

IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Holly Beach Road, 700 ft. +/-
E of Henrietta Avenue
15th Election District
6th Councilmanic District
(2626 Holly Beach Road)

Kathleen A. & John A. Filar
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 04-193-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Kathleen A. & John A. Filar. The variance request is for property located at 2626 Holly Beach Road in the eastern area of Baltimore County. The variance request is from Sections 1A04.3.B.2, 400.1 and 400.1.d.(2) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached accessory building (garage) replacement and addition to same in the front yard with a 33 ft. setback to street centerline in lieu of the rear yard with a 75 ft. setback to street centerline respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

RECEIVED
11/20/03
By: [Signature]

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this 20th day of November, 2003, that a variance from Sections 1A04.3.B.2, 400.1 and 400.1.d.(2) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached accessory building (garage) replacement and addition to same in the front yard with a 33 ft. setback to street centerline in lieu of the rear yard with a 75 ft. setback to street centerline respectively, be and is hereby GRANTED, subject, however, to the following restriction which is a condition 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 required to return, and be responsible for returning, said property to its original condition.


LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:raj

11/20/03
R. G. [unclear]
[unclear]

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 20, 2003

Mr. & Mrs. John A. Filar
2626 Holly Beach Road
Baltimore, Maryland 21221

Re: Petition for Administrative Variance
Case No. 04-193-A
Property: 2626 Holly Beach Road

Dear Mr. & Mrs. Filar:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative 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 cursive script that reads "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:raj
Enclosure

C: Anna Rosen, Esq.

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



CBCA ORIGINAL KEEP IN FILE



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2626 Holly Beach Rd.
which is presently zoned RC5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 AND (400.1.d.(2) POLICY MANUAL)

^(GARAGE) 1 A04.3.B.2. BCZR TO PERMIT
A DETACHED ACCESSORY BUILDING REPLACEMENT AND ADDITION TO SAME
IN THE FRONT YARD WITH A 33 FT. SETBACK TO STREET CENTERLINE
IN LIEU OF REAR YARD WITH A 75 FT. SETBACK TO STREET CENTERLINE
RESPECTIVELY

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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:

ARVIN E. ROSEN, ESQ.
Name - Type or Print

Signature

SISKIND, GRADY, ROSEN & HOOVER, PA.
Company

2 HOPKINS PLAZA (410) 539-6606
Address Telephone No

BALTIMORE, MD 21201
City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Legal Owner(s):

John A. Filar
Name - Type or Print

John A. Filar
Signature

Kathleen A. Filar
Name - Type or Print

Kathleen A. Filar (410) 539-6606
Signature WORK

2626 Holly Beach Rd (410) 574-6215
Address Telephone No

Baltimore MD 21221
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No

City State Zip Code

Zoning Commissioner of Baltimore County

Reviewed By JL Date 10/16/03

Estimated Posting Date 10/26/03

CASE NO. 04 193 A

REV 10/25/01

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 2626 Holly Beach Rd
Address Baltimore MD 21221
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

- ① Permission to build accessory structure to replace existing hurricane damaged 2 car garage in front yard, because back yard is waterfront. Critical Bay & not practical with no access.
- ② Using existing location of garage to be RAZED FOR THE FRONT SET BACK.
- ③ NEIGHBORS GARAGE ARE CLOSER TO ROAD.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

John A. Filar
Signature
John A. Filar
Name - Type or Print

Kathleen A. Filar
Signature
KATHLEEN A. FILAR
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15 day of October 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JOHN A. Filar & KATHLEEN A. Filar
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public
My Commission Expires 1-1-07

ZONING DESCRIPTION

193

Zoning Description for 2626 Holly Beach Road

Beginning at a point on the north side of Holly Beach Road which is 100 feet wide at the distance of 700 feet ^{*}east of the centerline of the nearest improved intersecting street Henrietta ^{AVENUE} which is 40 ^{KF} feet wide. Being Lots 25 and 26 as shown on Plat No. 1 in the subdivision of Holly Beach as ^{AF} recorded in Baltimore County Plat Book #WPC No. 4, folio 182, containing 21,400 square feet. Also known as 2626 Holly Beach Road and located in the 15th Election District, 6th Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

193 JV No. 29972

DATE

10/16/03

ACCOUNT

0010066150

AMOUNT

\$ 65.00

RECEIVED
FROM:

FOR:

Res Van

2626 Holly Beach Rd.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

DATA RECEIPT
CHILD RECEIPT

BUSINESS	ACTUAL	TIME	DATE
10/17/2003	10/16/2003	15:06:25	2
REG: 0004	WALKIN	DOE	IND
RECEIPT # 20640	10/16/2003		0FLN
DEPT 5	528 ZONING VERIFICATION		

RECEIPT FOR \$65.00
\$65.00 OK
BALTIMORE COUNTY, MARYLAND

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 04-193-A

Petitioner/Developer: _____

JOHN & KATHLEEN FILAIR

Date of Hearing/Closing: 11/10/03

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

Attention: MS. BECKY HART

Ladies and Gentlemen:

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

2626 HOLLY BEACH RD.

The sign(s) were posted on 10/26/03
(Month, Day, Year)

CASE # 04-193-A

Sincerely,

Richard E. Hoffman 10/26/03
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

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

(410) 879-3122
(Telephone Number)

ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 04-193-A

TO PERMIT A DETACHED ACCESSORY BUILDING
(GARAGE) BEHIND AND ADJACENT TO HOME
IN FRONT YARD WITH A 5 FT SETBACK TO STREET
CENTRAL IN LINE OF REAR YARD WITH A 5 FT
SETBACK TO STREET CENTRAL IN LINE OF REAR YARD

PUBLIC HEARING ?

IN ACCORDANCE WITH SECTION 21-101(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
11/10/03
ADDITIONAL INFORMATION IS AVAILABLE AT
BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
111 WEST CHESAPEAKE AVENUE
TOWSON, MD 21204
TEL: 887-3101
FAX: 887-3102

2626 HOLLY BEACH RD.

POSTED 10/26/03

Richard E. Hoffman 10/26/03

ORIGINAL WITH POST LIST
TO APP. 10/16

ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04- 193 -A Address 2626 HOLLY BEACH RD
Contact Person: JOHN LEWIS Phone Number: 410-887-3391
Planner: Please Print Your Name

Filing Date: 10/16/03 Posting Date: 10/26/03 Closing Date: 11/10/03

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.

DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.

ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.

POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

Section A - Sign Poster Only

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 04- 193 -A Address 2626 HOLLY BEACH RD
Petitioner's Name FILAR (JOHN & KATHLEEN) Telephone 410 574 6215
Posting Date: 10/26/03 Closing Date: 11/10/03
Loading for Sign: To Permit A DETACHED ACCESSORY BUILDING (GARAGE) REPLACEMENT AND
ADDITION TO SAME IN FRONT YARD WITH A 33 FT. SETBACK TO STREET CENTERLINE IN LIEU OF
REAR YARD WITH A 75 FT. SETBACK TO STREET CENTERLINE RESPECTIVELY.

WCR - Revised 5/28/00

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: 04-193-A
Petitioner: FIHAR
Address or Location: 2626 HOLLY BEACH RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN A. FIHAR
Address: 2626 HOLLY BEACH RD.
BALTIMORE, MD, 21221
Telephone Number: (410) 574-6215

**Department of Permits and
Development Management**

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



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

November 10, 2003

Arvin E. Rosen, Esq.
Siskino, Grady, Rosen & Hoover, P.A.
2 Hopkins Plaza
Baltimore, MD 21201

Dear Mr. Rosen:

RE: Case Number: 04-193-A, 2626 Holly Beach Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 16, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
John and Kathleen Filar, 2626 Holly Beach Road, Baltimore 21221

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





**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

October 27, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 27, 2003

Item No.: 183-194 (193)

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





State Highway
Administration

MARYLAND DEPARTMENT OF TRANSPORTATION

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

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

Date: 10.28.03

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

RE: Baltimore County
Item No. 193 JLL

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley *RBS*

DATE: November 12, 2003

SUBJECT: Zoning Item # 04-193
Address 2626 Holly Beach Road
Filar Property

Zoning Advisory Committee Meeting of October 27, 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:

Reviewer: Keith Kelley

Date: November 12, 2003

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 3, 2003

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

SUBJECT: Zoning Advisory Petition(s): Case 04-179, 04-180, and 04-193
Administrative Variance

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

Prepared By:

Mark A. Cunningham

Section Chief:

Lynne J. Fentress

AFK/LL

RECEIVED

NOV - 4 2003

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 13, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For November 3, 2003
Items Nos. 183, 184, 185, 186, 187,
188, 189, 190, 191, 192, 193, and 194

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

RWB:CEN:jrb

cc: File

NEIGHBORING RESIDENTS INFO.
ATTACHMENT TO PLAT REQUIREMENTS

Owner Name(s): Belbot, Ronald P.
Belbot, Catherine W.

Property Address: 2624 Holly Beach Road
Baltimore, MD 21221-2020

Deed Reference: 5219/179

Plat Reference: Plat No. 1 4/182
Lot Number: 24
Group: 82

Legal Description: 650 E Curve Holly Beach

Account Number: 1504002710

District: 15

193

Owner Name(s): Wiley, Charles L. (deceased)
Wiley, Sophia F.

Property Address: 26230 Holly Beach Road
Baltimore, MD 21221-2020

Deed Reference: 7265-694

Plat Reference: Plat No. 1 4/182
Lot Number: 27
Group: 82

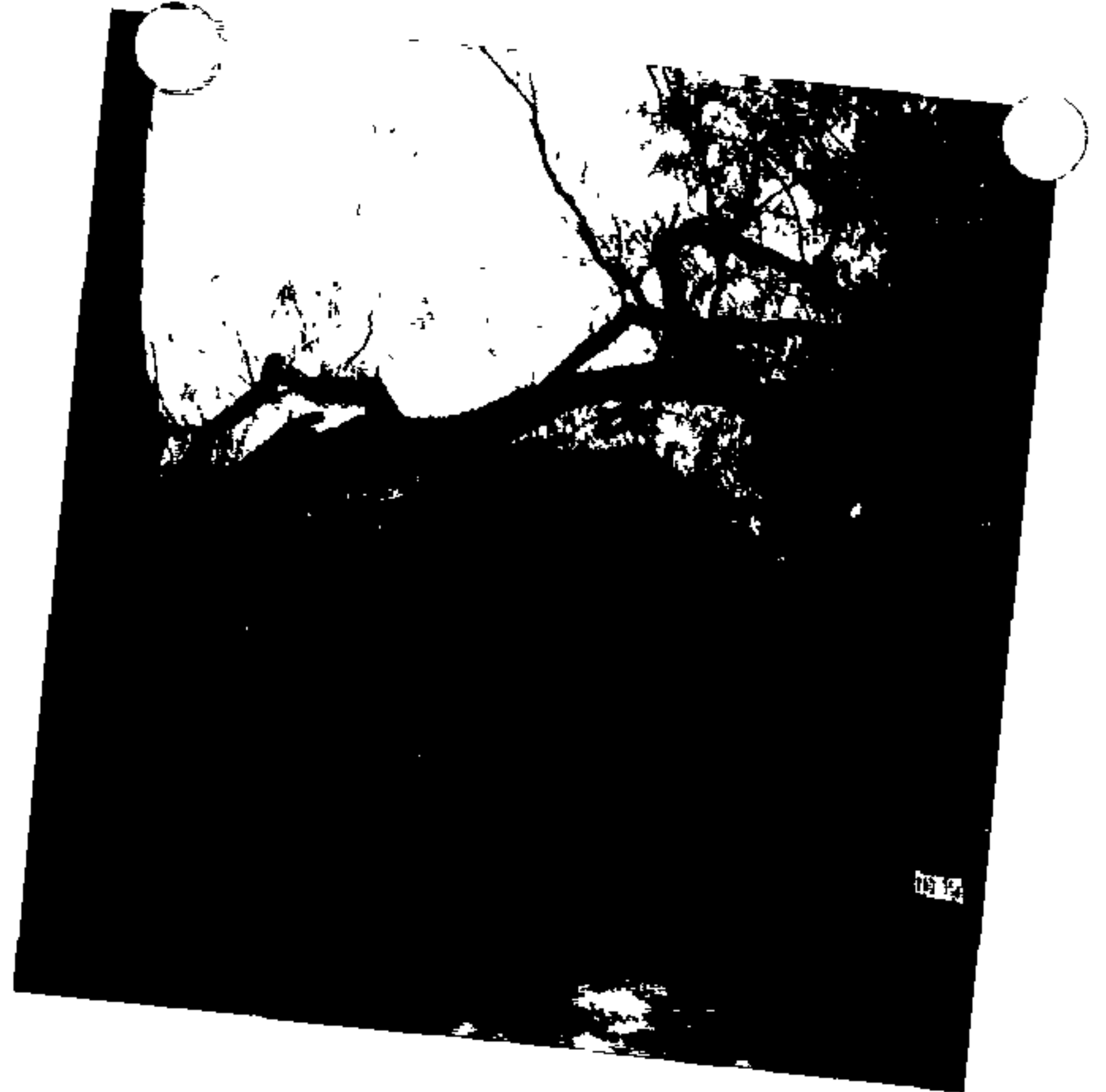
Legal Description: Lot 27-28 Holly Beach

Account Number: 1515640070

District: 15



193

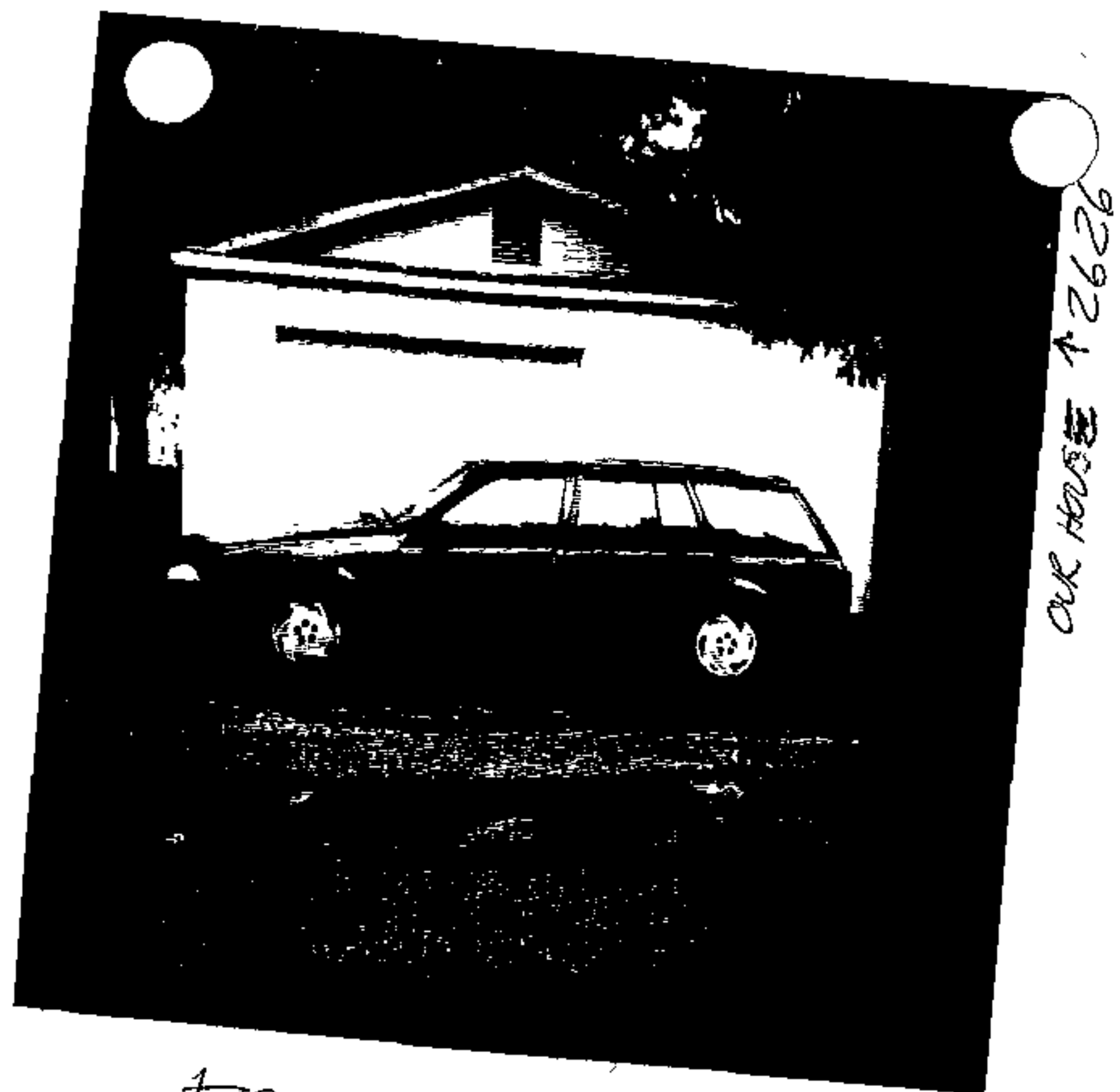


193



193

NEIGHBOR TO
LEFT



OUR HOUSE ↑ 2626

FRONT VIEW

193

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 2626 HOLLY BEACH ROAD

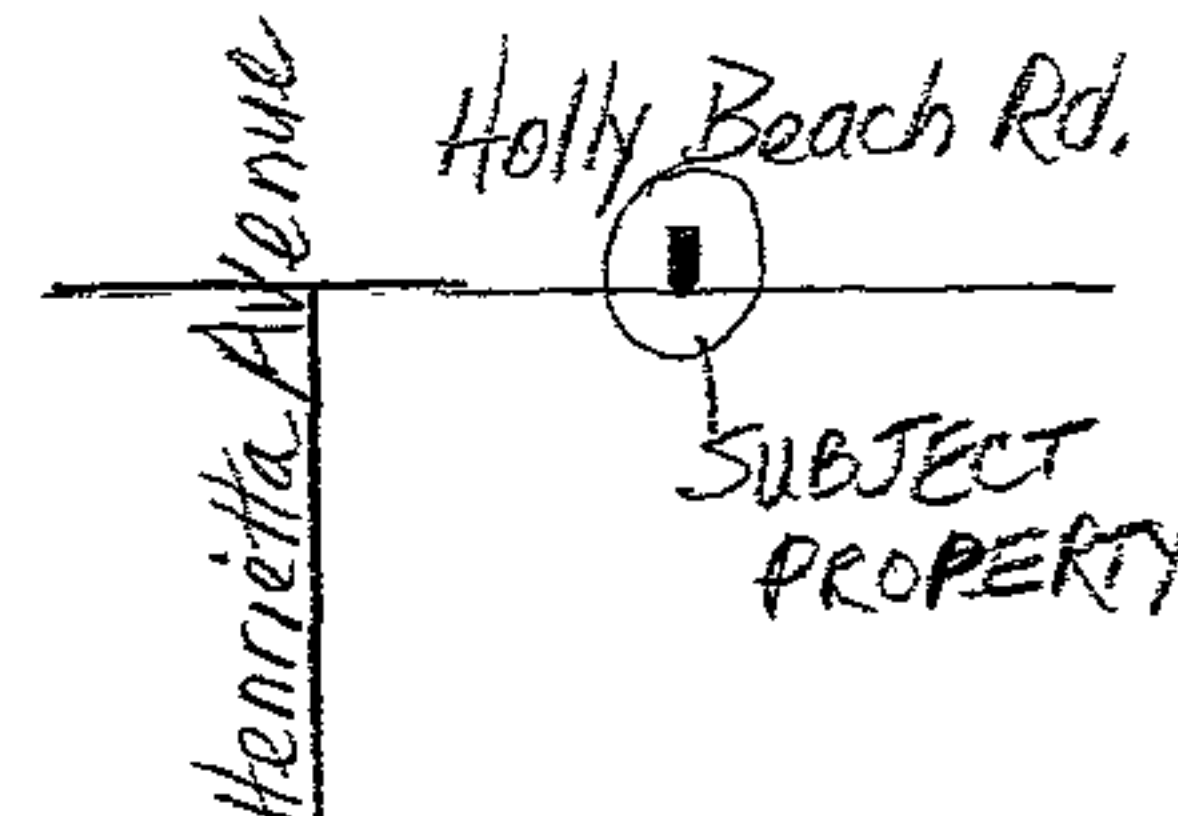
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME HOLLY BEACH

PLAT BOOK # WPC No. 4 FOLIO # 182 LOT # 25 SECTION # 4

OWNER JOHN + KATHLEEN FILLAR

MIDDLE RIVER



VICINITY MAP
SCALE: 1" = 1000'

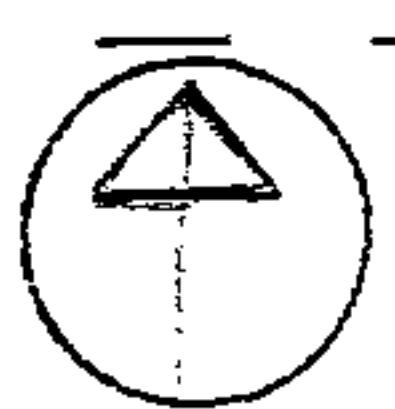
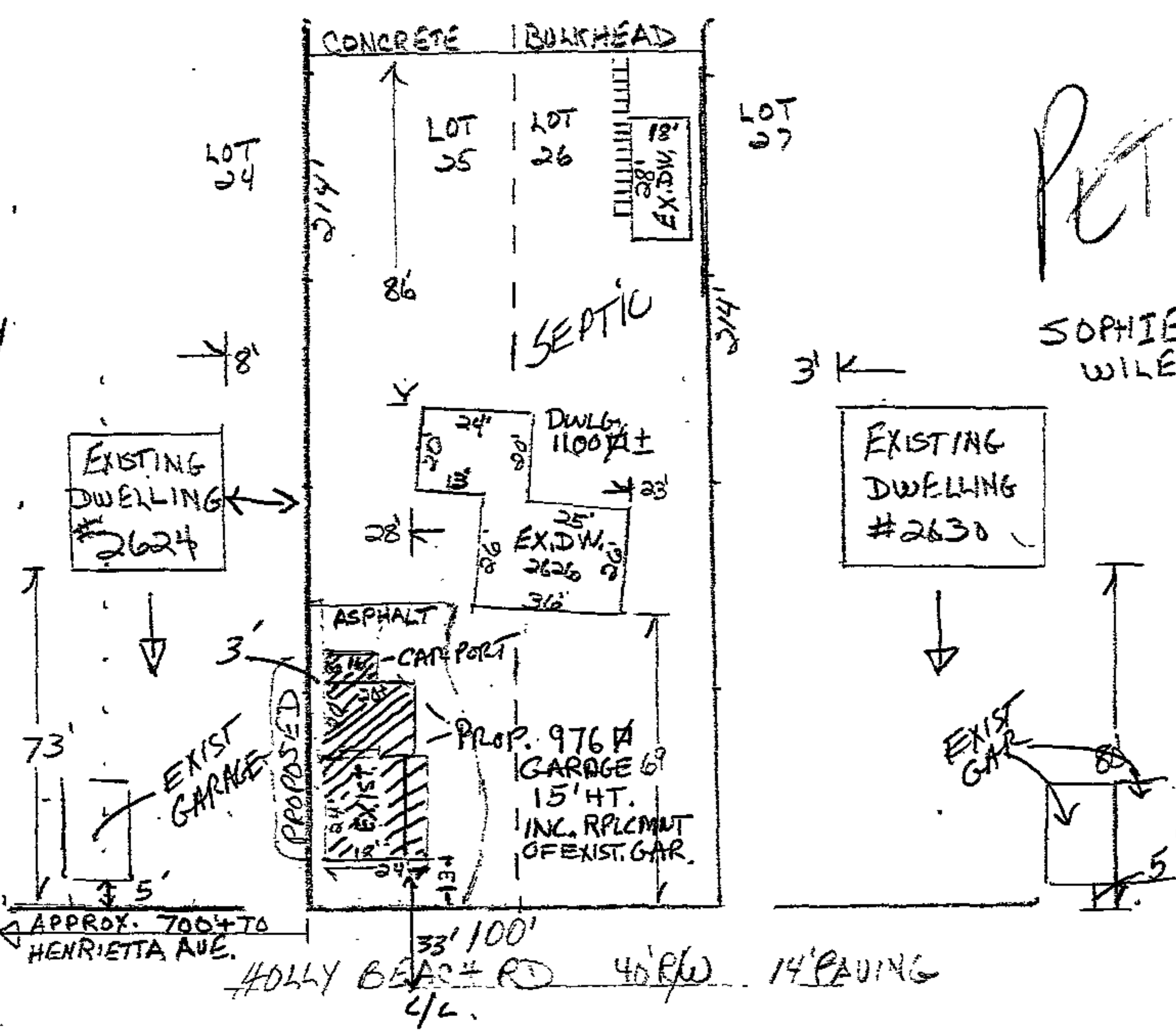
LOCATION INFORMATION

ELECTION DISTRICT 15
COUNCILMANIC DISTRICT 6
1" = 200' SCALE MAP # S.E. 2-K
ZONING RC5 WATERFRONT
LOT SIZE 0.49 21,400
ACREAGE SQUARE FEET
SEWER ☐ PUBLIC ☒ PRIVATE
WATER ☒ ☐
CHESAPEAKE BAY CRITICAL AREA YES ☒ NO ☐
100 YEAR FLOOD PLAIN ☐ ☒
HISTORIC PROPERTY/BUILDING ☐ ☒
PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

193

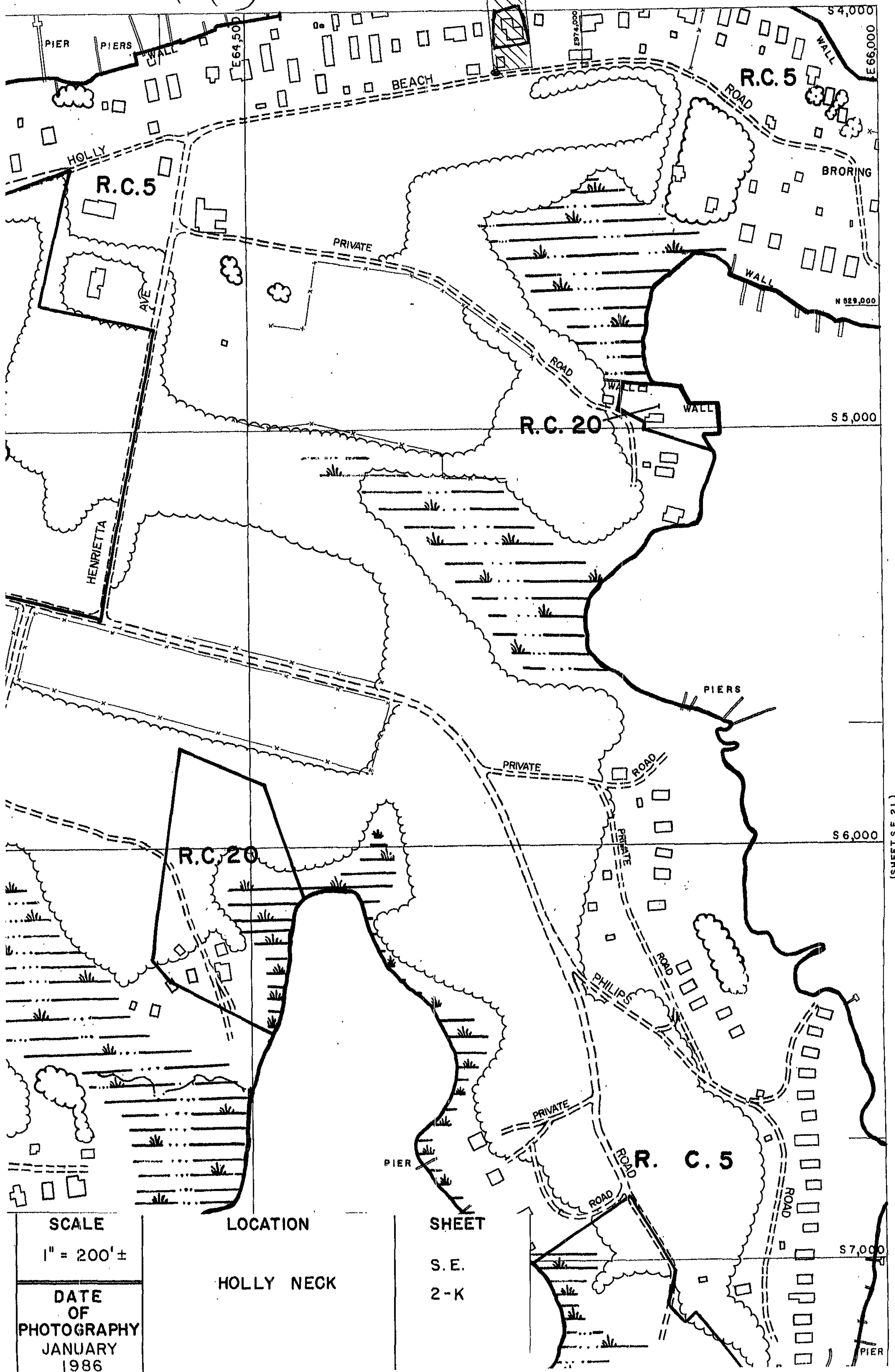
RON + KAY
BELBOT



NORTH

PREPARED BY with revisions John A. Filar 10/16/03 SCALE OF DRAWING: 1" = 50'

193



SCALE

1" = 200' ±

DATE
OF

PHOTOGRAPHY

JANUARY

1986

LOCATION

HOLLY NECK

SHEET

S. E.

2 - K

(SHEET S.E. 2L)