IN RE: PETITION FOR VARIANCE
W/Side of Frog Mortar Road, 500' se of
c/l of Revolea Beach Road
15th Election District
6th Councilmanic District
(920 Frog Mortar Road)

Charles F. and Helen F. Herr and JoAnn Tomchik

Petitioners

- BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 06-207-A

*

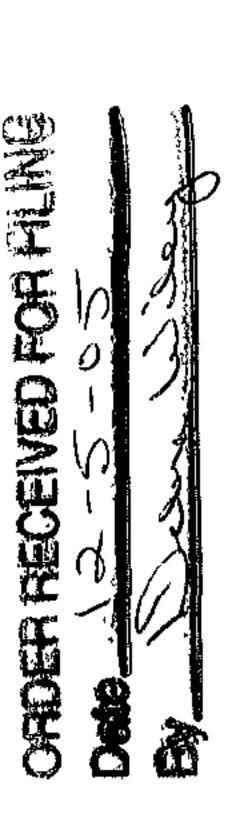
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by Charles F. Herr Jr., Helen F. Herr and JoAnn Tomchik, the legal owners of the subject property. The variance request is for property located at 920 Frog Mortar Road in the Bowleys Quarters area of Baltimore County. The variance request is from Section 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a lot with a maximum sum of side yard width of 20' in lieu of the required 25'.

The property was posted with a notice of the public hearing date and time on November 19, 2005 and notice given to the general public by publication in the Jeffersonian Newspaper on November 17, 2005.

Interested Persons

Appearing at the hearing on behalf of the variance request was Charles F. Herr Jr., one of the owners of the property. Donald Hicks, P.E., who prepared the site plan, attended the hearing. The Petitioners were represented by Deborah Dopkin, Esq. There were no protestants or interested citizens at the hearing. Peter Max Zimmerman, People's Counsel, entered his appearance in this case.



Zoning Advisory Committee

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received by the Office of Planning dated November 4, 2005 and by the Bureau of Development Plans Review dated November 9, 2005, copies of which are attached hereto and made a part hereof.

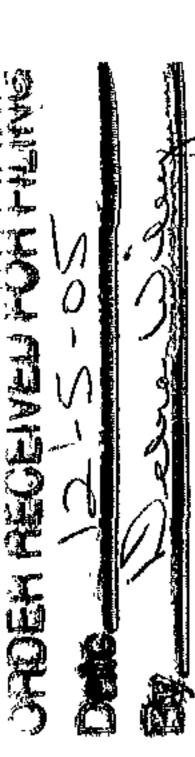
Applicable Law

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."

Testimony and Evidence

Ms. Dopkin indicated at the outset of the hearing that the Zoning Office recognized this property which is zoned DR 3.5 as legal non-conforming lots and consequently determined that there was no need for variances for lot width of 50 feet in lieu of the required 70 feet or for a lot area of 9,500 sq. feet in lieu of the required 10,000 sq. ft. As a result of this determination, the petition was modified to reflect only the sum of the side yard setback variance deleting the previously requested lot width and size variances.



Ms. Dopkin proffered that the property was the site of a home, shed and pier, which were destroyed by Hurricane Isabel. The Petitioner razed each of these improvements by permit and now seeks to build a modern home for his family approximately where the original home was located. Ms. Dopkin indicated that the original home was built in the 1930's on two 25-foot wide lots (lots 44 and 45) of the Revolea Beach subdivision, which was recorded in the land records of the County in 1920. The Herr family has owned these lots since 1979. See deed history Exhibit 2.

She presented an aerial photograph of the property which showed the location of the 27 x 30 foot home, shed and pier prior to the hurricane in Exhibit 3 and a photograph of the original home from the 1960's as Exhibit 4. In addition, she noted the many variances granted for similar situations by the County over many years. See zoning history map, Exhibit 5. In regard to the pattern of development of the neighborhood, she opined that this neighborhood is developed primarily as one home on two 25-foot wide lots and is proposed herein.

She indicated that it would be a hardship and practical difficulty for the Petitioners to reduce the width of the proposed home by 5 (five) feet to eliminate the need for the sum of the side yard setback variance as this would result in an unusually long skinny house. The proposed home is 30-feet wide, which she indicated was the approximate width of the home destroyed by the hurricane. Note that Petitioners' Exhibit 1 is in error regarding the size of the original home as it is shown much smaller than it actually was.

Finally, she indicated that the new home would be two stories high to meet the flood plain height requirements with no living space on the first floor. The new home is no closer to the water than the prior home so that the neighbors' views of the creek will not change. Although there were no comments from DEPRM, she acknowledged that the new home would also have to be approved under the Chesapeake Bay Critical Area legislation.

Findings of Fact and Conclusions of Law

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The lot was created by subdivision recorded in the 1920's many years before the DR regulations were imposed. As such, the impact of the DR regulations is different from that on lots created after the regulations were imposed. I also find that where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The Petitioner would not be able to rebuild a practical home but rather would result in a long narrow home out of proportion to those in the neighborhood. No increase in residential density beyond that otherwise allowable by the Zoning Regulations will result from granting the requested variance as the new home simply replaces a prior home destroyed by the hurricane. Finally, I find this variance 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. This new home reflects that new homes being built in the neighborhood and the fact it will occupy two 25 foot lots is consistent with the pattern of development in the area.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this <u>5</u> day of December, 2005, that a variance from Section 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a lot with a maximum sum of side yard width of 20' in lieu of the required 25', be and is hereby GRANTED subject to the following condition:

- 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. The Petitioners must comply with the ZAC comment submitted by the Office of Planning, dated November 4, 2005, a copy of which is attached and made a part hereof.
- 3. The Petitioners must also comply with the ZAC comment submitted by the Development Plans Review dated November 9, 2005. A copy of the comment, dated November 9, 2005 is attached hereto and made a part hereof.
- 4. The Petitioners must comply with the Chesapeake Bay Critical Area regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations

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

JOIN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:dlw

Dus coming over la fich

Debbie - Deborad Dopker picked up her capez - Bj

NORTH WATER

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468





James T. Smith, Jr., County Executive William J. Wiseman III, Zoning Commissioner

December 5, 2005

Deborah C. Dopkin, Esquire 409 Washington Avenue, Suite 1000 Towson, Maryland 21204

> Re: Petition for Variance Case No. 06-207-A

Property: 920 Frog Mortar Road

Dear Ms. Dopkin:

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

for Baltimore County

JVM:dlw

Enclosure

c: Donald Hicks, P.E., Hicks Engineering Associates, Inc., 200 E. Joppa Rd., Ste. 402, Towson, MD 21286

Charles F. and Helen F. Herr, 15 Ketch Cay Court, Baltimore, MD 21220

JoAnn Tomchik, 2608 Fallston Road, Fallston, MD 21047 Chesapeake Bay Critical Area Commission, 1804 West Street, Ste. 100,

Annapolis, MD 21401

People's Counsel; Code Enforcement; Case File



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



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 920 Frog Mortar Road 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 par hereof, hereby petition for a Variance from Section(s)

See Attached

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

To be presented at the hearing.

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.

is the subject of this Peti	ition.
Contract Purchaser/Lessee:	<u>Legal Owner(s):</u>
Name - Type or Print	Charles F. Herr, Jr. Name - Type or Print
Signature	Signature
Address Telephone No. City State Zip Code	Helen F. Herr Name - Type or Print
Attorney For Petitioner:	15 Ketch Cay Court 410-335-3594 Address Telephone No.
Deborah C. Dopkin, Esquire Name Type or Print Signature Deborah C. Dopkin, Esquire Name Type or Print Signature	Baltimore, Maryland 21220 City State Zip Code Representative to be Contacted:
Deborah C. Dopkin, P.A. Company Aug Washington Avenue, Suite 1000 (410-821-0200) Telephone No.	Donald Hicks Name Hicks Engineering Associates, Inc. (410-821-8890) Address Telephone No.
	Address 200 East Joppa Road - Suite 402 Towson, Maryland 21286 City State Zip Code
State Zip Code	OFFICE USE ONLY
Case 10. 06-007-A Reviewed By	UNAVAILABLE FOR HEARING DT Date 10 18 05

Petitioner for Variance 920 Frog Mortar Road

Legal Owner(s):

Name

ZOE

2608 FAUSTON RD 410-557-6334

Address

Telephone No.

FAUSTON M

State

Zip Code

06-207-A

Petition for Variance 920 Frog Mortar Road

- 1. Variance from Section 1B02.3.C.1 to permit a lot with a width of 50' in lieu of the required 70'
- Variance from Section 1B02.3.C.1 to permit a lot with a maximum sum of side yard width of 20' in lieu of the required 25'
- 3. Variance from Section 1B02.3.C.1 to permit a lot area of 9,500 sq. ft. in lieu of the required 10,000 sq. ft.

C:\docs\DCD\ZONING\Herr Petition for Variance.wpd



ZONING DESCRIPTION

OF

HERR/TOMCHIK PROPERTY

NO. 920 FROG MORTAR ROAD

FIFTEENTH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the westernmost side of Frog Mortar Road, existing 40 feet wide right of way, at the approximate distance of 500 feet southeasterly from the centerline of Revolea Beach Road, formerly Bengies Road, existing 40 feet wide right of way; and being Lot No. 44 and Lot No. 45 as shown on the plat of subdivision of "Revolea Beach" as recorded among the Land Records of Baltimore County in Plat Book W.P C. No. 5 at Folio 67.

CONTAINING 9,550 square feet or 0.219 acres of land, more or less.

ALSO KNOWN AS No. 920 Frog Mortar Road and located in the Fifteenth Election District of Baltimore County, Maryland.

