

IN RE: PETITION FOR ADMINISTRATIVE ZONING VARIANCE S/S Stevens Road, 180 ft. W of c/1 Beach Avenue 5832 Stevens Road 11th Election District 5th Councilmanic District Mark A. Guelta, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Mark A. Guelta and Joan K. Guelta, his wife, for that property known as 5832 Stevens Road in the Bird River subdivision of Baltimore County. The Petitioners herein seek a variance from Section 1A01.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 32 ft., in lieu of the required 35 ft. for an addition. All as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property lies within close proximity to Chesapeake Bay and is, therefore, subject to the Chesapeake Bay Critical Area legislation found within Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
2) Conserve fish, wildlife, and plant habitat; and
3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

ORDER RECEIVED FOR FILING Date 12/26/93 By J. J. J. J.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of December, 1993 that the Petition for a Zoning Variance from Section 1A01.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 32 ft., in lieu of the required 35 ft., for an addition, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated December 17, 1993, attached hereto and made a part thereof.

LES:mn

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

ORDER RECEIVED FOR FILING Date 12/26/93 By J. J. J. J.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning Suite 113 Courthouse 400 Washington Avenue Towson, MD 21284

(410) 887-4346

December 28, 1993

Mr. and Mrs. Mark A. Guelta 5832 Stevens Road White Marsh, Maryland 21162

RE: Petition for Administrative Variance Case No. 94-220-A Property: 5832 Stevens Road

Dear Mr. and Mrs. Guelta:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

LES:mn encl.

ORDER RECEIVED FOR FILING Date 12/26/93 By J. J. J. J.

CRITICAL AREA

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 5832 STEVENS RD White Marsh MD 21162 which is presently zoned R.C.2 94-220-A

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A01.3.B; BCR2 TO PERMIT A SIDE YARD SETBACK OF 32' IN LIEU OF THE REQUIRED 35'.

of the Zoning Regulations of Baltimore County, for the following reasons: (indicate hardship or special circumstances) 1. Property line setback of 35' does not allow planned addition to west side of existing single family structure. 2. Addition or other structures would infringe on other setbacks or private utility lines.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I am proposing this setback does not allow for planned addition to single family home.

Mark A. Guelta, Petitioner, and Joan K. Guelta, Petitioner. Address: 5832 Stevens Rd, White Marsh, MD 21162. Phone: 410-674-3747.

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) have competence to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do/does presently reside at 5832 STEVENS RD White Marsh MD 21162.

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (address, business location or vacant structure)

The existing property line setback of 35' does not allow a planned addition to my single family residence. To get the addition on another plane of existing dwelling would be aesthetically less pleasing and practical. The addition I am proposing will enhance our living conditions, increase the overall quality of homes in our area while not causing any further crowding of homes or neighbors.

This Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a protesting and advertising fee and may be required to provide additional information.

Mark A. Guelta, Affiant, and Joan K. Guelta, Affiant.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit: I, LAWRENCE E. SCHMIDT, Zoning Commissioner, do hereby certify that the above information was read and sworn to by the Affiant(s) and that the same are true and correct to the best of my knowledge and belief.

Witness my hand and official seal this 22nd day of December, 1993.

Lawrence E. Schmidt, Zoning Commissioner.

Zoning Description

ZONING DESCRIPTION FOR 5832 STEVENS RD White Marsh MD 21162 (address) Election District 11 Councilmanic District 5

Beginning at a point on the South side of Stevens Rd (north, south, east or west) which is 40 feet (number of feet of right-of-way width) wide at a distance of 190 feet West of the centerline of the nearest improved intersecting street: Beach Ave (name of street) which is 40 feet wide. *Being Lot # 172+188. Block Bird River Beach in the subdivision of Bird River Beach as recorded in Baltimore County Plat Book # 6192 7, Folio # 187, containing 24,360 sq. ft. (0.56 acres) (square feet and acres)

220

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District: 11th Date of Posting: 12/14/93 Posted for: Variance Petitioner: Mark A. Guelta Location of property: 5832 Stevens Rd, 35/180' W Beach Ave Location of Signs: Front, Back, etc. Remarks: Number of Signs: 1

117

Handwritten notes and stamps on the bottom right of the certificate.

