IN RE: PETITION FOR VARIANCE
W/S of East Riverside Avenue, 200 feet
south of Mitchell Road
15<sup>th</sup> Election District
6<sup>th</sup> Councilmanic District
(1326 and 1328 East Riverside Avenue)

\* BEFORE THE

\* DEPUTY ZON

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 06-559-A

Joseph and Noel Bates
Petitioners

\*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

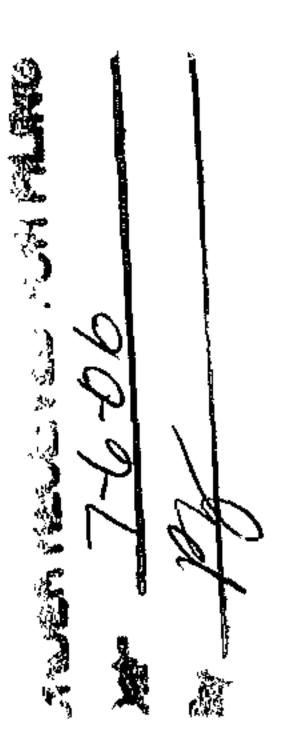
This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Joseph and Noel Bates. The Petitioners are requesting variance relief for property located at 1326 and 1328 East Riverside Avenue. Variance relief is requested from Section 1A04.3.A.B.1.a, 2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a proposed dwelling on a lot containing 0.86 acres  $\pm$  with a height of 48 feet and side setbacks of 10 and 24 feet in lieu of the minimum required 1.5 acres, maximum height of 35 feet and minimum 50 feet setback each respectively.

The property was posted with notice of the public hearing date and time on June 18, 2006. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on June 20, 2006 to notify any interested persons of the scheduled hearing date and relief requested.

### Applicable Law

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict



compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

### **Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the from the Bureau of Development Plans Review dated May 17, 2006 and contains restrictions. A ZAC comment letter was received from the Department of Environmental Planning and Resource Management dated June 8, 2006 which contains restrictions. A ZAC comment letter was received from the Office of Planning dated June 6, 2006, which contains restrictions. Subsequently the Planning Office issued revised comments dated July 5, 2006, a copy of which is incorporated into the file of this case.

### Interested Persons

Appearing at the hearing on behalf of the variance request were James Gernhart and Joseph Bates, Petitioner. No protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

### Testimony and Evidence

Testimony and evidence indicated that the subject property contains 0.86 acres zoned RC 5 and is improved by two single family dwellings. As shown on the Plat to

Accompany exhibit 1, the Petitioner proposes to raze both dwellings and erect one large modern home to replace the existing homes shown on the Petitioner's photographs, exhibit 4 A. The new home would be located on two 50 foot wide lots whereas the two existing homes are each located on one 50 foot lot.

Mr. Gernhart indicated that the two lots are Lot 14 and 15 of the Back River Neck Park subdivision which was recorded among the land records in 1921 as shown on exhibit 2. He indicated that he understood that this property had been zoned DR 5.5 until very recently when the area was down zoned to RC 5. He noted that a home on lots 14 and 15 as proposed would have met all DR 5.5 regulations but now the same house requires variances. Finally he noted that as shown on the lots originally were approximately 450 feet long which would have meant the combined lots contained about an acre. However the area suffered significant erosion over the past eighty years and as a result today the combined lots have only 0.86 acres.

In regard to the height variance, Mr. Gernhart noted that the Bureau of Development Plans Review comment requires the first floor to be elevated above ground level at least 10.4 feet to avoid being flooded in an Isabel type storm. This means that his proposed two story home will reach 47 feet at the peak of the roof and so does not meet the 35 foot height regulation. However, he also noted that the lots behind the subject property are vacant or farm land so that there will be no complaints about the height cutting off view of the water. Also see photographs 5 A, 5 B and 5 C. In fact he contacted the owner of the lots to the rear who supported the requests because of lower density.