HICKS ENGINEERING ASSOCIATES, INC. 200 EAST JOPPA ROAD, SUITE 402 TOWSON, MARYLAND 21286

OCTOBER 7, 2005

PAGE 1 OF 1

NOTICE OF ZONING EARING

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

Case: #06-207-A

920 Frog Mortar Road West side of Frog Mortar Road, 500 feet southeast of centerline of Revolea Beach Road

15th Election District - 6th Councilmane District Legal Owher(s): Charles F. and Helen i. Herr & JoAnn Tomchick

Variance: to permit a lot width with a maximum sum of side yard width of 20 feet in lieu of the required 25 feet. Hearing: Monday, December 5, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Aven ทยง, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handlcapped 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.

75369

11/216 Nov. 17

CERTIFICATE OF PUBLICATION

1117,2005
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
once in each ofsuccessive weeks, the first publication appearing on
☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News

LEGAL ADVERTISING

J. Wilkings

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ICY YELOW-CUSTOMEN	2				
				76.	

CERTIFICATE OF POSTING

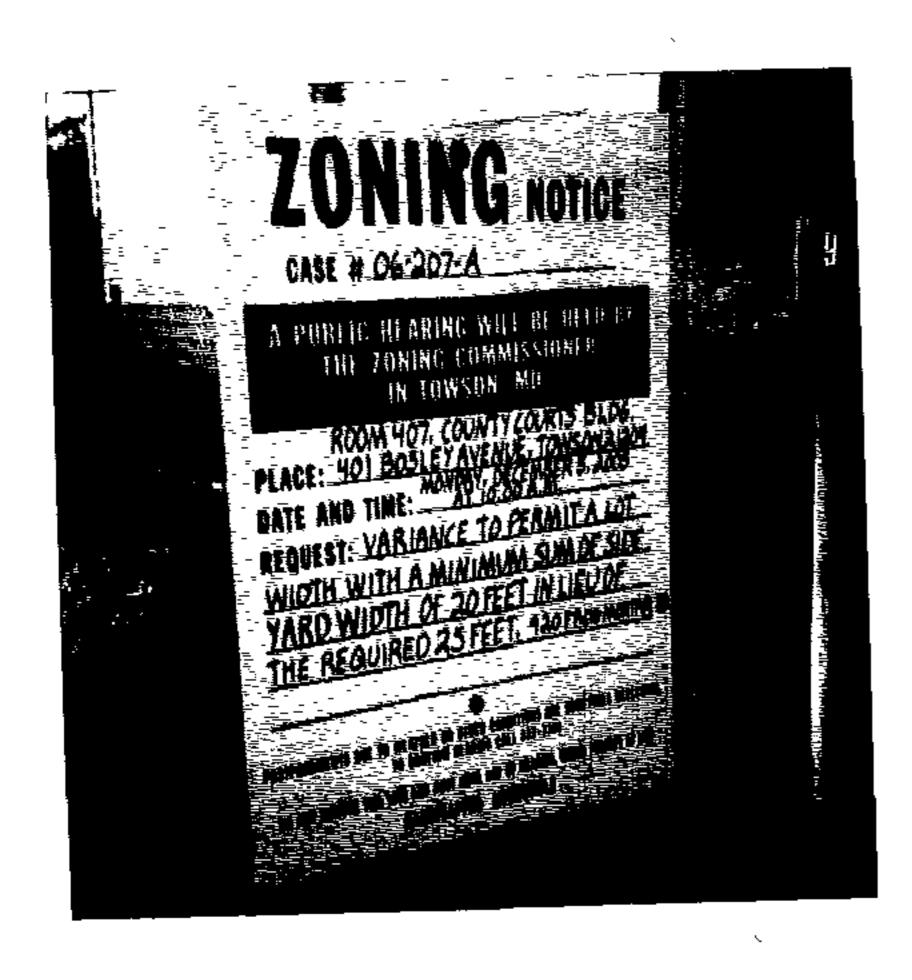
(17 Mer mor). Krusien 11 1athuw	attention:	Kristen Mathews
---------------------------------	------------	-----------------

Date November 22, 2005

RE.

Case Number 06-207-A
Petitioner/Developer: MR.4MRS, HERR/PEBORAH DOPKW/DONALD HICKS Date of Hearing Closing DECEMBER 5, 2005

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 920 FROG MORTAR ROAD



(Signature of Sign Poster)

LINDA O'KEEFE (Printed Name of Sign Foster)

523 PENNY LANE (Street Address of Glar Poster)

HUNT VALLEYMD 21030 (City State, Zlp Code of Sign Poster).

(Telephone Number of Sign Poster)

RE: PETITION FOR VARIANCE
920 Frog Mortar Road; W/side Frog Mortar
Road, 500' SE c/line Revolea Beach Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Charles & Helen Herr
& Joann Tomchik
Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

* 06-207-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

RECEIVED

Per.....

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 28th day of October, 2005, a copy of the foregoing Entry of Appearance was mailed to, Donald Hicks, Hicks Engineering Associates, 200 E. Joppa Road, Suite 402, Towson, MD 21286 and Deborah C. Dopkin, Esquire, 409 Washington Avenue, St 1000, Towson, MD, 21204, Attorney for Petitioner(s).

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

November 4, 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: 06-207-A

butty Kotroco

920 Frog Mortar Road

West side of Frog Mortar Road, 500 feet southeast of centerline of Revolea Beach Road 15th Election District – 6th Councilmanic District

Legal Owners: Charles F. & Helen F. Herr & JoAnn Tomchick

Variance to permit a lot width with a maximum sum of side yard width of 20 feet in lieu of the required 25 feet.

Hearing: Monday, December 5, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Deborah Dopkin, 409 Washington Avenue, Ste. 1000, Towson 21204 Mr. & Mrs. Herr, 15 Ketch Cay Court, Baltimore 21220 Donald Hicks, 200 East Joppa Road, Ste. 402, Towson 21286

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, NOVEMBER 19, 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

TO: PATUXENT PUBLISHING COMPANY

Thursday, November 17, 2005 Issue - Jeffersonian

Please forward billing to:

Mr. Charles F. Herr, Jr. 15 Ketch Cay Court Baltimore, MD 21220

410-335-3594

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: 06-207-A

920 Frog Mortar Road

West side of Frog Mortar Road, 500 feet southeast of centerline of Revolea Beach Road 15th Election District – 6th Councilmanic District

Legal Owners: Charles F. & Helen F. Herr & JoAnn Tomchick

Variance to permit a lot width with a maximum sum of side yard width of 20 feet in lieu of the required 25 feet.

Hearing: Monday, December 5, 2005 at 10:00 a.m. in Room 407, County Courts Building,

401/Bosley Ayenue, 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 ubject 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: HERR
Address or Location: 900 FROG MORTAR RD.
PLEASE FORWARD ADVERTISING BILL TO:
Name: MR. CHARLES F. HERR, JR.
Address: 15 KETCH CAN CT.
BALTÓ MD 21220
Telephone Number: 410-335-3594

Revised 2/20/98 - SCJ

Department of Permits and Development Management

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





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

December 5, 2005

Deborah C. Dopkin 409 Washington Avenue, Ste. 1000 Towson, Maryland 21204

Dear Ms. Dopkin:

RE: Case Number: 06-207-A, 920 Frog Mortar Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 18, 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.

W. Call Richall

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Charles F. and Helen F. Herr 15 Ketch Cay Court Baltimore 21220 Don Hicks 200 E. Joppa Road Towson 21286



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



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

County Office Building, Room 123 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

NOV. 02, 2005

ATTENTION:

Distribution Meeting of: OCTOBER 24, 2005

Item No.: 204 218

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

Insp. PACK
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 9, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October-31, 2005

Item No (207)

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

The minimum right-of-way for all public roads in Baltimore County is 40-feet. Show the right-of-way for Frog Mortar Road centered on existing 15-foot paving. Setback shall be adjusted accordingly.

The flood protection elevation for this site is 11.2 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 207-11092005.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 4, 2005

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

920 Frog Mortar Road

INFORMATION:

Item Number:

6-207

Petitioner:

Charles F. Herr, Jr.

Zoning:

DR 3.5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

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

Provide architectural elevations of all facades including building materials to the Office of Planning for review and approval prior to the issuance of any building permits.

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

Prepared by:

Division Chief:

AFK/LL: CM



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date:

RE:

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

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

f. f. Houdle

Engineering Access Permits Division

10.31.05

BALTIMORE COUNTY, MARYLAND Interoffice Memorandum

DATE:

October 18, 2005

TO:

Zoning Commissioner and File

FROM:

Donna Thompson, Planner II, Zoning Review

SUBJECT: Petition for Zoning Variance, Item 207,

Case No. 06-207-A 920 Frog Mortar Rd.

The petition for zoning variance is to replace a dwelling that was damaged by Hurricane Isabel and has since been razed.

The attorney for the petitioner, Deborah Dopkin will provide documentation that Charles F. Herr, Jr. has Power of Attorney for Helen F. Herr.

DT

From:

Debra Wiley

To:

Seeley, Bruce

Date:

12/2/2005 3:04:52 PM

Subject:

CBCA Comment - Case No. 06-207-A - 920 Frog Mortar Road - Variance

Hi Bruce,

Jack is scheduled to hear the above referenced case on Monday, 12/5 @ 10:00 a.m. and it reflects CBCA. I don't see a comment being received from DEPRM.

Can you supply one ASAP?

Thanking you for your usual cooperation and have a great weekend!

Hicks Engineering Associates, Inc. 200 East Joppa Road, Suite 402

200 East Joppa Road, Suite 402 Towson, Maryland 21286-3160 /410/494-0001 Facsimile: /410/821-8890

September 28, 2005

Deborah C. Dopkin, P.A. Attorney at Law 409 Washington Avenue Suite 1000 Towson, MD 21204

Subject: Charles F. Herr, Jr. Property 920 Frog Mortar Road HEA J.O. No. 21705

Deborah:

In response to your request, our firm is forwarding the deeds for the ownership of the subject property, back to 1955.

The following is a chronological listing of the previous owners:

<u>Date</u>	<u>L./F.</u>	<u>Owner</u>
 February 18, 1947 May 29, 1963 , 1979 November 11, 2004 	L. 1536/F. 469 L. 4149/F. 590 L. 6109/F. 114 L. 21048/F. 001	Biddle to Michael Michael to Warren Warren to Thompson & Herr Herr to Helen F. Herr, Charles F. Herr, Jr. & JoAnn Tomehik

Additionally, we have included a copy of the revised plan to accompany the petition.

In the event additional information is required, please contact the undersigned.

Very Truly Yours,

HICKS ENGINEERING ASSOCIATES, INC.

Donald E. Hicks, P.E.

w/ Enclosures

Civil Engineers · Surveyors · Land Planners

Det H2

John M Biddle & Wf)sand nine hundred and forty-seven by and between John M Biddle and Deed to)Ruth G Biddle his wife of Baltimore County in the State of Maryland H Clark Michael & Wf)parties of the first part and H Clark Michael and Millie Michael his US \$5.50 SS \$4.90)wife of the aforesaid county and State parties of the second part

WITNESSETH that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations the receipt whereof is hereby acknowledged the said parties of thefirst part do hereby grant and convey unto the said parties of the second part as tenants by the entireties their assigns and unto the survivor of them his or her heirs and assigns in fee simple all those two lots of ground situate in Baltimore County inthe State of Maryland and described as follows that is to say

BEING Lots Nos 44 and 45 Revolea Beach as shown on the Plat of Revolea Beach which Plat is recorded among the Land Records of Baltimore County in Plat Book Liber W P C No 5 folio 67 etc

BEING the same lots of ground described in a deed from Max Berman and wife to John M Biddle and Ruth C Biddle his wife dated June 27 1945 and recorded among the Land Records of Baltimore County in Liber R J S No 1388 folio 527 etc

BEING ALSO the same lots of ground described in a Deed from Rueben D Davis and wife to the said John M Biddle and Ruth G Biddle Hs wife dated May 14 1946 and re corded among the aforesaid Land Records in Liber-R J S No 1445 folio 328 etc

TOGETHER with the buildings and improvements thereupon and the rights alleys ways waters privileges appurtenances and advantages to the same belonging or in anywise appertaining

TO HAVE AND TO HOLD the said lots of ground and premises unto and to the use of the said parties of the second part as tenants by the entireties their assigns and unto the survivor of them his or her heirs and assigns in fee simple forever

AND the said Grantors hereby covenant that they have not done or suffered to be done any act matter or thing whatsoever to encumber the property hereby granted that they will warrant specially the property hereby granted and conveyed and they will execute such further assurances of said land as may be requisite

WITNESS the hands and seals of the within named Grantors

Witness

Møhn M Biddle

(Seal)

George C Wiedersum

Ruth G Biddle

(Seal)

STATE OF MARYLAND BALTIMORE CITY TO WIT

I HEREBY CERTIFY that on this 18th day of February in the year one thousand nine hundred and forty-seven before me the subscriber a Notary Public of the State of Maryland in and for Baltimore City aforesaid personally appeared John M Biddle and Ruth G Biddle his wife the within named Grantors and they acknowledged the aforegoing Deed to be their respective act

IN TESTIMONY WHEREOF I Hereunto set my hand and affix my notarial seal ial Seal)

George C Wiedersum

Notary Public

John W Bishop Clerk

(Exd By B & AG)

ded Feb 24 1947 at 2:30 PM & exd per (Recorded by DPS)



This Deed, Made this

29th

day of May

in the year one thousand nine hundred and sixty-three

, by and between

H. CLARK MICHAEL and MILLIE MICHAEL, his wife,

of

Baltimore County

in the State of Maryland, of the first part, and

LEON C. WARREN, JR. and BERNADINE M. WARREN, his wife,

of the second part.

Witnesseth, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged,

the said H. CLARK MICHAEL and MILLIE MICHAEL, his wife,

do grant and convey unto the said LEON C. WARREN, JR. and BERNADINE M. WARREN, his wife,

heirs and assigns, in fee simple, all those lots of the ground, situate, lying and being in the Fifteenth Election District of Baltimore County,

State of Maryland , aforesaid, and described as follows, that is to say:—

Beginning for the same and being known and designated as Lots Nos. 44 and 45, Revolea Beach, which plat is recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 5 folio 67.

BEING the same lots of ground which by deed dated February 18, 1947 and recorded among the Land Records of Baltimore County in Liber J.W.B. No. 1536 folio 469 were granted and conveyed by John M. Biddle and Ruth G. Biddle, his wife, to the Grantors herein.







PAID - Hallimore Court. Mel. - Office of Figure

6--3-63 8367 • 35592 PPF- 35.00 6--3-63 8367 • 35592 PPF- 35.00







NO TITLE SEARCH

WHEREAS, all of the parties hereto are related either by blood and/or by marriage, and it was their intention to purchase the herein-after described property for their mutual ownership and benefit; and

WHEREAS, the purchase of said property was partly financed by way of a loan of Seven Thousand Twenty (\$7,020.00) Dollars from Orangeville Permanent Building Association which is more fully set forth in a Mortgage dated May 29, 1963, and recorded among the Land Records of Baltimore County in Liber R. R. G. 4149, Folio 592; which Mortgage also joined, as further security, the property of Leon C. Warren, Sr. and Nora L. Warren, his wife, which property is known as Lots Nos. 702, 703 and 704 as shown on the Plat of Summit Farms, as recorded in Plat Book W. P. C. #7, Folio 48, and known as 2128 Summit Avenue; and

WHEREAS, the parties hereto initially agreed to permit title to the within property to be taken in the names of the parties of the first part for the purpose of financing the purchase thereof, and

WHEREAS, all Mortgages and Liens on said property are now satisfied by the payment of all encumbrances and expenses by the parties

File Name: Thompson, Thomas R.

File No.: 04-3922

TAX I.D. #: 15-23-003120



THIS DEED, Made this // day of Novamber , 2004, by and between CHARLES F. HERR, HELEN F. HERR, and CHARLES F. HERR, JR., parties of the first part, and HELEN F. HERR, CHARLES F. HERR, JR., and JoANN TOMCHIK, parties of the second part.

WITNESSETH, that in consideration of the sum of Zero Dollars (\$0.00) and such other good and valuable consideration, the receipt of which is hereby acknowledged, the said CHARLES F. HERR, HELEN F. HERR, and CHARLES F. HERR, JR., parties of the first part, do hereby grant and convey unto the said HELEN F. HERR, CHARLES F. HERR, JR., and JoANN TOMCHIK, parties of the second part, as joint tenants, and not as tenants in common, their respective personal representatives and assigns, in fee simple, all that lot of ground situate in the 15th Election District of Baltimore County, Maryland, and described as follows, that is to say:

BEGINNING FOR THE SAME and being known and designated as Lots Nos. 44 and 45, Revolea Beach, which Plat is recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 5, folio 67. The improvements thereon being known as No. 920 Frog Mortar Road.

BEING the same lot of ground which by Deed dated November 7, 1979, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6109, folio 114, an undivided one-half (½) interest was granted and conveyed by Leon C. Warren, Jr. and Bernadine M. Warren, his wife, unto Thomas R. Thompson, and an undivided one-half (½) interest was granted and conveyed unto Charles F. Herr and Helen F. Herr.

BEING ALSO the same lot of ground which by Deed dated June 17, 2004, and recorded among the Land Records of Baltimore County in Liber S.M. No. 20302, folio 356, an undivided one-half (½) interest was granted and conveyed by Thomas R. Thompson unto Charles F. Herr, Jr.

13 - 1 11 0 ---

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD said lot of ground and premises to the said HELEN F.

HERR, CHARLES F. HERR, JR., and JoANN TOMCHIK, parties of the second part, as
joint tenants, and not as tenants in common, their respective personal representatives and assigns,
in fee simple.

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted and they will execute such further assurances of the same as may be requisite.

WITNESS, the hands and seals of the said Grantors.

WITNESS:

Charles F. Herr

CHARLES F. HERR

(SEAL)

Linda C. William

Linda C. Willand

HELEN F. HERR

CHARLES F. HERR, JR.

Page 2 of 4

participal control to the control of the control

STATE OF Florida, CITY/COUNTY OF MARION, TO WIT: I HEREBY CERTIFY, that on this // Eday of Nouseus 6 see , 2004, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared CHARLES F. HERR, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same. IN WITNESS WHEREOF, I hereunto set my hand and official seal. Frank B. Tarbert MY COMMISSION # DD194666 EXPIRES Notary Public My Commission Expires: STATE OF Floreides, CITY/COUNTY OF MARIEN, TO WIT: I HEREBY CERTIFY, that on this // day of November, 2004, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared HELEN F. HERR, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Frank B. Tarbert

MY COMMISSION # DD194666 EXPIRES

June 1, 2007

NONDED THRU TROY FAIN INSURANCE, INC.

Notary Public

Frank IS Transact

My Commission Expires:

01 JUNE 2007

Page 3 of 4

STATE OF MARYWAYO ; CHYCOUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, that on this // day of November 2004, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared CHARLES F. HERR, IR., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires:

5/1/07

THIS IS TO CERTIFY that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

DEBORAHLME ENGRAM, Attorney

AFTER RECORDATION PLEASE RETURN TO:

BRENNAN AND BRENNAN ATTORNEYS AT LAW, P.A. 825 Eastern Boulevard Baltimore, Maryland 21221 (410) 687-3434

F-\USBRS\RF\DEEDS\THOMPSON2.DED.wpd

Page 4 of 4

AFFIDAVIT AS TO TOTAL PAYMENT

The undersigned certify/certifies under the penalties of perjury, that the following is true to the best of my/our knowledge, information and belief, in accordance with Section 10-912(b)(2) of the Tax General Article Of The Annotated Code of Maryland, (the "Withholding Law"):

- 1. That I am/we are the transferor(s), [or agent of the transferor(s) if so indicated], of that real property described in the accompanying Deed.
- The amount of total payment for the purpose of the Withholding Law is \$_0.00

Dated this day of	loven ben 2004.	
Witness Famour Ze Transaction	CHARLES F. HERR	SEAL)
Witness Linda C. Wykand	- Transferor - Lelem Jean (S HELEN F. HERR	SEAL)
Witness Direct	- Transferor CHARLES E HERR TR	SEAL)

Experience and the contract of the contract of

- Transferor

Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

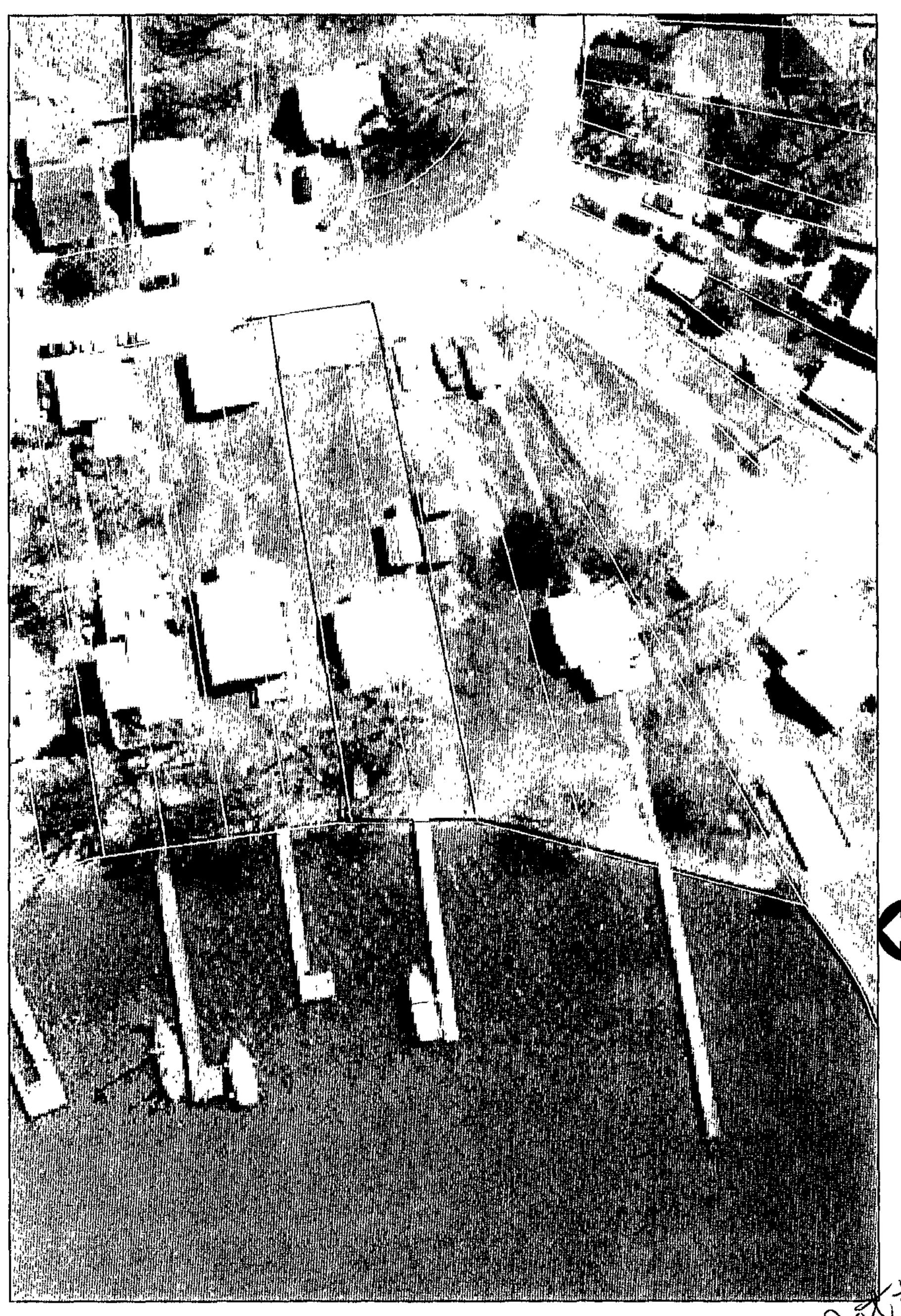
Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Meryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

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Name of Transfe	eror: Charles	F. Herr,	Jr.
		Z) ROHA	Cna to Fallenni (On
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Status	*	Article of the	s a resident entity under § 10-912(A)(4) of the Tax-General
		have authori	ie Annotated Code of Maryland, I am an agent of Transferor, and ity to sign this document on Transferor's behalf.
Principal	\$\$\$#\$\$################################	<u>សព្រះចរាទិដី 1 ច</u>	um no longer a resident of the State of Maryland, the Property la
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Under' penalty of my knowledge	of perjury, I cer e, it is true, corr	tify that I have ect, and con	ave examined this declaration and that, to the best opicte.
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Witness	7)		Charles F. Herr, Jr. Name
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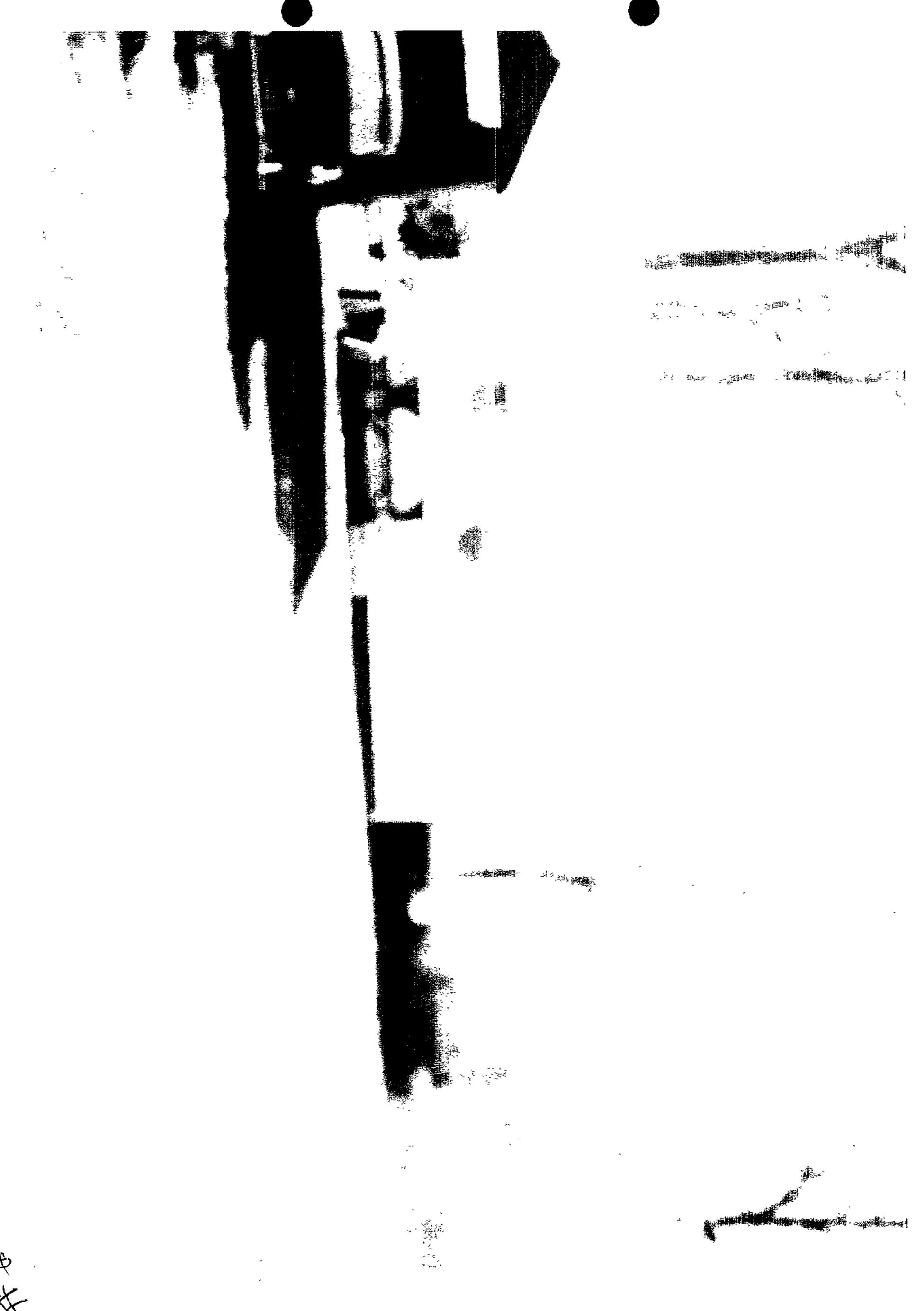
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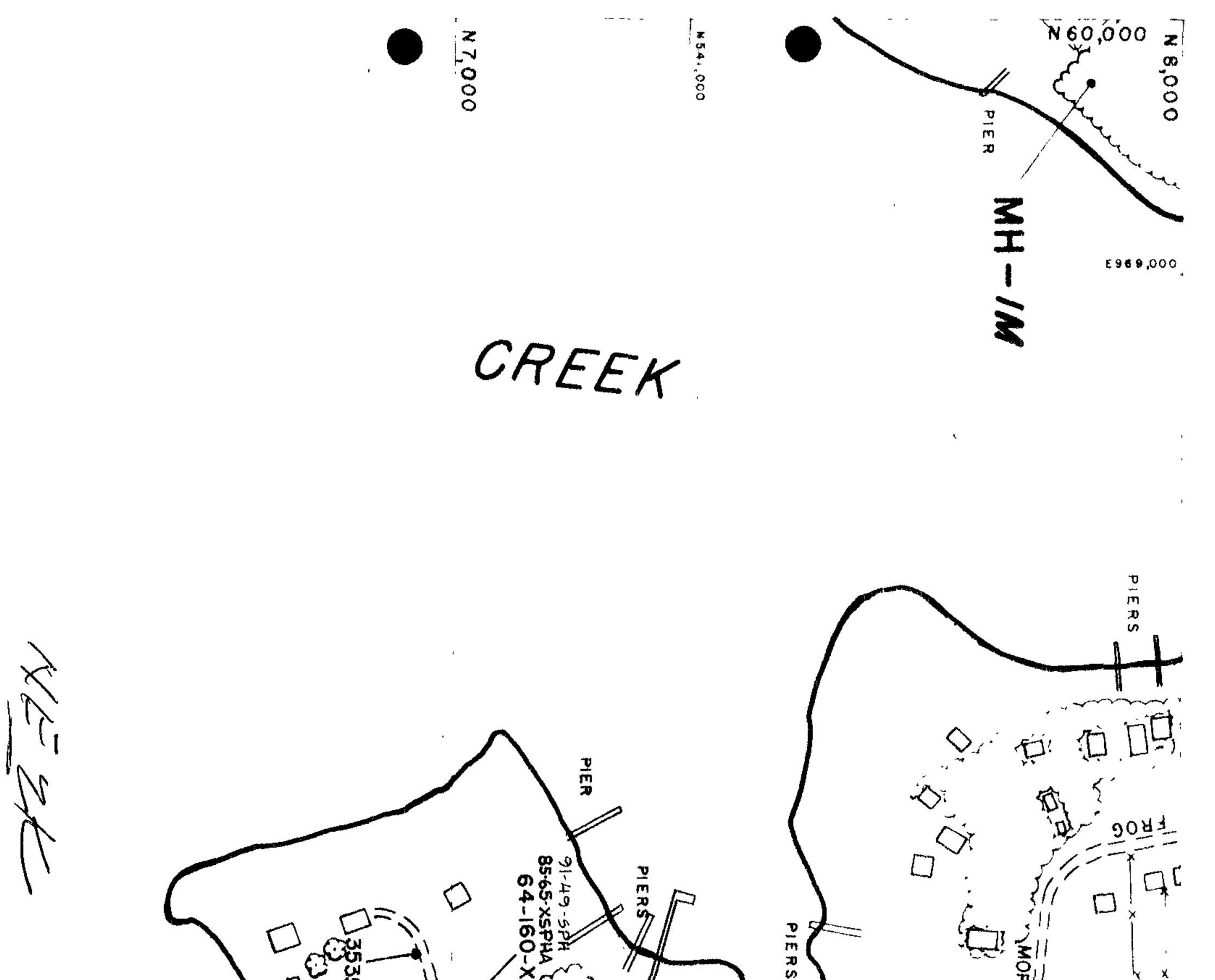
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	Information Yes	X No Doe	s transfer inc	lade person	nal property? If yes, id	entify:		<u></u>
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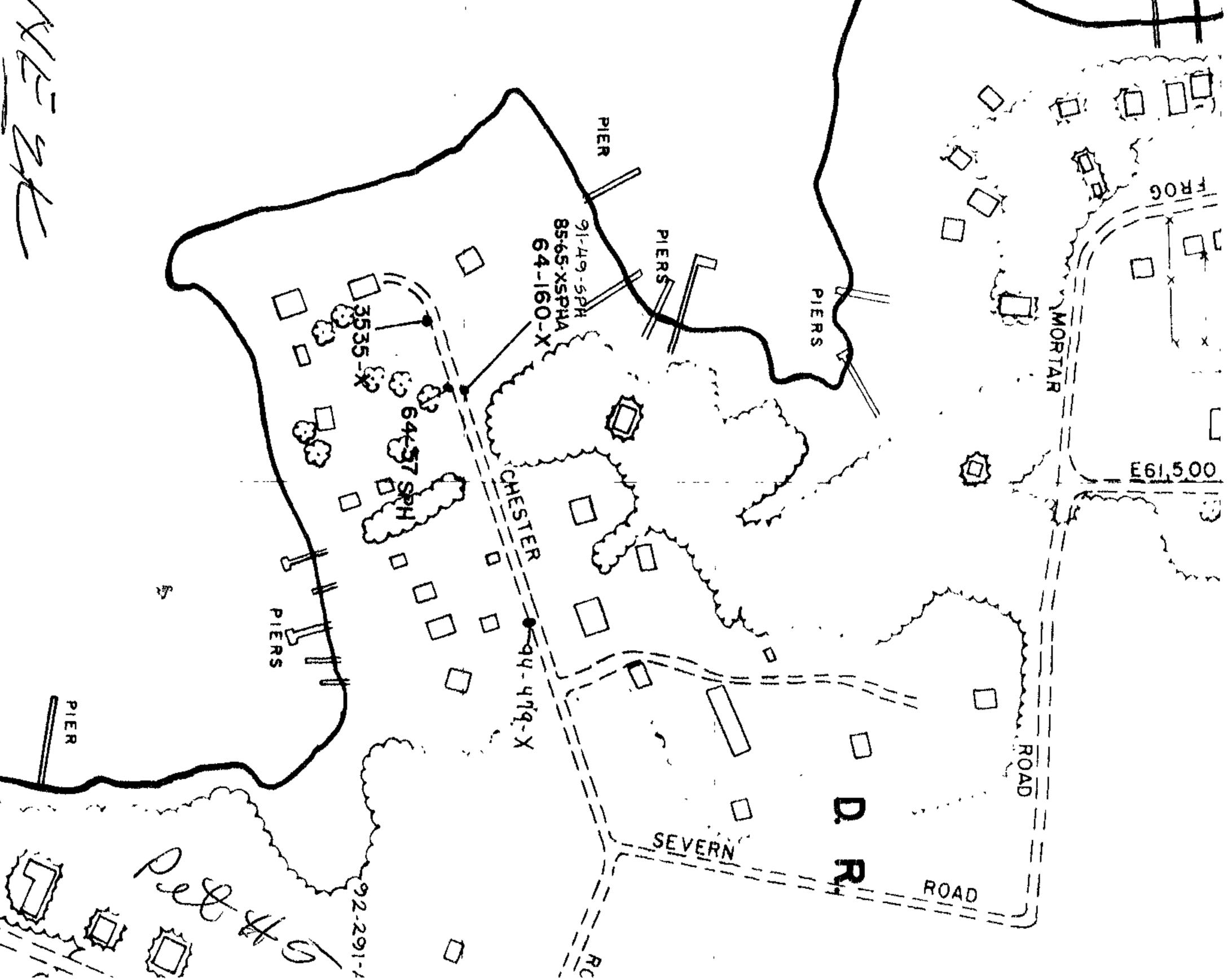


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BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT **TOWSON, MARYLAND 21204**

TIMOTHY M. KOTROCO DIRECTOR .

BUILDINGS ENGIN

PERMIT #: 8564679

CONTROL #: RA

DIST: 15

0.1PRECE

DATE ISSUED: 07/30/2004 TAX ACCOUNT #:

1523003120

CLASS: 34

CONST PLANS:

R PLAT FLOT

DATA

ELEC YES PLUM NO

LOCATION: 920

FROD MORTAR RD

SUBDIVISION: REVOLEA BEACH

OWNERS INFORMATION

NAME: HERR, CHARLES & HELEN & CHARLES JR

ADDR: 920 FROG MORTAR

TENANT:

OWNER CONTR:

ENGNRE

SELLR: WORK:

RAZE EX SED DAMAGED BY STORM OF 9/19/03 TO BE

TORN DOWN DEBRIS TO BE HAULED TO APPROVED

SANITARY LANDFILL IN ACCORDANCE W/

APPLICABLE BALTIMORE COUNTY REGULATIONS SEWER

TO BE CAPPED BUILT IN 1930'S 28X32=896SF

BLDG. CODE:

RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SHED

EXISTING USE: SFD & SFD

TYPE OF IMPRV: WRECKING

USE

FOUNDATION:

BASEMENT:

WATER: PUBLIC EXIST

SEWAGE: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 0050.00 X 0000.00

FRONT STREET:

STREET: SIDE

FRONT SETB:

SETB: SIDE

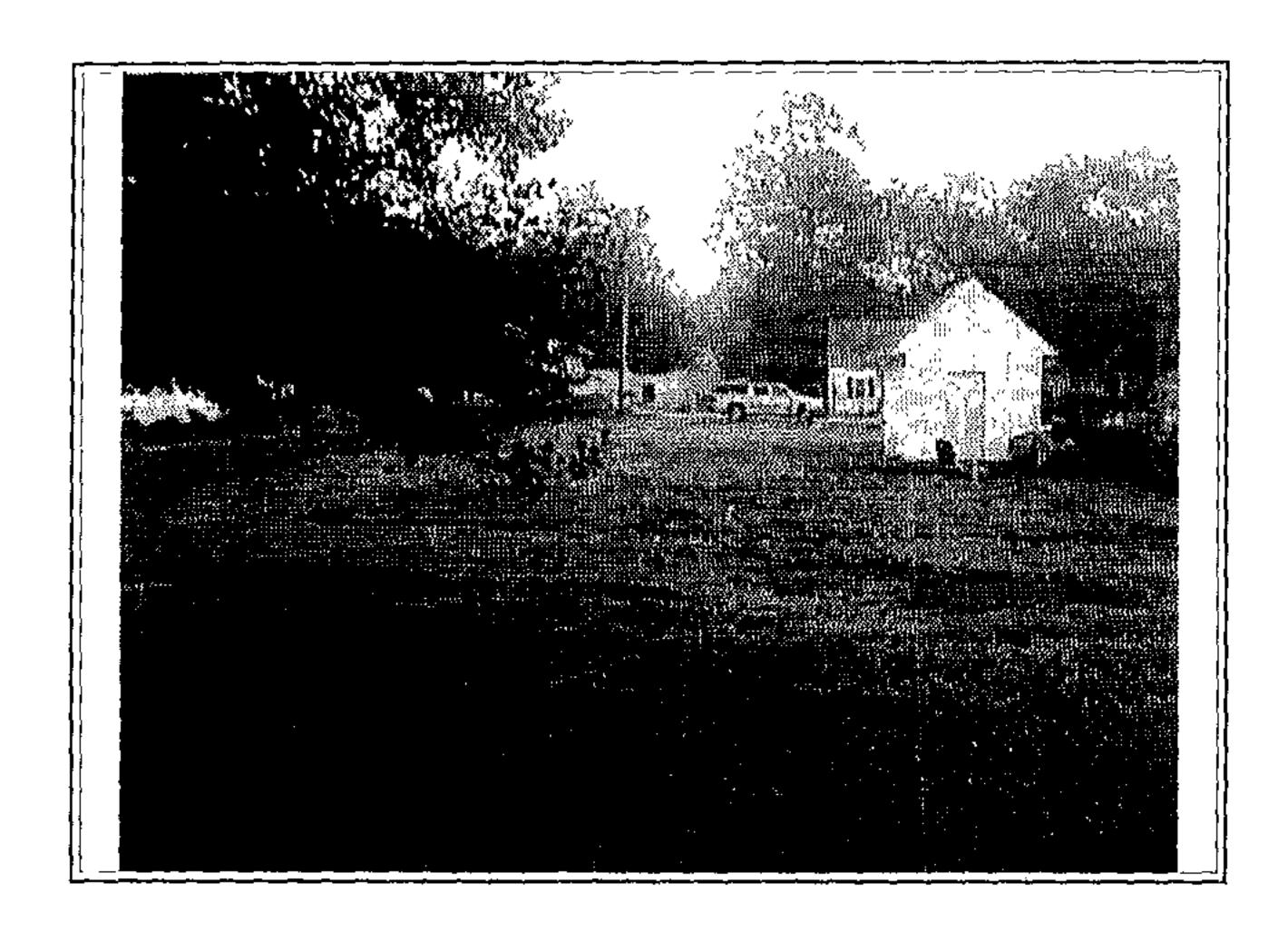
SIDE STR SETB:

SETB: REAR

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES

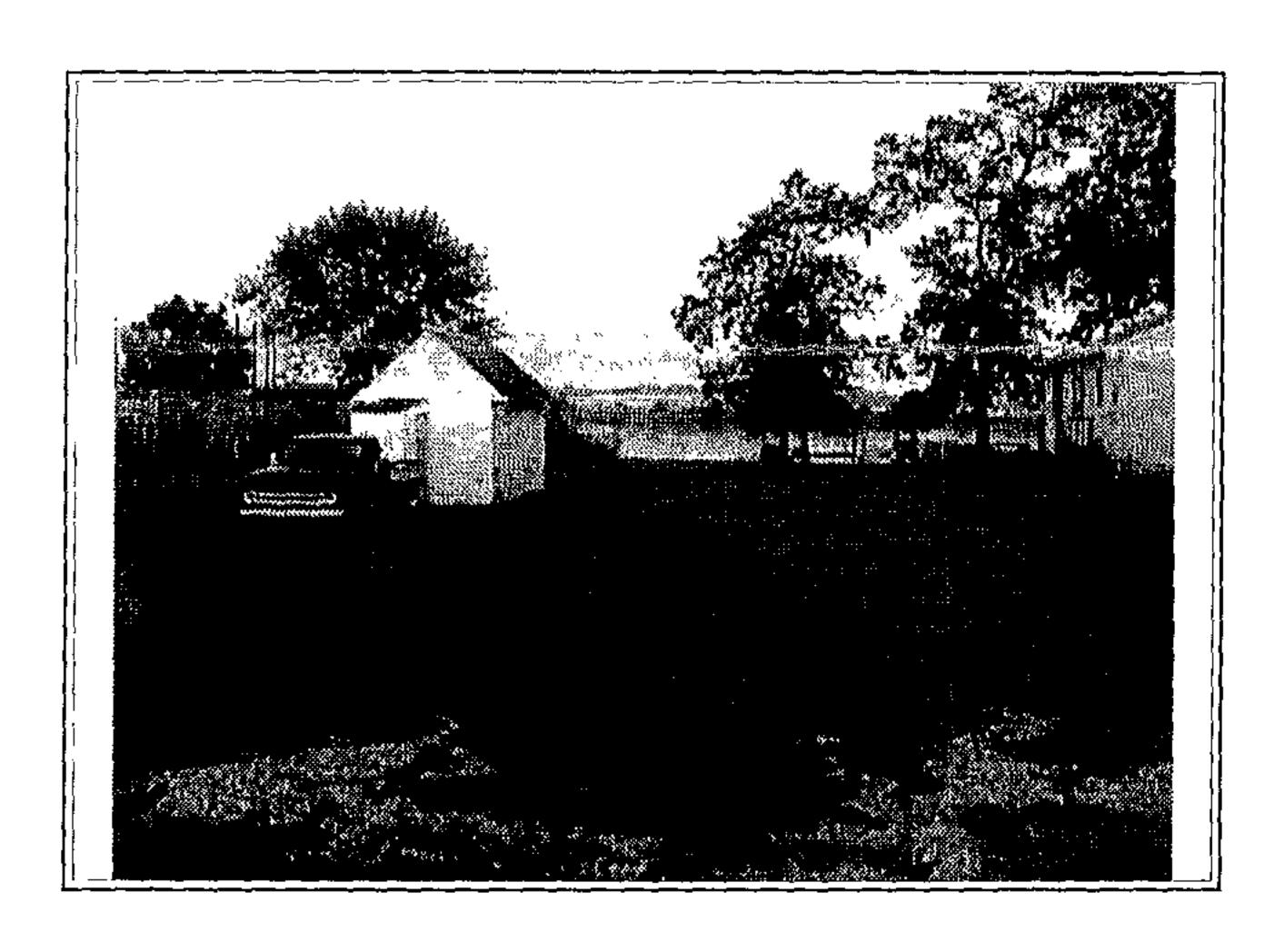
SUBJECT PROPERTY PHOTO ADDENDUM

Borrower: CHARLES HERR JR		File No.: 645457
Property Address: 920 FROG MORTAR ROAD		Case No.: 07507356
City: BALTIMORE	State: MD	Zip: 21220
Lender: JPMORGAN CHASE BANK N.A		;

