

M E M O R A N D U M

DATE: July 25, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0323-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 24, 2019. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

/dlw

c:  Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(47 & 49 Bloomsbury Avenue)

1st Election District

1st Council District

John M. & Amy L. Davis

Legal Owners

Petitioners

*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0323-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by John M. & Amy L. Davis, legal owners of the subject property (“Petitioners”). Petitioners are requesting variance relief from Sections 204 & 1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”): **(47 Bloomsbury Avenue)** (1) A minimum net lot area of 5,488 sq. ft. in lieu of 6,000 sq. ft.; (2) a minimum lot width of 35 ft. in lieu of the minimum lot width of 55 ft.; and (3) a minimum front yard depth of 17 ft. in lieu of the minimum required 25 ft. **(49 Bloomsbury Avenue)**: (1) a minimum net lot area of 5,799 sq. ft. in lieu of 6,000 sq. ft., (2) a minimum lot width of 35 ft. in lieu of the minimum lot width of 55 ft.; and (3) a minimum front yard depth of 18 ft. in lieu of the minimum required 25 ft. A site plan was marked as Petitioners’ Exhibit 1.

Professional engineer John Motsco and John Davis appeared in support of the petition. Jason T. Vettori, Esq. represented Petitioners. There were no protestants or interested citizens in attendance. Petitioners submitted letters of support from several nearby residents. Pets. Ex. 4. The Petition was advertised and posted as required by the BCZR. No substantive Zoning Advisory Committee (“ZAC”) comments were received from any of the County reviewing agencies.

ORDER RECEIVED FOR FILING

Date 6/24/19

By Sen

The site is approximately 11,287 square feet in size and is zoned RO. The property is improved with a two-story dwelling commonly referred to as a "duplex." The home was constructed in 1900, and Mr. Motsco testified two individual living units were described in title deeds dating back to at least 1940. Thus, it seems clear the use and structure, as presently existing, is lawfully nonconforming.

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

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

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

The property was constructed more than 50 years prior to the adoption of the BCZR. As such the property is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to subdivide the property such that each dwelling would be situated on its own lot. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare.

This is demonstrated by the support of the community and the absence of County agency comments. In addition, I believe it is the public interest to encourage home ownership and remove legal impediments preventing the transfer of real property. Granting the relief will allow each dwelling to be conveyed individually, which would serve these goals and likely increase County property tax revenue in the process.

The DOP's only comment concerned whether it was appropriate to grant a variance to reduce the minimum lot size found in the "small lot table." As an abstract matter the answer to

ORDER RECEIVED FOR FILING

Date

6/24/19

2

By

Sen

that query is obviously “no,” since the regulations explicitly state that a variance cannot be granted if it would result in an increase in residential density. BCZR §307. But that concern is not animated in this case given that the variance will not increase density since the two dwellings have been in existence since at least 1940, as noted above. Such relief could not be granted if Petitioners proposed to construct two new dwellings on an 11,287 square foot parcel in the R.O (D.R. 5.5) zone.

THEREFORE, IT IS ORDERED, this 24th day of **June, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to the Baltimore County Zoning Regulations: **(47 Bloomsbury Avenue)** (1) A minimum net lot area of 5,488 sq. ft. in lieu of 6,000 sq. ft.; (2) a minimum lot width of 35 ft. in lieu of the minimum lot width of 55 ft.; and (3) a minimum front yard depth of 17 ft. in lieu of the minimum required 25 ft. **(49 Bloomsbury Avenue):** (1) a minimum net lot area of 5,799 sq. ft. in lieu of 6,000 sq. ft., (2) a minimum lot width of 35 ft. in lieu of the minimum lot width of 55 ft.; and (3) a minimum front yard depth of 18 ft. in lieu of the minimum required 25 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

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

ORDER RECEIVED FOR FILING

Date

6/24/19

By

Sen

JOHN E. BEVERUNGEN
Administrative Law Judge 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 47 & 49 Bloomsbury Avenue

which is presently zoned RO

Deed References: 39285/402

10 Digit Tax Account # 0112200610

Property Owner(s) Printed Name(s) John M. Davis & Amy L. Davis

(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)

Please see attached.

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address

City

State

21204

(410) 821-0070

jvettori@sgs-law.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

John M. Davis

Amy L. Davis

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

109 Forest Drive

Catonsville

MD

Mailing Address

City

State

21228

410-428-6736

functionalrehab@yahoo.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address

City

State

21204

(410) 821-0070

jvettori@sgs-law.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2019-0323-A

Filing Date 5/14/2019

Do Not Schedule Dates:

Reviewer JNP

SECTION FOR COUNTY RECORDS



1. The County of ... has received ...
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ATTACHMENT TO PETITION FOR ZONING HEARING

47 & 49 Bloomsbury Avenue

1st Election District

1st Councilmanic District

47 Bloomsbury Avenue - Variance from Section(s):

1. BCZR §§ 204 & 1B02.3.C.1 to permit:
 - a. A minimum net lot area of 5,488 square feet in lieu of 6,000 square feet;
 - b. A minimum lot width of 35 feet in lieu of the minimum lot width of 55 feet;
 - c. A Minimum front yard depth of 17 feet in lieu of the minimum required 25 feet;

49 Bloomsbury Avenue - Variance from Section(s):

2. BCZR §§ 204 & 1B02.3.C.1 to permit:
 - a. A minimum net lot area of 5,799 square feet in lieu of 6,000 square feet;
 - b. A minimum lot width of 35 feet in lieu of the minimum lot width of 55 feet;
 - c. A Minimum front yard depth of 18 feet in lieu of the minimum required 25 feet;
3. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County

2019-0323-A

March 9, 2019

CASE NO. 2019-0323-A

**ZONING DESCRIPTION FOR
#47 & #49 BLOOMSBURY AVENUE**

Beginning at a point on the east side of Bloomsbury Avenue, which is 29 feet wide, at the distance of 37 feet north of the centerline of Bloomingdale Avenue, which is 40 feet wide. Thence the following courses and distances: S58°15'58"E 22.74', N72°39'27"E 143.25', N16°20'33"W 71.02', S73°39'27"W 156.58', and S14°29'11"E 56.63' back to the point of beginning, as recorded in Deed Liber 39285, Folio 402, containing 0.259 acres of land, more or less. Located in the First Election District and First Council District.

The Daily Record

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

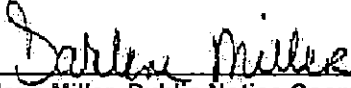
PUBLISHER'S AFFIDAVIT

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:

5/31/2019

Order #: 11751715
Case #: 2019-0323-A
Description:

NOTICE OF ZONING HEARING CASE NUMBER: 2019-0323-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: 2019-0323-A

47 & 49 Bloomsbury Avenue

NE/s Bloomsbury Avenue at the corner of NW/s Bloomingdale Avenue.

1st Election District - 1st Councilmanic District

Legal Owners: John & Amy Davis

Variance (47 Bloomsbury Avenue) to permit a minimum net lot area of 5488 sq. ft. in lieu of the 6000 sq. ft.; for a minimum lot width of 35 ft. in lieu of the minimum lot width of 55 ft. For a minimum front yard depth of 17 ft. in lieu of the minimum required 25 ft. Variance (49 Bloomsbury Avenue) to permit a minimum net lot area of 5799 sq. ft. in lieu of the 6000 sq. ft.; a minimum lot width of 35 ft. in lieu of the minimum lot width of 55 ft.; and a minimum front yard depth of 18 ft. in lieu of the minimum required 25 ft. For such other and further relief as may be required by the Administrative Law Judge.

Hearing: Friday, June 21, 2019 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3883.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

my31

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10/25/2020/2020

SECOND CERTIFICATE OF POSTING

ATTENTION: SHERRY NUFFER

DATE: 6/19/2019

Case Number: 2019-0323-A

Petitioner / Developer: JASON VETTORI, ESQ. ~ JOHN & AMY DAVIS

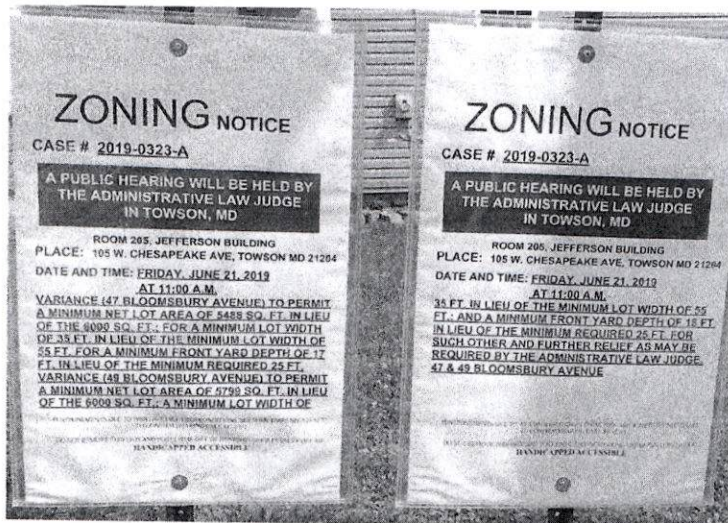
Date of Hearing: JUNE 21, 2019

RECEIVED
JUN 20 2019
OFFICE OF
ADMINISTRATIVE HEARINGS

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:
47 & 49 BLOOMSBURY AVENUE

The sign(s) were posted on: MAY 31, 2019

The sign(s) were re-photographed on: JUNE 19, 2019



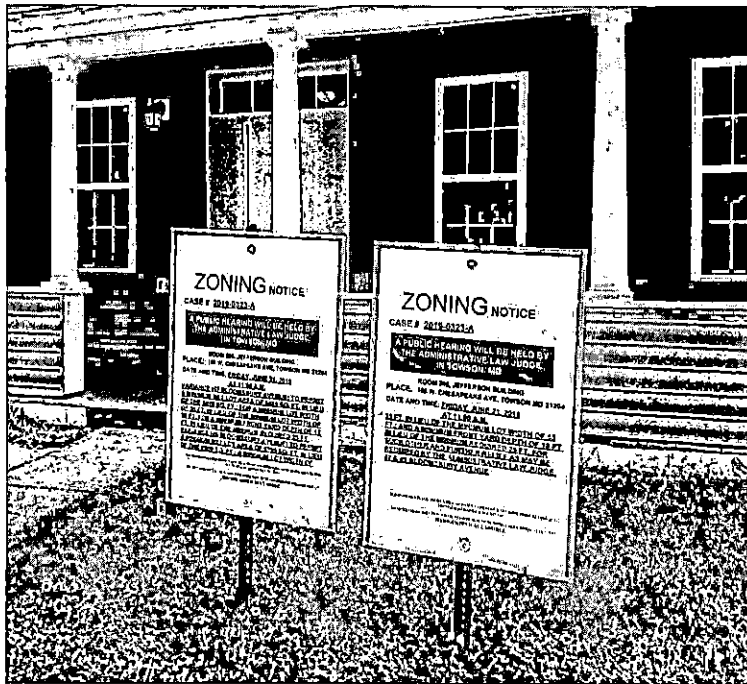
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

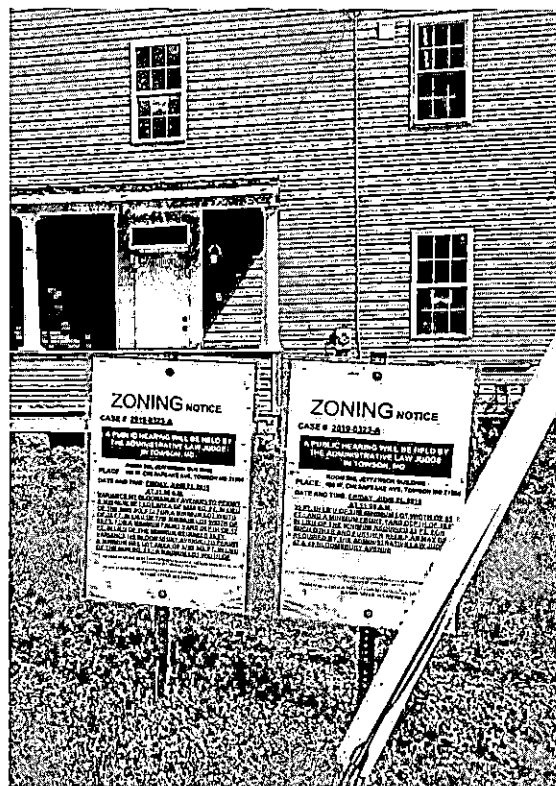
523 Penny Lane
(Street Address of Sign Poster)

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

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



Re-Photographed 1st set of Signs @ 47 & 49 Bloomsbury Avenue 6/19/2019



Re-Photographed 2nd set of Signs @ 47 & 49 Bloomsbury Avenue 6/19/2019

CASE # 2019-0323-A

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 5/31/2019

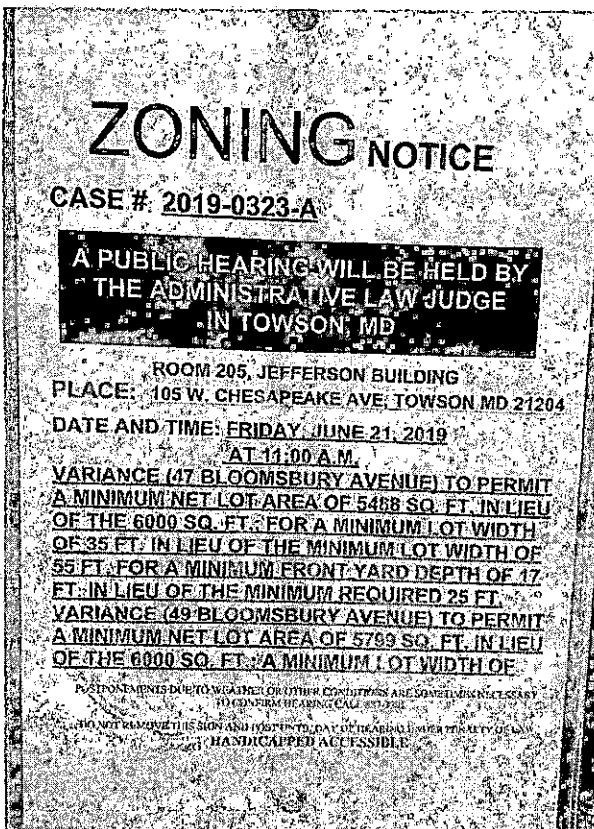
Case Number: 2019-0323-A

Petitioner / Developer: JASON VETTORI, ESQ. ~ JOHN & AMY DAVIS

Date of Hearing: JUNE 21, 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:
47 & 49 BLOOMSBURY AVENUE

The sign(s) were posted on: MAY 31, 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)

ZONING NOTICE

CASE # 2019-0323-A

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

ROOM 205, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204

DATE AND TIME: FRIDAY, JUNE 21, 2019

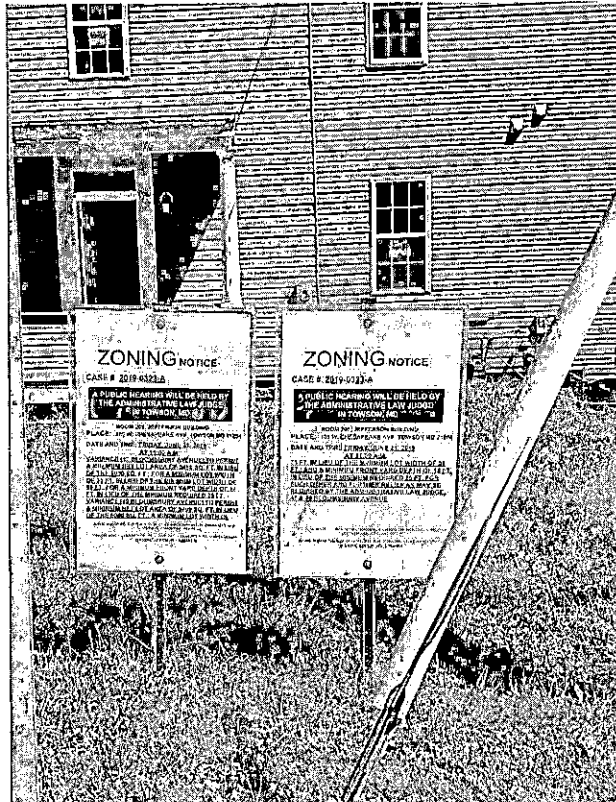
AT 11:00 A.M.

35 FT. IN LIEU OF THE MINIMUM LOT WIDTH OF 55
FT. AND A MINIMUM FRONT YARD DEPTH OF 18 FT.
IN LIEU OF THE MINIMUM REQUIRED 25 FT. FOR
SUCH OTHER AND FURTHER RELIEF AS MAY BE
REQUIRED BY THE ADMINISTRATIVE LAW JUDGE.
47 & 49 BLOOMSBURY AVENUE

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 887-3393

DON'T REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

2nd Sign



Background Photo 1st set of signs @ 47 & 49 Bloomsbury Rd. 5/31/19



Background Photo 2nd set of signs @ 47 & 49 Bloomsbury Rd. 5/31/19
CASE # 2019-0323-A

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
47 & 49 Bloomsbury Ave; NE/S of Bloomsbury *
Avenue, NW/S of Bloomingdale Avenue * OF ADMINISTRATIVE
1st Election & 1st Councilmanic Districts * HEARINGS FOR
Legal Owner(s): John & Amy Davis *
Petitioner(s) * BALTIMORE COUNTY
* 2019-323-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

MAY 23 2019

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of May, 2019, a copy of the foregoing Entry of Appearance was mailed to Jason Vettori, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

May 29, 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: 2019-0323-A

47 & 49 Bloomsbury Avenue

NE/s Bloomsbury Avenue at the corner of NW/s Bloomingdale Avenue

1st Election District – 1st Councilmanic District

Legal Owners: John & Amy Davis

Variance (47 Bloomsbury Avenue) to permit a minimum net lot area of 5488 sq. ft. in lieu of the 6000 sq. ft.; for a minimum lot width of 35 ft. in lieu of the minimum lot width of 55 ft. For a minimum front yard depth of 17 ft. in lieu of the minimum required 25 ft. Variance (49 Bloomsbury Avenue) to permit a minimum net lot area of 5799 sq. ft. in lieu of the 6000 sq. ft.; a minimum lot width of 35 ft. in lieu of the minimum lot width of 55 ft.; and a minimum front yard depth of 18 ft. in lieu of the minimum required 25 ft. For such other and further relief as may be required by the Administrative Law Judge.

Hearing: Friday, June 21, 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 "Michael Mallinoff", is written over a horizontal line.

Michael Mallinoff
Director

MM:kl

C: Jason Vettori, 600 Washington Avenue, Ste. 200, Towson 21204
John & Amy Davis, 109 Forest Drive, Catonsville 21228

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JUNE 1, 2019 .**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

TO: THE DAILY RECORD
Friday, May 31, 2019 - Issue

Please forward billing to:

Jason Vettori
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

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: 2019-0323-A

47 & 49 Bloomsbury Avenue

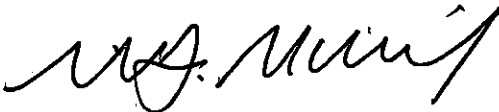
NE/s Bloomsbury Avenue at the corner of NW/s Bloomingdale Avenue

1st Election District – 1st Councilmanic District

Legal Owners: John & Amy Davis

Variance (47 Bloomsbury Avenue) to permit a minimum net lot area of 5488 sq. ft. in lieu of the 6000 sq. ft.; for a minimum lot width of 35 ft. in lieu of the minimum lot width of 55 ft. For a minimum front yard depth of 17 ft. in lieu of the minimum required 25 ft. Variance (49 Bloomsbury Avenue) to permit a minimum net lot area of 5799 sq. ft. in lieu of the 6000 sq. ft.; a minimum lot width of 35 ft. in lieu of the minimum lot width of 55 ft.; and a minimum front yard depth of 18 ft. in lieu of the minimum required 25 ft. For such other and further relief as may be required by the Administrative Law Judge.

