IN RE: **PETITION FOR VARIANCE** W/S E. Riverside Avenue, 35' N of the c/l Bay Avenue **(1154 E. Riverside Avenue)** 15th Election District 6th Council District Edward Alan Southworth and Ann Yvonne Rose, Petitioners	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 06-113-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Edward Alan Southworth and Ann Yvonne Rose. The Petitioners seek relief from Sections 1B02.3.A.5 and 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 70 feet, and side setbacks of 5'8" and 5'1" or 10'9" total in lieu of the minimum required 10' and 25' total, for a proposed dwelling. The subject property and requested relief are more particularly described on the site plan submitted with the Petition and marked into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Edward Southworth and Ann Rose, property owners, and Bernadette Moskunas, with Site Rite Surveying, Inc., the consultants who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property is a rectangular shaped waterfront parcel located with frontage on Back River and the west side of East Riverside Avenue, just north of Bay Avenue in Essex. The property contains a gross area of 14,010 sq.ft. (0.322 acres), more or less, zoned D.R.3.5, and is presently unimproved. The property is also known as Lot 52 of Back River Neck Park, an older subdivision that was platted and recorded in the Land Records in 1921, well prior to the effective date of zoning regulations in Baltimore County. As is often the case with older subdivisions, the subject lot does not meet current area and/or width requirements. In this instance, the lot is approximately 50 feet wide and ranges in depth from 302 feet on the north side to 320 feet on the south

ORDER RECEIVED FOR FILING
Date 11/2/05
By

side, for a gross area of 14,010 sq.ft. The D.R.3.5 regulations require a minimum area of 10,000 sq.ft. and a minimum width of 70 feet. Moreover, minimum side yard setbacks of 10 feet each, and 25 feet total are required. Thus, although the lot meets the minimum area requirements, the width of the property is deficient.

The Petitioners have owned the property since 1999 and are desirous of developing it with a single-family dwelling; however, given the narrow width of the lot, the requested variance relief is necessary. As shown on the site plan, the proposed dwelling will be 36' by 63' in dimension and feature a covered porch on the rear and an attached garage in the front, with driveway access leading into the site from Riverside Avenue. Due to the narrow width of the lot, the proposed dwelling will provide setbacks of as little as 5'8" on the south and 5'1" on the north. An average front setback of 38 feet from Riverside Avenue will be provided, given the setback of other dwellings in the vicinity. In this regard, the house on the adjacent property to the south is setback 31 feet from the road, while the house to the north is located 177 feet from the road. This staggered effect assures a 40-foot distance between the existing and proposed dwellings.

In support of the proposal, the Petitioners submitted photographs of the property and adjacent lots, as well as the County's GIS Map which show that most of the houses were built on 50-foot wide lots. Moreover, testimony indicated that the proposed dwelling would be similar in design and scale with other homes in the community.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. It is clear that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship for the Petitioners and prevent use of the property for a permitted purpose. The fact that this subdivision was recorded many years ago is persuasive. Moreover, there were no adverse comments submitted by any County reviewing agency and the proposal is consistent with the pattern of development in the neighborhood. Thus, I find that the relief requested is appropriate and that there will be no detrimental impact to adjacent properties or surrounding locale. However, as a condition of approval, the Office of Planning has requested that building elevation drawings of the proposed dwelling be submitted for their review and approval prior to the issuance of any permits to assure

ORDER RECEIVED FOR FILING
Date 11/2/15
By

compatibility with existing houses in the neighborhood. Moreover, due to the property's waterfront location and its location within a floodplain, the proposed construction shall comply with Chesapeake Bay Critical Areas regulations and Federal Flood Insurance requirements as set forth in the attached comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) and the Development Plans Review Division.

Pursuant to the advertisement, posting of the property and public hearing on this Petition 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 2nd day of November 2005 that the Petition for Variance seeking relief from Sections 1B02.3.A.5 and 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 70 feet, and side setbacks of 5'8" and 5'1" or 10'9" total in lieu of the minimum required 10' and 25' total, for a proposed dwelling, 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 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 Bureau of Development Plans Review relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations for the protection of water quality, streams, wetlands and floodplains. Copies of those comments have been attached hereto and are made a part hereof.

3) The Petitioners shall submit building elevation drawings of the proposed dwelling to the Office of Planning for review and approval prior to the issuance of any permits.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 11/2/05
By

BALTIMORE COUNTY
MARYLAND

November 3, 2005

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. Edward Alan Southworth
Ms. Ann Yvonne Rose
2606 Bayside Drive
Baltimore, Maryland 21221-1721

RE: **PETITION FOR VARIANCE**
W/S E. Riverside Avenue, 35' N of the c/l Bay Avenue
(1154 E. Riverside Avenue)
15th Election District – 6th Council District
Edward Alan Southworth & Ann Yvonne Rose - Petitioners
Case No. 06-113-A

Dear Mr. Southworth & Ms. Rose:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has 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: Ms. Bernadette Moskunas, Site Rite Surveying, Inc.
200 E. Joppa Road, Suite 101, Towson, Md. 21286
Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Development Plans Review, DPDM; DEPRM; People's Counsel; Case File

Petition for Variance

to the Zoning Commissioner of Baltimore County

CBCA

for the property located at 1154 E. Riverside Avenue

which is presently zoned D.R.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) [redacted], [redacted], (BCZR)

To permit a lot width of 50' and side setbacks of 5.8' and 5.1' totaling 10.9' in lieu of the required 70' and minimum 10', totaling 25', respectively.

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

1. Lot recorded on a recorded plat since 1921
2. Does not own any adjacent property.
3. House would be too narrow to hold sideyard setback.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

EDWARD ALAN SOUTHWORTH

Name - Type or Print

Signature

Ann Yvonne Rose

Name - Type or Print

Ann Yvonne Rose

Signature

2606 Bayside Drive (410) 218-3153

Address Telephone No.

Baltimore MD 21221-1721

City State Zip Code

Representative to be Contacted:

Site Rite Surveying, Inc.

Name

200 E. Joppa Road, Suite 101 (410) 828-9060

Address Telephone No.

Towson MD 21286

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 8/24/05

ORDER RECEIVED FOR FILING
Date 11/8/05
By

Case No. 06-113-A

RE: 9/15/98

11/8/05

Further Discussions with OP — Area Planning Comment. They are relying on Petition

ZONING DESCRIPTION
#1154 E. RIVERSIDE AVENUE

BEGINNING at a point on the west side of E. Riverside Avenue which is 30 feet wide at the distance of 35 feet north of the centerline of Bay Avenue which is 35 feet wide, as recorded in Deed Liber 14104, folio 456 and running thence and binding along the west side of E. Riverside Avenue N09°22'00"E, 50 feet; thence S88°06'00"W, in all 302 feet; thence S31°44'00"W, 50 feet; thence N89°25'30"E, in all 320 feet to the Point of Beginning containing 13,450 S.F. ±. Also known as #1154 E. Riverside Avenue and located in the 15th Election District, 6th Councilmanic District.

Michael V. Moskunas
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road, Suite 101
Towson MD 21286
(410) 828-9060

06-113-A

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: #06-113-A
1154 W. Riverside Avenue
W/side of East Riverside Avenue,. 35 feet north of centerline of Bay Drive
15th Election District
6th Councilmanic District
Legal Owner(s): Edward Alan Southworth & Ann Yvonne Rose
Variance: to permit a lot width of 50 feet and side setbacks of 5.8 feet and 5.1 feet totaling 10.9 feet in lieu of the required 70 feet and minimum 10 feet, totaling 25 feet respectively.
Hearing: Tuesday, October 18, 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/10/612 Oct. 4 69702

CERTIFICATE OF PUBLICATION

10/6/, 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 10/4/, 2005.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 449401

DATE 8/24/05 ACCOUNT 001006-6150

AMOUNT $ 65.00

RECEIVED FROM: SITERITE SURVEYING

FOR: ITEM #113 06-113-A

1154 E. RIVERSIDE AVE. BY D THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS DATE	RECEIPT DATE	TIME	REF.
8/24/2005	8/24/2005	12:19:54	2

ITEM 1004 WALKER DEV. FEE
DESCRIPT # 32567 8/24/2005 OTHR
REF: 5 STD ZONING VERIFICATION
R NO. 449401
Recpt Tot $65.00
$100 CK $100.00 CA
$100.00 CU
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-113-A

Petitioner/Developer: SOUTHWORTH & ROSS

Date of Hearing/Closing: 10-18-05

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: **Christen Matthews**

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 propery located at

1154 W. RIVERSIDE AVE.

The sign(s) were posted on Sept. Oct. 30, 2005
(Month, Day, Year)

Sincerely,

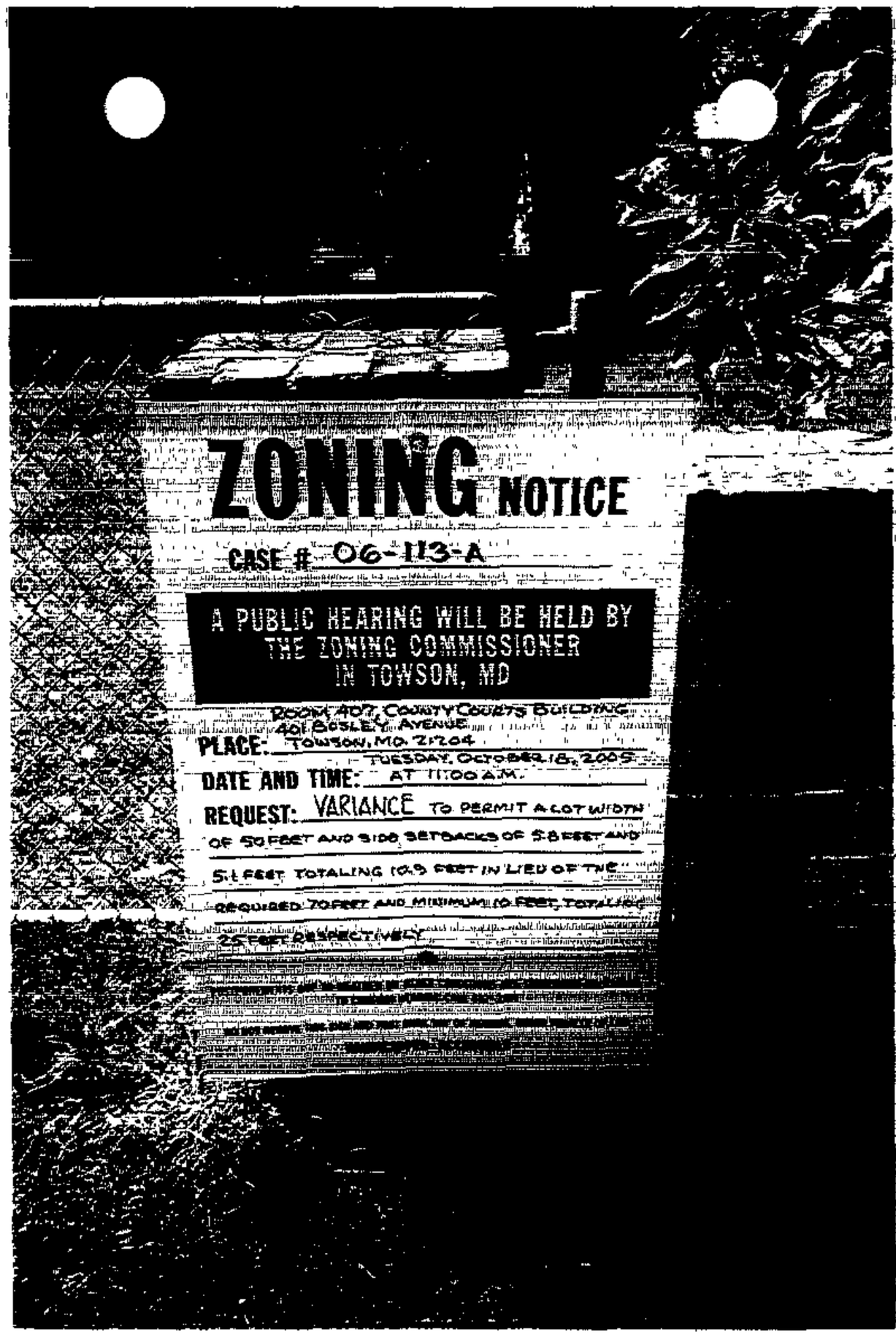
Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)



RECEIVED
OCT 3
BY
DEVELOPMENT

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: 06-113-A

Petitioner: Ed Southworth + Ann Rose

Address or Location: 1154 Riverside Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Ed Southworth

Address: 2606 Bayside Drive
Baltimore, MD 21221

Telephone Number: 410 218-3153

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

September 9, 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: 06-113-A
1154 W. Riverside Avenue
W/side of East Riverside Avenue, 35 feet north of centerline of Bay Drive
15th Election District – 6th Councilmanic District
Legal Owners: Edward Alan Southworth & Ann Yvonne Rose

Variance to permit a lot width of 50 feet and side setbacks of 5.8 feet and 5.1 feet totaling 10.9 feet in lieu of the required 70 feet and minimum 10 feet, totaling 25 feet respectively.

Hearing: Tuesday, October 18, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Mr. Southworth & Ms. Rose, 2606 Bayside Drive, Baltimore 21221-1721
Site Rite Surveying, Inc., 200 E. Joppa Rd., Ste. 101, Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, OCTOBER 3, 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
Tuesday, October 4, 2005 Issue - Jeffersonian

Please forward billing to:
Ed Southworth
2606 Bayside Drive
Baltimore, MD 21221

410-218-3153

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: 06-113-A
1154 W. Riverside Avenue
W/side of East Riverside Avenue, 35 feet north of centerline of Bay Drive
15th Election District – 6th Councilmanic District
Legal Owners: Edward Alan Southworth & Ann Yvonne Rose

Variance to permit a lot width of 50 feet and side setbacks of 5.8 feet and 5.1 feet totaling 10.9 feet in lieu of the required 70 feet and minimum 10 feet, totaling 25 feet respectively.

Hearing: Tuesday, October 18, 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

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

Baltimore County

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

October 17, 2005

Edward Southworth
Ann Yvonne Rose
2606 Bayside Drive
Baltimore, Maryland 21221

Dear Mr. Southworth:

RE: Case Number: 06-113-A, 1154 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 August 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Site Rite Surveying, Inc. 200 E. Joppa Road Ste. 101 Towson 21286

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

RECEIVED
OCT 17 2005
ZONING COMMISSIONER

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

DATE: September 6, 2005
Revised October 17, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For September 12, 2005
Item No. 113

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 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

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

The building engineer shall require a permit for this project.

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

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

ORDER RECEIVED FOR FILING
Date 11/2/05
By

DAK:CEN:clw
cc: File
ZAC-ITEM NO 113-09062005.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 6, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For September 12, 2005
Item No. 113

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 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

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

The building engineer shall require a permit for this project.

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

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

DAK:CEN:clw
cc: File
ZAC-ITEM NO 113-09062005.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 19, 2005

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

See Revised

SUBJECT: 1154 E. Riverside Avenue

INFORMATION:

Item Number: 6-113

Petitioner: Edward Southworth & Ann Rose

Zoning: DR 3.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:
The Office of Planning does not oppose the petitioner's request provided the applicant provides architectural elevations to the Office of Planning prior to the issuance of a building permit and the house footprint shall be redesigned to provide for a 10 foot setback on both sides.

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

Prepared by: Curtis Murray

Division Chief: Lyn Lanham

AFK/LL: CM

W:\DEVREV\ZAC\6-113.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 20, 2005

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

SUBJECT: 1154 E. Riverside Avenue

INFORMATION:

Item Number: 6-113 ***(revised comment)***

Petitioner: Edward Southworth & Ann Rose

Zoning: DR 3.5

Requested Action: Variance

RECEIVED
OCT 26 2005
ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:
The Office of Planning does not oppose the petitioner's request provided the applicant provides architectural elevations to the Office of Planning prior to the issuance of a building permit for review and approval.

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

Prepared by: Curtis Murray

Division Chief: Lynn Lanham

AFK/LL: CM

W:\DEVREV\ZAC\6-113revised doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco

FROM: R. Bruce Seeley

DATE: October 14, 2005

SUBJECT: Zoning Item # 06-113
Address 1154 E. Riverside Ave.
Southworth Property

Zoning Advisory Committee Meeting of September 6, 2005

__X__ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

__X__ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-100 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

LDA regulations must be met in developing this lot. Impervious surface area is limited to 25% of the lot's area above mean high water, and 15% tree cover must be met and maintained onsite. Furthermore, the proposed construction must be made outside of the 100 foot shoreline buffer.

Reviewer: Glenn Shaffer Date: September 1, 2005

S:\Devcoord\ZAC06-113.doc

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

September 1, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: **September 12**, 2005

Item# **6-105-a,6-108-A,6-109-SPH,6-111-A,6-112-A,6-113-A,6-114-SPH,6-115-A**

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

cc: File

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

SHA
State Highway Administration
Driven to Excel

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

Maryland Department of Transportation

Date: 8·30·05

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

RE: Baltimore County
Item No. 113 DT

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,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

RE:	PETITION FOR VARIANCE 1154 E. Riverside Avenue; W/side East Riverside Avenue, 35' N c/line Bay Avenue* 15th Election & 6th Councilmanic Districts Legal Owner(s): Edward Alan Southworth & Ann Yvone Rose Petitioner(s)	* * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 06-113-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 30th day of August, 2005, a copy of the foregoing Entry of Appearance was mailed to, Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286, Representative for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
AUG 30 2005
Per.....

