OR FILING ORDER RE

IN RE: PETITION FOR ADMIN. VARIANCE N/S Golupski Road, 4,700' SE of the c/l Holly Neck Road (2422 Golupski Road)

15th Election District 6th Council District

Mark Foard, et ux Petitioners

- BEFORE THE
- ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- Case No. 04-364-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Mark Foard and his wife, Christine Foard. The Petitioners seek relief from Section 1A05.4.A of the Baltimore County Zoning Regulations (B,C.Z.R.) to permit a replacement dwelling (Tropical Storm Isabel damage) with a proposed height of 48 feet in lieu of the maximum allowed 35 feet. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The instant Petition relates to a waterfront parcel located with frontage on Brown's

Creek and the northwest side of Golupski Road, east of Holly Neck Road in Essex. The property contains a gross area of 17,860 sq.ft., more or less, zoned R.C.20 and is improved with a single family dwelling that has existed on the site for many years. Testimony indicated that the house was heavily damaged when Hurricane Isabel struck the area in September 2003 and the Petitioners propose razing the structure and constructing a new dwelling in essentially the same footprint. Variance relief is requested as set forth above to allow a height for the proposed structure in excess of that allowed by the zoning regulations. As justification for this request, the Petitioners note that reconstruction must be in compliance with Federal Flood Insurance requirements and as such, the new house will be constructed on pilings so that the first floor elevation is above the minimum elevation required for this site of 11.2 feet.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code, which allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate. In this regard, although there is apparently no neighborhood opposition, adverse Zoning Advisory Committee (ZAC) comments were received from the Office of Planning and the Department of Environmental Protection and Resource Management (DEPRM). The Office of Planning comment indicated that they do not generally support variances to building heights along the waterfront and could not make any recommendations regarding the Petitioners' request until building elevation drawings of the proposed structure had been submitted for their review and approval. The comment submitted by DEPRM stated that "The proposed size of the house is larger than allowable due to limitations of the existing septic system." That comment further noted that DEPRM had denied the original building permit application and any appeal of that decision must be directed to the Maryland Department of the Environment. The Petitioners subsequently filed an appeal to the Maryland Department of the Environment and were awaiting a decision in that matter when they filed the instant Petition.

In view of these factors, I advised the Petitioners by letter dated April 5, 2004 that I would withhold making a decision on their administrative variance request, pending the outcome of their appeal and a favorable decision by the MDE. Additionally, the Petitioners were advised to submit building elevation drawings to the Office of Planning and the undersigned for review and approval.

During a recent discussion of this matter with a representative of DEPRM, the undersigned was advised that the issues related to the proposed dwelling and septic system have been resolved. Specifically, it was indicated that DEPRM has approved an interim septic system

and that ultimately grinder pumps and a connection to public sewer will become available to this site. The DEPRM official also advised that certain waivers/modifications had been approved as to Chesapeake Bay Critical Area requirements. In sum, DEPRM advised that they no longer object to the grant of relief to allow construction of a new dwelling on the subject property. The Petitioners have also submitted building elevation drawings of the proposed structure, which have been reviewed and approved by the Office of Planning.

A comment was also received from the Development Plans Review Division of the Department of Permits and Development Management regarding construction in the flood plain. Their comment notes that the subject property is located adjacent to tidal water and therefore must comply with Federal Flood Insurance requirements and BOCA Code regulations.

Based upon all of the testimony and evidence presented, I am persuaded to grant the variance. I find that the Petitioner has met the requirements of Section 307 of the B.C.Z.R. and that there will be no detrimental impacts to the health, safety and general welfare of the surrounding locale. However, the proposed construction shall comply with Chesapeake Bay Critical Areas regulations and Federal Flood Insurance requirements as set forth above.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of May 2004 that the Petition for Administrative Variance seeking relief from Section 1A05.4.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a replacement dwelling (Tropical Storm Isabel damage) with a proposed height of 48 feet in lieu of the maximum allowed 35 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

GE FILING

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

May 26, 2004

Mr. & Mrs. Mark Foard 2422 Golupski Road Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Golupski Road, 4,700' SE of the c/l Holly Neck Road
(2422 Golupski Road)
15th Election District – 6th Council District
Mark Foard, et ux - Petitioners
Case No. 04-364-A

Dear Mr. & Mrs. Foard:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

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

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Development Plans Review, DPDM; DEPRM; Office of Planning
People's Counsel; Case/File



CBCA FLOSOY





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at <u>2422 GOLUPSKI ROAD</u> which is presently zoned <u>RC 20</u>

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) | AOS, 4, A, BCZR, to permit a replacement dwelling (tropical storm Isabel damage) with a proposed height of 48 feet in lieu of the maximum permitted height of 35 feet.

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.

	3	I/We do solemnly declar perjury, that I/we are the is the subject of this Pe	e legal owner(s) of the	e penalties of property which
Contract Purchaser/Lessee:	,	Legal Owner(s):	•	.
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Address	Telephone No.	Name - Type or Print	Lan /	
City	Zip Code	Signature		·
Attorney For Petitioner:		x 2422 (10) Address	Tupski Rd	#10 95212 Telephone No
		x BAIto	MAD	2122
Name - Type or Print		City	State	Zip Code
natur		Representative to	be Contacted:	
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		Zoning Commiss	sioner of Baltimore Count	y /
CASENO. <u>04-364-A</u>	Rev	riewed By <u>JNP</u>	Date <u>2/27/</u>	04
REV 10/25/01	Est	imated Posting Date	3/7/04	

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

REV 10/25/01

2422 GOLUPSKI ROAD

That based upon personal knowledge, the following are the facts upon which live base the request for an Administrative Variance at the above address (Indicate hardship or practical difficulty): The original Dwelling was Damaged More than 50% as a very of tropical Storm Isabel. The replacement Dwelling Must Compty with "Current" Flood Zone regulations which require the first floor of the Dwelling to be elevated to a greater height. In addition, the original Dwelling had insufficient Floor space to Accomadate the needs of a family of 5 people The replacement Dwelling is Designed by the architect to be a "Victorian" style home which has a larger Roof pitch than a typical 2-story Dwelling. Therefore as a result of the flood 20 ne regulations and our family's needs and the architectual Design, we propose a replacement Dwelling with a proposed height of 48 feet. 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. **Signeture** **Name-Type or Print**		BALTIMORE	M D State	2 22 Zip Code
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the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s). AS WITNESS my hand and Notarial Seal Notary Public C. 1. 100	I HEREBY CERTIFY, this 19th day of 10b	1	_,, before me,	a Notary Public of the State
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s). AS WITNESS my hand and Notarial Seal Notary Public C. / / C.				
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		Notary Public	Maria Caro	7/
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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.

Address

That the Affiant(s) does/do presently reside at

REV 10/25/01

2422 GOLUPSKI ROAD

	BAUTIM	ORE, MP	State	2/22/ Zip Code
That based upon personal knowledge, the following Variance at the above address (indicate hardship)	J.,	•		·
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REV 10/25/01

FEE WAINED BY TH Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2422 GOLUPSKI	
which is presently zoned $RC 20$	

Owner(s) of the property	v situate in Baltimo	are County and whic	its and Development Mar ch is described in the described	rintian and alat atta	school harata and
replacement di in lieu of the	velling (trop maximum p	ical storm Iso ermitted hei	on(s) 1 A 05.4. A BC with ght of 35 feet.	ZR, to permi	t a pright of 48 t
of the zoning regulation of this petition form.	s of Baltimore Co	unty, to the zoning I	aw of Baltimore County, fo	r the reasons indic	ated on the back
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		•	I/We do solemnly declar perjury, that I/we are the is the subject of this Pet	legal owner(s) of the	
Contract Purchaser	/Lessee:		Legal Owner(s):		
Name - Type or Print Signature	· 	······································	Name-Type or Print Signature,	FOARD	
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City	State	Zip Code	Signature	Jan D	
Attorney For Petitio	<u>ner:</u>		× 2422 ()01 Address	UPSKI KO	#10-952-13 Telephone No
Name - Type or Print	- \		x >a 40	State	Zip Code
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Company			Name		
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A Public Hearing having bethis day of regulations of Baltimore Coun	en formally demand that ty and that the propert	ed and/or found to be t the subject matter of ti y be reposted.	required, it is ordered by the zonis petition be set for a public hea	Zoning Commissioner e arıng, advertised, as re	of Baltimore County, quired by the zoning
			Zoning Commissi	oner of Baltimore Cour	ity ,
CASE NO.)4-364-1	A Rev	iewed By	Date2 2	704
REV 10/25/01		Esti	mated Posting Date	3/7/04	•

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 2422 GOLUPSKI ROAD

Beginning at a point on the north side of Golupski Road, which is 12-feet wide at the distance of 4,700-feet Southeast of the centerline of the nearest improved intersecting street Holly Neck Road, which is 20-feet wide. Containing 17,860 square feet. Also known as 2422 Golupski Road and located in the 15th Election District, 6th Councilmanic District. Thence the following courses and distances: 470-northeast on a 10-foot use in common driveway to the southeast corner of property, S 43° 22' E. 64-feet, S 39° 3'W 64.40-feet, S 30° 14'W 60.66-feet, S 67° 57' W 56.34-feet, N 83° 40' W 50.50-feet, N 69° 3' W 47.22-feet, N 49° 38' E 201.40-feet, N 49° 38' E 26.55-feet to the southeast corner of the property. As recorded in Deed Liber 12553, Folio 259.

04-364-A

Certificate Of Posting

RE: Case NO.: 04-344- A

			Petitioner/De	eveloper:
			Petitioner/De	FOARD
		D		Closing: 3/22/04/
Permits ar County O 111 West	County Department of Development Mana fice Building, Room Chesapeake Avenue AD 21204	agement		
Attention	, ,			
Ladies and	d Gentlemen:			
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RE: PETITION FOR ADMINSTRATIVE

VARIANCE
2422 Galumalri Bondi Nigida G

2422 Golupski Road; N/side Golupski Rd,

4,700' SE of Holly Neck Rd

15th Election & 6th Councilmanic Districts

Legal Owner(s): Christine & Mark Foard

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* 04-364-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.

RECEIVED

MAR 17 2004

Per Ela

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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 17th day of March, 2004, a copy of the foregoing Entry of Appearance was mailed to, Christine & Mark Foard, 2422 Golupski Road, Baltimore, MD 21221, Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Contact Person: <u>Jettrey Perlow</u>
Planter Please Print Your Name Filing Date: $\frac{2}{27/64}$ Posting Date: $\frac{3}{1/64}$ Closing Date: $\frac{3}{22/64}$

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

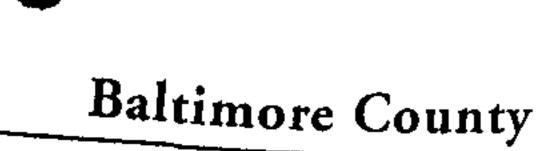
- POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible 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.
- 3 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.
- 4 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.

Detain Along Dotted Line Petitioner: This Part of the Form is for the Sign Poster Only USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT Case Number 0 Address 2422 GOLUFSKI ROAD -A Petitioner's Name FOARD Telephone 410-952-1343 Posting Date: Closing Date: Wording for Sign: To Permit a replacement dwelling (tropical storm Isabel damage) with a proposed height of 48 feet in lieu of the maximum permitted height of 35 feet.

Department of Permit Control Development Management

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





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

March 22, 2004

Christine Foard Mark Foard 2422 Golupski Road Baltimore, Maryland 21221

Dear Mr. and Mrs. Foard:

RE: Case Number: 04-364-A, 2422 Golupski Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 27, 2004.

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 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,

W. Carl Richards. Jr.

Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Fire Department

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





James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 March 9, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: March 9, 2004

Item No.:

361, 36

\$64**)**, 390-395, 397 & 398

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.

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



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





DATE: March 16, 2004

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 March 15, 2004 Item Nos. 864, 390, 391, 392, 393, 394, 395, 396, and 397

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: March 12, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 23, 2004

Item No. 364

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

The flood protection elevation for the 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 flood plain 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. International Building Code adopted by the county.

RWB:CEN:jrb

cc: File

ZAC-02-23-2004-ITEM NO 364-02242004

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley

· DATE:

March 25, 2004

SUBJECT:

Zoning Item # 04-364

Address

2422 Golupski Road

Foard Property

Zoning Advisory Committee Meeting of March 8, 2004

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

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).

Reviewer:

Keith Kelley

Date: March 4, 2004

GROUNDWATER MANAGEMENT

The proposed size of the house is larger than allowable due to limitations of the existing septic system. The original building permit application was denied by this Department. Any appeal of that decision must be directed to the Maryland Department of the Environment (MDE).

Reviewer:

Sue Farinetti

Date: March 8, 2004

S:\Devcoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

DATE: March 10_2004 ECEIVED

MAR 1 1 2004

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case 4-364 and 4-390 – 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:

Section Chief:

AFK/LL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: March 17, 2004

RECEIVED

MAR 2 5 2004

ZONING COMMISSIONER

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

2422 Golupski Road

INFORMATION:

Item Number:

4-364

Petitioner:

Christine Foard

Zoning:

RC 20

Requested Action:

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not generally support variances to building heights along the waterfront. This office cannot make any recommendation concerning the petitioner's request until building elevations (all sides) are submitted to this office for review and approval.

For further information concerning the matters stated herein, please contact David Pinning at 410-887-3480.

Prepared by:

Division Chief:

AFK/LL:MAC:





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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 3.5.204

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

Robert L. Ehrlich, Jr., Governor

Michael S. Steele, Lt. Governor

RE:

Baltimore County

Item No. 364

JHP

Dear. Ms. Matthews:

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

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

April 5, 2004

Mr. & Mrs. Mark Foard 2422 Golupski Road Baltimore, Maryland 21220

PETITION FOR ADMINISTRATIVE VARIANCE RE:

(2422 Golupski Road)

15th Election District – 6th Council District

Mark Foard, et ux – Petitioners

Case No. 04-364-A

Dear Mr. & Mrs. Foard:

As a follow-up to our recent telephone conversation concerning your application for administrative variance relief for the subject property, the following comments are offered.

As you know, the Department of Environmental Protection and Resource Management (DEPRM) denied your original building permit application based upon limitations of the existing septic system to support the size of the new dwelling. You advised me that you have filed an appeal of that decision to the Maryland Department of the Environment (MDE) and that a hearing on the matter has been scheduled for some time this week. I have reviewed the documentation contained within the case file and I, too, have concerns about the size of the proposed dwelling. It was indicated that you are replacing the existing dwelling, which is 20 feet tall, with a home of similar height, however, raising the new structure an additional 11.2 feet to meet Federal Flood Insurance requirements. Thus, I question the need for a variance to allow a height of 48 feet. In addition, the Office of Planning indicated within their Zoning Advisory Committee comment that they do not generally support height variances for structures along the waterfront and cannot make a recommendation on your request until building elevation drawings have been submitted for their review and approval.

In view of the issues raised above, I decline to make a decision on your application until after a decision on your appeal has been made by the MDE and building elevation drawings have been submitted to the Office of Planning, and to me, for review and approval. Upon receipt of a favorable decision by the MDE and approval by the Office of Planning, I will complete my review of your application and make a final decision in the matter.

Please feel free to contact me should you have any further questions.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner

MUU ESMAN

for Baltimore County

LES:bjs

Mr. Timothy Kotroco, DPDM; Office of Planning; DEPRM; People's Counsel; Case/File cc:

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

If Defin Romed Then Wow, I ould Konn to Call Toduse of Hay Geled on appeal + where things tond with Depull. Hall for a couple of days. The we bear from Hom, In

Affidavit

This affidavit is concerning a new dwelling that is to be built at 2422 Golupski Road. The original dwelling was damaged by Tropical Storm Isabel on September 19, 2002. The original dwelling was approximately 20' tall from highest natural grade to highest peak of roof. The proposed new dwelling will have a height of approximately 48' from highest natural grade to highest peak of roof. This affidavit is to certify that we do not contest the increased height for the proposed replacement dwelling.

Date

John Faulkenstein 2424 Golupski Road

04-364-A

<u>Affidavit</u>

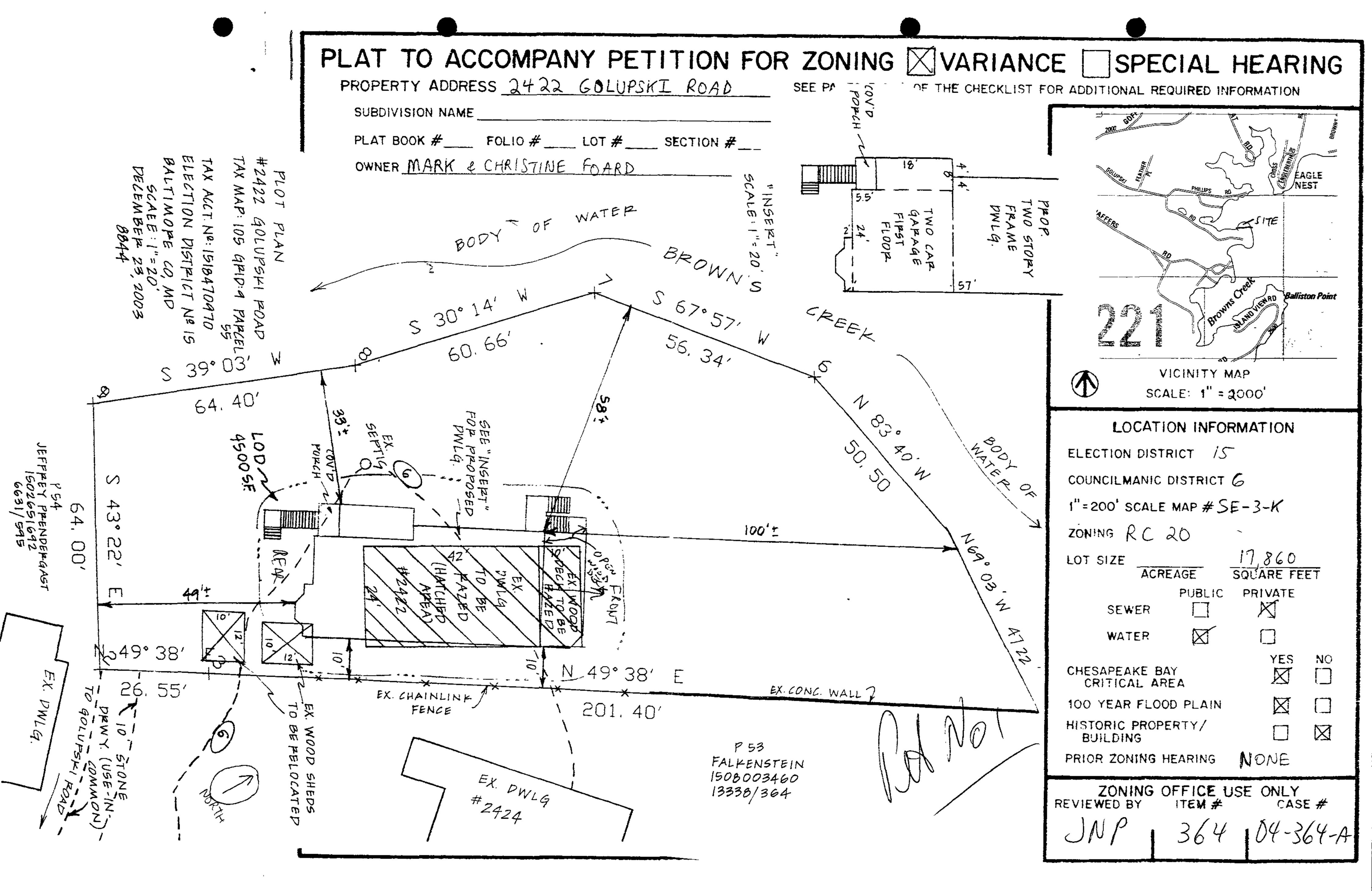
This affidavit is concerning a new dwelling that is to be built at 2422 Golupski Road. The original dwelling was damaged by Tropical Storm Isabel on September 19, 2002. The original dwelling was approximately 20' tall from highest natural grade to highest peak of roof. The proposed new dwelling will have a height of approximately 48' from highest natural grade to highest peak of roof. This affidavit is to certify that we do not contest the increased height for the proposed replacement dwelling.

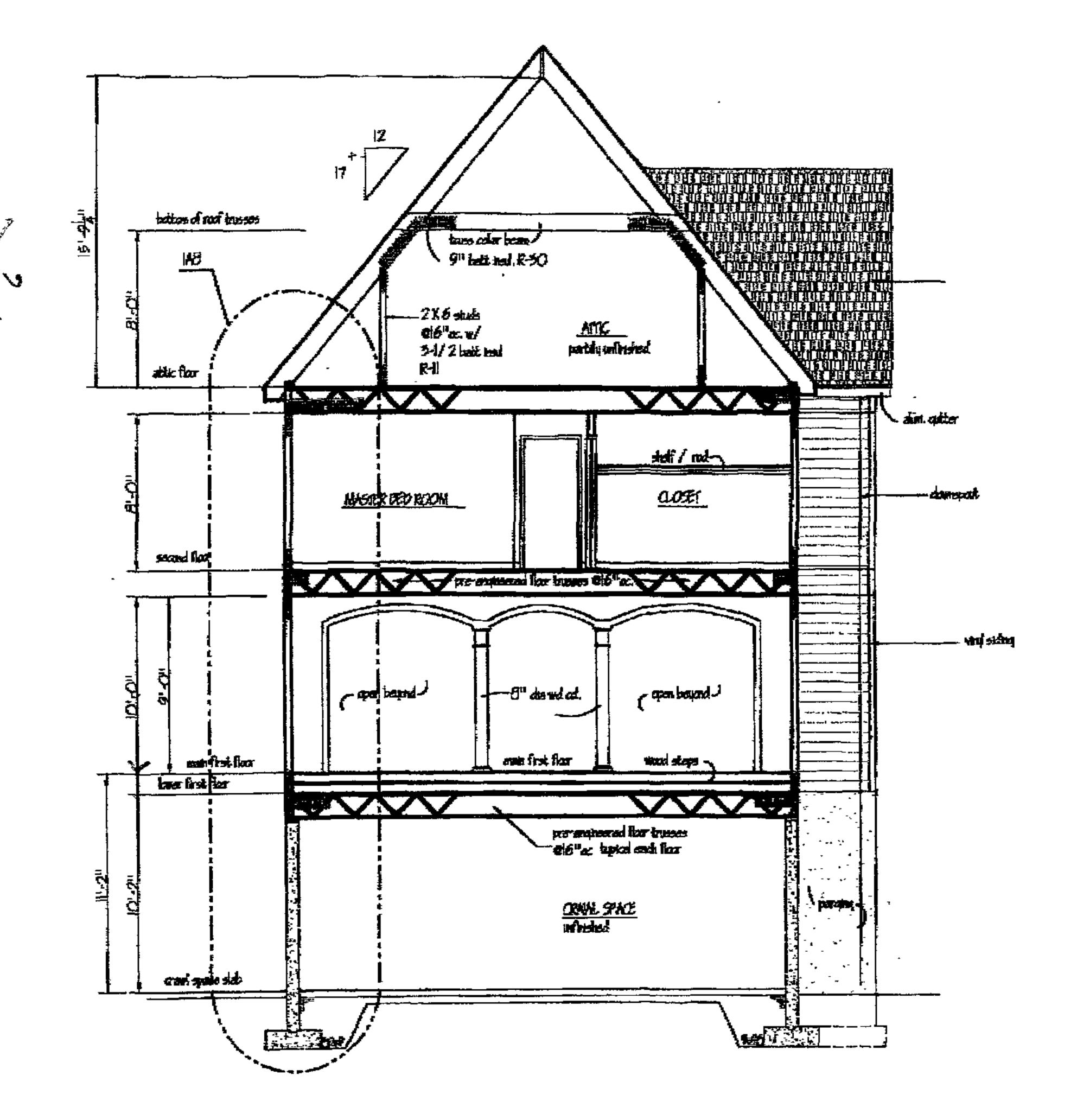
Date

Jeff Prendergast

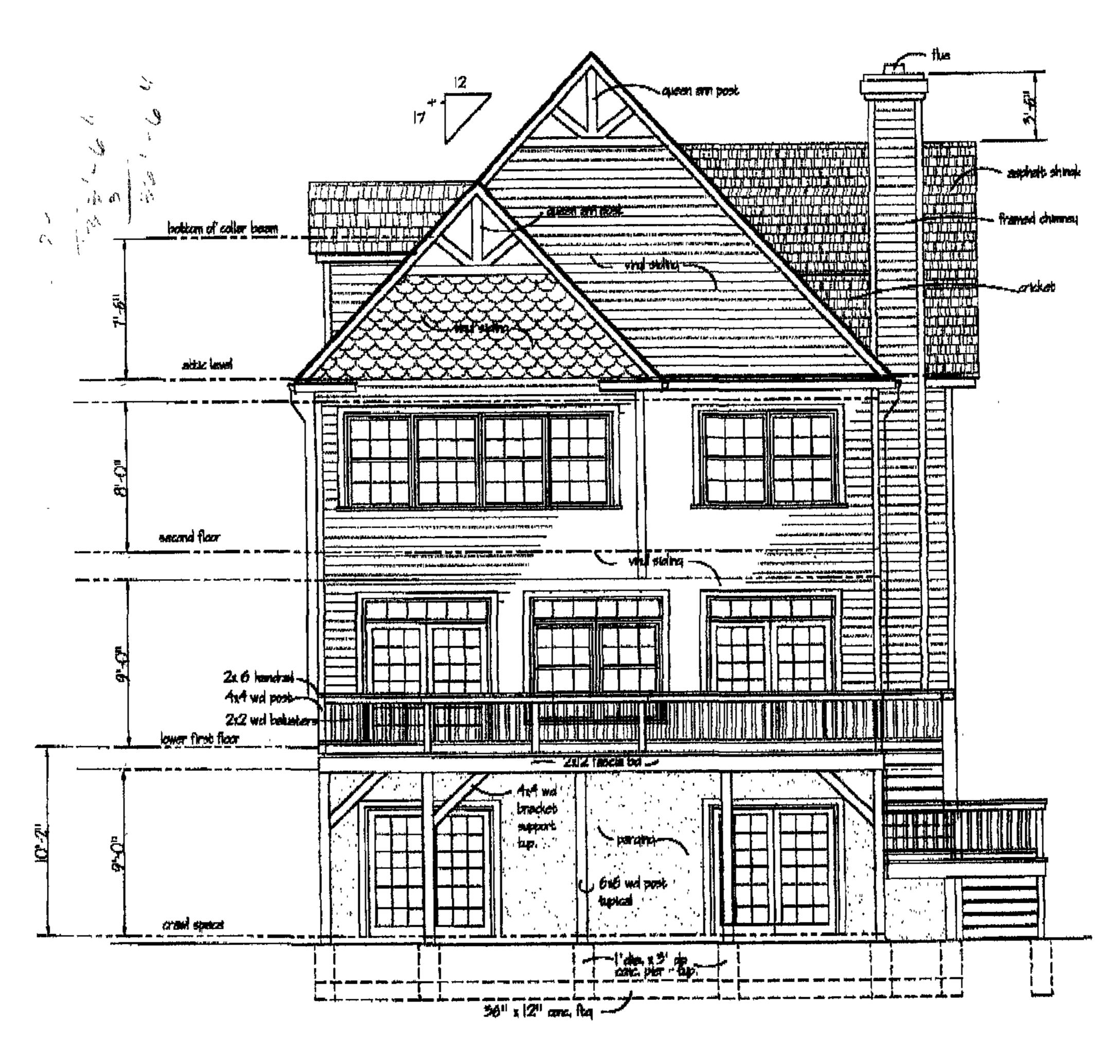
2420 Golupski Road

04-364-A

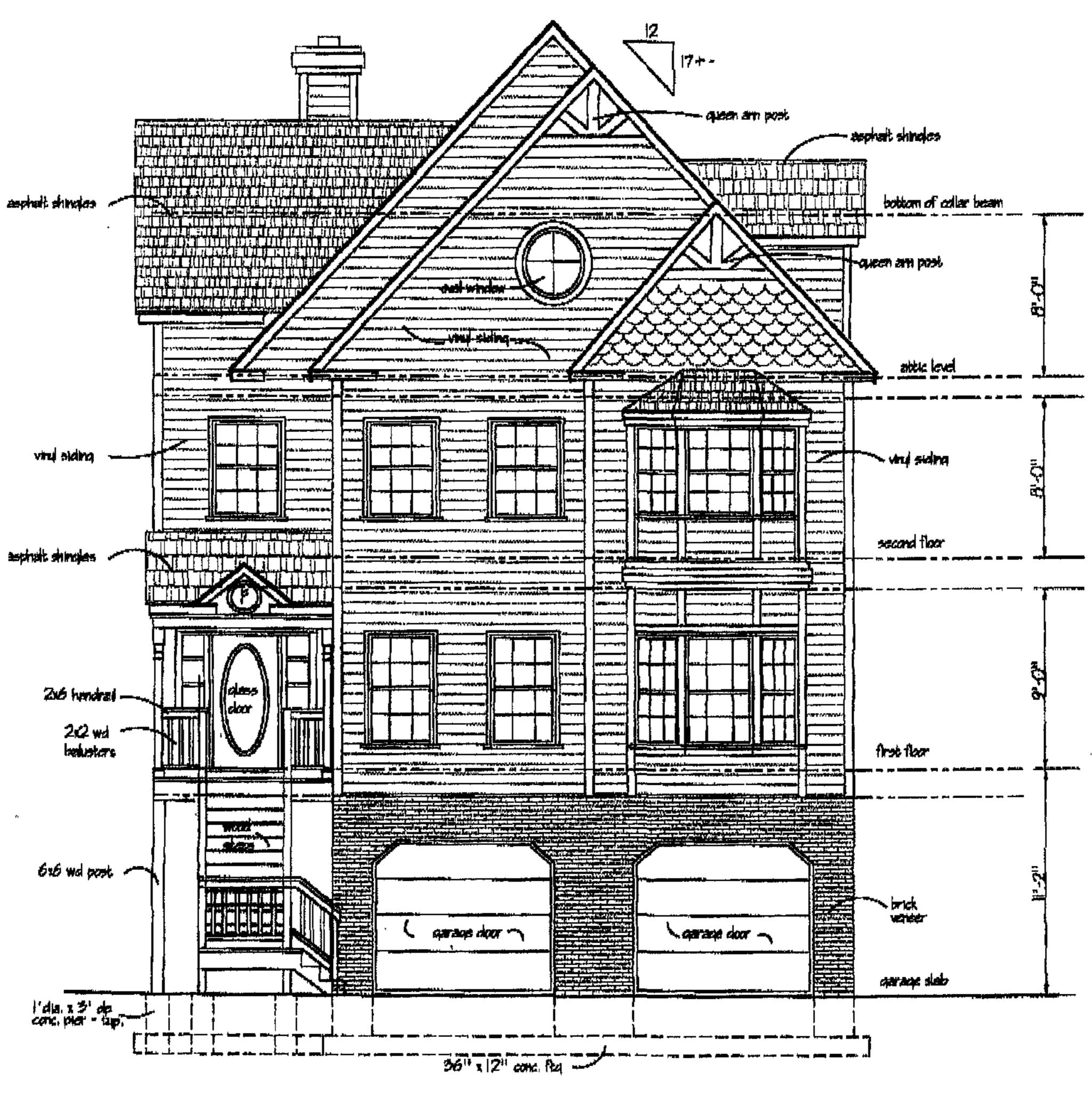




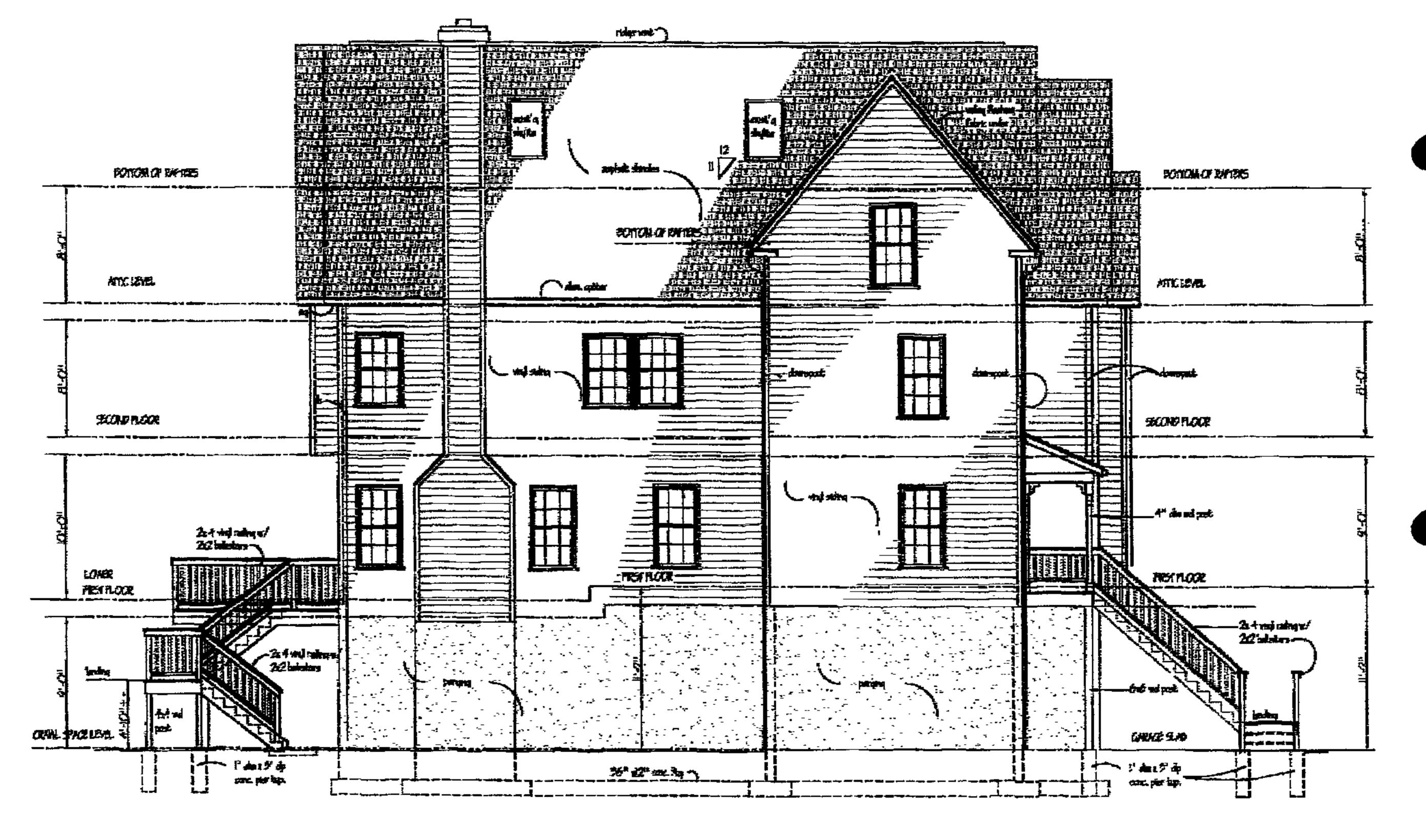
CROSS SECTION THRUHOUSE -247



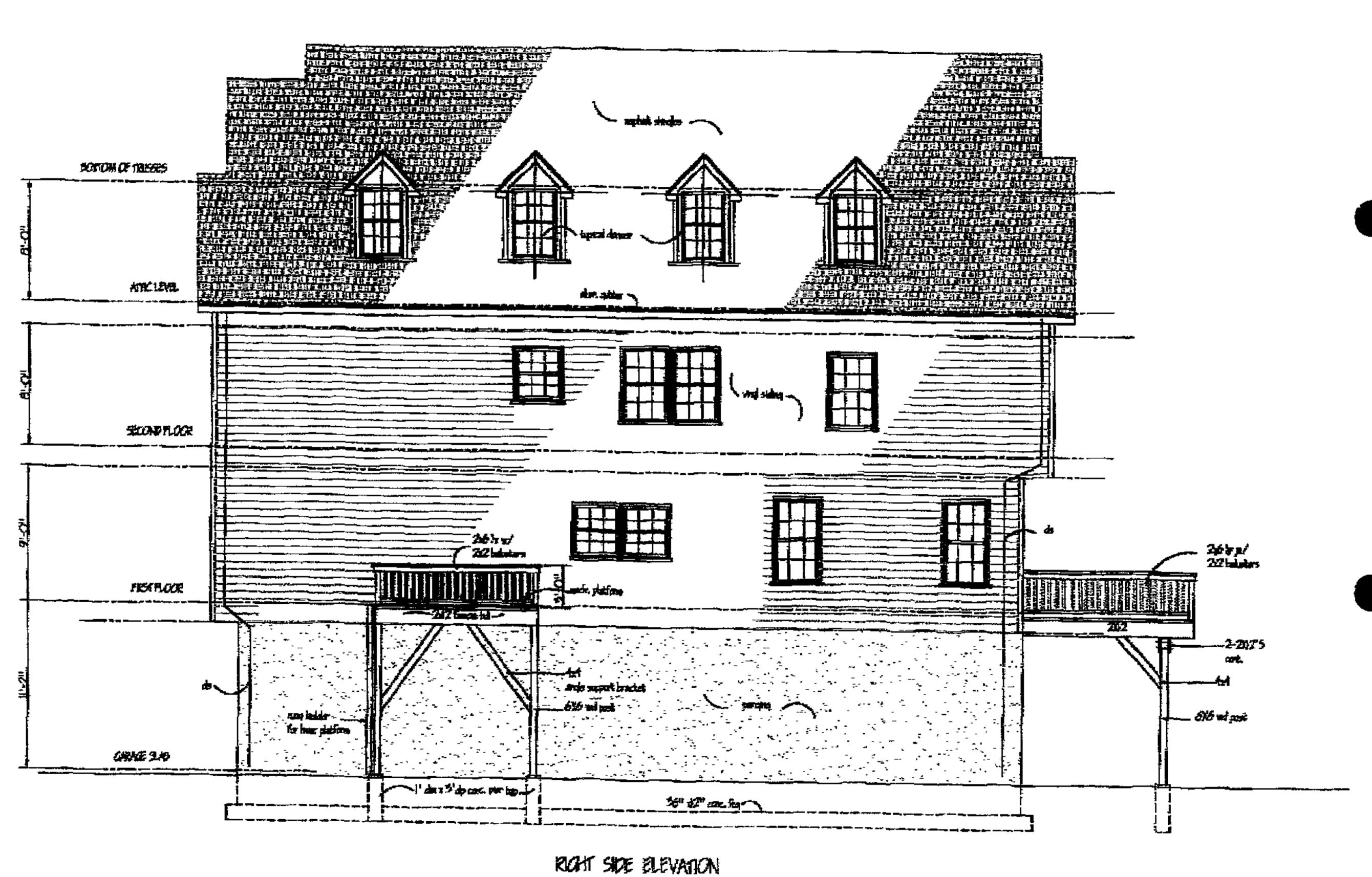
WATER FRONT ELEVATION

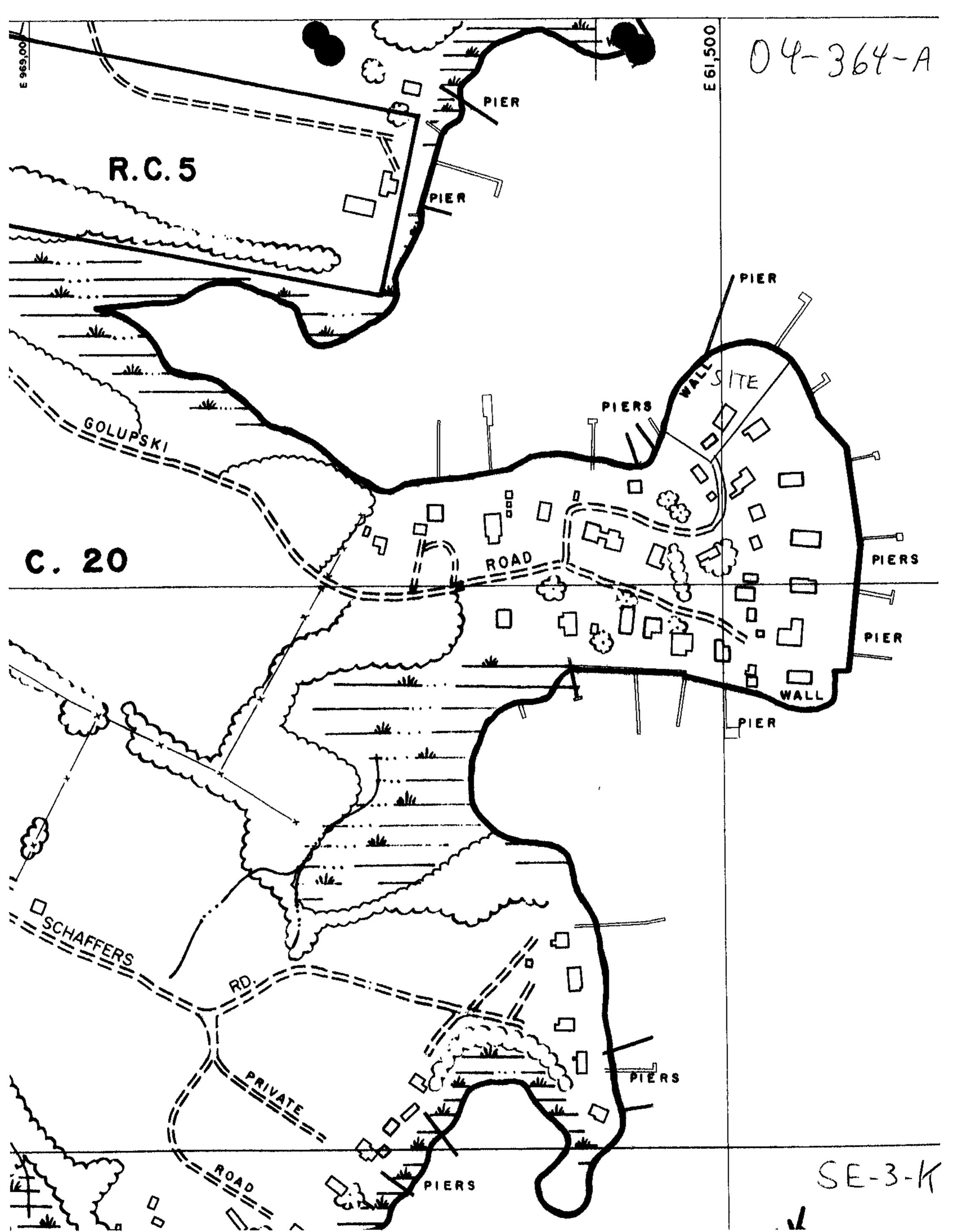


REAR ELEVATION / STEELEY









- 2) Compliance with the ZAC comments submitted by the Development Plans Review division of DPDM relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. A copy of those comments has been attached hereto and made a part hereof.
- 3) The proposed dwelling shall be constructed substantially in accordance with the building elevation drawings reviewed and approved by the Office of Planning.
- 4) When applying for any permits, 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:bjs

Ono