

IN RE: PETITION FOR VARIANCE
N/S Avenue B, 668' E of the c/l
Ross Avenue
(9010 Avenue B)
15th Election District
7th Council District

Thomas P. Melvin, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 03-048-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 property, Thomas P. and Denise L. Melvin. The Petitioners request variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 50 feet in lieu of the required 55 feet, a side yard setback of 8 feet in lieu of the required 10 feet, and to permit an undersized building lot, pursuant to Section 304 of the B.C.Z.R. 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 Thomas and Denise Melvin, property owner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a waterfront lot, approximately 50 feet wide and 252 feet deep, located with frontage on Old Road Bay and Avenue B, just west of North Point Road in eastern Baltimore County. The property was originally part of a larger tract known as the Todd Property, which was subdivided and recorded in the Land Records of Baltimore County in 1924. As is often the case with older subdivisions that were laid out prior to the adoption of the first zoning regulations in 1945, the Todd Property was subdivided into 50-foot wide lots, which is insufficient under the current B.C.Z.R. Although 50 feet wide, the lot has a significant depth, which ranges from 252 feet to 287 feet, measured from the street to the bulkhead. The subject lot contains a gross area of 15,064 sq.ft. in area, which is greater than the minimum requirements in the D.R.5.5 zone.

ORDER RECEIVED FOR FILING

Date

By

9/25/12

[Signature]

Mr. & Mrs. Melvin have owned the property since 1993 and reside in the single family dwelling thereon. Due to the age of the house, the Petitioners propose to raze the existing structure and construct a new dwelling in its place. As shown on the site plan, the new house will be 30 feet wide and feature an attached garage. At its longest depth, it will measure approximately 60 feet. As more particularly shown on the plan, the house will be setback a minimum of 8 feet on the west side and 12 feet on the east side. Generally, the house will be located on the footprint of the existing structure. The plan also shows that the site is improved with an 18' x 10' shed, which will be retained and a 28' in diameter aboveground pool, which will be removed.

Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Variance. The property is unique given its unusual shape and configuration and its waterfront location. Also, the fact that this lot was laid out in 1924 well prior to the adoption of the first zoning regulations in Baltimore County is a persuasive factor. In my judgment, the Petitioner has met the requirements of Section 307 of the B.C.Z.R. for relief to be granted. It is also to be noted that the Petitioners submitted letters in support of the request from neighbors on both sides of the property. Finally, but for the request for side yard setback relief, the Petitioners are eligible for relief under Section 304 of the B.C.Z.R., which allows development of an undersized lot under certain circumstances. The Petitioners meet the criteria set out in that Section, but for the fact that a side yard setback is requested.

Although there was no opposition and the adjacent neighbors support the Petitioners' plans, there are relevant Zoning Advisory Committee (ZAC) comments in the file. In this regard, a comment was received from the Development Review Division of the Department of Permits and Development Management (DPDM) indicating that the site is subject to the County's floodplain regulations, due to its location adjacent to Old Road Bay. Likewise, comments were received from the Department of Environmental Protection and Resource Management (DEPRM) indicating that the site is subject to environmental regulations, including the Chesapeake Bay Critical Areas requirements. The Petitioners indicated at the hearing that they understood that compliance with those regulations would be necessary. Thus, the relief requested will be granted subject to those requirements. Finally, it is to be noted that the Petitioners submitted a copy of the building elevation drawings of the proposed dwelling

ORDER FOR FILING
9/25/12
JEP

to the Office of Planning who has approved same. Thus, the dwelling shall be constructed substantially in accordance with those approved plans.

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.

25th THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of September, 2002 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 minimum lot width of 50 feet in lieu of the required 55 feet, a side yard setback of 8 feet in lieu of the required 10 feet, and to permit an undersized building lot, pursuant to Section 304 of the B.C.Z.R., in accordance with Petitioner's exhibit 1, e 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) The Petitioners shall comply with the ZAC comment submitted by the Bureau of Development Plans Review, dated August 29, 2002, and the Department of Environmental Protection and Resource Management (DEPRM), dated August 27, 2002, copies of which are attached hereto and made a part hereof.
- 3) The proposed dwelling shall be constructed substantially in accordance with the building elevation drawings reviewed and approved by the Office of Planning.
- 4) 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

ORDER RECEIVED FOR FILING

Date 9/25/12

By Rep



Baltimore County
Zoning Commissioner

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

September 26, 2002

Mr. & Mrs. Thomas P. Melvin
9010 Avenue B
Baltimore, Maryland 21219

RE: PETITION FOR VARIANCE
N/S Avenue B, 668' E of the c/l Ross Avenue
(9010 Avenue B)
15th Election District – 7th Council District
Thomas P. Melvin, et ux - Petitioners
Case No. 03-048-A

Dear Mr. & Mrs. Melvin:

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,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. George McClelland
25 Waterview Road, Baltimore, Md. 21222
Chesapeake Bay Critical Areas Commission,
1804 West Street, Suite 100, Annapolis, Md. 21401
DEPRM; Office of Planning; People's Counsel; Case File





FLOOD PLAIN CBA

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9010 Avenue B

which is presently zoned DR5-5

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) 1B02.3.C.1 TO PERMIT
A MINIMUM LOT WIDTH OF 50 FT. IN LIEU OF 55 FT., A SIDEYARD SETBACK OF
8 FT. IN LIEU OF 10 FT. AND TO PERMIT AN UNDERSIZED BLDG. LOT

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

(see attached)

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

Legal Owner(s):

Thomas P. Melvin

Name - Type or Print

Thomas P. Melvin

Signature

Denise L. Melvin

Name - Type or Print

Denise L. Melvin

Signature

9010 Avenue B

Address

410-388-0016

Telephone No.

Baltimore

City

MD

State

21219

Zip Code

Representative to be Contacted:

George McClelland

Name

25 Waterview Rd

Address

410-477-9136

Telephone No.

Baltimore

City

MD

State

21222

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By JRA

Date 07-26-02

ORDER RECEIVED FOR FILING

Date

By

Case No. 03.048.A

REC 9/15/98

Attachment: Case No. 03-048-A

The following hardships / practical difficulties include:

1. The existing dwelling is too small to accommodate the family.
2. The existing footing is insufficient structurally to support a 2nd floor addition.
3. Requesting the present 8'0" set back in lieu of the 10' on the Southwest exterior wall remain as it has for the past 50+ years. This 8'0" setback will maintain alignment consistent with the neighbors' dwellings and will allow access to the rear yard on the Northwest side.

ZONING DESCRIPTION FOR 9010 AVENUE B

Beginning at a point on the North side of Avenue B, which is 30 feet wide at the distance of 668 feet East of the centerline of Ross Avenue which is 30 feet wide. Being Lot Number 14, Group 82 in the subdivision of the Brown Plat as recorded in Baltimore County Plat Book # 7 / 147, containing 15,064 square feet. Also known as 9010 Avenue B and located in the 15th Election District, 7th Councilmanic District.

03-048-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

03-038A
No. 16415

DATE 7-7-82 ACCOUNT CL 11111111

AMOUNT \$ 1000.

RECEIVED FROM: THOMAS P. DELELLA

FOR: RE. VAR - INDEMNITY (CT APP)
TOTAL.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

03-048A

PAID RECEIPT

AMOUNT \$ 1000.00

DATE 7-7-82

BY THOMAS P. DELELLA

FOR RE. VAR - INDEMNITY (CT APP)

BY THOMAS P. DELELLA

FOR RE. VAR - INDEMNITY (CT APP)

BY THOMAS P. DELELLA

FOR RE. VAR - INDEMNITY (CT APP)

CASHIER'S VALIDATION

**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: #03-048-A
9010 Avenue B
N/Side of Avenue B 668 feet
east of Centerline of Cockold
Point Road

15th Election District
7th Councilmanic District
Legal Owner(s): Thomas P.
Melvin and Denise L. Melvin
Variance: to permit a lot
width of 50 feet in lieu of 55
feet, a side yard setback of
8 feet in lieu of 10 feet and
to permit an undersized lot.
Hearing: Tuesday, Sep-
tember 10, 2002 at 10:00
a.m. in Room 106, Balti-
more County Office Build-
ing, 111 W. Chesapeake
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 con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

JT/8/743 Aug 27 C558955

CERTIFICATE OF PUBLICATION

8/29/2002

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 8/27/2002.

- ☒ 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.: 03-048-A

Petitioner/Developer: Thomas P.