Case No.: 06-113 A

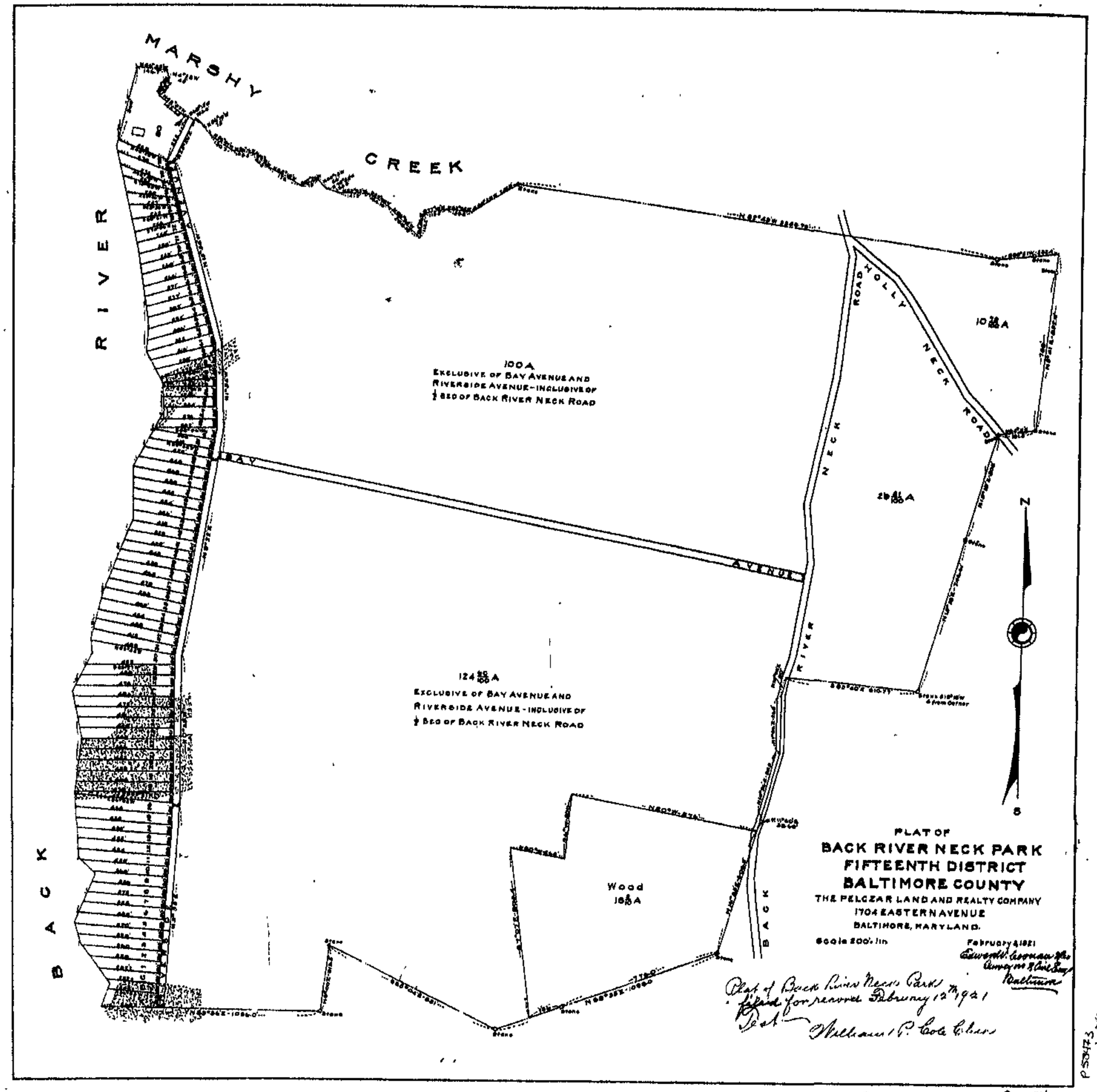
Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	Site PLAN	
No. 2	SUB DIVISION PLAT BACK RIVER NECK PARK	
No. 3	GIS MAP	
No. 4	PHOTO Graphs Of neighborhood showing - Home Positions	
No. 5	SANITARY PLAT - Showing 19 Homes on 50' Wide Lot } Compatible with area	
No. 6	Architectural Rendering	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

#4

PETITIONER'S

EXHIBIT NO. 4



Petitioners No 2

#2

25

BALTIMORE COUNTY
MARYLAND

Department of Public Works
Bureau of Engineering
& Construction
GIS Services Section

Topo Map for
Tax Map 104 Parcel 226
15-20-001550

#3

Coordinate System:
Maryland State Plane:
NAD83/91 Horizontal Datum
Elevations in Feet:
NAVD88 Vertical Datum

Date of Data Capture: March 1995

Scale of Data Capture: 1" = 100'
Date of Aerial
Photography: March 2002

For internal use only.
The cadastral information on this plot was compiled from existing deed information.
This information is not to be considered authoritative.
This survey information was not field checked and certified by a licensed land surveyor.

Prepared By:
Suzi Hale, EAIII
Bureau of Engineering
& Construction
GIS Servies Section
July 18, 2005

Petitioners 3

Zoning Map
#1154 E. Riverside Avenue
Baltimore County, MD
Variance Petition

PETITIONER'S

EXHIBIT NO. 4

*2 "B"

08/16/05

34" D"

08/16/05

#7 ~~要~~ H

08/16-05

8 U 1 C

08/16/05

9"G"

08/16/05

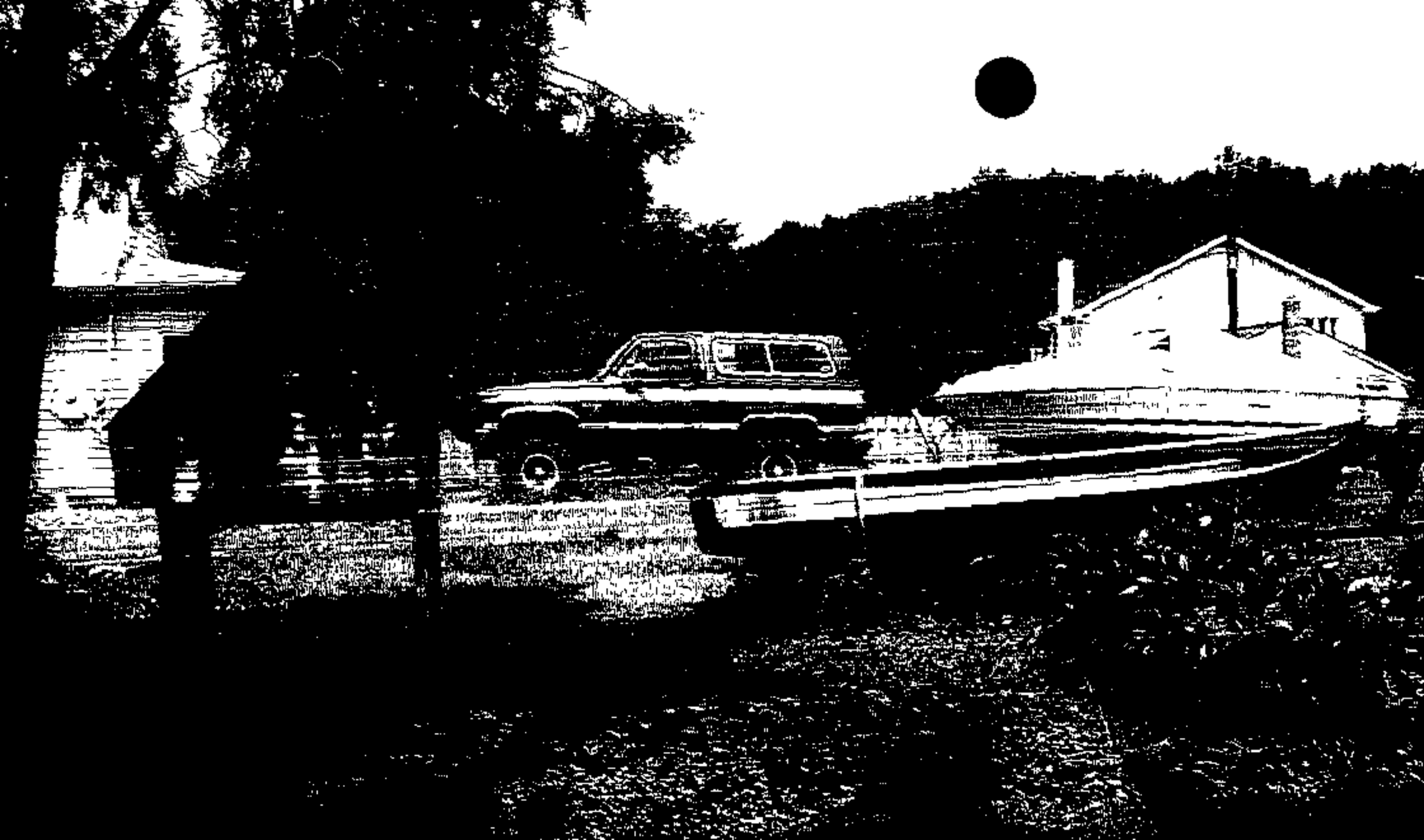
10 "K"

08/16/05

#11 "L"

[illegible]

08/16/05



#12 "M"

08/16/05

#13 4 N 4

08/16/05

#15 "P"

08/15/95

BACK RIVER

(BODY OF WATER)

S 31°44' W
50.00'

N 89°25'50" E
45.00

S 89°06' W
38.00

EX. BULKHEAD

50 & 51

52

53

54

49

ZONE A9
ZONE B

ZONE A9
ZONE B

ZONE B
ZONE C

ZONE B
ZONE C

PATRICIA CASSEDY
151971400
16856412

RICHARD & KATHLEEN KENDRICK
150367073 2
6755/168

#1152
EXISTING
DWELLING

#1150
EXISTING
DWELLING

ROBERT & CAROLYN JEFFERSON
151100120
6070/116

S 89°06' W
224.00

N 89°25'50" E
224.00

#1158
EXISTING
DWELLING

COVERED PORCH

#1154
PROPOSED
DWELLING

2 GARAGE

COVERED PORCH

PROPOSED DRIVEWAY

PROPOSED HIGHWAY WIDENING

177±

31±

122±

30' BRL

N 89°25'50" E
30.00'

