IN RE: PETITION FOR VARIANCE

W/S of E. Riverside avenue, 1216 ft. N

centerline of Bay Avenue

15th Election District

6th Councilmanic District

(1110 E. Riverside Avenue)

Patricia A. & Francis J. Engleman Petitioners \* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* FOR BALTIMORE COUNTY

\* CASE NO. 05-642-A

\* \* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Patricia A. and Francis J. Engleman. The Petitioners are requesting variance relief for property located at 1110 E. Riverside Avenue in the eastern area of Baltimore County. Variance relief is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.)(Chart), to permit side yard setbacks of 3 ft. and 8 ft. in lieu of 10 ft. and 25 ft. for a proposed dwelling.

The property was posted with Notice of Hearing on June 23, 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 June 23, 2005 to notify any interested persons of the scheduled hearing date.

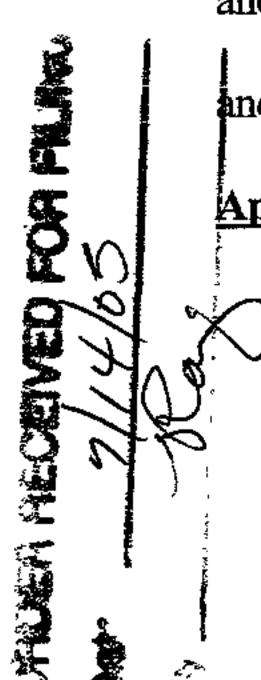
#### **Amended Petition**

The Petitioners amended their Petition to reduce the requested side yard setback from 3 ft. and sum of the side yard setback of 8 ft. originally requested to side yard setback of 6 ft. 8 in.

and sum of the side yard setback of 16 ft. 5 in.

#### Applicable Law

Section 307 of the B.C.Z.R. – Variances.



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

#### 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 June 10, 2005, stating that the Petitioners must comply with federal flood insurance requirements and county code requirements for this project, a copy of which is attached hereto and made a part hereof. In addition, a ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated June 28, 2005 stating that the Petitioners must comply with the Chesapeake Bay Critical Area Regulations, a copy of which is attached hereto and made a part hereof. Finally, the Office of Planning submitted ZAC comments dated July 6, 2005, a copy of which is attached hereto and made a part hereof. Thereafter the Planning Office submitted an amended comment dated July 13, 2005 which indicated that the Petitioners revised that site plan to match more closely the existing home footprint and other recommendations.

#### Interested Persons

Appearing at the hearing on behalf of the variance request were Patricia and Francis Engleman, the Petitioners. Mary Ann Umberger and Jo Ann Gilbert attended the hearing as interested citizens. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

#### Testimony and Evidence

This property is zoned DR 3.5 and is 13,056.00 sq. ft. in area. This is an oddly shaped waterfront lot known as Lot 76 of the "Back River Neck Park" subdivision which had been recorded in the Land Records of Baltimore County in 1936. The lot is 33 ft. across at Riverside Avenue and 66 ft. wide at the water edged. The Petitioners propose a new dwelling to replace the existing summer cottage now on the property. They noted that the existing 24 ft. x 48 ft. house was too small for their intended uses. Originally they proposed a one-story modular home which would have taken the side yard setback down to 3 ft. Now, however, they found a two-story A-frame house that will require only a 6 ft. 8 in. side yard setback and 16 ft. 5 in. sum of the side yard setback. This is the same side yard setback as the existing home.

The Protestants who are adjacent property owners originally objected to the request but after reviewing the amended Petition no longer are opposed.

#### Findings of Fact and Conclusions of Law

A FRANKS

I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. This is Lot 76 of the Back River Neck Park Subdivision, which was recorded among the Land Records of Baltimore County in 1936, much before the DR zoning regulations were imposed. Consequently, I find that the zoning regulations impact this property in a way different from those lots not on the water and created after the DR

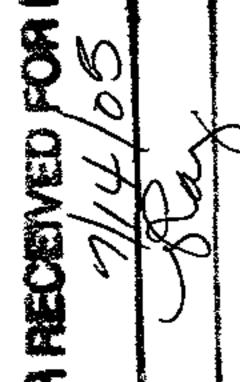
regulations were imposed and which is unique in a zoning sense. In addition, the lot is oddly shaped.

