

IN RE: PETITIONS FOR VARIANCE
NW/S Frog Mortar Road, 377.5'
S of the c/l Revolea Beach Road
(812 & 814 Frog Mortar Road)
15th Election District
6th Council District

79th Street LLC
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Cases Nos. 05-483-A & 05-484-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Variance filed by the owners of the subject adjacent properties, 79th Street LLC, by Steve Wolf, Member. Since the properties are owned by the same entity and are located adjacent to one another, the two cases were heard contemporaneously. In both instances, the Petitioners request a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a lot with a width of 61 feet in lieu of the required 70 feet for a proposed single-family dwelling. The subject properties and requested relief are more particularly described on the site plans submitted in each case, which were accepted into evidence and marked respectively as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Steve Wolf and Dan Wooden, Members of the corporation known as 79th Street LLC, property owners. Also appearing were David Billingsley, the consultant who prepared the site plan for this property, and Bob Infussi, who assisted the Petitioners with the application process. Eric Gerber, who resides across the street from the subject property at 811 Frog Mortar Road, appeared as an interested citizen/Protestant. In addition, a letter of opposition was received from Christina V. Nocar, who resides on the adjacent property to the north at 808 Frog Mortar Road. There were no other interested persons present.

ORDER FILED ON FILING

Date

By

5/24/05

[Signature]

Testimony and evidence offered revealed that the subject properties are waterfront lots located on the northwest side of Frog Mortar Road, just south of Revolea Beach Avenue in Bowleys Quarters. The two properties are actually comprised of three lots, identified as Lots 8, 9 and 10 of Revolea Beach, an older subdivision that was platted and recorded in the Land Records in 1920, well prior to the adoption of the first set of zoning regulations in Baltimore County. As is often the case with older subdivisions, many of the lots in this community are undersized and do not meet current area and width requirements for development. Lots 8 and 9 have traditionally been used as one parcel, and contain the existing improvements, including a dwelling known as 812 Frog Mortar Road, which actually straddles the lot line, and a detached garage. Lot 10 was apparently used as additional yard space.

The Petitioners purchased the property in November 2004 and propose a redevelopment of the entire parcel. In this regard, the previous owner, Daniel Pasko and the Petitioners, as Contract Purchasers, applied for and obtained approval of a lot line adjustment between Lots 9 and 10 through the D.R.C. in October 2004. The Petitioners now come before me seeking relief as set forth above to allow redevelopment of the property as proposed. Testimony indicated that the existing house, which was built in 1925, suffered significant damage during Hurricane Isabel. The Petitioners originally considered rebuilding the existing structure and providing a panhandle lot to the rear. That scenario would not have required variance relief. However, the Petitioners determined that the house was beyond repair and thus, propose removing all existing structures and redeveloping the site with two new single family dwellings. In this regard, each lot is 61 feet wide and ranges in depth from approximately 205 feet to 215 feet. As shown on Petitioner's Exhibit 1, newly configured Lots 8 and 9 contain a combined gross area of 12,505 sq.ft., more or less, and will be developed with a single-family dwelling, to be known as 812 Frog Mortar Road. Newly formed Lot 10 contains a gross area of 12,810 sq.ft., more or less, and will likewise be developed with a single-family dwelling, to be known as 814 Frog Mortar Road. Both houses will be two-story structures, 36 feet by 40 feet in dimension, and situated on the lots to meet all building and setback requirements, but for the lot width.

ORDER RECEIVED FOR FILING
Date 6/24/05
By [Signature]

As noted above, Eric Gerber appeared as an interested citizen/Protestant. Mr. Gerber resides across the street from the subject property and has lived in the neighborhood for 15 years. He raised issues of traffic congestion and believes that the proposal will cause an overcrowding of the land. He also opined that the Developer's proposal is designed to maximize their profit and will lower the quality of life in the area.

Ms. Nocar also raised issues relative to the height of the structures and their closeness to the road, as well as traffic congestion and water runoff. She also expressed concern over her privacy fence, which she indicated needed to be replaced due to damage caused by overgrown shrubs on the subject property.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. The fact that this subdivision was platted and recorded many years ago, well prior to the adoption of the B.C.Z.R. is a persuasive factor. Moreover, the proposed dwellings will meet all front, side and rear yard setback requirements, including the required distance from the water as mandated by Chesapeake Bay Critical Areas regulations and Federal Flood Insurance requirements. (See attached comments received from the Department of Environmental Protection and Resource Management and Bureau of Development Plans Review) There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency; however, the Office of Planning requested that building elevation drawings of the proposed dwellings be submitted for their review and approval prior to the issuance of any permits. The proposed dwellings shall be compatible in size, exterior building materials, color and architectural detail as those existing in the area, and landscaping shall be provided along the public road.

