

IN RE: PETITION FOR VARIANCE
SW/Side of Nanticoke Road, 147 ft. SE
of intersection of Middleborough Road
15th Election District
6th Councilmanic District
(2005 Middleborough Road)

Craig Bauer, *Legal Owner*
and

David Chmura, *Contract Purchaser*
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 06-005-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 owner of the subject property, Craig Bauer and David Chmura, contract purchaser.

The Petitioners are requesting variance relief for property located at 2005 Middleborough Road in the eastern area of Baltimore County. Variance relief is requested from Section 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a dwelling to be built on a lot containing less than 20,000 sq. ft. which does not abut on a right-of-way at least 30 ft. wide over which the public has an easement of travel and to approve an undersized lot.

The property was posted on August 10, 2005, 15 days prior to the hearing, which was scheduled for August 25, 2005, 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 August 9, 2005 to notify any interested persons of the scheduled hearing date. Only the Petitioners' representative appeared at the August 25, 2005 hearing.

However, due to comments from the Planning Office and the Bureau of Development Plans Review, the Petitioners requested a postponement to resolve the issues raised therein. Thereafter, the property was reposted on December 13, 2005 notifying the local public of the rescheduled hearing date.

ORDER RECEIVED FOR FILING

Date 1-4-06

By [Signature]

Applicable Law

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

“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 July 25, 2005 opposing the requested variances, a copy of which is attached hereto and made a part hereof. A revised comment from this Bureau was received dated December 21, 2005, which supported the Petition based upon a revised plan.

In addition, ZAC comments were received from the Department of Environmental Protection & Resource Management (DEPRM) dated August 3, 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, a ZAC comment was received from the Office of Planning dated August 24, 2005, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request was David Chmura, Petitioner and David Billingsley of Central Drafting & Design, Inc., the firm that prepared the site plan of the

property. No Protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

This property contains 8,354 sq. ft., is unimproved, wooded and zoned D.R. 3.5. Mr. Billingsley indicated that the property is composed of lots 676, 677 and 678 of the Middleborough Plat II, each of which are 25 feet wide which were recorded among the land records of the County in 1926. The Petitioners propose to erect a single family dwelling on these three (3) lots.

In the original plan, Petitioner's Exhibit 1, the access to Middleborough Road was to go through a 15 foot wide easement through lot 634, which is owned by Petitioner Bauer's brother. The reason for this extraordinary approach was to avoid paying for the full improvements to Nanticoke Road extended. Mr. Billingsley explained that this portion of Nanticoke Road had never been dedicated to the County and was a private paper road, which had never been improved in any way. Apparently, the County wanted the road improved a full 18 feet of paving with public water and sewer utilities in the roadbed. Mr. Billingsley indicated that the cost of such improvement would have been prohibitive. In response to the Petitioner's request for approval of the easement approach, the Bureau of Development Plans Review recommended strongly against granting the variances.

Apparently, the Petitioners and County continued negotiations after the initial postponement and eventually came to a compromise in which the Petitioner would pave a 10 foot wide private driveway from Middleborough Road to the subject property in the Petitioner's half of the bed of Nanticoke Road. Mr. Billingsley opined that based on his research abutting property owners along Nanticoke Road each own $\frac{1}{2}$ of the roadbed. The right-of-way is 30 feet wide so that the Petitioner and his brother, David Bauer owns 15 feet of roadbed on which the 10-foot wide driveway will be built. See Exhibit 2. Mr. Billingsley opined that the other property owners along this unimproved

portion of Nanticoke Road would be able to use the driveway built by the Petitioner as noted on Exhibit 2.

Finally, he indicated that he reviewed Exhibit 2 with the Planning Office, which initially opposed the original proposal, and they no longer objected to the new arrangement. A revised comment dated December 21, 2005 was received during the hearing from the Bureau of Development Plans Review, which indicated that they no longer opposed the Petitioners' requests.

In regard to the request to approve an undersized lot, Mr. Billingsley noted that DR 3.5 zoning requires lots of 10,000 sq. feet minimum and that the three (3) lots combined contain only 8,354 sq. feet. He indicated that there is no other property on any side of this property which can be acquired to remove the need for the area variance. Since the driveway from this property to Middleborough Road will still be on a paper street not dedicated to the County, the public will not have the right to travel on the roadway. Consequently, the variance for access, which does not comply with Section 102.4, is still needed. However, the property and proposed dwelling meet all other regulations.

Findings of Fact and Conclusions of Law

Apparently, the Petitioners' revised plan is now acceptable to the County. I have no reason to believe that rights of other owners along the remaining portion of this paper street, Nanticoke Road, will be adversely affected by this proposal which Mr. Billingsley indicates he researched thoroughly.

I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. These lots were created in 1926 many years before the DR regulations were imposed on the property. As such, I find that the DR regulations impact this property differently from those lots created after the DR regulations were imposed.

I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is no other property which the

Petitioners can acquire to satisfy the regulations. No dwelling could be erected on the property if it were not for the variance.

From the aerial zoning map in the file, the area seems to be essentially undeveloped. Presumably, this is because Nanticoke Road has never been extended as a public road. Therefore, I find that there will be no increase in residential density beyond that otherwise allowable by the Zoning Regulations as a result of granting these variances. Finally, 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. I see no adverse impact on the community and since the other property owners along this portion of Nanticoke Road will be able to use the new driveway without contribution, this may result in an improvement to the neighborhood. I find that the variance 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.

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 Petitioners, I find that the Petitioners' variance requests should be granted with conditions.

