

IN RE: PETITION FOR SPECIAL HEARING

SW/S of North Point Boulevard, 200 ft. +/-

SE centerline of North Point Road

15th Election District

7th Councilmanic District

(3925 North Point Boulevard)

Doreen & Thomas Moxey

Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 05-372-SPHA

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on Petitions for Special Hearing and Variance filed by the legal owners of the subject property, Doreen and Thomas Moxey. The Petitioners are requesting a variance from Section 400 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory building (proposed garage) with a height of 19 ft. in lieu of the maximum permitted 15 ft. In addition, special hearing relief is requested pursuant to Section 500.7 of the B.C.Z.R., to approve an accessory building (proposed garage) on a lot that is not improved with a principal building and that is also larger than the principal building (dwelling) on the adjacently owned lot. (See Definitions of "Accessory", Section, 101 B.C.Z.R.).

The property was posted with Notice of Hearing on February 22, 2005, 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 February 20, 2005, to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

ORDER RECEIVED FOR FILING

Date: 3/11/05

By: [Signature]

Zoning Advisory Committee Comments

The Zoning Advisory Committee Comments are made part of the record of this case and contain the following highlights: A ZAC comment was submitted by the Department of Environmental Protection & Resource Management (DEPRM) dated February 25, 2005, a copy of which is attached hereto and made a part hereof. In addition, a ZAC comment was received from the Office of Planning dated February 25, 2005, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing relief was Thomas Moxey, the Petitioner. No Protestants or interested citizens attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Mr. Moxey indicated that he owns two adjoining lots as shown on Petitioner's Exhibit 1 zoned DR 5.5. Lot 1 is improved with his home and is waterfront property, at least at high tide. Next to his home on a triangular shaped lot (Lot 2) is an existing 24 ft. x 24 ft. garage. He indicated that he is renovating his home and that all of the furniture and personal items from the second floor of the home are now stored in the existing garage. When the house renovation is complete, he would like to change the use of the existing garage to include a game room and pool table for his family.

He also owns a 25 ft. long boat, as shown in photographs 2 A & 2B, that he would like to store out of the weather and which, if on a trailer, will need a 40 ft. long building to accommodate. In addition, he has several vehicles that he would also like to store in a new garage that would be 34 ft. x 40 ft. in size. The new garage is prefabricated with a roof peak 19 ft. high but has no second floor. The garage has a center door large enough to allow his boat and trailer to pass through as

well as additional doors to accommodate his vehicles. He indicated that in addition to the other reasons given for the requested relief, is the fact that he has had a boat motor and go cart stolen from his property and needs the new garage to safely store his boat and personal property. He fully agrees with the Office of Planning comment not to convert the new garage into a dwelling or use it for commercial purposes. The new garage would be visible from North Point Boulevard. He noted that he believes he could build a house on Lot 2 but chooses not to do so because he uses lot 2 as his side yard.

Findings of Fact and Conclusions of Law

The request for special hearing arises because there is no dwelling on Lot 2. However, the Petitioner's evidence clearly show that as far as the Petitioner and the neighborhood are concerned Lot 2 is simply the side yard of his home. I find that his request to have an another accessory building on Lot 2 most reasonable and will not adversely affect the health, safety, or welfare of the community. To deny this accessory use from a zoning standpoint would require the Petitioner to build a dwelling on the lot, which then would allow these accessory uses. This is unreasonable to require. He should be able to use his second lot but only in accord with the Chesapeake Bay Critical Area Regulations. This means that he has another separate step to go to allow the new garage on his property beyond this step. He must comply with the CBCA regulations in regard to the environmental issues.

In regard to the size of the new garage, I find that he needs the proposed size in order to store his boat, trailer and vehicles out of the weather and to improve security. The new garage will have no second floor. He fully agrees with the Office of Planning's comment not to use the building for commercial purposes or for a second dwelling. The fact that this garage is larger than his home on Lot 1 should not be a detriment to building a garage large enough to store his boat on Lot 2.

In regard to the requested height variance, I could find the property on which the new garage is located to be unique from a zoning standpoint due to its shape and location. However, the shape

of the lot has nothing to do with erecting a garage that exceeds the maximum height requirement. In these situations one can only turn to the statute itself which reads that, "special circumstances or conditions exist which are peculiar to the land or structure which is the subject of the variance request". I find such peculiar conditions indeed exist at this location because of the need to store the Petitioner's boat indoors safely and out of the weather. I further find that the Petitioner would suffer a hardship if the new garage were not allowed as he would not be able to store his boat out of the weather and in safety. Finally, I find that this variance can be granted within the spirit and intent of the regulations and will not adversely affect the surrounding community. This area is "waterfront" at least at high tide and storing boats in structures is compatible with recreational uses in the neighborhood.

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 Petitioner, I find that the Petitioners' variance and special hearing requests should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 11 day of March, 2005, that the Petitioners' request for variance from Section 400 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory building (proposed garage) with a height of 19 ft. in lieu of the maximum permitted 15 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 February 25, 2005, a copy of which is attached hereto and made a part hereof.

ORDER RECEIVED FOR FILING

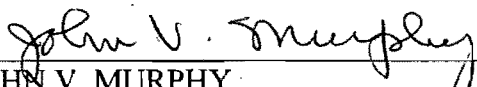
Date 3/11/05

By Ray

3. Compliance with the ZAC comments made by the Office of Planning dated February 25, 2005, a copy of which is attached hereto and made a part hereof in regard to no conversion of the structure into a dwelling or for commercial purposes.
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.

IT IS FURTHER ORDERED, that the special hearing relief requested pursuant to Section 500.7 of the B.C.Z.R., to approve an accessory building (proposed garage) on a lot that is not improved with a principal building and that is also larger than the principal building (dwelling) on the adjacently owned lot, be and is hereby GRANTED.

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



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
DATE 3/11/05
BY Raj



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
William J. Wiseman III, Zoning Commissioner

March 11, 2005

Mr. Thomas Moxey
3923 North Point Boulevard
Baltimore, Maryland 21222

Re: Petition for Special Hearing
Case No. 05-372-SPH
Property: 3925 North Point Blvd.

Dear Mr. Moxey:

Enclosed please find the decision rendered in the above-captioned case. The petition for special hearing 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,

A handwritten signature in black ink that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure





ORIGINAL KEEP IN FILE

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 3925 North Point Blvd
which is presently zoned DR 5.5

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve AN ACCESSORY BUILDING (PROPOSED Garage) ON A LOT THAT IS NOT IMPROVED WITH A PRINIPAL BUILDING AND THAT IS ALSO LARGER THAN THE PRINIPAL BUIDING (DWELLING) ON THE ADJACENTLY OWNED LOT. (SEE DEFINITIONS OF ACCESSORY SECTION 101 BCZR)

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, 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

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Case No. 05 372 SPHA

REV 9/15/98

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 1/2 HR

UNAVAILABLE FOR HEARING -

Reviewed By VL

Date 1/27/05



CBCA

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3925 NorthPoint Blvd

which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a hereof, hereby petition for a Variance from Section(s) 400 BCZR TO PERMIT AN ACCESSORY BUILDING (PROPOSED GARAGE) WITH A 19 FT HT. IN LIEU OF 15 FT.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardships 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Case No.

05 372 SPHA

Legal Owner(s):

Thomas Moxey

Name - Type or Print

Signature

Name - Type or Print

Signature

3923 NorthPoint Blvd 410-388-0202

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 HR

UNAVAILABLE FOR HEARING —

Reviewed By JL

Date 1/27/05

Zoning Description
3925 North Point
Boulevard

BEGINNING AT A POINT ON THE SOUTH WEST SIDE OF
NORTH POINT BLVD AT A DISTANCE OF 200 FT ± SOUTH EAST OF
NORTH POINT ROAD, BEING LOT # 2 IN THE SUBDIVISION OF
THOMAS AHMER PROPERTY AS RECORDED IN PLAT BOOK
EAK JR. 51 FOLIO 117. IN THE 15TH ED. 7TH CD.
BEING 16,000 SQ FT ±.



1-20-05

372

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 #05-372-SPHA
3925 North Point Blvd.
S/west side of North Point Blvd, 200 feet +/- east of North Point Blvd.

15th Election District - 7th Councilmanic District
Legal Owner(s): Thomas & Doreen Moxey

Special Hearing: to permit an accessory building (proposed garage) on a lot that is not improved with a principal building and that is also larger than the principal building (dwelling) on the adjacent owned lot. Variance: to permit an accessory building (proposed garage) with a 19 ft. height in lieu of 15 ft.

Hearing: Thursday, March 10, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM WISEMAN

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.

2/7/05 Feb 22 10:00 AM

CERTIFICATE OF PUBLICATION

2/24, 2005

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/22, 2005.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

3712

No. 141330

DATE: 12/27/2005 ACCOUNT: 001.006.6150

AMOUNT: \$ 130.00

RECEIVED FROM: SPHHA (RES) 3925 NORTH AT BLVD

DISTRIBUTION
WHITE: CASHIER PINK: AGENCY YELLOW: CUSTOMER

PAID RECEIPT

DEBITED: 12/27/2005 CREDITED: 12/27/2005

ESTIMATED: 001.000.000

RECEIVED: 12/27/2005

PAID: 12/27/2005

RECEIVED: 12/27/2005

PAID: 12/27/2005

RECEIVED: 12/27/2005

PAID: 12/27/2005

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PAID: 12/27/2005

RECEIVED: 12/27/2005

PAID: 12/27/2005

RECEIVED: 12/27/2005

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 05-372-SPAA

Petitioner/Developer: Thomas +

DOREEN MOXEY

Date of Hearing/Closing: MARCH 10, 2005

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 that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

3925 NORTH POINT BLVD

The sign(s) were posted on _____

2/22/05
(Month, Day, Year)

Sincerely,

Robert Black 2/23/05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

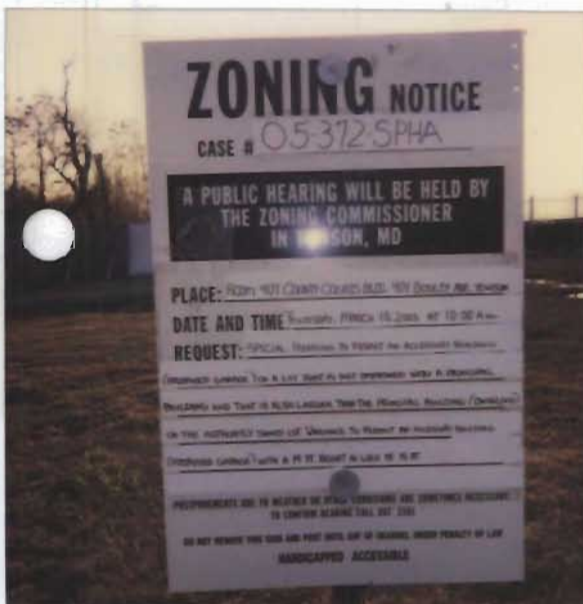
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



3925 N. PT. RD

**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*

February 1, 2005

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: 05-372-SPHA

3925 North Point Blvd.

S/west side of North Point Blvd., 200 feet +/- s/east of North Point Blvd.

15th Election District – 7th Councilmanic District

Legal Owners: Thomas & Doreen Moxey

Special Hearing to permit an accessory building (proposed garage) on a lot that is not improved with a principal building and that is also larger than the principal building (dwelling) on the adjacently owned lot. Variance to permit an accessory building (proposed garage) with a 19 ft. height in lieu of 15 ft.

Hearing: Thursday, March 10, 2005 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Thomas & Doreen Moxey, 3923 North Point Blvd., Baltimore 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, FEBRUARY 23, 2005.**
- (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.

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



TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 22, 2004 Issue - Jeffersonian

Please forward billing to:
Thomas Moxey
3923 North Point Blvd.
Baltimore, MD 21222

410-388-0202

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: 05-372-SPHA

3925 North Point Blvd.

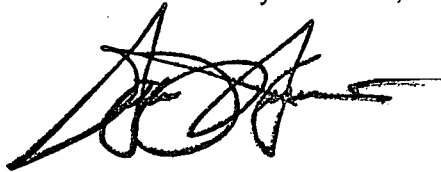
S/west side of North Point Blvd., 200 feet +/- s/east of North Point Blvd.

15th Election District – 7th Councilmanic District

Legal Owners: Thomas & Doreen Moxey

Special Hearing to permit an accessory building (proposed garage) on a lot that is not improved with a principal building and that is also larger than the principal building (dwelling) on the adjacently owned lot. Variance to permit an accessory building (proposed garage) with a 19 ft. height in lieu of 15 ft.

Hearing: Thursday, March 10, 2005 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM WISEMAN
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 Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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: 05 372 SPHA
Petitioner: x THOMAS MOXEY
Address or Location: x 3925 NORTHPOINT BLVD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: x Thomas Moxey
Address: x 3923 NorthPoint Blvd.
x Baltimore MD 21222
Telephone Number: x 410 - 388-0202

**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 2, 2005

Mr. Thomas Moxey
Mrs. Doreen Moxey
3925 North Point Blvd.
Baltimore, MD 21222

Dear Mr. & Mrs. Moxey

RE: Case Number:05-372-SPHA, 3925 North Point Blvd.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 27, 2005.

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 "Carl Richards Jr.", written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc

Enclosures

c: People's Counsel

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

February 8, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: February 7, 2005

Item No.: 368-378 (372)

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.

The Fire Marshal's Office has no comments at this time.

Lieutenant J. Mezick
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



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



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

Maryland Department of Transportation

Date: 2-3-05

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

RE: Baltimore County
Item No. 372 JLL

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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
Engineering Access Permits Division

971
3/1/0

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr. ⁵⁰⁰

DATE: February 25, 2005

SUBJECT: Zoning Item # 05-372
Address 3925 North Point Road

RECEIVED

FEB 25 2005

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of February 7, 2005

_____ 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:

This Department, the State of Maryland, and Critical Area Commission must approve a variance in accordance with Section 35-2-205 of the Baltimore County Code prior to building permit approval. Please note that submission of a variance request does not guarantee approval.

Reviewer: Mike Kulis

Date: February 25, 2005

L:\SHARED\DESHARED\Devcoord\ZACSHSL-1-11-05.doc

ORDER RECEIVED FOR FILING

3/1/05
By Ray

7/2/10

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 25, 2005

RECEIVED

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

FEB 25 2005

SUBJECT: 5-372

ZONING COMMISSIONER

The Office of Planning visited the subject site and observed an existing accessory structure. This office does not oppose the retention of this structure provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

This office does not support the construction of another accessory structure that exceeds the maximum permitted height of 15 feet.

For further information concerning the matters stated herein, please contact Amy Trexler Mantay at 410-887-3480.

Prepared by:

Maecia A. Cunniff

Section Chief:

John J. Keller

AFK/LL: MAC

ORDER RECEIVED FOR FILING

3/1/05

By

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 23, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For February 14, 2005
Item Nos. 368, 369, 371, 372, 373,
374, 375, 376, 377 and 378

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

RWB:CEN:jrb

cc: File

RECEIVED

JM
3/10

FEB 25 2005

BALTIMORE COUNTY, MARYLAND

ZONING COMMISSIONER

INTER-OFFICE CORRESPONDENCE

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

DATE: February 18, 2005

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

SUBJECT: 5-372

The Office of Planning visited the subject site and observed an existing accessory structure. This office does not oppose the retention of this structure provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

This office does not support the construction of another accessory structure that exceeds the maximum permitted height of 15 feet.

For further information concerning the matters stated herein, please contact Amy Trexler Mantay at 410-887-3480.

Prepared by: Maria A. Cunniff

Section Chief: [Signature]

AFK/LL: MAC

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr ^{JO}
DATE: February 25, 2005
SUBJECT: Zoning Item # 05-372
Address 3925 North Point Road

Zoning Advisory Committee Meeting of February 7, 2005

_____ 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:

This Department, the State of Maryland, and Critical Area Commission must approve a variance in accordance with Section 35-2-205 of the Baltimore County Code prior to building permit approval. Please note that submission of a variance request does not guarantee approval.

Reviewer: Mike Kulis Date: February 25, 2005

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
3925 North Point Blvd; SW/side North Point* ZONING COMMISSIONER
Blvd, 200' SE North Point Blvd
15th Election & 7th Councilmanic Districts * FOR
Legal Owner(s): Thomas & Doreen Moxey *
Petitioner(s) * BALTIMORE COUNTY
* 05-372-SPHA

* * * * *

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

FEB 01 2005

Per CLB.....

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 February, 2005, a copy of the foregoing Entry of Appearance was mailed to Thomas & Doreen Moxey, 3923 North Point Blvd, Baltimore, MD 21222, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. **05-372-SPHA**

Date Completed/Initials

1/1/05

PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)

ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

CASE NAME 3925 North Pt. Blvd.
CASE NUMBER 05-372
DATE 3/10/05

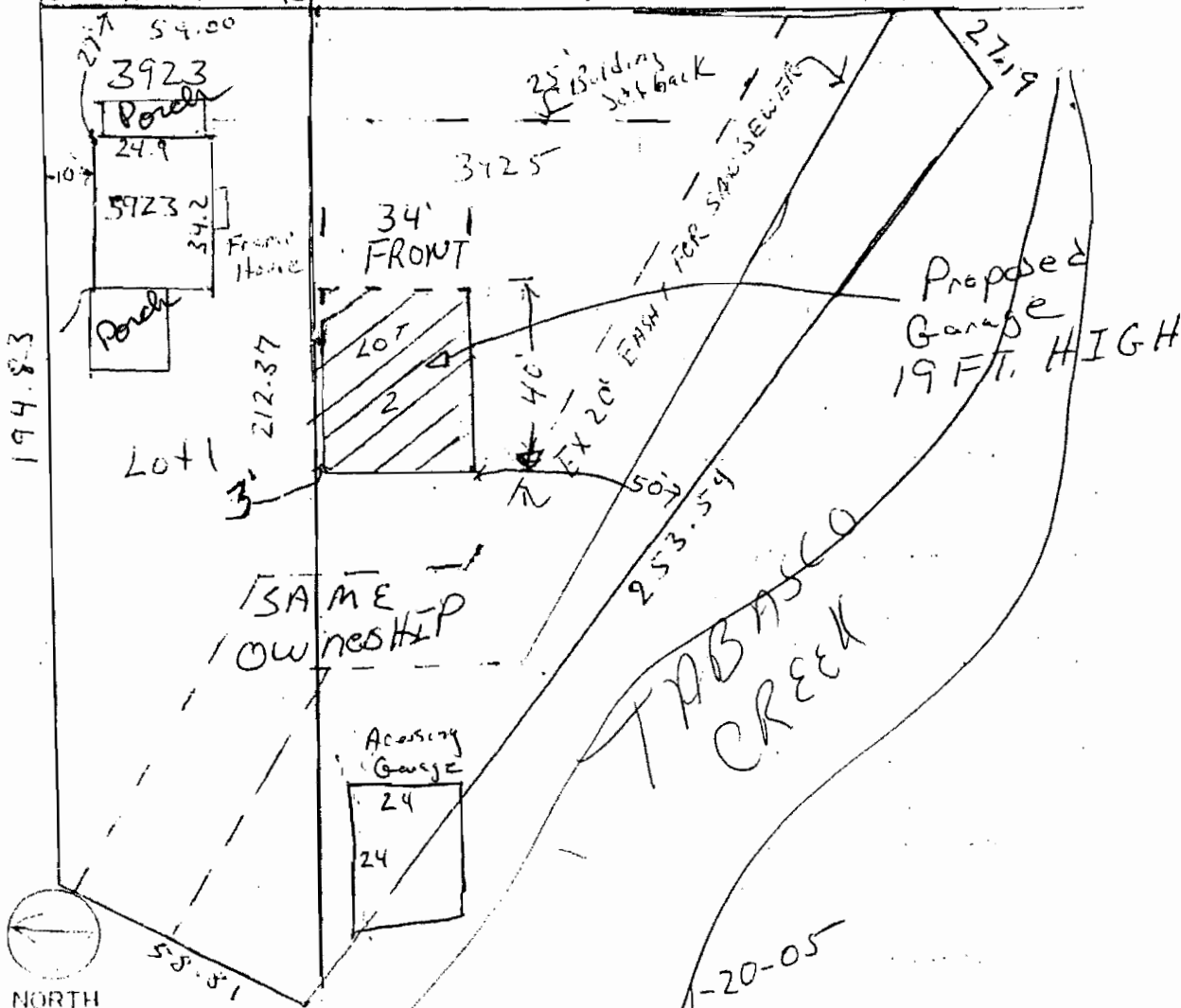
[illegible]

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PLAT BOOK # 51 FOLIO # 17 LOT # 2 SECTION #

OWNER Thomas A. Green Moley

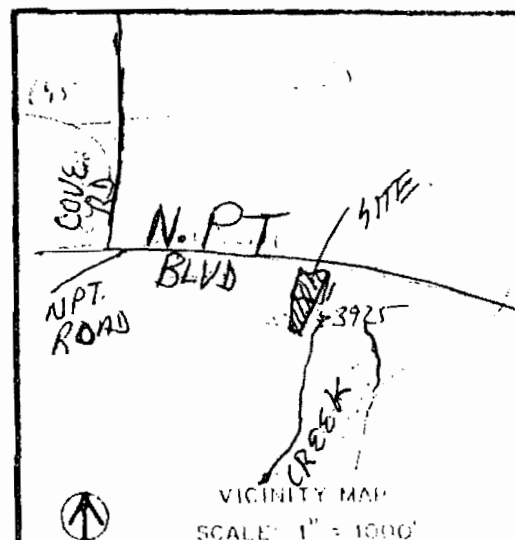
200 FT TO NORTHPOINT RD 2 = 193.79



NORTH

PREPARED BY T. H. C. REV. T. H. C.

SCALE OF DRAWING: 1" = 40'



ELECTION DISTRICT

COUNCILMANIC DISTRICT

1" = 200' SCALE MAP #

ZONING DRS. S

LOT SIZE

ACREAGE

SO: ARF FEET

SEWER

PUBLIC
11

PRIVATE
11

CHESAPEAKE BAY
CRITICAL AREA

100 YEAR FLOOD PLAIN

HISTORIC PROPERTY/
BUILDING

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY

REVIEWED BY

ITEM #

Case 7

26

372

Rel # 140071



• 2A •



2B



2C



2D





Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

*Photographs
05-392-SP4A*