Finally, I am not persuaded by Mr. Gerber's argument that the Petitioners' proposal should be rejected on the basis that it is aimed at maximizing their investment. (See Richard Roeser v. Anne Arundel Co., 368 Md. 294 (2002)). The fact that the Petitioners purchased the subject property for its development potential is in no way fatal to the relief requested. Moreover, Ms. Nocar's concerns relative to height and setback distances from the road have no merit. As noted above, the proposal meets all Baltimore County building code, area and setback

ORDER RECEIVED FOR FILING
Date 3/24/05
By [Signature]

requirements, but for the lot width. In addition, the proposed construction shall comply with all appropriate Chesapeake Bay Critical Areas regulations and Federal Flood Insurance requirements. Thus, I find that strict compliance with the zoning regulations would result in a practical difficulty and unreasonable hardship for the Petitioners and prevent development of the subject property for a permitted purpose. The relief requested will not result in any detriment to the health, safety and general welfare of the surrounding locale and meets the spirit and intent of Section 307 for relief to be granted.

Pursuant to the advertisement, posting of the properties, and public hearing on these Petitions 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 24th day of May 2005 that the Petitions for Variance filed in Case No. 05-483-A seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 61 feet in lieu of the required 70 feet, for a proposed dwelling on Lots 8 and 9, to be known as 812 Frog Mortar Road, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance filed in Case No. 05-484-A seeking relief from Section 1B02.3.C.1 of the B.C.Z.R. to permit a lot width of 61 feet in lieu of the required 70 feet, for proposed dwelling on Lot 10, to be known as 814 Frog Mortar Road, 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(s) 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,

C. J. FROGMAN
5/24/05
RJP

dated April 28, 2005 and April 20, 2005, respectively, have been attached hereto and made a part hereof.

- 3) The Petitioners shall provide landscaping along the public road for both properties, and submit building elevation drawings of the proposed dwelling to the Office of Planning prior to the issuance of any permits. The proposed dwellings shall be compatible in terms of size, exterior, building materials, color and architectural details with existing dwellings in the area.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 5/24/05
By [Signature]

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

May 24, 2005

Messrs. Steve Wolf & Dan Wooden
9124 Belair Road
Baltimore, Maryland 21236

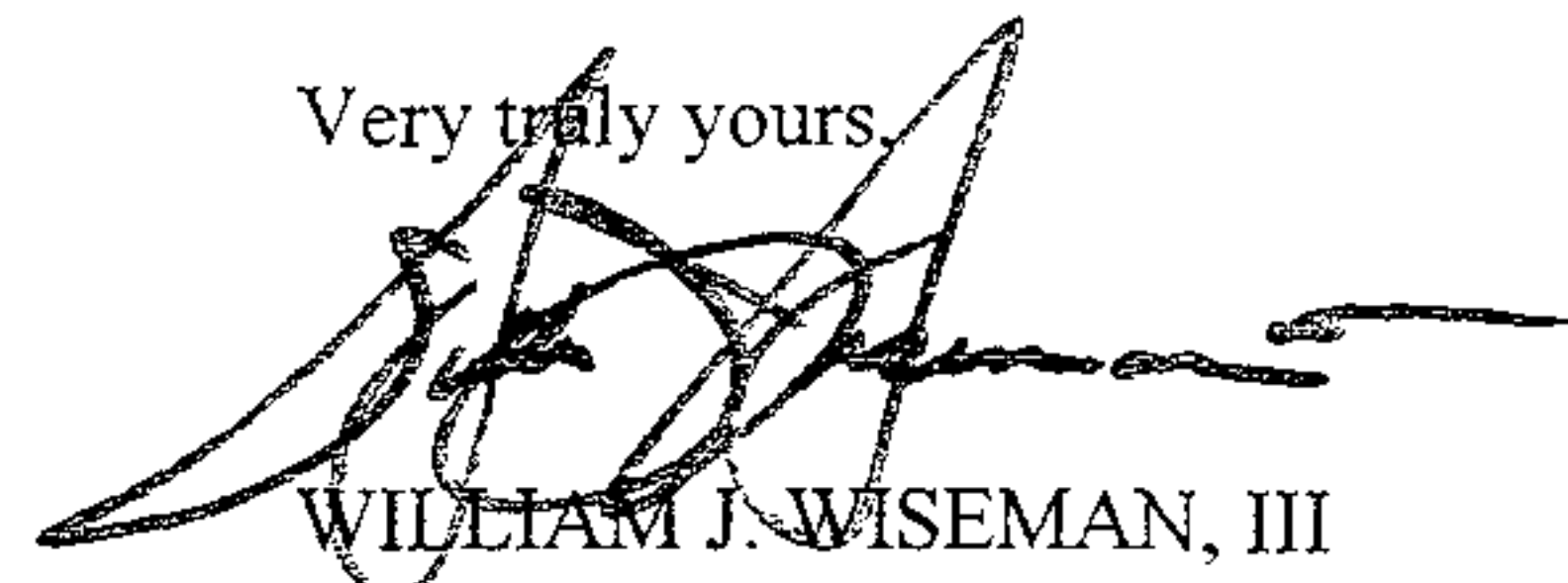
RE: PETITIONS FOR VARIANCE
NW/S Frog Mortar Road, 377.5' S of the c/l Revolea Beach Road
(812 & 814 Frog Mortar Road)
15th Election District -- 6th Council District
79th Street, LLC - Petitioners
Cases Nos. 05-483-A and 05-484-A