MELVIN, DENISE L. MELVIN

Date of Hearing/Closing: 9/10/02

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 9010 AVENUE B

The sign(s) were posted on 8/24/02
(Month, Day, Year)

Sincerely,

[Signature] 8/24/02
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

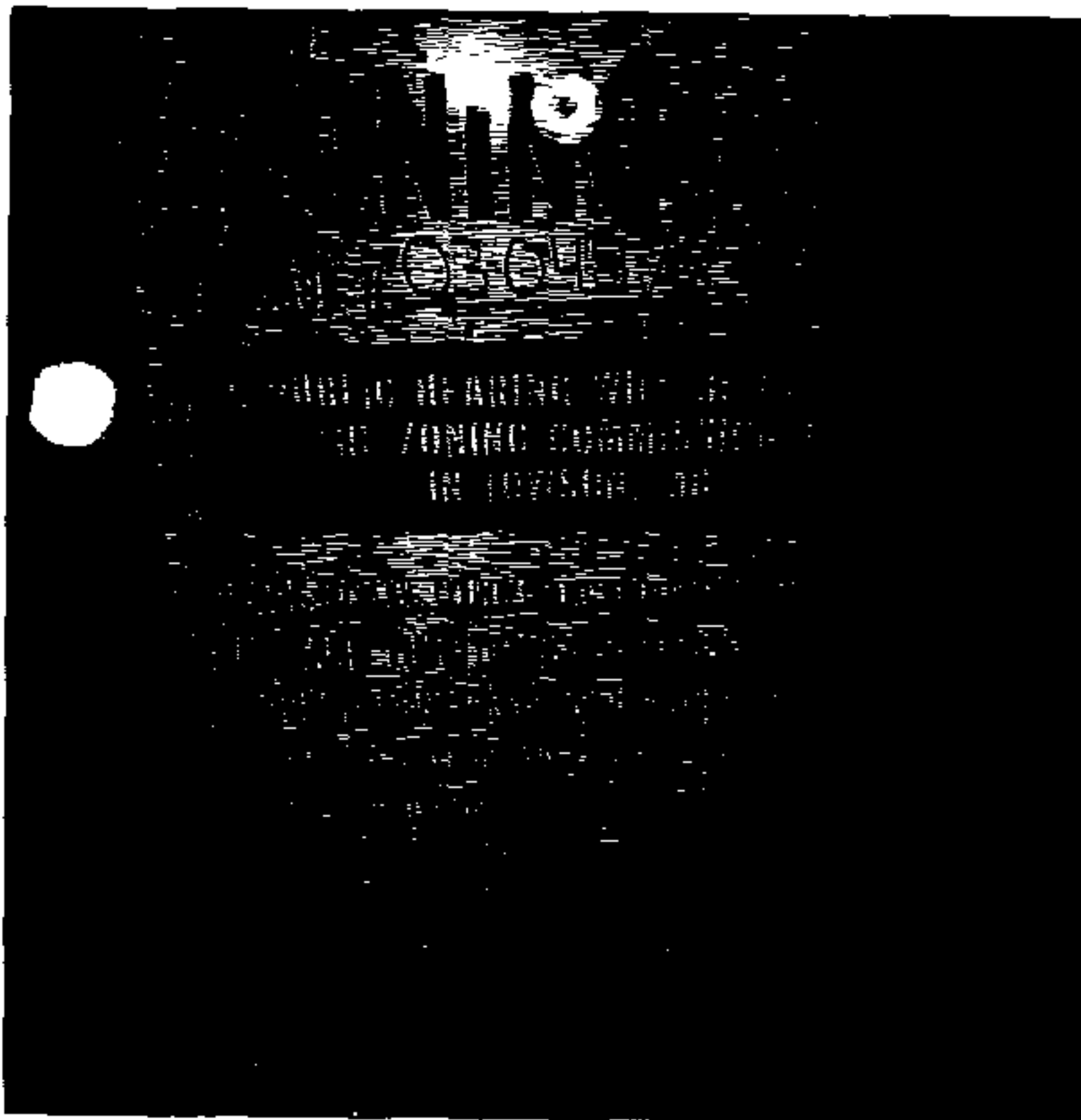
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



RE: PETITION FOR VARIANCE.
9010 Avenue B
N/side of Avenue B 668' E/ctrl
15th Election District 7th Councilmanic
District
Legal Owner: Thomas P. Melvin
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 03-048-A

* * * * *

ENTRY OF APPEARANCE

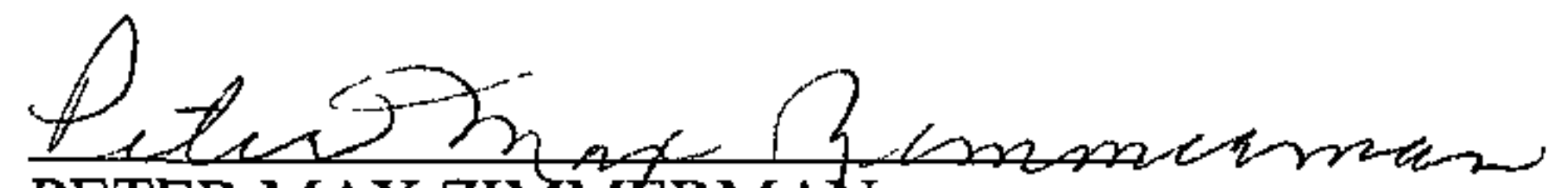
Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in 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 14th day of August, 2002, a copy of the foregoing Entry of Appearance was mailed to Thomas P. Melvin, 9010 Avenue B, Baltimore, MD 21219 Petitioner(s).


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Monday, August 26, 2002 Issue – Jeffersonian

Please forward billing to:
Mr. & Mrs. Thomas Melvin
9010 Avenue B
Baltimore, MD 21219

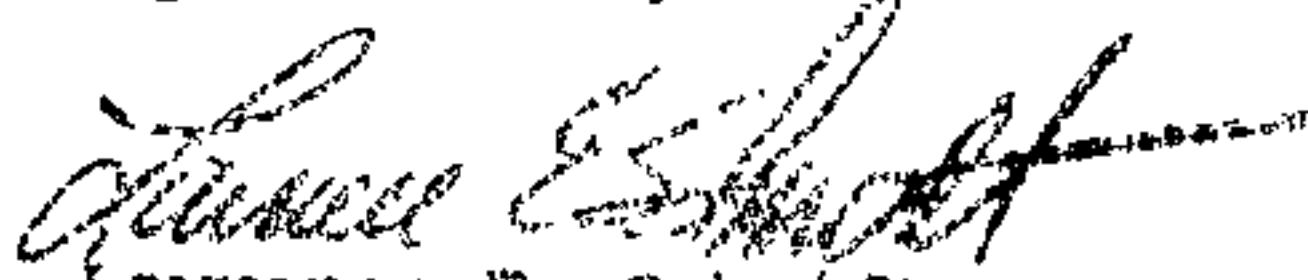
NOTICE OF ZONING HEARING

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: 03-048-A
9010 Avenue B
N/Side of Avenue B 668 feet east of Centerline of Cockold Point Road
Election District 15th - Councilmanic District 7th
Legal Owner: Thomas P. Melvin and Denise L. Melvin

VARIANCE to permit a lot width of 50 feet in lieu of 55 feet, a side yard setback of 8 feet in lieu of 10 feet and to permit an undersized lot.

HEARING: Tuesday, September 10, 2002 at 10:00 A.M., Room 106, 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

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

August 5, 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: 03-048-A

9010 Avenue B

N/Side of Avenue B 668 feet east of Centerline of Cockold Point Road

Election District 15th - Councilmanic District 7th

Legal Owner: Thomas P. Melvin and Denise L. Melvin

VARIANCE to permit a lot width of 50 feet in lieu of 55 feet, a side yard setback of 8 feet in lieu of 10 feet and to permit an undersized lot.

HEARING: Tuesday, September 10, 2002 at 10:00 A.M., Room 106, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

C: Mr. & Mrs. Thomas P Melvin, 9010 Avenue B, Baltimore 21219
George McClelland, 25 Waterview Road, Baltimore 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY Monday, August 26, 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.



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

August 12, 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: 03-048 A
9010 Avenue B
N/side of Avenue B 668 feet east of centerline of Ross Avenue
Election District 15th - Councilmanic District 7th
Legal Owner: Thomas P. Melvin

VARIANCE to permit a lot width of 50 feet in lieu of 55 feet, a side yard setback of 8 feet in lieu of 10 feet and to permit an undersized building lot.

HEARING: Tuesday, 9/10/02 at 10:00 a.m. in Rm 106, Balt Cty Ofc Bldg, 111 W Chesapeake Ave

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

Cc:

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



Printed with Soybean Ink
on Recycled Paper

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/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: 03-048-A
Petitioner: Mr. & Mrs. Thomas P. Melvin
Address or Location: 9010 Avenue B.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Mr. & Mrs. Thomas P. Melvin
Address: 9010 Avenue B.
Baltimore MD. 21219
Telephone Number: 410 388-0016

Revised 2/20/98 - SCJ

03-048-7¹⁶



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

September 6, 2002

Mr. & Mrs. Thomas P Melvin
9010 Avenue B
Baltimore MD 21219

Dear Mr. & Mrs. Melvin:

RE: Case Number: 03-048-A, 9010 Avenue B

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 26, 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: George McClelland, 25 Waterview Road, Baltimore 21222
People's Counsel

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





**Baltimore County
Fire Department**

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

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

August 5, 2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF August 5, 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:

048
042-054

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

cc: File

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



See
9/10

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 29, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For August 12, 2002
Item No. 048

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

The flood protection elevation for this site is 10.4 feet.

