

IN RE: **PETITION FOR VARIANCE**
NW/S Frog Mortar Road, 377.5'
N of the c/l Revolea Beach Road
(812 Frog Mortar Road)
15th Election District
6th Council District

Scottie McDonald
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. **06-512-A**

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Scottie McDonald. The Petitioner requests a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow side yard setbacks of 10 feet each and a sum of the side yards of 20 feet in lieu of the required 10-foot minimum side yard setback and 25-foot sum, for a proposed single-family dwelling. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Scottie McDonald, Jr., property owner, David Billingsley, the consultant who prepared the site plan for this property, and Buck Jones, Builder. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a waterfront lot located on the northwest side of Frog Mortar Road, just north of Revolea Beach Avenue in Bowleys Quarters. The property is actually comprised of two lots, identified as Lots 8 and 9 of Revolea Beach, an older subdivision that was platted and recorded in the Land Records in 1920, well prior to the adoption of the first set of zoning regulations in Baltimore County. As is often the case with older subdivisions, many of the lots in this community are undersized and do not meet current area and width requirements for development. In this regard, the property was the

ORDER RECEIVED FOR FILING

Date 6-15-06

By D. Wiley

subject of prior Cases Nos. 05-483-A and 05-484-A in which the previous owners (79th Street, LLC) sought approval of a lot width of 61 feet in lieu of the required 70 feet for development of the subject lot with a single-family dwelling. That case was heard by the undersigned Zoning Commissioner and by my Order dated March 24, 2005, the relief requested was granted, subject to certain terms and conditions.

The Petitioner recently purchased the property (April 2006) and is desirous of developing the lot with a single-family dwelling. However, due to the property's narrow width, as noted in the prior case, the proposed development cannot meet current setback requirements. Thus, the requested variance relief is necessary in order to proceed. As shown on the site plan, the Petitioner proposes a one-story ranch-style dwelling, 42' x 62' in dimension, with a maximum height of 40 feet. In this regard, it is to be noted that a two-story dwelling was originally proposed for this site. The adjacent neighbor, Christina Nocar, objected to the size and height of that structure, given its close proximity to the road. Building elevation drawings submitted into evidence as Petitioner's Exhibit 3 show that the proposed one-story structure will be built above the required elevation and thus, will resemble a two-story structure. However, it will be a modest building with a maximum height of 40 feet, and appears compatible with other houses in the neighborhood. It was also indicated that the requested variance of 5 feet will give the Petitioner additional interior space. This reduced setback will be located on the south side of the property adjacent to 810 Frog Mortar Road, which is owned by the previous owners of the subject property, 79th Street, LLC. It was indicated that they have no objections to the reduced setback on that side of the property.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. There were no adverse comments submitted by any County reviewing agency and none of the neighbors voiced any objections. Thus, it appears that relief can be granted without detrimental impact to adjacent properties or the surrounding locale. However, as a condition to the relief granted, the Petitioner shall submit building elevation drawings of the proposed dwelling to the Office of Planning for review and approval prior to the issuance of any

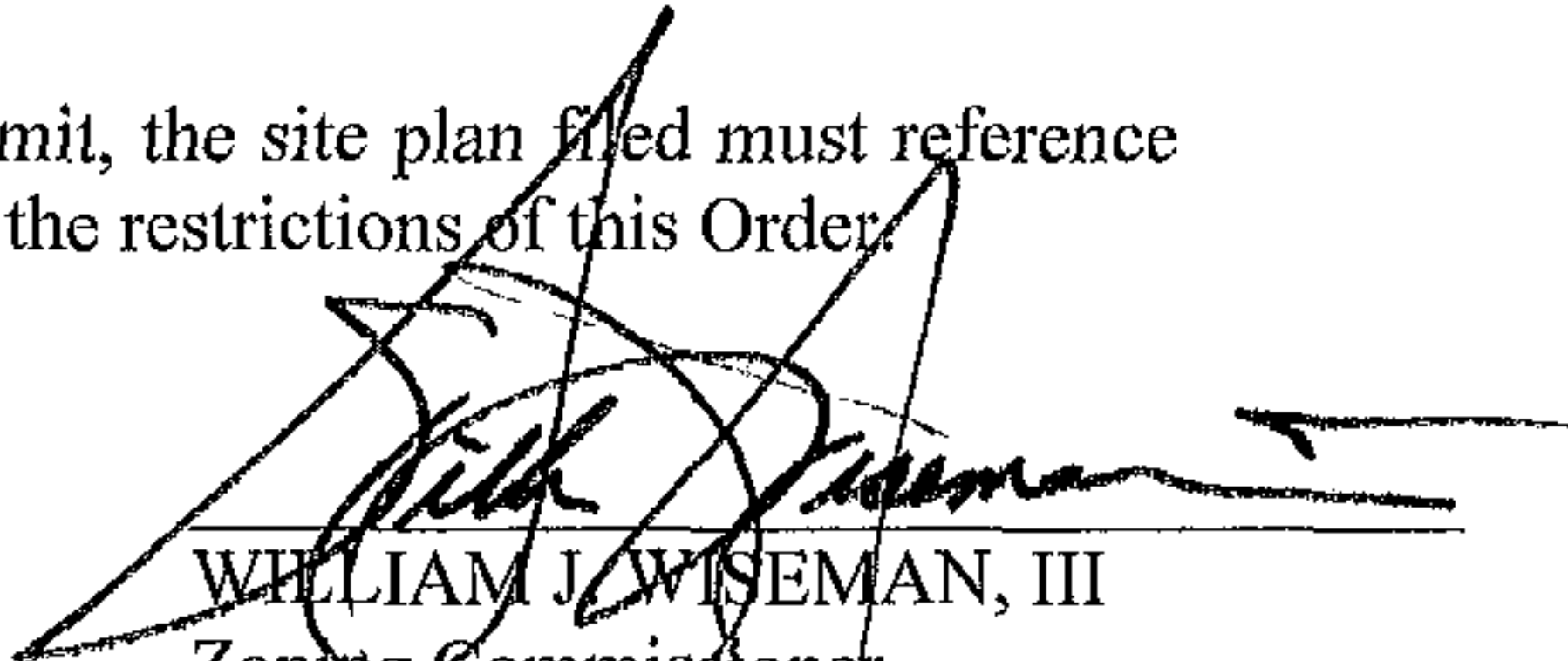
ORDER RECEIVED FOR FILING
Date 6-15-06
By [Signature]

permits. The proposed building shall be compatible to those in the surrounding community in terms of size, building materials, color and architectural detail.

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.

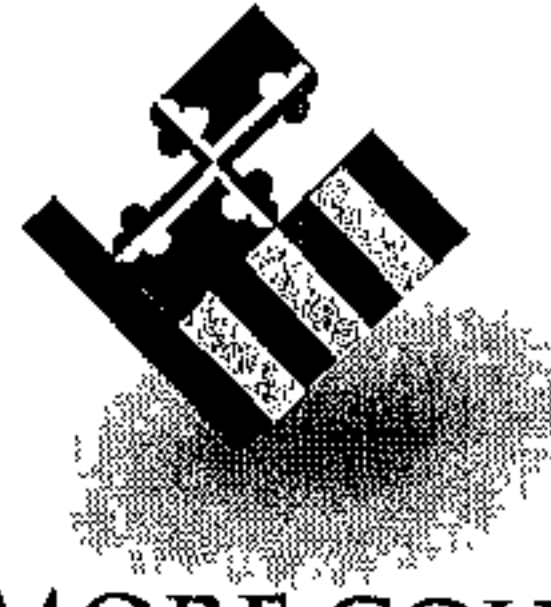
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of June 2006 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 10 feet each and a sum of both sides of 20 feet in lieu of the minimum required 10 feet and 25 feet, respectively, for a proposed one-story, 42' x 62' single-family dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any building permits, the Petitioners shall submit building elevation drawings to the Office of Planning for review and approval. The proposed dwelling shall be compatible with other dwellings in the neighborhood in terms of size, building materials, color and architectural detail.
- 3) Compliance with the ZAC comments submitted by DEPRM and the Bureau of Development Plans Review relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations for the protection of water quality, streams, wetlands and floodplains. Copies of those comments have been attached hereto and are made a part hereof.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


WILLIAM J. WISEMAN, III
Zoning-Commissioner
for Baltimore County

WJW:bjs

FILED
Date 6-15-06
By W. J. Wiseman



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

June 15, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. Scottie McDonald
1430 Galena Road
Baltimore, Maryland 21221

RE: **PETITION FOR VARIANCE**
NW/S Frog Mortar Road, 377' N of the c/l Revolea Beach Road
(812 Frog Mortar Road)
15th Election District – 6th Council District
Scottie McDonald - Petitioner
Case No. 06-512-A

Dear Mr. McDonald:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a circular stamp.
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

cc: Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
DEPRM; Development Plans Review, DPDM; People's Counsel; Case File



Flood Zone CRITICAL AREA

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 812 FROG MORTAR ROAD
which is presently zoned OR 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

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)

SEE ATTACHED

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

SCOTTIE McDONALD

Name - Type or Print

Signature

Name - Type or Print

Signature

1430 GALENA RD. (410) 238-2756

Address

Telephone No.

BALTO.

MD.

21221

State

Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY,
CENTRAL DRAFTING & DESIGN, INC.

Name

601 CHARWOOD CT. (410) 679-8719

Address

Telephone No.

EDGEWOOD

MD.