11-24-93 12-12-93

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21286

94-220-A (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be assessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon, Director

For newspaper advertising:
Item No.: 220
Petitioner: MARK GUELTA
Location: 5832 STEVENS RD., BALTO, MD 21162

PLEASE FORWARD ADVERTISING BILL TO:
NAME: SAME
ADDRESS:
PHONE NUMBER: (410) 671-5247
(410) 333-2424

AD:995 (Revised 04/09/93)

Item Number: 220
Planner: JCM
Date Filed: 11-24-93

94-220-A

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

The following information is missing:

- Descriptions, including accurate beginning point
- Actual address of property
- Zoning
- Acreage
- Plats (need 12, only ___ submitted)
- 200 scale zoning map with property outlined
- Election district
- Councilmanic district
- BCZR section information and/or wording
- Hardship/practical difficulty information
- Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
- Power of attorney or authorization for person signing for legal owner and/or contract purchaser
- Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Notary Public's section is incomplete and/or incorrect* and/or commission has expired

PET-FLAG (TXTSOPH) * ONLY ONE SIGNATURE NOTARIZED AND DATE IS WRONG (NOV. 94).
11/17/93

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21286 (410) 887-3353

December 17, 1993

Mr. and Mrs. Mark A. Guelta
5832 Stevens Road
White Marsh, Maryland 21162

RE: Case No. 94-220-A, Item No. 220
Petitioner: Mark A. Guelta, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Guelta:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on November 24, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassirff
Administrator

11-30-93

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. # 220 (JCM)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
DAVID N. HANSEY, ACTING CHIEF
John Comestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 737 North Calvert Street - Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: December 6, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 211, 214, 218 and 220.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long
Division Chief: Carol L. Lewis

PK/JL:lw

DEC 214/PZOM/22C1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director
Office of Zoning Administration
and Development Management

DATE: December 17, 1993

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 220
Guelta Property
Chesapeake Bay Critical Area Findings

RECEIVED
DEC 21 1993
ZADM

SITE LOCATION
The subject property is located at 5832 Stevens Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mark and Joan Guelta

APPLICANT PROPOSAL
The applicant has requested a variance from section 1A01.3.B of the Baltimore County Zoning Regulations to permit a side yard setback of 32 feet in lieu of the required 35 feet.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM
In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- Conserve fish, wildlife and plant habitat; and
- Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" <COMAR 14.15.10.01.D>

Mr. Arnold E. Jablon
December 17, 1993
Page 2

REGULATIONS AND FINDINGS

- Regulation:** "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.
Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, no dredging, filling, or construction shall occur in any tidal or non-tidal wetland for this project, and this regulation has been met.
- Regulation:** "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.
Policy: "Redevelopment - if less than a 100 foot buffer exists, the buffer is established from the limit of existing permitted disturbance to the shoreline." <Baltimore County Code Section 26-449(a)>.
Finding: This property is adjacent to the tidal waters of Bird River. The existing house approximately 85 feet from mean high water allowing a buffer of approximately 55 feet to be established. No clearing, grading, or construction shall be permitted in the buffer.
- Regulation:** "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.
Finding: The current impervious surface equals 2,993 square feet or 12% of the lot. This includes all building structures, paved and crusher run driveways and parking pads, swimming pools, or any other impervious surfaces. The proposed redevelopment will increase the impervious surface to 10% or 3,083 square feet, thus 236 square feet of existing impervious surface must be removed to be in compliance with the above regulation.
- Regulation:** "Infiltration of stormwater shall be maximized throughout the site, rather than directing flow to single discharge points" <Baltimore County Code, Section 26-483(h)(2)>.

Mr. Arnold E. Jablon
December 17, 1993
Page 3

Finding: Stormwater runoff shall be directed from impervious surfaces associated with this plan, to pervious areas, to encourage maximum infiltration. Rooftop runoff shall be directed through downspouts and into a seepage pit or drywell, if existing conditions permit it to encourage maximum infiltration (see attached information). These measures will ensure that the requirements of this regulation are met.

- Regulation:** "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15%" <COMAR 14.15.02.04 C.(5)(e)>.
Finding: This site has 15% forest cover that must be maintained.

CONCLUSION
The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-3980.

