

IN RE: PETITION FOR VARIANCE
E/S of Kingston Park Lane, 38' S
centerline of North Lane
15th Election District
6th Councilmanic District
(164 E. Kingston Park Lane)

Rhonda W. Phillips
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-487-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Variance for the property located at 164 E. Kingston Park Lane in the Middle River area of eastern Baltimore County. The petition was filed by Rhonda W. Phillips, property owner. As filed, variance relief is requested from Sections 1B02.3.C.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a dwelling with an 8 ft. side yard setback in lieu of the required 10 ft. and to approve a dwelling on a lot with a width of 42 ft. in lieu of the required 55 ft. and to approve an undersized lot per Section 304 of the B.C.Z.R., and to approve any other variances deemed necessary by the Zoning Commissioner. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the petition for variance.

Appearing at the requisite public hearing held for this case was Rhonda Phillips, Property Owner/Petitioner. Also present was Ronald Kearney, the surveyor who prepared the site plan, and Lloyd Harris. Appearing as interested persons were neighboring property owners, specifically Pat Belcastro, Betty J. Cassani and Robert S. Frederick.

The subject property under consideration is a pie shaped lot with frontage on Dark Head Creek in the Kingston Park subdivision of eastern Baltimore County. The property is approximately 7,882 sq. ft. in area, zoned D.R.5.5. The property is served by public water and sewer. The property has frontage on Dark Head Creek and vehicular access to the site is by way

6/25/03
R. Jameson

of Kingston Park Road. At one time the property was improved with a single-family dwelling. However, that building fell into a state of disrepair and was removed in approximately 1986. The property is now vacant and is presently owned by Rhonda W. Phillips. She proposes the construction of a single-family dwelling on the lot. The dwelling, as proposed, is 58 ft. x 26 ft. wide. As more particularly shown on the site plan, the house is proposed to be set back a distance of 77 ft. from the water. There are 8 ft. side yard setbacks on each side of the dwelling. Additionally, the site plan shows that the dwelling will be set back 30 ft. from the right-of-way of Kingston Park Road.

As noted above, the property is unusually shaped. It is widest at the street line (approximately 64 ft.), however, narrows to a width of 25 ft. at the water. Ms. Belcastro and Ms. Cassani reside immediately adjacent to the property at 163 E. Kingston Park Road. Mr. Frederick owns property next to the Belcastro/Cassani lot at 160 Kingston Park Road. Neither of these neighbors object to the construction of a single-family dwelling on the lot. However, they are concerned about the location of the dwelling on the lot. They believe that the proposed dwelling should be set back as far as possible from the water so as not to interfere with the sight lines from adjacent properties. This comment was similar to a Zoning Advisory Committee (ZAC) comment from the Office of Planning. That office likewise is concerned about the negative impacts on the water view of adjacent properties.

This issue was discussed in open hearing. Ultimately, it was determined that the Petitioner could relocate the house a distance of approximately 12 ft. closer to the road than as proposed. Due to this relocation, variance relief will be necessary from the rear (street side) property line, in that the rear building wall will be 18 ft. from the right-of-way line in lieu of the 30 ft. required. Moreover, by locating the proposed home closer to the road, it will be aligned with houses on

either side and will not block the water view. Additionally, owing to the pie-shape configuration of the lot, the relocation of the house will increase the side yard setbacks by approximately 1 ft. on both sides. Moreover, the relocation of the house will be consistent with the Chesapeake Bay Critical Area requirements, which require as great a setback as possible from the water.

Therefore, amended variance relief will be granted to permit side yard setbacks of 9 +/- ft. on each side, a lot width of 45 +/- ft. at the building line and a rear yard (street side) setback of 18 ft. in lieu of the 30 ft. required.

As a waterfront property, the proposed building is subject to the Chesapeake Bay Critical Area regulations and other environmental standards. Compliance with those requirements as applicable shall be required.

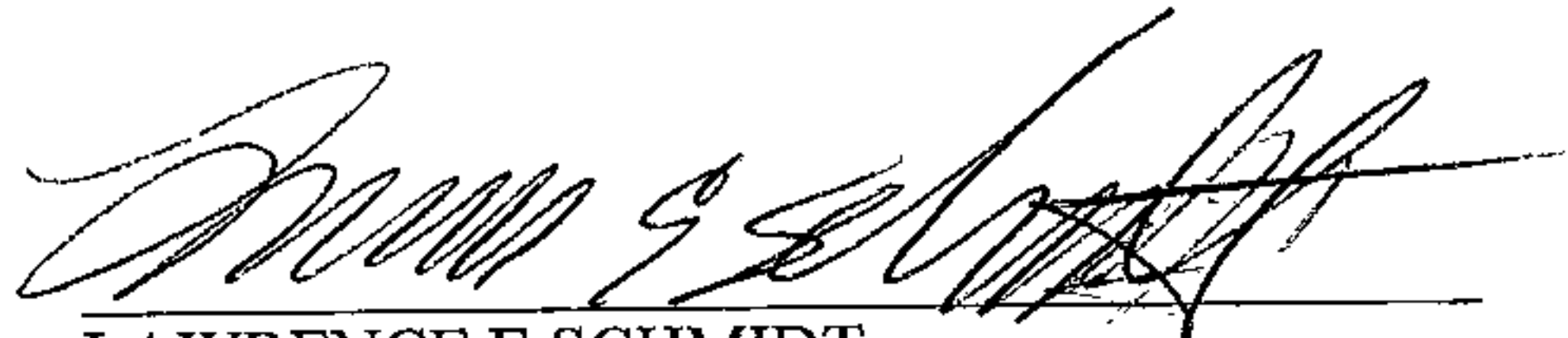
As of the date of this Order, the Department of Environmental Protection & Resource Management (DEPRM) has not completed its review of this project. Therefore, the relief granted herein is subject to the Petitioner's compliance with any recommendations made by DEPRM upon completion of their review.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED, this 25th day of June, 2003, by this Zoning Commissioner, that the Petitioner's request for variances from Sections 1B02.3.C.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a dwelling as described herein above. That is, (1) to permit side yard setbacks of approximately 9 +/- ft. rather than the 10 ft. required, (2) a lot width at the front building line of 45 +/- ft., rather than 55 ft. required, and (3) a rear yard setback requirement of 18 +/- ft. rather than 30 ft. required, be and is hereby

GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioner may apply for her permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Compliance with any Zoning Advisory Committee (ZAC) recommendations made by DEPRM.
- 3) Petitioner shall submit an Amended Site Plan showing the new location of the house for inclusion in the case file.
- 4) Petitioner shall also submit building elevation drawings to the Office of Planning for their review and approval.
- 5) When applying for a building permit, 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:raj

6/25/03
H. G. Gresson



**Baltimore County
Zoning Commissioner**

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

June 25, 2003

Ms. Rhonda W. Phillips
619 Kingston Road
Middle River, Maryland 21220

Re: Petition for Administrative Variance
Case No. 03-487-A
Property: 164 E. Kingston Park Lane

Dear Ms. Phillips:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:raj
Enclosure



Copies to:

Ron Kearney
4401 Philadelphia Road
Bel Air, MD 21015

Lloyd Harris
1204 Pulaski Highway
Joppa, MD 21085

Pat Belcastro
Betty J. Cassani
162 E. Kingston Park Lane
Baltimore, MD 21220

Robert S. Frederick
160 E. Kingston Parkway
Baltimore, MD 21220



C BCA

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 164 E. Kingston Park Lane
which is presently zoned D.R. 55

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3C.1, 304 (BCZR)

To permit a dwelling with an 8-foot side setback in lieu of the required 10-feet and to approve a lot width of 42-feet in lieu of the required 55-feet and to approve an undersized lot per Section 304 (BCZR) and to approve any other variances deemed necessary by the Zoning Commissioner.

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

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 _____

Case No. 03-487-A

Legal Owner(s):

Rhonda W. Phillips
Name - Type or Print _____
Signature Rhonda W. Phillips _____
Name - Type or Print _____

Signature _____
619 Kingston Road 410-391-8340
Address _____ Telephone No. _____
Middle River, Maryland 21220
City _____ State _____ Zip Code _____

Representative to be Contacted:

Ronald M. Kearney
Name _____
4401 Philadelphia Road 410-989-0445
Address _____ Telephone No. _____
Bel Air, Maryland 21015
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By D. THOMPSON Date 4/17/03

Zoning Description
164 E. Kingston Park Lane

Beginning at a point on the east side of E. Kingston Park Lane, which is 15 feet wide at the distance of 38 feet South of the centerline of North Lane, running thence, North 53 degrees 29 minutes 00 seconds East 175.00 feet, Westerly 25 feet +/-, and South 66 degrees 31 minutes 00 seconds West 174.00 feet, South 17 degrees 45 minutes 00 seconds East 28.27 feet, South 47 degrees 01 minutes 00 seconds East 37.79 feet to the place of beginning.

03-487-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **23625**

DATE 4/17/03 ACCOUNT 0010066150
AMOUNT \$ 115.00

RECEIVED FROM: RONALD M. KEARNEY

FOR: ITEM # 487 03-487-A - UNDER SIZE.

1104 E. RINGSTON PARK LN.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
4/16/2003	4/17/2003	10:40:30	2
REG M302	MAIL	JENA JEE	
RECEIPT # 268016	4/17/2003	OFLN	
Dep	5	528 ZONING VERIFICATION	
CR NO.	023625		
Receipt Tot		\$115.00	
115.00	OK	.00	Ch
Baltimore County, Maryland			

CASHIER'S VALIDATION

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: #03-487-A

164 E. Kingston Park Lane

E/side of Kingston Park Lane 38 feet south of centerline North Lane

15th Election District - 6th Councilmanic District

Legal Owner(s): Rhonda W. Phillips

Variance: to permit a dwelling with an 8-foot side setback in lieu of the required 10 feet. To approve a lot width of 42 feet in lieu of the required 55 feet To permit an undersize lot and to approve any other variances deemed necessary by the Zoning Commissioner.

Hearing: Friday, June 13, 2003 at 9:00 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.

5/4/19 May 29

C606530

CERTIFICATE OF PUBLICATION

5/29/, 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 5/29/, 2003.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: BECKY HART

Date: May 26, 2003

RE: Case Number 03-487-A

Petitioner/Developer: RHONDA W. PHILLIPS/ RONALD M. KEARNEY

Date of Hearing Closing: JUNE 13, 2003

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 164 E. KINGSTON PARK LANE

The sign(s) were posted on May 24, 2003
(Month, Day, Year)

ZONING NOTICE
CASE # 03-487-A

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

PLACE: ROOM 407 COUNTY COURTS BUILDING
401 BOSLEY AVENUE

DATE AND TIME: FRIDAY JUNE 13, 2003 AT 9:00 A.M.

REQUEST: VARIANCE TO PERMIT A
DWELLING WITH AN 8 FOOT SIDE SETBACK
IN LIEU OF THE REQUIRED 10 FEET. TO APPROVE
A LOT WIDTH OF 42 FEET IN LIEU OF THE
REQUIRED 55 FEET. TO PERMIT AN UNDERSIZE
LOT AND TO APPROVE ANY OTHER VARIANCES
DEEMED NECESSARY BY THE ZONING
COMMISSIONER. 164 E KINGSTON PARK LN.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONTINUE HEARING CALL 877-1191

PLEASE READ AND POST WITHIN DAY OF HEARING, UNDER PENALTY OF LAW

Linda O'Keefe
(Signature of Sign Poster)

LINDA O'KEEFE
(Printed Name of Sign Poster)

523 PENNY LANE
(Street Address of Sign Poster)

HUNT VALLEY MD 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

03-487-A
164-E.K.

6/13



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

April 29, 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: 03-487-A

164 E. Kingston Park Lane
E/side of Kingston Park Lane 38 feet south of centerline North Lane
15th Election District – 6th Councilmanic District
Legal Owner: Rhonda W. Phillips

Variance to permit a dwelling with an 8-foot side setback in lieu of the required 10 feet. To approve a lot width of 42 feet in lieu of the required 55 feet. To permit an undersize lot and to approve any other variances deemed necessary by the Zoning Commissioner.

Hearings: Friday, June 13, 2003 at 9:00 a.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: Rhonda W. Phillips, 619 Kingston Road, Middle River 21220
Ronald M. Kearney, 4401 Philadelphia Road, Bel Air 21015

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 29, 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, May 29, 2003 Issue - Jeffersonian

Please forward billing to:
Rhonda W. Phillips
619 Kingston Road
Middle River, MD 21220

410-391-8340

NOTICE OF ZONING HEARING

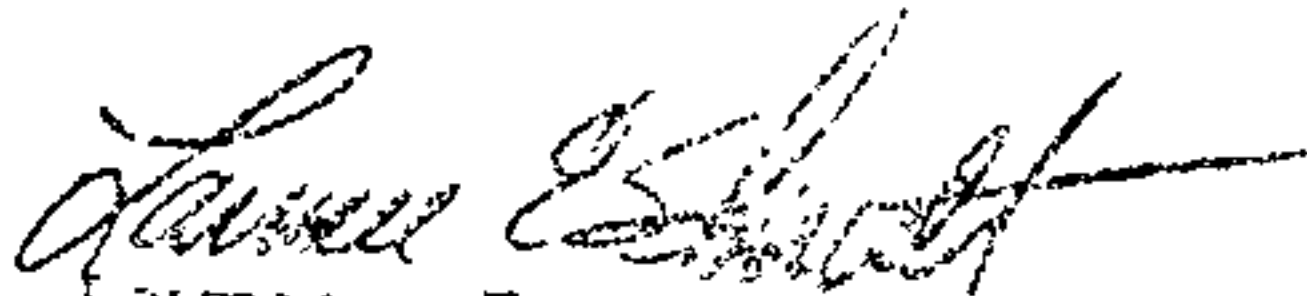
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 03-487-A

164 E. Kingston Park Lane
E/side of Kingston Park Lane 38 feet south of centerline North Lane
15th Election District – 6th Councilmanic District
Legal Owner: Rhonda W. Phillips

Variance to permit a dwelling with an 8-foot side setback in lieu of the required 10 feet. To approve a lot width of 42 feet in lieu of the required 55 feet. To permit an undersize lot and to approve any other variances deemed necessary by the Zoning Commissioner.

Hearings: Friday, June 13, 2003 at 9:00 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.

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: 03-487-A

Petitioner: PHILLIPS

Address or Location: 164 E. KINGSTON PARK LANE

PLEASE FORWARD ADVERTISING BILL TO:

Name: MS. RHONDA W. PHILLIPS

Address: 619 KINGSTON RD.

MIDDLE RIVER, MD 21220

Telephone Number: 410-391-8340

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

June 6, 2003

Rhonda W. Phillips
619 Kingston Road
Middle River, MD 21220

Dear Ms. Phillips:

RE: Case Number: 03-487-A, 164 E. Kingston Park Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 17, 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
Ronald M. Kearney, 4401 Philadelphia Road, Bel Air 21015

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



Printed with Soybean Ink
on Recycled Paper

Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor



Robert L. Flanagan, Secretary
Neil J. Pedersen, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5.1.03

Ms. Rebecca Hart
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

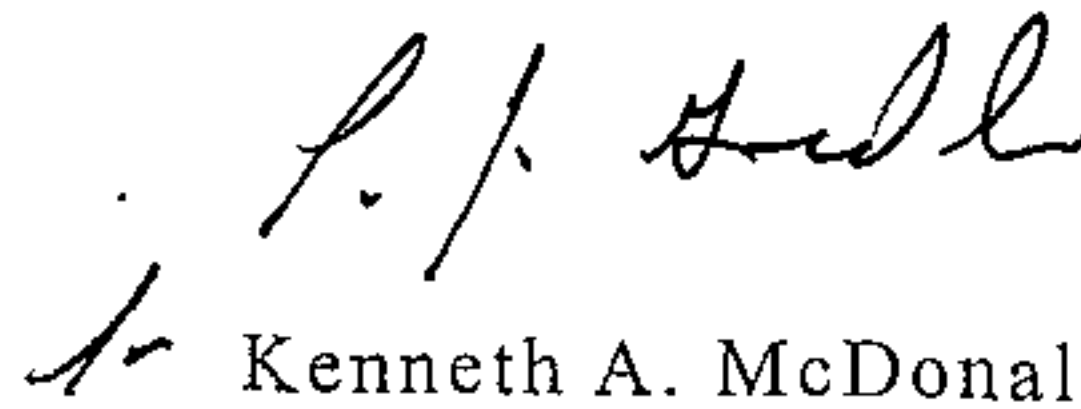
RE: Baltimore County
Item No. 487 DT

Dear Ms. Hart:

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,


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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com



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

April 29, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: April 28, 2003

Item No.: 478-480, 483-487, 489-490, 492-495

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.*

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

cc: File



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May19, 2003

Mr. Ronald M. Kearney
K.L.S. Consultants, Inc.
4401 Philadelphia Road
Bel Air, Maryland 21015

RE: Undersize lot approval for 164 E. Kingston Park Rd.,
15th Election District

Dear Mr. Kearney:

Enclosed please find a copy of the approval from the Office of Planning for an undersized lot at the above referenced address. Please note their comments listed on this form. Until the Zoning Commissioner approves your zoning variance a building permit cannot be applied for or approved by this office.

If you have any questions, please do not hesitate calling me at 410-887-3391.

Sincerely,

A handwritten signature in cursive script that reads "Donna Thompson".

Donna Thompson
Planner II
Zoning Review

DT

Enclosure

Cc: Ms. Rhonda W. Phillips
619 Kingston Rd., 21220



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS/TGT*

DATE: June 18, 2003

SUBJECT: Zoning Item 487
Address 164 E. Kingston Park Lane (Phillips Property)

Zoning Advisory Committee Meeting of April 28, 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 Attachment**

The recorded Forest Buffer and Forest Conservation Easements may not be impacted.

Reviewer: Keith Kelley

Date: June 17, 2003

CBCA Zoning Comments (zoning item # 487)

☒ 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 2 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.

