

IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Coldspring Road,
80 ft. E of Burke Road
15th Election District
6th Councilmanic District
(1121 Coldspring Road)

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-386-A

Andrea S. & Robert R. Krausman
Petitioners

* * * * *

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, Andrea S. and Robert R. Krausman. The variance request is for property located at 1121 Coldspring Road in the Middle River area of Baltimore County. The variance is requested from Section 1A04.3.A + B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed single-family dwelling with a height of 41 ft., a property line setback of 9 ft. and an open projection (deck) setback of 4 ft. in lieu of the required 35 ft., 50 ft. and 37.5 ft. 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 on March 7, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In addition, the Petitioners must be in compliance with the requirements set forth in the Zoning Advisory Committee (ZAC) comments submitted by the following County agencies: the Department of Environmental Protection & Resource Management (DEPRM) dated March 25, 2004, a copy of which is attached hereto and made a part hereof; the Bureau of Development Plans Review dated March 25, 2004, a copy of which is attached hereto and made a part hereof.;

DATE 3/29/04
BY R. Krausman

and the Office of Planning dated March 9, 2004, a copy of which is attached hereto and made a part hereof.

Notice is taken that the property, which is the subject of this variance request, consists of 14,905 sq. ft., and is zoned R.C.5.

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

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

THEREFORE, IT IS ORDERED, this 29th day of March, 2004, by this Zoning Commissioner, that the Petitioners' request for variance from Section 1A04.3.A + B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed single-family dwelling with a height of 41 ft., a property line setback of 9 ft. and an open projection (deck) setback of 4 ft. in lieu of the required 35 ft., 50 ft. and 37.5 ft. respectively, be and it is hereby APPROVED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be

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

2. Compliance with the ZAC comments submitted by DEPRM dated March 25, 2004, a copy of which is attached hereto and made a part hereof;
3. Compliance with the ZAC comments submitted by the Bureau of Development Plans Review dated March 25, 2004, a copy of which is attached hereto and made a part hereof;
4. Compliance with the ZAC comments submitted by the Office of Planning dated March 9, 2004, a copy of which is attached hereto and made a part hereof; and
5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:raj

ORDER RECEIVED FOR FILING
Date 3/29/04
By R. J. Jenson

IN THE MATTER OF
THE APPLICATION OF
ANDREA S. & ROBERT R. KRAUSMAN -
PETITIONERS FOR A VARIANCE ON
PROPERTY LOCATED ON THE S/S OF
COLDSPRING ROAD, 80' E OF BURKE RD.
(1121 COLDSPRING ROAD)

15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 04-386-A

* * * * *

ORDER OF DISMISSAL

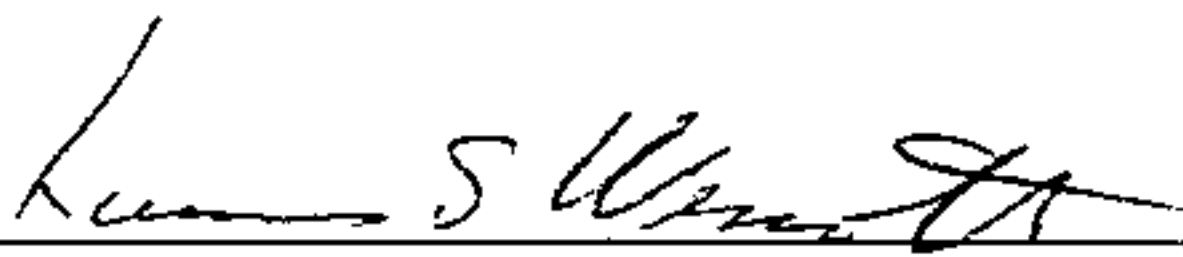
This matter comes to the Board of Appeals by way of an appeal filed by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, from a decision of the Deputy Zoning Commissioner dated March 29, 2004 in which the requested variance relief was granted with restrictions.

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 (a copy of which is 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,

IT IS ORDERED this 29th day of April, 2004 by the County Board of Appeals of Baltimore County that the appeal taken in Case No. 04-386-A be and the same is hereby **DISMISSED**.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Lawrence S. Wescott, Chairman



Charles L. Marks



Donald I. Mohler III



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1121 Cold Spring Rd Balt 21220
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) 1A04.3.A + B.2 BCZR

TO PERMIT A PROPOSED SINGLE FAMILY DWELLING WITH A HEIGHT OF 41', A PROPERTY LINE SETBACK OF 9' AND AN OPEN PROJECTION (DECK) SETBACK OF 4' IN LIEU OF THE REQUIRED 35', 50' AND 37.5' 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:

Legal Owner(s):

Name - Type or Print

Robert R Krausman
Name - Type or Print

Signature

Robert R Krausman
Signature

Address Telephone No

Andrea S. Krausman
Name - Type or Print

City State Zip Code

Andrea S. Krausman
Signature

Attorney For Petitioner:

work (410) 467-0878

1121 Cold Spring Rd (410) 344-0930 HM
Address Telephone No.

Balt. Md 21220
City State Zip Code

Name - Type or Print

Signature

Representative to be Contacted:

Robert Krausman
Name

Company

same as above
Address Telephone No

Address Telephone No

City State Zip Code

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

CASE NO. 04-386-A

Reviewed By LTM Date 2/23/04

REV 10/25/01

Estimated 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 1121 Cold Spring Rd
Address
Balt. Md. 21220
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):

We have been displaced since 9/19/03, for the last eight weeks, we have worked with an architect to design a home that meets our needs, and that we can enjoy for a lifetime. To meet code our first floor must be over 7 feet above grade. However, after the devastation during and after Isabel, and for our own peace of mind and safety, we desire to go higher than code and build our new dwelling 10 feet off grade. Our plans are designed with engineered floor trusses, which comprise over three feet of the height of the dwelling. Therefore, in order to comply with the 35-foot height restriction, we would have to decrease the height of the dwelling by 6 feet, which would drastically change the aesthetics of the house, and would prevent us from using the lower level as a garage.

We desire to make a minor change to the width of the footprint, making the entire footprint 24 feet wide. This will not decrease the existing setback to the property line, as this is the wider part of the lot.

We have discussed our plans with five of our immediate neighbors and they all agree with the proposed construction. Enclosed are signed letters indicating their consent.

We realize it is necessary to build to a minimum of 11 feet 2 inches from mean low tide, so we ask that a variance would be granted so that we can build the proposed dwelling and put our lives and community back together.

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.

Robert R. Krausman 2-19-04
Signature

Andrea S. Krausman 2-19-04
Signature

Robert R. Krausman
Name - Type or Print

Andrea S. Krausman
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19th day of February, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Robert R. Krausman + Andrea S. Krausman
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 5/2/2006

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

Address 1121 Cold Spring Rd
City Balt State Md. Zip Code 21220

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):

We have been displaced since 9/19/03, for the last eight weeks, we have worked with an architect to design a home that meets our needs, and that we can enjoy for a lifetime. To meet code our first floor must be over 7 feet above grade. However, after the devastation during and after Isabel, and for our own peace of mind and safety, we desire to go higher than code and build our new dwelling 10 feet off grade. Our plans are designed with engineered floor trusses, which comprise over three feet of the height of the dwelling. Therefore, in order to comply with the 35-foot height restriction, we would have to decrease the height of the dwelling by 6 feet, which would drastically change the aesthetics of the house, and would prevent us from using the lower level as a garage.

We desire to make a minor change to the width of the footprint, making the entire footprint 24 feet wide. This will not decrease the existing setback to the property line, as this is the wider part of the lot.

We have discussed our plans with five of our immediate neighbors and they all agree with the proposed construction. Enclosed are signed letters indicating their consent.

We realize it is necessary to build to a minimum of 11 feet 2 inches from mean low tide, so we ask that a variance would be granted so that we can build the proposed dwelling and put our lives and community back together.

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.

Robert R. Krausman 2-19-04
Signature

Robert R. Krausman
Name - Type or Print

Andrea S. Krausman 2-19-04
Signature

Andrea S. Krausman
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19th day of February, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Robert R. Krausman + Andrea S. Krausman
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires

5/2/2006

FLOOD / CBCA



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1121 Cold Spring Rd
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) 1A04.3, A + B.2 (BCZR)

TO PERMIT A PROPOSED SINGLE FAMILY DWELLING WITH A
HEIGHT OF 41', A PROPERTY LINE SETBACK OF 9'
AND AN OPEN PROJECTION^(DECK) SETBACK OF 4' IN LIEU
OF THE REQUIRED 35', 50' AND 37.5' 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:

Name - Type or Print

Signature

Address Telephone No

City State Zip Code

Legal Owner(s):

Robert R Krausman
Name - Type or Print

Robert R Krausman
Signature

Andrea S. Krausman
Name - Type or Print

Andrea S. Krausman
Signature

1121 Cold Spring Rd (410) 467-0878
Address Telephone No

Balt. Md 21220
City State Zip Code

Representative to be Contacted:

Robert Krausman
Name

Same as above
Address Telephone No

City State Zip Code

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

CASE NO. 04-386-A

Reviewed By LTM Date 2/23/04

REV 10/25/01

Estimated Posting Date 3/7/04

ZONING DESCRIPTION for 1121 COLD SPRING RD.

Beginning at a point on the South Side of Cold Spring Rd. which is nine wide at the distance of 80' East of the centerline of the nearest improved intersecting Street Burke Rd. which is nine wide.

Being Lot # 89 in the subdivision of Bowleys Quarters as recorded in Baltimore County Plat Book # 7, Folio # 12 containing 13,160. Also known as 1121 Cold Spring Rd. and located in the 15th Election District, 6th Councilmanic District

#386

Certificate Of Posting

RE: Case NO.: 04-386-A

Petitioner/Developer: ROBERT KRAUSMAN

Date of Hearing/Closing: 3/22/04

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

Attention:

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
at 1121 COLD SPRING RD

BALTO. MD 21220

This sign(s) were posted on 3 7 04
(Month, Day, Year)

Sincerely,

Martin Dgle
(Signature of Sign Poster and Date)

MARTIN DGLE

(Printed Name)

5016 CASTLESTONE DR.

(Address)

BALTO. MD 21237

(City, State, Zip Code)

410-933-9470

(Telephone Number)



March 7, 2004
Martin Dgle

APPEAL SIGN POSTING REQUEST

CASE NO.: 04-386-A

ANDREA AND ROBERT KRAUSMAN – LEGAL OWNER

1121 COLDSRING ROAD

15TH ELECTION DISTRICT

APPEALED: 4/8/2004

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

APPEAL SIGN POSTING REQUEST

CASE NO.: 04-386-A

ANDREA AND ROBERT KRAUSMAN – LEGAL OWNER

1121 COLDSRING ROAD

15TH ELECTION DISTRICT

APPEALED: 4/8/2004

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*******COMPLETE AND RETURN BELOW INFORMATION*******

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 04-386-A

Petitioner/Developer:

ANDREA AND ROBERT KRAUSMAN

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

1121 COLDSRING ROAD

The sign was posted on 5/10, 2004

By:


(Signature of Sign Poster)

GARY FREUND
(Printed Name)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ²⁴ 03- 386 -A Address 1121 COLD SPRING RD.

Contact Person: LLOYD T. MOXLEY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2/23/04 Posting Date: 3/7/04 Closing Date: 3/22/04

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 ⁰⁴ 03- 386 -A Address 1121 COLD SPRING RD

Petitioner's Name ROBERT KRAUSMAN Telephone (410) 467-0878

Posting Date: 3/7/04 Closing Date: 3/22/04

Wording for Sign: To Permit A PROPOSED SINGLE FAMILY DWELLING
WITH A HEIGHT OF 41', A PROPERTY LINE SETBACK OF 9' AND
AN OPEN PROJECTION (DECK) SETBACK OF 4' IN LIEU
OF THE REQUIRED 35', 50' AND 37.5' RESPECTIVELY

WCR - Revised 6/28/00

**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: 4 04-386-A
Petitioner: Robert R Krausman
Address or Location: 1121 Cold Spring Rd Balt Md 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: Robert R Krausman
Address: 1121 Cold Spring Rd
Balt. Md. 21220

Telephone Number: (410) 344-0930

**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 22, 2004

Robert Krausman
Andrea Krausman
1121 Cold Spring Road
Baltimore, Maryland 21220

Dear Mr. and Mrs. Krausman:

RE: Case Number: 04-386-A, 1121 Cold Spring Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 23, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 25, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For March 8, 2004
Item No. 386

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 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-03-08-2004-ITEM NO 386-03292004

Post-it® Fax Note		7671	Date	3/29/04	# of pages	2
To	Robin		From	Carol Brown		
Co./Dept.	ZC		Co.	DPK		
Phone #	4386		Phone #	3751		
Fax #	3468		Fax #	2931		

ORDER RECEIVED FOR FILING

Date

3/29/04

By

J. J. Gorman

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 30, 2004

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

SUBJECT: Zoning Advisory Petition(s): **Case 4-386 – REVISED COMMENTS**
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

Division Chief:

[Signature]

AFK/LL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 9, 2004

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

SUBJECT: 1121 Cold Spring Road

INFORMATION:

Item Number: 4-386

Petitioner: Robert Krausman

Zoning: RC 5

Requested Action: Variance

*OK, this
does not block
view of
neighbors
JES
3/29/04*

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends that the petitioner's request and does not oppose permitting the construction of a single family detached dwelling with a property line setback of 9 feet in lieu of the minimum required 50 feet. However, this office cannot comment on the petitioner's request to permit a building height of 41 feet in lieu of the maximum permitted 35 feet until building elevations (all sides) are submitted to this office for review.

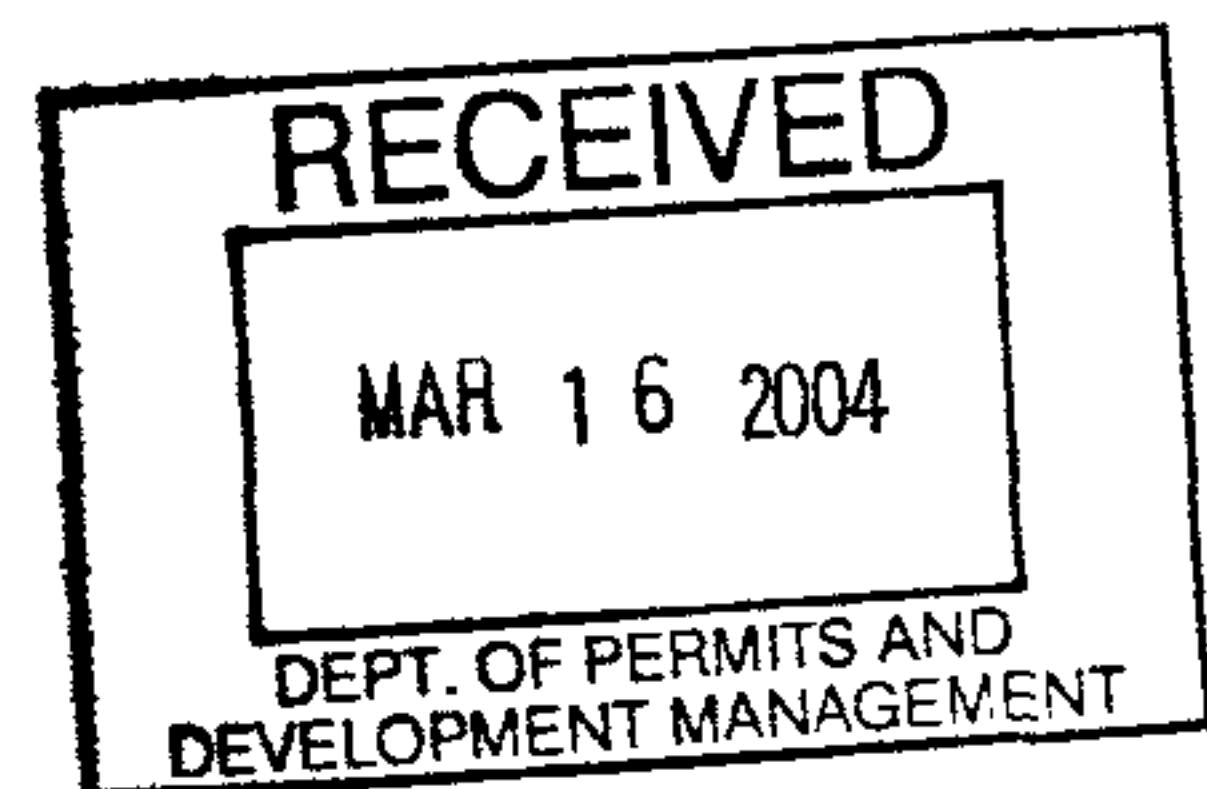
This office recommends that the subject deck should not be permitted to be setback any closer to the property line than the same 9 feet as the dwelling.

Prepared by:

Mark A. Chumley

Section Chief:
AFK/LL:MAC:

Lynn L. Mac



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley *ABS*

DATE: March 25, 2004

SUBJECT: Zoning Item # 04-386
Address 1121 Cold Spring Road
Krausman Property

RECEIVED

MAR 26 2004

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of March 1, 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).

Additional Comments:

Reviewer: Keith Kelley

Date: March 18, 2004

ORDER RECEIVED FOR FILING
Date 3/29/04
By K. Johnson



State Highway
Administration

Driven to Excel

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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 2-27-04

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

RE: Baltimore County
Item No. 386 LTM

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

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

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: June 17, 2004

TO: Timothy Kotroco, Director
Permits & Development Management
Attn.: David Duvall

FROM: Theresa R. Shelton
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES**

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

<u>BOARD OF APPEALS CASE NUMBER</u>	<u>PDM FILE NUMBER</u>	<u>NAME</u>	<u>LOCATION</u>
04-386-A	04-386-A	ANDREA AND ROBERT KRAUSMAN	1121 COLDSRING ROAD
03-397-SPHXA	03-397-SPHXA	THOMAS NUCKOLLS	1614 JOPPA ROAD

Attachment: SUBJECT FILE(S) / EXHIBIT(S) ATTACHED;



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 8, 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 of Coldspring Road, 80' E of Burke Road
(1121 Coldspring Road)
15th Election District; 6th Council Districts
Andrea S. & Robert R. Krausman- Petitioners
Case No.: 04-386-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 March 29, 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,

A handwritten signature in cursive script, reading "Peter Max Zimmerman".

Peter Max Zimmerman
People's Counsel for Baltimore County

A handwritten signature in cursive script, reading "Carole S. Demilio".

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Andrea & Robert Krausman

RECEIVED

APR 08 2004

Per. C/b.....

APPEAL

Petition for Special Hearing
4034 Bay Drive
NW/side of Bay Drive, 660 ft. n/east of Miami Beach Road
15th Election District – 6th Councilmanic District
Legal Owners: William & Jane Bissell

Case No.: 05-405-SPH

Petition for Special Hearing (February 11, 2005)

Zoning Description of Property

Notice of Zoning Hearing (March 2, 2005)

Certification of Publication (The Jeffersonian – March 17, 2005)

Certificate of Posting (March 19, 2005) by Linda O'Keefe

Entry of Appearance by People's Counsel (March 2, 2005)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Site Plan
2. Photographs
3. Deeds from 1957 to Date
4. Amended Site Plan (moving home west 45' c/l – setback 30')
5. Dept. of Assessments Account – Real Property Search
6. Aerial View

Protestants' Exhibits:

1. Zoning Map

Miscellaneous (Not Marked as Exhibit) – None in File

Zoning Commissioner's Order (GRANTED – April 25, 2005)

Notice of Appeal received on May 4, 2005 from People's Counsel of Baltimore County

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Deborah Dopkin, 409 Washington Avenue, Towson 21204
Mr. & Mrs. William Bissell, 4009 Bay Drive, Baltimore 21220
Paula Clemens, 4030 Bay Drive, Baltimore 21220
Josephine Jacobs, 19 Propeller Drive, Baltimore 21220
CBCA Commission, 1804 West Street, Ste. 100, Annapolis 21401

date sent June 1, 2005, klm

APPEAL

Petition for Administrative Variance
1121 Coldspring Road
S/s Coldspring Rd., 80' E/of Burke Avenue
15th Election District – 6th Councilmanic District
Andrea & Robert Krausman - Petitioners

Case No.: 04-386-A

RECEIVED

APR 21 2004

BALTIMORE COUNTY
BOARD OF APPEALS

- ✓ Petition for Administrative Variance (February 23, 2004)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (No Notice, Hearing was not set for this case)
- ✓ Certification of Publication (No publication was done for this case)
- ✓ Certificate of Posting (March 7, 2004) by Martin Ogle
- ✓ Entry of Appearance by People's Counsel (April 7, 2004)
- ✓ Petitioner(s) Sign-In Sheet
None
- ✓ Protestant(s) Sign-In Sheet
None
- ✓ Citizen(s) Sign-In Sheet
None
- ✓ Zoning Advisory Committee Comments (3-22-04)
- ✓ Petitioners' Exhibit
 - 1. Site Plan to accompany zoning variance
- ✓ Protestants' Exhibits:
None
- ✓ Miscellaneous (Not Marked as Exhibit)
 - ✓1. 3 pages of Photos
 - ✓2. 2 Architectural Drawings
 - ✓3. 5 Letters from neighbors
- ✓ Zoning Commissioner's Order (March 29, 2004 -APPROVED – with restrictions)
- *✓ Notice of Appeal received on April 8, 2004 from Pete Zimmerman of People's Counsel of Baltimore County

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Mr. & Mrs. Krausman, 1121 Cold Spring Road, Baltimore 21220

date sent 4-21-04, klm

ROBERT KRAUSMAN
ANDREA KRAUSMAN
1121 COLDSRING ROAD
BALTIMORE MD 21220
PETITIONERS

✓E

RE: PETITION FOR ADMINISTRATIVE * BEFORE THE
VARIANCE
1121 ColdSpring Road; S/S Coldspring Road* ZONING COMMISSIONER
80' E of Burke Road
15th Election & 6th Councilmanic Districts * FOR
Legal Owner(s): Andrea & Robert Krausman
Petitioner(s) * BALTIMORE COUNTY
* 04-386-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

APR 07 2004

Per. *[Signature]*

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of April, 2004, a copy of the foregoing Entry of Appearance was mailed to, Robert Krausman, 1121 Cold Spring Road, Baltimore, MD 21220, Attorney for Petitioner(s).

Peter Max Zimmerman

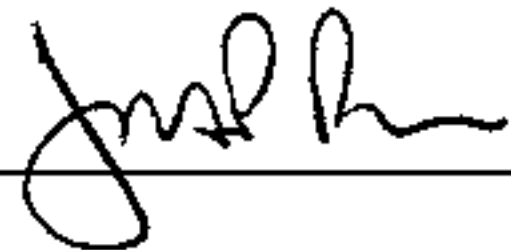
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Dear Neighbor,

Due to damages sustained during Isabel, we are required to rebuild a new house that will comply with the flood plain ordinance of Baltimore County, which is a minimum of 11 feet 2 inches above mean low tide. As a result, we desire to build a 2-story home that is 41 feet above natural grade, the foundation of which will be 10-11 feet off grade. Our new home will be built on the existing footprint, the only exception being to increase the front 41 feet of the dwelling footprint to 24 feet in lieu of the existing 23 feet, to make the entire footprint 24 feet wide. Footprint length will remain at 59 feet.

This is to certify that I, the property owner at 1119 Cold Spring Rd, have read the above statement, and have no objections to the proposed replacement of a dwelling at 1121 Cold Spring Road, Baltimore County, Maryland, owned by Robert R. and Andrea S. Krausman.

Printed Name JULIE ANN ~~PIERSON~~ Pierson

Signature 

Date 2/21/04

Dear Neighbor,

Due to damages sustained during Isabel, we are required to rebuild a new house that will comply with the flood plain ordinance of Baltimore County, which is a minimum of 11 feet 2 inches above mean low tide. As a result, we desire to build a 2-story home that is 41 feet above natural grade, the foundation of which will be 10-11 feet off grade. Our new home will be built on the existing footprint, the only exception being to increase the front 41 feet of the dwelling footprint to 24 feet in lieu of the existing 23 feet, to make the entire footprint 24 feet wide. Footprint length will remain at 59 feet.

This is to certify that I, the property owner at 1123 Cold Spring Rd., have read the above statement, and have no objections to the proposed replacement of a dwelling at 1121 Cold Spring Road, Baltimore County, Maryland, owned by Robert R. and Andrea S. Krausman.

Printed Name RAYMOND C Smythe Jr.

Signature Raymond C Smythe Jr.

Date 02-22-04

Dear Neighbor,

Due to damages sustained during Isabel, we are required to rebuild a new house that will comply with the flood plain ordinance of Baltimore County, which is a minimum of 11 feet 2 inches above mean low tide. As a result, we desire to build a 2-story home that is 41 feet above natural grade, the foundation of which will be 10-11 feet off grade. Our new home will be built on the existing footprint, the only exception being to increase the front 41 feet of the dwelling footprint to 24 feet in lieu of the existing 23 feet, to make the entire footprint 24 feet wide. Footprint length will remain at 59 feet.

This is to certify that I, the property owner at 1125 COLDSPRING, have read the above statement, and have no objections to the proposed replacement of a dwelling at 1121 Cold Spring Road, Baltimore County, Maryland, owned by Robert R. and Andrea S. Krausman.

Printed Name

CARL DRAST

Signature

Carl Drast

Date

2-21-04

Dear Neighbor,

Due to damages sustained during Isabel, we are required to rebuild a new house that will comply with the flood plain ordinance of Baltimore County, which is a minimum of 11 feet 2 inches above mean low tide. As a result, we desire to build a 2-story home that is 41 feet above natural grade, the foundation of which will be 10-11 feet off grade. Our new home will be built on the existing footprint, the only exception being to increase the front 41 feet of the dwelling footprint to 24 feet in lieu of the existing 23 feet, to make the entire footprint 24 feet wide. Footprint length will remain at 59 feet.

This is to certify that I, the property owner at 1127 Cold Spring Rd have read the above statement, and have no objections to the proposed replacement of a dwelling at 1121 Cold Spring Road, Baltimore County, Maryland, owned by Robert R. and Andrea S. Krausman.

Printed Name Joseph W Hession

Signature Joseph W Hession

Date 2/21/04

Dear Neighbor,

Due to damages sustained during Isabel, we are required to rebuild a new house that will comply with the flood plain ordinance of Baltimore County, which is a minimum of 11 feet 2 inches above mean low tide. As a result, we desire to build a 2-story home that is 41 feet above natural grade, the foundation of which will be 10-11 feet off grade. Our new home will be built on the existing footprint, the only exception being to increase the front 41 feet of the dwelling footprint to 24 feet in lieu of the existing 23 feet, to make the entire footprint 24 feet wide. Footprint length will remain at 59 feet.

This is to certify that I, the property owner at 1102 BURKE Road have read the above statement, and have no objections to the proposed replacement of a dwelling at 1121 Cold Spring Road, Baltimore County, Maryland, owned by Robert R. and Andrea S. Krausman.

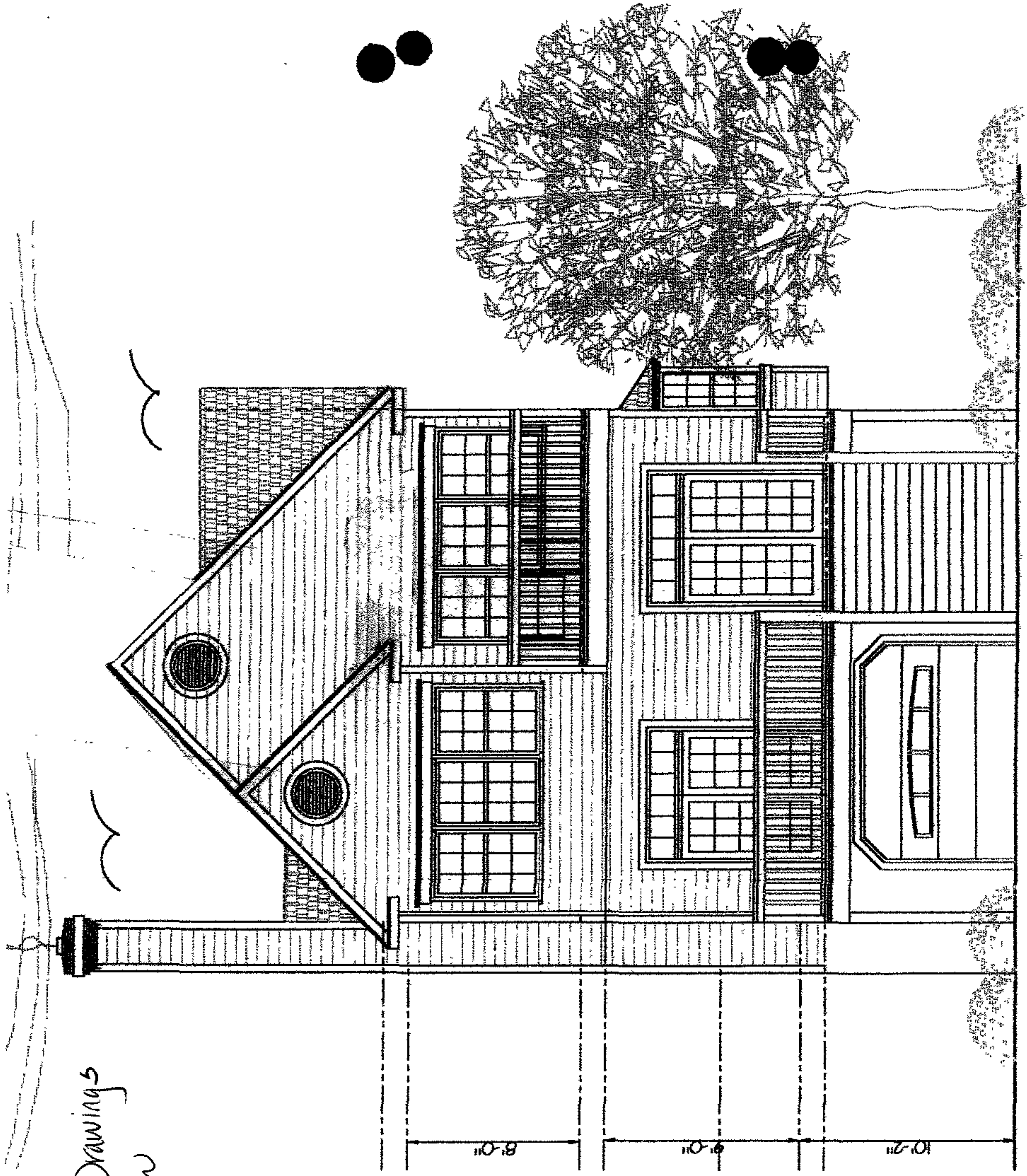
Printed Name WILLIAM STECKER GLORIA STECKER

Signature William Stecker Gloria L Stecker

Date 2-21-04

2-21-04

Architectural Drawings
of proposed new
dwelling. 1 of 2

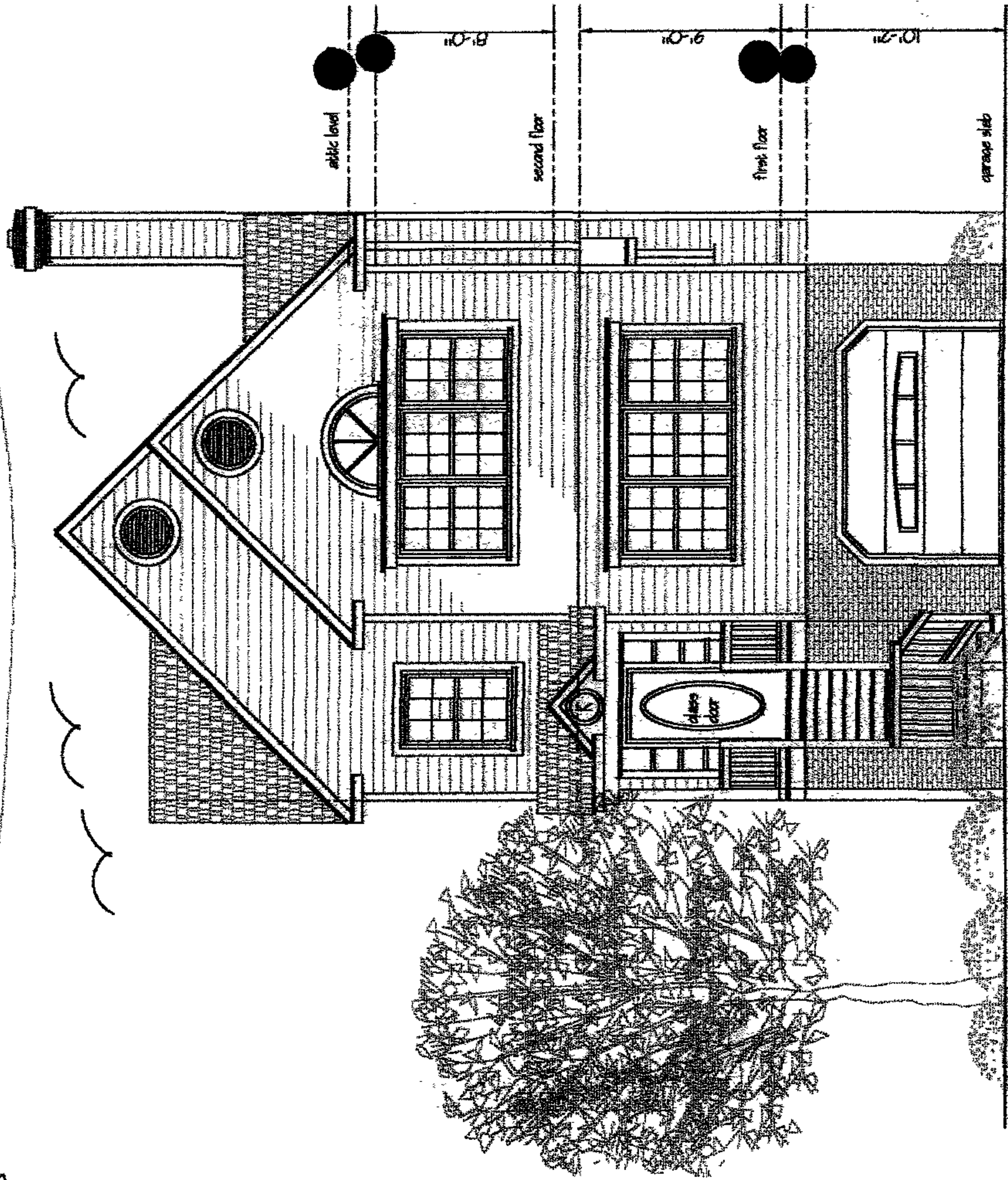


WATER FRONT ELEVATION

306

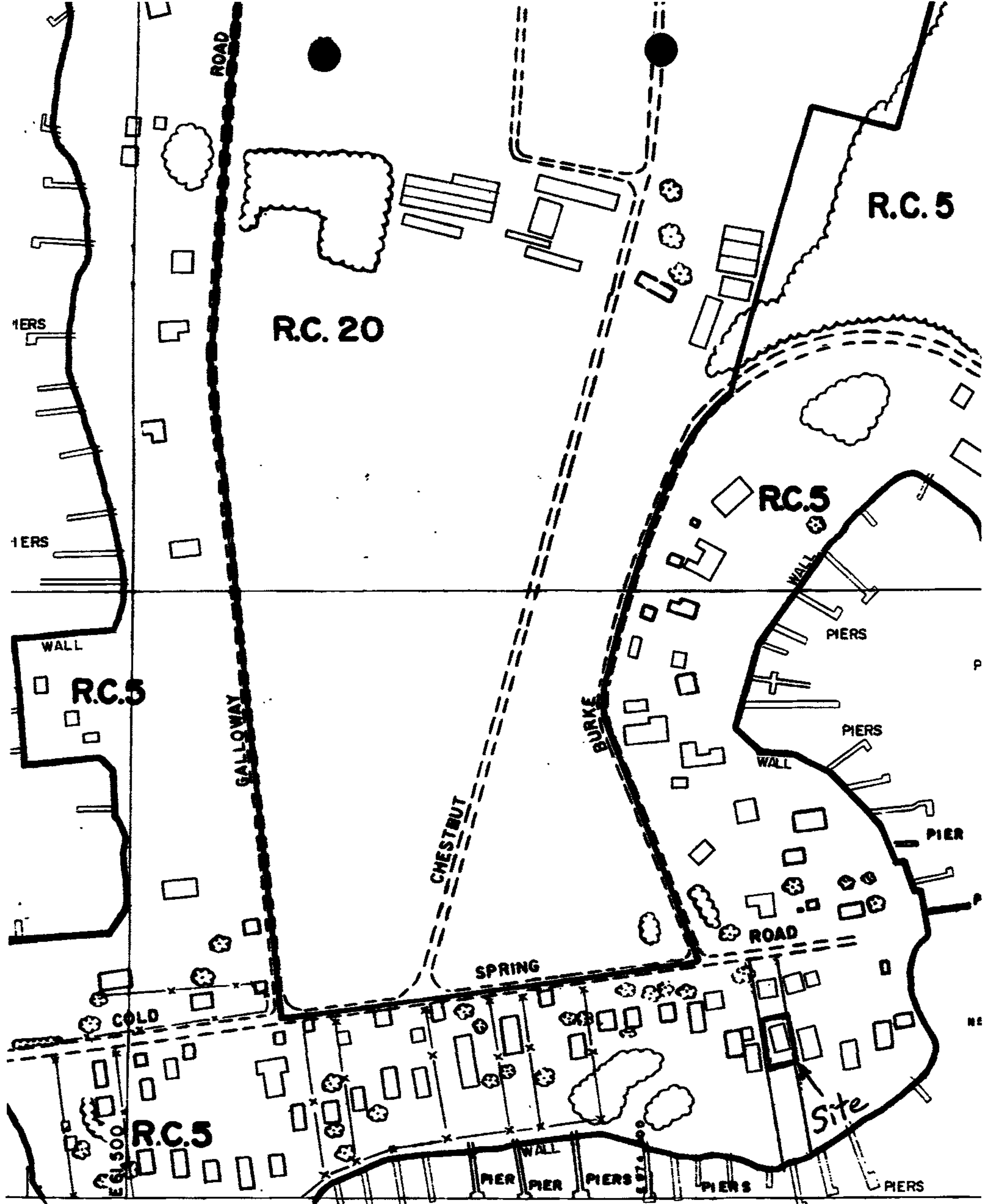
Architectural drawings

2 of 2



REAR ELEVATION

306



SCALE

1" = 200'±

LOCATION

Bowleys Quarters

386

SHEET

NE

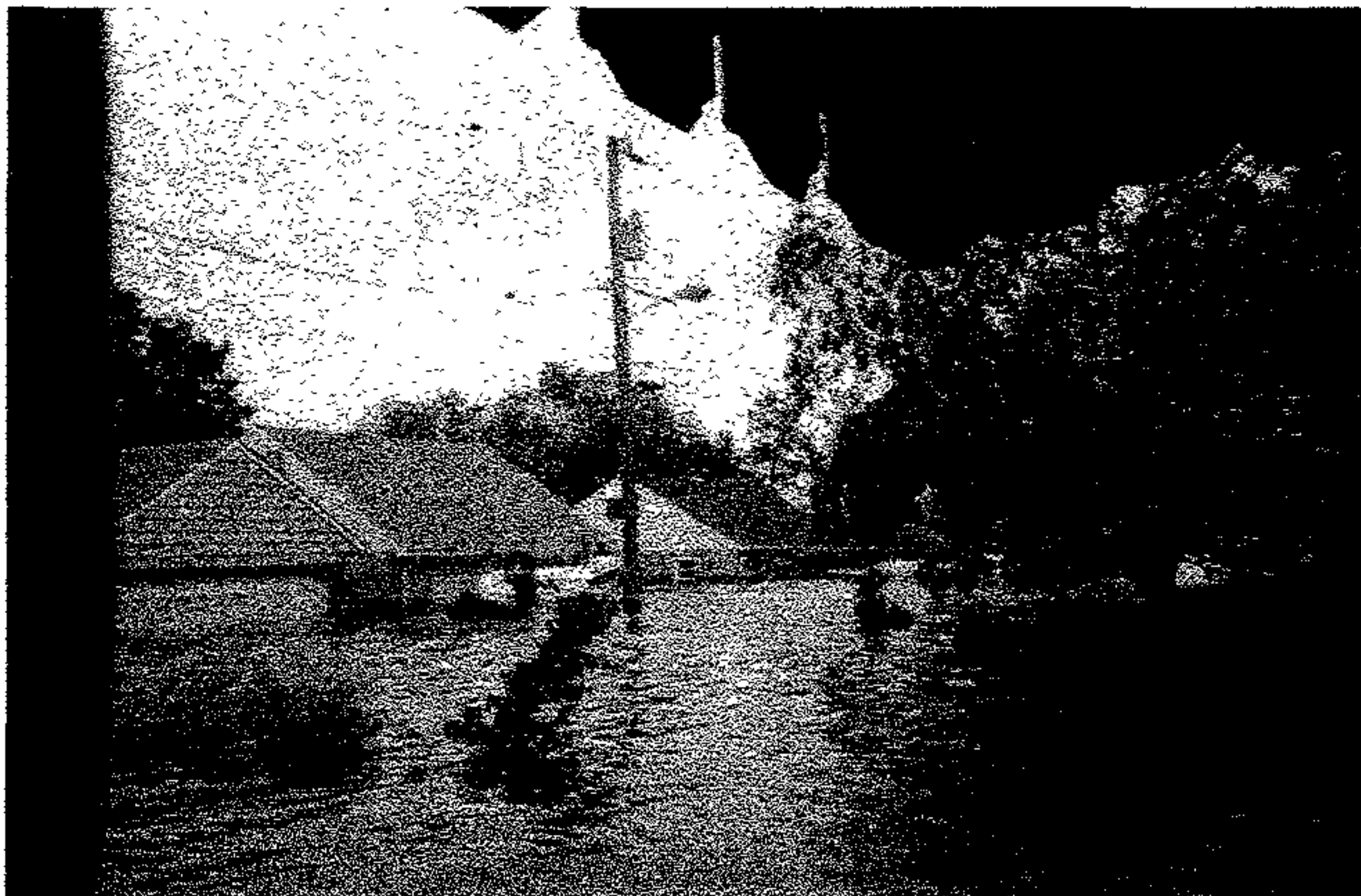
2K



This is our house (pre-Isabel). Notice that our house sits slightly back from our neighbors. Because we will be building the new house on the same footprint, no sight lines will be obscured.



This shows the rear of our existing house and our neighbor's house. Our sidewalk is approximately 4 feet from mean low tide. Floodwaters were over the electric meter. Proposed first floor elevation for the new dwelling will be approximately 1 foot under windowsill of existing upper floor.



Flooding from Isabel. Garage to the far right (blue boat cover) is our house. This is after the storm had passed and the water began to recede.



Flooding from Isabel. This is our neighbor's house (1127 Cold Spring Road), after the storm had passed and the water began to recede.



These photos show a house in Bowley's Quarters that is similar to the one that we propose to build. This house is new construction prior to Isabel.