21040

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By

Date

4-14-00

Case No. 06-512-A

REV 9/15/98

ORDER RECEIVED FOR FILING

Date

By

SECTION 1B02.3.C.1 TO ALLOW SIDE YARDS OF 10 FEET MINIMUM WITH A SUM OF 20 FEET IN LIEU OF THE REQUIRED 10 FEET MINIMUM WITH A SUM OF 25 FEET.

THE PETITIONER WISHES TO CONSTRUCT A DWELLING WITH ALL USABLE
LIVING SPACE ON ONE LEVEL. THE ADDITIONAL 5 FEET WIDTH BETTER
SUITS THE FLOOR PLAN WHICH HE DESIRES TO UTILIZE.

**DESCRIPTION TO ACCOMPANY
ZONING PETITION**

812 FROG MORTAR ROAD

Beginning at a point on the west side of Frog Mortar Road (40 feet wide), said point being distant 377 feet northerly from it's intersection with the center of Revolea Beach Road, thence (1) N 52°59' 12" W 208.89 feet, thence (2) N 46°40' 38" E 63.05 feet, thence (3) S 52°59' 12" E 206.67 feet, thence (4) S 46°30' 00" W 25.00 feet, thence (5) southerly 37.75 feet along a curve to the left having a radius of 358.00 feet to the place of beginning. Containing 12,876 square feet or 0.296 acre of land, more or less.

Being known as 812 Frog Mortar Road. Also being all of lot 8 and part of lot 9 as shown on the plat entitled Revolea Beach recorded in plat book 5 folio 67. Located in the 15TH Election District, 6TH Councilmanic District.

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: # 06-512-A

812 Frog Mortar Road

W/side of Frog Mortar Road, 377 feet +/- north of centerline of Revolet Beach Road

15th Election District — 6th Councilmanic District

Legal Owner(s): Scottie McDonald

Variance: to allow side yards of 10 feet minimum with a sum of 20 feet in lieu of the required 10 feet minimum with a sum of 25 feet.

Hearing: Wednesday, June 7, 2006 at 9:00 a.m. In Room 407, County Courts Building, 401 Bostey Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT 5/23 May 23

96079

CERTIFICATE OF PUBLICATION

5/25/, 2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/23/, 2006.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

512

No. 5376

4-14-00

DATE

ACCOUNT

Real-006-6150

AMOUNT

\$ 65.00

RECEIVED
FROM:

Central Dept of Public Works - 212 Real-006-6150

FOR:

UPA

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

DATE

4/17/00

AMOUNT

65.00

BY

5376

65.00

65.00

65.00

CERTIFICATE OF POSTING

RE: Case No: 06-512-A

Petitioner/Developer: SCOTTIE McDONALD

Date Of Hearing/Closing: 6/7/2006

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 812 FROG MORTAR ROAD

This sign(s) were posted on May 23, 2006
(Month, Day, Year)

Sincerely,

Martin Ogle 5/23/06
(Signature of sign Poster and Date)

Martin Ogle

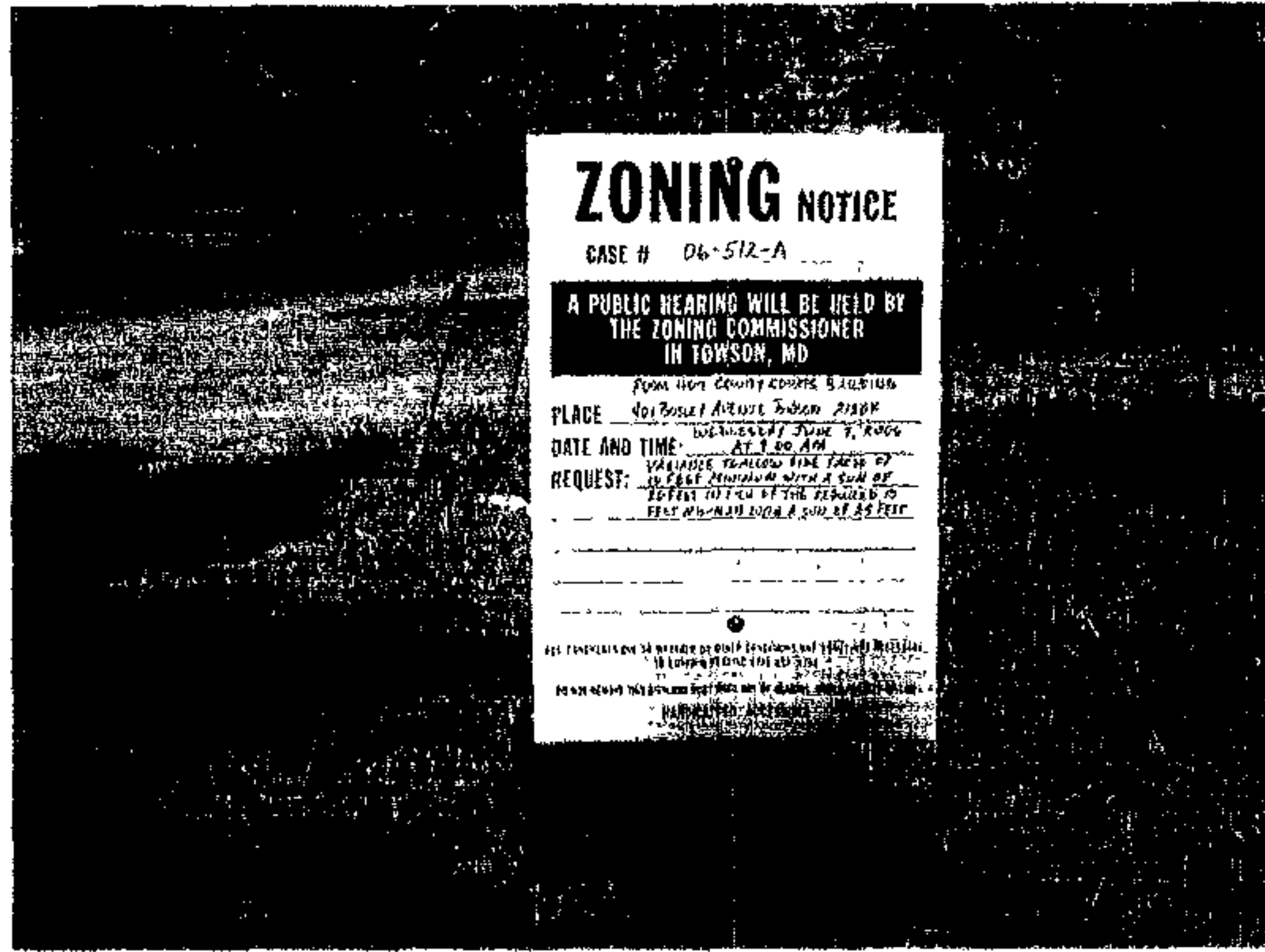
Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



Martin G. 5/23/06

**Department of Permits and
Development Management**

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

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

April 27, 2006

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: 06-512-A

812 Frog Mortar Road

W/side of Frog Mortar Road, 377 feet +/- north of centerline of Revolea Beach Road

15th Election District – 6th Councilmanic District

Legal Owners: Scottie McDonald

Variance to allow side yards of 10 feet minimum with a sum of 20 feet in lieu of the required 10 feet minimum with a sum of 25 feet.

Hearing: Wednesday, June 7, 2006 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: Scottie McDonald, 1430 Galena Road, Baltimore 21221
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 23, 2006.**
- (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
Tuesday, May 23, 2006 Issue - Jeffersonian

Please forward billing to:
Scottie McDonald
1430 Galena Road
Baltimore, MD 21221

410-238-2756

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: 06-512-A

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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.

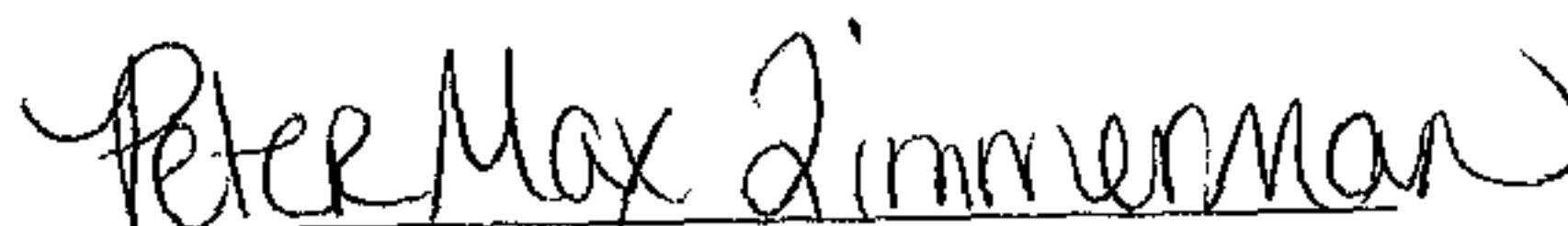
RE: PETITION FOR VARIANCE
812 Frog Mortar Road; W/S Frog Mortar
Road, 377' N c/line Revolea Beach Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Scottie McDonald
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 06-512-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

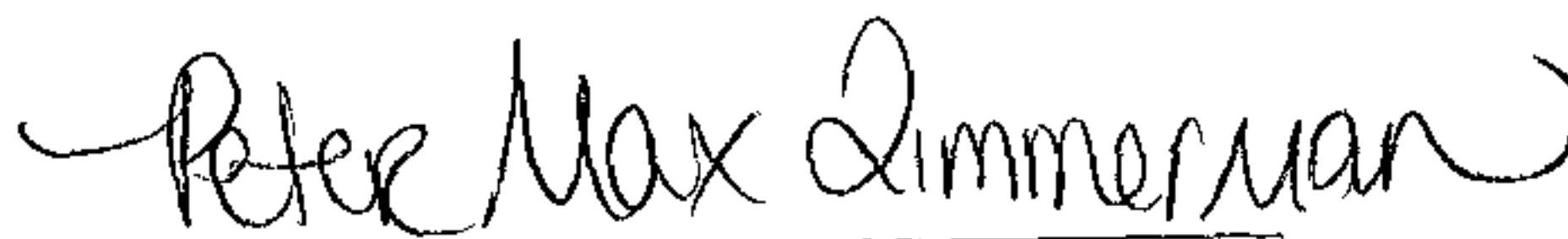
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of April, 2006, a copy of the foregoing Entry of Appearance was mailed to, David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

RECEIVED

APR 21 2006

Per



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 06-512-X

Petitioner: SCOTTIE McDONALD

Address or Location: 812 FROG MORTAR RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: SCOTTIE McDONALD

Address: 1430 GALEA RD.

BALTO, MD. 21221

Telephone Number: (410) 238-2256

**Department of Permits and
Development Management**

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel. 410-887-3353 • Fax: 410-887-5708



Baltimore County

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

June 1, 2006

Scottie McDonald
1430 Galena Road
Baltimore, MD 21221

Dear Mr. McDonald:

RE: Case Number: 06-512-A, 812 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 April 14, 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is fluid and cursive.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
David Billingsley Central Drafting & Design, Inc. 601 Charwood Court Edgewood 21040

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



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination JNL
DATE: June 23, 2006
SUBJECT: Zoning Item # 06-512-A
Address 812 Frog Mortar Road

RECEIVED

JUN 23 2006

ZONING COMMISSIONER

RECEIVED

JUN 23 2006

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of April 24, 2006

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

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

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

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

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

Additional Comments:

The proposed redevelopment of the lot must comply with the 25% impervious surface limit and Buffer Management Area regulations.

Reviewer: Glenn Shaffer

Date: 6/23/06

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 16, 2006

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

RECEIVED

SUBJECT: 812 Frog Mortar Road

MAY 21 2006

INFORMATION:

Item Number: 6-512

ZONING COMMISSIONER

Petitioner: Scottie McDonald

Zoning: DR 3.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the petitioner submits building elevations to this office for review and approval prior to the issuance of any building permits. The subject structure shall be compatible in size, building materials, color and architectural detail to those in the surrounding community.

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

Prepared by:

Curles Murray

Division Chief:

AFK/LL: CM

Lyn Lark

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

April 21, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: April 24, 2006

Item Numbers: 491-515

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 25, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For May 1, 2006
Item No. 512

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

The base flood elevation for this site is 10.2 feet Baltimore County Datum.

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 512-04252006.doc

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



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

Maryland Department of Transportation

Date: 4.21.06

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

RE: Baltimore County
Item No. 512 JCM

Dear Ms. Matthews:

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

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

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

From: Debra Wiley
To: Livingston, Jeffrey
Date: 06/01/06 3:55:37 PM
Subject: DEPRM Comment Needed - June 7th Hearing, 9:00 AM - 06-512-A

Hi Jeff,

Bill has the above-referenced case scheduled for next Wednesday, June 7th at 9:00 A.M. and I do not see that we've received a DEPRM comment.

Please advise if one has been prepared and we've just missed it. If not, please submit ASAP.

Thanks.

Debbie Wiley
Zoning Commissioner's Office
410-887-3868

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 Search
Ground Rent

Account Identifier: District - 15 Account Number - 2400012214

Owner Information

Owner Name: MCDONALD SCOTTIE D,JR Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 1430 GALENA RD Deed Reference: 1) /23627/ 717
BALTIMORE MD 21221-6006 2)

Location & Structure Information

Premises Address
812 FROG MORTAR RD

Legal Description
.287AC LT8PT9
812 FROG MORTAR RD
REVOLEA BEACH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
91	21	145					8	3	Plat Ref: 5/ 67

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		12,505.00 SF	04
Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	137,120	322,120		
Improvements:	0	0		
Total:	137,120	322,120	0	198,786
Preferential Land:	0	0	0	0

Transfer Information

Seller: 79TH STREET LLC	Date: 04/04/2006	Price: \$427,500
Type: UNIMPROVED ARMS-LENGTH	Deed1: /23627/ 717	Deed2:
Seller: 79TH STREET LLC	Date: 09/14/2005	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /22542/ 335	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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 Search
Ground Rent

Account Identifier: District - 15 Account Number - 2400012215

Owner Information

Owner Name: 79TH STREET LLC Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 9124 BELAIR RD Deed Reference: 1) /23627/ 712
BALTIMORE MD 21236 2) /22542/ 335

Location & Structure Information

Premises Address
814 FROG MORTAR RD

Legal Description
.294AC LT10PT9
814 FROG MORTAR RD
REVOLEA BEACH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
91	21	145					10	3		5/ 67

Special Tax Areas Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		12,810.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2005	Phase-in Assessments As Of 07/01/2006
Land:	137,200	322,200		
Improvements:	0	0		
Total:	137,200	322,200	0	198,866
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
79TH STREET LLC	09/14/2005	\$0
Type: NOT ARMS-LENGTH	Deed1: /23627/ 712	Deed2: /22542/ 335
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

IN RE: PETITIONS FOR VARIANCE
NW/S Frog Mortar Road, 377.5'
S of the c/l Revolea Beach Road
(812 & 814 Frog Mortar Road)
15th Election District
6th Council District

79th Street LLC
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Cases Nos. 05-483-A & 05-484-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Variance filed by the owners of the subject adjacent properties, 79th Street LLC, by Steve Wolf, Member. Since the properties are owned by the same entity and are located adjacent to one another, the two cases were heard contemporaneously. In both instances, the Petitioners request a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a lot with a width of 61 feet in lieu of the required 70 feet for a proposed single-family dwelling. The subject properties and requested relief are more particularly described on the site plans submitted in each case, which were accepted into evidence and marked respectively as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Steve Wolf and Dan Wooden, Members of the corporation known as 79th Street LLC, property owners. Also appearing were David Billingsley, the consultant who prepared the site plan for this property, and Bob Infussi, who assisted the Petitioners with the application process. Eric Gerber, who resides across the street from the subject property at 811 Frog Mortar Road, appeared as an interested citizen/Protestant. In addition, a letter of opposition was received from Christina V. Nocar, who resides on the adjacent property to the north at 808 Frog Mortar Road. There were no other interested persons present.

Testimony and evidence offered revealed that the subject properties are waterfront lots located on the northwest side of Frog Mortar Road, just south of Revolea Beach Avenue in Bowleys Quarters. The two properties are actually comprised of three lots, identified as Lots 8, 9 and 10 of Revolea Beach, an older subdivision that was platted and recorded in the Land Records in 1920, well prior to the adoption of the first set of zoning regulations in Baltimore County. As is often the case with older subdivisions, many of the lots in this community are undersized and do not meet current area and width requirements for development. Lots 8 and 9 have traditionally been used as one parcel, and contain the existing improvements, including a dwelling known as 812 Frog Mortar Road, which actually straddles the lot line, and a detached garage. Lot 10 was apparently used as additional yard space.

The Petitioners purchased the property in November 2004 and propose a redevelopment of the entire parcel. In this regard, the previous owner, Daniel Pasko and the Petitioners, as Contract Purchasers, applied for and obtained approval of a lot line adjustment between Lots 9 and 10 through the D.R.C. in October 2004. The Petitioners now come before me seeking relief as set forth above to allow redevelopment of the property as proposed. Testimony indicated that the existing house, which was built in 1925, suffered significant damage during Hurricane Isabel. The Petitioners originally considered rebuilding the existing structure and providing a panhandle lot to the rear. That scenario would not have required variance relief. However, the Petitioners determined that the house was beyond repair and thus, propose removing all existing structures and redeveloping the site with two new single family dwellings. In this regard, each lot is 61 feet wide and ranges in depth from approximately 205 feet to 215 feet. As shown on Petitioner's Exhibit 1, newly configured Lots 8 and 9 contain a combined gross area of 12,505 sq.ft., more or less, and will be developed with a single-family dwelling, to be known as 812 Frog Mortar Road. Newly formed Lot 10 contains a gross area of 12,810 sq.ft., more or less, and will likewise be developed with a single-family dwelling, to be known as 814 Frog Mortar Road. Both houses will be two-story structures, 36 feet by 40 feet in dimension, and situated on the lots to meet all building and setback requirements, but for the lot width.

As noted above, Eric Gerber appeared as an interested citizen/Protestant. Mr. Gerber resides across the street from the subject property and has lived in the neighborhood for 15 years. He raised issues of traffic congestion and believes that the proposal will cause an overcrowding of the land. He also opined that the Developer's proposal is designed to maximize their profit and will lower the quality of life in the area.