6/13

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 9, 2003

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

SUBJECT: 164 Kingston Park lane

INFORMATION:

Item Number: 03-487

Petitioner: Rhonda W. Phillips

Zoning: DR 5.5

Requested Action: Variance

RECEIVED
MAY - 9 2003
ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the petitioner's request to permit a dwelling with an 8-foot side yard setback in lieu of the minimum required 10 feet. This office also opposes the proposed location of the dwelling, as it would not be on line with the existing adjacent dwellings. This office is concerned that the location of the dwelling would potentially obscure the waterfront view of the neighboring property owners. In addition, current DEPRM regulations require structures to be set back from the shoreline as far as the furthest adjacent structure.

Prepared by:

Maeta A. Cunniff

Section Chief:
AFK/LL:MAC:

Lynn Sanbar



Baltimore County
Office of Planning

BALTIMORE COUNTY, MARYLAND

401 Bosley Avenue - Ste 406

Towson, Maryland 21204

410-887-3211

Fax: 410-887-5862

E-mail: planning@co.ba.md.us

INTER-OFFICE CORRESPONDENCE

To: Donna Thompson
Department of Permits and
Development Management
Zoning

DATE September 10, 2003

FROM: Lynn Lanham
Development Review Section
Office of Planning

SUBJECT: Undersized Lot
164 E Kingston Park Rd.

The Office of Planning approves the plan subject to the revised street-side attached elevation.

A handwritten signature of Lynn Lanham in black ink.
Lynn Lanham

LL:

Post-it® Fax Note 7671		Date 9/10/03	# of pages 2
To Donna Thompson	From Lynn Lanham	Co.	
Co./Dept.	Phone # X 3430	Fax #	
Phone #	2824		

\\NCH_NW\VOL3\WORKGRPS\DEVREV\undersized lot\164 Kingston Park.doc

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 6, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For May 5, 2003
Item Nos. 479, 480, 485, 486, 487, 488,
490, 492, 493, 494, and 495

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

RWB:CEN:jrb

cc: File

RECOMMENDATION FORM

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

Permit or Case No. 03-487-A

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

Residential Processing Fee Paid (\$50.00)

Accepted by D. THOMPSON
 Date 4/17/03RE: 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:

RONALD M. KEARNEY

K.L.S. CONSULTANTS, INC.

Print Name of Applicant

4401 PHILADELPHIA RD., BEL AIR, MD 21015 410-989-0445

Address

Telephone Number

Lot Address 114^E KINGSTON PARK RD.Election District 15Councilmanic District 5Square Feet 7882

Lot Location. NES W/side/corner of E. KINGSTON PARK RD. 38 feet from NES W/corner of NORTH LANE
 (street) (street)

Land Owner RHONDA W. PHILLIPSTax Account Number 1511570130

Address 619 KINGSTON RD., MIDDLE RIVER, MD 21220 Telephone Number (410) 391-8340

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!

	YES	NO
1. This Recommendation Form (3 copies)	☒	☐
2. Permit Application	☐	☒
3. Site Plan	☒	☐
Property (3 copies)	☒	☐
Topo Map (2 copies), available in Room 205, County Office Building - (please label site clearly)	☐	☒
4. Building Elevation Drawings	☒	☐
5. Photographs (please label all photos clearly)	☒	☐
Adjoining Buildings	☒	☐
Surrounding Neighborhood	☐	☐
6. Current Zoning Classification. <u>D.R. 5.5</u>		

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS

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

PLEASE SET THE WATERSIDE FRONT OF THE PROPOSED HOME BACK FROM THE SHORELINE AS FAR AS THE FURTHEST ADJACENT NEIGHBOR PER DEPRM REGULATIONS

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

Date 5/9/03

- Revise the streetside elevation so that it resembles a front.
- Subject to comments of case number 03-487.

Revised 2/25/99

Date <u>5/9/03</u>	From <u>Dana Thompson</u>	Co. <u>7671</u>	Phone # <u>3480</u>	Fax # <u>5863</u>
To <u>Dana Thompson</u>	Co/Dept. <u>7671</u>	Phone # <u>3480</u>	Fax # <u>5863</u>	

RE: PETITION FOR VARIANCE * BEFORE THE
164 E Kingston Park Lane; E/side Kingston *
Park Ln, 38' S c/line North Lane * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Rhonda W Phillips * FOR
Petitioner(s) * BALTIMORE COUNTY
* 03-487-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
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 6th day of May, 2003, a copy of the foregoing Entry of Appearance was mailed to, Ronald M Kearney, 4401 Philadelphia Road, Bel Air, MD 21015, Representative for Petitioner(s).

RECEIVED

MAY 06 2003

Per.....

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

TIME: 08:56:35 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 09/09/2003
DATE: 09/11/2003 APPROVALS DETAIL SCREEN ENV 13:22:24

PERMIT #: B524314 CONTROL #: NR

AGENCY	DATE	CODE	COMMENTS
-----	-----	----	-----
BLD PLAN	09/05/2003	01	MS TO FILE-J.A.V. 7/3 03
SEDI CTL	09/05/2003	01	SC-9/5/03 JB/MB
ZONING	07/17/2003	10	REVIEW CASE 03-487-A
PUB SERV	08/01/2003	01	BR INFILL REVIEW OK/RH
ENVRMNT	09/09/2003	01	EIR-9-9-03 KDK
PERMITS			

01 THRU 09 INDICATES AN "APPROVAL" ** 10 THRU 99 INDICATES A "DISAPPROVAL"

ENTER - GENERAL PERMIT PF4 - ISSUE PERMIT
PF3 - INSPECTIONS PF8 - GENERAL SCREEN W/NEXT PERMIT CLEAR - MENU

9' Setback

18' Rear

permit says 26'

File



**Baltimore County
Zoning Commissioner**

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

July 22, 2003

Mr. Joseph H. Walker
59 Cub Run Lane
Harpers Ferry, West Virginia 25425

RE: PETITION FOR VARIANCE
(164 E. Kingston Park Lane)
15th Election District – 6th Council District
Rhonda Phillips – Petitioner
Case No. 03-487-A

Dear Mr. Walker:

In response to your recent letter regarding the above-captioned matter, received July 17, 2003, enclosed for your reference is a copy of the written decision that was issued on June 25, 2003.

Your letter indicates that you were not properly notified of the public hearing that took place on June 13, 2003 to consider the relief requested. Notice of this hearing was provided, as required by law, by the posting of a sign on the property for no less than 15 days prior to the hearing date. Additionally, an advertisement was placed in The Jeffersonian newspaper giving public notice of the hearing. These notifications comply with the requirements of the Baltimore County Code for notice of public hearings. Moreover, these notices are also publicized on the County's website. It is unfortunate that you were unable to attend the hearing. Additionally, neither of your spokespersons (Wendell Barret and Robin Stetzer) appeared. This hearing provides all interested parties an opportunity to present information and/or testimony to support their position on a proposal. In any event, I am obligated to consider each case in accordance with the testimony and evidence presented at the hearing.

As noted within the enclosed Opinion and Order, the property owner appeared at the hearing, along with Ronald Kearney, the Surveyor who prepared the site plan, and Lloyd Harris. In addition, several of the neighboring property owners, including Pat Belcastro and Betty J. Cassani, who reside immediately adjacent to the subject property on the other side, and their neighbor, Robert S. Frederick, appeared at the hearing. These neighbors did not object to the construction of a house on the lot, but believed that the proposed dwelling should be set back as far as possible from the water so as not to interfere with their views of the water. The Office of Planning made a similar suggestion. Thus, by my Order of June 25, 2003, I granted a modification of the relief requested, taking into consideration the neighbors' concerns. Specifically, I required that the house be slightly relocated approximately 12 feet closer to the road than as proposed. Due to the widening of the lot at roadside, this reduced the extent of variance relief.

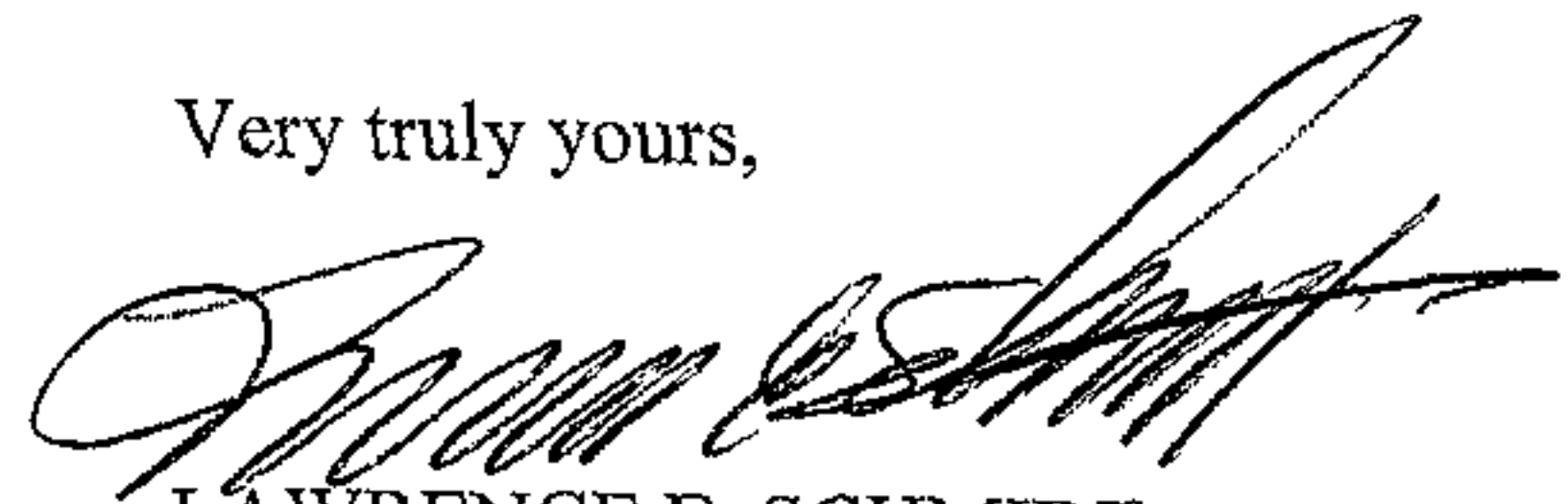
Come visit the County's Website at www.co.ba.md.us



Mr. Joseph H. Walker
July 22, 2003
Page 2

If you are unhappy with my decision, you have the right to file an appeal to the County Board of Appeals. Please note that any appeal must be filed within thirty (30) days of the date of my written decision. Thus, should you desire to file an appeal, you must do so by no later than this Friday, July 25, 2003. As a courtesy to you, given your out-of-state mailing address, I am forwarding a copy of this letter to the Board giving them notice that you might wish to file an appeal. It is suggested that you contact that office immediately upon receipt of this letter should you wish to pursue an appeal. Their number is 410-887-3180.