Dear Messrs. Wolf & Wooden:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have 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,



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Eric Gerber
811 Frog Mortar Road, Baltimore, Md. 21220
Ms. Christina V. Nocar
808 Frog Mortar Road, Baltimore, Md. 21220
Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Mr. Robert Infussi, Expedite, LLC, P.O. Box 1043-7043, Belair, Md. 21014
Mr. David Billingsley, Central Drafting, 601 Charwood Court, Edgewood, Md. 21040
DEPRM; Office of Planning; People's Counsel; Case File

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



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

May 24, 2005

Messrs. Steve Wolf & Dan Wooden
9124 Belair Road
Baltimore, Maryland 21236

RE: PETITIONS FOR VARIANCE
NW/S Frog Mortar Road, 377.5' S of the c/l Revolea Beach Road
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Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III", is written over the typed name.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Eric Gerber
811 Frog Mortar Road, Baltimore, Md. 21220
Ms. Christina V. Nocar
808 Frog Mortar Road, Baltimore, Md. 21220
Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Mr. Robert Infussi, Expedite, LLC, P.O. Box 1043-7043, Belair, Md. 21014
Mr. David Billingsley, Central Drafting, 601 Charwood Court, Edgewood, Md. 21040
DEPRM; Office of Planning; People's Counsel; Case File

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





Petition for Variance

to the Zoning Commissioner of Baltimore County
CBCA for the property located at 814 FROG MORTAR ROAD
which is presently zoned DR 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1 B02.3. C.1 TO PERMIT A LOT WIDTH OF 61 FEET IN LIEU OF THE REQUIRED 70 FEET FOR A SINGLE FAMILY DWELLING.

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

SEE ATTACHED

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

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

79TH STREET, LLC

Name - Type or Print

BY:

Signature

Name - Type or Print

Signature

9124 BELAIR ROAD

Address

Telephone No.

BALTIMORE

MO.

21236

State

Zip Code

Representative to be Contacted:

ROBERT INFUSSI

EXPEDITE, LLC

Name

P.O. BOX 1043-7043 (410) 812-2236

Address

Telephone No.

BELAIR

MO.

21014

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

3-24-05

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 5/24/05

By [Signature]

No. **05-784-A**

THE OWNER WISHES TO UTILIZE THE EXISTING LOT SIZE TO CREATE AN ADDITIONAL BUILDING SITE. THE ADDITIONAL LOT COULD BE CREATED WITHOUT THE NEED OF A VARIANCE BY CREATING A PANHANDLE LOT, HOWEVER, THE USE OF PANHANDLES IS DISCOURAGED BY THE DEVELOPMENT REGULATIONS. ADDITIONALLY, THE DWELLINGS, AS PROPOSED, WILL BE MORE COMPATIBLE WITH THE NEIGHBORHOOD.

**DESCRIPTION TO ACCOMPANY
VARIANCE PETITION**

812 FROG MORTAR ROAD

Beginning at a point on the west side of Frog Mortar Road (40 feet wide) distant northerly 377.5 feet from it's intersection with the center of Revolea Beach Road (40 feet wide) thence (1) Northwesterly 205 feet more or less, thence (2) Northeasterly along Frog Mortar Creek 62.5 feet, more or less, thence (3) Southeasterly 205 feet, more or less, thence (4) Southwesterly along Frog Mortar Road 62.5 feet, more or less. Containing 12,505 square feet or 0.287 acre of land, more or less.

Being known as 812 Frog Mortar Road. Also being all of lot 8 and the southernmost 25 feet of lot 9 as shown on the plat entitled Revolea Beach recorded among the Baltimore County plat records in Plat Book 5 Folio 67. Located in the 15th Election District, 6th Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 443818

483 484

DATE 3.24.05

ACCOUNT 201-000-6150

AMOUNT \$ 130.00

RECEIVED

FROM: 79TH ST. LLC

812

FEEL

M. STONE

814

FEEL - MONTGOMERY D.C.

FOR:

PAR (2X)

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

DATE 3/24/05

TIME 10:13

BY 201-000-6150

5/24/2005

GREEN

NO. 000018

RECEIPT

9100.00 OK

Baltimore County, Maryland

CASHIER'S VALIDATION

**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: #05-484-A
814 Frog Mortar Road
W/side of Frog Mortar Road,
377.5 feet +/- from centerline
of Revolea Beach Road
15th Election District
6th Councilmanic District
Legal Owner(s): 79th Street, LLC
Steve Wolf, Member
Variance: to permit a lot
width of 61 feet in lieu of
the required 70 feet for a
single family dwelling.
Hearing: Friday, May 6,
2005 at 10:00 a.m. in
Room 407, County Courts
Building, 481 Bosley Ave-
nue, Towson 21204.