I find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is no land on either side of the lot for the Petitioner to acquire and avoid the variance requests. They would be unable to build a new home on site which would meet their needs. Furthermore, I find that these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The proposed building will be compatible with the neighborhood and especially the pattern of development of the adjoining lots. This will not change the pattern of development as there already is an existing home. The neighbors on adjacent properties no longer object.

Pursuant to the advertisement, posting of the property, and public hearing on the amended petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance requests should be granted.

THEREFORE, IT IS ORDERED, this <u>i</u> <u>4</u> day of July, 2005, by this Deputy Zoning Commissioner, that the Petitioners' amended request for variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.)(Chart), to permit a side yard setback of 6 ft. 8 in. and sum of the side yard setback of 16 ft. 5 in. in lieu of 10 ft. and 25 ft. for a proposed dwelling, 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 June 28, 2005, a copy of which is attached hereto and made a part hereof;
- 3. Compliance with the ZAC comments made by the Bureau of Development Plans Review dated June 10, 2005, a copy of which is attached hereto and made a part hereof;
- 4. Compliance with the ZAC comments made by the Office of Planning dated July 13, 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.

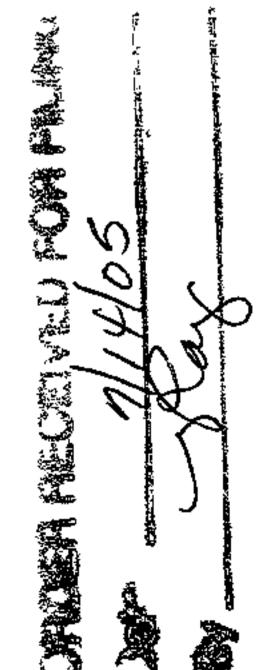
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



#### 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

July 14, 2005

Patricia & Francis Engleman 7835 Highpoint Road Baltimore, Maryland 21234

Re: Petition for Variance

Case No. 05-660 A

Property: 6705 Belair Road 11 10 Equeside Rd.

Dear Mr. & Mrs. Engleman:

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

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Mary Ann Umberger & Jo Ann Gilbert 1108 E. Riverside Avenue, Baltimore, MD 21221



#### 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

July 19, 2005

Patricia & Francis Engleman 7835 Highpoint Road Baltimore, Maryland 21234

> Re: Petition for Variance Case No. 05-642-A Property: 1110 E. Riverside Avenue

Dear Mr. & Mrs. Engleman:

It has been brought to our attention that the reference lines in our cover letter to you granting your variance was incorrect. Enclosed please find a corrected letter with the applicable case number and street address.

Please accept our apologies for any inconvenience this may have caused.

Very truly yours,

Robin Jameson, Secretary to

John V. Murphy, Deputy Zoning Commissioner

:raj Enclosure

c: Mary Ann Umberger & Jo Ann Gilbert 1108 E. Riverside Avenue, Baltimore, MD 21221



#### 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

July 14, 2005

Patricia & Francis Engleman 7835 Highpoint Road Baltimore, Maryland 21234

Re: Petition for Variance
Case No. 05-642-A
Property: 1110 E. Riverside Avenue

Dear Mr. & Mrs. Engleman:

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

John V. Murphy /xi

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Mary Ann Umberger & Jo Ann Gilbert 1108 E. Riverside Avenue, Baltimore, MD 21221





# Pétition for Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 1110 E. RIVERSIDE AUG which is presently zoned DR 3.5

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 patterned bereat bereat parties for a Veriopee from Section (a)
of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a pathereof, hereby petition for a Variance from Section(s)  1767, 3c, 1 CCAAZT TO PERMIT SIDE  SETBACKS OF SET. 58 FT. Lie Council OFT. 5 25 FT.
JOI JULY CON OF OFT. F 25 FT.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) WE WOULD LIKE TO MOVE TO 1110 E RIVERSIDE AVE THUS MAKING THIS OWN PERMANENT HOME THAT FEW YEARS, WE PLAN TO RETIRE. WE WANT TO PUT ANEW HOME ON THIS PROPERTY, THE EXISTING HOUSE IS VERY OLD. OUR PROPOSED PLANS WILL MAKE THE STRUCTURE CLOSER THAN TELESTING HOUSE IS VERY OLD. OUR PROPOSED PLANS WILL MAKE THE STRUCTURE CLOSER THAN TELESTING HOUSE WILL MES ON ONE OR BOTH SIDES—WE BOTH HAVE OSTEO ARTRITIS—BOTH of US HAVE HAD TOTAL TOINT REPLACEMENTS.

