten feet, and a street-side setback of ten feet in lieu of the required twenty-five feet; (2) to allow a lot width of forty-five feet in lieu of fifty-five feet; and (3) to allow an area of five thousand one hundred eleven square feet in lieu of the required six thousand square feet, be and is hereby **GRANTED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

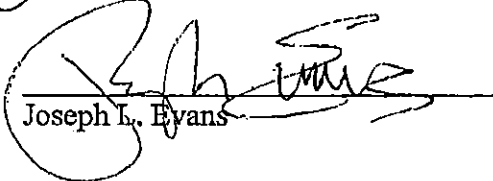
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Andrew M. Belt, Panel Chair



Deborah C. Dopkin



Joseph L. Evans



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 11, 2020

Timothy M. Kotroco, Esquire
305 Washington Avenue, Suite 502
Towson, MD 21204

RE: In the Matter of: James and Verna Jones – Legal Owner
Krystyna Osowski - Contract Purchaser
Case No.: 19-234-A

Dear Mr. Kotroco:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in black ink that reads "Sunny Cannington".

Krysundra "Sunny" Cannington
Administrator

Enclosure

c: James and Verna Jones
Krystyna Osowski
Benjamin Gary/John C. Mellema Sr., Inc.
Richard Simon
James Shomper
C. Pete Gutwald, Director/Department of Planning
James R. Benjamin, Jr., County Attorney
Michael Mallinoff, Director/Permits, Approvals and Inspections
Nancy C. West, Assistant County Attorney
Office of People's Counsel
Paul Mayhew, Managing Administrative Law Judge

Debra Wiley

From: Debra Wiley
Sent: Wednesday, September 4, 2019 11:11 AM
To: Jenae Johnson
Cc: Sherry Nuffer (snuffer@baltimorecountymd.gov)
Subject: Case No. 2019-0234-A - 7520 Avondale Ave.

Hi Jenae,

When you visit our office, can you bring the above-referenced file.

Thanks in advance.

*Please
appeal from
Kotroco*

*Order on the MFR
8-29-19*

Due: 9-30

④ 4-15-19
⑤ 4-16-19
Denied
MFR rec'd 5-14
from Pet. Jones
Denied 5-21-19
Rec'd 6-19
MFR
Kotroco

TO: THE DAILY RECORD
Tuesday, March 26, 2019 - Issue

Please forward billing to:
James & Verna Jones
4802 Royahn Avenue
Baltimore, MD 21236

410-665-8503

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: 2019-0234-A

7520 Avondale Avenue
S/w of centerline of Avondale and South Avenues
12th Election District – 7th Councilmanic District
Legal Owners: James & Verna Jones
Contract Purchaser/Lessee: Krystyna Osowski

Variance to allow a dwelling on a lot with a side yard of 5 ft. in lieu of the 10 ft. To allow a sideyard of 10 ft. in lieu of 25 ft. on a sidestreet. To allow a lot width of 45 ft. in lieu of 55 ft.; to allow an area of 5111 sq. ft. in lieu of 6000 sq. ft.

Hearing: Monday, April 15, 2019 at 11:00 a.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.

4-15-19

CASE NO. 2019-

0234-A

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

3/13

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)NO
Comments

3/11

DEPS
(if not received, date e-mail sent _____)NO
Comments

3/12

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)NO objection
w/ Conditions

2/25

STATE HIGHWAY ADMINISTRATION

NO
Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

3/26/19

SIGN POSTING (1st)

Date:

3/25/19

by

O'Keefe

SIGN POSTING (2nd)

Date:

4-14-19

by

"

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

**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: 2019-0234-A

Property Address: 7520 Avondale Ave

Property Description: Southwest of Avondale Ave and Southern Ave

Legal Owners (Petitioners): James Jones Verna Jones

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Company/Firm (if applicable): _____

Address: _____

Telephone Number: _____

Revised 7/9/2015

2019-0234-A

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 3/12/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-234

INFORMATION:

Property Address: 7520 Avondale Avenue
Petitioner: James Jones, Verna Jones
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit a single family dwelling with a side yard setback of 5' and a street side setback of 10' on a lot having a width of 45' and an area of 5,111 sq. ft. in lieu of the required 10', 25', 55' and 6,000 sq. ft. respectively.

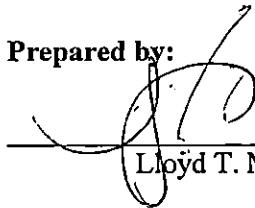
A site visit was conducted on February 26, 2019.

The Department has no objections to granting the petitioned zoning relief conditioned upon the following;

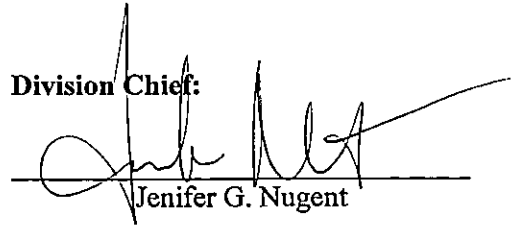
- Install vegetative screening along the lot line common with 7518 Avondale Avenue.
- On the northeast façade facing Southern Avenue, incorporate architectural elements such as windows, shutters, etc. so as not to be left as a blank wall.
- Through the hearing process, amend the plan to indicate the driveway location and dwelling front orientation.

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

Prepared by:


Lloyd T. Moxley

Division Chief:


Jenifer G. Nugent

JM/JGN/LTM/

c: Krystle Patchak
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
John C. Mellema Sr.
Office of the Administrative Hearings
People's Counsel for Baltimore County





Journal of Management Studies, 19(1), 67-80.

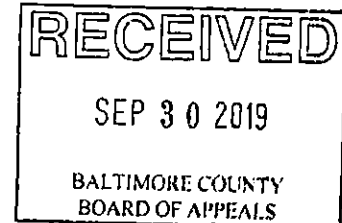


JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge

September 30, 2019

Timothy M. Kotroco, Esq.
305 Washington Avenue, Suite 502
Towson, Maryland 21204



RE: **APPEAL TO BOARD OF APPEALS**
Petition for Variance
Case No. 2019-0234-A
Property: 7520 Avondale Avenue

Dear Mr. Kotroco:

Please be advised that an appeal of the above-referenced case was filed in this Office on September 27, 2019. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", written over the printed name.

LAWRENCE M. STAHL
Administrative Law Judge
for Baltimore County

LMS/sln

c:

Baltimore County Board of Appeals
People's Counsel
James and Verna Jones, 4802 Royahn Avenue, Baltimore, Maryland 21236

APPEAL TO BOARD OF APPEALS-

Case No. 2019-0234-A

Address: 7520 Avondale Avenue

Page 2

Krystyna Osowski, 11 Shad Court, Baltimore, MD 21220

Richard Simon, 534 Southern Avenue, Baltimore, MD 21224

James Shomper, 7519 Avondale Avenue, Baltimore, MD 21224

APPEAL

**Petition for Variance
(7520 Avondale Road)
12th Election District – 7^h Councilmanic District
Legal Owner: James & Verna Jones
Contract Purchaser: Krystyna Osowski
Case No. 2019-0234-A**

Petition for Variance Hearing (February 13, 2019)

Zoning Description of Property

Notice of Zoning Hearing (March 9, 2019)

Certificate of Publication (March 26, 2019) – The Daily Record

Certificate of Posting:

1st Posting: March 25, 2019 (Linda O'Keefe)

2nd Posting: April 14, 2019 (Linda O'Keefe)

Entry of Appearance by People's Counsel –February 22, 2019

Petitioner(s) Sign-in Sheet – 1 Sheet

Citizen(s) Sign-in Sheet – 1 Sheet

Zoning Advisory Committee (ZAC) Comments

Petitioner(s) Exhibits:

1. Site Plan
2. Site Photo

Protestant(s) Exhibits:

1. Statement from Richard Simon

Miscellaneous (Not Marked as Exhibits)- SDAT- Real Property Search

Administrative Law Judge Order and Letter (DENIED –April 16, 2019)

Motion for Reconsideration from Petitioners: (James Jones)

Administrative Law Judge Order and Letter on Petitioners Motion for Reconsideration:
(DENIED- May 21, 2019)

2nd Motion for Reconsideration filed by Timothy M. Kotroco, Esq

Administrative Law Judge Order and Letter on Timothy M. Kotroco's Motion for
Reconsideration: (DENIED- August 29, 2019)

Notice of Appeal & Receipt – September 27, 2019 by Timothy M. Kotroco, Esq.

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(7520 Avondale Avenue)		
12 th Election District	*	OF ADMINISTRATIVE
7 th Council District		
James & Verna Jones	*	HEARINGS FOR
<i>Legal Owners</i>		
Krystyna Osowski	*	BALTIMORE COUNTY
<i>Contract Purchaser</i>		
Petitioners	*	CASE NO. 2019-0234-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by James and Verna Jones, legal owners of the subject property and Krystyna Osowski, contract purchaser (“Petitioners”). Petitioners are requesting variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”): (1) to allow a dwelling with a side yard setback of 5 ft. in lieu of the required 10 ft. and a street-side setback of 10 ft. in lieu of the required 25 ft.; (2) to allow a lot width of 45 ft. in lieu of 55 ft.; and (3) to allow an area of 5,111 sq. ft. in lieu of 6,000 sq. ft. A site plan was marked as Petitioners’ Exhibit 1.

James Jones appeared in support of the petition. Two neighbors opposed the request. 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”).

The site is approximately 5,111 sq. ft. in size and is zoned DR 5.5. The property is unimproved and Petitioners propose to construct a single family dwelling (30’ x 44’) on the lots. Two neighbors opposed the requests and expressed concern with traffic safety (especially for fire trucks and other emergency vehicles) and stormwater drainage issues.

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).

Based on a review of the site plan (Petitioners' Exhibit 1), it appears as if the subject property is very similar to other lots in the neighborhood in terms of size and lot dimensions. No evidence was presented to show the lots are unique in a zoning sense, and the petition must therefore be denied. Maryland courts have made clear variances can only be granted "sparingly," since it is an "authorization for [that] ... which is prohibited by a zoning ordinance." Cromwell, 102 Md. App. at 699.

I am mindful of the fact Mr. Jones has owned the property for more than 60 years, and I regret that I cannot accommodate his request. But I am obligated to resolve cases based on the facts and the law, and not on whether I believe it would be equitable to approve the petition. For what it is worth, the state tax records reflect a nominal \$1,000 assessed value for the land, which is at least some indication this is not a buildable lot.

THEREFORE, IT IS ORDERED, this 16th day of **April, 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"): (1) to allow a dwelling with a side yard setback of 5 ft. in lieu of the required 10 ft., and a street-side setback of 10 ft. in lieu of the required 25 ft.; (2) to allow a lot width of 45 ft. in lieu of 55 ft.; and (3) to allow an area of 5,111 sq. ft. in lieu of 6,000 sq. ft., be and is hereby DENIED.

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

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln:dlw



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 7520 Avondale Ave. Balto. MD 21236 which is presently zoned DR5.5
 Deed References: 3120/38 10 Digit Tax Account # 1210047130
 Property Owner(s) Printed Name(s) JAMES JONES

(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. ☒ a **Variance** from Section(s) 1 B02.3.C.1 ^{B02R} To Allow a dwelling on a lot with a side yard of 5' in lieu of 10' FT. Also to Allow a Sideyard of 10' in lieu of a 25' on a side street. To Allow a lot width of 45' in lieu of 55' FT. To Allow An Area of 511 Sq Ft in lieu of 6,000 Sq Ft.

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:

KRYSZYNA OSOWSKI
 Name- Type or Print

Kryshna Osowski
 Signature

11 SHAD CT. Balto. MD
 Mailing Address City State

21220 1410-335-1800
 Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

JAMES JONES VERNA JONES
 Name #1 - Type or Print Name #2 - Type or Print

James T. Jones Verna Jones
 Signature #1 Signature #2

4802 ROYAL LN AVE. Balto. MD
 Mailing Address City State

21236 1410-665-8503 JLJONES@VERIZON.NET
 Zip Code Telephone # Email Address

Representative to be contacted:

John McILLEMA SURVEYORS (Ben Garry)
 Name - Type or Print

Signature

5409 EAST DR Balto. MD
 Mailing Address City State

21227 1410-247-7488 JCHLSEVERIZON.NET
 Zip Code Telephone # Email Address

CASE NUMBER 2019-0234-A Filing Date 2/13/19 Do Not Schedule Dates: Reviewer CF

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

No. **180721**

Date: **2-13-19**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 2/13/2019 2/13/2019 09:39:03 1

REC 0301 WALKIN LJR
 RECEIPT # 033050 2/13/2017 GFLN
 Dept 5 522 ZONING VERIFICATION

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806		0000		6150			75.00

Total: **75.00**

Rec

From: **7520 Avondale Ave**

For: **Variance # 2019-0234-A**

Recpt Tot 75.00
 75.00 Ck .00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

DISTRIBUTION

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

Board of Appeals

Case No: 19-234A

Case Name: James & Verna Jones

Exhibit List

Party: Petitioner

Date: 12-5-19

Exhibit No:	Description:
✓ 1	Site Plan - JOHN C. MELLEMA, SURVEYOR
✓ 1B	Site Plan - reduced & colored
✓ 2A	- Support letter - Alderman
✓ B	" " Encarnacion
✓ C	" " Rivera
✓ D	" " Phillips
✓ 3	Record Plat
✓ 4	Bkg Envelope Plat & small lot table
✓ 5	Aerial Photo
✓ 6A-E	Photo Key Sheet & Photos
✓ 7A-E	Photo Key Sheet & Photos
VERIFIED BY <u>Jay</u> DATE: <u>12/5/19</u>	

4/15
11 Am

Case No.: 2019-0234-A-7520 Avondale Ave.

Exhibit Sheet

Petitioner/Developer

19-12-19

Protestant

D2
4-16-19

No. 1	Site plan	Statement from Richard Simon
No. 2	Site photo	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Dear Members of the zoning board my name is Richard Simon a neighbor of the proposed lots 556 and 557 Eastview located at the intersection of Southern Avenue and Avondale Avenue. I come before you today to review the proposed site plan for Mr. Jones property. I have prepared hundreds if not more of Single Family, Condominium, Commercial, and Town House Site & Grading Plans in Baltimore County, Harford County, Cecil County, Anne Arundel County, Montgomery County, New Castle Delaware, Dover Delaware, and York Pennsylvania. In many counties they also require a as-Built lot grading topographic survey before the use and Occupancy is granted for a property.

Issue Number 1:

When the last two houses in our subdivision were constructed in 2005 and 2006 along Avondale avenue I put my trust and Faith in the professionalism of Baltimore County and their site plan review process. I and my neighbors were let down by Baltimore County and this Zoning Review Commission. If you review the Baltimore County Topographic Quad Sheets I have brought you will notice that either the site plan reviewers allowed the two additional houses at 7514 and 7516 Avondale Avenue to fill their entire rear lot with additional fill material. This may have also been a done illegally by the contractor at the time of construction. Even if this was done illegally by the contractor a second change to right this wrong became available when this zoning commission reviewed a variance on 06/14/2005 for 7516 Avondale Avenue for a detached garage in their rear yard. This immediately should have raised red flags because detached garages always bring many issues for drainage and impervious surface totals. During the Zoning hearing a detailed topographic site plan showing both existing and proposed contouring should have been prepared and submitted. This construction of 7514 and 7516 Avondale Avenue has caused a severe property value decrease and created a neighborhood health risk. During Large Storms my yard is flooded with several inches to almost a foot of standing water in my rear yard that lasts for several days. Having a newly formed ponding swamp in my backyard dramatically decreases my property value and is a haven for mosquito growth and spread of such disease such as West Nile Virus. Over time it is Known that standing water from poor construction design, and engineering methods can literally change the soil types and conditions of a site and can make the property reclassified as wetlands. What is Baltimore County and this zoning commission going to do to correct this poor judgement and failure to protect my property and our community from these issues and threats? This new property if constructed without proper on site micro-bioretenction practices and structures along with drainages swales will just add to my flooding issues by increasing the amount of Impervious surface of the area. What will this zoning commission do? I need to know because these issues were all preventable by Baltimore County Site Plan Review and this Zoning Board.

Issue Number 2:

Setback reductions for the proposed lot. The property lies on a very busy intersection of Avondale Avenue and Southern Avenue. Numerous accidents and near misses occur at this intersection many times a year. People who drive through our neighborhood drive in excess of 40 to 50 miles per hour and the speed limit is 25. Coming from Avondale Avenue towards Southern many drivers fly up the steep hill and miss or almost miss the stop sign at the intersection almost hitting a car coming down southern Avenue. It is daily that people drive into the other lane and some times onto Mr. Jones property to avoid a collision. For many years neighbors have requested Baltimore county to install speed bumps in the community to curtail this speeding. It had never been granted. The intersection in question is very narrow and the neighboring property located on the intersection at 7600 Avondale Avenue has a tall

Prot. 1

retaining wall and fence that runs right along the road. This blocks the intersections sight distance and turning radius. Fire Trucks, School Busses, and Delivery Trucks sometimes hit the gravel area of Mr. Jones property to make the right hand turn. I fear the proposed house if allowed to be closer to Southern Avenue will have a dangerous condition for the owner of that house. Starting soon Southern Avenue and neighboring roads will be torn up by Baltimore Gas and Electric Company for installation of a new low pressure natural gas supply lines. This will only add to the number of large vehicles, equipment, and additional vehicles coming through our neighborhood. To build a house closer to Southern Avenue than regulations state will create a dangerous situation for the house and the community. There is a reason why corner lots always have two setback lines from intersections and this is one reason why.

Issue 3:

Elevation issues. With a house being constructed at the intersection, the first floor of the house will be almost halfway up the first floor of the neighboring house. This will create a internal shadow onto the neighboring house and pretty much make their bay window useless. The house will tower over the neighboring property if the side yard setback is reduced between houses.

Charles G Alderman

531 Southern Ave.

Balto MD 21224

Office of Administrative Hearings

105 W. Chesapeake Ave.

Towson MD 21204

Date: November 23, 2019

Ref: Property located at 7520 Avondale Ave. Baltimore MD 21224.

Lots 556 & 557 Owned by James L & Verna C. Jones.

To Whom it May Concern,

Located, across the street and 60' West of the rear of the Lots of the Jones'. They have paid property tax on the lots and done an outstanding job of maintain the property since 1957. It would be a miscarriage of justice byp Baltimore County delaying permission for them or a future owner of the property to construct a house and gardge on the property. The tax revenue will be significant for Baltimore County.

Sincerely yours,

Charles G. Alderman



Petitioner
CBA Exhibit

2A

Pedro L. Encarnacion

533 Avondale Ave.

Baltimore MD 21224

Office of Administrative Hearings

105 W Chesapeake Ave.

Towson MD 21204

November 28, 2019

Ref: Property located @ 7520 Avondale Ave.

Baltimore Maryland 21224.

Owned by James L & Verna C. Jones since 1957.

To Whom It May Concern,

This property is a corner lot, one block East of the Jones' property.

It is the same size as their lots. How can Baltimore County zoning?

deny the owner of that property the right to build an approved house and
garage on that property? Utilities including new gas lines are in place.

Sincerely yours,



Pedro L. Encarnacion

Petitioner
CBA Exhibit

2B

December 2, 2019

TO:

Baltimore County Maryland
Zoning Department

FROM:

Wilmer Alexander Rivera
7600 Avondale Avenue
Baltimore, MD 21224

RE: 7520 Avondale Avenue

To Whom It May Concern:

My family has lived at 7600 Avondale Avenue since April 17, 2017. This property is across from 7520 Avondale Avenue, which has been owned and maintained by James and Verna Jones for over 62 years. Since my family has lived here there have been no vehicular accidents on the corner of Southern and Avondale Avenues.

The Jones' would like to sell their property, and to sell the property it must be deemed buildable. I believe that the Jones' should be able to sell their property. The Department of Plans and Review has issued a favorable report for building on the property. I am in support of building on that lot.

Sincerely yours,

Wilmer Alexander Rivera

Date:

James I. Rivera

Petitioner
CBA Exhibit

2c

Kevin S. Phillips

7601 Avondale

Baltimore MD 21224-1936

Office of Administrative Hearings

105 W. Chesapeake Ave. Suite 103

Towson, MD 21204

Date: November 21, 2019

Re: Property located at 7520 Avondale Ave. Baltimore, MD 21224.

Lots 556 & 557 Owned by James L. & Verna C Jones.

To Whom it May Concern:

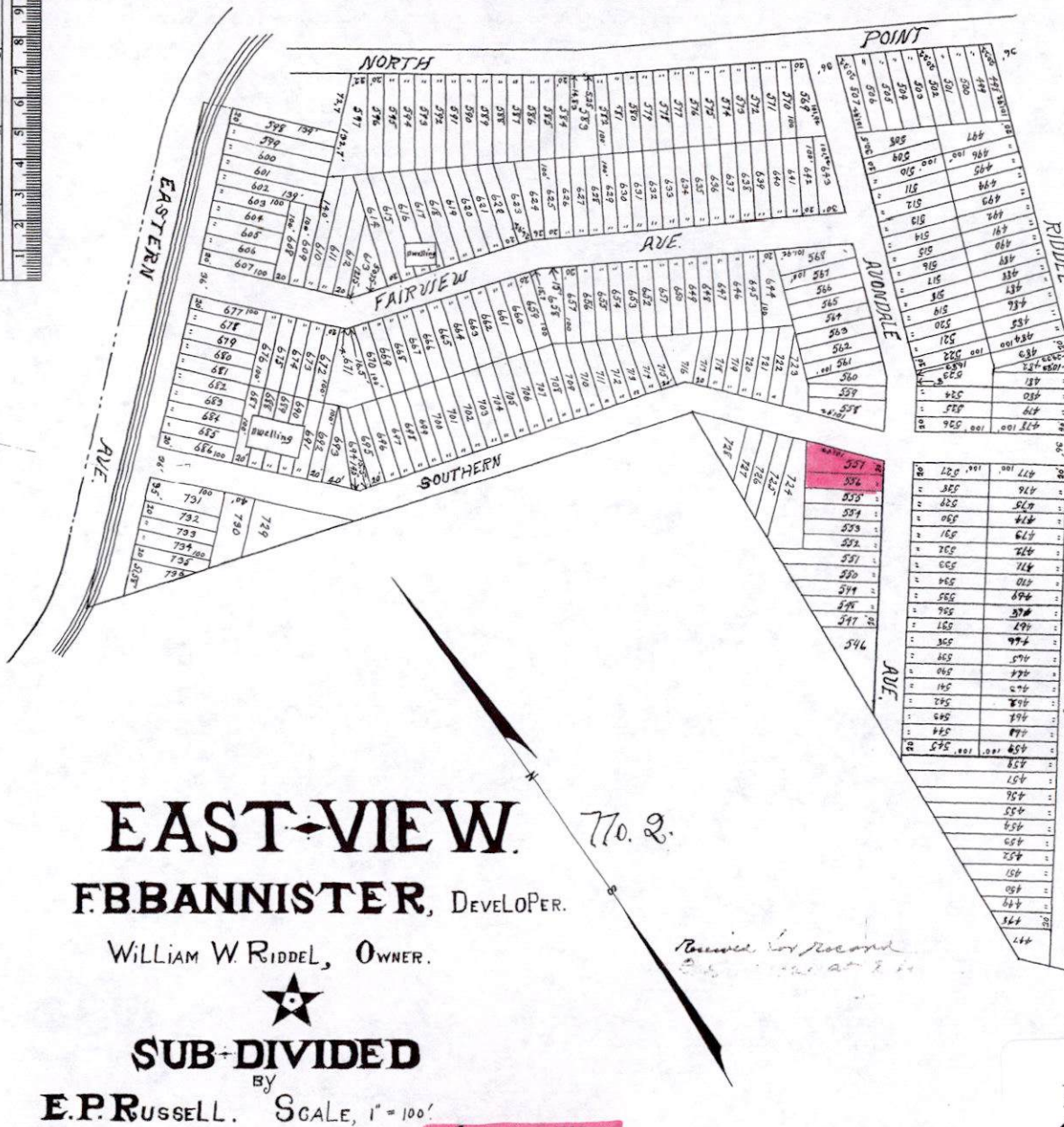
My property 7601 Avondale Ave. is catty corner from 7520 Avondale., at the intersection of Avondale & Southern Ave. I support waiving the variance that has been added to the building lots since they purchased the property in 1957 after his military service. It will give a fresh new look and greatly increase the revenue Baltimore County will derive.