WILLIAM WISEMAN
Zoning Commissioner for
Baltimore County

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

(2) For information con-
cerning the File and/or
Hearing, Contact the Zon-
ing Review Office at (410)
887-3391.

4/24/5 Apr 21 47508

CERTIFICATE OF PUBLICATION

4/21/, 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 4/21/, 2005.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No. : 05-484-A

Petitioner/Developer: 79th St

LLC STEVE WOLF

Date of Hearing/Closing: 5/6/05

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

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
at 814 FROG MORTAR L.D.

This sign(s) were posted on April 21, 2005
(Month, Day Year)

Sincerely,

Martin Ogle 4/21/05
(Signature of Sign Poster and Date)

Martin Ogle

Sign Poster

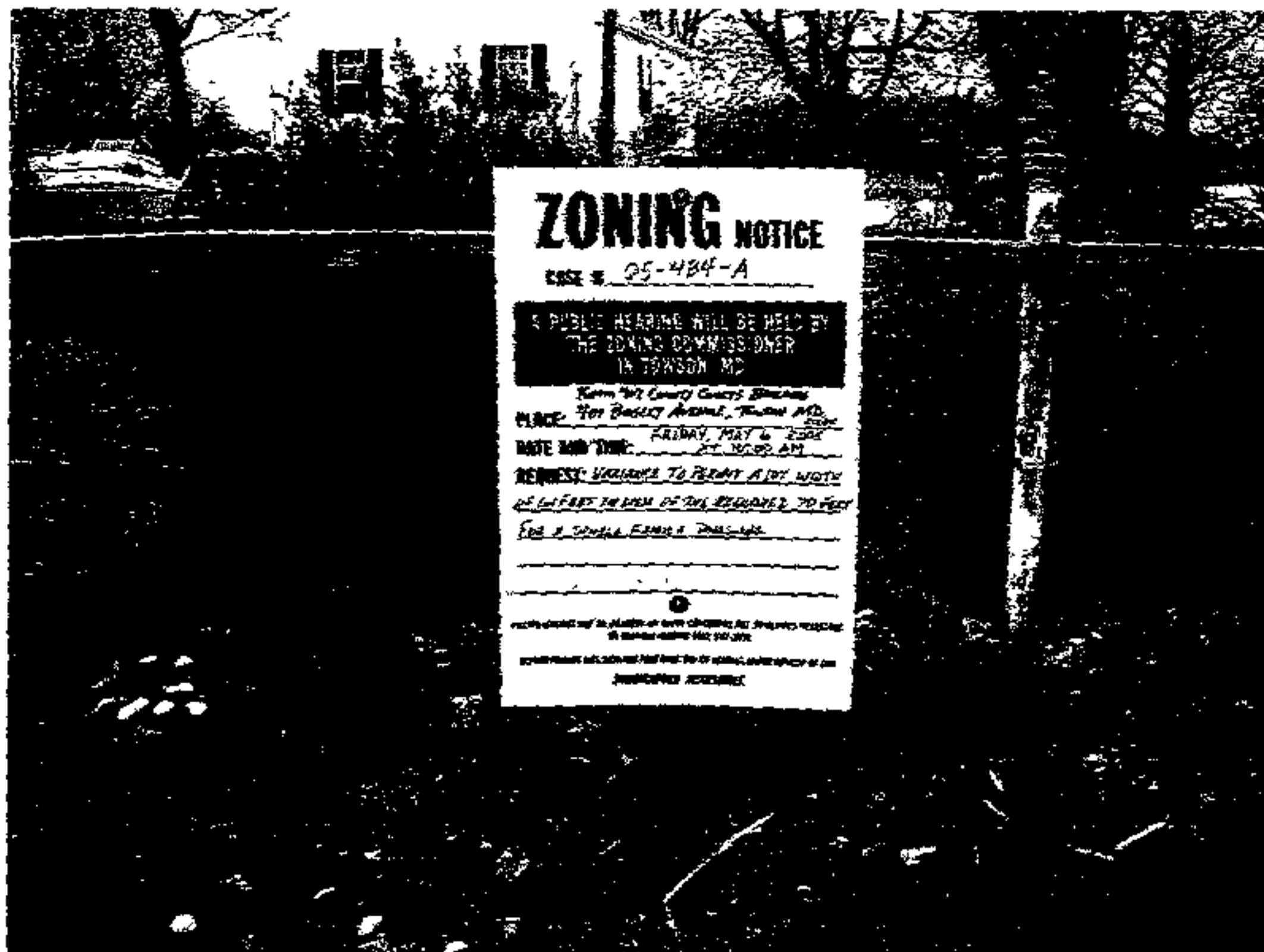
5016 Castlestone Drive

Address

Balto. Md 21237

(443-629-3411)

im000261 (1152x864x24b jpeg)



W. J. J. 4/21/05

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 21, 2005 Issue - Jeffersonian