The rear of buildings may not be constructed within 20 feet of the floodplain as established for a 100-year flood level with a 1-foot freeboard. *See Plate D19 in the Baltimore County Design Manual.*

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the 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 this project.

Buildings shall be designed and adequately anchored to prevent flotation, collapse or lateral movements of structures with materials resistant to flood damage.

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

RWB:CEN:jrb

cc: File

ZAC-8-12-2002-ITEM NO 048-8292002

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RES/TLT*

DATE: August 27, 2002

SUBJECT: Zoning Item 048
Address 9010 Avenue B (Melvin Property)

Zoning Advisory Committee Meeting of August 5, 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.

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).

X Development of this property must comply with the Forest Conservation Regulations (Section 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).

Additional Comments:

See attachment

Reviewer: Keith Kelley

Date: August 26, 2002

CBCA Zoning Comments (zoning item # 048)

☒ The property is located within the Limited Development Area (LDA), ~~or Resource Conservation Area (RCA), or Intensely Developed Area (IDA)~~ 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 1/2 acre in size.

☒ Man-made impervious surfaces are limited to 25% for lots less than 1/2 acre in size.

☒ 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.

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

☒ 15% forest must be established or maintained. This equates to 5 trees for a lot of this size.

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

☒ 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.

☐ A Critical Area Administrative Variance (CAAV) is required for the placement of the proposed structure 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.

As
9/10

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 5, 2002

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-047, 03-048, & 03-051

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

Section Chief:

Lynn Farham

AFK/LL:MAC

AUG - 6 2002

**INTER-OFFICE CORRESPONDENCE
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. _____

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

RE: Undersized Lots

Residential Processing Fee Paid
(\$50.00)

Accepted by _____
Date _____

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:

Thomas P & Denise L. Melvin 9010 Ave. B Balto. MD 21219 410-388-0016
Print Name of Applicant Address Telephone Number

Lot Address 9010 AVE B Election District 15 Councilmanic District 7 Square Feet 15,064

Lot Location: N E S W/side/corner of _____, _____ feet from N E S W corner of _____
(street) (street)

Land Owner: Thomas P & Denise L. Melvin Tax Account Number 1502370100

Address: 9010 Avenue B Balto. MD 21219 Telephone Number (410) 388-0016

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)	<u>/</u>	
2. Permit Application	<u>Pending Approval</u>	
3. Site Plan Property (3 copies)	<u>/</u>	
4. Building Elevation Drawings	<u>/</u>	
5. Photographs (please label all photos clearly) Adjoining Buildings	<u>/</u>	
Surrounding Neighborhood	<u>/</u>	
6. Current Zoning Classification: <u>DR 5-5</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 the following recommendations

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

Date: _____

Revised 2/05/02

**SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A
BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2**

03-048-A

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

The application for your proposed Building Permit application has been reviewed and is
accepted for filing by _____ on _____
(name of planner) Date (A)

A sign indicating the proposed building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is \$50.00. This fee is subject to change. Confirm all current fees prior to filing the application.

In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

*SUGGESTED POSTING DATE _____ D (15 Days Before C)

DATE POSTED _____

HEARING REQUESTED? YES _____ NO _____ - DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) _____ C (B-3 Work Days)

TENTATIVE DECISION DATE _____ B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District: _____

Location of Property: _____

Posted by: _____ Date of Posting: _____
Signature

Number of Signs: _____

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

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*SUGGESTED POSTING DATE _____ D (15 Days Before C)

, DATE POSTED _____

HEARING REQUESTED? YES _____ NO _____ - DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) _____ C (B-3 Work Days)

TENTATIVE DECISION DATE _____ B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District: _____

Location of Property: _____

Posted by: _____ Date of Posting: _____
Signature

Number of Signs: _____

**INTER-OFFICE CORRESPONDENCE
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. _____

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

RE: Undersized Lots

Residential Processing Fee Paid
(\$50.00)

Accepted by _____
Date _____

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MINIMUM APPLICANT SUPPLIED INFORMATION:

Thomas P & Denise L. Melvin 9010 AVE B Balt MD 21219 410-388-0016
Print Name of Applicant Address Telephone Number

Lot Address 9010 AVE B Election District 15 Councilmanic District 7 Square Feet 15,064

Lot Location: NE S W side corner of AVE B 659 feet from NE S W corner of ROSS AVE
(street) (street)

Land Owner: Thomas P & Denise L. Melvin Tax Account Number 1502370100

Address: 9010 AVE B Telephone Number (410) 388-0016

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	<u>PENDING APPROVAL</u>	☐
3. Site Plan Property (3 copies)	☒	☐
4. Building Elevation Drawings	☒	☐
5. Photographs (please label all photos clearly) Adjoining Buildings	☒	☐
Surrounding Neighborhood	☒	☐
6. Current Zoning Classification: <u>DR 5-5</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 the following recommendations:

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

Date: _____

Revised 2/05/02

**SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A
BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2**

03-048-12



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 8.7.02

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

RE: Baltimore County
Item No. 048

JZA

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,

Dr 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



Maryland Department of Planning

Parris N. Glendening
Governor
Kathleen Kennedy Townsend
Lt. Governor

Roy W. Kienitz
Secretary
Mary Abrams
Deputy Secretary

August 7, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
County Office Building
Room 111
111 West Chesapeake Avenue
Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 8/12/02
Case numbers 03-042-SPH, 03-043-SPH, 03-044-A, 03-045-A, 03-046-A, 03-047-A,
03-048-A, 03-049-A, 03-050-SPHX, 03-051-A, 03-052-A, 03-053-SPH, & 03-054-A

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 8/6/02. The information has been submitted to Mr. Mike Nortrup.

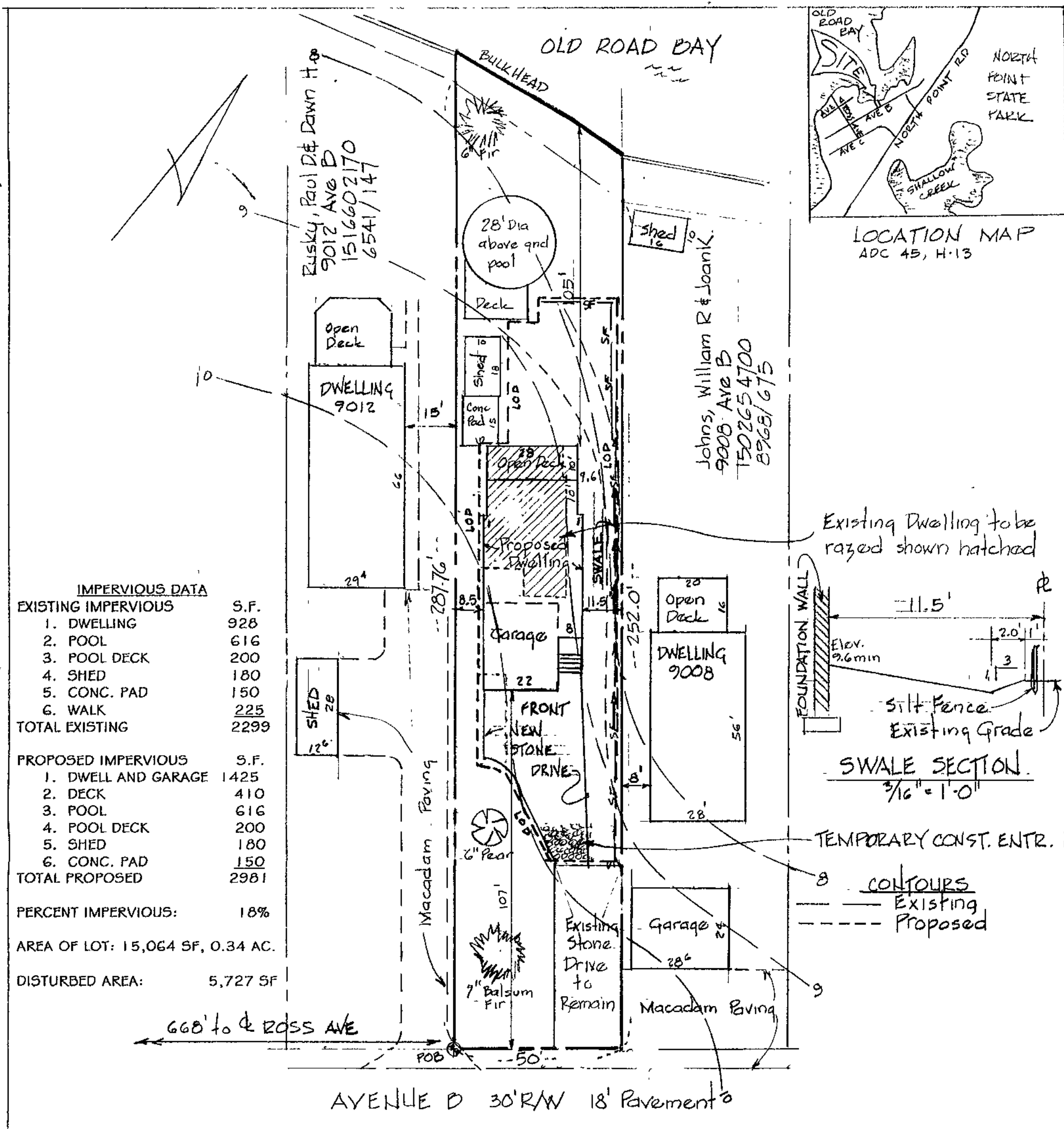
Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

cc: Mike Nortrup

03-48-07



SITE PLAN

1" = 40'

