

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE – E/S Todd Point Lane, * ZONING COMMISSIONER
1,056' E of the c/l Sandymount Road *
(4536 Todd Point Lane) * OF BALTIMORE COUNTY
15th Election District *
5th Council District * Case No. 03-258-SPHA

Joseph W. Cooke, Sr. and *
Gilbert L. Cooke, 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 owners of the subject property, Joseph W. Cooke, Sr., and his brother, Gilbert L. Cooke, Jr. The Petitioners request a special hearing to approve an accessory structure (two-car garage) larger than the principal dwelling, and variance relief from Section 400.1d.2(A) of the Zoning Commissioner's Policy Manual to permit a front yard setback of 22 feet in lieu of the required front yard average of 33 1/3 feet for a dual frontage lot for the proposed accessory structure. 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 Joseph and Gilbert Cooke. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a waterfront parcel with frontage on Back River and the east side of Todd Point Lane in the vicinity of Beachwood Estates in Edgemere. The property is comprised of two lots, identified as Lots 6 and 7 of Merritt Shores, which was recorded in the Land Records of Baltimore County many years ago, well prior to the effective date of the first set of zoning regulations in Baltimore County in 1945. Collectively, the property contains .32 acres in area (14,050 sq.ft.), zoned D.R.3.5 and is

03-258-SPHA
Date 2/26/03
By [Signature]

approximately 100 feet wide and between 132 and 149 feet deep. The property is improved with a two-story single family dwelling and a small, detached garage, which features an attached shed.

The Petitioners acquired the property from their parents and currently rent the dwelling. It was indicated that although the house is rented, the Petitioners occasionally use the site to launch their boat and access Back River. Apparently, the existing garage/shed is used to store accessory items used for that purpose. The Petitioners are desirous of razing the existing garage/shed structure and replacing same with a new accessory structure, 30' x 30' in dimension, in essentially the same location. Testimony indicated that the new garage will be used to store household items and other materials incidental to their use of the property. Special hearing relief is requested in that the proposed garage will be larger than the principal dwelling. In addition, variance relief is requested, due to the close proximity of the structure to Todd Point Lane.

Photographs of the site were submitted at the hearing which show that the property is attractively maintained. It is also to be noted that this parcel is one of the few "dual" lots in the neighborhood. Thus, the Petitioners' property is larger than many of the adjacent lots, and many of the neighboring houses are built on 50-foot wide single lots. The Petitioners also produced a signed statement from neighbors on both sides indicating that they do not object to the proposed improvements.

Based upon the testimony and evidence offered, I am persuaded to grant the relief. In my judgment the proposed building will be an improvement to the existing garage/shed and will not detrimentally impact adjacent properties. Insofar as the special hearing relief, approval of a building larger than the principal structure is warranted in this instance, due to the Petitioners' use of the property and the size and configuration of the parcel itself. However, as to the variance relief sought, an examination of the photographs submitted and other evidence offered is persuasive to a finding that this variance is not necessary. The Petitioners have requested a variance to permit a setback of 22 feet in lieu of the required "front yard average" for a dual lot. Although normally the front yard of a lot is that area between the house and the street, an examination of the evidence offered in this case is persuasive to a finding that the front yard of the

subject property is that area between the dwelling and the water. It has been the longstanding position of the Office of the Zoning Commissioner that waterfront property is unique and that the front yard for said property is between the bulkhead and the dwelling. In this case, that conclusion is appropriate, given the orientation of the dwelling. Thus, the requested variance is not necessary and shall be dismissed as moot. It is to be noted in passing, however, that were a variance to be required, the grant of relief would be appropriate in this case.

Although relief will be granted as set out above, certain restrictions shall be entered as conditions to this approval. First, the Petitioners are aware that the property is subject to the Chesapeake Bay Critical Areas regulations given its waterfront location. Thus, compliance with the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) is required, a copy of which is attached hereto and made a part hereof. Second, the Petitioners indicated that the existing garage contains a toilet and small sink. The Petitioners requested approval for those limited facilities to remain in the new building for use when they visit the property. As noted above, the house is rented and is not available to the Petitioners. The Petitioners were made aware at the hearing that the garage cannot be used as a second dwelling unit. There can be no kitchen/cooking facilities contained therein; however, I will allow the toilet and sink to be retained for their personal use. Moreover, testimony indicated that although public water is available to the site, the house is served by a private septic system. The Petitioners indicated that public sewer facilities will soon become available to the site and they plan to tie the proposed improvements with that construction. Thus, I will require that the new building be connected to public water and sewer facilities when they become available.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth herein, the special hearing shall be granted and the variance dismissed as moot.

2/26/03
JRS
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County
this 26th day of February 2003 that the Petition for Special Hearing seeking approval of an

accessory structure (two-car garage) larger than the principal dwelling, 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 permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the Chesapeake Bay Critical Areas regulations as set forth in the ZAC comment submitted by DEPRM, dated February 3, 2003, a copy of which is attached hereto and made a part hereof.
- 3) The Petitioners shall be permitted to retain the toilet and sink for use in the new garage; however, the garage cannot be used as a second dwelling unit and the facilities used only by the Petitioners in connection with their use of the property.
- 4) The proposed new structure shall be connected to public water and sewer facilities when they become available.
- 5) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 400.1d.2(A) of the Zoning Commissioner's Policy Manual to permit a front yard setback of 22 feet in lieu of the required front yard average of 33 1/3 feet for a dual frontage lot for the proposed accessory structure, in accordance with Petitioner's Exhibit 1, be and is hereby DISMISSED AS MOOT.


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

February 26, 2003

Mr. Joseph W. Cooke, Sr.
Mr. Gilbert L. Cooke
314 Locust Avenue
Baltimore, Maryland 21221

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
E/S Todd Point Lane, 1,056' E of the c/l Sandymount Road
(4536 Todd Point Lane)
15th Election District – 5th Council District
Joseph W. Cooke, Sr. & Gilbert L. Cooke - Petitioners
Case No. 03-258-SPHA

Dear Messrs. Cooke:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, and the Petition for Variance dismissed, 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: Chesapeake Bay Critical Areas Commission,
1804 West Street, Suite 100, Annapolis, Md. 21401
DEPRM; People's Counsel; Case File

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Printed with Soybean Ink
on Recycled Paper



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 4536 TODD PT LANE
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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

see attached

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):

JOSEPH W COOKE SR
Name - Type or Print

Joseph W. Cooke Sr.
Signature

GILBERT L COOKE
Name - Type or Print

Gilbert L Cooke
Signature

314 LOCUST AVE 410 9181185
Address Telephone No.

BALTO MD 21221
City State Zip Code

Representative to be Contacted:

JOSEPH W COOKE
Name

2509 MAPLE RD 410 477 8295
Address Telephone No.

BALTO MD 21219
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BR Date 11/25/02

Case No. 03-258-SPHA

REV 9/15/98

ORDERED
2/26/03
BY

An accessory structure (two-car garage) larger than the principal dwelling. Owners wish to raze an existing 1 car residential detached garage and remove an existing storage shed. The garage is in poor condition and is not cost effective to repair it. The shed will be removed from the property within one year after the construction of the new garage is completed. Both will be replaced with a new 30' X 30', 900 sq ft two car garage built in the same place on the property. Its square footage size makes it 80 sq ft larger than the primary structure which in conflict with the zoning requirements. The existing garage has toilet facilities. The new garage will have toilet facilities also.