THE PLANNED HOUSE WILL MAKE IT POSSIBLE TO HAVE EASE OF ENTRY FOR BOTH OF US, NOW, & Property is to be posted and advertised as prescribed by the zoning regulations. AS WE A GE.

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:	Legal Owner(s):
Name - Type or Print	PATRICIA A. ENGLEMAN  Name - Type or Print  D. +
Signature	Signature Charles Signature
Address Telephone	
City State Zip (	Code Signature () ()
Attorney For Petitioner:	7835 HICHPOINT RD 4/0-661-4784 Address Telephone No.
Vamed Type or Print	City MARYLAND 2/234  State Zip Code
Signature	Representative to be Contacted:
Ownsomo:	PATRICIA ENGLEMAN  Name  7835 HIGHPOINT RD (1) 443 782 7021
Telephone	No. Address Telephone No.
State Zip C	Ode City MD State Zip Code
	OFFICE USE ONLY
Case No	ESTIMATED LENGTH OF HEARING
REV 9/15/98	iewed By Date Date

#### **Zoning Description**

ZONING DESCRIPTION	FOR 1110 E. Riverside	Avenue, Baltimore, MD 21 (address)	<u>221</u>
Beginning at a point on the	West (north, south, east	or west)	
E. Riverside Avenue	which is	<u>30°</u>	
(name of street on which pr	roperty fronts)	(number of feet of right-of	f-way width)
wide at the distance of	1216 ft. (number of feet)	North  (north, south, east or west	of the
centerline of the nearest im	proved intersecting stree	(name of street)	
which is 35 feet (number of feet e	of right-of-way width)	wide. *Being Lot #	76
Block, Section #	in the subdivision		>
	t. or 3/10 acre. Also kn	(name of subdivision	<u>4</u> ,
Baltimore, MD 21221			
and located in the 15	Election District,6	Councilmanic District.	

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: # 05-642-A

1110 E. Riverside Avenue W/side of East Riverside Avenue, 1,216 feet north of

Bay Avenue

15th Election District — 6th Councilmanic District
Legal Owner(s): Patricia A. & Francis J. Engleman
Variance: to permit sideyard setbacks of 3 feet and 8 feet
in lieu of 10 feet and 25 feet.
Hearing: Friday, July 8, 2005 at 2:00 p.m. in Room
407, County Courts Building, 401 Bosley Avenue,
Towson 21204.

WILLIAM J WISEMAN, III

WILLIAM J WISEMAN, ili
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.

56129

6/304 June 23

#### CERTIFICATE OF PUBLICATION

6 23 , $2005$
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 623 ,2005.
The Jeffersonian  Arbutus Times
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

BALTIMORE COUNTY, MA OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIVED	CE 140. Production	
DATE	ACCOUNT \$	
RECEIVED FROM:		
FOR:		
DISTRIBUTION  TABLET CASHIER PINK - AGENCY	YELLOW - CUSTOMER	CASHIER'S VALIDATION

## CERTIFICATE OF POSTING

	RE: Case No.: 05-642-A.
	Petitioner/Developer: PATRICIA
	+ FRANCIS J. ENGLEM
	Date of Hearing/Closing: JULY 8
eltimore County Department of crmits and Development Management sunty Office Building, Room 111  1 West Chesapeake Avenue woon, Maryland 21204	
TN: Kristen Matthews {(410) 887-3394}	<b>,</b>
dies and Gentlemen:	• •
ted conspicuously on the property located 1110 E. Rive	
sign(s) were posted on	JUNE 23, 2005
	(Month, Day, Year)
	Sincerely,
	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
and the second second of the second of t The second of the	
	1508 Leslie Road
	1508 Leslie Road  (Address)
	**************************************
	(Address)
	(Address)  Dundalk, Maryland 21222

PETITION FOR VARIANCE RE:

1110 East Riverside Avenue; W/side East

Riverside Avenue, 1216' N of Bay Avenue

15<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts

Legal Owner(s): Patricia & Patrick Engleman\*

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

\*05-642-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

People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204

(410) 887-2188

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10<sup>th</sup> day of June, 2005, a copy of the foregoing Entry of Appearance was mailed to, Patricia Engleman, 7835 Highpoint Road, Baltimroe, MD 21234, Petitioner(s).