Hearing: Friday, June 21, 2019 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff
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.

**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: 2019-0323-A

Property Address: 47 & 49 Bloomsbury Road

Property Description: NE/s of Bloomsbury Ave @ Corner of NW/s of
Bloomingdale Avenue

Legal Owners (Petitioners): John M. Davis & Amy L. Davis

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jason T. Vettori

Company/Firm (if applicable): Smith, Gildea & Schmidt, LLC

Address: 600 Washington Avenue, Suite 200
Towson, MD 21204

Telephone Number: 410-821-0070

Revised 7/9/2015

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

No. **182590**

Date: **5/14/2019**

PAID RECEIPT

BUSINESS ACTUAL TIME INM
 5/15/2019 5/14/2019 11:13:20 3
 REG W303 WALKIN CASH
 >>RECEIPT 007579 5/14/2019 OFLN

Rev Sub
 Source/ Rev/
 Fund Dept Unit Sub Unit Obj Sub Obj Dept Obj BS Acct Amount 182590
 Dept 5 528 ZONING VERIFICATION

001	806	0000		6150						75.00	Recpt Tot \$	75.00	CK	.00	CA

Total: **75.00**

Rec From: **Smith, Gildea & Schmidt, LLC**

For: **Variance - 47 & 49 Bloomsbury Road**
2019-0323-A (DAVIS)

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

June 12, 2019

Jason Vettori
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

RE: Case Number: 2019-0323-A, 47 & 49 Bloomsbury Avenue

To whom it may concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 14, 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,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
John & Amy Davis, 109 Forest Drive, Catonsville 21228

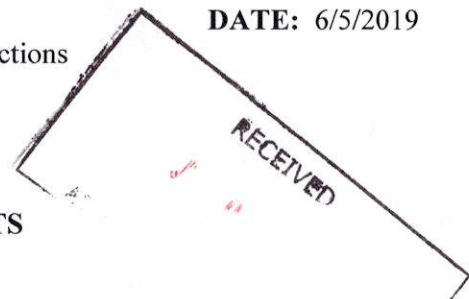
6-21

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-323



INFORMATION:

Property Address: 47 & 49 Bloomsbury Avenue
Petitioner: John M. Davis, Amy L. Davis
Zoning: RO
Requested Action: Variance

The Department of Planning has reviewed the petition for variance for zoning relief as listed on the attachment submitted in support of the petition.

A site visit was conducted on May 24, 2019. The subject property is improved with an existing two story dwelling.

The Department has no objection to granting the variance relief relative to lot width and front yard depths for both the lots #47 and #49 (attachment items: #47 Bloomsbury Ave. 1.b & 1.c and #49 Bloomsbury Ave. 2.b & 2.c).

The Department will defer to the decision of the Administrative Law Judge as to the appropriateness of the variance request reducing the minimum net lot area. The Department is not aware of a scenario wherein a minimum required net lot area can be reduced through a variance petition. No deed title information was presented to the Department by the petitioners indicating whether or not the lots had non-conforming status. Maryland S-DAT information available to the Department indicates the property has having a single tax identification no. and does not exist on a recorded plat.

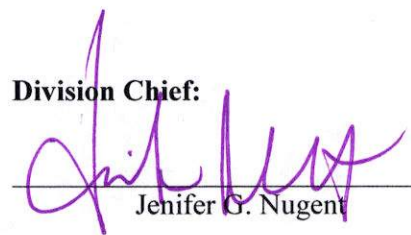
For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jennifer G. Nugent

CPG/JGN/LTM/

c: Josephine Selvakumar
Jason T. Vettori, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings

Date: [Click here to enter a date.](#)
Subject: ZAC # 19-323
Page 2

People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 6/5/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-323

INFORMATION:

Property Address: 47 & 49 Bloomsbury Avenue
Petitioner: John M. Davis, Amy L. Davis
Zoning: RO
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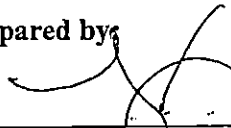
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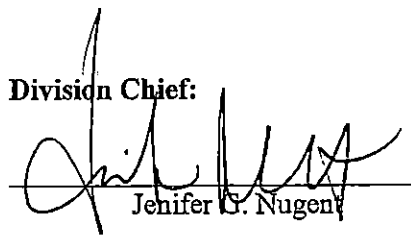
For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jennifer C. Nugent

CPG/JGN/LTM/

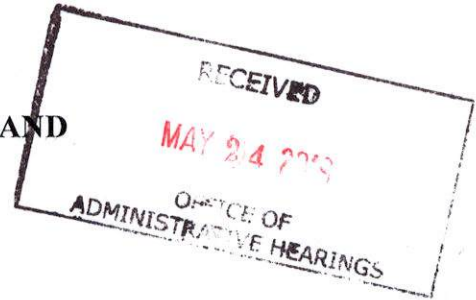
c: Josephine Selvakumar
Jason T. Vettori, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings

Date: [Click here to enter a date](#)
Subject: ZAC # 19-323
Page 2

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: May 24, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0323-A
Address 47-49 Bloomsbury Avenue
(Davis Property)

Zoning Advisory Committee Meeting of **May 27, 2019**.

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

Reviewer: Steve Ford

CASE NAME 47849 Bloomsbury Ave.
CASE NUMBER 2019-323-A
DATE 6/21/19

NAME

CITY, STATE, ZIP

E - MAIL

[illegible]

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

DEVELOPMENT PLANS REVIEW

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

5/24

DEPS

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

N/C

FIRE DEPARTMENT

PLANNING

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

6/5

NO
Objection

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

5/31/19

SIGN POSTING (1st)

Date:

5/31/19

by

O'Keefe

SIGN POSTING (2nd)

Date:

6/19/19

by

O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 01 Account Number - 0112200610			
Owner Information					
Owner Name:	DAVIS JOHN M DAVIS AMY L		Use:	COMMERCIAL/RESIDENTIAL	
Mailing Address:	109 FOREST DR CATONSVILLE MD 21228-5119		Principal Residence:	NO	
			Deed Reference:	/39285/ 00402	
Location & Structure Information					
Premises Address:		47 BLOOMSBURY AVE CATONSVILLE 21228-		Legal Description:	ES BLOOMSBURY AV NE COR BLOOMINGDALE 47-49 BLOOMSBURY AVE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0101	0008	0615		0000	
					Assessment Year: 2018
					Plat No: Plat Ref:
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1900	2752		11,557 SF	06	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	YES	STANDARD UNIT	ASBESTOS SHINGLE	3 full	
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2018	07/01/2018	07/01/2019	
Land:	138,300	157,700			
Improvements	130,600	104,500			
Total:	268,900	262,200	262,200	262,200	
Preferential Land:	0			0	
Transfer Information					
Seller: LEISTER ALBERT DONALD		Date: 08/15/2017		Price: \$90,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /39285/ 00402		Deed2:	
Seller: LEISTER ALBERT DONALD		Date: 08/16/1988		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /07943/ 00823		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 Information

Homeowners' Tax Credit Application Status: No Application

Date:



PETITIONER' S

EXHIBIT NO. 3

THE UNIVERSITY OF CHICAGO

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3



John Davis <davisjohnm21@gmail.com>

47-49 Bloomsbury

Art Warshaw <artwarshaw@gmail.com>
To: John Davis <davisjohnm21@gmail.com>

Thu, Jun 20, 2019 at 5:36 PM

To who it may concern:

I support the subdivision proposed at 47&49 Bloomsbury as it opens up the opportunity for two new homeowners instead of one non owner investor owning these two houses. That will help the neighborhood by making these house worth more immediately and helping to raise the overall value of the community, both through real estate prices and the community created by home ownership

Sincerely:

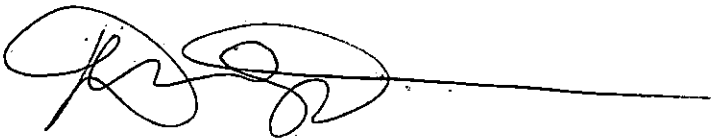
Art Warshaw
Owner of 105 Bloomsbury Avenue
Realtor with Today's Realty
I can help you with the purchase, sale, or rental of Real Estate
443-255-1976
[Quoted text hidden]

PETITIONER' S

EXHIBIT NO. 4

Mr. Davis

We are in support of your request for zoning variance at 47-49
Bloomsbury Avenue. This property was unoccupied and in a state of
serious neglect prior to the renovation and now stands as a major
improvement to the neighborhood.

DONALD DOOLEY
708 MEADOWBROOK AVE
CATONSVILLE.


Mr. Davis

We are in support of your request for zoning variance at 87-42
Bloomfield Avenue. This property was unoccupied and in a state of
serious neglect prior to the renovation and now stands as a major
improvement to the neighborhood.

4

Mr. Davis

We are in support of your request for zoning variance at 47-49 Bloomsbury Avenue. This property was unoccupied and in a state of serious neglect prior to the renovation and now stands as a major improvement to the neighborhood.

Carla Wright
16 Bloomingdale Ave
Catonsville MD 21228
Carla Wright

Mr. Davis

We are in support of your request for zoning variance at 47-49 Bloomsbury Avenue. This property was unoccupied and in a state of serious neglect prior to the renovation and now stands as a major improvement to the neighborhood.

Don Harg

*101 Bloomsbury Ave
Catonville MD 21228
410 206 3992*

On 12/12/00, the following information was received from the
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 10/12/00, the following information was received from the

Mr. Davis

We are in support of your request for zoning variance at 47-49 Bloomsbury Avenue. This property was unoccupied and in a state of serious neglect prior to the renovation and now stands as a major improvement to the neighborhood.

Jeff Crook

14 Bloomingdale Ave

Catonsville MD 21228

αποδοτικότητα των εργασιών
· Η εργασία είναι διαφορετική από την εργασία που είναι η εργασία
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Mr. Davis

We are in support of your request for zoning variance at 47-49
Bloomsbury Avenue. This property was unoccupied and in a state of
serious neglect prior to the renovation and now stands as a major
improvement to the neighborhood.

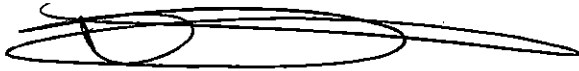
Paul Johnson

12 Bloomingdale Ave
Catskill NY 12228

Mr. Davis

We are in support of your request for zoning variance at 47-49
Bloomsbury Avenue. This property was unoccupied and in a state of
serious neglect prior to the renovation and now stands as a major
improvement to the neighborhood.

Brittany Shapiro
708 Meadowbrook Ave.
Catonsville, MD 21228

A handwritten signature, likely of Brittany Shapiro, consisting of a series of overlapping loops and a long horizontal stroke extending to the right.

It is a very common mistake to suppose that the
only way to get a good idea of what a thing is
like is to look at it. This is not true. There are
many things which are not visible to the eye, and
which can only be known by other means.



John Davis <davisjohnm21@gmail.com>

47-49 Bloomsbury

Art Warshaw <artwarshaw@gmail.com>

Thu, Jun 20, 2019 at 5:36 PM

To: John Davis <davisjohnm21@gmail.com>

To who it may concern:

I support the subdivision proposed at 47&49 Bloomsbury as it opens up the opportunity for two new homeowners instead of one non owner investor owning these two houses. That will help the neighborhood by making these house worth more immediately and helping to raise the overall value of the community, both through real estate prices and the community created by home ownership

Sincerely:

Art Warshaw
Owner of 105 Bloomsbury Avenue
Realtor with Today's Realty
I can help you with the purchase, sale, or rental of Real Estate
443-255-1976

[Quoted text hidden]

1. The first part of the report is a general introduction to the project. It describes the purpose of the study, the objectives, and the scope of the work. It also provides a brief overview of the methodology used in the study.

2. The second part of the report is a detailed description of the methodology used in the study. It includes a description of the data sources, the data collection methods, and the data analysis methods.

3. The third part of the report is a detailed description of the results of the study. It includes a description of the data, the results of the data analysis, and the conclusions drawn from the results. It also includes a discussion of the implications of the results for the field of study.

4. The fourth part of the report is a conclusion and a summary of the findings of the study.

5. The fifth part of the report is a list of references. It includes a list of the books, articles, and other sources used in the study.

6. The sixth part of the report is an appendix. It includes a list of the tables, figures, and other materials used in the study.

34 BB

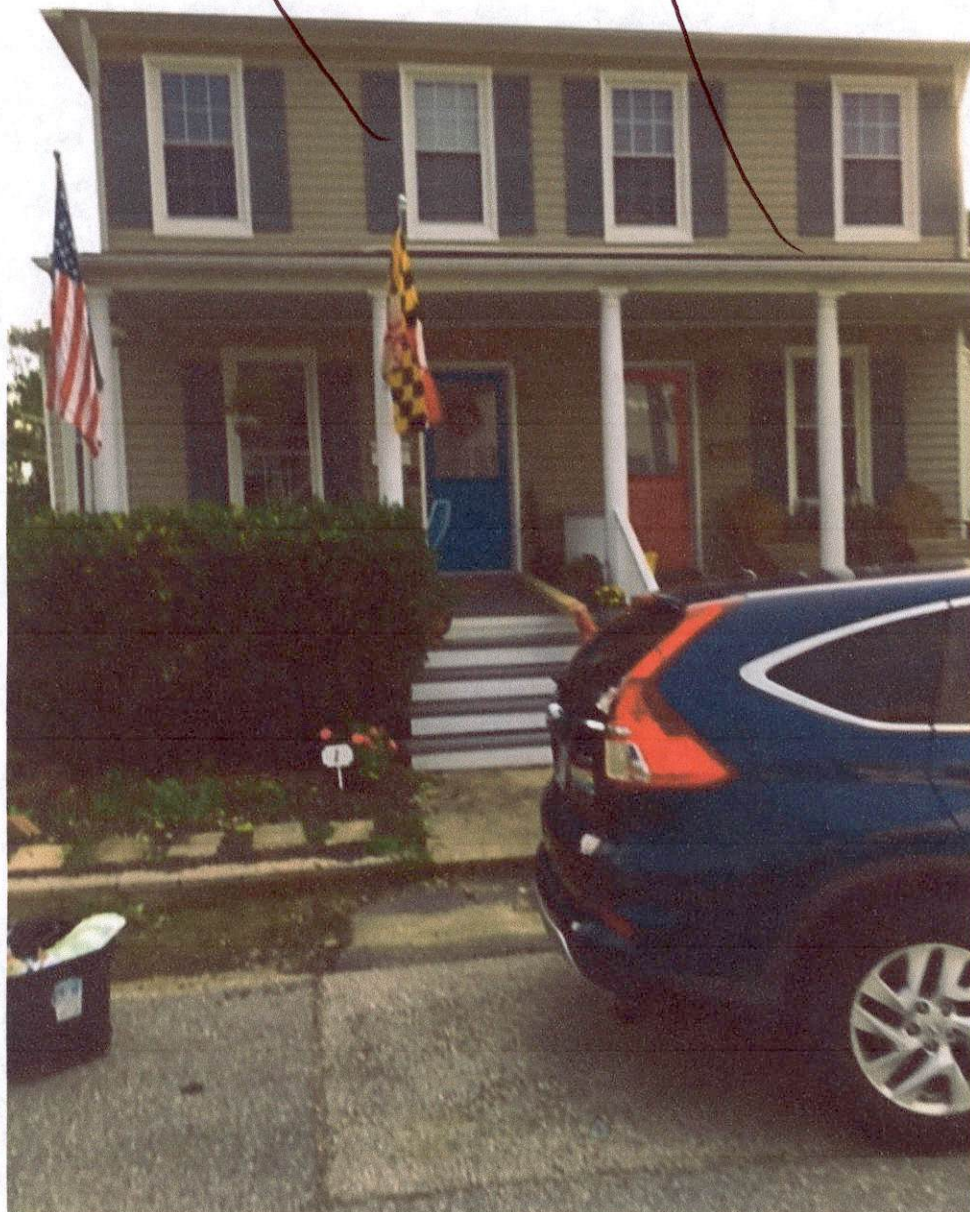
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PET-5

