

IN RE: PETITION FOR VARIANCE
N/S of Gephardt Avenue, 290 ft. N
of North Dakota Avenue
15th Election District
7th Councilmanic District
(7302 Gephardt Avenue)

Clint O. McLamb
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-564-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Clint O. McLamb. The Petitioner is requesting variance relief for property he owns at 7302 Gephardt Avenue, which is located in the Dundalk area of Baltimore County and is a waterfront lot. The variance requests are as follows: 1) from Sections 1B02.3.C.1 & 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a street front average setback of 33 ft. in lieu of 36 ft. and a side yard setback of as close as 5 ft. in lieu of 10 ft.; 2) from Section 102.4 of the B.C.Z.R., to permit a dwelling to be constructed on a lot with direct access to a 15 ft. right-of-way in lieu of 36 ft. right-of-way; 3) from Section 400.1 of the B.C.Z.R., to permit an existing shed in the front yard with a 0 ft. setback in lieu of rear yard with a 2 ½ ft. setback; and 4) to approve an undersized lot (all for a replacement dwelling).

Appearing at the hearing on behalf of the variance requests were Vince Moskunas and Karen Burton. There were no protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.243 acres of land, more or less, zoned D.R.5.5. The subject property is serviced by water and sewer. The property is improved with an old shore home which was built on the property many decades ago. The shore home itself is beyond renovation and is in need of

ORDER RECEIVED FOR FILING

Date

8/5/02

By

R. Moskunas

replacement. Mr. McLamb is interested in tearing down the old shack and constructing a new single-family residential dwelling in its place. His proposal is more particularly shown on Petitioner's Exhibit No. 1, the site plan submitted into evidence. In order to proceed with the construction of a new home in place of the old, the variance request is necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973).

To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 5th day of August, 2002, by this Deputy Zoning Commissioner, that the Petitioner's request for the following variances: 1) from Sections 1B02.3.C.1 & 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a street front average setback of 33 ft. in lieu of 36 ft. and a side yard setback of as close as 5 ft. in lieu of 10 ft.; 2) from Section 102.4 of the B.C.Z.R., to permit a dwelling to be constructed on a lot with direct access to a 15 ft. right-of-way in lieu of 36 ft. right-of-way; 3) from Section 400.1 of the B.C.Z.R., to permit an existing shed in the front yard with a 0 ft. setback in lieu of rear yard with a 2 ½ ft. setback; and 4) to approve an undersized lot (all for a replacement dwelling), be and they are hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING

Date 8/5/02

By T.P. Gensler



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

August 5, 2002

Mr. Clint O. McLamb
7302 Gephardt Avenue
Baltimore, Maryland 21219-2121

Re: Petition for Variance
Case No. 02-564-A
Property: 7302 Gephardt Avenue

Dear Mr. McLamb:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been granted in accordance with the enclosed 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 from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Bernadette Moskunas
Site Rite Surveying, Inc.
200 E. Joppa Road, Room 101
Towson, MD 21286

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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7302 Gephardt Avenue
which is presently zoned D.R.S.S

This Petition shall be filed with the Department of Permits and 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) B02.3.C.1 and 303.1 to approve a street front

average setback of 33' in lieu of 36' and a sideyard setback as close as 5' in lieu of 10'. From Section 102.4, to permit a dwelling to be constructed on a lot with direct access to a 15' R/W in lieu of 30' R/W. From Section 400.1 to permit an existing shed in front yard with a 0' setback in lieu of rear yard with a 2 1/2' setback and to approve an undersize lot (all for a replacement dwelling).

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

1. existing lot of record on "Chesapeake Terrace" plat recorded in 1919.
2. existing structure will not accommodate living environment, proposed structure meets living needs and is compatible with the neighborhood.
3. strict compliance with requirements would unreasonably prevent the use of the property for its permitted use.

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

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

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.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Case No. 01-564-A

REV 9/15/98

Legal Owner(s):

Clint O. McLamb

Name - Type or Print

Signature

Name - Type or Print

Signature

7302 GEPHARDT AVE (410) 477-3151

Address

Telephone No.

BALTIMORE MD

City

State

21219-2121

Zip Code

Representative to be Contacted:

Bernadette Moskunas

Site Site Surveying, Inc.

Name

200 E. Joppa Road Room 101

Address

410 828-9060

Telephone No.

TOWSON, MD 21286

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 HR

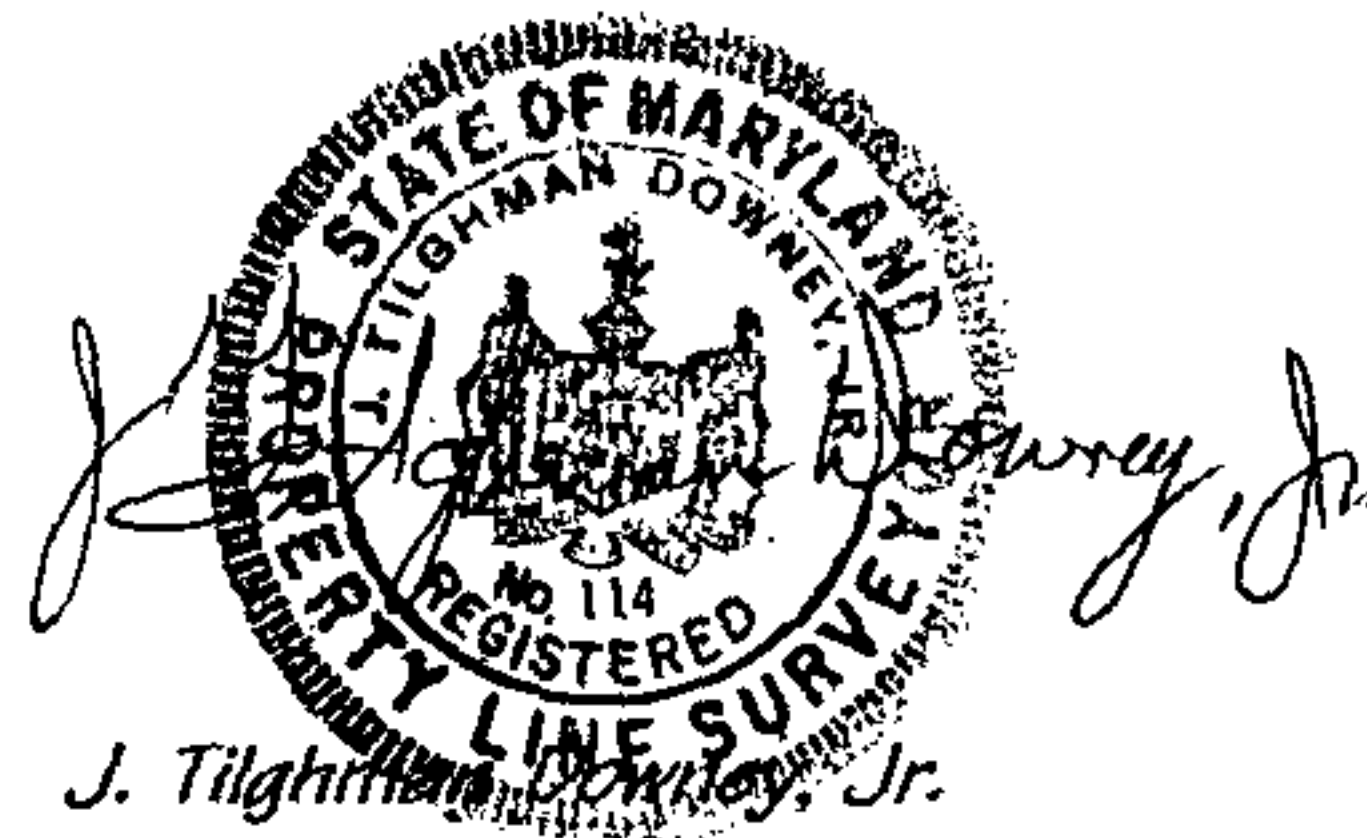
UNAVAILABLE FOR HEARING

Reviewed By JL Date 6/14/02

ZONING DESCRIPTION FOR #7302 GEPHARDT AVENUE

564

Beginning at a point on the north side of Gephardt Avenue which is 15 feet wide at the distance of 290 feet north of the centerline of North Dakota Avenue which is 30 feet wide. Being Lot No. 50, Block "A" in the Subdivision of "Chesapeake Terrace" as recorded in Baltimore County Plat Book No. 5, folio 34, containing 10,608 square feet. Also known as #7302 Gephardt Avenue and located in the 15th. Election District, 7th. Councilmanic District.



