IN RE: PETITION FOR ADMIN. VARIANCE S/S Engleberth Road, 2,475' SW of the c/l Holly Neck Road **(1203 Engleberth Road)** 15th Election District 6th Council District Michael B. Mann, et ux Petitioners	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 04-369-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, Michael B. and Laurie E. Mann. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 1A04.3.B.2 to permit principle building to lot line setbacks of 10 feet and 17 feet in lieu of the required 50 feet each; from Section 1A04.3.A to permit a structure in an R.C.5 zone to have a height of 42.5 feet in lieu of the maximum allowed 35 feet; from Section 400.1 to permit accessory structures in a side yard in lieu of the required rear yard; and from Section 400.3 to permit an accessory structure height of 20 feet in lieu of the maximum allowed 15 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to 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.

ORDER RECEIVED FOR FILING
Date 4/12/04
By

In this regard, the Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. That information, including pictures and affidavits, is sufficient to support a finding that the relief requested meets the spirit and intent of Section 307.1 of the B.C.Z.R. and will not result in any detriment to the health, safety and general welfare of the surrounding locale.

It is to be noted that the Office of Planning raised an issue within its Zoning Advisory Committee comment concerning the height of the proposed dwelling. An examination of the site plan shows that the subject property is located at the end of a peninsula. Based upon the unique configuration of the property and the location of the dwelling thereon, I find that the height of the proposed dwelling will not block the view of any adjacent properties.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the 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 12th day of April 2004 that the Petition for Administrative Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 1A04.3.B.2 to permit principle building to lot line setbacks of 10 feet and 17 feet in lieu of the required 50 feet each; from Section 1A04.3.A to permit a structure in an R.C.5 zone to have a height of 42.5 feet in lieu of the maximum allowed 35 feet; from Section 400.1 to permit accessory structures in a side yard in lieu of the required rear yard; and from Section 400.3 to permit an accessory structure height of 20 feet in lieu of the maximum allowed 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made

ORDER RECEIVED FOR FILING
Date 4/12/04
By

IN THE MATTER OF THE APPLICATION OF MICHAEL B. & LAURIE E. MANN - PETITIONERS FOR A VARIANCE ON PROPERTY LOCATED ON THE S/S OF ENGLEBERTH ROAD, 2,475' SW OF THE C/L HOLLY NECK ROAD (1203 ENGLEBERTH ROAD) 15TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT	* * * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 04-369-A

* * * * * * * * * * *

ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of an appeal filed by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, from a decision of the Zoning Commissioner dated April 12, 2004 in which the requested variance relief was granted.

WHEREAS, the Board is in receipt of a letter of withdrawal of appeal filed April 27, 2004 by the People's Counsel for Baltimore County, Appellant, and attached copy of a letter dated April 26, 2004, from Michael B. Mann, Petitioner, to the Office of People's Counsel (copies of which are attached hereto and made a part hereof); and

WHEREAS, said Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of April 27, 2004 as indicated in the attached letter,

IT IS ORDERED this 9th day of June, 2004 by the County Board of Appeals of Baltimore County that the appeal taken in Case No. 04-369-A be and the same is hereby **DISMISSED**.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence S. Wescott, Chairman

John P. Quinn

Donald I. Mohler III

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1203 ENGLEBERTH ROAD

which is presently zoned RC-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) SECTION 1A04.3B.2, TO PERMIT PRINCIPLE BUILDING SETBACKS FROM A LOT LINE OF 10' AND 17' IN LIEU OF THE REQUIRED 50'. SECTION 1A04.3A, TO PERMIT A STRUCTURE IN RC-5 ZONE TO HAVE A HEIGHT OF 42.5' IN LIEU OF THE PERMITTED 35'. SECTION 400.1, TO PERMIT ACCESSORY STRUCTURES IN A SIDEYARD, SECTION 400.3 TO PERMIT AN ACCESSORY STRUCTURE TO HAVE A HEIGHT OF 20' IN-LIEU OF PERMITTED MAXIMUM OF 15'.

RECEIVED

MAY 14 2004

BALTIMORE COUNTY
BOARD OF APPEALS

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:

N/A
Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

N/A
Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

MICHAEL B. MANN
Name - Type or Print

Michael B. Mann
Signature

LAURIE E. MANN
Name - Type or Print

Laurie E. Mann
Signature

1203 ENGLEBERTH ROAD — 410-472-2304
Address — Telephone No.

BALTIMORE — MARYLAND — 21221
City — State — Zip Code

Representative to be Contacted:

BAFITIS & ASSOCIATES, INC. — CLYDE HINKLE
Name

1249 ENGLEBERTH ROAD — 410-391-2336
Address — Telephone No.

BALTIMORE — MARYLAND — 21221
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, this ____ day of _____ _____ 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.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date 5/12/04
By

CASE NO. 04-369-A

Reviewed By D. THOMPSON **Date** 2/9/04

Estimated Posting Date 2/22/04

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 1203 ENGLEBERTH ROAD
Address

BALTIMORE MARYLAND 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):

CONFIGURATION OF LOT LINES, CRITICAL AREA REGULATIONS AND RC-5 REGULATIONS OVERLAYED ON EXISTING OLD SUBDIVISION GERNERATE UNREASONABLE HARDSHIPS AND PRACTICAL DIFFICULITY FOR PROPERTY OWNER IN REPLACING DESTROYED/DAMAGED DWELLING IN A 'A' FLOOD ZONE.

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.

Michael B. Mann
Signature

MICHAEL B. MANN
Name - Type or Print

Laurie E. Mann
Signature

LAURIE E. MANN
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 11th day of February, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

MICHAEL B MANN AND LAURIE E. MANN

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Joanne Markel
Notary Public

My Commission Expires 11/01/05

REV 10/25/01

04-369-A

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ~~03~~ 04 369 -A Address 1203 ENGLEBERTH RD.

Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2/9/04 **Posting Date:** 2/22/04 **Closing Date:** 3/8/04

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

1. **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.

2. **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.

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number ~~03~~ 04 369 -A Address 1203 ENGLEBERTH RD.

Petitioner's Name MANN Telephone

Posting Date: 2/22/04 **Closing Date:** 3/8/04

Wording for Sign:

To permit a single family dwelling with a 10-foot and 17-foot side yard setback in lieu of the required 50-feet with a height of 42.5-feet in lieu of the permitted 35-feet and to permit an accessory structure (gazebo and hot tub) in the side yard with a height of 20-feet in lieu of the permitted rear yard and 15-feet, respectively.

WCR - Revised 6/28/00

Bafitis & Associates, Inc.

ZONING DESCRIPTION
FOR
1203 ENGLEBERTH ROAD
BALTIMORE COUNTY, MARYLAND 21221

Beginning for same at a point on the South side of Engleberth Road, 20 feet wide; and 2,475' feet ± southwesterly from the centerline intersection of Holly Neck Road, 30 feet wide.

Thence leaving said point of beginning the following six courses and distances:

1) Thence South 12°-13'-00" West 250.00 feet to a point;
2) Thence North 79°-04'-00" West 115.00 feet to a point;
3) Thence North 08°-16'-00" East 126.00 feet to a point;
4) Thence North 52°-02'-00" East 85.00 feet to a point;
5) Thence North 37°-32'-00" East 85.00 feet to a point on the south side of Engleberth Road
6) Thence running and binding on said road a curve to the left with a radius of 145.00 feet and a curve length of 31.96 feet and with a chord bearing of South 65°-04'-43" East and a chord distance of 31.90 feet to the place of beginning.

Containing 24,052.24 Square Feet or 0.552 Ac. more or less.

Being known as Lot 9 on a plat entitled; "Section A & B of Eagles Nest Point recorded among the Land Records of Baltimore County, Maryland, Plat Ref: 8/70.

STATE OF MARYLAND
WILLIAM N. BAFITIS
No. 11641
REGISTERED
PROFESSIONAL ENGINEER

William N. Bafitis, P.E. Md. Reg. #11641

1/6/07 (Seal)
Date

04-369-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 33605

DATE 2/12/04 ACCOUNT 001006661150

AMOUNT $ 65.00

RECEIVED FROM: MICHAEL P. MAKU

FOR: ITEM # 369 04-369-A

12001 ENGLEBERTH RD BY D. THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Attention: Becky Hart Date: February 26, 2004

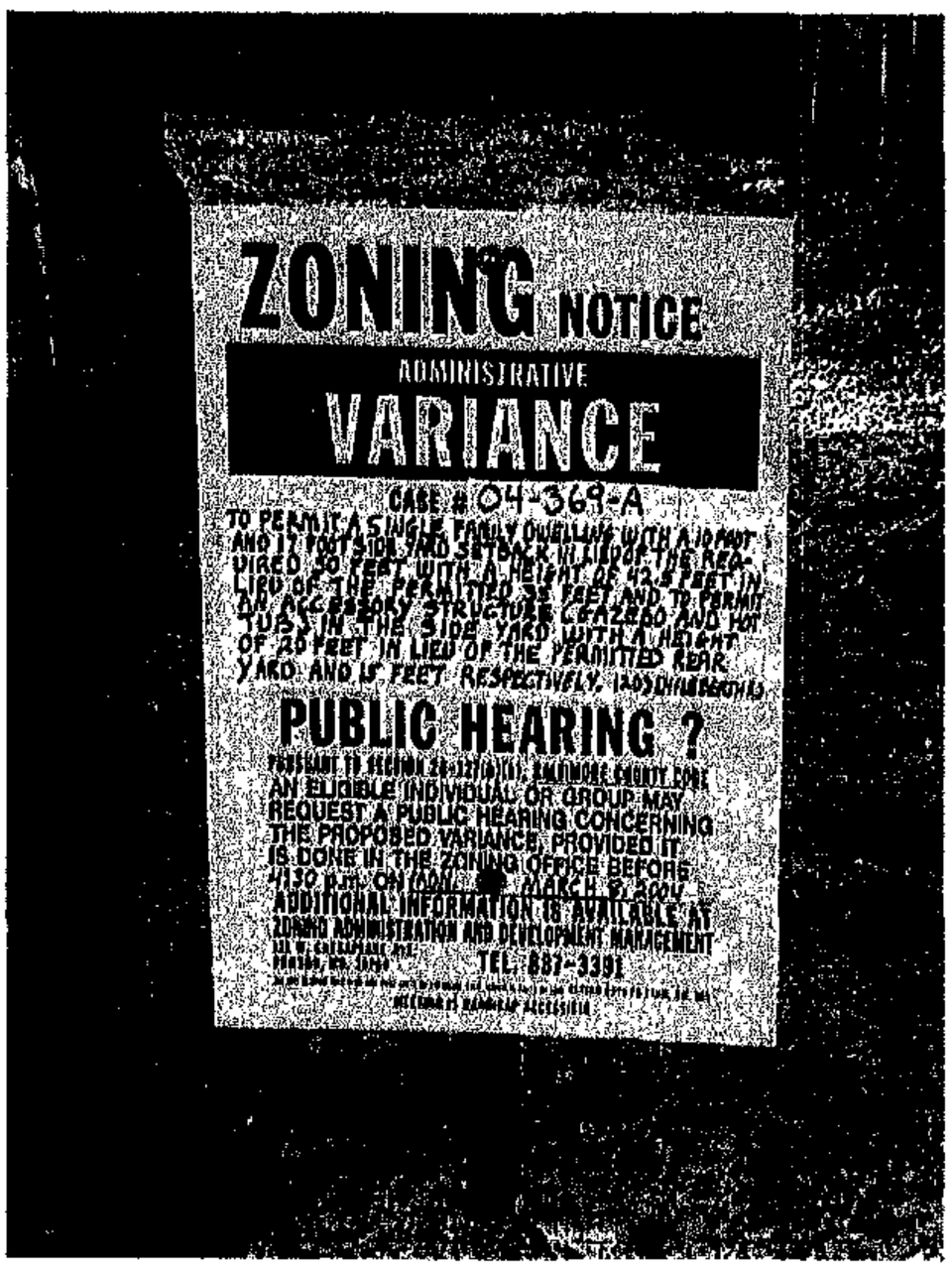
RE: Case Number 04-369-A

Petitioner/Developer: MICHAEL B + LAURIE E. MANN

Date of Hearing/Closing: March 8, 2004

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 1203 Englebrith Rd

The sign(s) were posted on February 21, 2004
(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)

Revised 3/1/01 - SCJ

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: 04-369-A

Petitioner: Michael B. & Laurie E. Mann

Address or Location: 1203 Englebert Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Michael B. Mann

Address: 1203 Englebert Road
Baltimore, MD. 21221

Telephone Number: 410-472-2304

Revised 2/20/98 - SCJ

2.22.00

Clyde F. Hinkle
Vice President
410-391-2336

FAX 410-391-2448

Bafitis & Associates, Inc.

Civil Engineers / Land Planners / Surveyors
1249 Engleberth Rd. / Baltimore, MD 21221

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

March 8, 2004

Michael B. Mann
Laurie E. Mann
1203 Engleberth Road
Baltimore, MD 21221

Dear Mr. and Mrs. Mann:

RE: Case Number 04-369-A, 203 Engleberth Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 9, 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 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,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Bafitis & Associates Clyde Hinkle 1249 Engleberth Road Baltimore 21221

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 15, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For March 1, 2004
Item No. 369

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 flood plain elevation in all construction.

The property to be developed 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-03-01-2004-ITEM NO 369-03152004

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 10, 2004

RECEIVED

MAR 1 5 2004

ZONING COMMISSIONER

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

SUBJECT: 1203 Engleberth Road

INFORMATION:

Item Number: 4-369

Petitioner: Michael B. Mann

Zoning: RC 5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to construct a single family dwelling with 10-foot and 17-foot side yard setbacks in lieu of the minimum required 50 feet provided building elevations (all sides) are submitted to this office for review and approval prior to the issuance of any permits.

The proposed dwelling will be constructed between two existing 1-story dwellings. A vertical height of 42.5 feet could negatively affect the two existing dwellings. Therefore, this office recommends that the request to permit a building height of 42.5 feet in lieu of the maximum permitted 35 feet be subject to the review of architectural elevations by this office.

Prepared by: Mark A Cumpton

Section Chief: Lynn Lanham

AFK/LL:MAC:

Fire Department

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

Baltimore County

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

February 24, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: February 23, 2004

Item No.: 367-375 (369)

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.

4. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

cc: File

MS 1105
RM 111
R. Hart

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

SHA
State Highway Administration
Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 2·24·09

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

RE: Baltimore County
Item No. 365 DT

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,

L. G. Gredlein

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley RBS/JDG

DATE: March 22, 2004

SUBJECT: Zoning Item # 04-369
Address 1203 Engleberth Road
Mann Property

Zoning Advisory Committee Meeting of February 23, 2004

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

__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).

ORDER RECEIVED FOR FILING
Date 4/2/04
By

Reviewer: Keith Kelley Date: March 4, 2004

GROUNDWATER MANAGEMENT

A building permit will not be issued until public sewer is available.

Reviewer: Sue Farinetti Date: February 17, 2004

RE:	PETITION FOR ADMINSTRATIVE VARIANCE	*	BEFORE THE
	1203 Engleberth Road; S/side of Engleberth Road, 2,475' SW c/line of Holly Neck Road	*	ZONING COMMISSIONER
	15th Election & 6th Councilmanic Districts	*	FOR
	Legal Owner(s): Michael B & Laurie E Mann		
	Petitioner(s)	*	BALTIMORE COUNTY
		*	04-369-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

RECEIVED
MAR 15 2004
Per.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of March, 2004, a copy of the foregoing Entry of Appearance was mailed to Clyde Hinkle, Bafitis & Associates, Inc, 1249 Engleberth Road, Baltimore, MD 21221, Representative for Petitioner(s).

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

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

April 21, 2004

Timothy Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Engleberth Road, 2,475' SW of the c/line Holly Neck Road
(1203 Engleberth Road)
15th Election District; 6th Council Districts
Michael B . & Laurie E. Mann - Petitioners
Case No.: 04-369-A

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated April 12, 2004 by the Baltimore County Zoning Commissioner in the above-entitled case

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Clyde Hinkle, Bafitis & Associates
Mr. & Mrs. Michael Mann

RECEIVED
APR 21 2004
Per.....

Office of Planning

401 Bosley Avenue, Suite 406
Towson, Maryland 21204
Tel: 410-887-3211 • Fax: 410-887-5862
E-mail: planning@co.ba.md.us

Baltimore County

James T. Smith, Jr., County Executive
Arnold F. 'Pat' Keller, III, Director

May 5, 2004

To File
TMK

Michael B. Mann
17 Sparks Farm Road
Sparks, MD 21152

Re: Petition for Administrative Variance
1203 Engleberth Road
Case: 04-369A

Dear Mr. Mann,

Thank you for your recent submission of architectural elevations and plans for your proposed home at 1203 Engleberth Road. Staff has reviewed the elevations and finds them acceptable. The variations in roof lines and heights and articulation of the building facades provide a well designed structure. The height requested (42.5 feet) is not continuous and occurs only at one section of the roof line. The Office of Planning recommends approval and issuance of the building permits based on the plans submitted.

Sincerely,

Lynn Lanham
Division Chief
Development Review

LL

c: Peter Max Zimmerman, People's Counsel
Timothy M. Kotroco, Director, Permits and Development Management

4-369letter.doc

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

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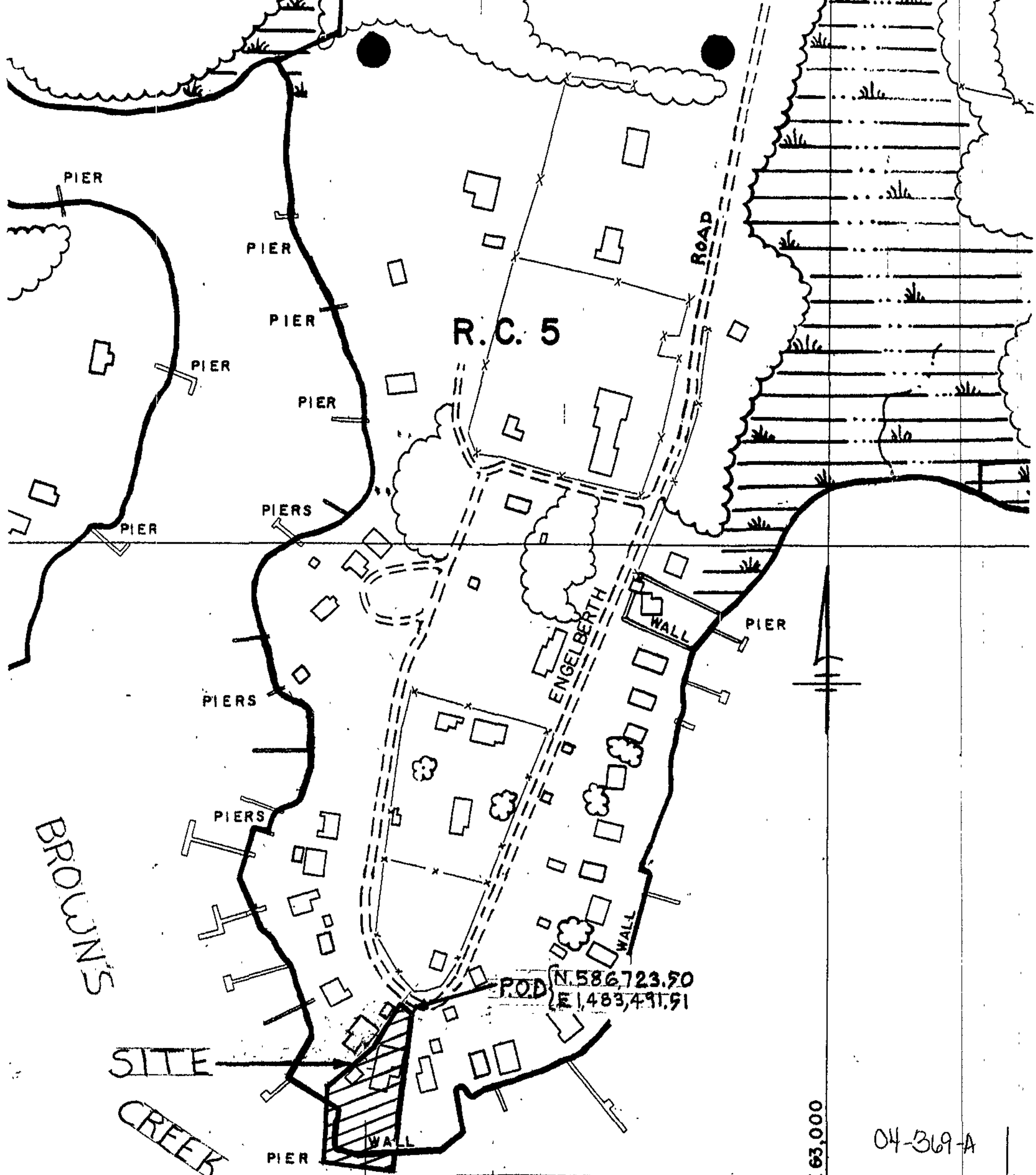
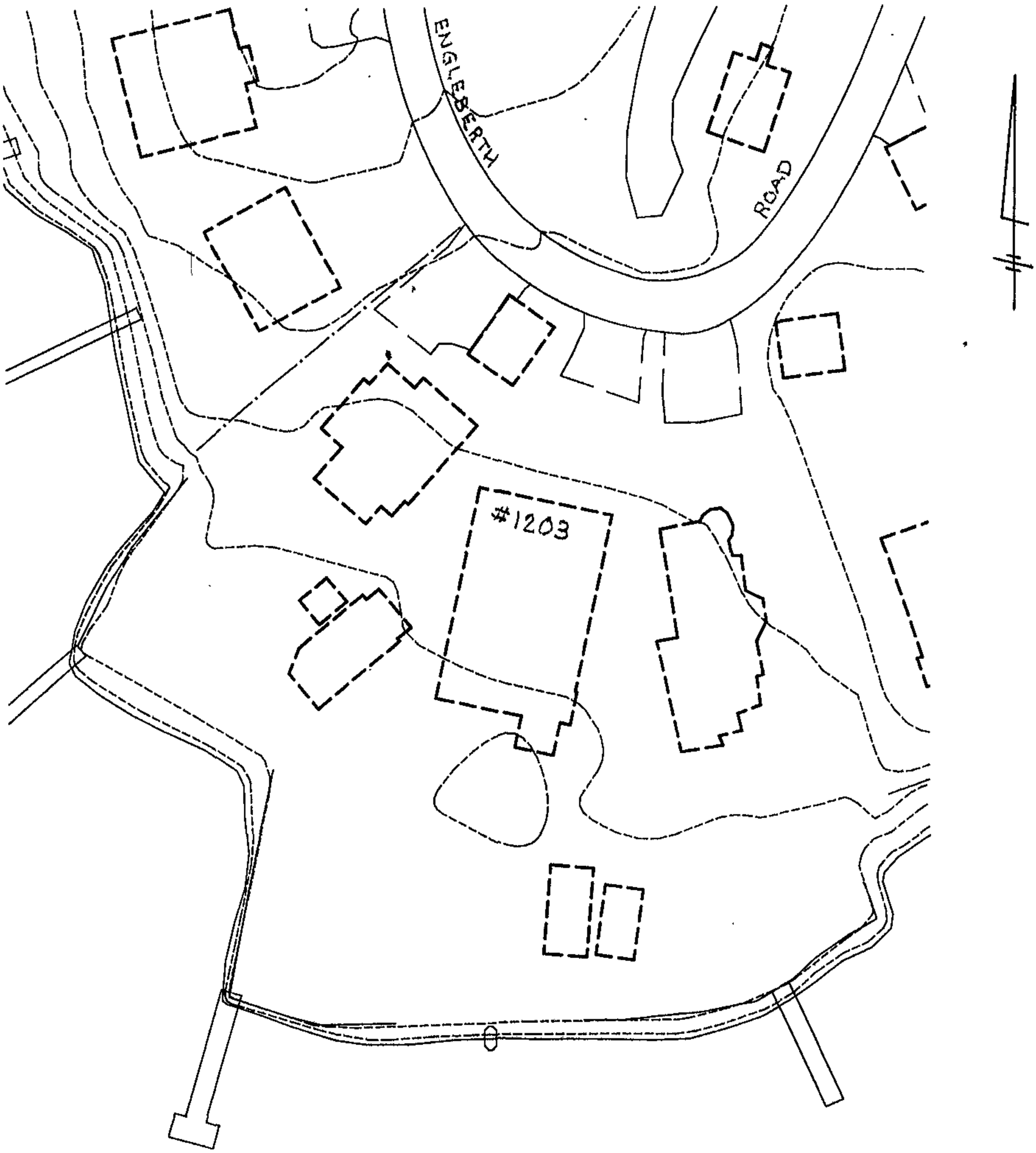


SCALE	LOCATION	SHEET
1" = 200'±	HOLLY NECK	S.E. 2-K
DATE OF PHOTOGRAPHY JANUARY 1986	1203 ENGLEBERTH RD. Baltimore Co. MD 21221	

OFFICE



04-369-A

1203 ENGLEBERTH ROAD

Baltimore County G.I.S. Topography

Scale: 1" = 50'

FROM ROAD

FROM WATER

1201 ENGLEBERTH ROAD

04-369-A

FROM ROAD

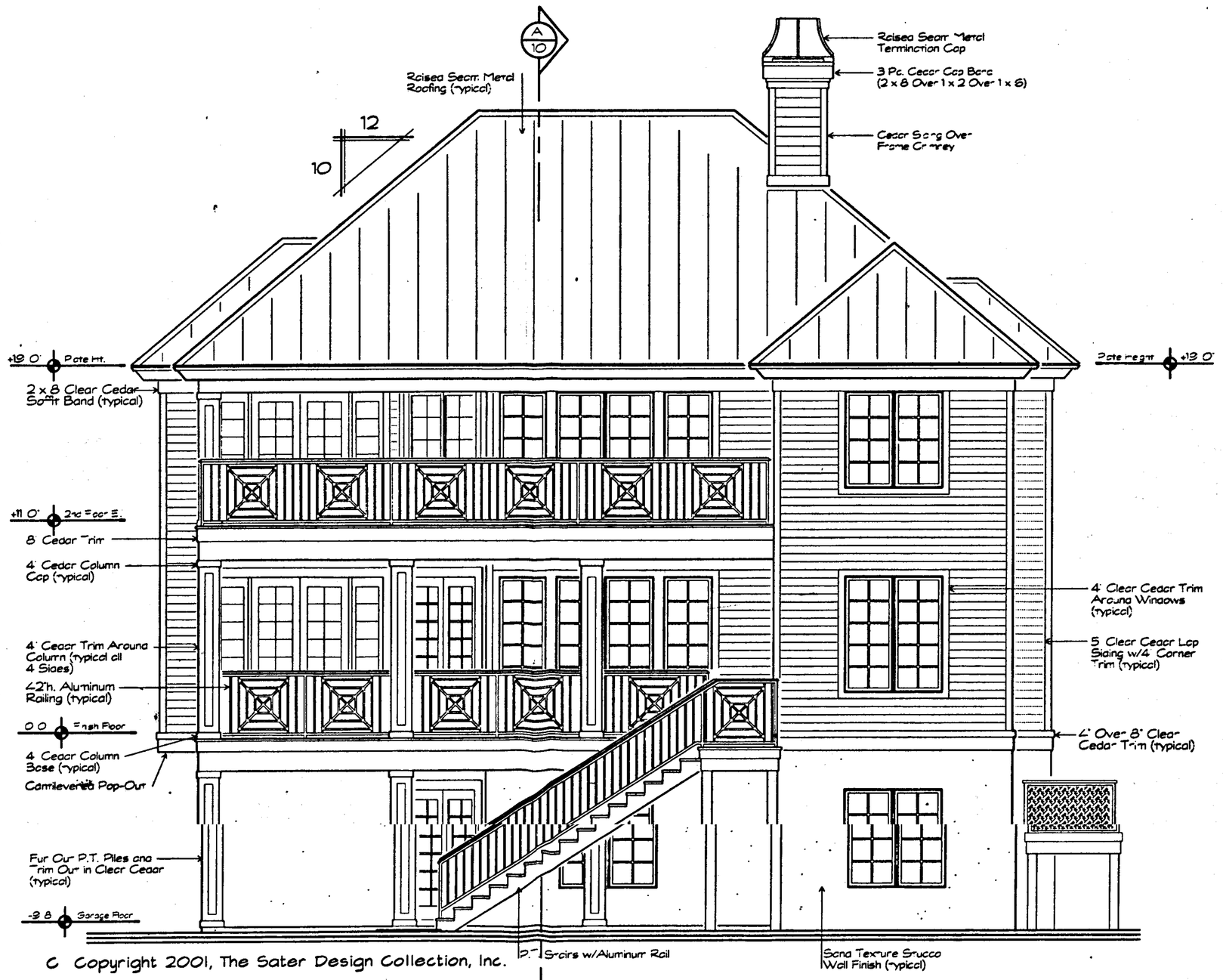
FROM WATER

120 ENGLEBERTH ROAD

04-369-A

FROM WATER
12/05 ENGLEBERTH ROAD
FROM ROAD

04-369-A



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Rear Elevation

Scale: 1/4" = 1' 0"

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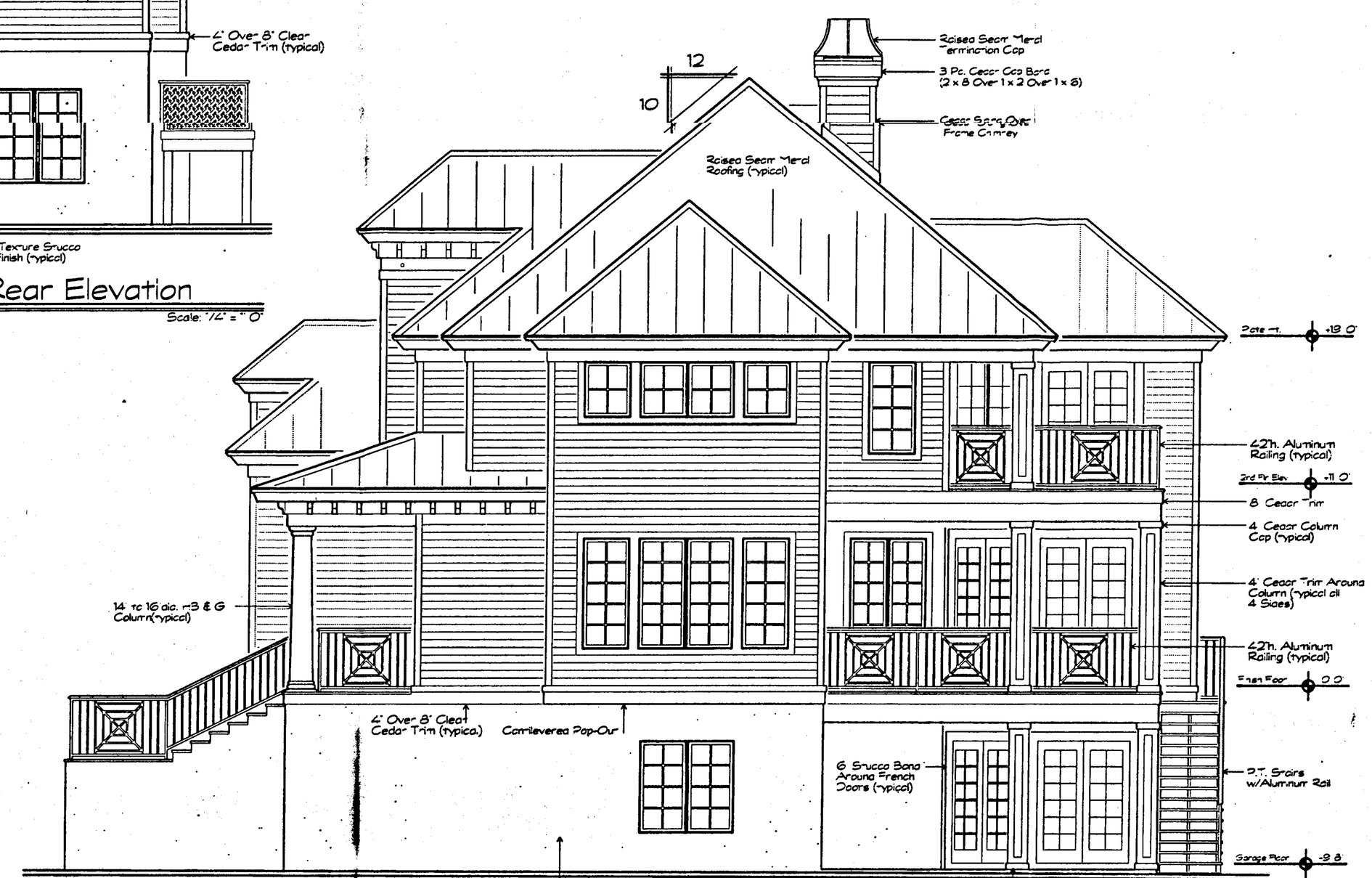

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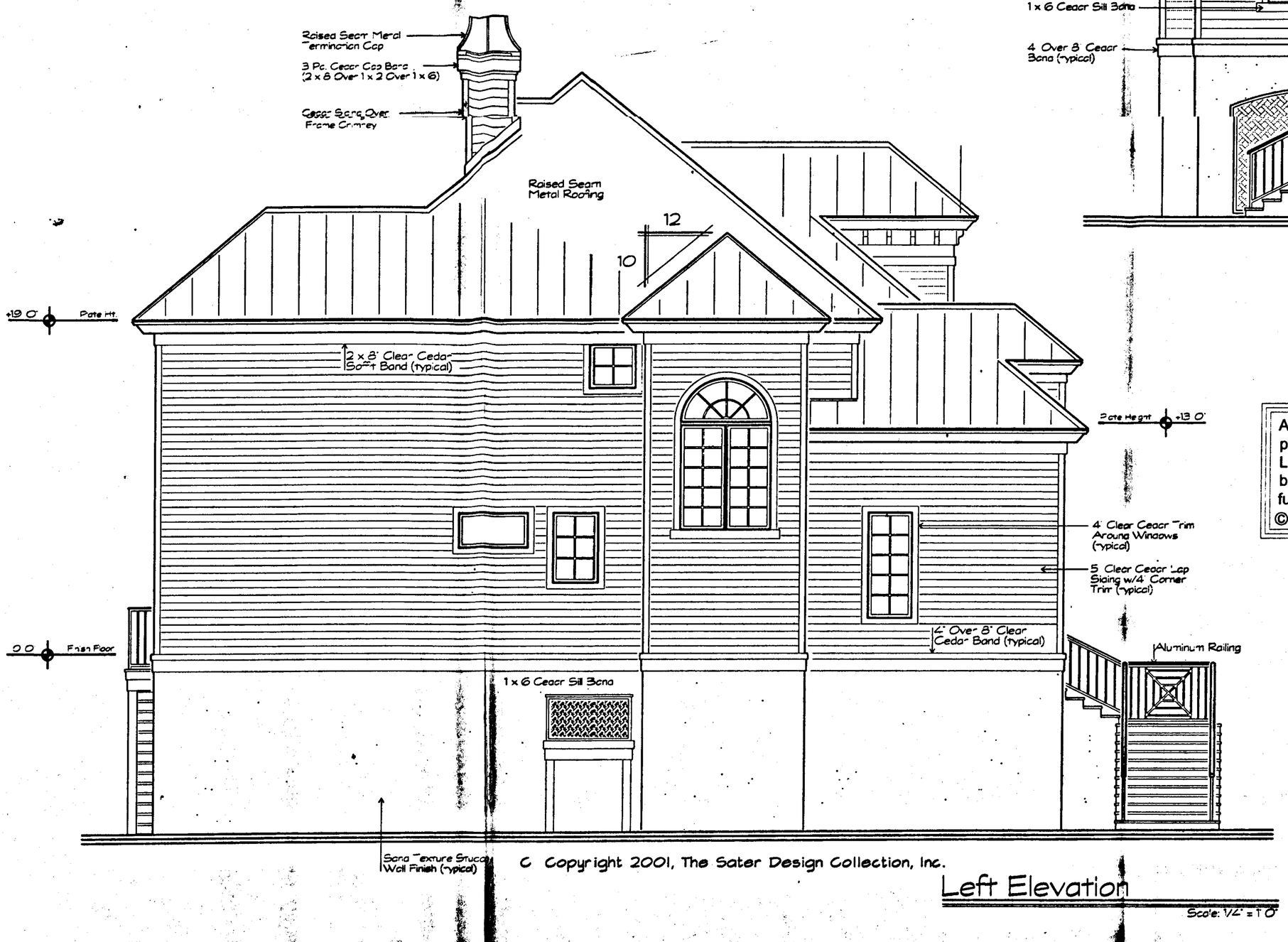
Right Elevation

Scale: 1/4" = 1' 0"

NOTE: ALL ATTEMPTS AND EFFORTS HAVE BEEN MADE TO BE ACCURATE IN THE DESIGN AND CONSTRUCTION OF THIS PLAN. HOWEVER, THE ARCHITECT AND ENGINEER ASSUME NO RESPONSIBILITY FOR ERRORS OR OMISSIONS. THE ARCHITECT AND ENGINEER ASSUME NO RESPONSIBILITY FOR ANY ERRORS OR OMISSIONS WHICH MAY BE DISCOVERED AFTER THE PLAN IS BUILT. THE ARCHITECT AND ENGINEER ASSUME NO RESPONSIBILITY FOR ANY ERRORS OR OMISSIONS WHICH MAY BE DISCOVERED IN THE PLAN AFTER CONSTRUCTION HAS TAKEN PLACE. THE ARCHITECT AND ENGINEER ASSUME NO RESPONSIBILITY FOR ANY ERRORS OR OMISSIONS WHICH MAY BE DISCOVERED IN THE PLAN AFTER CONSTRUCTION HAS TAKEN PLACE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL DIMENSIONS, ELEVATIONS, ANGLES, ETC. PRIOR TO THE START OF CONSTRUCTION. ANY DISCREPANCIES FOUND IN THE PLAN SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT AND ENGINEER PRIOR TO THE START OF CONSTRUCTION. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT ALL CONSTRUCTION MEETS ALL APPLICABLE CODES AND REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DAMAGES TO THE PLAN IN PROCESS



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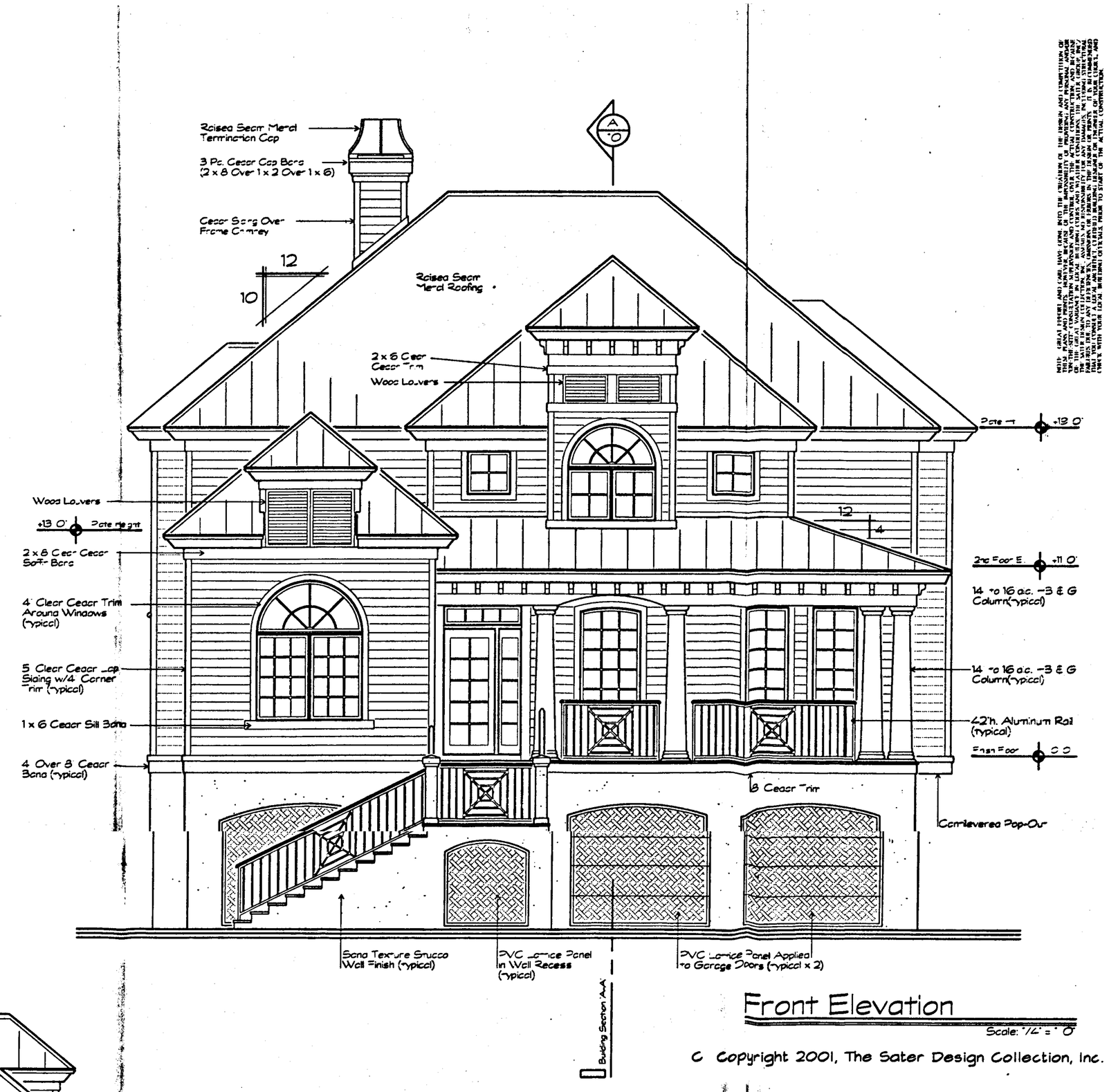
Left Elevation

Scale: 1/2" = 1' 0"



Front Elevation

Scale: 1/2" = 1' 0"

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PROJECT:

Carmel Bay

Coastal Cottage Model #6818

The Sater Design Collection, Inc.
25241 Elementary Way, Suite 201
Bonita Springs, FL 34135
239-495-6479

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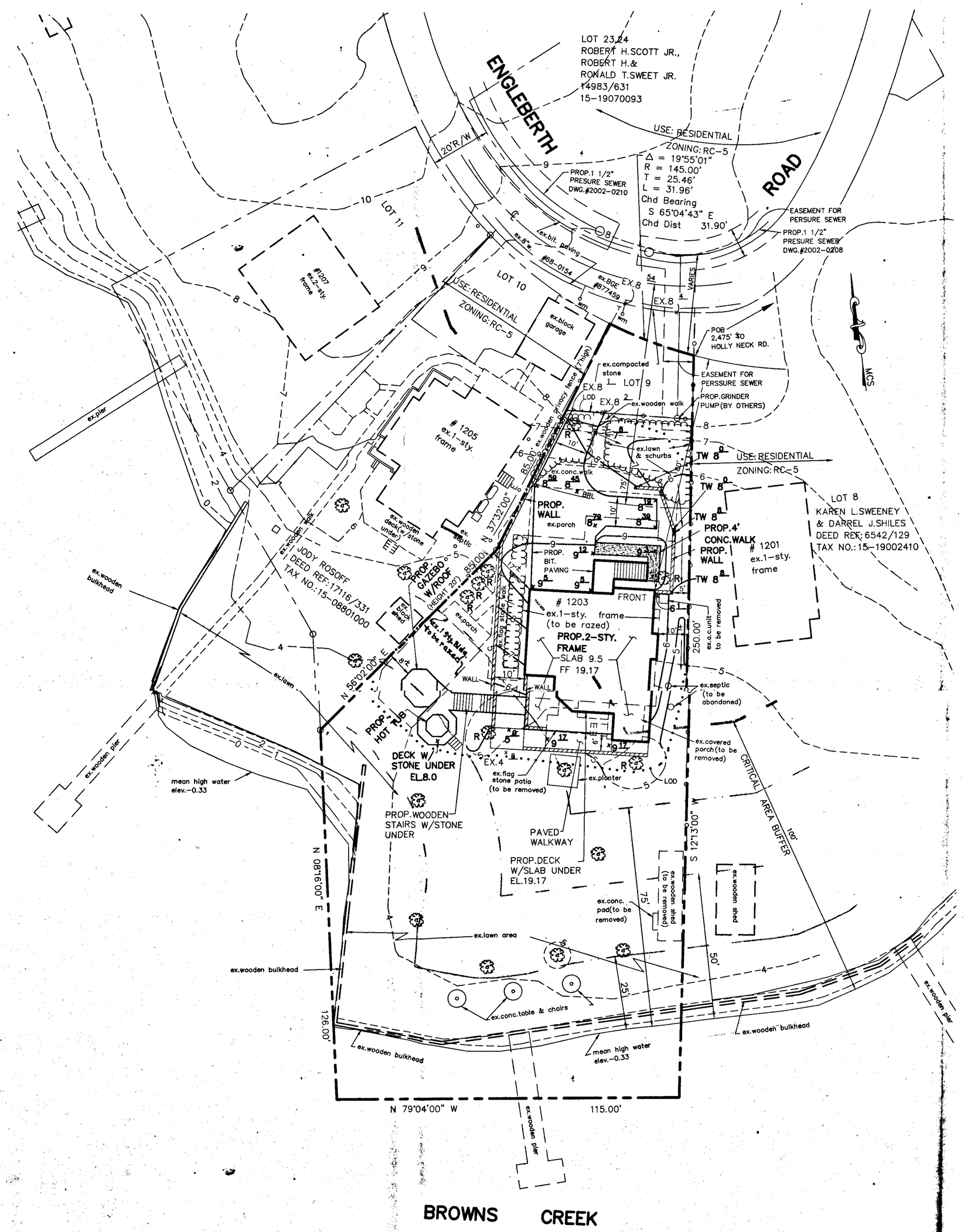
AIBD AMERICAN INSTITUTE OF ARCHITECTURAL DESIGN

DRWG. NO.	6810
DATE	1-8-01
DRAWN BY	KDK
CHECKED BY	
REVISIONS	

SHEET

A-8



ZONING HISTORY

THERE HAVE BEEN NO PERVIOUS ZONING HEARINGS FOR THIS SITE.

ZONING VARIANCE REQUEST

1) TO PERMIT PRINCIPLE BUILDING SETBACKS FROM A LOT LINE OF 10'AND 17'IN LIEU OF THE REQUIRED 50'SECT.1A04.3B.2.(BCZR)

2) TO PERMIT A STRUCTURE IN RC-5 ZONE TO HAVE A HEIGHT OF 42.5 FEET IN LIEU OF THE PERMITTED 35 FEET PER SECTION 1A04.3A. (BCZR).

3) TO PERMIT ACCESSORY STRUCTURES IN A SIDEYARD SECTION 400.1(BCZR).

4) TO PERMIT AN ACCESSORY STRUCTURE TO HAVE A HEIGHT OF 20' IN LIEU OF PERMITTED MAXIMUM OF 15' PER SECTION 400.3 (B.C.Z.R.)

NOTES

1. THIS SITE IS SITUATED WITHIN THE CHESAPEAKE BAY CRITICAL AREAS AND IS CLASSIFIED BY LAND USE AS LIMITED DEVELOPMENT AREA (LDA).(MAP 105)
2. EXISTING TREES TO REMAIN EXCEPT AS NOTED.
3. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION WITHIN THE 100' BUFFER AREA EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMETAL PROTECTION AND RESOURCE MANAGEMENT.
4. ANY CRITICAL AREA EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
5. THIS SITE IS SITUATED WITHIN A MAPPED BUFFER MANAGEMENT AREA IN THE CHESAPEAKE BAY CRITICAL AREA.
6. THE FIRM INSURANCE RATE MAP,PANEL 445 OF 575,INDICATES A FLOOD ELEVATION OF 10' (ZONE A) FOR THIS SITE.UTILIZING GIS DATUM FOR THIS SITE THE FLOOD ELEVATION IS 8.3 MINIMUM FIRST FLOOR ELEVATION SHALL BE 9.3. (BALTIMORE COUNTY REQUIRES A MINIMUM FIRST FLOOR ELEV. 9.5)
7. PROPOSED DWELLING HEIGHT 42.5'
8. ALL DOWNSPOUTS MUST DISCHARGE RAINWATER RUNOFF ONTO A PERVIOUS SURFACE.
9. EXISTING BUILDING COVERAGE 17.9 %.
10. PUBLIC PRESSURE SEWER IS NOW UNDER CONSTRUCTION IN ENGLEBERTH ROAD.
11. SITE IS SERVED BY PUBLIC WATER.
12. THIS SITE HAS NO FOREST OR DEVELOPED WOODLANDS.

IMPERVIOUS SURFACES WITHIN 100' BUFFER

DISTANCE FROM MHW	EXISTING	PROPOSED
0'– 25'	0 S.F.	0 S.F.
25'– 50'	377 S.F.	104 S.F.
50'– 75'	583 S.F.	80 S.F.
75'– 100'	1,056 S.F.	1,112 S.F.
TOTAL	2,016 S.F. (TO BE REMOVED)	1,296 S.F. (TOTAL)

EXISTING IMPERVIOUS AREAS

STONE DRIVE	1,214 S.F.
CONCRETE WALK	327 S.F.
PORCH	608 S.F.
DWELLING	2,632 S.F.
R.PORCH	144 S.F.
FLAG STONE PATIO & WALK	529 S.F.
ACCESSORY PORCH	102 S.F.
ACCESSORY BUILDING	691 S.F.
WOODEN SHED	252 S.F.
TOTAL	6,499 S.F./20,761 S.F. = 31.3 %

PROPOSED IMPERVIOUS AREAS

DRIVEWAY (INCLUDING EX.COMPACTED STONE TO ROAD PAVING)	2,621 S.F.
WALK	120 S.F.
DWELLING W/SLAB UNDER DECK	1,952 S.F.
GAZEBO	126 S.F.
HOT TUB	56 S.F.
PAVED WALKWAY	227 S.F.
TOTAL	5,102 S.F./20,761 S.F. = 24.6 %

* PERMITTED IMPERVIOUS AREA = 25 % (5,190 S.F.)

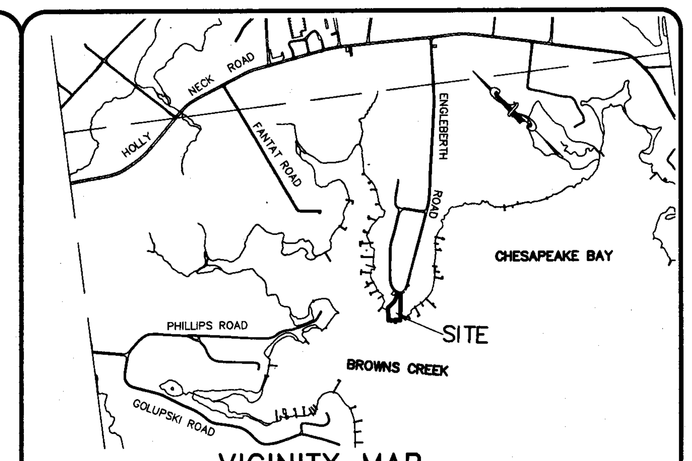
* THIS PROPERTY WAS DEVELOPED PRIOR TO DECEMBER 1, 1995 AND HAS LESS THAN 0.5 ACRES OF LAND AREA AND IS GRANDFATHERED; PERMITTING 25% IMPERVIOUS SURFACE LIMIT.

PROPOSED BUILDING COVERAGE

PROPOSED BUILDING COVERAGE (DWELLING & GAZEBO) IS $\frac{1,748 \text{ S.F.}}{20,761 \text{ S.F.}}$ = 8.4%

LEGEND

50	EXISTING CONTOURS
50	PROPOSED CONTOURS
	PROPERTY LINE
	100' BUFFER LINE
LOD	LIMIT OF DISTURBANCE
R	TREES TO BE REMOVED



VICINITY MAP
(SCALE: 1" = 1000')

SITE DATA

1) OWNER: MICHAEL B.MANN & LAURIE E.MANN
#1203 ENGLEBERTH ROAD
BALTIMORE, MARYLAND 21221

2) DEED REF.: 16156/085

3) TAX ACC.NO.: 15-04203220

4) TAX MAP: 105 PARCEL: 212 LOT 09

5) PLAT REF: SECTION A & B OF EAGLES NEST POINT 8/70

6) ELECTION DISTRICT: 15TH

7) CONCILMANIC DISTRICT: 6TH

8) REGIONAL PLANNING DISTRICT: 32B

9) CENSUS TRACT: 4510

10) FLOOD MAP: COMMUNITY PANEL NO. 240010-0445C ZONE A

11) ZONING MAP: N.E.2-K

12) EXISTING ZONING: RC-5

13) EXISTING & PROPOSED USE: SINGLE FAMILY RESIDENTIAL

14) SITE AREA:

LAND MASS:	* 20,761.24 S.F.	OR 0.476 AC.
WATER:	3,291.00 S.F.	OR 0.076 AC.
TOTAL	24,052.24 S.F.	OR 0.552 AC.

* LANDWARD OF EXISTING BULKHEAD

DISTURBED AREA: 8,935 S.F.

Bafitis & Associates, Inc.
1249 Engleberth Rd. Baltimore, MD 21221

William N. Bafitis, P.E.
PRESIDENT
Civil Engineers/Land Planners
SURVEYORS
(410) 391-2336

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCES FOR # 1203 ENGLEBERTH ROAD

15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

WILLIAM N.BAFITIS,P.E.

SHEET 1 OF 1

SCALE: 1" = 20'

JOB ORDER NO: 20315

DATE: 02/09/04

NO.	REVISIONS	DATE

04-369-A

aware that proceeding at this time is at their 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.

2) Development of the subject property shall be in compliance with Chesapeake Bay Critical Areas regulations.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 7/12/14
By