Sincerely yours,

Kevin S. Phillips

Petitioner
CBA Exhibit

2D



WILLIAM W. RIDDEL, OWNER.



SUB-DIVIDED

E. P. RUSSELL. SCALE, 1" = 100'

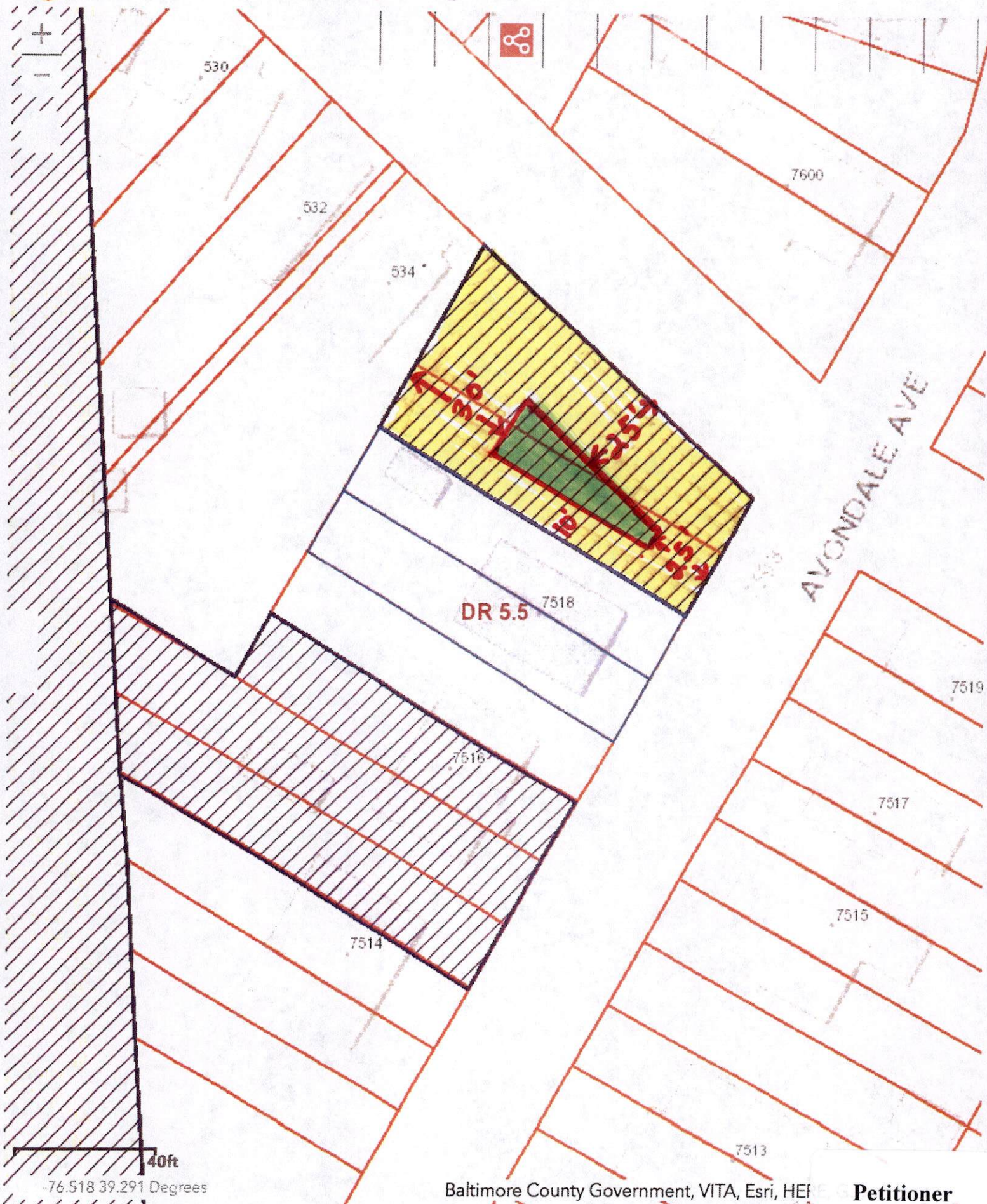
December - 1920.

Received for record
Oct 21 1892 at 8 1/2

Petitioner
CBA Exhibit



Baltimore County - My Neighborhood



Baltimore County Government, VITA, Esri, HERE

Petitioner
CBA Exhibit

4

Zoning Classification	Minimum Net Lot Area per Dwelling Unit (square feet)	Minimum Lot Width (feet)	Minimum Front Yard Depth (feet)	Minimum Width of Individual Side Yard (feet)	Minimum Sum of Side Yard Widths (feet)	Minimum Rear Yard Depth (feet)
D.R.1	40,000	150	50	20	50	50
D.R.2	20,000	100	40	15	40	40
D.R.3.5	10,000	70	30	10	25	30
D.R.5.5	6,000	55	25	10	—	30
D.R.10.5	3,000	20	10	10	—	50
D.R.16	2,500	20	10	25	—	30



Baltimore County - My Neighborhood



Petitioner
CBA Exhibit

5

1290



Baltimore County - My Neighborhood



Petitioner
CBA Exhibit

6A-



1290

7

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2



Google

3



Google

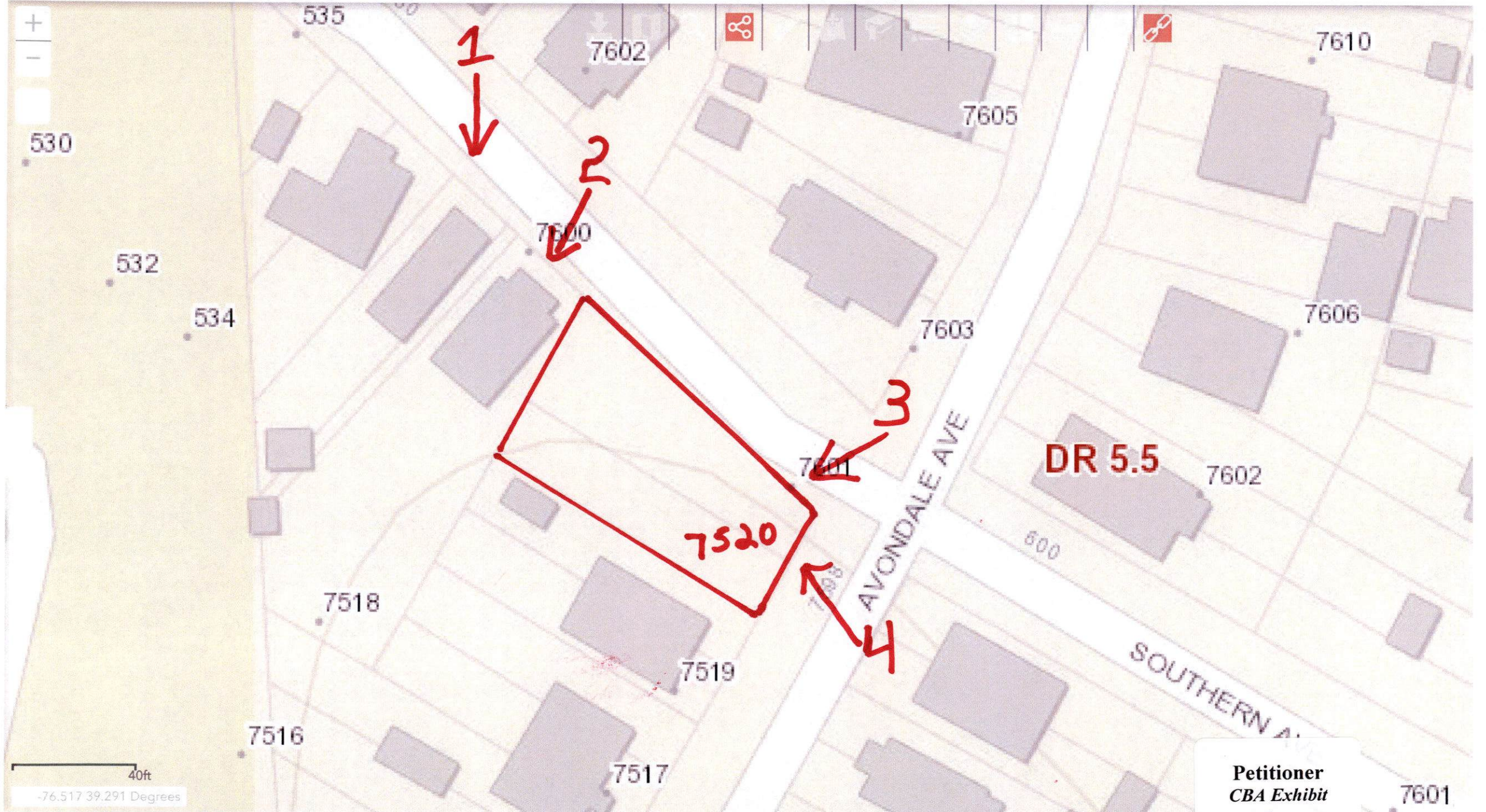
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Baltimore County - My Neighborhood





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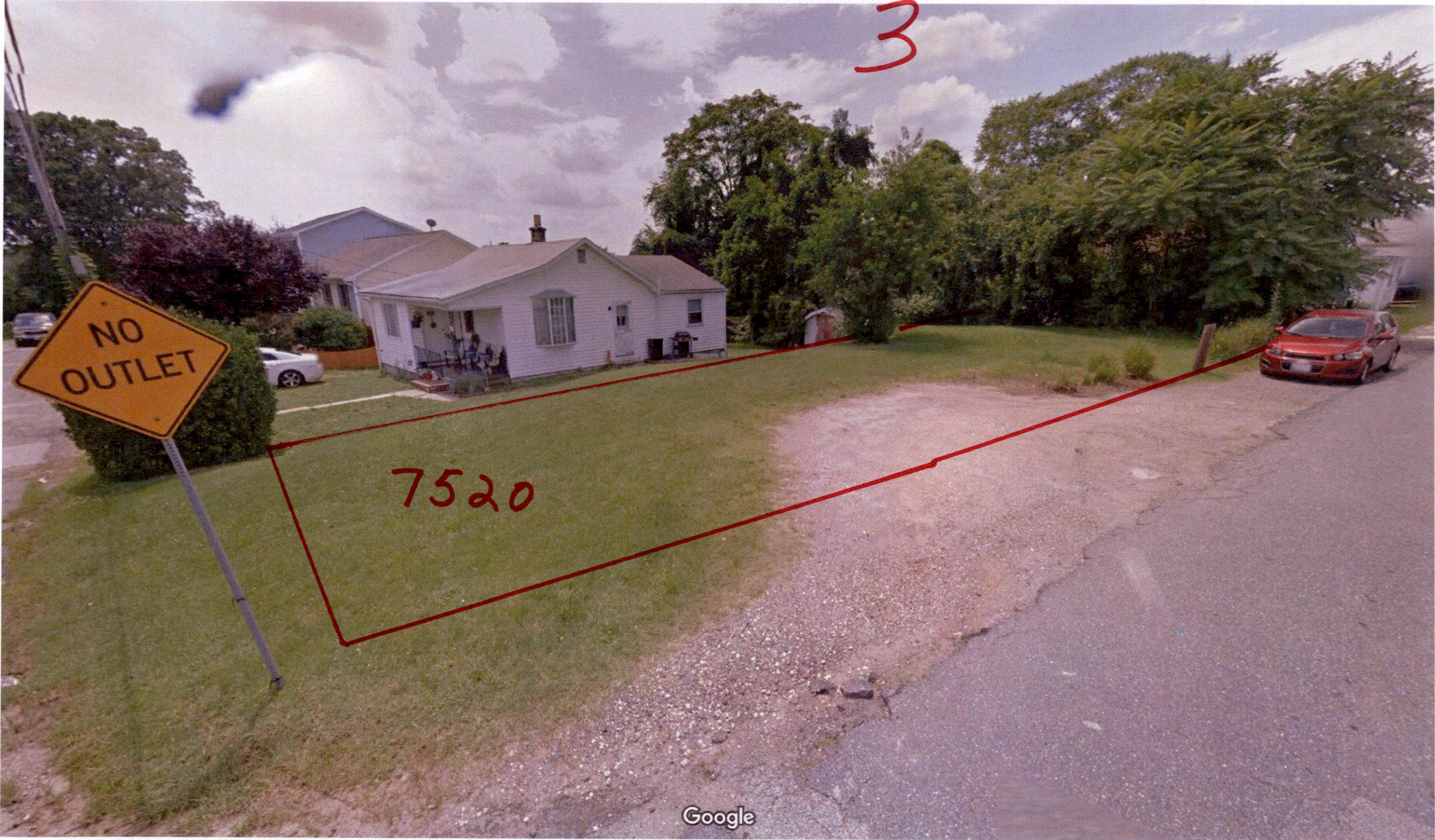
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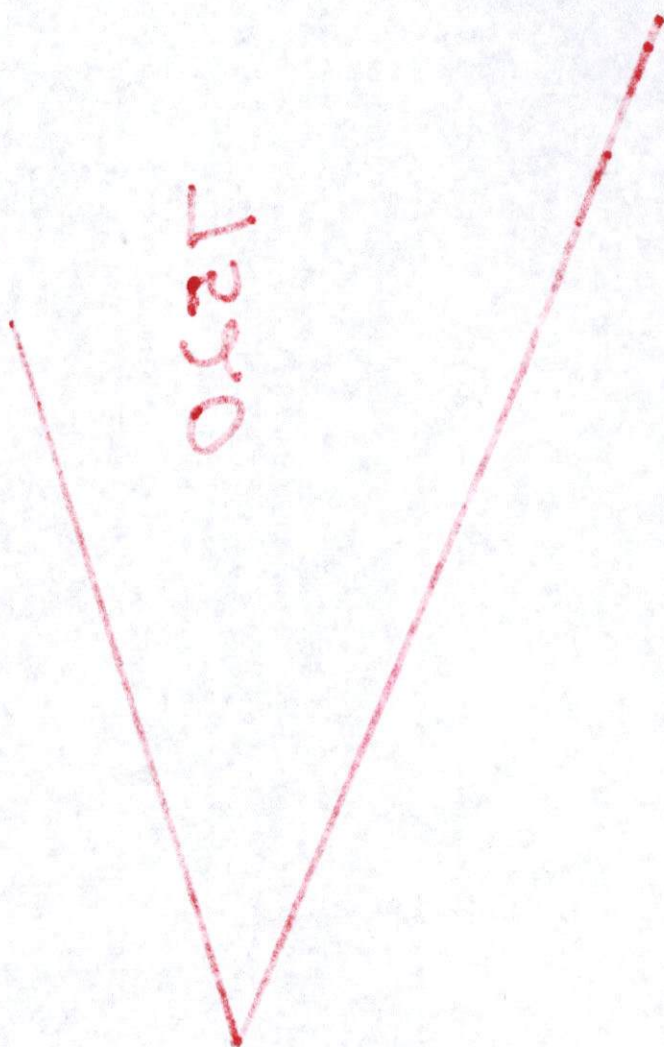
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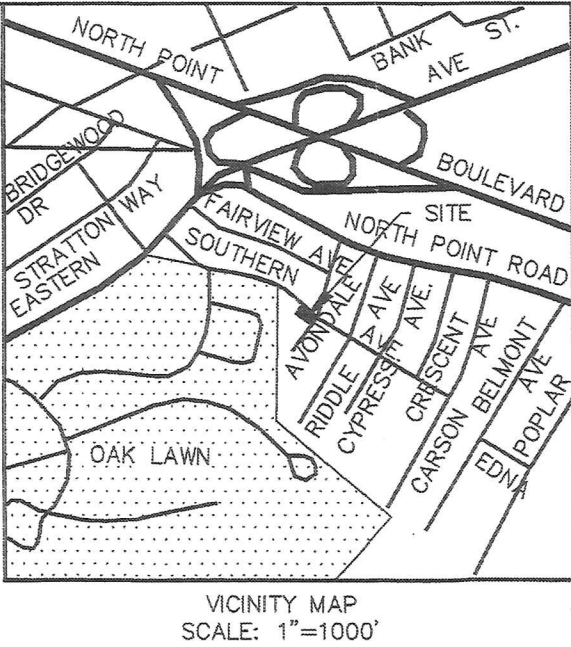
Google