Very truly yours,



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Rhonda W. Phillips
619 Kingston Road, Baltimore, Md. 21220
People's Counsel; Board of Appeals; Case File

for
heard
6/13/13

Case # 03-487-A

Joseph Walker
1371 Cub Run Lane
Hagerstown Ferry WV 25425

RECEIVED
7390

Balto Co Zoning Commission
Suite 405, County Cts Bldg
Towson, Maryland 21204

JUL 17 2003

Sir/Ma'am:

ZONING COMMISSIONER

I am writing you to inform you that I do not - am not in favor of the decision rendered in Case No 03-487-A. I understood that you had a meeting on June 25th, but I was not notified of that meeting until 2 days prior and work would not allow me to attend. However, I did send a notarized letter to my neighbors (Wendell Perret & Robin Stetzer) asking them to speak in my behalf of being against any encroachment on my property & 166 E Kenyatta PK Lane (I will enclose a copy of that letter). The lots are so small and it is very crowded on Kenyatta PK Lane and I am totally against any encroachment on my property.

~~In Conclusion, I am appealing the decision
Please find enclosed a check for~~

In conclusion, I am writing to inform you that I am completely against any encroachment on my property and the property of my neighbors.

Thank You
Joseph H Walker

Joseph H. Walker
59 Cub Run Lane
Harpers Ferry, WV 25425
304/728-7390

June 10, 2003

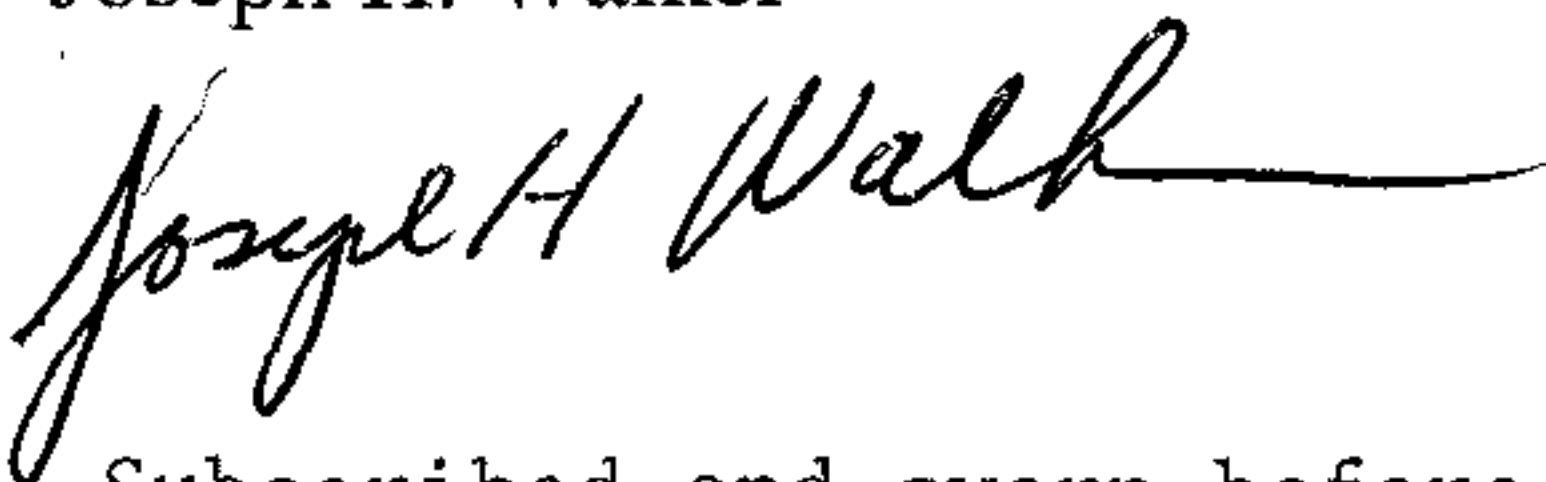
Zoning Commission
Baltimore County

Dear Sir or Madam:

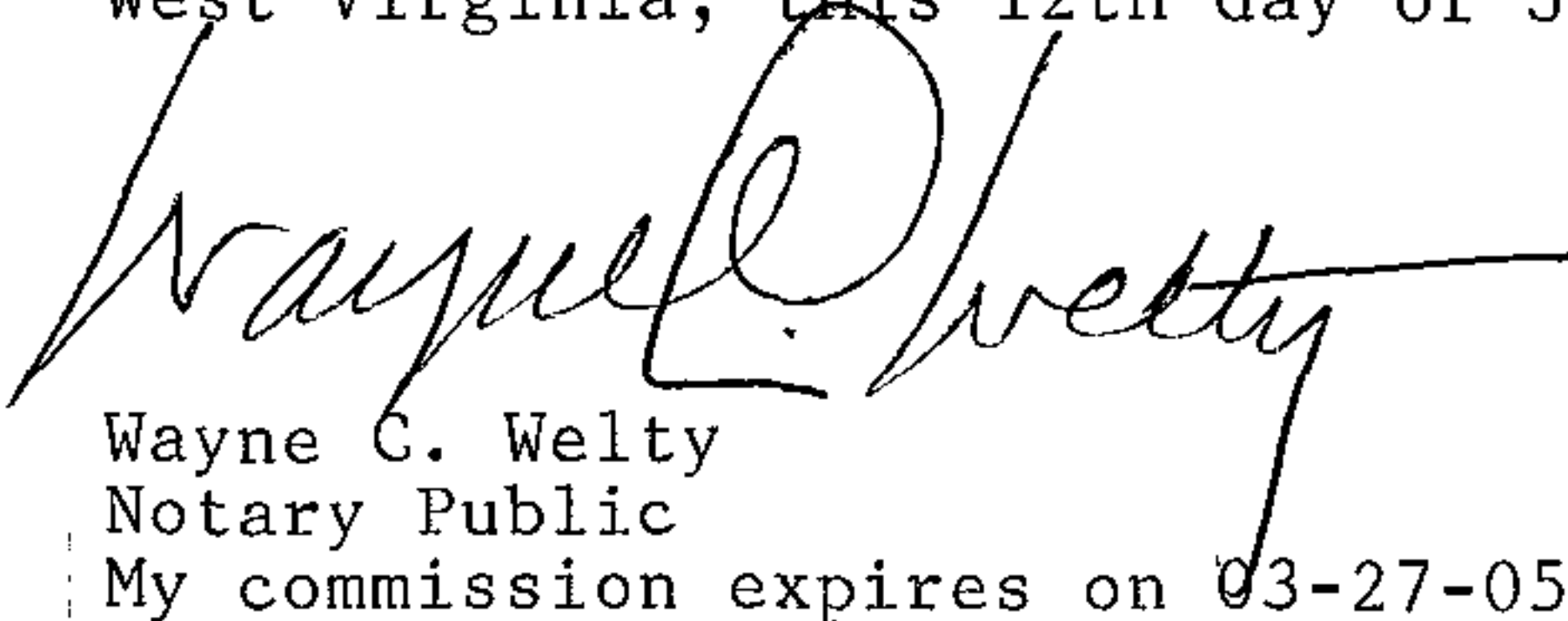
Please be advised that I would desire to have the existing property lines at 166 E Kingston Park Lane remain as they are. Only two days ago did I hear about the owner of the adjacent property desiring a waiver on the property lines, in order to place a modular home there. The area is already crowded with homes very close together. I appreciate Robin and Wendell (tenants of 166 E Kingston Park Lane) speaking in my behalf since I could not attend this meeting. Thank you.