J. James Dieter, Director
Department of Environmental Protection
and Resource Management

JJD:KDK:tm
K.V.
Enclosure

cc: Mark and Joan Guelta
5832 Stevens Road
White Marsh, Maryland 21162
Lettie Som

STEVEN/DEPM/RCBCA

Baltimore County Government
Department of Permits and Licenses

111 West Chesapeake Avenue
Towson, MD 21284

DECEMBER 6, 1993 (410) 887-3610

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

ZONING AGENDA: MEETING OF DECEMBER 6, 1993

Property Owner: Sally A. Everhart
Location: #9833 Harford Road
Item No.: #218 (RT)

Comment: The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

Property Owner: Michael Annen & Barbara Annen and John N. Annen
Location: #17527 Troyer Road
Item No.: #219 (RT)

Comment: The Fire Prevention Bureau has no comments at this time.

Property Owners: Mark A. Guelta & Joan K. Guelta
Location: #5832 Stevens Road
Item No.: #220 (RCM)

Comment: The Fire Prevention Bureau has no comments at this time.

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments are applicable and required to be corrected or incorporated into the final plans for the property.

Reviewer: *Robert Sauerwald*
Fire Prevention Bureau
Lieutenant Robert Sauerwald 887-4880

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21284

DECEMBER 1, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

To: Mark and Joan Guelta
5832 Stevens Road
White Marsh, Maryland 21162

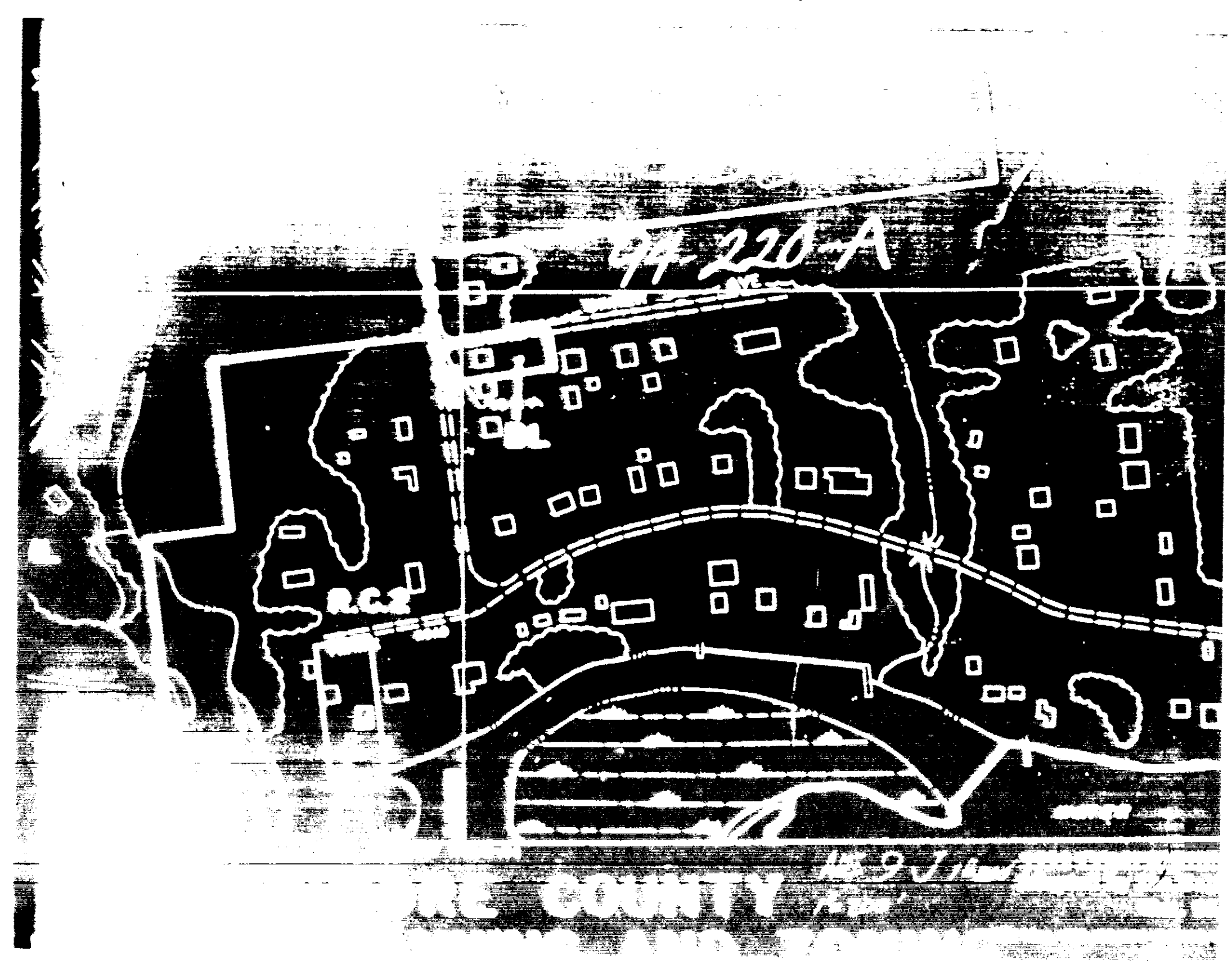
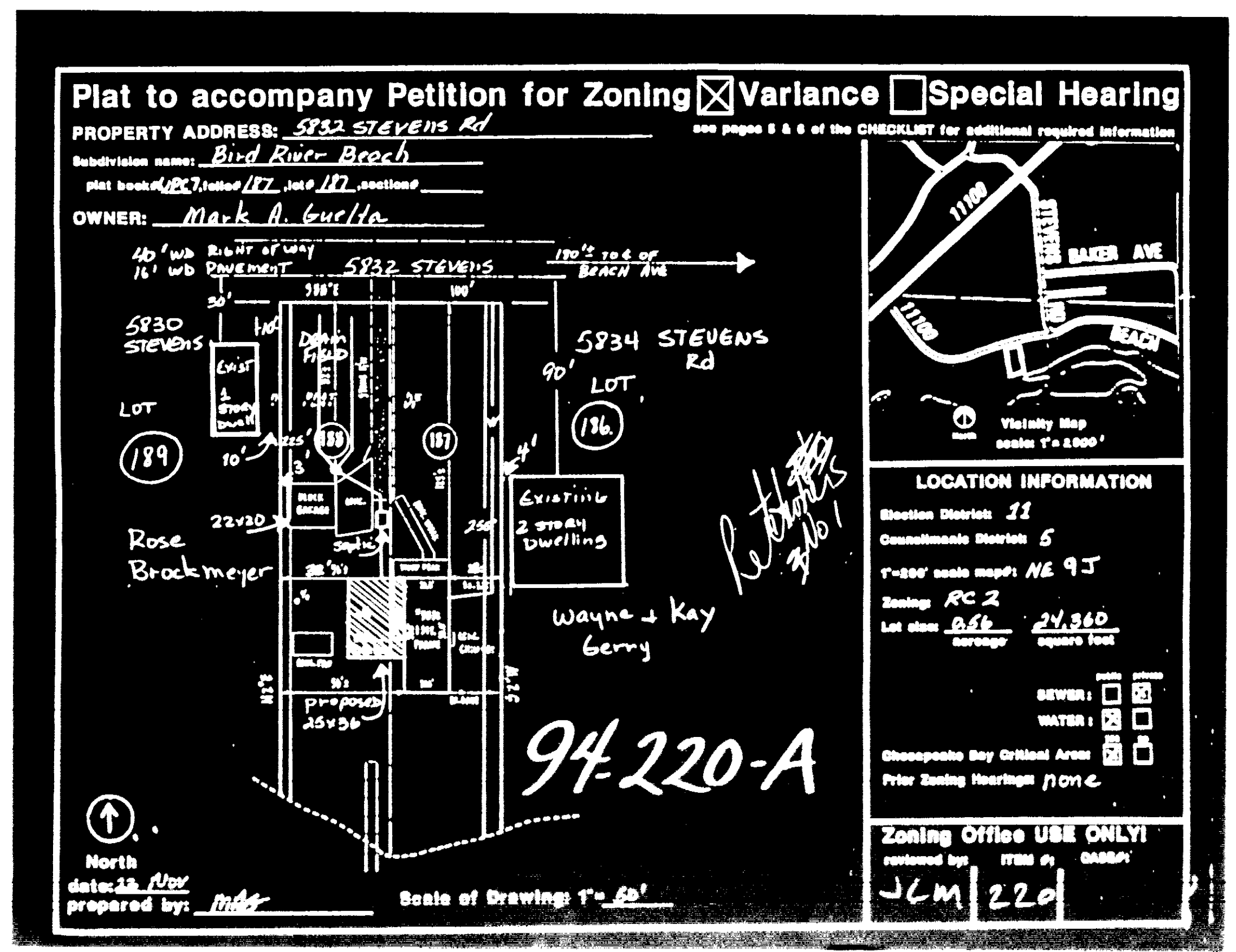
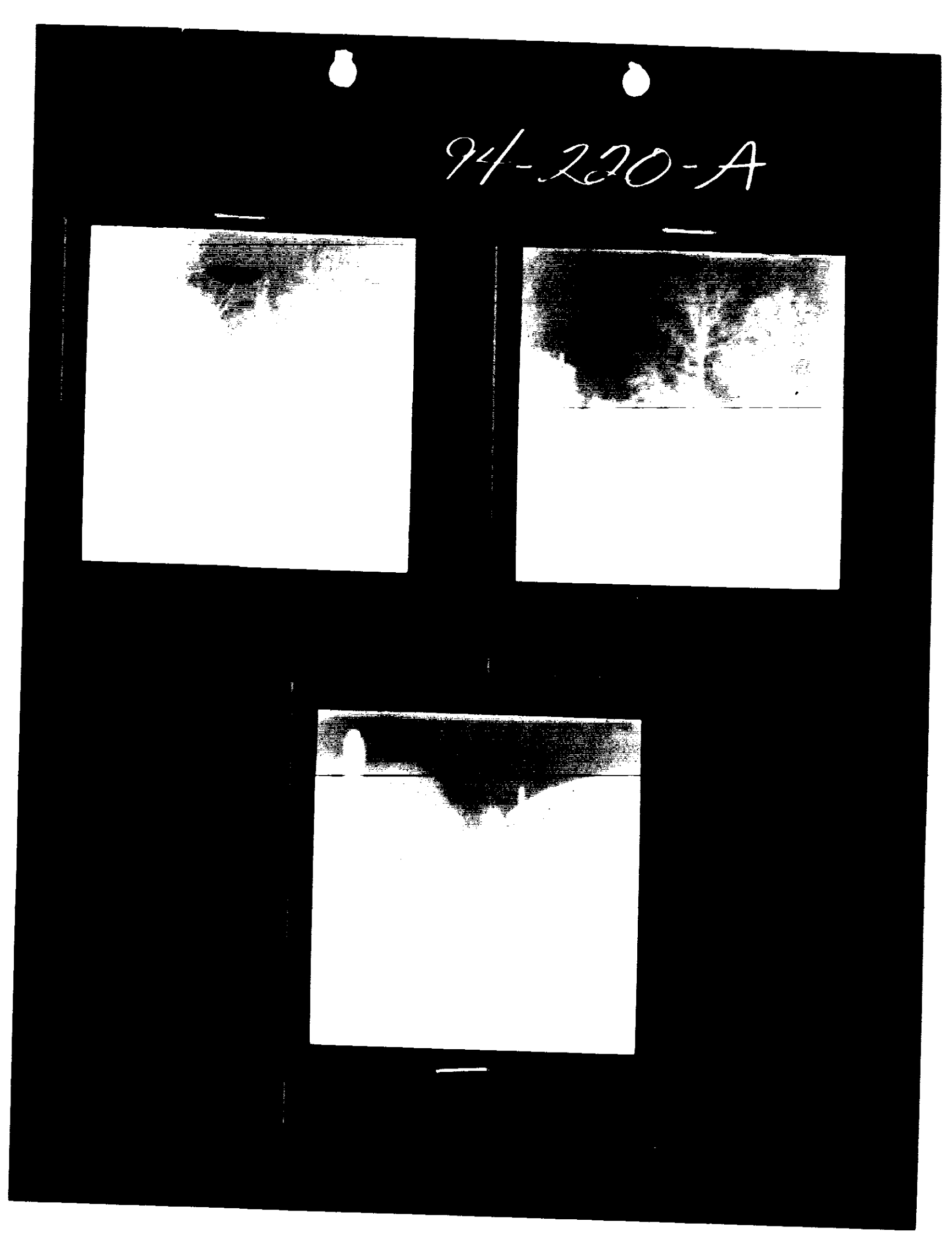
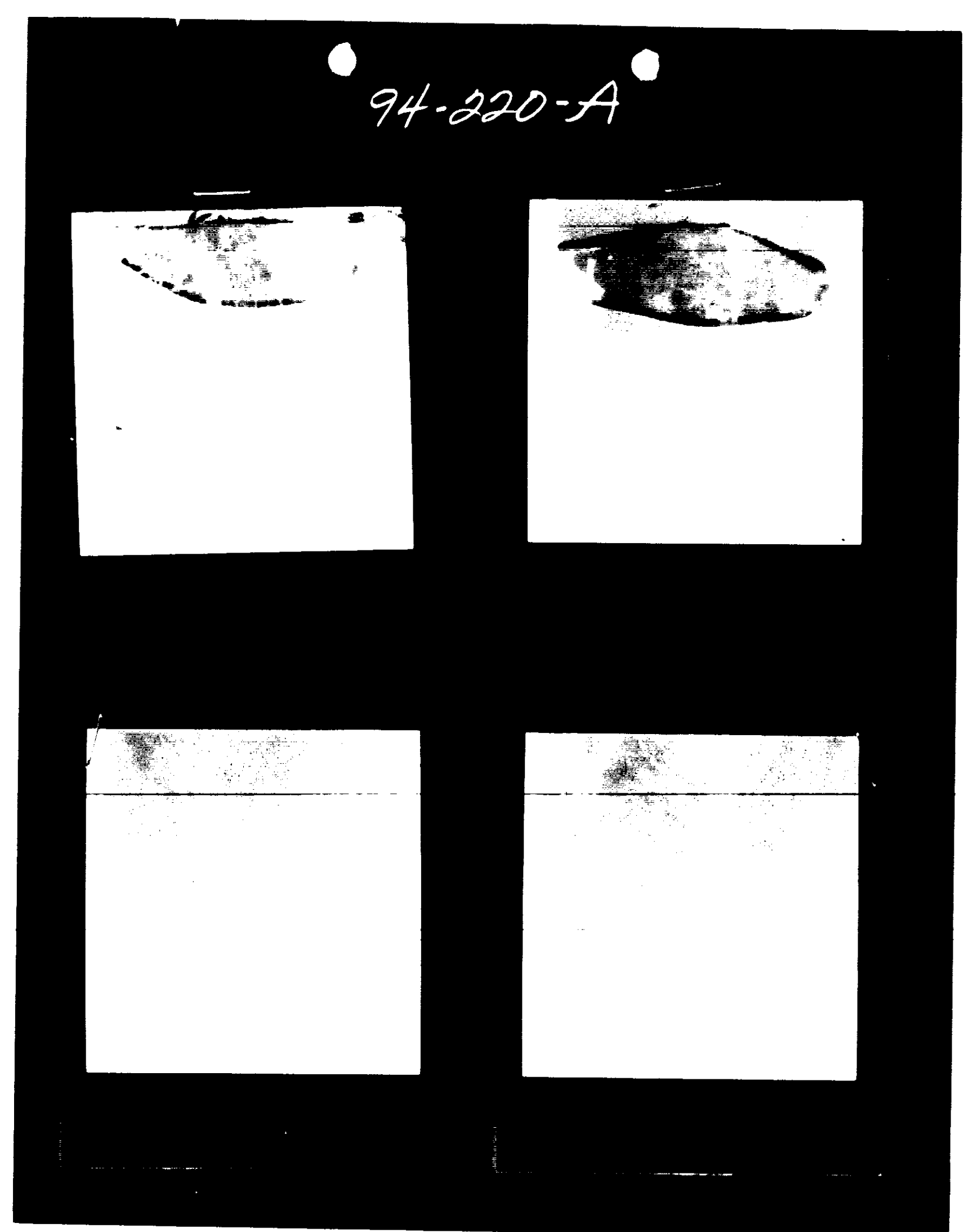
Re: CASE NUMBER: 94-220-A (Item 220)
5832 Stevens Road
S/S Stevens Road, 180' W of c/l Beach Avenue
11th Election District - 5th Councilmanic

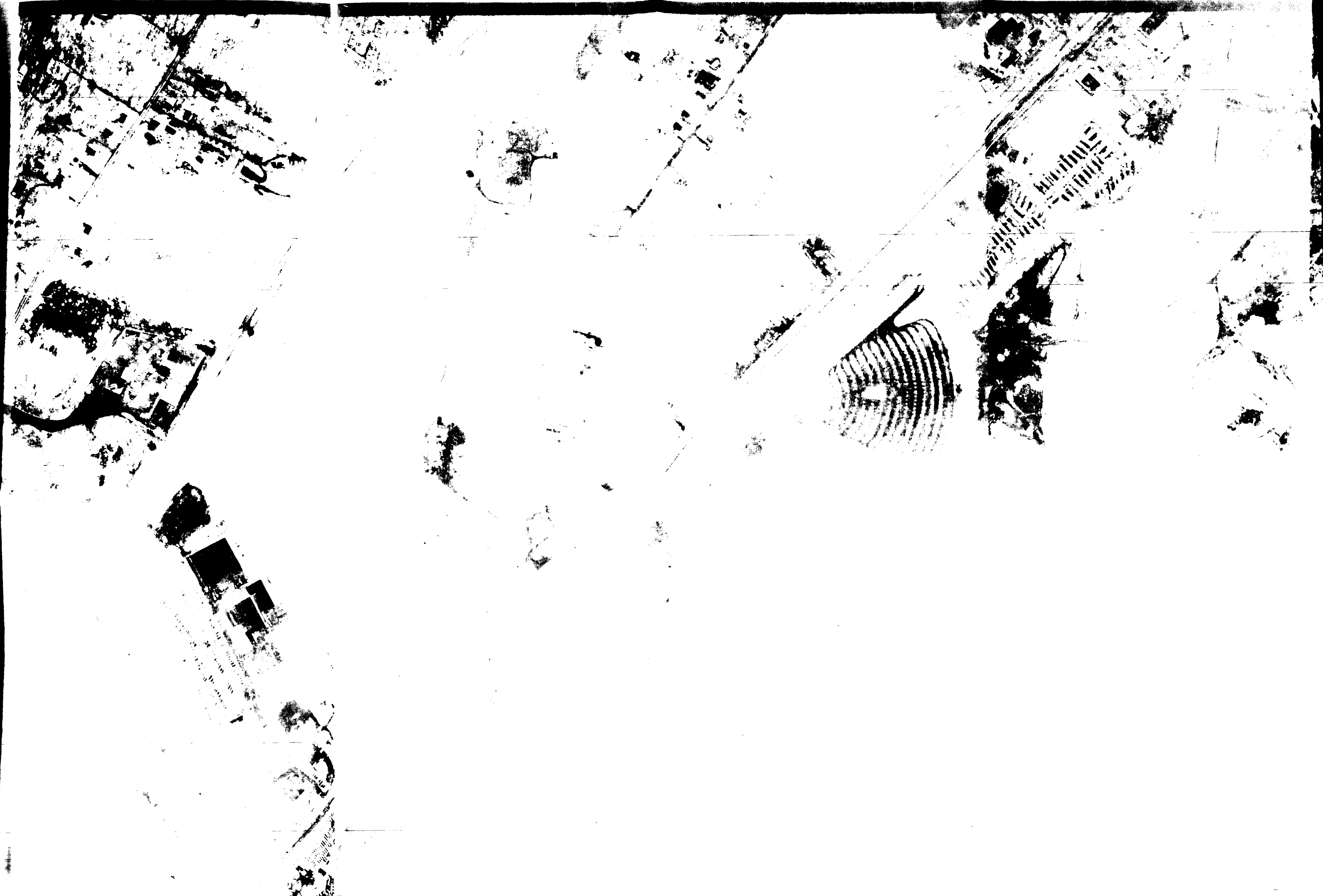
Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact me with this office regarding the status of this case should reference the case number and be directed to 887-3323. This notice also serves as a refresher regarding the administrative process.

- Your property will be posted on or before December 12, 1993. The closing date (December 27, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioners. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- In cases requiring public hearing (either due to a neighbor's formal request or by Order of the Commissioners), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).
- Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Arnold Jablon
Director





94-220-A

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