GENERAL NOTES

1. THE EXISTING GRADE AT THE NORTHEAST CORNER OF THE PROPOSED DWELLING IS 8.8'. THE EXISTING GRADE AROUND THE REMAINING PERIMETER IS ABOVE ELEV. 9.4'. IT IS OUR INTENT TO FILL AROUND THIS LOW POINT TO ABOVE ELEV. 9.4' THERE-BY RAISING THE GRADE SO THAT THE PROPOSED DWELLING WILL BE OUT OF FLOOD ZONE A-9.

SEDIMENT CONTROL

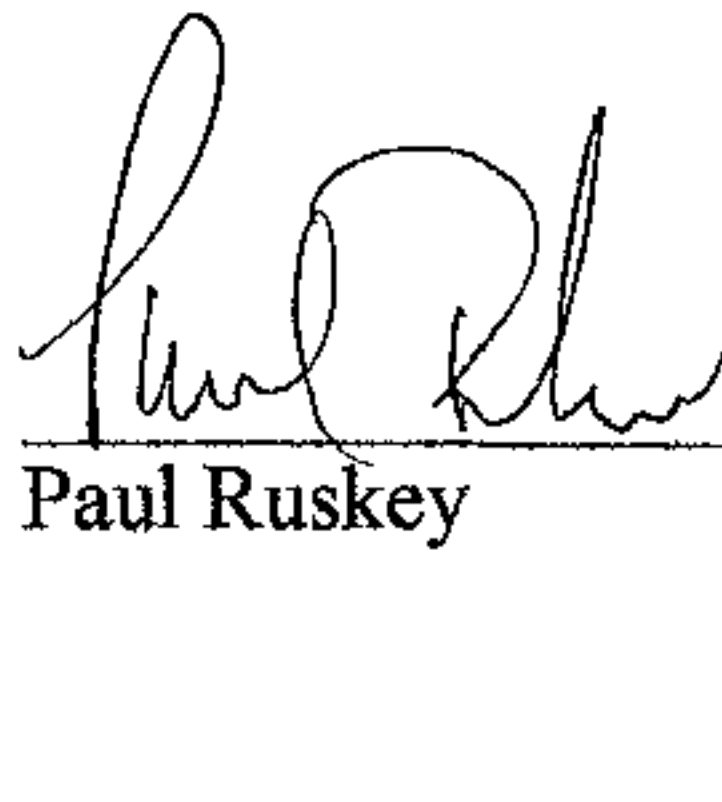
2. SILT FENCING SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE BALTO. CO. STD. ALONG THE NORTHEAST PROPERTY LINE.
3. A STONE CONSTRUCTION ENTRANCE SHALL BE INSTALLED AT THE EXISTING STONE DRIVEWAY.

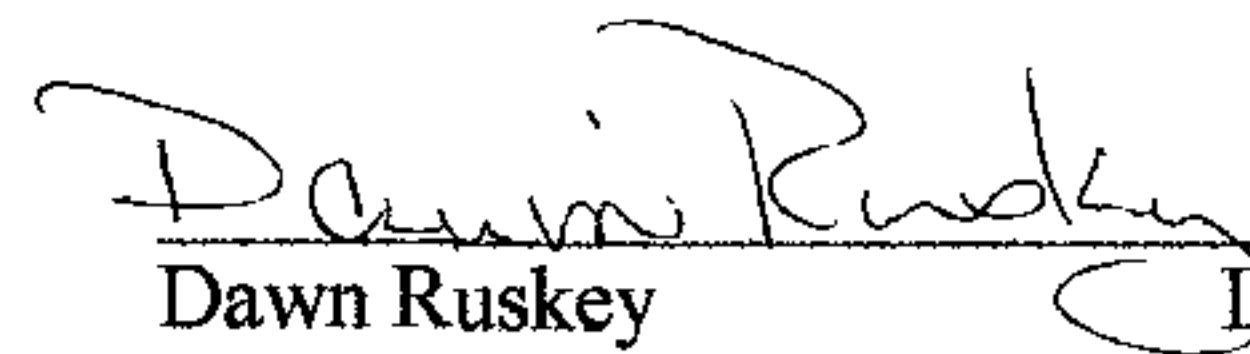
PLAT TO ACCOMPANY
UNDERSIZE LOT, ADMINISTRATIVE VARIANCE,
AND BUILDING PERMIT
9010 AVENUE 'B'
BALTIMORE, MD 21219-2412
15TH ELECTION DISTRICT, 7TH COUNCIL. DIST.
ACCNT. NO. 1502370100
DEED REF: 9982 / 316
ZONING: DR 5.5, MAP # SEB-I
SITE IS LOCATED IN THE C.B.C.A.,
BMA, LDA, AND FLOOD ZONE B
OWNERS: THOMAS P. AND DENISE L. MELVIN
9010 AVENUE 'B'
TELEPHONE: 410-388-0016
SITE HAS PUBLIC WATER AND SEWER
Agent: George D. McClelland
25 Waterview rd.
Baltimore, MD 21222
Telephone: 410-477-9136

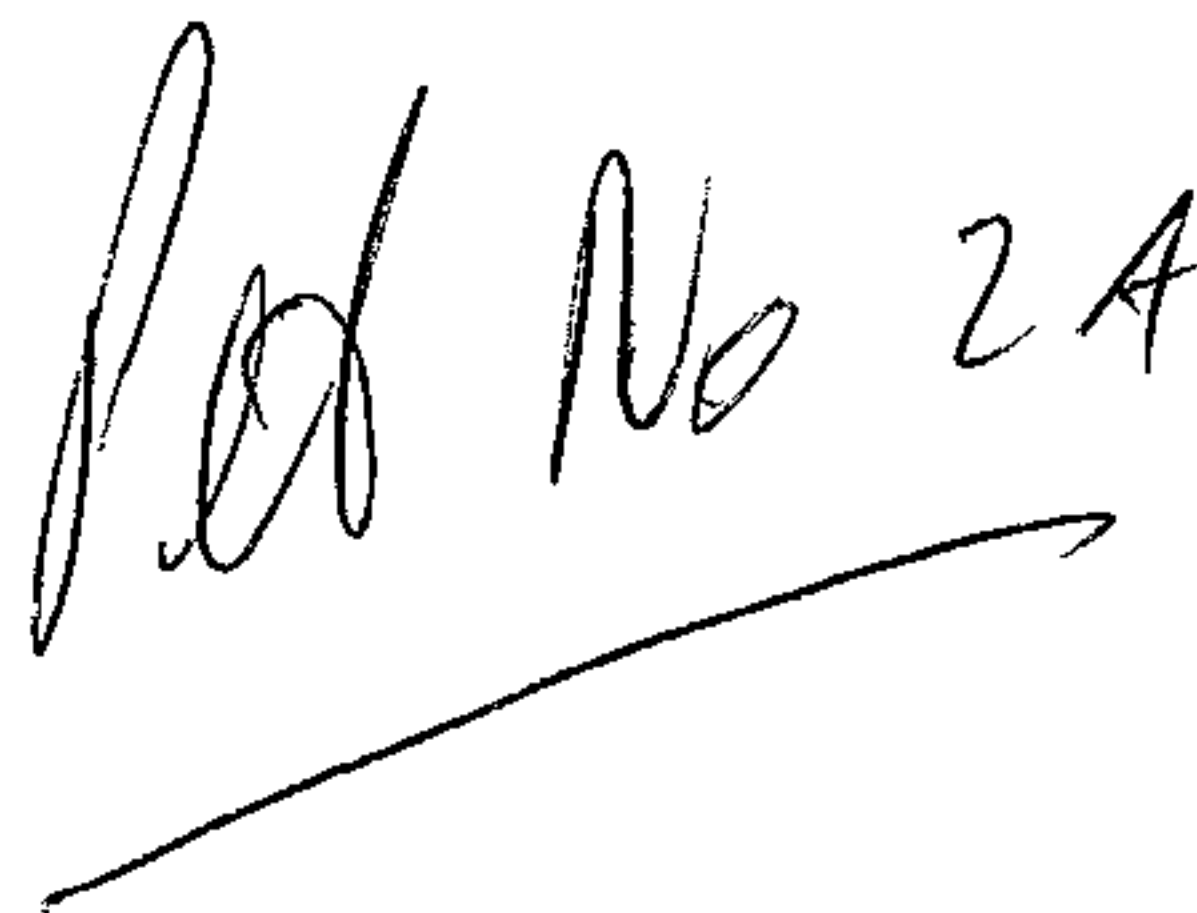
Date: July 8, 2002
Prior Zoning Hearings: None

To: Baltimore County Zoning Commission

We, the homeowners of 9012 Avenue B, immediate neighbors of 9010 Avenue B,
have seen the posted Zoning Notice and are unopposed to the variance as requested. We
have seen the proposed footprint to the property and are in favor of the construction. We
have no objections.