1 ROGNER

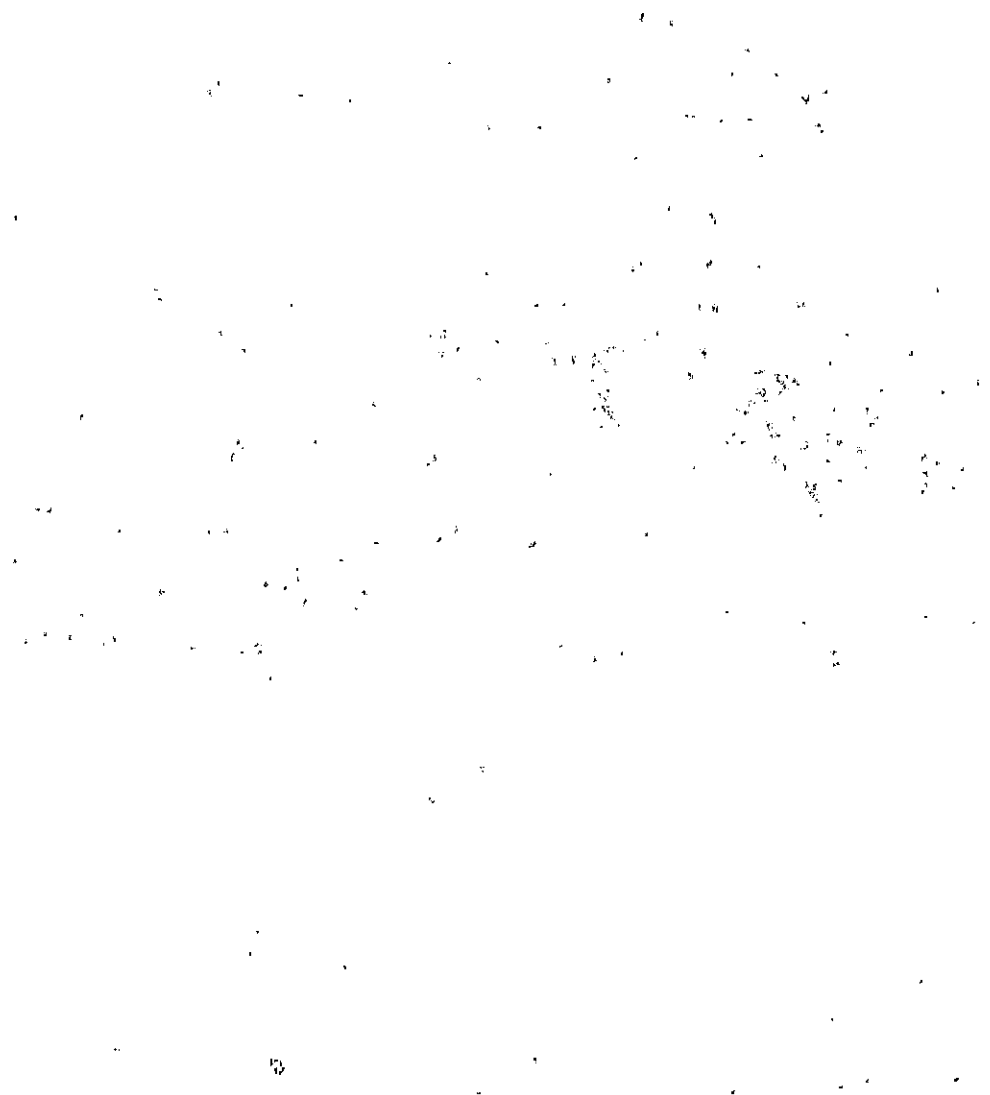
3 ROGNER





103 Broomsbury

105 Broomsbury



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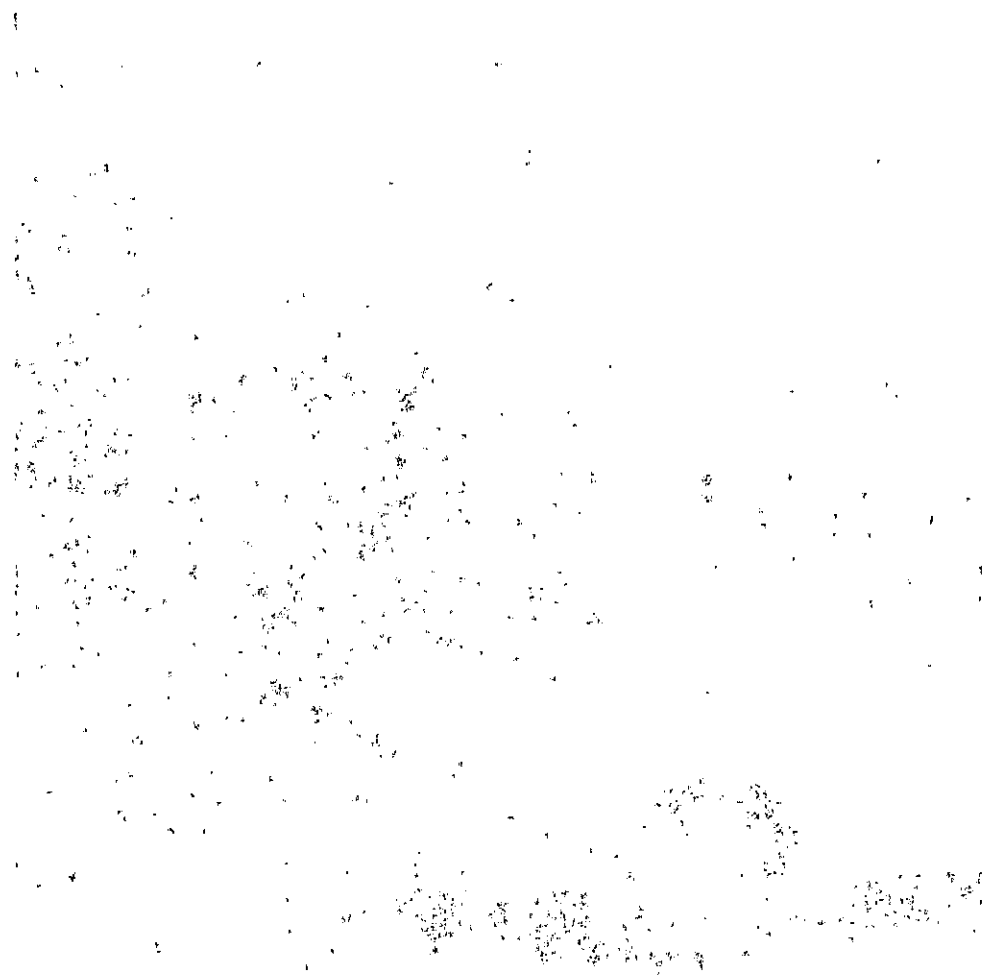
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 197. *Chlorophyll accab*
 198. *Chlorophyll acdab*
 199. *Chlorophyll aceab*
 200. *Chlorophyll acfab*
 201. *Chlorophyll ac*

1. *Phragmites australis* (Cav.) Trin. ex Steud.
 2. *Phragmites australis* (Cav.) Trin. ex Steud.
 3. *Phragmites australis* (Cav.) Trin. ex Steud.
 4. *Phragmites australis* (Cav.) Trin. ex Steud.
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 6. *Phragmites australis* (Cav.) Trin. ex Steud.
 7. *Phragmites australis* (Cav.) Trin. ex Steud.
 8. *Phragmites australis* (Cav.) Trin. ex Steud.
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 10. *Phragmites australis* (Cav.) Trin. ex Steud.











14 BD 12 BD

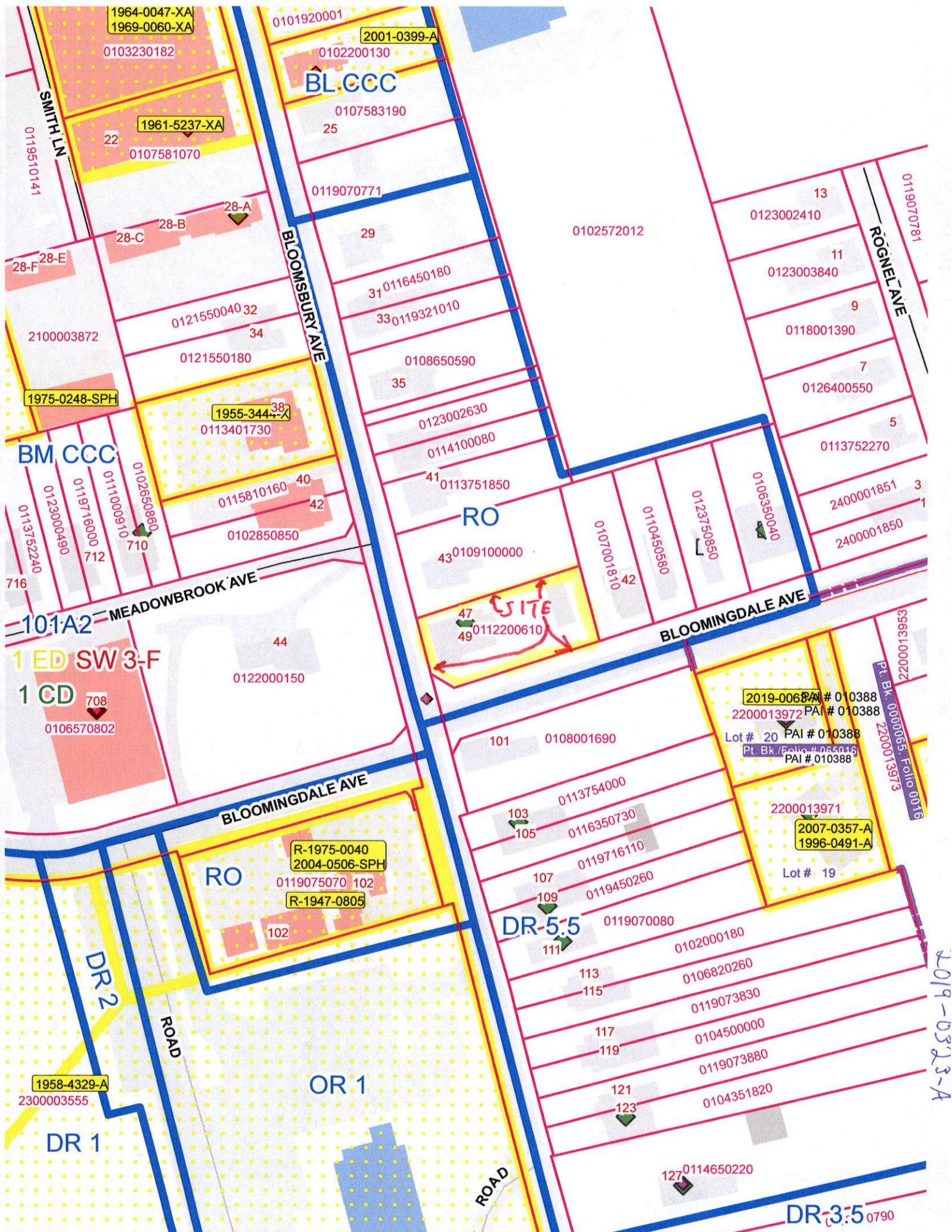
1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It includes a detailed description of the experimental procedures and the statistical analysis performed.

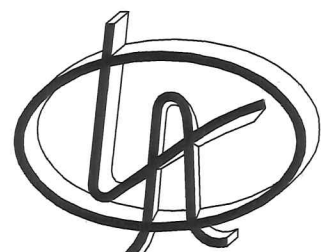
3. The third part of the document presents the results of the study. It includes a series of tables and graphs that illustrate the findings of the research. The data shows a clear trend of increasing activity over time.

4. The fourth part of the document discusses the implications of the findings. It suggests that the results have significant implications for the field of study and may lead to further research in this area.