Please forward billing to:
79th Street, LLC
9124 Belair Road
Baltimore, MD 21236

410-529-7865

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: 05-484-A

814 Frog Mortar Road

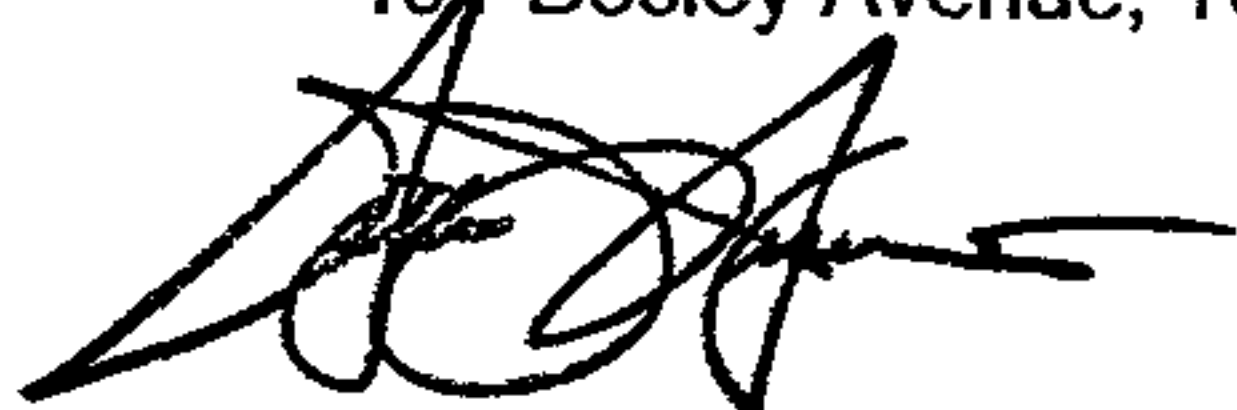
W/side of Frog Mortar Road, 377.5 feet +/- from centerline of Revolea Beach Road

15th Election District – 6th Councilmanic District

Legal Owners: 79th Street, LLC, Steve Wolf, Member

Variance to permit a lot width of 61 feet in lieu of the required 70 feet for a single family dwelling.

Hearing: Friday, May 6, 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**

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



Baltimore County

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

March 28, 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: 05-484-A

814 Frog Mortar Road

W/side of Frog Mortar Road, 377.5 feet +/- from centerline of Revolea Beach Road

15th Election District – 6th Councilmanic District

Legal Owners: 79th Street, LLC, Steve Wolf, Member

Variance to permit a lot width of 61 feet in lieu of the required 70 feet for a single family dwelling.

Hearing: Friday, May 6, 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: Steve Wolf, 9124 Belair Road, Baltimore 21236
Robert Infussi, P.O. Box 1043-7043, Bel Air 21014

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, APRIL 21, 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

**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/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: 79TH STREET LLC

Address or Location: 812 FROG MORTAR ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: 79TH STREET LLC

Address: 9124 BELAIR ROAD
BALTO., MD. 21236

Telephone Number: (410) 529-7865

**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*

April 25, 2005

Steve Wolf
79th Street, LLC.
9124 Belair Road
Baltimore, Maryland 21236

Dear Mr. Wolf:

RE: Case Number: 05-484-A, 814 Frog Mortar Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 24, 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 "W. Carl Richards, Jr.", written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Robert Infussi, Expedite, LLC. P.O. Box 1043-7043 Belair 21014

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



Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

March 29, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of April 11, 2005

Item No. 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484.

Pursuant to your request, the above 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 site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

Acting Lt. Warren T. Moffitt
Fire Marshal's Office
410-887-4880
MS-1102F

Cc:file

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director DATE: April 20, 2005
Department of Permits & Development
Management

FROM: Dennis Kennedy, Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 11, 2005
Item No. 484

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The flood protection elevation for this site is 11.2.

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 to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (including *basements*) of residential (*commercial*) development.

The building Engineer shall require a permit for this project.

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

Flood resistant construction shall be in accordance with requirement of B.O.C.A. International Building Code adopted by the county.

DAK:CEN:clw
Cc: file
ZAC-ITEM NO 484-04202005.doc

BW
5/6

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

RECEIVED

FROM: John D. Oltman, Jr. JDO
DEPRM

MAY 2 2005

DATE: April 28, 2005

ZONING COMMISSIONER

SUBJECT: Zoning Item # 05-484
Address 814 Frog Mortar Road

Zoning Advisory Committee Meeting of April 11, 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:

Must comply with the Limited Development Area Regulations which restrict maximum impervious surfaces to 25% and minimum tree cover to 15%.

Reviewer: Martha Stauss

Date: April 28, 2005

By
5/6

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 20, 2005

RECEIVED

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

APR 11 2005

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-483 and 5-484

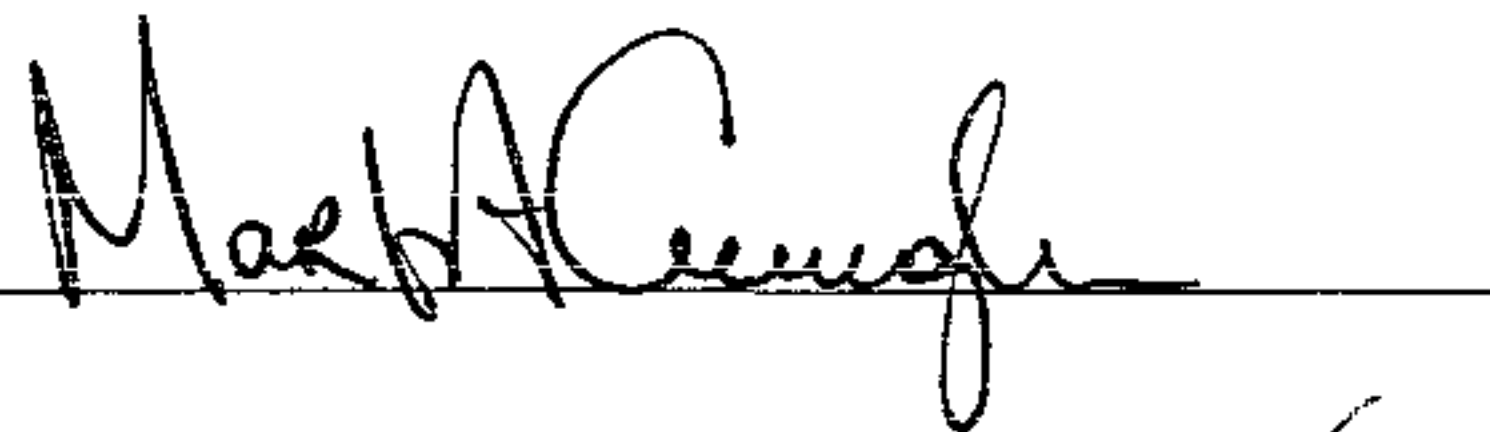
The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there appears to be several existing undersized lots along Frog Mortar Road. As such, this office does not oppose the petitioner's request.

If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling:

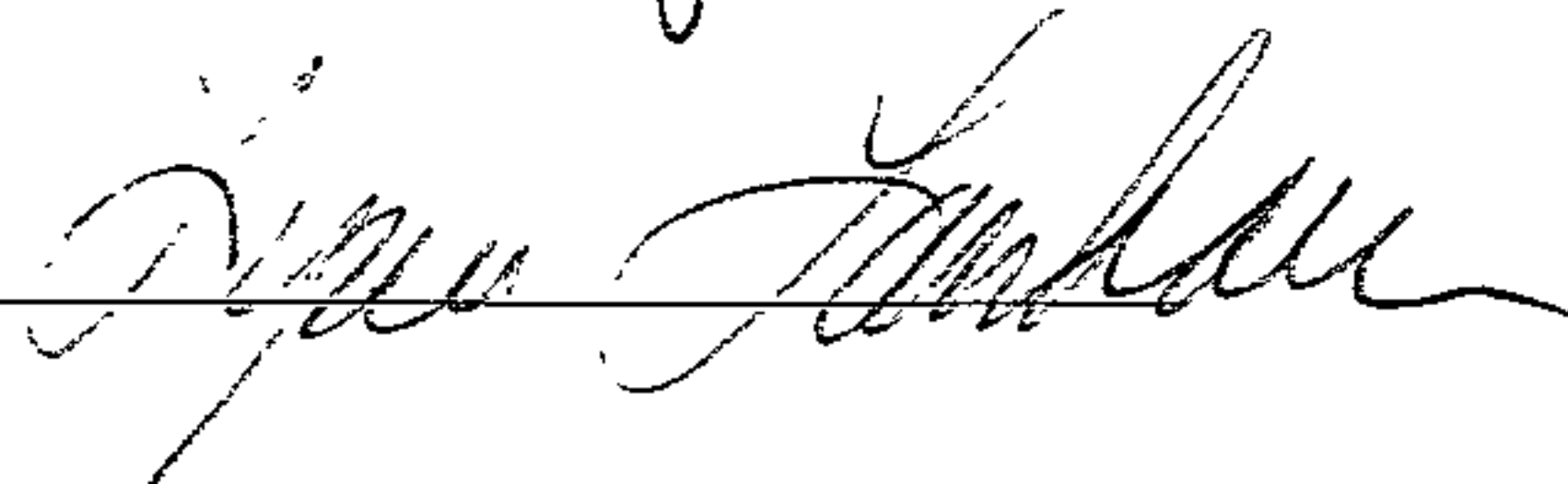
1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Provide landscaping along the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

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

Prepared By:



Division Chief:



MAC/LL



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

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

Maryland Department of Transportation

Date: 3.25.05

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

RE: Baltimore County
Item No. 484 VCM

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

RE: PETITION FOR VARIANCE * BEFORE THE
814 Frog Mortar Road; W/side Frog Mortar *
Road, 377.5' from c/line Revolea Beach Road* ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): 79th Street, LLC by * FOR
Steve Wolf-Member *
Petitioner(s) * BALTIMORE COUNTY
* 05-484-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all 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 31st day of March, 2005, a copy of the foregoing Entry of Appearance was mailed to, Robert Infussi, Expedite, LLC, P.O. Box 1043-7043, Bel Air, MD 21014, Representative for Petitioner(s).

RECEIVED

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

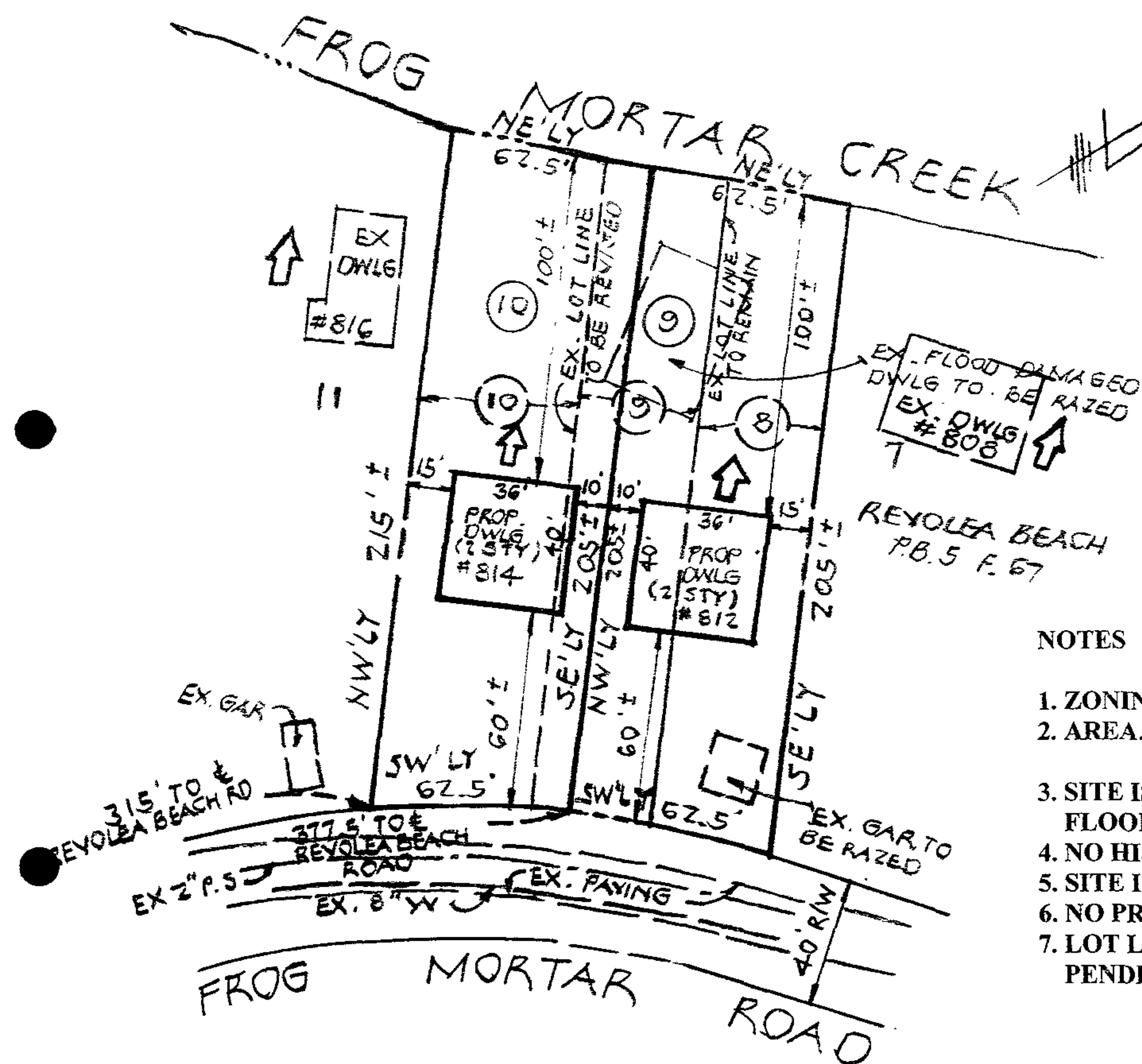
Per *CLB*.....

PLEASE PRINT CLEARLY

NAME

E-MAIL

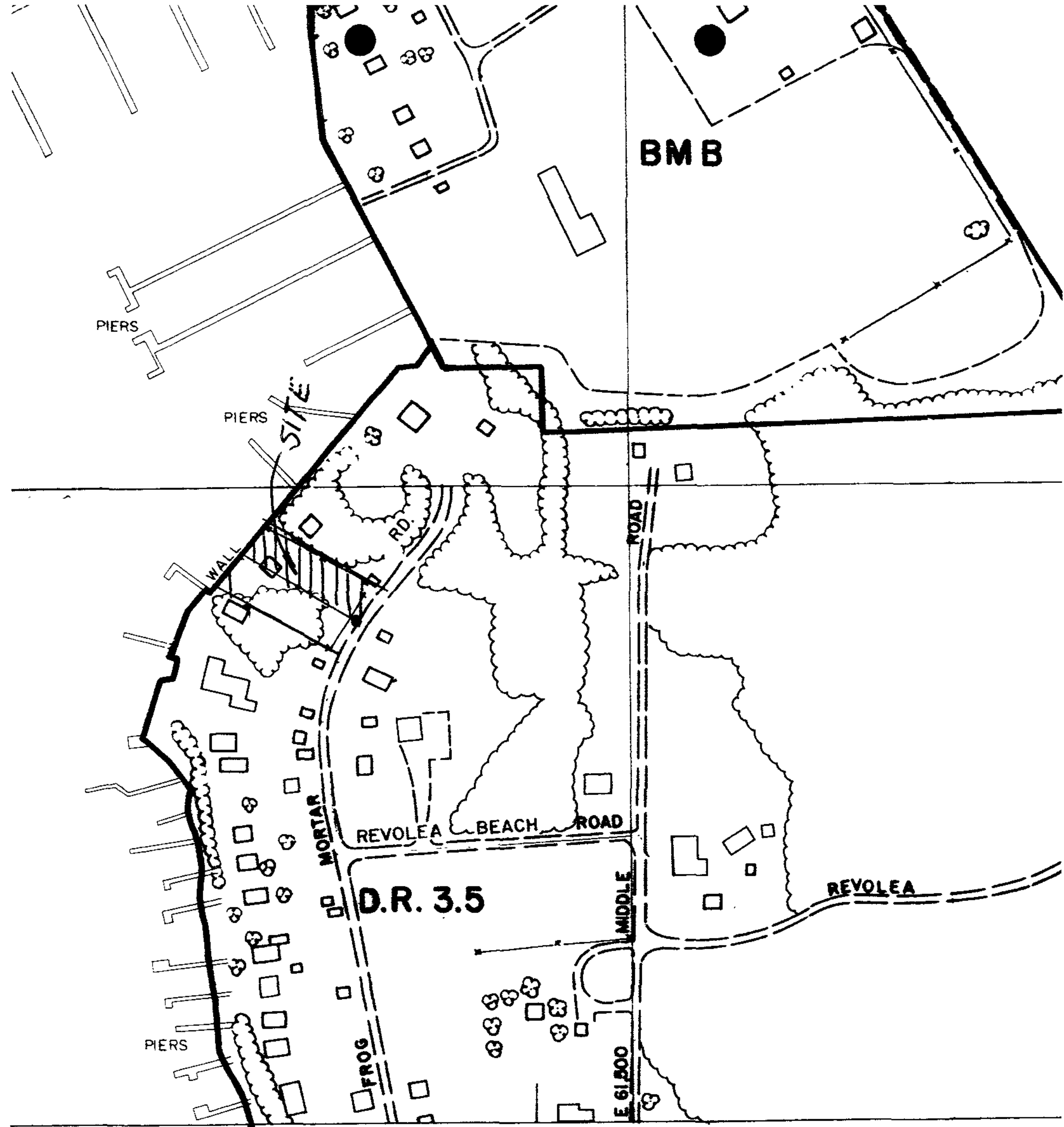
D. Bickingsley	601 CHARWOOD CT.	EDGEWOOD MD 21040
Bob Infussi	P.O. Box 1043	Bel Air, MD 21014
Steve Wolf	9124 Belair RD.	BALTO MD. 21236
DAN WOODEN	9124 Belair RD.	BALTO MD 21236



NOTES

1. ZONING.....DR 3.5 (NE 3-K1)
2. AREA...# 812..... 12,505 S.F. = 0.287 AC.
814.....12,810 S.F. = 0.294 AC.
3. SITE IS LOCATED IN THE CBCA AND IN A 100 YEAR FLOOD PLAIN (FLOOD ZONE A)
4. NO HISTORIC STRUCTURES EXIST
5. SITE IS SERVED BY PUBLIC WATER AND SEWER
6. NO PREVIOUS ZONING HISTORY
7. LOT LINE ADJUSTMENT APPROVED BY DRC
PENDING VARIANCE APPROVAL

**PLAT TO ACCOMPANY PETITION FOR VARIANCES
812 AND 814 FROG MORTAR ROAD
ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 50 FEET
JANUARY 6, 2005**



2000 COMPREHENSIVE ZONING MAP

ADOPTED by

THE BALTIMORE COUNTY COUNCIL

OCTOBER 10, 2000

Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00.

OF

ELECTED AREAS.
OGRAMMETRIC METHODS
RE, MD. 21210

Joseph Bartolotta
Chairman, County Council

NE 3-K