Sincerely,

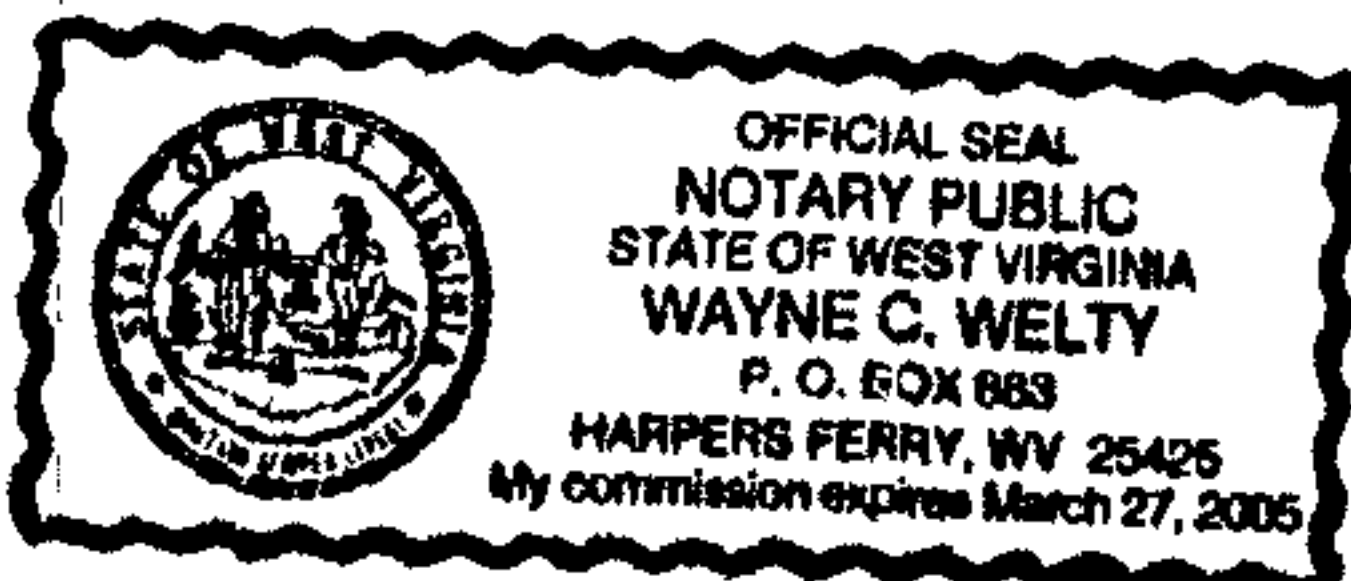
Joseph H. Walker

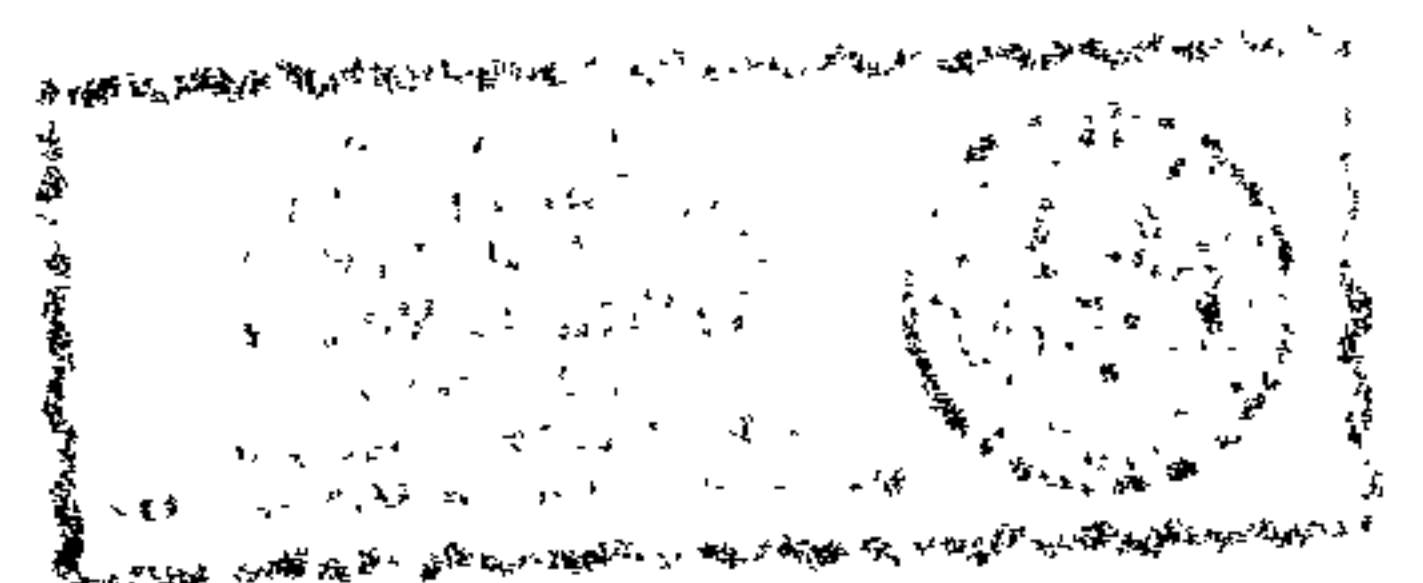


Subscribed and sworn before me in Charles Town, Jefferson County,
West Virginia, this 12th day of June, 2003 by Joseph H. Walker.



Wayne C. Welty
Notary Public
My commission expires on 03-27-05





WCR-BH

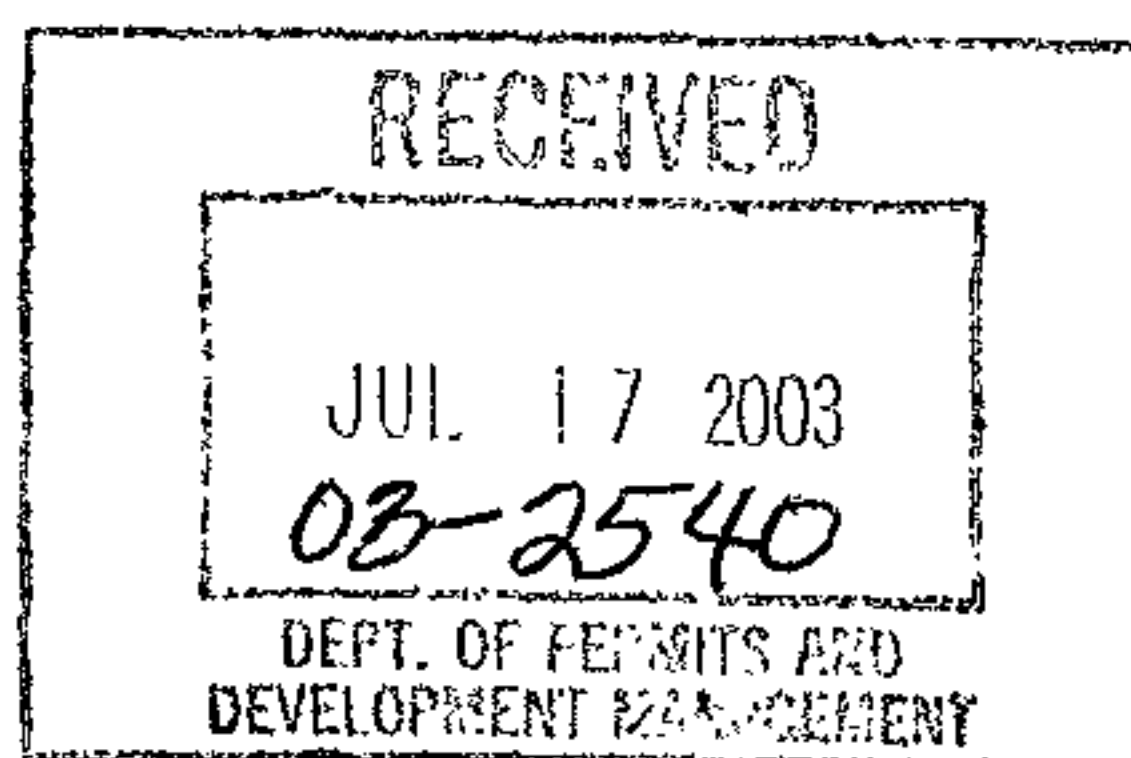
Bolton County
Zoning Commissioner

RE: Petition for Administrative Variance

Case # 03-487-A

Property: 166 E KINGTON PK LANE

Joseph H. Walburn
59 Cox Run Lane
Harpers Ferry, WVA
25425



Case # 03-487-A

Timothy Kotroco
Baltimore Zoning Commission
Towson, Md. 21204

Joe Walchen
159 Cub Run Lane
Hagerman Ferry WVA 25425
304 728 7690

Dear Sir,

I am writing to inform the Zoning Commission that I am totally against any encroachment on my property @ 166 E Kensington PK LA. I have written a letter to the Zoning Commissioner also, and I was told that I should inform you of my intentions. (Case # 03-487-A)
I was unable to attend the hearing on June 25th because I was not notified of the hearing until 2 days prior and work would not allow me to attend. However, I did send a notarized letter to my tenants (Wendell Barrett & Robin Stetzer) to allow them to represent me at that meeting (copy enclosed)

Thank You

Joseph H Walchen

P.S.
"notarized" copy
sent to Commissioner

Joseph H. Walker
59 Cub Run Lane
Harpers Ferry, WV 25425
304/728-7390

June 10, 2003

Zoning Commission
Baltimore County

Dear Sir or Madam:

Please be advised that I would desire to have the existing property lines at 166 E Kingston Park Lane remain as they are. Only two days ago did I hear about the owner of the adjacent property desiring a waiver on the property lines, in order to place a modular home there. The area is already crowded with homes very close together. I appreciate Robin and Wendell (tenants of 166 E Kingston Park Lane) speaking in my behalf since I could not attend this meeting. Thank you.

Sincerely,

Joseph H. Walker

Joseph H Walker
7/15/03

*NOTORIZED
COPY SENT TO
Zoning Commissioner*

CASE NAME 164 E. Kingston Pk. La.
CASE NUMBER 03-487-A
DATE 6/13/03

[illegible]

CASE NAME 164 E. Kingston Pk. la.
CASE NUMBER 03-487-A
DATE 6/13/03

[illegible]

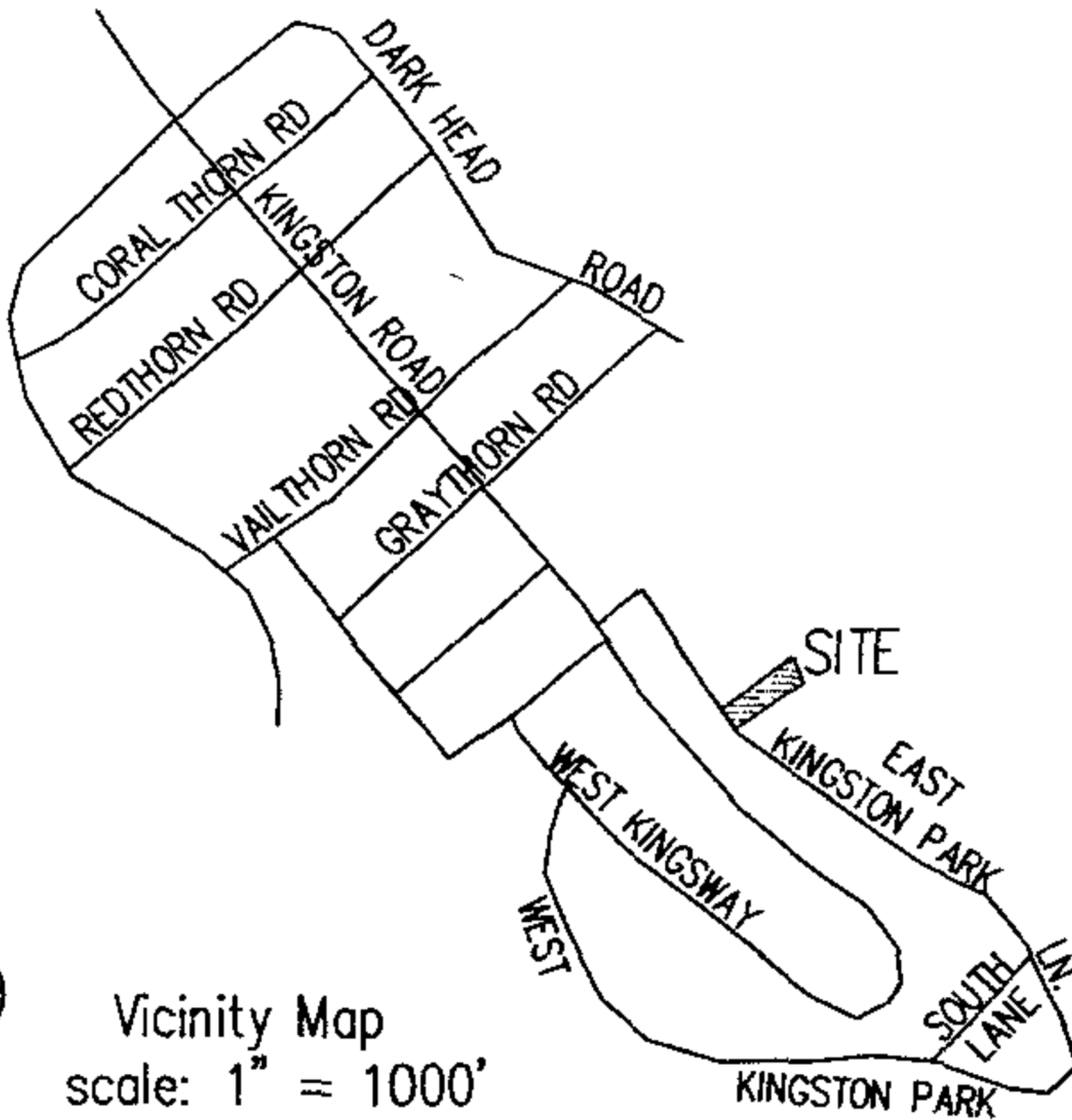
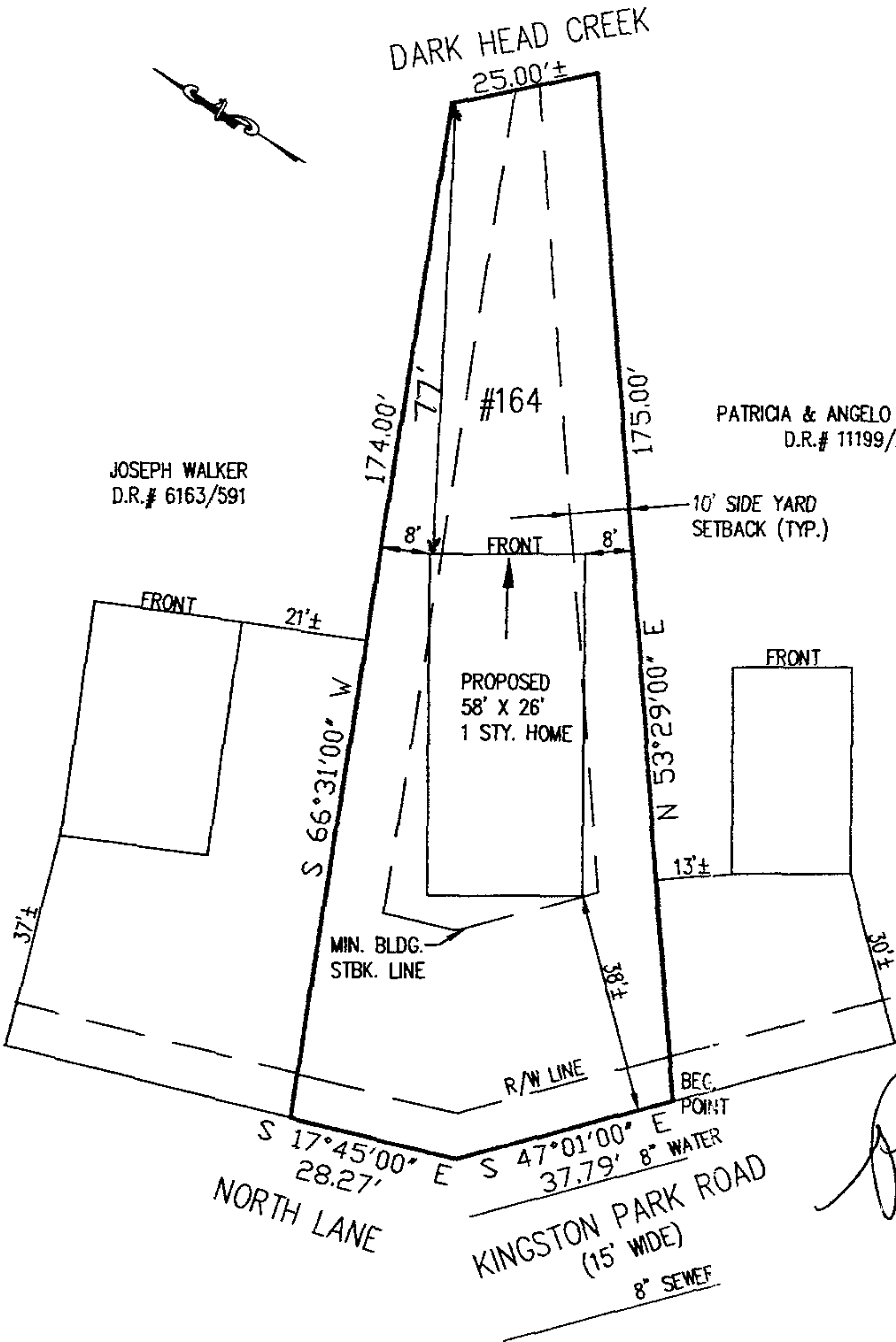
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Exception

PROPERTY ADDRESS: 164 Kingston Park Road

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Kingston Park
liber# 16618 , folio# 43 , lot# _____ , section# _____

OWNER: Rhonda W. Phillips



Vicinity Map
scale: 1" = 1000'