ORDER FOR FILING
Date 2/26/13
By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4536 Todd Point Lane

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) 400.1.d.(2)(A) (Zoning Commissioner's Policy Manual) to permit a front yard setback of 22 ft. for an accessory structure (garage) in lieu of the required front yard average of 33 1/2 ft. for a dual frontage lot. of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

See attached

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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Case No. 03-258-SRHA

REV 9/15/98

Legal Owner(s):

Joseph W. Cooke Sr.

Name - Type or Print

Signature

Gilbert L. Cooke Jr.

Name - Type or Print

Signature

314 Locust Ave

Address

410-918-1185

Telephone No.

Baltimore, MD 21221

State

Zip Code

Representative to be Contacted:

Joseph W. Cooke Sr.

Name

2509 Maple Road

Address

410-477-8295

Telephone No.

Baltimore, MD 21219-1944

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By RR

Date 11/25/02

Owners desire to construct a new detached 30FT X 30FT 2-car garage with toilet facilities to replace an existing 10FT x 16FT storage shed and a 12FT X 27FT one-car garage. The existing garage has toilets facilities in it. The new building, although to be built in the same place, as the old will be in conflict with the required 30 FT front yard set back. Moving the building farther into the yard would place it in the side yard area of the property, which would then place it in conflict the required side yard setbacks. The old garage will be razed and the storage shed will be removed with in one year of completion of the new garage.

2/26/03
[Signature]
[Signature]

**ZONING DESCRIPTION FOR 4536 TODD POINT LANE, BALTIMORE,
MARYLAND 21219.**

Beginning at a point on the EAST SIDE of TODD POINT LANE which is 24 feet wide at a distance of 1056 feet ~~east~~ of the centerline of the nearest improved intersecting street SANDYMOUNT ROAD which is 31 feet wide. Being LOT #7 AND #6 in the subdivision of MERRITT SHORES as recorded in Baltimore County Plat Book W.P.C. No.7, Folios 153 containing 14,050 square feet. Also known as 4536 TODD POINT LANE and located in the 15th Election District, 7th Councilmanic District.

Variance.shoredescription

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: #03-258-SPHA

4536 Todd Point Lane

Essex/Todd Point Lane 1,056 feet east centerline Sandymount Road

15th Election District - 7th Councilmanic District

Legal Owner(s): Joseph W Cooke, Sr. and Gilbert L. Cooke

Special Hearing: to permit an accessory structure to be replaced with a new 30 feet x 30 feet, 900 square feet two car garage 80 square feet larger than the primary structure. Variance: to permit a front yard setback of 22 feet for an accessory structure in lieu of the required front yard average of 33 1/2 feet for a dual frontage lot.

Hearing: Tuesday, February 11, 2003 at 9:00 a.m. in Room 106, Baltimore County Office Building, 111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JL1/1783 Jan. 28

0385054

CERTIFICATE OF PUBLICATION

1/30/2003

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 1/28/2003.

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

P. M. Williams

LEGAL ADVERTISING

COUNTY, MARYLAND

BUDGET & FINANCE

DEPOSITS RECEIPT

No. 19239

25/02

ACCOUNT

R001-006-6150

AMOUNT

\$ 100.00

Joe Cook & Son, Inc. H A

Special Hearing & Variance

PINK - AGENCY

YELLOW - CUSTOMER

Item # 258

PAID RECEIPT

BUSINESS

ACTUAL

TI

11/25/2002 11/25/2002 10:4

REG W506 WALKIN KMGH KXM I

>>RECEIPT # 115930 11/25/2002

Dep 5 528 ZONING VERIFICA

CR NO. 019239

Receipt Tot \$100

100.00 OK

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 03-258-SPHA

Petitioner/Developer: JOSEPH W.

COOKE AND GILBERT COOKE

Date of Hearing/Closing: 2/11/03

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 4536 TODD POINT

LANE

The sign(s) were posted on 1/27/03
(Month, Day, Year)

