

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE – N/S Beach Road,
115' E of Opie Road
(11304 Beach Road)
11th Election District
5th Council District

Daniel Dupont (aka Lonewolf Silverheels)
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 03-342-SPHA

* * * * *

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, Daniel Dupont, also known as Lonewolf Silverheels. The Petitioner requests a special hearing to approve the use of the subject property for a single-family dwelling and an existing garage with a height of 24 feet. In addition, variance relief is requested from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 49 feet in lieu of the required 75 feet, and side yard setbacks of 9 feet and 18 feet in lieu of the required 35 feet each for 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 was Timothy P. Knepp, Esquire. Mr. Dupont/Silverheels did not appear at the hearing and no testimony was offered on his behalf. There were no Protestants or other interested persons present.

The property under consideration is a rectangular shaped parcel, 53' x 200' in dimension, located on the north side of Beach Road, just east of its intersection with Opie Road in eastern Baltimore County. The property is also known as Lot 34 of Bird River Beach and contains 10,600 sq.ft. in area, zoned R.C.2. Presently, the lot is improved with a two-story garage to the rear of the parcel, which has been the subject of an ongoing zoning violation. Pursuant to documentation contained within the case file, the Petitioner obtained approval for the existing

ORDER RECEIVED FOR FILING

Date

By

4/10/03

[Signature]

garage, pursuant to the relief granted in prior Case No. 94-506-A by Deputy Zoning Commissioner Timothy Kotroco on July 13, 1994. Commissioner Kotroco approved the garage with a height of 24 feet, subject to certain restrictions, one of which prohibited the garage from being converted into a dwelling unit and/or apartment. Apparently, the property owner did not abide by that restriction and established living quarters within the garage. Subsequently, the Code Enforcement Division of the Department of Permits and Development Management (DPDM) issued a citation ordering compliance. Thereafter, the Petitioner sought variance relief under Case No. 01-313-A to approve the subject property as an undersized lot so as to allow construction of a single family dwelling on the property. Deputy Commissioner Kotroco also considered that proposal, and by his Order of April 12, 2001, denied that request. As in the instant case, that proposal also featured insufficient setbacks. A timely appeal was taken by the Petitioner to the County's Board of Appeals and the matter was heard de nova on March 5, 2002. Ultimately, the Board denied the request by its Order of July 16, 2002. The Petitioner now comes before me seeking similar relief as set forth above.

It is well settled that some of the principles of res judicata may apply to administrative proceedings. (See Board of County Commissioners of Cecil County v. Racine, 24 Md. App. 435 (1975). In this case, the same variance relief from setback requirements is requested as in the prior case. More importantly, there was no testimony or evidence offered at the hearing which satisfies the burden set out in Sections 307 and 502.1 of the B.C.Z.R. A variance can only be granted if the Petitioner establishes that the property at issue is unique, that a denial of the variance would result in a practical difficulty, and that relief can be granted without detrimental impacts on adjacent properties (see Section 307.1 of the B.C.Z.R.). Special hearing relief should be granted only if it is shown that there will be no detriment to the surrounding locale. In that there was no testimony or evidence presented to address the issues presented relative to the Petitions filed in this case, the relief requested must be denied.

It is to be noted that at the onset of the hearing, Mr. Knepp indicated that the property has been cleaned up and is no longer the subject of an active violation case. In this regard, the

RECEIVED FOR FILING
4/10/03
100

Zoning Commissioner's Office is a separate entity in County government and was established to consider Petitions for Special Hearing, Special Exceptions and Variance relief from the zoning regulations. The Zoning Commissioner also serves as the Hearing Officer under the development review process. Violation cases are not within the jurisdiction of the Zoning Commissioner's Office, but fall under the domain of the Code Enforcement Division of the Department of Permits and Development Management. That agency shall determine the validity of any citation and/or sanction, and the resolution of same.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of April 2003 that the Petition for Special Hearing to approve the use of the property for a single-family dwelling and an existing garage with a height of 24 feet, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 49 feet in lieu of the required 75 feet, and side yard setbacks of 9 feet and 18 feet in lieu of the required 35 feet each for a single-family dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that any outstanding zoning violations on the subject property need be resolved through appropriate proceedings within the Department of Permits and Development Management (DPDM).

Any appeal of this decision must be entered within thirty (30) days of the date of this

Order.

LES:bjs


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County



Baltimore County
Zoning Commissioner

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

April 10, 2003

Timothy P. Knepp, Esquire
106 N. Marlyn Avenue
Baltimore, Maryland 21221

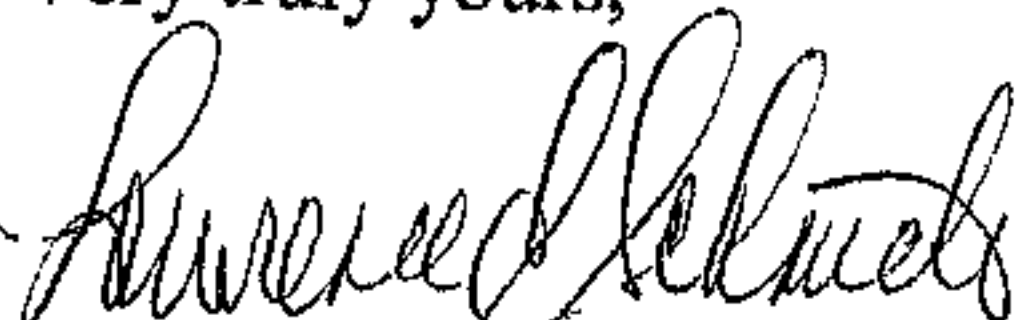
RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
N/S Beach Road, 115' E of Opie Road
(11304 Beach Road)
11th Election District – 5th Council District
Daniel Dupont (a/k/a Lonewolf Silverheels) - Petitioner
Case No. 03-342-SPHA

Dear Mr. Knepp:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been denied, in accordance with the attached Order.

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

Very truly yours,


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Daniel Dupont
306 Waterton Way, Joppa, Md. 21085
Code Enforcement Division, DPDM; People's Counsel; Case File

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



Printed with Soybean Ink
on Recycled Paper



C B C A

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 11304 BEACH Rd
which is presently zoned 2R2

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

The Use of the
Property for a Single Family House with an existing
Garage 24 ft high (Case # 94-506 A) on an undersized lot.

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 Conrad Wolf Silverheels

Signature Conrad Wolf Silverheels

Address 306 Waterloo Way Telephone No. _____

City Sepp MD 21085 State _____ Zip Code _____

Attorney For Petitioner: 410-679-8833

Name - Type or Print _____

Signature _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

Name - Type or Print Daniel Dupont

Signature Daniel Dupont

Name - Type or Print _____

Signature _____

Address 11304 BEACH Rd Telephone No. _____

City Baltimore MD 21162 State _____ Zip Code _____

Representative to be Contacted: 410 344-0563

Name _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By 507 Date 01-342-03

Case No. 03 342 SP4 (7)

REU 9/15/98

OFFICE
ESSEX (410) 686-5151
FAX (410) 686-0852

HOME
(410) 335-4029

TIMOTHY P. KNEPP
Attorney at Law

106 NORTH MARLYN AVENUE
P O Box 34019

BALTIMORE MD 21221



16

C B C A

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 11304 BEACH RD
which is presently zoned RC-2

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 A 01 . 3 B . 3 . TO PERMIT A FRONT YARD

SETBACKS OF 49 FT. W/IN OF 75 FT. & SIDE YARD SETBACKS OF 9 FT.
18 FT W/IN OF 35 FT. ENCL FOR A SFD.

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

x 1 Intend TO BULD HOME HEAR FOR YEARS.

2 I NEED VARIANCE FOR LOT IS TO SMALL AND NARROW TO WORK WITH ZONING

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. FOR SET BACK

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:

Mr. Lawrence Silverheels
Name - Type or Print
Lawrence Silverheels
Signature
36 WATKINSON WAY
Address
JOPPA MD 21085 410-679-8833
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Daniel Dupont
Name - Type or Print
Daniel Dupont
Signature
11304 BEACH RD
Name - Type or Print
BALTIMORE MD 21162
Signature
410-344-0563
Address Telephone No.

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

Case No. 03-342-SPUA

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By SOH Date 01-23-03

3rd

ZONING DESCRIPTION
11304 BEACH ROAD

Beginning at a point on the north side of Beach Road, which is 40 feet wide at the distance of 115 feet east of the centerline of Opie Road, which is 40 feet wide.

Being Lot 34 in the subdivision of Bird River Beach, as recorded in Baltimore County Plat Book No. 7, Folio No. 187 and containing 10,600 square feet, more or less. Also known as 11304 Beach Road and located in the 11th Election District, 5th Councilmanic District.

0 3-347.5 P4 A

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: #03-342-SPHA

11304 Beach Road

Inside of Beach Road 115 feet east of centerline of Opie Road

11th Election District - 5th Councilmanic District

Legal Owner(s): Daniel Dupont

Contract Purchaser: Mr. Lone Wolf Silver Heels

Special Hearing: to permit the use of the property for single-family house with an existing garage 24 feet high on an undersize lot. **Variance:** to permit a front yard setback of 49 feet in lieu of 75 feet and side yard setbacks of 9 feet and 18 feet in lieu of 35 feet each for a single-family dwelling.

Hearing: Monday, March 17, 2003 at 2:00 p.m. in Room 407, County Courts Building, 401 Busley 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.

2/27/03

0589702

CERTIFICATE OF PUBLICATION

2/28/, 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 2/27/ 2003.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

50A
No. 20460

DATE 01-23-03 ACCOUNT R CLF-006-61-50

AMOUNT \$ 130.00

RECEIVED
FROM:

Mr. LAW-WOLF D. Silver Heels.

FOR:

RESUAL 363
RES. SPEC. Heels 765
1130

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

03-342-SPHA

PAID RECEIPT

BUSINESS ACTUAL TIME
1/24/2003 1/23/2003 15:41:24
REG W803 WALKIN JRIC JHR DRAWER 1
RECEIPT # 253194 1/23/2003 DEPT
Dep: 5 528 ZONING VERIFICATION
CR 10. 020460

Rec'd Tot \$130.00
.00 CK 140.00 CA
10.00 CB
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 03-342-SPHA

Petitioner/Developer: _____

LONE WOLF SILVER HEELS

Date of Hearing/Closing: 3/17/03

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

Attention: MS. BECKY 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 _____

11304 BEACH RD

The sign(s) were posted on 2/25/03
(Month, Day, Year)

Sincerely,

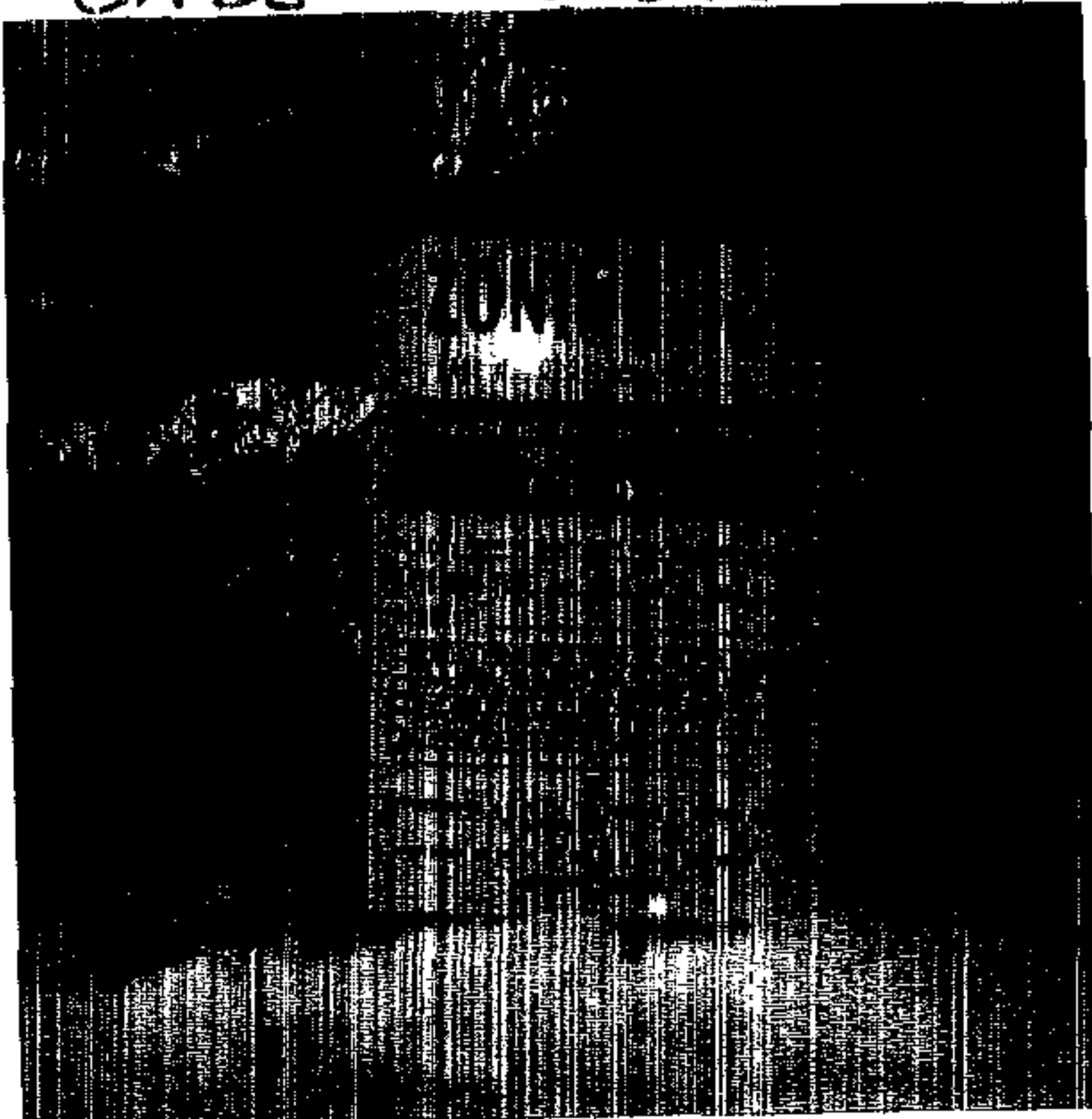
Richard E. Hoffman 2/25/03
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)



11304 BEACH RD
POSTED 2/25/03
Richard E. Hoffman 2/25/03



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

February 4, 2003

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: 03-342-SPHA

11304 Beach Road

N/side of Beach Road 115 feet east of centerline of Opie Road

11th Election District -- 5th Councilmanic

Legal Owner: Daniel Dupont

Contract Purchaser: Mr. Lone Wolf Silver Heels

Special Hearing to permit the use of the property for single-family house with an existing garage 24 feet high on an undersize lot. Variance to permit a front yard setback of 49 feet in lieu of 75 feet and side yard setbacks of 9 feet and 18 feet in lieu of 35 feet each for a single-family dwelling.

Hearings: Monday, March 17, 2003 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

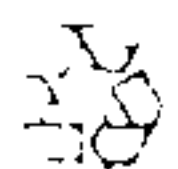
A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:rlh

C: Daniel Dupont, 11304 Beach Road, White Marsh 21162
Lone Wolf Silver Heels, 306 Waterton Way, Joppa 21085

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 1, 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
Thursday, February 27, 2003 Issue - Jeffersonian

Please forward billing to:
Mr. Lone Wolf Silver Heels
306 Waterton Way
Joppa, MD 21085

410-679-8833

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: 03-342-SPHA

11304 Beach Road

N/side of Beach Road 115 feet east of centerline of Opie Road

11th Election District – 5th Councilmanic

Legal Owner: Daniel Dupont

Contract Purchaser: Mr. Lone Wolf Silver Heels

Special Hearing to permit the use of the property for single-family house with an existing garage 24 feet high on an undersize lot. Variance to permit a front yard setback of 49 feet in lieu of 75 feet and side yard setbacks of 9 feet and 18 feet in lieu of 35 feet each for a single-family dwelling.

Hearings: Monday, March 17, 2003 at 2:00 p.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.

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: 03-342-SPHA
Petitioner: MR. LONGWOLF SLOUGH HEES / DANIEL DUPONT
Address or Location: 11304 BEACH ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name MR LONGWOLF SLOUGH HEES
Address 306 WATER TOW WAP
JOPPA MD. 21085
Telephone Number: 410-679-8833

Revised 2/20/98 - SCJ

03-342-SPHA



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

March 14, 2003

Daniel Dupont
11304 Beach Road
Baltimore, MD 21162

Dear Mr. Dupont:

RE: Case Number: 03-342-SPHA, 11304 Beach Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 23, 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.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Lonewolf Silverheels, 306 Waterton Way, Joppa MD 21085

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



Printed with Soybean Ink
on Recycled Paper



Baltimore County
Fire Department

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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

February 29, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: February 3, 2003

Item No.: ³⁴⁹ 339-347, 349

Dear Ms. Hart:

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.*

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

cc: File





MARYLAND DEPARTMENT OF TRANSPORTATION

Robert L. Ehrlich, Jr., *Governor* • Michael S. Steele, *Lt. Governor* • Trent M. Kittleman, *Acting Secretary*

Date: 2.4.03

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

RE: Baltimore County
Item No. 342 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/toll-free 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 • Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *RB Seeley*
DATE: March 12, 2003
SUBJECT: Zoning Item 342
Address 11304 Beach Road

Zoning Advisory Committee Meeting of February 3, 2003

- ☐ 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: February 27, 2003

CBCA Zoning Comments (zoning item # 342)

☒ 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 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 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.



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

March 3, 2003

RECEIVED

MAR 4 2003

ZONING COMMISSIONER

Lawrence E Schmidt, Zoning Commissioner
401 Bosley Avenue
Towson, MD 21204

Re: In the Matter of Daniel Dupont
03-342-SPHA
~~11304 Beach Road~~

Dear Mr. Schmidt:

Enclosed please find the opinion for the County Board of Appeals for Baltimore with regard to this same piece of property Case No.: 01-313-A, dated July 16, 2002.

If you have any questions, please contact my office.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
Peoples Counsel for Baltimore County

Carole S. Demilio

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

LS Jari
3/17

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 7, 2003

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

RECEIVED

SUBJECT: 11304 Beach Road

INFORMATION:

FEB 10 2003

Item Number: 03-342

Petitioner: David Dupont

ZONING COMMISSIONER

Zoning: RC 2

Requested Action: Variance/Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not supports the petitioner's request to permit a front yard setback of 49 feet in lieu of the minimum required 75 feet, and side yard setbacks of 9 feet and 18 feet in lieu of the minimum required 35 feet. This office has determined that the two adjoining undersized lots are under common ownership, and lot 34 has already been developed with a manufactured home.

Prepared by: Marta A. Cunniff

Section Chief: Lynn J. Parker

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 26, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For February 10, 2003
Item Nos. 339, 340, 341, 342, 344,
345, 347, 348, 349, and 350

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

RWB:CEN:jrb

cc: File

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

3#

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

Permit or Case No. _____

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

Residential Processing Fee Paid
(\$50.00)

Accepted by _____
Date _____

RE: Undersized Lots

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

MINIMUM APPLICANT SUPPLIED INFORMATION:

Joppe MD
21085

Mr. LONE WOLF SILVER HEELS 306 WATKINSON WAY
Print Name of Applicant Address Telephone Number

Lot Address 11304 BEACH Rd Election District 11 Councilmanic District 5 Square Feet 10,600

Lot Location NE S W side/corner of BEACH Rd feet from NE S W corner of OPIE ROAD
(street) (street)

Land Owner: DANIEL DUPONT Tax Account Number

Address: 11304 BEACH Rd MD 21162 Telephone Number (410) 344-0563

CHECKLIST OF MATERIALS- (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!
PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	_____	_____
2. Permit Application	_____	_____
3. Site Plan Property (3 copies)	_____	_____
4. Building Elevation Drawings	_____	_____
5. Photographs (please label all photos clearly) Adjoining Buildings	_____	_____
Surrounding Neighborhood	_____	_____
6. Current Zoning Classification: RC-3	_____	_____

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

☐ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the application to conform with the following recommendations

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

Date _____ X

Revised 2/05/02

03-347 SP47

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

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

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

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

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

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

DATE POSTED _____

HEARING REQUESTED? YES _____ NO _____ - DATE _____

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

TENTATIVE DECISION DATE _____ B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District: _____

Location of Property _____

Posted by _____ Date of Posting: _____
Signature

Number of Signs _____

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
11304 Beach Rd; Nside Beach Rd; 115ft * ZONING COMMISSIONER
E ctrline Opie Road *
11th Election & 5th Councilmanic Districts * FOR
Legal Owner(s): Daniel Dupont *
Contract Purchaser(s): Lone Wolf Silver * BALTIMORE COUNTY
Heels *
Petitioner(s) * 03-342-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 10th day of February, 2003, a copy of the foregoing Entry of Appearance was mailed to Daniel Dupont, 10304 Beach Road, Baltimore, MD 21162, Petitioner(s).

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



Baltimore County

*One of the Best-Managed
Counties in America*

James T. Smith, Jr.
Baltimore County Executive

Executive Office
400 Washington Avenue, Towson, Maryland 21204
Tel: 410-887-2450 • Fax: 410-887-4049

January 7, 2003

Mr. Daniel H. Dupont
11306 Beach Road
Baltimore, Maryland 21162

Dear Mr. Dupont,

Thank you for calling and sharing your concerns with the results of your zoning variance request. I have investigated your case, Case No. 01-313-A, which seems to have troubled you deeply. I also thank you for faxing the "Finding of Fact and Conclusion of Law", which had been sent to you from the Deputy Zoning Commissioner, Mr. Timothy M. Kotroco.

The findings were very clear that your variance request, Case No. 01-313-A was denied. The order also stated that you were to bring your garage into compliance with an earlier order, Case No. 94-506-A within 45 days of April 12, 2001, the date that Case No 1-313-A was rendered. It is my understanding that you did appeal Case No. 1-313-A and the Appeals Court ruled in favor of the decision rendered by Mr. Kotroco.

Because your case has been handled in Court, I suggest you become compliant immediately with respect to the garage, if you have not already done so. Once you have accomplished that, then reapply for the variance. However, there aren't any guarantees.

Respectfully yours,

A handwritten signature in cursive script, appearing to read "Harold G. Reid".
Harold G. Reid
Special Assistant

HGR

~~CASE 94506A~~
on April 18/2001.

Inspection of Code Inspections
And Enforcement

CAME DOWN TO CHECK

ON GAUGE IF IT WAS COMPLIANT
WITH CASE NO 94506A, IT WAS OKED

WITHIN 45 DAY OF April

12, 2001 THE DATE THAT CASE

NO. 10-313-A WAS REVIEWED

IT WAS COMPLIANT HEAVY IS THAN
CALD

Came Down April 18/2001
Division of Code Inspections and Enforcement

Shirley L. Smith 3 to 4

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

(410) 887-3351, Ext. 7307 (VOICE MAIL)
Fax: (410) 887-2824



Set all ok. Complaint removed. *Lebruni*
Grass

01-313-A

this time in accordance with the site plan submitted into evidence. In order to proceed with the construction of a house on this lot, the variance requests are necessary.

Testimony further indicated that the garage that exists to the rear of the property has been converted into a dwelling unit. Mr. Dupont, as well as a friend of his, occasionally lives within the garage. The garage itself is higher than that which is permitted by the zoning regulations. It was learned at the hearing that Mr. Dupont obtained a variance pursuant to Case No. 94-506-A, to allow the garage to have a height of 24 ft. in lieu of the maximum permitted 15 ft. The relief was granted pursuant to my order issued the 13th day of July, 1994. However, as a condition of approval of the construction of this very large garage, the Petitioner was specifically prohibited from allowing the garage to be converted into a dwelling unit and/or apartment. Restriction No. 3 of my previously issued order also provided that the garage would contain no living or sleeping quarters and no kitchen or bathroom facilities. Apparently, Mr. Dupont, the owner of the property, ignored the restriction imposed upon him. The garage was in fact converted to a second dwelling containing both living quarters and kitchen and bathroom facilities, in defiance of my previously issued order. The Petitioner now comes before me asking for approval to construct a house on that very same lot. Given Mr. Dupont's failure to comply with my previous decision, I find that the variances being requested at this time should be denied.

THEREFORE, IT IS ORDERED this 12th day of April, 2001, by this Deputy Zoning Commissioner, that the Petitioner's request for variances from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a setback of 48 ft. to the centerline of the street in lieu of the required 75 ft., to permit a side property line setback of 7 ft. and 14 ft. in lieu of the 35 ft. required, and to approve an undersized lot, be and they are hereby DENIED.

03-342 SP47

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

MDP
Maryland Department of Planning

Audrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

February 4, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
111 W. Chesapeake Avenue
Room 111, Mail Stop # 1105
Towson MD 21204

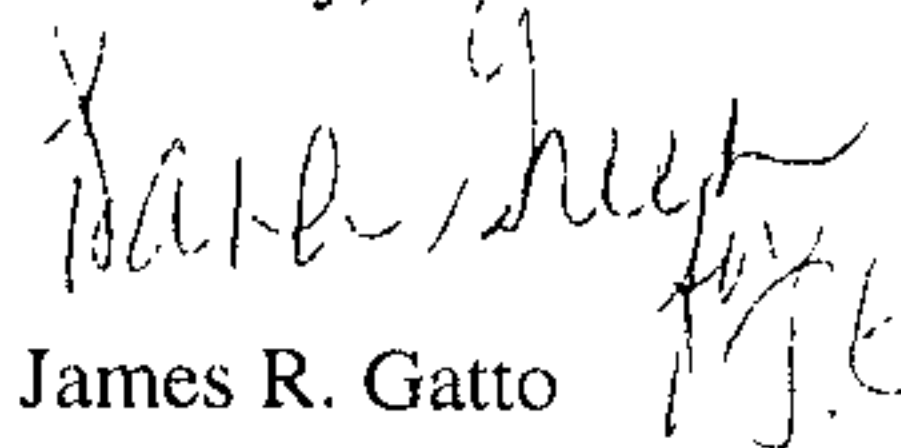
Re: Zoning Advisory Committee Agenda 02/10/03 re: case numbers 03-339-A, 03-340-A, 03-341-A, 03-342-SPHA, 03-343-A, 03-344-SPH, 03-345-A, 03-346-SPH, 03-347-A, 03-348-SPH, 03-349-A, 03-350-XA

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 02/04/03. The information has been submitted to Mr. Mike Nortrup.