THEREFORE, IT IS ORDERED, this 4 day of January, 2006, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a dwelling to be built on a lot containing less than 20,000 sq. ft. which does not abut on a right-of-way at least 30 ft. wide over which the public has an

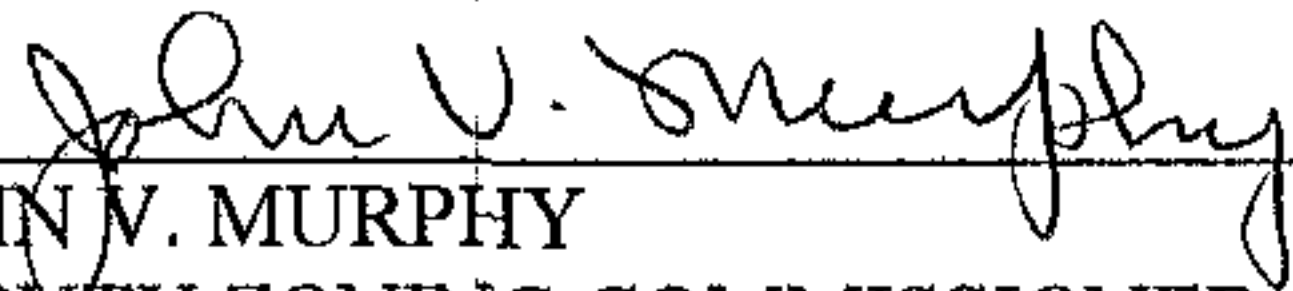
easement of travel and to approve an undersized lot, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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;

ORDER RECEIVED FOR FILING
Date 1-4-06
By [Signature]

2. Compliance with the ZAC comments submitted by DEPRM dated August 3, 2005, a copy of which is attached hereto and made a part hereof; and
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

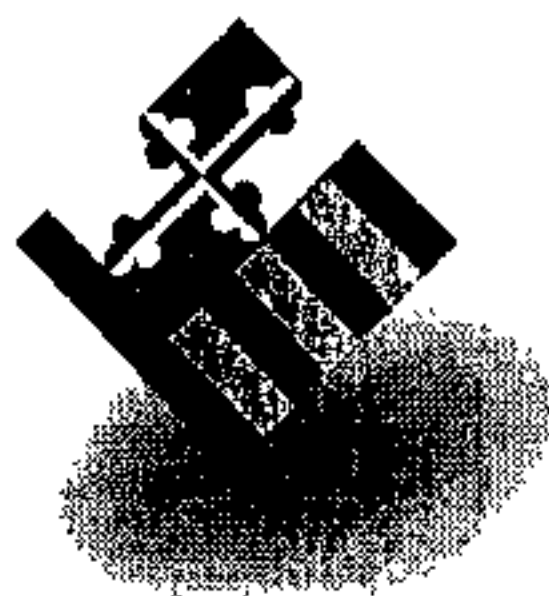
Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

ORDER RECEIVED FOR FILING
Date 1-11-06
By Debra Wiley



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 04, 2006

Craig Bauer
1 Troy Street
Edison, New Jersey 08820

Re: Petition for Variance
Case No. 06-005-A
Property: 2005 Middleborough Road

Dear Mr. Bauer:

Enclosed please find the decision rendered in the above-captioned case. The petition for Variance has been granted with conditions in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: David Chmura, 905 Tollgate Road, Belair, MD 21014
David Billingsley, Central Drafting & Design, 601 Charwood Court,
Edgewood, MD 21040
People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

CBCA

for the property located at 2005 MIDDLEBOROUGH ROAD
which is presently zoned OR 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)

102.4 (BCZR) TO PERMIT A DWELLING TO BE BUILT ON A LOT CONTAINING LESS THAN 20,000 SQ. FT. WHICH DOES NOT ABUT ON A RIGHT OF WAY AT LEAST 30 FEET WIDE OVER WHICH THE PUBLIC HAS AN EASEMENT OF TRAVEL AND FOR AN UNDERSIZED LOT.

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

TO APPROVE DWB

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:

DAVID CHMURA

Name - Type or Print

[Signature]

Signature

1335 LOCUST AVE (410) 836-9433

Address

Telephone No.

BEL AIR

MO.

21014

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

CRAIG BAUER

Name - Type or Print

[Signature]

Signature

Name - Type or Print

Signature

1 TROY STREET

Address

Telephone No.

EDISON

N.J.

08820

State

Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY

Name

601 CHARWOOD CT. (410) 679-8719

Address

Telephone No.

EDGEWOOD

MD.

21040

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 HR

UNAVAILABLE FOR HEARING

Reviewed By JL

Date 6/30/05

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 7-4-06

By [Signature]

REASONS FOR VARIANCE REQUEST

2005 MIDDLEBOROUGH ROAD

The petitioner was given the subject property by his mother in 1993. and now wishes to convey it as a building site. The area of the property is 8,354 square feet, however, since the 30 foot wide right-of-way shown as Nanticoke Road has not been improved, the petitioner actually has right and title to the center of the right-of-way, therefore, the area of the lot should be considered as 9,479 square feet. Additional property is not available to increase the lot area to the 10,000 square foot minimum. All other area requirements can be met.

Short of attempting a road closing, the petitioner has no means of providing access to a public road other than an easement to Middleborough Road through an adjacent property owned by his brother.

**DESCRIPTION TO ACCOMPANY PETITION
FOR ZONING VARIANCE**

2005 MIDDLEBOROUGH ROAD

Beginning at a point on the west side of Nanticoke Road (unimproved 30 feet wide) distant 147 feet southeasterly from the point formed by the intersection of the south side of Middleborough Road (50 feet wide) with the extension of the west side of Nanticoke Road, thence being all of Lots 676, 677 and 678 as shown on the plat entitled Middleborough recorded among the Baltimore County plat records in Plat Book 8 Folio 47. Containing 8354 square feet or 0.192 acre of land, more or less.

Being known as 2005 Middleborough Road. Located in the 15th Election District, 6th Councilmanic District of Baltimore County, Maryland.



BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

No. JK 440730

005

DATE

6/30/05

ACCOUNT

001 006 6150

AMOUNT \$

130.00

RECEIVED

FROM:

Central Dry Cleaning

FOR:

RT+Insurance Co.

7005 Montpelier Rd

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

BUSINESS ACTION TIME

6/30/05 6/30/05 10:54:25

ED 4501 441010 10:54:25

RECEIPT # 241000 6/30/2005 10:54

5 533 JEROME VERIFICATION

IN 101 74473

Receipt Tot \$130.00

\$130.00 IN \$1.00 IN

Baltimore County, Maryland

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: #08-006-A

2005 Middleborough Road

S/west side of Nantlooke Road, 147 feet s/east of the intersection of Middleborough Road

15th Election District-6th Councilmanic District

Legal Owner(s): Craig Bauer

Contract Purchaser: David Chmura

Variance: to permit a dwelling to be built on a lot containing less than 20,000 square feet which does not abut on a right-of-way at least 30 feet wide over which the public has an easement of travel and to approve an undersized lot.

Hearing: Thursday, August 25, 2005 at 11:00 a.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 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.

JT/8/634 Aug. 8 62066

CERTIFICATE OF PUBLICATION

8/10/2005

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 8/9/2005.

- ☒ 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: 06-005-A

Petitioner/Developer: DAVID
CHMURA

Date Of Hearing/Closing: 8/25/05

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 2005 MIDDLEBOROUGH RD.

This sign(s) were posted on August 10, 2005
(Month, Day, Year)

Sincerely,

Martin Ogle 8/10/05
(Signature of sign Poster and Date)

Martin Ogle

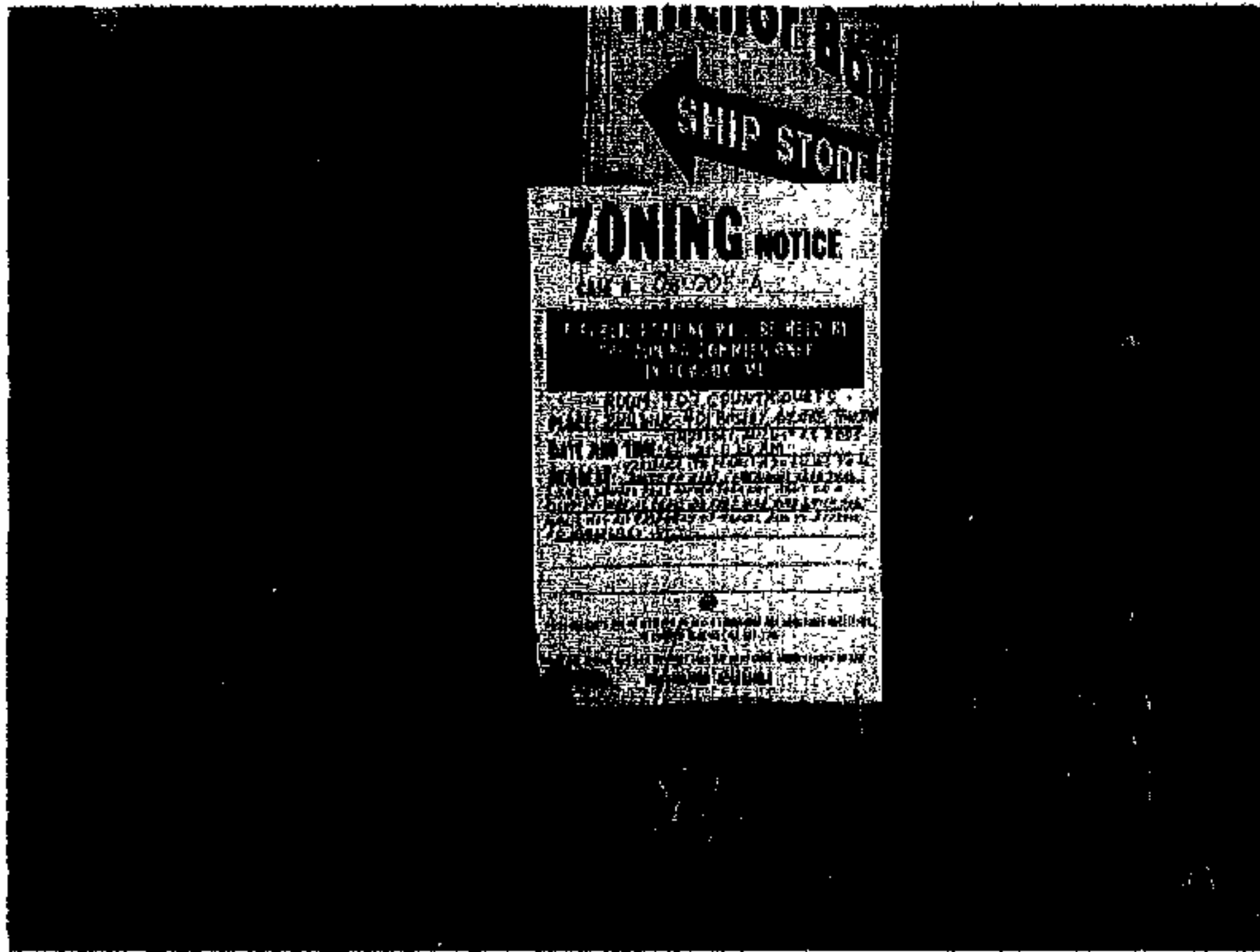
Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



My sister of 8/10/05

R

*Case postponed at
request of Petitioner*

*✓ OK
M
8/29/05*

CERTIFICATE OF POSTING

RE: Case No: 06-005-A

Petitioner/Developer: DAVID
CHAMRA

Date Of Hearing/Closing: 12/28/05

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

RECEIVED

DEC 1 2005

ZONING COMMISSIONER

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 2005 MIDDLEBOROUGH RD.

