MEMORANDUM

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	* * * * *	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 Sln

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

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.

JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING
Date 6/24/19
By Sen

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 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

ORDER RECEIVED FOR FILING
Date 6/24/19
By

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

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

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

REV. 10/4/11

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

CASE NO. 2019-0323-A

March 9, 2019

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

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

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

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

Darlene Miller

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 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.

my31

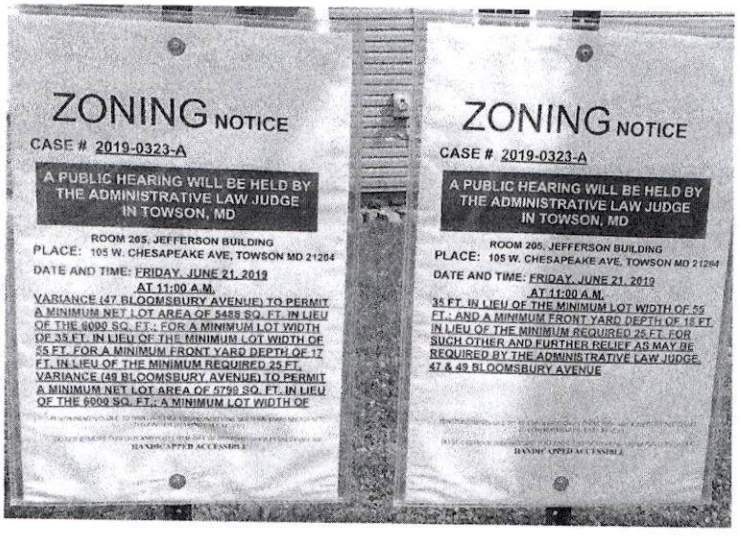
SECOND CERTIFICATE OF POSTING

RECEIVED
JUN 20 2019
OFFICE OF
ADMINISTRATIVE HEARINGS

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

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



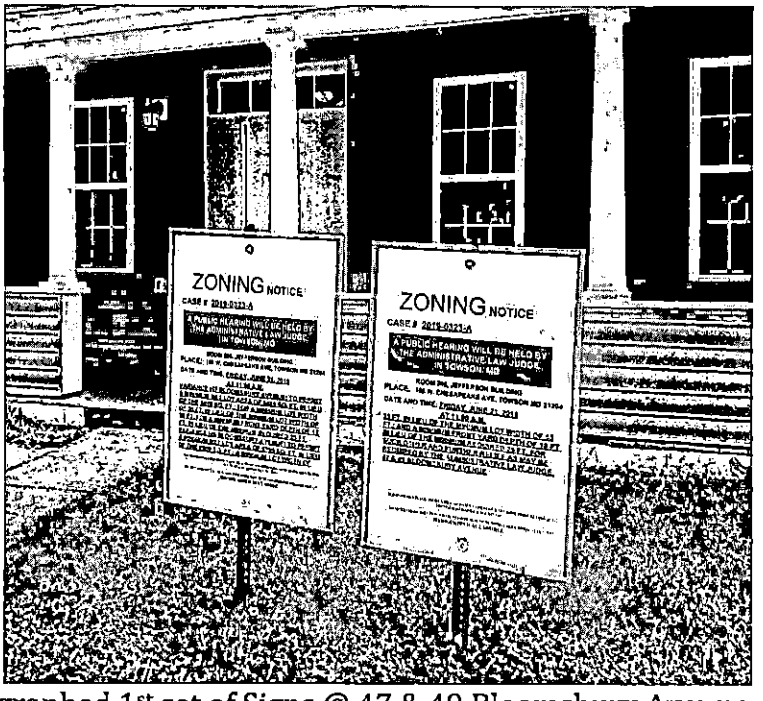
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

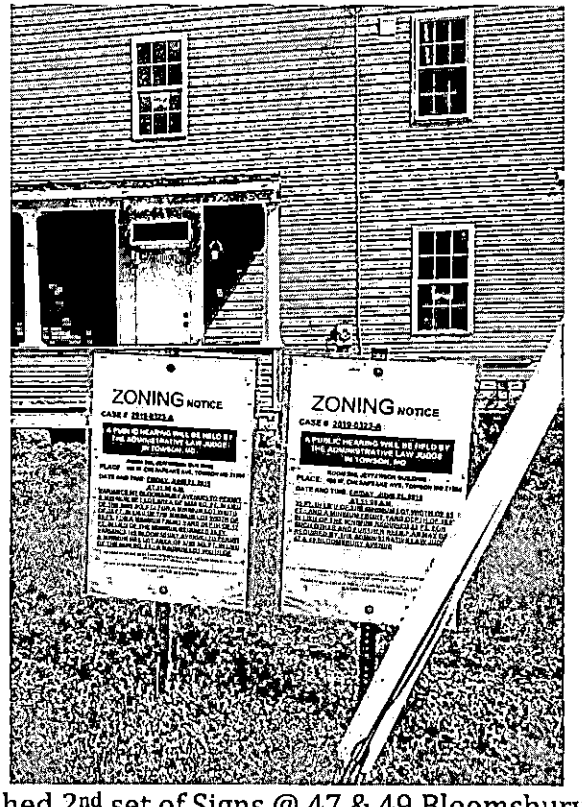
523 Penny Lane
(Street Address of Sign Poster)

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

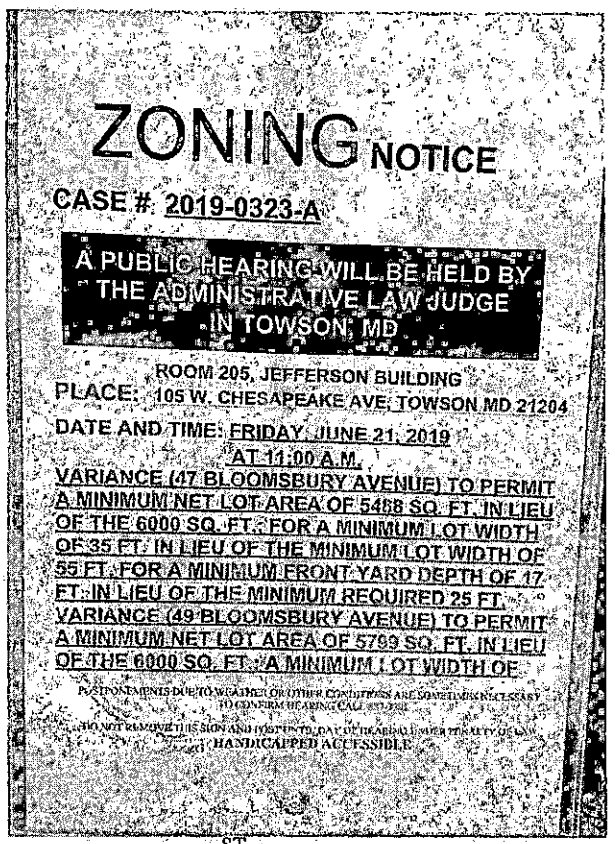
CASE # 2019-0323-A

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.

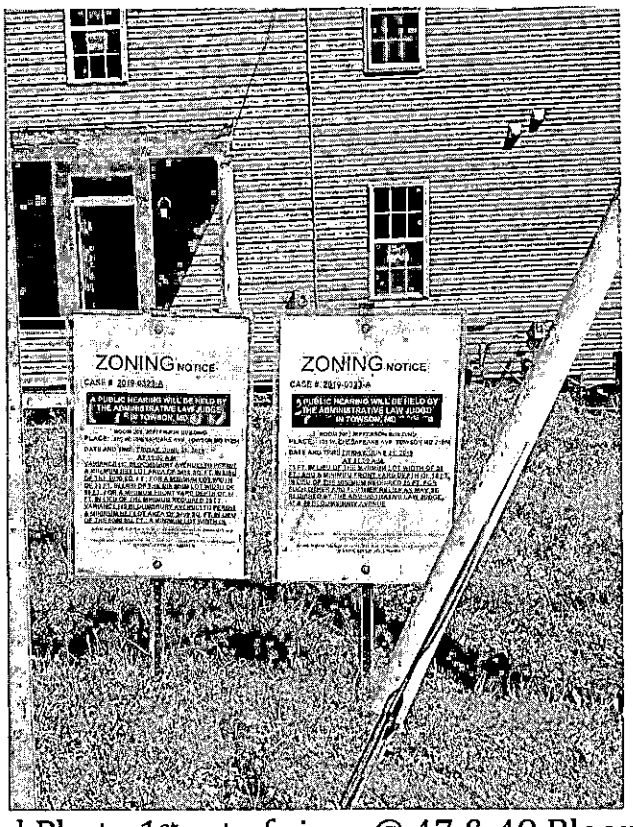
47 & 49 BLOOMSBURY AVENUE

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

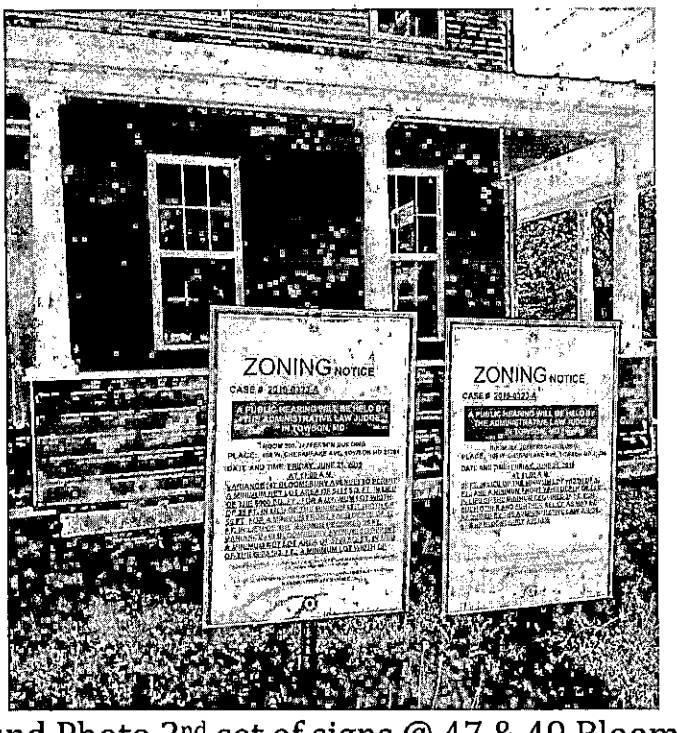
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

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 47 & 49 Bloomsbury Ave; NE/S of Bloomsbury Avenue, NW/S of Bloomingdale Avenue 1st Election & 1st Councilmanic Districts Legal Owner(s): John & Amy Davis Petitioner(s)	* * * * *	BEFORE THE OFFICE OF ADMINSTRATIVE HEARINGS FOR 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

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

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 410-821-0070
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

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

PAID RECEIPT

No. 182590

Date: 5/14/2019

BUSINESS	ACTUAL	TIME	DRW
5/15/2019	5/14/2019	11:13:20	3

RCD WS03 WALKIN CAM
>>RECEIPT # 007579 5/14/2019 OFLN
Dept - 5 528 ZONING VERIFICATION
Amount. 182590

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

Recpt Tot $ 75.00
75.00 CK .00 CA
Baltimore County, Maryland

Rec From: Smith, Gilder & 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,

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

DATE: 6/5/2019

RECEIVED

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:

Jenifer G. Nugent

CPG/JGN/LTM/

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

s:\planning\dev rev\zac\zacs 2019\19-323.docx

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
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:

Jenifer G. Nugent

CPG/JGN/LTM/

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

s:\planning\dev rev\zac\zacs 2019\19-323.docx

People's Counsel for Baltimore County

6-21

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

C:\Users\snuffer\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\IUMU3D46\ZAC 19-0323-A 47-49 Bloomsbury Avenue.doc

PLEASE PRINT CLEARLY

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

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
John Motsko	1055 Taylor Ave suite 307	Towson MD 21286	John M @ little Associates.com
Zach Wilkins	600 Washington Ave	Towson, MD	zwilkins@sgs-law.com
Jason Vettori	600 Washington Ave, Suite 200	Towson, MD 21204	jvettori@sgs-law.com
John Davis	109 Forest Dr	Catonsville MD 21228	PARISJOHNM21@GMAIL.COM

CASE NO. 2019-0323-A

CHECKLIST

Comment Received	Department	Support/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	
6/5	PLANNING (if not received, date e-mail sent _____)	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:** **Principal Residence:**	COMMERCIAL/RESIDENTIAL NO
Mailing Address:	109 FOREST DR CATONSVILLE MD 21228-5119	**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:	Assessment Year:	Plat No:
0101	0008	0615		0000				2018	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 As of 01/01/2018	Phase-in Assessments As of 07/01/2018	As of 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

Gmail

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]

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 A7-A9 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.

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.

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.

Ben Hay

101 Bloomsbury Ave
Catonville MD 21228
410 206 3992

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

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
Catonsville MD 21228

[illegible]

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

Gmail

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

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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
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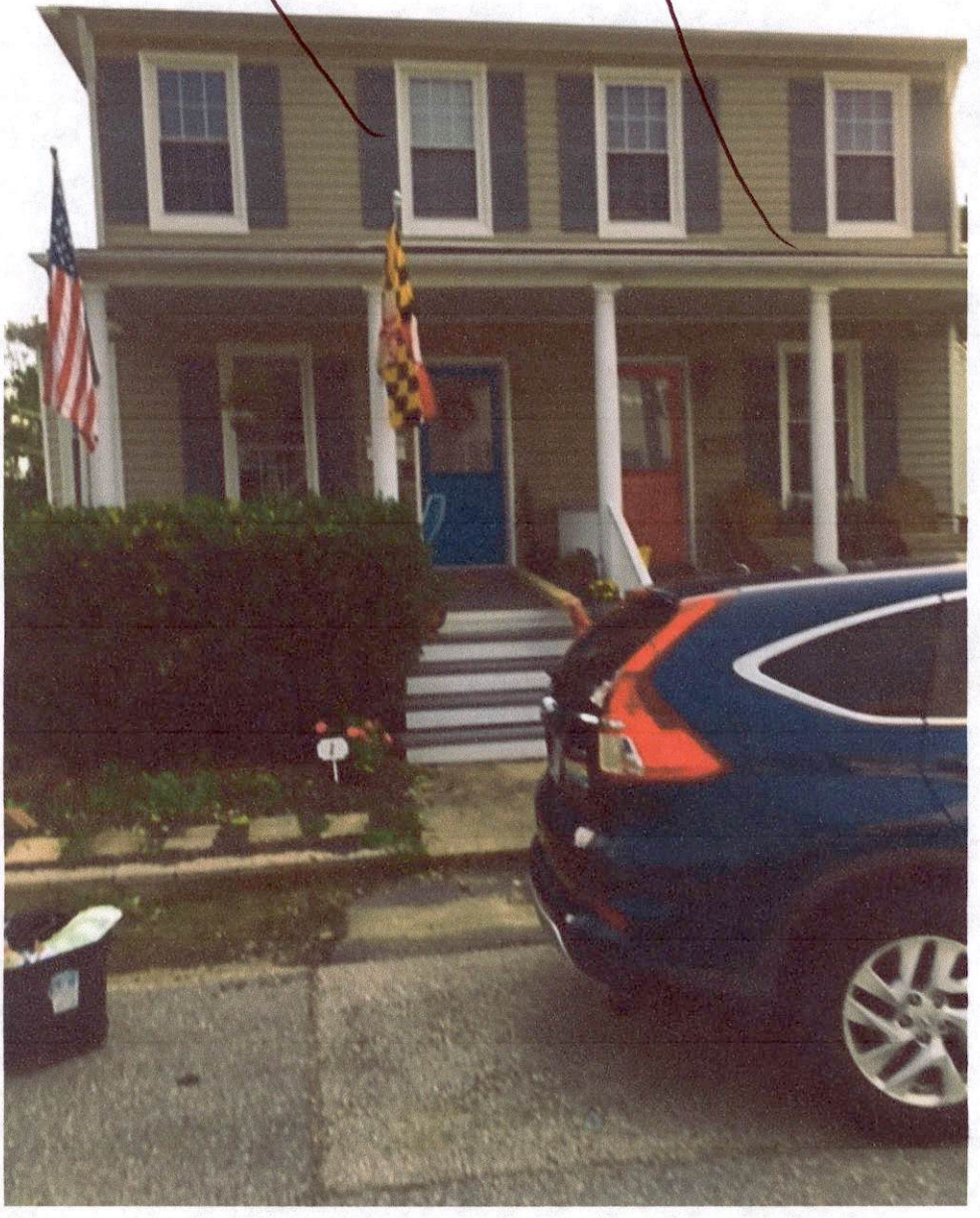
[Quoted text hidden]

