

IN THE MATTER OF
THE APPLICATION OF
DONALD R. McCOY – PETITIONER
FOR SPECIAL HEARING ON PROPERTY LOCATED
ON THE N/S OF GEISE AVENUE, 325' W OF C/L
OF LINCOLN AVENUE (7348 GEISE AVENUE)
15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 05-435-SPH

* * * * *

OPINION

Background

This matter comes before the Board on an appeal from a decision of the Deputy Zoning Commissioner in which the requested relief was granted pursuant to § 304 of the *Baltimore County Zoning Regulations* (BCZR) with restrictions. The hearing before the Board was held on July 13, 2005. Donald R. McCoy, Petitioner, represented himself *pro se*. The Appellant /Protestant, Jeff Weaver, also represented himself *pro se*. At the close of the hearing, the Board took a short recess and then elected to publicly deliberate the matter. The deliberation was held on the same date, July 13, 2005.

Evidence

Mr. McCoy, the Petitioner, moved that the Deputy Zoning Commissioner's file be placed into evidence. The evidence indicated that the property in question is 10,000 sq. ft. and is zoned D.R. 5.5. The property was improved by a church which occupied a large part of the lot. The Petitioner purchased the property and has razed the church building and intends to build a single-family dwelling in its place. The lot meets all County D.R. 5.5 regulations except the lot width, which is 50 feet. The required width is 55 feet.

Mr. McCoy testified that he had reviewed the Planning Office comments and agrees to

abide by each comment. In regard to the Bureau of Plans Review comments, he noted that the new home would meet all of those comments. He noted that Geise Avenue has 32 feet wide paving and 5 feet on either side to the edge of the right-of-way. Consequently, the plan meets the 40-foot minimum right-of-way and no variance is required. The lot is 50 feet by 200 feet sloping from Geise Avenue to the rear. Mr. McCoy indicated that he would meet all County stormwater management requirements. The testimony also indicated that Mr. McCoy lives at 7352 Geise Avenue. The Protestant, Mr. Weaver, lives at 7350 Geise Avenue and the proposed new home will be located at 7348 Geise Avenue. Testimony from Mr. McCoy and Mr. Weaver indicated that the property slopes in an easterly direction and that Mr. Weaver's property at the present time is higher than the lot where the new house is proposed to be built by Mr. McCoy at 7348 Geise Avenue.

Photographs were presented by Mr. McCoy to show that Mr. Weaver's yard was higher than the property in question and that there was no way that the construction on this site would cause problems next door. He also placed into evidence the plans for the house which he proposes to build.

Mr. McCoy presented photographs of the old church and various other homes in the neighborhood. It is apparent that the proposed new home will be compatible with the pattern of the development of the immediate lots in the neighborhood.

The lot in question was a lot of record prior to March 1955 as shown by the recording of the "Chesapeake Terrace" subdivision in the Land Records of Baltimore County in 1919. Mr. McCoy has indicated that he intends to comply with all of the requirements of the height and area regulations, and he does not own a piece of adjoining land which would allow him to conform to

the width and area requirements contained in the regulations. Therefore, in the opinion of the Board, Mr. McCoy meets the requirements of § 304 of the BCZR for use of an undersized single-family lot.

From the testimony and evidence submitted in this matter, it would appear that the sole basis for the Protestant filing an appeal was the fact that he feels that water from Mr. McCoy's house at 7352 Geise Avenue flowed onto his property during rainstorms. Mr. Weaver indicated that he does not want the water from 7348 to flow onto his property; however, he admitted that the land slopes in an easterly direction and that the water should flow away from his property. In addition, the evidence shows that Mr. Weaver's property, particularly in the rear of the lot, is almost 1 foot higher than the property at 7348 Geise Avenue. In summary, the basis for Mr. Weaver's appeal was purely speculative.

After considering all of the testimony before the Board, the Board finds that the special hearing can be granted without changing the pattern of development in the neighborhood and therefore it is in strict harmony with the spirit and intent of the regulations, and will not injure the public health, safety and general welfare of the community.

ORDER

THEREFORE, IT IS THIS 3rd day of August, 2005 by the
County Board of Appeals of Baltimore County

ORDERED that the Petitioner's request for special hearing from § 304 of the Baltimore County Zoning Regulations (BCZR) to allow the construction of a single-family dwelling on an undersized lot be and is hereby **GRANTED**, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

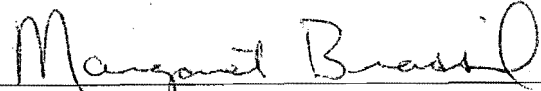
1. Compliance with the ZAC comments submitted by the Bureau of Development Plans Review dated March 24, 2005, a copy of which is attached hereto and made a part hereof;
2. Compliance with the ZAC comments submitted by the Office of Planning dated March 20, 2005, a copy of which is attached hereto and made a part hereof;
3. Compliance with the ZAC comments submitted by DEPRM dated April 19, 2005, a copy of which is attached hereto and made a part hereof; and
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 petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

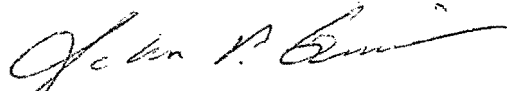
**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Lawrence S. Wescott, Panel Chair



Margaret Brassil, Ph.D.



John P. Quinn

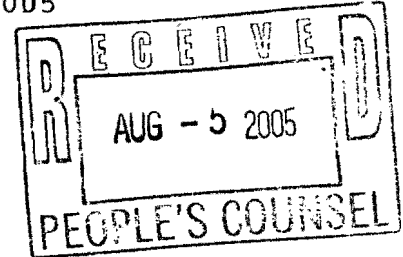


County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

cid
PMZ

August 3, 2005



Mr. Jeff Weaver
7350 Geise Avenue
Baltimore, MD 21219

RE: *In the Matter of: Donald R. McCoy* – Legal Owner/
Petitioner / Case No. 05-435-SPH

Dear Mr. Weaver:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all subsequent Petitions for Judicial Review filed from this decision should be noted under the same civil action number as the first Petition. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

Enclosure

c: Donald R. McCoy
✓ Office of People's Counsel
William J. Wiseman /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM



4/20

IN RE: PETITION FOR SPECIAL HEARING
N/S of Geise Avenue, 325 ft. W
centerline of Lincoln Avenue
15th Election District
7th Councilmanic District
(7348 Geise Avenue)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 05-435-SPH

Donald R. McCoy
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Donald R. McCoy. The Petitioner is requesting special hearing relief for property located at 7348 Geise Avenue in the eastern area of Baltimore County. Special hearing relief is requested from Section 304 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow the construction of a single-family dwelling on an undersized lot.

The property was originally posted with Notice of Hearing on February 7, 2005 in the administrative review. On February 18, 2005 a neighbor filed a request for public hearing under Section 304.4 of the BCZR. The property was again posted on March 28, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the public hearing on the zoning issue. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on March 29, 2005 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. – *Special hearings.*

"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 special hearings 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 special hearing 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 special hearing from height or area regulations. Furthermore, any such special hearing 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 special hearings. Before granting any special hearing, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a special hearing 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 special hearing shall contain a finding of fact setting forth and specifying the reason or reasons for making such special hearing."

Copy Section 304.4 here

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 Bureau of Development Plans Review dated March 24, 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 March 20, 2005, a copy of which is attached hereto and made a part hereof. Finally, a ZAC comment was received from the Department of environmental Protection & Resource Management (DEPRM) dated April 19, 2005, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the special hearing request was Donald McCoy Petitioner. Jeffery Weaver attended the hearing in opposition to the requested relief. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

This property is 10,000 sq. ft. and is zoned D.R. 5.5. The property is now improved by a dormant church, which occupies a large part of the lot. See Petitioner's Exhibit 1 and photographs Exhibit Nos. 2A and 2B. The Petitioner purchased the property with the intention of razing the church and building a single-family dwelling in its place. The lot meets all County DR 5.5 regulations except the lot width, which is 50 feet. The required width is 55 feet.

Mr. McCoy testified that he reviewed the Planning Office comments and agrees to abide by each. In regard to the Bureau of Plans Review comments, he noted that the new home would meet

the comments. He noted that Geise Avenue has 32 feet wide paving and 5 feet on either side to the edge of the right-of-way. Consequently, he indicated that the Plan to Accompany meets the 40 foot minimum right-of-way and no variance is required. The lot is 50 feet x 200 feet sloping from Geise Avenue to the rear. He indicated that he would meet all County storm water management requirements. Regarding pattern of neighborhood development, he indicated that starting at Lincoln Road going west on Geise Avenue, there is one home on two 50 foot lots, but then one house on one 50 foot lot thereafter for the next four lots. Continuing west there is the subject lot and then again one house on a 50 foot lot and one home on two 50 foot lots. Consequently, Mr. McCoy believed that building a new home on the lot would be compatible with the existing pattern of development of the area. Finally, he noted that Mr. Weaver, the protestant at the hearing, lives next to him in an easterly direction from the subject property. He submitted photographs that indicate the Weaver property has been artificially raised up over the years and is now 1 foot to 1.5 feet above the subject lot.

Mr. Weaver objects to the request out of concern for the storm water runoff from the subject property onto his property. He noted that he purchased his home 18 years ago with no storm water problems until the Petitioner built his home on the east side of the Weaver property. See the modern home shown on Petitioner's photograph 3B. Mr. Weaver says that ever since the Petitioner built his home, storm water gets into his basement and floods his rear yard such that he had to install a sump pump in the rear eastern area of his property.

Mr. McCoy presented photographs in rebuttal that showed that the Weaver yard is higher than the subject property and consequently there was no way construction on this site would cause problems next door. In addition, Mr. McCoy pointed out that the existing church on the premises is 132 feet long. This will be replaced by a home, which is 55 feet long thereby greatly increasing the pervious surfaces through which ground water can be recharged. Mr. Weaver disputed this

implication noting that the existing church has no basement and all of the area under the Church can be used to recharge ground water.

Findings of Fact and Conclusions of Law

This is not a variance case even though at first glance it may appear to be so. There is a separate parallel administrative procedure described by Section 304 of the BCZR whereby an owner of an isolated lot which meets all other requirements except size or width can be approved for a single-family dwelling by administrative process. However, that process can result in a public hearing when a nearby property owner, as happened here, requests a hearing under Section 304.4.

Considering all the testimony and evidence presented, I find that the lot was of record prior to March 1955 as shown by the recording of the "Chesapeake Terrace" subdivision in the Land Records of Baltimore County in 1919. I also find that all other requirements of the regulations are complied with except lot width. Finally, I find that there is no adjacent land owned by the Petitioner that could be used to meet the lot width requirements.

Again considering all the testimony and evidence, I find that the proposed dwelling is appropriate. It will replace a building more than twice its length which greatly increase the pervious area for storm water to recharge the ground. Hopefully, this will mean less water flowing off this property onto the Weaver property assuming that some part of the Weaver property is below the subject site. One home on this 50 foot lot is compatible with the pattern of development of the immediate lots and so this home will not change the character of the neighborhood.

Considering all the testimony and evidence before me, I find that the special hearing can be granted without changing the pattern of development in the neighborhood and therefore is in strict harmony with the spirit and intent of said regulations, and will not injure the public health, safety and general welfare.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 24, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For March 21, 2005
Item No. 435

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

The flood protection elevation for this site is 10.4 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.

The minimum right-of-way for all public roads in Baltimore County is 40 feet. Variance shall be modified accordingly.

RWB:CEN:jrb

cc: File

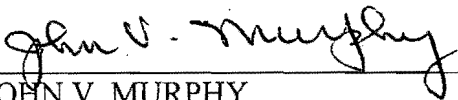
ZAC-03-21-2005-ITEM NO 435-03-25-2005

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 Petitioner's special hearing requests should be granted with conditions.

THEREFORE, IT IS ORDERED, this 20 day of April, 2005, by this Deputy Zoning Commissioner, that the Petitioner's request for special hearing from Section 304 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow the construction of a single-family dwelling on an undersized lot, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition;
2. Compliance with the ZAC comments submitted by the Bureau of Development Plans Review dated March 24, 2005, a copy of which is attached hereto and made a part hereof;
3. Compliance with the ZAC comments submitted by the Office of Planning dated March 20, 2005, a copy of which is attached hereto and made a part hereof;
4. Compliance with the ZAC comments submitted by DEPRM dated April 19, 2005, a copy of which is attached hereto and made a part hereof; and
5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 7348 Geise Ave
which is presently zoned DR55

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

the construction of a single-family dwelling on an undersized lot pursuant to Section 304, BC2R

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:

~~Donald R McCoy~~
Name - Type or Print
~~Donald R McCoy~~
Signature
~~7352 Geise Ave 410-477-4467~~
Address Telephone No.
~~BALTO M.D. 21219~~
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Donald R McCoy
Name - Type or Print
Donald R McCoy
Signature

Name - Type or Print

Signature
7352 Geise Ave 410-477-4467
Address Telephone No.
BALTO M.D. 21219
City State Zip Code

Representative to be Contacted:

Donald R McCoy
Name
7352 Geise Ave 410-477-4467
Address Telephone No.
BALTO M.D. 21219
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JNP Date 3/3/05

Case No. 05-435-SPH

**Department of Permits and
Development Management**

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



PM2
Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Koitoko, Director*

April 5, 2005

Donald R. McCoy
7352 Geise Avenue
Baltimore, Maryland 21219

Dear Mr. McCoy:

RE: Case Number: 05-435-SPH, 7348 Geise Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 3, 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 that reads "W. Carl Richards, Jr." The signature is stylized with a large, looped "W" and a long, sweeping "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



Printed on Recycled Paper

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



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

Maryland Department of Transportation

Date: 3.11.05

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

RE: Baltimore County
Item No. 435 JHP

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
Engineering Access Permits Division

My telephone number/toll-free number is _____

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

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

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 23, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: March 14, 2005

Item No.: 434, 435, 436, 437, 438, 439, 441, 442, 443.

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.

Acting Lieutenant Don W. Muddiman
Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 24, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For March 21, 2005
Item No. 435

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

The flood protection elevation for this site is 10.4 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.

The minimum right-of-way for all public roads in Baltimore County is 40 feet. Variance shall be modified accordingly.

RWB:CEN:jrb

cc: File

ZAC-03-21-2005-ITEM NO 435-03-25-2005

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 20, 2005

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

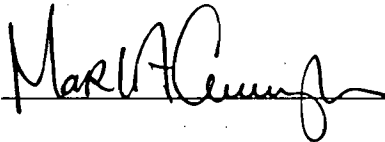
SUBJECT: Zoning Advisory Petition(s): Case(s) 5-435

The Office of Planning does not oppose the petitioner's request to construct an dwelling on an undersized lot provided the following conditions are applied:

1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Provide landscaping along the public road.

For further questions or additional information concerning the matters stated herein, please contact Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



MAC/LL

PM2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 20, 2005

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-435

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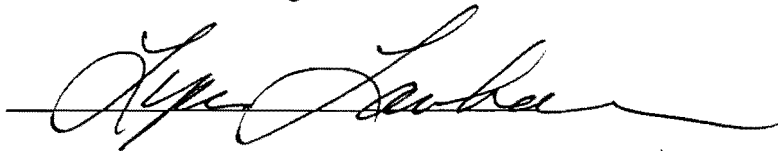
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2. Provide landscaping along the public road.

For further questions or additional information concerning the matters stated herein, please contact Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By: _____



Division Chief: _____



MAC/LL

4/12

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: *March* January 20, 2005

RECEIVED

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

MAR 22 2005

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-435

The Office of Planning does not oppose the petitioner's request to construct an dwelling on an undersized lot provided the following conditions are applied:

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For further questions or additional information concerning the matters stated herein, please contact Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By: *Mark A. Cunningham*

Division Chief: *[Signature]*

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

March
DATE: ~~January~~ 20, 2005

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

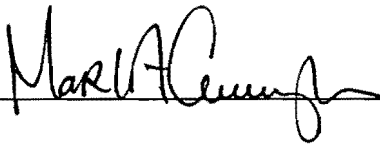
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2. Provide landscaping along the public road.

For further questions or additional information concerning the matters stated herein, please contact Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



MAC/LL

4/12

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr
DEPRM

DATE: April 19, 2005

SUBJECT: Zoning Item # 05-435
Address 7348 Geise Avenue

Zoning Advisory Committee Meeting of March 21, 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:

The proposed construction is to occur within the Limited Development Area of the CBCA. The Regulations limit impervious surface coverage to 25% of the overall site, require 15% minimum tree coverage and warrant mitigation for disturbances within 100-feet of Mean High Tide (MHT).

Reviewer: Mike Kulis Date: April 19, 2005

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 24, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For March 21, 2005
Item No. 435

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

The flood protection elevation for this site is 10.4 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.

The minimum right-of-way for all public roads in Baltimore County is 40 feet. Variance shall be modified accordingly.

RWB:CEN:jrb

cc: File

ZAC-03-21-2005-ITEM NO 435-03-25-2005

4/12

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr
DEPRM

DATE: April 19, 2005

SUBJECT: Zoning Item # 05-435
Address 7348 Geise Avenue

Zoning Advisory Committee Meeting of March 21, 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:

The proposed construction is to occur within the Limited Development Area of the CBCA. The Regulations limit impervious surface coverage to 25% of the overall site, require 15% minimum tree coverage and warrant mitigation for disturbances within 100-feet of Mean High Tide (MHT).

Reviewer: Mike Kulis Date: April 19, 2005

COPIES RECEIVED FOR FILING
4/20/05
Ray

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
7348 Geise Avenue; N/side Geise Avenue, *
315' W of Lincoln Avenue * ZONING COMMISSIONER
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Donald R. McCoy * FOR
Petitioner(s) * BALTIMORE COUNTY
* 05-435-SPH

* * * * *

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 and documentation filed in the case.

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 22nd day of March, 2005, a copy of the foregoing Entry of Appearance was mailed to Donald McCoy, 7352 Geise Avenue, Baltimore, MD 21219, Petitioner(s).

RECEIVED

MAR 22 2005

Per. *klm*

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**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

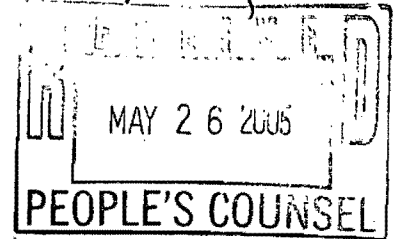


cd/pm2
Baltimore County

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

*PC probably not involved
at hearing.*

May 25, 2005



Donald R. McCoy
7352 Geise Avenue
Baltimore, MD 21219

Dear Mr. McCoy:

RE: Case: 05-435-SPH, 7348 Geise Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on May 3, 2005 by Jeff Weaver. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

A handwritten signature in dark ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Jeff Weaver, 7350 Geise Avenue, Baltimore 21219



APPEAL

Petition for Special Hearing
7348 Geise Avenue
N/S of Geise Avenue, 325 ft. W/of c/line of Lincoln Avenue
15th Election District – 7th Councilmanic District
Donald R. McCoy – Petitioner

Case No.: 05-435-SPH

Petition for Special Hearing (March 3, 2005)

Zoning Description of Property

Notice of Zoning Hearing (March 6, 2005)

Certification of Publication (The Jeffersonian Issue – March 29, 2005)

Certificate of Posting (March 28, 2005) by Martin Ogle

Entry of Appearance by People's Counsel (March 22, 2005)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet – None in file

Citizen(s) Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Plat to accompany Petition
2. Subject Photo Page
3. Photograph Addendum
4. Photograph Addendum
5. Metropolitan Regional Information System – Synopsis – Agent
6. Letter of Support

Protestants' Exhibits – None in file

Miscellaneous (Not Marked as Exhibit)

1. Page 3-3 (Exceptions: Height & Area Requirements)
2. Page 3-4 (Highlighted section – 304.4)

Deputy Zoning Commissioner's Order (GRANTED – April 20, 2005)

Notice of Appeal received on May 3, 2005 from Jeff Weaver

c: People's Counsel of Baltimore County, MS #2010
Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Donald McCoy, 7352 Geise Avenue, Baltimore 21219
Jeff Weaver, 7350 Geise Avenue, Baltimore 21219

date sent May 25, 2005, klm