Ms. Nocar also raised issues relative to the height of the structures and their closeness to the road, as well as traffic congestion and water runoff. She also expressed concern over her privacy fence, which she indicated needed to be replaced due to damage caused by overgrown shrubs on the subject property.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. The fact that this subdivision was platted and recorded many years ago, well prior to the adoption of the B.C.Z.R. is a persuasive factor. Moreover, the proposed dwellings will meet all front, side and rear yard setback requirements, including the required distance from the water as mandated by Chesapeake Bay Critical Areas regulations and Federal Flood Insurance requirements. (See attached comments received from the Department of Environmental Protection and Resource Management and Bureau of Development Plans Review) There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency; however, the Office of Planning requested that building elevation drawings of the proposed dwellings be submitted for their review and approval prior to the issuance of any permits. The proposed dwellings shall be compatible in size, exterior building materials, color and architectural detail as those existing in the area, and landscaping shall be provided along the public road.

Finally, I am not persuaded by Mr. Gerber's argument that the Petitioners' proposal should be rejected on the basis that it is aimed at maximizing their investment. (See Richard Roeser v. Anne Arundel Co., 368 Md. 294 (2002)). The fact that the Petitioners purchased the subject property for its development potential is in no way fatal to the relief requested. Moreover, Ms. Nocar's concerns relative to height and setback distances from the road have no merit. As noted above, the proposal meets all Baltimore County building code, area and setback

requirements, but for the lot width. In addition, the proposed construction shall comply with all appropriate Chesapeake Bay Critical Areas regulations and Federal Flood Insurance requirements. Thus, I find that strict compliance with the zoning regulations would result in a practical difficulty and unreasonable hardship for the Petitioners and prevent development of the subject property for a permitted purpose. The relief requested will not result in any detriment to the health, safety and general welfare of the surrounding locale and meets the spirit and intent of Section 307 for relief to be granted.

Pursuant to the advertisement, posting of the properties, and public hearing on these Petitions 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 24th day of May 2005 that the Petitions for Variance filed in Case No. 05-483-A seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 61 feet in lieu of the required 70 feet, for a proposed dwelling on Lots 8 and 9, to be known as 812 Frog Mortar Road, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance filed in Case No. 05-484-A seeking relief from Section 1B02.3.C.1 of the B.C.Z.R. to permit a lot width of 61 feet in lieu of the required 70 feet, for proposed dwelling on Lot 10, to be known as 814 Frog Mortar Road, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit(s) and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the ZAC comments submitted by DEPRM and the Development Plans Review division of DPDM relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. Copies of those comments,

dated April 28, 2005 and April 20, 2005, respectively, have been attached hereto and made a part hereof.

- 3) The Petitioners shall provide landscaping along the public road for both properties, and submit building elevation drawings of the proposed dwelling to the Office of Planning prior to the issuance of any permits. The proposed dwellings shall be compatible in terms of size, exterior, building materials, color and architectural details with existing dwellings in the area.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

RECEIVED

FROM: John D. Oltman, Jr. ^{Jr.}
DEPRM

MAY 2 2005

DATE: April 28, 2005

ZONING COMMISSIONER

SUBJECT: Zoning Item # 05-484
Address 814 Frog Mortar Road

Zoning Advisory Committee Meeting of April 11, 2005

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

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

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

Must comply with the Limited Development Area Regulations which restrict maximum impervious surfaces to 25% and minimum tree cover to 15%.

Reviewer: Martha Stauss

Date: April 28, 2005

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 20, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For April 11, 2005
Item No. 484

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

The flood protection elevation for this site is 11.2.

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 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 requirement of B.O.C.A. International Building Code adopted by the county.

DAK:CEN:clw
Cc: file
ZAC-ITEM NO 484-04202005.doc

CASE NAME 812 FROG MORIAR RD.
CASE NUMBER 06-512-A
DATE 6/7/06

CASE NAME 812 FROG MORIAR RD.
CASE NUMBER 06-512-A
DATE 6/7/06

[illegible]

Case No.:

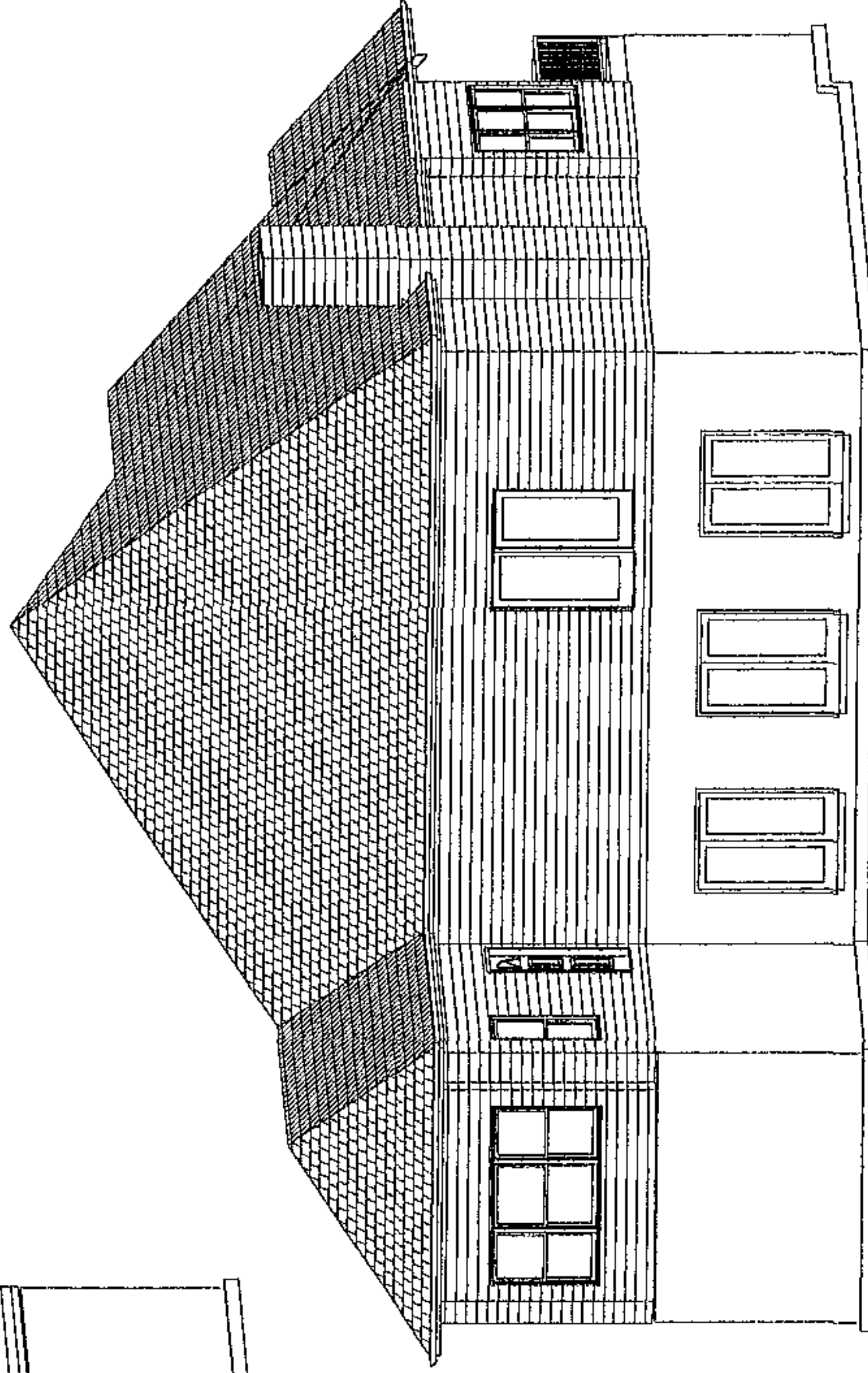
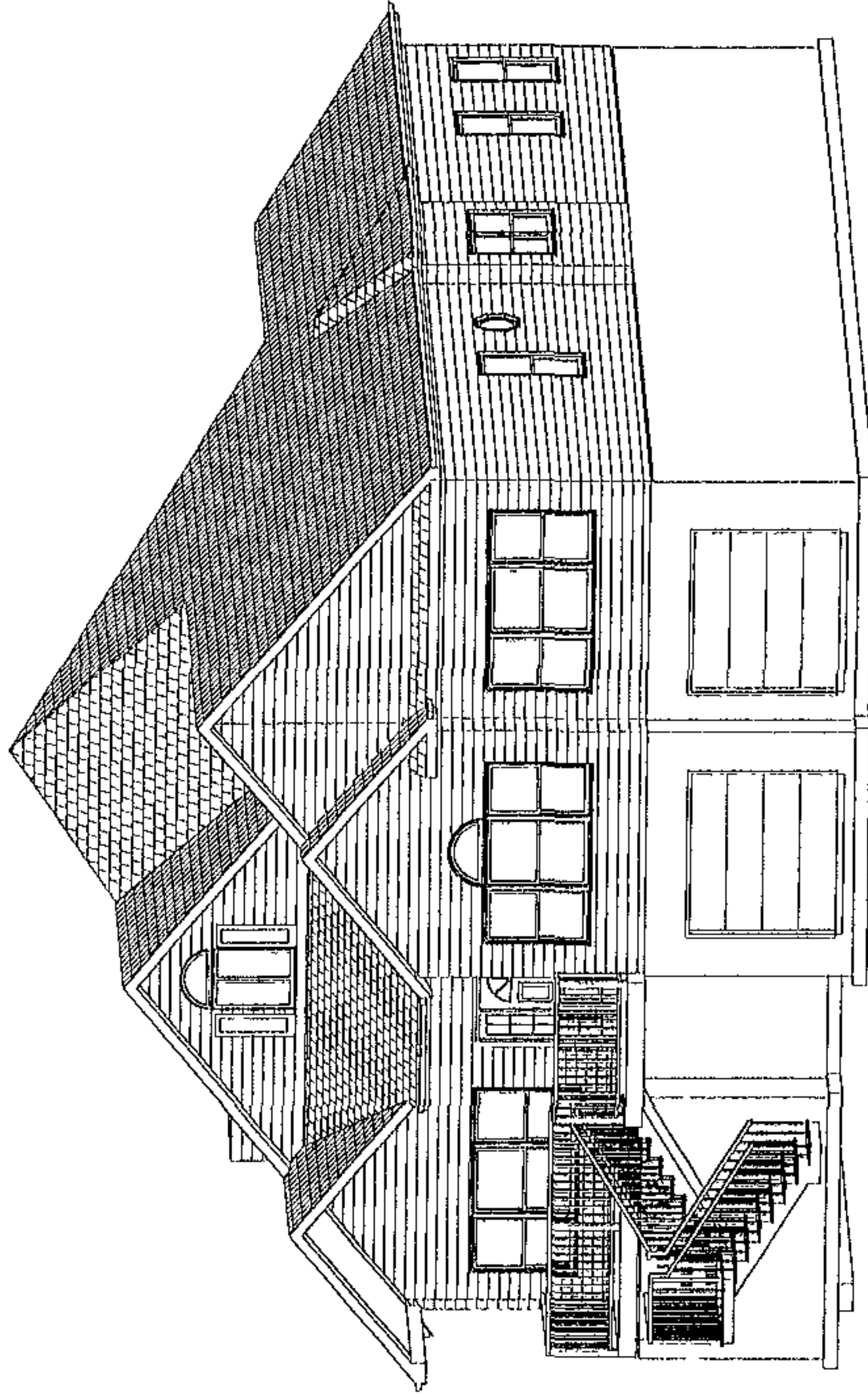
06-512-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	OLD SITE PLAN CASE NO. 05-483-A	
No. 3	BLDG ELEVATIONS PROPOSED 1 STORY HOME	
No. 4	ZONING MAP	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



FREESTATE GENERAL CONTRACTORS

810 BACK RIVER NECK RD 410-574-9337

MCDONALD RESIDENCE

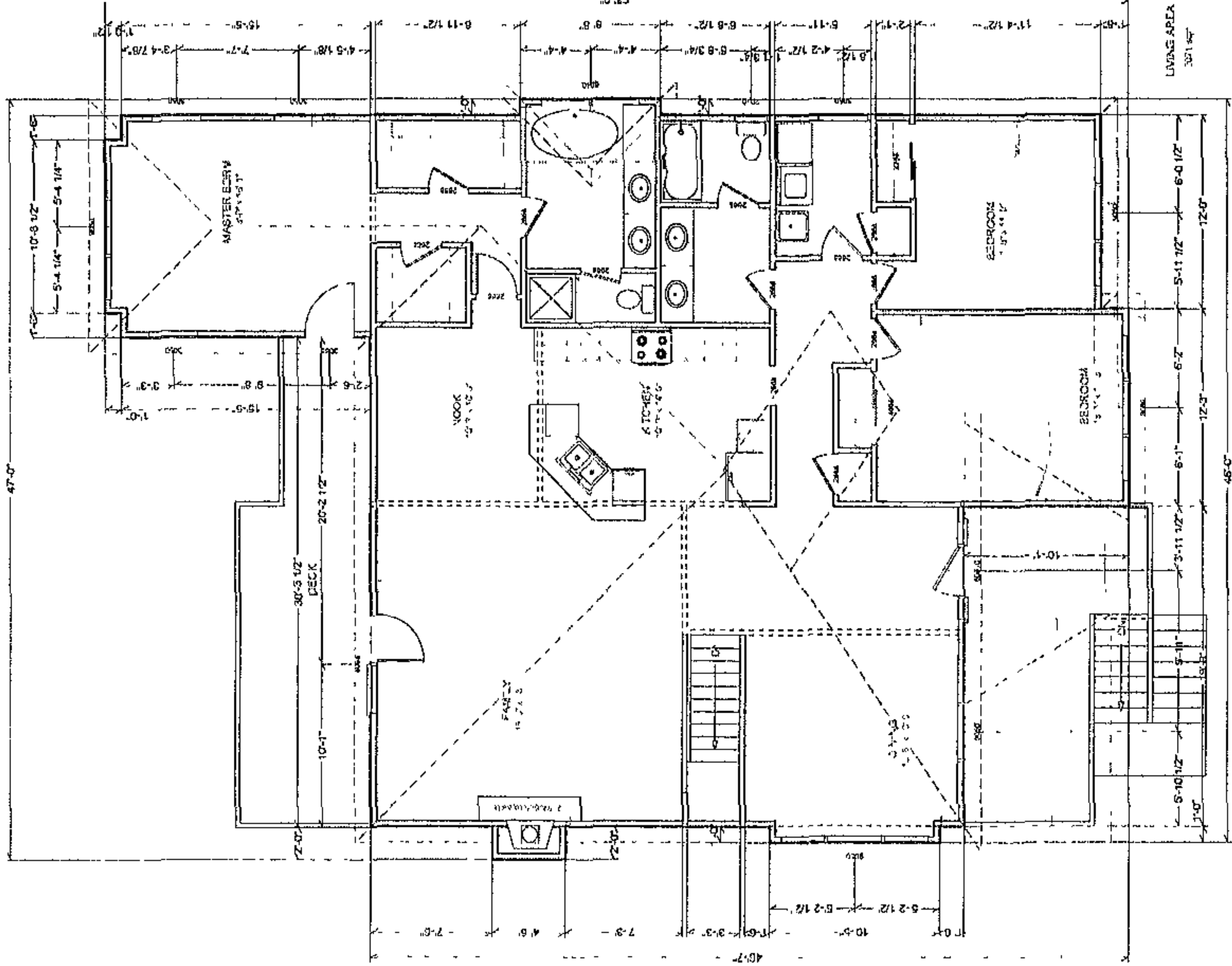
3 D PLAI

DATE 02-17-06

DRAWN BY

PETITIONER'S

EXHIBIT NO. **3**



FREESTATE GENERAL CONTRACTORS

810 BACK RIVER NECK RD 410-574-9337

SCALE 1/4" = 1'

DATE 02-17-06

MCDONALD RESIDENCE

FIRST FLOOR PLAN

DRAWN BY
SKIP STORM

PAGE # 2



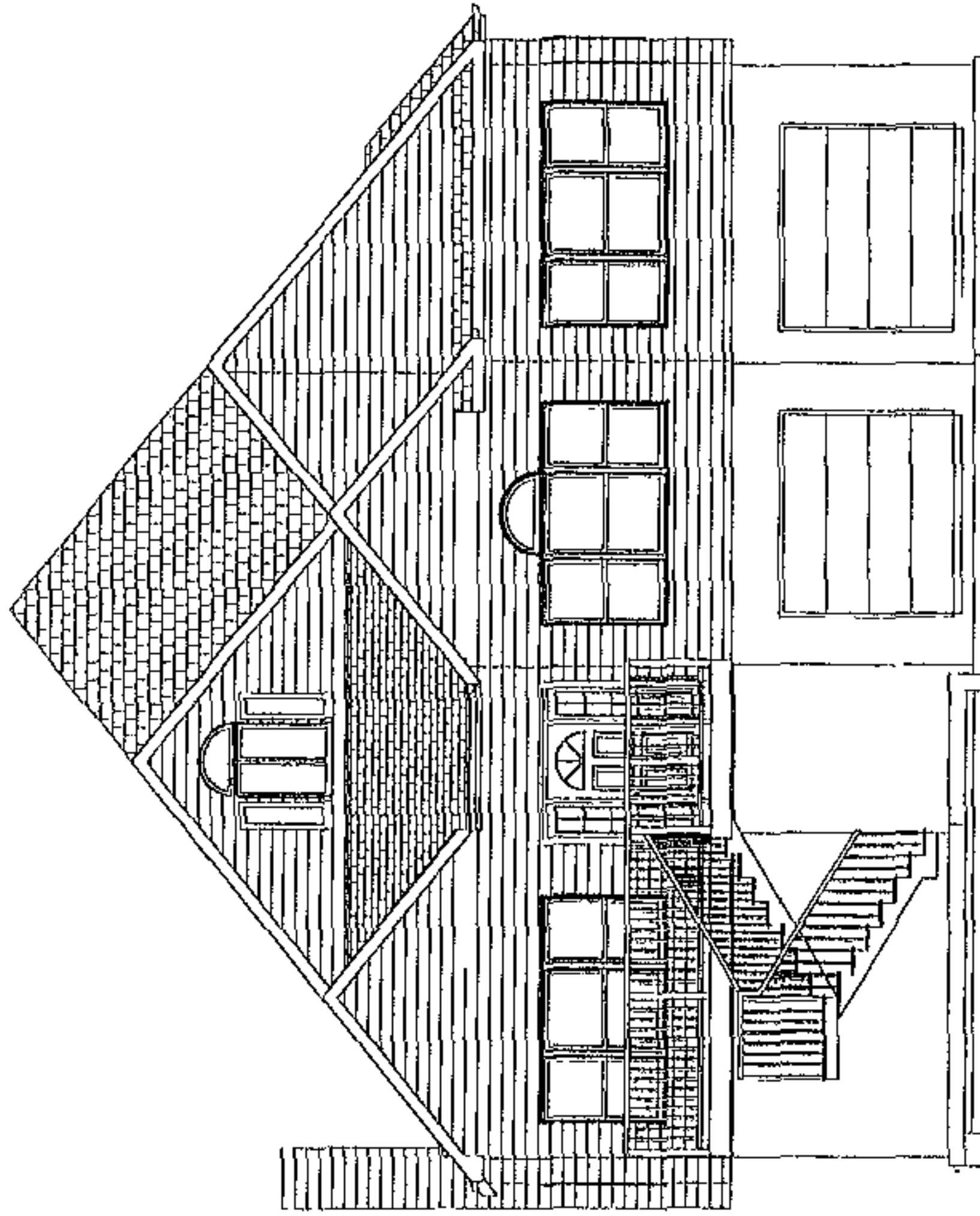
McDONALD RESIDENCE
LOWER LEVEL FLOOR PLAN

SCALE 1/4" = 1'

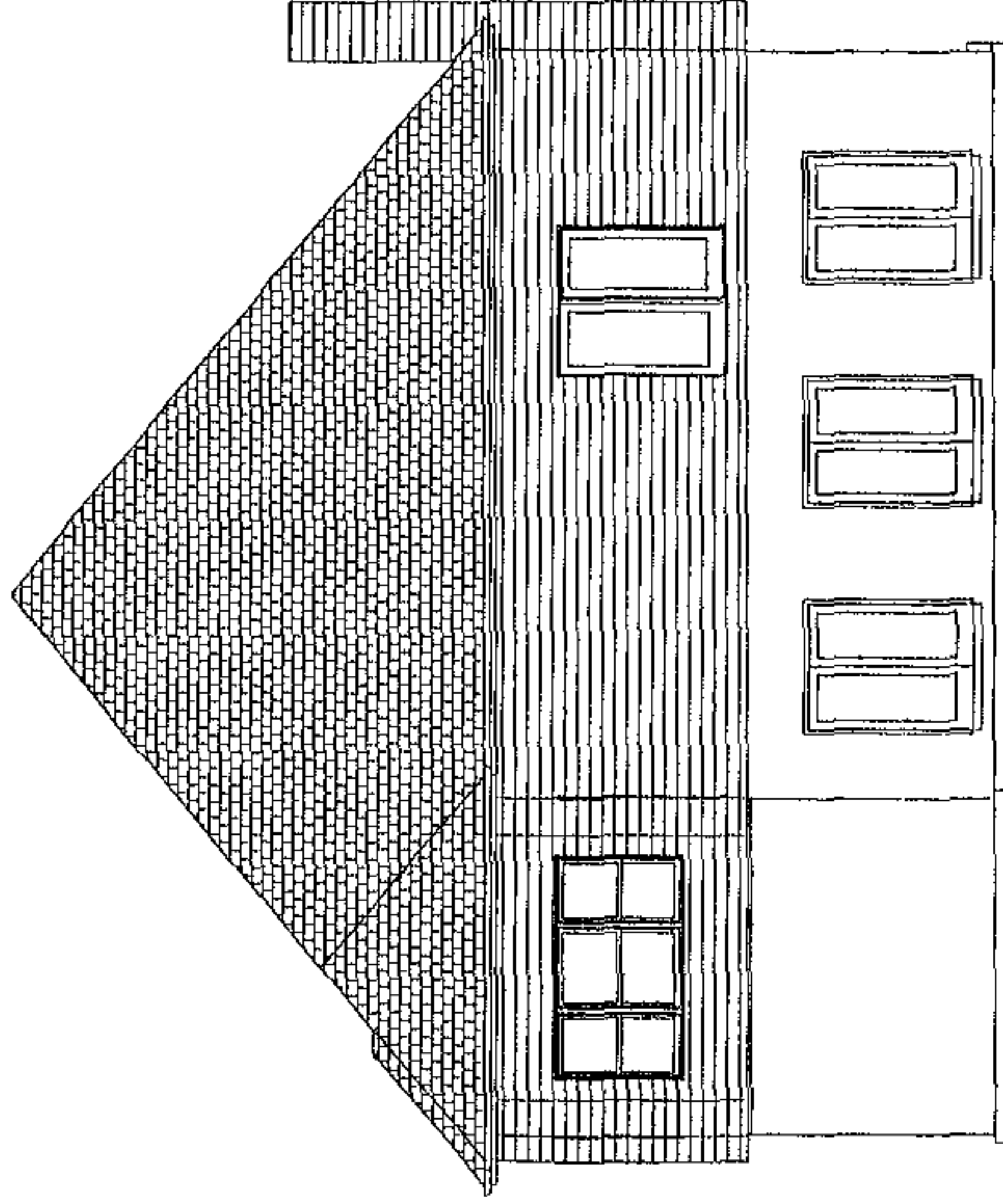
DATE 02-17-06

FREESTATE GENERAL CONTRACTORS
100 W. 4000 RIVER NECK RD. 410-574-9337

810 BACK RIVER NECK RD 410-574-9337



FRONT



REAR

FREESTATE GENERAL CONTRACTORS

810 BACK RIVER NECK RD 410-574-9337

SCALE 1/4" = 1'

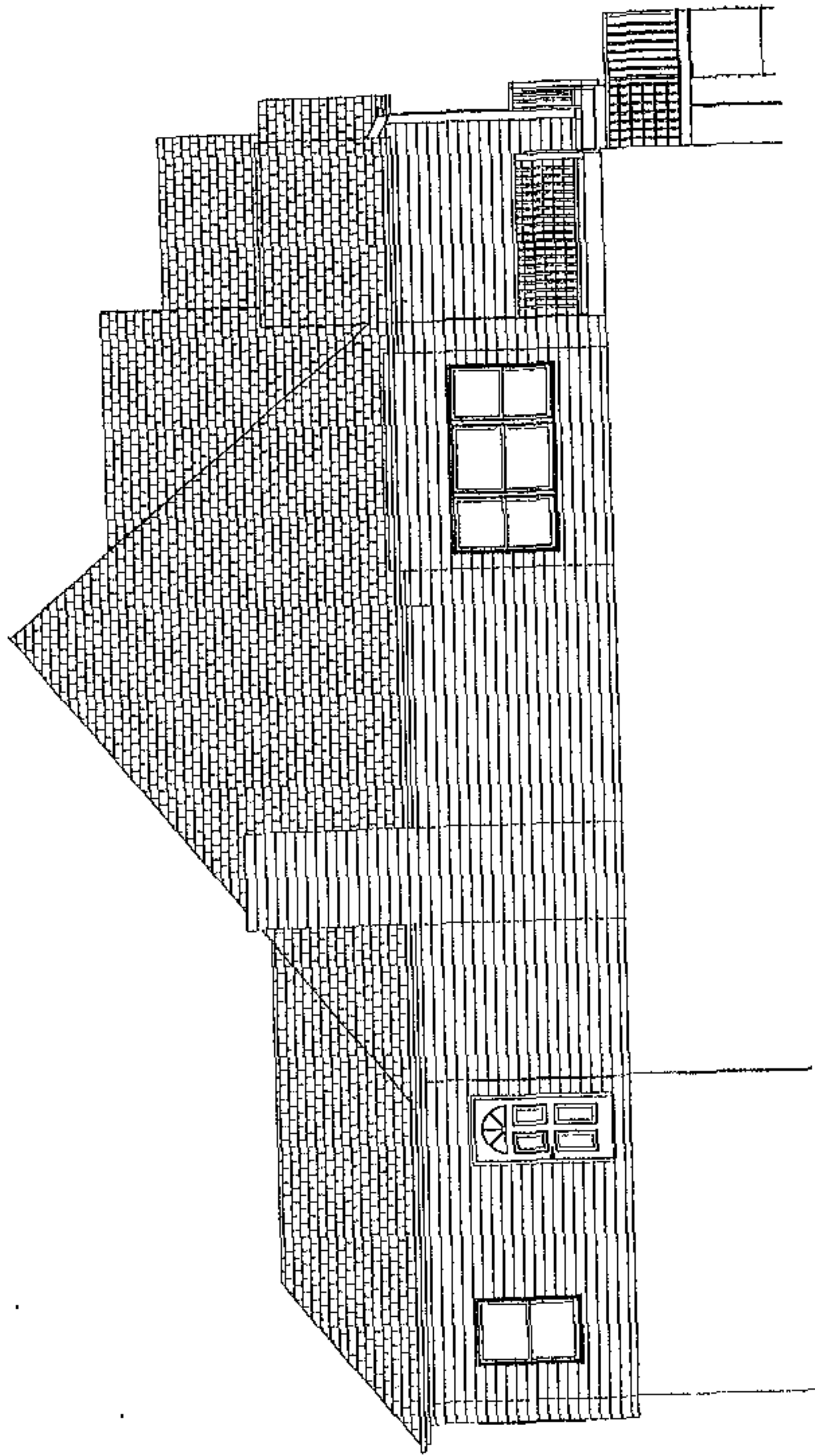
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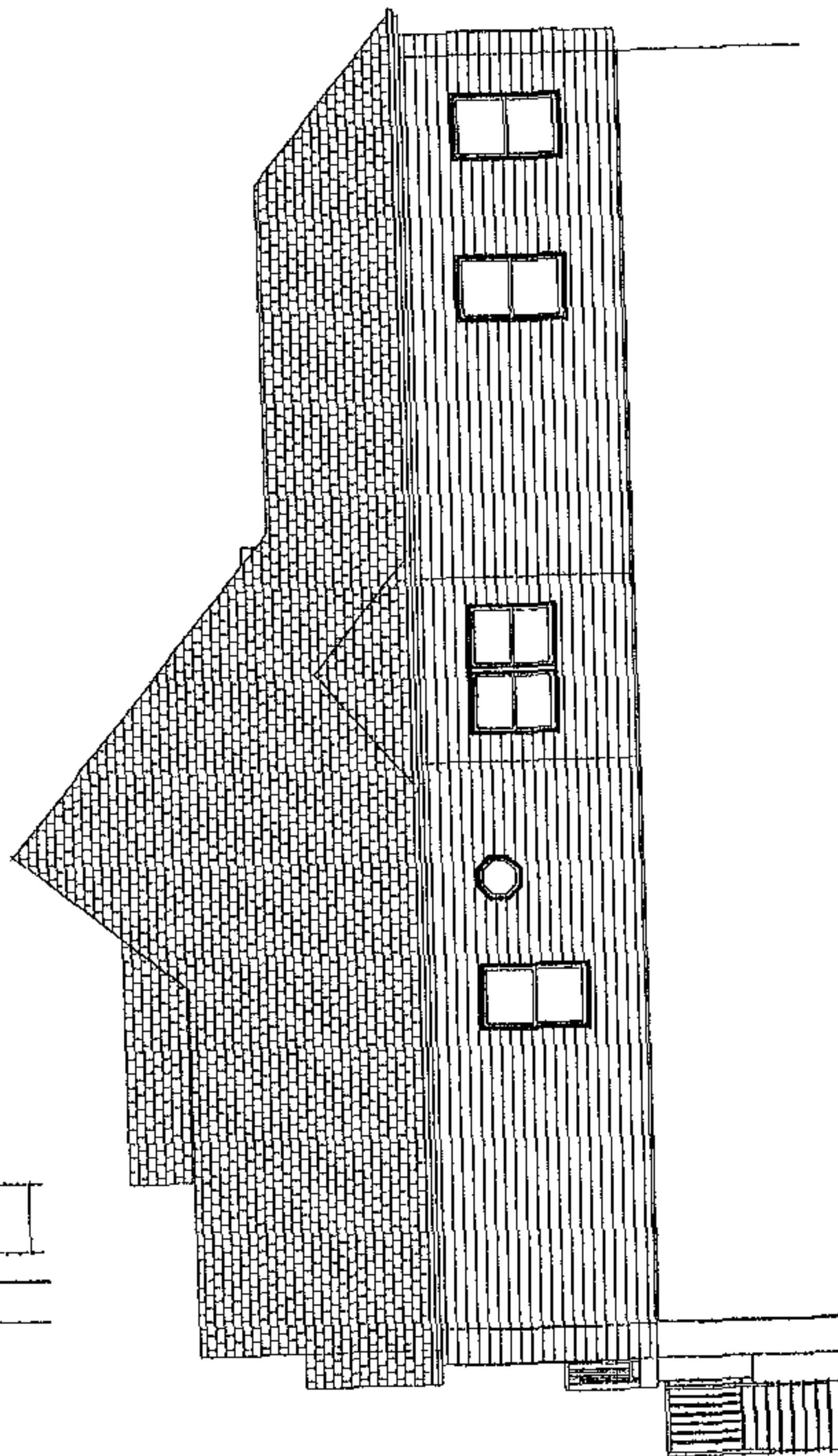
ELEVATIONS

DRAWN BY
SKIP STORM

PAGE # 4



LEFT SIDE



RIGHT SIDE

FREESTATE GENERAL CONTRACTORS
810 BACK RIVER NECK RD 410-574-9337

SCALE 1/4" = 1'

DATE 02-17-06

McDONALD RESIDENCE

ELEVATIONS

DRAWN BY
SKIP STORM
PAGE # 5



Copyright (C) 2005 Baltimore County, Maryland

PETITIONER'S

http://bamaps1.co.ba.md.us/arcims_path/bcgims?ServiceName=Zoning&

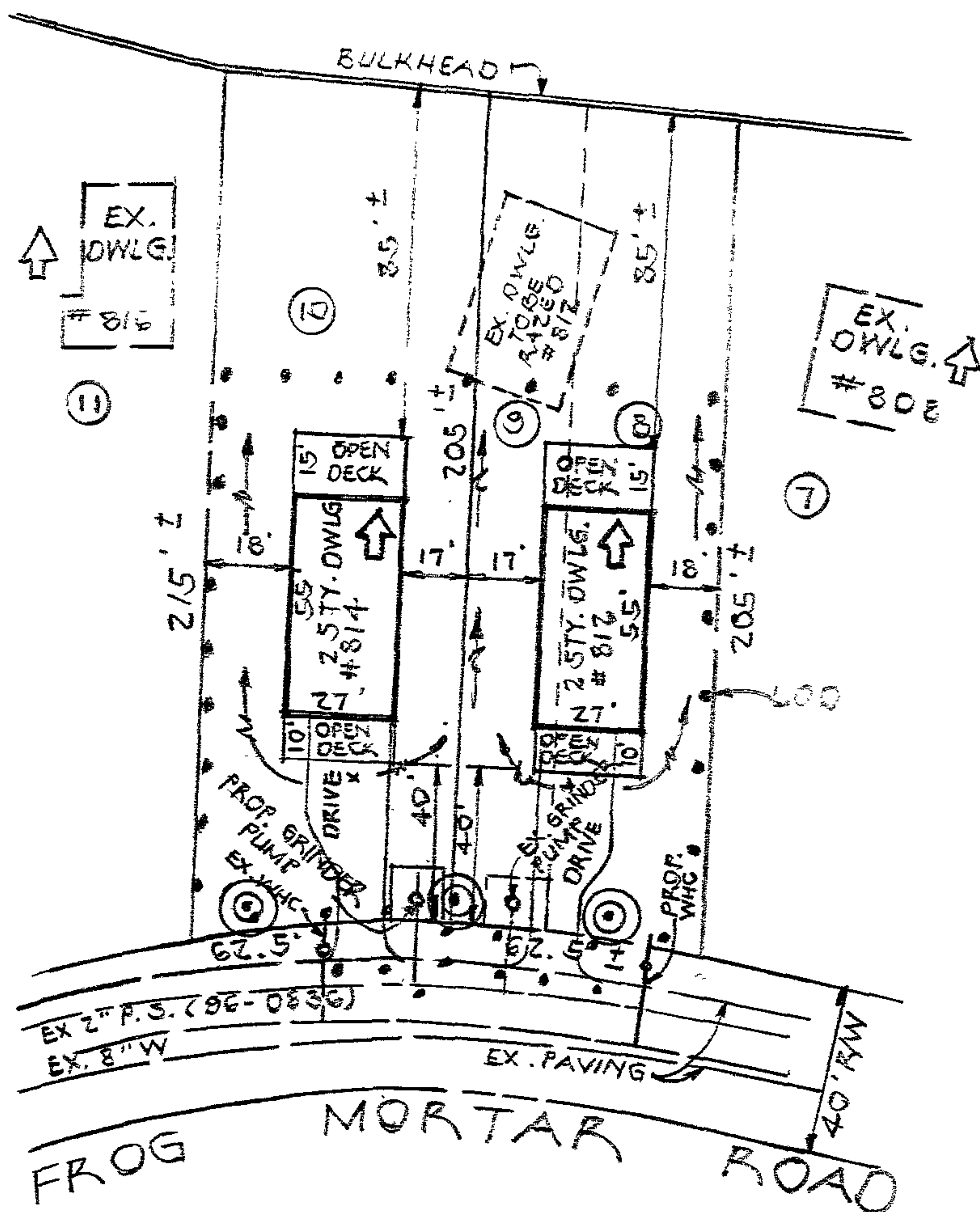
EXHIBIT NO.

4

FROG

MORTAR

CREEK



NOTES

1. ZONING - OR 3-5. (SEE CASE NOS 05-483A, 05-484A)
2. # 812 LOT AREA = 12,505 S.F.
IMPERVIOUS AREA PERMITTED = 26% = 3126 SF
" " " PROPOSED = 2400 S.F.
3. # 814 LOT AREA = 12,810 S.F.
IMPERVIOUS AREA PERMITTED = 26% = 3203 SF
" " " PROPOSED = 2400 S.F.
4. FLOOD ZONE A10

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of May 2005 that the Petitions for Variance filed in Case No. 05-483-A seeking relief from Section 1B02.3 C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 61 feet in lieu of the required 70 feet, for a proposed dwelling on Lots 8 and 9, to be known as 812 Frog Mortar Road, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance filed in Case No. 05-484-A seeking relief from Section 1B02.3 C.1 of the B.C.Z.R. to permit a lot width of 61 feet in lieu of the required 70 feet, for proposed dwelling on Lot 10, to be known as 814 Frog Mortar Road, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit(s) and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the ZAC comments submitted by DEPRM and the Development Plans Review division of DPDM relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. Copies of those comments, dated April 28, 2005 and April 20, 2005, respectively, have been attached hereto and made a part hereof.
- 3) The Petitioners shall provide landscaping along the public road for both properties, and submit building elevation drawings of the proposed dwelling to the Office of Planning prior to the issuance of any permits. The proposed dwellings shall be compatible in terms of size, exterior, building materials, color and architectural details with existing dwellings in the area.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

[Signature]
WILLIAM J. WESTMAN, III
Zoning Commissioner
for Baltimore County

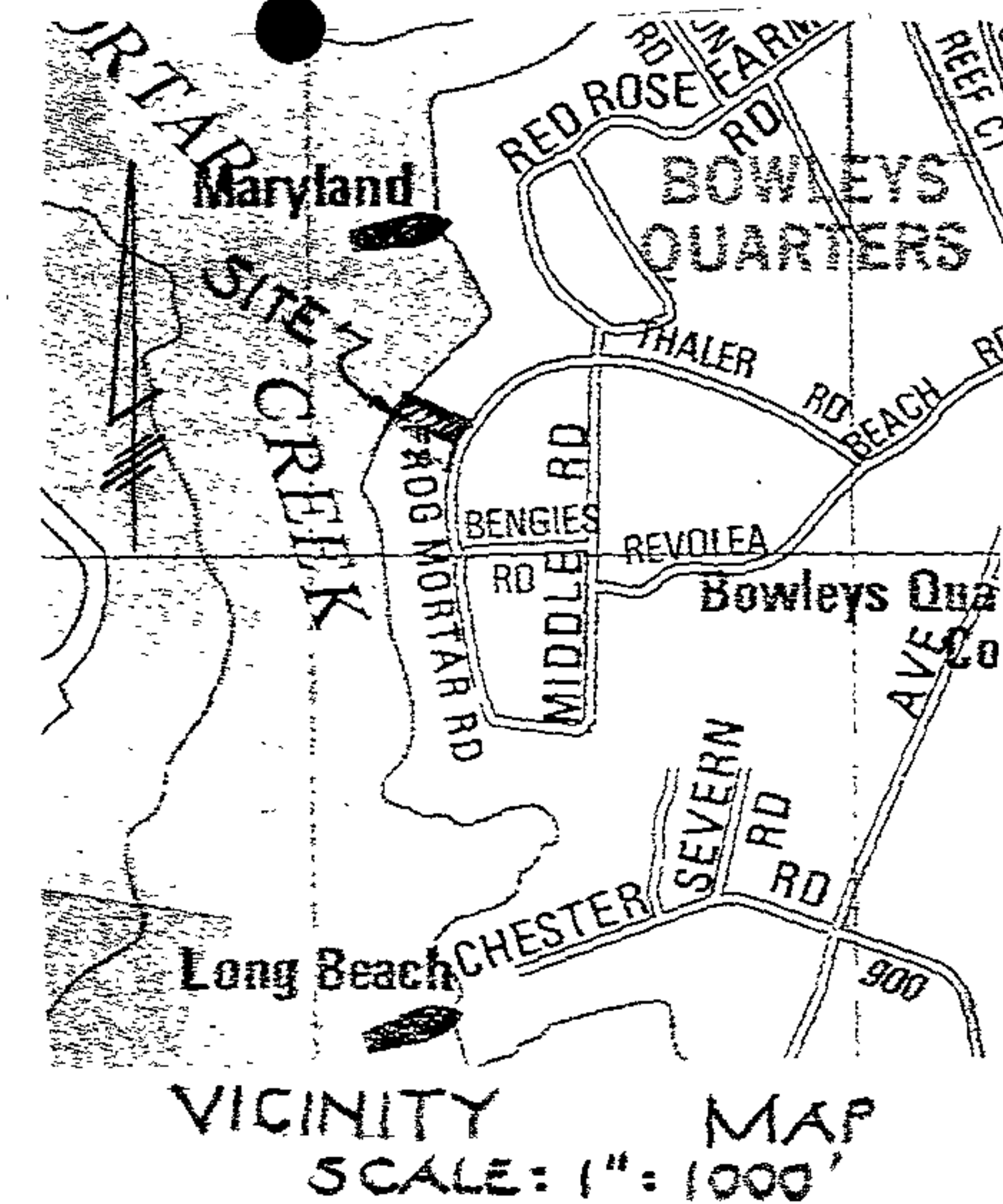
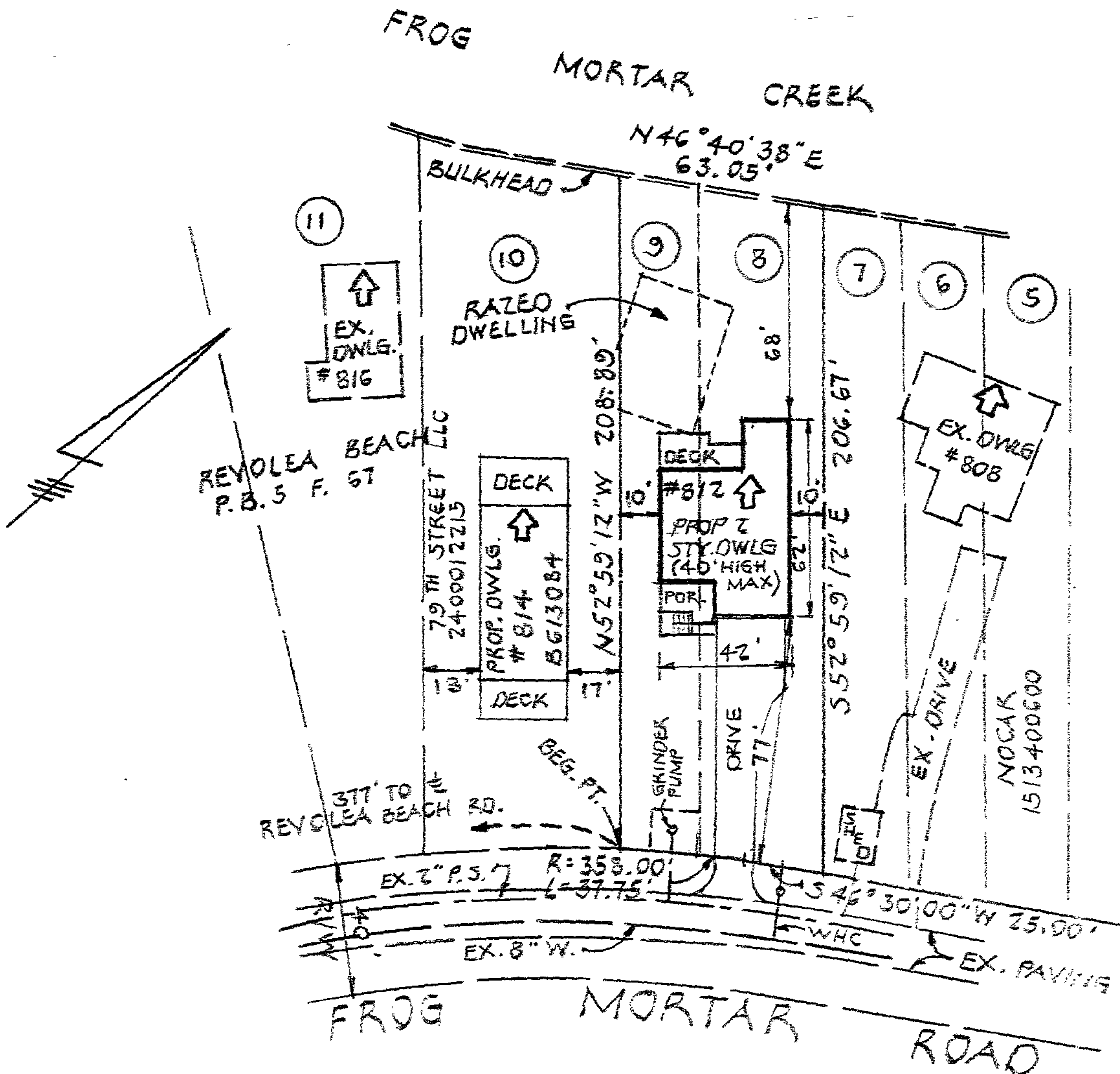
TOTAL DISTURBED AREA = 18,000 S.F.

SITE PLAN

8812 FROG MORTAR ROAD (LOTS 8 & 9)
8814 FROG MORTAR ROAD (LOT 10)
REVOLEA BEACH P.B. 5 F. 67
ELECT. DIST. 15 BALTIMORE CO., MD.
SCALE: 1" = 40' NOV. 12, 2005

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
579-8719

OLD SITE PLAN
PETITIONER'S
(05-483-A) 2
EXHIBIT NO. 2
DENOTES LOCATION OF
TREES TO BE PLANTED
RED MAPLE 2" 2 1/2" CAL.
STEP PLAN - RECOMPANING



NOTES

1. ZONING.....DR 3.5 (MAP 091B3)
2. AREA = 12,876 SF = 0.296 ACRE
3. SITE IS LOCATED IN CBCA AND 100 YEAR FLOOD PLAIN
4. NO HISTORIC STRUCTURES EXIST
5. SITE IS SERVED BY PUBLIC WATER & SEWER
6. ZONING HISTORY
CASE NO. 05-483-A, ORDER DATED MAY 24, 2005
ALLOWING A LOT WIDTH OF 61 FEET IN LIEU OF THE REQUIRED 70 FEET

PETITIONER'S

EXHIBIT NO. 1

PLAT TO ACCOMPANY ZONING PETITION
812 FROG MORTAR ROAD
ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 40 FEET
MARCH 3, 2006

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

OWNER
SCOTTIE McDONALD
1430 GALENA ROAD
BALTIMORE, MD. 21221
PROP. NO. 2400012214

Exhibit 1