RECEIVED

JUN 1-0 200

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





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

June 6, 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: 05-642-A

1110 E. Riverside Avenue

W/side of East Riverside Avenue, 1,216 feet north of Bay Avenue

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: Patricia A. & Francis J. Engleman

Variance to permit sideyard setbacks of 3 feet and 8 feet in lieu of 10 feet and 25 feet.

Hearing: Friday, July 8, 2005 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

TK:klm

Director

C: Patricia & Francis Engleman, 7835 Highpoint Road, Baltimore 21234

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JUNE 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.



TO: PATUXENT PUBLISHING COMPANY

Thursday, June 23, 2005 Issue - Jeffersonian

Please forward billing to:

Patricia & Francis Engleman 7835 Highpoint Road Baltimore, MD 21234 410-661-4784

#### **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: 05-642-A 1110 E. Riverside Avenue

W/side of East Riverside Avenue, 1,216 feet north of Bay Avenue

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: Patricia A. & Francis J. Engleman

Variance to permit sideyard setbacks of 3 feet and 8 feet in lieu of 10 feet and 25 feet.

Hearing: Friday, July 8, 2005 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

#### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:  Item Number or Case Number:	
Petitioner: PATRICOS & TRANCIS ENGIEMAN	
Address or Location: \\\( O \in \mathbb{R}_1 \alpha \alpha \alpha \in \alpha \a	
PLEASE FORWARD ADVERTISING BILL TO:  Name:	

# Department of Permits Development Management

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





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

June 27, 2005

Patricia A. Engleman Francis J. Engleman 7835 Highpoint Road Baltimore, Maryland 21234

Dear Mr. and Mrs. Engleman:

RE: Case Number: 05-642-A, 1110 E. Riverside Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 1, 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.

U. Callibrate D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



June 6, 2005

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

ATTENTION: Zoning Review Planners

Distribution Meeting of:

June 13, 2005

Item No,: 634, 635, 636, 637, 640, 642

Pursuant to your request, this Office has reviewed the referenced plan(s) 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 William F. Connolly, Jr. Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File



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

Maryland Department of Transportation

Date:

6-7.05

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

RE:

**Baltimore County** 

Item No. 642

JRA

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

J. J. Gredh

Engineering Access Permits Division

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** June 10, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Acting Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For June 20, 2005 Item No. 642

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 10.4.

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 in 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.

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

DAK:CEN:clw

cc: File

ZAC-ITEM NO 642-06102005.doc

#### ENVERONMENT ABBROTECTION SERESGURCEMANACEME TO: Tim Kotroco **PDM** John D. Oltman, Jr FROM: **DEPRM** DATE: June 28, 2005 # 05-642 SUBJECT: Zoning Item Address 1110 East Riverside Ave. (Engleman Property) Zoning Advisory Committee Meeting of June 16, 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).

#### Additional Comments:

1.) Impervious Surface area is limited to 25% of the lot are. Staff cannot support a larger house that shall cause the limit to be exceeded.

X Development of this property must comply with the Chesapeake Bay

Critical Area Regulations (Sections 26-436 through 26-461, and other

2.) Redevelopment of the lot must comply with the Buffer Management Area regulations.

Reviewer: Glenn Shaffer Date: June 28, 2005

Sections, of the Baltimore County Code).

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

**DATE:** July 6, 2005

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 1110 E. Riverside Avenue

INFORMATION:

Item Number:

5-642

Petitioner: Patricia and Francis Engleman

Zoning: DR 3.5

Requested Action: Variance

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning cannot support the petitioner's request to permit side yard setbacks of 3 feet and 8 feet in lieu of 10 feet and 25 feet respectively for the following reasons:

- 1. The plan drawing submitted with the petition for variance was found to be inaccurate after a field visit. Specifically, the house under construction (1112 E. Riverside Avenue) was shown incorrectly. Please reference the drawing submitted with ZAC 04-358 for a correct location. This relationship is important in evaluating the petition for variance. (Attached)
- 2. Dimensions of the proposed home and the lot (particularly lot width at the front and rear of the home) must also be provided.
- Repeated unsuccessful attempts were made to contact the petitioner at the phone numbers provided.