This sign(s) were posted on December 13, 2005
(Month, Day, Year)

Sincerely,

Martin Ogle 12/13/05
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

im000461 (576x432x24b jpeg)



negative 12/13/05

RE: PETITION FOR VARIANCE * BEFORE THE
2005 Middleborough Road; SW/side Naticoke *
Road, 147' SE Middleborough Rd * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Craig Bauer * FOR
Contract Purchaser(s): David Chmura *
Petitioner(s) * BALTIMORE COUNTY
* 06-05-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 18th day of July, 2005, a copy of the foregoing Entry of Appearance was mailed to, David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED

JUL 18 2005

Per.....

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 9, 2005 Issue - Jeffersonian

Please forward billing to:
David Chmura
1335 Locust Avenue
Bel Air, MD 21014

410-836-9433

NOTICE OF ZONING HEARING

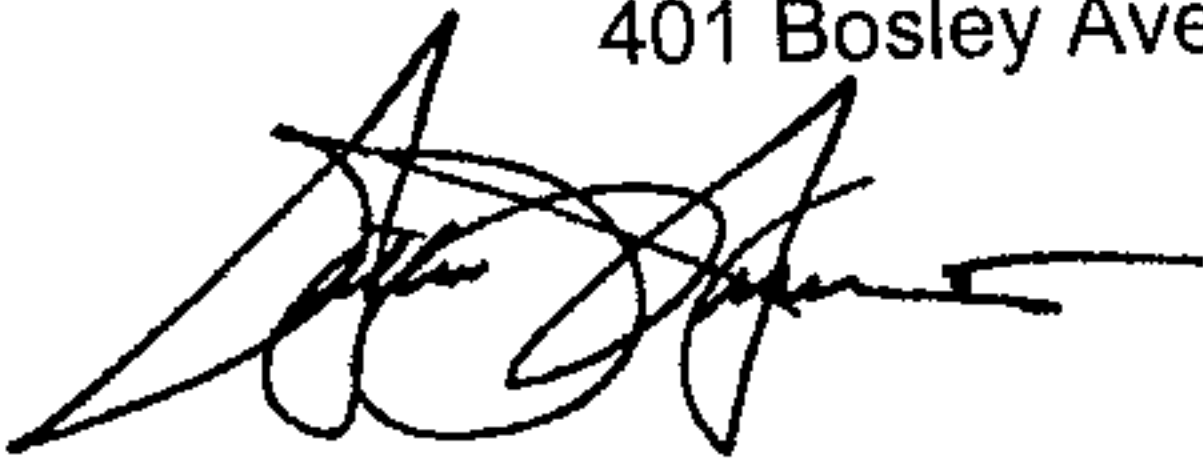
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-005-A

2005 Middleborough Road
S/west side of Nanticoke Road, 147 feet s/east of the intersection of Middleborough Road
15th Election District – 6th Councilmanic District
Legal Owner: Craig Bauer
Contract Purchaser: David Chmura

Variance to permit a dwelling to be built on a lot containing less than 20,000 square feet which does not abut on a right-of-way at least 30 feet wide over which the public has an easement of travel and to approve an undersized lot.

Hearing: Thursday, August 25, 2005 at 11:00 a.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**

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

July 13, 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: 06-005-A

2005 Middleborough Road
S/west side of Nanticoke Road, 147 feet s/east of the intersection of Middleborough Road
15th Election District – 6th Councilmanic District
Legal Owner: Craig Bauer
Contract Purchaser: David Chmura

Variance to permit a dwelling to be built on a lot containing less than 20,000 square feet which does not abut on a right-of-way at least 30 feet wide over which the public has an easement of travel and to approve an undersized lot.

Hearing: Thursday, August 25, 2005 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Craig Bauer, 1 Troy Street, Edison N.J., 08820
David Chmura, 1335 Locust Avenue, Bel Air 21014
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 10, 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: _____

06 005 A

Petitioner: DAVID CHMURA

Address or Location: 2005 MIDDLEBOROUGH ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVID CHMURA

Address: 1335 LOCUST AVE

BEL AIR MD 21014

Telephone Number: (410) 836-9433

**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*

August 15, 2005

Craig Bauer
1 Troy Street
Edison, New Jersey 08820

Dear Mr. Bauer:

RE: Case Number: 06-005-A, 2005 Middleborough Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 30, 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 written in a cursive style with a large, stylized "W" and "C".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
David Chmura 1335 Locust Avenue Belair 21014
David Billingsley Central Drafting & Design 601 Charwood Court Edgewood 21040

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

July 14, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: July 18,, 2005

Item No.: 002, 004, 005, 009, 010, 012

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.

3. 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.

Acting Lieutenant David S. Heath
Fire Marshal's Office
(O) 410-887-4881
MS-1102F

cc: File

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For July 25, 2005
Item No. 005

DATE: July 25, 2005

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

Nanticoke Road shall be improved with an 18-foot paved section.

Water and sewer shall also be extended to this property.

Minimum of 5-foot right-of-way widening along the property frontage shall be dedicated to the county at no cost.

We strongly recommend against granting this variance.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 005-07252005.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

RECEIVED

DEC 29 2005

ZONING COMMISSIONER

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

FROM: ^{DAK} Dennis A. Kennedy, Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 28, 2005
Item No. 005

DATE: December 21, 2005

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

The revised plan dated November 30, 2005 is acceptable. We take no exception to granting the requested variance.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 005-07252005.doc

gm
8/25

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: Bruce Seeley
DATE: August 3, 2005

RECEIVED

AUG - 3 2005

ZONING COMMISSIONER

SUBJECT: Zoning Item # 005
Address 2005 Middle Borough Rd
Bauer Property

Zoning Advisory Committee Meeting of 6-18-05

☐ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

☒ 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 33-3-101 through 33-3-120 of the Baltimore County Code).

☐ Development of this property must comply with the Forest Conservation Regulations (Section 33-6-101 through 33-6-122 of the Baltimore County Code).

☒ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: Patricia Farr

Date: August 3, 2005

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 24, 2005

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

RECEIVED

AUG 24 2005

SUBJECT: 2005 Middleborough Road

INFORMATION:

Item Number: 6-005

Petitioner: Craig Bauer

Zoning: DR 3.5

Requested Action: Variance

ZONING COMMISSIONER

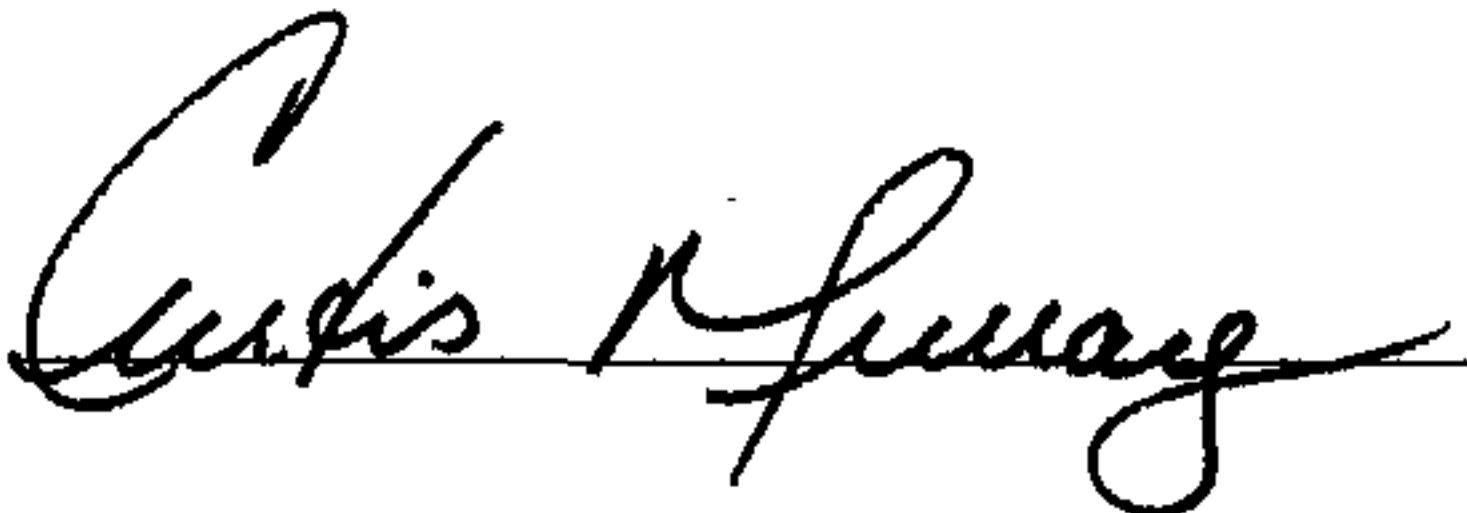
SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

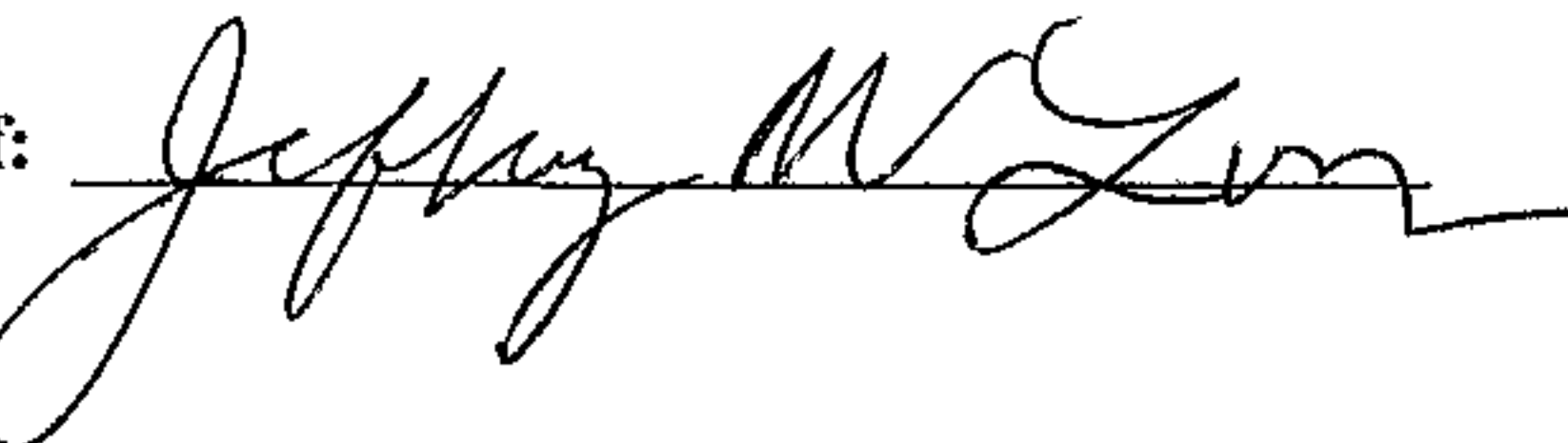
1. Use Nanticoke Road for Ingress/Egress. The Office of Planning does not support the use of a 15-foot easement through the adjacent property.
2. The applicant shall improve Nanticoke Road with 18 feet of paving and utilities subject to the standards of Baltimore County Department of Public Works. The petitioner may be required to dedicate a portion of the Nanticoke Right of Way to Baltimore County as part of any future highway widening.