きずる

two lots into one 100 foot wide lot, the 50 foot side yard setback requirements of RC 5 can not be met. Nor is there any property on either side which the Petitioner can purchase to meet the regulations. Finally he noted that the existing house on lot 14 is only 9 feet from the property line and his proposal is to increase this to 10 feet. The new house is 24 feet from the property line on the other side to allow a side loaded garage as shown.

The Planning Office comments originally indicated that the side yard setback

In regard to the side yard setbacks, the Petitioner points out that even by combining

The Planning Office comments originally indicated that the side yard setback should be 15 feet on each side as well as requesting information to allow a finding of compatibility in this RC 5 zoned property. However the Planning Office issued revised comments after the Petitioner supplied the information requested, found the proposed home to be compatible, and agreed to a 10 foot side yard setback under the circumstances.

A letter of opposition was received from Jackie Nickel objecting to the size of the proposed home.

### Findings of Fact and Conclusions of Law

I suppose technically the requests for variance for lot size and width could have been filed as a request for special hearing under Section 1A04.3 B. 1. The height would still require a variance. I will treat all requests for variance as indicated in the Petition.

The file shows a letter in opposition from a neighbor whose primary objections seems to be the size of the proposed dwelling. However it appears from the testimony and photographs that the lots behind the new home are either vacant or farm. The

Petitioner indicated the community association did not oppose the size of the dwelling considering two homes would be replaced with one.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. This subdivision and the subject lots were created much before the zoning was imposed on the area. The imposition of RC 5 zoning on this property disproportionably impacts the subject property as compared to others in the zoning district. The proposed dwelling on two lots would have met the prior DR 5.5 regulations.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is no more land on either side which the Petitioner can purchase to meet the regulations. Even with 100 foot combined lot, he still can not meet a 50 foot side yard setback or the area requirements.

No increase in residential density beyond that otherwise allowable by the Zoning Regulations will occur as a result of granting this variance as the Petitioner is razing two homes to be replaced by one.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is an improved pattern of development whereas there were two homes on each 50 foot lot now there is one home on a 100 foot lot. There will be no change to the character of the neighborhood. The water view lots behind are vacant or farm.

The Solution of the second of

THEREFORE, IT IS ORDERED, this 6<sup>th</sup> day of July, 2006, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1A04.3.A.B.1.a, 2.b of the Baltimore County Zoning Regulations to allow a proposed dwelling on a lot containing 0.86 acres ± with a height of 48 feet and side setbacks of 10 and 24 feet in lieu of the minimum required 1.5 acres, maximum height of 35 feet and minimum 50 feet setback each respectively is hereby GRANTED, subject to the following conditions:

- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. 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).
- 3. This property is within the Limited Development Area of the CBCA. The impervious surface limit is 15% of the lot size, and 15% tree cover must be maintained. The property is also in a Buffer Management Area, which establishes a 100 foot buffer.
- 4. Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the County.

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

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

JVM:pz



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

July 6, 2006

JOSEPH AND NOEL BATES 1328 E RIVERSIDE AVENUE BALTIMORE MD 21221

Re: Petition for Variance Case No. 06-559-A

Property: 1326 and 1328 East Riverside Avenue

Dear Mr. and Mrs. Bates:

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

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

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

John V. Murphy/pg

for Baltimore County

JVM:pz Enclosure

c: Jackie Nickel, 721 Rockaway Beach Avenue, Essex MD 21221



REV 9/15/98)

# Petition for Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 1324 1328 E. River Side Averwhich is presently zoned RC 5