If said variance is approved, the Office of Planning requests that the petitioner submit four-sided architectural elevations for review and approval prior to the issuance of a building permit.

For further information concerning the matters stated herein, please contact David Pinning at 410-887-3480.

Prepared by:

Division Chiefy

Attachment AFK/LL: CM

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 13, 2005

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

1110 E. Riverside Avenue

INFORMATION:

Item Number:

5-642 Amended Comments

Petitioner:

Patricia and Francis Engleman

Zoning:

DR 3.5

Requested Action:

Variance

#### SUMMARY OF RECOMMENDATIONS:

David Pinning of the Office of Planning met with the petitioners after their hearing on July 8 and resolved the issues the Office of Planning had with the original submittal. The petitioners submitted a revised site plan, which shows the proposed house footprint being 28 feet wide and 46 feet long versus the existing house footprint of 24 feet wide and 48 feet long. The proposed house is being sited so that it is no closer to the water than the existing house, and no closer to closest neighbor than the existing house. The petitioner's proposed house will not adversely impact the other adjacent neighbor's house, currently under construction.

- 1. Four-sided architectural elevations must be provided to the Office of Planning for approval prior to the issuance of a building permit.
- 2. See the attached revised site plan.

For further information concerning the matters stated herein, please contact David Pinning at 410-887-3480.

Prepared by: Normal Jug 37

Division Chief:

Attachment AFK/LL: DZ

#### PLAT NORTH PROPERTY ADDRESS SUBDIVISION NAME PLAT BOOK #SM OWNER Bay Avenue Frank & Patricia Engleman ACCOM Back River Neck FOLIO # Subdivision Name Tax ID #1519321930 Deed Ref Lot 74 & 75 GREGORY K. PODHORNIAK Back River Neck Park Back River Waterfront ጀ 21419/193 Z E Riverside LOT # 76 30' Right of We POCHORNIAK GREGORY K Subdivision Name Lot 74 & 75 Dead Ref Tex ID #1518321830 Back River Neck Park 8 Park Riverside Avenue 21419/193 SECTION Avenue 99 \* ENGLEMAN FRANK & PATRICIA Tax ID # 1519074900 Lot 76 Subdivision Name Back River Neck Park Deed Ref 14789/306 15 terfront ø ទ 125 SEE PAGES 5 & 6 了 (n) TECONSIDER **1**8 **20NING** MODIFICA Deed Rey 13558/284 ₽ 3 Subdivision Name Tax ID #1506450171 MARYANN UMBERGER Back River Neck Park Shor Waterfron XIVARIANCE OF THE CHECKLIST FOR ADDITIONAL P 8" Water Main REVIEWED BY LOT SIZE HISTORIC PROPERTY/ CHESAPEAKE ELECTION DISTRICT COUNCILMANIC ZONING DR 3,5 PRIOR ZONING 1" = 200' SCALE 100 YEAR FLOOD PLAIN WATER SEWER SPEC LOCATION INFORMATION ACREAGE REQUIRED INFORMATION AREA 0 DISTRICT 6 MAP \* CINITY EARING TEN # USE MAP **HEARING** ONLY $\mathbf{Z}$

#### BALTIMORE COUNTY, MARYLAND

#### Inter-Office Memorandum

TO:

FILE

DATE: July 26, 2005

FROM:

John V. Murphy

Deputy Zoning Commissioner

SUBJECT: Re: Petition for Variance

Case No. 05-642-A

Property: 1110 E. Riverside Avenue

Mary Ann Umberger called to correct the lot number for her home on the plat to accompany and to indicate that she disapproves of the location of the Petitioners' survey stakes that locate the boundaries between Lots 76 and 77.

I thanked her for the corrected information shown on the plan, which I added to the file. I also told her that the Zoning Commissioner's Office has no jurisdiction to hear boundary disputes.

JVM:raj

From:

Roberta Jameson

To:

Murray, Curtis

Subject:

05-642-A - Hearing 7/8/05

I wasn't sure who to contact in your office for ZAC comments.

