IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE – NW/Corner Gunder Avenue and Cherwin Avenue (6801 Gunder Avenue) 15th Election District 5th Council District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	Case No. 03-214-SPHA
John J. Rowan, Jr., et ux Petitioners	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, John J. Rowan, Jr. The Petitioner requests a special hearing to approve the conversion of an existing dwelling to an accessory structure that will be moved to a new location. In addition, the Petitioner requests a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side street setback of 16 feet in lieu of the required 25 feet for a proposed new dwelling. Finally, relief is requested from Section 400.2 of the B.C.Z.R. to permit an accessory structure with a height of 19 feet in lieu of the maximum allowed 15 feet. 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 John J. Rowan, Jr., property owner, and Bruce E. Doak, Registered Property Line Surveyor, who prepared the site plan for this property. There were no Protestants or other interested persons present.

The subject property is a rectangular shaped waterfront parcel that lies adjacent to the confluence of the Bird River and Gunpowder River in the Twin River Beach community of Chase. The property is located on the northwest corner of Gunder and Cherwin Avenues, not far from Eastern Avenue Extended and the Gunpowder Falls State Park. The property contains a gross area

ORDER RECEIVED FOR FILING
Date 1/12/03
By

of 0.348 acres, more or less, zoned D.R.5.5 and is improved with a one-story frame dwelling and a detached wood frame garage.

Testimony revealed that the Petitioners currently reside in Monkton and acquired the subject property in May 2001. Due to the property's waterfront location, it has only been used as a weekend residence during warmer months. As noted above, the subject property is presently improved with a one-story dwelling which is apparently quite old. Photographs of the site and neighborhood were collectively submitted at the hearing as Petitioner's Exhibit 2. Mr. Rowan proposes to redevelop the site with a new single-family dwelling, approximately 28 feet wide and 52 feet deep. The new house will also feature a wrap-around porch that will encompass the entire dwelling. Building elevation drawings of the proposed structure were submitted into evidence as Petitioner's Exhibits 3A through 3D. The proposal includes the relocation of the existing dwelling towards the rear (street) side of the subject property, and construction of the new dwelling within essentially the same footprint. The relocated dwelling will then be converted for use as an accessory structure for Mr. Rowan and his daughter's respective hobbies. In this regard, Mr. Rowan indicated that his daughter is an artist and he is interested in photography. Mr. Rowan indicated that the kitchen in the old dwelling will be removed and that the old house will not be used to provide additional living quarters. It was explained at the hearing that the subject property is not zoned to support two independent dwellings and that the existing house must be used as an accessory to the new dwelling.

Special hearing relief is requested to permit the conversion of the existing house to the accessory structure as described above. In addition, a variance is necessary due to the height of that structure which exceeds the 15-foot height limit for accessory buildings. Additionally, variance relief is requested to allow a side street setback of 16 feet for the proposed new dwelling to Gunder Avenue. As shown on the site plan, the subject property has frontage on both Gunder Avenue and Cherwin Avenue.

Based upon the testimony and evidence offered, I am persuaded that the relief requested should be granted. Mr. Rowan indicated that he has obtained the support of his neighbors and

offered signed statements from several residents of the locale indicating they have no objections to his plans. In my judgment, it appears that the proposal will not be detrimental to the surrounding locale. The uniqueness associated with this property is its configuration and the fact that the building to be utilized as an accessory structure is existing.

In granting the relief, however, I will impose certain conditions. First, the existing house, which is to be converted to an accessory structure, must be used in conjunction with the new dwelling. The accessory structure shall contain no kitchen facilities and will not be used to provide additional living quarters. In order to insure enforcement of this restriction, the building shall be made available at reasonable times for inspection by representatives of the Code Enforcement division of the Department of Permits and Development Management (DPDM). Secondly, the property is waterfront, and thus is subject to Chesapeake Bay Critical Areas requirements. A Zoning Advisory Committee (ZAC) comment was received in this regard from the Department of Environmental Protection and Resource Management (DEPRM) and shall be incorporated herein. Finally, the new building shall be constructed substantially similar to the building elevation drawings submitted to and approved by the Office of Planning.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of January 2003, that the Petition for Special Hearing to approve the conversion of an existing dwelling to an accessory structure that will be moved to a new location, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side street setback of 16 feet in lieu of the required 25 feet for the proposed new dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 400.2 of the B.C.Z.R. to permit an accessory structure height of 19 feet in lieu of the maximum

allowed 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permits 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 proposed new dwelling shall be constructed substantially in accordance with the building elevation drawings submitted to and approved by the Office of Planning.

3) Compliance with the Chesapeake Bay Critical Areas regulations as set forth in the ZAC comment submitted by DEPRM, dated December 19, 2002, a copy of which is attached hereto and made a part hereof.

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

Baltimore County
Zoning Commissioner

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

January 17, 2003

Mr. John J. Rowan, Jr.
6801 Gunder Avenue
Baltimore, Maryland 21220

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
NW/Corner Gunder Avenue & Cherwin Avenue
(6801 Gunder Avenue)
15th Election District – 5th Council District
John J. Rowan, Jr. - Petitioner
Case No. 00-188-SPH

Dear Mr. Rowan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have 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. Bruce Doak, Gerhold Cross & Etzel
320 E. Towsontown Blvd., #100, Towson, Md. 21286
Chesapeake Bay Critical Areas Commission,
1804 West Street, Suite 100, Annapolis, Md. 21401
DEPRM; Office of Planning; People's Counsel; Case File

Printed with Soybean Ink
on Recycled Paper

CBCA FLood

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 6801 GUNDER AVENUE
which is presently zoned D.R. 5.5

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A DWELLING TO BE CONVERTED TO AN ACCESSORY STRUCTURE AND MOVED TO A NEW LOCATION. NEVER TO USE THE ACCESSORY STRUCTURE AS A RESIDENTIAL DWELLING.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, 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):

JOHN J. ROWAN JR.
Name - Type or Print

Signature

Name - Type or Print

Signature

6801 GUNDER AVENUE 410-472-0729
Address Telephone No.

BALTIMORE MD 21220
City State Zip Code

Representative to be Contacted:

BRUCE DOAK
Name

320 E. TOWSONTOWN BLVD SUITE 100 410-823-4470
Address Telephone No.

TOWSON MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By SDT Date 11.1.02

Case No. 03-214-SPHA

REV 9/15/98

BCA FLOOD

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6801 GUNDER AVENUE

which is presently zoned D.R. 5.5

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)

1. 1B02.3C1 TO PERMIT A 16' ~~FRONT YARD~~ SIDE STREET SETBACK IN LIEU OF THE REQUIRED 25'
2. 400.2 TO PERMIT AN ACCESSORY STRUCTURE TO HAVE A HEIGHT OF 19' IN LIEU OF THE REQUIRED 15'

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

THE EXISTING DWELLING IS TOO SMALL TO SUPPORT THE OWNER'S FAMILY.
THE SUBJECT LOT IS NARROW WITH ROAD FRONTAGE ON TWO SIDES.

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):

JOHN J. ROWAN JR.
Name - Type or Print

Signature

Name - Type or Print

Signature

6801 GUNDER AVENUE — 410-472-0729
Address — Telephone No.

BALTIMORE — MD — 21220
City — State — Zip Code

Representative to be Contacted:

BRUCE DOAK
Name

320 E. TOWSONTOWN BLVD, SUITE 100 — 410-823-4470
Address — Telephone No.

TOWSON — MD — 21286
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By SJD **Date** 11-1-02

Case No. 03-214-SPHA

REV 9/15/98

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

October 31, 2002

ROWAN PROPERTY
6801 GUNDER AVENUE

Beginning for the same at a point five feet, more or less, southwesterly from the intersection formed from Cherwin Avenue and Gunder Avenue, thence twenty-six feet, more or less, perpendicular to the northwest to the place of beginning, thence running and binding, the four following courses and distances, viz: (1) Southwesterly 62 feet 6 inches, (2) Northwesterly 251 feet, more or less, (3) Northwesterly 63 feet ¼ inch, and (4) Southeasterly 242 feet, more or less, to the zoning point of beginning.

Containing 0.348 of an Acre of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

STATE OF MARYLAND
BRUCE EDWIN DONK
No. 53
REGISTERED
PROPERTY LINE SURVEYOR
11/1/02

zoningdescrip.

03-214-SPHA

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: #03-214-SPHA
6801 Gunder Avenue
S/west intersection of Gunder Avenue and Cherwin Avenue
15th Election District -- 5th Councilmanic District
Legal Owner(s): John R. Rowan, Jr.

