IN RE: PETITION FOR VARIANCE

N/S Katherine Avenue, .2 miles NE of

Cape May Road

(418 Katherine Avenue)
15<sup>th</sup> Election District
5<sup>th</sup> Council District

Mary D. Rowe Petitioner \* BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 03-186-A

\*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Mary D. Rowe. The Petitioner requests relief from Sections 1B02.3.C.1 and 304.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 2 feet and 8 feet in lieu of the required 10 feet each, and a sum of the side yards of 10 feet in lieu of the minimum required 25 feet; a lot width of 55 feet in lieu of the required 70 feet; and, approval of the subject property as an undersized lot, pursuant to Section 304 of the B.C.Z.R., and any other variances deemed necessary to permit redevelopment with a single family dwelling. 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 Mary D. Rowe, property owner; David S. Rowe; and Raymond J. Piechocki, a building consultant who prepared the site plan for this property. Appearing as interested citizens were Glenn and Sheila Ogle, adjacent property owners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a pie-shaped waterfront lot, located on the north side of Katherine Avenue adjacent to Norman Creek, in the Cape May subdivision of eastern Baltimore County. The property consists of a gross area of 10,887 sq.ft., more or less, zoned D.R.3.5 and is presently improved with a one-story frame dwelling which was apparently constructed many years ago as a shore home. Although habitable,

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the Petitioner proposes to raze the existing structure and construct a new home on the lot. As is the case with similar waterfront properties in this part of the County, the Cape May subdivision was laid out many years ago, prior to the adoption of any zoning regulations in Baltimore County. Thus, the property is inadequately sized under current regulations.

Variance relief is requested due to the unique configuration of the lot, which is wider at the waterline (65 feet) than at the street property line (36 feet). As more particularly on the site plan, the lot is less than that required at the building line. Relief is requested to approve a lot width of 55 feet in lieu of the minimum required 70 feet. The need for this variance is driven by the fact that environmental regulations require that the proposed dwelling be situated as far from the bulkhead as possible. In this regard, the site plan shows that the house will be situated essentially on the same building footprint as the existing dwelling. The new house will be larger and will feature an attached garage. However, some existing outbuildings will be razed so that there will be less impervious surface on the property after the new construction is completed.

Variance relief is also requested from the side yard setback requirements. To the southeast, the property abuts the lot owned by Mr. & Mrs. Ogle. Their house is also apparently quite old and appears in violation of the current setback requirements. In fact, a corner of the Ogle house appears to immediately abut the subject lot near the street. However, the Ogle house was built prior to the enactment of the zoning regulations and thus, is grandfathered. In any event, the Petitioner has oriented the proposed dwelling to maintain as great a distance as possible from the Ogle lot. The house is also angled so as to provide greater separation. Immediately adjacent to the Ogle house, the proposed dwelling will be located 16 feet from the property line. However, closer to the water and due to the angle of the house, a minimum setback of 8 feet will be provided. On the other side of the lot (northwest) a minimum 2-foot setback will be provided; however, that setback becomes greater towards the water. It was indicated that the vacant lot on that side is not improved and will probably not be developed due to site constraints associated with that lot.

Based upon the testimony and evidence presented, I am persuaded to grant the relief requested. It is clear that this property is unique given its existing configuration and that strict

compliance with the zoning regulations would result in a practical difficulty for the Petitioner. In my view, the proposed structure will represent an improvement to the site and will actually be beneficial to the neighborhood. Moreover, I am persuaded that relief can be granted without detrimental impacts to adjacent properties. However, in granting the relief, certain restrictions will be imposed. A Zoning Advisory Committee (ZAC) comment was received from the Development Plans Review Division of the Department of Permits and Development Management relative to construction in a floodplain. That comment indicates that the applicant must comply with Federal Flood Insurance requirements as well as County standards due to its location next to tidal waters. Moreover, the property is obviously within the Chesapeake Bay Critical Areas, and thus, compliance with those regulations will be required. Mr. Piechocki indicated that he had had preliminary discussions with the Department of Environmental Protection and Resource Management (DEPRM) regarding this project. Although there were no ZAC comments submitted by DEPRM, the new construction must comply with all appropriate environmental codes.