P.O.B. 35' NORTH OF BAY AVENUE

#1156
EXISTING
DWELLING

3' SAN DWG. 1998-1518

8" W DWG. 69-0480

RIVERSIDE

BAY AVENUE

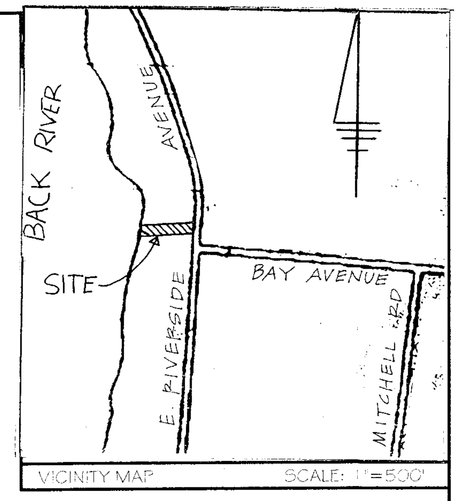
AVENUE

16' EX. PAV.

30' R/W

35' R/W

Michael V. Moskowitz
8/18/05



GENERAL NOTES

1. EXISTING ZONING: DR 3.5
2. LOT AREA: TOTAL: 14,010 S.F.± : 0.322 AC±
   AREA IN WATER: 1,551 S.F.±
3. EXISTING USE: VACANT
4. PROPOSED USE: SINGLE FAMILY DWELLING
5. PRIOR ZONING HEARINGS: NONE
6. LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
7. NOT LOCATED IN A HISTORIC AREA
8. LOCATED IN A 100 YEAR FLOOD PLAIN AREA
   COMMUNITY PANEL NO: 2400 10-0440C &
   2400 10-0445C ZONE: AE, B & C
9. ADDITIONAL DWELLINGS WITHIN 200' ARE SETBACK
   AN AVERAGE OF 130' FROM THE RIGHT OF WAY
10. PUBLIC WATER AND SEWER AVAILABLE

ALLOWED IMPERVIOUS
4,010 S.F. x 25% = 3,502 S.F.
PROPOSED IMPERVIOUS
2,170 S.F.
HOUSE = 1,183 S.F.
PORCHES = 148 S.F.
CONCRETE WALK 39 S.F.
DRIVEWAY = 750 S.F.
COVERAGE = 17%

LEGEND

WATER VALVE	EASEMENT LINE
SANITARY SEWER MANHOLE	WATER LINE
CLEAN OUT	SEWER LINE
FIRE HYDRANT	EDGE OF PAVEMENT
#12 PICTURE NUMBERS	PROPERTY LINE
	FLOOD ZONE LINE

OWNER
EDWARD SOUTHWORTH & ANN ROSE
2606 BAYSIDE DRIVE
BALTIMORE, MARYLAND
21206

TAX MAP: 104 PARCEL: 226
TAX ACCT. NO.: 1502001550
DEED REF.: 14104/456

UNDERSIZED LOT APPLICATION WITH
PETITION FOR VARIANCES

ESSEX BALTIMORE COUNTY, MD

#1154 RIVERSIDE AVENUE
LOT 52
"BACK RIVER NECK PARK"
LIBER 7 FOLIO 4
ELECTION DISTRICT: 15C6

DATE	REVISION

DATE: 08/17/05
SCALE: 1"=20'
DRAWN BY: RAK
CHECKED BY: KJM

siterite SURVEYING

200 E. JOPPA RD
SUITE 101
TOWSON, MD 21286

T: (410)828-9060
F: (410)828-9066

SHEET NO. 1 OF 1

DWG. NO.: 9161

PETITIONER'S EXHIBIT NO. 1