34 BB 32 BB

PET-5

1 ROGNEL 3 ROGNEL



103 BLOOMSBURY

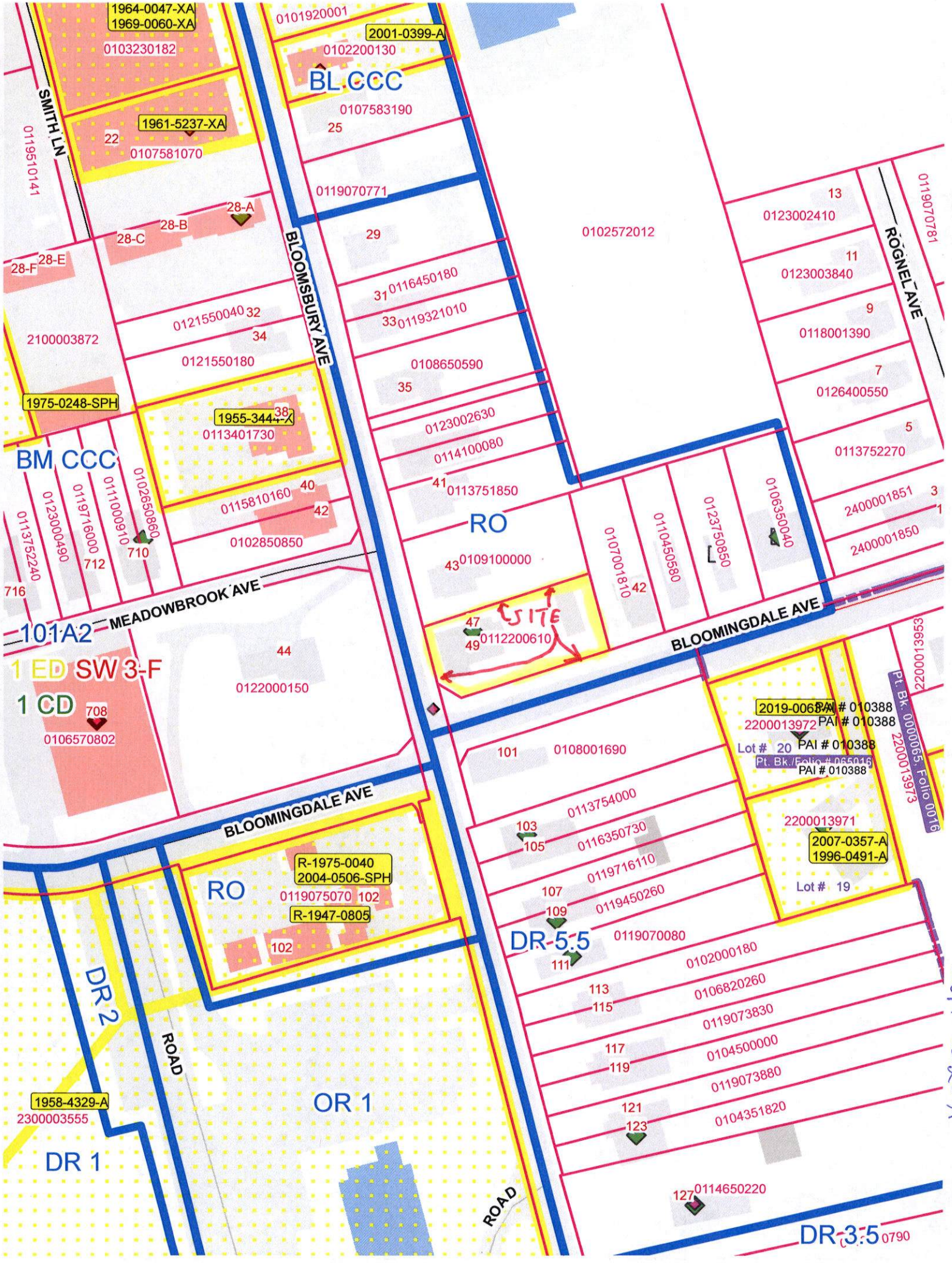
105 BLOOMSBURY

37 39

31 33


107
109

14 BD 12 BD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SMITH LN
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28-A
28-B
28-C
28-E
28-F
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MEADOWBROOK AVE
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SW 3-F
1 CD
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49
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SITE
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2019-0065-A
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PAI # 010388
PAI # 010388
PAI # 010388
Lot # 20
Pt. Bk./Folio # 065016
Pt. Bk. 0000065, Folio 0016
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ROAD
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OR 1
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ROAD