This Petition shall be filed with the Department of Permits a of the property situate in Baltimore County and which is described hereof, hereby petition for a Variance from Section(s)	and Development Management. The undersigned, legal owner(s) ribed in the description and plat attached hereto and made a part 3. A. B. (a) 2.6
Proposed dwelling on a lot contai	ning 0.86 acres with a height of 48pt
Eside SetSacks & loft & 24 ft. in	lies of the min mum reavired 1.5 min
maximum height of 35 pe, & minimum	lies of the min mum reavired 1.5 ages
or practical difficulty) The weth front home must	,
hurricane, and comply with Fema Regula	ations.
Property is to be posted and advertised as prescribed by the zor l, or we, agree to pay expenses of above Variance, advertising, pregulations and restrictions of Baltimore County adopted pursuant to the second se	osting, etc. and further agree to and are to be bounded by the zoning
!/We de perjury, that I/we is the subject of this Petit	o solemnly declare and affirm, under the penalties of e are the legal owner(s) of the property which tion.
Contract Purchaser/Lessee:	<u>Legal Owner(s):</u>
	Joseph C. Bates
Name - Type or Print	Name - Type or Prifit
Signature	Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature Curo
Attorney For Petitioner:	1328 E. Riverside Aug. 574.0983
	Address Telephone No. 2122
Name - Type or Print	City State Zip Code
Signature	Representative to be Contacted:
Oignature	
Company	Name
Address Telephone No.	Address Telephone No.
City State Zip Code	City State Zip Code
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING 2
Case No. 06-5594  Case No. MUCH FILL MAN PILL Reviewed By	UNAVAILABLE FOR HEARING
TO HOUSE WELL WILL WINDOWS RV	UNAVAILABLE FOR HEARING

ONING DESCRIPTION FOR 1326-28 E. Riverside Auch (address)
Beginning at a point on the <u>West</u> side of (porth, south, east or west)
E. Riverside Ave which is which is (number of feet of right-of-way-width)—
vide at the distance of (number of feet) (north, south, east or west)
contentine of the nearest improved intersecting street <u>Mitchell RD</u> (name of street)
vhieh iswide: *Being Lot # <u>@ 14 \$15</u> ,  (number of feet of right of way width)
Block, Section # in the subdivision of <u>BACK Riven week PARIS</u> (name of subdivision)
as recorded in Baltimore County Plat Book #, Folio #, Folio #
containing 37, 500 sq.ft. Also known as 1326-28 E. Riverside Are (square feet or acres) (property address)
and located in the 15 Election District, 6 th Councilmanic District.

•

, .

,

I

•

1

	CASHIERS VALIDATION
No. No.	\$ 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6
BALTIMORE COUNTY, MARYLANE OFFICE OF BUDGET & FINANCE NISCELLANEOUS RECEIPT	PATE FROM: FOR:  FOR:  MANOUNT  RECEIVED  FOR:  FOR:  WHITE CASHIER  PRINK - AGENCY  YELL

### 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: #06-559-A

1326/1328 E. Riverside Avenue

West side of E. Riverside Avenue, 200 feet south of Mitchell Road

15th Election District — 6th Councilmanic District

Legal Owner(s). Joseph C, & Noel M, Bates

Variance: to allow a proposed dwelling on a lot containing 0.86 acres +/- with a height of 48 feet and side setbacks of 10 and 24 feet in lieu of the minumum required 1.5 acres, maximum height of 35 feet and minimum 50 feet setback each respectively.

Hearing: Wednesday, July 5, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue Towern 21204

nue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handleapped Accessible; for special accommodations Please Contact the Zoning Com-

subject to conditions, restrictions and agreements of record affecting same, if any and with no warranty of

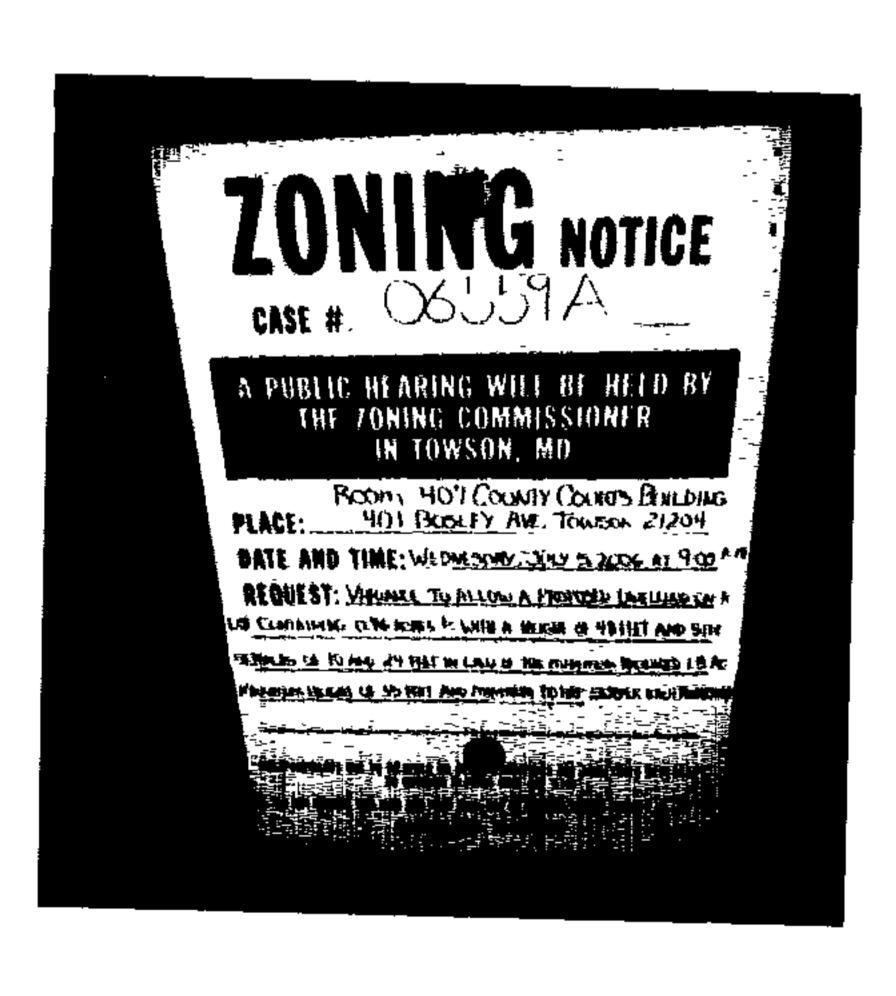
### CERTIFICATE OF PUBLICATION

(5,0), $20,00$
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on $\frac{\sqrt{20}}{\sqrt{20}}$ ,20 $\frac{\sqrt{20}}{\sqrt{20}}$ .
The Jeffersonian
Arbutus Times
Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilkings

LEGAL ADVERTISING

### CERTIFICATE OF POSTING

RE: Case No.: 06-559-A Petitioner/Developer: JOSEPH C V NOEL M. BATES Date of Hearing/Closing: JULY 5, 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: 1326/1328 E. RIVERSIDE AVE. The sign(s) were posted on (Month, Day, Year) Sincerely,



454

٠,

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)

TO: PATUXENT PUBLISHING COMPANY

Tuesday, June 20, 2006 Issue - Jeffersonian

Please forward billing to:

Joseph C. Bates 1328 E. Riverside Avenue Baltimore, MD 21221 410-574-0983

### **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: 06-559-A

1326/1328 E. Riverside Avenue

West side of E. Riverside Avenue, 200 feet south of Mitchell Road

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: Joseph C. & Noel M. Bates

<u>Variance</u> to allow a proposed dwelling on a lot containing 0.86 acres +/- with a height of 48 feet and side setbacks of 10 and 24 feet in lieu of the minimum required 1.5 acres, maximum height of 35 feet and minimum 50 feet setback each respectively.

Hearing: Wednesday, July 5, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES. (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
  - (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

# Department of Permits and Development Management

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



### Baltimore County

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

May 16, 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: 06-559-A

1326/1328 E. Riverside Avenue

West side of E. Riverside Avenue, 200 feet south of Mitchell Road

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: Joseph C. & Noel M. Bates

<u>Variance</u> to allow a proposed dwelling on a lot containing 0.86 acres +/- with a height of 48 feet and side setbacks of 10 and 24 feet in lieu of the minimum required 1.5 acres, maximum height of 35 feet and minimum 50 feet setback each respectively.