Site Rite Surveying, inc.
200 E. Joppa Road
Room 101
Towson, MD 21286
(410)828-9060

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 14311

DATE: 6/14/02

ACCOUNT: 001 006 6150

AMOUNT: \$ 100.00

RECEIVED FROM: C. McCLAMM

FOR: RES WAR + UNDESICIZED LT.

DISTRIBUTION
 WHITE - CASHIER
 PINK - AGENCY
 YELLOW - CUSTOMER

PAID RECEIPT

WORKSHEET NO. 20304 TIME

6/14/2002 6:14:00 PM 06:41:55

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CASHIER'S VALIDATION



ZONING NOTICE

CASE # 02-564-A

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

ROOM 407, COUNTY COURTS BLDG.

PLACE: 401 BOSLEY AVENUE

WEDNESDAY, JULY 31, 2002

DATE AND TIME: AT 9:00 A.M.

REQUEST: VARIANCE - TO APPROVE A STREET
FRONT AVERAGE SETBACK OF 33 FEET IN LIEU OF 36 FEET
AND A SIDE YARD SETBACK AS CLOSE AS 5 FEET IN LIEU OF
10 FEET TO PERMIT A DWELLING TO BE CONSTRUCTED ON A
LOT WITH DIRECT ACCESS TO A 15 FOOT RIGHT-OF-WAY IN LIEU
OF 30 FEET TO PERMIT AN EXISTING SHED IN FRONT YARD
WITH A 10 FOOT SETBACK IN LIEU OF REAR YARD WITH A
20 FOOT SETBACK AND TO APPROVE AN UNDERSIZED LOT.
(ALL FOR A REPLACEMENT DWELLING.)

SINCE VARIANCES OR OTHER CONDITIONS ARE SOMETIMES NECESSARY,
A PUBLIC HEARING WILL BE HELD.

COMMITTEE ON ZONING AND POST OFFICE OF TOWSON, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

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: #02-564-A
7302 Gephardt Avenue
N/Side of Gephardt Avenue 290 feet north of North Dakota Avenue
15th Election District - 7th Councilmanic District

Legal Owner(s): Clint O. McLamb
Variance: to approve a street front average setback of 33 feet in lieu of 36 feet and a side yard setback as close as 5 feet in lieu of 10 feet. To permit a dwelling to be constructed on a lot with direct access to a 15 foot right-of-way in lieu of 30 feet. To permit an existing shed in front yard with a 0 foot setback in lieu of rear yard with a 2 1/2 foot setback and to approve an undersized lot. (All for a replacement dwelling.)

Hearing: Wednesday, July 31, 2002 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.

JT/7738 July 16 C550540

CERTIFICATE OF PUBLICATION

7/18/2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/16/2002.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 02-564-A

Petitioner/Developer: _____

CLINT O. McLAMB

Date of Hearing/Closing: 7-31-2002

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 _____

N/S. OF GERHARDT AVE.; 290' N. OF NORTH DAKOTA
AVENUE

The sign(s) were posted on JULY 15, 2002
(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3225 RYERSON CIRCLE

(Address)

BALTIMORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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: 02-564-A

Petitioner: Clint McLamb

Address or Location: 7302 Gephardt Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Clint McLamb

Address: 7302 Gephardt Avenue

Baltimore, MD 21219

Telephone Number: (410) 477-3151

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 16, 2002 Issue – Jeffersonian

Please forward billing to:
Clint O. McLamb
7302 Gephardt Avenue
Baltimore, MD 21219

410-477-3151

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: 02-564-A

7302 Gephardt Avenue

N/side of Gebhardt Avenue 290 feet north of North Dakota Avenue

15th Election District – 7th Councilmanic District

Legal Owner: Clint O. McLamb

Variance to approve a street front average setback of 33 feet in lieu of 36 feet and a side yard setback as close as 5 feet in lieu of 10 feet. To permit a dwelling to be constructed on a lot with direct access to a 15 foot right-a-way in lieu of 30 feet. To permit an existing shed in front yard with a 0 foot setback in lieu of rear yard with a 2 ½ foot setback and to approve an undersized lot. (All for a replacement dwelling.)

HEARING: Wednesday, July 31, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

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.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

June 27, 2002

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: 02-564-A

7302 Gephardt Avenue

N/side of Gephardt Avenue 290 feet north of North Dakota Avenue

15th Election District – 7th Councilmanic District

Legal Owner: Clint O. McLamb

Variance to approve a street front average setback of 33 feet in lieu of 36 feet and a side yard setback as close as 5 feet in lieu of 10 feet. To permit a dwelling to be constructed on a lot with direct access to a 15 foot right-a-way in lieu of 30 feet. To permit an existing shed in front yard with a 0 foot setback in lieu of rear yard with a 2 ½ foot setback and to approve an undersized lot. (All for a replacement dwelling.)

HEARING: Wednesday, July 31, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

C: Clint O. McLamb, 7302 Gephardt Avenue, Baltimore, MD 21219-2121
Bernadette Moskuna, Site Rite Surveying, Inc., 200 E. Joppa Road, Room 101,
Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 16, 2002.**
- (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.

Come visit the County's Website at www.co.ba.md.us





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 26, 2002

Mr. Clint O McLamb
7302 Gephardt Avenue
Baltimore MD 21219-2121

Dear Mr. McLamb:

RE: Case Number: 02-564-A, 7302 Gephardt Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 14, 2002.

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.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Bernadette Moskunus, Site Rite Surveying Inc, 200 E Joppa Road, Room 101, Towson 21286
People's Counsel

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Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

June 24, 2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 24, 2002

Item No.: See Below

Dear Mr. Zahner:

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 at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

563, 564, 566-569, 572-574

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

cc: File

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JW
7/31

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *RB | TBT*
DATE: July 24, 2002
SUBJECT: Zoning Item 564
Address 7302 Gephardt Ave

Zoning Advisory Committee Meeting of June 24, 2002

- ☐ 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.
- ☒ 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 (Section 14-401 through 14-422 of the Baltimore County Code).
 - ☒ 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).

Additional Comments:

See attached comments

Reviewer: Keith Kelley

Date: July 22, 2002

CBCA Zoning Comments (zoning item # 564)

X The property is located within the Limited Development Area (LDA), of the Chesapeake Bay Critical Area (CBCA).

 This proposal must use best management practices, which reduce pollutant loadings by 10%.

 Man-made impervious surfaces are limited to 15% for lots greater than ½ acre in size.

X Man-made impervious surfaces are limited to 25% for lots less than ½ acre in size.

X Mitigation is required if exceeding the 25% impervious surface limit. Impervious surfaces are limited to 25% of the lot & 500 square feet or 31.25% of the lot. Otherwise, a Critical Area Administrative Variance (CAAV) is required.

X If permitted development on a property currently exceeds impervious surface limits, that percentage may be maintained during redevelopment of the property.

X 15% forest must be established or maintained. This equates to 3 trees for a lot of this size.

X Any tree removed in the buffer for this structure must be replaced on a 1:1 basis.

X All downspouts must discharge rainwater runoff across a pervious surface such as a lawn.

 The lot is in a Buffer Management Area (BMA). Mitigation (planting trees, removing impervious area, or paying a fee-in-lieu) is required for the placement of the proposed structure within 100' of tidal waters.

 If the lot is unimproved, then the proposed dwelling cannot go any closer to the water than the neighboring dwelling farthest away from the water.

 If the lot is improved, then the proposed dwelling can go as close to the water as the existing dwelling.

X A Critical Area Administrative Variance (CAAV) is required if the placement of the proposed structure is within 100' of tidal waters, tidal wetlands, stream, or within 25' of non-tidal wetlands.

 A Critical Area Administrative Variance (CAAV) is required since the proposed principal structure cannot honor the required 35' residential building setback or 25' commercial building setback from the 25' or 100' buffer.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: August 2, 2002

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 1, 2002
Item No. 564

The Bureau of Development Plans Review has reviewed the subject zoning item.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above floodplain elevation in all construction.

In accordance with *Bill No. 18-90, Section 26-276*, filling within a floodplain is prohibited.

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 building engineer shall require a permit for the project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with requirement of *B.O.C.A. Inter. Building Code* adopted by the county.

RWB:CEN:jrb

cc: File

Sign
7/31

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 2, 2002

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

JUL 3 2002

SUBJECT: 7302 Gephardt Avenue

INFORMATION:

Item Number: 02-564

Petitioner: Clint O. McLamb

Zoning: DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request provided building elevations are submitted to this office for review and approval prior to the issuance of any building permits.

Prepared by: M. A. Cunningham

Section Chief: D. J. Lankford

AFK/LL:MAC:



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 6.25.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 564

JL

Dear Mr. Zahner:

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,

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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

RE: PETITION FOR VARIANCE
7302 Gephardt Avenue, N/side of Gephardt Ave / North
of North Dakota Avenue
15th Election District, 7th Councilmanic

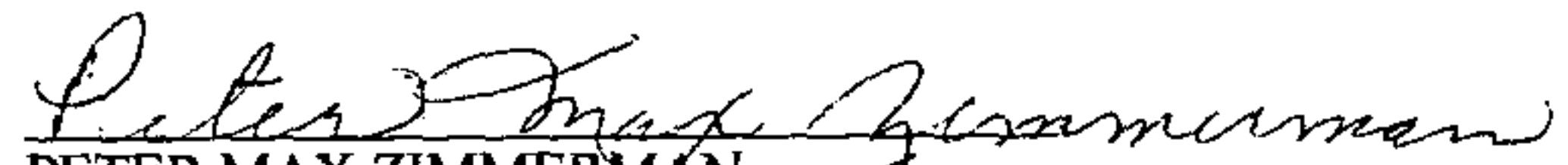
Legal Owner: Clint O. McLamb
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-564-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 MAX ZIMMERMAN
People's Counsel for Baltimore County


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 1st day of July, 2002 a copy of the foregoing Entry of Appearance was mailed to Bernadette L. Moskunas, Site Rite Surveying, Inc., 200 E. Joppa Road, Room 101, Towson, MD 21286, representative for Petitioners.


PETER MAX ZIMMERMAN

RECOMMENDATION FORM

TO: Director, Office of Planning & Community Conservation
 Attention: Jeffrey Long
 County Courts Building, Room 406
 401 Bosley Avenue
 Towson, MD 21204

Permit or Case No. 02 564 A7/2/02

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

Residential Processing Fee Paid
(\$50.00)Accepted by JL
Date 6/14/02RE: 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 and Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

Room 101
Site Rite Surveying, Inc. 200 E. Johns Road Towson, MD 21286 (410) 828-9060
 Print Name of Applicant Address Telephone Number
1302 Gephardt Avenue Election District 15 Councilmanic District 7 Square Feet 10,608
 Lot Address
 Lot Location: NE S W side corner of Gephardt Avenue 290 East from NE S W corner of N Dakota Avenue
 (street) (street)
 Land Owner: Clint McLamb Tax Account Number 1502570960
 Address: 1302 Gephardt Avenue Balto. MD 21219 Telephone Number 410, 477-3151

CHECKLIST OF MATERIALS- (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY/ PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	☒	☐
2. Permit Application	☐	☒
3. Site Plan	☒	☐
Property (3 copies)	☒	☐
Topo Map (2 copies): available in Room 208, County Office Building - (please label site clearly)	☒	☐
4. Building Elevation Drawings	☒	☐
5. Photographs (please label all photos clearly)	☒	☐
Adjoining Buildings	☒	☐
Surrounding Neighborhood	☒	☐
6. Current Zoning Classification: <u>D.P. S.S</u>		

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY/

RECOMMENDATIONS / COMMENTS:



Approval



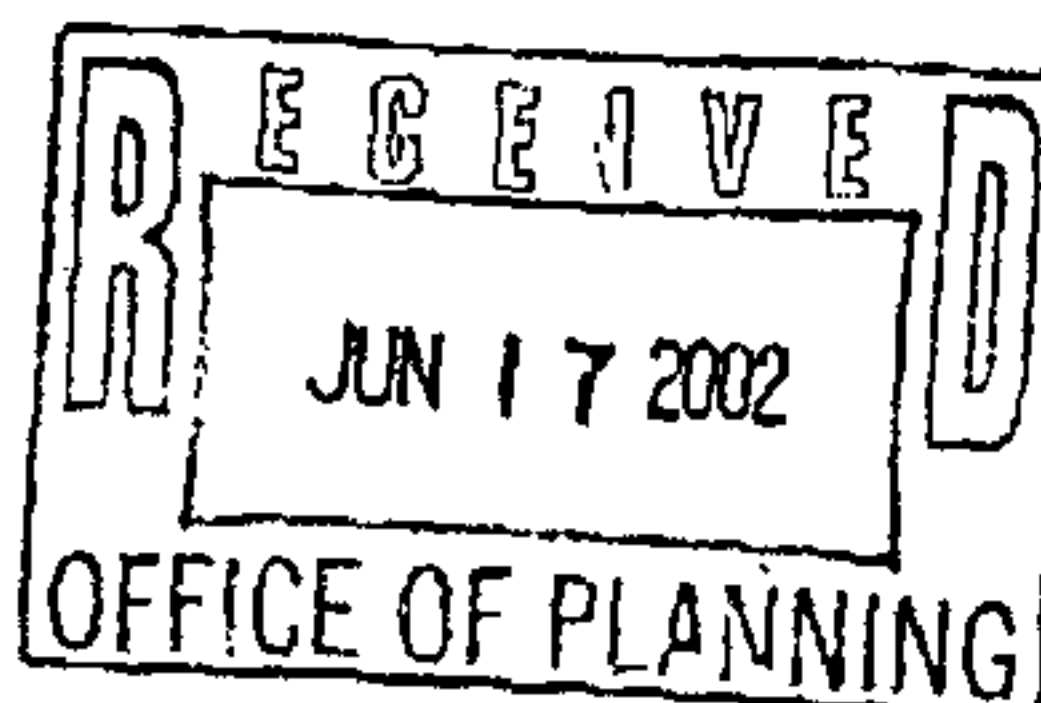
Disapproval



Approval conditioned on required modifications of the application to conform with

Red by:

for the Director, Office of Planning and Community Conservation



Date:

6/19/2002

Date	6/19/02	# of Pages	1
From	John Lewis	To	Jeffrey Long
Co./Dept.	7671	Co.	Planning
Phone #	7671	Phone #	2900
Fax #	2824	Fax #	2900

Case Number 02-564-A

PLEASE PRINT LEGIBLY.