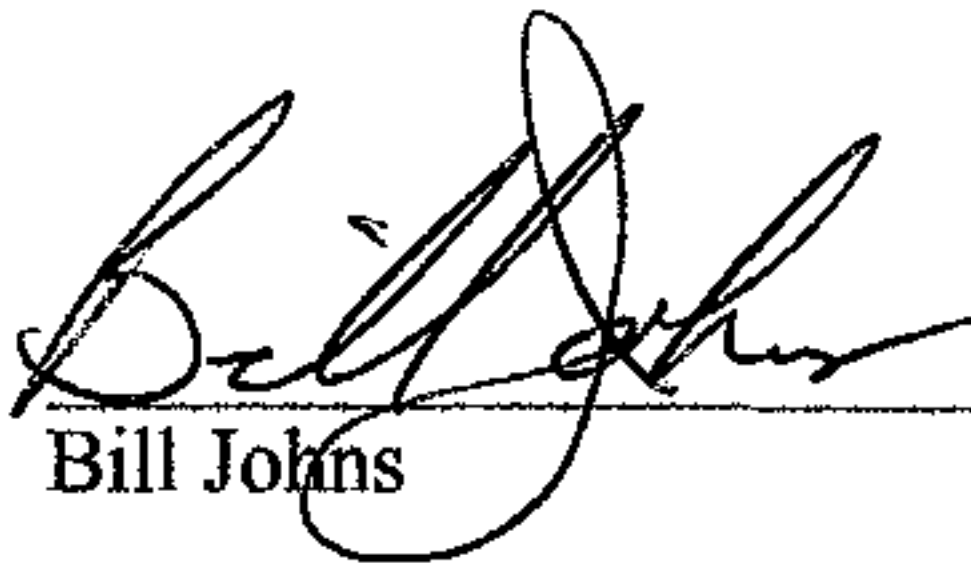

Paul Ruskey 9/4/02
Date


Dawn Ruskey 9-9-02
Date

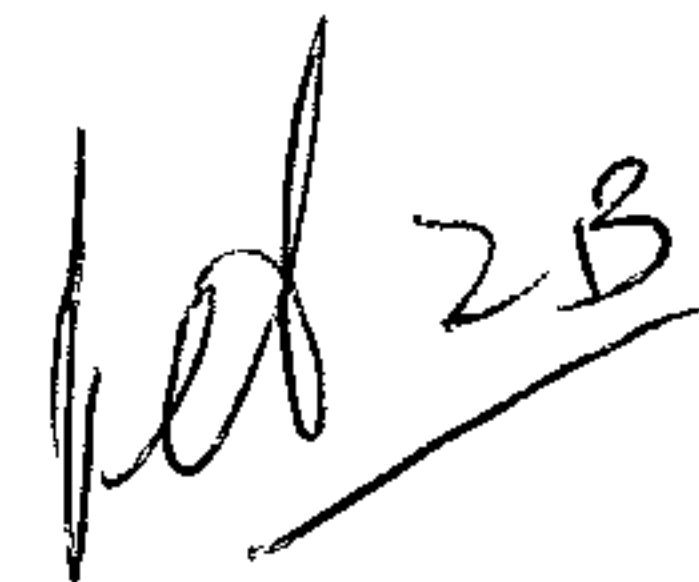


To: Baltimore County Zoning Commission

We, the homeowners of 9008 Avenue B, immediate neighbors of 9010 Avenue B,
have seen the posted Zoning Notice and are unopposed to the variance as requested. We
have seen the proposed footprint to the property and are in favor of the construction. We
have no objections.


Bill Johns 9/8/02
Date


Joan Johns 9/8/02
Date





FRONT ELEVATION

9010 AVE B
by qdm

03-048-A

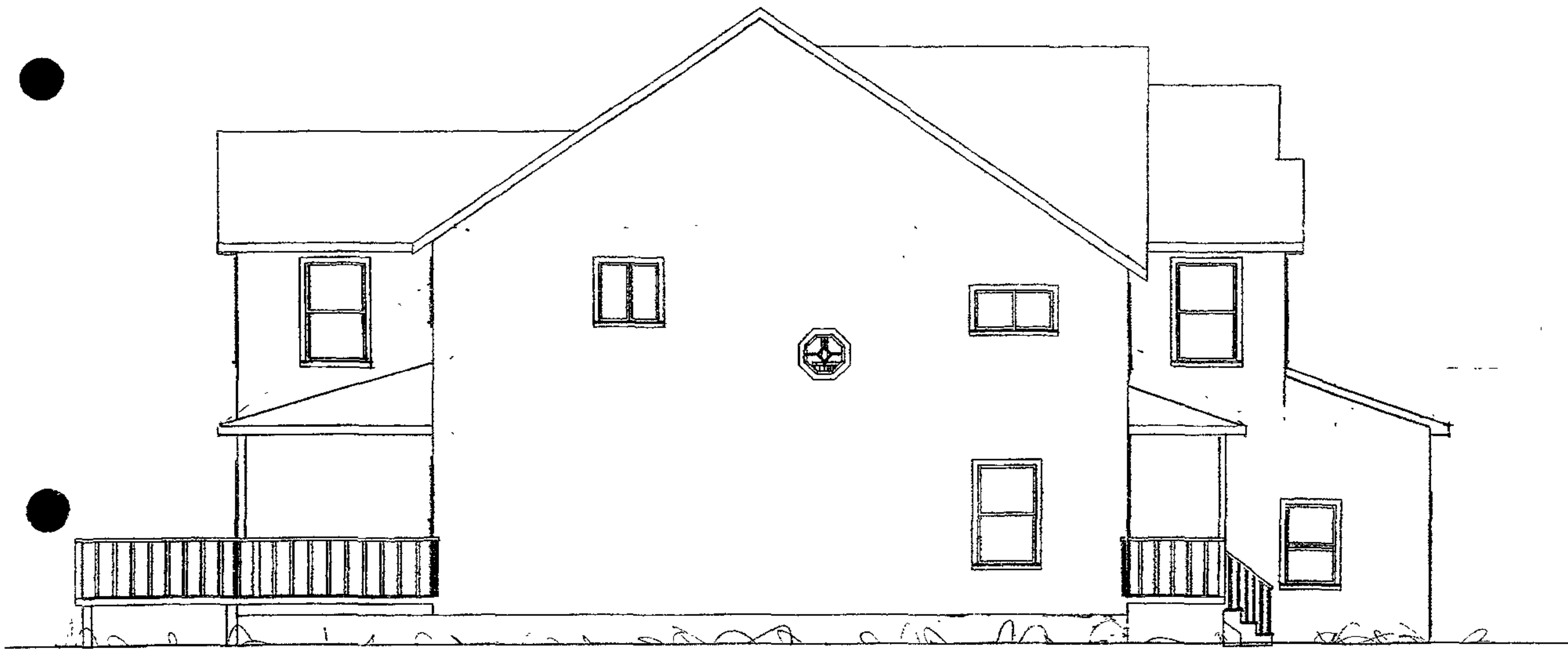


REAR ELEVATION

9010 AVE B
by qdm

03-048-f

03-048A



LEFT SIDE ELEVATION

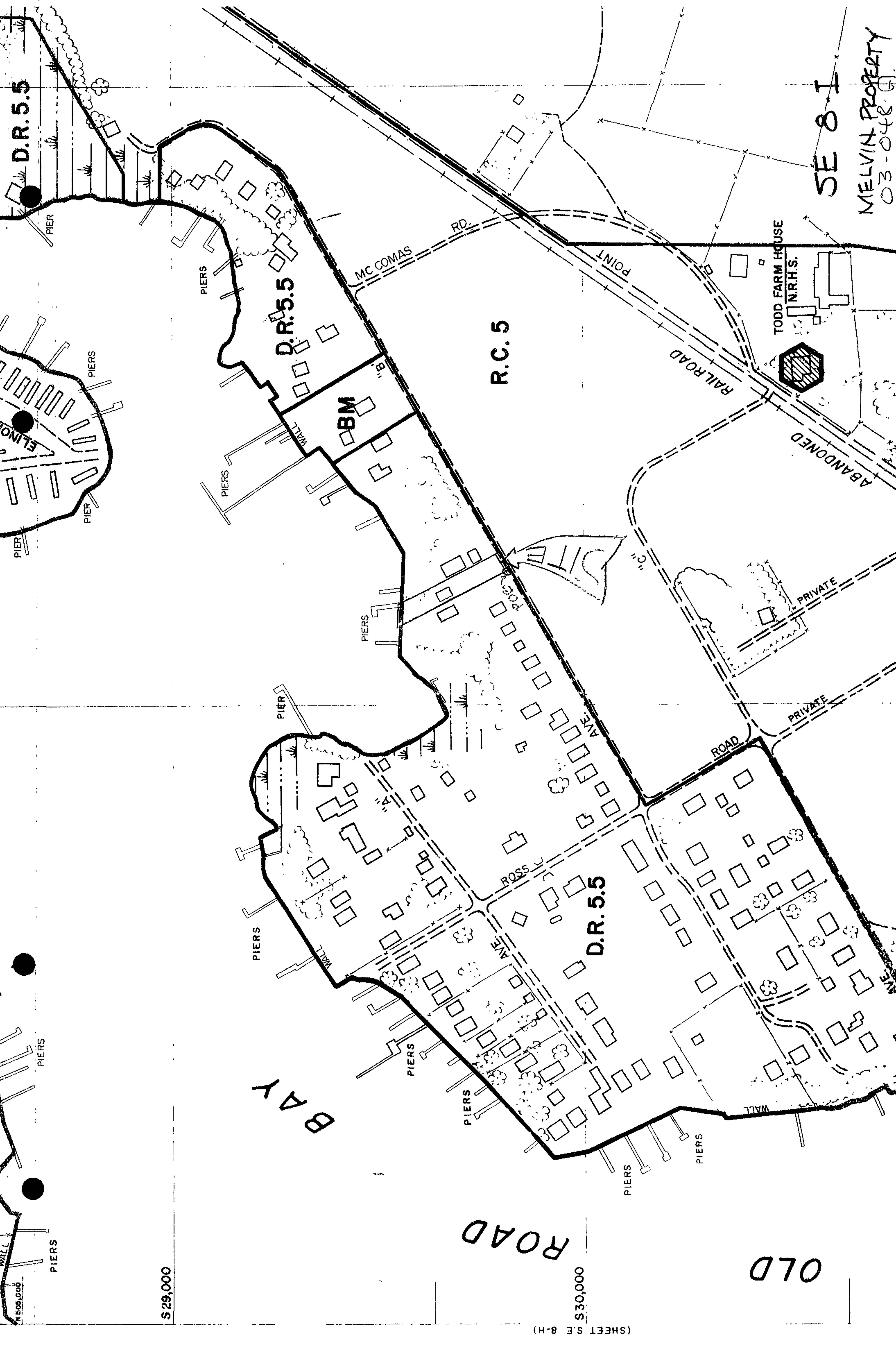
9010 AVE B
by qdm

03-048 A



RIGHT SIDE ELEVATION

9010 AVE B
by qdm



D.R. 5.5

D.R. 5.5

R.C. 5

BM

BAY

ROAD

D.R. 5.5

OLD

\$29,000

\$30,000

(SHEET SE 8-H)

SE 81

MELVIN PROPERTY
03-048

TODD FARM HOUSE
N.R.H.S.

ABANDONED

PRIVATE

PRIVATE

ROAD

ROSS AVE

TODD AVE

PIER

PIERS

PIERS

PIERS

PIERS

PIERS

WALL

WALL

PIERS

PIERS

PIERS

PIER

PIERS

PIER

PIER

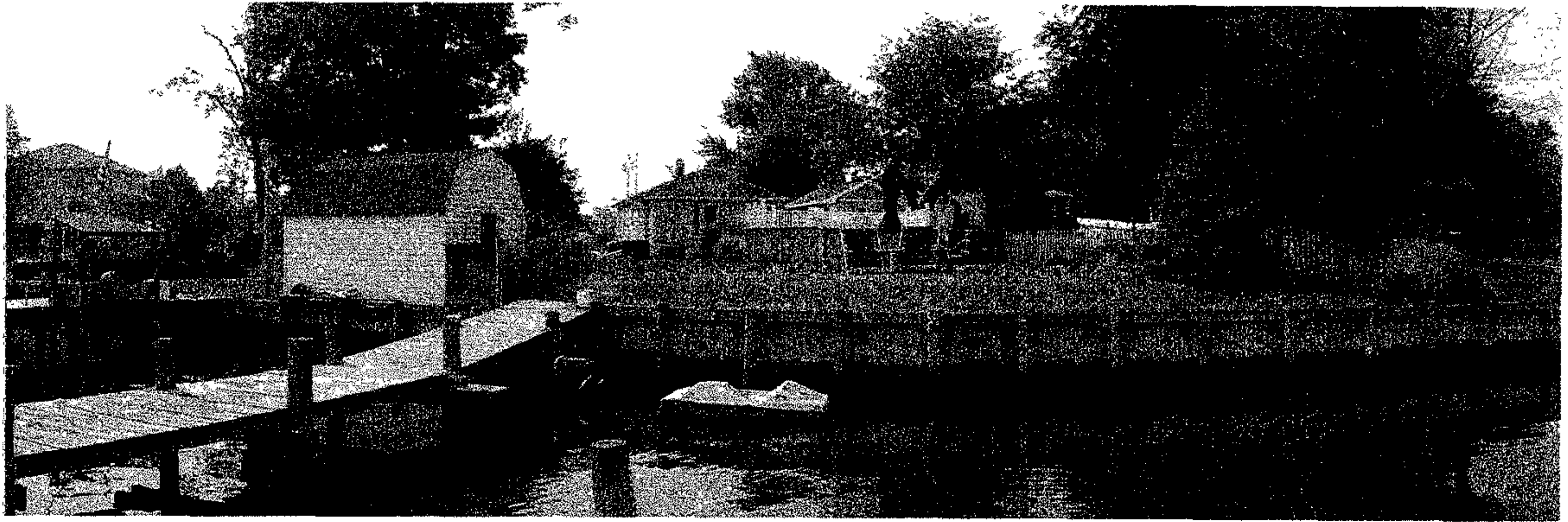
\$29,000

PIERS

PIERS

03-048-A

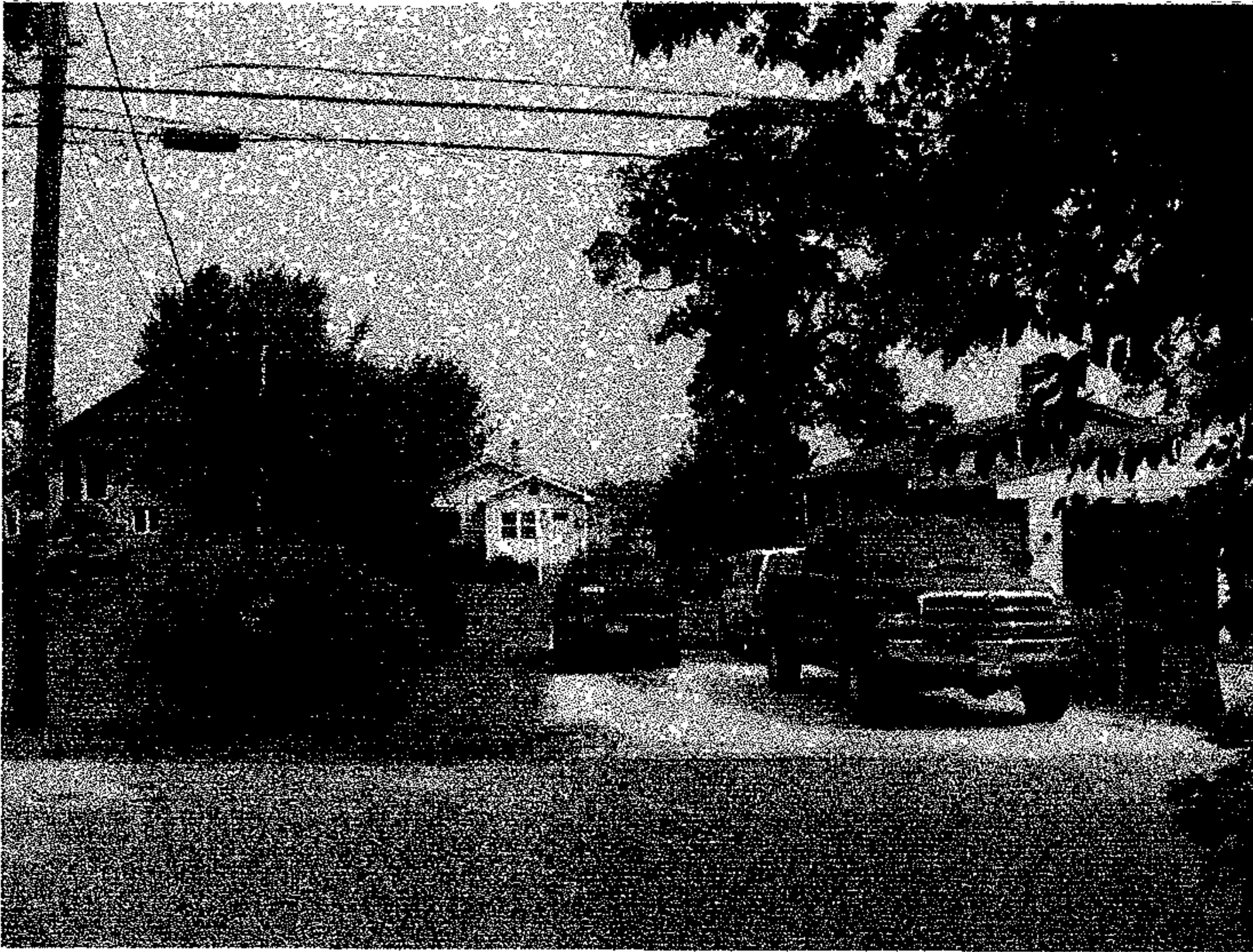
9010 AVENUE "B"



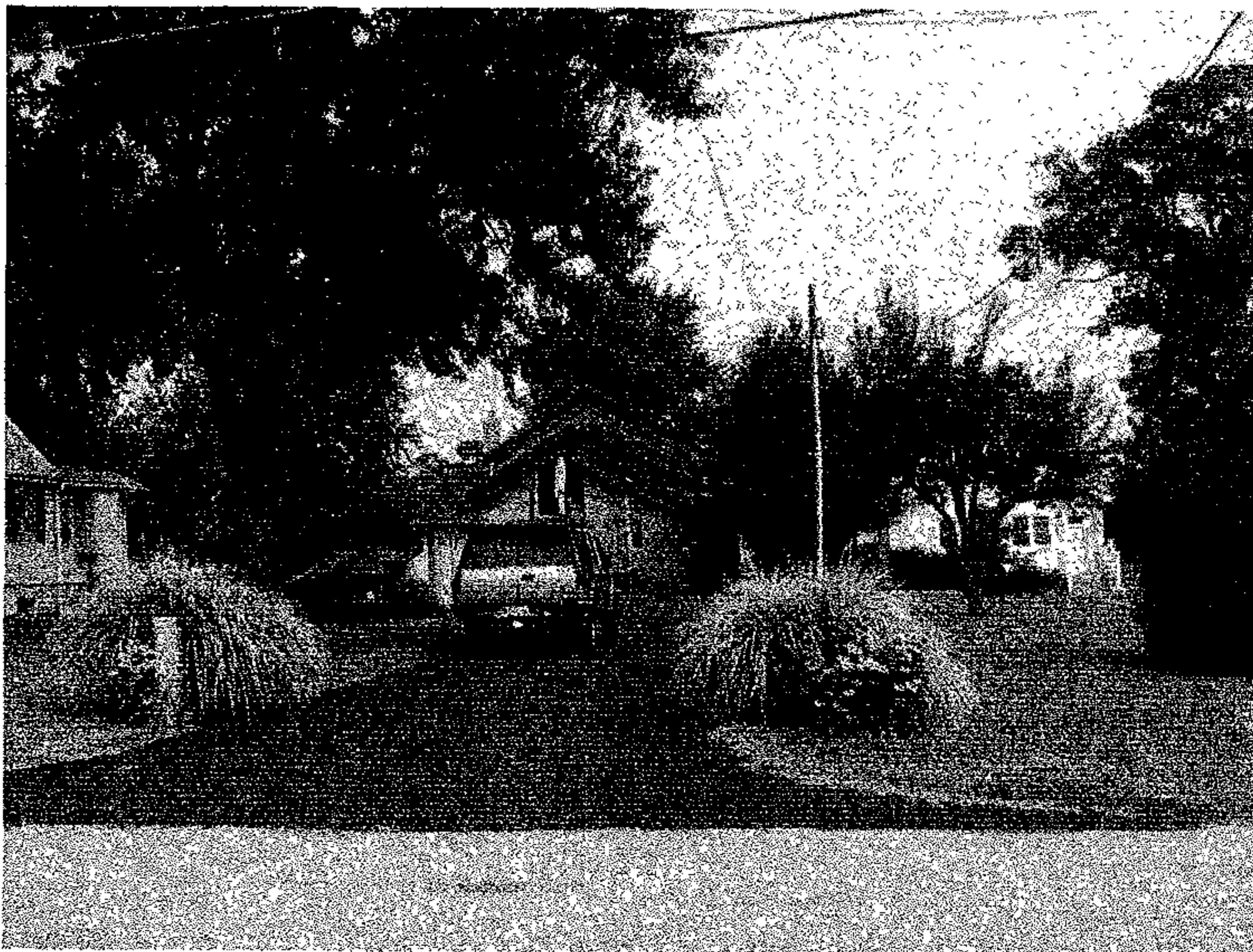
REAR OF PROPERTY FROM PIER

20-87-30

9010 AVENUE B



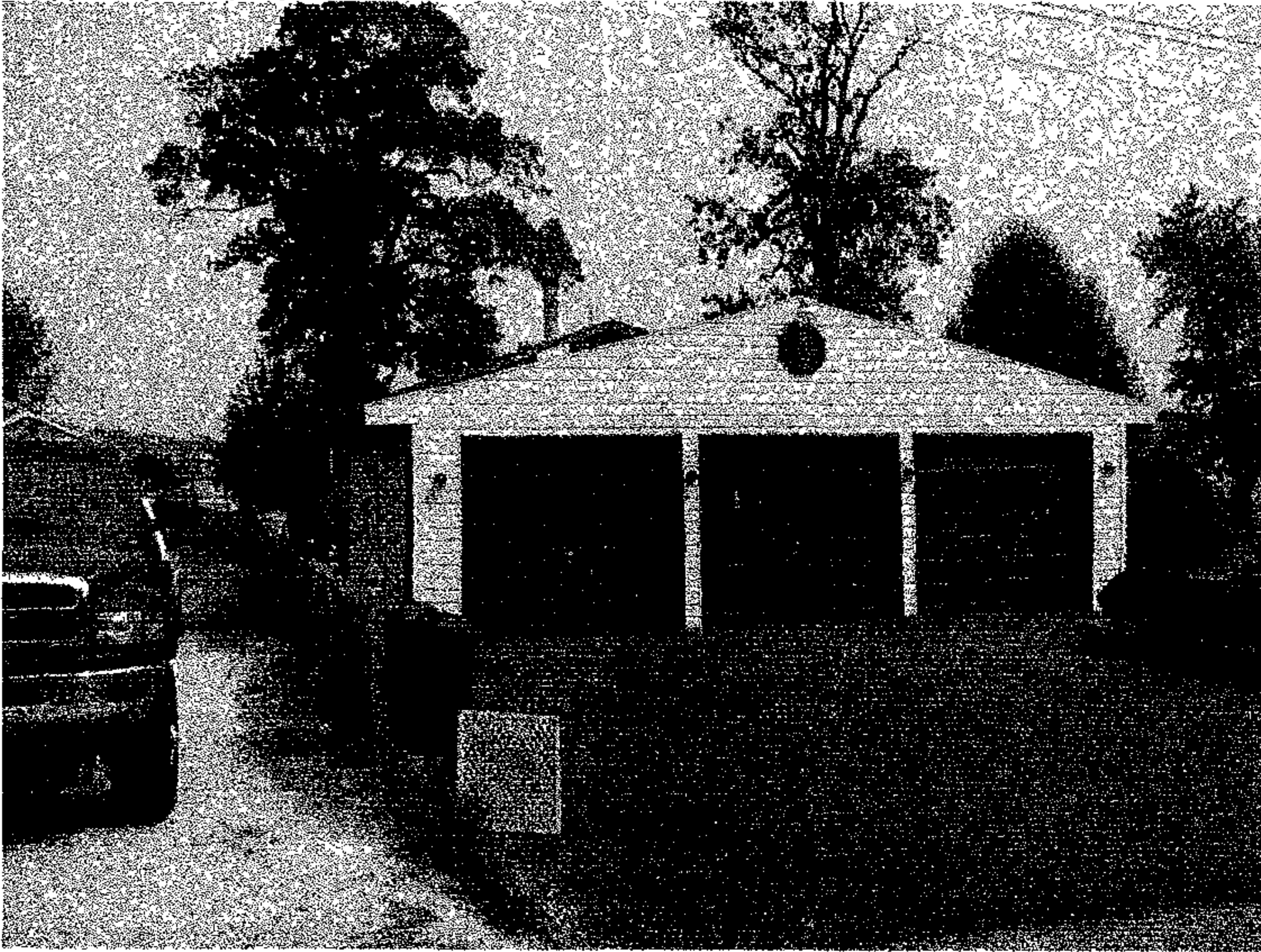
FRONT OF PROPERTY FROM STREET



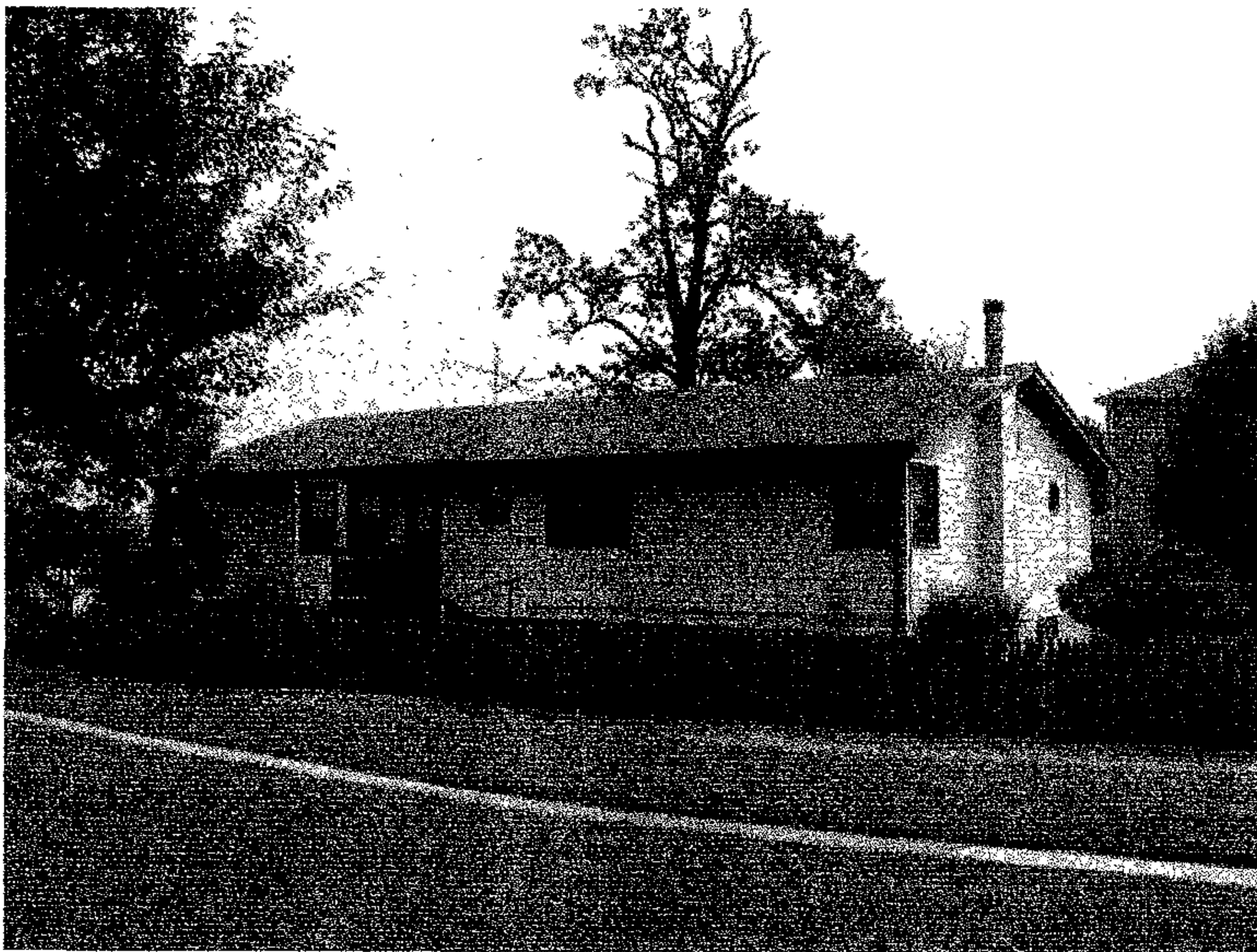
9012 AVE B (ON WEST SIDE OF SUBJECT PROPERTY)

03-48-02

9010 AVENUE B



9008 AVE B (EAST OF SUBJECT PROPERTY)



9008 AVE B (RESIDENCE TO EAST OF SUBJECT PROPERTY)

03-48-02

9010 AVENUE B



REAR OF PROPERTY FROM PIER



REAR YARD LOOKING WEST

03-48-07

EXTERIOR OF SUBJECT