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

Prepared by:



Division Chief:



AFK/LL: CM

PALK TO OP 6/30/05

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning & Community Conservation
Attention: Jeffrey Long
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204

Permit or Case No. 06 005 A

Residential Processing Fee Paid
(\$50.00)

FROM: Arnold Jablon, Director
Department of Permits & Development Management

Accepted by JK
Date 6/30/05

RE: Undersized Lots

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

DAVID CHUMURA 1335 LOCUST AVE BEL AIR, MD 21014 (410) 836-9433
Print Name of Applicant Address Telephone Number

Lot Address 2005 MIDDLEBOROUGH RD Election District 15 Councilmanic District 6 Square Feet 8354

Lot Location: N E S W side/corner of NANTICKE ROAD 147 feet from N E S W corner of MIDDLEBOROUGH RD.
(street) (street)

Land Owner: CRAIG BAUER Tax Account Number 2000003844

Address: 1 TROY STREET EDISON, N.J. 08820 Telephone Number ()

CHECKLIST OF MATERIALS- (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!
PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	☒	☐
2. Permit Application	☐	☒
3. Site Plan Property (3 copies)	☒	☐
4. Building Elevation Drawings	☒	☐
5. Photographs (please label all photos clearly) Adjoining Buildings	☒	☐
Surrounding Neighborhood	☒	☐
6. Current Zoning Classification: <u>DR 3.5</u>		

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

☐ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the application to conform with the following recommendations

Signed by _____
for the Director, Office of Planning and Community Conservation

Date _____

Revised 2/05/02

**SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A
BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2**



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

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

Maryland Department of Transportation

Date: 7.15.05

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

RE: Baltimore County
Item No. 005

JLL

Dear Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief
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

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

November 17, 2005

Mr. Craig Bauer
1 Troy Street
Edison, New Jersey 08820

Re: Petition for Variance
Case No. 06-005-A
Property: 2005 Middleborough Road

Dear Mr. Bauer:

This letter is to confirm that the above-captioned matter, which was scheduled for a public hearing on August 25, 2005, was postponed at your request. This matter has now been rescheduled for Wednesday, December 28, 2005 at 9:00 a.m. in Room 407 of the County Courts Building. The property must be duly posted 15 days prior to that date (December 13th) to give public notice of the hearing; however, it will not be necessary to re-advertise the property.

In the meantime, should anyone have any questions on the subject, please do not hesitate to contact me.

Very truly yours,

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw

c: David Chmura, 1335 Locust Avenue, Belair, MD 21014
David Billingsley, Central Drafting & Design, 601 Charwood Court,
Edgewood, MD 21040
People's Counsel; Office of Planning

Visit the County's Website at



Printed on Recycled Paper

Post-it® Fax Note	7671	Date	# of pages ▶
To	Kristen	From	Debbie
Co./Dept.	F41	Co.	
Phone #	Casa	Phone #	06-005-A
Fax #		Fax #	

***** ACTIVITY REPORT *****

TRANSMISSION OK

TX/RX NO.	5250
CONNECTION TEL	5708
CONNECTION ID	
START TIME	11/18 13:11
USAGE TIME	00'38
PAGES	1
RESULT	OK

PLEASE PRINT CLEARLY

CASE NUMBER 06-005-A

DATE 12/28/05

PETITIONER'S SIGN-IN SHEET

[illegible]