Sincerely,

[Signature] 1/27/03
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

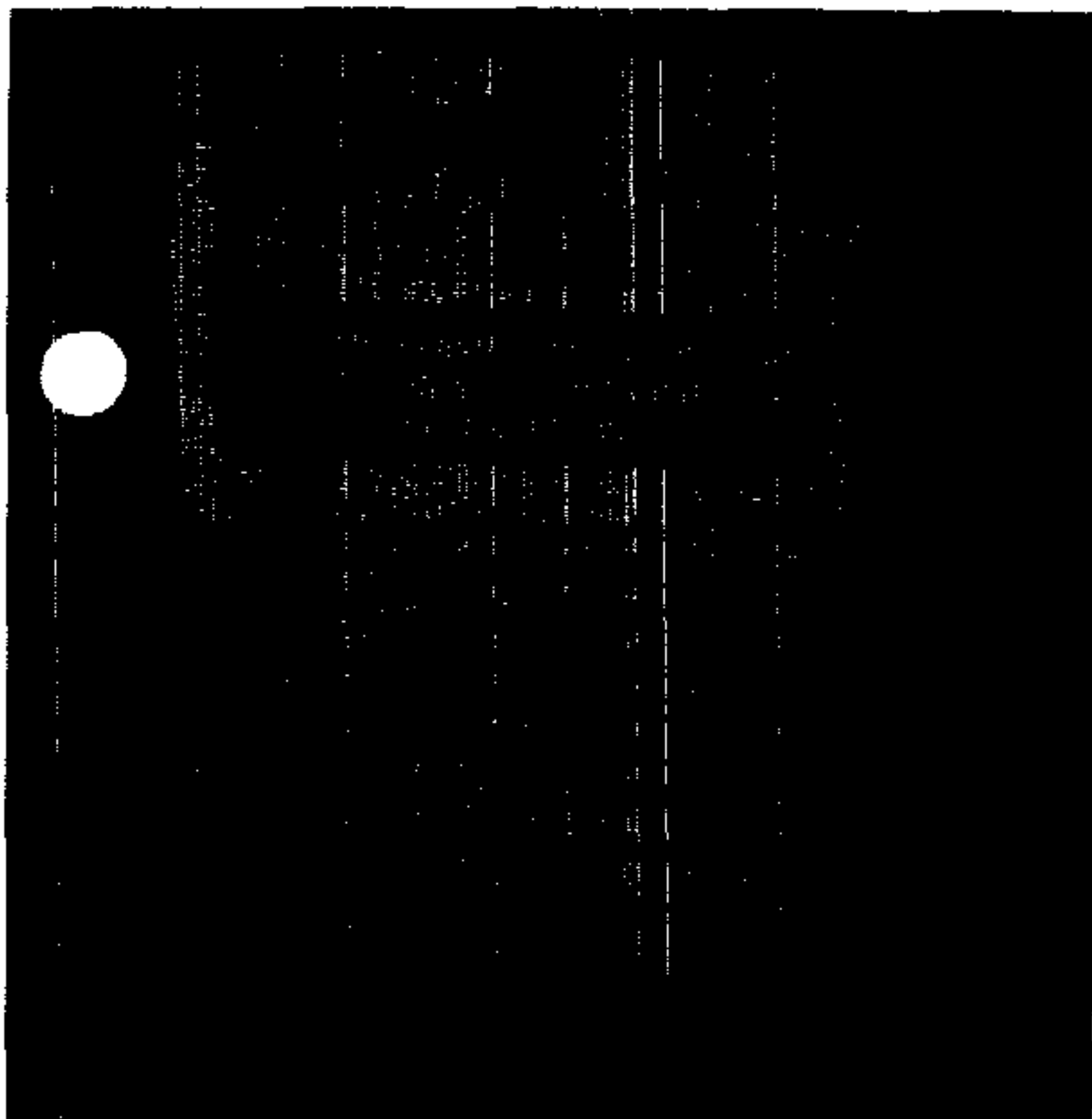
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





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 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: 03-258-SPHA

4536 Todd Point Lane

E/side Todd Point Lane 1,056 feet east centerline Sandymount Road

15th Election District – 7th Councilmanic District

Legal Owner: Joseph W. Cooke, Sr. and Gilbert L. Cooke

Special Hearing to permit a accessory structure to be replaced with a new 30 feet x 30 feet, 900 square feet two car garage 80 square feet larger than the primary structure.
Variance to permit a front yard setback of 22 feet for an accessory structure in lieu of the required front yard average of 33 ½ feet for a dual frontage lot.

Hearings: Tuesday, February 11, 2003 at 9:00 a.m. in Room 106, Baltimore County Office Building, 111 W. Chesapeake Avenue

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

Arnold Jablon
Director

AJ:rlh

C: Gilbert L. Cooke, 314 Locust Ave., Baltimore 21221
Joseph W. Cooke, 2509 Maple Road, Baltimore 21219

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 27, 2003.**
(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.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 28, 2003 Issue - Jeffersonian

Please forward billing to:
Joseph W. Cooke, Sr. 410-477-8295
2509 Maple Road
Baltimore, MD 21219-1944

NOTICE OF ZONING HEARING

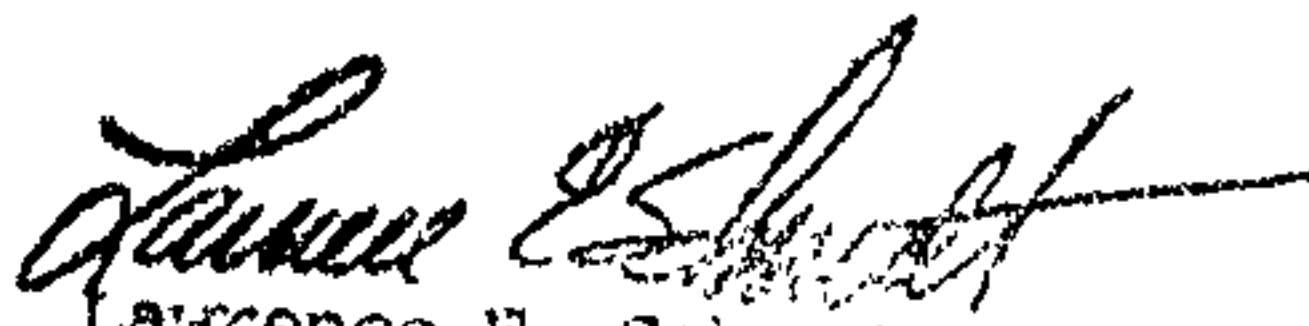
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 03-258-SPHA

4536 Todd Point Lane
E/side Todd Point Lane 1,056 feet east centerline Sandymount Road
15th Election District – 7th Councilmanic District
Legal Owner: Joseph W. Cooke, Sr. and Gilbert L. Cooke

Special Hearing to permit a accessory structure to be replaced with a new 30 feet x 30 feet, 900 square feet two car garage 80 square feet larger than the primary structure.
Variance to permit a front yard setback of 22 feet for an accessory structure in lieu of the required front yard average of 33 ½ feet for a dual frontage lot.

Hearings: Tuesday, February 11, 2003 at 9:00 a.m. in Room 106, Baltimore County Office Building, 111 W. Chesapeake 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.

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: 03-258-SPHA
Petitioner: JOSEPH W. COOKE SR & GILBERT L. COOKE JR.
Address or Location: 4536 TODD POINT LANE, BALTIMORE, MD 21219

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOSEPH W. COOKE SR
Address: 2509 MAPLE ROAD
BALTIMORE, MD 21219-1944
Telephone Number: 410-477-8295

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

February 7, 2003

Joseph W. Cooke, Sr.
Gilbert L. Cooke
314 Locust Avenue
Baltimore, MD 21221

Gentlemen:

RE: Case Number: 03-258-SPHA, 4536 Todd Point Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 25, 2003.

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 black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rlh

Enclosures

c: People's Counsel
Joseph W. Cooke, 2509 Maple Avenue

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





Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: *12-30-02*

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

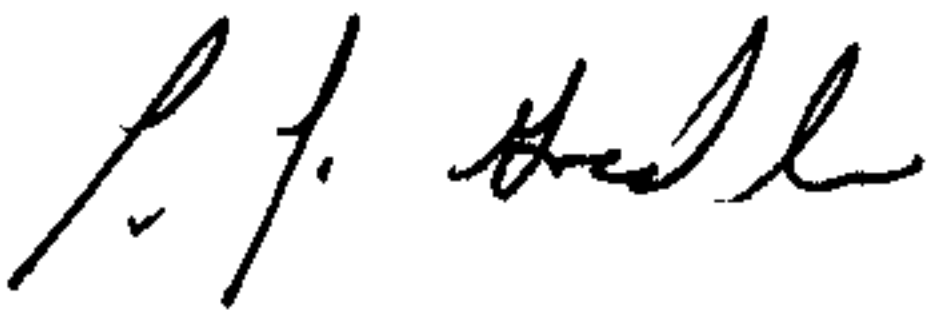
RE: Baltimore County
Item No. *258* *B R*

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 Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 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

December 31, 2002

ATTENTION: George Zahner

Distribution Meeting of December 23, 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:

257-290

258

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

December 19, 2002

ATTENTION: George Zahner

Distribution Meeting of 12/23/02

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:

258
242-249, 251-269

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

cc: File

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS / HBT*

DATE: February 3, 2003

SUBJECT: Zoning Item 258
Address 4536 Todd Point Lane (Cooke Property)

Zoning Advisory Committee Meeting of December 23, 2002

- ☐ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- ☐ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- ☒ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- ☐ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
- ☐ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
- ☒ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

☒ Additional Comments:

See Attached Comments

Reviewer: Keith Kelley

Date: January 29, 2003

2/26/03
RBS

CBCA Zoning Comments (zoning item #258)

☒ The property is located within the Limited Development Area (LDA), or ~~Resource Conservation Area (RCA), or Intensely Developed Area (IDA)~~ of the Chesapeake Bay Critical Area (CBCA).

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

☐ Man-made impervious surfaces are limited to 15% for lots greater than 1/2 acre in size.

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

☒ Mitigation is required if exceeding the 25% impervious surface limit. Impervious surfaces are limited to 25% of the lot & 500 square feet or 31 25% of the lot. Otherwise, a Critical Area Administrative Variance (CAAV) is required.

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

☒ 15% forest must be established or maintained. This equates to 4 trees for a lot of this size.

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

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

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

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

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

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

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

Kdk#14/cbazoningcomments

2/26/03
Kdk

John
2/11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 30, 2002

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

30102

SUBJECT: Zoning Advisory Petition(s): ~~Case(s)~~ 03-258, 03-268, & 03-282

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

Prepared by:

Mark A. Cunningham

Section Chief:

Lynna Terhune

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 27, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For December 30, 2002
Item Nos. 257, 258, 259, 260, 261, 262,
263, 264, 265, 266, 267, 268, 270, 271,
272, 273, 274, 275, 276, 277, 278, 279,
280, 281, 282, 283, 284, 285, 286, 287,
288, 289, and 290

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
4536 Todd Point Lane; Eside Todd Point Ln * ZONING COMMISSIONER
1056ft E cline Sandymount Rd
15th Election District * FOR
7th Councilmanic District
Legal Owner(s): Joseph W. Sr. & Gilbert L. * BALTIMORE COUNTY
Cooke, Jr. *
* 03-258-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

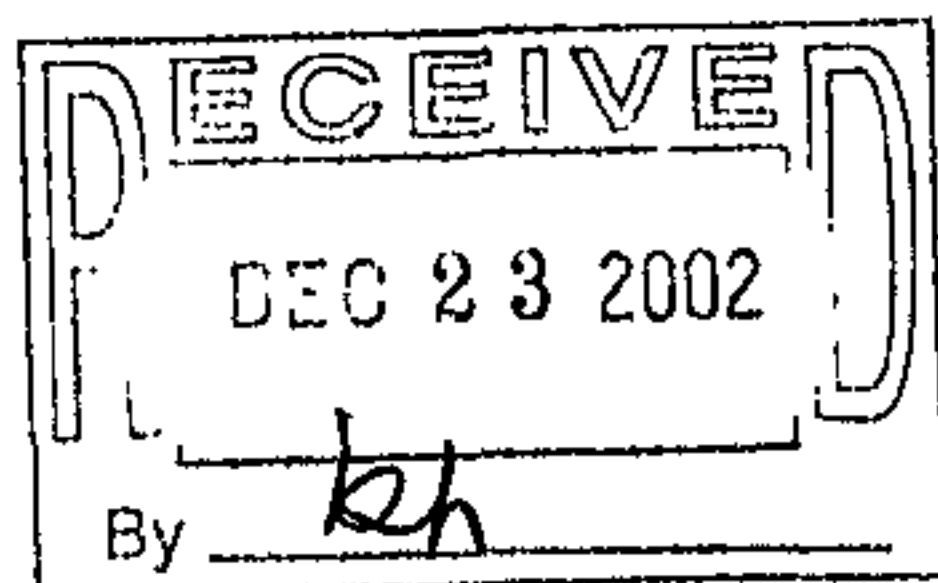
People's Counsel for Baltimore County

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 23rd day of December, 2002, a copy of the foregoing Entry of Appearance was mailed to Joseph W. Cooke, 2509 Maple Road, Baltimore, MD 21219, Petitioner(s).



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



Maryland Department of Planning

Parris N. Glendening
Governor

Kathleen Kennedy Townsend
1st Governor

Roy W. Kienitz
Secretary

Mary Abrams
Deputy Secretary

December 27, 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, 12/30/02 re: case numbers 03-257-A, 03-258-SPHA, 03-259-SPHA, 03-260-A, 03-261-A, 03-262-A, 03-263-A, 03-264-SPH, 03-265-A, 03-266-XA, 03-267-A, 03-268-A, 03-270-A, 03-271-A, 03-272-A, 03-273-A, 03-274-A, 03-275-A, 03-276-A, 03-277-XA, 03-278-SPH, 03-279-A, 03-280-A, 03-281-SPHA, 03-282-A, 03-283-SPHA, 03-284-A, 03-285-A, 03-286-A, 03-287-A, 03-288-A, 03-289-A, 03-290-A

Dear Mr. Zahner:

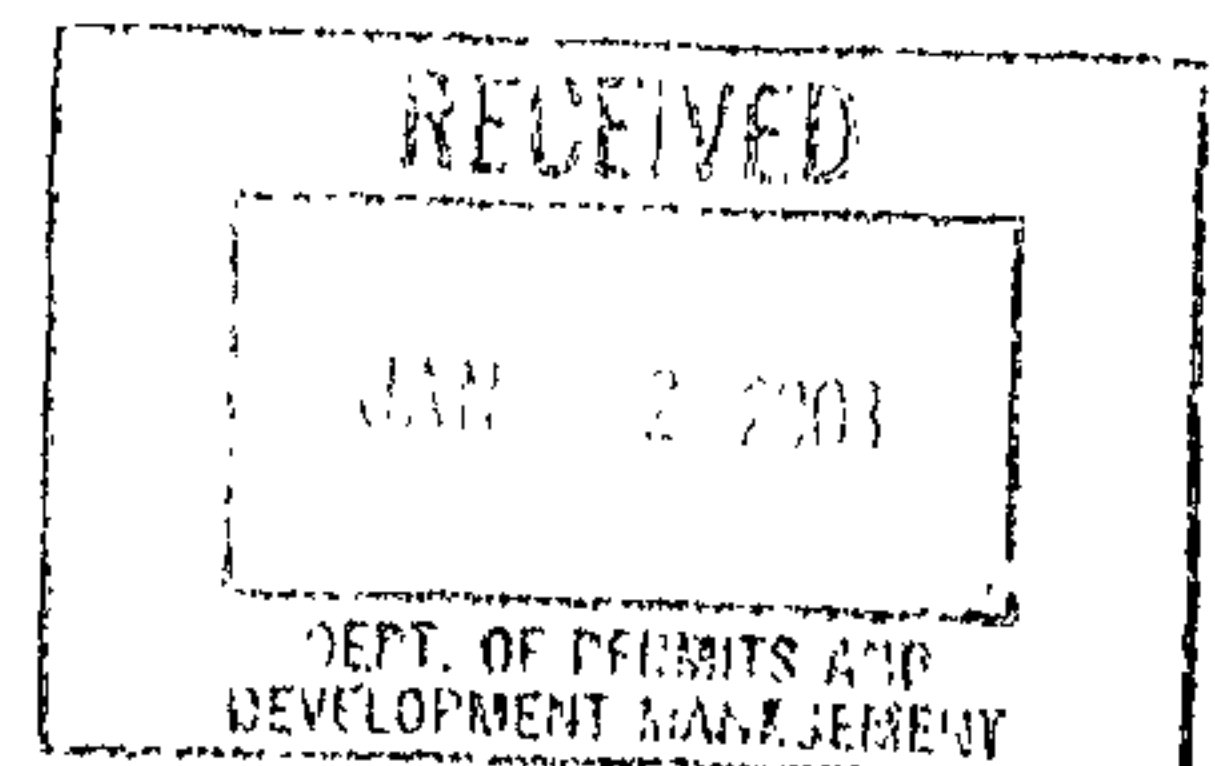
The Maryland Department of Planning has received the above-referenced information on 12/26/02. The information has been submitted to Mr. Mike Nortrup.

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



We, the undersigned, do hereby acknowledge that we are aware of the intent of Mr. Joseph W. Cooke Sr. and Gilbert L. Cooke Jr. to construct a wooden frame garage in the rear yard area located at 4536 Todd Point Lane, Baltimore, Maryland 21219. We understand that this garage will be 30 feet by 30 feet and will be 15 feet in overall height with a foot print of 900 square feet. This square footage area is approximately 80 square feet larger than the primary structure (the house) which is in excess of the maximum allowed by the Zoning Regulations of Baltimore County, Maryland. {A detached accessory structure can not be larger than the primary structure} This garage will also have an approximate 22-foot setback from the edge of Todd Point Lane, which is less than the 30-foot minimum as required by Baltimore County Zoning regulations. We also understand that the new garage structure will occupy the same location on the property as the existing garage and wooden shed. The existing garage is to be razed and the wooden shed will be removed from the property in its entirety within one year of completion of construction of the new garage.

By our signatures below, we affirm that we have no objection whatsoever to the construction of this garage, its excess size and its location on the property.

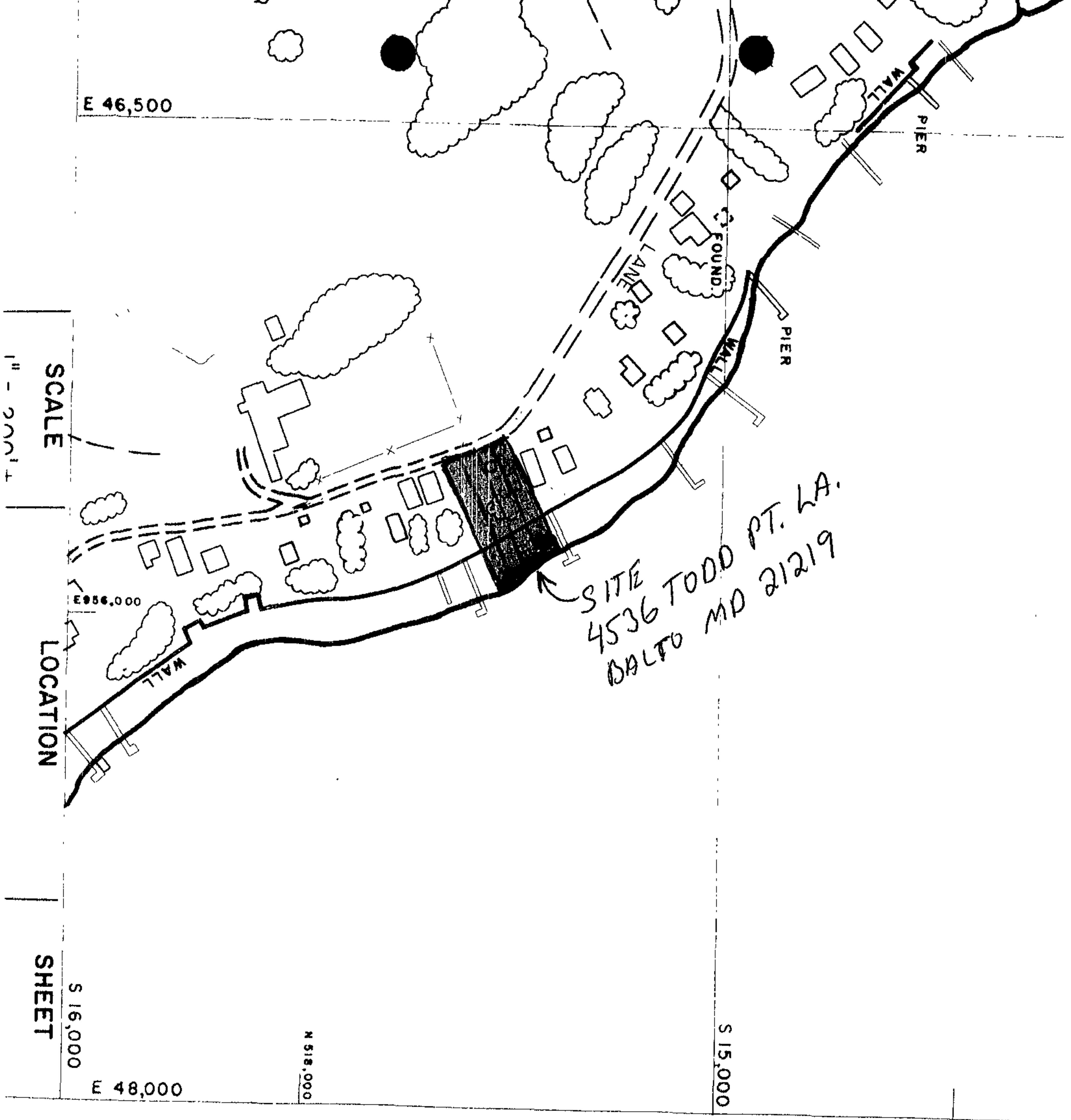
A copy or copies of this form will be submitted to the Baltimore County Zoning board along with an application for a zoning variance to allow the shorter setback distance and also for a special hearing to allow the larger overall square footage of the new garage.