LOCATION INFORMATION

Councilmanic District: 5
Election District: 15
1" = 200' scale map#: NE-2I
Zoning: D.R.5.5
Lot size: 0.18 acreage 7882 square feet
Sewer ☒ Public ☐ Private
Water ☒ ☐
Cheapeake Bay Critical Area: ☒ ☐
100 Year Floodplain ☐ ☒
Historic Property/
Building ☐ ☒
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: D. Thompson ITEM #: 487 CASE#: 03-487-A



date: 4/8/03

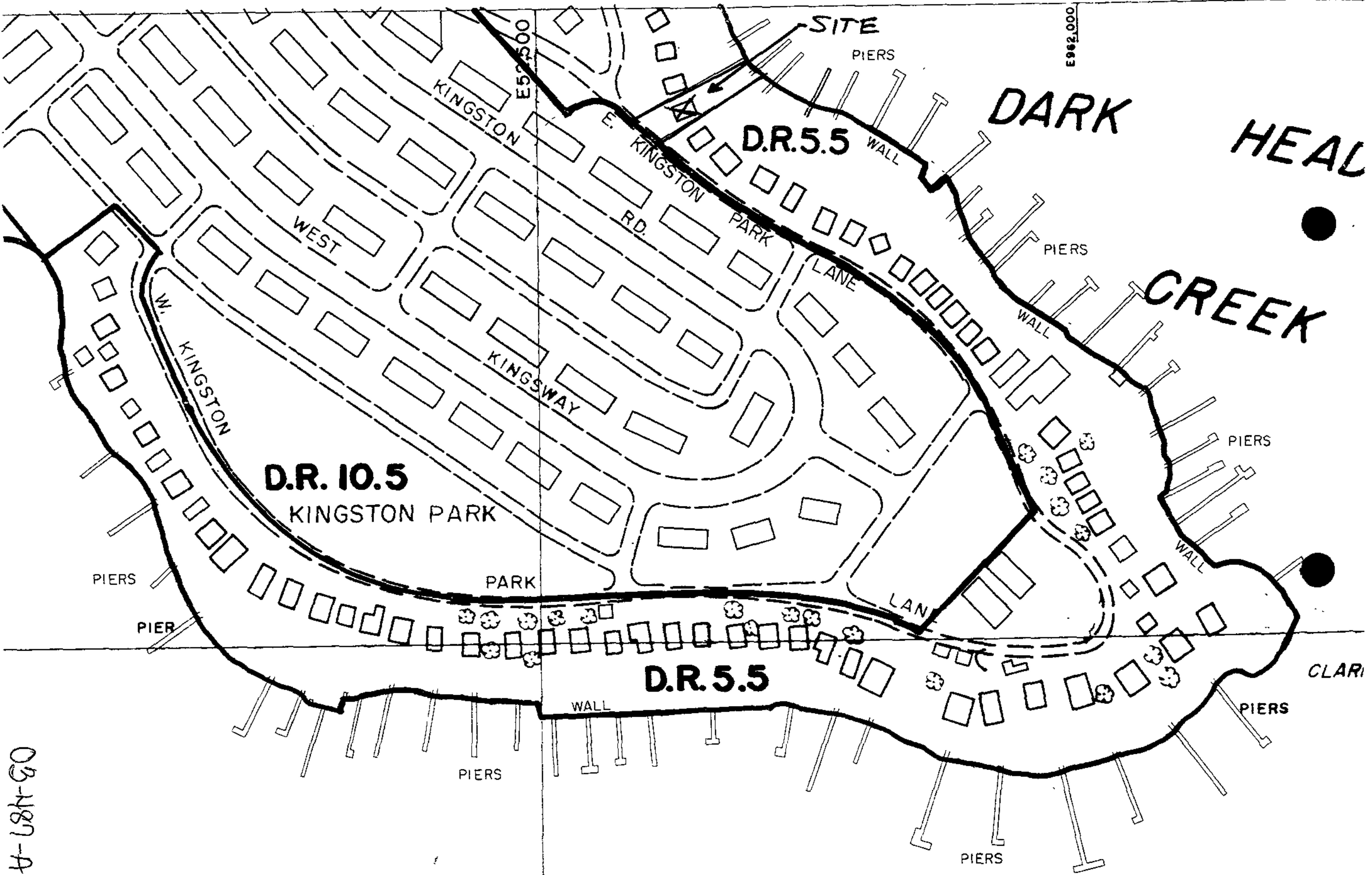
prepared by: J. Campbell

Scale of Drawing: 1"=30'



NE-2 I

1"=200'



03-487-A



RECORDED: D.R.# 16618/043

PLOT PLAN

164 KINGSTON PARK ROAD

15TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

K.L.S. CONSULTANTS, INC.

ENGINEERS AND SURVEYORS

4401 PHILADELPHIA ROAD
BEL AIR, MARYLAND 21015

DATE

6/11/03

SCALE

$$1'' \approx 30'$$

FILE NO.

8845132

9/3/03

FILE No.153 09/08 '03 15:27 ID:

FAX:

PAGE 1

09/09/2003 15:50 5700465003

MUNY HOMES

PAGE 01/02

Philips

9/10/03
Revised.

Double
Window
or Bow w/Shutters Porch



Stoop

RIGHT SIDE ELEVATION

SCHEDULE A

02-04-0182R

BEGINNING FOR THE SAME at a point in the center of a 15 foot road as now laid out, distant South 47 degrees 01 minute East 229.95 feet from the beginning of the South 47 degrees 01 minute East 362.64 foot line of the land described in a deed dated June 11, 1954, from the Gralan Company to James King & Sons, Inc., recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2496; running thence binding on the center line of said road and the South 47 degrees 01 minute East 362.64 foot line of said deed South 47 degrees 01 minute East 37.79, thence North 53 degrees 29 minutes East 178 feet more or less to the waters of Dark Head Creek, thence westerly 25 feet more or less binding on Dark Head Creek, thence South 66 degrees 31 minutes East 174 feet more or less to the center of a 15 foot road as now laid out, thence binding on the center line of said road South 17 degrees 48 minutes East 28.27 feet to the point of beginning. Being known as No. 164 Kingston Park Road.

Being located in the 15th Election District of said County.

THIS DEED

02-04-0182R

MADE this 2nd day of July, 2002, by and between Louis T. Thuerrauch and Sheri L. Thuerrauch, husband and wife, parties of the first part; and Rhonda W. Phillips, party of the second part:

WITNESSETH

THAT in consideration of the sum of Seventy Five Thousand and NO/100 Dollars (\$75,000.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties of the first part do hereby grant and convey unto the party of the second part, his/her heirs and assigns, in fee simple, the following described land and premises, with the improvements, easements, and appurtenances thereunto belonging, situate, lying and being in the 15th Election District of Baltimore County, Maryland, namely:

SEE SCHEDULE A ATTACHED HERETO AND MADE A PART HEREOF.

BEING the same land conveyed to the parties of the first part herein by deed recorded in Liber 15665 at folio 715.

BY the execution of this Deed, the parties of the first part hereby certify under the penalties of perjury that the actual consideration paid or to be paid, including the amount of any mortgage or deed of trust assumed by the party of the second part is in the sum total of \$75,000.00.

SUBJECT to all easements, covenants and restrictions of record.

AND the parties of the first part herein warrant specially the property hereby conveyed; and covenant to execute such further assurances of the land as may be requisite.

WITNESS our hands and seals:



(SEAL)

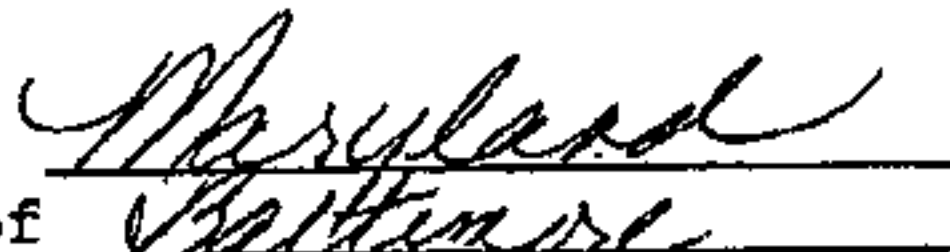
Louis T. Thuerrauch



(SEAL)

Sheri L. Thuerrauch

State of



County of



SS:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Louis T. Thuerrauch and Sheri L. Thuerrauch personally appeared before me and being known to me as the persons whose names are subscribed to the within instrument and did acknowledge that they executed the same for the purposes contained this 2nd day of July, 2002.

Diane L. Middleton

Notary Public

Baltimore County, Maryland

My Commission Expires February 1, 2003

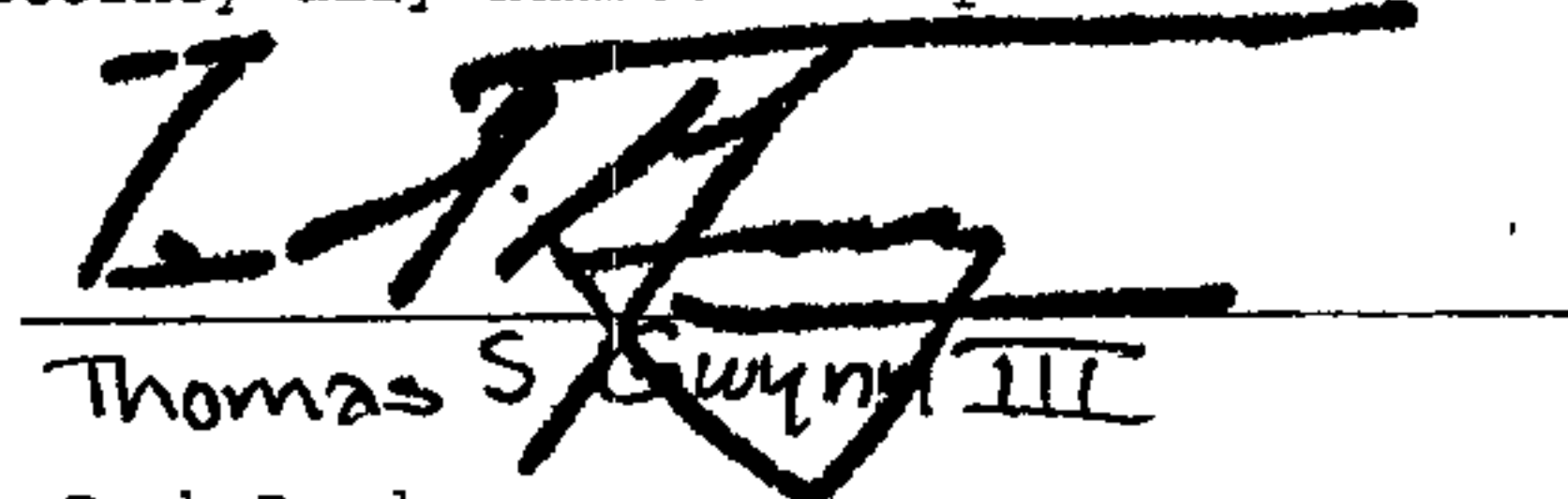
WITNESS my hand and official seal.