Special Hearing: to permit a dwelling to be converted to an accessory structure and moved to a new location. Never to use the accessory structure as a residential dwelling. **Variance:** to permit a building height of 19 feet in lieu of the allowed 15 feet and to permit a 16 foot side street in lieu of the required 25 feet.

Hearing: Tuesday, January 7, 2003 at 11:00 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/12/795 Dec 24 C580141

CERTIFICATE OF PUBLICATION

12/26/, 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 12/24/, 2002.

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

S. Wilkinson

LEGAL ADVERTISING

SDF

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 18985

DATE 11-1-02 ACCOUNT R.001.000.6150

AMOUNT $ 100.00

RECEIVED FROM: GERHARD GLASS ETTEL.

FOR: REG. VAR. 50
SPECIAL HEARING 50
TOTAL 100

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CBA214-SPHA.

PAID RECEIPT
BUSINESS ACTUAL TIME
11/04/2002 11/01/2002 15:50:53
REG W005 WALKIN REG LRB DRAWER 5
RECEIPT # 302874 11/01/2002 01 LR
DEPT 5 520 ZONING VERIFICATION
CR NO. 018985
Rcpt Tot $100.00
100.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE # 03-214-SPHA
PETITIONER/DEVELOPER:
JOHN J. ROWAN, JR.
DATE OF HEARING:
January 7, 2003

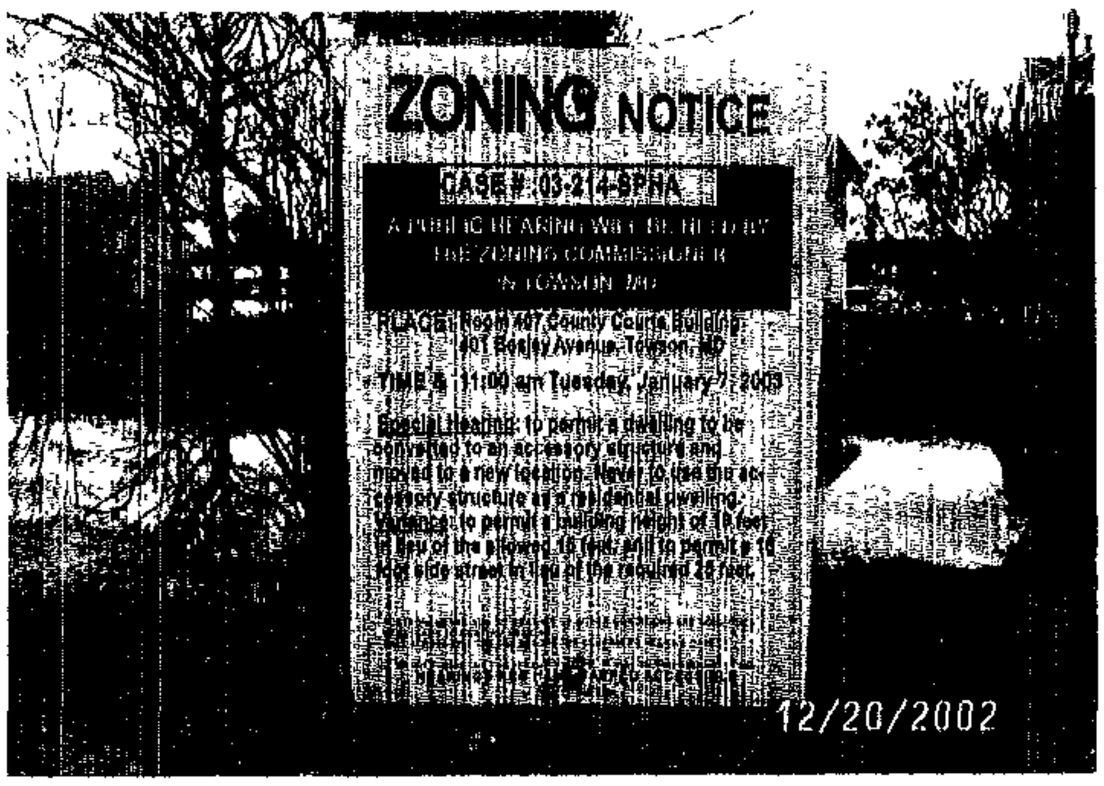
BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: REBECCA HART

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

LOCATION:
6801 Gunder Avenue
Southwest intersection of Gunder Ave. & Cherwin Ave.



POSTED ON: December 20, 2002

DATE:
December 23, 2002

SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL., LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

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

December 2, 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: 03-214-SPHA
6801 Gunder Avenue
S/west intersection of Gunder Avenue and Cherwin Avenue
15th Election District – 5th Election District
Legal Owner: John J. Rowan, Jr.

Special Hearing to permit a dwelling to be converted to an accessory structure and moved to a new location. Never to use the accessory structure as a residential dwelling. Variance to permit a building height of 19 feet in lieu of the allowed 15 feet and to permit a 16 foot side street in lieu of the required 25 feet.

Hearings: Tuesday, January 7, 2003 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

AJ:rlh

C: John J. Rowan, Jr., 6801 Gunder Avenue, Baltimore 21220
Bruce Doak, 320 E. Towsontown Blvd., Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, DECEMBER 23, 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.

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on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 24, 2002 Issue - Jeffersonian

Please forward billing to:
John J. Rowan 410-472-0729
6801 Gunder Avenue
Baltimore, MD 21220

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: 03-214-SPHA
6801 Gunder Avenue
S/west intersection of Gunder Avenue and Cherwin Avenue
15th Election District – 5th Election District
Legal Owner: John J. Rowan, Jr.

Special Hearing to permit a dwelling to be converted to an accessory structure and moved to a new location. Never to use the accessory structure as a residential dwelling. Variance to permit a building height of 19 feet in lieu of the allowed 15 feet and to permit a 16 foot side street in lieu of the required 25 feet.

Hearings: Tuesday, January 7, 2003 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Baltimore County
Department of Permits and
Development Management

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

January 3, 2003

Mr. John J. Rowan, Jr.
6801 Gunder Avenue
Baltimore, MD 21220

Dear Mr. Gunder:

RE: Case Number: 03-214-SPHA, 6801 Gunder Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 1, 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.
Supervisor, Zoning Review

WCR:rlh

Enclosures

c: People's Counsel
Bruce Doak, 320 E. Towsontown Blvd, Suite 100, Towson 21286

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Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 11.27.02

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

RE: Baltimore County
Item No. 214 JRA.

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,

for 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

Baltimore County
Fire Department

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

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

November 26, 2002

ATTENTION: George Zahner

Distribution Meeting of November 25, 2002

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:
214-223

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

cc: File

Baltimore County
Fire Department

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

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

November 20, 2002

ATTENTION: George Zahner

Property Owner:

Location:

Item No.: ZAC Dist. Meeting of 11/18/2002

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:
203-209, 211-227

214

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

cc: File

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on Recycled Paper

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS/TGT

DATE: December 19, 2002

SUBJECT: Zoning Item 214
Address 6801 Gunder Avenue

Zoning Advisory Committee Meeting of 11/25/02

_____ 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 CBCA comments from Keith Kelley

Reviewer: Keith Kelley Date: 12/11/02

CBCA Zoning Comments (zoning item # 214)

X 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.

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

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

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

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

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

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

X 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.

X 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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 13, 2002

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 03-214, 03-222, & 03-229**

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: _____

Section Chief: _____

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 17, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For December 2, 2002
Item No. 214

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

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 adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

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

RWB:CEN:jrb

cc: File

ZAC-12-2-2002-ITEM 214-01132003

PLEASE PRINT CLEARLY

CASE NAME Rowan
CASE NUMBER 03-214-SPHA
DATE 1/7/03

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Bruce E. Doak	320 E. Towsontown Blvd	Towson MD 21286	
Gebhardt Cross & Ezrol			
John J. Rowan, Jr.	6801 Gunder Ave	Baltimore, MD 21220	

John

Who is paying the bill for advertisement? Bruce Cook was on vacation and I couldn't reach the owner. I can't set hearing without it!

Becky

Bill
SEND TO BRUCE.

Will tell Mr Rowan ~~[illegible]~~ A. Smith Estate is paying for the ad.