Borrower/Client **THOMAS & DENISE MELVIN**

File No. **210473**

Property Address **9010 AVENUE B**

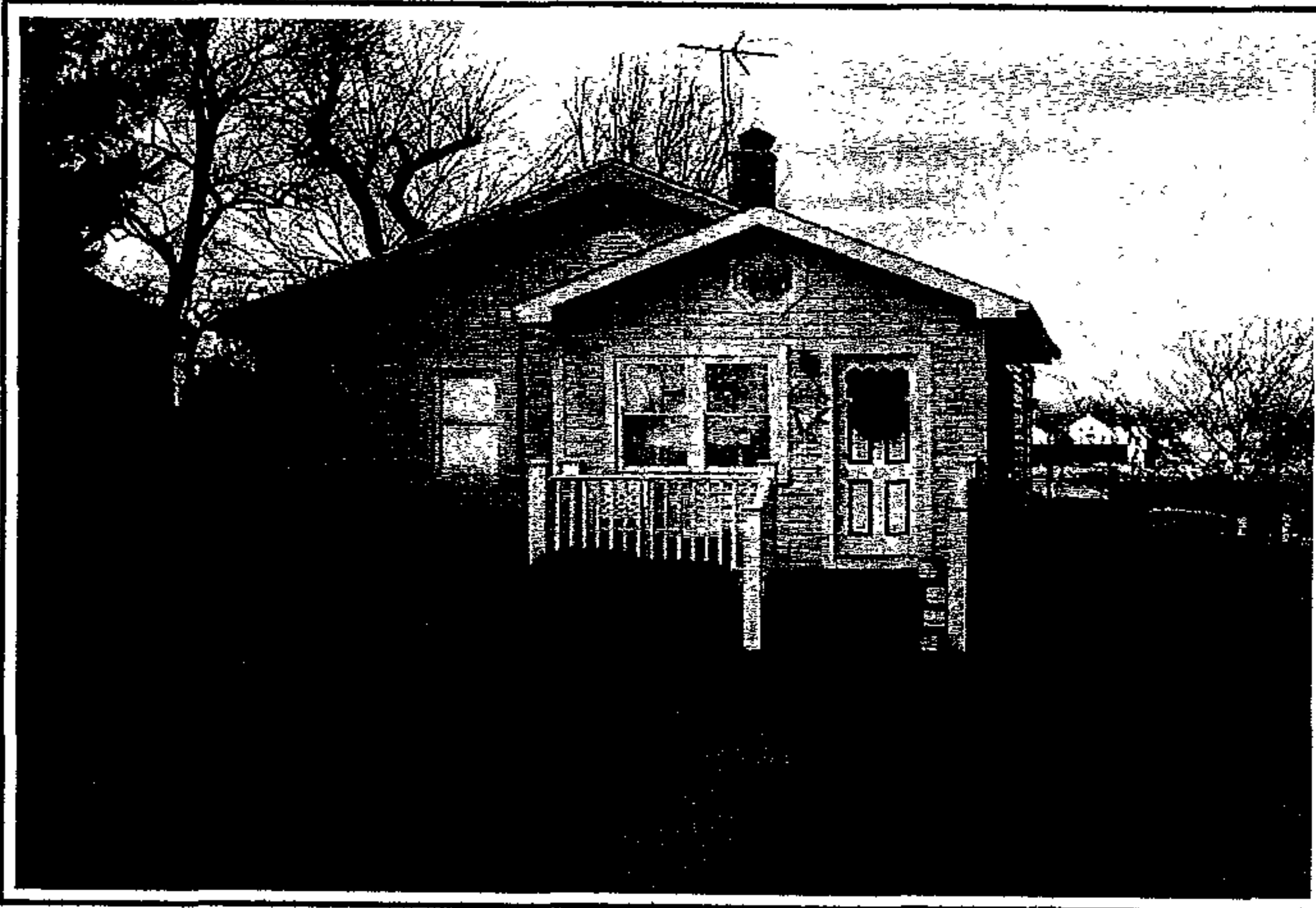
City **EDGEMERE (PO)**

County **BALTIMORE**

State **MD**

Zip Code **21219**

Lender **PROVIDENT BANK OF MD**



FRONT



REAR



STREET SCENE

EXTERIOR OF SUBJECT

Borrower/Client **THOMAS & DENISE MELVIN**

File No. **210473**

Property Address **9010 AVENUE B**

City **EDGEMERE (PO)**

County **BALTIMORE**

State **MD**

Zip Code **21219**

Lender **PROVIDENT BANK OF MD**