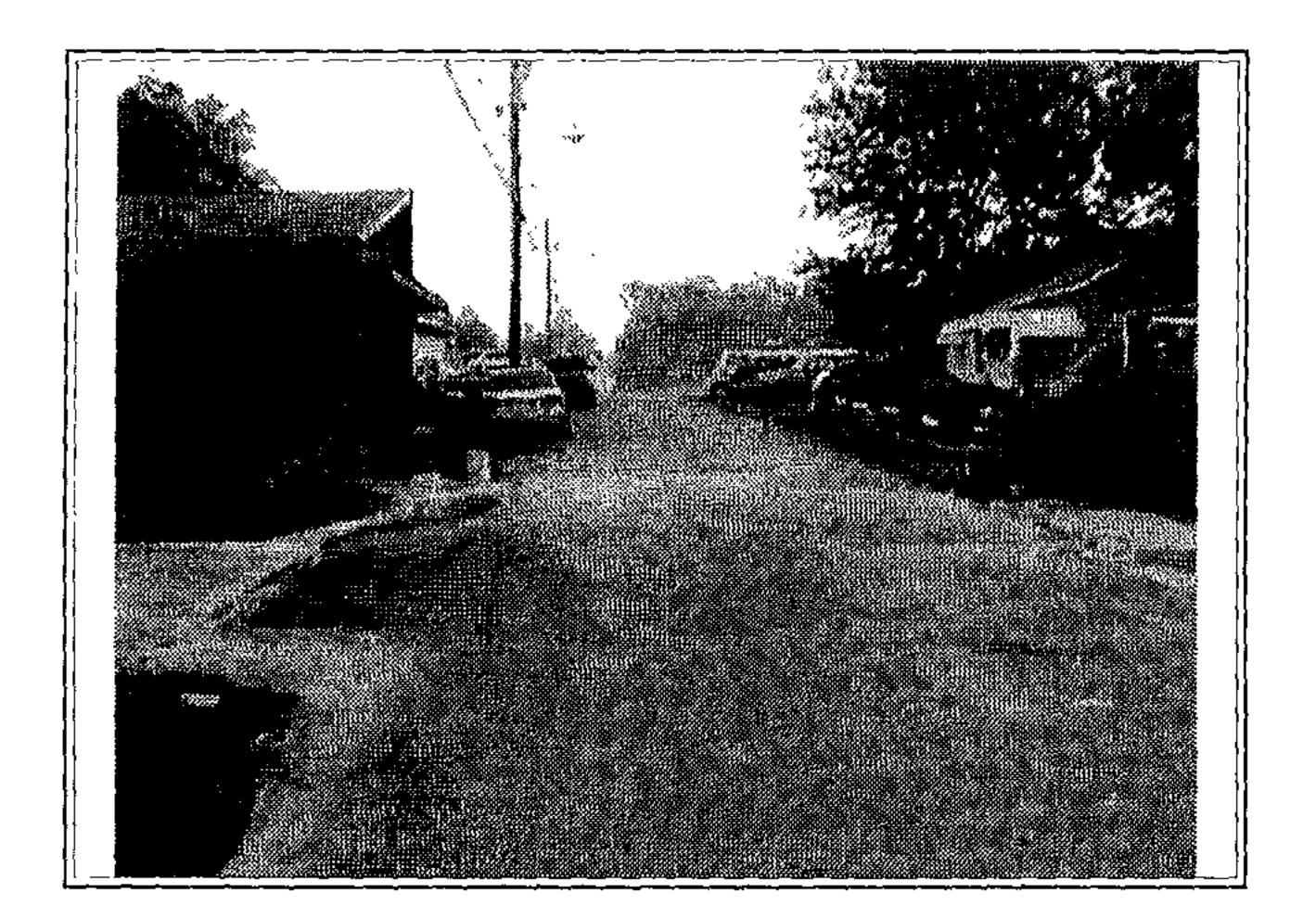


FRONT VIEW OF SUBJECT PROPERTY

Appraised Date: August 2, 2005 Appraised Value: \$ 600,000



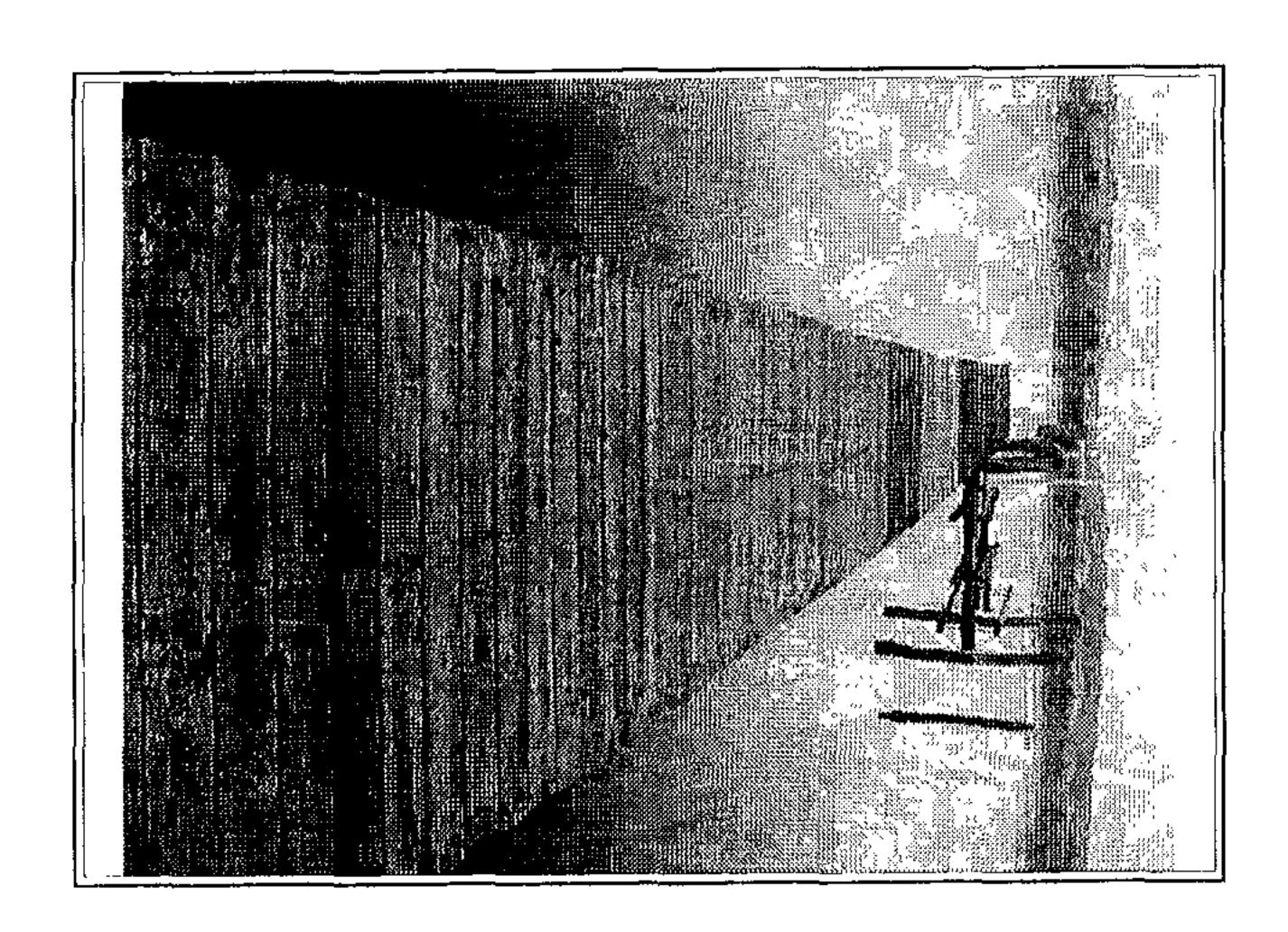
REAR VIEW OF SUBJECT PROPERTY

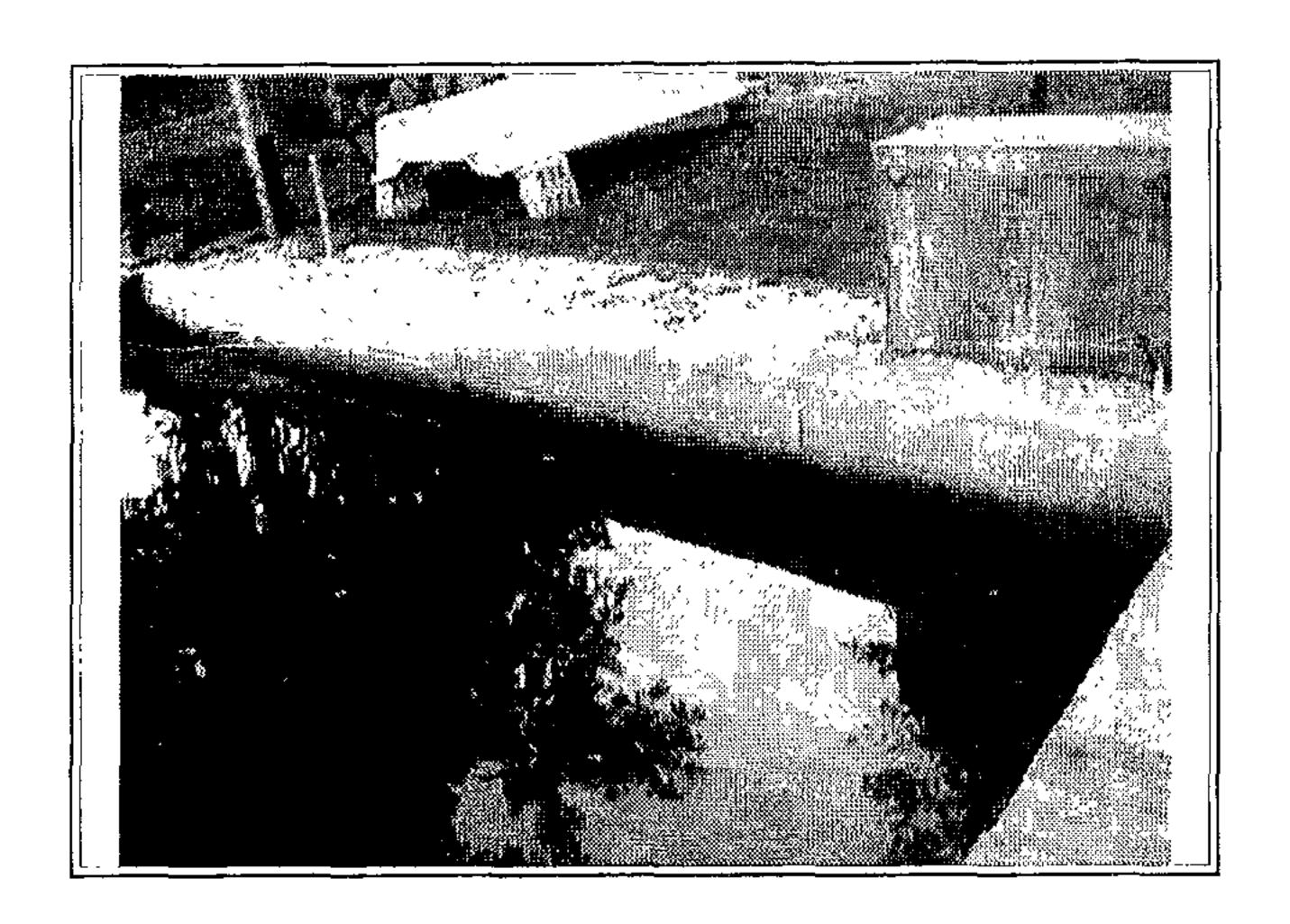


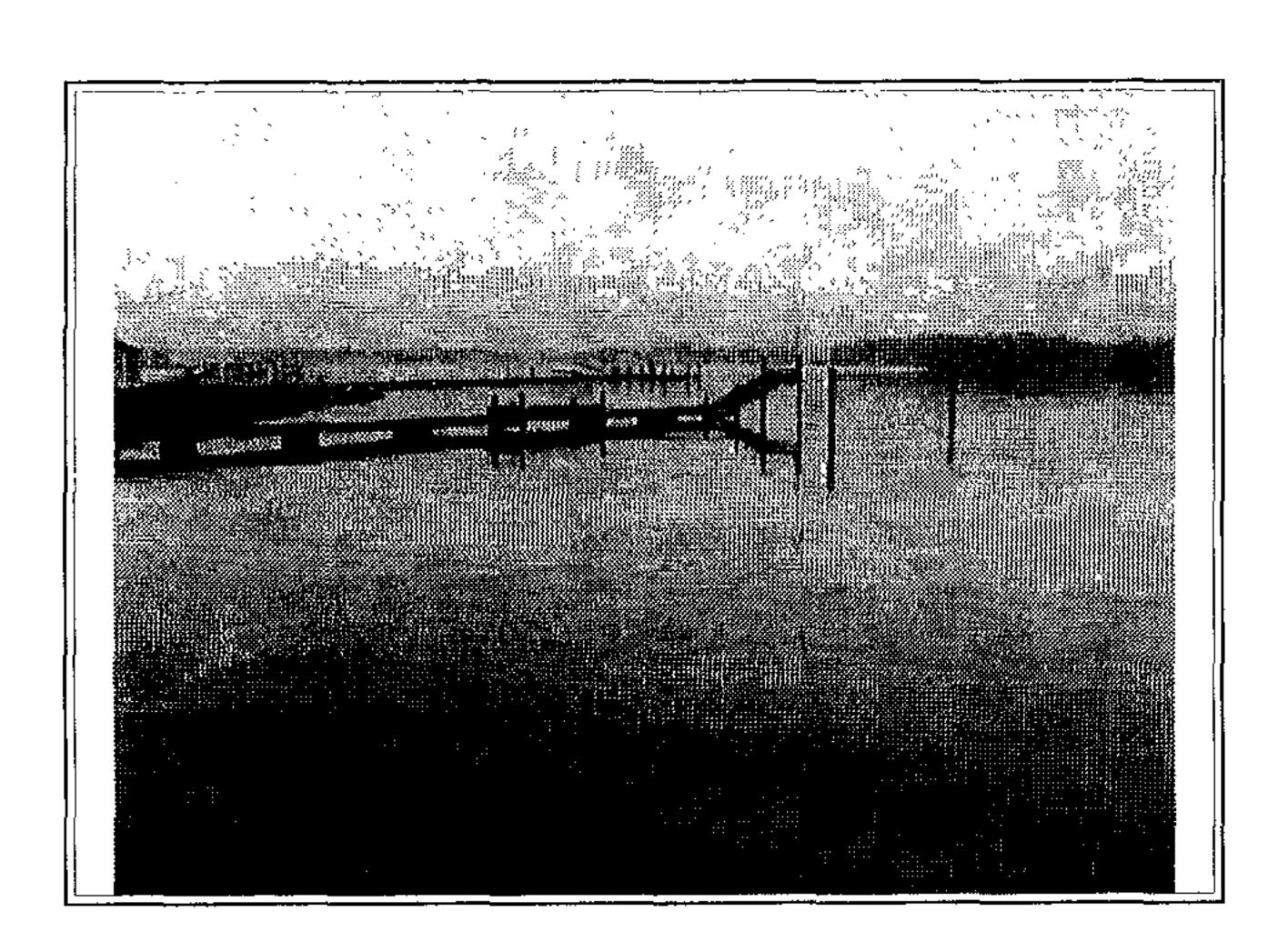
STREET SCENE

Put #7

Borrower: CHARLES HERR JR	File N	0.: 645457
Property Address: 920 FROG MORTAR ROAD	Case	No.: 07507356
City: BALTIMORE	State: MD	Zip: 21220
Lender: JPMORGAN CHASE BANK N.A		







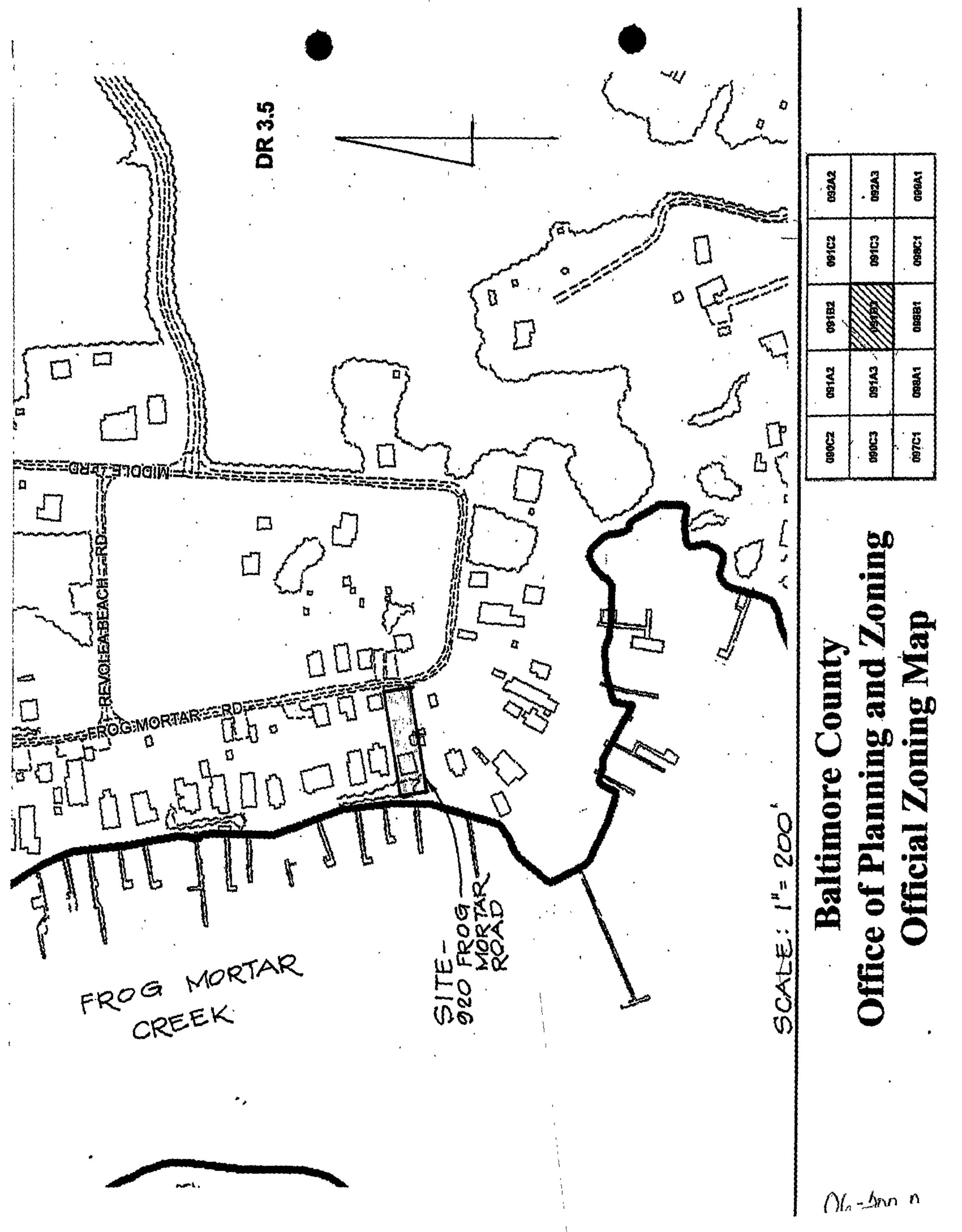
Pat It 8

PLEASE PRINT CLEARLY

CASE NUMBER OG SOJA

PETITIONER'S SIGN-IN SHEET

E- MAIL.			
CITY, STATE, ZIP EXECT PASS ZIZZO TOWSON ZIZOY			
ADDRESS 18 KSTCHCAYON ME			
CHARLES HEOLD SR			



(6689.0N) W"8.X3→

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

DRAWING TITLE:

/n=50\

HЭO

 $H \exists W$

90117

SEPTEMBER 28,2005

DATE: REVISED: OCTOBER 13, 2005

SCALE:

CHECKED BA:

:Y8 NWAAA

:.ON 80t

LOT NOS. 44 & 45 "PLAT OF REVOLEA BEACH" PLAT BOOK W.P.C. NO. 5, PLAT 67 NO 920 FROG MORTAR ROAD

SHEETS PER SET:

DRAWING NO :

SONINC

PROJECT TITLE:

BALTIMORE, MD 21220-4304 920 FROG MORTAR ROAD JOANN TOMCHIK CHARLES F. & HELEN F. HERRA, JR.

OMNEK:

ENGINEERS, SURVEYORS & PLANNERS

SOO EAST JOPPA ROAD - SUITE 402

TOWSON, MARYLAND 21286-3160

(410) 494-0001 FAX: (410)821-8890

6. PREVIOUS DWELLING WAS DAMAGED DUE TO HURRICANE ISABEL.

DO THEY LEAD TO A COLLECTOR ROAD. 5. THE ADJACENT ROADS ARE NOT COLLECTOR ROADS NOR

FLOOD ZONE A-10 PER FEMA FIRM PANEL #240010-0435-B. 4. THE PROPERTY LIES WITHIN THE 100-YEAR FLOOD PLAIN.

BAY CRITICAL AREA. 3. THE SUBJECT PROPERTY LIES WITHIN THE CHESAPEAKE

2. THE SUBJECT PROPERTY IS NOT A HISTORICAL SITE NOR DOES IT LIE WITHIN A HISTORICAL DISTRICT.

SEWER FACILITIES.

1. THE SUBJECT PROPERTY IS SERVED BY PUBLIC WATER AND

CENERAL NOTES

COUNCILMANIC DISTRICT: 5 ELECTION DISTRICT: 20 FEET OF BUILDING: MAXIMUM HEIGHT 1523003120 TAX ACCT. NO.: MPC 5/67 PLAT REFERENCE: 09180 SONING MAP:

3.5 AQ EXIZLING ZONING: 9.500 SQ.FT./O.218 ACS.± SITE AREA: L.21048, F.01 DEED BELEBENCE:

SITE DATA

2CVE: 1, = 5.000,VICINITY MAP

SEWER SXO) SEMEK EX JANSSESSURE PUMPING UNIT EXISTING SIMPLEX EASMENT WITH PEXISTING 15'X15' SINCE 6/14/1584) (CORRENT OWNER SINCE 9/SJ/S001)
(COBBENT OWNER 806.DN PROPERTY OF:

THOMAS C. ECKHARDT & FRANCES M. ECKHARDT, HIS WIFE

L.6742, F.235

(LOTS 42 & 43) NO.924 PROPERTY OF:
WILLIAM H. BISSELL, JR.
WILLIAM H. BISSELL, 3RD.,
FATHER & SON
FATHER & SON
FATHER P. 354 RONT (GELOCATED) (10 BE SHED STORAGE SHED SHED PROP. OT SAIATS FIRST FLOOR DMEKTING PROPOSED 816# DMETTING EX: FORMER -DWLG. -(RAZED) (UNIMPROVED) 97 107 SP 107 1 24 TOJ ZÞ 107

(W/A 'O+)

ATAOM

E B O C

-EXISTING

QAOA