If this still goes to Mark can you let me know.

I need ZAC comments for the above-captioned case which is scheduled for hearing this Friday. The Petitioners are Patricia A. & Francis J. Engleman and they are requesting relief for property they own aT 1110 E. Riverside Avenue.

If you have comments can you please get a copy to me prior to the hearing.

Thanks.

Robin Zoning Commissioner's Office 7/6/05

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 05-642-4
DATE

# CITIZEN'S SIGN-IN SHEET

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CITY, S	BA174	\ \ \									
ADDRESS	Riverside me	<b>)</b>									
A	11086	) }									
NAME	MARCH FAM UMPIRGER	To Ann Gilbert									

PLEASE PRINT CLEARLY

CASE NUMBER 05-6 DATE

PETITIONER'S SIGN-IN SHEET

E- MAIL	4 GUEENMUTHEROP AOL								
Y, STATI									
ADDRESS	1835 HIGHPOINT RD								
NAME	PATRICIA ENGLEMAN								

# SPECIAL ADDITIONAL. FOR VARIANCE THE CHECKLIST ç NON INC FOR OMPANY PETITION 1110 E Riverside Avenue PLAT TO ACC

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INFORMATION

REGUIRED

SUBDIVISION NAME Back River Neck Park ADDRESS PROPERTY

SECTION % Engleman Lot # 76 Patricia PLAT BOOK #SM OWNER Frank

Back River Neck Park Deed Ref 21419/193 Tax ID #1519321930 Subdivision Name POSTOTION GREGORY K. Lot 74 & 75

Back River Waterfront Back filver Neck Park 21419/183 Tax ID #1519321930 Subdivision Name PODHORNAK GREGORY Lot 74 & 75 Deed Ref

RECONSIDE SEE PAGES

RAT

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Tex ID #1506450171 REMPOIF UMBERGER MARYANN FRANK & PATRICIA Tex ID # 1519074900 ENGLEMAN

Subdivision Name Back River Neck Park Deed Ref 14799/306 **Set 39** 

Beck River Neck Park Deed Ref 13558/284 Subdivision Name 9 2 2

Back River Weterfront

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Back River Waterfront

3

LOCATION INFORMATION

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CHESAPEAKE BAY CRITICAL AREA

HISTORIC PROPERTY/ 100 YEAR FLOOD

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PRIOR ZONING HEARING

OFFICE TRIANS ZONING REVIEWED BY

PREPARED BY

NORTH

The state of the Bay Avenue 1216'

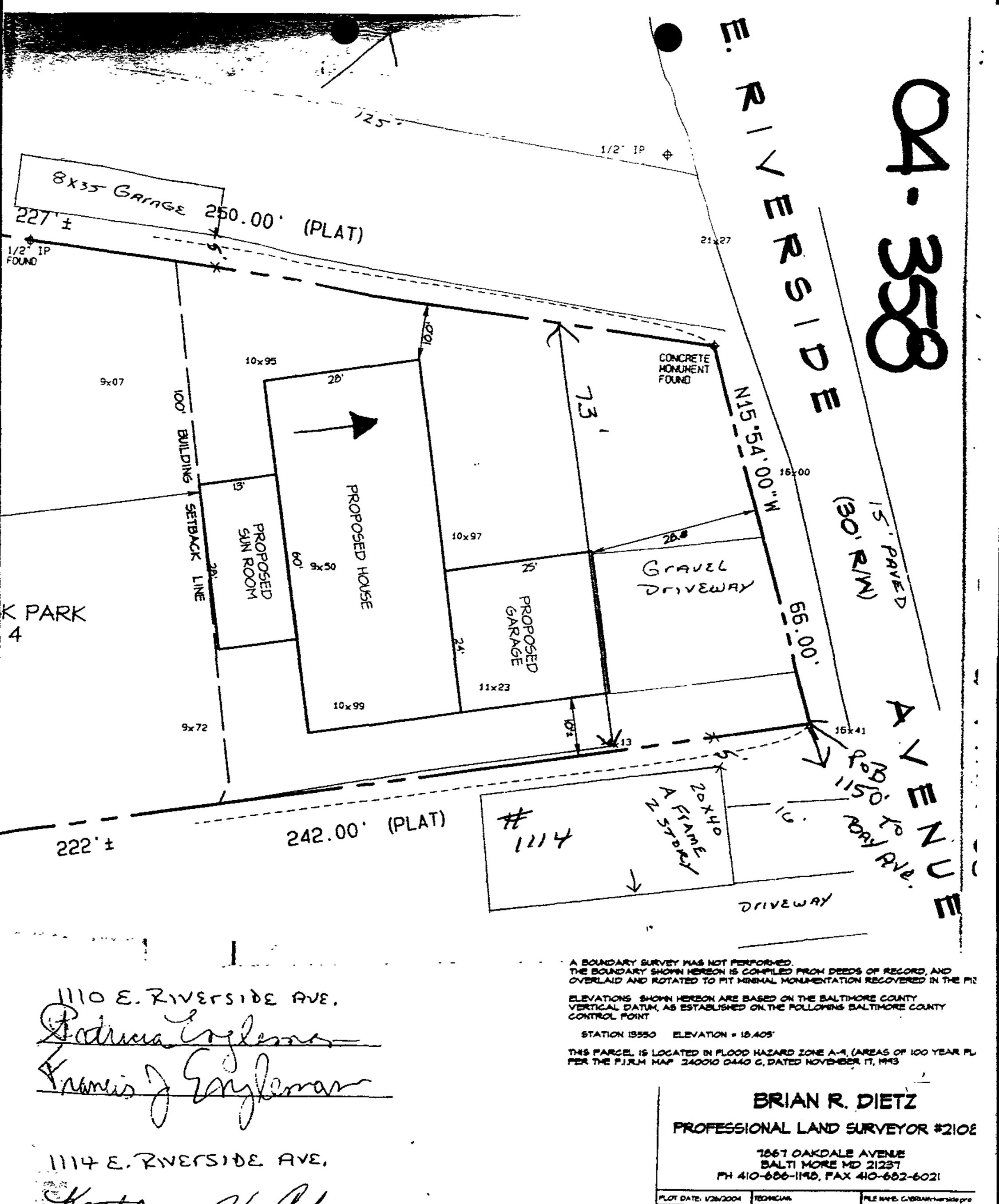
Riverside Avenue SO, RIGHT

O SCALE

DRAWING:

203

A.L. Maldond NORTH amon noisividens MCW HOOK #SM OWNER Day Avenue SS:INCL. 1210 #OLIO# Lot 74 & 75 ORIEGORY K. Subdivision Name Tay ID #1510321030 PODHICHNIAK Dead Ref Back Piver Nack Park man fiver waterwork 2 21419/193 Riversic 107 # 10 Nock TO PROMOTE TO Construction Under PODHORNIAK Gregory K. Subdivision Name Lot 74 & 75 Dead Ref 0861888191# Cli xaï Back River Neok Park 21419/193 Riverside Avenue SECTION Beck River Waterfront 120 3 Lot 76 Subdivision Name Tex ID # 1519074000 FRANK & PATRICIA Deed Ref engleman Back Alver Neck Park AND SE 5 14799/303 TELONS SHE PAGES 1108 NGT ZG The Book of MARIANNI NAVARANNI Deed Ref UMPENGER Lot 76 Subdivision Vismo Back Payer Neck Park W niver Waterfrom <del>ा</del> क्र 13550/204 1100 CATION MUNAMIANCE THE CHECKLIST 8" Water Main FOR **建设设计划设计设计设计设计设计设计设计设计设计设计设计设计** REVIEWED TAMOLLIGGY SNINO2 ELECTION DISTRICT COUNCIL MANIC CHESAPKAKE PRIOR ZONING HISTORIC PROPE Ö YEAR FLOOD PLAIN SONING SKWEN WATER CONTO D E E E E E SCALE REQUI ARE A CICINITY MAP Q A MULTINE # CIVIN ガイイノ MARING STRICT ACLIVATION N all timescaping and anomal anomal and a companies and a second ラグラ PUBLIC  $\geq$ Ü MOUNTAINFORMATION JULY MUD USE T 0 Under the second second second  $\leq$ CASE 🀠  $\Xi$ 



ZONING OFFICE USE ONLY WED BY ITEM # CAS REVIEWED BY . LTM 1758 1

CASE #