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

this day of December, 2002 that the Petition for Variance seeking relief from Sections 1B02.3.C.1 and 304.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 2 feet and 8 feet in lieu of the required 10 feet each, and a sum of the side yards of 10 feet in lieu of the minimum required 25 feet; a lot width of 55 feet in lieu of the required 70 feet; and, approval of the subject property as an undersized lot, pursuant to Section 304 of the B.C.Z.R., and any other variances deemed necessary to permit redevelopment with a single family dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until the 30-day appeal period

from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

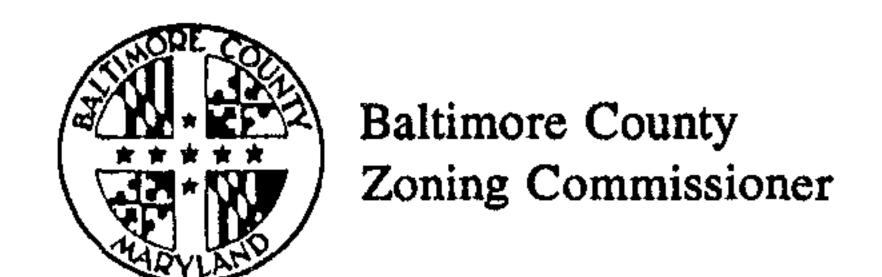
- 2) Compliance with the ZAC comments submitted by the Development Plans Review Division of the Department of Permits and Development Management, dated November 21, 2002, a copy of which is attached hereto and made a part hereof.
- 3) Compliance with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) to comply with Chesapeake Bay Critical Areas requirements.

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



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

Fax: 410-887-3468

December 30, 2002

Ms. Mary D. Rowe 2521 Proctor Lane Baltimore, Maryland 21234

**RE: PETITION FOR VARIANCE** 

N/S Katherine Avenue, .2 miles NE of Cape May Road

(418 Katherine Avenue)

15<sup>th</sup> Election District – 5<sup>th</sup> Council District

Mary D. Rowe - Petitioner

Case No. 03-186-A

Dear Ms. Rowe:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. Raymond J. Piechocki, 7500 Harford Road, Baltimore, Md. 21234 Mr. & Mrs. Glenn Ogle, 416 Katherine Avenue, Baltimore, Md. 21221

Chesapeake Bay Critical Areas Commission,

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

Development Plans Review, DPDM; DEPRM; People's Counsel; Case File



### Petition for Variance



#### to the Zoning Commissioner of Baltimore County

for the property located at 418 KATHERINE AUG VIEW 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) 1B02.3C.1., 304.1 (BCZR). To permit a side yard

setback of 2 feet and 8 feet with a sum of side yards totaling 10 feet in lieu of the required minimum side yard setback of 10 feet with a sum of side yards totaling a minimum of 25 feet. And to permit a lot width of 55 feet in lieu of the required 70 feet and to approve an undersized lot per Section 304 (BCZR) and to approve any other variances deemed necessary.

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

- MENTE PERENT PROPERTY WIOTH TO ALLOW PROPERTY SIZE MUSE TO FIT ON THE LOT WITH REQUIRED SIDE YARD SET BACKS, PROPERTY IS PIE SHAPED WITH NARROW AREA AT ROADI
- · INSUFFICIONIT NETGHBURING PROPERTY TO ALLOW FOR NURSAR SET BACKS.
- \* REDIXTION THE REQUIRED SIDE GARDS SET BACK MAKES HOUSE COPATASKE LIVING OTHER IN PROJECT LOTS IN THE METAHBOR HOOD.

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

  To we, agree to pay expenses of above Variance, advertising, posture and advertising.

Lor 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, perjury, that I/we are the legal owner is the subject of this Petition.	under the penalties of (s) of the property which
Contract Purcha	ser/Lessee:		Legal Owner(s):	
			Name - Type or Print	
Name Type or Print			Name - Type or Print  Mas 1 1 10 - Palve	ر ر
Signature			Signature	
Address	<u>,, </u>	Telephone No	Name - Type or Print	<u> </u>
City	State	Zip Code	Signature	
Attorney For Pet	<u>itioner:</u>		418 KATHERINE AVE Address	Telephone No.
Name Type or Print	*	<u> </u>	BALTIMORE MD	tate Zip Code
(*) Signatuje			Representative to be Contac	
Company			RAYMOND & PIECHOL	<u> </u>
	.,	Tolophone No	7500 HARFORD RD	910-926-0302 Telephone No
Address		Telephone No	Address BAUTIHORE MI	21234
S O	State	Zip Code		tate Zip Code
1000			OFFICE USE OF	
ase No. 03	-1810 - A		ESTIMATED LENGTH OF HEA	KTNG
			UNAVAILABLE FOR HEARING Reviewed By DIHOMPSON	Date 10/16/02

#### ZONING DESCRIPTION

ZONING DESCRIPTION FOR YIE KATHERINE AVE 21221

BEGINING AT A POINT ON THE NORTH SIDE OF KATHERINE AVE WHICH IS 30FEET WIDE AT THE DISTANCE OF INTERSECTING OF THE CENTERUNE OF THE NEAREST IMPROVED INTERSECTING STREET, CASE MAY ROAD WHICH IS 30 FEET WIDE.

BEING LOT #8 BLOCK -, SECTION -, IN THE SUBDIVISION OF CAPE MAY AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #6 FOLIO #177 CONTAINING 10,887 SQUARE FEET, ALSO KNOWN AS 418 KATHERINE AVE AND LOCATED IN THE 15-TH ELECTION DISTRICT, 5 TH COUNCIL MANIC DISTRICT.

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- **-**

FROM: FOR: WHITE - CASHIER DISTRIBUTION RECEIVED DATE MISCELLANEOUS BALTIMORE OFFICE 野の日本 OF BUDGET COUNTY, MARY PINK - AGENCY & FINANCE RECEIPT AMOUNT ACCOUNT YELLOW - CUSTOMER 200 47 **HANN**CK  $\overline{\infty}$ No. 17813 完置 PIETF 為 Williams County. CASHIER'S 是 一种。 一种。 如形[5.14] (6) DATION HAN W

## NOTICE OF ZONING HEARING

The Zoning-Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County withhold a public hearing in Towson. Maryland on the property identified herem as follows:

Case #03-186-A

-418 Katherine Avenue

N/side Katherine Avenue

N/side Katherine Avenue

1,056 feet northeast of

centerine of Cape May Road

Centerine of Cape May Road

Centerine of Cape May Bowe

Legal Owner(s): Many D. Rowe

Variance: to permit a side yard setback of 2 feet in lieu of the required minimum side yard setback of 10 feet with the sum of side yards totaling a minimum of 25 feet and to the sum of side yards totaling a minimum of 25 feet and to the sum of side yards totaling a minimum of 25 feet and to the sum of side yards totaling a minimum of the required 70 feet permit a lot width of 55 feet in lieu of the required 70 feet permit a lot width of 55 feet in lieu of the required 70 feet permit a lot width of 55 feet in lieu of the required 70 feet permit a lot width of 55 feet in lieu of the required 70 feet permit a lot width of 55 feet in lieu of the required 70 feet permit a lot width of 55 feet in lieu of the required Avenue.

Hearing: Tuestay, December 70, 2002 at 10:00 a.m. in Room 106, Baltimore County Office Building, 111 W.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

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

missioner's Office at (410) 887-4386

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

## TE OF PUBLICATION ERTIFICAL

\_20C.Z

THIS IS TO CERTIFY, that the annexed advertisement was published

successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md.,

once in each of

The Jeffersonian

Catonsville Times

Arbutus Times

Towson Times

Owings Mills Times

□ NE Booster/Reporter

North County News

MULLINS

LEGAL ADVERTISING



## TOW DUINOT

CASE # 03-186-A

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

PLACE: TOWSON, MD 21204

PLACE: TOWSON, MD 21204

TUESDAY, DECEMBER 10, 2002

DATE AND THAE: AT 10,00 A.M.

REQUEST: VARIANCE TO PERMIT A SIDE YARD SET BACK OF 2 FEET IN LIEU OF THE RECOURED
MILLIMUM SIDE YARD SET BACK OF TO FEET WITH A SUM
OF SIDE YARDS TOTALIK AMINIMUM OF 25 FEET AND TO
PERMIT A LOT WIDTH OF 55 FEET IN LIEU OF THE RECOURSE
TO FEET AND TO APPROVE AU UNDERSTED LOT AND TO APPROVE
ALM CITER WELL DEFINED NECESSARY

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. To confirm Rearing Call 287 3391

PG MOT NEWDYE THE SIGN AND POST UNTIL DAY OF HEADING, UNDER PENALTY OF LAW HANDICAPPED ACCESSIBLE

#### CERTIFICATE OF POSTING

	RE: Case No.: 03-186-A
•	Petitioner/Developer:
	MARY D. ROWE
	Date of Hearing/Closing: 12-10-02
Baltimore County Department of Permits and Development Management County Office Building, Room 111 Hall West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
were posted conspicuously on the property lo	perjury that the necessary sign(s) required by law cated at
The sign(s) were posted on \\lambda \lambda \underset{OV}.	25, 2002.
	(Month, Day, Year)
	Sincerely,  Sincerely,  Signature of Sign Poster and Date)
	GARLANDE, MOORE (Printed Name)
<b>,</b>	3225 RYERSONI CIRCLE
,	BACT/M/ODE, MD, 21227 (City, State, Zip Code)
	(410) 242-4263 (Telephone Number)



418 Katherine Avenue 1,056' NE

ctrl of Cape May Road

15<sup>th</sup> Election District 5<sup>th</sup> Councilmanic

District

Legal Owner: Mary D. Rowe

Petitioner(s)

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* FOR
- \* BALTIMORE COUNTY
- \* 03-186-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 31<sup>st</sup> day of October, 2002, a copy of the foregoing Entry of Appearance was mailed to Raymond J. Piechocki, 7500 Harford Road, Baltimore, MD 21234 Representative for Petitioner(s).

MEGELVE MIN

ETER MAX ZIMMERMA

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY

Thursday, November 21, 2002 Issue – Jeffersonian

Please forward billing to:

Raymond Piechocki 7500 Harford Road Baltimore, MD 21234

410-426-0302

#### **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: 03-186-A

418 Katherine Avenue

N/side Katherine Avenue, 1,056 feet northeast of centerline of Cape May Road

15<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owner: Mary D. Rowe

<u>Variance</u> to permit a side yard setback of 2 feet in lieu of the required minimum side yard setback of 10 feet with a sum of side yards totaling a minimum of 25 feet and to permit a lot width of 55 feet in lieu of the required 70 feet and to approve an undersize lot, and to approve any other variance deemed necessary.

HEARING: Tuesday, December 10, 2002 at 10:00 a.m. in Room 106, Baltimore

County Office Building, 111 W. Chesapeake Avenue

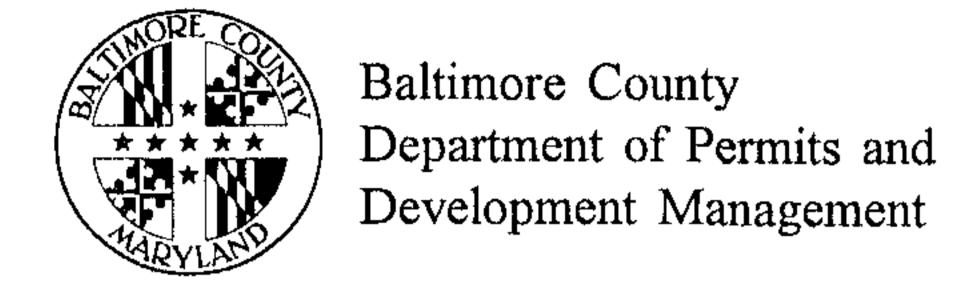
name and P. Doumdor

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.



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

Fax: 410-887-5708

October 30, 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: 03-186-A

418 Katherine Avenue

N/side Katherine Avenue, 1,056 feet northeast of centerline of Cape May Road

15<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

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<u>Variance</u> to permit a side yard setback of 2 feet in lieu of the required minimum side yard setback of 10 feet with a sum of side yards totaling a minimum of 25 feet and to permit a lot width of 55 feet in lieu of the required 70 feet and to approve an undersize lot, and to approve any other variance deemed necessary.

HEARING: Tuesday, December 10, 2002 at 10:00 a.m. in Room 106, Baltimore County Office Building, 111 W. Chesapeake Avenue

Arnold Jablon Director

AJ:rlh

C: Mary D. Rowe, 418 Katherine Avenue, Baltimore 21221 Raymond Piechocki, 7500 Harford Road, Baltimore 21234

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



#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

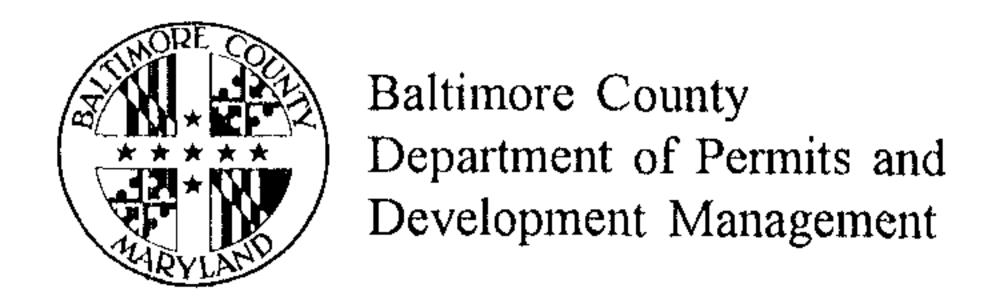
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign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

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

#### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:									
Item Number or Case Number: <u>03-186-A</u> Petitioner: <u>Row</u> に									
Address or Location: 418 KATHERINE AVE., 21221									
PLEASE FORWARD ADVERTISING BILL TO:									
Vame: RAYMOND PIECHOCKI									
Address: <u>1500 Harford Ro.</u>									
BALTO MA 21234									
Telephone Number: 410-426-0301									

Revised 2/20/98 - SCJ



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

December 6, 2002

Mary D. Rowe 418 Katherine Avenue Baltimore, MD 21221

Dear Ms. Rowe:

RE: Case Number: 03-186-A, 418 Katherine Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 16, 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,
U. Call Rihal D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:rlh

Enclosures

People's Counsel c:

Raymond Piechocki, 7800 Harford Road, Baltimore 21234

Baltimore County Fire Department

Determent of Permits and Development Management (PDM) County Office Building, Room 111

Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

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.

Office of the Fire Marshal

Towson, Maryland 21286-5500

700 East Joppa Road

Octob 10-887-488002

7. The Fire Marshal's Office has no comments at this time, in reference to the following items: 182-187, 190, 192

186

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

cc: File



#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director

Department of Permits & Development Management

FROM: Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT: Zoning Advisory Committee Meeting

For November 4, 2002

Item No. 186

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

**DATE:** November 21, 2002

The flood protection elevation for this site is 11.2 feet.

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.

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. International Building Code approved by the county.

RWB:CEN:jrb

cc: File

12/10

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

1300

**DATE:** October 29, 2002

SUBJECT:

418 Katherine Avenue

**INFORMATION:** 

Item Number:

03-186

**Petitioner:** 

Mary D. Rowe

Zoning:

DR 3.5

Requested Action:

Variance

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to construct a single family dwelling on an undersized lot.

Prepared by:

**Section Chief:** 

AFK/LL:MAC:

#### BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Arnold Jablon											
FROM:	R. Bruce Seeley 785											
DATE:	<u>December 6, 2002</u>											
SUBJECT:	Zoning Item 186 Address 418 Katherine Ave											
Zoning	g Advisory Con	Advisory Committee Meeting of 10/28/02										
	The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.											
an exte	The Department of Environmental Protection and Resource Managemental extension for the review of the above-referenced zoning item to determ extent to which environmental regulations apply to the site.											
	_	nvironmental Protection nts on the above-referen		<u> </u>								
<del></del>	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).											
	Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).											
<u>X</u>	Critical Area	of this property must co Regulations (Sections 2 te Baltimore County Co	6-436 through	-								
<u>X</u>	Additional Co	mments:										
See the attach	ed comments											
Reviev	wer: Kieth	Kelley	Date:	12/02/02								

#### CBCA Zoning Comments (zoning item #186

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 3 trees for a lot of this size.
Any nee removed in the buffer for this structure must be replaced on a late to
All downspouts must discharge rainwater runoff across a pervious surface such as a lawn.  The lot is in a Buffer Management by APA to the lot is in a Buff
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.
Kdk#14/cbcazoningcomments

Kdk#14/cbcazoningcomments

Director, Office of Planning & Community Conservation

Attention. Jeffrey Long

401 Bosley Avenue

County Courts Building, Room 406

TO:

Permit or Case No. 03-186-A

	Towson, MD 21204		Residenti	al Processing Fee Paid (\$50.00)
FROM:	Arnold Jablon, Director Department of Permits & Development Manage	ement	Accepte	10 16 02
RE:	Undersized Lots		Date	10/10/0:33
	to Section 304.2 (Baltimore County Zoning Regulation of Planning and Community Conservation prior to the			mendations and comments from
MINIMU	M APPLICANT SUPPLIED INFORMATION:			
	Print Name of Applicant  41			
	Lot Address 418KATHERINE	Election District 15	Councilmanic District_5	Square Feet
Lot Loca	ation (N)E S W/side/serner of KATHERING	AVE .2M (street)	_ <del>feet</del> from NE <del>S W</del> corner o	of CAPE MAY PO (street)
Land O	wner MARY D ROWS		_ Tax Account Number	507581180
Address	418 KATHERINE AVE 2.12	22/	Telephone Number (火	10,665-1793
CHECKL	IST OF MATERIALS- (to be submitted for design rev	new by the Office of Planning a	ind Community Conservatio	n)
TO BE	FILLED IN BY ZONING REVIEW, DEPARTMENT O	F PERMITS AND DEVELOPI		Y!
1. This F	tecommendation Form (3 copies)		PROVIDED?  YES NO	
2. Permi	t Application			<b>-</b>
3. Site P	lan erty (a copies)			- <del>-</del>
4 Buildi	ng Elevation Drawings			
	graphs (please label all photos clearly) ing Burdings			- <del>-</del>
	nding Lenghborhood	-		_
6. Curre	nt Zoning Classification:	.5		
-87.760-canting	TO BE FILLED	IN BY THE OFFICE OF PL	ANNING ONLY!	
RECOMM	ENDATIONS / COMMENTS - Approval Province   Approval Province   Approval   App	ondinoned on reguled modifications	s of the application to conform w	th the following recomme reations
Signadby	for the Director Office of Planning and Community Conserva	tion		Date

Revised 2/05/02



#### Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams

Administrator

Date: 127 28.02

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

RE: Baltimore County

Item No. 186

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,

1. J. Gredh

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



Parris N. Glendening
Governor

Kathleen Kennedy Townsend
Lt. Governor

Roy W. Kienitz Secretary Mary Abrams Deputy Secretary

October 29, 2002

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

Re: Zoning Advisory Committee Agenda, November 4, 2002

Re: case numbers 03-182-A, 03-183-A, 03-184-A, 03-185-SPH( 03-186-A,/03-187-

SPHA, 03-188-SPHXA, 03-190-A, 03-191-XA, 03-192-SPH

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 10/29/02. The information has been submitted to Mr, Mike Nortrup.

Thank you for your cooperation in this 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

PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE

# CITIZEN'S SIGN-IN SHEET

E- MAIL												
CITY, STATE, ZIP	BALTIMORE, Md. 21221											
ADDRESS	416 KATHERINE											
NAME	S +	06 C F				•				*		



Chek here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxatlon **BALTIMORE COUNTY** Real Property Data Search

Go Back View Map **New Search** 

**Account Identifier:** 

District - 15 Account Number - 1507581180

**Owner Information** 

**Owner Name:** 

ROWE MARY D

Use:

RESIDENTIAL

Mailing Address:

418 KATHERINE AVE

**BALTIMORE MD 21221-1628** 

Principal Residence:

YES

**Deed Reference:** 

1) /11815/ 207

Location & Structure Information									
Premises Address 418 KATHERINE AVE	Zoning	Legal Description							
TTO KATHEKINE AVE	WATERERONT	418 KATHERINE AVE							

WAIGRERONI Grid Parcel Subdivision Section Block Lot Plat No: Map Group 185 Plat Ref: 6/ 177 98 82 Town

**Special Tax Areas** 

**Ad Valorem** Tax Class

**Primary Structure Built Property Land Area Enclosed Area County Use** 984 SF 10,887.00 SF 34 1938 **Stories** Basement Type Exterior YES STANDARD UNIT SIDING

**Value Information** 

Phase-In Assessments Base Value Value As Of As Of As Of 01/01/2000 07/01/2002 07/01/2003 98,220 98,220 Land: 46,900 46,900 Improvements: **NOT AVAIL** Total: 145,120 145,120 145,120 NOT AVAIL Preferential Land:

**Transfer Information** 09/24/1996 Seller: **GRESDO JOHN** Date: Price: \$138,500 IMPROVED ARMS-LENGTH Deed2: Deed1: /11815/\_207 Type:

**GRESDO JOHN** 10/03/1995 \$0 Seller: Price: Date: Deed1: /11239/ 716 Deed2: NOT ARMS-LENGTH Type:

Seller: Price: Date: Deed1: Deed2: Type:

**Exemption Information** 

**Partial Exempt Assessments** 07/01/2002 07/01/2003 Class 000 County 0 State 000 Municipal 000

Tax Exempt: **Exempt Class:**  NO

Special Tax Recapture:

\* NONE \*

PLEASE PRINT CLEARLY

# PETITIONER'S SIGN-IN SHEET

E- MAIL											
, STATE, ZIP	1120 MM 21220 /M	1/5 = 212 0 m	•	PIECHOCKI PLANNING ARCHITECTURE PROJECT MANAGEMENT	7500 HARFORD ROAD BALTIMORE, MD 21234	FAX 410-426-7779					
CITY, STA	BATHAL	Balro		PIEC PLANNING A PROJECT N	RAYMOND J. PIECHOCKI President	410-426-0302					
ADDRESS	TESS HAPPED RD LN	17									
NAME	KAYHOND V. PIECHOCKI MARKID. POLOKE	Duil 5 Rowl									

