

IN RE: PETITION FOR VARIANCE
W/S Middle River Avenue,
652 ft. S of Susquehanna Avenue
15th Election District
6th Councilmanic District
(3716 Middle River Avenue)

Arthur O. Agnoli & John A. Agnoli,
Legal Owners and
Deborah Jo Rand, *Contract Purchaser*
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-031-A

*
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner, Deborah Jo Rand. The Petitioner are requesting variance relief for property located on the West Side of Middle River Avenue, 652 ft. south of Susquehanna Avenue in the Middle River area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 8 ft. and a sum of side yard setbacks of 16 ft. in lieu of the minimum required 10 ft. and 25 ft. respectively.

The property was posted with Notice of Hearing on September 5, 2003, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on September 4, 2003 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the

9/26/03
D. Agnoli

subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated August 14, 2003 stating that the Petitioners must comply with the Chesapeake Bay Critical Area Regulations, a copy of which is attached hereto and made a part hereof. A ZAC comment was also received from the Office of Planning requesting that building elevations (all sides) be submitted to that office for review and approval prior to the issuance of any building permits. A copy of this correspondence is attached hereto and made a part hereof. Finally, a ZAC comment was received from the Bureau of Development Plans Review setting forth several federal and county code requirements the Petitioners must comply with for this project.

Interested Persons

Appearing at the hearing on behalf of the variance request was Debra Jo Rand. Protestants were adjoining property owners, Anna German, Chris and John Parrott, Catherine and Brian Rolfes. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

9/26/03

P. Zimmerman

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 11,880 sq. ft., more or less, (a 50 ft. x 280 ft. lot) zoned D.R.3.5. The subject property is improved with an existing home which is approximately 52 ft. from Middle River Avenue, and which the Petitioner intends to raze due to its poor condition. She testified that the structure had no heating system, the main joists were eaten by termites creating a dangerous state, and generally that the house was not inhabitable. She also testified that she would like to build a new home approximately 50 ft. from Frog Mortar Creek, moving the home significantly towards the water, which proposal caused consternation from the adjoining property owners. She testified that the existing home was only 8 ft. from the side property line, and so she is requesting this same 8 ft. on each side as a variance for the new home. Since the lot is 50 ft. wide, she could then build a home which was 34 ft. wide, greatly increasing the water view and value of the new home. The zoning setback in this zone is specified by the small lot chart of Section 1B02.3.C 1 of the B.C.Z.R. as 10 ft. on any side yard with 25 ft. sum of side yard setbacks. This means, on a 50 ft. wide lot, that her new home could be 25 ft. wide in order to avoid a variance. She testified that she needed the maximum width possible in order to maximize the value and enjoyment of her home.

The Protestants are neighbors who live on either side of Petitioners' house. Their primary complaint was with her proposal to move the home forward to within 50 ft. of the water. This would, in the Protestants' opinion, block their present view of not only the water, but also the existing grassy area along the water generally extending 100 ft. or so from the water to the line of existing homes along Middle River Avenue. In their opinion, this would diminish the enjoyment of their homes and reduce their home values significantly.

9/26/03
K. Johnson

On the issue of the width of the new home, the Protestants testified and the Petitioners confirmed that the existing home was 8 ft. from one line, 12 ft. from the other, and is 30 ft. wide. The Protestants were concerned that if the 8 ft. variance were granted, emergency vehicles might have difficulty getting between buildings (here assuming the new home was located on the footprint of the existing home). Furthermore, the Protestants state that their homes are 30 ft. wide, as is the existing home on the property.

Findings of fact and conclusions of law

I must begin with what this decision does not involve. The Petitioners have requested simply that the zoning requirements for the new home be modified. This case does not involve the question of whether or not the new home can be placed 50 ft. from the water as proposed. Locating the new home vis a vis the water will be considered in the Petitioners dealing with the Chesapeake Critical Bay Area regulations which presumably they will experience as their next step. As such, these regulations may require them to build on the footprint of the existing home or may permit them to build closer to the water. Whatever the result may be with the Chesapeake Bay Critical Area regulations, I do not find or approve the location of her proposed home at this hearing.

In regard to what was requested in terms of variance, I find that there are special circumstances or conditions existing, such as the dilapidated home, that are peculiar to the land or structure which is the subject of the variance request and that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. However, I must also find that such a variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. In this second regard, I find that the Petitioners request

9/26/03
R. G. Gorman

for a side yard setback of 8 ft. in lieu of the required 10 ft. should be granted, based upon the evidence and testimony presented. This will allow her to build her new home on the footprint of the existing house. However, I will not grant her request for 16 ft. sum of side yard setbacks because this will allow the new home to be 34 ft. wide, which would be larger than the home she is replacing, out of character with the width of the homes in the area, and would limit access by emergency vehicles to the front of the homes along the water. I will grant a variance to the sum of the side yard setback requirement of 20 ft. in lieu of the 25 ft. required by the regulations. This will result in the Petitioners being able to build the same width home (30 ft.) as the present house, which they recently purchased.

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 Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this 26 day of September, 2003, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.C.1 of the B.C.Z.R., to permit a side yard setback of 8 ft. in lieu of the minimum required 10 ft. respectively, for a proposed dwelling, be and it is hereby GRANTED.

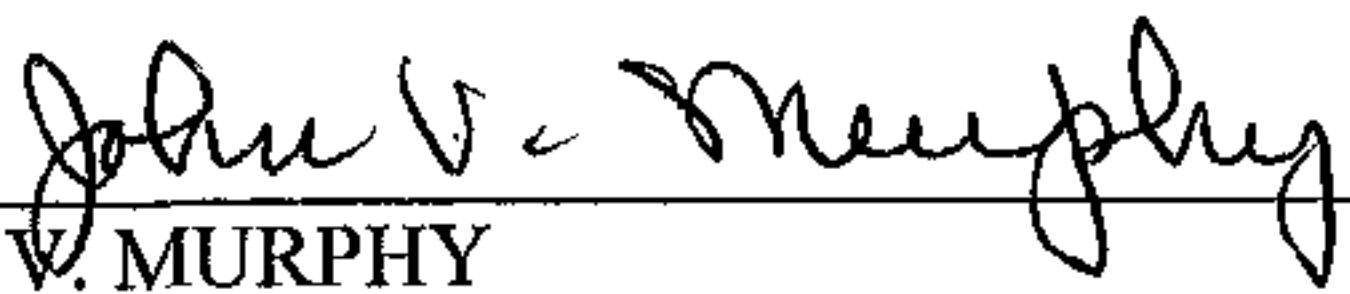
IT IS FURTHER ORDERED, that the Petitioner's request for variance from Section 1B02.C.1, to permit the sum of side yards of 16 ft., be and is hereby PARTIALLY GRANTED to be 20 ft. instead of 16 ft. as requested, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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 such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be

9/26/03
R. J. [Signature]

required to return, and be responsible for returning, said property to its original condition;

2. The Petitioners must comply with the recommendations made by DEPRM in their ZAC comment dated August 14, 2003, a copy of which is attached hereto and made a part hereof.
3. The Petitioners must comply with the recommendations made by the Office of Planning in their ZAC comment dated August 21, 2003, a copy of which is attached hereto and made a part hereof;
4. The Petitioners must comply with the recommendations made by the Bureau of Development Plans Review dated September 12, 2003, a copy of which is attached hereto and made a part hereof.
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.



JOHN W. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORIGINAL FILED
9/26/03
R. Johnson

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

September 25, 2003

Arthur & John Agnoli
8002 Old Harford Road
Baltimore, Maryland 21234

Re: Petition for Variance
Case No. 04-031-A
Property: 3716 Middle River Road

Dear Messrs. Agnoli:

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 that reads "John V. Murphy". The signature is written in a cursive style.

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

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



Copies to:

Debra Jo Rand
3 Glen Alpine Road
Phoenix, MD 21131

Anna L. German
3714 Middle River Avenue
Baltimore, MD 21220

Chris & John Parrott
3714 Middle River Avenue
Baltimore, MD 21220

Catherine & Brian Rolfes
3718 Middle River Avenue
Baltimore, MD 21220



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3716 MIDDLE RIVER AVE

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) 1 B02.3 C to allow a

a side yard setback of 8 ft and a sum of side yard setbacks of 16 ft in lieu of the minimum required 10 ft & 25 ft respectively.

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

EXISTING HOUSE IS INDISREPAIR, TERMITES, NO HEAT

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

Contract purchaser (P Rand)

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 Debra Jo Rand
 Signature D. Jo Rand 410-592-8784
 Address 3 Glen Alpine Rd. 443-324-0143
Phoenix MD 21131
 City State Zip Code

Attorney For Petitioner:

Name - Type or Print _____
 Signature _____
 Company _____
 Address _____
 Telephone No. _____
 State _____ Zip Code _____

Legal Owner(s):

X ARTHUR O. AGNOLI
 Name - Type or Print
 Signature Arthur O. Agnoli
 X John A. Agnoli
 Name - Type or Print
 Signature [Signature]
 X 8002 Old Hartford Rd
 Address
BRTO MD 21234
 City State Zip Code

Representative to be Contacted:

Name _____
 Address _____
 City _____ State _____ Zip Code _____
 Telephone No. _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1.00 hr

UNAVAILABLE FOR HEARING

Reviewed By [Signature]

Date 7-18-03

Case No. 04-031-A

V 9/15/98

• Zoning Description •
3716 Middle River Ave

Beginning at a point on the West side of Middle River Ave. at a point 652 ft $\pm$ south of Susquehanna Ave. Being lot # 300 in the subdivision of Long Beach Estates as recorded in BALTO. County Plat book 004 folio 131, Plat 2 containing 11,880 sq. ft. $\pm$ and located in the 15th Election District.

#031

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Case No. 27001
04-031-9

DATE 7-18-03

ACCOUNT R-001-006-6150

AMOUNT \$ 65.00

RECEIVED FROM: Ms. Randall

FOR: Resident Variance Filing Fee
for 3716 Middle River Ave.

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME

7/21/2003 7/18/2003 14:54:35

2

REG 002 MAIL JER-JE

>> RECEIPT # 281573 7/21/2003

QFLN

Dept 5 528 ZONING VERIFICATION

CR NO. 027001

Receipt Tot

\$65.00

65.00 CR

.00 BA

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: #04-031-A

3716 Middle River Avenue

Wider of Middle River Avenue, 652 feet south of Susquehanna Avenue

15th Election District - 6th Councilmanic District

Legal Owner(s): Arthur and John Agnoli

Variance: to permit a side yard setback of 8 feet and a sum of side yard setbacks of 16 feet in lieu of the minimum required 10 feet and 25 feet respectively.

Hearing(s): Monday, September 22, 2003 at 10:00 a.m. in Room 407, County Courts Building, 407 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.

9/10/02 Sep. 4

062416Z

CERTIFICATE OF PUBLICATION

9/5/2003

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 9/4/2003.

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

S. Williams

LEGAL ADVERTISING

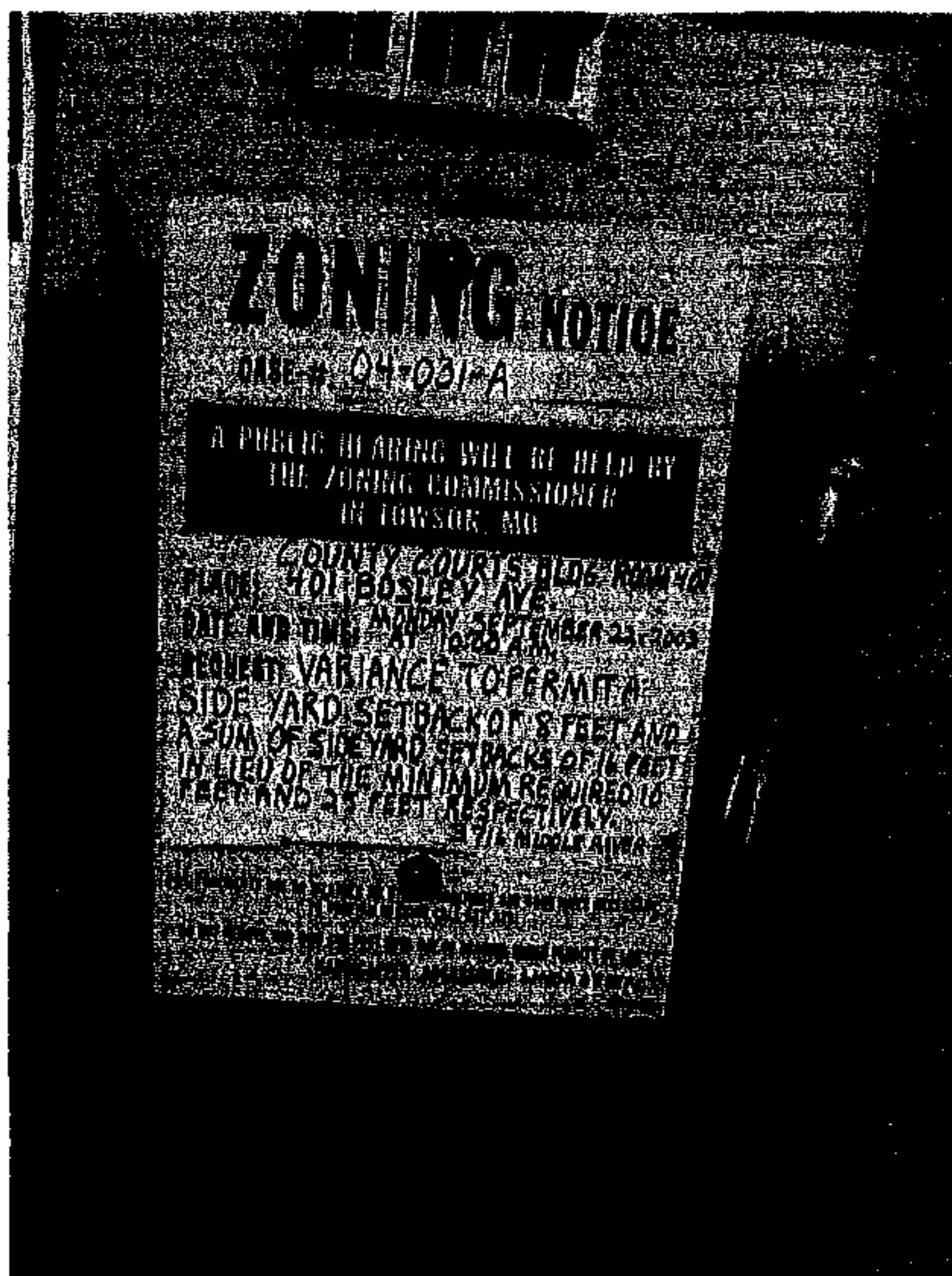
CERTIFICATE OF POSTING

Date: September 9, 2003

RE: Case Number 04-031-A
Petitioner/Developer: ARTHUR AND JOHN AGNOLI / DEBRA JO RAND
Date of Hearing Closing: SEPTEMBER 22, 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 3716 MIDDLE RIVER ROAD

The sign(s) were posted on September 5, 2003
(Month, Day, Year)



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)

RE: PETITION FOR VARIANCE * BEFORE THE
3716 Middle River Avenue; W/side Middle *
River Ave, 652' S Susquehanna Avenue * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts
Legal Owner(s): Arthur O. & John A. Agnoli * FOR
Contract Purchaser(s): Debra Jo Rand
Petitioner(s) * BALTIMORE COUNTY
* 04-031-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 5 day of August, 2003, a copy of the foregoing Entry of Appearance was mailed to, Arthur & John Agnoli, 8002 Old Harford Road, Baltimore, MD 21234, Petitioner(s).

RECEIVED

AUG 05 2003

Per.....

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

TO: PATUXENT PUBLISHING COMPANY
Thursday, September 4, 2003 Issue - Jeffersonian

Please forward billing to:
Jo Rand
3 Glen Alpine Road
Phoenix, MD 21131

410-592-8784

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: 04-031-A

3716 Middle River Avenue

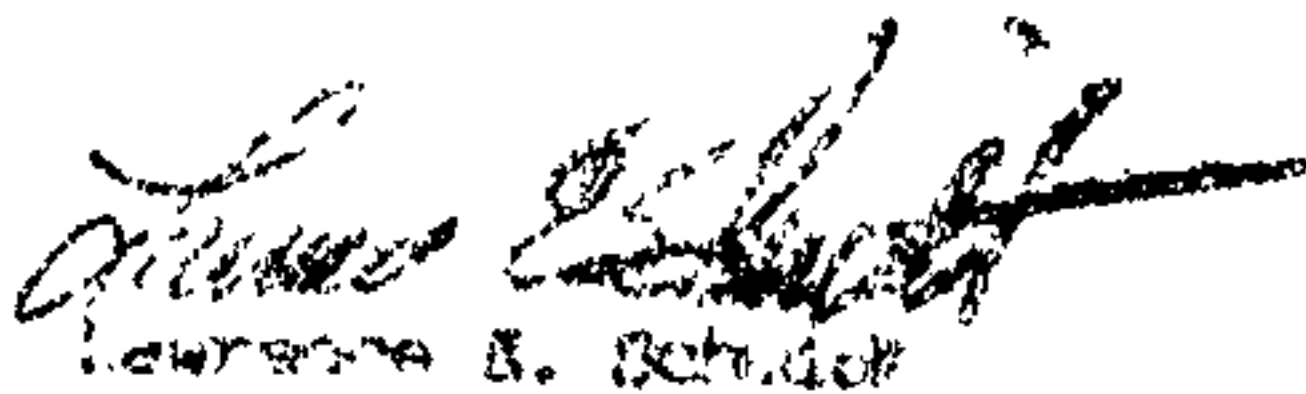
W/side of Middle River Avenue, 652 feet south of Susquehanna Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Arthur and John Agnoli

Variance to permit a side yard setback of 8 feet and a sum of side yard setbacks of 16 feet in lieu of the minimum required 10 feet and 25 feet respectively.

Hearings: Monday, September 22, 2003, at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



Baltimore County
Department of Permits and
Development Management

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

August 5, 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: 04-031-A

3716 Middle River Avenue

W/side of Middle River Avenue, 652 feet south of Susquehanna Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Arthur and John Agnoli

Variance to permit a side yard setback of 8 feet and a sum of side yard setbacks of 16 feet in lieu of the minimum required 10 feet and 25 feet respectively.

Hearings: Monday, September 22, 2003, at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Arthur and John Agnoli, 8002 Old Harford Road, Baltimore 21234
Debra Jo Rand, 3 Glen Alpine Road, Phoenix 21131

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPTEMBER 6, 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.

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



**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: 04-031-A
Petitioner: Jo Rand
Address or Location: 3716 Middle River Ave, Middle River, Md.
21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jo Rand
Address: 3 Glen Alpine Road
Phoenix, Md. 21131
Telephone Number: 410.592.8784



Baltimore County
Department of Permits and
Development Management

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

September 18, 2003

Arthur Agnoli
John Agnoli
8002 Old Harford Road
Baltimore, MD 21234

Dear Gentlemen:

RE: Case Number: 04-031-A, 3716 Middle River Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 18, 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
Debra Jo Rand, 3 Glen Alpine Road, Phoenix 21131

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



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

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

SUBJECT: Zoning Advisory Committee Meeting
For August 4, 2003
Item No. 031

DATE: September 12, 2003

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

The flood protection elevation for this site is 11.2 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the floodplain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

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

RWB:CEN:jrb

cc: File

ZAC-08-04-2003-ITEM NO 031-09122003

9/26/03
R. J. Johnson

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley *RB Seeley*

DATE: August 14, 2003

SUBJECT: Zoning Item 31
Address 3716 Middle River Avenue (A Gnoli Property)

Zoning Advisory Committee Meeting of July 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.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

The proposed home cannot go any closer to the water than 100 feet.

Reviewer: Brian Lindley

Date: August 14, 2003

9/26/03
R. Seeley

Jack
9/22

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: August 21, 2003

RECEIVED

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

AUG 22 2003

SUBJECT: 3716 Middle River Avenue

ZONING COMMISSIONER

INFORMATION:

Item Number: 04-031

Petitioner: Arthur O. Agnoli

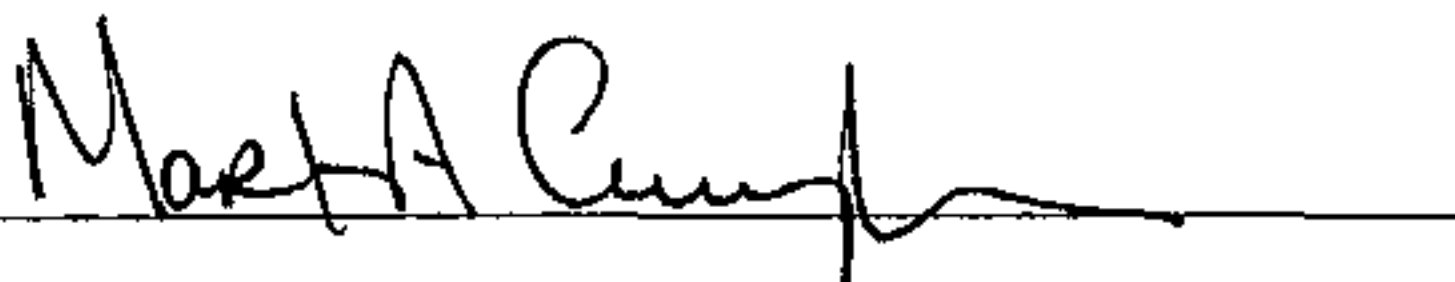
Zoning: DR 3.5

Requested Action: Variance

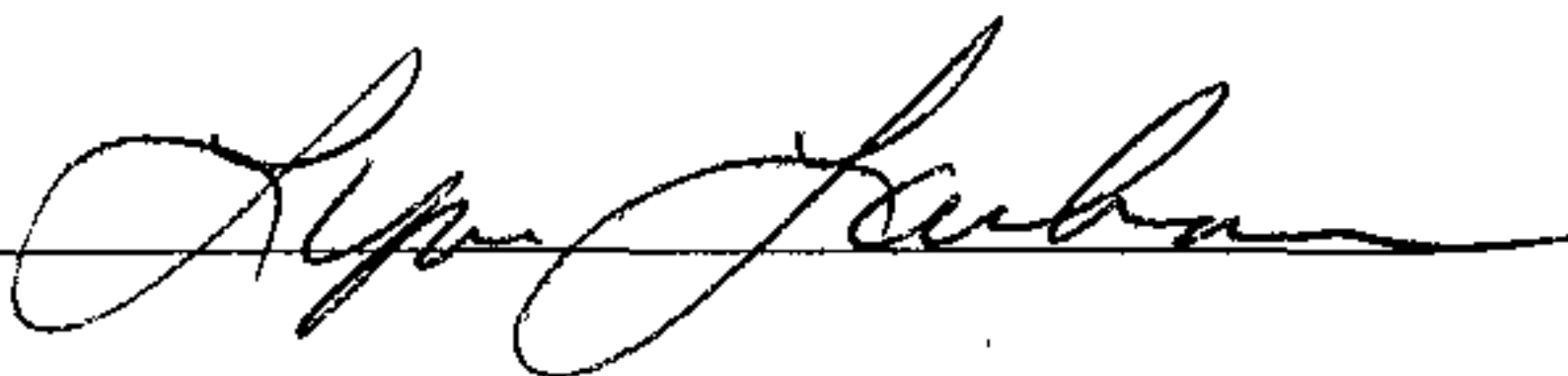
SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided building elevations (all sides) are submitted to this office for review and approval prior to the issuance of any building permits.

Prepared by:



Section Chief:



AFK/LL:MAC:

9/26/03
R. Johnson

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 7.25.03

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

RE: Baltimore County
Item No. 031 JJS

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 1.800.201.7165 Statewide Toll Free

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

MDP
Maryland Department of Planning

Audrey E. Scott
Secretary

Florence E. Burlan
Deputy Secretary

July 29, 2003

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

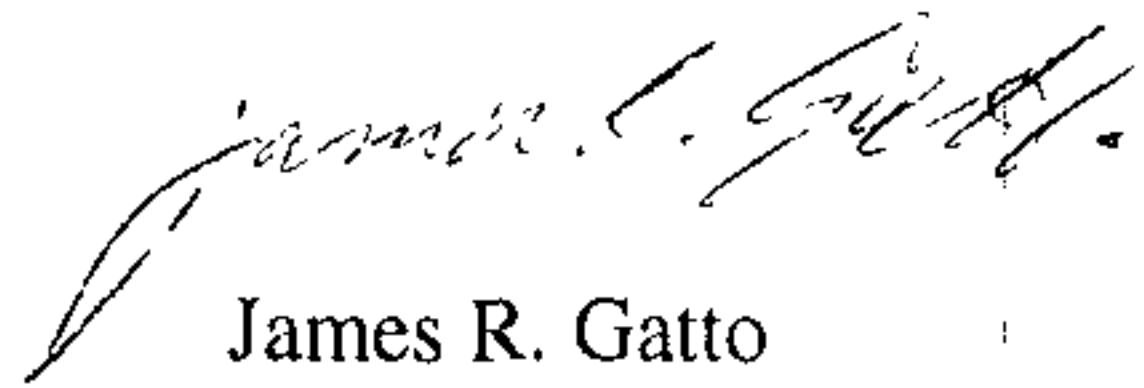
Re: Zoning Advisory Committee Agenda re: case numbers 4-19-A, 4-27-SPH, 4-28-A, 4-29-SPH, 4-30-A, 4-31-A, & 4-32-XA

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 07/29/03. 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
Planning Services

cc: Mike Nortrup

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

November 18, 2003

Debra Jo Rand
3 Glen Alpine Road
Phoenix, MD 21131

Re: Petition for Variance
Case No. 04-031-A
Property: 3716 Middle River Road

Dear Ms. Rand:

I understand that you spoke to Zoning Commissioner Schmidt regarding the chimney that projects into the side yard on the plan for your new home. For your information, I have attached a copy of Section 301.2 of the Baltimore County Zoning Regulations which indicates that projections such as chimney's of a certain size are permitted.

I hope that this answers your questions.

Very truly yours,

A handwritten signature in black ink that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

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



Section 301
Projections Into Yards
[BCZR 1955]

301.1 Carports or open porches.

- A. If attached to the main building, a carport or a one-story open porch, with or without a roof, may extend into any required yard not more than 25% of the minimum required depth of a front or rear yard or of the minimum required width of a side yard. Any carport or open porch so extended must be open on three sides. [Bill Nos. 150-1983; 2-1992]
- B. Notwithstanding the provisions of Subsection A, open projections in the side yard are permitted in residential large tract subdivisions only in accordance with Section 504 and the standards as set forth in the Comprehensive Manual of Development Policies. [Bill No. 2-1992]

301.2 Projections such as bay windows, chimneys, entrances, vestibules, balconies, eaves and leaders may extend into any required yard not more than 4 feet, provided that such projections (excepting eaves) are not over 10 feet in length.

301.3 No side and/or rear yard is required for a business or manufacturing use in that portion of any property located in a B.R., M.R., M.L.R., M.L. or M.H. Zone if such side and/or rear line abuts on a railroad right-of-way or siding, to either of which it uses rail access. [Bill No. 56-1961]

Section 302
Height and Area Regulations for New
Residences in Business and Manufacturing Zones
[BCZR 1955; Resolution, November 21, 1956]

Residences hereafter erected in business and manufacturing zones shall be governed by all height and area regulations for the predominant residence zone which immediately adjoins, or by D.R.5.5 Zone² regulations if no residence zone immediately adjoins.

Section 303
Front Yard Depths in Residence and Business Zones
[BCZR 1955]

303.1 In D.R.2, D.R.3.5 and D.R.5.5 Zones,³ the front yard depth of any building hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side, provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of

² Editor's Note: In this section, the R.6 Zone was redesignated as the D.R.5.5 Zone pursuant to Section 100.3A.

³ Editor's Note: In this section, the R.20, R.10 and R. 6 Zones have been redesignated as D.R.2, D.R.3.5 and D.R.5.5, respectively, pursuant to Section 100.3A.

Jack -

~~Don~~ Jo Rand, called
regarding 04-031-A,
I think the chimney
is ok given it's
less than 40 sq. feet.

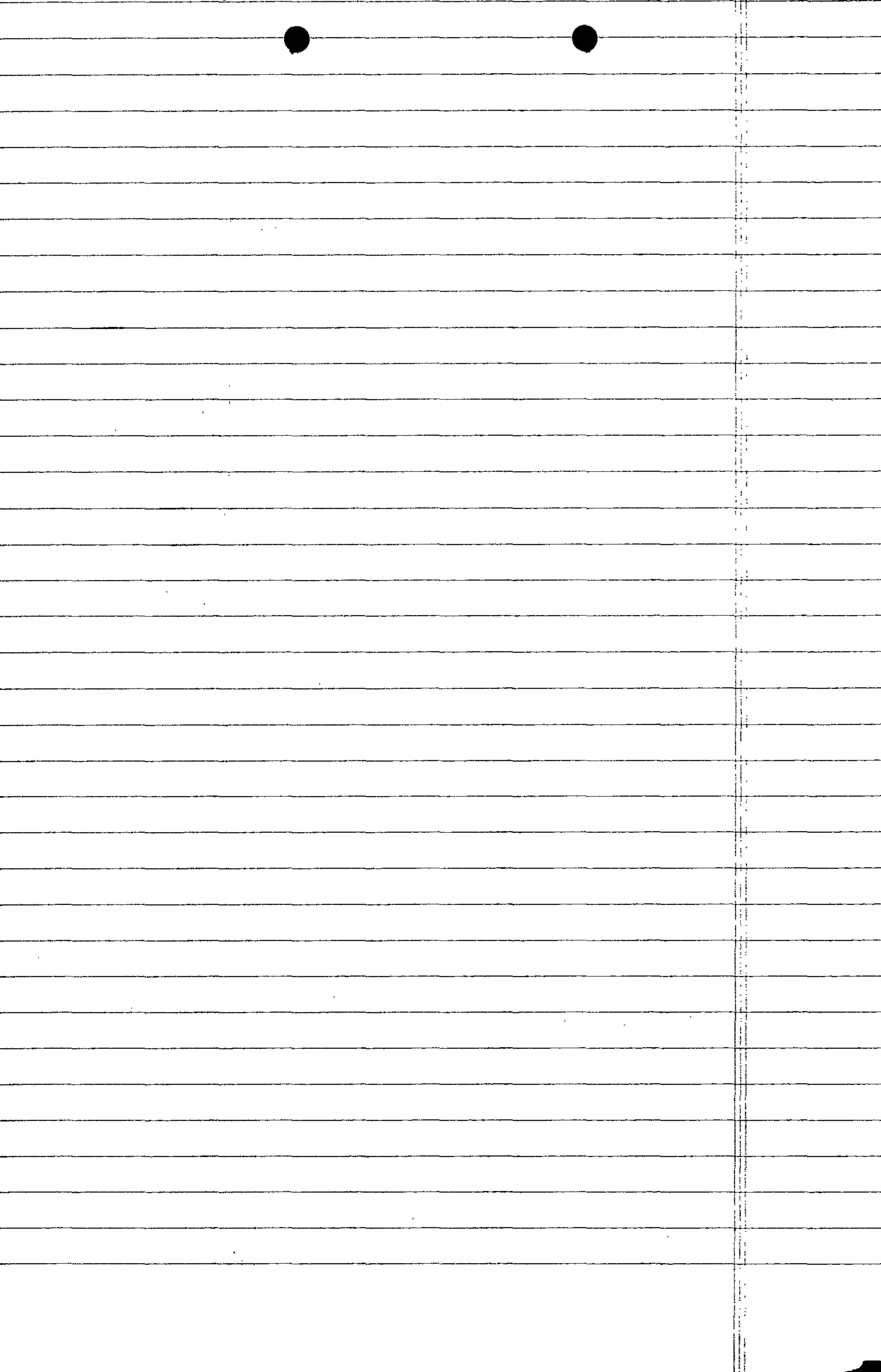
See me & call her
at

443-324-0143

DES

Bumpout
DR Reg / Spec Reg
40 sq ft

Sect 301.2 allows projections



CASE NAME 3716 Middle River Ave.
CASE NUMBER 04-031-A
DATE 9/22.

PETITIONER'S SIGN-IN SHEET

[illegible]

Case Number

64-031-A

PLEASE PRINT LEGIBLY

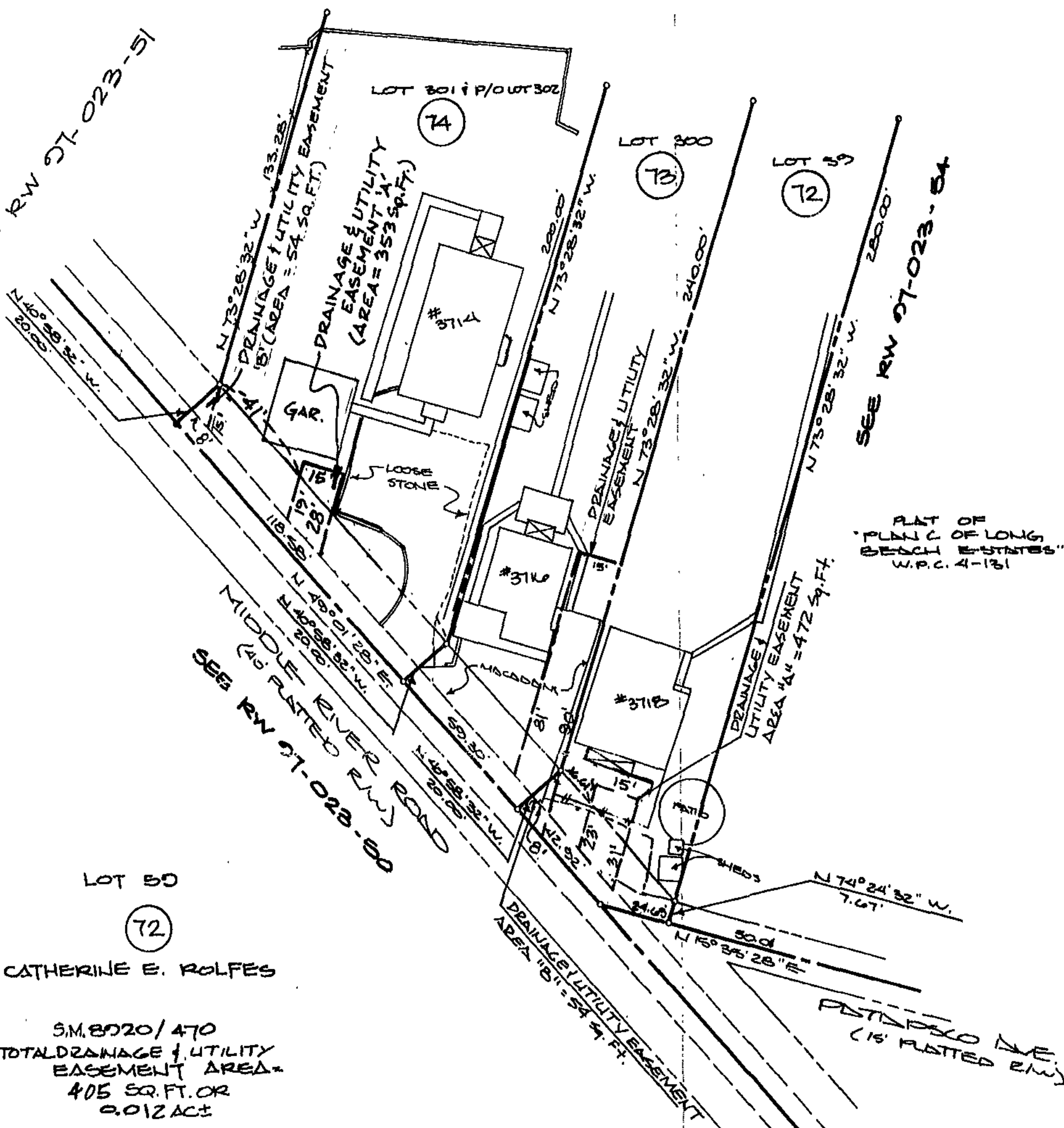
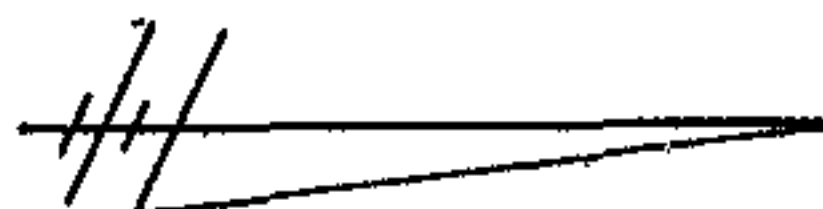
PROTESTANT'S SIGN-IN SHEET

[illegible]

Revised 4/17/00

PARROTT

SEE RW 97-023-51



LOT 50

72

CATHERINE E. ROLFES

S.M. 8020 / 470
TOTAL DRAINAGE & UTILITY
EASEMENT AREA =
405 SQ. FT. OR
0.012 AC±

LOT 300

73

ARTHUR O. AGNOLI, ETAL
O.T.G. 4805 / 10
DRAINAGE & UTILITY
EASEMENT AREA =
1283 SQ. FT. OR
0.029 AC±

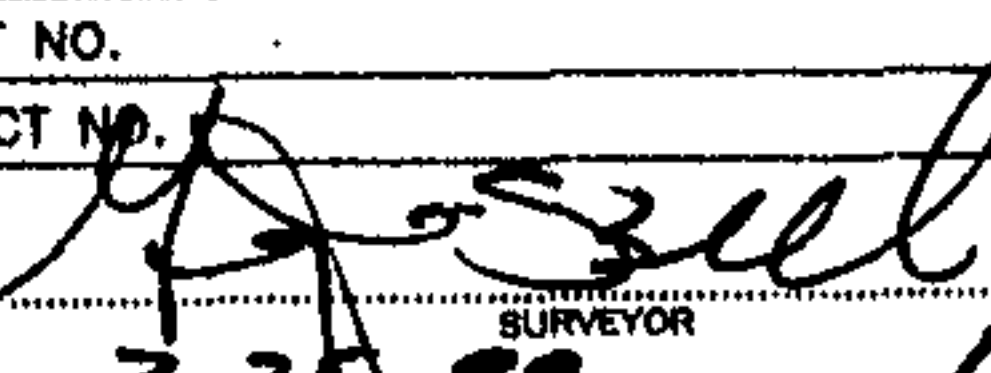
LOT 301 & P/O LOT 302

74

JOHN J. PARROTT, ETAL
S.M. 10014 / 001
TOTAL DRAINAGE & UTILITY
EASEMENT AREA =
420 SQ. FT. OR
0.010 AC±



PH 11

BALTIMORE COUNTY		DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT		BUREAU OF LAND ACQUISITION	
DISTRICT NO. 15c5		POSITION SHEET NO. 5 NE-41		FEDERAL PROJECT NO.	
		CONSTRUCTION PLAN NO.		MARYLAND PROJECT NO.	
APPROVED	DIRECTOR OF PUBLIC WORKS	☐ AREA TO BE ACQUIRED	☒ EXISTING COUNTY R/W	 DATE 3-25-99 REG. NO. 67	
DATE		☒ REVERTIBLE SLOPE EASEMENT	☒ AREA TO BE RELEASED		
APPROVED	CHIEF, BUREAU OF LAND ACQUISITION	☒ TEMPORARY CONSTRUCTION AREA	☐ TEMPORARY SLOPE EASEMENT	SHEET OF REVISIONS	
DATE	8-10-99	ITEM NO.	RECORDED	SCALE 1" = 50'	6-10-99
APPROVED	DIVISION OF DRAFTING			B.C. JOB ORDER NO. 1-85-9	9-17-99
DATE	8-15-99			R W 97 - 023 - 53	

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

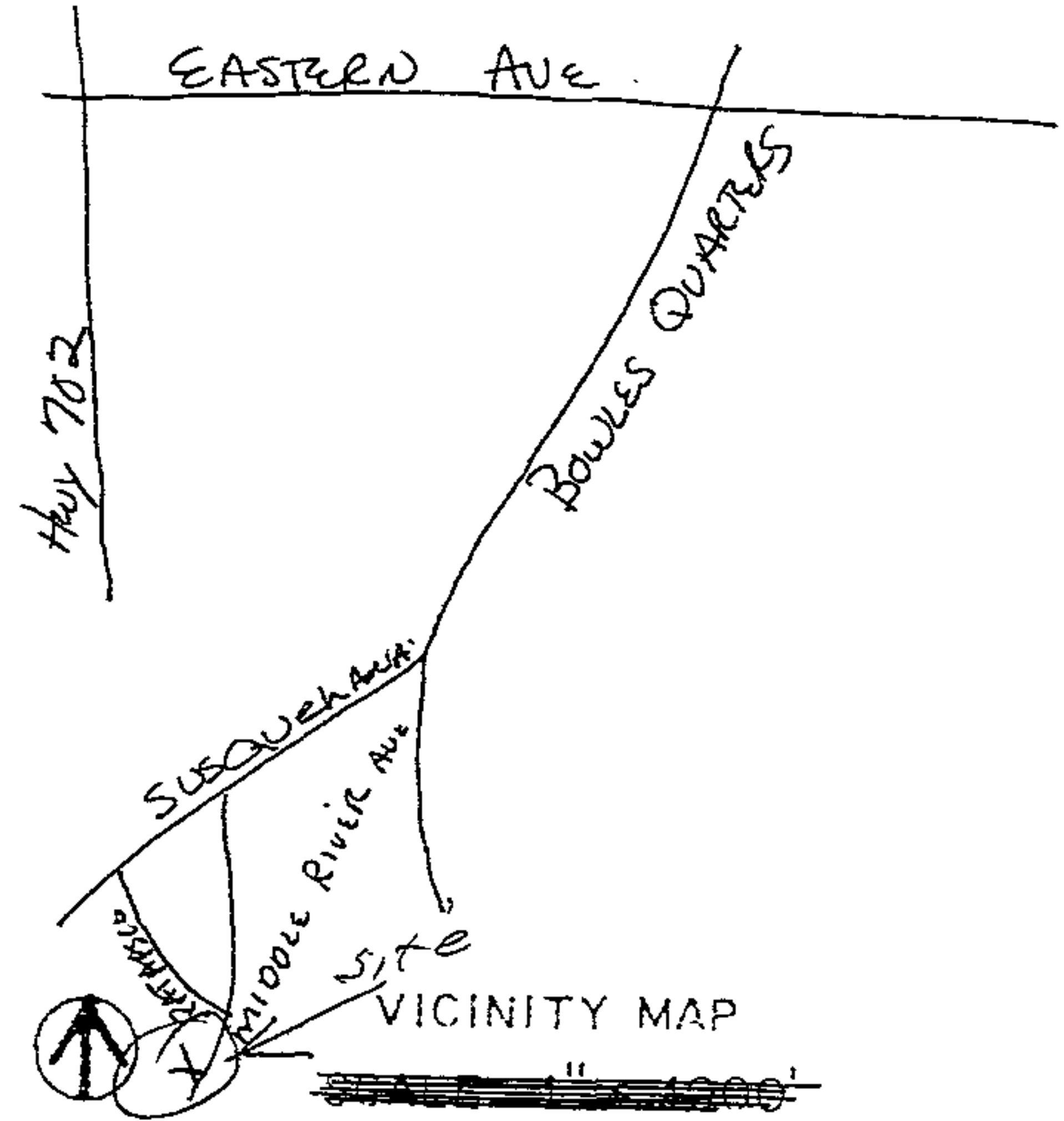
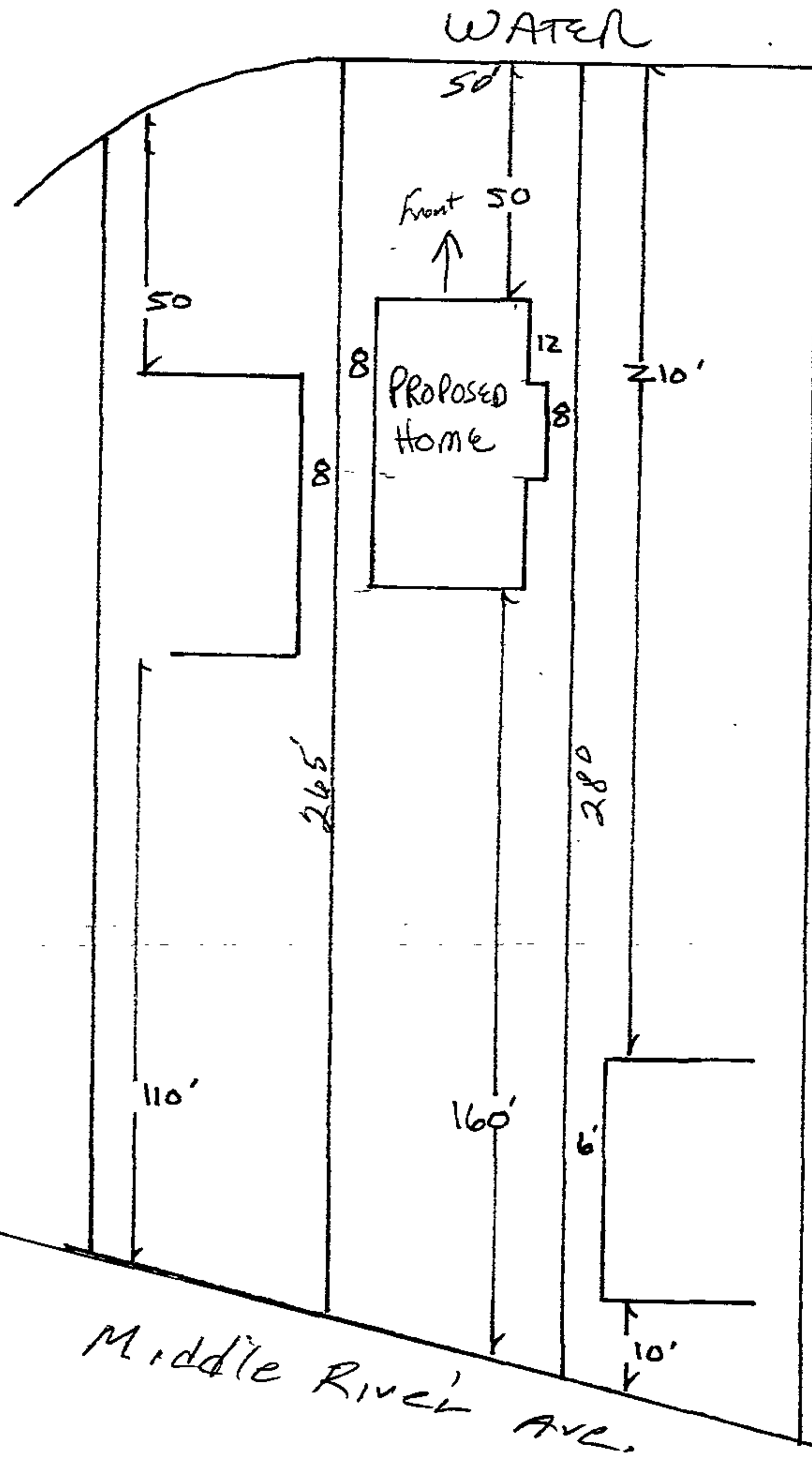
PROPERTY ADDRESS 5716 Middle River Ave.

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Long Beach Estates

PLAT BOOK # 4 FOLIO # 131 LOT # 300 SECTION # Plat C

OWNER John A Agnoli, Arther O. Agnoli



LOCATION INFORMATION

ELECTION DISTRICT 15TH

COUNCILMANIC DISTRICT 6th

1" = 200' SCALE MAP # NE 2-K

ZONING DR. 3.5

LOT SIZE 0.27 ± 11,880 ±
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☒	☐

100 YEAR FLOOD PLAIN	☒	☐
----------------------	-------------------------------------	--------------------------

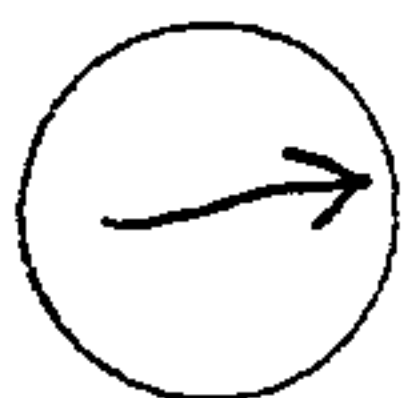
HISTORIC PROPERTY/ BUILDING	☐	☒
-----------------------------	--------------------------	-------------------------------------

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

REVIEWED BY Item # CASE #

031



NORTH

PREPARED BY

Jo Rand

SCALE OF DRAWING: 1" = 40'

