

IN RE: PETITION FOR VARIANCE
W/S Choptank Avenue, 1200' S of the c/l
Chesapeake Avenue
(338 Choptank Avenue)
15th Election District
6th Council District

Robert L. Brydge, et ux, Owners;
Bruce Amoss, et ux, Contract Purchasers

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 03-140-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, Robert L. and Betty Jo Brydge, and the Contract Purchasers, Bruce and Susie Amoss. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a single family dwelling with a sum of the side yards of 21 feet in lieu of the required 25 feet, and a lot width of 50 feet in lieu of the required 70 feet, and to approve the subject property as an undersized 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 Bruce Amoss, Contract Purchaser, and Buck Jones, the consultant 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 lot, approximately 50 feet wide by 300 feet deep, located on the northwest side of Choptank Avenue, just north of Chesapeake Avenue, in Middle River. The property is also known as Lot 117 of the Long Beach Estates subdivision, which was recorded many years ago, prior to the first zoning regulations in 1945. The lot contains a gross area of 15,000 sq.ft., zoned D.R.3.5, and is presently unimproved. The Petitioners have contracted to sell the lot to Mr. & Mrs. Amoss who are desirous of developing the property with a single-family dwelling. Although the property

ORDER OF THE ZONING COMMISSION
Date 12/12/02
By [Signature]

meets the area requirements, the width is insufficient under current requirements. Thus, the requested relief is necessary. As shown on the site plan, the proposed dwelling will be 29 feet wide and 45 feet deep, and provide a setback of 10 feet on the north side, and 11 feet on the south side. In addition, the front and rear setbacks for the proposed dwelling will be consistent with other dwellings on this street.

Section 304 of the B.C.Z.R. regulates existing undersized lots. That Section authorizes a property owner to construct a single family dwelling on a lot that is insufficient in lot area or width if three conditions are satisfied. Those conditions are that the lot must have been recorded prior to 1955; that no other variance relief is needed; and that the applicant does not own adjacent land that could be utilized to remedy the insufficient lot area or width requirements. In this case, the Petitioners need both side yard variances. Moreover, the site plan shows that Mr. & Mrs. Brydge own the adjacent Lot 116, which is approximately 150 feet wide by 300 feet deep. Lot 116 is sufficiently sized so that the holdings of Mr. & Mrs. Brydge total nearly one acre.

Initially, it was thought that the remedy to the Petitioners' problems would be to combine Lots 116 and 117 and then resubdivide the resulting parcel into two new lots. Each lot would then be sufficiently sized so that it would meet all of the zoning regulations. For example, if combined and then resubdivided into two equally sized lots, each lot would be 100 feet wide by 300 feet deep. In such event, no variance relief would be required. Apparently, however, this is not possible due to environmental constraints associated with the property. Subsequent to the hearing, this office received a copy of a letter addressed to Mr. Jones from Baltimore County's Department of Environmental Protection and Resource Management, dated November 22, 2002. That letter notes that significant environmental constraints exist on both Lots 116 and 117, and concludes with a recommendation that only one dwelling be constructed on both lots combined.

Upon due consideration of the facts and circumstances presented, I concur with DEPRM's recommendations. If necessary, I would grant variance relief to permit a single family dwelling on combined Lots 116 and 117. For example, if the proposed dwelling needed to be located further to the south (towards Lot 118), I would grant variance relief that might be

ORDER RECORDED FOR FILING
Date 12/12/12
By [Signature]

necessary to respect and preserve the environmental resources. However, the Petitioners must recognize that too many variances would be required from the zoning and environmental regulations in order to yield two houses between Lots 116 and 117. Although I am appreciative that these lots were established as individual lots of record many years ago, the simple fact of the matter is that development of each lot with a single family dwelling is not practical.

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 denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of December, 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 single family dwelling with a sum of the side yards of 21 feet in lieu of the required 25 feet, and a lot width of 50 feet in lieu of the required 70 feet, and to approve the subject property as an undersized lot, pursuant to Section 304 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

12/12/02
20/21/161
bjs



Baltimore County
Zoning Commissioner

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

December 12, 2002

Mr. & Mrs. Robert L. Brydge
1210 Broad Creek Road
New Bern, North Carolina 28560

RE: PETITION FOR VARIANCE
W/S Choptank Avenue, 1200' S of the c/l Chesapeake Avenue
(338 Choptank Avenue)
15th Election District – 6th Council District
Robert L. Brydge, et ux, Owners; Bruce Amoss, et ux, Contract Purchasers - Petitioners
Case No. 03-140-A

Dear Mr. & Mrs. Brydge:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied, 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. & Mrs. Bruce Amoss
5 Meadow Creek Court, Nottingham, Md. 21236
Mr. Buck Jones, 500 Vogts Lane, Baltimore, Md. 21221
DEPRM; Office of Planning; People's Counsel; Case File





CRITICAL

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at Lot #117 Choptank Avenue
which is presently zoned DR 3.5

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) 1302.3.c.1, 304 (BCZR)

TO PERMIT A SINGLE FAMILY DWELLING TO HAVE A
SUM OF SIDEYARDS OF 21' AND A LOT WIDTH OF 50'
IN LIEU OF THE REQUIRED 25' AND 70' RESPECTIVELY
AND TO APPROVED AN UNDERSIZED LOT.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) This lot of record is 50' wide, the Contract Purchasers would like to be able to erect a S.F.D on this lot. Without relaxing the Zoning restrictions they would not be able to construct their home, or make any reasonable use of their property. This hardship is not the result of the applicants own actions.

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:

Bruce & Susie Amoss
Name - Type or Print
Signature Bruce E. Amoss
5 Meadow Creek Ct 410-668-4411
Address Telephone No.
Nottingham, Md 21236
City State Zip Code

Attorney For Petitioner:

Name - Type or Print
Signature
Company
Address Telephone No.
State Zip Code

Legal Owner(s):

Robert L. Brydge
Name - Type or Print
Signature Robert L. Brydge
Betty Jo Brydge
Name - Type or Print
Signature Betty Jo Brydge
1210 Broad Creek Road
Address Telephone No.
New Bern NC 28560-7106
City State Zip Code

Representative to be Contacted:

Buck Jones
Name
500 Vogts Lane 410-574-9337
Address Telephone No.
Baltimore Md 21221
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By CTM Date 2/18/02

Case No. 03-140-A

ZONING DESCRIPTION

ZONING DESCRIPTION FOR CHOPTANK AVE.

BEGINNING AT A POINT ON THE WEST SIDE OF CHOPTANK AVENUE WHICH IS 40 (FORTY) FEET WIDE AT THE DISTANCE OF 1200 FEET SOUTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET CHESAPEAKE ROAD WHICH IS 40 (FORTY) FEET WIDE. *BEING LOT #117, BLOCK _____, SECTION #_____ IN THE SUBDIVISION OF LONG BEACH ESTATES AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 3, FOILIO # 178, CONTAINING 15,000 SQUARE FEET. ALSO KNOWN AS CHOPTANK AVENUE AND LOCATED IN THE 15 ELECTION DISTRICT, 6 COUNCILMANIC DISTRICT.

#140

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

#140 A No. 11155

DATE 2/13/12 ACCOUNT P 201-666-6150

AMOUNT \$ 100.00

RECEIVED FROM: STATE

FOR: VALENTINE / C.E. LOT

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

FILED
FEB 14 2012
BALTIMORE, MD
CLERK OF THE COURT
COURT HOUSE
100 N. E. STREET
BALTIMORE, MD 21202
410.330.3000

**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: #03-140 A
Lot #117 Choptank Avenue
W/S Choptank Avenue 1200
North of centerline of
Chesapeake Road
15th Election District
6th Councilmanic District
Legal Owner(s): Robert L. Brydge
Variance: to permit a single-family dwelling to have a sum of sideyards 21' and a lot width of 50' in lieu of the required 25' and 70', respectively, and to approve an undersize lot

Hearing: Thursday, October 24, 2002 at 10:00 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/10/675 Oct. 8 0567608

CERTIFICATE OF PUBLICATION

10/10/2002

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 10/8/2002.

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

P. Wilkinson
LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE Case No 03-140A
 Petitioner/Developer JONES, ETAL
 Date of Hearing/Closing 10/24/02

To <u>BETTY & ROBIN</u>		From <u>O'KEEFE</u>	# of pages <u>1</u>
Co. <u>ZONING COMM</u>		Co.	
Dept.		Phone # <u>905 8571</u>	
Fax # <u>410 887-3468</u>		Fax # <u>666-0929</u>	

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

Attention: Ms. Gwendolyn Stephens GEORGE ZAHNER

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 VIC. #3336 - CHOPTANK
ROAD ONSITE

The sign(s) were posted on 10/6/02
 (Month, Day, Year)

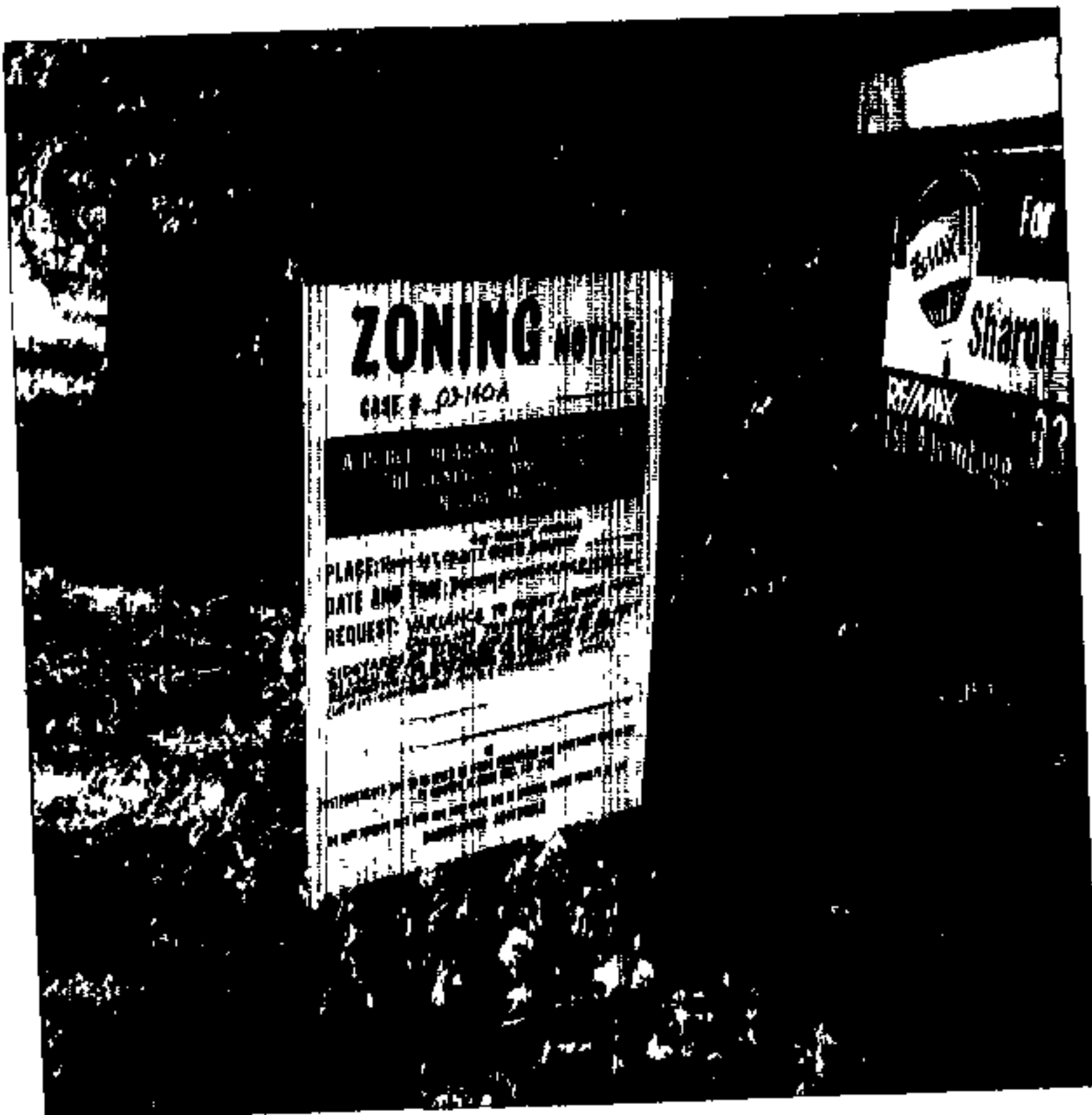
Sincerely,
Patrick M O'Keefe 10/7/02
 (Signature of Sign Poster and Date)

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)



03-140-A
JONES
VIC-#3336 CHOPTANK 10/29/02
VIC-#3336 CHOPTANK 10/29/02

Post-it® Fax Note	7671	Date	# of pages <u>1</u>
To	From		
Co./Dept.	Co.		
Phone #	Phone #		
Fax #	Fax #		

RE: PETITION FOR VARIANCE
Lot #117 Choptank Avenue 1200' north
of centerline of Chesapeake Road
15th Election District 6th Councilmanic
District
Legal Owner: Robert L. Brydge
Contract Pur. Bruce & Susie Amos
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 03-140-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 2nd day of October 2002, a copy of the foregoing Entry of Appearance was mailed to Buck Jones, 500 Vogts Lane, Baltimore, MD. 21221
Representative for Petitioner(s).


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 8, 2002 Issue – Jeffersonian

Please forward billing to: Buck Jones
500 Vogts Lane
Baltimore, MD 21221

574 9337

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: 03-140 A
Lot #117 Choptank Avenue
W/s Choptank Avenue 1200 north of centerline of Chesapeake Road
Election District 15th - Councilmanic District 6th
Legal Owner: Robert L. Brydge

VARIANCE to permit a single-family dwelling to have a sum of sideyards 21' and a lot width of 50' in lieu of the required 25' and 70', respectively, and to approve an undersize lot.

HEARING: Thursday, October 24, 2002 at 10:00 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 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.



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

September 26, 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: 03-140 A
Lot #117 Choptank Avenue
W/s Choptank Avenue 1200 north of centerline of Chesapeake Road
Election District 15th - Councilmanic District 6th
Legal Owner: Robert L. Brydge

VARIANCE to permit a single-family dwelling to have a sum of sideyards 21' and a lot width of 50' in lieu of the required 25' and 70', respectively, and to approve an undersize lot.

HEARING: Thursday, October 24, 2002 at 10:00 am in Room 407, County Courts Building
401 Bosley Avenue

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

Arnold Jablon
Director

Cc: Robert L. Brydge Betty Jo Brydge 1210 Broad Creek Road New Bern, NC 28560-7106
Buck Jones 500 Vogts Lane Baltimore, MD 21221
Bruce & Susie Amoss 5 Meadow Creek Ct. Nottingham MD 21236

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY Wednesday October 9, 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.



**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: 03-140-A
Petitioner: BRUCE AMOS
Address or Location: 338 CHOPTANK AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: BUCK JONES
Address: 500 VOGTS LANE
BALT. MD. 21221
Telephone Number: 410-574-9337

Revised 2/20/98 - SCJ



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

October 17, 2002

Mr. and Mrs. Robert L. Brydge
1210 Broad Creek Road
New Bern, NC 28560

Dear Mr. and Mrs. Bryde:

RE: Case Number: 03-140-A, Lot #117 Choptank Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 18, 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,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rlh

Enclosures

c: Buck Jones, 500 Vogts Lane, Baltimore 21221
Mr. Bruce Amoss and Ms. Susie Amoss, 5 Meadow Creek Court, Baltimore 21236
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

September 27, 2002

ATTENTION: George Zahner

Property Owner:

Location:

Item No.:

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.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items: 140
131-146

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

RECEIVED

LS
10/24

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBs / TBT*

DATE: October 21, 2002

SUBJECT: Zoning Item 140
Address 338 Choptank Ave (Brydge Property)

Zoning Advisory Committee Meeting of September 30, 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).