CASE NAME 2005 MIDDLEBOROUGH
CASE NUMBER 06-005-A
DATE 8/25/05

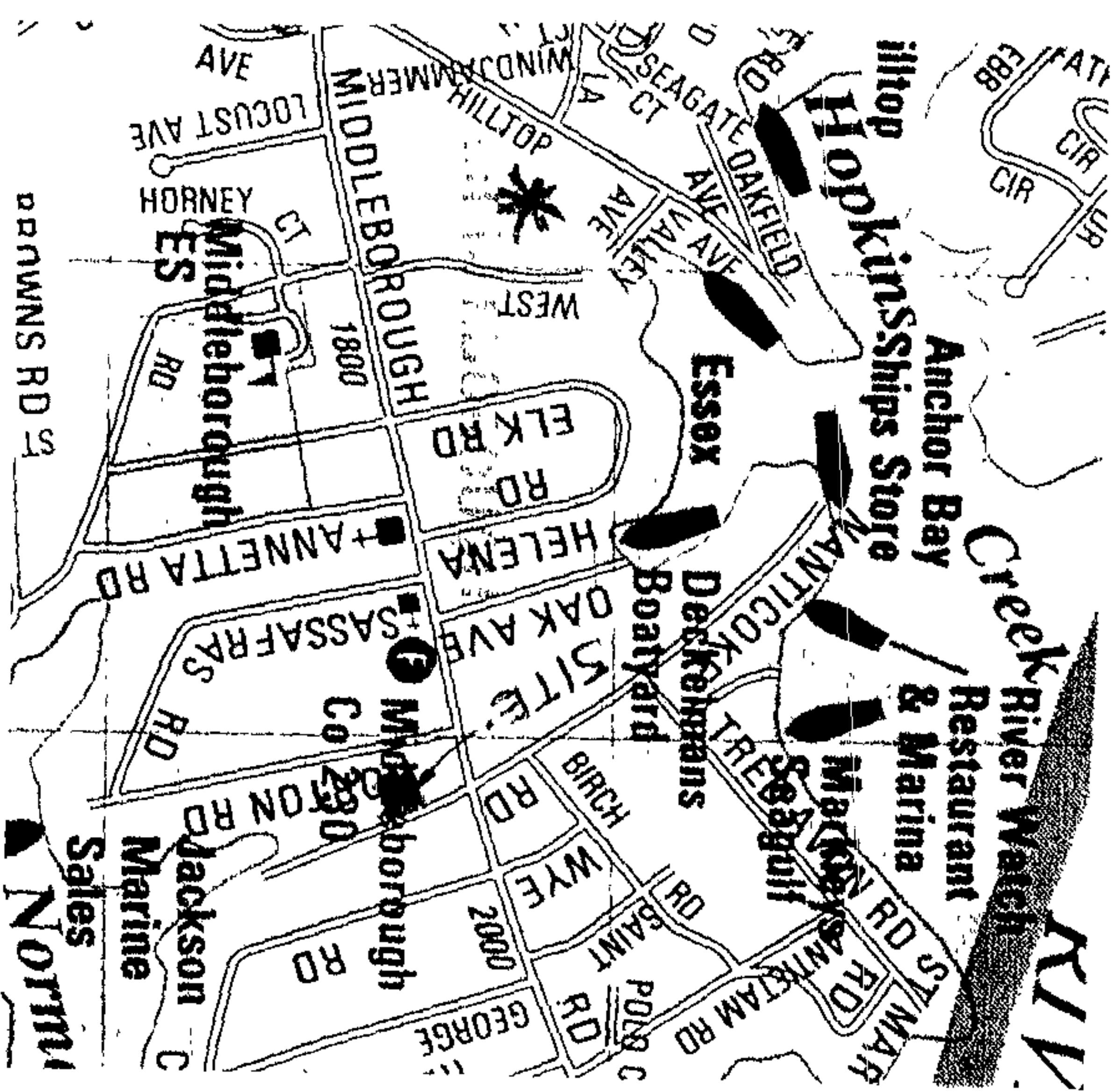
PETITIONER'S SIGN-IN SHEET

[illegible]



005

OWNER
CRAIG BAUER
1 TROY STREET
EDISON, N.J. 08820
ACCT. NO. 2000003844



VICINITY MAP

SCALE: 1" = 1000'

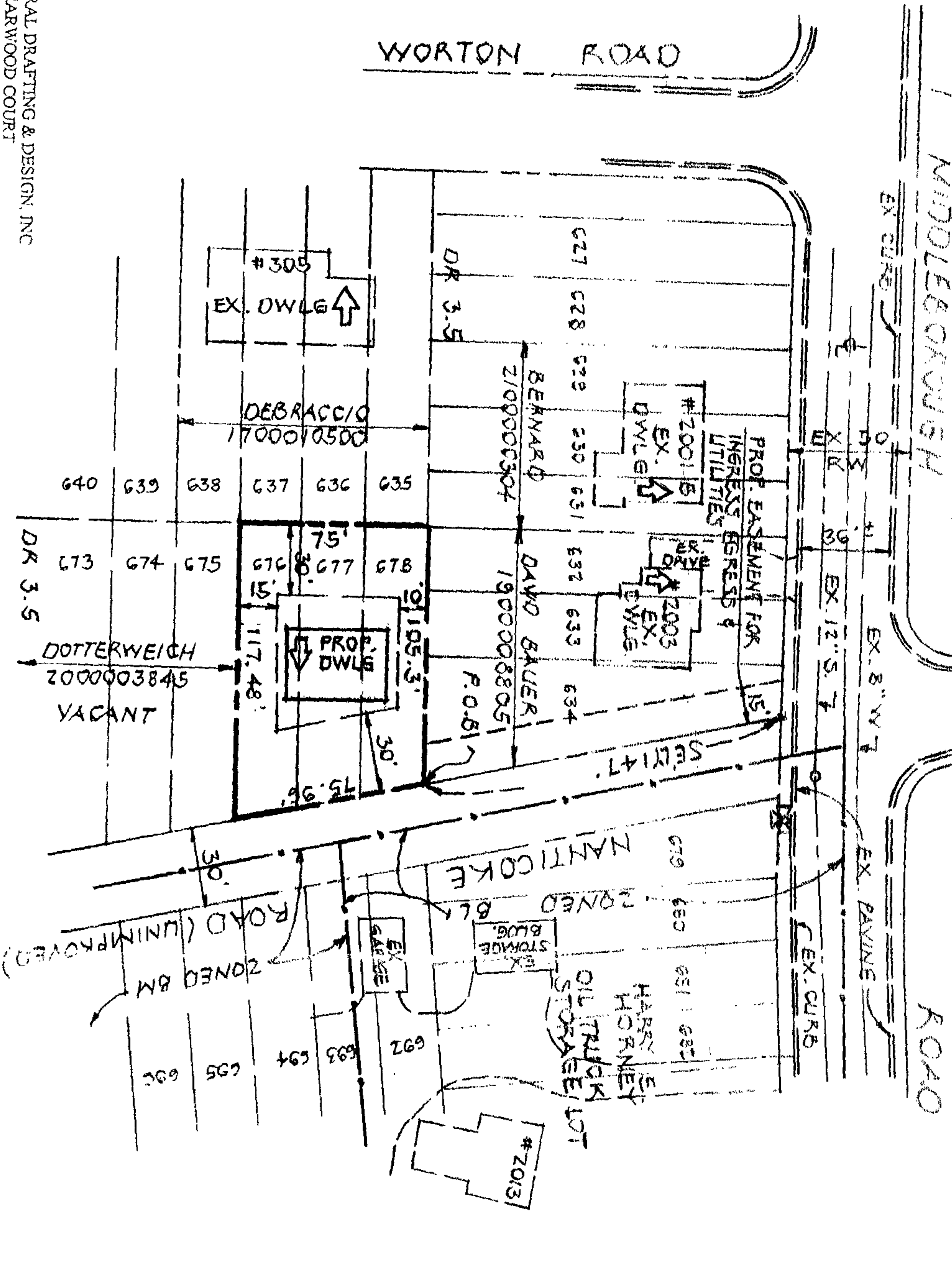
NOTE: THE PROPERTY SHOWN HEREON HAS BEEN OWNED BY CRAIG BAUER SINCE 1993. DURING THAT TIME, NO ADJACENT PROPERTY HAS BEEN OWNED BY HIM. THERE HAS NOT BEEN ANY ADJACENT OWNERSHIP WITH ADJACENT LOTS FOR THE PAST 6+ YEARS.