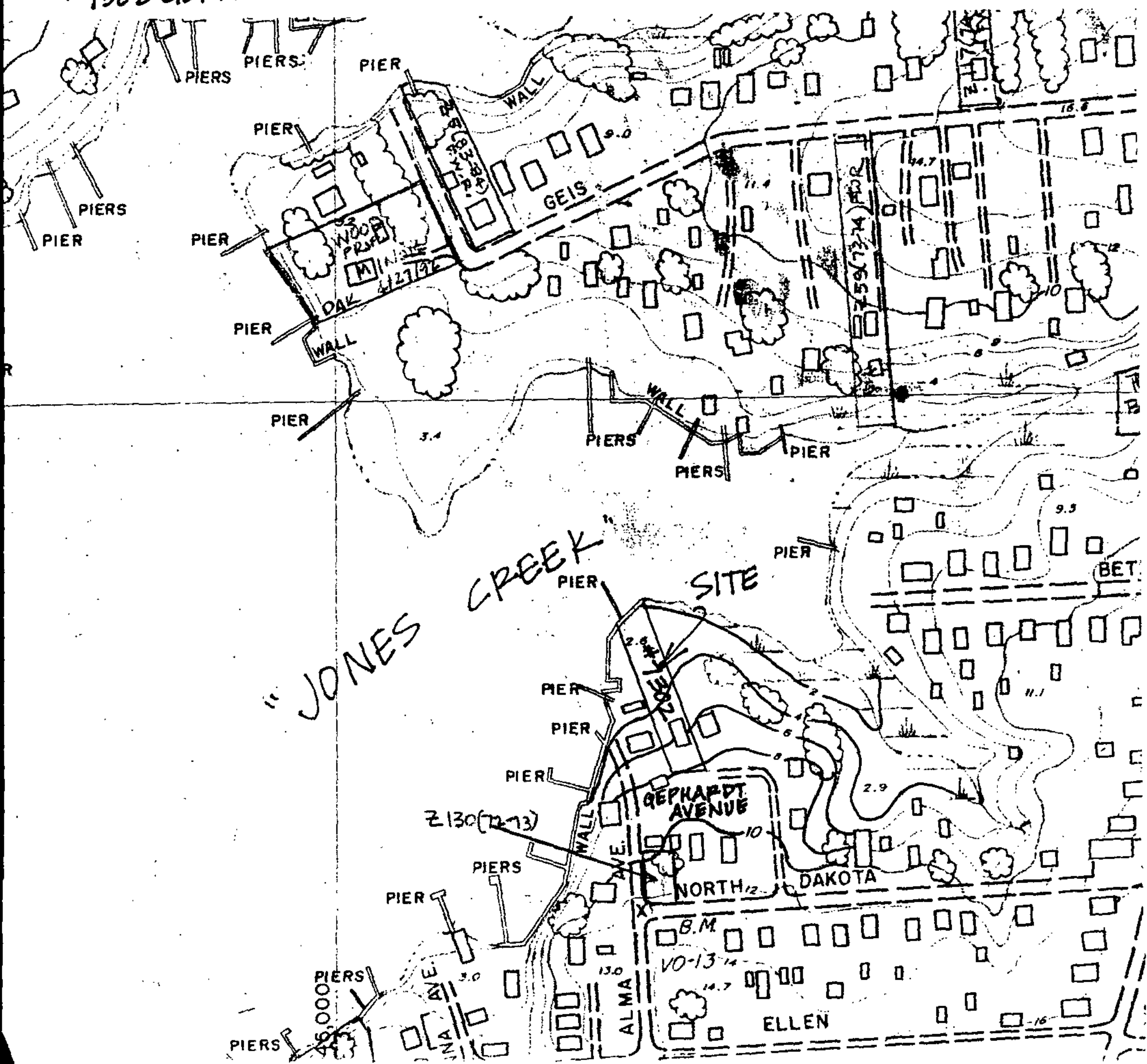
7/31/02

PETITIONER'S SIGN-IN SHEET

[illegible]

