IR FILING ORDER RECEIVED

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IN RE:

PETITION FOR VARIANCE

S/end of River Road, 581' S of the c/l

Silver Lane

(2001 River Road) 15th Election District 6th Council District

John A. Baumann, et ux Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 04-416-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, John A. Baumann and his wife, Dolores J. Baumann. The Petitioners seek variance relief from Section 1A04.3.B.2 of the Baltimore County. Zoning Regulations (B.C.Z.R.) to permit a front setback of 9 feet, a side setback of 25 feet, and a rear setback of 33 feet, in lieu of the required 50 feet each, and to permit a street centerline setback of 63 feet in lieu of the required 75 feet, for a proposed single-family dwelling and attached garage. 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.

Appearing at the requisite public hearing in support of the request was John A. Baumann, property owner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located at the end of River Road, just south of Silver Lane in the waterfront community of Cedar Beach in Essex. The property is comprised of four lots, identified as Lots 144, 145, 146 and 147 of Cedar Beach, Subdivision No.3, and contains a gross area of 1.26 acres, more or less, zoned R.C.5. Presently, the property is improved with a dwelling, known as 2001 River Road, which has apparently existed on the site for many years and is in a state of disrepair. The Petitioners propose razing that structure and constructing a new single-family dwelling, which features an attached garage, as shown on the site plan. It need be emphasized that the Petitioners

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propose the utilization of all four lots to support the proposed dwelling. Mr. Baumann testified that environmental constraints associated with the property limit development on the site and as a result, variance relief is necessary as set forth above in order to proceed. In this regard, the 25-foot side yard setback is from a wooded area that is undeveloped. Additionally, the 33-foot rear yard setback is from the rear corner of the building to the rear property line, which abuts an unimproved parcel owned by Baltimore County. The Petitioners also request a front yard setback of 9 feet; however, whether this setback is required is questionable in that it is measured from an internal lot line separating Lots 145 and 146. As noted above, Mr. Baumann proposes razing the existing dwelling and using all four of the lots as one parcel. The actual distance from the proposed construction to the tract boundary line is significantly greater than 9 feet.

Based upon the testimony and evidence offered, I am persuaded to grant the variance. I find that the Petitioners have complied with Section 307 of the B.C.Z.R. and that the relief requested will not result in any detriment to the health, safety or general welfare. However, the Petitioner was reminded at the hearing that the proposed development is subject to Chesapeake Bay Critical Areas regulations and compliance with any recommendations made by the Department of Environmental Protection and Resource Management to mitigate any impacts caused by their proposal. Although not directly on the water, the subject property is located less than 1000 feet from Sue Creek.

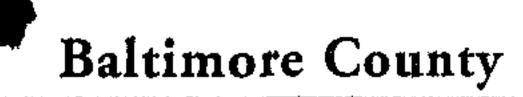
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this ______ day of May 2004 that the Petition for Variance seeking relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front setback of 9 feet, a side setback of 25 feet, and a rear setback of 33 feet, in lieu of the required 50 feet each, and to permit a street centerline setback of 63 feet in lieu of the required 75 feet, for a proposed single-family dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468





James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

May 5, 2004

Mr. & Mrs. John A. Baumann 925 Foxcroft Lane Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE
S/end River Road, 581' S of the c/l Silver Lane
(2001 River Road)
15th Election District — 6th Council District
John A. Baumann, et ux - Petitioners
Case No. 04-416-A

Dear Mr. & Mrs. Baumann:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc: Chesapeake Bay Critical Areas Commission 1804 West Street, Suite 100, Annapolis, Md. 21401 DEPRM; People's Counsel; Case File



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



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2001RIVER_RD.BALTIMORE, MD21221 which is presently zoned _______R.C. 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) 1904, 38.2. (30.4)

To permit a 9' front setback, 25' side setback and 33' rear setback in lieu of the minimum required 50, respectively and to permit a setback of 63' to centerline of a street in lieu of the required 75'.

