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IN RE: PETITION FOR ADMIN. VARIANCE

S/S Beach Road, 189' SW of the c/l

Seneca Park Road
(3507 Beach Road)
15th Election District
6th Council District

Kevin Kanders & Anne Francy Petitioners

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 05-286-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, Kevin Kanders and Anne Francy. The Petitioners request variance relief from Sections 1A04.3.B.2.6 and 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing garage addition with a side yard setback of 2 feet in lieu of the required 50 feet and a total building coverage of as much as 16% in lieu of the maximum allowed 15%. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate. In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

Based upon the testimony and evidence presented, I am persuaded to grant the requested relief. It was indicated that the dwelling on the subject property suffered significant damage during Hurricane Isabel and that subsequent improvements included enclosing an existing attached carport, identified on the site plan as a 12' x 20' "garage addition." Due to the location of the existing dwelling, the garage addition is located 2 feet from the side property line. The R.C.5 zoning regulations require a minimum setback of 50 feet to any side property line. Moreover, the area of impervious surfaces on the property now equals 16% of the total square footage of the site in lieu of the maximum allowed 15%. Given the narrow width of the property (52 feet) at the front building line and the fact that the dwelling has existed on the property where located for many years, it is clear that a practical difficulty and unreasonable hardship would result if the relief requested were denied. There were no adverse comments submitted by any County reviewing agency, and documentation within the case file indicates the neighbors support the request. Thus, it appears that relief can be granted without detrimental impact to the health, safety or general welfare of the surrounding locale. However, due to the property's waterfront location and its location within a floodplain, the Petitioners shall comply to the extent possible with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) and the Development Review Division of the Department of Permits and Development Management.

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 January 2005 that the Petition for Administrative Variance seeking relief from Sections 1A04.3.B.2.6 and 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing garage addition with a side yard setback of 2 feet in lieu of the required 50 feet and a total building coverage of as much as 16% in lieu of the maximum allowed 15%, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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) Compliance with the ZAC comments submitted by DEPRM and the Development Plans Review division of DPDM relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. Copies of those comments have been attached hereto and are made a part hereof.

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

WJW:bjs

WILLIAM J. WISEMAN, III Zoning Commissioner

for Baltimore County

OFFDER RECEIVED FOR FILING Date

By

By

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 William J. Wiseman III , Zoning Commissioner

January 18, 2005

Mr. Kevin Kanders Ms. Anne Francy 3507 Beach Road Baltimore, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Beach Road, 189' SW of the c/l Seneca Park Road
(3507 Beach Road)
15th Election District — 6th Council District
Kevin Kanders & Anne Francy - Petitioners
Case No. 05-286-A

Dear Mr. Kanders & Ms. Franey:

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

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

Very truly yours.

oning Commissioner

for Baltimore County

IMMI SEMAN, III

WJW:bjs

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



REV 10/25/01

• ISABELLE BEPLACEMENT Petition for Administrative Variance

for the property located at 3507 Beach Rd

to the Zoning Commissioner of Baltimore County

	winen is breached somen 2.7.
made a part nereof, hereby petition for a Variance from Sect	its and Development Management. The undersigned, legal ich is described in the description and plat attached hereto and tion(s) { A64.3.83.6 ANO 1.464.3.83
(BCZR) TO PERMIT A GARAGE ADDITI	ION WITH A SIDE YARD SETBACK
OF 2 FT. IN LIEU OF SOFT AND A B AS 16% IN LIEU OF 1590 To	WILDING COURRAGE OF AS MUCH
of the zoning regulations of Baltimore County, to the zoning of this petition form.	law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the I, or we, agree to pay expenses of above Variance, advertising, por regulations and restrictions of Baltimore County adopted pursuant	osting, etc. and further agree to and are to be bounded by the zoning.
	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	Name - Type or Print
Signature	Signature
Address Telephone No.	Name Type or Print
City State Zip Code Attorney For Petitioner:	Signature 3507 Beach Cd. 410-335-350 Address Telephone No.
Name - Tyre or Print	Middle Kover Md- 2/220 City State Zip Code
Signature	Representative to be Contacted:
Op pany	Name
Add es Telephone No.	Address Telephone No.
City State Zip Code	City State Zip Code
Appublic Hearing having been formally demanded and/or found to be that the subject matter of regulations of Baltimore County and that the property be reposted.	required, it is ordered by the Zoning Commissioner of Baltimore County, this petition be set for a public hearing, advertised, as required by the zoning
	Zoning Commissioner of Baltimore County Viewed By Date 12/03/04
CASE NO. 05 28 6 A Rev	viewed By 11/ Date 12/02/04

Estimated Posting Date

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 a	+ x 3500	1 Beach	Pd.	
inat the Amanto presently reside a	Address City	1	State	>2/220 Zip Code
That based upon personal knowledge, the forward variance at the above address (indicate hard	ollowing are the fa	acts upon which lifficulty);		
	STATEME	MED AX	,	
	* * '			
That the Affiant(s) acknowledge(s) that if a advertising fee and may be required to provide	t formal demand le additional infort	mation.		
Signature Signature Revin Lauders Name - Type or Print		Signature	Inne Kraney Inne Francy	
STATE OF MARYLAND, COUNTY OF BAL		, 		_ 4
I HEREBY CERTIFY, this 15th day of XI of Maryland, in and for the County aforesaid, X Kalin Kaudus + Annothe Affiant(s) herein, personally known or sati	_		<u>)))나</u> , before me, a Not	ary Public of the State
the Affiant(s) herein, personally known or sati	isfactorily identifie	d to me as suc	h Affiant(s).	
MINISTER VO	Notae	Public P	2 Mend	<u></u>
REV 10/25/01	Notal My C	ommission Ex	pires <u> </u>	



We live in the Seneca Park waterfront area. After the devastation of Hurricane Isabel, we had to replace everything in the entire first floor of our home and our vehicles. We had also had a carport on the side of our house that was completely gone. Trying to make things sturdier and safer for the future, and with the prompting of neighbors, we closed the carport in, thus making it a garage. We used the same space that the carport had been in. It was such a difficult and trying time, that we just wanted our lives back to some what normal. We had no idea that it would be a problem.

ESCRIPTION)

3507 BEACH RD.

BEHINNIAL AT A POINT ON THE SOUTHERN SIDE OF BEACH ROAD (20'R/W) 189 FT. ± SOUTH WEST OF SENECA PARK RD. (20'R/W) THEN ALONG BEACH RD 52 FE THEN LEAVING THE ROAD SOUTH EASTERLY FOR 203 FT ±, THEN NORTH EASTERLY 55 FT. THEN NORTH WESTERLY 203 FT ± BACK TO THE POINT OF BECAUNING BEING 10,560 SQ FT ± IN AREA ALSO RENEWARDS COT 48 IN THE SUBDIVISION OF SOURCE TO KROWN THE 15TH E.D., 6TH C.D. PLATBOOK 8, FOUO 6)

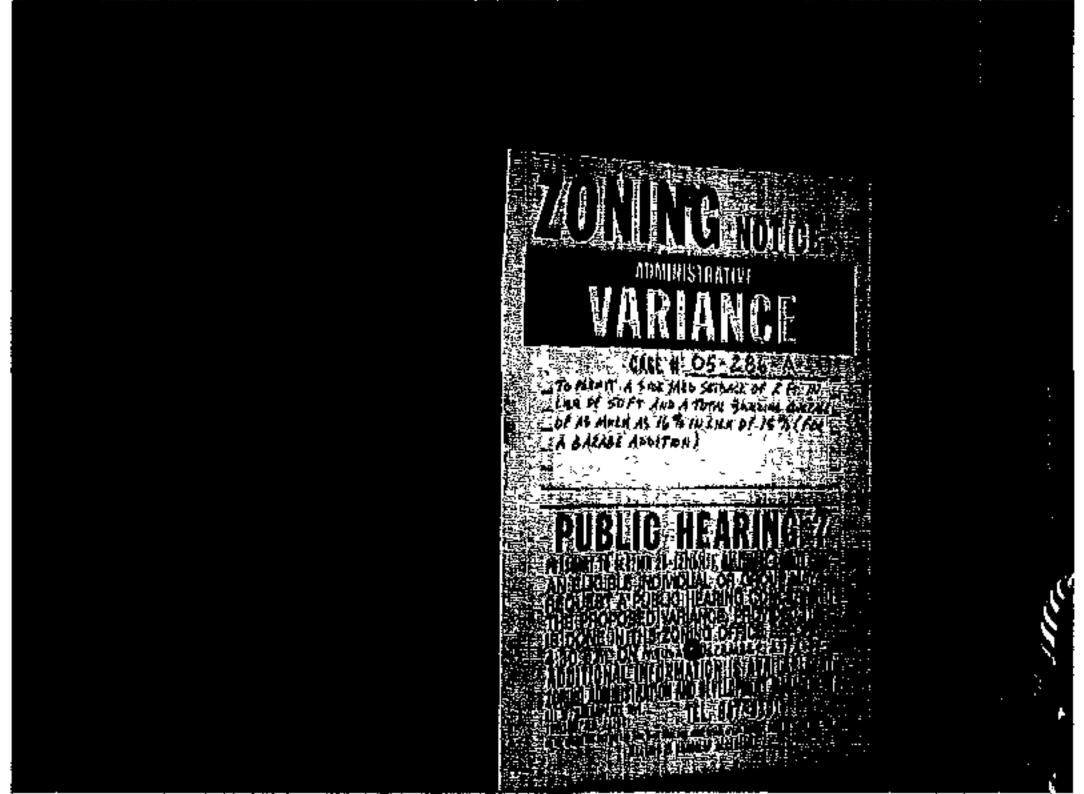
26

Certificate Of Posting

RE: Case NO.: 05-286-A

	Petitioner/Developer:
	Date of Hearing/Closing: 12/27/04
Baltimore County Department of Permits and Development Manage County Office Building, Room 11 111 West Chesapeake Avenue Towson, MD 21204	
Attention:	
Ladies and Gentlemen:	
sign(s) required by law were poste	enalties of perjury that the necessary ed conspicuously on the property BEACH ZOAD
This sign(s) were posted on	·
	(Month, Day, Year)
madelle alele	Sincerely,
Signature of Sign Poster and Date	í.
Martin Ogle	
(Printed Name)	
5016 Castlestone Drive	
(Address)	-
Balto,MD 21237	
(City,State,Zip Code)	
(410)-933-9470	
Phone Number)	
(Luone Mainoer)	

im000130 (1152x864x256 jpeg)



mater Gle 12/11/04

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 286 -A Address 3507 BEACH RD
Contact Person: Phone Number: 410-887-3301
Filing Date: 12/05/04 Posting Date: 12/12/04 Closing Date: 12/27/04
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
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.
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)
etitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
ase Number 05-186 -A Address 3507 73EACHRD
etitioner's Name States KAUDECS+ FRANK/Telephone 443, 256 9640
osting Date: 12/12/04 Closing Date: 12/27/04
ording for Sign: To Permit & SIDE YARD SETBACK OF 2 FT. IN WEU OF SOF
THE HADULDING COVERNOR OF AS MUCH AS 164 11/15/05/05/1509
FOR A CARACE APOITION

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: <u>KAUDERS</u>
Address or Location: 3507 BEACH RD
PLEASE FORWARD ADVERTISING BILL TO:
Name: KEUNT ANNE KANDERS ETAL.
Address: 3507 BEACH RD
BACTIMORE MD. ZCZZD
Telephone Number: 410 -335- 3564

Department of Permits Development Management

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





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

December 27, 2004

Kevin Kanders Anne Francy 3507 Beach Road Middle River, Maryland 21220

Dear Mr. Kanders:

RE: Case Number: 05-286-A, 3507 Beach Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 3, 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.

W. Callina ()

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

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 December 9, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of December 13, 2004

Item No.:

267, 277-290

Pursuant to your request, the referenced plan(s) have been reviewed 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

TO:

Timothy M. Kotroco, Director

DATE: December 29, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 20, 2004

Item No(286)

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

The minimum width of road in Baltimore County is 40 feet. Setback shall be modified accordingly to reflect this on Beach Road (additional 10 feet of right-of-way). Front setback would be 25 feet.

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 the requirement of B.O.C.A. International Building Code adopted by the county.

RWB:CEN:jrb

cc: File

ZAC-12-20-2004-ITEM NO 286-12292004

Aile

FEB - 3 2005

ZONING COMMISSIONER

TO:

Tim Kotroco

PDM

FROM:

John D. Oltman, Jr

DEPRM

DATE:

February 3, 2005

SUBJECT:

Zoning Item

05-286 Beach Road (Kauders Property)

Address

3507 Beach Road

Zoning Advisory Committee Meeting of December 13, 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:

Please note that any development/construction must comply with the limited Development Area Regulations. According to Baltimore County Tax Records, this lot is only 8500 square feet in size. The area below mean high tide can not be included in calculating areas relevant to the Critical Area regulations. This property is limited by the regulations to 25% impervious surface without mitigation or up to 31.25% impervious surface with mitigation. A critical Area Administrative Variance is required to exceed the 31.25% limit. According to Pre-Isabel aerial photography, there is not evidence of a carport in existence. The property area appears to exceed the impervious surface limits. (Aerial Photography attached).

Reviewer:

Martha Stauss

Date: February 3, 2005

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

PECEVED

DATE: January 10, 2005

JAN 1 9 2005

ZONING COMMISSIONER

SUBJECT:

3507 Beach Road

INFORMATION:

Item Number:

5-286

Petitioner:

Kevin Kauders

Zoning:

RC 5

Requested Action:

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the petitioner's request. This office has a policy of recommending that a 10-foot setback be maintained for new construction in the RC 5 zones to ensure some manner of privacy for residents of older residential lots that were plated at 50 widths. Therefore the Office of Planning that the petitioner's request be **DENIED**.

Prepared by:

Division Chief:

AFK/LL:MAC:

Comment Mawel

Ates Order

mailed.







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

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

Maryland Department of Transportation

Date: 12.10.04

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

RE:

Baltimore County

Item No.

286

JLL

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,

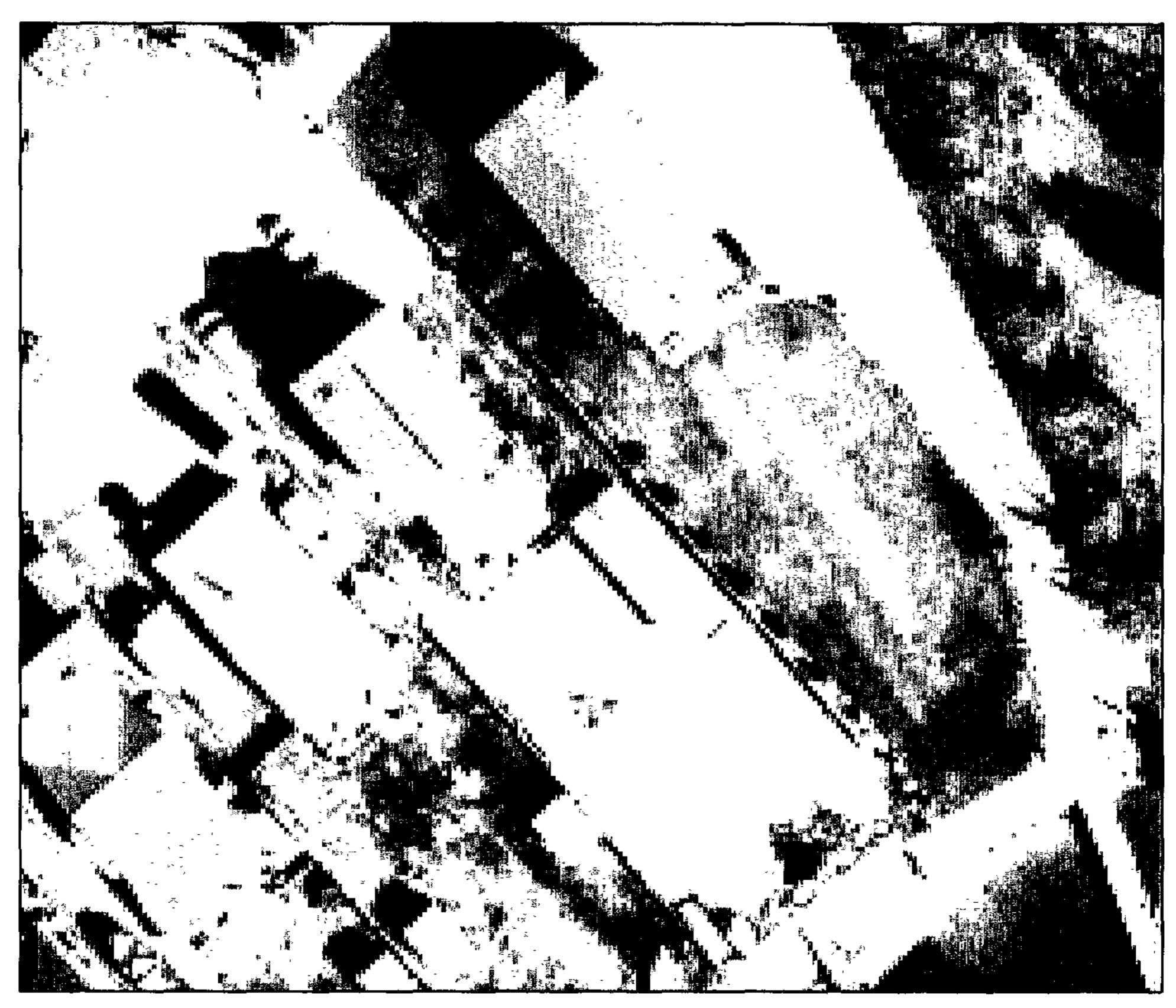
Steven D. Foster, Chief

1. 1. Gred L

Engineering Access Permits Division

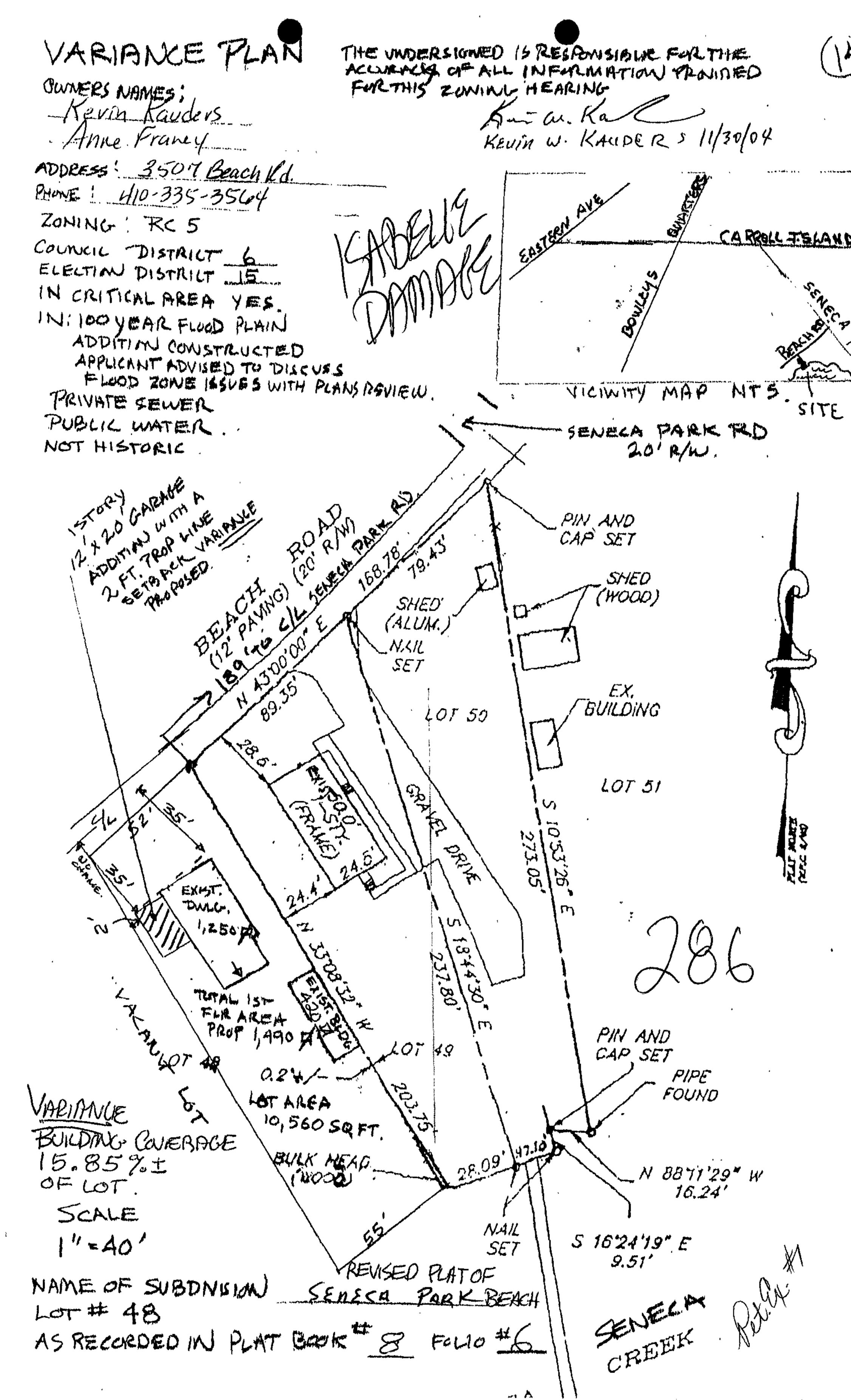
. . .

3507 Beach Road



0 12.5 25 50 Feet

2002 Aerlal Photograph





286

Kg.

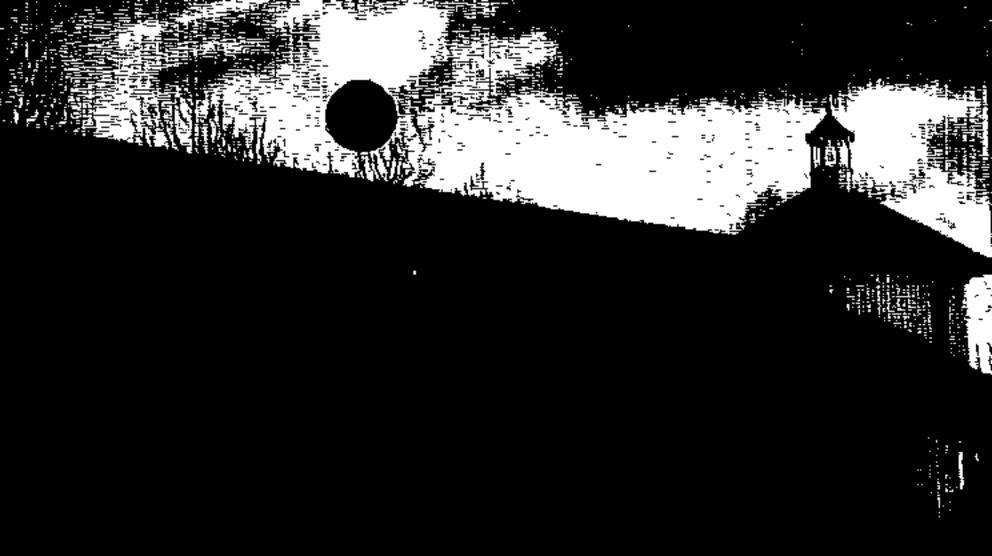
West corner of house

Road Front



-286

West corner of house Road side



286

North Corner of house

Road side

-- 1.

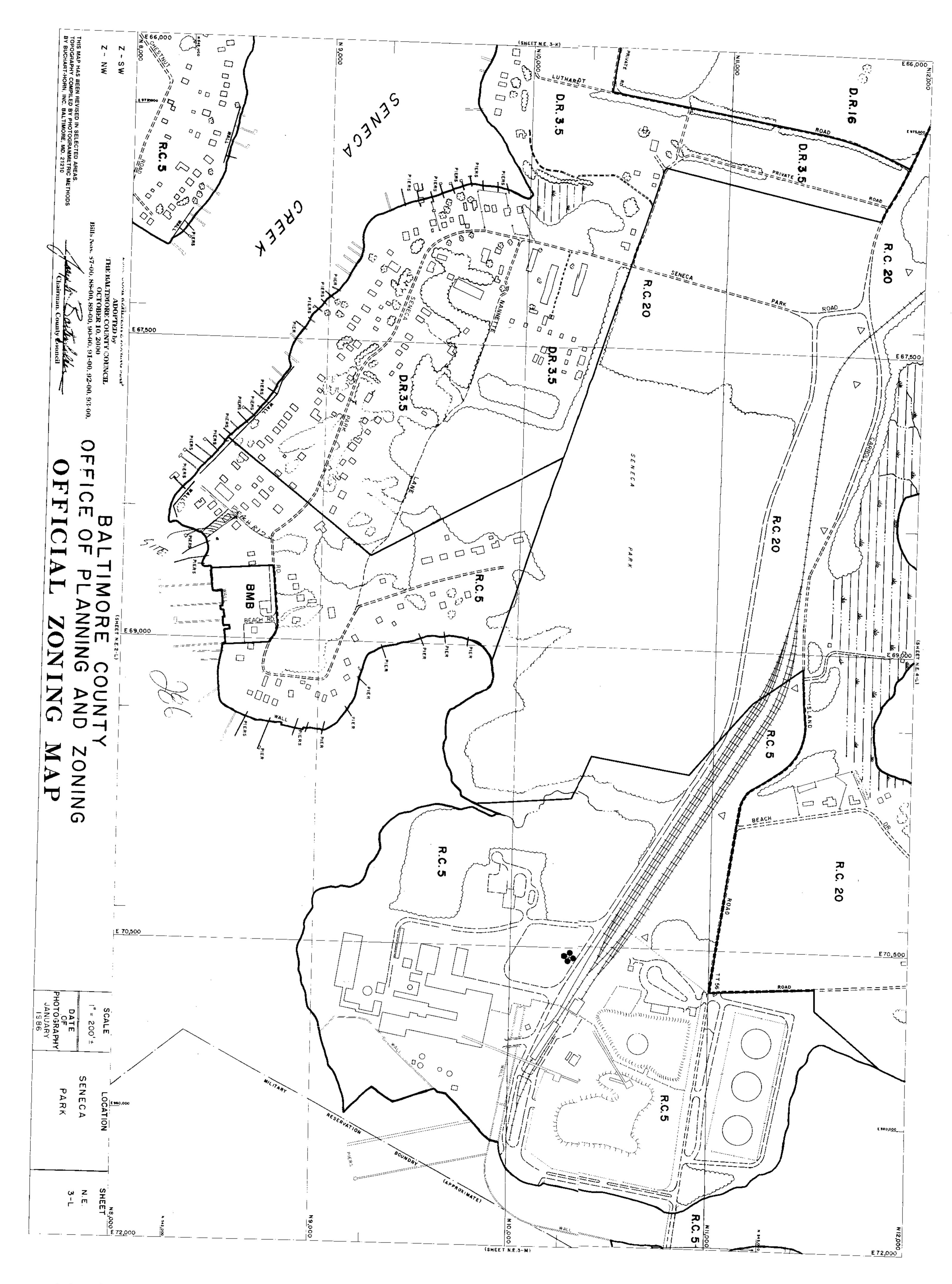
286

South corner of house waterfront



286

Front of house



NE 2 I