BILL TO
MR. ROWAN
(Per John A. after call to Bruce)

RE:	PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
		*	ZONING COMMISSIONER
	6801 Gunder Avenue; SW Intersection of Gunder Ave & Cherwin Ave	*	FOR
	15th Election District		
	5th Councilmanic Distict	*	BALTIMORE COUNTY
	Legal Owner: John J. Rowan, Jr.		
	Petitioners	*	03-214-SPHA

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

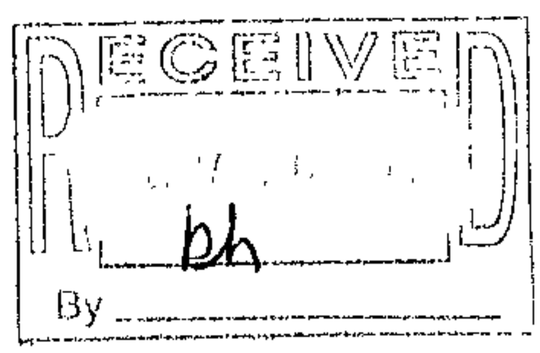
Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of November, 2002, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 320 E. Towsontowne Boulevard, Suite 100, Towson, MD 21204, Representative for Petitioner(s).



Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMORANDUM

TO: Baltimore County Zoning Commissioner

FROM: John J. Rowan, Jr. and Mary Jill Rowan
Property Owners - 6801 Gunder Avenue
Baltimore, MD 21220

SUBJECT: Input from adjacent property owners

DATE: January 7, 2003

On November 16th 2002, Mary Jill Rowan (co-owner of subject property) visited with the immediately adjacent property owners (listed below) in order to review the proposed plans for 6801 Gunder Avenue and solicit their input. Each property owner was shown the proposed plot plan prepared by Gerhold, Cross & Etzel as well as architectural drawings and renderings related to the proposed new structure. Each property owner was made aware of the plan to move the existing residential structure to the rear corner of the property and convert it to an accessory structure. At that time, none of the adjacent property owners list below expressed any objections, reservations or concerns related to the proposed plans for the subject property. Moreover, all of these individuals openly expressed their support of the proposed changes.

ADJACENT PROPERTY OWNERS:

- Ms. Josaphine Monath - 13218 Cherwin Avenue
- Mr. Henry C. Kruger- 13220 Cherwin Avenue
- Mr. Michael E. Golliday and Lori A. Golliday- 6800 Gunder Avenue
- Ms. Edith Abbott and Ms. Gail Abbott- 6804 Gunder Avenue
- Ms. Margaret Vitek- 6903 Gunder Avenue

Signed: Mary Jill Rowan
Mary Jill Rowan

Signed: John J. Rowan, Jr.
John J. Rowan, Jr.

Parris N. Glendening
Governor
Kathleen Kennedy Townsend
Lt. Governor

Maryland Department of Planning

Roy W. Kienitz
Secretary
Mary Abrams
Deputy Secretary

December 2, 2002

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

Re: **Zoning Advisory Committee Agenda 12/2/02 re: Case numbers 03-214-SPHA, 03-215-SPH, 03-216-A, 03-217-A, 03-218-SPH, 03-219-SPHA, 03-220-A, 03-221-SPH, 03-222-A, 03-223-SPH**

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 11/26/02. The information has been submitted to Mr. Mike Nortrup.

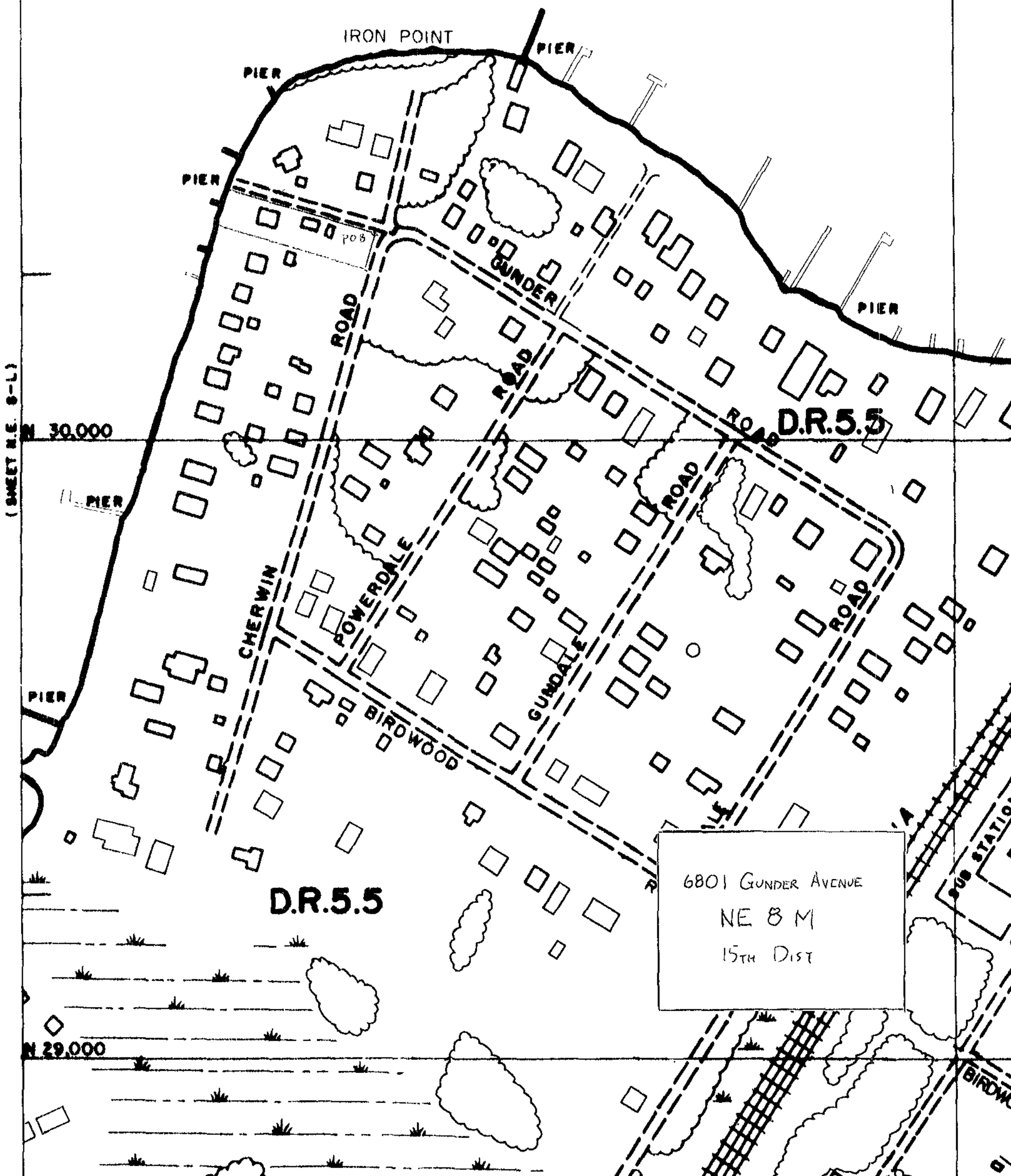
Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