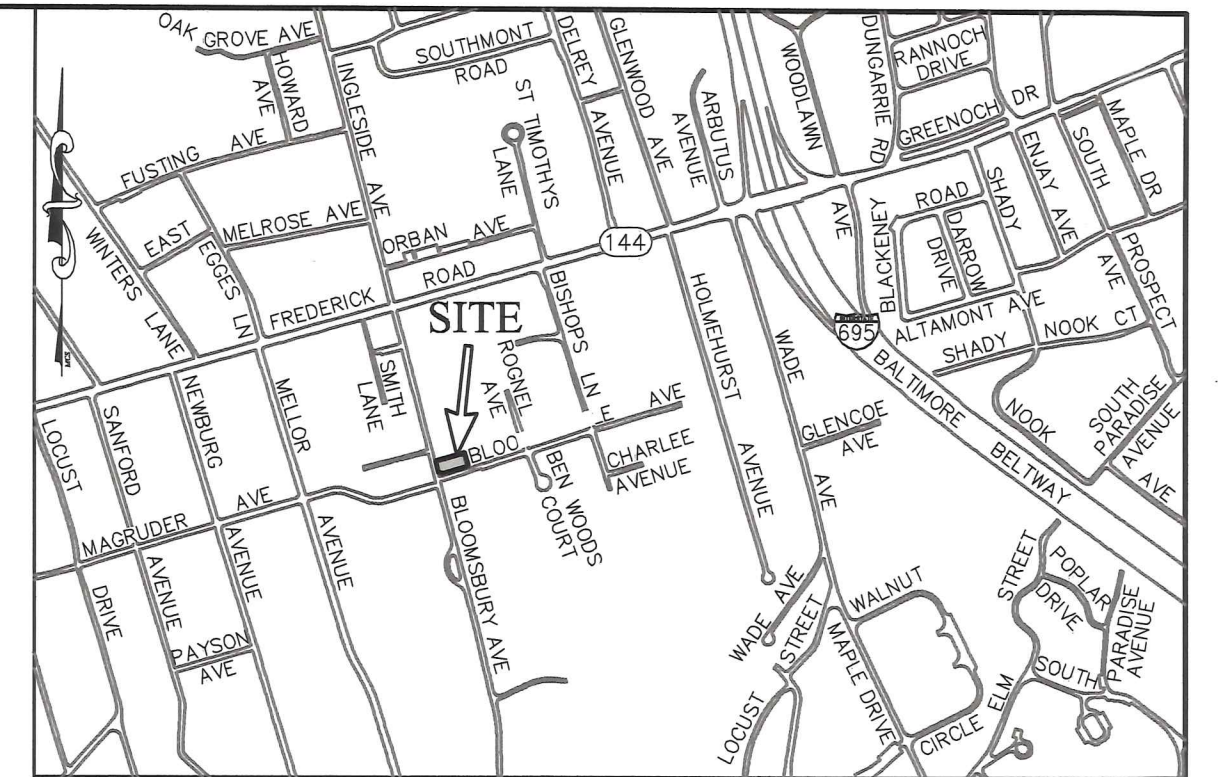
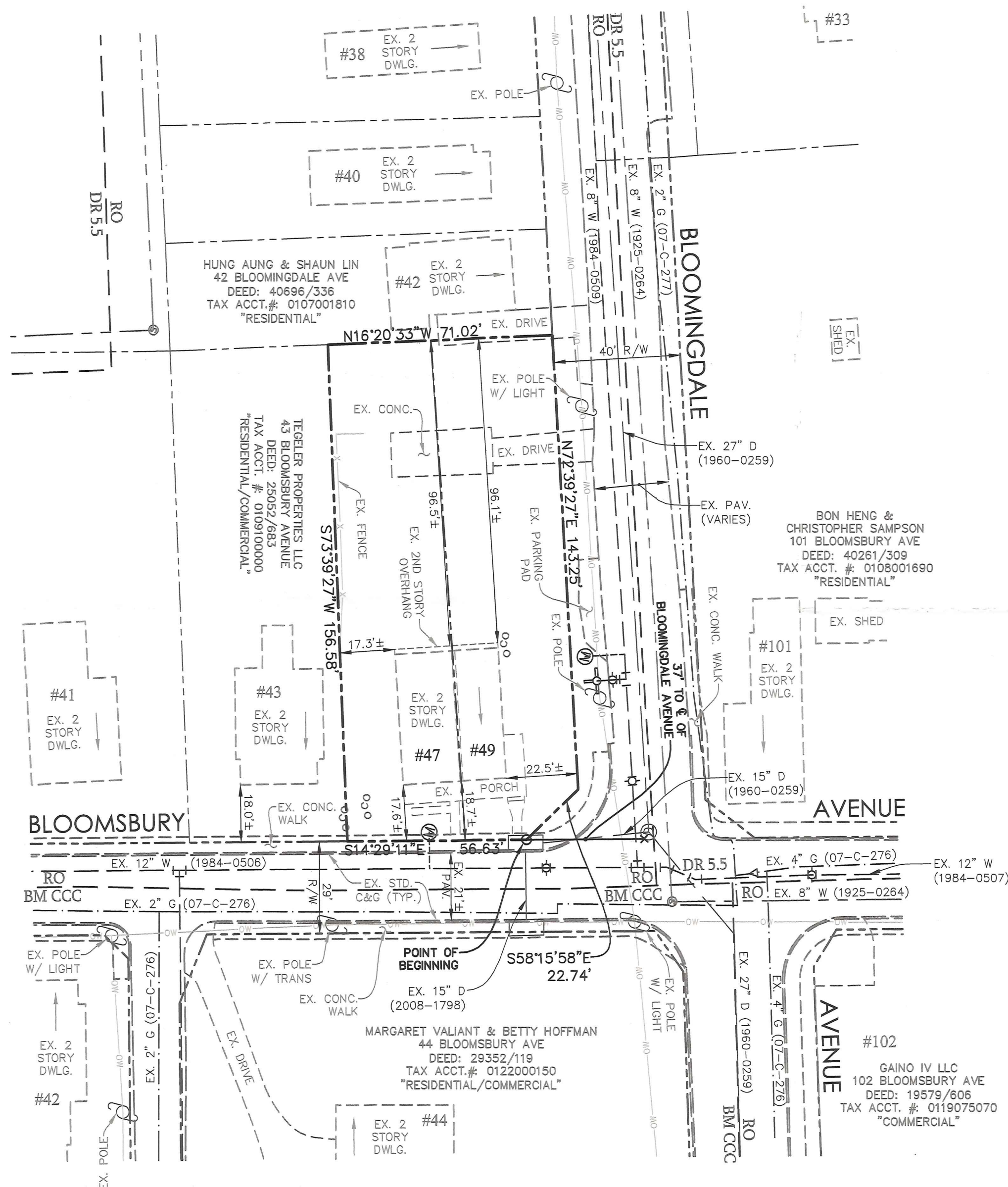
5. The fifth part of the document concludes the study. It summarizes the key findings and provides a final statement on the importance of the research.



Y:\BLOOMSBURY AVENUE (#47-49) 19509.dwg 5/13/2019 9:31:41 AM, ChrisP, Arch D, 1:30



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



VICINITY MAP

SCALE: 1"=1000'

SITE DATA

1. NET/GROSS TRACT AREA: 0.259 AC± (11,287 SF)
2. THE ENTIRE SITE IS ZONED RO, 200 SCALE MAP #101A2.
3. OWNER:
JOHN DAVIS & AMY DAVIS
109 FOREST DRIVE
CATONSVILLE, MD 21228
TAX ACCT. # 0112200610
4. DEED: 39285/402
5. MAP: 101 GRID: 08 PARCEL: 615
6. ELECTION DISTRICT: 1 COUNCILMANIC DISTRICT: 1
7. THIS SITE IS LOCATED WITHIN THE PATAPSCO RIVER WATERSHED.
8. THIS SITE IS NOT LOCATED WITHIN ANY DEFICIENT AREAS BASED ON THE 2018 BASIC SERVICES MAPS, PURSUANT TO SECTION 4A02, BCZR.
9. NO FLOOD PLAIN EXISTS ON THIS PROPERTY.
10. THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
11. THERE ARE NO KNOWN ENDANGERED SPECIES HABITATS, ARCHAEOLOGICAL OR HISTORICAL SITES, OR CONTAMINATED AREAS ON THE SUBJECT PROPERTY.
12. CURRENT USE: RESIDENTIAL
13. PROPOSED USE: RESIDENTIAL
14. THIS SITE HAS NO ZONING HISTORY.

REQUESTED RELIEF

47 BLOOMSBURY AVENUE - VARIANCES FROM SECTION(S):

1. BCZR SECTION 204 AND BCZR SECTION 1B02.3.C.1 TO PERMIT:

- A. A MINIMUM NET LOT AREA OF 5,488 SF IN LIEU OF 6,000 SF;
- B. A MINIMUM LOT WIDTH OF 35 FEET IN LIEU OF THE MINIMUM LOT WIDTH OF 55 FEET;
- C. A MINIMUM FRONT YARD DEPTH OF 17 FEET IN LIEU OF THE MINIMUM REQUIRED 25 FEET.

49 BLOOMSBURY AVENUE - VARIANCES FROM SECTION(S):

2. BCZR SECTION 204 AND BCZR SECTION 1B02.3.C.1 TO PERMIT:

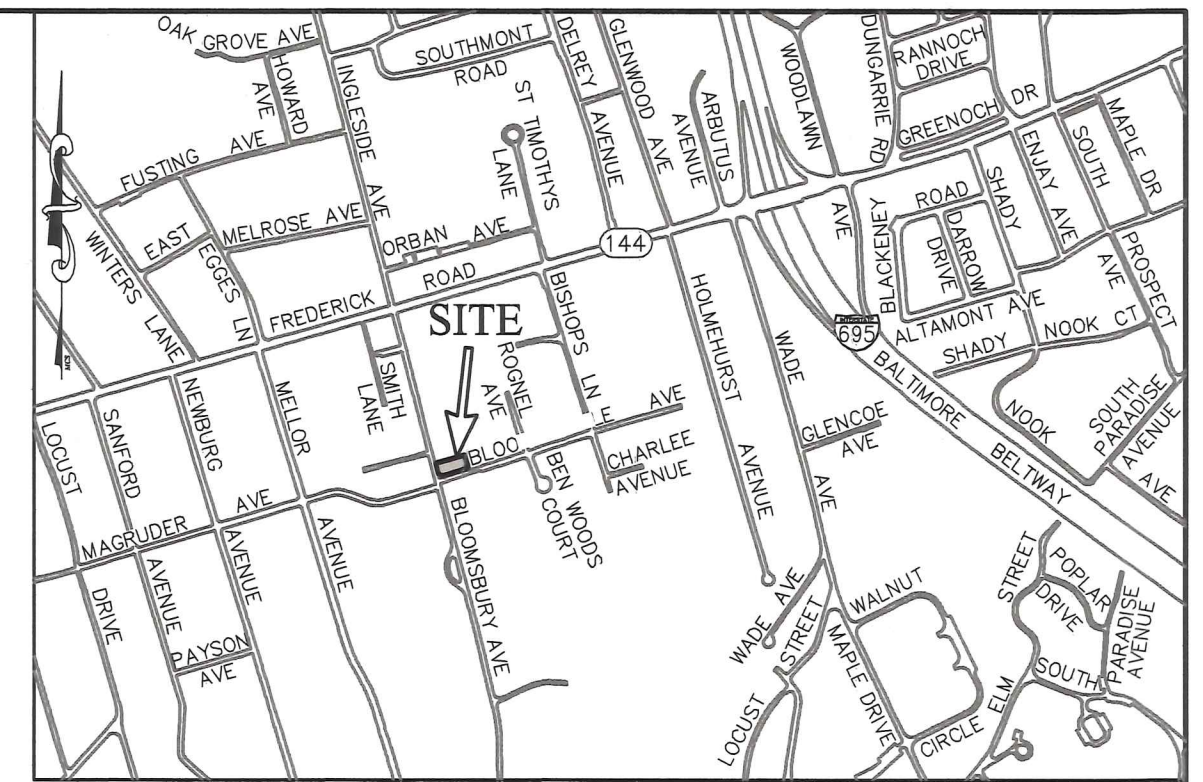
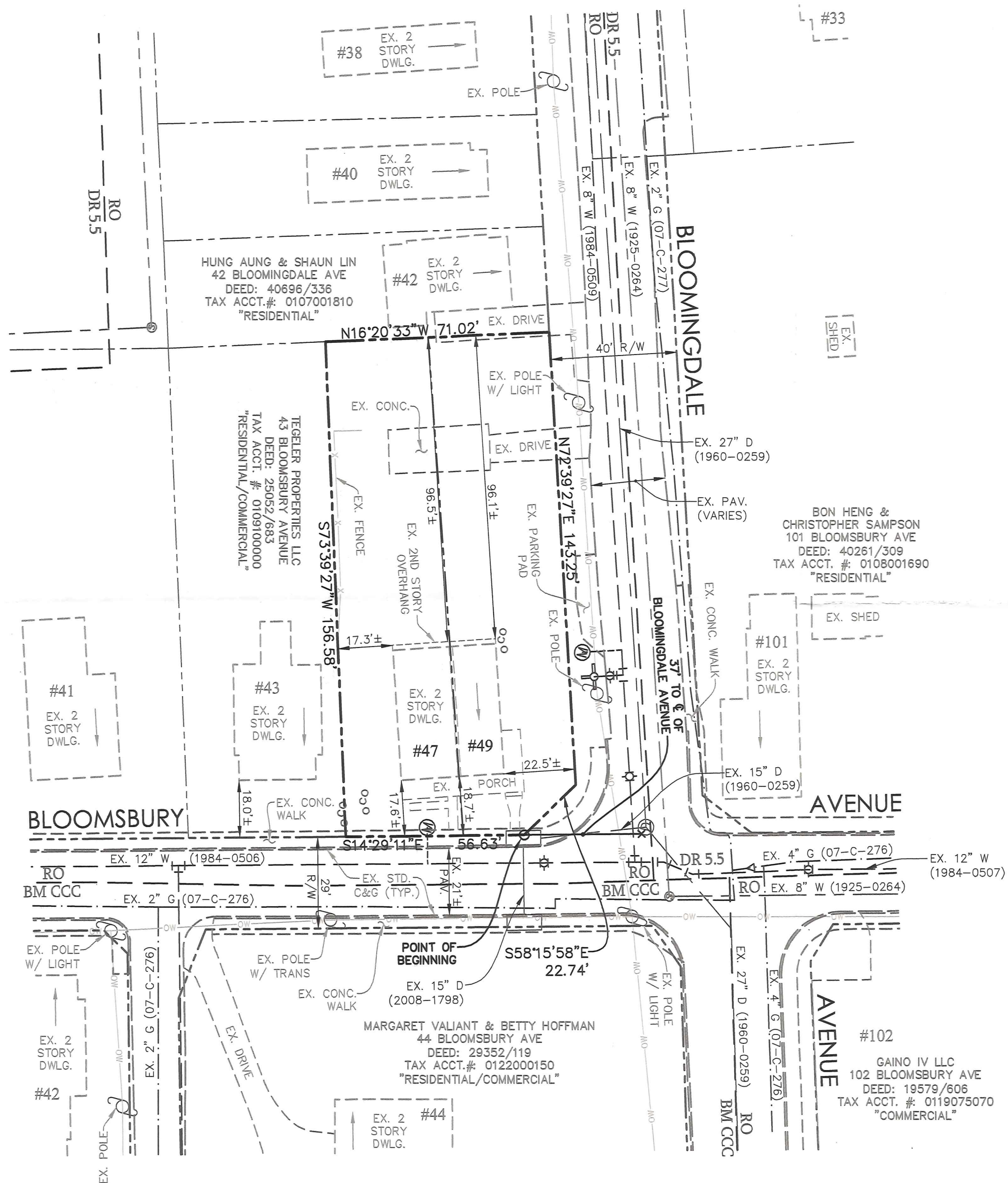
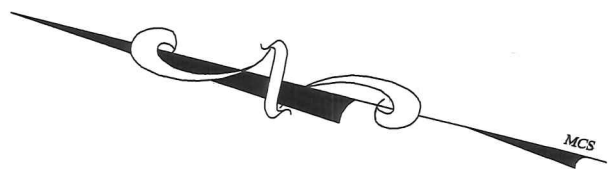
- A. A MINIMUM NET LOT AREA OF 5,799 SF IN LIEU OF 6,000 SF;
- B. A MINIMUM LOT WIDTH OF 35 FEET IN LIEU OF THE MINIMUM LOT WIDTH OF 55 FEET;
- C. A MINIMUM FRONT YARD DEPTH OF 18 FEET IN LIEU OF THE MINIMUM REQUIRED 25 FEET.

3. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

**PLAN TO ACCOMPANY PETITION
FOR SPECIAL HEARING
#47-#49 BLOOMSBURY AVE.**

DISTRICT 1c1
SCALE: 1"=30'

BALTIMORE COUNTY, MD
MAY 9, 2019



VICINITY MAP

SCALE: 1"=1000'

SITE DATA

1. NET/GROSS TRACT AREA: 0.259 AC± (11,287 SF)
2. THE ENTIRE SITE IS ZONED RO, 200 SCALE MAP #101A2.
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JOHN DAVIS & AMY DAVIS
109 FOREST DRIVE
CATONSVILLE, MD 21228
4. TAX ACCT. #: 0112200610
5. DEED: 39285/402
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7. ELECTION DISTRICT: 1 COUNCILMANIC DISTRICT: 1
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13. CURRENT USE: RESIDENTIAL
14. PROPOSED USE: RESIDENTIAL
15. THIS SITE HAS NO ZONING HISTORY.

REQUESTED RELIEF

47 BLOOMSBURY AVENUE - VARIANCES FROM SECTION(S):

1. BCZR SECTION 204 AND BCZR SECTION 1B02.3.C.1 TO PERMIT:

- A. A MINIMUM NET LOT AREA OF 5,488 SF IN LIEU OF 6,000 SF;
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- C. A MINIMUM FRONT YARD DEPTH OF 17 FEET IN LIEU OF THE MINIMUM REQUIRED 25 FEET.

49 BLOOMSBURY AVENUE - VARIANCES FROM SECTION(S):

2. BCZR SECTION 204 AND BCZR SECTION 1B02.3.C.1 TO PERMIT:

- A. A MINIMUM NET LOT AREA OF 5,799 SF IN LIEU OF 6,000 SF;
- B. A MINIMUM LOT WIDTH OF 35 FEET IN LIEU OF THE MINIMUM LOT WIDTH OF 55 FEET;
- C. A MINIMUM FRONT YARD DEPTH OF 18 FEET IN LIEU OF THE MINIMUM REQUIRED 25 FEET.

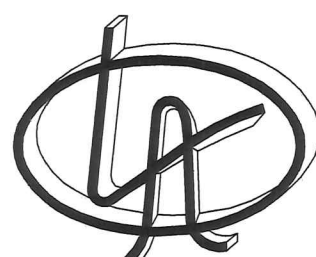
3. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

PETITIONER'S
EXHIBIT NO. 1

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING #47-#49 BLOOMSBURY AVE.

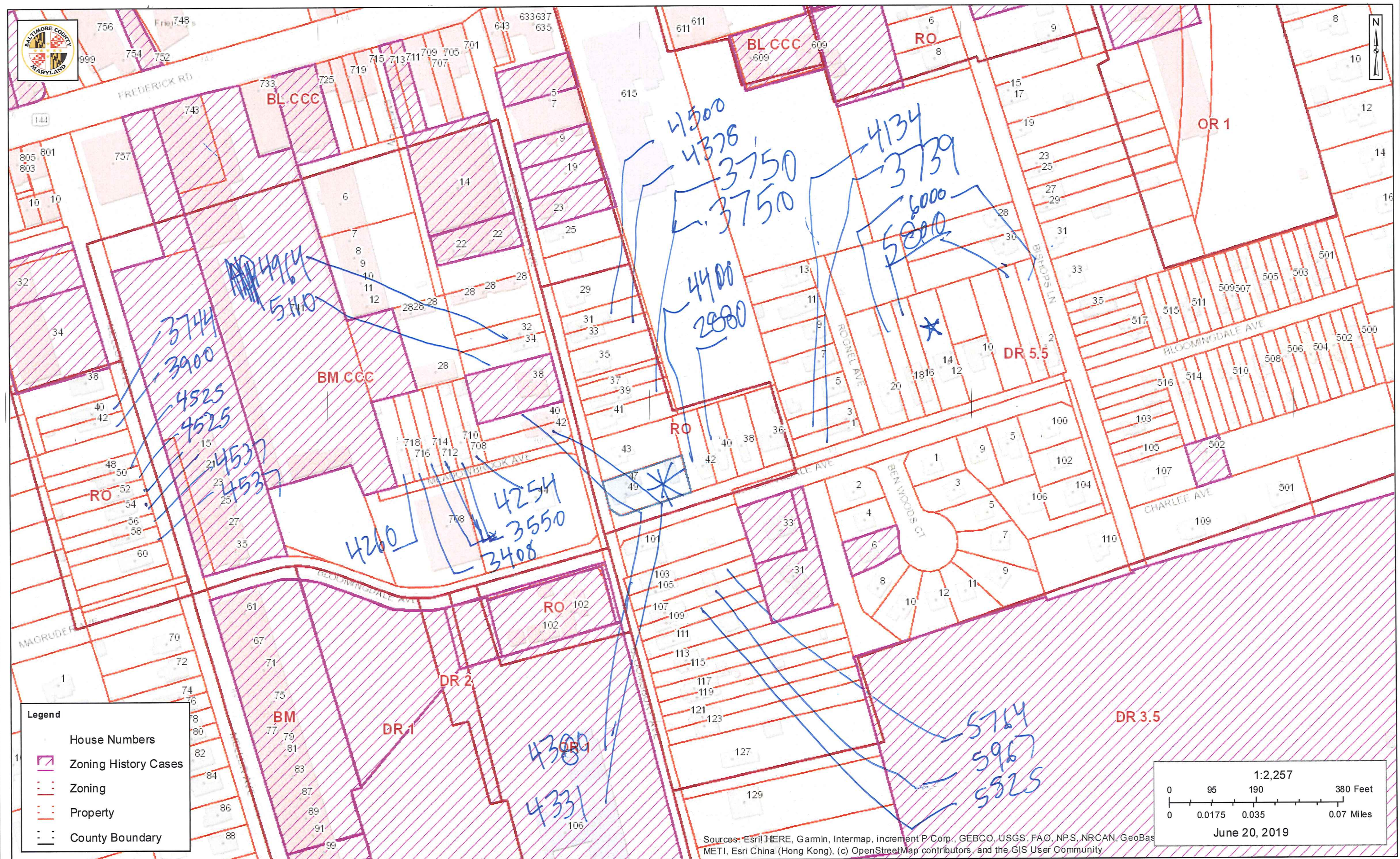
DISTRICT 1c1
SCALE: 1"=30'