7

1250



PLAT TO ACCOMPANY VARIANCE REQUEST



LOCATION INFORMATION

COUNCILMANIC DISTRICT: 7
ELECTION DISTRICT: 12
ZONING: D.R. 5.5
1"=200' SCALE MAP: 096B3

LOT SIZE: 5111 SQ. FT.

	YES	NO
PUBLIC SEWER	☒	☐
PUBLIC WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒

SUBDIVISION NAME: PLAT OF EAST-VIEW NO. 2
P.B. 7 FOLIO 1

PRIOR ZONING HEARING: N/A
DEED REFERENCE: 3120/38

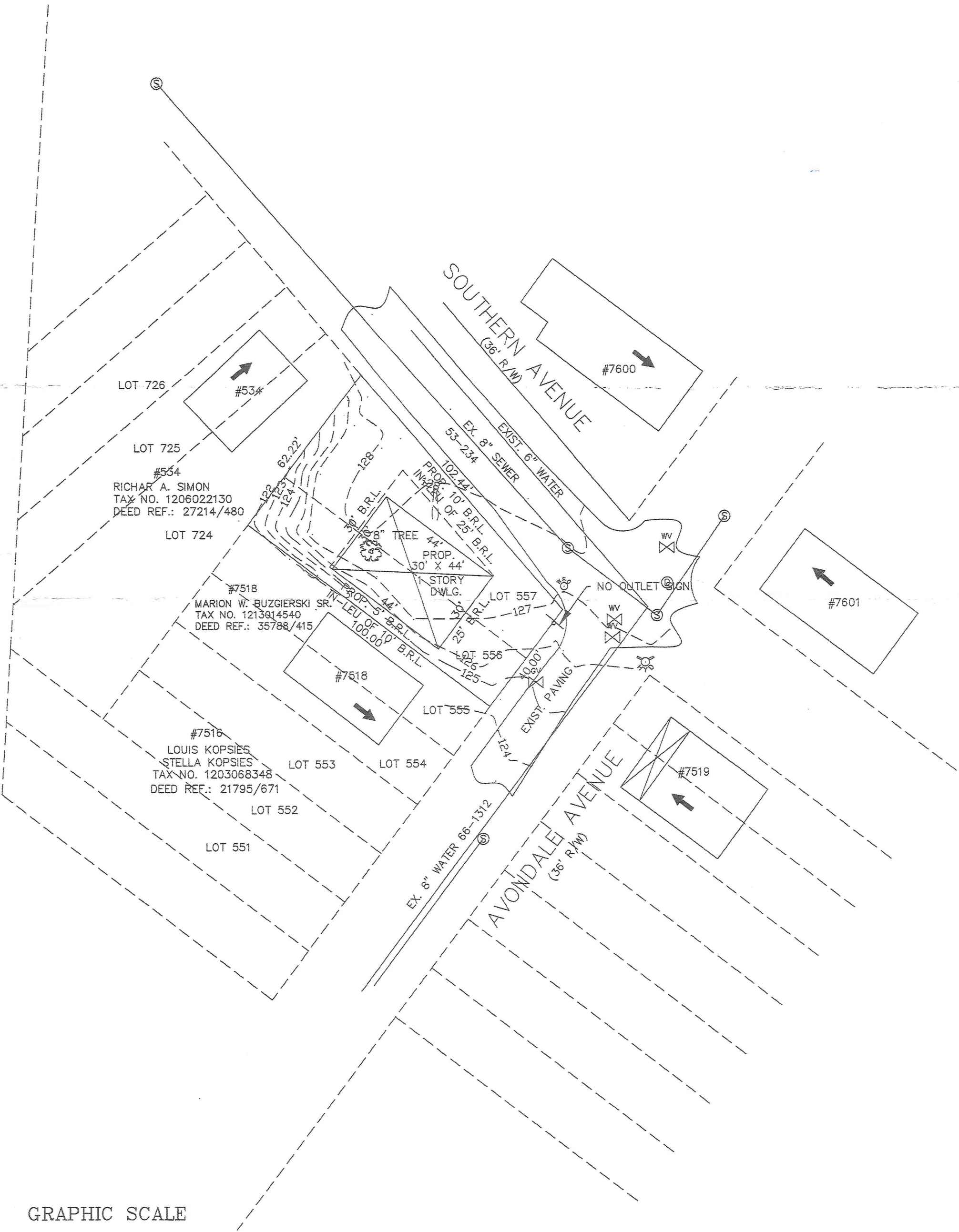
OWNER: JAMES L. JONES
VERNA C. JONES
#4802 ROYAHN AVENUE
BALTIMORE, MD. 21236
TAX NO. 1210047130
PHONE NO. 410-665-8503
DATE: FEBRUARY, 2019
SCALE: 1"=30'