[illegible]

SE
AH
1"=200'

SF

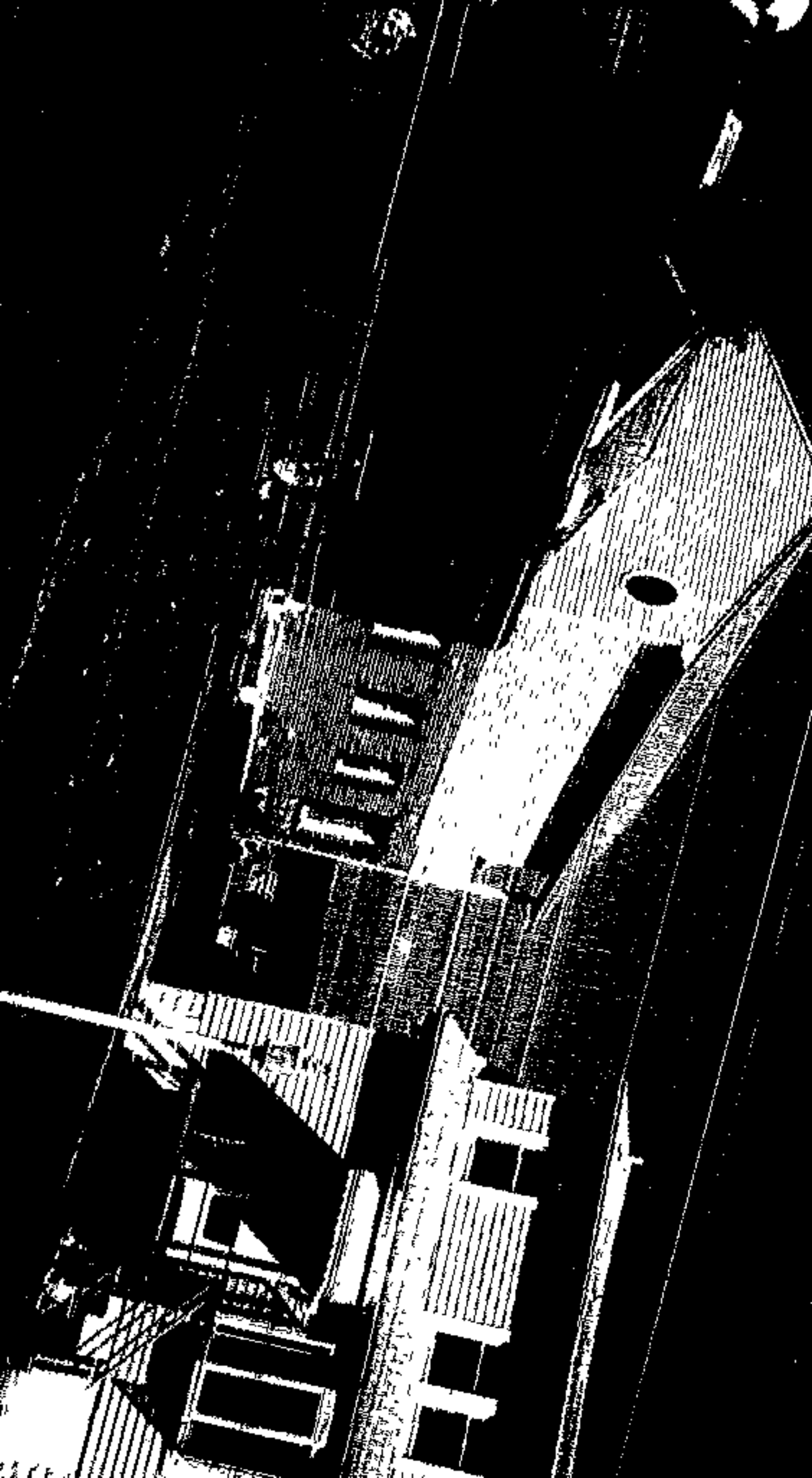
258

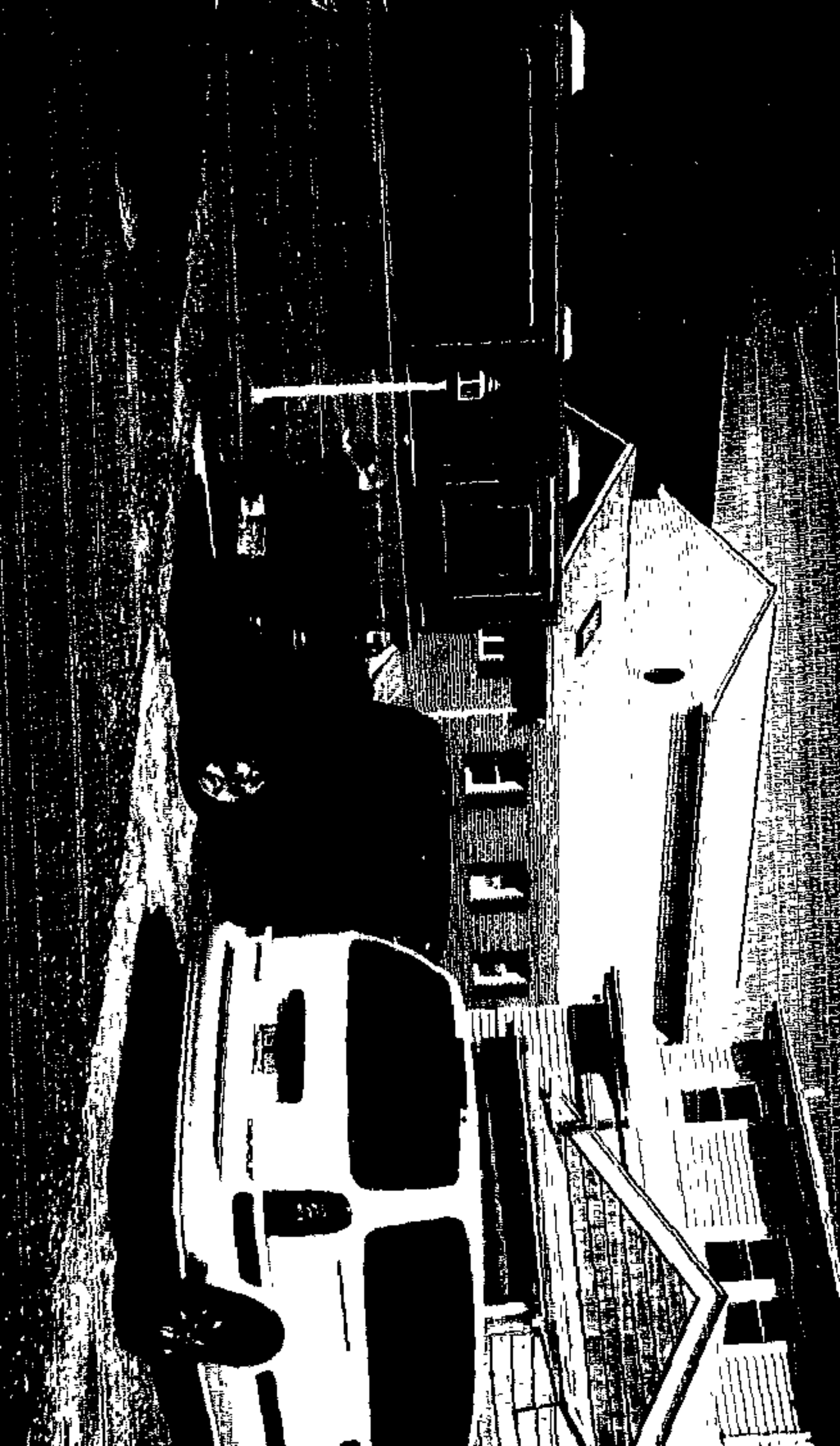






















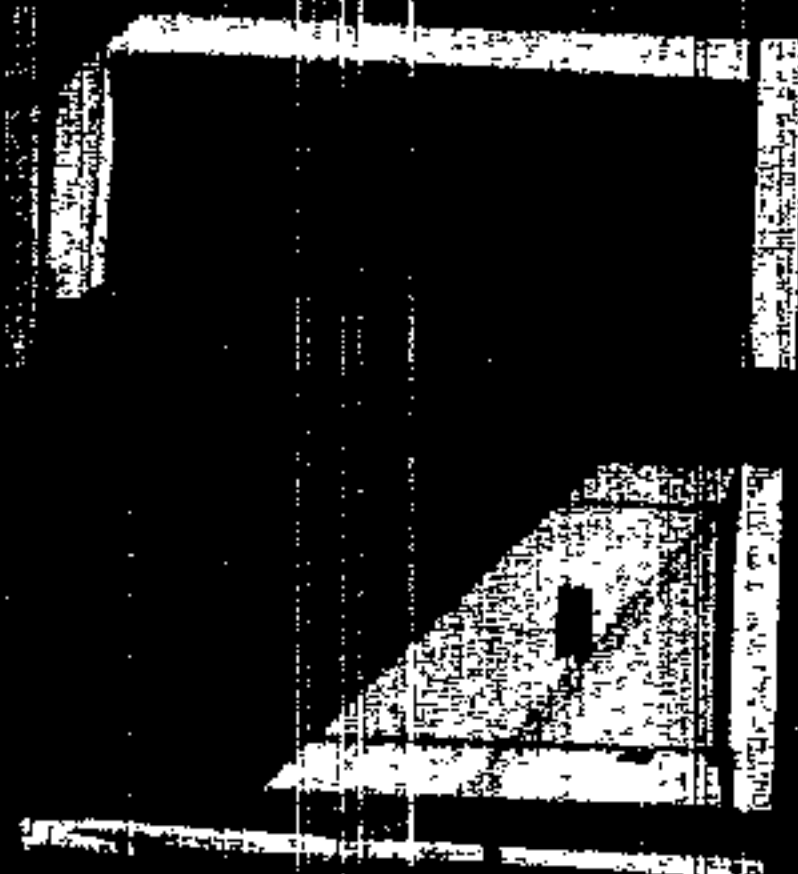
















Plat to accompany Petition for Zoning ☒ Variance ☒ Special Hearing

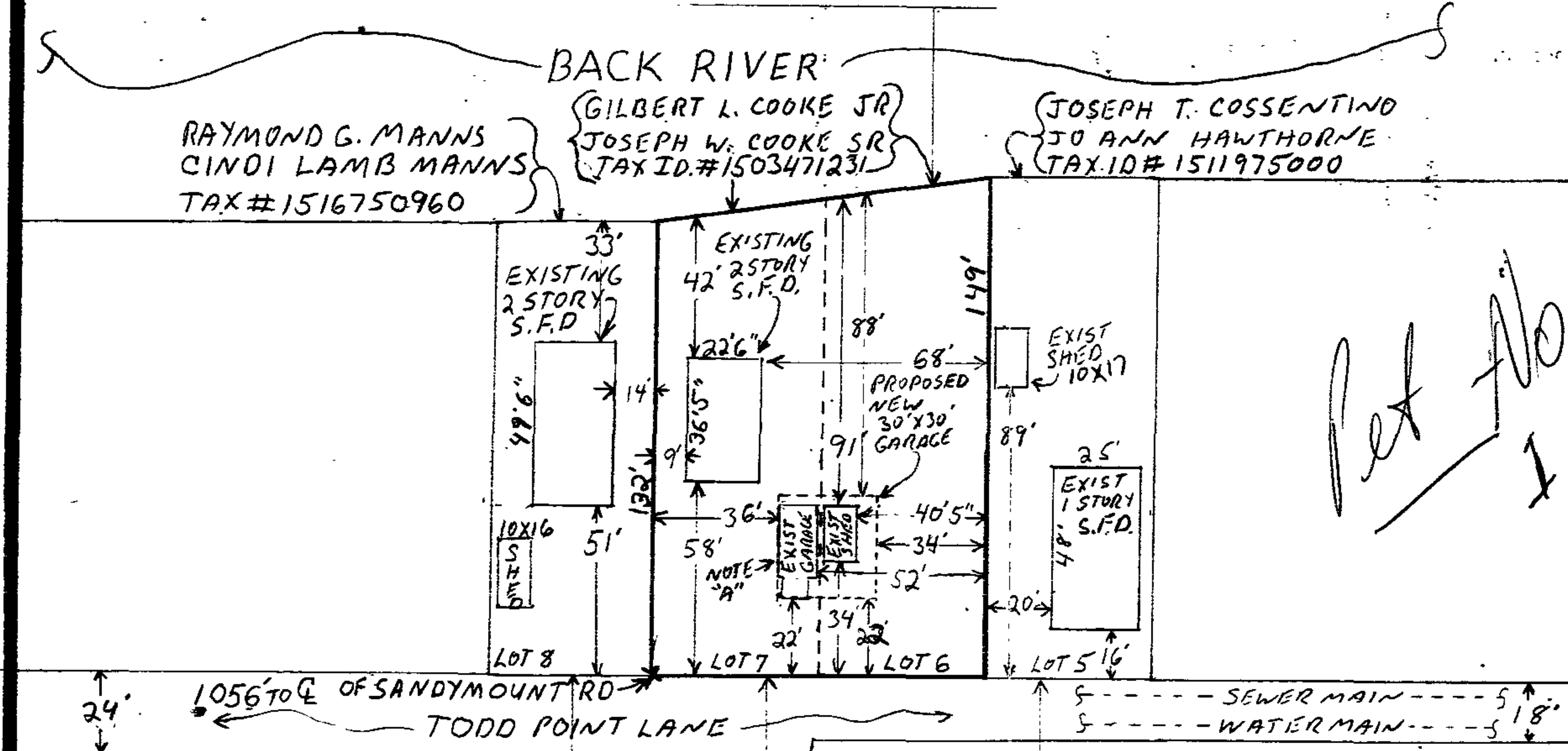
PROPERTY ADDRESS: 4536 TODD POINT LANE, BALTO, MD 21219 see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: MERRITT SHORES