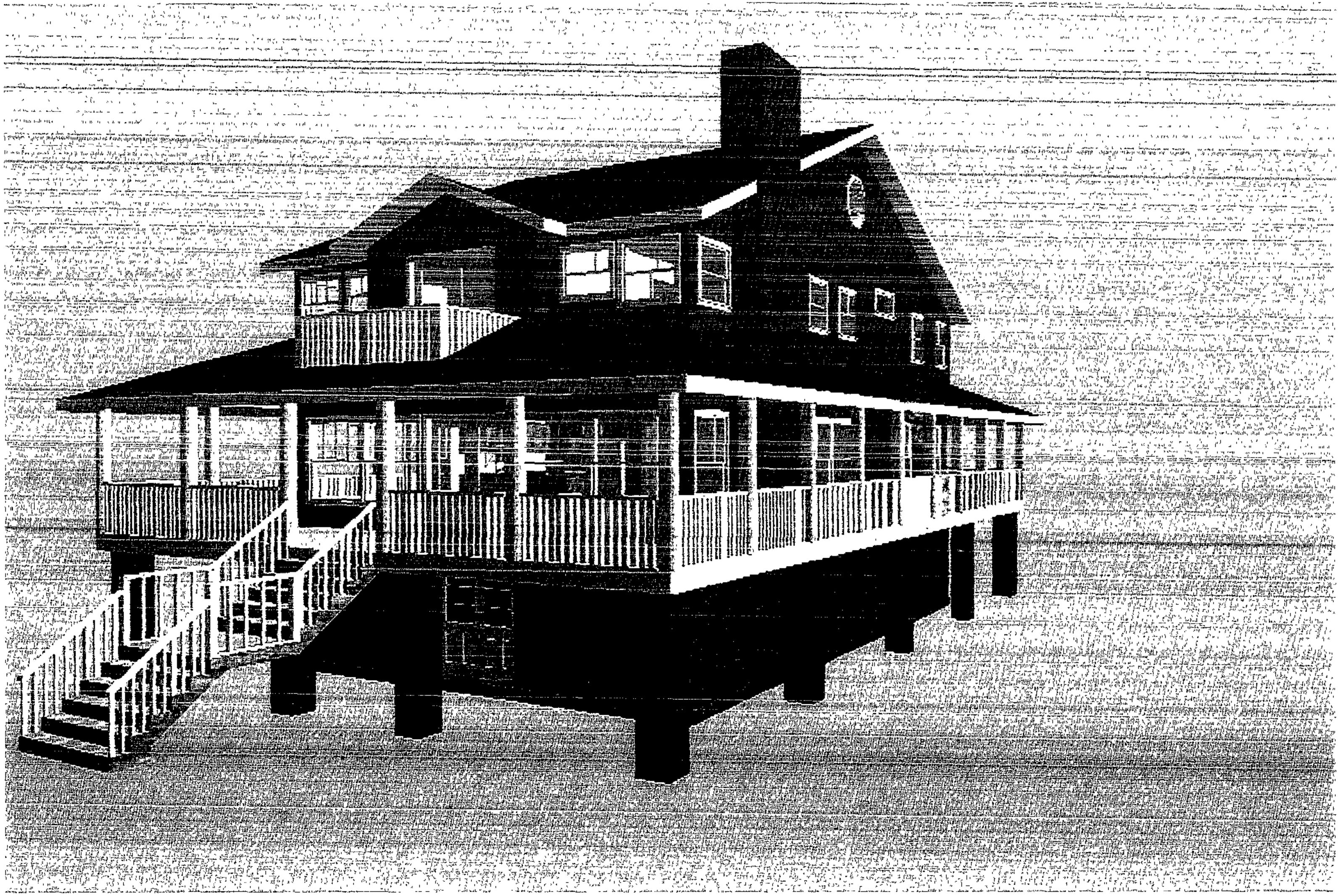
Sincerely,

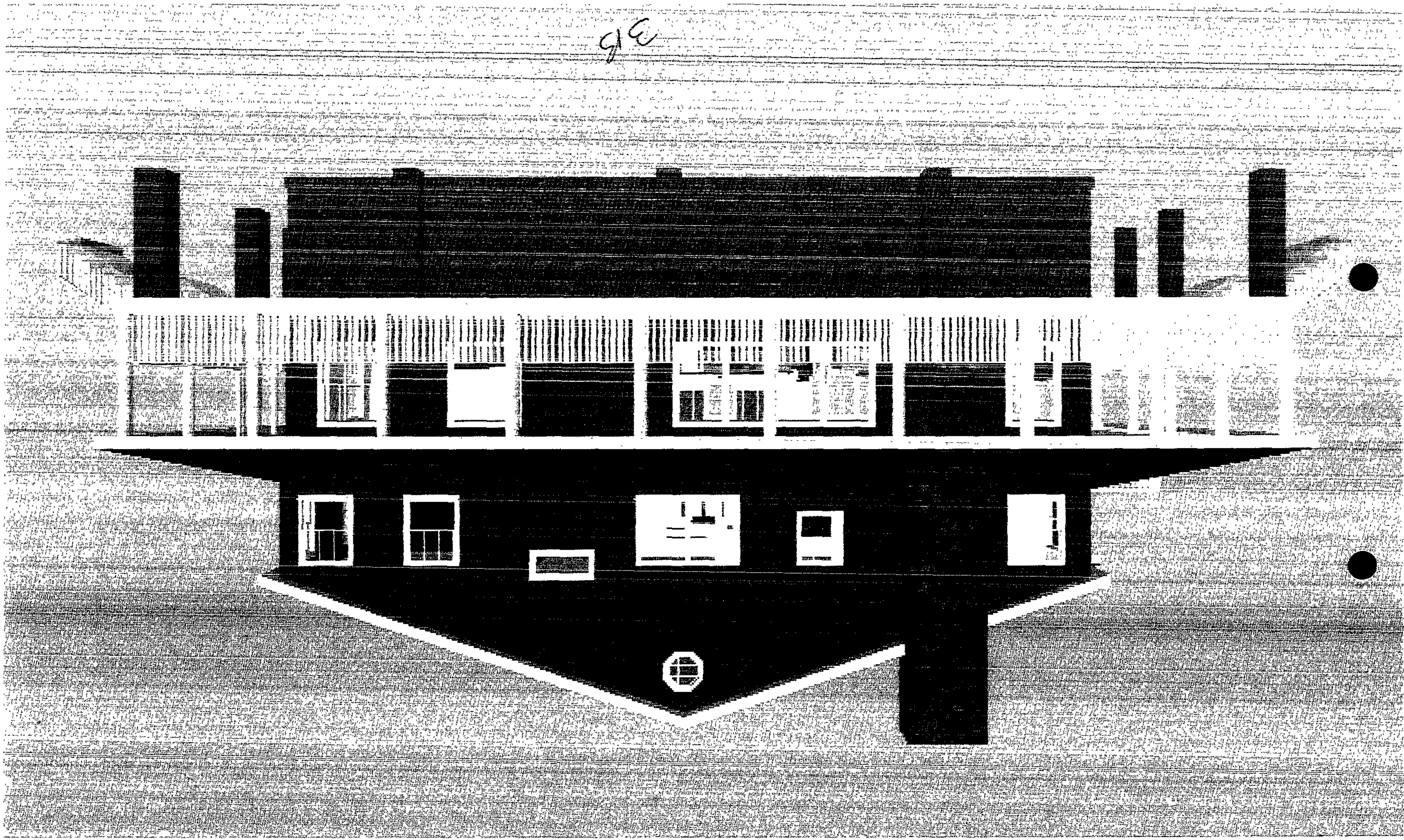
Sara D for JG 12/2/02

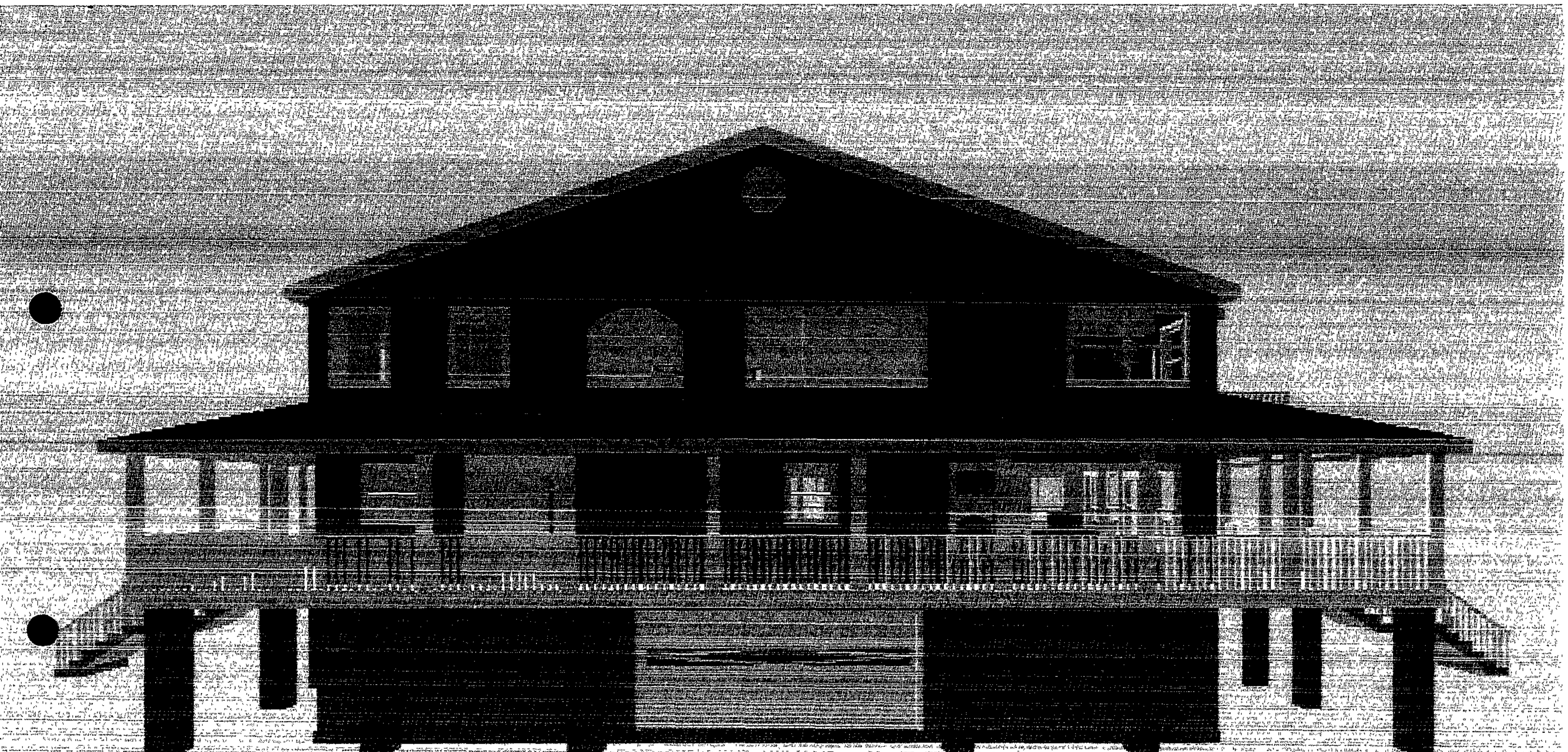
James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

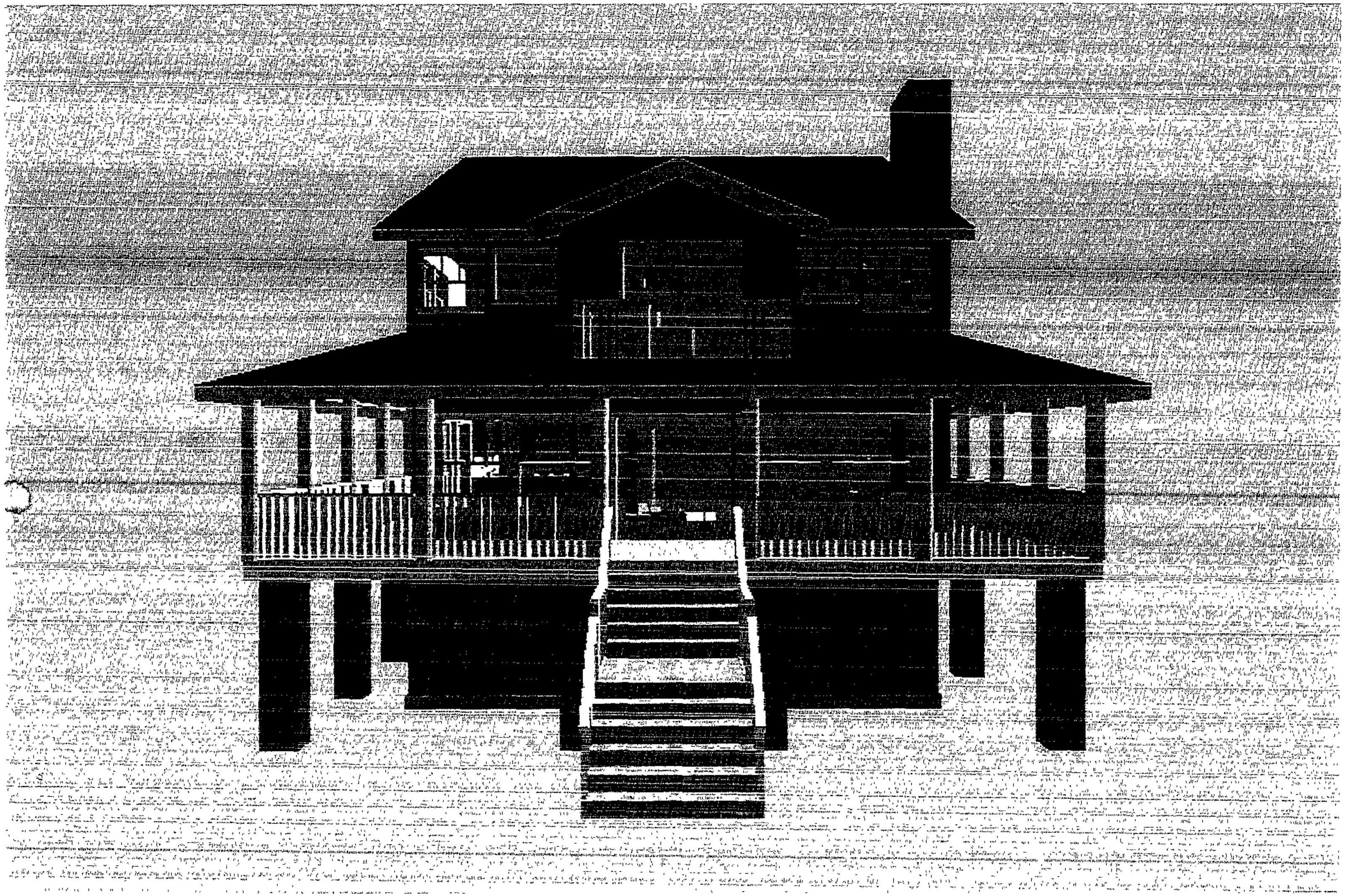
cc: Mike Nortrup


IRON POINT
PIER
PIER
PIER
PIER
PIER
PIER
GUNDER
ROAD
ROAD
ROAD
ROAD
ROAD
ROAD
D.R.5.5
(SHEET N.E. 8-L)
N 30,000
CHERWIN
POWERDALE
GUNDALE
BIRDWOOD
D.R.5.5
6801 GUNDER AVENUE
NE 8 M
15TH DIST
N 29,000
BUS STATION
BIRDWO









3D

ZONING NOTICE

CASE # :03-214-SPHA

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

PLACE: Room 407 County Courts Building
401 Bosley Avenue, Towson, MD

TIME & 11:00 am Tuesday, January 7, 2003

Special Hearing: to permit a dwelling to be converted to an accessory structure and moved to a new location. Never to use the accessory structure as a residential dwelling.
Variance: to permit a building height of 19 feet in lieu of the allowed 15 feet, and to permit a 16 foot side street in lieu of the required 25 feet.

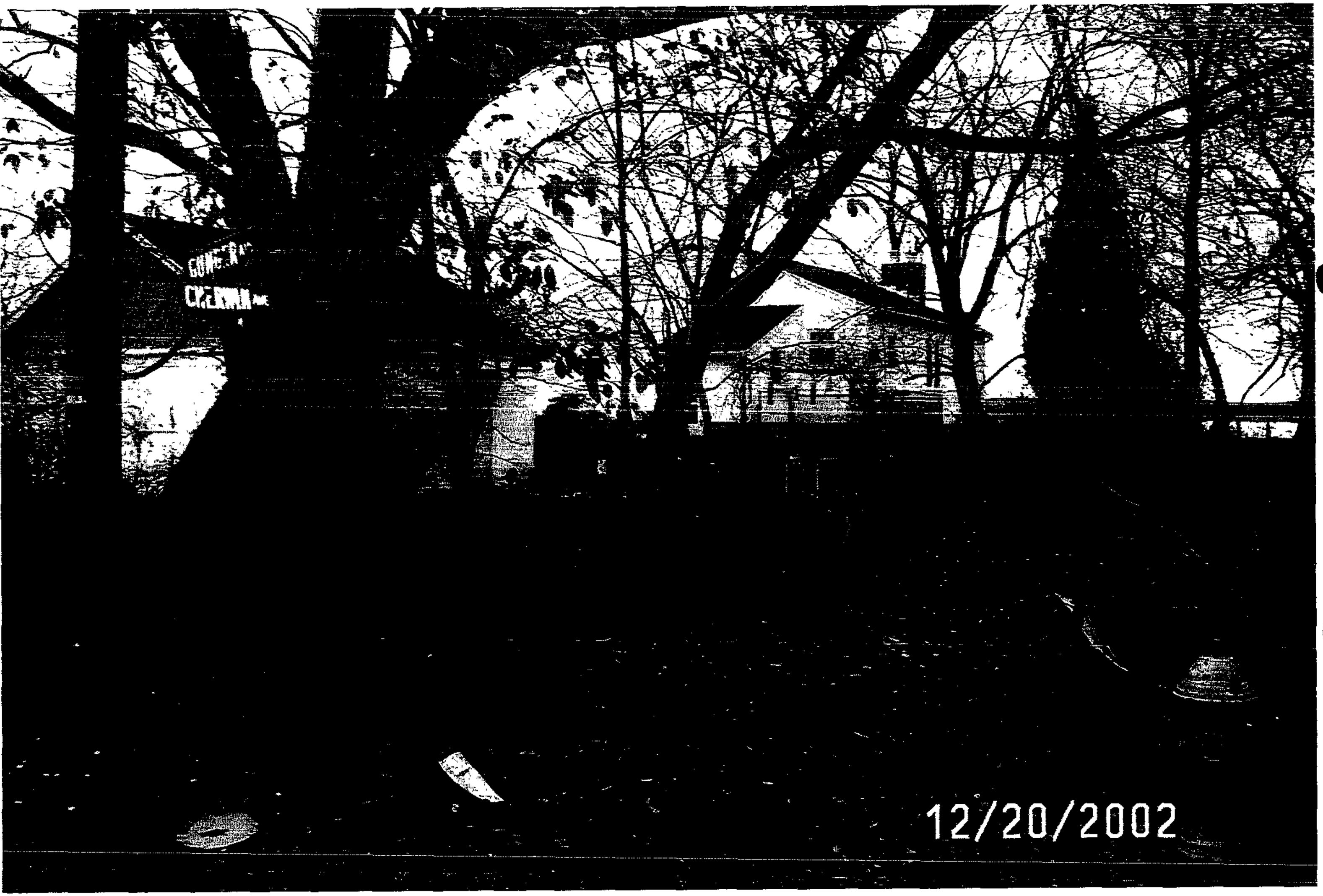
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO FOLLOW THE HEARING
CALL HEARING OFFICE ON THE DAY BEFORE THE SCHEDULED HEARING DATE.

HEARINGS ARE HANDICAPPED ACCESSIBLE

12/20/2002

(2)

12/20/2002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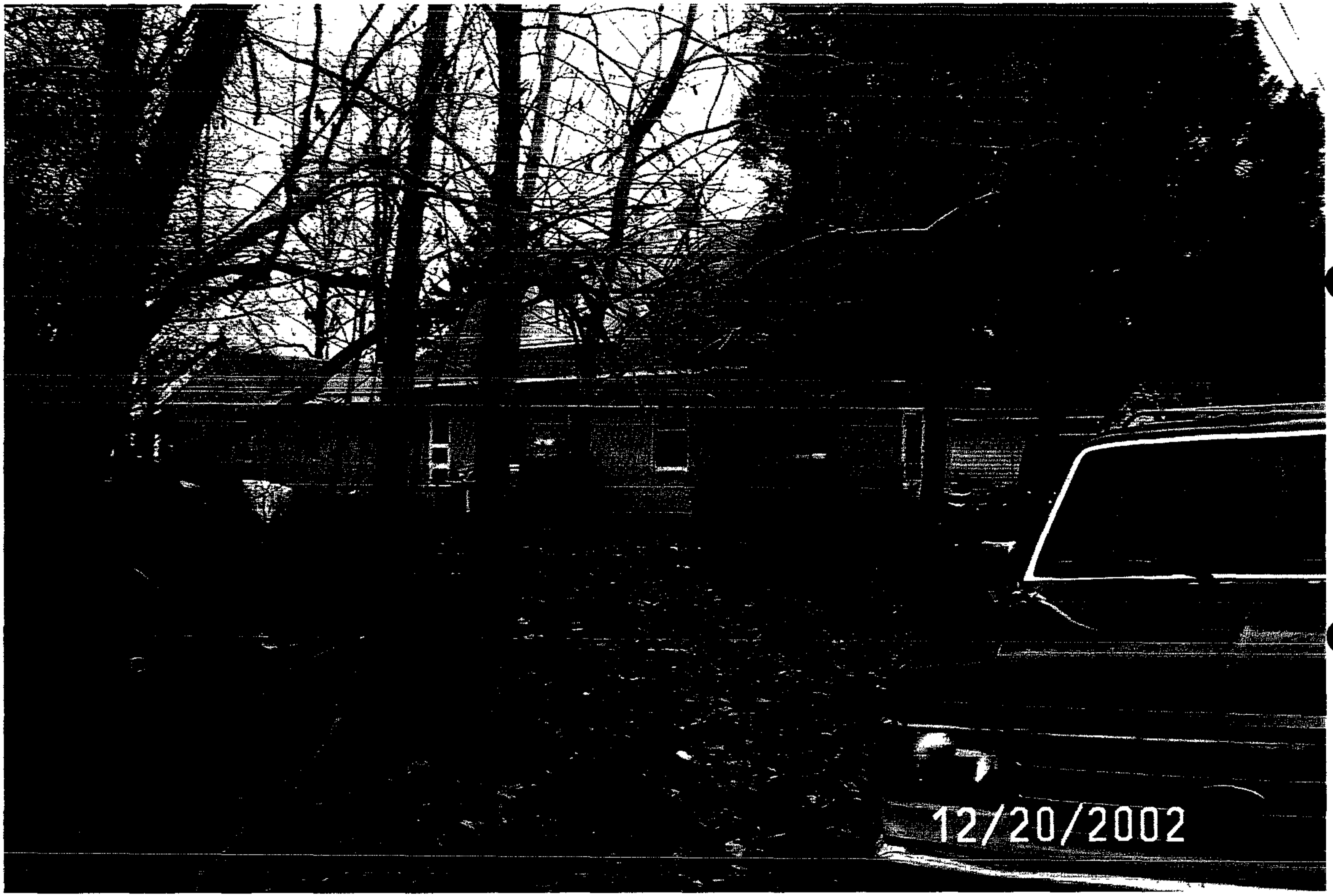
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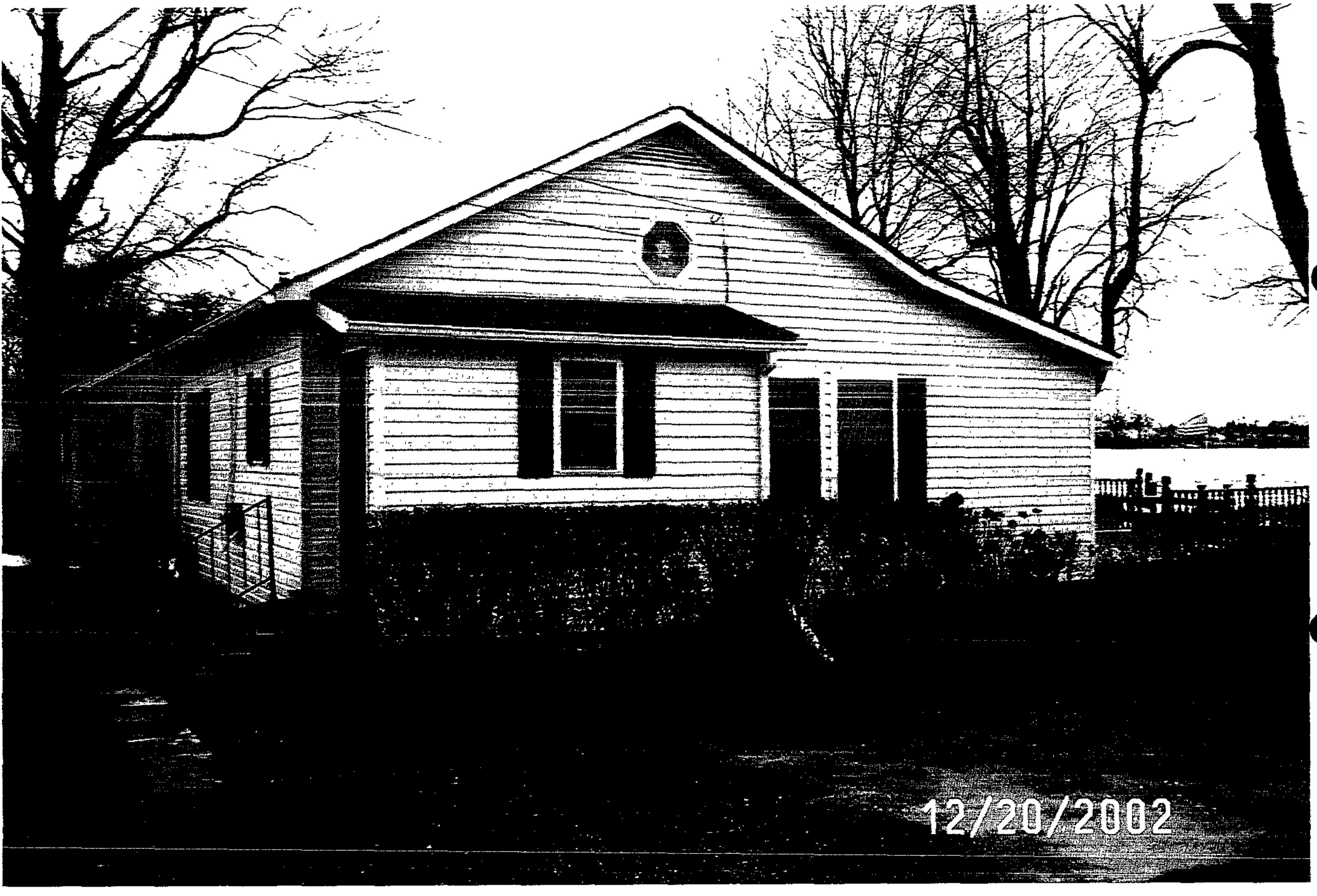
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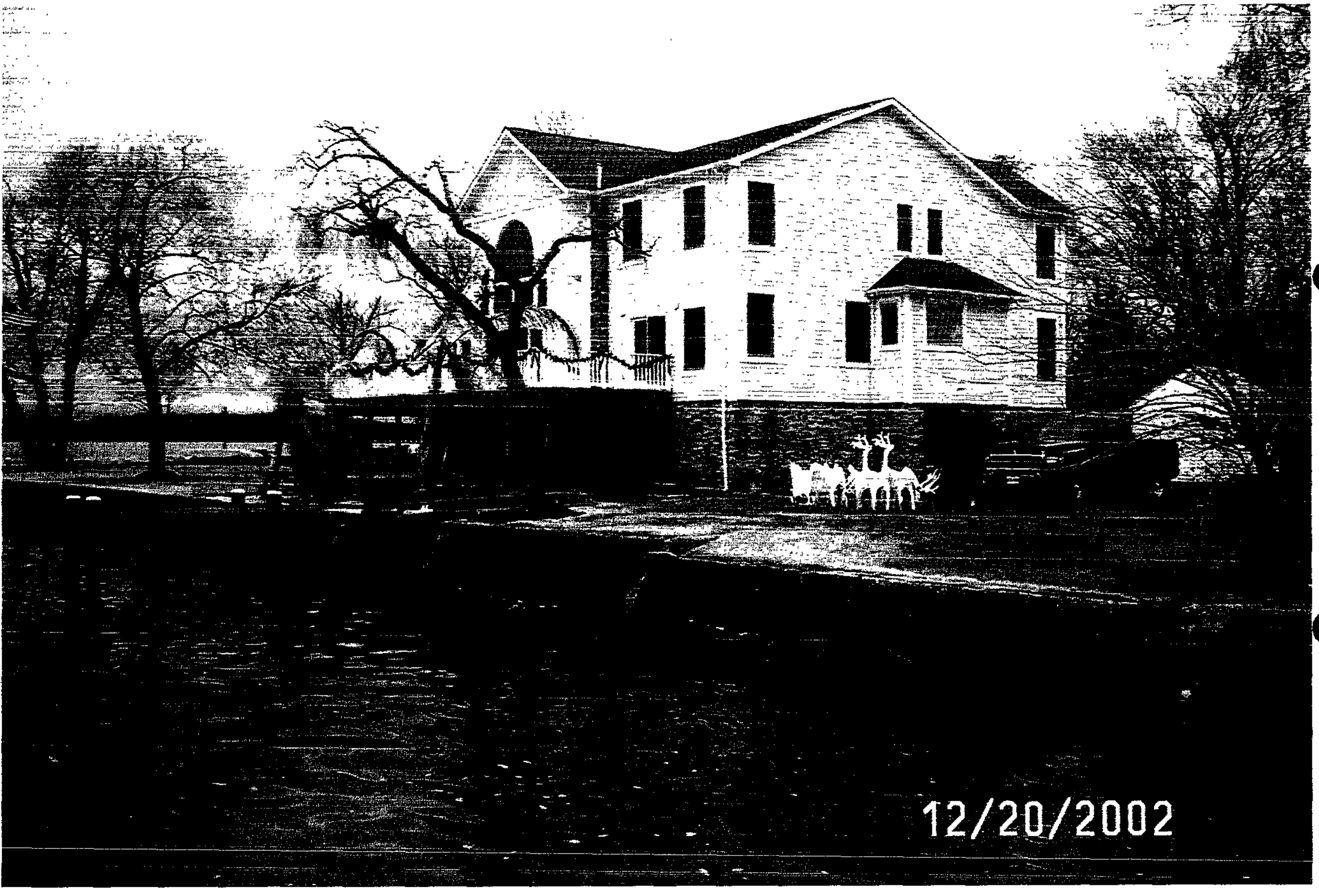

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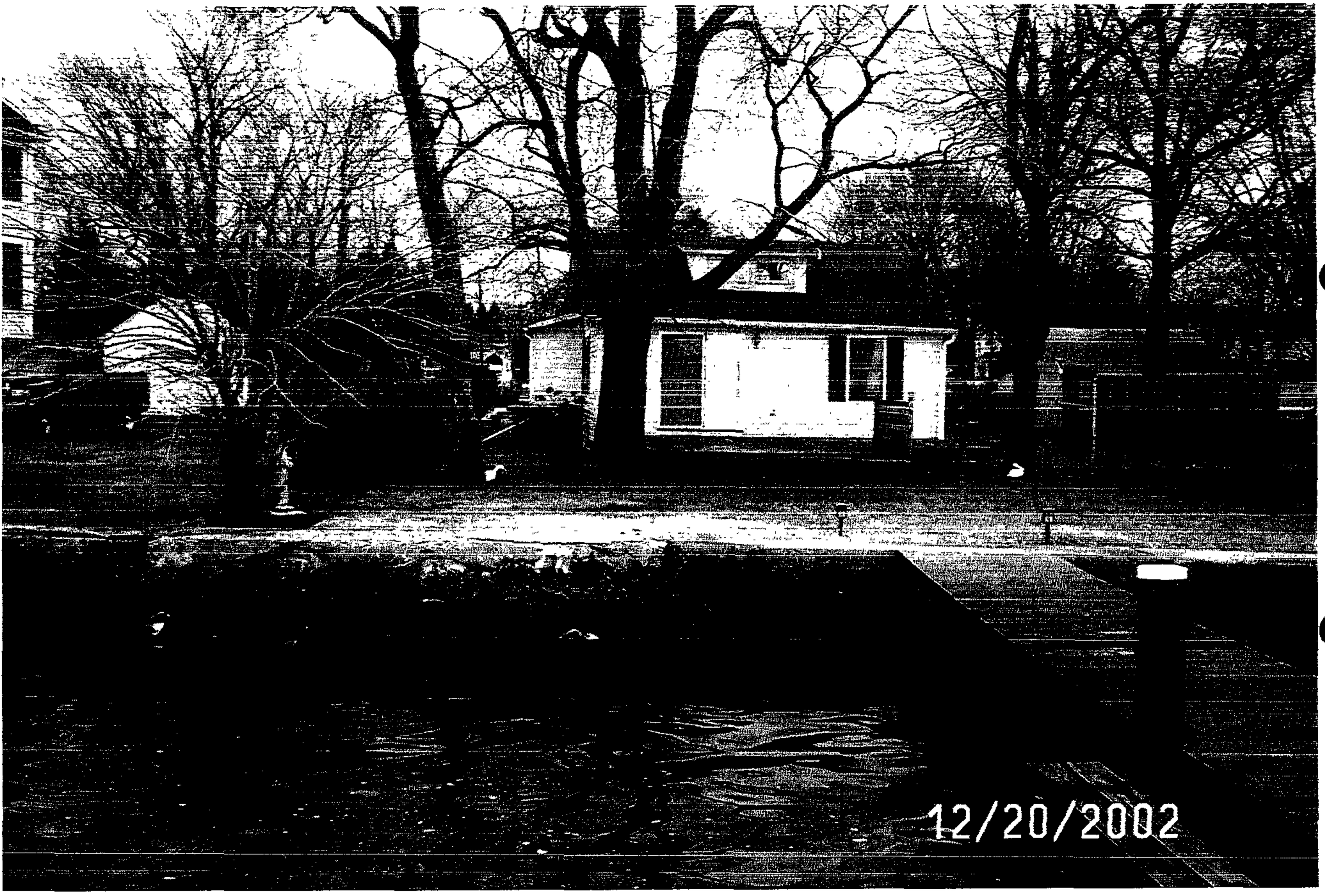
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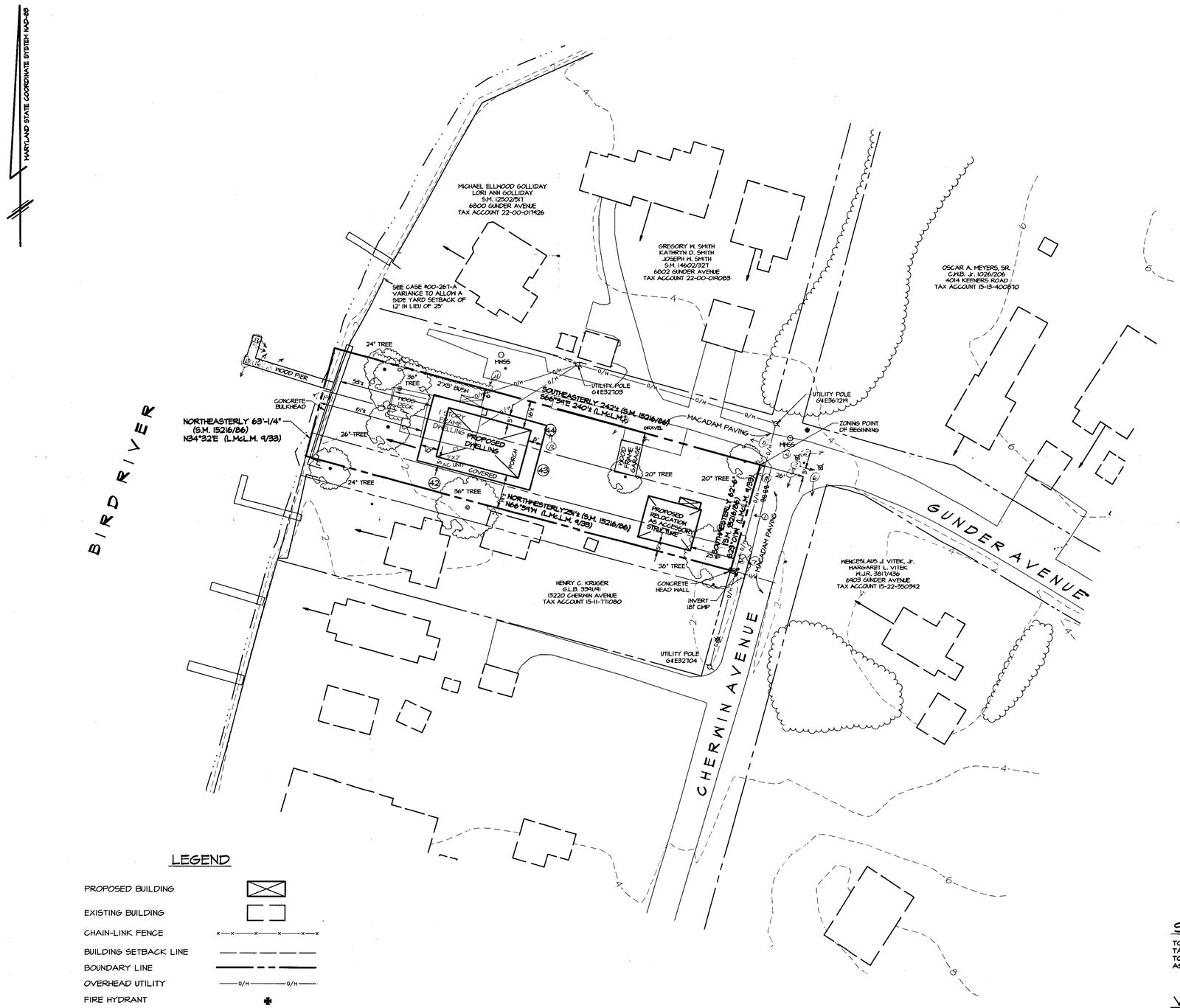