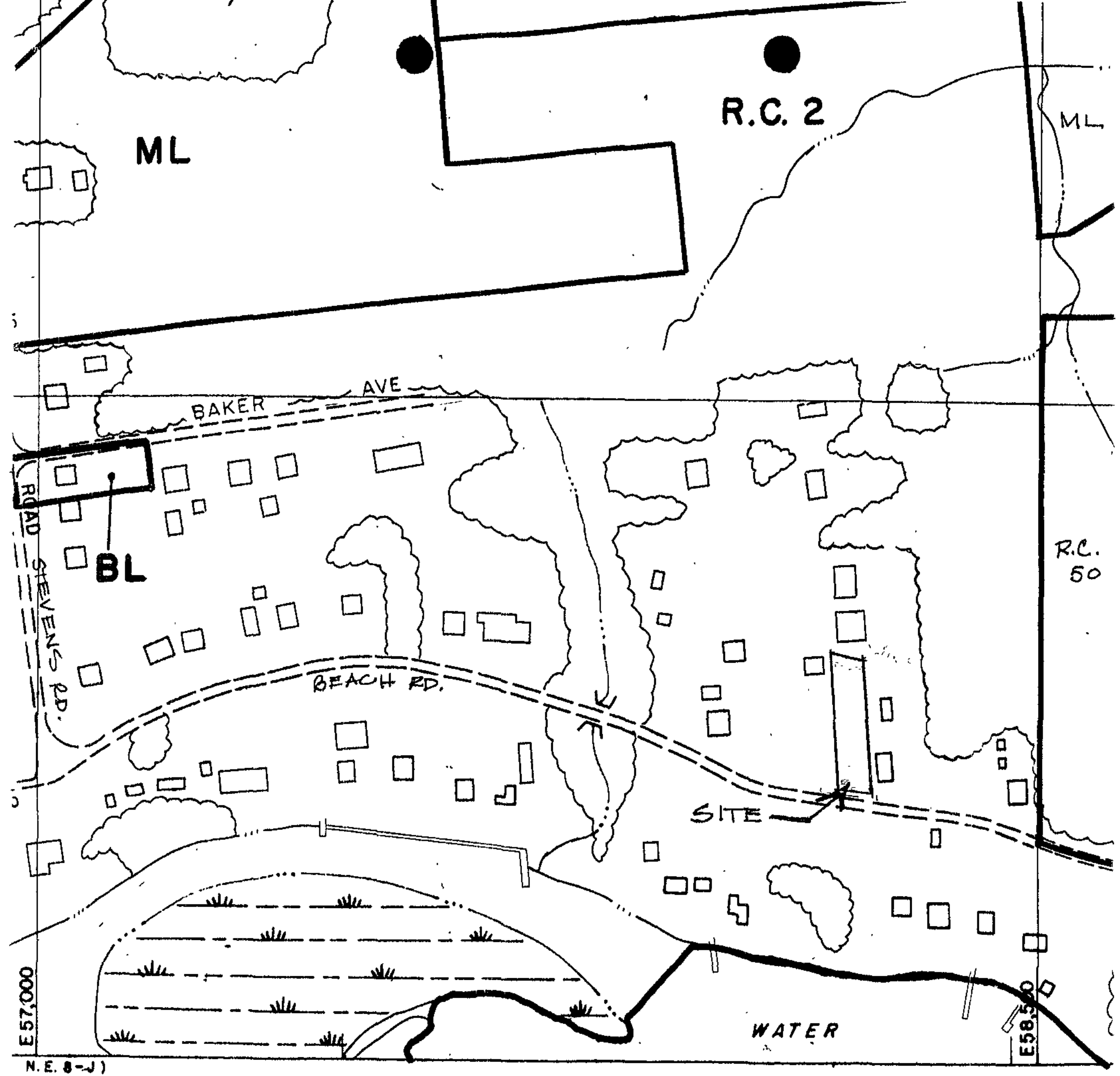
Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,



James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

cc: Mike Nortrup



RE COUNTY NING AND ZONING ZONING MAP

1"=200'
MAP NO. NE. 9-J

03-342-SPA-A

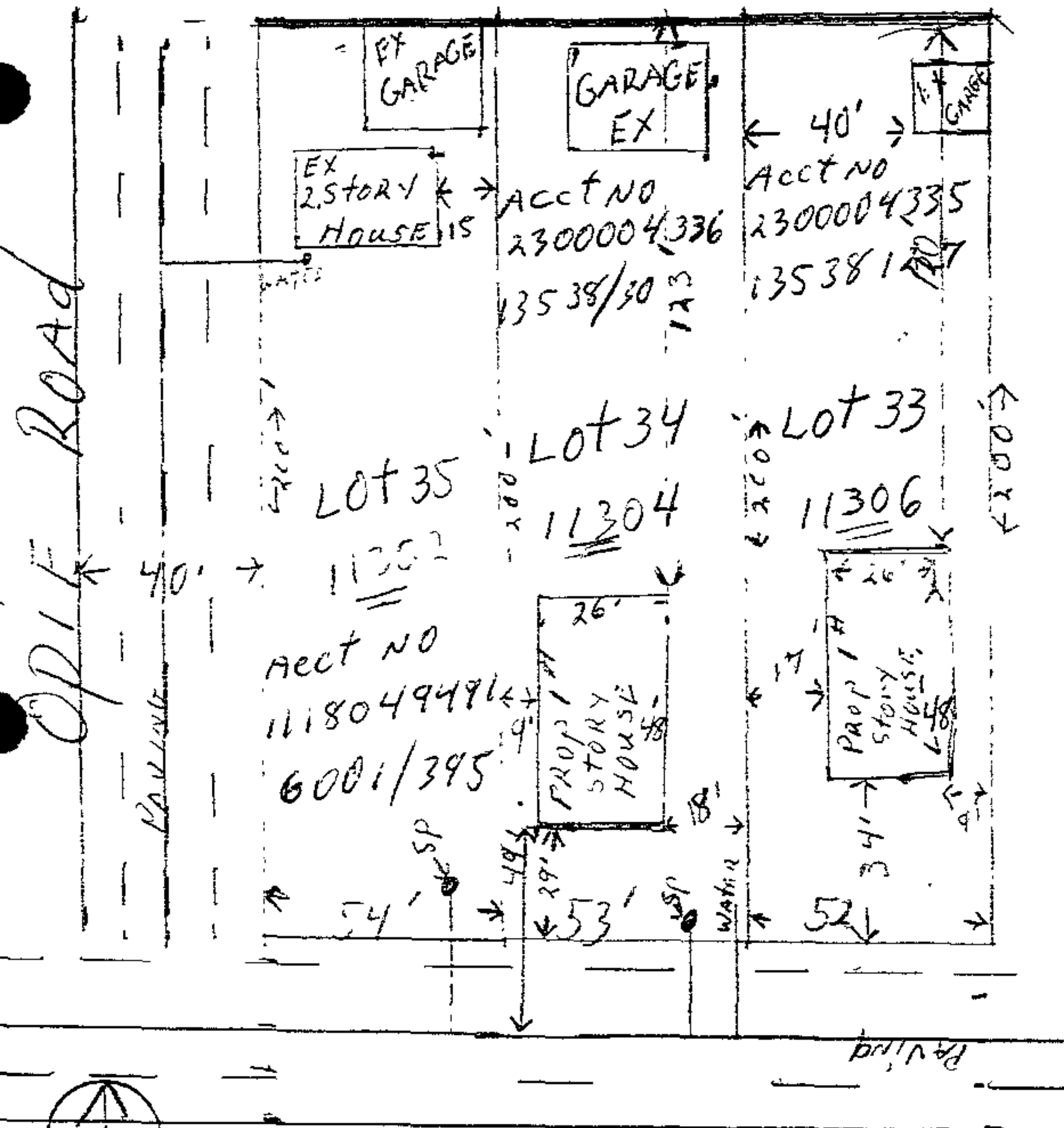
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 11304 BEACH AVE SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME BIRD RIVER BEACH

PLAT BOOK # 7 FOLIO # 187 LOT # 34 SECTION #

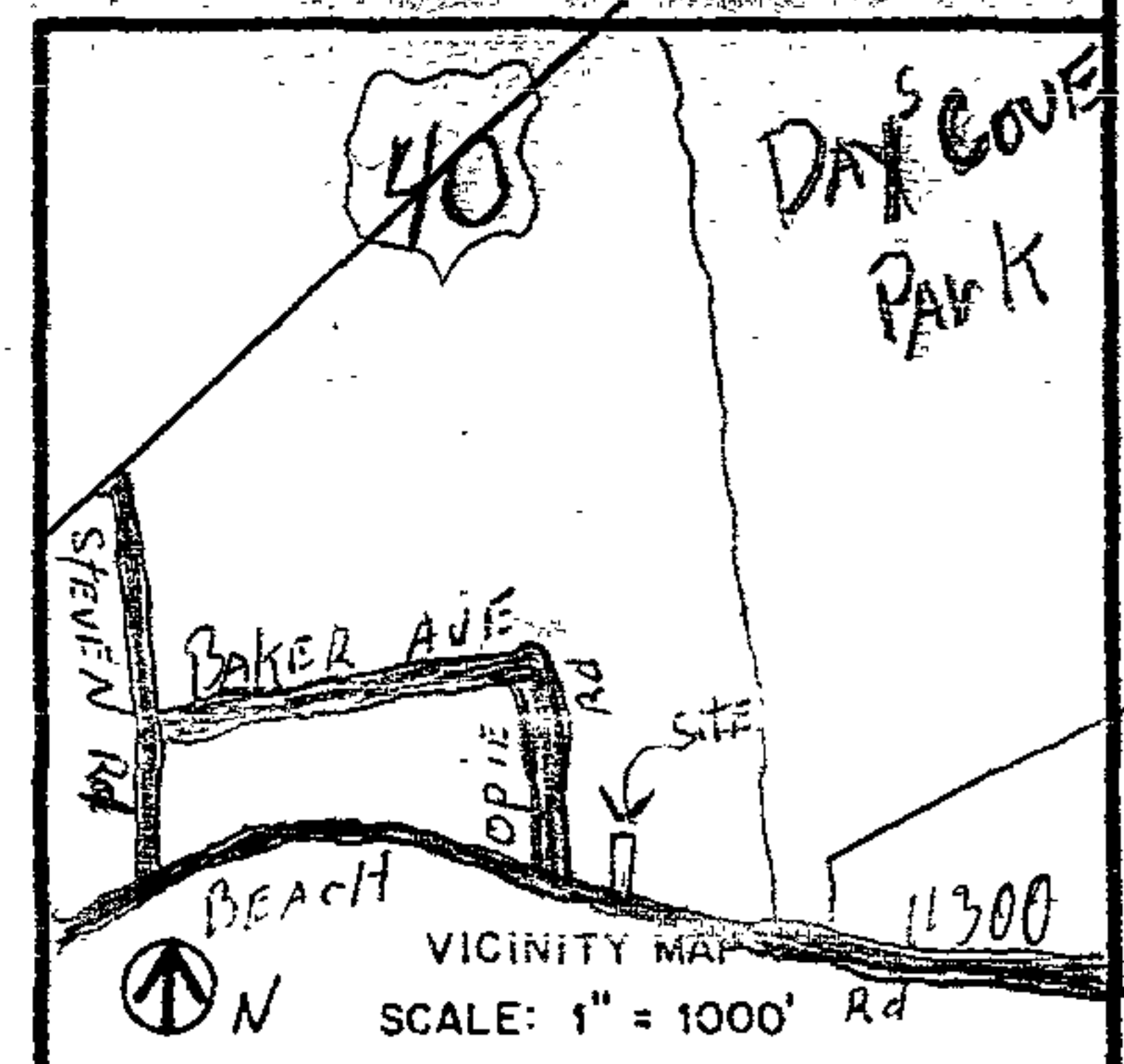
OWNER DANIEL DUPONT



BEACH Rd

PREPARED BY PG

SCALE OF DRAWING: 1" = 50

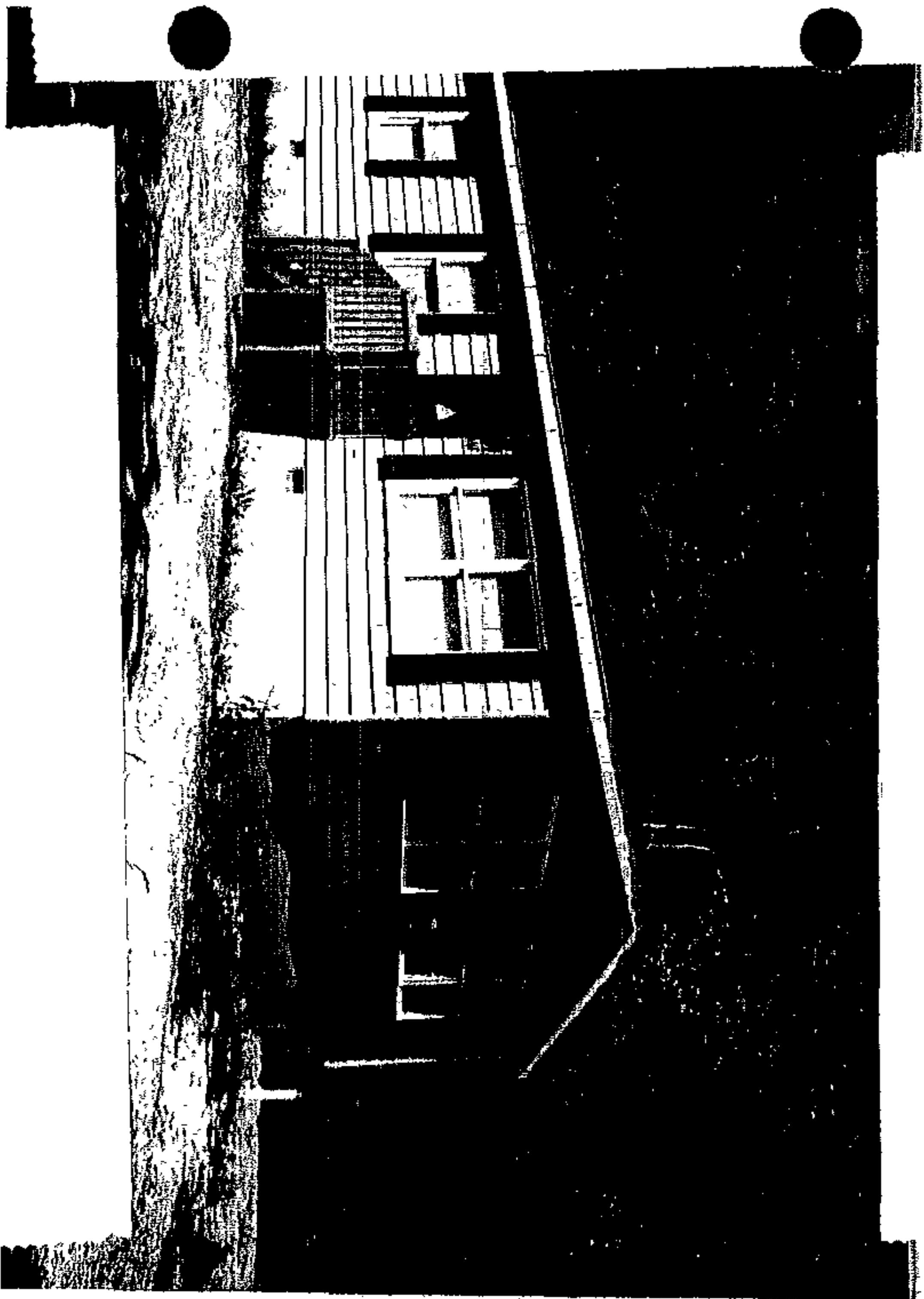


LOCATION INFORMATION

ELECTION DISTRICT 5
COUNCILMANIC DISTRICT 11
1" = 200' SCALE MAP # NE
ZONING RC2
LOT SIZE 0.243 10,600
ACREAGE SQUARE FEET
SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ ☐
CHESAPEAKE BAY CRITICAL AREA ☒ YES ☐ NO
100 YEAR FLOOD PLAIN ☐ ☒
HISTORIC PROPERTY/BUILDING ☐ ☒
PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

12
-15-
03-547-SP-07



To Bald

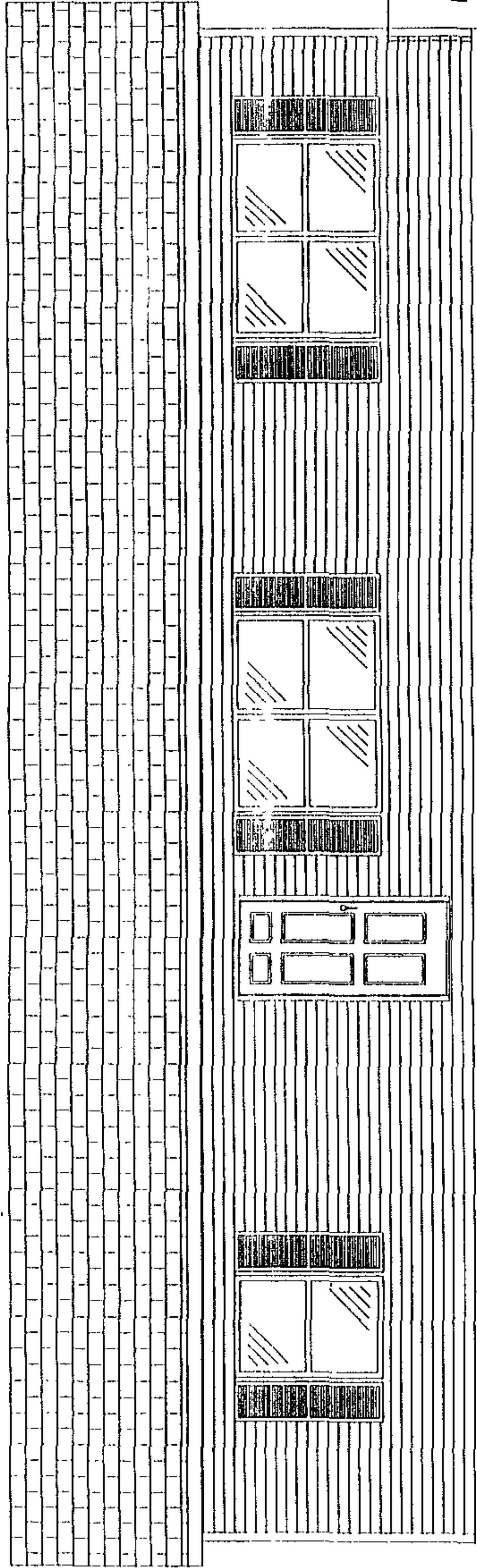
Horse E

Like E

His

03-342-SPHA.

ELEVATION FOR ILLUSTRATION ONLY NOT TO BE SCALED



APPROVED
PES CO

NOV - 2 2000

APPROVAL LIMITED TO
FACTORY BUILT PORTION

BAYSIDE	BUILDER	QUOTE# Q-8918
26'X48'	SIZE	FRONT ELEVATION
RANCH	TYPE	
NC003	MODEL	
MD	STATE	
	WORK DONE	
	MARK	
	REP	
	SCALE: 1/4"=1'	DATE: 10-3
	DR. BY: T.F.	NO.

NEW ERA BUILDING SYSTEMS
P.O. BOX 289
451 SOUTHERN AVE
STRATTANVILLE, PA 16258

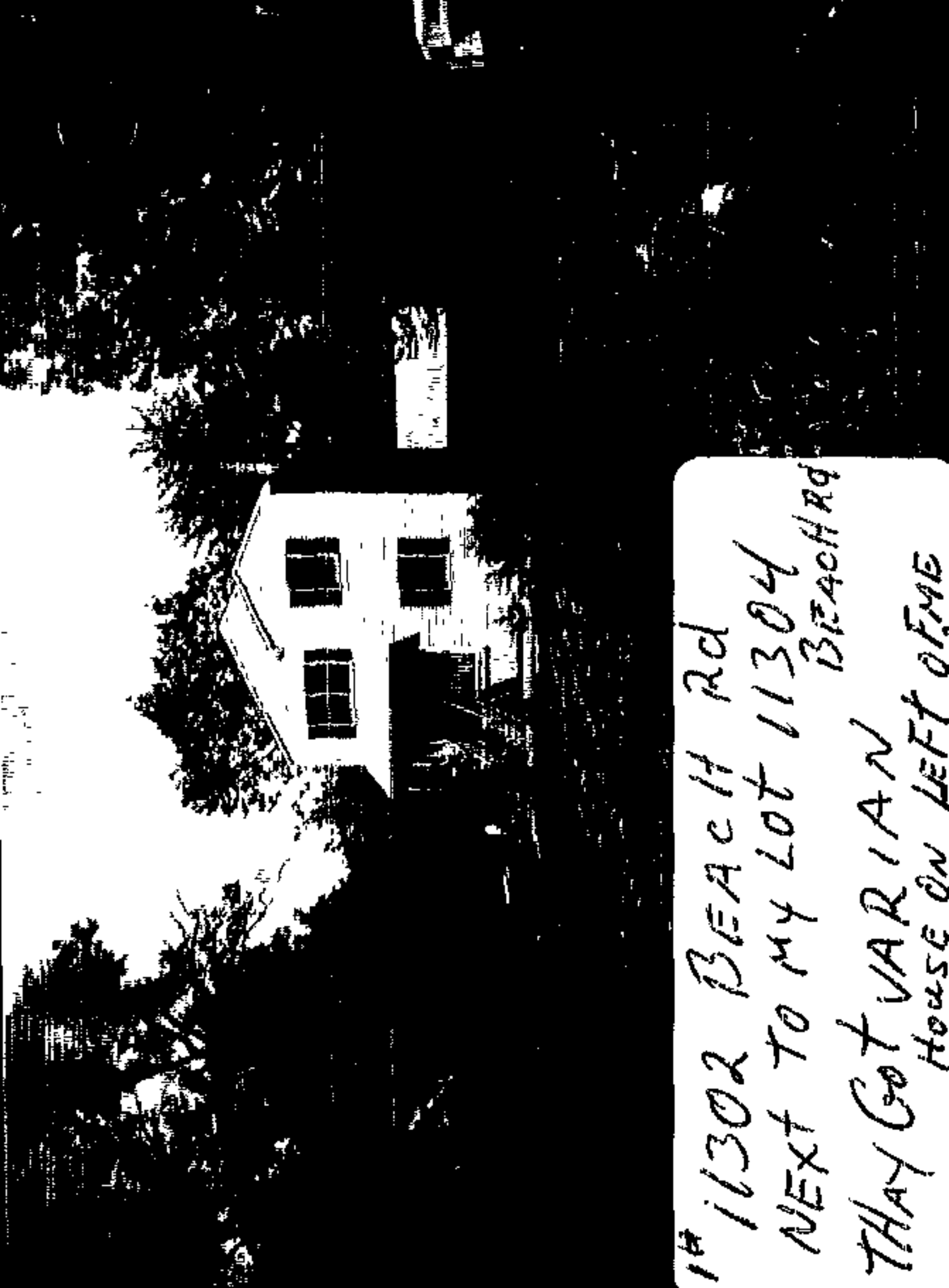


NEW HOME AT 11216⁵
BEECH RD OCT 2002.
SIX HOMES FROM NY
LOT THEY GOT VARIANCE

08/08/00 12:36:40

20/00

33-300-SP4-11



1st 11302 BEACH RD
NEXT TO MY LOT 11304
BEACH RD
THAY GOT VARIAN
HOUSE ON LEFT OF ME



2nd 11306 BEACH RD
NEXT DOOR - NEW
HOME ON RIGHT ↑
BEACH RD



Homes on BEACH Rd 7
5 House A way from
my Lot. Single Family

Ch

3. 547 SPAN



BEACH Rd. 6th
Single Family HOMES
This is what DOWN HEAVEN

Home is on Beach Rd

JAN/7/2002

13.342 SHAN



LOT AT 11304 BEACH Rd
NEED VARIANCE
FOR SINGLE FAMILY HOME 3H

Lot. A.F. 34 ^{53-312 SPAN}

11304 BEACH AVE

Front of Lot = ~~ON~~ ^{ON} Road
looking up. not standing



Lot At 11304 BEACH
NEED VARIANCE
for Single Family Home
Ad
3rd



THIS IS-20

Lot. A F 34

11304 BEACH AVE

Front of Lot = ~~BEACH~~ Road OR
looking up. not standing



60/992

5 and

1998

REAC/H/12d

11304

Rel 2A.



Lot

Lot

11304

led
23

BEACH Rd

3
Look^{ing} at Lot 11304
BEACH
rd

100

HCAH

1105

23-3025-2



Proprietor's Horse

5476 7/2002

My Horse

Dr. BEACH Rd

Ed 2c

414
11308 Beach Rd
Going to Bald Hawk
Heav HAY, Got WAR WAVE
June 26/2002

ZONING NOTICE

Case # : 02-25742

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

PLACE

TIME & DATE

10:00 AM
JUNE 26, 2002
TOWSON, MD