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

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	<u>9:</u>		Legal Owner(s):
Name - Type or Print			JOHN A. BAUMANN Name - Type or Print Baumann
Signature			Signature
Address	<u></u>	Telephone No.	DOLORES J. BAUMANN Name - Type or Print
City	State	Zip Code	Signature January
Attorney For Petitioner:			925 FOXCROFT LANE 410-391-7999 Address Telephone N
Name - Type or Print	. <u></u>		BALTIMORE MD 21221 City State Zlp Cod
Stanature		· · · · · · · · · · · · · · · · · · ·	Representative to be Contacted:
Company	<u>,</u>	——————————————————————————————————————	Name
Medines		Telephone No.	Address Telephone No
	State	Zip Code	City State Zip Code
		J	OFFICE USE ONLY
Case No. 04-416-A			ESTIMATED LENGTH OF HEARING
RES 9415/98	<u>, , , , , , , , , , , , , , , , , , , </u>	Reviewed E	UNAVAILABLE FOR HEARING By D. THOMPSON Date 3/11/04

ZONING DESCRIPTION FOR 2001 RIVER ROAD

BEGINNING AT A POINT OF THE SOUTH END OF RIVER ROAD WHICH IS 30 FEET WIDE AT THE DISTANCE OF 581 FEET SOUTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET SILVER LANE WHICH IS 30 FEET WIDE. "BEING LOT #144-147, IN THE SUBDIVISION OF CEDAR BEACH SUBDIVISION NO. 3 AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #13, FOLIO #59, CONTAINING 1.26 ACRES. ALSO KNOWN AS 2001 RIVER ROAD AND LOCATED IN THE 15 ELECTION DISTRICT, 6 COUNCILMANIC DISTRICT.

THEM		FROM:				
WHITE CASHER					OFFICE OF BUDGE	
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MOTEL			INDOMY	ACCOUNT		
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	RD. PAID THOMESA		AMOUNT S 1/5- CO	MOOTION TOOL	2	
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The Zonling Commissioner of Baitlmore 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: #04-416-A 2001 River Road S/end of River Road, 581 feet s/or Silver Lane 15th Election District Legal Owner(s): John & Delores Baumann Variance: to permit a 9 foot front setback, 25 foot setback and 33 foot rear setback in lieu of the minimum required 50 feet a respectively, and to permit a setback of 63 feet to centerline of a street in lieu of the required 75 feet.

Hearing: Thursdey, April 29, 2004 at 11:00 a.m. In Room 407, County Courts Building 401 Boslay Ave-

29, 2004 at 11:00 a.m. In Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baitimore 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 end/or Hearing Contact the Zoning Review Office at (410) 887-3391.

3391. JT/4/679 Ap 13 C659509

CERTIFICATE OF PUBLICATION

<u> </u>
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing on
on 41101,20 <u>04.</u>
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilking

LEGAL ADVERTISING

CERTIFICATE OF POSTING

	RE: Case No.: ()7-7/6-H
**************************************	Petitioner/Developer: <u>JOHル</u> ダ
	DELORES BAUMAN
	Date of Hearing/Closing: 4/29/04
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-3394}	
Ladies and Gentlemen: .	•
This letter is to certify under the penalties of perjury posted conspicuously on the property located at:	y that the necessary sign(s) required by law were
2001 RIVER R	20

The sign(s) were posted on	10/00
	onth, Day, Year)
Sinc	cerely,
	Robert Blech 4/10/04
	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
「日本の日本の日本の日本の日本の日本の日本の日本の日本の日本の日本の日本の日本の日	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)
The state of the s	/

RE: PETITION FOR VARIANCE

*

2001 River Road; South end of River Road,

581' South of Silver Lane

15th Election & 6th Councilmanic Districts Legal Owner(s): John & Dolores Baumann

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

04-416-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 25th day of March, 2004, a copy of the foregoing Entry of Appearance was mailed to, John & Dolores Baumann, 925 Foxcroft Lane, Baltimore, MD 21221, Petitioner(s).

RECEIVED

MAR 2 5 2004

PETER MAX ZÍMMERMAN

People's Counsel for Baltimore County

Per.....

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 22, 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: 04-416-A

2001 River Road S/end of River Road, 581 feet s/of Silver Lane 15th Election District – 6th Councilmanic District Legal Owners: John & Dolores Baumann

Variance to permit a 9 foot front setback, 25 foot setback and 33 foot rear setback in lieu of the minimum required 50 feet, respectively, and to permit a setback of 63 feet to centerline of a street in lieu of the required 75 feet.

Hearing: Thursday, April 29, 2004, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: John & Dolores Baumann, 925 Foxcroft Lane, Baltimore 21221

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, APRIL 14, 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

Tuesday, April 13, 2004 Issue - Jeffersonian

Please forward billing to:

Mr. & Mrs. John Baumann 925 Foxcroft Lane Baltimore, MD 21221

410-391-7999

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: 04-416-A

2001 River Road
S/end of River Road, 581 feet s/of Silver Lane
15th Election District – 6th Councilmanic District
Legal Owners: John & Dolores Baumann

<u>Variance</u> to permit a 9 foot front setback, 25 foot setback and 33 foot rear setback in lieu of the minimum required 50 feet, respectively, and to permit a setback of 63 feet to centerline of a street in lieu of the required 75 feet.

Hearing: Thursday, April 29, 2004, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

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.

For Newspaper Advertising:
Item Number or Case Number: Petitioner: DAVMANN
Address or Location: 5001 RIVER RD.
PLEASE FORWARD ADVERTISING BILL TO: Name:MR. + MRS. JOHN A. BAUMANN Address:95 FOXCROFT LANE BALTO. MD 21221
Telephone Number: 410-391-7999

Department of Permits as 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

April 23, 2004

John Baumann Dolores Baumann 925 Foxcroft Lane Baltimore, MD 21221

Dear Mr. and Mrs. Baumann:

RE: Case Number: 04-416-A, 2001 River Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 11, 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. Supervisor, Zoning Review

u. Cal Rohal D

WCR:klm

Enclosures

c: People's Counsel



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



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

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

March 24, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: March 22, 2004

Item No.:

113-(16, 418-423

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.

6. 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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: April 14, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 29, 2004 Item Nos. 413, 414, 415, 416 418, 419, 420, 421, and 423

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Tim Kotroco
FROM:	R. Bruce Seeley
DATE:	April 30, 2004
SUBJEC	T: Zoning Item # 04- 416 Address 2001 River Rd. (Baumann Property)
Z	oning Advisory Committee Meeting of March 22, 2004
	he Department of Environmental Protection and Resource Management has no omments on the above-referenced zoning item.
	he Department of Environmental Protection and Resource Management offers to be 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).
	<u>X</u> 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).
<u>A</u>	dditional Comments:

Reviewer:

Keith Kelley

Date: April 30, 2004

A129

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

DATE: March 24, 2004

MAR 2 5 2004

SUBJECT:

Zoning Advisory Petition(s): Case 4-416

ZONING COMMISSIONER

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

Division Chief:

AFK/LL



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

3.19-04

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

RE:

Baltimore County

Item No.

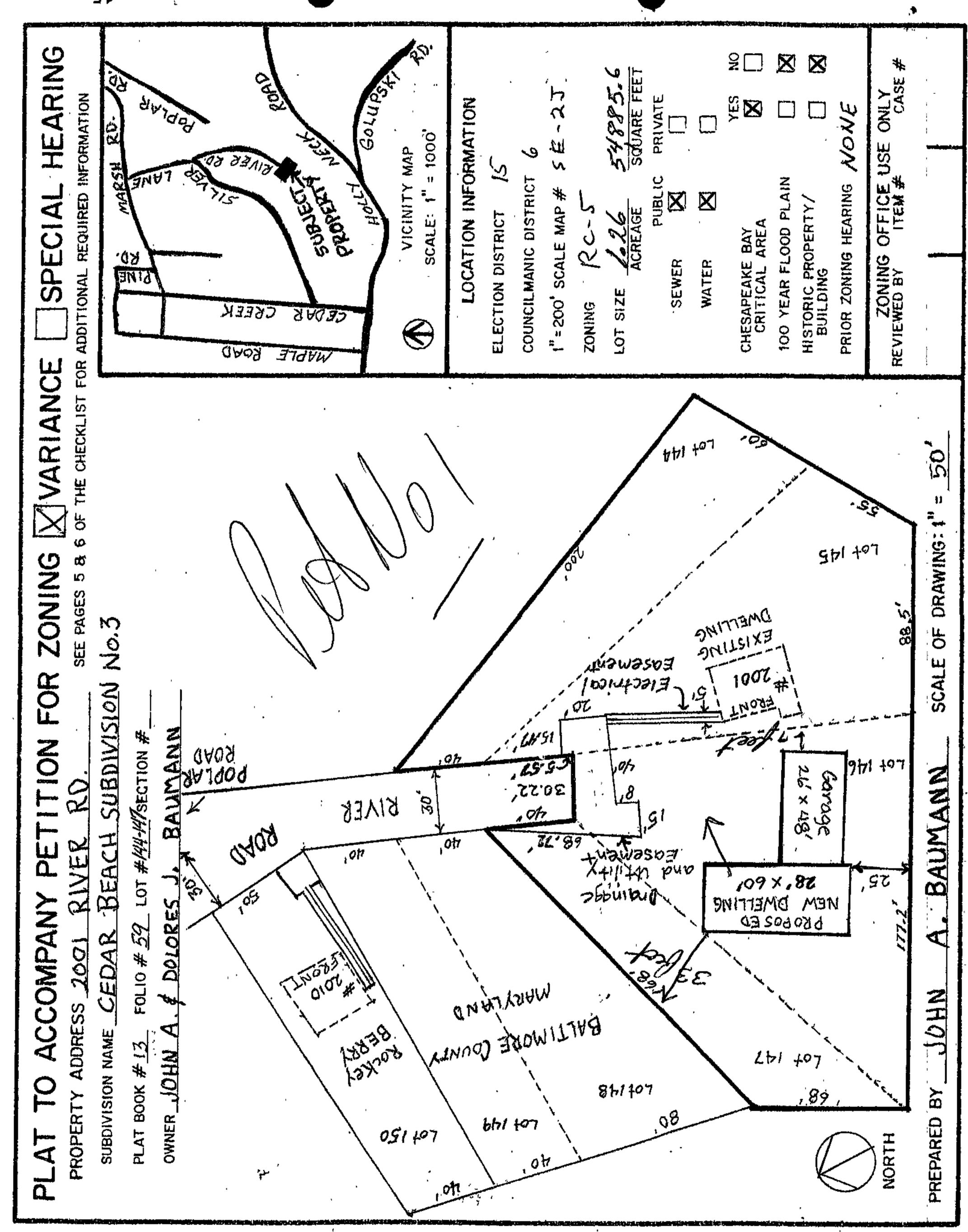
Dear. Ms. Matthews:

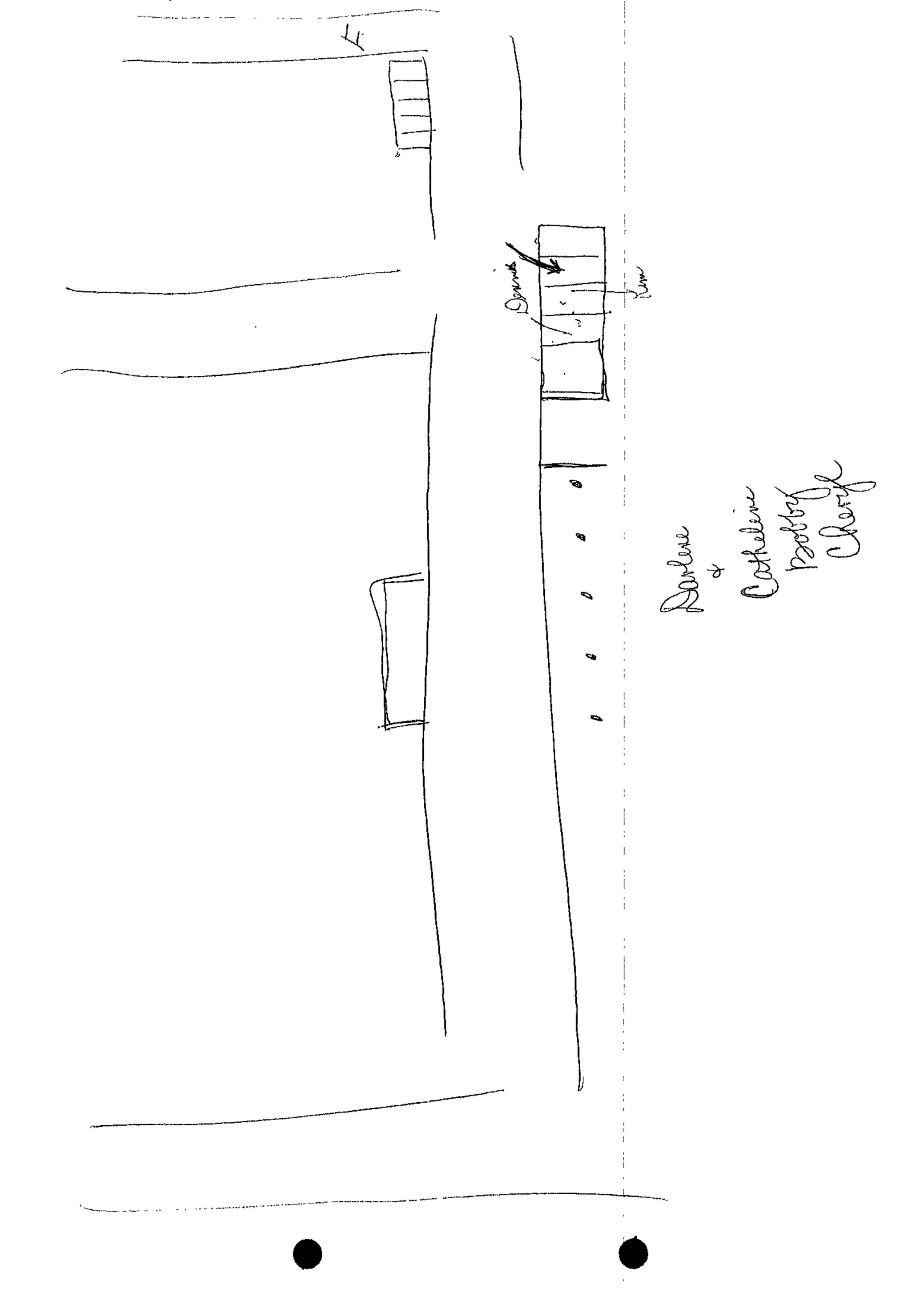
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

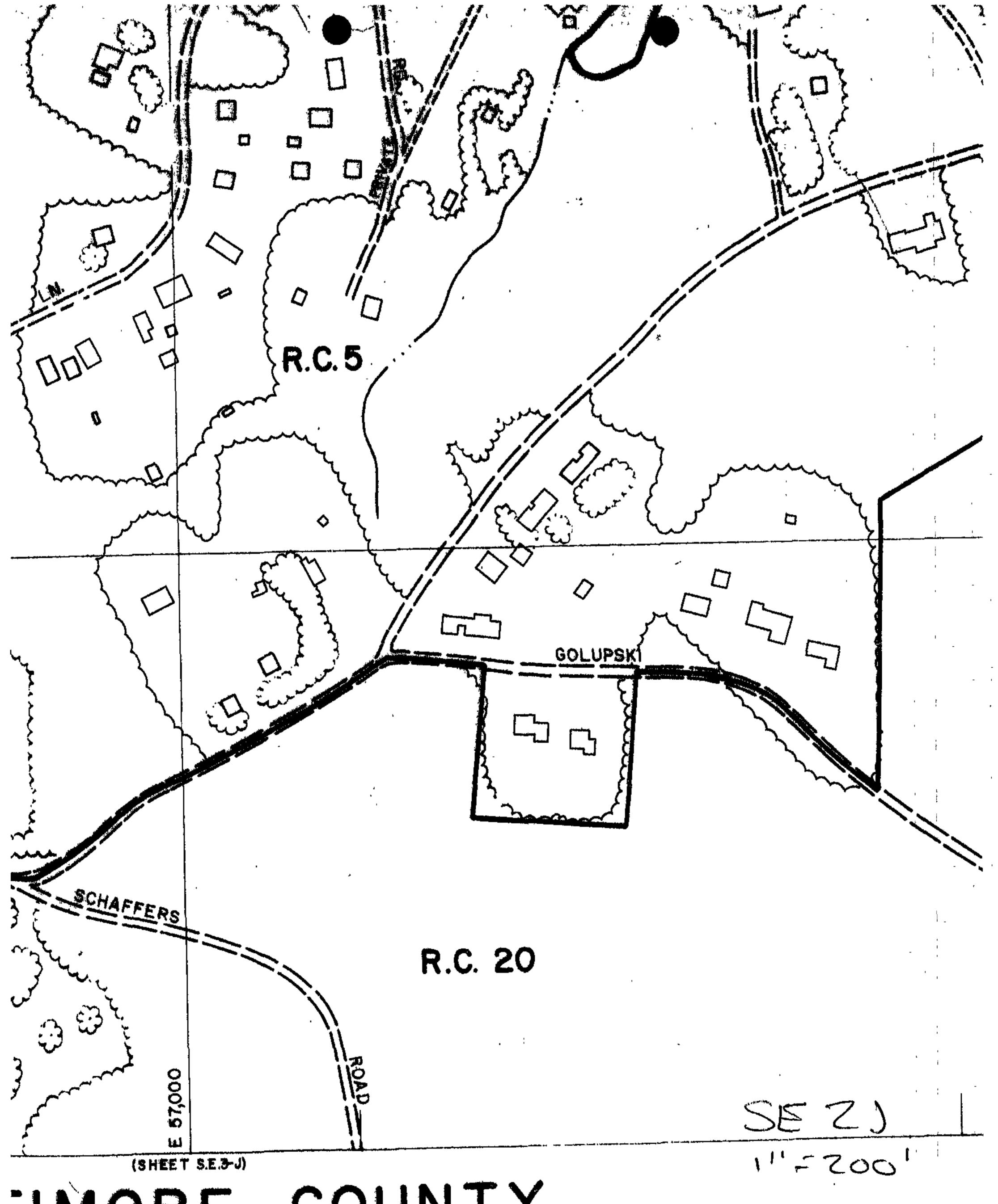
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

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







IMORE COUNTY PLANNING AND ZONING

04-416-A

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made 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 lot shall be in compliance with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) relative to Chesapeake Bay Critical Areas regulations and any other applicable environmental regulations.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order

AWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING