IN RE: PETITION FOR SPECIAL HEARING

W/S Park Heights Avenue, 1500' S of the c/l

Walnut Avenue

(12026 Park Heights Avenue)

4<sup>th</sup> Election District 3<sup>rd</sup> Council District

Zofia Getris Petitioner BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

Case No. 06-414-SPH

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

\*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Zofia Getris. As originally filed, the Petitioner requested a special hearing to approve a proposed two-story addition with side and rear yard setbacks of 3 feet each from any lot line in lieu of the required 50 feet, and a street centerline setback of 61 feet from any collector road in lieu of the minimum required 150 feet, pursuant to Sections 1A04.3.B.1.b(1) and 1A04.3.B.1.b(2) of the Baltimore County Zoning Regulations (B.C.Z.R.). However, at the initial hearing held on April 4, 2006, a comment received from the Development Plans Review Division of the Department of Permits and Development Management indicated that a waiver of the floodplain regulations may be necessary. Thus, the hearing was continued to allow the Petitioner an opportunity to discuss this issue with those relevant agencies and arrange for a flood plain study, if necessary. At the reconvened hearing on September 26, 2006, the Petitioner amended her request. In addition to the special hearing relief set forth above, the Petitioner also requests approval of a waiver of the requirements of Baltimore County Design Manual, Plate D-19<sup>1</sup> to allow a riverine floodplain setback of 14 feet in lieu of the required 20 feet for the proposed addition. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

The <u>Baltimore County Design Manual for Water Mains</u>, <u>Sanitary Sewers</u>, <u>Storm Drains</u>, <u>Roads and Streets</u>, <u>Bridges and Culverts</u>, <u>Structural and Land Acquisition</u>, 1982, adopted by County Council Resolution 6-83 on January 17, 1983. This Design Manual is authorized under Section 32-4-404(b) 1 of the Baltimore County Code; compliance is required under Section 32-4-401(b).

Appearing at the requisite public hearing in support of the request were Zofia Getris, property owner, her son, Cezary Karczewski, Beverly True, a family friend, and Alexander P. Ratych, the Surveyor who prepared the site plan for this property. David Thomas appeared on behalf of the Department of Public Work. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property is an irregular shaped parcel located on the west side of Park Heights Avenue, between Walnut Avenue and Hunting Tweed Drive in Owings Mills. The property contains a gross area of 0.75 acres, more or less, zoned R.C.5, and is improved with a 2½-story, single-family dwelling, a 1-story block garage and a small storage shed. The Petitioner has owned the property for the past 5 years and is desirous of making substantial improvements to the existing dwelling, which is apparently uninhabitable. It was indicated that the house was built in 1920 and is very small and in need of renovation. Apparently, the Petitioner commenced construction of the "shell" of the addition without benefit of a permit and upon the issuance of a stop work order, applied for a building permit in November 2005. It was at the time of this application that the Petitioner learned that variance relief was necessary and the instant Petition was filed.

As shown on the site plan, the Petitioner proposes the construction of a large, two-story addition to the rear of the existing dwelling. The addition will be connected to the garage via an internal hallway and will include a two-story greenhouse as well as additional living space within the home. Upon completion of the improvements, the overall square footage of the home will be increased from 1600 sq.ft. to 7000 sq.ft. Due to the irregular shape of the property and the location of existing improvements thereon, the requested special hearing and waiver relief are necessary. As shown on the site plan, the property has approximately 375 feet of frontage along Park Heights Avenue; however, narrows in the location of the existing improvements to a width of 84 feet. The R.C.5 zoning classification requires a minimum setback of 50 feet from any side property line.

on the site. Thus, it is clear the requested special hearing and waiver relief is necessary.

In support of the proposal, testimony indicated that the subject property was formerly the site of a gas station and the rear portion of the lot is paved. Moreover, the rear of the property slopes towards the house. Thus, whenever it rains or snows, water runoff floods the basement level of the home. In addition, the Petitioner apparently enjoys gardening as a hobby and is desirous of having a large greenhouse on her property. Having the structure connected to her home will allow for easy access between the garage and her home during inclement weather. It was indicated that the second floor addition above the garage would be used for storage. Further testimony indicated that the Petitioner has discussed her proposal with her immediate neighbors, Mr. & Mrs. Klein who reside across Park Heights Avenue (east) from the subject site, as well as Mr. Steven Dean, who resides to the south of the property, and no one has any objections. Moreover, the rear of the property is heavily wooded thereby buffering the view of the proposed improvements from the neighboring property to the west, which is presently vacant and also wooded.

As noted above, the Petitioner originally filed for special hearing relief to allow reduced lot line and centerline setbacks for the existing and proposed improvements; however, subsequently learned that a waiver of the floodplain requirements was necessary. In this regard, the Petitioner's representative (Ms. True) met with Mr. Thomas of the Department of Public Works to discuss the floodplain issue and a professional floodplain study was completed by EA Engineering. A copy of this study was entered into evidence as Petitioner's Exhibit 4. This study was discussed at length with Mr. Dennis Kennedy of the Development Plans Review Division as well as Mr. Thomas. Ultimately, those agencies reached agreement and support the Petitioner's proposal as evidenced by the Director of Public Works' comment dated August 25, 2006 as required under Section 32-8-30(c) of the Baltimore County Code.

After due consideration of all of the testimony and evidence presented, I am persuaded to grant the requested special hearing and waiver. I find that relief is warranted given the unique configuration of the property, the site constraints associated therewith, and the location of existing improvements thereon. It is clear that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship upon the Petitioner and prohibit use of the property for

a permitted purpose. There were no adverse ZAC comments submitted by any County reviewing agency, and no one voiced any opposition to the request. I further find that the relief requested meets the spirit and intent of the R.C.5 zoning regulations and complies with the performance standards set forth in Section 1A04.3.B.1.b of the B.C.Z.R. For all of these reasons, I am persuaded that a grant of the relief will not result in any detrimental impact to adjacent properties or the surrounding locale.

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 day of October 2006 that the Petition for Special Hearing to approve side and rear yard setbacks of 3 feet each from any lot line in lieu of the required 50 feet, and a street centerline setback of 61 feet from any collector road in lieu of the minimum required 150 feet, pursuant to Sections 1A04.3.B.1.b(1) and 1A04.3.B.1.b(2) of the Baltimore County Zoning Regulations (B.C.Z.R.), for a proposed two-story addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a waiver of the requirements of Baltimore County Design Manual, Plate D-19 to allow a riverine floodplain setback of 14 feet in lieu of the required 20 feet for the proposed two-story addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at her 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.



JAMES T. SMITH, JR. County Executive

October 3, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Ms. Zofia Getris 1904 Van Buren Road Baltimore, Maryland 21222

RE: PETITION FOR SPECIAL HEARING

E/S Park Heights Avenue, 1500' S of the c/l Walnut Avenue (12026 Park Heights Avenue)

4<sup>th</sup> Election District — 3<sup>rd</sup> Council District

Zofia Getris - Petitioner

Case No. 06-414-SPH

Dear Ms. Getris:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted with restrictions, 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,

WILIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

cc: Ms. Beverly True, 1615 Deer Park Road, Finksburg, Md. 21048

Mr. Alexander P. Ratych, APR Assoc., Inc., 7427 Harford Road, Baltimore, Md. 21234

Mr. David Thomas, Department of Public Works

Mr. Dennis Kennedy, Development Plans Review

Office of Planning; People's Counsel; Case File



# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	12026	Park	Heights Ave.	
	presently		A 77	

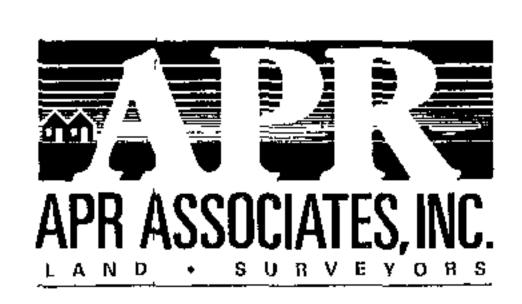
This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

a proposed 2 story addition with a side yard and rear yard setbacks of 3 feet from any lot line in lieu of the minimum required 50 feet from any lot line, and a street centerline setback of 61 feet from any collector road in lieu of the minimum required 150 feet from any collector road, pursuant to Sections [AU4,3.B.1,b(1) and [AO4,3.B.2,b,BC2R.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, 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 while is the subject of this Petition.	f ch
Contract Purchaser/Lessee:		Legal Owner(s):	
	· · · · · · · · · · · · · · · · · · ·	Zofia Getris	·
Name - Type or Print		Name - Type or Print  X Loke Jehr's.	
Signature		X Signature Jehr's	
Address	Telephone No.	Name - Type or Print	
City	Zip Code	Signature	<del></del>
Attorney For Petitioner:		1904 Van Buren Road 410-282-0	
		Address Baltimore, MD21222	· No.
Name - Type or Print	· · · · · · · · · · · · · · · · · · ·	City State Zip C	ode
Signature		Representative to be Contacted:	
	·····	Alexander P. Ratych	
Company		Name 7427 Harford Road 410-444-	4312
Address	Telephone No.	Baltimore, MD 21234 Telephone	Vo.
City State	Zip Code	City State Zip Co	ide
Case No. 06-414-5AH		OFFICE USE ONLY	
		ESTIMATED LENGTH OF HEARING	*
Casé No. 06-414-5AH		UNAVAILABLE FOR HEARING	
	Davi	iewed By	
RSV 9119198	KEY	Lewed by Duie	<del></del> 1



#### ZONING DESCRIPTION FOR 12026 PARK HEIGHTS AVENUE

BEGINNING AT A POINT in the centerline of Park Heights Avenue, which is 40 feet wide, at the distance of approximately 1500' feet. South from the centerline of Walnut Avenue as recorded in Deed Liber 0015322, Folio 081; thence running in the centerline of Park Heights Avenue South 10 degrees 16 minutes 50 seconds East 175.90 feet; thence crossing Park Heights Avenue South 80 degrees 32 minutes 17 seconds West 21.89 feet thence binding along the West side of Park Heights Avenue South 09 degrees 27 minutes 43 seconds East 200.00 feet; thence leaving Park Heights Avenue and running South 81 degrees 49 minutes 26 seconds West 173.74 feet and North 17 degrees 58 minutes 10 seconds East 419.11 feet to the point of beginning; containing 32,671 square feet or 0.75 acres more or less

ALSO known as 12026 Park Heights Avenue and located in the 4<sup>th</sup> Election District, 3<sup>rd</sup> Counselmanic District.

01/25/06

7427 Harford Road
Baltimore, Maryland 21234-7160
(410) 444-4312
Fax: (410) 444-1647

Fax: (410) 444-1647

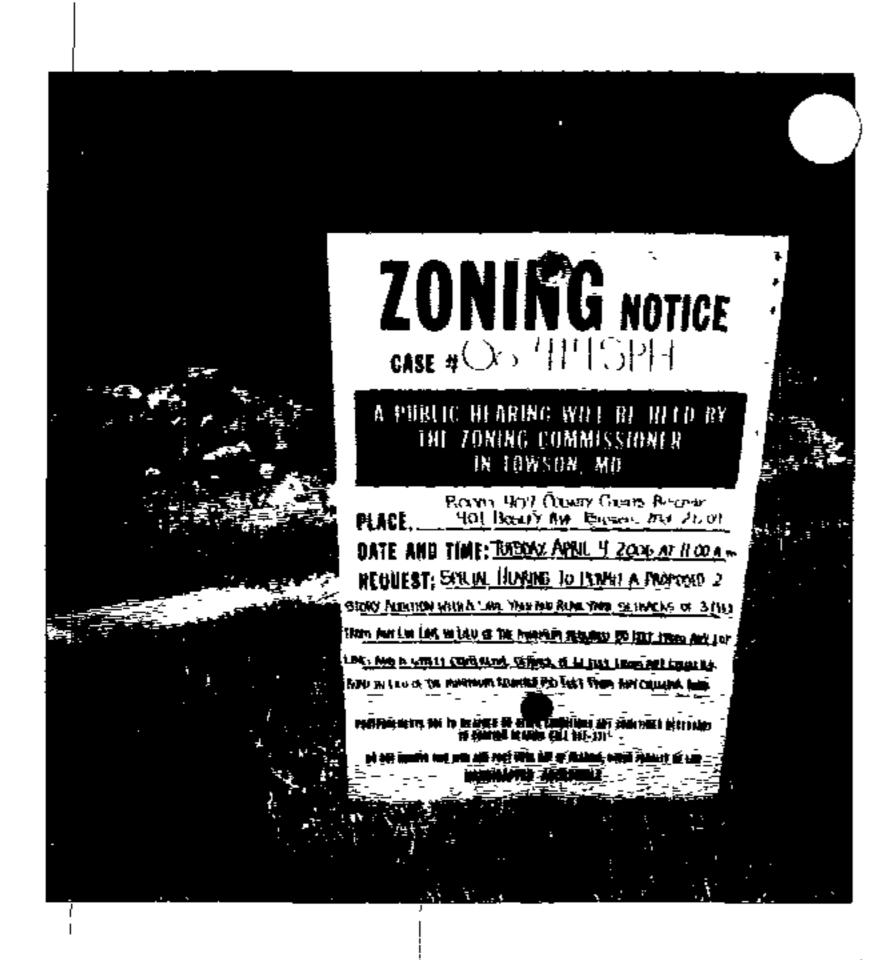
06-414-SPH

### CERTIFICATE OF POSTING

RE: Case No.: 06.4/4.5PH

Petitioner/Developer: ZOFIA GETRIS Date of Hearing/Closing: APRIL 4, 2006 **Baltimore County Department of** Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Kristen Matthews {(410) 887-3394} 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 located at: 12026 PARK HEIGHTS AVE 3-20.06 The sign(s) were posted on (Month, Day, Year)

Sincerely,



Dobert Black 3-21-06 (Signature of Sign Poster) (Date)
(Signature of Sign Poster) (Date)
SSG Robert Black
(Print Name)
1508 Leslie Road
(Address)
Dundalk, Maryland 21222
(City, State, Zip Code)
(410) 282-7940
(Telephone Number)

#### 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: #06-414-SPH

12026 Park Heights Avenue

West side of Park Heights Avenue, 1500 feet south of Walnut Avenue

4th Election District - 3rd Councilmanic District

Ath Election District - 3rd Councilmanic District
Legal Owner(s): Zofia Getris
Special 'Hearing: to permit a proposed 2-story addition
with a side yard and rear yard setbacks of 3 feet from any
lot line in lieu of the minimum required 50 feet from any
lot line, and a street centerline setback of 61 feet from any
collector road in lieu of the minimum required 150 feet
from any collector road.
Hearing: Tuesday, September 26, 2006 at 2:00 p.m. in
Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

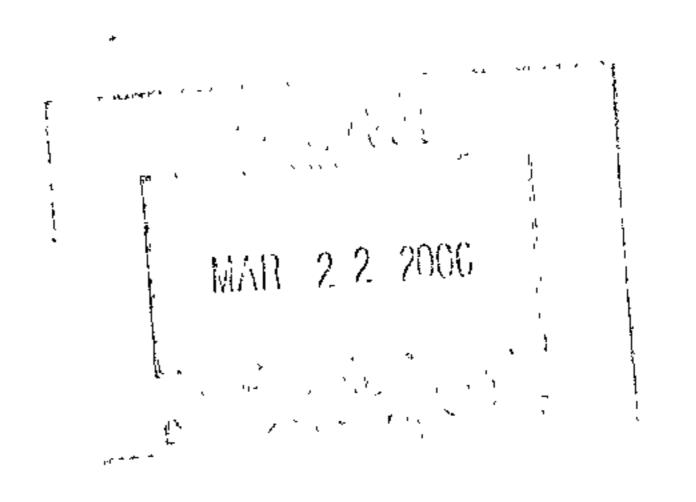
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/9/648 Sept. 12 108969

### CERTIFICATE OF PUBLICATION

<u>9/14</u> , 20 <u>06</u>
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of <del>successive</del> weeks, the first publication appearing
on <u>9/12</u> ,20 <u>06</u> .
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING







#### **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: # 06-414-SPH

12026 Park Heights Avenue

West side of Park Heights Avenue, 1500 feet south of Walnut Avenue

4th Election District — 3rd Councilmanic District

Legal Owner(s): Zofia Getris

Special Hearing: to permit a proposed 2-story addition with a side yard and rear yard setbacks of 3 feet from any lot line in lieu of the minimum required 50 feet from any lot line, and a street centerline setback of 61 feet from any collector road in lieu of the minimum required 150 feet

from any collector road.

Hearing: Tuesday, April 4, 2006 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) 887-3868.

(2) For Information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

3/243 Mar. 16 \_\_\_\_\_\_\_\_87782

### CERTIFICATE OF PUBLICATION

3/16/3
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on $3/6$ ,2006.
The Jeffersonian
Arbutus Times
Catonsville Times
Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilking

LEGAL ADVERTISING

	激激逐渐度的		CASHIER'S VALIDATION
			CUSTOMER
BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE NISCELLANEOUS RECEIPT	DATE	FOR:	DISTRIBUTION WHITE CASHIER PINK AGENCY YELOW



#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

<u>For Newspaper Advertising:</u>
Item Number or Case Number: 06-414-5PH
Petitioner: Zofia Getru
Address or Location: 12026 Park Heights Avenue.
PLEASE FORWARD ADVERTISING BILL TO:
Name: Zofia Getris
Address: 1904 Van Buren Road
Raltimore, MD 21222
· · · · · · · · · · · · · · · · · · ·
Telephone Number: 410-282-0536

Revised 7/11/05 - SCJ

# 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

August 24, 2006

#### **NEW 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: 06-414-SPH

12026 Park Heights Avenue

West side of Park Heights Avenue, 1500 feet south of Walnut Avenue

4th Election District---3rd Councilmanic District

Legal Owner: Zofia Getris

Special Hearing to permit a proposed 2-story addition with a side yard and rear yard setbacks of 3 feet from any lot line in lieu of the minimum required 50 feet from any lot line, and a street centerline setback of 61 feet from any collector road in lieu of the minimum required 150 feet from any collector road.

Hearing: Tuesday, September 26, 2006 @ 2:00 p.m., Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204.

Timothy Kotroco

Director

TK: klm

C: Zofia Getris, 1904 Van Buren Road, Baltimore, MD 21222 Alexander P. Ratych, 7427 Harford Road, Baltimore, MD 21234 Beverly True, 1615 Deer Park Road, Finksburg, 21048

## NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SEPTEMBER 11, 2006.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
- (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, March 16, 2006 Issue - Jeffersonian

Please forward billing to:

Zofia Getris (4

(410-282-0536)

1904 Van Buren Road Baltimore, MD 21222

#### 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: 06-414-SPH

12026 Park Heights Avenue

West side of Park Heights Avenue, 1500 feet south of Walnut Avenue

4th Election District—3rd Councilmanic District

Legal Owner: Zofia Getris

SPECIAL HEARING to permit a proposed 2-story addition with a side yard and rear yard setbacks of 3 feet from any lot line in lieu of the minimum required 50 feet from any lot line, and a street centerline setback of 61 feet from any collector road in lieu of the minimum required 150 feet from any collector road.

Hearing: Tuesday, April 4, 2006 @ 11:00 a.m., 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 410-887-3868.

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

# Department of Permits Development Management

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





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

March 30, 2006

Zofia Getris 1904 Van Buren Road Baltimore, MD 21222

Dear M. Getris:

RE: Case Number: 06-414-SPH, 12026 Park Heights Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 24, 2006.

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

u. Callalala

WCR:amf

Enclosures

c: People's Counsel

Alexander P. Ratych 7427 Harford Road Baltimore 21234



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

4/4

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** March 23, 2006

MAR 2 1 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

12026 Park Heights Avenue

**INFORMATION:** 

Item Number:

6-414

Petitioner:

Zofia Getris

Zoning:

RC 5

Requested Action:

Special Hearing

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and site plan; due to the size and scale of the proposed addition, this office requests architectural elevations be submitted for review and comment.

At this time the Office of Planning has insufficient information to make a recommendation concerning the appropriateness of the special hearing relief. If the Zoning Commissioner grants the Special Hearing at this time it shall be subject to the Office of Planning's review of architectural elevations for the proposed addition. Additionally photographs of the existing dwelling should also be included.

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

Prepared by: Lucia Russaul

Division Chief:

AFK/LL: CM

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** March 10, 2006

Department of Permits & Development

Management

Down in A

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

FROM:

Zoning Advisory Committee Meeting

For March 13, 2006

Item No. 414

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

The proposed building appears to be within the riverine flood plain or flood plain set-back area. We strongly recommend that this issue be tabled until the petitioner has the flood plain delineated to our satisfaction.

DAK:CEN:cab

cc: File

ZAC-ITEM NO 414-03132006.doc

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



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

#### Maryland Department of Transportation

Date: 3.7.06

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

RE: 1

**Baltimore County** 

Item No.

414

JHP

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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

1. 1. South

Engineering Access Permits Division

#### BALTIMORE COUNTY, MARYLAND

#### Inter-Office Correspondence

**DATE**: June 15, 206

**TO**: Kristen Matthews

Department of Permits & Development Management

FROM:

William J. Wiseman,

Zoning Commissione

SUBJECT: Petition for Special Hearing

12026 Park Heights avenue Case No. 06-414-SPH

Having not received a courtesy of a reply we're returning this file to you for safekeeping.

In the event this matter is scheduled for a new hearing date, please assign this case to me.

WJW:dlw

RE: PETITION FOR SPECIAL HEARING 12026 Park Heights Avenue; W/S Park Heights Avenue, 1500' S Walnut Avenue 4<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts

Legal Owner(s): Zofia Getris

\* Petitioner(s) **BEFORE THE** 

ZONING COMMISSIONER

**FOR** 

MAR : 2006

BALTIMORE COUNTY

06-414-SPH

#### 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/ documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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

(410) 887-2188

#### CERTIFICATE OF SERVICE

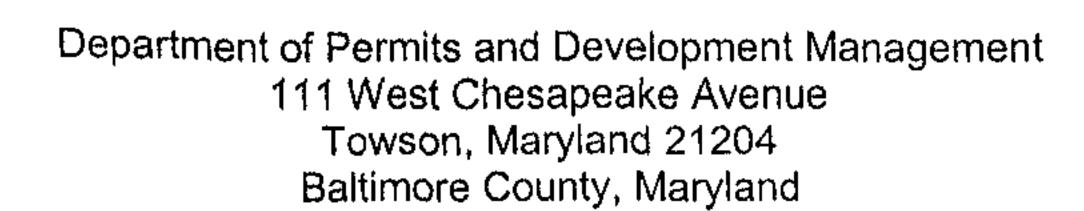
I HEREBY CERTIFY that on this 9th day of March, 2006, a copy of the foregoing Entry of Appearance was mailed to Alexander Ratych, 7427 Harford Road, Baltimore, MD 21234, Representaive for Petitioner(s).

RECEIVED

WAR 0 9 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



In the Matter of

Civil Citation No.05-9594

Zofia Getris 1904 Van Buren Lane Baltimore MD 21222

12026 Park Heights Avenue

Respondent

### FINDINGS OF FACT AND CONCLUSION OF LAW FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on February 1, 2006, for a hearing on a citation for violations under the Baltimore County Building Code, International Building Code § 105.1, 109.1 for failure to obtain Building Permit for addition to rear of house, failure to obtain required inspections on residential property located at 12026 Park Heights Avenue, 21117.

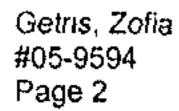
On December 19, 2005, pursuant to §3-6-205, Baltimore County Code, a code enforcement citation was issued by Lewis Mayer, Code Enforcement Officer. The citation was legally served on the Respondent.

The citation proposed a civil penalty of \$8,000.00 (eight thousand dollars) to be assessed. A code enforcement hearing date was scheduled for February 1, 2006.

Zofia Getris, Respondent appeared for the hearing and testified. Lewis Mayer, Code Enforcement Officer also testified.

Testimony and evidence shows that the Respondent began construction of an addition to existing dwelling without first applying for and obtaining a building permit. Upon receiving notice to stop work and obtain required permit, the Respondent learned that a variance was required prior to filing for a building permit. The variance procedure will take some time to work through the process. In the meantime, no additional construction has taken place. The Respondent has another meeting set for February 24, 2006 wherein it is expected that the petition requesting the variance Hearing will be accepted baring any additional unforeseen addendums required prior to filing by the zoning office.

-06-414-5PH



IT IS ORDERED by the Code Enforcement Hearing Officer, this 7<sup>th</sup> day of February 2006, that Case #05-9594 is hereby continued pending the variance hearing. This case may be set in for a Show Cause Hearing to determine civil penalty at any time the inspector finds a Hearing necessary. In the meantime, no additional work shall be done until the variance is approved and a valid building permit is obtained.

IT IS FURTHER ORDERED that the inspector inspect the property to determine whether the violation has been corrected.

Signed:

Raymond S. Wisnom, Jr.

Code Enforcement Hearing Officer

The violator is advised that pursuant to §3-6-301(a), Baltimore County Code, an appeal to the Baltimore County Board of Appeals may be taken within fifteen (15) days after the date of a final Order. §3-6-302(a)(b)(c)(d) requires the filling of a petition setting forth the grounds for appeal and a filling fee of \$150. The appellant is urged to read the requirements for the appeal petition. Security in the amount of the civil penalty must be posted with the Director.

RSW/jaf

Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation **BALTIMORE COUNTY** Real Property Data Search

Go Back View Map **New Scarch Ground Rent** 

**Account Identifier:** 

District - 04 Account Number - 1900004698

**Owner Information** 

**Owner Name:** 

**GETRIS ZOFIA** 

Use: **Principal Residence:**  RESIDENTIAL

Mailing Address:

1904 VAN BUREN RD

**BALTIMORE MD 21222-3040** 

**Deed Reference:** 

1) /15322/ 81

2)

NO

**Location & Structure Information** 

**Premises Address** 

12026 PARK HEIGHTS AVE

**Legal Description** 

.7500 AC

12026 PARK HEIGHTS AVE W

1500 S WALNUT AV

Grid Parcel **Sub District** Subdivision Section Block Lot Plat No: Map **Assessment Area** 23 Plat Ref: 49 303 Town **Ad Valorem** Special Tax Areas Tax Class **Property Land Area Primary Structure Built Enclosed Area County Use** 

1920 1,600 SF 32,670.00 SF 04 **Stories** Exterior **Basement** Type YES STANDARD UNIT SIDING

**Value Information** 

Phase-in Assessments Base **Value** Value As Of As Of As Of 01/01/2004 07/01/2005 07/01/2006 68,160 68,160 Land: 64,740 Improvements: 77,150 Total: 141,172 145,310 132,900 145,310 **Preferential Land:** 

**Transfer Information** 

BANKERS TRUST COMPANY \$45,000 Seller: 06/21/2001 Date: Price: NOT ARMS-LENGTH Deed1: /15322/81 Deed2: Type:\_ \$147,500 Seller: SHIFREN EVAN MYLES 02/28/2000 Price: Date: Deed2:

NOT ARMS-LENGTH **Deed1:** /14328/ 374 Type: NBSINC 03/10/1994 Seller: Date: Price:

Deed1: /10396/ 427 IMPROVED ARMS-LENGTH Deed 2:

Type:

**Exemption Information** 

Partial Exempt Assessments 07/01/2005 07/01/2006 Class County 000 000State Municipal 000

Tax Exempt: Exempt Class: NO

**Special Tax Recapture:** 

\$90,000

\* NONE \*

# BALTIMORE COUNTY MARYLAND INTER-OFFICE CORRESPONDENCE

March 10, 2006		
W. Carl Richards, Jr. Zoning Review Superv	isor	
Rick Wisnom, Chief Division of Code Inspe	ections & Enforc	ement
Item No.: Legal Owner/Petitioner Contract Purchaser: Property Address: Location Description:		<ul> <li>414</li> <li>Getris, Zofia</li> <li>N/A</li> <li>12026 Park Heights Ave.</li> <li>W side of Park Heights Ave, 1500' S of Walnut Ave.</li> </ul>
ON INFORMATION:	Case No. Defendants:	05-9594 Getris, Zofia
ase be advised that the afore etition is scheduled for a pu e:	ementioned petit blic hearing, ple	tion is the subject of an active violation case. ease notify the following person(s) regarding the
		ADDRESS
er, Bldg. Insp.		111 W. Chesapeake Ave. Rm. G-21
_		py of the following pertinent documents relative to oner's Office:
Complaint Intake Form State Tax Assessment State Tax Parcel Map ( MVA Registration prin Deed (if applicable) Lease-Residential or C Photographs including Correction Notice/Cod	n/Code Enforced printout (if applicable) (if application) (ommercial (if a dates taken le Violation Not	ment Officer's report and notes  ole)  pplicable)  ice
	W. Carl Richards, Jr. Zoning Review Superv Rick Wisnom, Chief Division of Code Inspection of Code Inspection of Code Inspection of Contract Purchaser: Property Address: Location Description:  ON INFORMATION:  ase be advised that the aforementation is scheduled for a pure:  er, Bldg. Insp.  addition, please find attached no case, for review by the Zone Complaint letter/memory Complaint Intake Form State Tax Assessment State Tax Parcel Map (MVA Registration print Deed (if applicable) Lease-Residential or Complaints including Correction Notice/Code	W. Carl Richards, Jr. Zoning Review Supervisor  Rick Wisnom, Chief Division of Code Inspections & Enforce Item No.: Legal Owner/Petitioner Contract Purchaser: Property Address: Location Description:  ON INFORMATION: Case No. Defendants:  ase be advised that the aforementioned petite retition is scheduled for a public hearing, ple e:  er, Bldg. Insp.  addition, please find attached a duplicate comes case, for review by the Zoning Commission Complaint letter/memo/email/fax (if and Complaint Intake Form/Code Enforcer State Tax Assessment printout State Tax Parcel Map (if applicable) MVA Registration printout (if applicable)

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/lm

C: Code Enforcement Officer

Inspector -

MAYER, L.

Area Case # Location

Apt Zip Date Rec Reinsp Dt

017 05-9594 12026

PARK HEIGHTS AVE

21222 11/09/2005 1/30/2006

Tax Acct #: 1900004698

Owner: GETRIS, ZOFIA

Complainant Name: (Last) ANONYMOUS

(First)

Addr:

Phone:

Str #

Dir Street Name

Type Apt

City

(Home)

ST Zip

(Work)

Problem:

BLDG HUGE ADD W/O PERMIT

Notes:

05-9594 11/10/05 VISITED SITE. ISSUED SWO. MAILED COPY TO OW NER. P/U 11/23/05. L.MAYER/NS 11/16/05 OWNER HAS DATE OF 12/14/05 FOR ZONING VARIANCE APPLICATION. P/U 12/14/05 L.MAY ER/NS\*\*\*

OWNER FAILED TO APPLY FOR VARIANCE FOR PERMIT. FAILED TO OBTAIN PERMIT OR INSPECTIONS ISSUED CIVIL CITATION. OWNER HAD APPT. TO FILE FOR VARIANCE ON 12/14/05 & FAILED TO APPEAR. P/U 1/3/06 FOR SERVICE. L.MAYER/NS\*\*\*

12/22/05

PERSONAL SERVICE OBTAINED BY CLAUDE PROFILI. HEARING DATE I S 2/1/06.P/U 1/30/06 L.MAYER/NS\*\*\*

\*\*1/4/06 ON DOCKET FOR 2/1/

06 FILE TO L MAYER /JF\*\*.

1/3/106 - Revisit Site. North ANGE: OWNER HAD DND DATE ON 1/36/06 TO APPLY FOR VARIANCE, APPLICATION WAS NOT MADE. RICHT/06 FOR DOCISION FROM HEARING.

OWNER HAS NEXT APPLICATION MEETING 2/24/06 Les May

Presse Retvan M

É: 11/09/2005 STANDARD ASSESSMENT INQUIRY ()

YME: 09:20:50

1904 VAN BUREN RD

GETRIS ZOFIA

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL

LOAD DATE

11/04/05 19 00 004698 04 1-0 04-00 NO

DESC-1.. IMPS.7500 AC

DESC-2.. 1500 S WALNUT AV PREMISE. 12026 PARK HEIGHTS AVE

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BALTIMORE MD 21222-3040 FORMER OWNER: BANKERS TRUST COMPANY

----- FCV ------ PHASED IN PRIOR PROPOSED CURR CURR PRIOR LAND: 68,160 68,160 FCV ASSESS ASSESS IMPV: 64,740 77,150 TOTAL. 145,310 145,310 141,172 TOTL: 132,900 145,310 PREF... PREF: 0 0 CURT... CURT: 0 0 EXEMPT. DATE: 08/00 07/03

---- TAXABLE BASIS ---- FM DATE

ASSESS: 145,310 11/22/03

ASSESS: 141,172 ASSESS:

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF



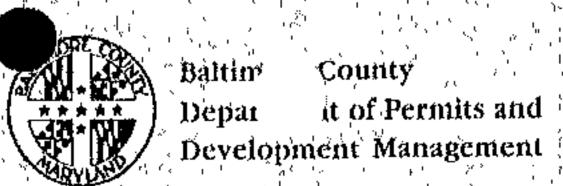
Baltimore County Department of Permits and Development Management Code Inspections and Enforcement
County Office Building 111 West Chesapeake Avenue Towson, MD 21204

Code Enforcement: Building Inspection:

410-887-3351

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Code Inspections and Enforcement
County Office P ng
111 West Chesape are Avenue
Towson, MD 21204

Towson, MD 21204 ( 410-887-3620 Plumbing Inspection: 410-887-3351 Code Enforcement: 410-887-3960 Electrical Inspection: 410-887-3953 **Building Inspection:** ENFORCEMENT CITATION SERVE ON RESIDENT AGENT, CORPORATE OFFICER, OWNER, TENANT, AS APPLICABLE Property No. Citation/Case No. Name(s): GETRIS 904 VAN BUREN RJ. BALT. MD 2122. Address: Violation PARK HEIGHTS AVE Location Violation Dates: OWING BALTIMORE COUNTY LAWS OR REGULATIONS: Bcc BUILDING PERMIT ADDITION ON REAR OF HOUSE FAILURE TO OBTAIN REQUIRED INSPECTIONS Pursuant to Section 1-8, Baltimore County Code, a civil penalty has been assessed, as a result of the violation cited herein, in the amount indicated: A quasi-judicial hearing has been pre-scheduled in Room 116, ంకా 111 West Chesapeake Avenue, Towson, Maryland, for: Time: Citation must be served by: Date I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief. Print Name: Inspector's Signature SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION NOTICE OF INTENTION TO DEFEND Citation/Case No.; Print Name: Address:

Date Defendant's Signature

AGENCY



May 23, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

JAMES T. SMITH, JR.

County Executive
Ms. Beverly True
1615 Deer Park Road
Finksburg, Maryland 21048

RE: PETITIONS FOR SPECIAL HEARING

(12026 Park Heights Avenue)

Case No. 06-414-SPH

Dear Ms. True:

As you know doubt will recall, you appeared on behalf of the Petitioner, Zofia Getris, and presented testimony and evidence in support of the Petition. At the conclusion of the hearing, I informed you that Mr. Dennis Kennedy, an engineer in the Department of Development Plans Review, had raised an issue as to whether the improvements were within a floodplain. I recently saw Mr. David Thomas in the Department of Public Works and asked whether he had any information concerning this and he thought that a further delineation would be required from an engineer in this regard.

I have been holding the file since April 4, 2006 in my office and now question whether I should continue to hold it or send it back to the Department of Permits and Development Management for safekeeping. Certainly, when the issue is resolved, the matter may be continued or rescheduled for my hearing docket when you're ready to proceed. I might also inform you that I have received several phone calls from Mr. Lewis Mayer, a building inspector, inquiring as to the status in view of the active violation case (Case No. 05-9594), which is entwined in this zoning matter.

I would appreciate the courtesy of a reply from you or from Mr. Getris advising me as to whether I should continue to hold this file in the Zoning Office or return it to the Department of Permits and Development Management for safekeeping until this matter is resolved.

King S

Very trally yours,

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw

c: Zofia Getris, 1904 Van Buren Road, Baltimore, Md. 21222 Zofia Getris, 12026 Park Heights Avenue, Owings Mills, Md. 21117 Code Enforcement, PDM; David L. Thomas, P.E., DPW IN RE: PETITION FOR SPECIAL HEARING
NE/S Bird River Grove Road, 4800' E of
Ebenezer Road
(11200 Bird River Grove Road)
15<sup>th</sup> Election District
5<sup>th</sup> Council District

Mary Frances Hayes
Petitioner

- \* BEFORE THE
- \* ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- \* Case No. 03-346-SPH

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Mary Frances Hayes. The Petitioner requests a special hearing to approve a waiver, pursuant to Section 500.6 of the Baltimore County Zoning Regulations, of Section 3112.0 of the Baltimore County Building Code and Sections 26-670, 26-172(a)(3) of the Baltimore County Code, to permit a dwelling destroyed by fire to be reconstructed with a basement in a tidal floodplain. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Mary F. Hayes, property owner, Noah and Colleen Clark, the Petitioners' daughter and son-in-law, and Joseph Larson, a consultant who assisted the Petitioners through the process. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped waterfront parcel located on Bird River with frontage on the north side of Bird River Grove Road, east of Ebenezer Road and Route 40 in White Marsh. The property contains a gross area of 0.230 acres, more or less, zoned R.C.2. Ms. Clark has owned and resided on the property since the 1960s. As noted above, the property was improved with a single family dwelling which was originally constructed in the 1920s; however, as the result of a fire last summer, the house was destroyed and condemned for habitation. Two photographs were submitted which show that the structure suffered significant

damage and is beyond repair. Similarly, a letter from Hunter Rowe, a Code Enforcement Inspector with the Department of Permits and Development Management, indicates that as a result of the extensive fire damage, the County would consider the house as condemned.

Ms. Hayes' daughter and son-in-law propose to acquire the property and redevelop same with a new single family dwelling. The new dwelling will essentially occupy the same footprint as the old structure. An examination of the site plan shows that the new dwelling will be slightly deeper, yet narrower, than the original dwelling. Due to the Petitioners' desire to have a basement level in the new home, the requested special hearing relief is necessary.

At the hearing, the undersigned Zoning Commissioner advised the Petitioners that two relevant Zoning Advisory Committee (ZAC) comments had been received from reviewing County agencies. One such comment was from the Department of Environmental Protection and Resource Management (DEPRM), which administers the Chesapeake Bay Critical Areas (CBCA) regulations. Due to the property's waterfront location, the proposed development must comply with those regulations, as well as the CBCA buffer management area regulations. In addition, a comment was received from the Bureau of Development Plans Review of the Department of Permits and Development Management (DPDM). That comment noted that the flood protection elevation of this site is 11.2 feet and that the basement level in the new dwelling must be at least 1 foot above that elevation. It is also to be noted that correspondence was received from John M. Joyce, Coordinator of the National Flood Insurance Program for the Maryland Department of the Environment. Mr. Joyce indicated that he is familiar with Baltimore County's floodplain management ordinance and identified a series of standards that need be met for construction of the new dwelling. Specifically, the existing basement must be filled in and a crawlspace that is above-grade created as a condition of issuing a permit. His comment further goes on to state that they cannot support a variance from any of the floodplain construction requirements in the Baltimore County Building Code, especially the retention of a basement.

In considering the issue presented, there are two Sections of the B.C.Z.R. that are relevant. The first is Section 305, entitled "Replacement of Destroyed or Damaged Dwellings." That Section

provides that in the event of a complete or partial loss by fire, a dwelling that does not comply with the height or area requirements of the zone in which it is located can be restored, provided that the area or height deficiencies of the dwelling before the fire are not increased in any respect. Secondly, the language set out in Section 104.2 of the B.C.Z.R. is applicable. Section 104 of the B.C.Z.R. governs nonconforming uses. A nonconforming use is a use that is illegal under the current regulations, however is "grandfathered" and therefore may remain. Section 104.2 of the B.C.Z.R. indicates that a nonconforming structure, which is damaged or destroyed by fire, may be restored within two years of such destruction, but may not be enlarged.

In this case, the subject property and original dwelling do not comply with the zoning requirements for the R.C.2 zone. The lot itself is undersized and the original house had insufficient setbacks. Nonetheless, the Petitioners are eligible to reconstruct a dwelling on the lot, given the collective language of Sections 305 and 104.2 of the B.C.Z.R. The language in Section 305 of the B.C.Z.R. specifically exempts the new dwelling from strict compliance with height and area regulations. Moreover, the language in Section 104.2 of the B.C.Z.R. allows a nonconforming use to continue, even when the use is "nonconforming in density."

The issue in this case, however, relates to the proposed basement. The prohibition of a basement in a floodplain is not found in the zoning regulations, but instead in the Building Code. Thus, the exemption from strict compliance provided by Sections 104.2 and 305 is not applicable to the Building Code. Moreover, there was no persuasive testimony or evidence presented that this provision of the Building Code should be waived. The level of the proposed basement is significantly below flood level of this property at 11.2 feet. Permitting the Petitioners to enlarge the building to a greater height or a larger footprint is a better alternative and may be warranted here. However, no such request is before me at present. For all of these reasons, the Petition for Special Hearing must be denied. Although the Petitioners may rebuild in accordance with Sections 104.2 and 305 of the B.C.Z.R., the new dwelling need comply with the floodplain regulations contained in the Baltimore County Code and Chesapeake Bay Critical Areas requirements.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of April 2003 that the Petition for Special Hearing (as modified) seeking approval of a waiver, pursuant to Section 500.6 of the Baltimore County Zoning Regulations, of Section 3112.0 of the Baltimore County Building Code and Sections 26-670, 26-172(a)(3) of the Baltimore County Code, to permit a single family dwelling in a tidal floodplain, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioners shall be permitted to rebuild the dwelling, pursuant to the requirements of Sections 104.2 and 305 of the B.C.Z.R., subject to the following restrictions:

- 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 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) Pursuant to the comment submitted by the Maryland Department of the Environment, there shall be no basement in the new dwelling and the existing basement shall be filled in and a crawlspace that is above-grade created.
- 3) Compliance with the Chesapeake Bay Critical Areas regulations and floodplain regulations as set forth in the ZAC comments submitted by DEPRM, dated March 12, 2003 and the Bureau of Development Plans Review, dated February 26, 2003, copies of which are attached hereto and made a part hereof.
- 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.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs



April 03, 2006.

Post-it® Fax Note 7671 Co. Co./Dept. 🤝 Phone # 37SI Phone # Fax # FEX#

Mr. Dave Thomas Department of Public Works **Baltimore County** 

Re: 12026 Park Heights Avenue

Dear Dave:

This is to confirm our telephone conversation this morning and my request to disregard a note on our Plan to Accompany Petition for Zoning Variance Identifying approximate limits of the flood plain, by a drawn line.

The note was placed on the spur of the moment when Mrs. Getris stopped by our office, and was most likely not correct.

I received a copy of the letter from Mr. Dennis A. Kennedy of the Bureau of Development Planning Review to Mr. Timothy M. Kotroco, Director of Development of Permits and Development, in which he strongly recommends that this petition for zoning variance be tabled. I fully agree with that, and I do not plan the scheduled meeting.

To resolve the problems in connection with the requested variance may take time and I am not sure they can be resolved.

> Sincerely, APR Associates, Inc.

Alexander P. Ratych, Prof. L.S. President

APR/sf

7427 Harford Road Baltimore, Maryland 21234-7160 (410) 444-4312 Fax: (410) 444-1647

### DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

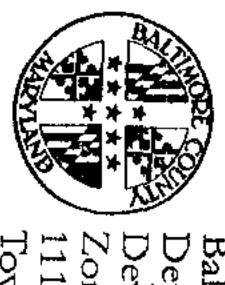
County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

BALTIMORE COUNTY, Plaintiff, vs. Zo fia Gerris	, Defendant
Hearing Date 02/01/06 Issued Date 12/19/05 Expiration Date 0	1/03/06
REQUEST FOR SERVICE	
Please serve the attached process on the person shown.	
ORDER FOR SERVICE	
You are hereby commanded to serve the attached process and to make your return promptly on this Orde are unable to serve, you are to make your return on this Order and return the original process no later than the termination of the validity of the process.	r if served, and if you the last day following
PROOF OF SERVICE	
I hereby CERTIFY that:	
A Citation and all other papers filed with it were served by restricted delivery mail, return card attached	d.
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solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best information, and belief, and do further affirm that I am a competent person over 18 years of age and not a pa	at of my knowledge, arty to the case.
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Baltimore County

Department of Permits and

Development Management

Zoning

111 West Chesapeake Avenue, Room 111

Towson, Maryland 21204

Return Service Requested

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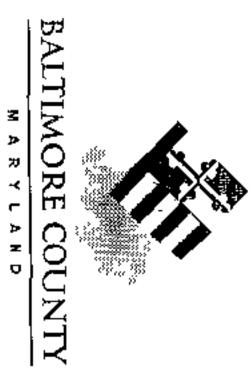
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Zoning Commissioner
Office of Planning
401 Bosley Avenue, Suite 405
County Courts Building
Towson, Maryland, 21204

Zofia Getris 12026 Park Heights Avenue ( Owings Mills, Md. 21117

Return Service Requested

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CASE NAME Getris 12026 ParkHts.
CASE NUMBER OG- 414
DATE 9/26/06

# COUNTY REPRESENTATIVE'S SIGN-IN SHEET

TATE, ZIP	athomas@co.bon.md.wo										
CITY, STATE	i <b>I</b>								•		
`	Rm. 307 COB										
NAME	David Thomas										

PLEASE PRINT CLEARLY

CASE NAME CONFISSON CASE NUMBER OF WASHINGTON

## PETITIONER'S SIGN-IN SHEET

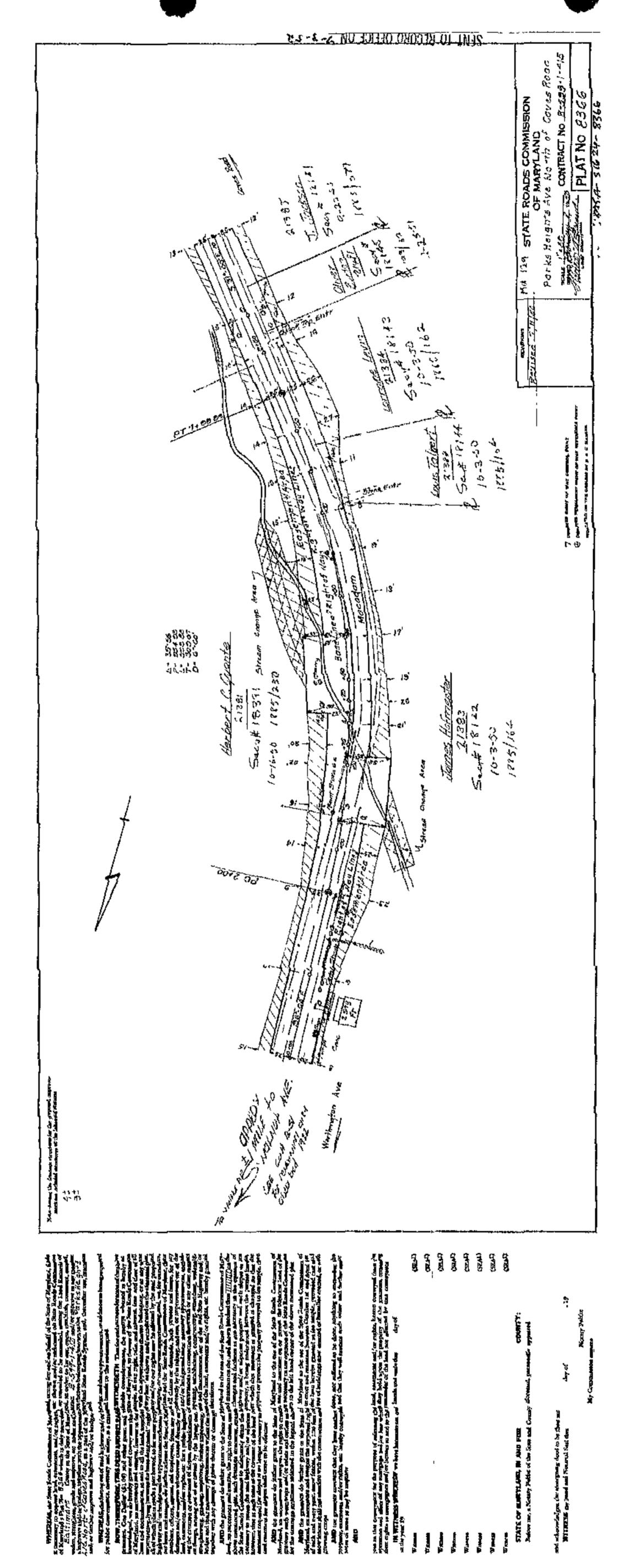
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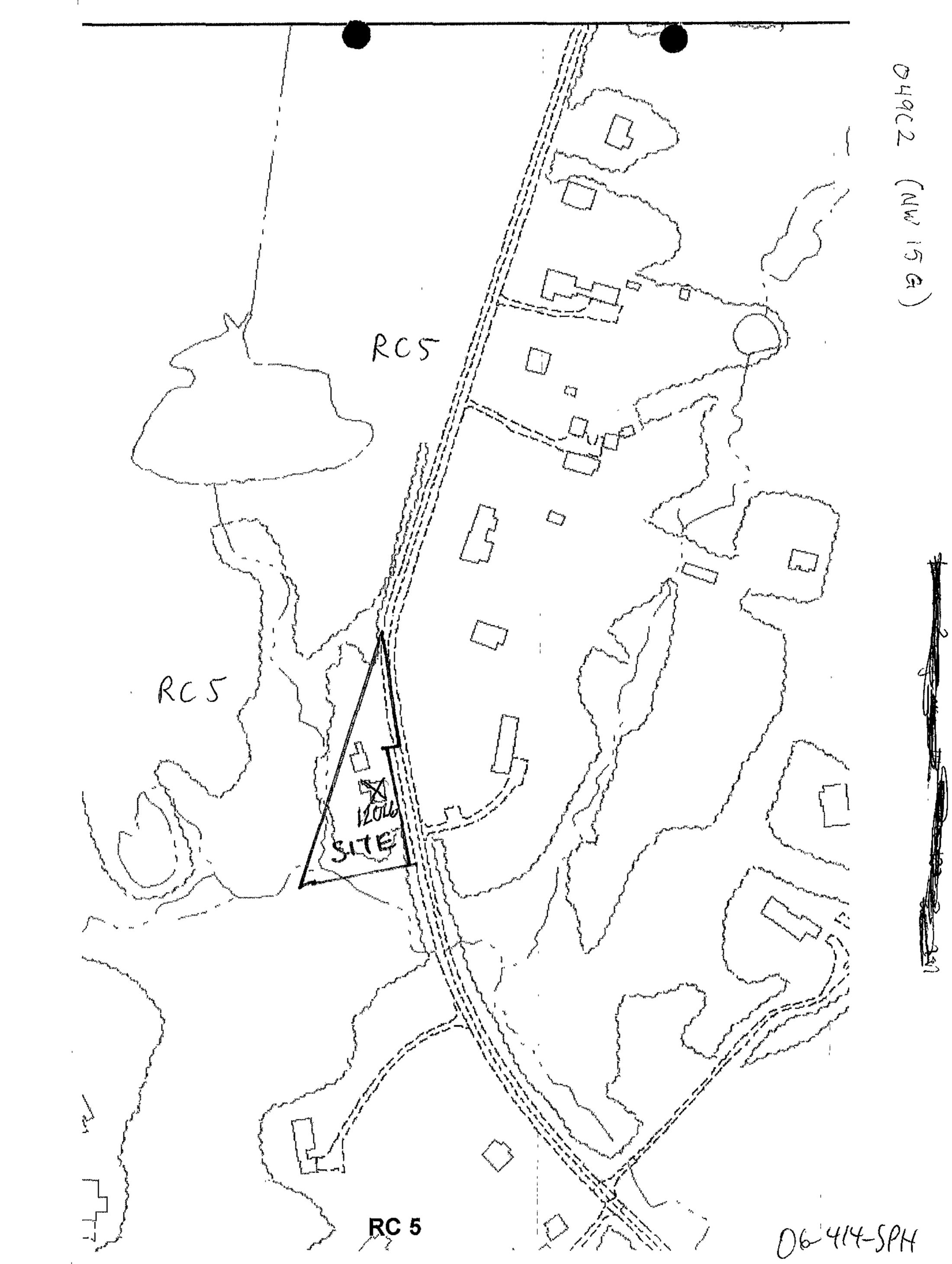
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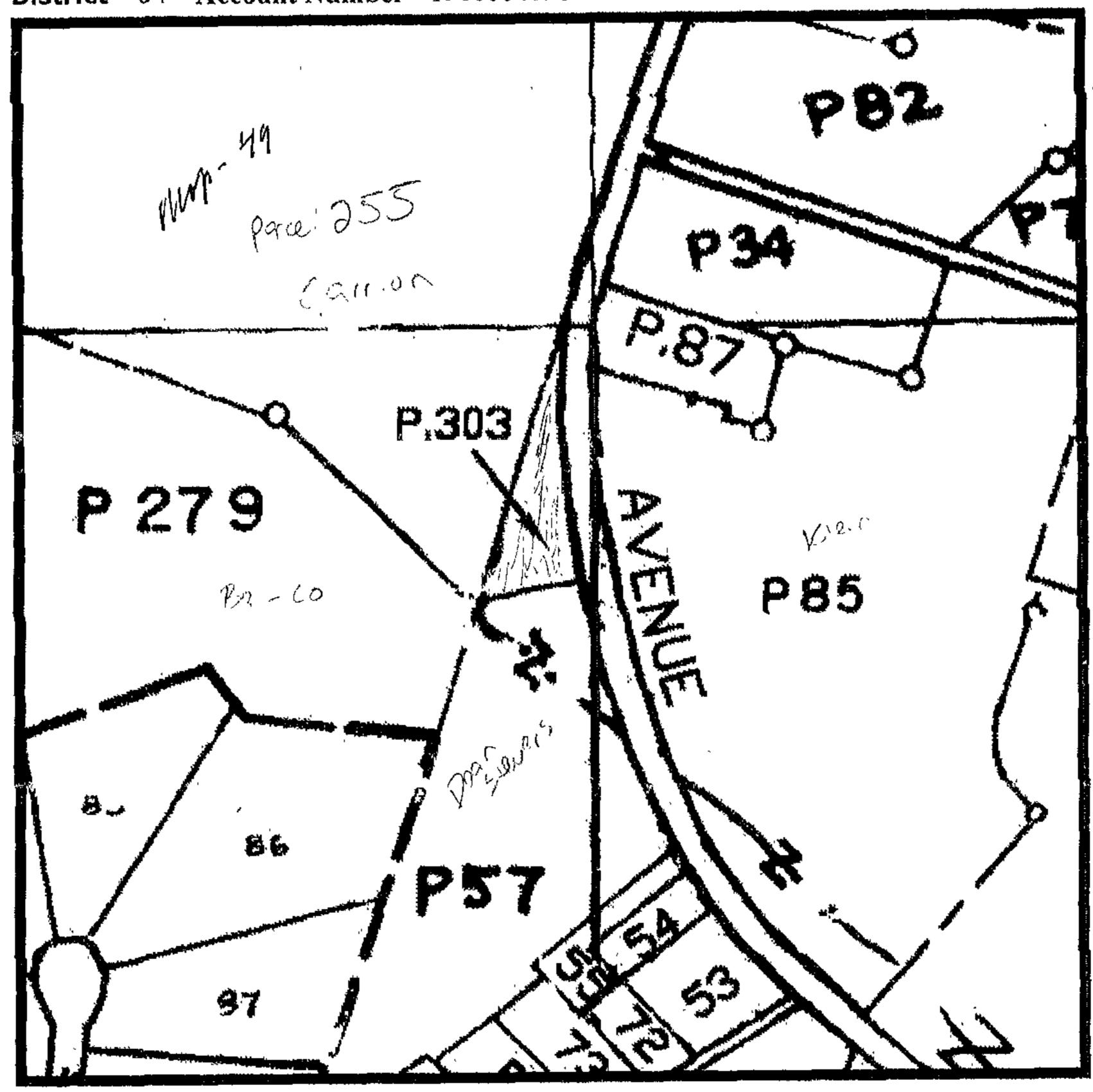
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District - 04 Account Number - 1900004698



Property maps provided courtesy of the Maryland Department of Planning ©2004. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at <a href="https://www.mdp.state.md.us/webcom/index.html">www.mdp.state.md.us/webcom/index.html</a>

APPLICATION FOR PERMIT BALTIMORE COUNTY MARYLAND DEPARTMENT OF PERMITS & DEVELOPMENT MANAGE TOWSON, MARYLAND 21204 HISTORIC DISTRICT/BLDG. 12026 PARK HEIGHTS AVA PROPERTY ADDRESS PERMIT SUITE/SPACE/FLOOR RECEIPT #: DO NOT KNOW SUBDIV: CONTROL #: 777 DISTRICT/PRECINCT TAX ACCOUNT #: XREF #: OWNER'S INFORMATION (LAST, FIRST) NAME: FEE: 2/222-304 ADDR: PAID: PAID BY: HAVE SPRINKLERS INSPECTOR: APPLICANT INFORMATION YES ---NAME: I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, COMPANY: AND THAT IN DOING THIS WORK ALL PROVI-STREET SIONS OF THE BALTIMORE COUNTY CODE AND CITY,ST,ZIP APPROPRIATE STATE REGULATIONS WILL BE MHIC # PHONE #: MHBR# COMPLIED WITH WHETHER HEREIN SPECIFIED APPLICANT OR NOT AND WILL REQUEST ALL REQUIRED DRC# SIGNATURE: OUTO INSPECTIONS. PLANS: CONST 2 PLOT PLAT DATA , TENA CONTR ENGNR: IMPROVEMENT SELLR: NEW BLDG CONST ADDITION ALTERATION BE PROPOSED WORK: Const. 2 star skell only add, on REPAIR WRECKING rear of Rf. SFD ( to be attacked to MOVING OTHER TYPE OF USE RESIDENTIAL AMUSEMENT RECREATION, PLACE OF ASSEMBLY ONE FAMILY 08. CHURCH, OTHER RELIGIOUS BUILDING 02. TWO FAMILY 09. 03. THREE AND FOUR FAMILY 10. FENCE (LENGTH HEIGHT INDUSTRIAL, STORAGE BUILDING FIVE OR MORE FAMILY (ENTER NO UNITS) PARKING GARAGE SWIMMING POOL SERVICE STATION, REPAIR GARAGE/NUT 05. SERVICE STATION, RELEASE, NURSING HOME HOSPITAL, INSTITUTIONAL, NURSING HOME GARAGE 06. OFFICE, BANK, PROFESSIONAL PUBLIC UTILITY 15. O7. OTHER 16. SCHOOL, COLLEGE, OTHER EDUCATIONAL TYPE FOUNDATION BASEMENT 18. SIGN MERCANTILE STORE . SLAB FULL 2. BLOCK - PARTIAL SPECIFY TYPE SWIMMING POOL 3. CONCRETE 21. TANK, TOWER TRANSIENT HOTEL, MOTEL (NO. UNITS OTHER TYPE OF CONSTRUCTION TYPE OF HEATING FUEL TYPE OF SEWAGE DISPOSAL EXISTS PROPOSED MASONRY GAS ELECTRICITY PUBLIC SEWER WOOD FRAME OIL COAL 2. PRIVATE SYSTEM STRUCTURE STEEL EXISTS SEPTIC PROPOSED : REINF. CONCRETE TYPE OF WATER SUPPLY PRIVY EXISTS PROPOSED CENTRAL AIR: 1. EXISTS PROPOSED PRIVATE SYSTEM ESTIMATED COST: \$70, 100 EXISTS PROPOSED OF MATERIALS AND LABOR PROPOSEXOLUSE: EXISTING USE: OWNERSHI PUBLICLY OWNED RENTAL SALE 1. PRIVATELY OWNED RESIDENTIAL CATEGORY: DETACHED 2. SEMI-DET. GROUP 4. TOWNHSE MIDRISE #1BED: #2BED: #3BED: HEFF: TOT BED: HIRISE TOT APTS/CONDOS. FAMILY BEDROOMS GARBAGE DISPOSAL T. Y. 2. No BATHROOMS CLASS POWDER ROOMS KITCHENS LIBER FOLIO 375.90X APPROVAL SIGNATURES DATE INSP: BUILDING SIZE LOT SIZE AND SETBACKS BLD PLAND () Rm (20 FLOOR CONTRACT SIZE FTRE FRONT STREET SIDE STREET SEDI CTL HEIGHT 2 FRONT SETBK SIDE SETBK93 STORIES

PETITIONER'S

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IMORE COUNTY MARYLAND -- NO PERMIT FEED REFUNDED

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**PLANNING** 

PERMITS

EXHIBIT NO.

LOT #'S

CORNER LOT

2 résidential mar per applicant

### phase No ob mil BALTIMORE COUNTY, MARYLAND

### INTER OFFICE CORRESPONDENCE

TO:

Timothy Kotroco, Director,

Permits & Development Management

ATTN:

Kristen Matthews

MS 1105

FROM:

Edward Adams, Director,

Public Works

DATE:

August 25, 2006

SUBJECT: Case No. 06-414-SPH

Petition for Special Hearing 12026 Park Heights Avenue

Section 32-8-303 (c) of the Baltimore County Code concerning waivers to the floodplain regulations says, "In considering a waiver action, comments from the state coordinating office and the County Department of Public Works shall be taken into account and maintained with the permit file." This memo is the comment from the Department of Public Works for the subject waiver.

The waiver involves a reduction in the setback from the freeboard of a riverine floodplain to 14 feet from the 20 feet required by Design Manual Plate D-19. The developer's engineer has prepared a flood study and exhibits accepted by this office as correctly describing the floodplain condition at the site.

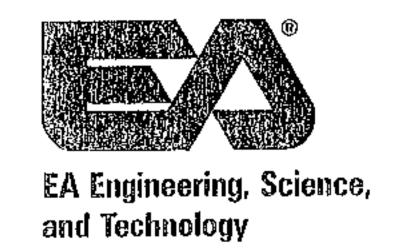
This department recommends approval of the waiver of the setback to 14 feet as requested.

### ECA/DLT/s

CC: John Joyce, State Coordinating Office, Maryland Department of Natural Resources; Dennis Kennedy, Chief, Development Plan Review Bureau

PETITIONER'S

EXHIBIT NO.



15 Loveton Circle Sparks, MD 21152-9201

Telephone. 410-771-4950

Fax: 410-771-4204 www.eaest.com

3 August 2006

Mr. Dave Thomas
Baltimore County Public Works
County Office Building
111 West Chesapeake Ave., Suite 307
Towson, Maryland 21204

Re:

Zofia Getris (Owner)
12026 Park Heights Ave.
Owings Mills, Maryland
100-yr floodplain computation/analysis

Dear Mr. Thomas:

EA Engineering, Science, and Technology, Inc. (EA) has completed the floodplain analysis of the subject property (Property), which is documented by this correspondence with enclosed backup computations. The objective of the analysis was to determine the 100-yr flood elevation occurring within the adjacent stream channel, located west of the Property, in order to set the first floor elevation of the proposed house addition, as required by Baltimore County Design Standard, Plate D-19.

Based on site inspections, the Property is located west of and adjacent to Park Heights Avenue (MD-129). The adjacent stream (Tributary No. 1), the focus of the 100-yr floodplain analysis, is located on and adjacent to the western property line. To the north of the Property and upstream of the adjacent stream channel, water is impounded by an embankment, thus creating a wet pond. The embankment was constructed across the stream channel to impound flows from the north. To the south of the Property and downstream of the adjacent stream channel, a structural plate corrugated metal arch culvert (Culvert) channels flows across and under MD-129 (Figures No. 1 & 2). Due to the downstream culvert and upstream dam, additional analyses were performed to check for backwater condition and dam breach. The resulting analyses conducted are as follows:

- A. Hydrologic Analysis: TR-55 modeling of contributing drainage areas to determine 100-yr peak discharges.
- B. Channel Hydraulic Analysis: Determine depth of flow within the stream channel based on 100-yr peak discharge.
- C. Culvert Analysis: Check for backwater from downstream culvert crossing under MD-129.
- D. Dam Breach Analysis: Check for dam breach flow and its effects on water surface elevations.

PETITIONER'S	3
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EXHIBIT NO.



### Hydrologic Analysis

The hydrologic analysis was conducted to estimate the 100-yr peak discharges. Since the analysis focuses on tributary watersheds as a whole, minute changes in impervious area such as the proposed addition will not influence the results. As a result, the TR-55 modeling was conducted for the current condition only.

The Natural Resources Conservation Service (NRCS) TR-55 model was utilized to conduct the hydrologic analysis. Two watersheds were modeled for the 100-yr peak discharges, which included drainage areas contributing to Tributary No. 1, adjacent to the Property, and the Culvert. The Culvert watershed contained the watershed of Tributary No. 1, due to the confluence of Tributary No. 1 and Tributary No. 2, which occurs upstream from the Culvert (see Figure No. 2).

Characteristics of the two watersheds, utilized for the TR-55 modeling, included area of watersheds, soil types, times of concentrations, and land use. The sizes of the watersheds included 138 acres for Watershed A contributing to the Culvert and 47 acres from Watershed B contributing to Tributary No. 1. According to the U.S. Department of Agriculture, Soil Survey, Baltimore County, 1976, the soil types within both watersheds included: Codorus (Cu), Glenelg (GcB2 & GcC2), Glenville (GnB), and Manor (MbC2, McC2, McC3, & McD2) (Figure No. 2). The listed soil types were classified as loam, sandy loam, silt loam; therefore, the listed soil types fell under the Hydrologic Soil Group (HSG) "B." The times of concentration were derived from the topography. Land use information was obtained from Baltimore County Planning Department, which designated both watershed areas as RC5 or rural residential with minimum lot size as 1.5 acres. The TR-55 analysis was based on alternate zoning using an average lot size of 2 acres.

For computations, see Enclosure No. 1.

### Channel Hydraulic Analysis

Upon field inspection on May 26, 2006, there were indications of grading, which consisted of filling, occurring at the west side of the Property and adjacent to the stream channel. The channel hydraulic analysis utilized the cross section as defined by the extent of the fill. Manning's equation was employed to estimate the depth of stream channel as a result of the 100-yr peak discharge derived from TR-55 modeling. The cross section utilized for this analysis was located upstream of the stream channel, just south of the northwest corner of the proposed addition (see Enclosure No. 2).

Due to the results of the culvert analysis, which indicated backwater effects, the depth of channel was added above the backwater surface elevation.



### Culvert Analysis

The culvert analysis focused on determining the headwater (HW) elevation due to 100-yr peak discharge. On June 22 & 27, 2006, EA conducted field survey of the Culvert for size of cross sectional area, length, material type, outlet channel geometry, invert elevations, headwall surface elevations, and roadway surface elevations. The survey data were utilized to check for HW depth for inlet and outlet conditions. The greater HW depth was utilized to estimate backwater elevation.

Maryland State Highway Administration (SHA) Inlet and outlet design charts were utilized to derive HW depths (see Enclosure No. 3).

### Dam Breach Analysis

The dam breach analysis concentrated on determining the maximum breach flow (MBF) as the result of the embankment failure, which is provided by NRCS Code No. 378 Pond Standards/Specifications dam breach equation. The equation stated that the MBF is based on the designed high water of the pond. If the MBF is greater than the 100-yr peak flow within Tributary No. 1, then the flow will be utilized to set the first floor elevation. Once the MBF reaches the Culvert, the backwater will most likely take effect; therefore, the culvert analysis was conducted to check for backwater.

Due to the conservative nature of the NRCS Code No. 378 dam breach equation and the assumption that MBF would occur during dry weather, the MBF was not added over the back water such as the 100-yr peak discharge analyses. Instead, the channel was checked by comparison of MBF channel depth to backwater elevations. The higher elevation was utilized for setting the first floor elevations (see Enclosure No. 4).

Due to the extreme high flow of MBF, the culvert analysis/backwater calculations utilized culvert flow and weir flow, as MD-129 would be overtopped. The water surface elevation (WSEL) of the weir flow was determined as the backwater elevation of Tributary No. 1.

### <u>Results</u>

The following results were derived from performing the analyses listed above:

### A. Hydrologic Analysis

- 1. 100-yr peak discharge from watershed to Tributary No. 1 was estimated as 136 cfs.
- 2. 100-yr peak discharge from watershed to the Culvert was estimated as 393 cfs.



### B. Channel Hydraulic Analysis

1. Depth of channel flow as influenced by 100-yr peak discharge to Tributary No. 1 was determined as 2.51 feet.

### C. Culvert Analysis

- Based on 100-yr peak discharge to the Culvert, backwater did occur with elevation 571.70 feet.
- 2. Based on 100-yr peak discharge to Tributary No. 1 and the backwater from the Culvert, the WSEL of the channel at the upstream section was determined as 574.21 feet. (571.70 + 2.51 = 574.21). First floor elevation is set at 5 feet above 100-yr WSEL, which is 579.21 feet (574.21 + 5 = 579.21 feet).

### D. Dam Breach Analysis

- 1. The pond was determined to be a Baltimore County NRCS pond (designed and constructed). However, to obtain the design computations would require additional time due to administrative safety considerations put into place after September 11, 2001. For the purpose of expediency, the preliminary computations focused on the capacity of the channel to handle the peak breach flow.
- 2. Based on the assumed high water depth of 10 feet, the peak breach flow was estimated to be at 1,012 cfs. As a result, the channel depth at the peak breach flow was estimated to be at 5.95 ft., which is within the stream channel. Top of bank elevation for the channel was estimated at 577 ft, which is higher than 575.95 ft. [±570 (bottom of channel) + 5.95]. See Enclosure No. 4

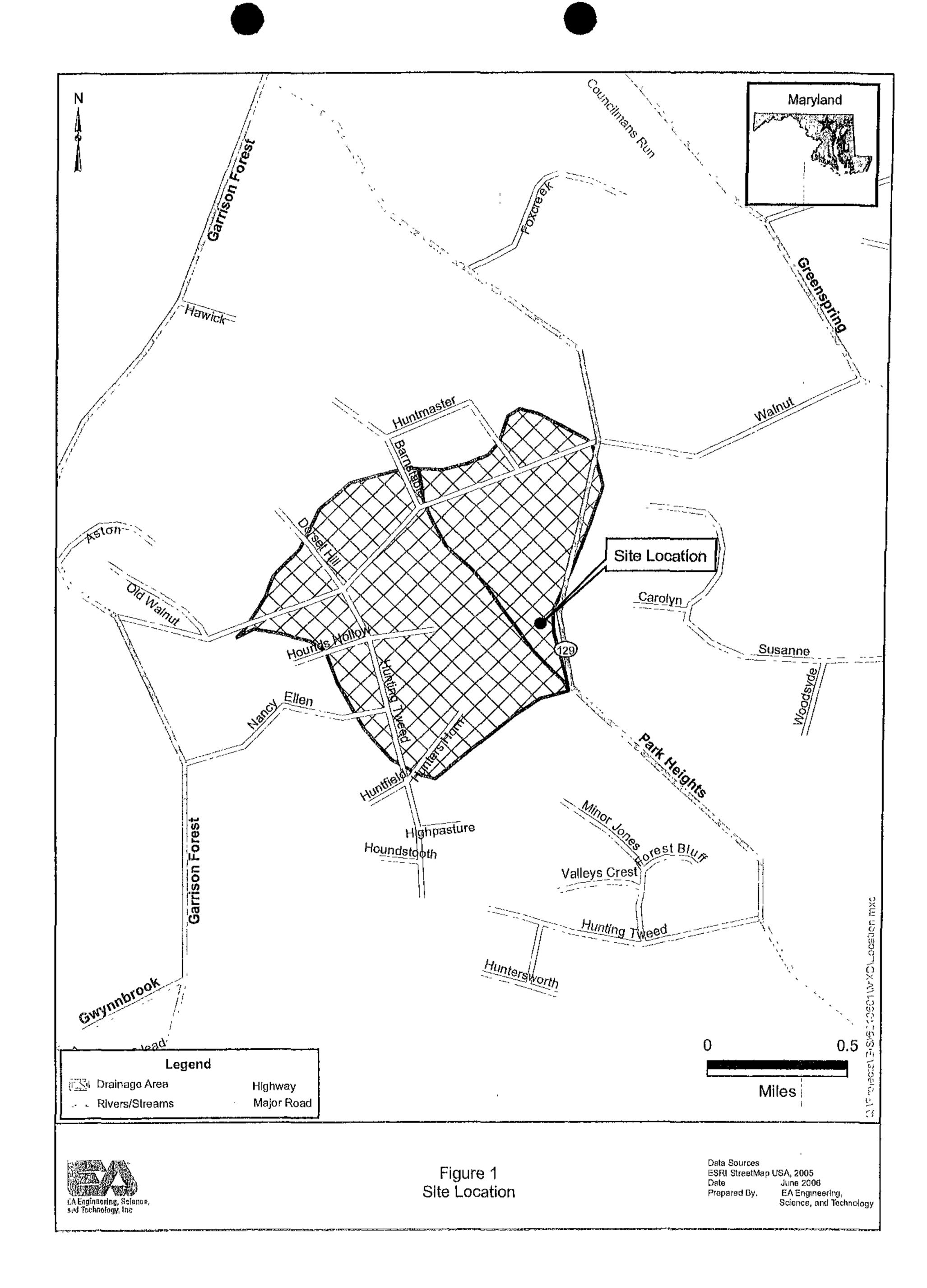
The first floor elevation of the proposed addition for the subject property was set at 579.21 based on MBF. The horizontal setback of the closest corner of the foundation of the building addition to the stream bank is 3 feet as approved by Baltimore County variance (see Figure No. 3a & 3b). We ask for your expedient review, which will be appreciated. If you have any questions, please contact me at 410-771-4950, ext. 5217 or qnguyen@eaest.com.

Singerely,

Quoc Nguyen, P.E.

Environmental Engineer

Enclosures



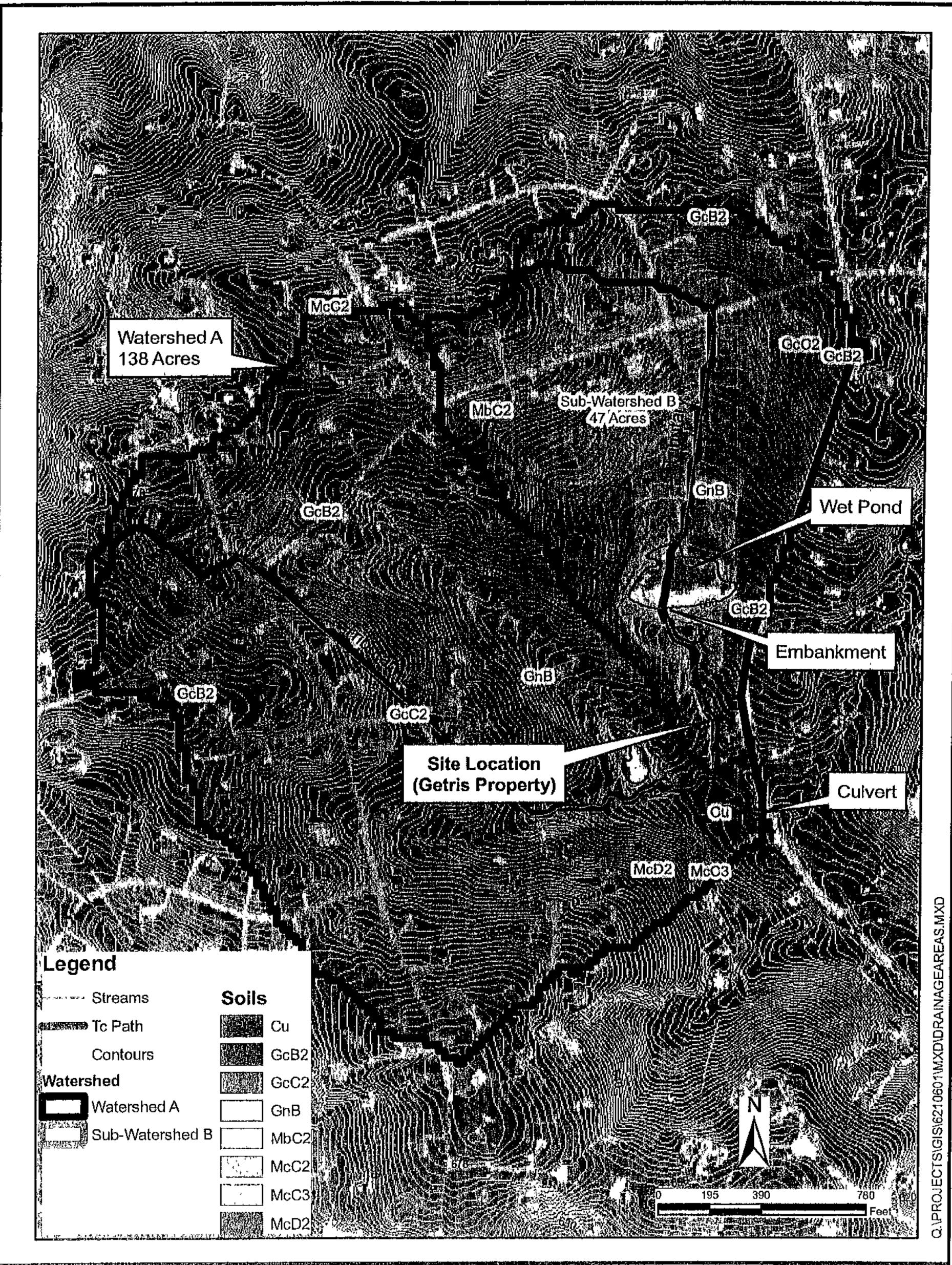
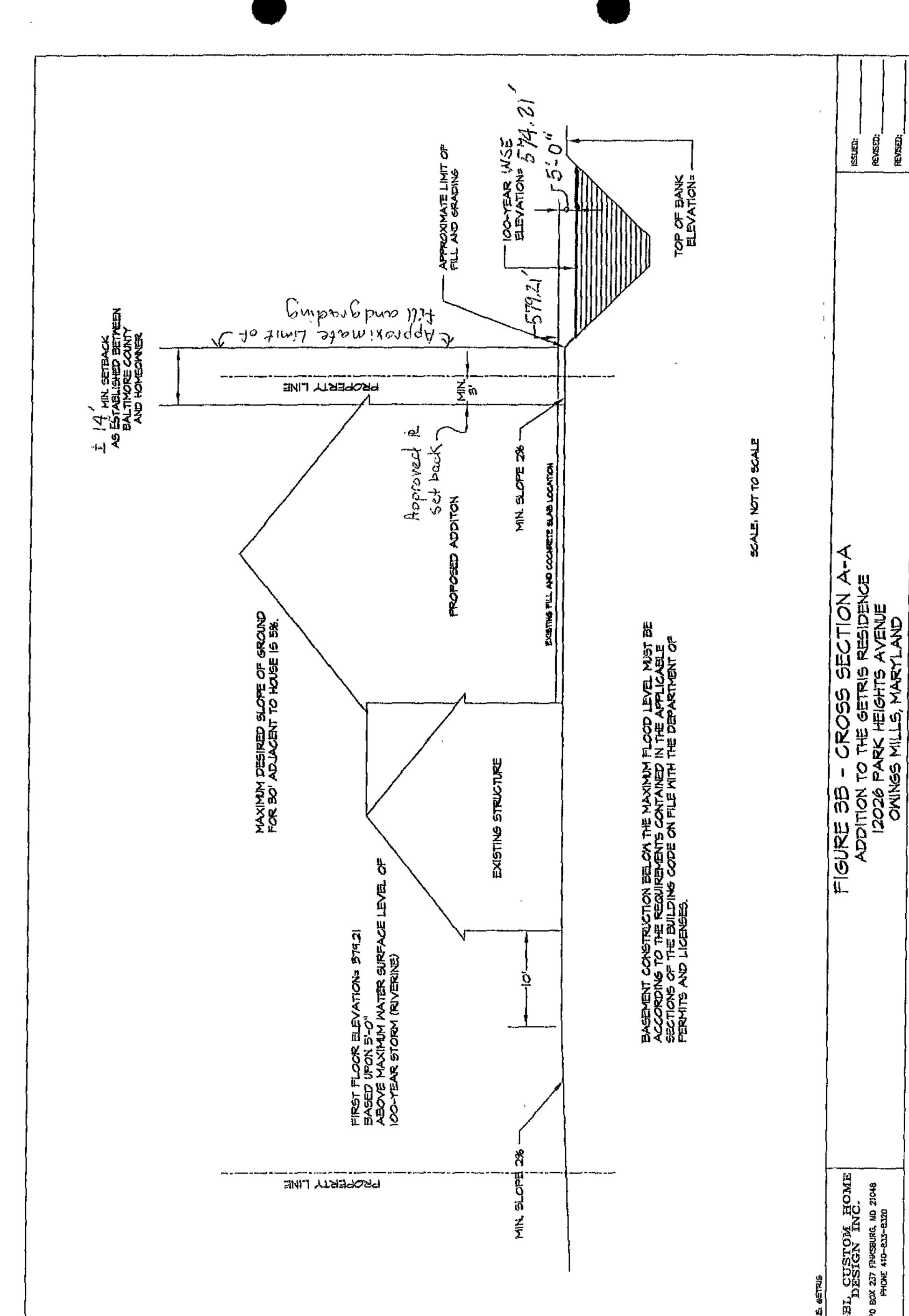


Figure 2. Watershed Characteristics (Getris Property 100 yr Floodplain Analysis)

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PO BOX 237 FINKSBURG, ND 21048 PHONE 410-833-8320

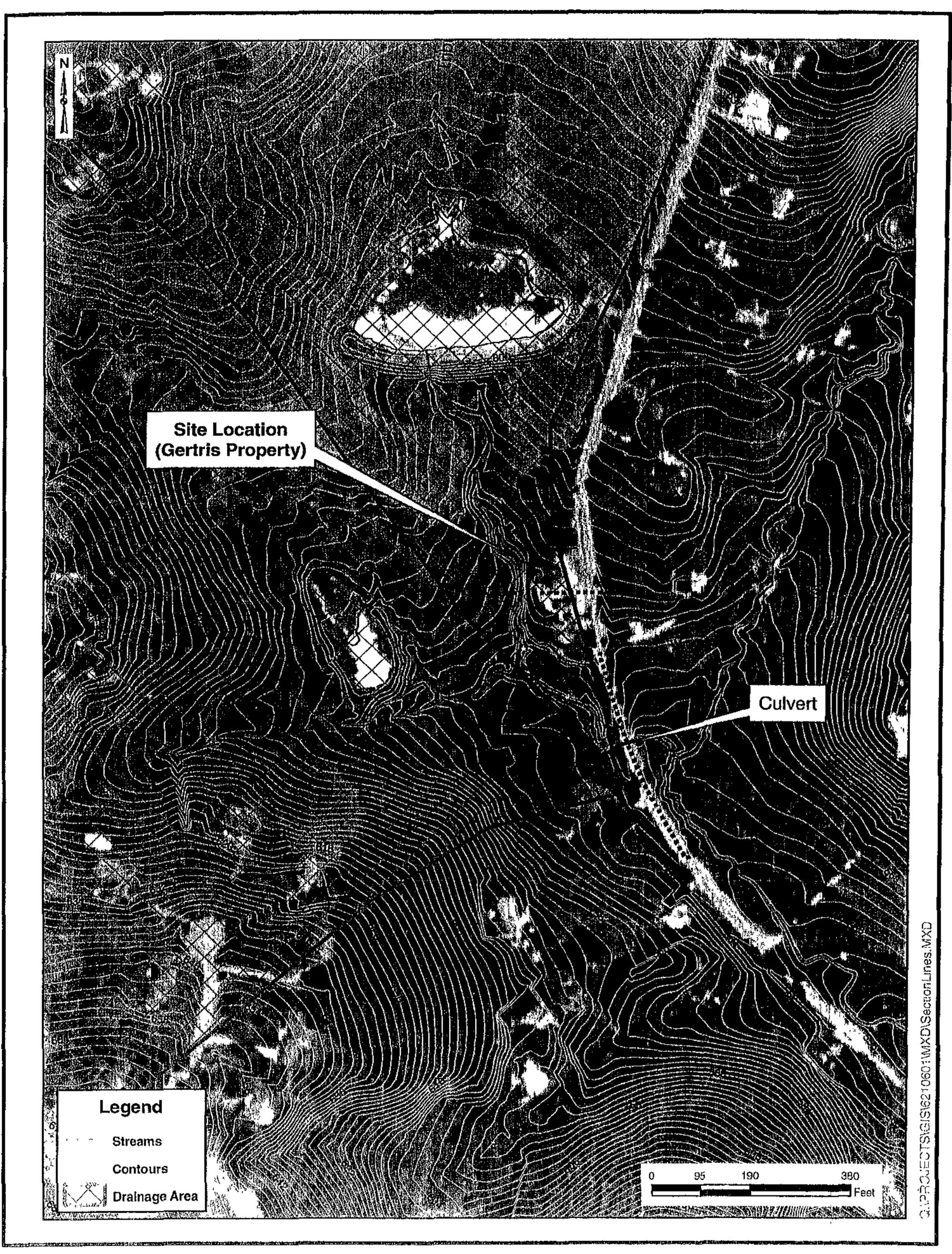


Figure 4. Section Lines Getris Property

### **ENCLOSURE No. 1**

Hydrologic Analysis (TR-55 results)

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### ENCLOSURE No. 3

Culvert Analysis



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EA 0289B 7/13/89



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Computed by	<i>)</i> Date.	6/27/06	Checked by 6747		7/7/06

113" X. Ser. Area.

11alerial: Christman plate.

C.M. Mich colvert.

(106" x '13")

Spain Pier

Observation: The culvert has a buildup of sediment at the bollow ("1").

Through (Ab), the cross-sectional area. w/ the Duiktup of sediment was calculated to be 32.73 sq.ft.

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Culvert copacity calculation.

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RI. MD-127

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Conciliant (106)

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Culvert descriptions: (106"x13") structional plate C.M. Arch culvert.

Slope: 0.00162 V.
Length: 105'

X-sect Area: 32,98 sqff: Ke:= 0.5

Note: Ser Culvert Corporate Anologies reasons for Gize reduction of Trise" dimension

Outlet Channel
(measured)

1 Note: Due to sediment accumulation, the X-sed Acca is
reduced to available X-sed area. Therefore, inusing SHA.

<u>Pesign Charts for Open Culverts</u> to Check for in let if
outled conditions, the culvert size was reduced to (92"x 65")

structural plate C.M. Arch Culvert.

In 1st Control.

See enclosed (SIIA 420,2.20)

11W. = 1.7 .. HW = 1.7 x 5.42' = 3.5'

Outlet \_ Control

Sce enclosed (SHA 421.2.~2.1)

H = 7.4'

HW = H + ho - 1.5

ho : ½ (Ve +D) = 0.0 (4.38 + 5.4%)

Vr = Charl 38 @ 343 els

Do : 4'

LS = 100 (0.001.61) = 0.8'

!! W = 1.4' + 4.9' - 0.8' = 11.5'

Conseques Intel à Oriste Contrais

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(Inv. = 562.425')

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where, HW: H+ ho-LS

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ho = 0.5 (Dc 1D) = 0.5 (A.1+5.12) = 4.76

approx.@340cfs

ES = 0.8'

" Il = HW - ho + LS = 9.1' - 4.76'+ 0.8' = 5.14'

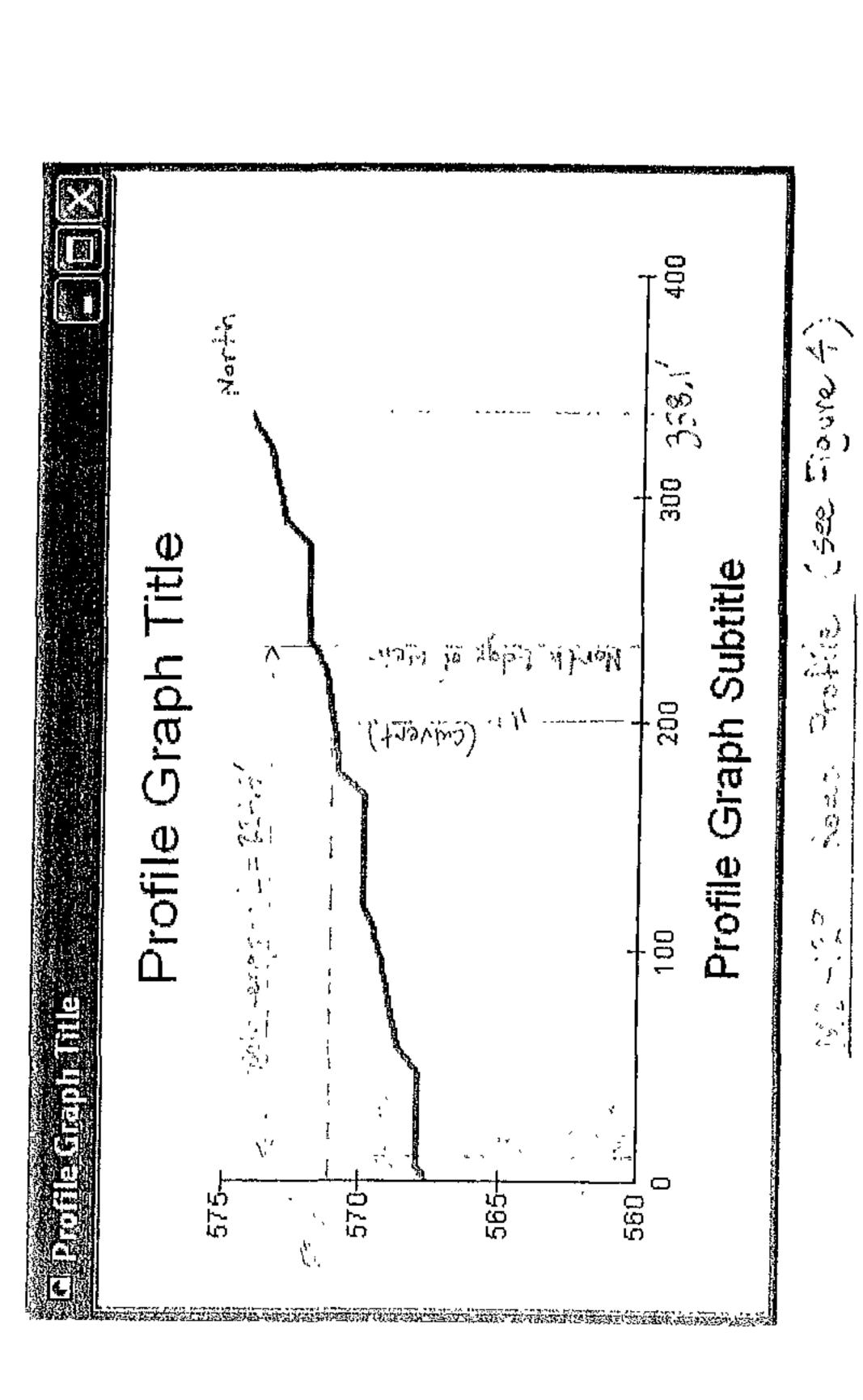
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B. Wein Flow: 100-y flow - 310 - 372 - 310 : 53 efs

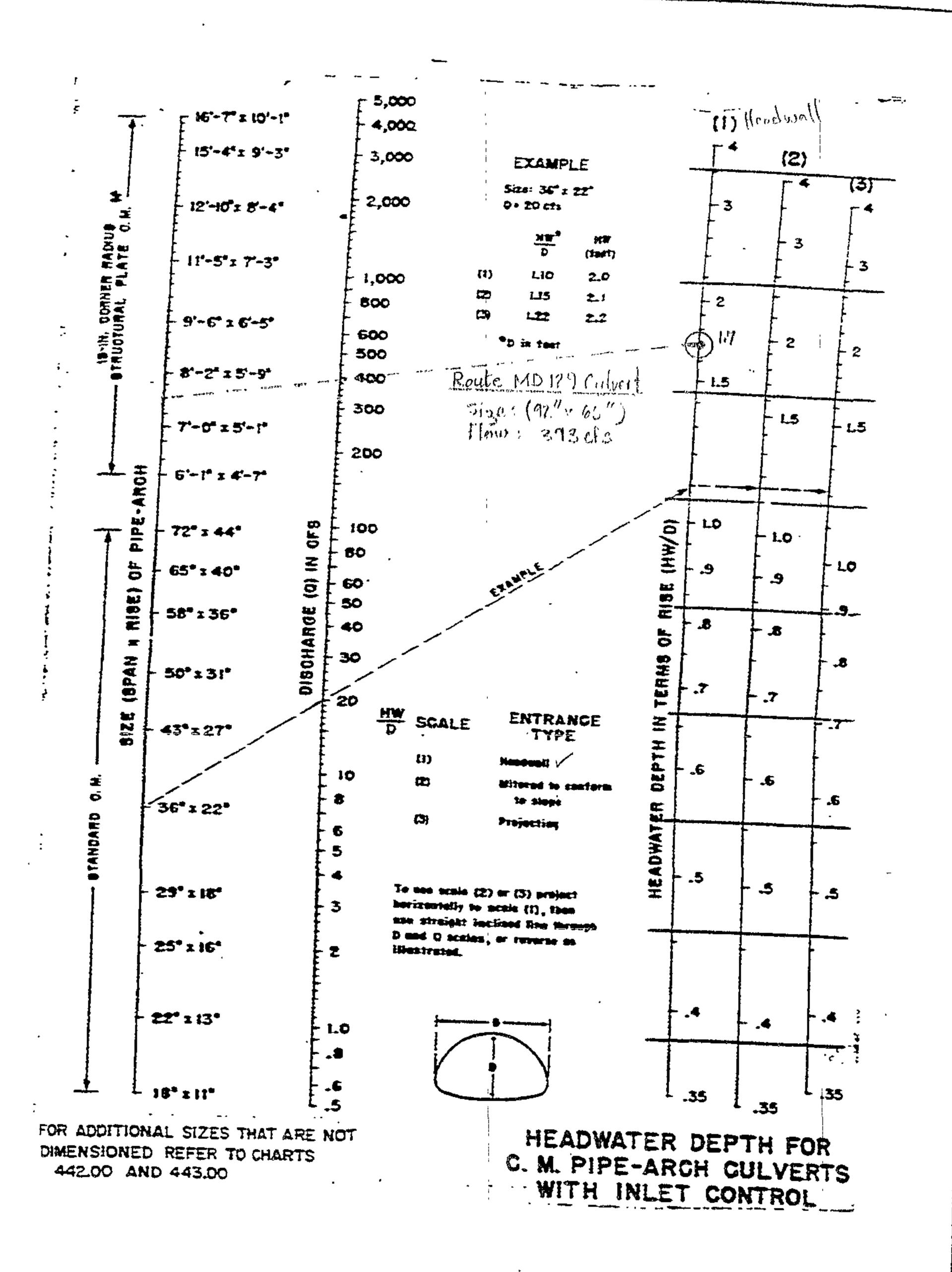
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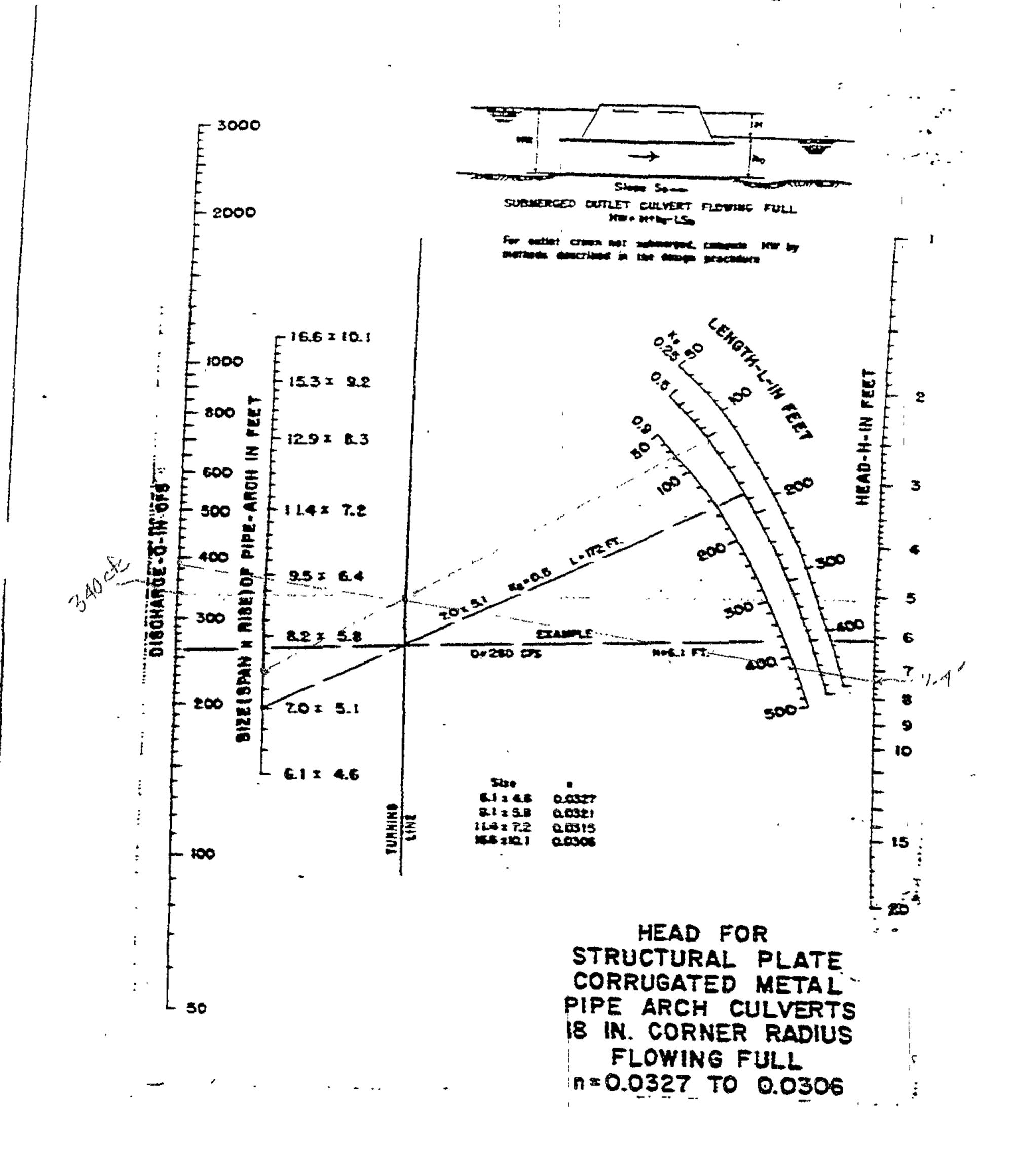
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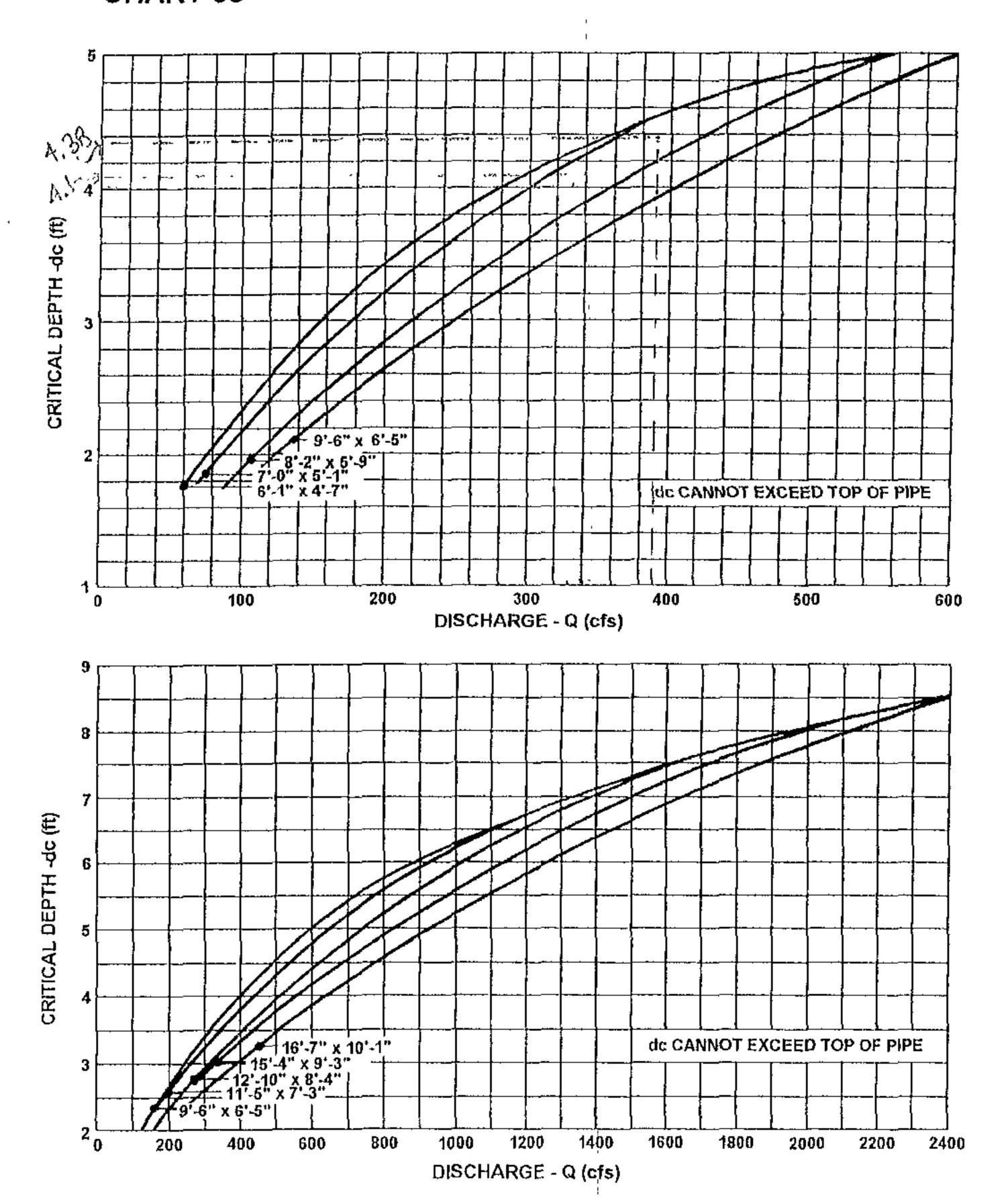


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	SIZE V x RISE	AREA	PERIMETER	REMARKS	5
		SQ FT	FEET		<del></del>
73" x 55" 76" x 57" 81" x 59" 84" x 61" 87" x 63" 92" x 65" 98" x 69" 103" x 71" 114" x 77" 112" x 75" 114" x 77" 113" x 85" 131" x 85" 131" x 85" 131" x 85" 132" x 91" 148" x 93" 152" x 97" 154" x 100" 161" x 103" 169" x 105" 171" x 107" 178" x 109" 184" x 111" 186" x 113" 199" x 119" 199" x 121"	( 6'-1" x 4'-7" ( 6'-4" x 4'-9" ( 6'-9" x 4'-11" ( 7'-0" x 5'-1" ( 7'-3" x 5'-5" ( 7'-11" x 5'-7" ( 8'-2" x 5'-9" ( 8'-2" x 6'-1") ( 8'-10" x 6'-1") ( 9'-4" x 6'-3") ( 10'-3" x 6'-11") ( 10'-3" x 6'-11") ( 11'-5" x 7'-3") ( 11'-7" x 7'-5") ( 12'-4" x 7'-11") ( 12'10" x 8'-4") ( 12'10" x 8'-4") ( 13'-5" x 8'-5") ( 14'-1" x 8'-9") ( 14'-1" x 8'-1") ( 15'-6" x 9'-1") ( 15'-6" x 9'-1") ( 15'-6" x 9'-11") ( 15'-7" x 10'-1") ( 16'-7" x 10'-1")	24 26 28 33 35 35 35 35 35 35 35 35 35 35 35 35	17.28 18.06 18.85 19.64 20.42 21.21 21.99 22.78 23.56 24.34 25.13 25.92 26.70 27.48 28.27 29.05 29.84 30.63 31.41 32.20 32.98 33.77 34.55 35.34 36.91 37.69 38.48 39.26 40.83 41.62 42.40 43.19		





### CHART 38



BUREAU OF PUBLIC ROADS JAN. 1964 CRITICAL DEPTH
STRUCTURAL PLATE
C.M. PIPE ARCH
18 in. CORNER RADIUS

### ENCLOSURE No. 4

Dam Breach Analysis



Getrie Property Down Breach Analysis Project No. Project \_ (for upstream embackment porned) Sheet No. 1 Subject. QIJ Date 6/7/06 Checked by 977 Date 7/21/04

Pam Breach Flow (NRCS-MD Code No. 378) Peak Breach Discharge: Qmax = 3.2 Hw

where,

thw = depth of highwater

contained by dain.

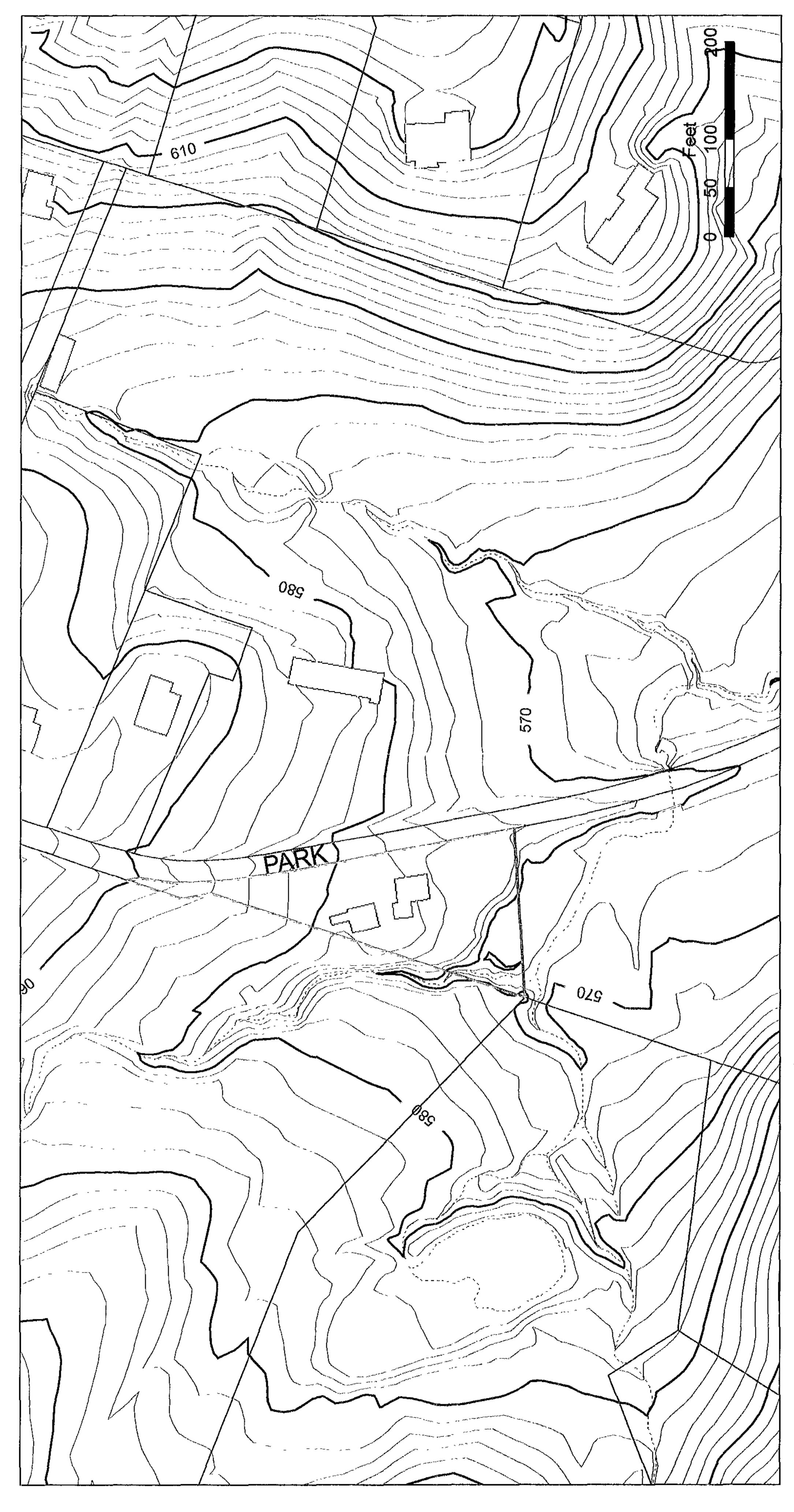
Note: The pond was determined to be Baltimore Co. NRCS panel (Designed & Constructed), However the NRCS requires formal troodom of Information Act Request through its Forderal Agency or Property Owner approval. Both options require time, which will be pursued later. As for the, it is based on an estimated value of 10 ft, judging from available Baltimore Co. contours.

". Qmax " 3.2 (10)" = 1,012 cfs

Check for depth in Channel

Channel copie w/ Quer : 5.75 At rainial or s

. " Prover Well " 15/0 : 5.75 .. 575.75 



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

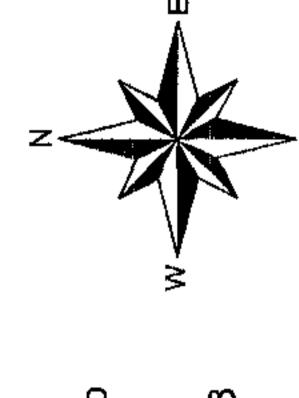
March 1995 : 1"= 100" Date of Data Capture: I Scale of Data Capture:

IMORE

March 2002 Date of Aerial Photography:

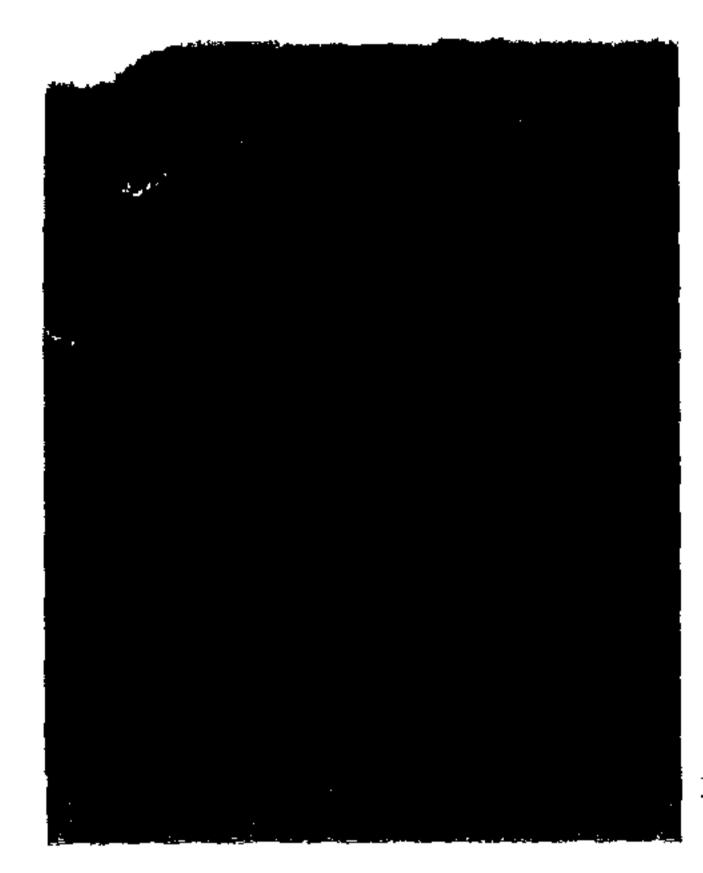
e survey information was cadastral information on this plot was compiled from existing deed information. This information is not to be considered authoritative. The land surveyor.

FEMA Flood Insurance Rate Map 240010-0210B is based on Baltimore County Datum.
Add 1.7 feet vertically to NAVD88 elevation to approximate BCD Floodplain elevation data from elevation.



Baltimore County, MD Department of Public Works GIS Services

Briggeman 2006

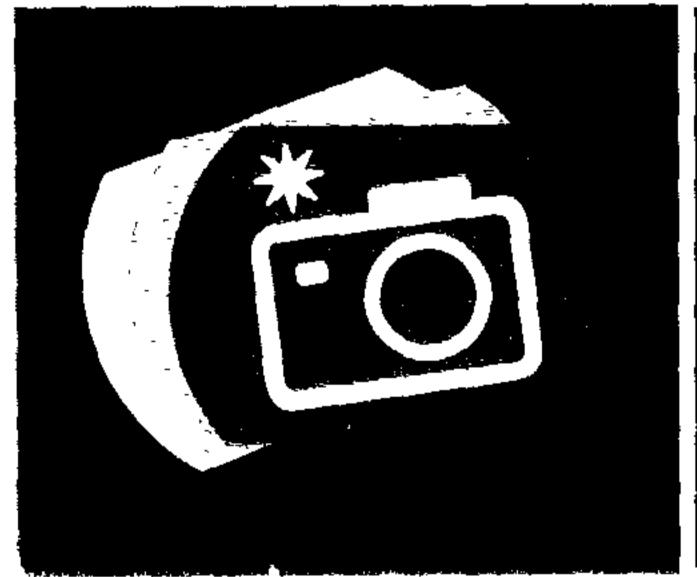


D6-414-5Ph

PETITIONER'S

EXHIBIT NO.

2



1-HOUR DIGITAL PHOTO CENTER





Property (2.4etris) 12026 Park H. Ne. (det 51te)



Cancrate and rubble on the new of thouse

- 1







People put trash on the

SING ENISSINGS WILLIAMS





Oip Courners



house and garage fance between house and garage

MAGE LEADING
SOLD MARKET STANDARD







OUNER T. CARRION (BELOW STREAM)

557 mon0)







hoperty line convigte on the corner

i



Front of the house and Park Heights Ave

> FREE LEGINE SITH SMISSICHE WITHSHI

