ORDER RECEIVED FOR FILING
Date
Office
By

IN RE: PETITION FOR VARIANCE

W/S Nanticoke Road, 526' NW of

Tred Avon Road (220 Nanticoke Road) 15th Election District 5th Council District

James Grace Petitioner

- * BEFORE THE
- * ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- Case No. 01-380-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 owner of the subject property, James Grace. The Petitioner seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 9 feet in lieu of the required 10 feet for an existing dwelling and proposed addition. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were James Grace, property owner, Ronald Spartana, Contract Purchaser, and Thomas E. Phelps, Registered Property Line Surveyor who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel, 50 feet wide by 232 feet deep, located on the west side of Nanticoke Road in the subdivision known as Middleborough in Essex. The property is a waterfront lot with frontage on Middle River, and contains a gross area of 10,375 sq.ft., zoned D.R.3.5. Presently, the property is improved with a 24' x 34' dwelling, an accessory shed, and a pier which leads from the property out into Middle River. Mr. Spartana has contracted to purchase the property from Mr. Grace, and he proposes to construct a 24' x 26' addition to the rear of the existing dwelling to provide more internal living space. The proposed addition will maintain the same setbacks as the existing

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dwelling; however, the dwelling does not meet the minimum required setback on the south side of the property. Thus, the requested variance is necessary in order to legitimize existing conditions and proceed with the proposed improvements.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested variance. In my view, the relief requested meets the requirements of Section 307.1 of the B.C.Z.R. and will not be detriment to the health, safety or general welfare of the surrounding locale. Moreover, strict compliance with the zoning regulations would result in a practical difficulty for the Petitioner. There were no Protestants present, and there were no adverse Zoning Advisory Committee (ZAC) comments submitted by any Baltimore County reviewing agency. However, due to the property's waterfront location, the proposed development is subject to compliance with Chesapeake Bay Critical Areas legislation as set forth in the ZAC comment submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated April 12, 2001, a copy of which is attached hereto.

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

this day of May, 2001 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 side yard setback of 9 feet in lieu of the required 10 feet for an existing dwelling and proposed addition, 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 Chesapeake Bay Critical Areas legislation, as set forth in the ZAC comments submitted by DEPRM, dated April 12, 2001, a copy of which is attached hereto and made a part hereof.

3) When applying for a building permit, 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

ORDEN RECKIVED FOR FILING Sate 2/04



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

Fax: 410-887-3468

May 14, 2001

Mr. James Grace 2527 Barrison Point Road Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE

W/S Nanticoke Road, 526' NW of Tred Avon Road

(220 Nanticoke Road)

15th Election District – 5th Council District

James Grace - Petitioner Case No. 01-380-A

Dear Mr. Grace:

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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. Ronald Spartana

2910 Knoll Acres Drive, Baltimore, Md. 21234

Mr. Thomas E. Phelps

945 Barron Avenue, Baltimore, Md. 21221

Chesapeake Bay Critical Areas Commission,

1804 West Street, Suite 100, Annapolis, Md. 21401

DEPRM; People's Counsel; Case File



R REPATIVED FOR FILING

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

220 Nanticoke Road

which is presently zoned

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the

)1—380-A

DR**3.**5

This Petition shall be flied 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) 1802,3C1 (BCZR) to permit a side yard set back of 9 feet for an existing dwelling and proposed addition in lieu of the required 10 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

TO BE DISCUSSED AT HEARING

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.

	Contract Purchaser/Lessee:			legal owner(s) of the property which is the subject of this Petition Legal Owner(s)
	(Type or Print Name)			James Grace (Type or Print Name)
	Signature			Signature Thank
	Address			(Type or Print Name)
	City Attorney for Petitloner:	State	Zipcode	Signature
	(Type or Print Name)			2527 Barrison Point Rd 410 3910179
	Signature			Baltimore MD 21221 City State Zipcode Name, Address and phone number of representative to be contacted.
	Address	Phone No.	7887	Thomas E Phelps
	City	State	Zipcode	945 Barron Avenue 410 574 5978 Address Phone No
2			Applica Administration of	OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Unavallable for Hearing
7			Ett Marian Marian	ALLOTHER
1				• • • •



THOMAS E. PHELPS & ASSOCIATES, INC.

945 Barron Avenue Baltimore, Maryland 21221-5202 (301) 574-6744

LAND SURVEYING

LAND PLANNING

ZONING DESCRIPTION FOR <u>220 NAKI COKE</u> ROAD
(address)
Beginning at a point on the WEST side of (north, south, east or west)
name of street on which property fronts) which is 30 FUET
(number of feet) (north, south, east or west) of the
(name of street)
(number of feet of right of way wide. *Being Lot # 9/
Block, Section # in the subdivision of Manhagonopaky
The recorded in partimore County Plat Book # A Folio # 141
(square feet or acres) Also known as 220 NANTICORE ROAD
and located in the 15 Election District. 5 Councilmanic District.

٠,	BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT 93073	موديد م	PATID RELEIPT PAYNENT ACTUAL 1/21/2001 3/26/2001	THE 19:16:66
	DATE $\frac{30600}{4000000000000000000000000000000000$	ijal Kk eal	V505 CHAMIER WETE : CEIPT # 265471 5 528 ZOMING VE 0. 025073 Recet Tol	NS INMAR S OFLN RIFICATION
	RECEIVED JOHN C. Grave		50.00 CK Baltimore County,	.00 Ga
	FOR: Missione - 120 Manticake Road CI-380-A			
	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER		Cashier's V	ALIDATION

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PATRICK M. O'KEEFE

INVOICE

SOLD TO:

James Grace
2527 Barrison Point Road
Baltimore MD 21221
Requested by Tom Phelps

Phone Number
(410) 866-5366

INVOICE NUMBER
INVOICE DATE
4/30/01
TERMS

TEN DAYS

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1 POSTING OF ZONING	SIGNCase # 01-380-A	60,00	60.00
			00.00
	220 Nanticoke Road		
	Hearing: May 10, 2001		
		TOTAL	60.00
			\$ 60.00
uestions concerning this invoice?	MAKE ALL CHI	ECKS PAYABLE TO:	PAY THIS
all: (410) 666-5366	PATRICK M. O'	KEEFE	AMOUNT

THANK YOU FOR YOUR BUSINESS!

NOTICE OF ZONING 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: # 01-380-A
220 Nanticoke Road
SW/S of Nanticoke Road,
526' NW Tred Avon Road
15th Election District
5th Councilmanic District
Legal Owner(s): James
Grace
Varlance: to permit a side
yard setback of 9 feet for an
existing dwelling and proposed addition in lieu of the
required 10 feet.

Hearing: Thursday, May 10, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

4/286 Apr. 26 C464687

CERTIFICATE OF PUBLICATION

426, 2001
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing on
on
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilking -
LECAL ADVERTISING

CERTIFICATE OF POSTING

RE	Case No 01-380-4
	Petitioner/Developer GRACE, ETAL
	Date of Hearing/Closing 5//0/0/

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 # 220 - NANTICOKE RD.

The sign(s) were posted on

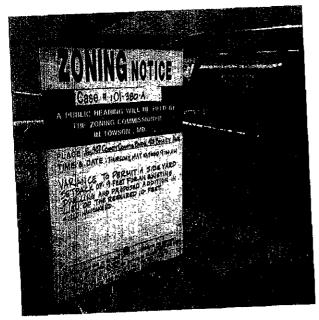
Sincerely.

(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; CELL-410-905-8571
(Telephone Number)



01-380-A A 220. NANTI DKE 5/10

Botty 887-3468

Nanticote
Removed
Zoning
Variance
Sign
4/24
Ateng

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

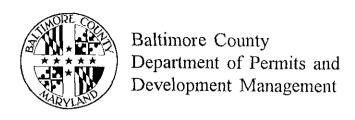
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the 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:
Item Number or Case Number: 01-380-4
Petitioner: JAMES GRACE
Address or Location: * 220 NANITCOKEROAD BALT. MO. 2/12/
PLEASE FORWARD ADVERTISING BILL TO:
Name: VAMES GRACE
Address: 1527 BAKRISON POINT RO
BALT. MD. 21221
Telephone Number: 40 391 0179

Revised 2/20/98 - SCJ



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

April 11, 2001

NOTICE OF ZONING 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: 01-380-A 220 Nanticoke Road SW/S of Nanticoke Road, 526' NW Tred Avon Road 15th Election District – 5th Councilmanic District Legal Owner: James Grace

Variance to permit a side yard setback of 9 feet for an existing dwelling and proposed addition in lieu of the required 10 feet.

HEARING: Thursday, May 10, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

GDZ

Arnold Jabion Director

C: James Grace, 2527 Barrison Point Road, Baltimore 21221 Thomas E Phelps, 945 Barron Avenue, Baltimore 21221

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, APRIL 25, 2001.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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

TO: PATUXENT PUBLISHING COMPANY

Thursday, April 26, 2001 sue - Jeffersonian

Please forward billing to:

James Grace 2527 Barrison Point Road Baltimore MD 21221

410 391-0179

NOTICE OF ZONING 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: 01-380-A 220 Nanticoke Road SW/S of Nanticoke Road, 526' NW Tred Avon Road

15th Election District – 5th Councilmanic District

Legal Owner: James Grace

Variance to permit a side yard setback of 9 feet for an existing dwelling and proposed addition in lieu of the required 10 feet.

Thursday, May 10, 2001 at 9:00 a.m. in Room 407, County Courts HEARING:

Building, 401 Bosley Avenue

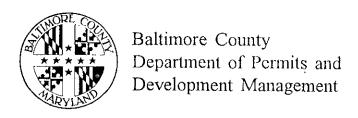
GDZ-

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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



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

May 4, 2001

James Grace 2527 Barrison Point Road Baltimore MD 21221

Dear Mr. Grace:

RE: Case Number: 01-380-A, 220 Nanticoke Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 26, 2001.

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. こうこ Supervisor, Zoning Review

W (and Richards, Jr.

WCR: gdz

Enclosures

c: Thomas E Phelps, 945 Barron Avenue, Baltimore 21221 People's Counsel

fglo

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director Department of Permits and

DATE: April 12, 2001

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

Development Management

1111

SUBJECT:

220 Nanticoke Road

INFORMATION:

Item Number:

01 - 380

Petitioner:

James Grace

Zoning:

DR 3.5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the variance request to permit a side yard setback of 9 feet for an existing dwelling in lieu of the required 10 feet.

Prepared by:

AFK:MAC:



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

-April 12, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF APRIL 9, 2001

Item No.: See Below

Dear Ms. Stephens:

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.

THE FIRE MARSHAL'S OFFICE HAS NO COMMENTS IN REGARD TO THE FOLLOWING ITEM #'S.

380, 381, 382, 384, 386, 387, 389, 390, 391, 392, 393, 394,

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 4.9.01

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

RE:

Baltimore County

Item No. 380

JHP

Dear, Ms. Jackson:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

1. J. Gralle Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Arnold Jablon
FROM:	R. Bruce Seeley A PBS
DATE:	April 12, 2001
SUBJECT	Γ: Zoning Item #380 220 Nanticoke Road
Zo	oning Advisory Committee Meeting of April 9, 2001
	ne Department of Environmental Protection and Resource Management has no mments on the above-referenced zoning item.
an	ne Department of Environmental Protection and Resource Management requests extension for the review of the above-referenced zoning item to determine the tent to which environmental regulations apply to the site.
	ne Department of Environmental Protection and Resource Management offers e 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 (Section 14-401 through 14-422 of the Baltimore County Code).
<u> </u>	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).

Reviewer: Keith Kelley Date: April 12, 2001

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RE: PETITION FOR VARIANCE
220 Nanticoke Road, SW/S Nanticoke Rd,
526' NW of Tred Avon Rd
15th Election District, 5th Councilmanic

Legal Owner: James Grace Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

Case No. 01-380-A

* * * * * * * * * *

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. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter May Tinnerman PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Rible S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel Old Courthouse, Room 47

400 Washington Avenue

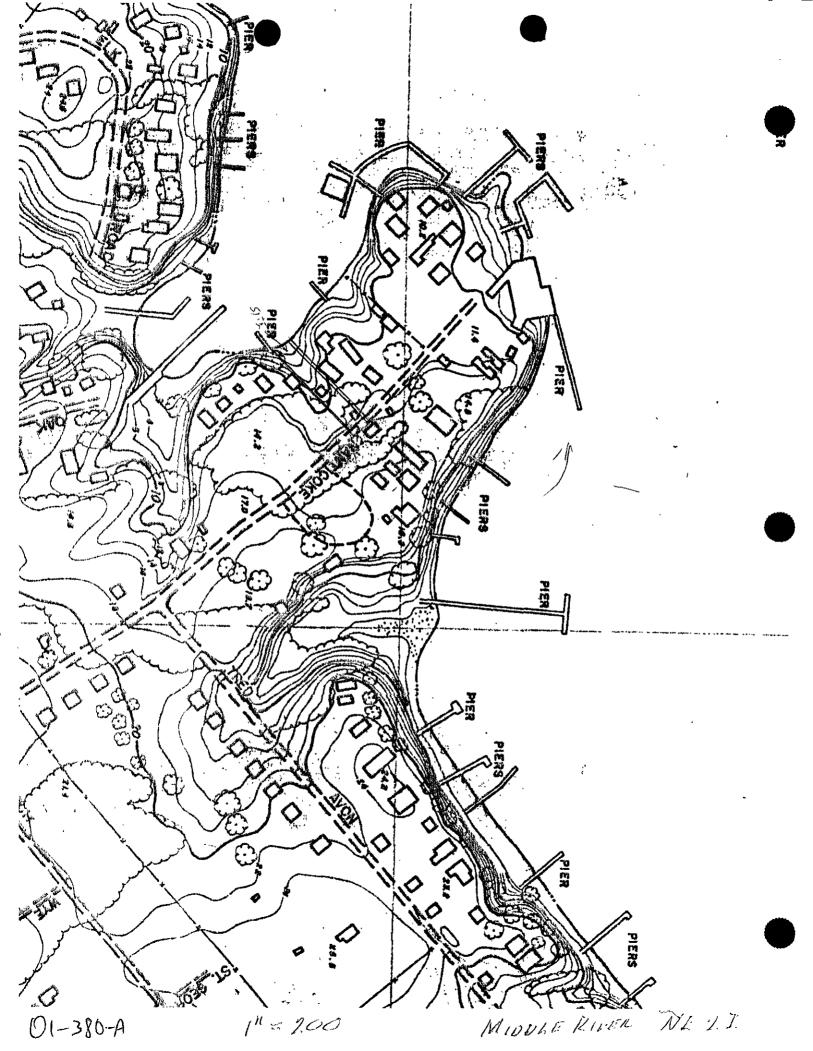
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of April, 2001 a copy of the foregoing Entry of Appearance was mailed to Thomas Phelps, 945 Barron Avenue, Baltimore, MD 21221, representative for Petitioners.

Peter May Timmerman
PETER MAX ZIMMERMAN





01-380-A

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MIDDLE RIVER NE 21