plat book# NO. 7 , folio# 153 , lot# 7+6 , section#

OWNER: GILBERT L. COOKE JR. & JOSEPH W. COOKE SR.

TAX ID# 1503471230



#4534	#4536	#4540
6600 SQ FT	14,050 SQ FT	7450 SQ FT
.15 AC	.32 AC	.17 AC

ALL INDIVIDUAL LOTS ARE 50 FT WIDE

NOTE "A" - EXISTING GARAGE IS 12'4" W X 27'6" L

EXISTING SHED IS 10' W X 16' L

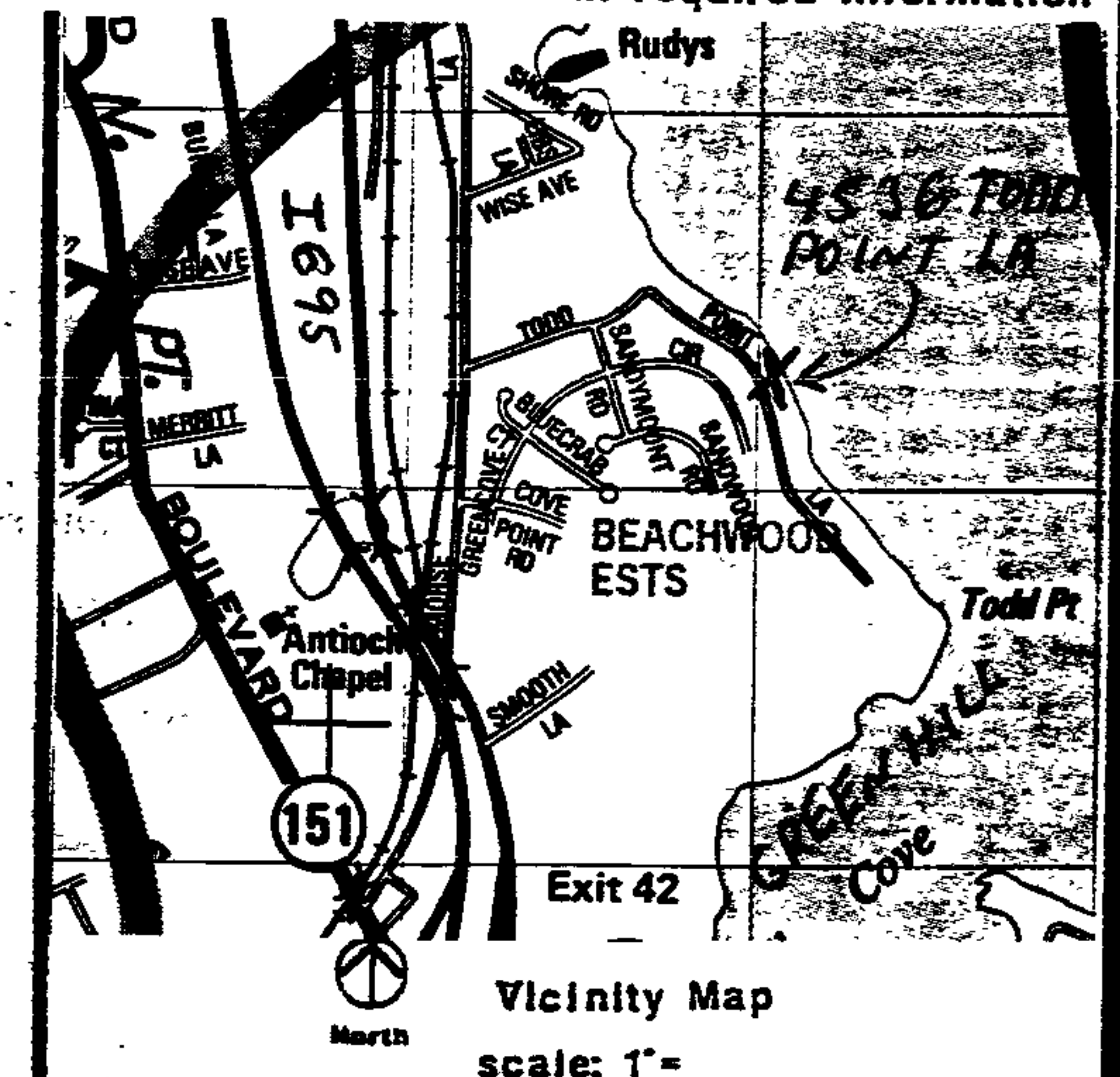


North

date: 10/30/02

prepared by: JOSEPH W. COOKE SR.

Scale of Drawing: 1" = 50'



LOCATION INFORMATION

Election District: 15

Councilmanic District: 7

1"=200' scale map#: SE 4-H

Zoning: DR 3.5

Lot size: .32 acreage 14,050 square feet

100 Year Flood Plain - Yes

SEWER: ☒ public ☐ private

WATER: ☒ yes ☐ no

Chesapeake Bay Critical Area: ☒ yes ☐ no

Prior Zoning Hearings: NONE

Historic Property/Buliding - NO

Zoning Office USE ONLY!

reviewed by: BR ITEM #: 258 CASE#: 03-258-SPHA