_____ 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).

X Additional Comments:

See the attached comments

2 3

Reviewer: Kieth Kelley

Date: 10/21/02

CBCA Zoning Comments (zoning item # 140)

☒ 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 ½ acre in size.

☒ Man-made impervious surfaces are limited to 25% for lots less than ½ 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~~ ^{if} 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
10/24

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 9, 2002

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

SUBJECT: 117 Choptank Avenue

INFORMATION:

Item Number: 03-140

Petitioner: Robert L. Brydger

Zoning: DR 3.5

Requested Action: Varince

SUMMARY OF RECOMMENDATIONS:

The Office of Planning conducted a review of the subject variance request and has determined that (a) the subject property as well as the adjacent properties are in the same ownership; and, (b) the aforementioned lots were recorded after 1955. THEREFORE, it is incumbent upon the petitioner to demonstrate compliance with Section 304.1.C of the BCZR.

Prepared by: Mark A. Cump

Section Chief: Ryan Leoban

AFK/LL:MAC:

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORMPermit or Case No. 03-140-A

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

Residential Processing Fee Paid
(\$50.00)Accepted by LTM
Date 9/18/02

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

RE: Undersized Lots

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

MINIMUM APPLICANT SUPPLIED INFORMATION:

Buck Jones 500 Vogts Lane Baltimore, Md 21221 410-574-9337
 Print Name of Applicant Address Telephone Number
 Lot Address 338 Choptank Ave Election District 15 Councilmanic District 6 Square Feet 15,000
 Lot Location: NE S side/corner of Choptank AVE 1180 feet from SE S W corner of Chesapeake Ave (street)
 Land Owner: Robert & Betty Brydger Tax Account Number 1508301211
 Address 1210 Broad Creek Rd, New Bern, NC 28560 Telephone Number 410 574-9337

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>/</u>	
3 Site Plan Property (3 copies)	<u>/</u>	
Topo Map (2 copies) available in Room 208, County Office Building - (please label site clearly)	<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 3.5</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:

see attached

Signed by:

Lynn Larkin
for the Director, Office of Planning and Community Conservation

SEP 19 2002

OFFICE OF PLANNING

Date:

10/10/02

Revised 2/25/9

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

Date	10/11	# of pages	2
From	Lynn Larkin	To	Wendy Maxfield
Ch.	Planning	Co./Dept.	Zoning
Phone #	2824	Phone #	
Fax #		Fax #	2824



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 10.1.02

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

RE: Baltimore County
Item No. 140

L T M

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,

/s/ 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

DATE _____

E-MAIL

Barto MD 21236



Maryland Department of Planning

Parris N. Glendening
Governor
Kathleen Kennedy Townsend,
Lt. Governor

Roy W. Kientz
Secretary
Mary Abrams
Deputy Secretary

September 27, 2002

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

Re: Zoning Advisory Committee Agenda, 10/7/02 re: case numbers 03-131-A, 03-132-A, 03-133-SPHXA, 03-134-A, 03-135-A, 03-136-SPH, 03-137-SPHA, 03-138-SPH, 03-139-SPH, 03-140-A, 03-141-A, 03-142-SPHA, 03-143-SPHA, 03-144-A, 03-145-A, 03-146-A

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 9/26/02. 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



Baltimore County
Department of Environmental Protection
and Resource Management

401 Bosley Avenue, Suite 416
Towson, Maryland 21204

November 22, 2002

Mr. Buck Jones
Free-State General Contractors, Inc.
500 Vogts Lane
Baltimore, MD 21221

25

Re: Lots 117-118, Choptank Avenue
(#03-140-A)

Dear Mr. Jones:

The Department of Environmental Protection and Resource Management (DEPRM) has received and reviewed your request to review the zoning variance and verify the presence of the non-tidal wetlands. A site visit was conducted on November 4, 2002. Lots 117-118 combined are 45,000 square feet in size and are 100% forested. Wetland 41C is present as depicted in the Consolidated Middle River Neck SAMP document and is designated as a wetland with high functional value.

DEPRM recommendations on your zoning variance request are based on the following:

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

A zoning variance is required since you cannot meet the minimum lot width on lot #117. You would need a Critical Area Administrative Variance (CAAV) for lot 118 even without moving the lot line since the proposed dwelling would be 30' into the building setback, leaving a 5' useable yard area on one corner of the dwelling. Moving the lot line between lots #117 and #118 to the west to comply with zoning regulations would further impact the existing resources. This Department has concerns with resource protection and cannot support your zoning variance request at this time. Therefore, we would recommend building one dwelling for both lots combined. This will enable you to comply with Zoning and Chesapeake Bay Critical Area Regulations without the need for variances.

Visit the County's Website at www.baltimorecountyonline.info



Printed with Soybean Ink
on Recycled Paper

Mr. Buck Jones
November 22, 2002
Page 2

Contact me at 410-887-3980 if you have any questions regarding this matter.

Sincerely,

Keith Kelley
Natural Resource Specialist
Environmental Impact Review

C: Mr. Lawrence Schmidt, Zoning Commissioner

Kdk#17/lots117-118choptankave

THIS DEED, Made this 18 day of November, in the year one thousand nine hundred and seventy-four, by and between PHYLLIS M. MCKULKA, of the County of Baltimore in the State of Maryland, of the first part, and JOHN J. MCKULKA, of the County of Baltimore in the State of Maryland, of the second part.

WITNESSETH, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Phyllis M. McKulka does grant and convey unto the said John J. McKulka, his heirs and assigns, all of her right, title and interest in all that lot of ground lying and being in Baltimore County, State of Maryland, and described as follows, that is to say:

BEING known and designated as the South 50 feet of Lot No. 117, all of lot No. 118 as laid out on the Plat of Long Beach Estates, Plan "C", subdivided by Cityco Realty Company and recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 4 folio 131.

BEING the same property described in a Deed dated September 27, 1968 and recorded among the Land Records of Baltimore County in Liber 4929, folio 589 etc., which was granted and conveyed by Rudolph Schlag et. al. to John J. McKulka, et. al.

TOGETHER with the buildings and improvements thereupon erected and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the said lot of ground and premises above described and mentioned and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said John J. McKulka, his heirs and assigns, in fee simple.

TRANSFER TAX
V. J. J. J. J. J.
Acting Dir. of the
F. B. I.
J. J. J. J. J.
J. J. J. J. J.

WITNESS the hands and seals of said Grantor.

Phyllis M. McKulka
 Witness *Phyllis M. McKulka* (SEAL)
 Phyllis M. McKulka

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit;

I HEREBY CERTIFY, that on this 18 day of November, in the year one thousand nine hundred and seventy-four, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared PHYLLIS M. MCKULKA, the above named Grantor, and she acknowledged the foregoing Deed to be her act.

AS WITNESS my hand and Notarial Seal.

Elmer H. Kahlke, Jr.
 Notary Public
 Commission Expires on: Jan 78



001-0000 13200142 42-0211
 5112-0000 23000142 42-0211
 0991-0000 23000142 42-0211
 9214-0000 23000142 42-0211

Rec'd for NOV 26 1974 10:38
 Per Elmer H. Kahlke, Jr.
 Mail to *Phyllis M. McKulka*
 Receipt No. *7.00*

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

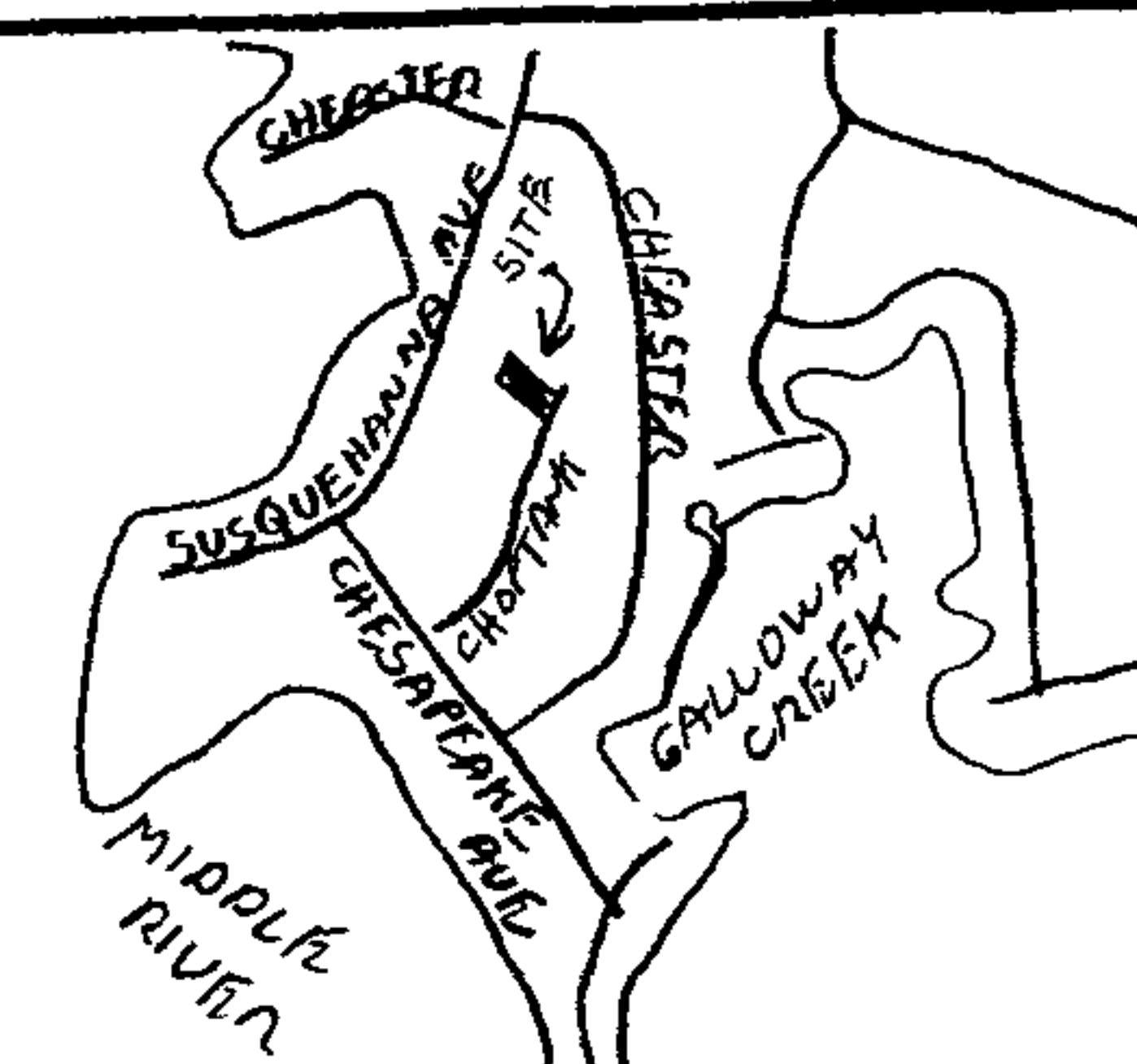
PROPERTY ADDRESS 12338 CHOPTANK AVE SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME LONG BEACH ESTATES

PLAT BOOK # 3 FOLIO # 178 LOT # 117 SECTION #

OWNER ROBERT & BETTY JO BRIDGE

CHOPTANK AVE.
#75-0534 + 8"W 53-1653 8"W
3"P.S. 3"P.S. 3"P.S. 40 R/W 20' PAVED
#1999-1839 1200' & CHESAPEAKE AVE



VICINITY MAP ADC
SCALE: 1" = 1000' A38-E-9

LOCATION INFORMATION

ELECTION DISTRICT 15
COUNCILMANIC DISTRICT 6
1" = 200' SCALE MAP # NE 2-K
ZONING DR 3.5
LOT SIZE .34 15,000
ACREAGE SQUARE FEET
SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ ☐
CHESAPEAKE BAY CRITICAL AREA ☒ YES ☐ NO
100 YEAR FLOOD PLAIN ELEV 11.2 ☐ ☒
HISTORIC PROPERTY/BUILDING ☐ ☒
PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

VACANT
ROBERT & BETTY JO.
BRIDGE
LOT 116
#1508301211

1574
PROPOSED
45'
#338
29'

#336

SHED
20'

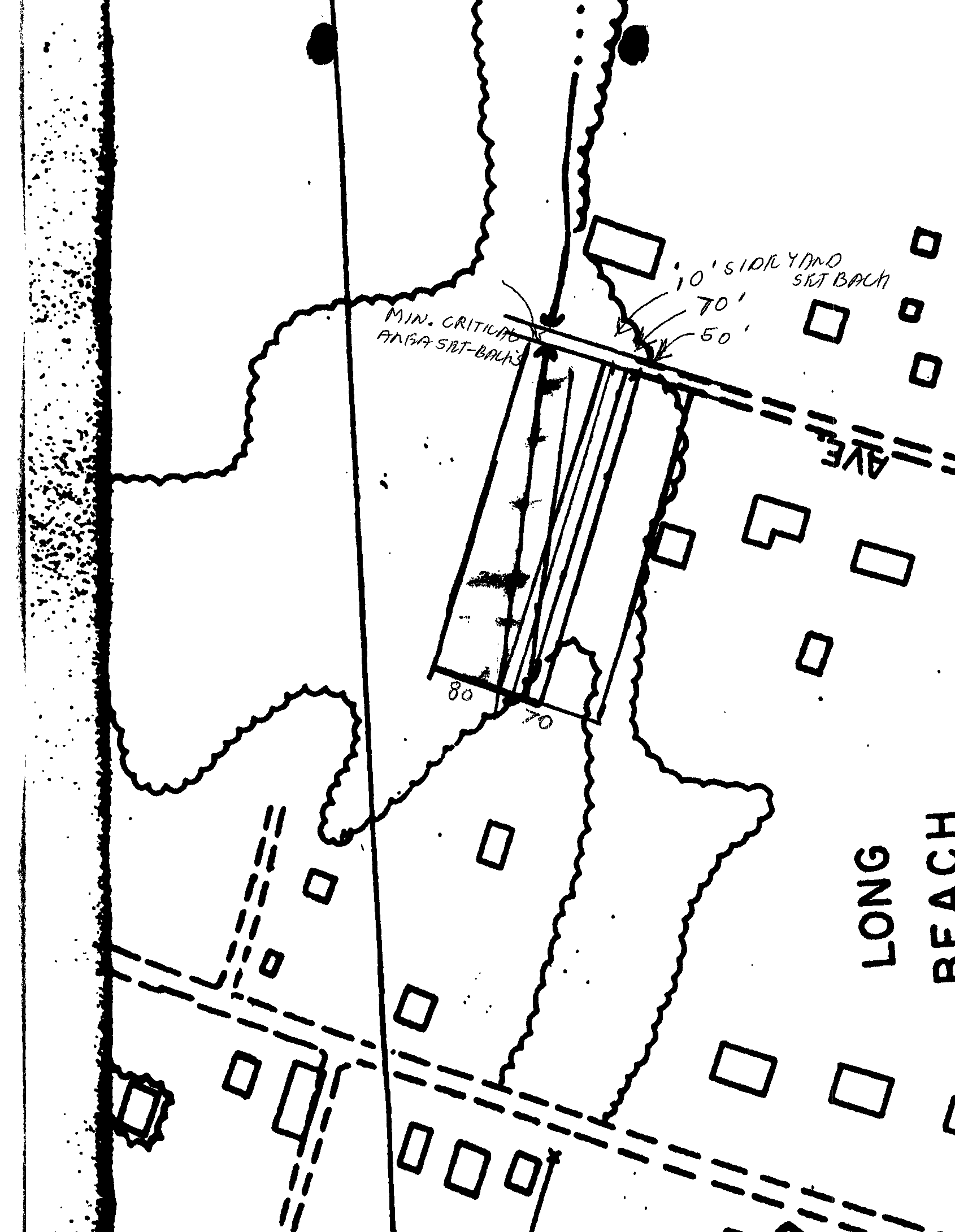
JOHN & SUSAN
MC KULKA
LOT 118
#1513108510