Hearing: Wednesday, July 5, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Joseph & Noel Bates, 1328 E. Riverside Avenue, Baltimore 21221

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 20, 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

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is 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: 06-5-59 1
Petitioner: Joseph C. Bates
Address or Location: 1326-28 E. Roven Side Ave.
PLEASE FORWARD ADVERTISING BILL TO:  Name:
Address:
Som e
BALTON MD. 21221



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

June 30, 2006

Joseph Bates Noel Bates 1328 E. Riverside Ave. Baltimore, MD 21221

Dear: Mr. & Mrs. Bates,

RE: Case Number: 06-559-A, 1326/1328 E. Riverside Ave.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 3, 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, Call Richall D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:sma

**Enclosures** 

c: People's Counsel

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

A 4 1

Timothy M. Kotroco, Director

**DATE:** May 17, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For May 22, 2006

Item No. 559

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 9.4 feet Baltimore County Datum.

The flood protection elevation for this site is 10.4 feet.

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

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

The building engineer shall require a permit for this project.

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

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

DAK:CEN:clw

cc: File

ZAC-ITEM NO 559-05172006.doc



### BALTIMORE COUNTY, MARYLAND

### **Inter-Office Correspondence**



JUN 0 8 2006

20/11/16 (CAMINES SIONI)

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: June 8, 2006

SUBJECT: Zoning Item # 06-559-A

Address 1326, 1328 East riverside Avenue

(Bates Property)

Zoning Advisory Committee Meeting of May 15, 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:

This property is within the Limited Development Area of the CBCA. The impervious surface limit is 15% of the lot size, ans 15% tree cover must be maintained. The property is also in a Buffer Management Area, which establishes a 100-foot buffer.

Reviewer: Kevin Brittingham Date: June 1, 2006

S:\Devcoord\ZAC 06-559-A.doc

97 12/2

Jm 17/5

**DATE:** June 6, 2006

JUN 0 9 2006

ZOME COMMINGS

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

1326/1328 E. Riverside Avenue

**INFORMATION:** 

Item Number:

6-559

Petitioner:

Joseph Bates

Zoning:

RC 5

Requested Action:

Variance

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and offers the following comments:

This office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

- 1. Photographs of existing adjacent dwellings.
- 2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
- 3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
- 4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
- 5. Provide landscaping along the public road, if consistent with the existing streetscape.

909

W:\DEVREV\ZAC\6-559,doc

6. The proposed dwelling shall allow for at least a 15-foot side yard setback on each side.

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

Prepared by:

Division Chief:

AFK/LL: CM



### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and

Development Management

DA

**DATE:** July 5, 2006

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

1326/1328 E. Riverside Avenue

**AMENDED COMMENTS** 

INFORMATION:

Item Number:

6-559

Petitioner:

Joseph Bates

Zoning:

RC 5

Requested Action:

Variance

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request, photographs, proposed architectural elevations and building materials and recommends that the proposal is in conformance with the RC 5 performance standards. The Office of Planning supports the requested variances for height and setback and lot area provided that:

The proposed dwelling shall allow for at least a 10-foot side yard setback on each side.

Division Chief:

AFK/LL: CM

医二苯甲基甲酚

### 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

May 16,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: May 15,2006

Item Numbers: 558 thru 573

559

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





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

### Maryland Department of Transportation

Date: 5.14.02

**Baltimore County** 

Item No. 559

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

Dear. Ms. Matthews:

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

RE:

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. Hall

Engineering Access Permits Division

RE: PETITION FOR VARIANCE

1326 & 1328 E. Riverside Avenue; W/S E.

Riverside Avenue, 200' S of Mitchell Road \*

15<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts

Legal Owner(s): Joseph & Noel Bates

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

**FOR** 

**BALTIMORE COUNTY** \*

\* 06-559-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 16th day of May, 2006, a copy of the foregoing Entry of Appearance was mailed to, Joseph & Noel Bates, 1328 E. Riverside Avenue, Baltimore, MD 21221, Petitioner(s).

RECEIVED

MAY 16 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Peter Mck Limmonnan

Per. ....

From: Jackie nickel <jackienickel@comcast.net>
To: Patricia Zook <pzook@co.ba.md.us>

**Date:** 7/5/2006 3:46:40 PM

> Office of the Zoning Commissioner

> 410-887-3868

Subject: Re: Case No. 06-559-A, property located at 1326 and 1328 East Riverside Avenue

Jackie Nickel 721 Rockaway Beach Ave. Essex. MD 21221

On Jul 5, 2006, at 1:14 PM, Patricia Zook wrote:

```
Hello-
You provided comments concerning the above-referenced case which
was heard today.
Please provide us with your mailing address so that we may send a
copy of the Order to you when it is ready.
Thank you.
Patti Zook
Legal Secretary
Baltimore County
```

### Bill Wiseman - Comments on CASE NUMBER: 06-559-A

From: Jackie nickel \( \) jackienickel \( \) comcast.net \( \)

To: <www.seman@co.ba.md.us>, jack murphy <jvmurphy@co.ba.md.us>

**Date:** 07/05/06 8:41 AM

Subject: Comments on CASE NUMBER: 06-559-A

CC: Douglas Celmer < douglascelmer@comcast.net>, < ccanatella@muellerassoc.com>, Ed

Rybczynski <ebdenton@comcast.net>, Jim Mitchell <jim.hnca@verizon.net>,

<donhyson@bcpl.net>, Denise Woutila-home <tilla711@comcast.net>, Pete Zimmerman

ాంగా కార్కు అంటా ఉంటా కింగా కింగా కార్జున్నాడు. అంటా కార్కుడ్ కార్కారు కార్కార్కు కార్కారు కార్కార్ కార్కార్ కా

<peeplescounsel@co.ba.md.us>

### Zoning Hearings - 1326 & 1328 East Riverside Avenue

Location: 6th Council District

Date/Time: 07/05/2006 9:00 AM - 07/05/2006 10:00 AM

CASE NUMBER: 06-559-A Location: West side E. Riverside Avenue, 200 feet south of Mitchell Road. 15th Election

District Legal Owners: Joseph C. Bates and Noel Bates.

Dear Mr. Wiseman and Mr. Murphy,

I couldn't attend the hearing on the above case today but I and other peninsula residents would like to put our concerns in writing to you. (I'm not sure who heard the case today.)

This proposed 6,000+ sq. ft. house looks to be even larger than the one at 717 Rockaway Beach Ave., however the contract purchaser did come to our Back River Neck Peninsula Community Assn. meeting with a complete set of architectural drawings (something we never saw from the Rushes). The current owners, however, did not attend the meeting.

The contract purchaser wanted a vote of support from BRNPCA but some confusion on zoning and setbacks led the group to vote NOT TO OPPOSE it, which in my opinion still was a mistake. We did NOT, however, vote to SUPPORT it. As with the Berger/Holly Neck case, BRNPCA supports WHAT THE LAW ALLOWS and the law does not allow such a huge, incompatible house to be built on the property in question.

Most of the membership did not understand that although the buyer proposes to put two 50 ft. lots together to build, this land is RC5 and .87 acres isn't large enough to accommodate such an enormous dwelling - 67 ft. wide, 4 stories high. The two 50 ft. lot combination is meant for DR 3.5, not RC5. Our membership was confused and unsure of the property's zoning.

The neighbors to either side have small shore homes and this mansion is totally incompatible and would drastically impact their quality of life.

The side setbacks requested also are extreme as is the height of 48 ft., especially in RC5 where 35 ft. is the law. We just finished a three-year struggle to get the Berger/Holly Neck Preserve accepted by the community and those homes (also RC5) are limited to 35 ft. in height.