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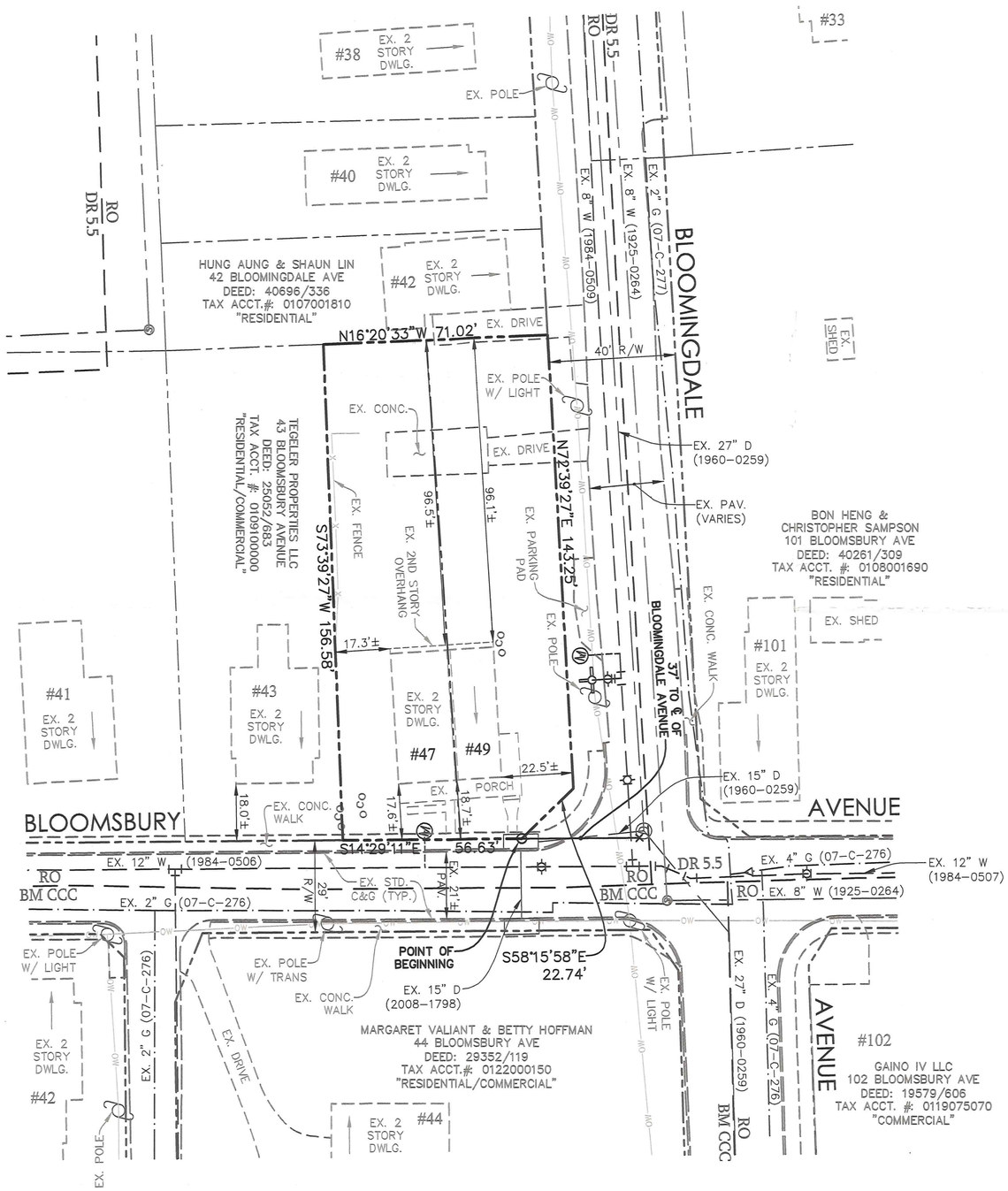
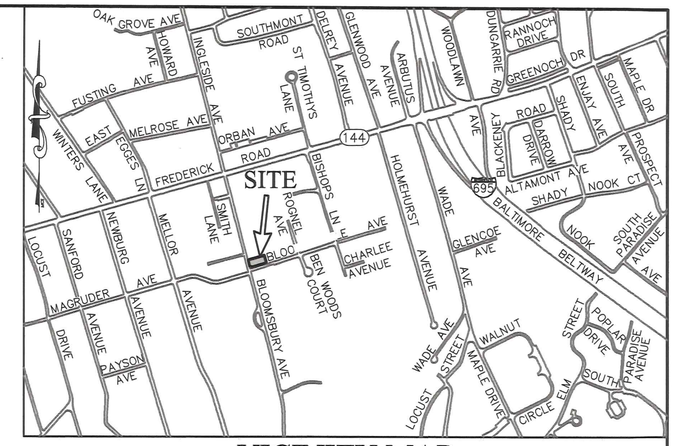
2019-0323-A





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
4. TAX ACCT. #: 0112200610
5. DEED: 39285/402
6. MAP: 101 GRID: 08 PARCEL: 615
7. ELECTION DISTRICT: 1 COUNCILMANIC DISTRICT: 1
8. THIS SITE IS LOCATED WITHIN THE PATAPSCO RIVER WATERSHED.
9. THIS SITE IS NOT LOCATED WITHIN ANY DEFICIENT AREAS BASED ON THE 2018 BASIC SERVICES MAPS, PURSUANT TO SECTION 4A02, BCZR.
10. NO FLOOD PLAIN EXISTS ON THIS PROPERTY.
11. THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
12. THERE ARE NO KNOWN ENDANGERED SPECIES HABITATS, ARCHAEOLOGICAL OR HISTORICAL SITES, OR CONTAMINATED AREAS ON THE SUBJECT PROPERTY.
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;
   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:
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   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.

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

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING

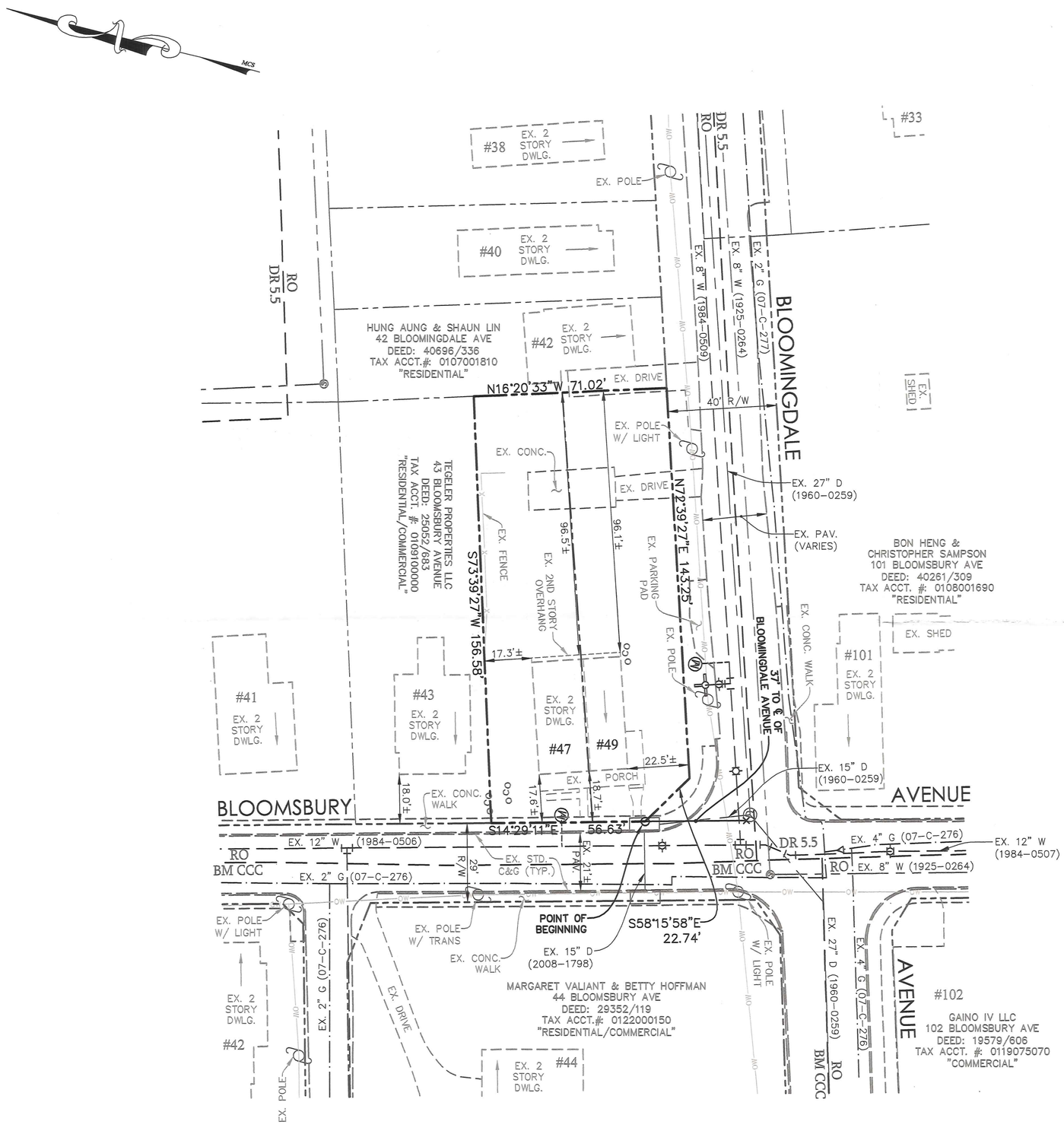
#47-#49 BLOOMSBURY AVE.

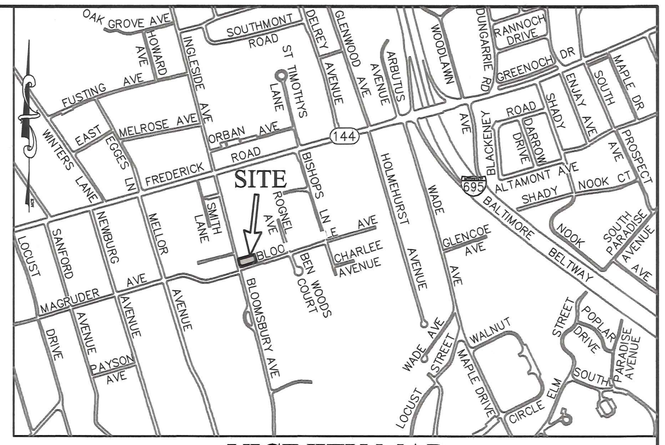
DISTRICT 1c1 BALTIMORE COUNTY, MD
SCALE: 1"=30' MAY 9, 2019

CASE NO. 2019-0323-A

18395

Y:\BLOOMSBURY AVENUE (#47-49) 19509\dwg\AS SUBMITTED\2019-05-09 ZONING SITE PLAN.dwg, 5/13/2019 9:31:41 AM, ChrisP, Arch D, 1:30





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PETITIONER'S
EXHIBIT NO. 1

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

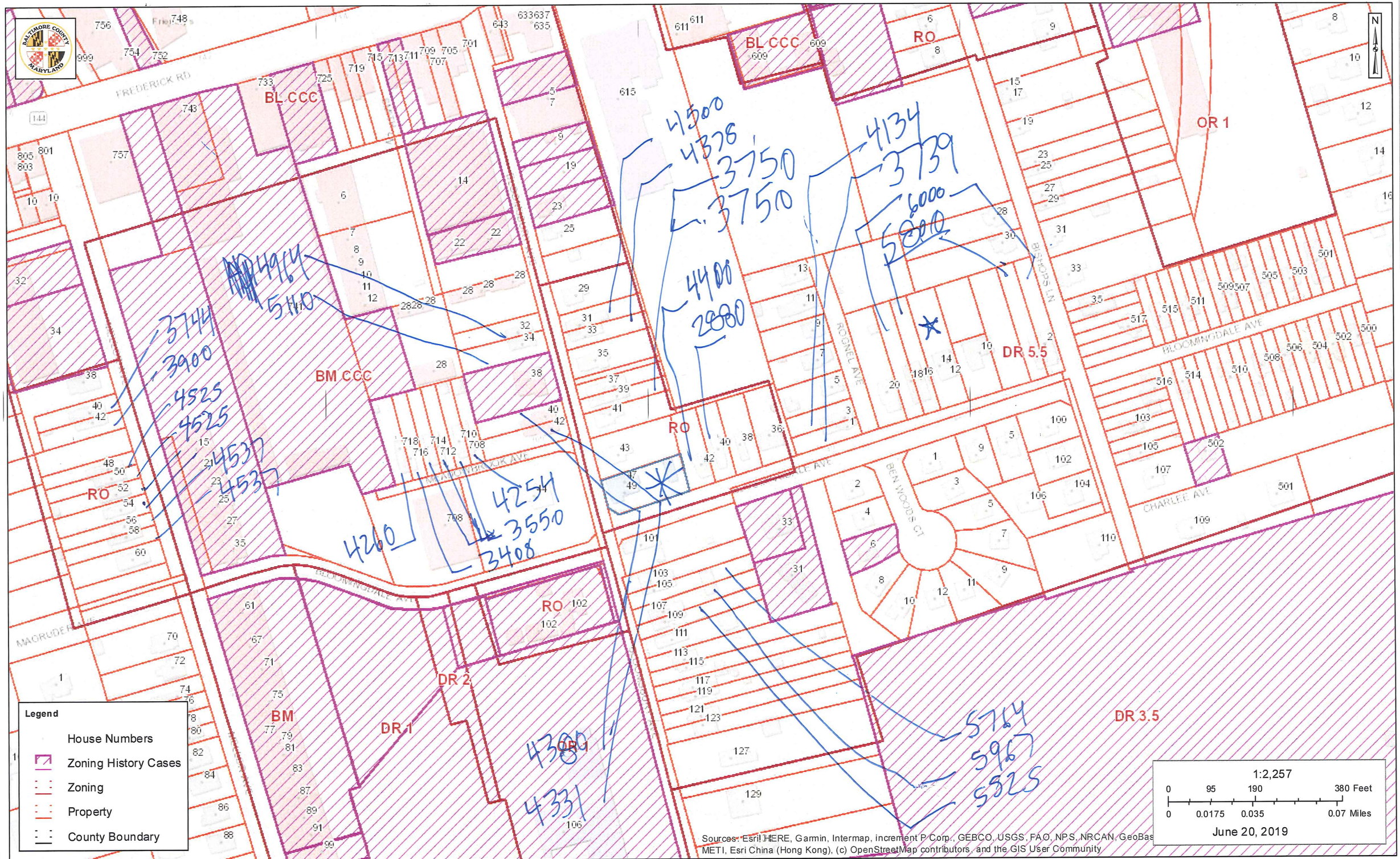
PLAN TO ACCOMPANY PETITION
FOR SPECIAL HEARING

#47-#49 BLOOMSBURY AVE.

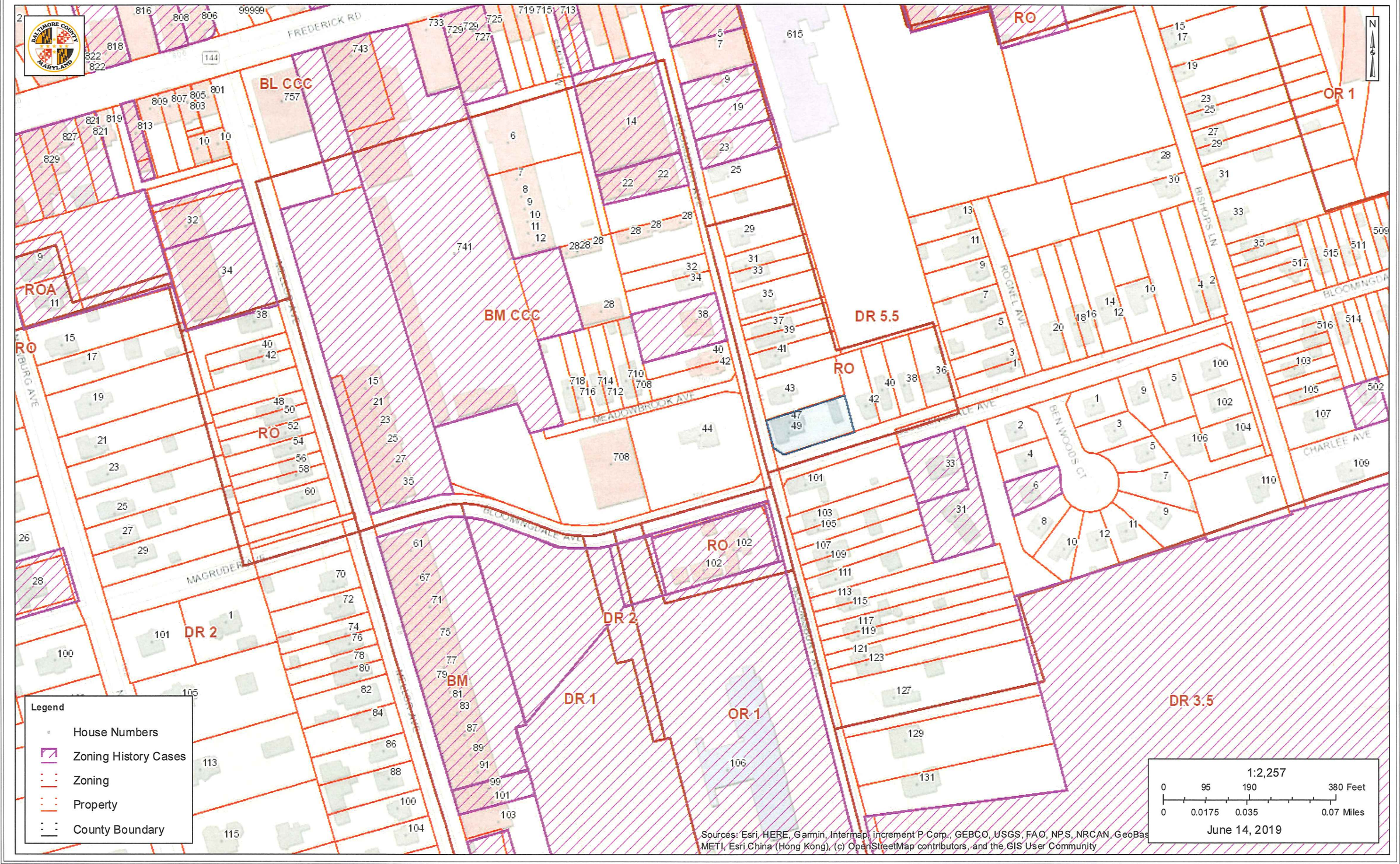
DISTRICT 1c1 BALTIMORE COUNTY, MD
SCALE: 1"=30' MAY 9, 2019