- NOTES:
1. ZONING.....DR 3.5 (MAP 097C1)
 2. LOT AREA.....8,354 S.F. = 0.192 ACRE
 3. NO PREVIOUS ZONING HISTORY
 4. NO HISTORIC BUILDINGS OR ARCHEOLOGICAL SITES EXIST
 5. SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
 6. SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN
 7. PUBLIC WATER AND SEWER IS AVAILABLE

#06-005-4

PLAT TO ACCOMPANY PETITION FOR VARIANCE

2005 MIDDLEBOROUGH ROAD
LOTS 676-679 MIDDLEBOROUGH P.B. 8 F. 47
ELECTION DISTRICT 15C6 BALTO. CO., MD.
SCALE: 1 INCH = 50 FEET MARCH 2, 2005



IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Bangert Street, 700 ft. W
Centerline of Winkler Street
11th Election District
5th Councilmanic District
(5208 Bangert Street)

Madeline M. & Carrick L. Hopson
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-006-A

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner as a Motion for Reconsideration filed by the Office of People's Counsel. The Petitioners originally filed an administrative variance for property located at 5208 Bangert Street in the eastern area of Baltimore County. The relief was requested from Section 1B02.3.C.1 (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 5 ft. side setback and sum of 20 ft. in lieu of 15 ft. and sum of 40 ft. to build an addition for an attached in-law apartment granted by approved Declaration of Understanding.

WHEREAS, on September 1, 2005, the Office of People's Counsel has filed a timely Motion for Reconsideration of this Deputy Zoning Commissioner's Order dated August 4, 2005. Within their Motion, the Office of People's Counsel argued that an "in-law apartment" in a DR 2 zone which involves density issues should have been treated as a petition for special hearing under B.C.Z.R. 500.7 with notice and a public hearing and therefore dismissed.

WHEREAS on September 6, 2005 the Petitioner filed a response opposing Peoples Counsel's Motion which indicated that the sign and notice to the public was drafted by the Zoning Office and that she has recorded certain information in the land records of the County to the effect that the variance was for an "in-law apartment" giving notice to the public that the living facilities in the addition were temporary and would be removed upon her parents no longer living at this location.

12-14-05
By [Signature]
Date

WHEREAS, on September 26, 2005, the Deputy Zoning Commissioner forwarded the Office of People's Counsel correspondence to address the Zoning Office's interpretation of the regulations that in-law quarters can be granted administratively without public hearing and special hearing since they are temporary uses similar to temporary signs and the like and therefore, they do not affect density. To assure these arrangements are in fact temporary, the Zoning Office requires the applicant to execute and file a Declaration of Understanding with that office pledging that when the in-law no longer lives on the subject property, the property will be restored and kitchens in particular will be removed. However, if for any reason the applicant will not agree to remove the kitchen at the end of the in-law use of the property, the Zoning Office would require the applicant to file for a special hearing to allow the continued use.

WHEREAS, the Petitioner has recorded the Declaration of Understanding in the land records at Liber 22267 folio 072 as shown by the attached.

Finding of Fact and Conclusion of Law

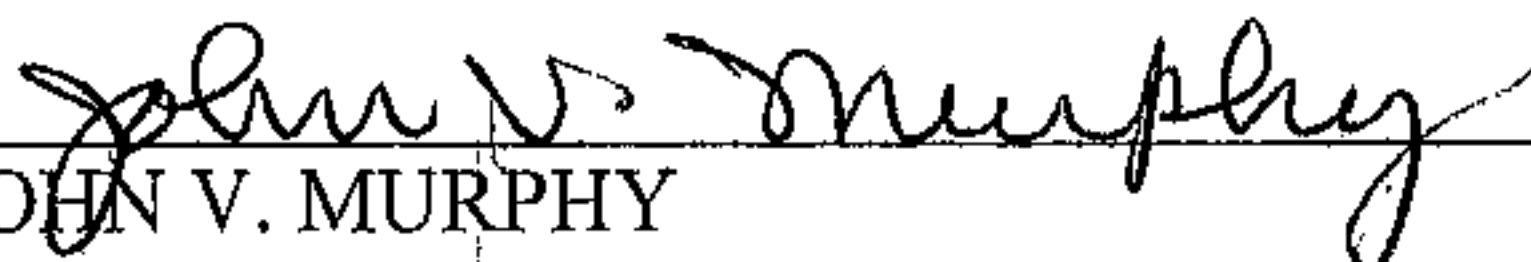
People's Counsel Motion requested that issues involving "in-law" apartments have a special hearing. The Zoning Office interprets its regulations to allow the Department to grant "in-law" apartments administratively and only in certain situations would a special hearing be required. I understand that these offices have agreed to disagree about the proper procedure for these cases but have agreed in this case only to require the Petitioner to record the restriction for the requested "in-law" apartment in the land records of the County. This will give notice to prospective purchasers of the Petitioner's home the temporary nature of the in-law facilities and that the apartment is not to be rented under any circumstances. The Petitioner has presented proof of such recording in the land records, and I find that the spirit and intent of both agencies' position in this matter has been satisfied by such filing. People's Counsel's Motion is then moot.

ORDER RECEIVED FOR FILING
Date 12-14-05
By [Signature]

THEREFORE, IT IS ORDERED, this 14 day of December, 2005, by this Deputy Zoning Commissioner, that Peoples Counsel's Motion for Reconsideration is hereby DENIED as moot and no special hearing shall be required.

IT IS FURTHER ORDERED that all of the terms and conditions set forth in the Order issued August 4, 2005 shall remain in full force and effect; and,

Any appeal of this decision shall be made within thirty days of the date of this Order.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

ORDER RECEIVED FOR FILING
Date 12-14-05
By Dan W. [unclear]