BALTIMORE COUNTY, MD
MAY 9, 2019

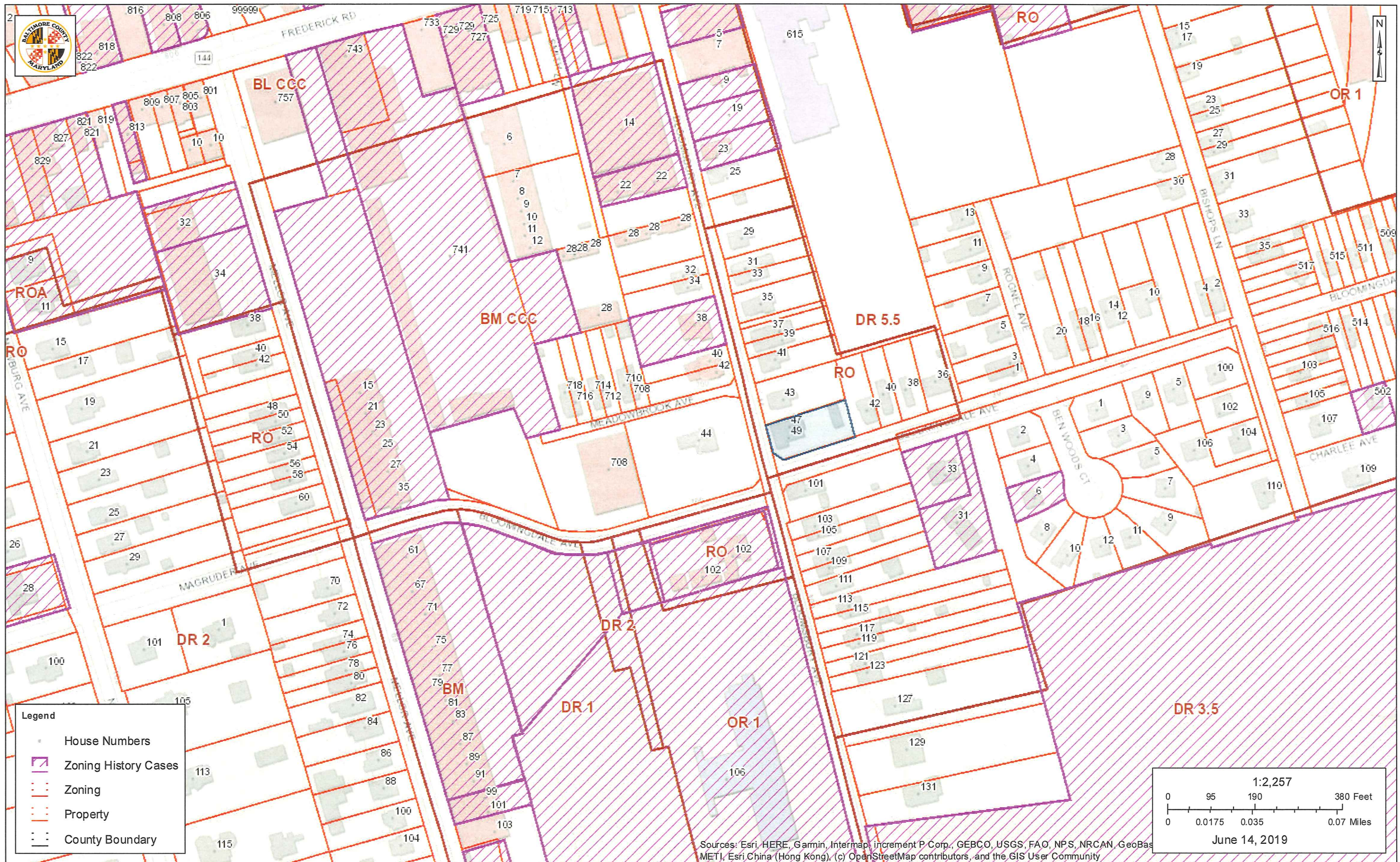


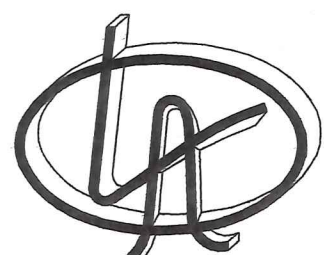
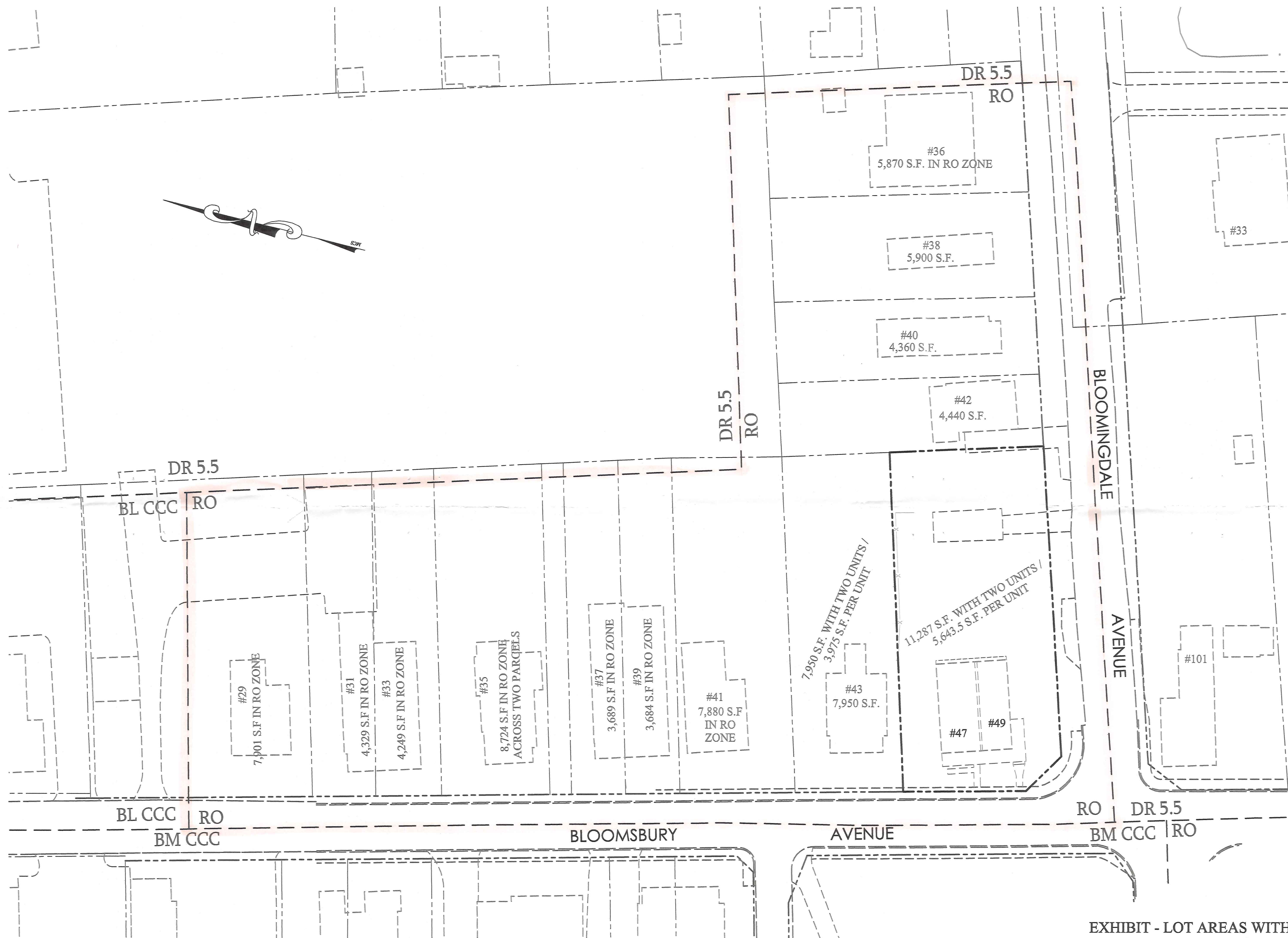
LITTLE & ASSOCIATES, INC.
ENGINEERS~LAND PLANNERS~SURVEYORS
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Baltimore County - My Neighborhood



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 TOWSON, MARYLAND 21286
 PHONE: (410)296-1636 FAX: (410)296-1639

**EXHIBIT - LOT AREAS WITHIN
 ADJOINING RO ZONE
 #47 & #49 BLOOMSBURY AVENUE**

DISTRICT 1c1
 SCALE: 1"=30'

BALTIMORE COUNTY, MD
 JUNE 20, 2019

PETITIONER'S

EXHIBIT NO. 2

18395A