

IN RE: PETITION FOR VARIANCE
E/S Cape May Road, 1,479' N
of Laske Avenue
(1911 & 1913 Cape May Road)
15th Election District
5th Councilmanic District

William N. Smith, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-495-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject properties, William N. and Dorothy C. Smith, and the Contract Purchaser of 1913 Cape May Road, Fred J. Koehler. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a street setback of 19 feet in lieu of the required 50 feet, to permit a side yard setback sum of 20 feet in lieu of the required 25 feet, a lot width of 50 feet in lieu of the required 70 feet, a lot area of 8200 sq.ft. in lieu of the minimum required 10,000 sq.ft., to approve both properties as undersized lots, and any variances deemed necessary by the Zoning Commissioner. The Petitioners also seek a determination that the density will not be increased as a result of the granting of the relief requested. The subject properties and relief requested are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were William N. Smith, property owner, Fred J. and Joan N. Koehler, Contract Purchasers of 1911 Cape May Road, David E. Taylor, who resides on an adjacent property, Robert Beverungen, and Patrick M. O'Keefe, Zoning Consultant. There were no Protestants or other interested persons present.

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Date

By

9/22/97

[Signature]

Testimony and evidence offered revealed that William and Dorothy Smith presently own four lots in the subdivision known as Cape May Point. This subdivision was created many years ago and a plat of the development, dated May 19, 1914 was submitted at the hearing. The four lots identified as Lots 17, 18, 19, and 20, are waterfront properties located immediately adjacent to Hog Pen Creek. Each lot is approximately 50 feet in width, and, due to the irregular shore line, range in depth from 133 feet to approximately 188 feet. Each of the four lots has vehicular access by way of Cape May Road. Mr. & Mrs. Smith presently reside on Lots 17 and 18. As shown on the plan and photographs submitted, those lots have been improved with a single family dwelling and several outbuildings, (garages and sheds). Although two lots are shown on the original plat, Lots 17 and 18 are used as a single property by Mr. & Mrs. Smith.

Lot 19, which is located immediately adjacent to the Smith residence, is improved with a residential structure known as 1911 Cape May Road. Testimony and evidence offered by the Smiths revealed that the house is occupied on occasion by members of their family, most frequently their grown children. Apparently, the house is used when the children return to visit their parents. The last lot, Lot 20, is known as 1913 Cape May Road and is presently unimproved. Lot 20 is under contract of sale from Mr. & Mrs. Smith to Mr. & Mrs. Koehler.

The Petition for Variance is brought for both Lots 19 and 20. The plat shows a proposed building envelope for a dwelling to be constructed by Mr. & Mrs. Koehler on Lot 20. The plat also shows a building envelope larger than the present dwelling for Lot 19. Apparently, it is envisioned that the existing structure at 1911 Cape May Road may eventually be razed and replaced. Several variances are requested. First, relief is request-

SMITH & CO. REAL ESTATE
16/22/27
10/22/27
10/22/27

ed to permit a street setback of 19 feet in lieu of the required 50 feet for the proposed dwelling on Lot 20. It is clear that this variance is necessary to locate the proposed dwelling closer to the road and further from the waterfront and to maintain consistent street setbacks in the neighborhood. Secondly, although the side yard setbacks are individually sufficient, the sum of the side yard setbacks for both properties will be 20 feet (10 feet on each side) in lieu of the required 25 feet. As noted above, each lot is approximately 50 feet in width and the proposed building envelopes would allow a dwelling of up to 30 feet in width. Third, variance relief is sought to allow a lot width of 50 feet in lieu of the required 70 feet. The justification for this request is based upon the fact that the properties were plotted many years ago, well before the adoption of the first set of zoning regulations in Baltimore County. Lastly, variance relief is requested to permit a lot area for each lot of 8,200 sq.ft. in lieu of the minimum required 10,000 sq.ft. Again, justification for this request is based upon the historic character of this neighborhood and the original plotting of same. It is also to be noted that a request is sought to confirm that the density for the entire subdivision will not be improperly increased as a result of this proposal.

As noted above, there were no Protestants or other interested persons present at the hearing. Moreover, Zoning Plans Advisory Committee (ZAC) comments were received from several reviewing agencies. The Office of Planning notes that the applicant's request does not comply with the undersized lot requirements set forth in Section 304.1 of the B.C.Z.R. This is indeed true in that the Smith's own these four adjacent lots and variance relief for setbacks is requested. However, the Petition is not brought, and relief is not sought, pursuant to Section 304. Rather,

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Date 8/22/99
By [Signature]

variance relief pursuant to Section 307 of the B.C.Z.R. is requested. Thus, it is incumbent upon the Zoning Commissioner to consider whether the Petitioners have satisfied the requirements set forth in Section 307.

A comment from the Department of Environmental Protection and Resource Management (DEPRM) indicates that any development on the property must comply with the Chesapeake Bay Critical Area requirements. Clearly, this requirement should be adopted as a condition precedent to the granting of any relief. Lastly, a comment from the Development Plans Review Division states that any development must be in accordance with the Baltimore County Building Code, including elevation limitations which are placed on the lowest floor (including basements) of residential and commercial properties. Again, the recommendations offered by this Division can be added as a restriction to the relief granted.

After due consideration of the testimony and evidence presented, I am persuaded to grant the relief requested. As to the density issue, it is to be noted that there are 26 dwellings presently existing in this subdivision as shown in the May 19, 1914 corrected plat of the Cape May Point subdivision. The subdivision in its entirety encompasses 14.19 acres, which would allow for a 49-lot subdivision under the D.R.3.5 zoning. Thus, the proposal does not present an impermissible increase in density in the vicinity.

As to the lots themselves, development of same, as conditioned by the requirements in the ZAC comments, is appropriate. It appears that the proposed development will be consistent with existing development in the vicinity and will not constitute an improper overcrowding of the land. Based upon the testimony and evidence presented, I am satisfied that the

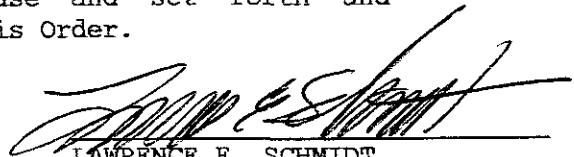
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Date 5/22/87
By [Signature]

relief requested meets the requirements of Section 307 of the B.C.Z.R. as construed by the case law.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of August, 1997 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a street setback of 19 feet in lieu of the required 50 feet, to permit a side yard setback sum of 20 feet in lieu of the required 25 feet, a lot width of 50 feet in lieu of the required 70 feet, a lot area of 8,200 sq.ft. in lieu of the minimum required 10,000 sq.ft., to approve all lots as undersized lots, and any variances deemed necessary by the Zoning Commissioner, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with all Zoning Plans Advisory Committee comments submitted, including the Development Plans Review Division comment dated May 27, 1997, and the Department of Environmental Protection and Resource Management comment dated May 29, 1997, copies of which are attached hereto and made a part hereof.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

___ Attach original petition

Due Date 5/29/97

To: Arnold L. Jablon

From: Bruce Seeley *BS/gj*

Subject: Zoning Item #495

William Smith 1911+1913 Cape May Road

Zoning Advisory Committee Meeting of May 12, 1997

- ___ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- ___ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- ___ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
- ___ Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).
- X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

COPIES RECEIVED FOR FILING

Date

By

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

FROM: Robert W. Bowling, Chief *RWB/DWK*
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for May 19, 1997
Item No. 495

Date: May 27, 1997

The Development Plans Review Division has reviewed the subject zoning item. Cape May Road is an existing road which shall ultimately be improved as a 30-foot street cross section on a 50-foot right-of-way.

The property to be developed is located adjacent to tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

The Flood Protection Elevation is 11.2 feet for this site.

RWB:HJO:jrb

cc: File

ORDER RECEIVED FOR FILING

Date

By

ZONE519.495



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

August 22, 1997

Mr. & Mrs. William N. Smith
1907 Cape May Road
Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE
E/S Cape May Road, 1,479' N of Laske Avenue
(1911 & 1913 Cape May Road)
15th Election District - 5th Councilmanic District
William N. Smith, et ux - Petitioners
Case No. 97-495-A

Dear Mr. & Mrs. Smith:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:bjs

for Baltimore County

cc: Mr. & Mrs. Fred J. Koehler
5409 Hillburn Avenue, Baltimore, Md. 21214

Mr. Patrick O'Keefe
523 Penny Lane, Hunt Valley, Md. 21030

People's Counsel; Case Files



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
PETITION FOR VARIANCE *
1911 and 1913 Cape May Road, E/S Cape * ZONING COMMISSIONER
May Road, 1479' N of Laske Avenue *
15th Election District, 5th Councilmanic * OF BALTIMORE COUNTY

Legal Owner(s): William and Dorothy Smith * CASE NOS. 97-495-SPHA
Contract Purchaser(s): Fred J. Koehler *
Petitioners *

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of May, 1997, a copy of the foregoing Entry of Appearance was mailed to Patrick O'Keefe, 523 Penny Lane, Hunt Valley, MD 21030, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

1479.2

495



Petition for Variance

AND SPECIAL HEARING

to the Zoning Commissioner of Baltimore County

for the property located at #1911 & #1913 CAPE MAY ROAD

97-495-SPHA

which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate 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(s) 1-B02.3.C.1 (BCZR) TO ALLOW A STREET SETBACK OF 19 FEET IN LIEU OF THE MAXIMUM 50 FEET, TO ALLOW THE SUM OF THE SIDEYARD SETBACKS TO BE 20 FEET IN LIEU OF THE REQUIRED 25 FEET, LOT WIDTH OF 50 FEET IN LIEU OF 70 FEET, A LOT AREA OF 8200 SQUARE FEET IN LIEU OF THE 10,000 SQUARE FEET REQUIRED AND TO APPROVE AN UNDERSIZED LOT, AND ANY VARIANCES DEEMED NECESSARY BY THE ZONING COMMISSIONER. (FOR BOTH LOTS 19 AND 20) *
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

THE OLD RECORDED PLAT OF CAPE MAY POINT, DATED FOR RECORD: MAY 19, 1914 WAS LAID OUT SO THAT ALL LOTS IN THIS AREA WERE 50 FEET WIDE. THE EXISTING HOUSE IS ON A 50 FOOT WIDE, UNDERSIZED LOT AND THE VACANT LOT 20 IS ALSO UNDERSIZED. THE TWO LOTS WERE PURCHASED AT DIFFERENT TIMES BY SEPERATE DEED.

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.

★ AND TO DETERMINE THAT THE DENSITY WILL NOT BE INCREASED

Contract Purchaser/Lessee: 410-426-6616

FRED J. KOEHLER

(Type or Print Name)

Fred J. Koehler

Signature

5409 HILLBURN AVE.

Address

BALTO., MD.

21214

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

State

Zipcode

I/We do 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 Petition.

Legal Owner(s)

WILLIAM N. SMITH

(Type or Print Name)

William N. Smith

Signature

DOROTHY C. SMITH

(Type or Print Name)

Dorothy C. Smith

Signature

1907 CAPE MAY RD.

391-3234

Address

Phone No.

BALTO, MD.

21221

City

State

Zipcode

Name Address and phone number of representative to be contacted.

PATRICK O'KEEFE

Name

523 PENNY LANE - HUNT VALLEY, MD 21030

410-666-5366

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

2 1/2

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: mta

DATE 4/30/17

ORDER RECEIVED FOR FILING

Date

Printed with Soybean Ink on Recycled Paper

97-495-SPHA

ZONING DESCRIPTION FOR #1911 & #1913 - CAPE MAY ROAD
(address)

Beginning at a point on the EAST side of
(north, south, east or west)

CAPE MAY ROAD which is 30 FEET
name of street on which property fronts (number of feet of right-of-way width)

wide at the distance of 1479 FEET NORTH of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street : LASKE AVENUE
(name of street)

which is 30 FEET wide. *Being Lot # 19120
(number of feet of right-of-way width)

Block —, Section # — in the subdivision of CAPE MAY POINT (CORRECTED)
(name of subdivision)

as recorded in Baltimore County Plat Book # 4, Folio # 125

containing 0.38 ACRES Also known as #1911 & 1913 CAPE MAY ROAD
(square feet or acres) (property address)

and located in the 15 Election District, 5 Councilmanic District.

495

NOTICE OF HEARING

The Zoning Commissioner 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: 407-495-A
1911 and 1913 Cape May Road
ERS Cape May Road 1479 N

of Lake Avenue
15th Election District
5th Councilmanic
Legal Owner(s):
William K. Smith and Dorothy C. Smith
Contract Purchaser(s):
Fred J. Koehler

Special Hearing: to determine that the density will not be increased. **Variance:** to allow a street setback of 19 feet in lieu of the maximum 50 feet to allow the sum of the side yard setbacks to be 20

feet in lieu of the required 25 feet; lot width of 60 feet in lieu of 70 feet; a lot area of 3,200 square feet in lieu of the 10,000 square feet required and to approve an undersized lot and any variances deemed necessary by the zoning commissioner.

Hearing: Wednesday, June 11, 1997 at 9:30 a.m., Room 106 County Office Building, 111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call (410) 887-3353.
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

5/4/11 May 22 C145273

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

May 22 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on *May 22 1997*.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

036539

PAID RECEIPT

04/30/97 01 4 CHL R 10675
DEPT 5 502 MISCELLANEOUS CASH
CR NO. 036539
\$100.00 OK
Baltimore County, Maryland
Office Of Budget & Finance

DATE 4/30/97

ACCOUNT

01-615

Item 495
By mtl

AMOUNT \$ 100.00

RECEIVED
FROM:

Kochler, Fred - 1911 - 1913 Cape May Rd.
\$100.00 total

FOR:

010 - Res Varma (2 1/2) - \$50.00 each

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

036541

PAID RECEIPT

04/30/97 04 7 LBS R 4855
DEPT 5 513 ZONING VERIFICATION
CR NO. 036541
\$100.00 OK
Baltimore County, Maryland
Office Of Budget & Finance

DATE

4/30/97

ACCOUNT

01-615

Item: 495
By mtl

AMOUNT \$ 100.00

RECEIVED
FROM:

Kochler, Fred - 1911 + 1913 Cape May Rd.
\$100.00 total

FOR:

030 - Res Sp. Harig (2 1/2) - \$50.00 each
TENTATIVE HEARING DATE JUNE 9, 1997 ±

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 97-495-A

Petitioner/Developer: KOEXLER,
SMITH, ETAL

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #1911 CAPE MAY RD

sign(s) were posted on 5/23/97
(Month, Day, Year)

Sincerely,

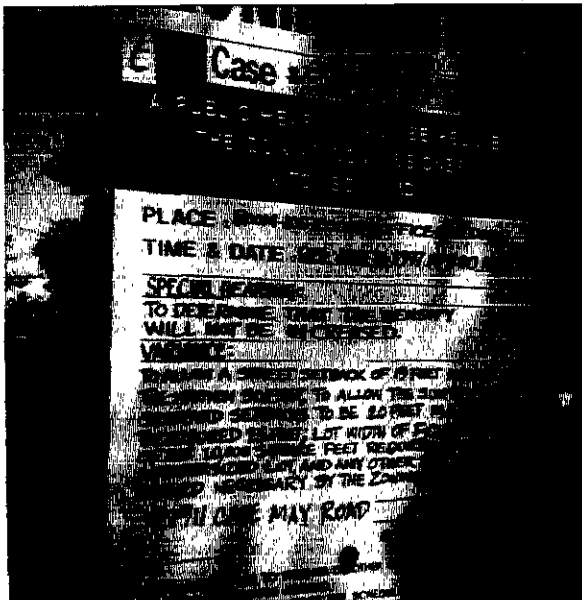
Patrick M. O'Keefe 5/23/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe
(Printed Name)

523 Penny Lane
(Address)

Hunt Valley, MD 21030
(City, State, Zip Code)

(410) 666-5366 Page (410) 666-835
(Telephone Number)



#1911- CAPE MAY RD.

#.6/11/97

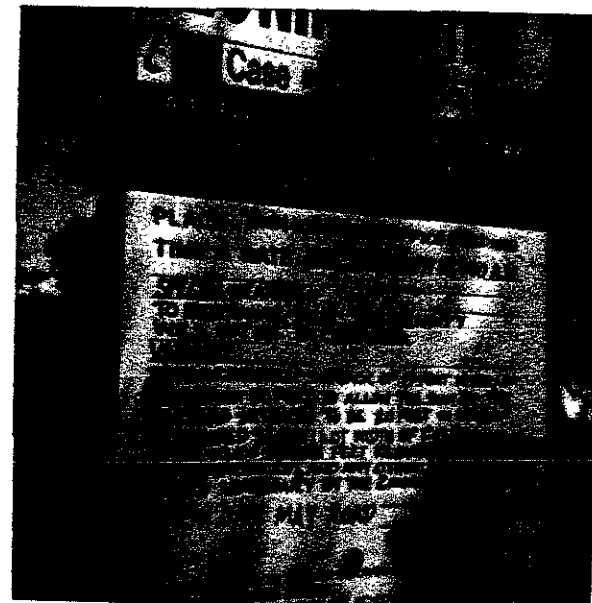
P. 5-23-97



#1911 CAPE MAY RD

6/11/97

P. 5/23/97



#1911- CAPE MAY RD.

#.6/11/97

P. 5-23-97

CERTIFICATE OF POSTING

RE: Case No: 97-495-A

Petitioner/Developer: SULTA, ETAL
% F. KOEHLER

Date of Hearing/Closing 5/11/97

Baltimore County Department of
 Permits and Development Management
 County Office Building, Room 111
 111 West Chesapeake Avenue
 Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
 were posted conspicuously on the property located at #1913 CAPE MAY RD.

he sign(s) were posted on 5/23/97
 (Month, Day, Year)

Sincerely,

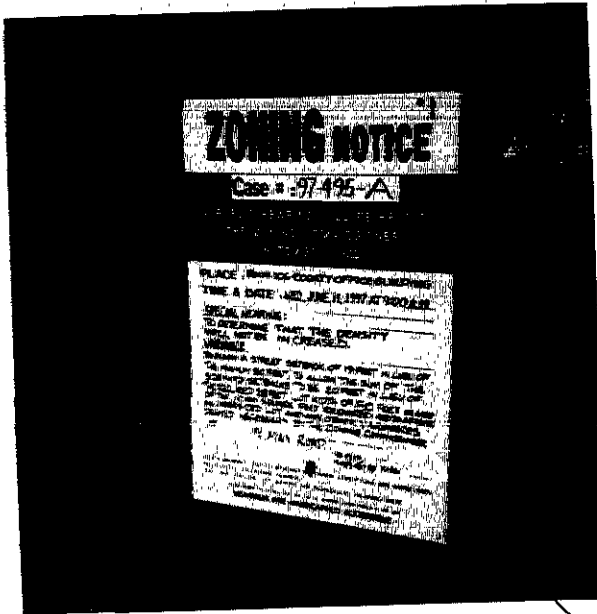
Patrick M. O'Keefe 5/25/97
 (Signature of Sign Poster and Date)

Patrick M. O'Keefe
 (Printed Name)

523 Penny Lane
 (Address)

Hunt Valley, MD 21030
 (City, State, Zip Code)

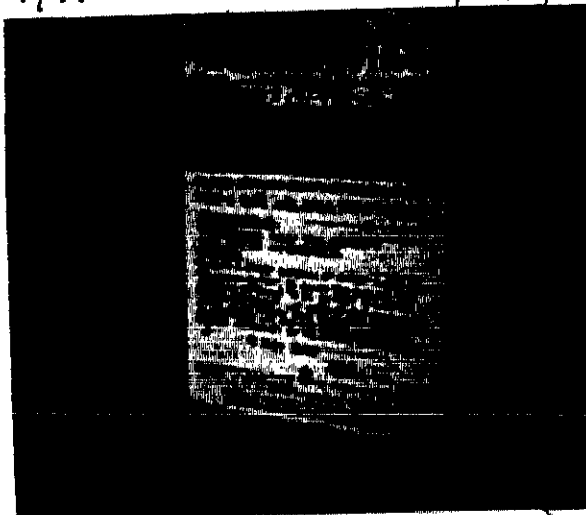
(410) 666-5366 Page (410) 646 831
 (Telephone Number)



#1913 CAPE MAY RD.

6/11/97

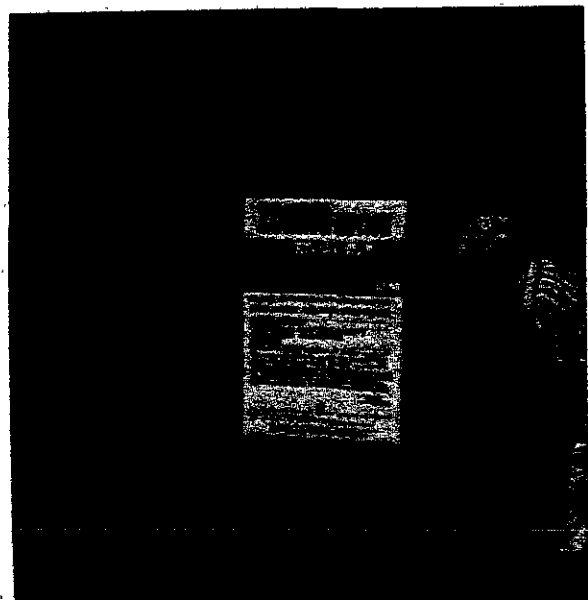
P 5/23/97



#1913 CAPE MAY RD.

6/11/97

P 5/23/97



#1913 CAPE MAY RD

6/11/97

P. 5/23/97

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE**Case No.:** _____

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

PLACE: _____

DATE AND TIME: _____

REQUEST: A variance
to permit a 19' street setback in lieu of the maximum
50', to permit a 20' side setback sum in lieu of 25', to permit
a 50' lot width in lieu of 76', ^{to permit} a lot area of 8,200 sq. ft
in lieu of 10,000, approve an ~~increase~~ + variances as determined
by the Zoning Commissioner (for both lots) + a special hearing
to determine that the density will not be increased.

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**



Baltimore County
Department of Permits and
Development Management

495
Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations 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 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:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) 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.: 495 Petitioner: FRED. J. KOEHLER / WILLIAM SMITH
Location: #1911 & #1913 CAPE MAY ROAD.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: FRED. J. KOEHLER
ADDRESS: 5409 HILLBURN AVE.
BALTO., MD. 21214
PHONE NUMBER: 410-426-6616



Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: _____

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____

plat book # _____, folio # _____, lot # _____, section # _____

OWNER: _____

North

date: _____

prepared by: _____

Scale of Drawing: 1" = _____



Vicinity Map
North
Scale: 1"=1000'

LOCATION INFORMATION

Election District: _____

Councilmanic District: _____

1"=200' scale map#: _____

Zoning: _____

Lot size: _____
acres square feet

SEWER: ☐ public ☐ private
WATER: ☐ ☐

yes ☐ no ☐

Cheesapeake Bay Critical Area: ☐ ☐

Prior Zoning Hearings: _____

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____

PO: PUTUXENT PUBLISHING COMPANY
May 22, 1997 Issue - Jeffersonian

Please forward billing to:

Fred J. Koehler
5409 Hillburn Avenue
Baltimore, Maryland 21214
410-426-6516

NOTICE OF HEARING

The Zoning Commissioner 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: 97-495-**6PHA**
1911 and 1913 Cape May Road
E/S Cape May Road, 1479' N of Laske Avenue
15th Election District - 5th Councilmanic
Legal Owner(s): William K. Smith and Dorothy C. Smith
Contract Purchaser(s): Fred J. Koehler

Special Hearing to determine that the density will not be increased.

Variance to allow a street setback of 19 feet in lieu of the maximum 50 feet, to allow the sum of the side yard setbacks to be 20 feet in lieu of the required 25 feet; lot width of 50 feet in lieu of 70 feet, alot area of 8,2000 square feet in lieu of the 10,000 square feet required and to approve an undersized lot, and any variances deemed necessary by the zoning commissioner.

HEARING: WEDNESDAY, JUNE 11, 1997 at 9:00 a.m., Room 106 County Office Building, 111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 13, 1997

NOTICE OF HEARING

The Zoning Commissioner 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: 97-495-A
1911 and 1913 Cape May Road
E/S Cape May Road, 1479' N of Laske Avenue
15th Election District - 5th Councilmanic
Legal Owner(s): William K. Smith and Dorothy C. Smith
Contract Purchaser(s): Fred J. Koehler

Special Hearing to determine that the density will not be increased.
Variance to allow a street setback of 19 feet in lieu of the maximum 50 feet, to allow the sum of the side yard setbacks to be 20 feet in lieu of the required 25 feet; lot width of 50 feet in lieu of 70 feet, alot area of 8,2000 square feet in lieu of the 10,000 square feet required and to approve an undersized lot, and any variances deemed necessary by the zoning commissioner.

HEARING: WEDNESDAY, JUNE 11, 1997 at 9:00 a.m., Room 106 County Office Building, 111 W. Chesapeake Avenue.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: William and Dorothy Smith
Fred J. Koehler
Patrick O'Keefe

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MAY 27, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 6, 1997

Mr. and Mrs. William Smith
1907 Cape May Road
Baltimore, MD 21221

RE: Item No.: 495
Case No.: 97-495-A
Petitioner: William Smith, et ux

Dear Mr. and Mrs. Smith:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 30, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." The signature is written in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: May 27, 1997

FROM: Robert W. Bowling, Chief *RWB/DAR*
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for May 19, 1997
 Item No. 495

The Development Plans Review Division has reviewed the subject zoning item. Cape May Road is an existing road which shall ultimately be improved as a 30-foot street cross section on a 50-foot right-of-way.

The property to be developed is located adjacent to tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

The Flood Protection Elevation is 11.2 feet for this site.

RWB:HJO:jrb

cc: File

ZONE519.495

___ Attach original petition

Due Date 5/29/97

To: Arnold L. Jablon

From: Bruce Seeley *BS/gg*

Subject: Zoning Item #495

William Smith 1911+1913 Cape May Road

Zoning Advisory Committee Meeting of May 12, 1997

___ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

___ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

___ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

___ Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 5.9.97
Item No. 495 MJK

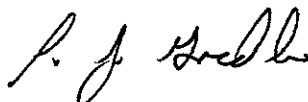
Dear Ms. Eubanks:

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 affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

LG

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: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

May 12, 1997

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF May 12, 1997

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

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

3. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

480, 489, 490, 491, 492, 493, 494, 495, 496, 497, and 499

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 867-4861, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: May 14, 1997

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: 1911-1913 Cape May Road

INFORMATION

Item Number: 495

Petitioner: Smith/Koehler

Zoning: DR 3.5

Requested Action: Variance

Summary of Recommendations:

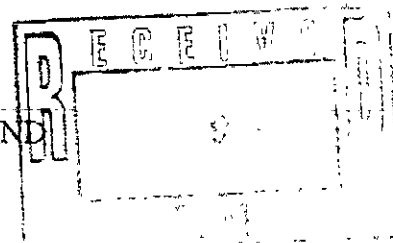
The applicants' request does not comply with two undersized requirements which are indicated in Sections 304.1B and 304.1C of the Baltimore County Zoning Regulations.

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

AFK/JL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE



TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: May 14, 1997

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: 1911-1913 Cape May Road

INFORMATION

Item Number: 495

Petitioner: Smith/Koehler

Zoning: DR 3.5

Requested Action: Variance

Summary of Recommendations.

The applicants' request does not comply with two undersized requirements which are indicated in Sections 304.1B and 304.1C of the Baltimore County Zoning Regulations

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

AFK/JL

**INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM**

TO: Director, Office of Planning & Community Conservation
Attn: Ervin McDaniel
County Courts Bldg, Rm 406
401 Bosley Av
Towson, MD 21204

B _____
Permit Number

FROM: Arnold Jablon, Director, Department of Permits & Development Management

RE: **Undersized Lots**

Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recommendations and comments from the Office of Planning & Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

☒ **PATRICK O'KEEFE, 523 PENNY LA. HUNTVALLY, 21030** ⁴¹⁰ **666-5366**
Print Name of Applicant Address Telephone Number
☐ Lot Address **#1911-13 CAPE MAY RD** Election District **15** Council District **5** Square Feet **8200 ±**
 Lot Location: **NES W** side / corner of **CAPE MAY** **1479** feet from **NES W** corner of **LASKE AVE**
(street) (street)
 Land Owner **WM. SMITH** Tax Account Number **1600 010123 & 124**
 Address **#1907 CAPE MAY RD.** Telephone Number **391-3234**

☐ **CHECKLIST OF MATERIALS:** to be submitted for design review by the Office of Planning & Community Conservation

PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	☒	_____
2. Permit Application	<u>n/a</u>	_____
3. Site Plan		
Property (3 copies)	☒	_____
Topo Map (available in Rm 206 C.O.B.) (2 copies) (please label site clearly)	☒	_____
4. Building Elevation Drawings	☒	_____
5. Photographs (please label all photos clearly)		
Adjoining Buildings	☒	_____
Surrounding Neighborhood	☒	_____

Residential Processing Fee Paid
 Codes 030 & 080 (\$85)
 Accepted by mt
ZADM
 Date 4/30/97

TO BE FILLED IN BY THE OFFICE OF PLANNING & COMMUNITY CONSERVATION ONLY!!

RECOMMENDATIONS/COMMENTS:

☐ Approval ☒ Disapproval ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

Staff recommends that this application for undersize lot be DENIED because it does not comply with Sections 304.1.B. or 304.1.C of the Baltimore County Zoning Regulations.

Signed by: Ervin McDaniel
for the Director, Office of Planning & Community Conservation

Date: May 15, 1997

**INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM**

TO: Director, Office of Planning & Community Conservation
Attn: Ervin McDaniel
County Courts Bldg, Rm 406
401 Bosley Av
Towson, MD 21204

B
Permit Number

FROM: Arnold Jablon, Director, Department of Permits & Development Management

RE. Undersized Lots

Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recommendations and comments from the Office of Planning & Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

☒ **PATRICK O'KEEFE, 523 PENNY LA. HUNTVALLY, 21030** 410 666-5366
Print Name of Applicant Address Telephone Number
☐ Lot Address **#1911 - 13 CAPE MAY RD** Election District **15** Council District **5** Square Feet **8200 ±**
 Lot Location: **NE S W / side / corner of CAPE MAY** **149** feet from **NE S W corner of LASKE AVE**
(street) (street)
 Land Owner **WM. SMITH** Tax Account Number **1600 010123 & 124**
 Address **#1907 CAPE MAY RD.** Telephone Number **391-3234**

☐ **CHECKLIST OF MATERIALS:** to be submitted for design review by the Office of Planning & Community Conservation

1. This Recommendation Form (3 copies)

YES
✓

NO

2. Permit Application

—

—

3. Site Plan

Property (3 copies)

✓

—

Topo Map (available in Rm 206 C.O.B.) (2 copies)
(please label site clearly)

✓

—

4. Building Elevation Drawings

✓

—

5. Photographs (please label all photos clearly)

Adjoining Buildings

✓

—

Surrounding Neighborhood

✓

—

Residential Processing Fee Paid
Codes 030 & 080 (\$85)

Accepted by ZADM

Date 4/30/97

* Info sent
to Planning

TO BE FILLED IN BY THE OFFICE OF PLANNING & COMMUNITY CONSERVATION ONLY!!

RECOMMENDATIONS/COMMENTS:

☐ Approval

☐ Disapproval

☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

Signed by: _____
for the Director, Office of Planning & Community Conservation

Date: _____

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Robert Bureungen
David E. Taylor
William N. Smith
Joan N. Koehler
Fred J. Kuehn
Patrick M. O'Keefe

7 Hunter Lake Ct Upperco Md 21155
1917 Cape May Rd 21221
1907 CARMENY RD 21111
5409 Hillburn 21214
5409 Hillburn 21214
523 PENNY LANE 21030



Plat to accompany Petition for Zoning ☒ Variance ☒ Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: #19114 13-CAPE MAY ROAD

Subdivision name: CAPE MAY POINT (CORRECTED)

[plat book # 4, folio # 125, lot # 19120, section #]

OWNER: WILLIAM N. SMITH, ETAL

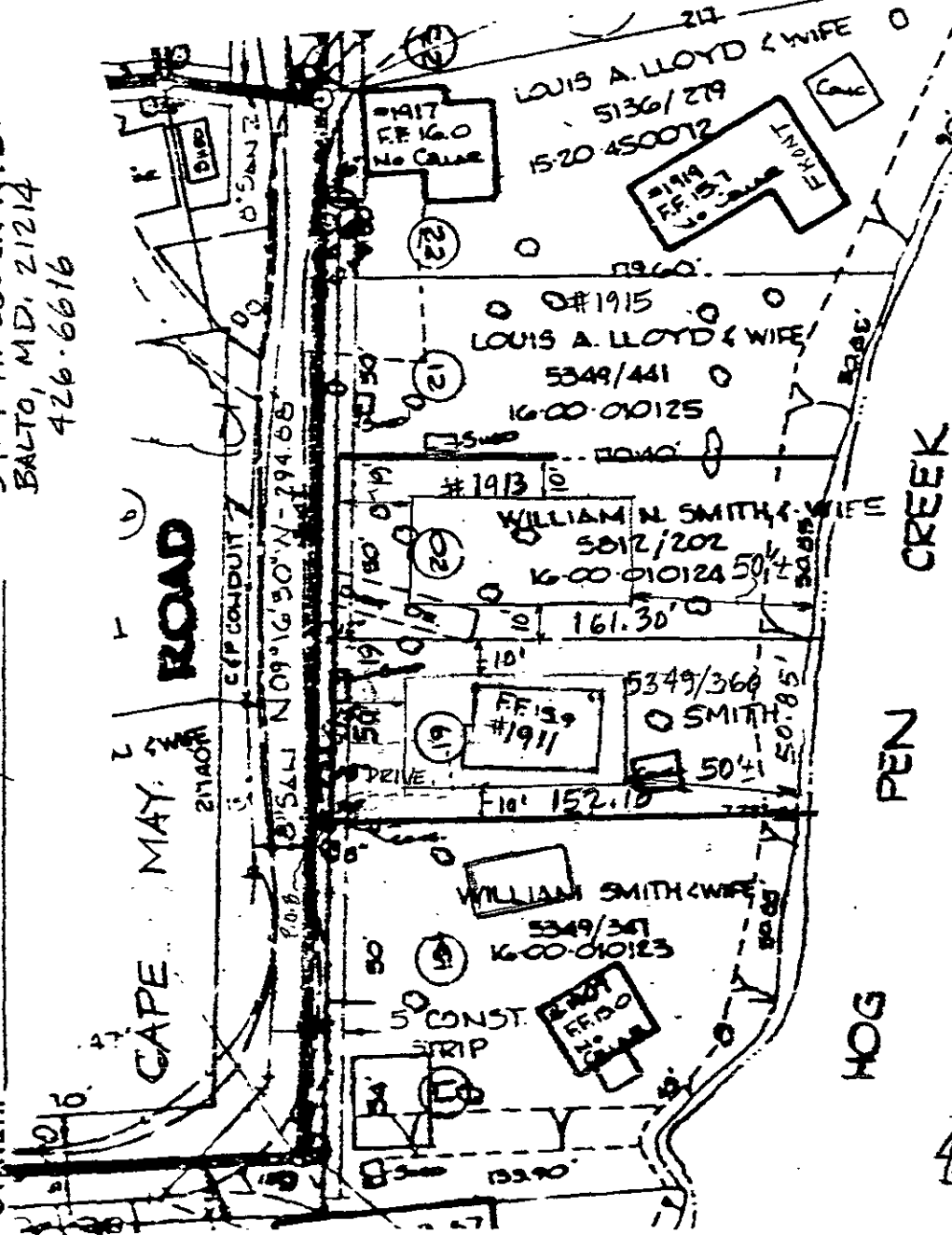
CONTRACT-PURCHASER/LESSEE

FRED KOEHLER

5409 HILLBURN AVE.

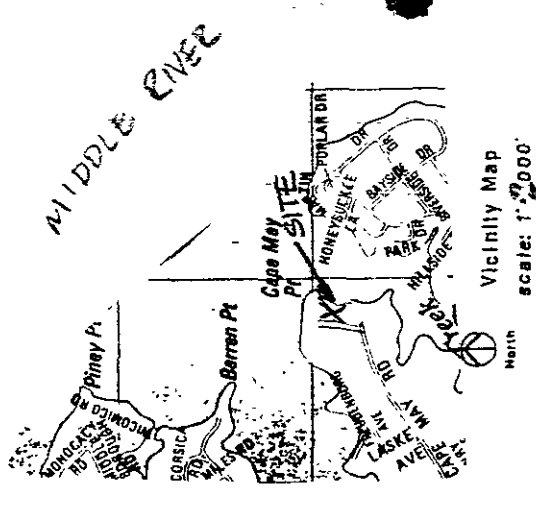
BALTO, MD. 21214

426-6616



97-495-SPHA

North
date: 4/30/97
prepared by: O'KEEFE
Scale of Drawing: 1"= 50'
FROM AVAILABLE RECORDS



LOCATION INFORMATION

Election District: 15

Councilmanic District: 5

1"=200' scale map#: NE: 1-J

Zoning: DR 3.5

LOT 19 = 0.19 acreage

LOT 20 = 0.19 acreage

SEWER: ☒ public ☐ private

WATER: ☒ public ☐ private

Chesapeake Bay Critical Area: ☒

Prior Zoning Hearings: N/A

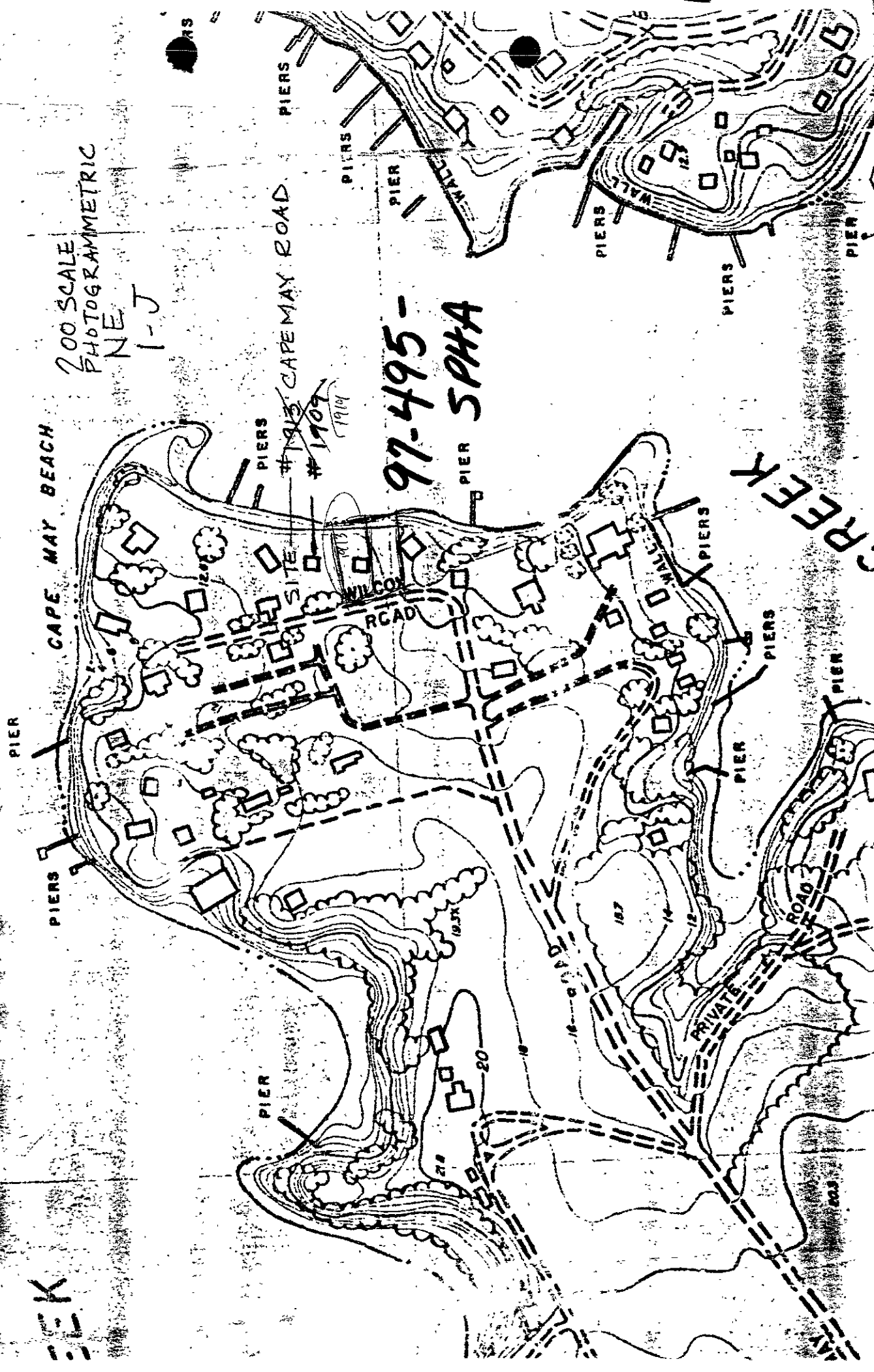
Zoning Office USE ONLY!

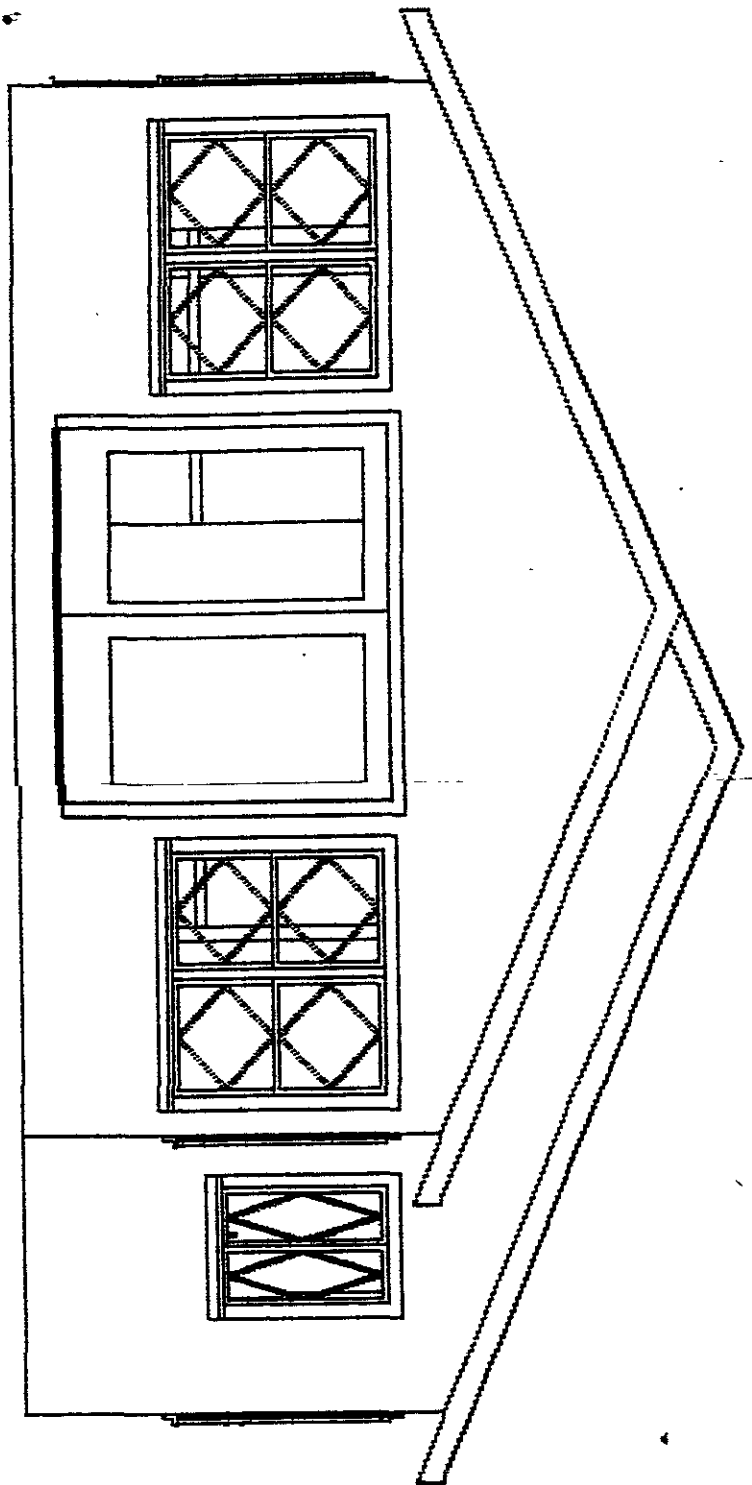
reviewed by: ITEM #: CASE#:

495

200 SCALE
PHOTOGRAMMETRIC
NET
1-J

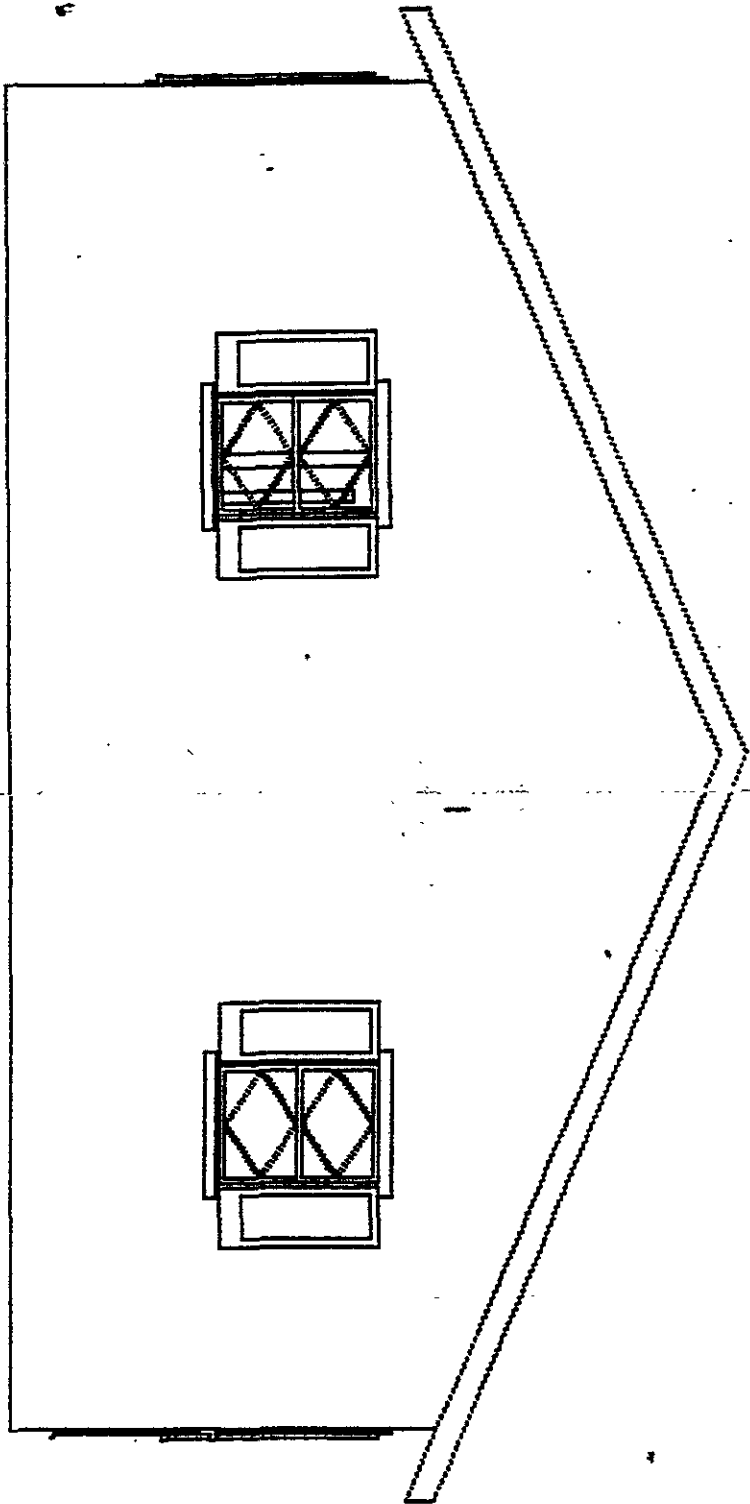
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PIER 5P4A





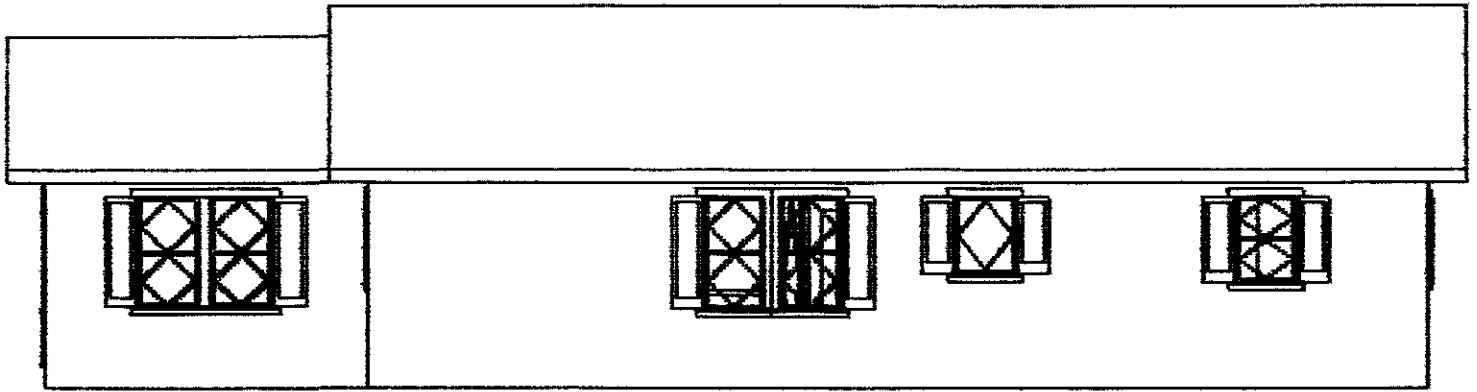
FRONT ELEV.
NTS

97-495-5PH4

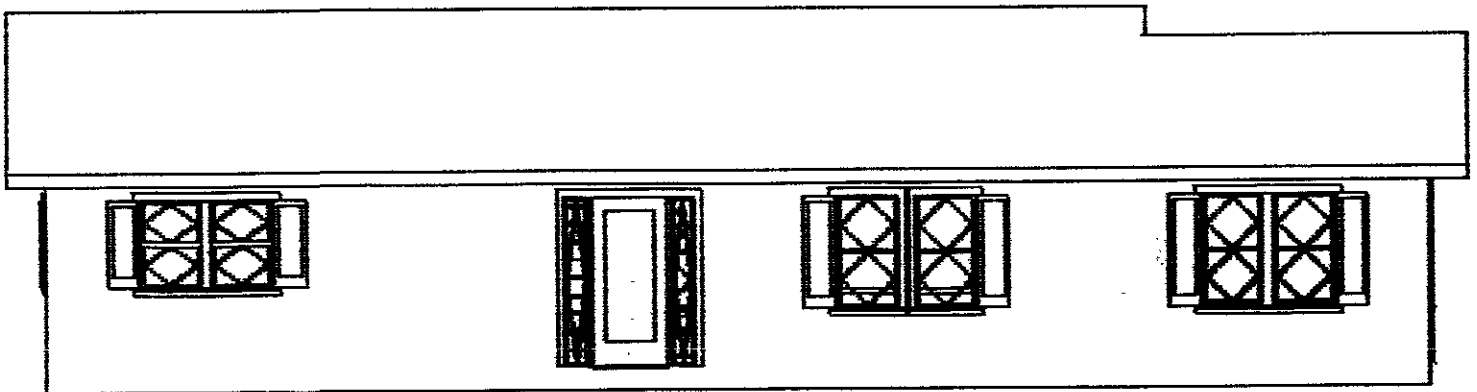


REAR ELEV,
N.T.S.

92495-SPH1A



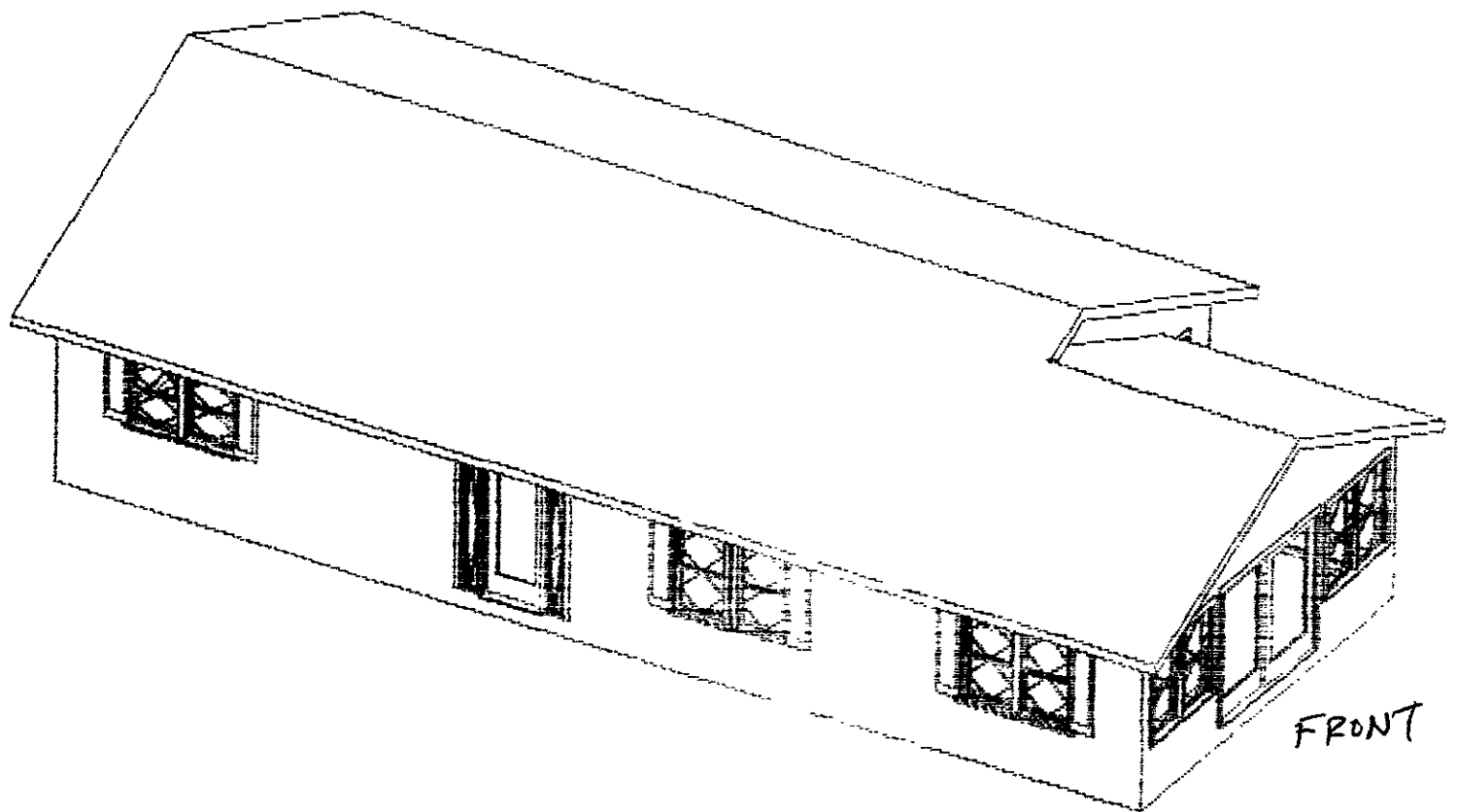
LT. SIDE



RT. SIDE

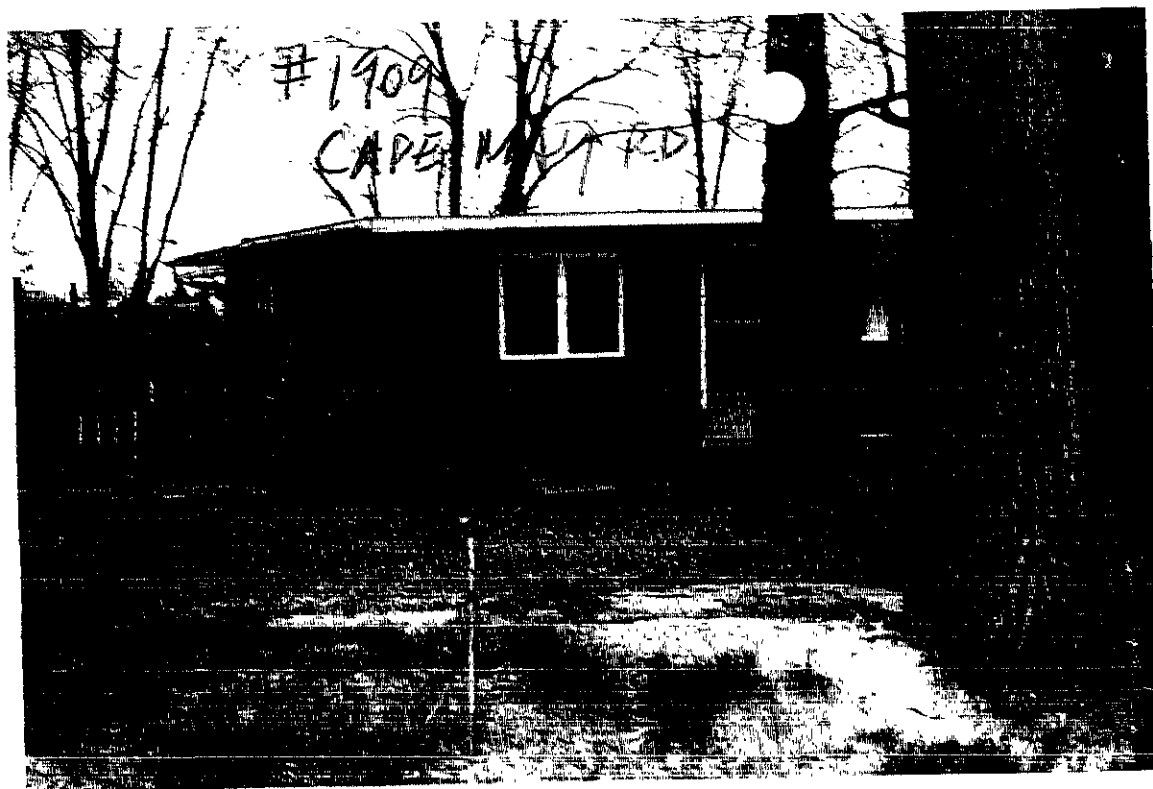
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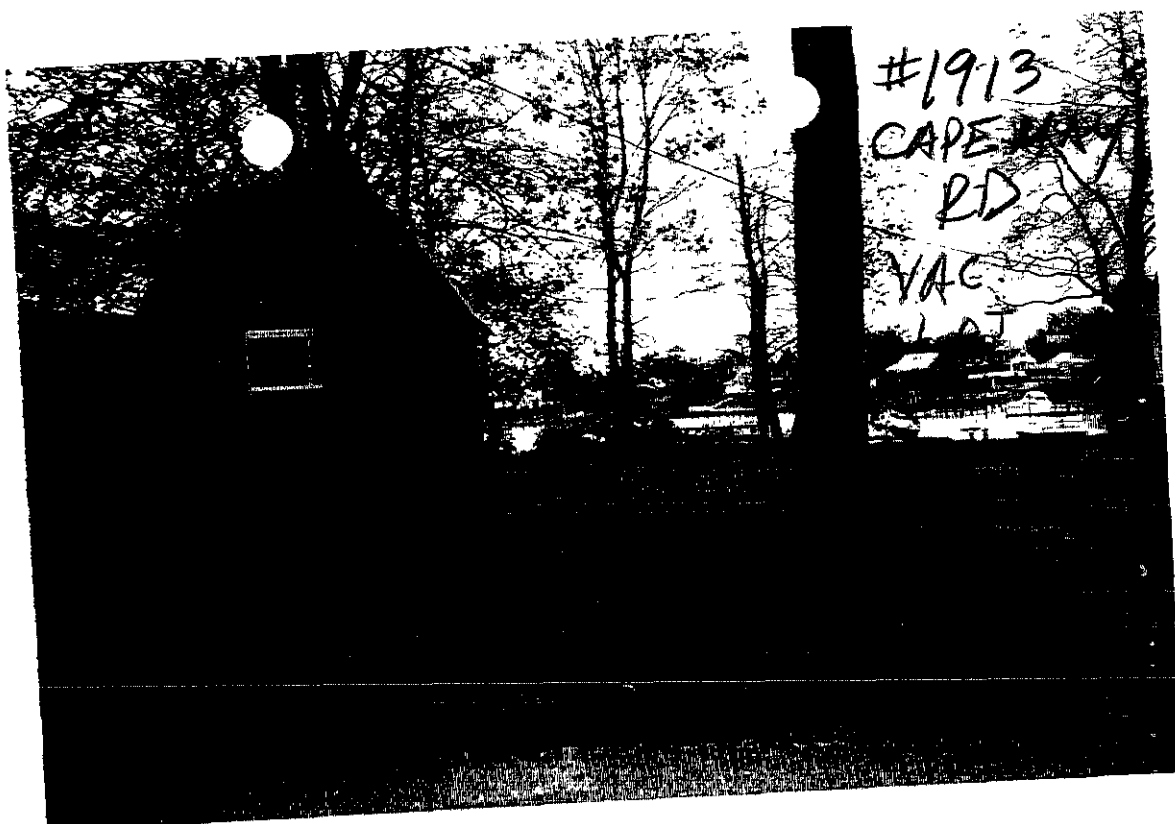
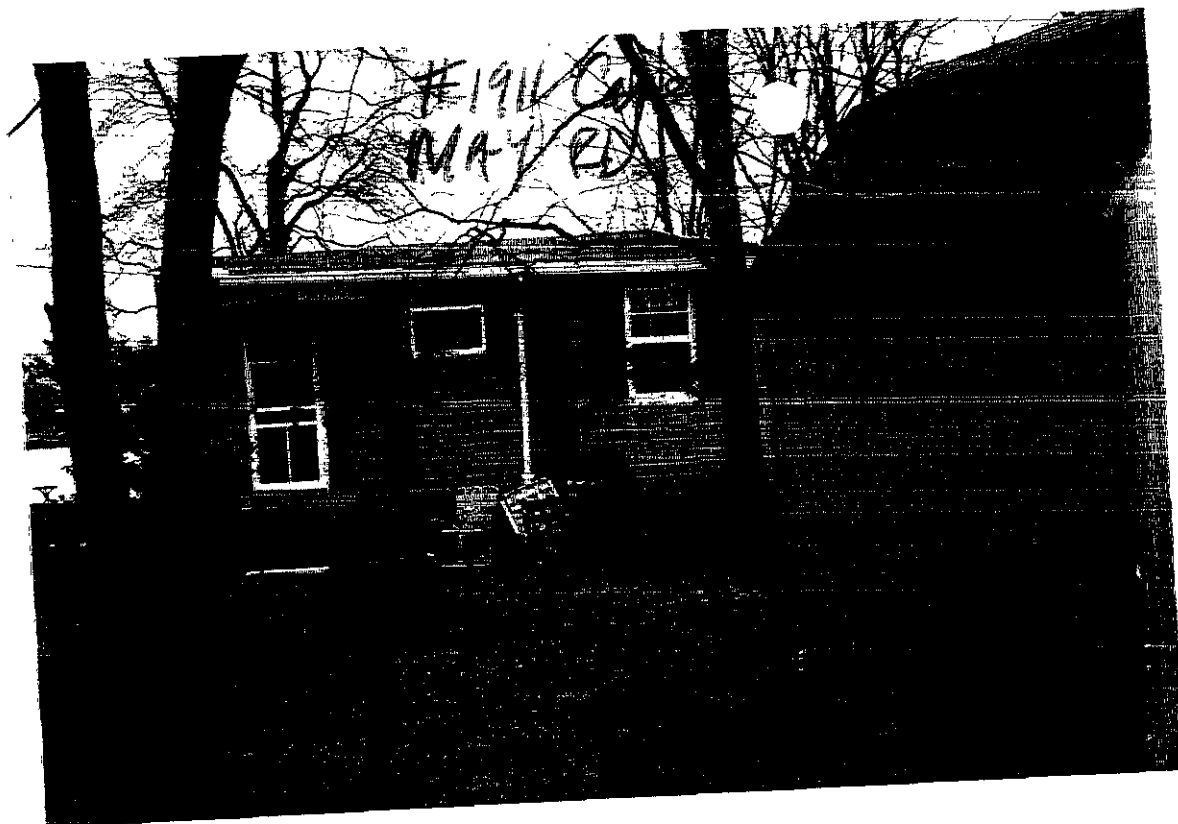
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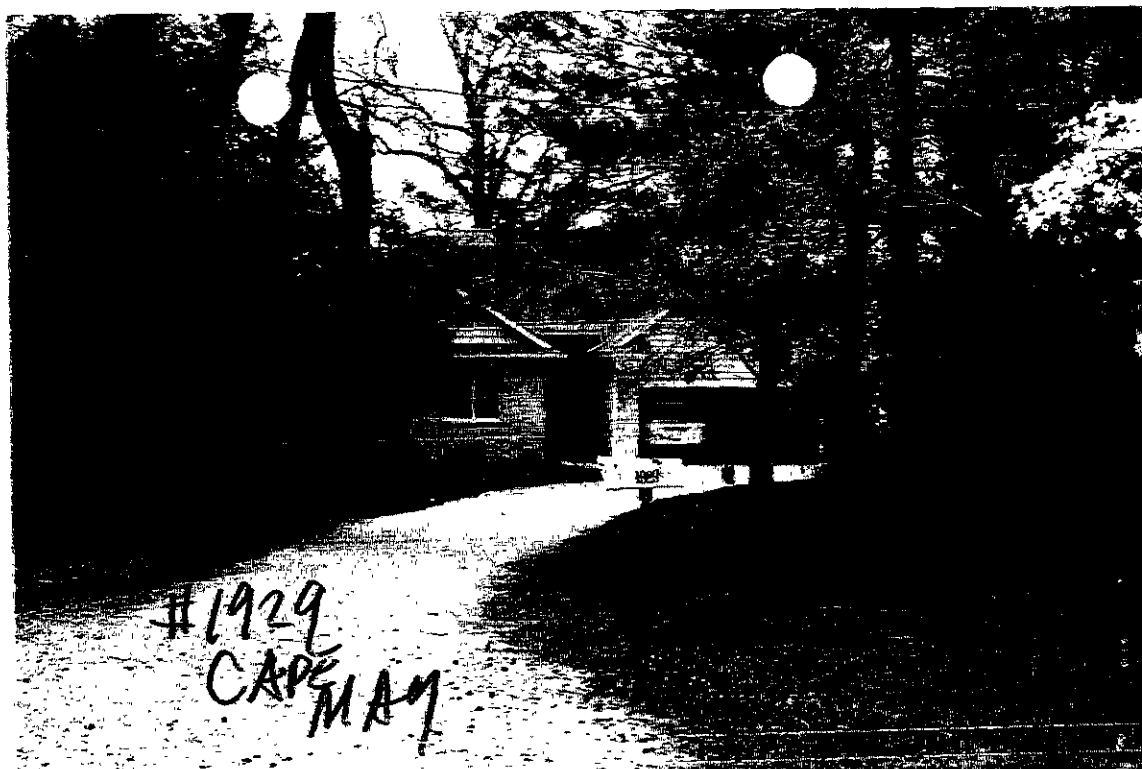
VIEW N-TS

97-495-
3PHA

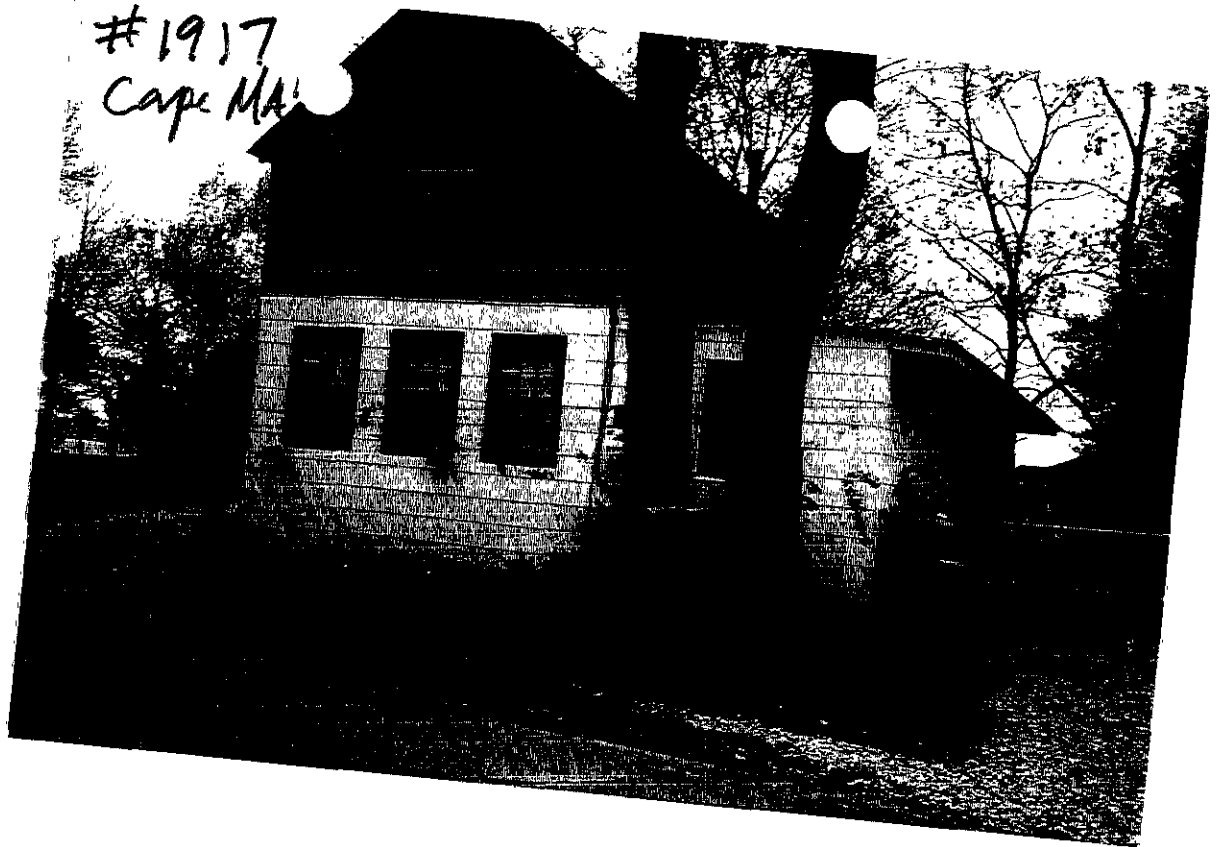


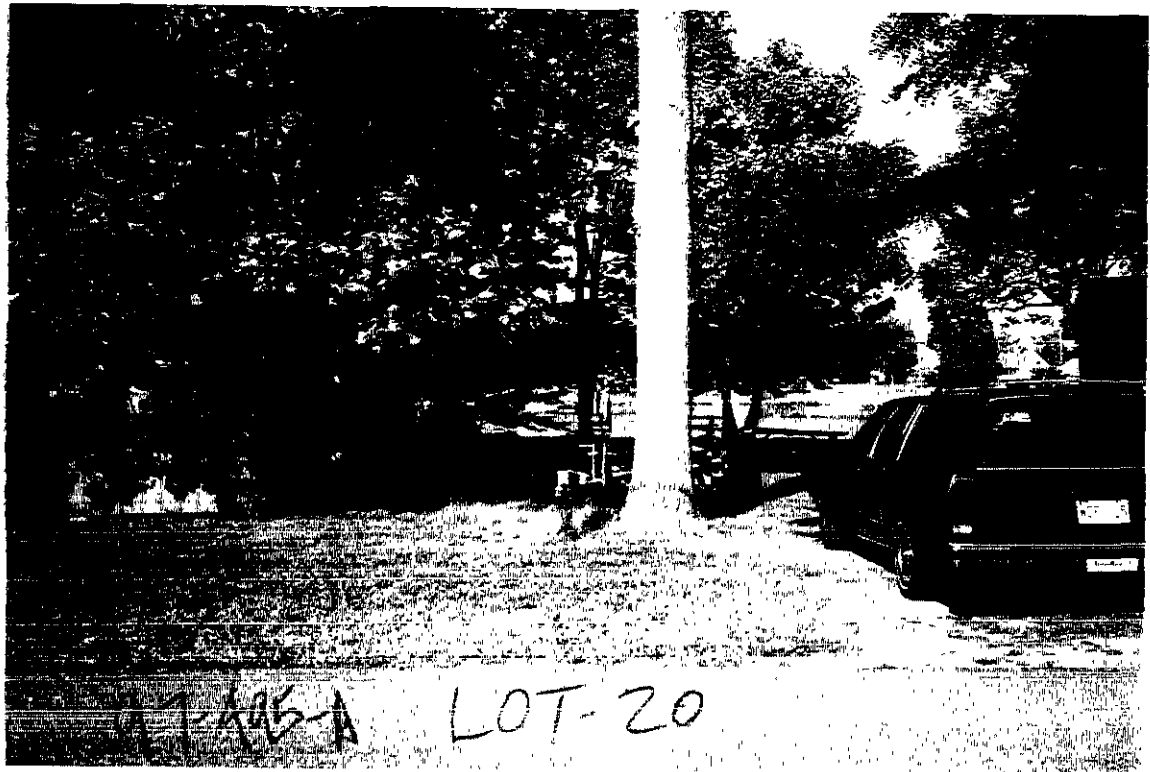






#1917
Cape MA









97-495-A



photograph

97-495-A