PROPERTY ADDRESS 3716 Middle River Ave

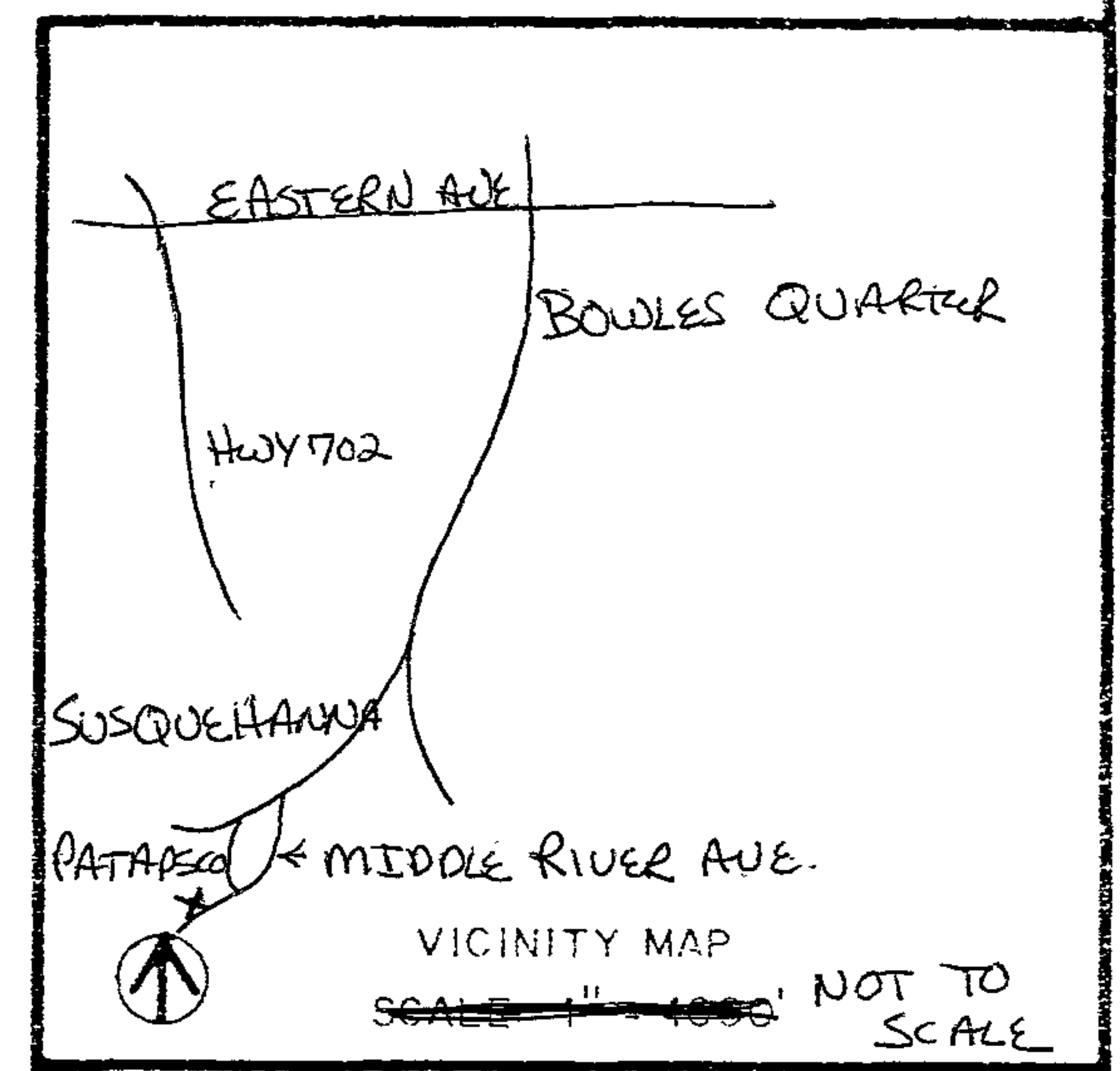
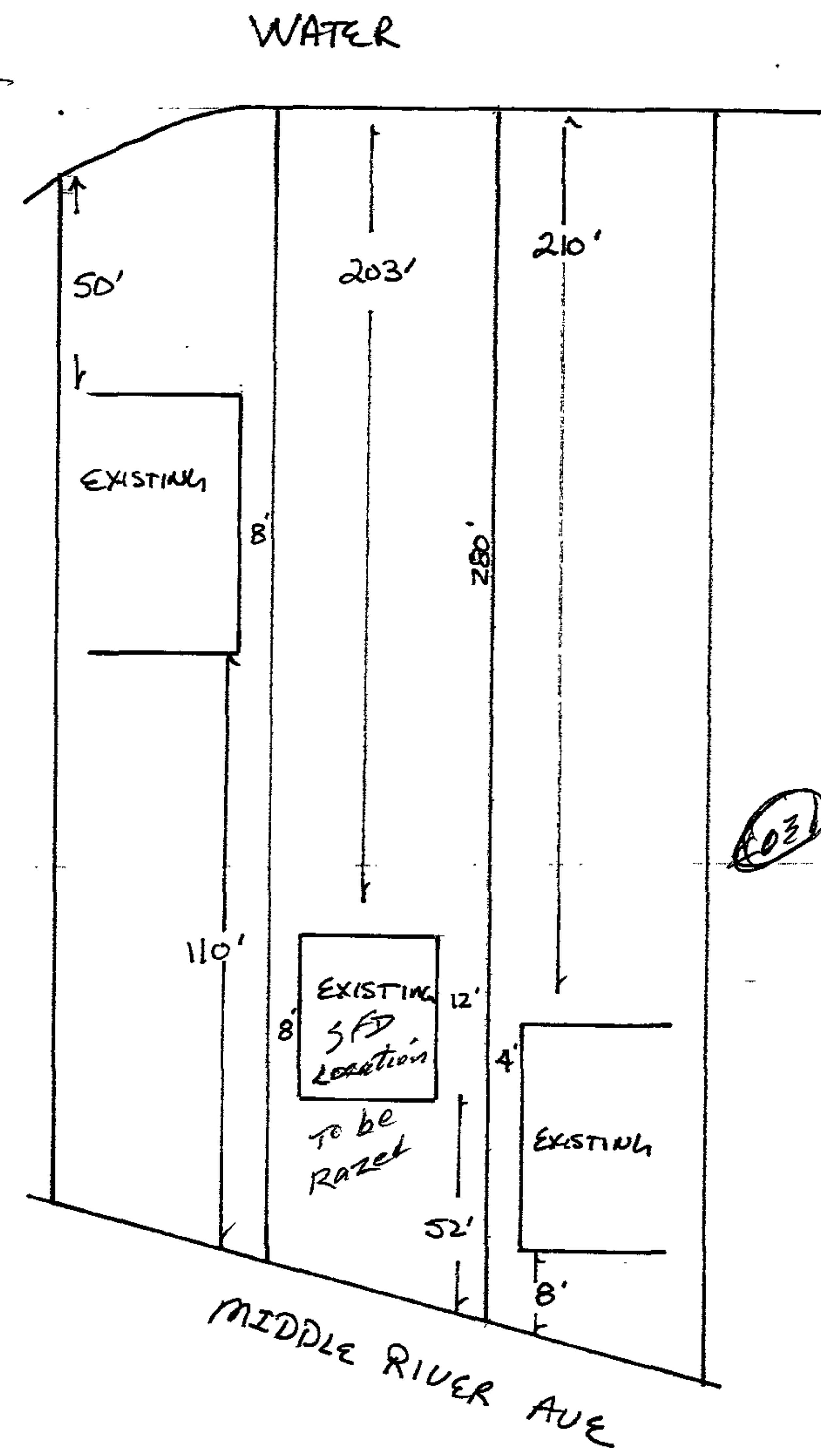
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Long Beach Estates

PLAT BOOK # 4 FOLIO # LOT # 300 SECTION # Plot C

OWNER Agnoli

Contract Purchaser Rand



LOCATION INFORMATION

ELECTION DISTRICT 15TH

COUNCILMANIC DISTRICT

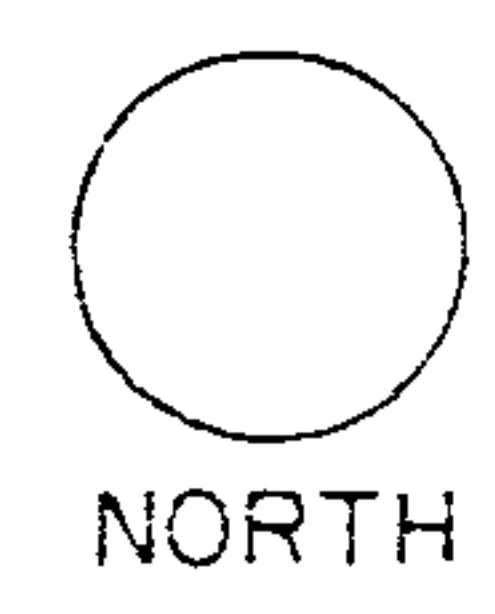
1" = 200' SCALE MAP # NE 2-K

ZONING DR. 3.5

LOT SIZE	ACREAGE	11,580	
		SQUARE FEET	
		PUBLIC	PRIVATE
SEWER	☒	☐	
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 #



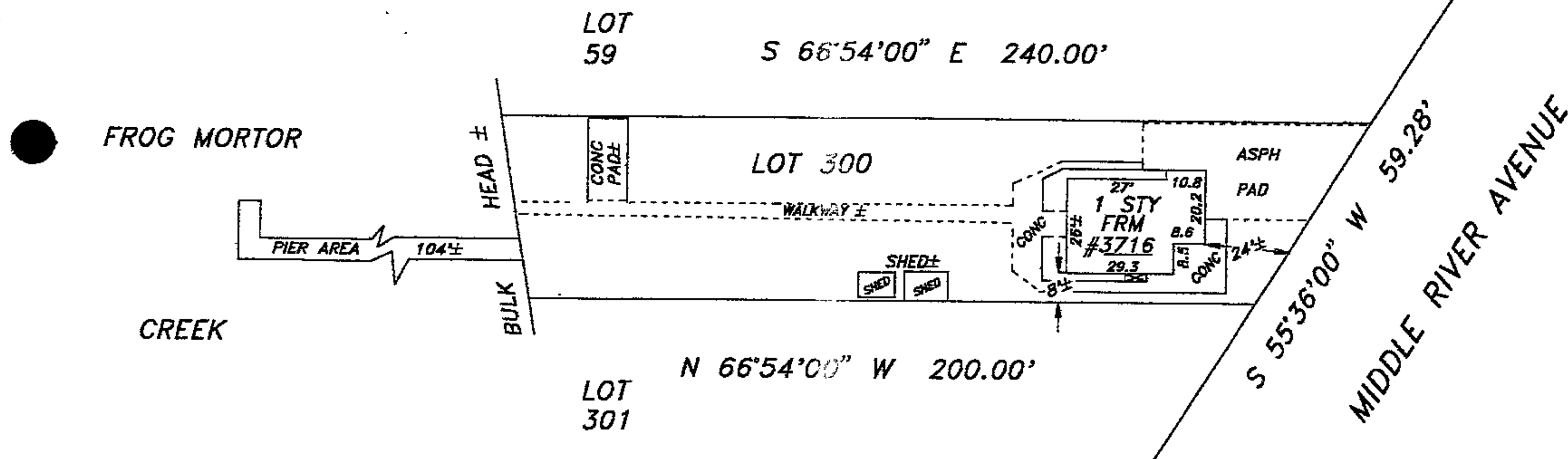
PREPARED BY

Jo Rand

SCALE OF DRAWING: 1" = 40'

NOTES:

- 1) B.R.L. Information, if shown, was obtained from existing record plat or local agencies and is not guaranteed by NTT, Inc.
- 2) Building line and/or Flood Zone information is subject to the interpretation of the originator.
- 3) NTT, Inc. does not certify to unshown or unrecorded encroachments or overlaps.
- 4) Property markers NOT found, or guaranteed by this location.
- 5) Setback distance accuracy: 2'±

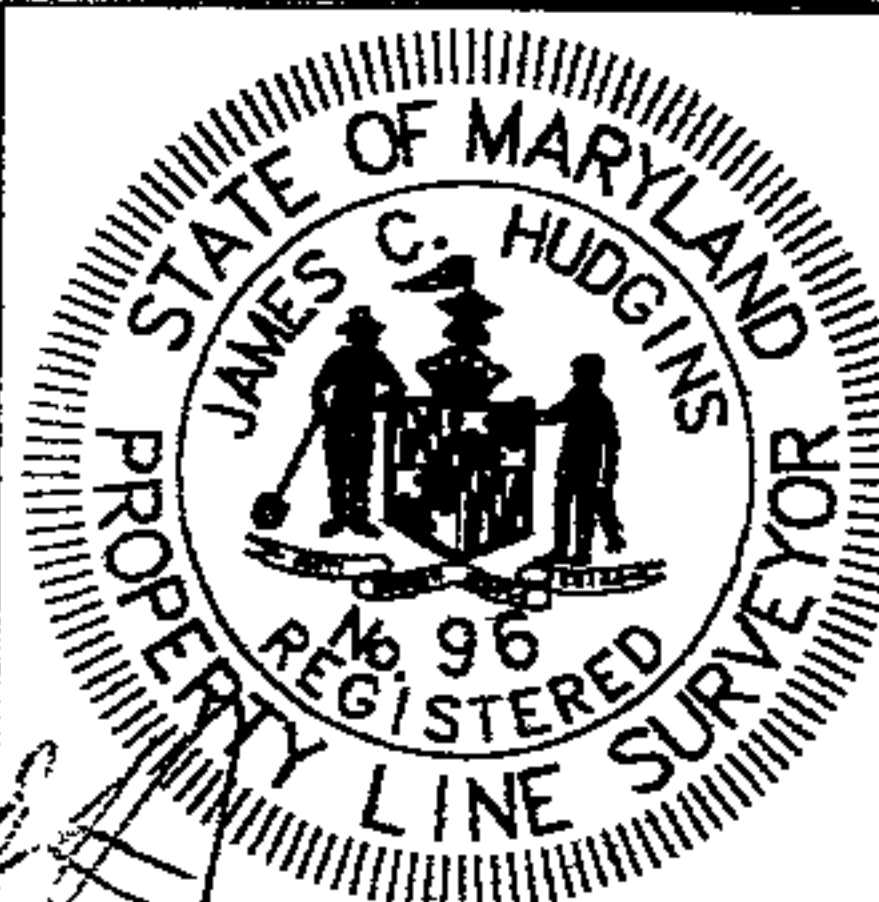


Subject property is shown in Zone "A-10" on the FIRM Map of Baltimore County Maryland on Community Panel 240010 0445 B .Effective MARCH 2, 1981

*NO PROP CONTROL NOTED BASED ON LINES OF POSS.

This is to certify that I have surveyed the property shown hereon, being known as LOT #300, PLAT "C", "LONG BEACH ESTATES" and recorded among the land records of Baltimore County, Maryland in Plat 4, folio 131 for the purpose of locating the improvements thereon.

- * This plat is of benefit to the consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing, or refinancing purposes.
- * This plat is not to be relied upon for the establishment of location of fences, garages, buildings, or other existing or future structures.
- * This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or for securing financing or refinancing.



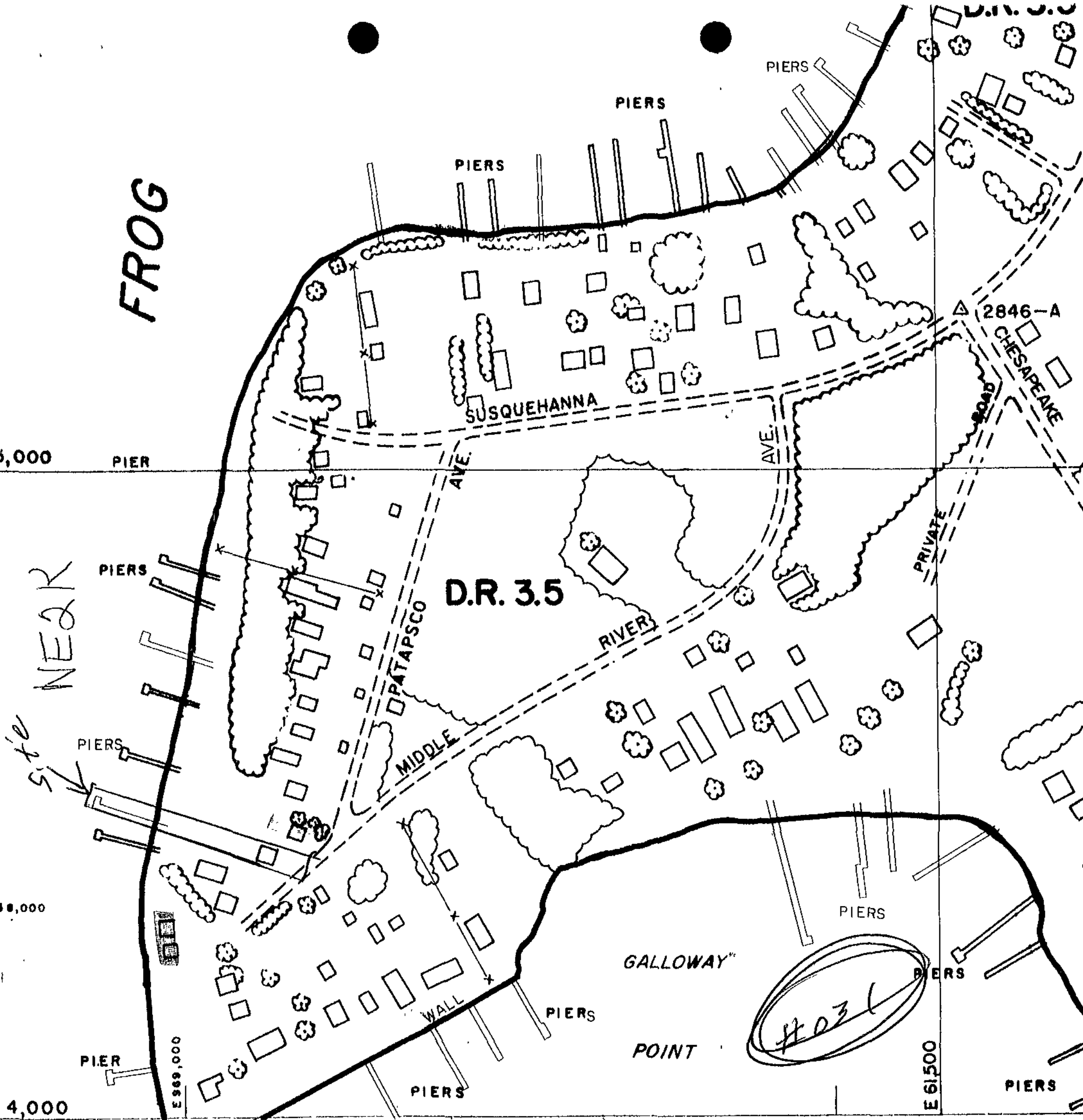
J. Carl Hudgins PLS #96

LOCATION DRAWING
#3716 MIDDLE RIVER AVENUE
BALTIMORE COUNTY, MARYLAND
15TH ELECTION DISTRICT

NTT Associates, Inc.
16205 Old Frederick Road
Mt. Airy, Maryland 21771
Ph. (410)442-2031
Fax No. (410)442-1315

Scale:	1" = 50'
Date:	07-25-03
Field By:	MITCH
Drawn By:	MITCH
Drawing #	13063LFBEL

Ref # 2



2000 COMPREHENSIVE ZONING MAP

ADOPTED by

THE BALTIMORE COUNTY COUNCIL

OCTOBER 10, 2000

Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

Joseph B. Battaglia
Chairman, County Council

House setback was measured from
part of water closest to house.

House is 64' back from water at
adjoining property line

House is unimproved

Less than 50' from water

#031

(SHEET N.E.2.J)

N 6,000

Parrott

MQ

1" = 200' Scale
Zoning MAP# NE, 2-K

FROG

N 5,000

PIER

D.R. 3.5

SUSQUEHANNA

MIDDLE

PATAPSCO

RIVER

GALLOWAY

POINT

D.R. 3.5

LONG
BEACH
ESTATES

D.R. 3.5

2846-A

CHESAPEAKE

CHOPTANK

CHESTER

ROAD

1500

63,000

N 638,000

E 60,000

Parrott

PIER

999,000

WALL

PIERS

PIERS

PIERS

PIERS

PIER

PIERS

WALL

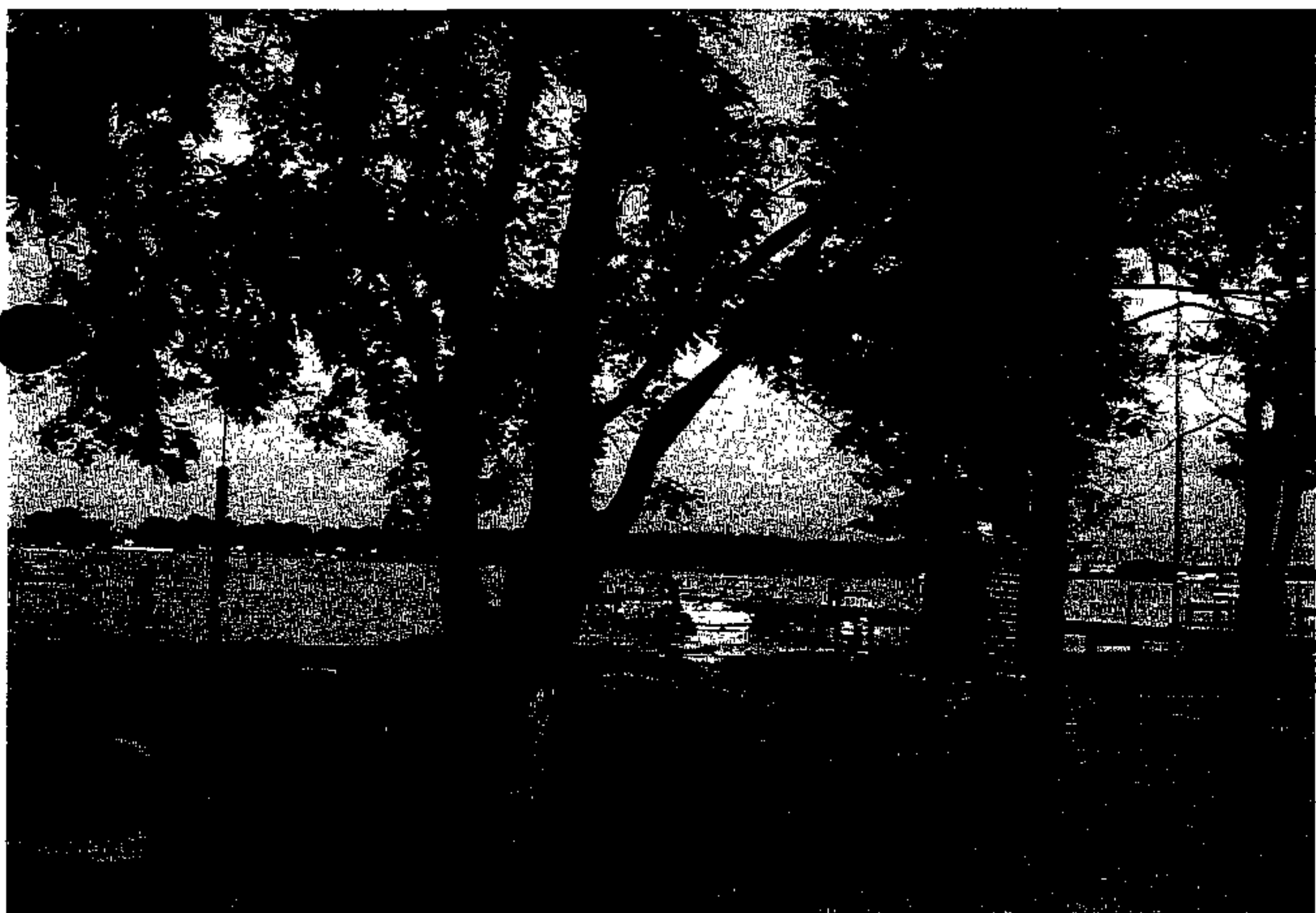
PIERS

3716 Middle River Ave



→ VIEW TO LEFT AT 50'

#031



VIEW TO RIGHT



VIEW AHEAD

03/

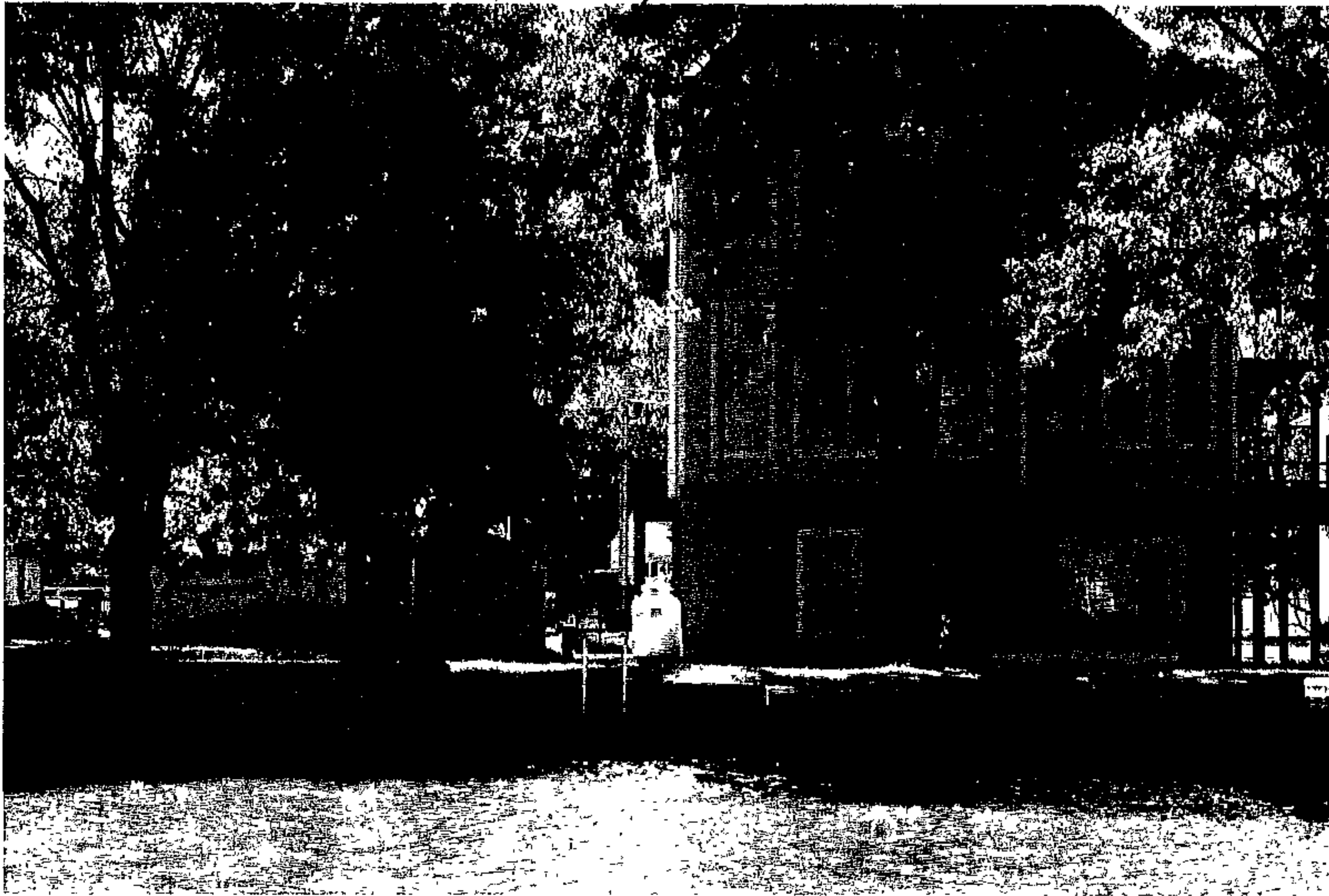
House to the right (3716)
~~the~~ Looking from M. River Ave



EXISTING HOUSE TO RIGHT

#03/

House on the left of 3716 Middle River
Ave
Looking from the Road

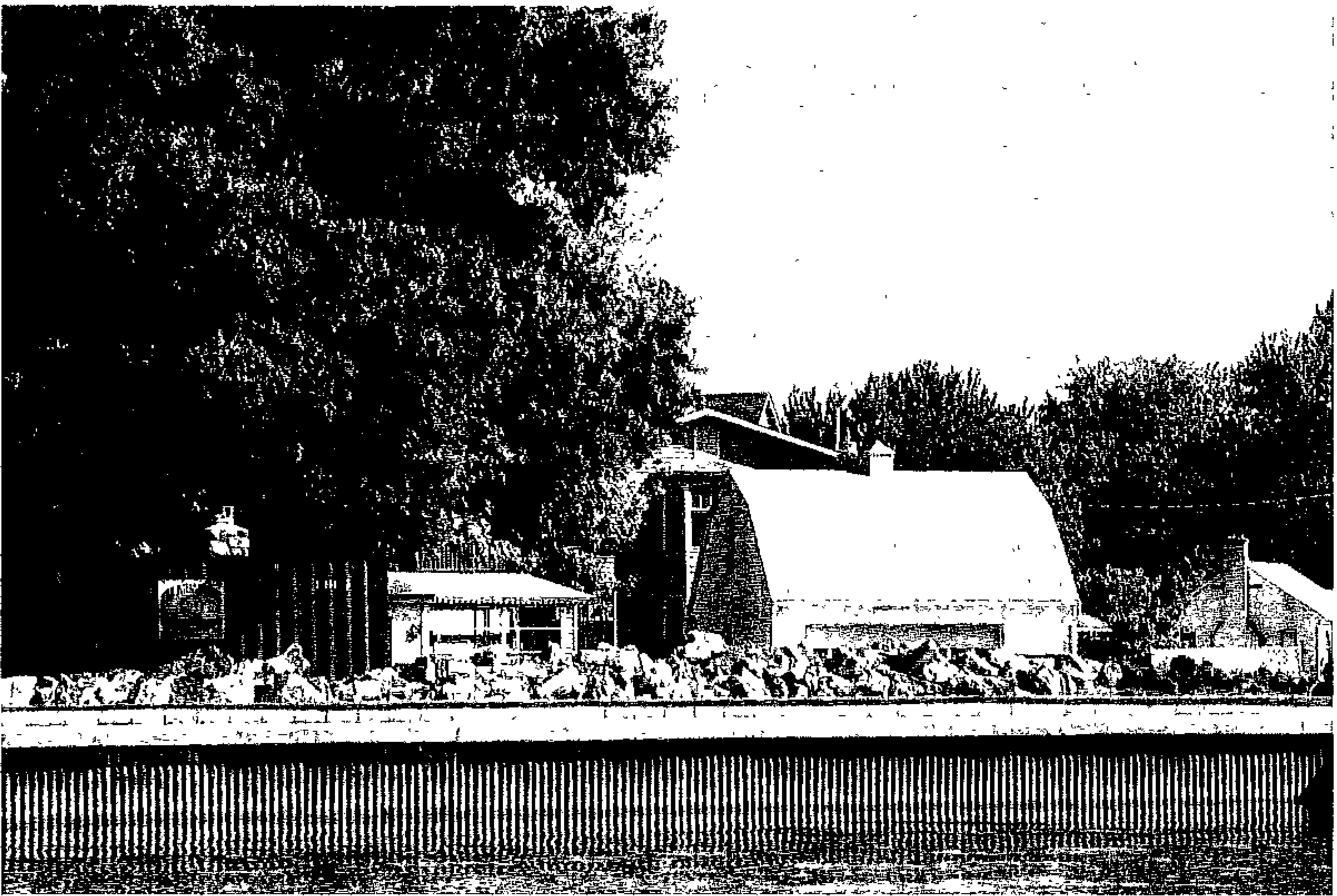


#031

IMPROVED HOUSE TO LEFT



LOT



LOT

NEW HOME UNDER
CONSTRUCTION

031

EXISTING STRUCTURE

3716, (to be razed &
middle river rebuilt)
ave.



371





VIEW AHEAD

130



VIEW TO LEFT FROM EXISTING



VIEW TO RIGHT