Ad No 1



PREPARED BY BUCK JONES

SCALE OF DRAWING: 1" = 50'



MIN. CRITICAL
AREA SBT-BALH3

10' SIDE YARD
SBT BALH

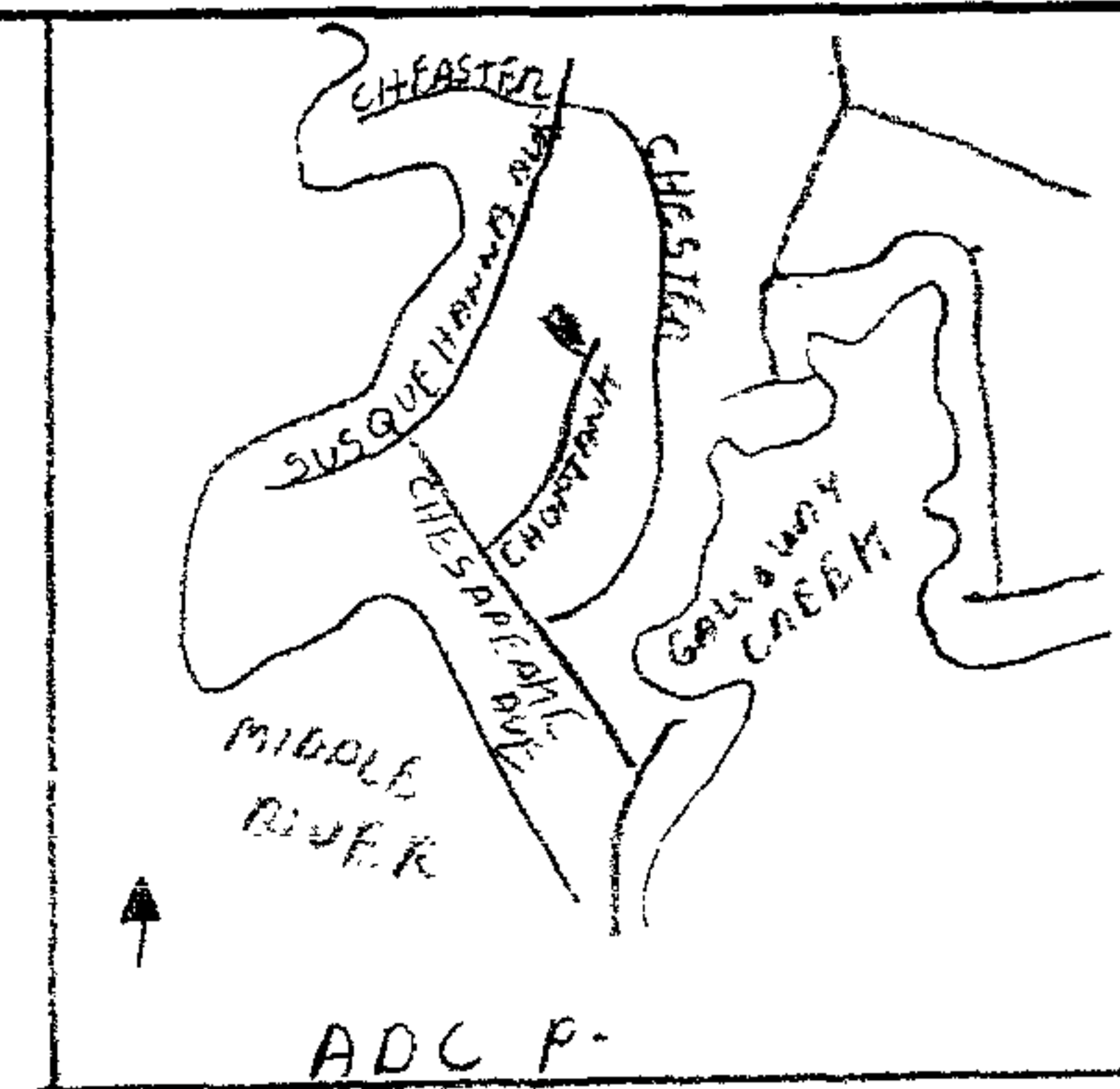
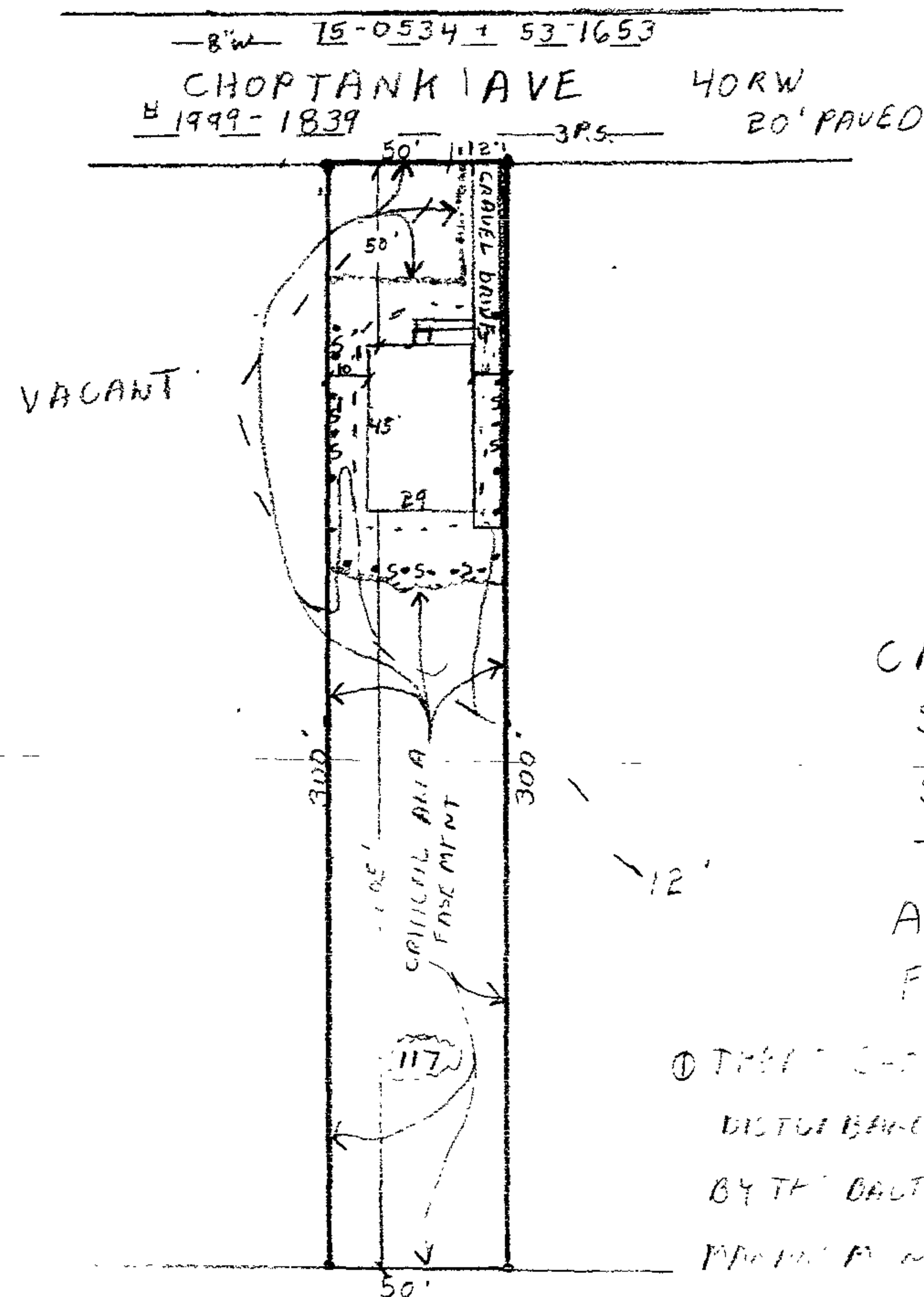
70'
50'

LONG
BEACH

80

70

CRITICAL AREA AND
SID IMPERVIOUS 1305sf
SIDE WALK - PORCH IMP 60sf
TOTAL IMPERVIOUS 1365sf or 9%
AREA CLEARED 4,500sf or 30.76
FEET x LEU 4,500sf x .60 = 2700



Ref No 2

- ① THERE SHALL BE NO CONSTRUCTION OF DISTURBANCE OF VEGETATION IN THE CASE EXCEPT AS REQUIRED BY THE CALIFORNIA DEPT. OF FOREST AND FIRE PROTECTION IN THE SAME MANNER AS NT.
- ② ANY CATTLE AREA FROM HERE ON IN SUBJECT TO THE REGIONAL COMMISSIONS WHICH MAY BE ISSUED IN THE LINE OF THE "OF" FACT LOOKING AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
- ③ THE AIRPORT IS LOCATED IN THE LIMITED AREA IN THE CASE OF THE SEVERE AND VIOLENT SURFACE AREAS TO 25% OF THE AREA FROM THE 0% REPOSED 9%. MAXIMUM FOREST CLEARING IS LIMITED TO 30% OF THE SITE.

AMOSS SITE PLAN		DRAWN BY: <i>EVERETT JONES</i>
SCALE: <i>1" = 50'</i>	PROJECT NO.:	REVISION:
DATE: <i>7-26-02</i>		
		DRAWING NUMBER: