from he no A

FILMO

TOUR CHAINS HOW

IN RE: PETITION FOR VARIANCE
SE/Corner of Beach Road
and Marsh Road
15th Election District
6th Councilmanic District
(1013 Beach Road)

**Petitioners** 

Howard & Wanda Roberts, Legal Owners and Fitzpatrick Realty, Inc., Contract Purchaser

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

CASE NO. 04-398-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Howard and Wanda Roberts and Fitzpatrick Realty, Inc., contract purchaser. The Petitioners are requesting variance relief for property located at 1013 Beach Road in the eastern area of Baltimore County. Variance relief is requested from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed single-family dwelling (replace existing dwelling) with a setback of 30 ft. from the centerline of the street in lieu of the minimum required 75 ft. and to permit a setback of 40 ft. from the lot line in lieu of the minimum required 50 ft.

The property was posted with Notice of Hearing on April 9, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on April 8, 2004 to notify any interested persons of the scheduled hearing date

#### Applicable Law

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where

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

#### **Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated April 5, 2004 stating that the Petitioners must comply with the Chesapeake Bay Critical Area Regulations, a copy of which is attached hereto and made a part hereof. A ZAC comment was also received from the Bureau of Development Plans Review dated March 16, 2004 stating that the Petitioners must comply with federal flood insurance requirements and county code requirements for this project, a copy of which is attached hereto and made a part hereof.

#### Interested Persons

CHARLES THE SECTION OF THE SECTION O

Appearing at the hearing on behalf of the variance request was Kevin Fitzpatrick, a principal of the Petitioner corporation. Charles Merritt of Merritt Development Consultants, Inc. also attended the hearing. C. William Clark, Esquire, represented the Petitioner corporation. No protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, Centered the appearance of his office in this case.

#### Testimony and Evidence

Testimony and evidence indicated that the property consists of lots 473 through 477 of the Cedar Beach subdivision, which Mr. Clark proffered, was recorded in the land records of the County in 1945. The property is presently zoned R.C.5 and is served by public water and sewer. The Petitioners wish to raze the existing home and accessory buildings and build an upscale single family home for sale to the public. The RC 5 zoning was applied to the property in 1979. This zoning requires setbacks of 50 ft. from any lot line and 75 ft. from the centerline of the street. The Petitioner can meet those requirements for the distance to the centerline of Marsh Road and the distance to the north and south lot lines (50 ft.) by combining the five lots of record.

However, they can not meet these requirements for the east/west dimensions. The lots are only 107 +/- ft. deep from Beach Road. Having been laid out in 1945, they can not meet the 75 ft. setback form the centerline of Beach Road and 50 ft. setback from the rear lot line with any home. The centerline of Beach Road is 5 ft. from the front lot line. The lot would have to be at least 120 ft. deep in order to have a zero width home. See Petitioners' Exhibit No. 2. This is not possible.

The Petitioner proposes to line up the front of the new home with that of the adjacent Libscomb home, which is 25 ft. from the right-of-way of Beach Road. Similarly, they wish to align the rear of the new home with the rear of the Lipscomb home, which is 38 ft. from the rear lot line. The Petitioners are asking for a 40 ft. setback. This provides an equivalent alignment to the existing home next door while allowing a wider more expansive home to be built.

#### Findings of Fact and Conclusions of Law

OF FILMS

I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. These lots are simply not deep enough to allow any building under today's RC 5 regulations. I find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations will result by granting these variances. Furthermore, I find that these variances shall be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The proposed building outline matches the setbacks of the adjacent home and will result in a compatible design.

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 \_\_\_\_\_\_ day of April, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed single-family dwelling (replace existing dwelling) with a setback of 30 ft. from the centerline of the street in lieu of the minimum required 75 ft. and to permit a setback of 40 ft. from the lot line in lieu of the minimum required 50 ft., be and is hereby GRANTED, 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 made by DEPRM dated April 5, 2004, 2004, a copy of which is attached hereto and made a part hereof.
- 3. Compliance with the ZAC comments made by the Bureau of Development Plans Review dated March 16, 2004, a copy of which is attached hereto and made a part hereof.
- 4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

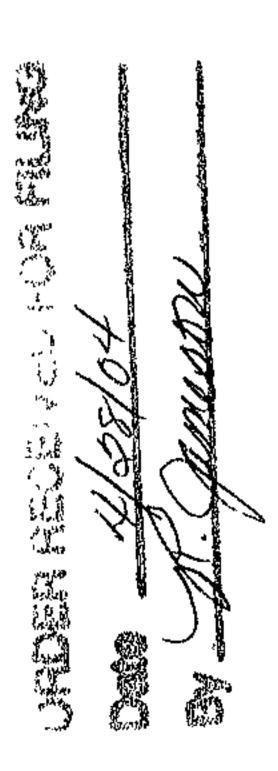
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

OHNV. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



#### 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 28, 2004

C. William Clark, Esquire Nolan, Plumhoff & Williams 502 Washington Avenue, Suite 700 Towson, Maryland 21204

> Re: Petition for Variance Case No. 04-398-A Property: 1013 Beach Road

Dear Mr. Clark:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Charles Merritt Merritt Dev. Consultants, Inc. 9831 Magledt Road Baltimore, MD 21234

> Mr. & Mrs. Howard Roberts 1013 Beach Road Baltimore, Maryland 21221

Fitzpatrick Realty, Inc. 7 Apple Valley Court Parkton, MD 21120



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



# Petition for Variance

#### to the Zoning Commissioner of Baltimore County

for the property located at 1013 BEACH 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) 1A04.3.B.2, BCZR, to permit a proposed dwelling (replace existing dwelling) with a setback of 30 feet from the centerline of the street in lieu of the minimum required 75 feet, and to permit a setback of 40 feet from the lot line in lieu of the minimum required 50 feet.

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

TO BE DISCUSSED AT THE HEARNG

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.

	is the subject of this retition.
Contract Purchaser/Lessee:	Legal Owner(s):
FITZPATRICK REALTY /NC Name / Type or Print Name - 7	HOWARD ROBERTS
Signature Name -	Type or Print  Wowand Roberts
7 APPLE VALLEY CT 410-329-6911	Signature  NANDA ROBERTS
Address ALKTON MS 21120 City State Telephone No. Zip Code	Name - Type or Print Parket Signature
Attorney For Petitioner:	1013 BEACH ROAD 410-682-2852 Address Telephone No.
Name - Type or Print City	BALTIMOKE MD ZIZZI State Zip Code
Signature	Representative to be Contacted:
Company	MERRITT DEV. CONSULTANTO INC.
Address Telephone No.	7831 MAGLEDT ROAD 410 663-5525 Address Telephone No.
Cliy State Zip Code	BOUTO MD ZIZ34 City State Zip Code
	OFFICE USE ONLY
Case No. $04-398-4$	ESTIMATED LENGTH OF HEARING
Reviewed By	UNAVAILABLE FOR HEARING Date 3/2/04

#### ZONING DESCRIPTION FOR 1013 Beach Road

Beginning at a point on the east side of Beach Road which is 40' wide and the south Side of of the nearest improved street Marsh Road which is 25' wide. Beginning Lots#473 thru 477, in the subdivision of Cedar Beach as recorded in Baltimore County Plat Book #13, Folio #57 containing 27160 SF± or 0.62 AC±. Also known as 1013 Beach Road and located in the 15 Election District, 5 Council manic District.

						7.5
DIST		<b>7</b>			9 5	- { - · -
TREUTION					FICE O	· · ·
		11			ORE BUI	- 
AGD W						
					NCH AR	
TALO IN THE PARTY OF THE PARTY				8	<b>5</b>	
N- CUIST						1
OMER						
				A STATE OF THE STA	5	15 A 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
		1 1 1 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	<b>20 16</b>			
	Pro-					
						31.
المراجعة الم	1 (1)	mac with the state			Land State of the Control of the Con	

•

HUTICE OF ZORING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson. Maryland on County will hold a public herein as follows:

the property identified herein as follows:

Case: #04-398-A

1013 Beach Road
S/east corner of Beach Road and Marsh Road
S/east corner of Beach Road and Wanda Roberts
Legal Owner(s): Howard and Wanda Roberts
Legal Owner(s): Howard and Wanda Roberts
Contract Purchaser. Fitzpatrick Realty, Inc.
Agrination of the minimum required 75 feet, and to permit a setback of 40 feet from the iot line in lieu of the minimum a setback of 40 feet from the iot line in lieu of the minimum a setback of 40 feet from the iot line in lieu of the minimum Hearing: Monday, April 26, 2004 at 2:00 p.m. in Room Hearing: Monday, April 26, 2004 at 2:00 p.m. in Room Hearing: Monday, April 26, 2004 at 2:00 p.m. in Room

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

12005

THIS IS TO CERFIFY, that the annexed advertisement was published

in the following weekly newspaper published in Baltimore County, Md.,

successive weeks, the first publication appearing once in each of

X The Jeffersonian

Arbutus Times

Catonsville Times

Owings Mills Times Towson Times

Reporter/ ☐ NE Booster/

☐ North County News

Mulms

LEGAL ADVERTISING

### CERTIFICATE OF POSTING

	Date: APRIL 10, 2004
RE: Case Number: 04-398-A  Petitioned/ Developer: FITZPATRICK  Date of Hearing/ Closing: APRIL	c REAUTY
This is to certify under the penalties of perjury the on the property located at 1013 BE	hat the necessary sing(s) required by law were posted conspicuously
The sign(s) were posted onPPI.  In sign(s) were posted on	2004 (Month, Day, Year)  Claud E. Mutt (Stoppature of Stop Poster)  Charles E. Merritt 9831 Magledt Road Baltimore, MD 21234 410-665-5562

# Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



#### Baltimore County

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

March 8, 2004

#### **NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

**CASE NUMBER: 04-398-A** 

1013 Beach Road S/east corner of Beach Road and Marsh Road 15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District Legal Owners: Howard and Wanda Roberts Contract Purchaser: Fitzpatrick Realty, Inc.,

Variance to permit a proposed dwelling (replace existing dwelling) with a setback of 30 feet from the centerline of the street in lieu of the minimum required 75 feet, and to permit a setback of 40 feet from the lot line in lieu of the minimum required 50 feet.

Hearing: Monday, April 26, 2004, at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Howard and Wanda Roberts, 1013 Beach Road, Baltimore 21221 Fitzpatrick Realty, Inc., 7 Apple Valley Ct., Parkton 21120 Chuck Merritt, 9831 Magledt Road, Baltimore 21234

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 10, 2004.

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

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 8, 2004 Issue - Jeffersonian

Please forward billing to:

Fitzpatrick Realty, Inc. 7 Apple Valley Court Parkton, MD 21120

410-329-6911

#### **NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-398-A

1013 Beach Road S/east corner of Beach Road and Marsh Road 15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District Legal Owners: Howard and Wanda Roberts Contract Purchaser: Fitzpatrick Realty, Inc.,

Variance to permit a proposed dwelling (replace existing dwelling) with a setback of 30 feet from the centerline of the street in lieu of the minimum required 75 feet, and to permit a setback of 40 feet from the lot line in lieu of the minimum required 50 feet.

Hearing: Monday, April 26, 2004, at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

AMPENCE E SOUNDE

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

### DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

Item Number or Case Number:	04-398-A
Petitioner:	HOWARD & WANDA ROBERTS
Address or Location: 1013	BEACH ANE
•	
PLEASE FORWARD ADVERTIS	SING BILL TO:
Name: FITZPATRICK	REALTY
Address: 7 APPLE VA	LLEY COURT
PARKTON	10 21120
	•
Telephone Number: 410	779. ( 9 1 1

Revised 2/20/98 - SCJ

## Department of Permits and Development Management

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





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

April 23, 2004

Howard Roberts Wanda Roberts 1013 Beach Road Baltimore, Maryland 21221

Dear Mr. and Mrs. Roberts:

RE: Case Number:04-398-A, 1013 Beach Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 2, 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,

U. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Fitzpatrick Realty Inc. 7 Apple Valley Court Parkton 21120



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

#### 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

March 9, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: March 9, 2004

Item No.:

361, 364, 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



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

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

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

3.5.04

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

RE:

**Baltimore County** 

Item No. 30

JHF

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,

fu

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 19

DATE:

April 5, 2004

SUBJECT:

Zoning Item

Address

1013 Beach Road

Roberts Property

Zoning Advisory Committee Meeting of March 8, 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).

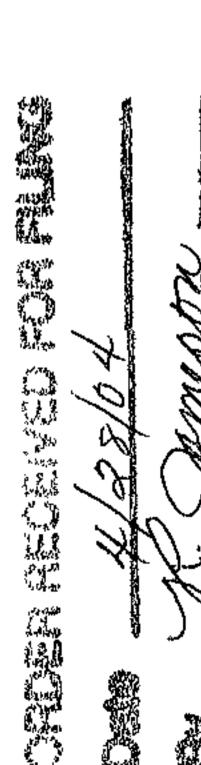
#### Additional Comments:

Reviewer:

Keith Kelley

Date: March 12, 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 24, 2004 RECEIVED

MAR 2 5 2004

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

**SUBJECT:** 

Zoning Advisory Petition(s): Case 4-398

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.

AFK/LL

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** March 16, 2004

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 No. 398

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

The flood protection elevation for this site is 10.4 feet.

In accordance 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.

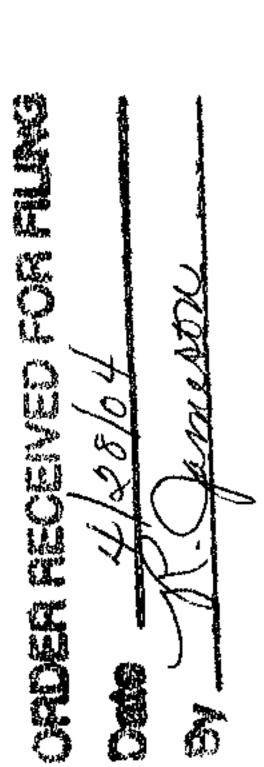
The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

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-03-15-2004-ITEM NO 398-03162004



RE: PETITION FOR VARIANCE

1013 Beach Road; SE corner of

Beach Road & Marsh Road

15<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts

Legal Owner(s): Howard & Wanda Roberts \*

Contract Purchaser(s): Fitzpatrick Realty, Inc.

Petitioner(s) \*

BEFORE THE

**ZONING COMMISSIONER** 

FOR

BALTIMORE COUNTY

\* 04-398-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

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 8<sup>th</sup> day of March, 2004, a copy of the foregoing Entry of Appearance was mailed to, Chuck Merritt, Merritt Development Consultants, Inc, 9831 Magledt Road, Baltimore, MD 21234, Representative for Petitioner(s).

RECEIVED

MAR 0 8 ZUUM Per. ....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

- 1. Lot area; density control. A lot having an area of less than one acre may not be created in an R.C.5 Zone. The maximum gross residential density of a lot of record is 0.667 dwelling per acre. [Bill No. 178-1979 <sup>22</sup>]
- 2. Building setbacks. Any principal building hereafter constructed in an R.C.5 Zone shall be situated at least 75 feet from the center line of any street and at least 50 feet from any lot line other than a street line, except as otherwise provided in Paragraph 5 below.
- 3. Coverage. No more than 15% of any lot in an R.C.5 Zone may be covered by buildings, except as otherwise provided in Paragraph 5 below.
- 4. Exceptions for certain record lots. Any existing lot or parcel of land with boundaries duly recorded among the land records of Baltimore County with the approval of the Baltimore County Office of Planning on or before the effective date of these zoning regulations and not part of an approved subdivision that cannot meet the minimum standards as provided within the zone may be approved for residential development in accordance with the standards prescribed in force at the time of the lot recordation.
- 5. Dwellings per lot. No more than one dwelling is permitted on any lot in an R.C.5 Zone, but not excluding additional dwellings for bona fide tenant farmers.

#### 1A04.4 Special provisions for life care or continuing care facilities. [Bill No. 6-1984]

- A. Notwithstanding contrary provisions contained in these regulations, life care or continuing care facilities are subject to the following provisions:
  - 1. May only be located on a site containing a minimum of 450 acres. To obtain the required acreage, property zoned R.C.2 may be combined with property zoned R.C.5. The entire building envelope of the facility must be located in the R.C.5 portion of the tract and the building envelope is limited to a maximum of 12.5% of the gross acreage (building envelope site).
  - 2. Density control. A maximum of 5.5 dwelling units per acre of building envelope site is permitted.
  - 3. No part of any building shall be closer than 500 feet to the nearest public road. [Bill No. 36-1988]
  - 4. The balance of the tract outside of the building envelope may only be used for open space, and recreational uses permitted by special exception in the respective R.C.2 and R.C.5 Zones, provided that no recreational use which is permitted by special exception may be allowed within 200 feet of any public road. [Bill No. 36-1988]
  - 5. Neither the use of the site for a life care or continuing care facility nor any increased density of the site allowed by legislative act may be considered as

Editor's Note: This bill also repealed former Paragraph 2, "Minimum diametral dimension," which followed this paragraph.

PLEASE PRINT CLEARLY

CASE NAME 04-38-4
CASE NUMBER 04-398-A
DATE WASSING

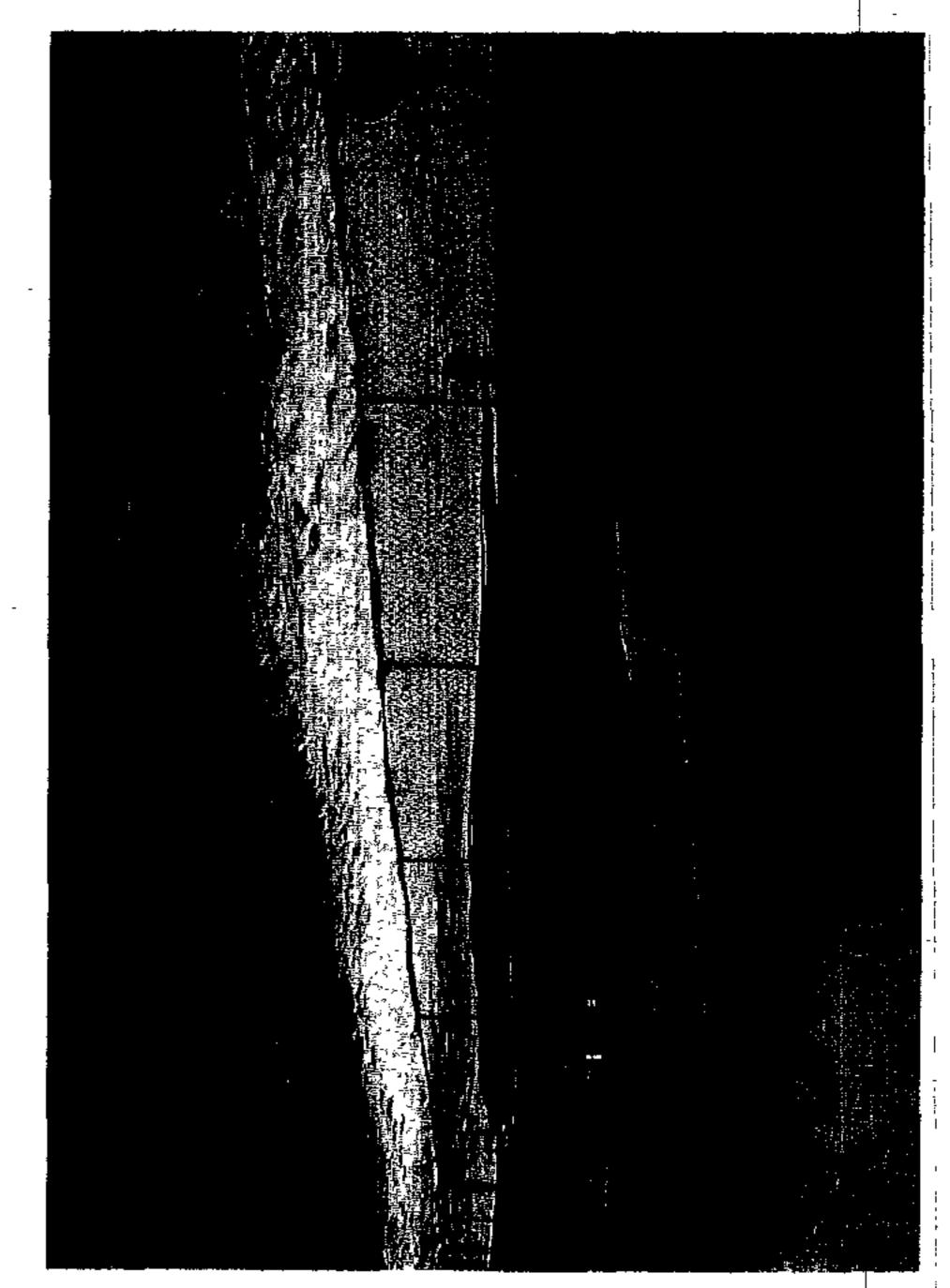
M

PETITIONER'S SIGN-IN SHEET

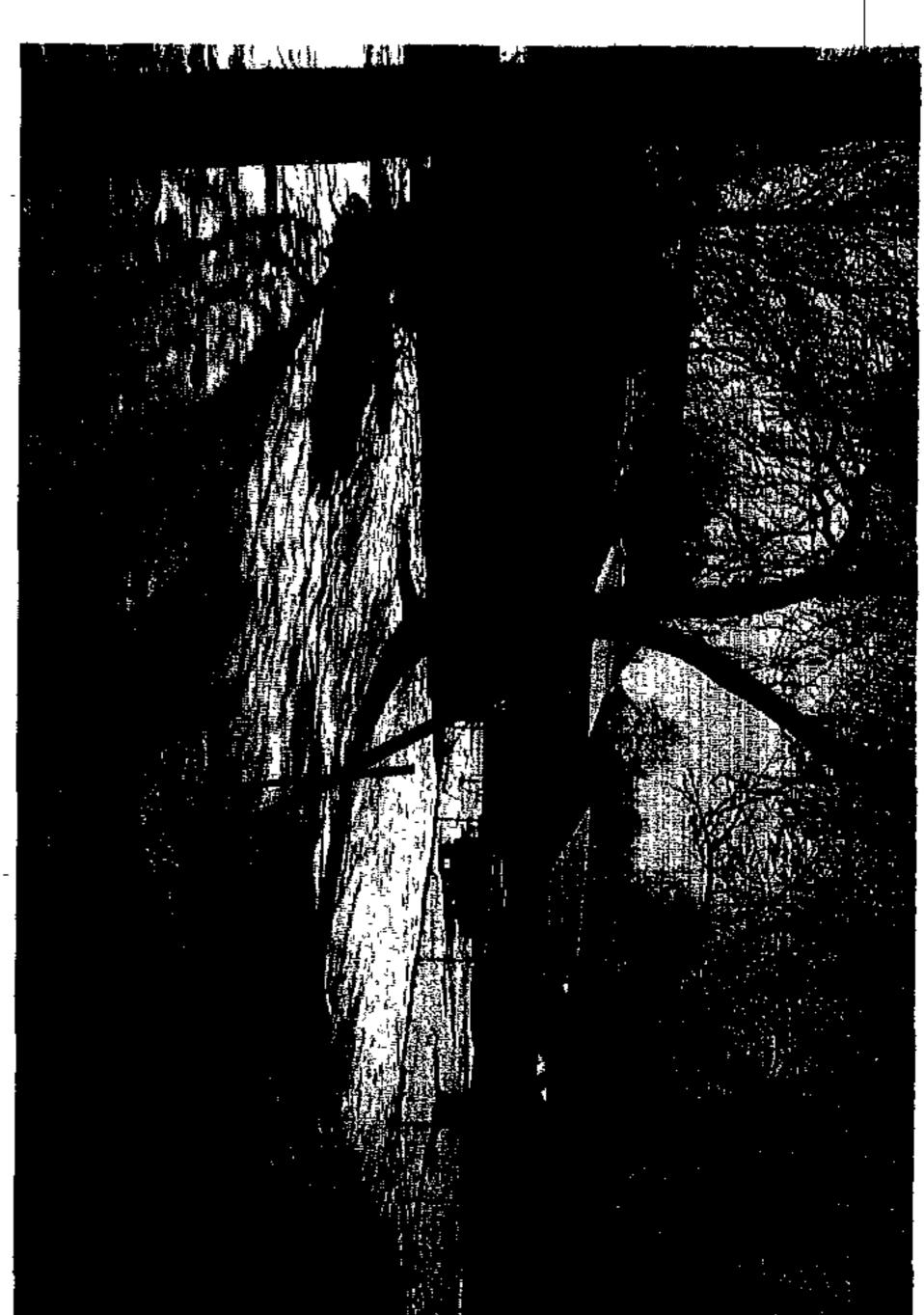
E- MAIL	KUNE 7 B COURSE		
CITY, STATE, ZIP BAGO MID ZIZZA	PARKTON, MD 21204		
ADDRESS MERRITT DENELOPMENT CONSCIUTINATE INC. 9831 MACIETT RD	7 APPLE VALLEY C+ 502-WASHINGTON ANE		
Chaeles MERRIT	KBUN FIZPATRICK		

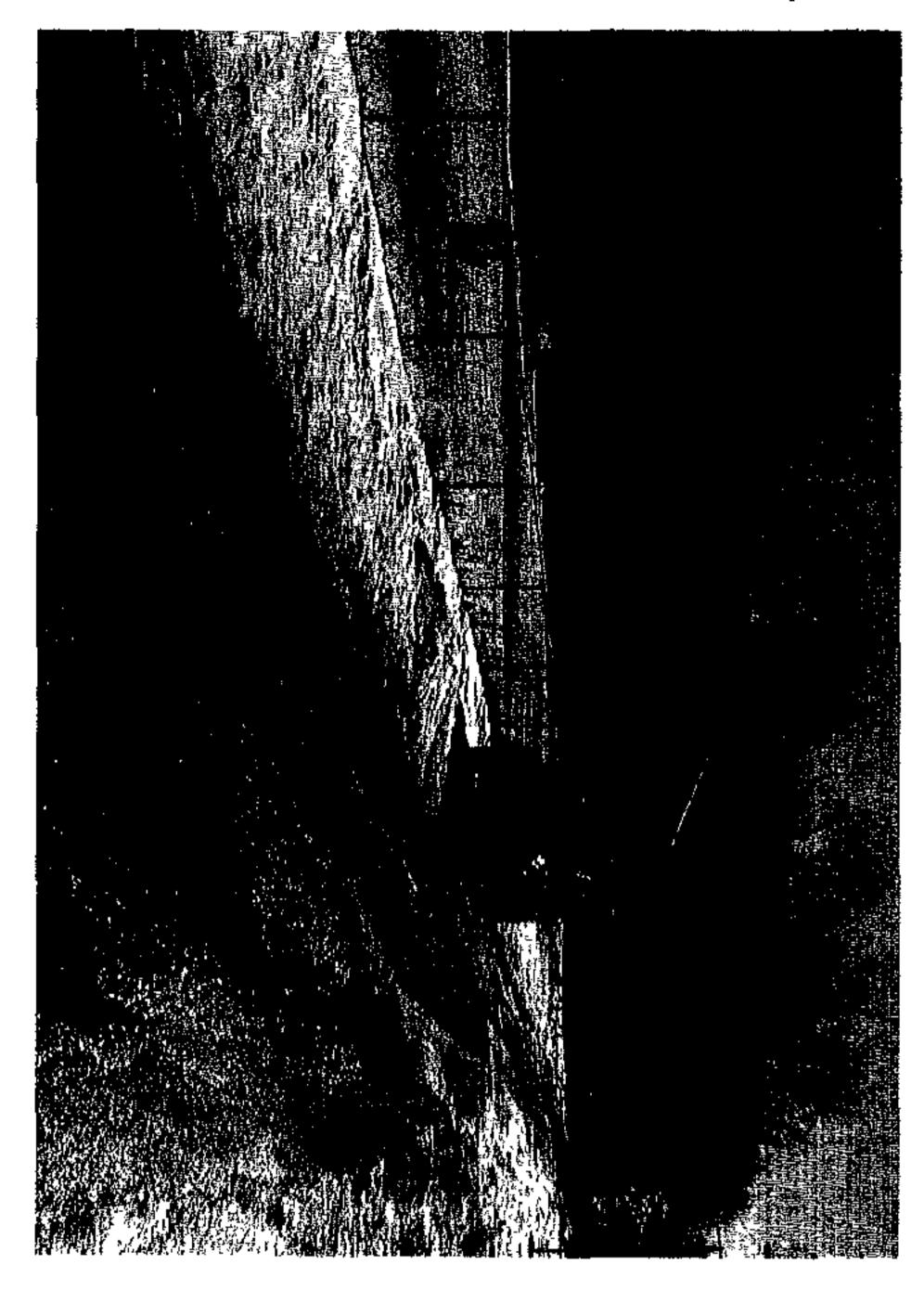
Fer 113.4 112.0 110.7' 109.3' 107.9' 106.5 373.0 105.1 103.7' F.F.KI 5.0 As FORTION DE ACH SURVEYORS d





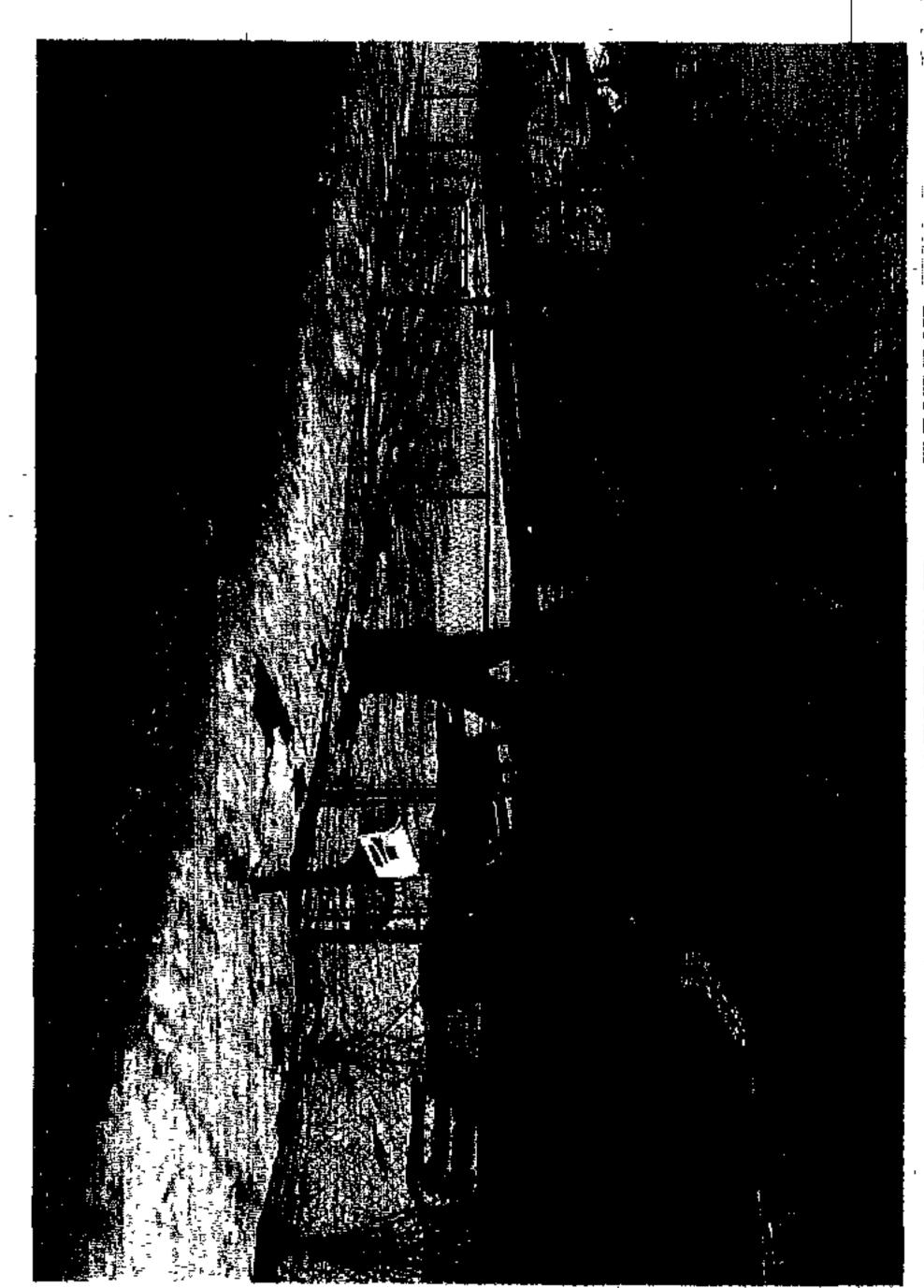


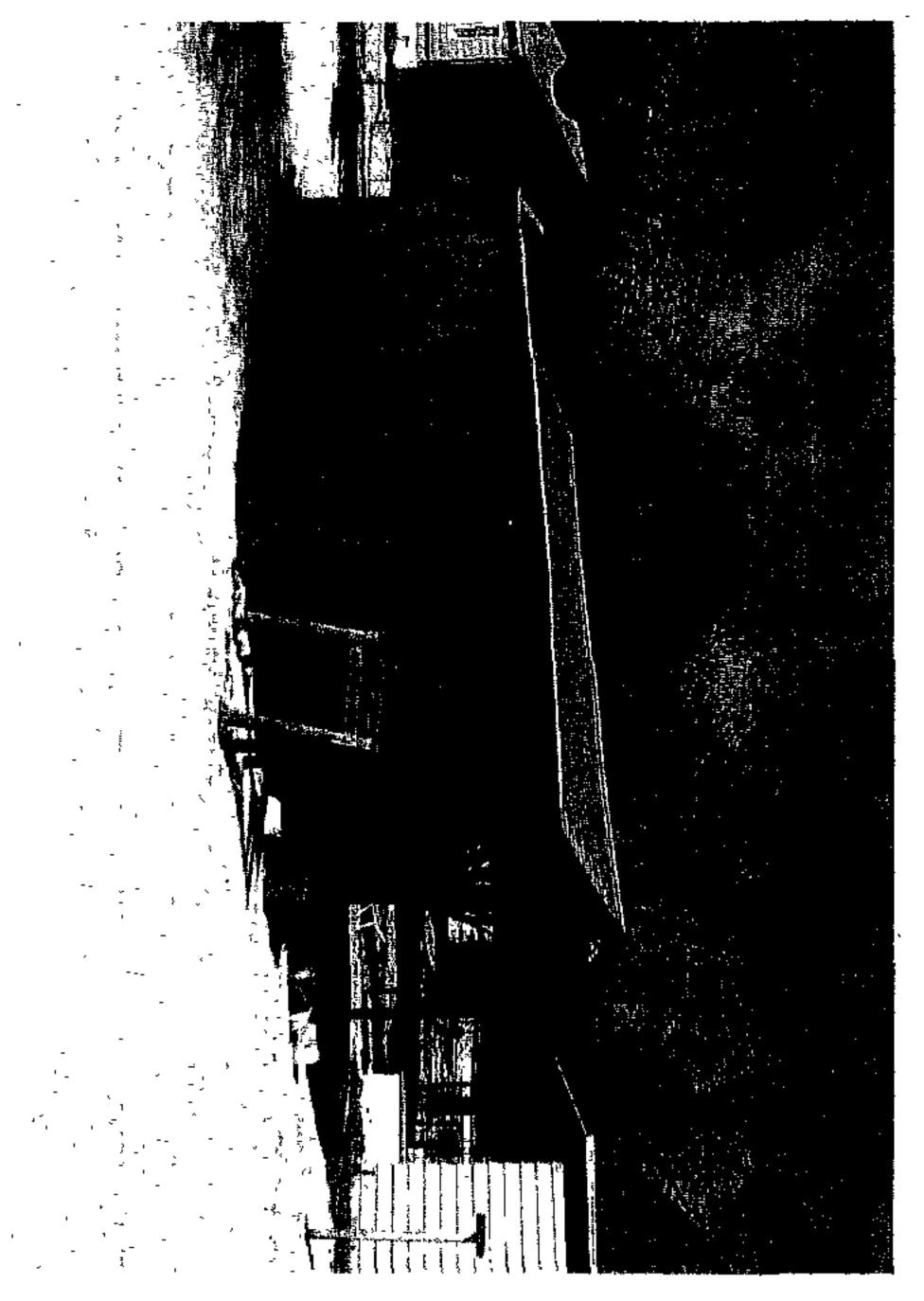


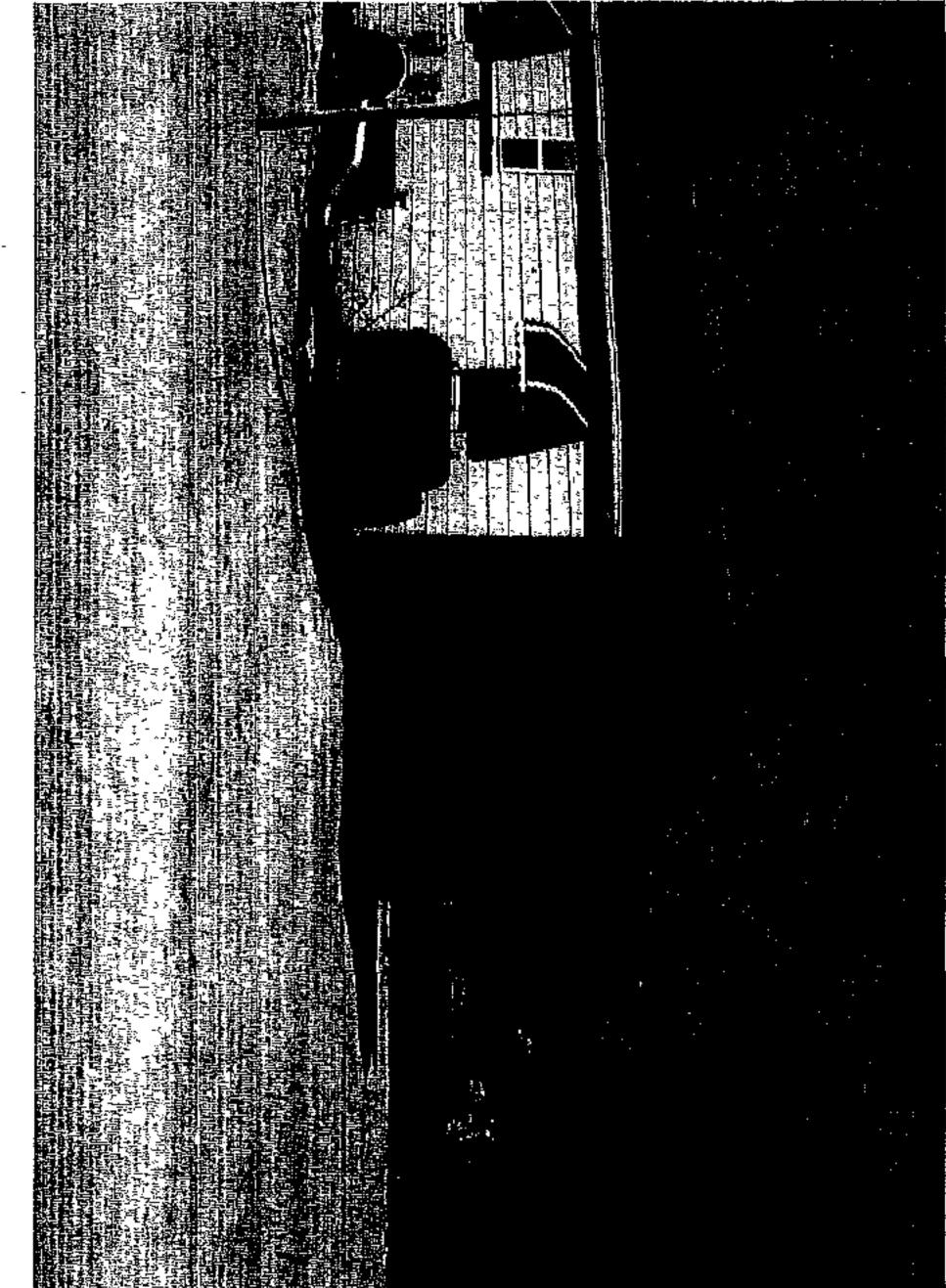


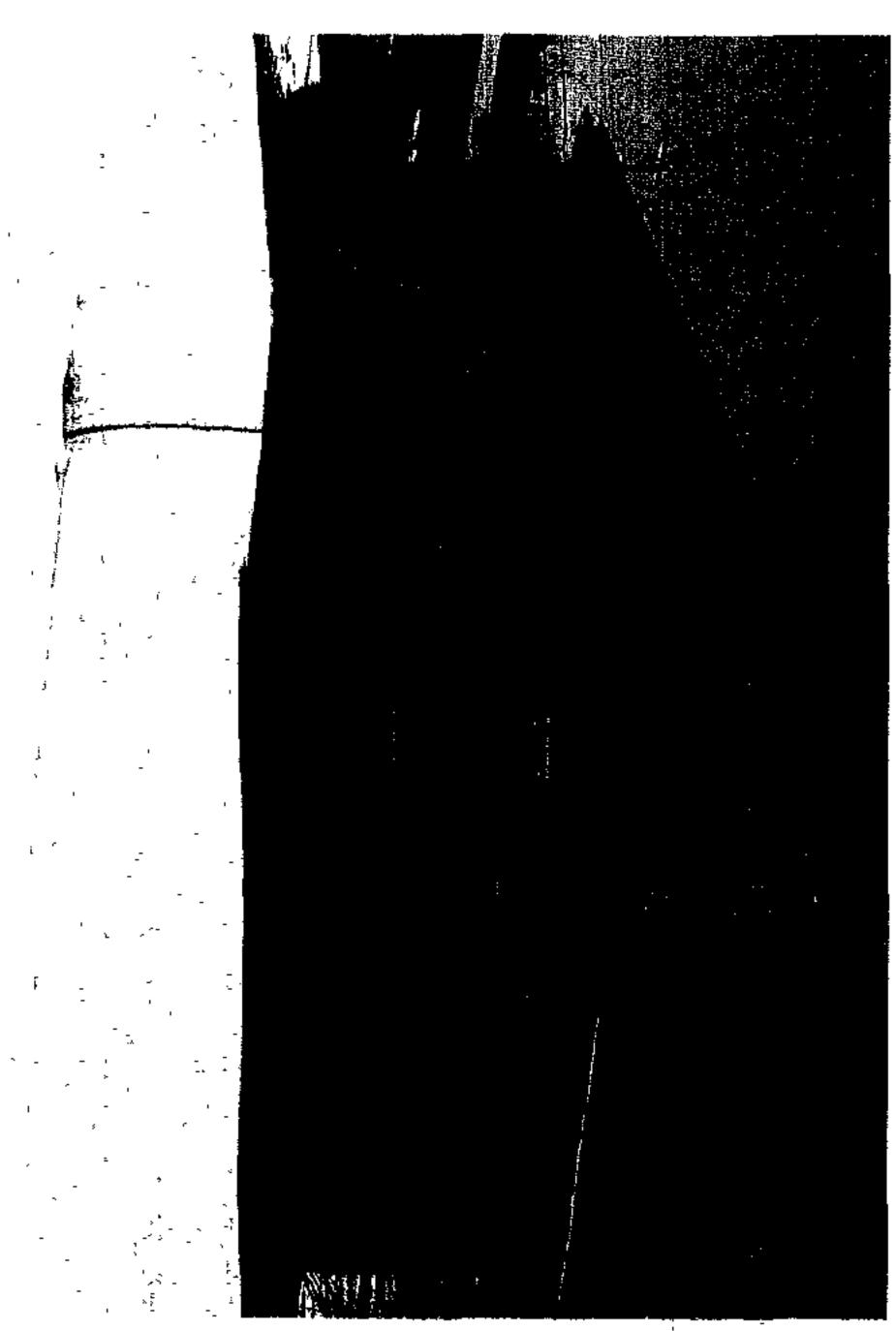


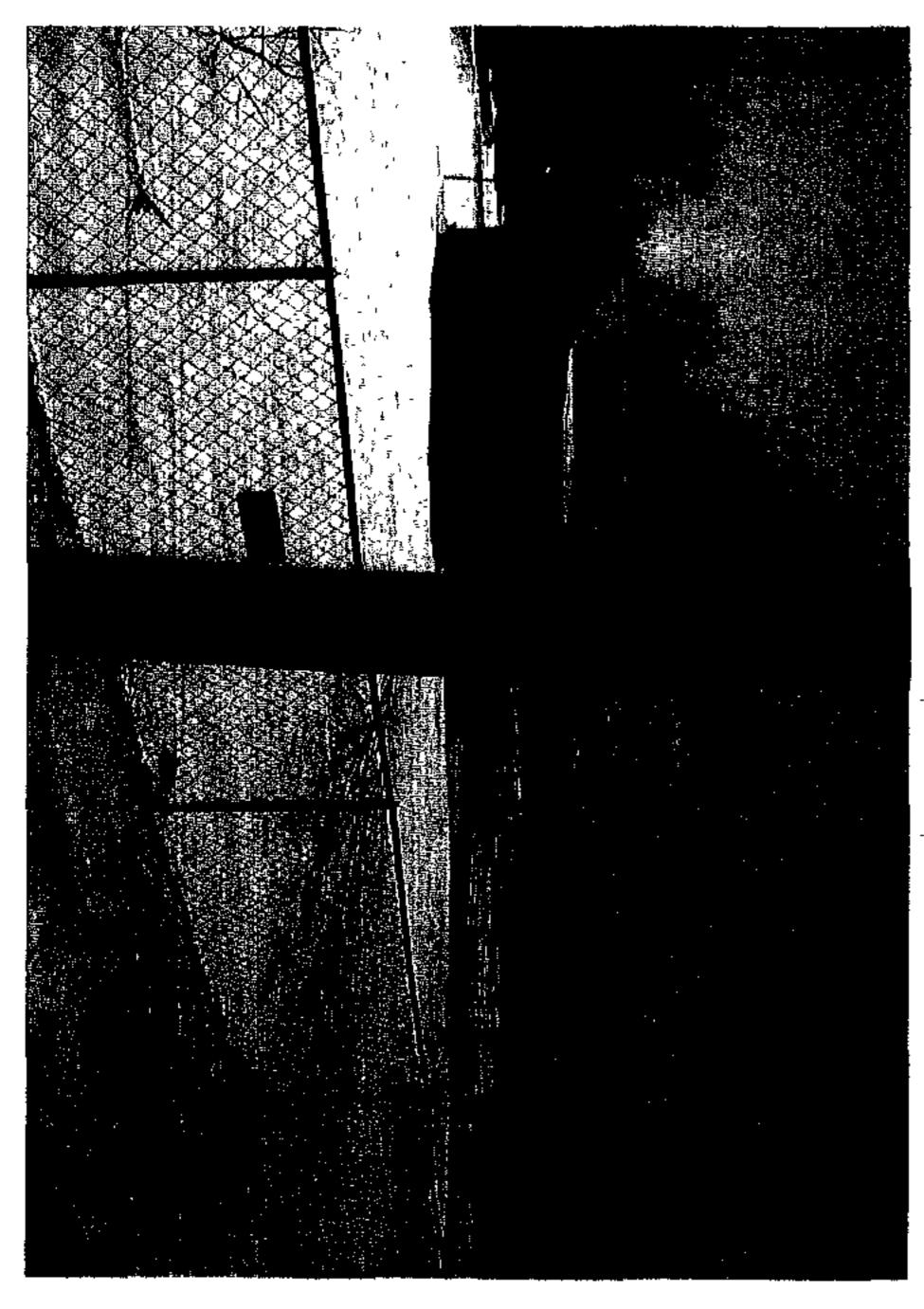


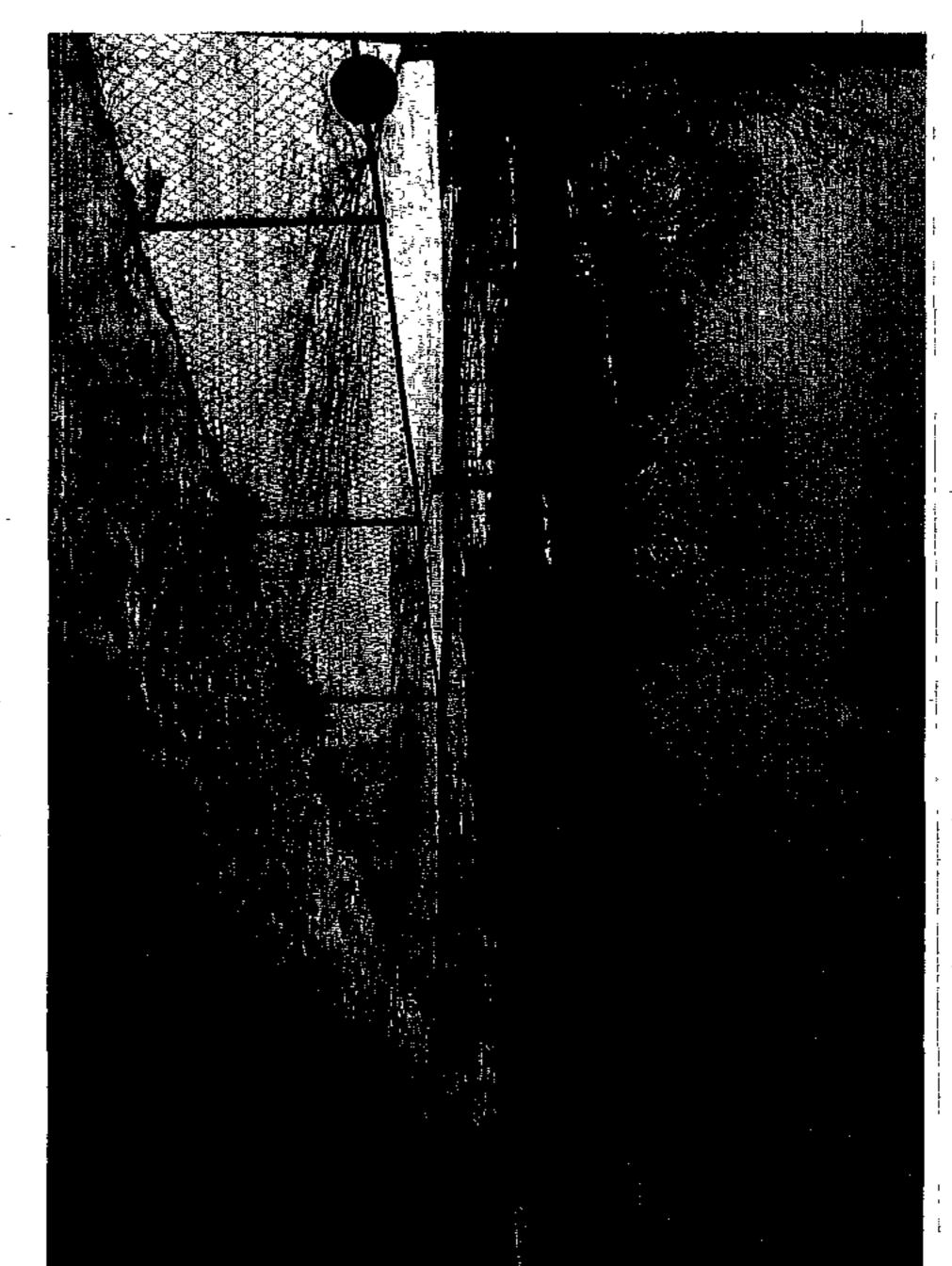


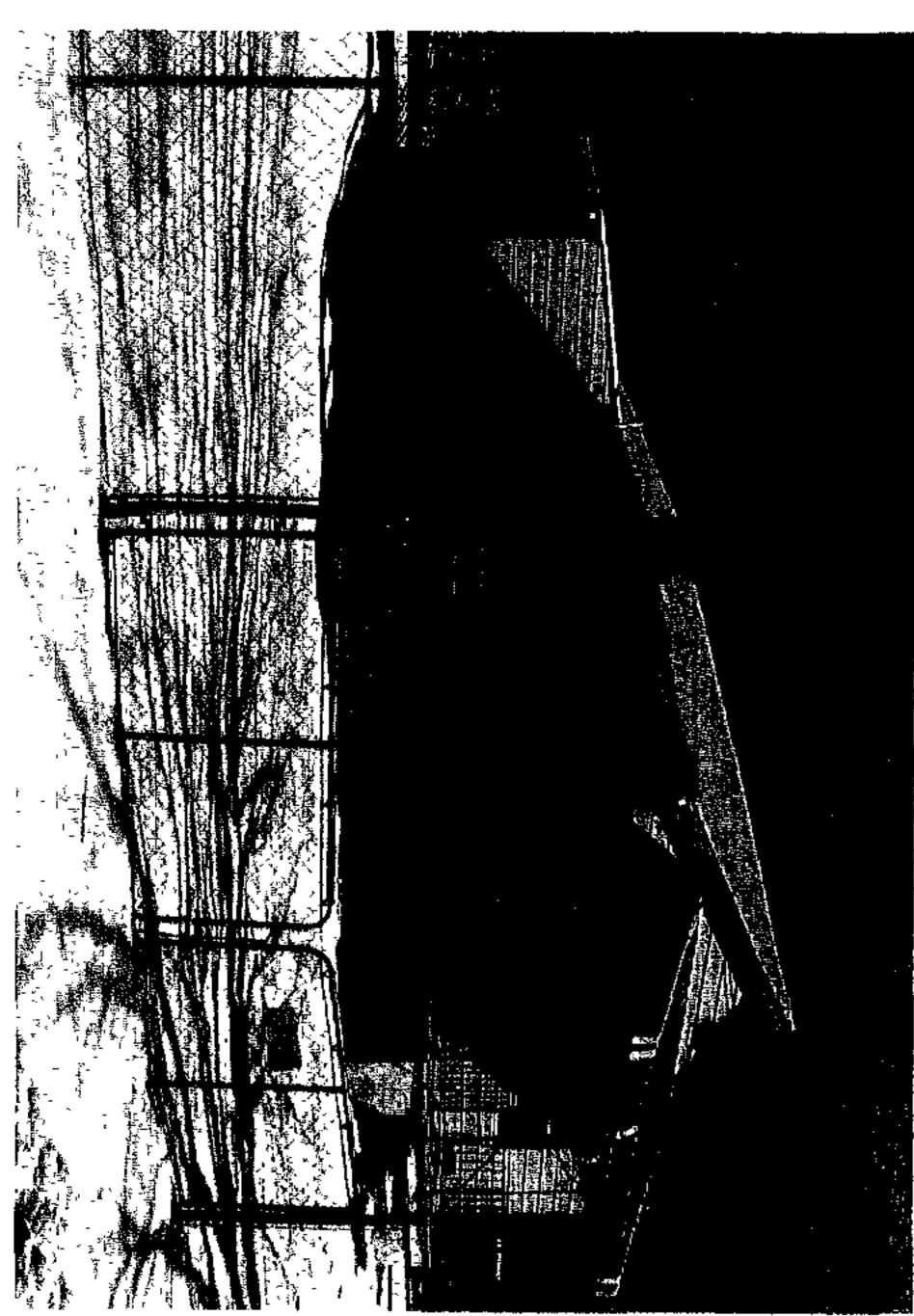






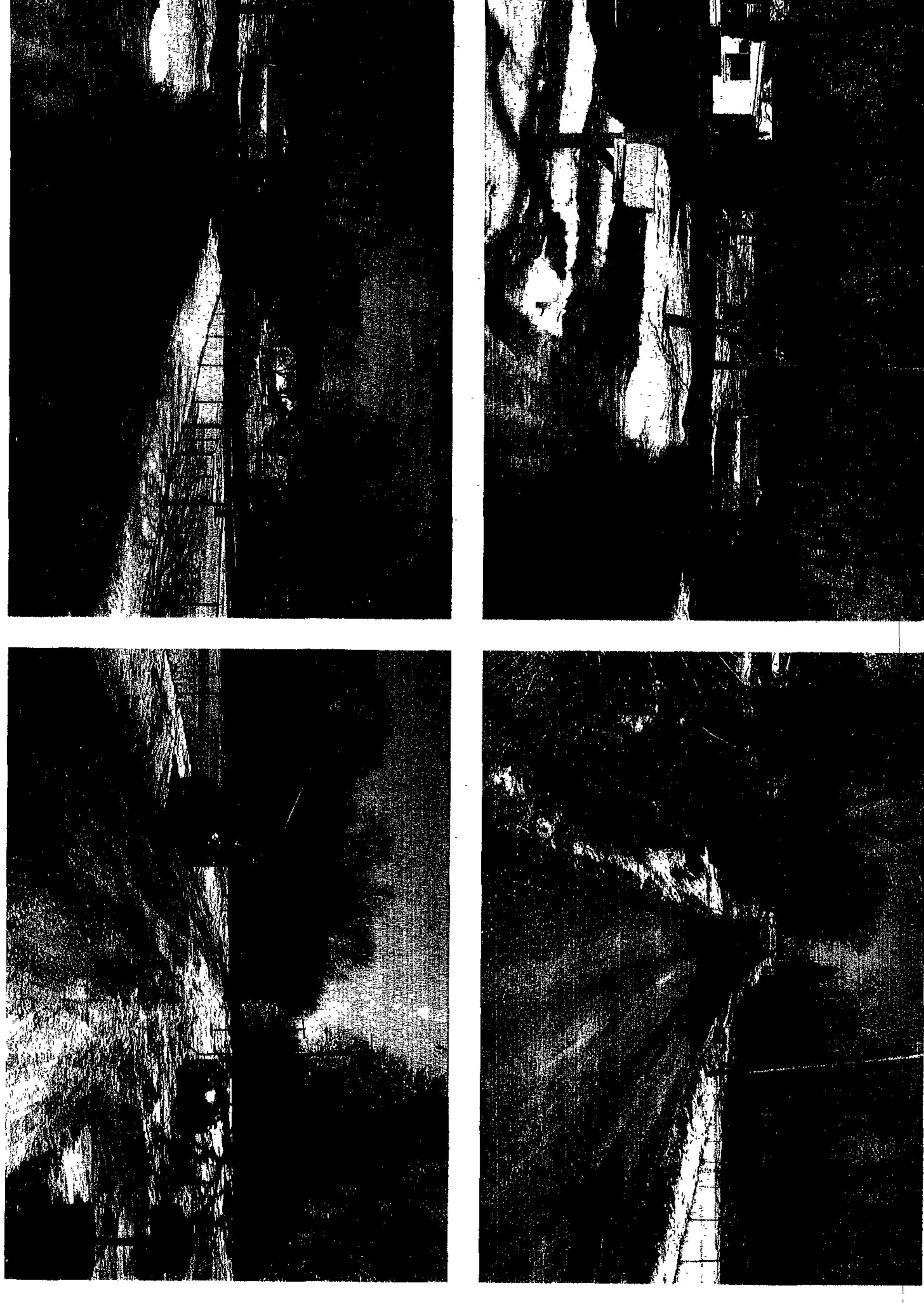








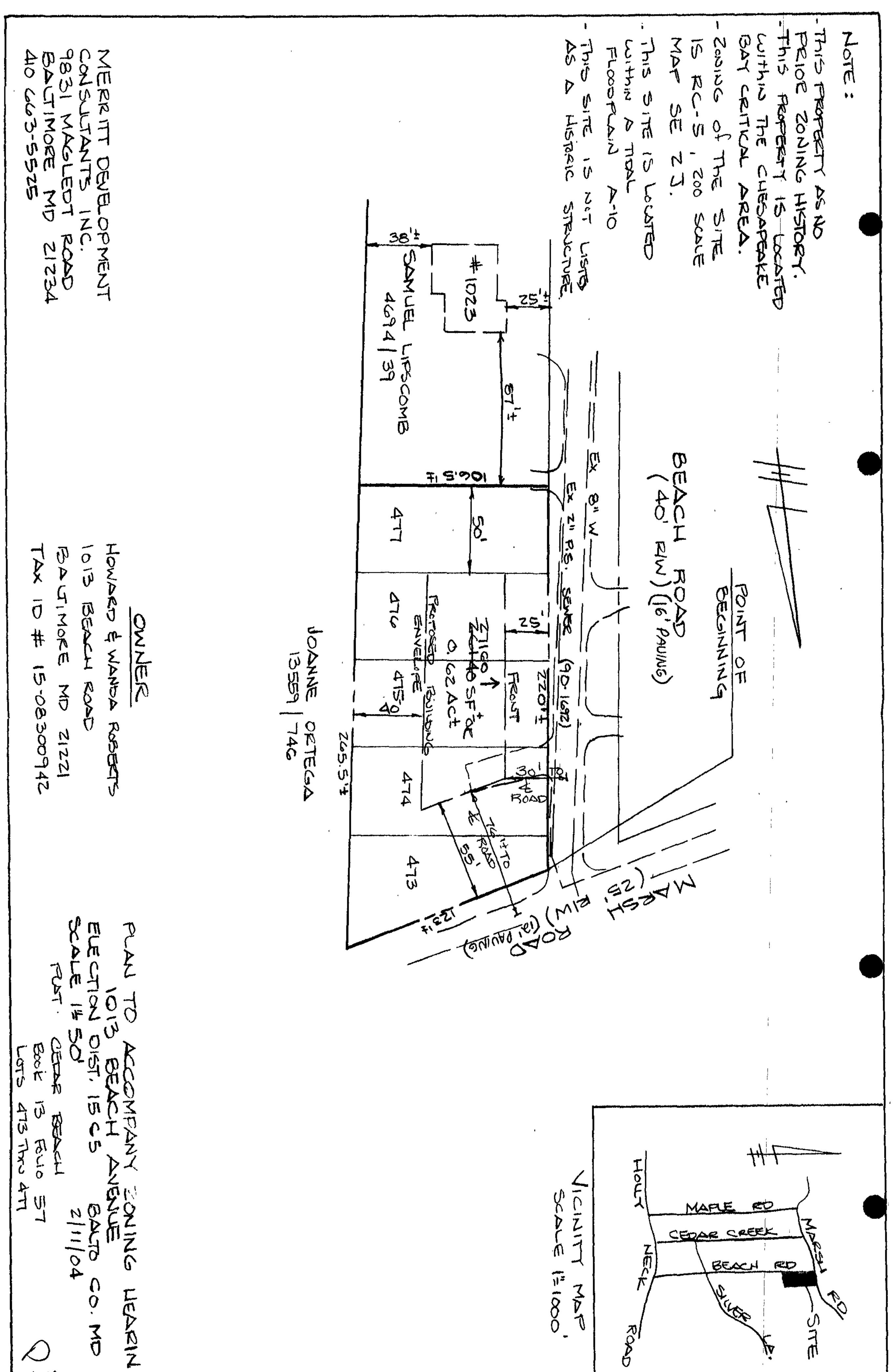
10 V



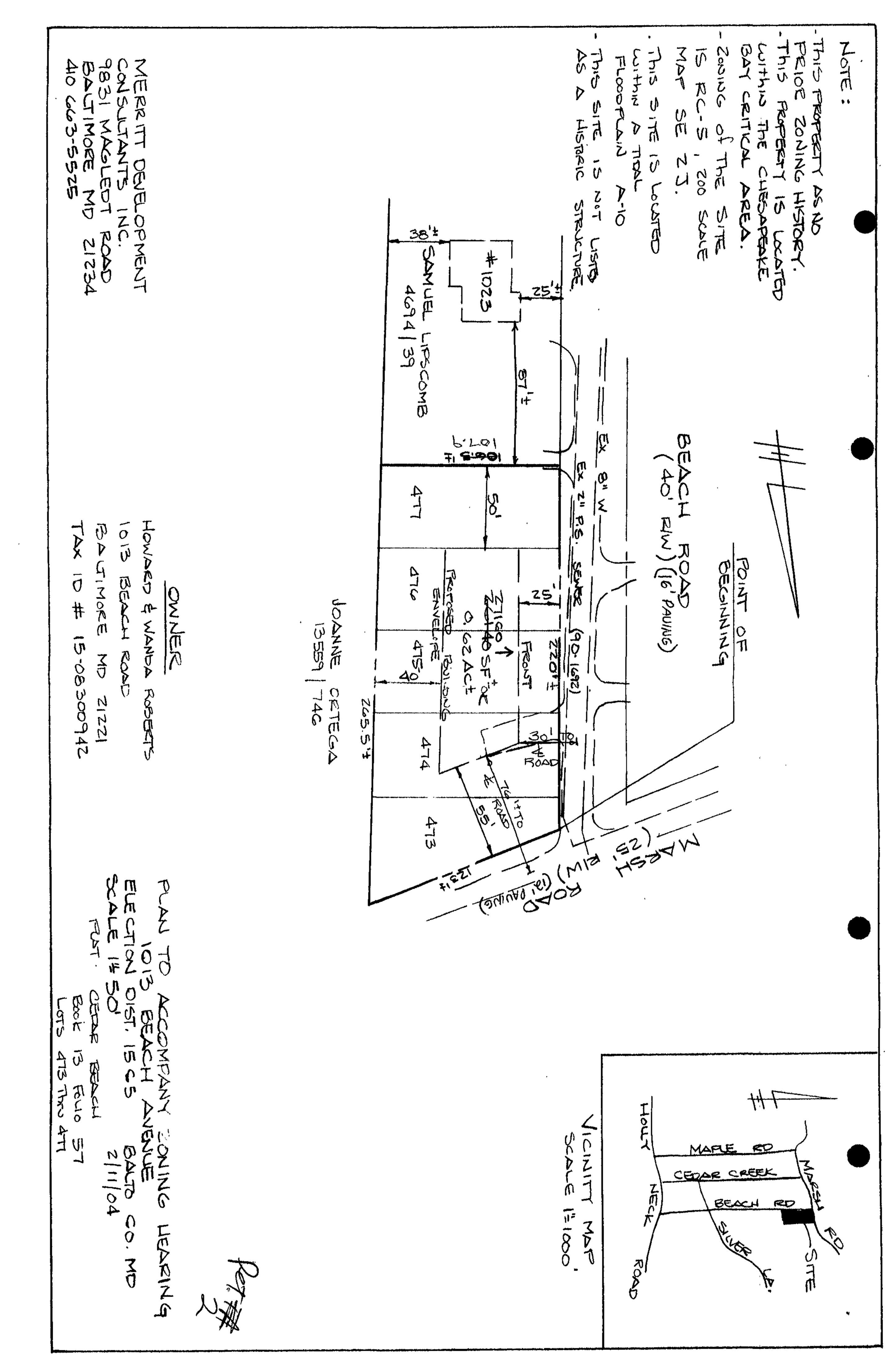
۴.


١,

(4)




F-885-40





SE2



(SHEET S.E.2-I)