NOTARY PUBLIC

MY commission expires on the ____ day of _____, 20__.

I HEREBY CERTIFY that the within instrument was prepared under my supervision and that I am an attorney duly admitted to practice before the Court of Appeals of Maryland.



Thomas S. Gwynn III

Tax Account No. 15-11-570130

Grantee's Address: 164 Kingston Park Road
Baltimore, MD 21220



Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

V-1#

Photo of
A-18-430#

①



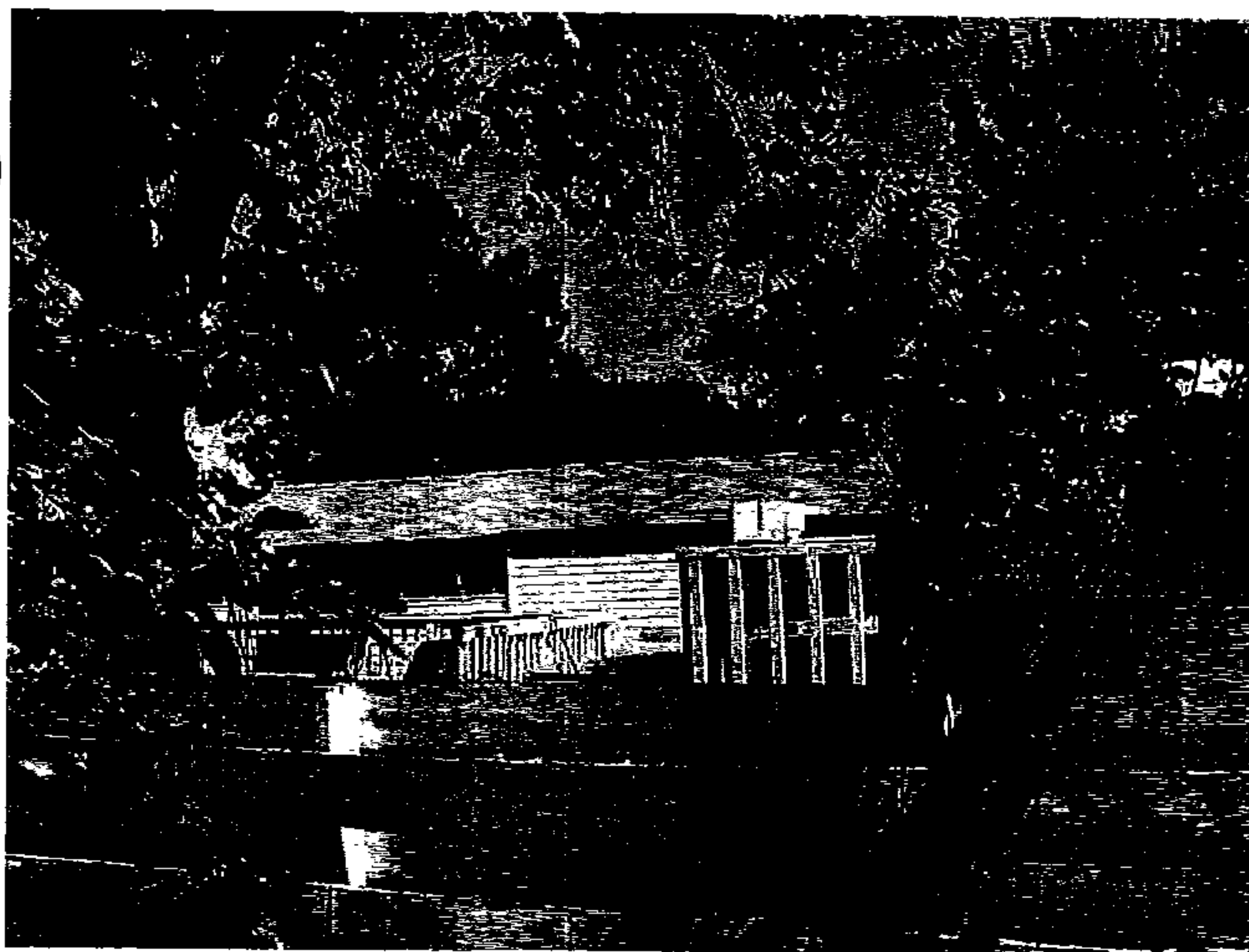
②



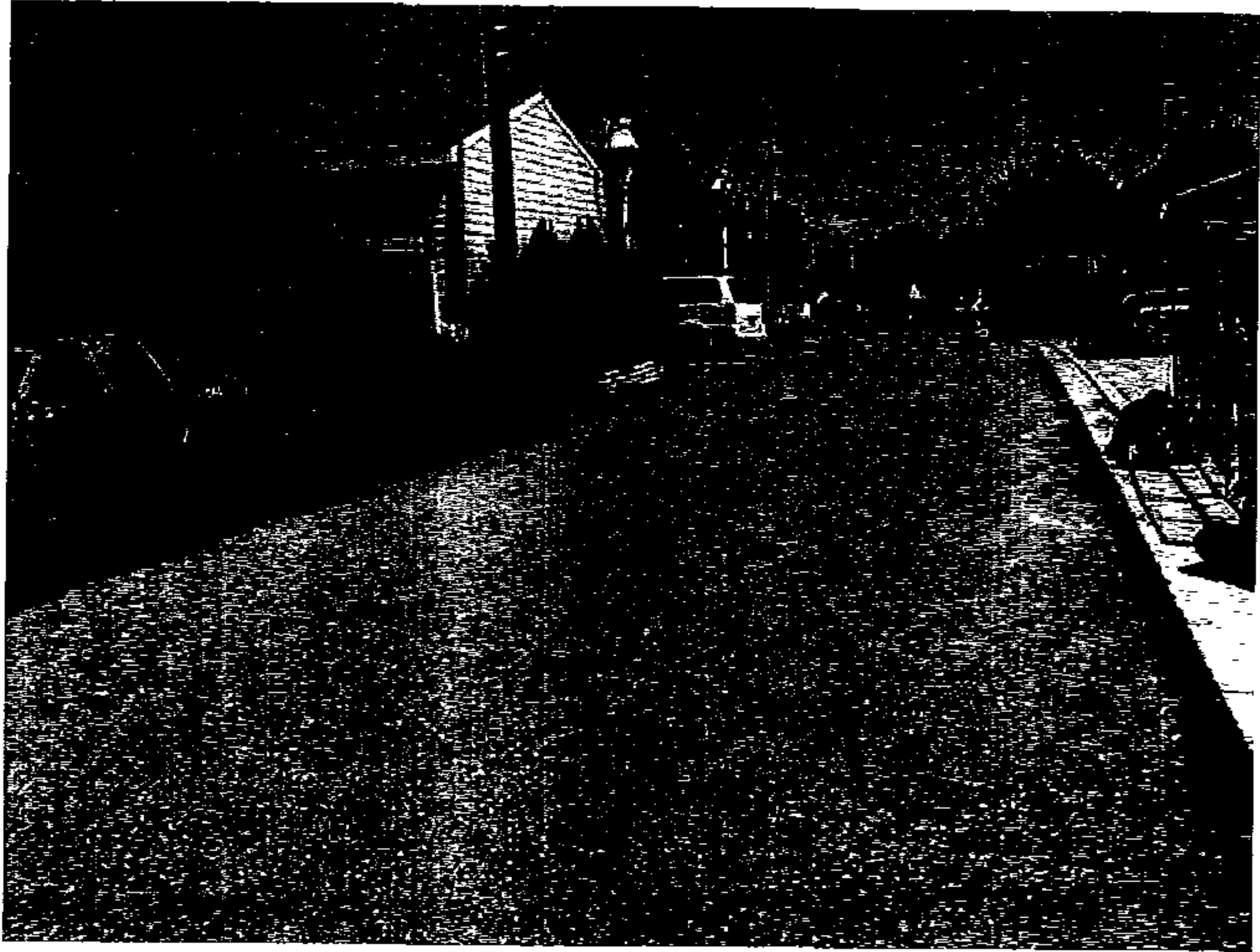
3



4



5



6