This plan for 1326-1328 E. Riverside is unacceptable to many of us who regret that BRNPCA voted not to oppose it. Had all facts been presented, the vote would have been different, I feel.

Sincerely, Jackie Nickel

# PLEASE PRINT CLEARLY

DATE	CASE NUMBER	CASE NAME

# PETTIONER'S SIGN-IN SHEET

										JOSEPH C BATES	Janes Gerolles +	NAME
					L.					1328 E RNERSIDE AU	6001 Elucits Rd.	ADDRESS
										Bacto Mo 21221	15al p no 21220	CITY, STATE, ZIP
												E- MAIL



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

S S

Return Service Requested





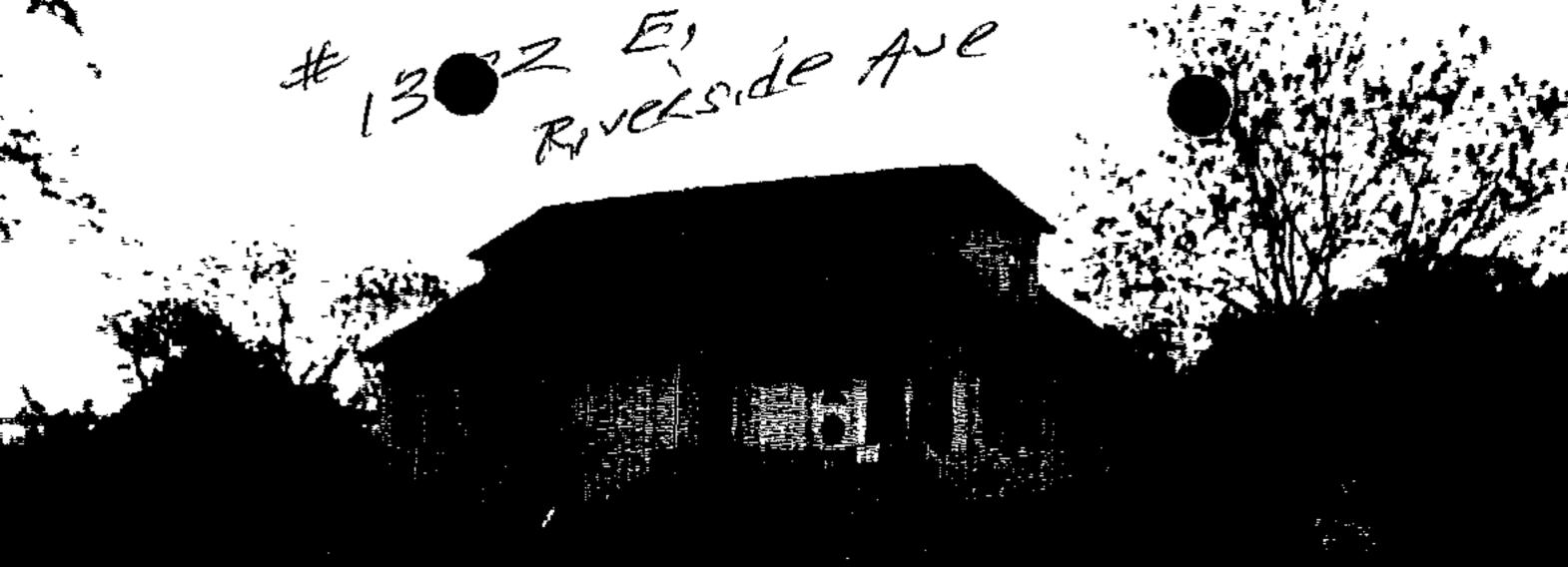




Zoning Commissioner
Office of Planning
401 Bosley Avenue, Suite 405
County Courts Building
Towsen, Maryland, 21204

Saga

Return Service Requested







1822 Riverside
Riverside
Avenue





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

D Land

Return Service Requested

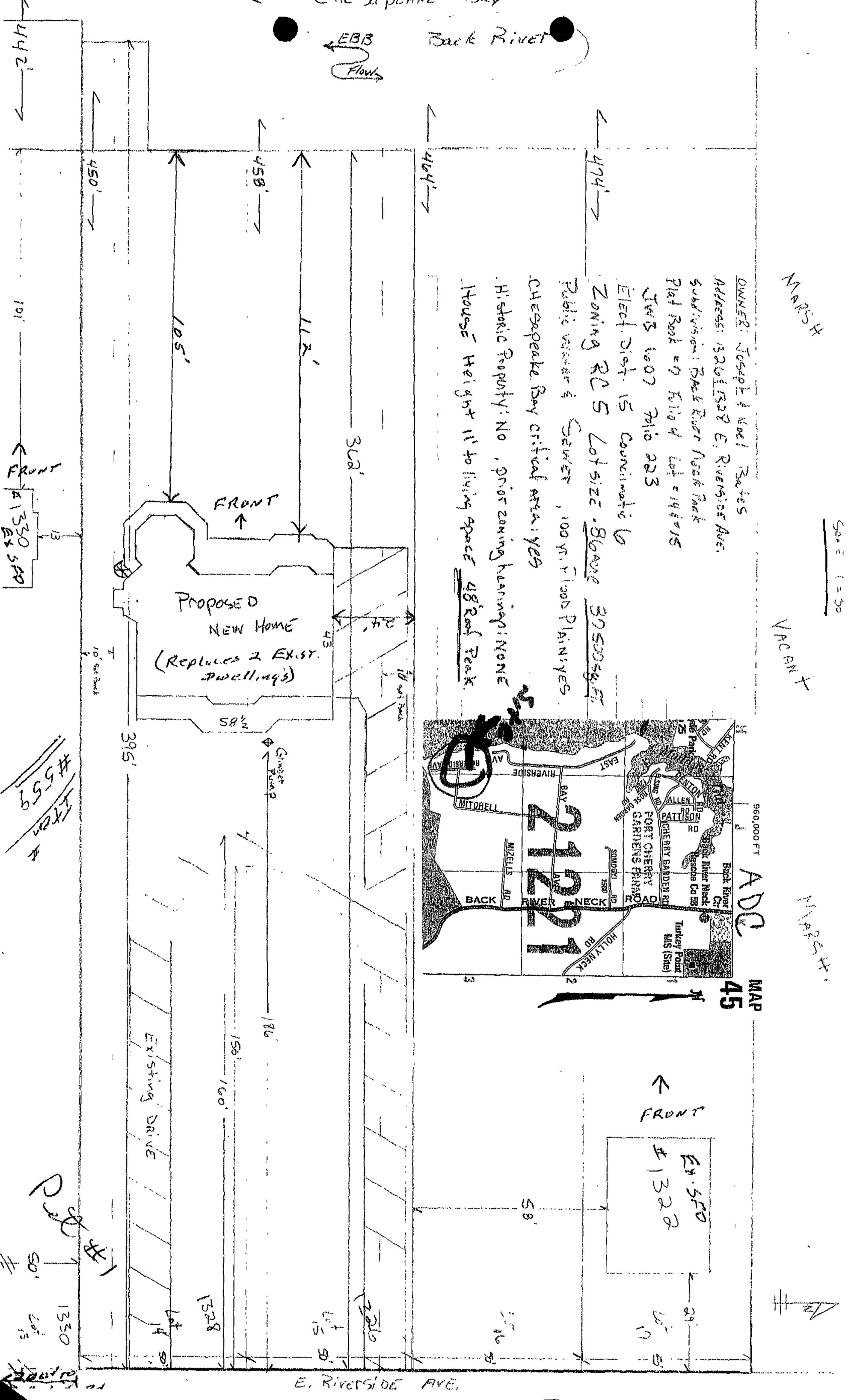












Q et \$12