CONTRACT PURCHASER
KRISTYNA OSOWSKI
11 SHAD COURT
BALTIMORE MARYLAND 21220
PHONE: 410-335-1880

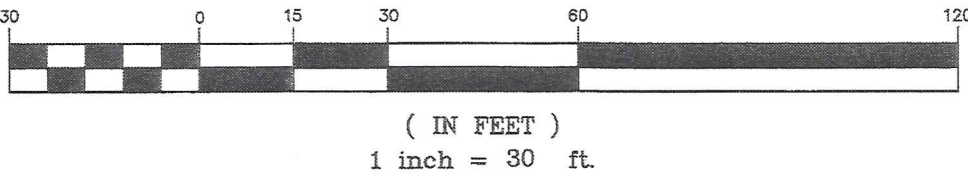
#7520 AVONDALE AVENUE
LOT 556 & 557
PLAT OF EAST-VIEW NO. 2
BALTIMORE COUNTY, MARYLAND
TAX MAP 096 GRID 16 PARCEL 205
SCALE: 1"=30' DATE: FEBRUARY, 2019

Petitioner
CBA Exhibit

1



GRAPHIC SCALE



D.R.5.5 REGULATIONS
MINIMUM LOT AREA 6,000 SQ. FT.
MINIMUM LOT WIDTH 55'
MINIMUM FRONT YARD SETBACK 25'/AVERAGE
MINIMUM SIDE YARD SETBACK 10'
MINIMUM REAR YARD SETBACK 30'

PREPARED BY:
JOHN C. MELLEMA SR., INC.
LAND SURVEYORS
5409 EAST DR. BALTO., MD. 21227
PHONE: 410-247-7488 FAX: 410-247-2507

2019-0234-A

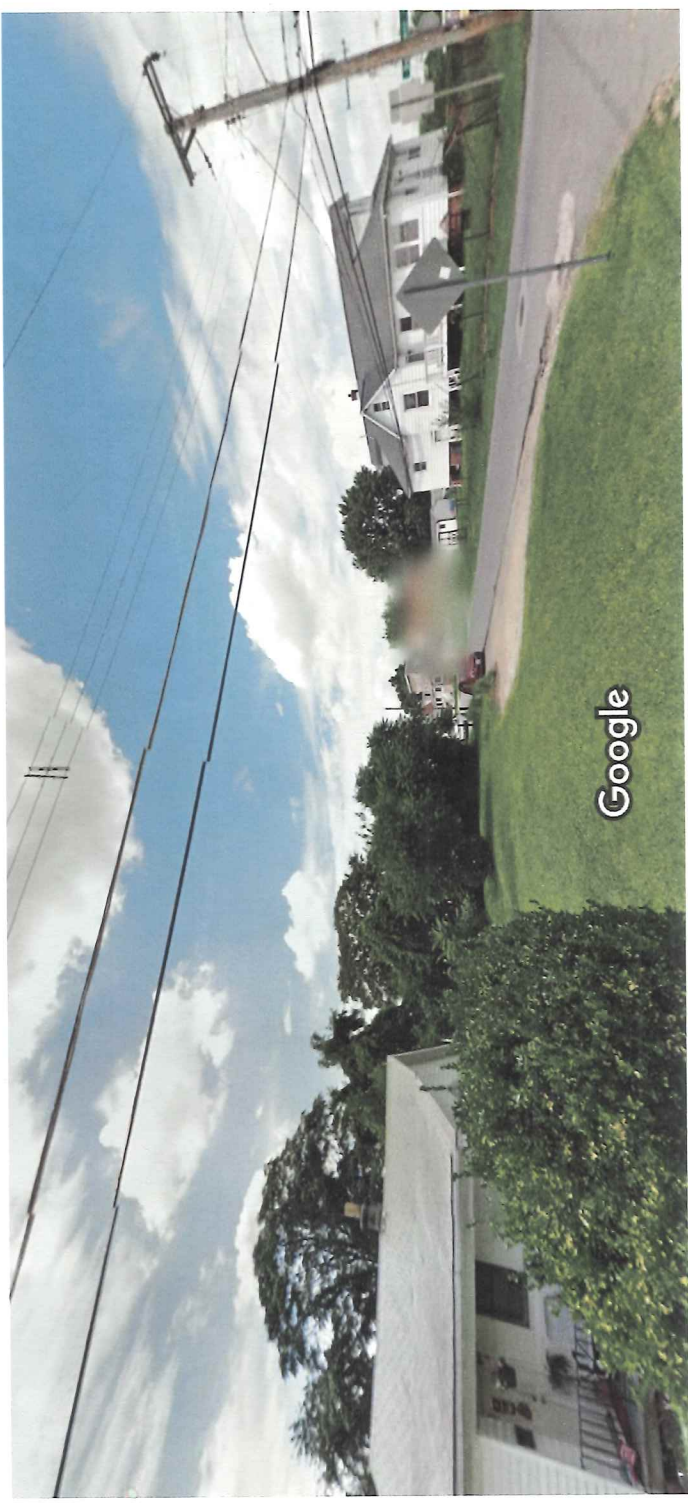


Image capture: Jul 2016 © 2018 Google

Baltimore, Maryland



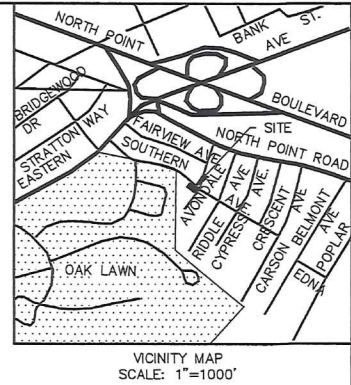
Google, Inc.

Street View - Jul 2016

PET-NO 2



PLAT TO ACCOMPANY VARIANCE REQUEST



LOCATION INFORMATION

COUNCILMANIC DISTRICT: 7
ELECTION DISTRICT: 12
ZONING: D.R. 5.5
1"=200' SCALE MAP: 096B3

LOT SIZE: 5111 SQ. FT.

	YES	NO
PUBLIC SEWER	☒	☐
PUBLIC WATER	☒	☐

CHESAPEAKE BAY CRITICAL AREA	YES	NO
	☐	☒

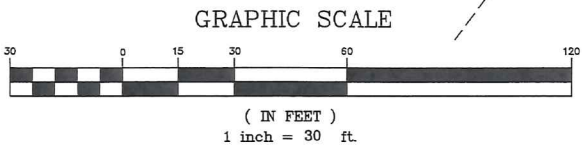
SUBDIVISION NAME: PLAT OF EAST-VIEW NO. 2
P.B. 7 FOLIO 1

PRIOR ZONING HEARING: N/A
DEED REFERENCE: 3120/38

OWNER: JAMES L. JONES
VERNA C. JONES
#4802 ROYAHN AVENUE
BALTIMORE, MD. 21236
TAX NO. 1210047130
PHONE NO. 410-665-8503
DATE: FEBRUARY, 2019
SCALE: 1"=30'

CONTRACT PURCHASER
KRYSTYNA OSOWSKI
11 SHAD COURT
BALTIMORE MARYLAND 21220
PHONE: 410-335-1880

#7520 AVONDALE AVENUE
LOT 556 & 557
PLAT OF EAST-VIEW NO. 2
BALTIMORE COUNTY, MARYLAND
TAX MAP 096 GRID 16 PARCEL 205
SCALE: 1"=30' DATE: FEBRUARY, 2019



PREPARED BY:
JOHN C. MELLEMA SR., INC.
LAND SURVEYORS
5409 EAST DR. BALTO., MD. 21227
PHONE: 410-247-7488 FAX: 410-247-2507

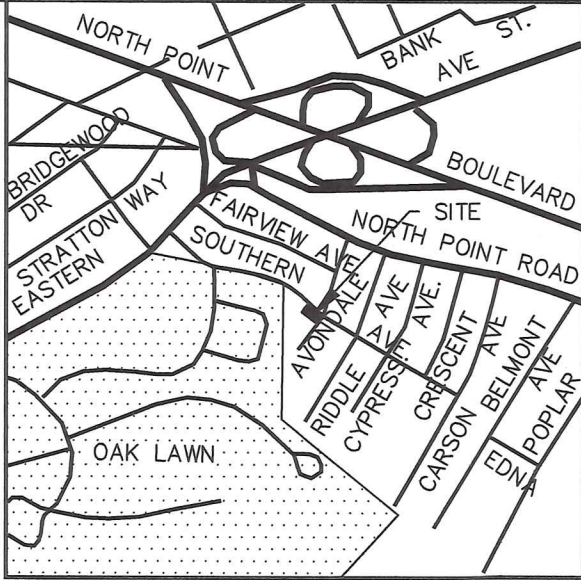
D.R.5.5 REGULATIONS
MINIMUM LOT AREA 6,000 SQ. FT.
MINIMUM LOT WIDTH 55'
MINIMUM FRONT YARD SETBACK 25'/AVERAGE
MINIMUM SIDE YARD SETBACK 10'
MINIMUM REAR YARD SETBACK 30'

Petitioner
CBA Exhibit

2019-0234-A

1 B

PLAT TO ACCOMPANY VARIANCE REQUEST



VICINITY MAP
SCALE: 1"=1000'

LOCATION INFORMATION

COUNCILMANIC DISTRICT: 7
ELECTION DISTRICT: 12
ZONING: D.R. 5.5
1"=200' SCALE MAP: 096B3

LOT SIZE: 5111 SQ. FT.

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

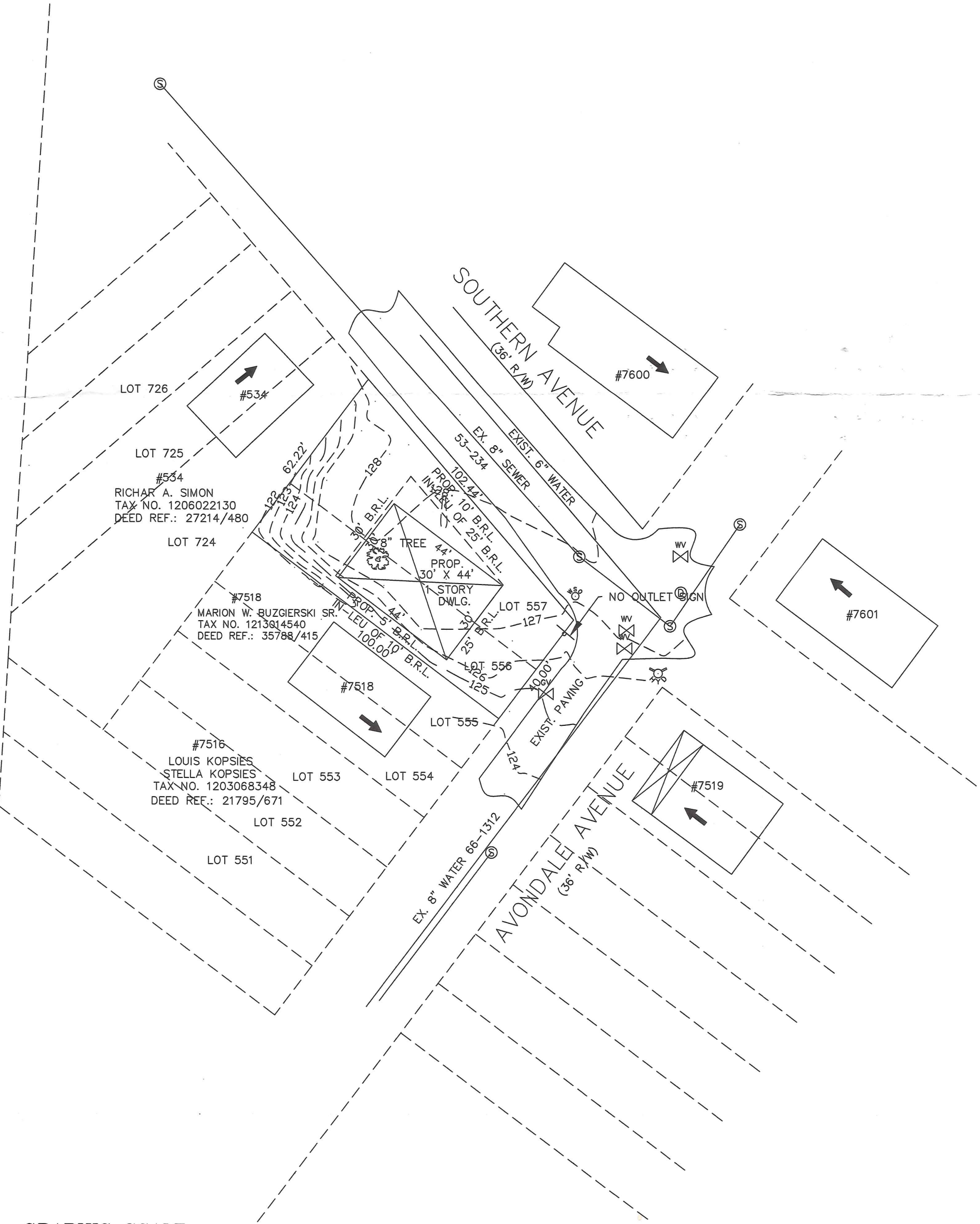
SUBDIVISION NAME: PLAT OF EAST-VIEW NO. 2
P.B. 7 FOLIO 1

PRIOR ZONING HEARING: N/A
DEED REFERENCE: 3120/38

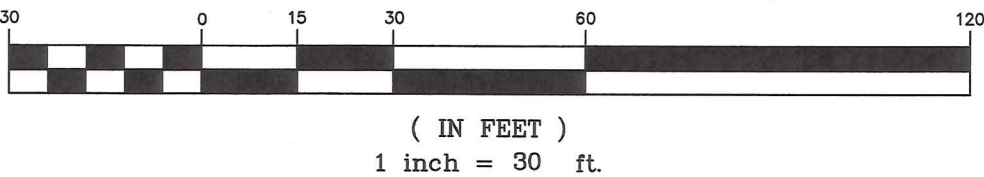
OWNER: JAMES L. JONES
VERNA C. JONES
#4802 ROYAHN AVENUE
BALTIMORE, MD. 21236
TAX NO. 1210047130
PHONE NO. 410-665-8503
DATE: FEBRUARY, 2019
SCALE: 1"=30'

CONTRACT PURCHASER
KRYSZYNA OSOWSKI
11 SHAD COURT
BALTIMORE MARYLAND 21220
PHONE: 410-335-1880

#7520 AVONDALE AVENUE
LOT 556 & 557
PLAT OF EAST-VIEW NO. 2
BALTIMORE COUNTY, MARYLAND
TAX MAP 096 GRID 16 PARCEL 205
SCALE: 1"=30' DATE: FEBRUARY, 2019



GRAPHIC SCALE



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2019-0234-A PET.No.1