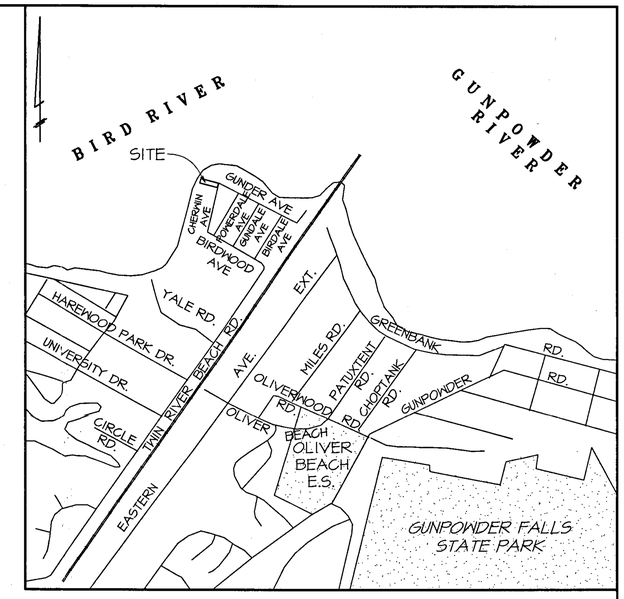

VICINITY MAP

SCALE: 1" = 1000'

GENERAL NOTES

1. TAX ACCOUNT No. 15-19-071320
2. TITLE DEED LIBER S.M. 15216 FOLIO 86
   TOTAL AREA = 15,190 SQ. FT. (OBTAINED FROM TAX ASSESSMENT SHEET)
3. THE PROPERTY IS ZONED D.R. 5.5
4. 200' SCALE ZONING MAP No. NE 8 M.
5. THE BOUNDARY SHOWN HEREON IS FROM THE TITLE DEED.
   A BOUNDARY WAS NOT PERFORMED BY GERHOLD CROSS & ETZEL LTD.
6. FEATURES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY
   GIS PANEL 84 A1.
7. CENSUS TRACT 4517.02 A.D.C. MAP & GRID 30; K-10
   WATERSHED BIRD RIVER SUBSEWERSHED 12
   SCHOOL DISTRICT 52 REGIONAL PLANNING DISTRICT 322B
8. THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
9. THIS SITE IS IN THE CHESAPEAKE BAY CRITICAL AREA.
10. NO PRIOR ZONING CASES.

LEGEND

PROPOSED BUILDING	
EXISTING BUILDING	
CHAIN-LINK FENCE	x—x—x—x—x
BUILDING SETBACK LINE	
BOUNDARY LINE	
OVERHEAD UTILITY	—O/H—O/H—
FIRE HYDRANT	
MANHOLE	
UTILITY POLE	
GAS OR WATER VALVE	

SPECIAL HEARING REQUESTED

TO PERMIT A DWELLING TO BE COVERTED TA AN ACCESSORY STRUCTURE AND MOVED TO A NEW LOCATION AND NEVER TO BE USED AS A RESIDENTIAL DWELLING.

VARIANCES REQUESTED:

1. TO PERMIT A 16' SIDE STREET SETBACK IN LIEU OF THE REQUIRED 25' PER SECTION 1B02.3C1.
2. TO PERMIT AN ACCESSORY STRUCTURE TO HAVE A HEIGHT OF 19' IN LEIU OF THE REQUIRED 15' PER SECTION 400.2.

OWNER/DEVELOPER

JOHN J. ROWAN, JR.
MARY JILL ROWAN
6801 GUNDER AVENUE
BALTIMORE MD, 21220

PLAN TO ACCOMPANY PHOTOGRAPHS

PLAN TO ACCOMPANY A PETITION FOR A SPECIAL HEARING AND VARIANCE REQUEST

OF THE

ROWAN PROPERTY

6801 GUNDER AVENUE
LOT 44, LOT 43, & PART OF
LOT 42 SECTION A TWIN RIVER BEACH
PLAT REF: L.McL.M. 9/33
DEED REF: S.M. 15216 FOLIO 86
TAX ACCOUNT No.: 15-19-071320
ZONED: D.R. 5.5; MAP NE 8 M
TAX MAP 84; GRID 1; PARCEL 43
15th ELECTION DISTRICT
5th COUNCILMANIC DISTRICT

SCALE: 1"=30' DATE: NOVEMBER 1, 2002

GERHOLD, CROSS & ETZEL, LTD
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

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REVISION	DATE

PLOT DATE: 11/1/2002 | TECHNICIAN: E.T.M. | FILE NAME: X:\ROWAN\Zoning.pro

PLOT DATE: NOV 1, 2002