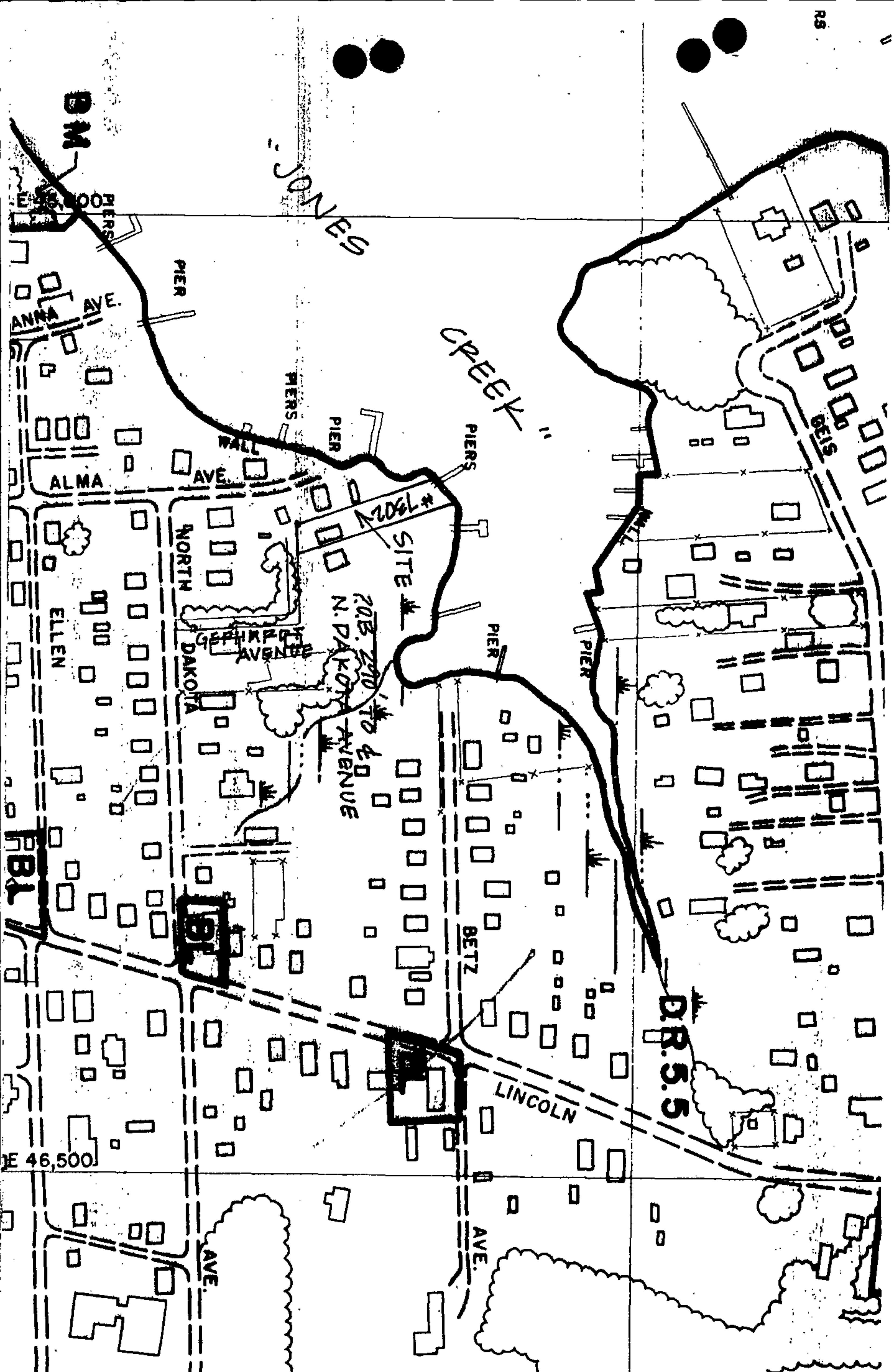
56A

200' SCALE TOPO. MAP: SE. 7-H
"LODGE FOREST"
#7302 GEPHARDT AVENUE

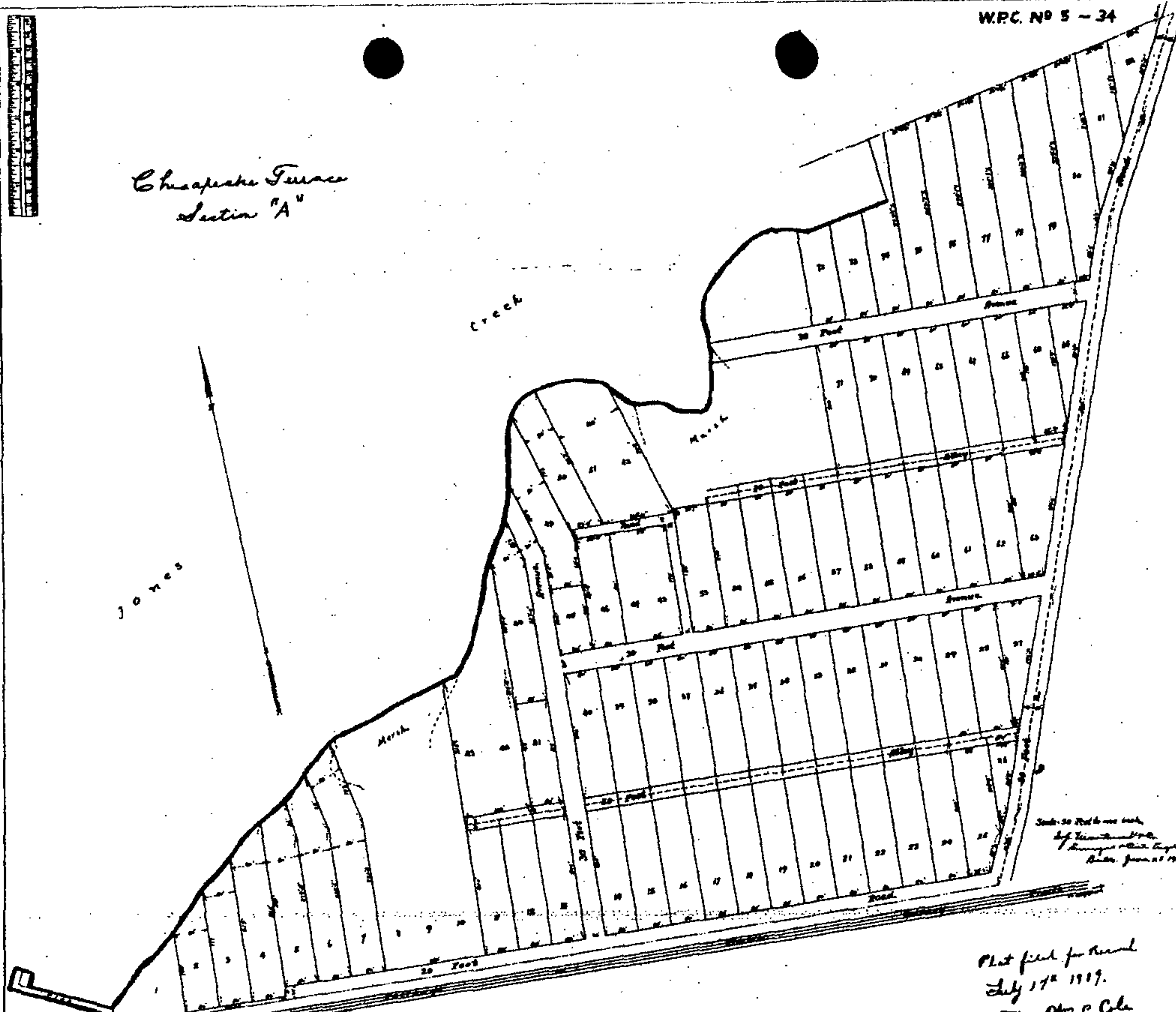


200' SCALE ZONING MAP: S.E. 7-H
"LODGE FOREST"
#7302 GERHARDT AVENUE

564

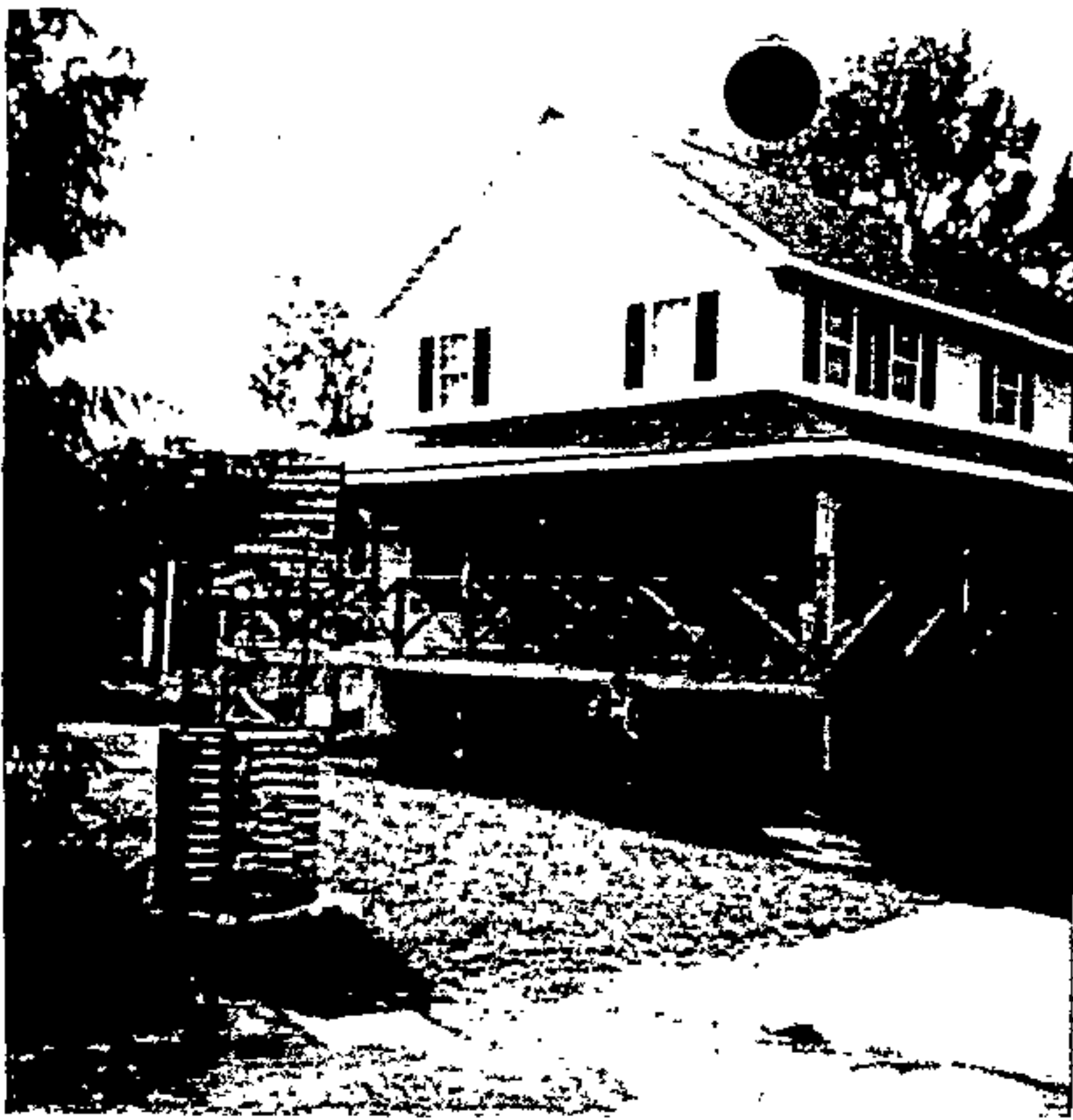


Chesapeake Terrace
Section "A"



Scale 20 Feet to one inch
by *[Signature]*
June 21 1919

Plot filed for record
July 17th 1919.
— *[Signature]*



7304 Gephardt Rd



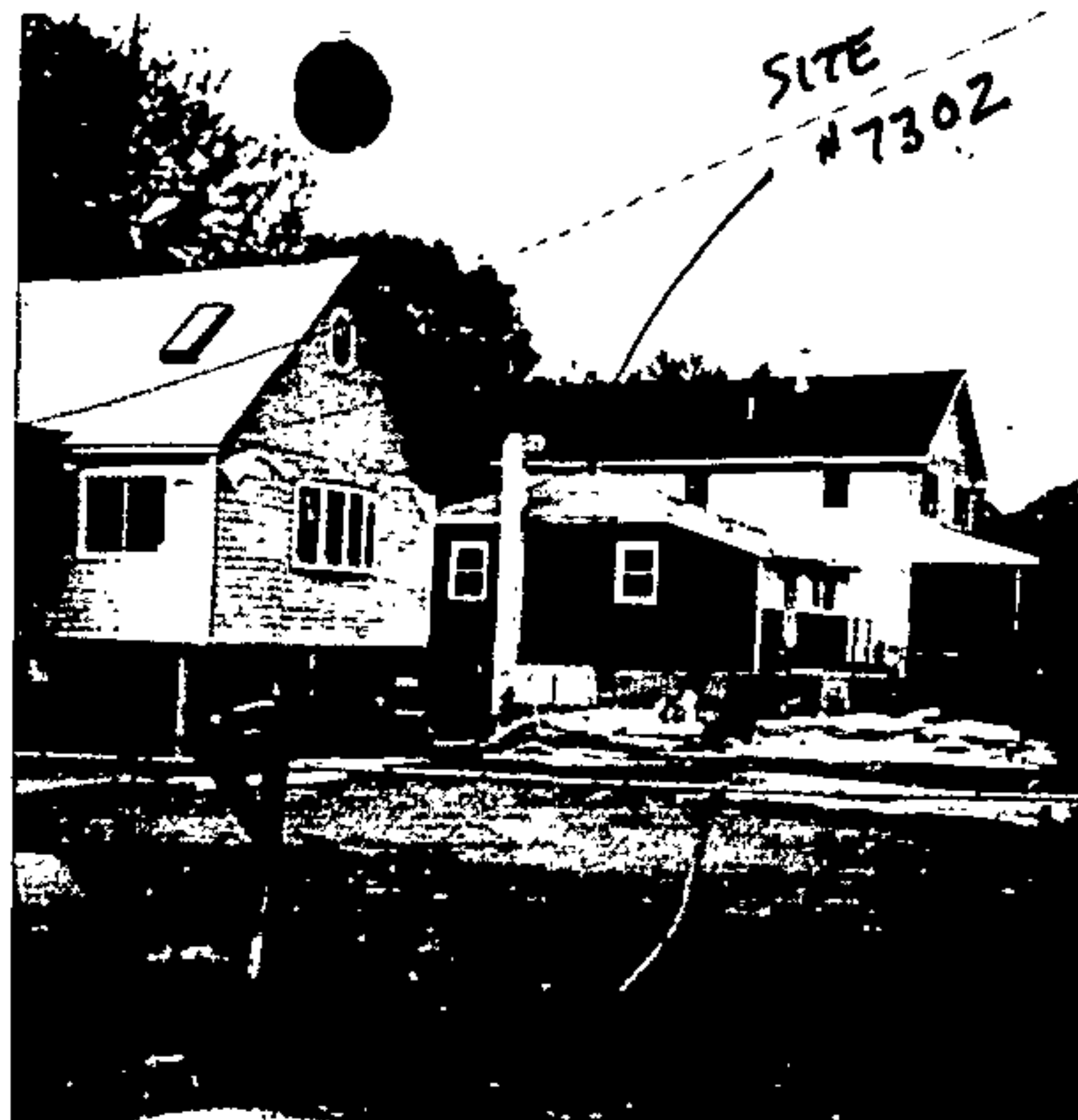
7304 Gephardt Rd



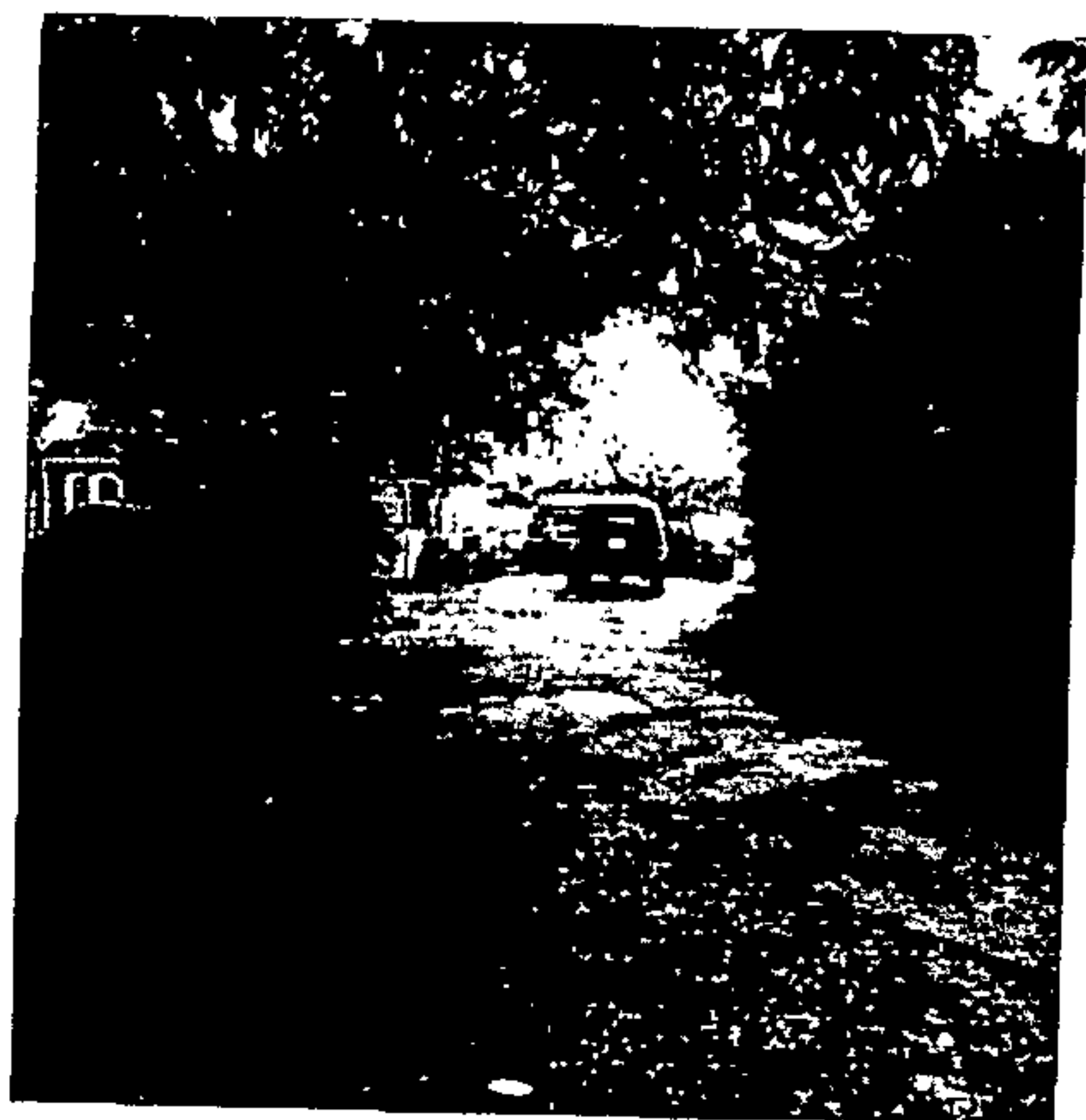
7302 Gephardt Rd
Subject Property



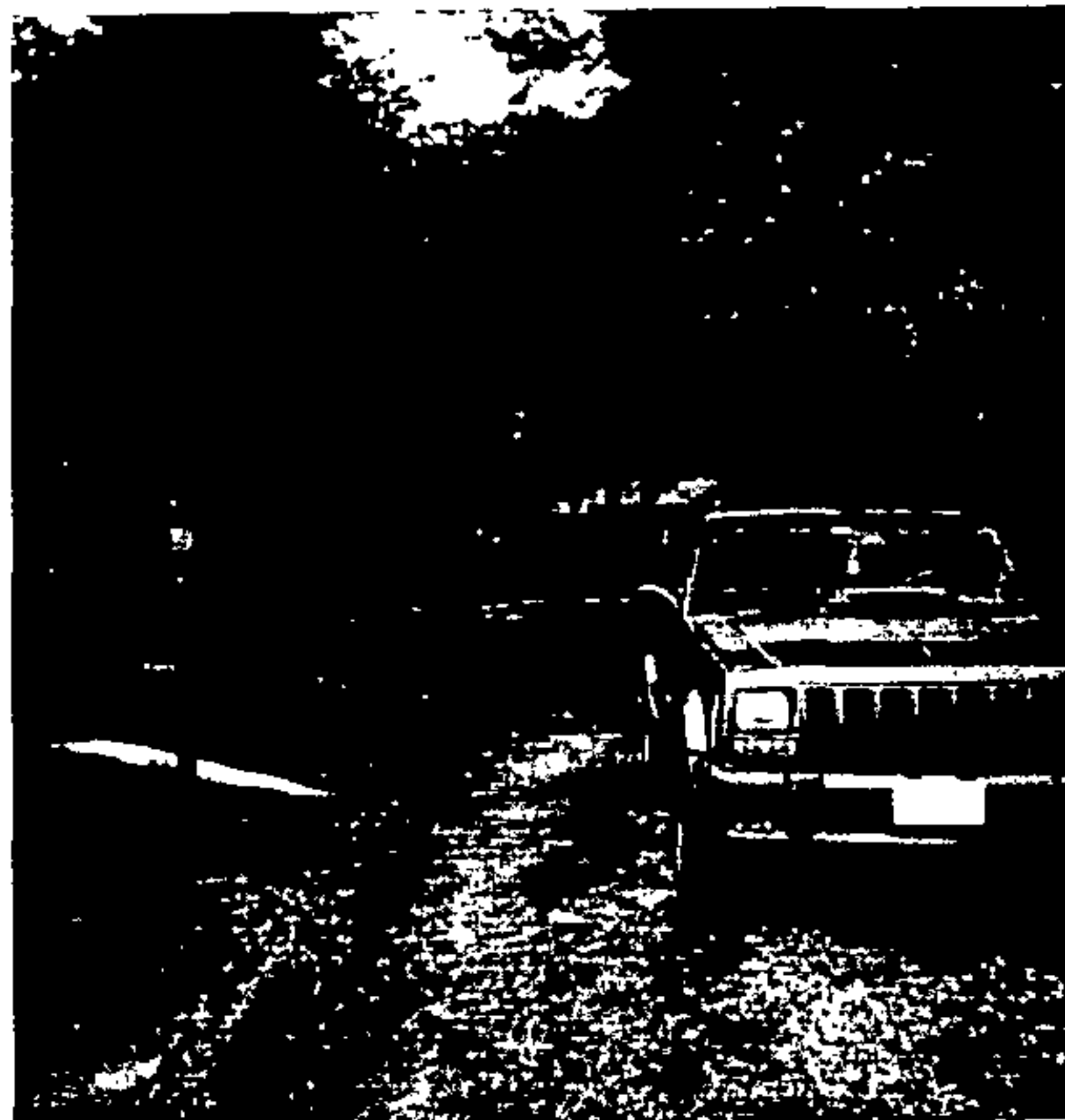
2129 Alma Ave



2129 Alma Ave

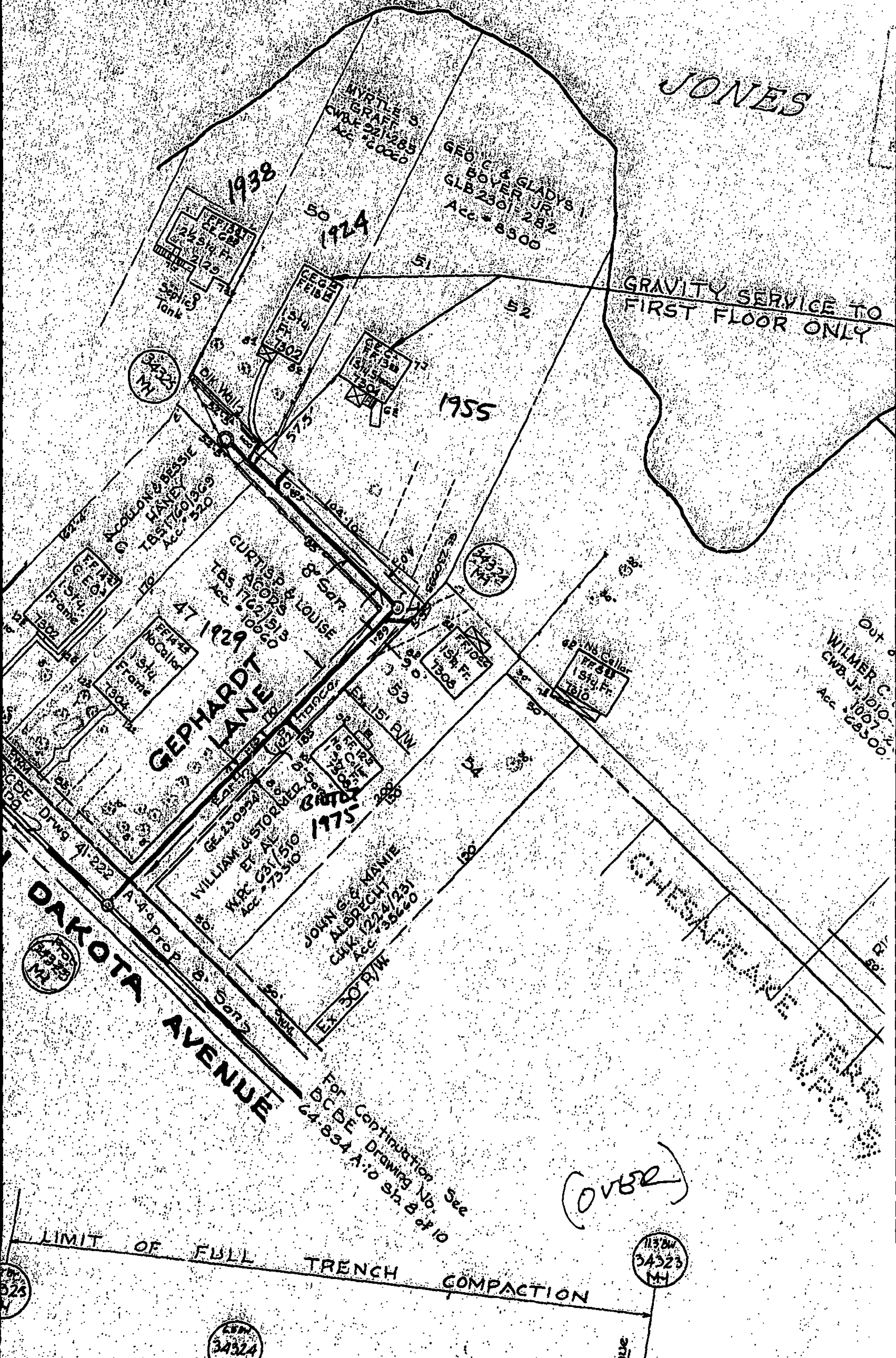


Heading North Gephardt



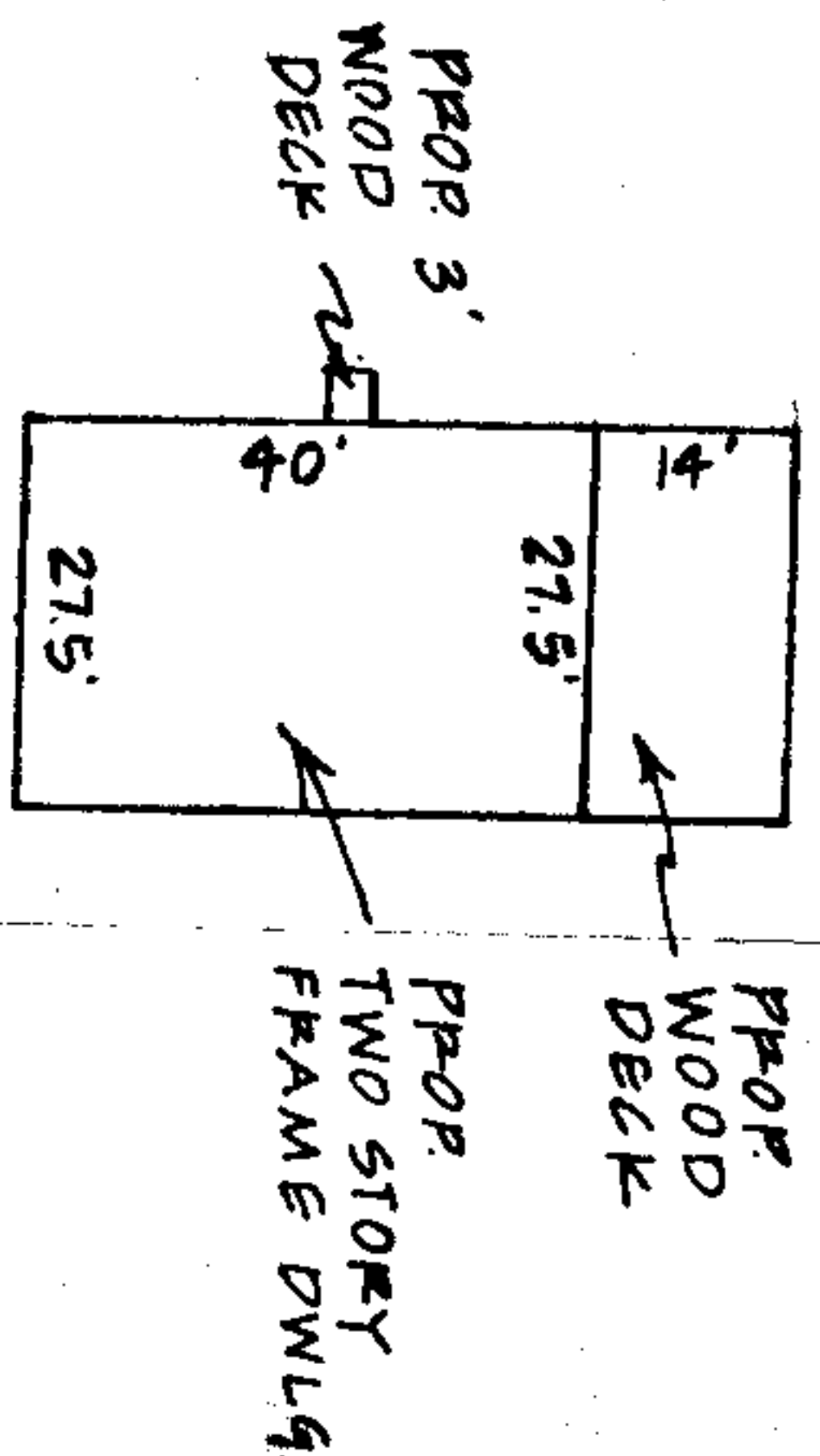
Heading South Gephardt

Sh. 2 of 10





"JONES" CREEK



"INSET"
SCALE: 1" = 30'

PLAT TO ACCOMPANY AN UNDERSIZED LOT
APPLICATION AND PETITION FOR VARIANCE

#7302 GERHARDT AVENUE
LOT #50 BLOCK "A"
"CHESAPEAKE TERRACE"

5/34

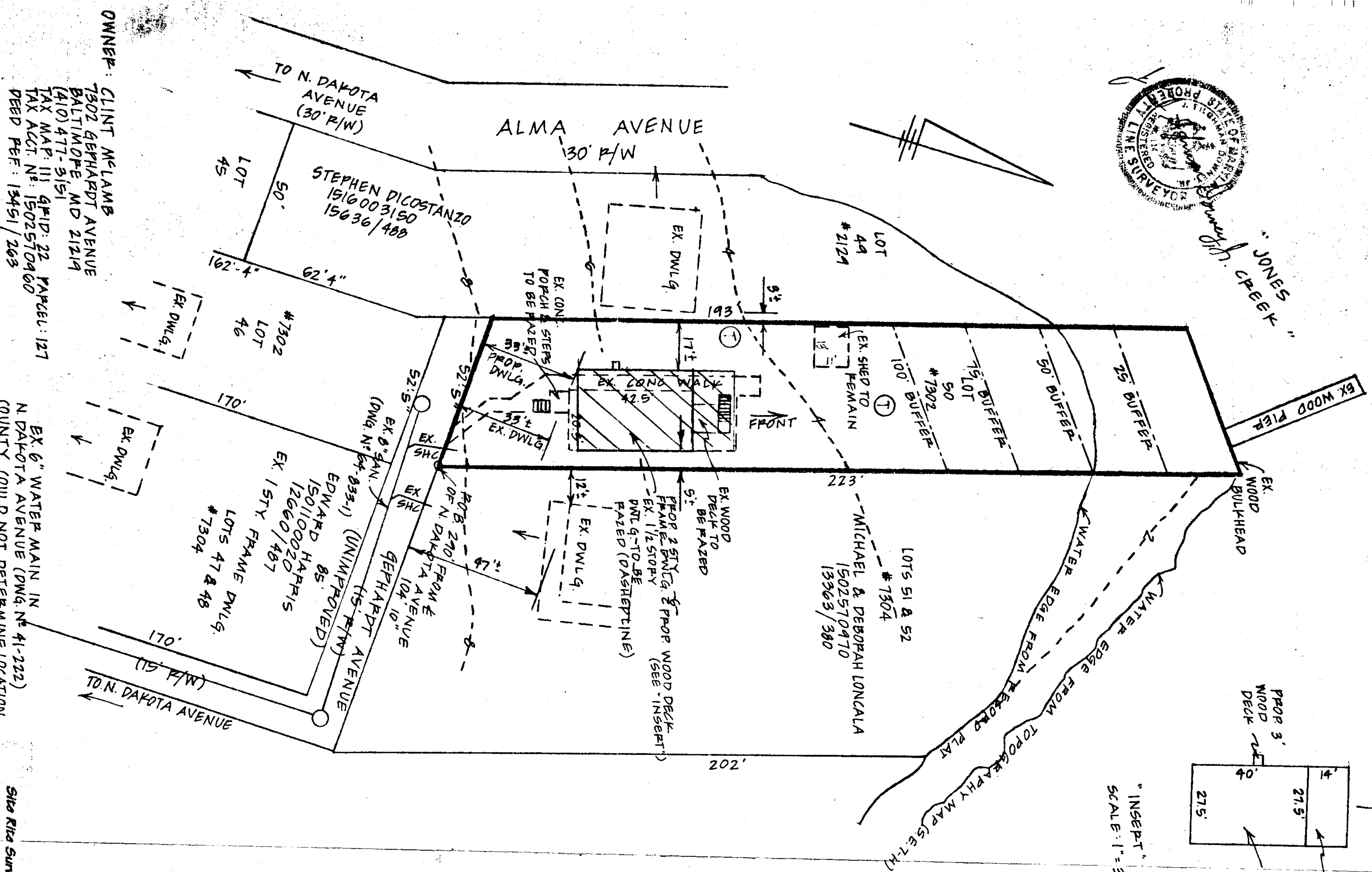
BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT NO. 15 C7

SCALE: 1" = 30'
JUNE 6, 2002

GENERAL NOTES:

1. EX ZONING: D.R. 5.5
2. 200' SCALE MAP: S.E. 7-H
3. LOT SIZE: 10,608 S.F. OR 0.243 AC.
4. PUBLIC WATER AND SEWER
5. NOT LOCATED IN A HISTORIC AREA
6. LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
7. LOCATED IN A 100 YEAR FLOODPLAIN AREA
8. EX USE: SINGLE FAMILY DWELLING TO BE RAZED
9. ALLOWABLE 25% IMPERVIOUS AREA: 2,652 S.F.
10. ALL DOWNSPOUTS SHALL DISCHARGE RAINWATER ACROSS THE LAWN (NOT TOWARDS THE RIVER)
11. MUST HAVE A MINIMUM OF 15% TREE COVERAGE
12. PROPR. IMPERVIOUS AREA: 1,100 S.F.
13. GRAVITY SERVICE TO FIRST FLOOR ONLY
14. EX DWLG. WOOD PORCH AND CONC. WALK ARE TO BE REMOVED.
15. NO PROPR. ZONING HEAPIINGS.

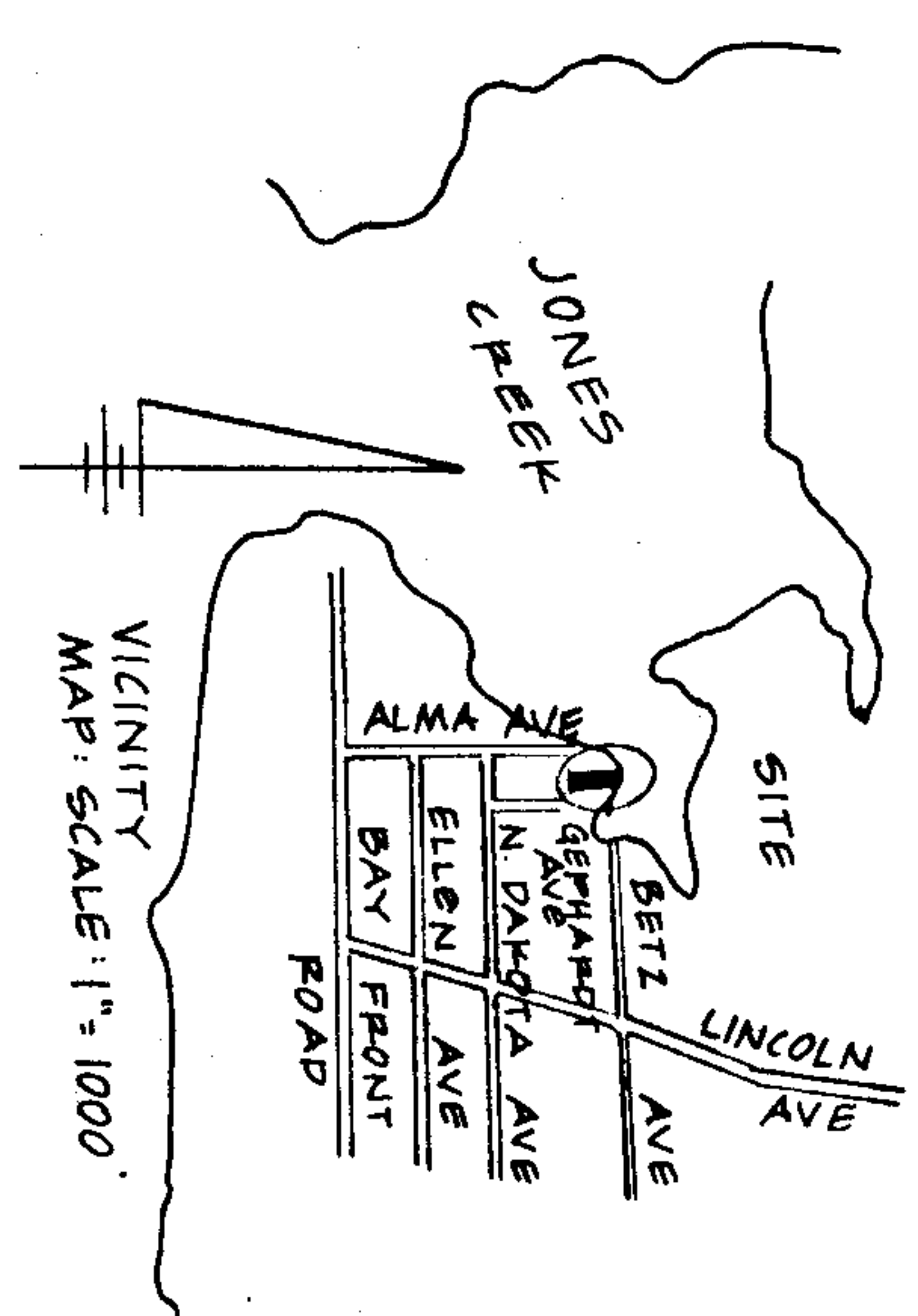
564



EX 6" WATER MAIN IN
N. DAKOTA AVENUE (DNW, N° 41-222)
COUNTY COULD NOT DETERMINE LOCATION
OF CONNECTION. METROPOLITAN DISTRICT
RECORDS SHOW BENEFIT SINCE 1960.

Site Rite Surveying, Inc.
200 E. Joppa Road
Shell Building, Room 101
Towson, MD 21286
(410) 228-9060

100' x 150'



VICINITY
MAP: SCALE: 1" = 1000'

8676