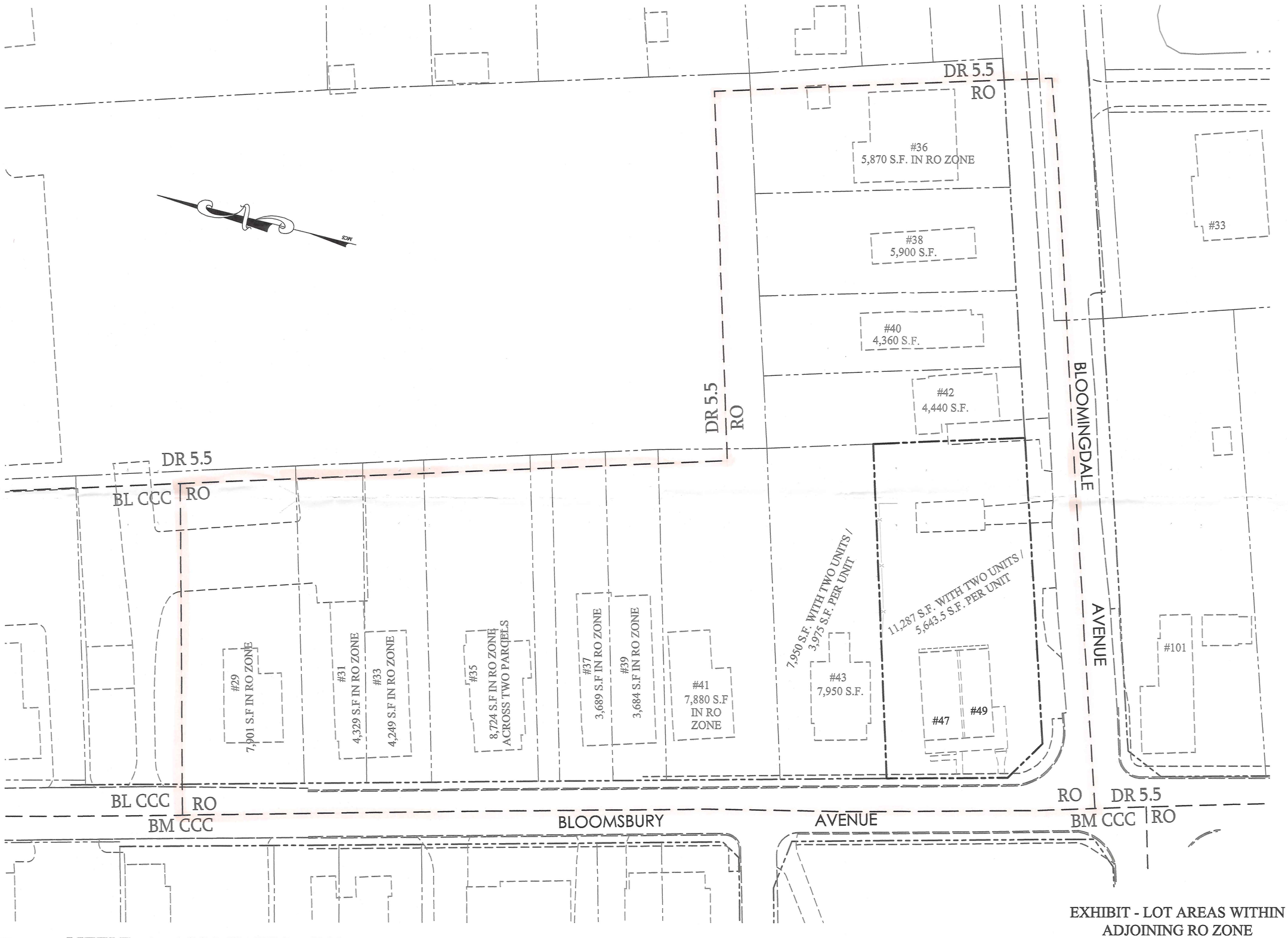
CASE NO. 2019-0323-A

Baltimore County - My Neighborhood



Baltimore County - My Neighborhood





LITTLE & ASSOCIATES, INC.
ENGINEERS~~LAND PLANNERS~~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
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