IN RE: PETITION FOR ADMIN. VARIANCE N/S of Revolea Beach Road, S/W of Bowley's Quarter Road 15th Election District 5th Councilmanic District

(3650 Revolea Beach Road)

Norris W. Matthews III and Jeann C. Matthews Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 06-581-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Norris W. Matthews III and Jeann C. Matthews. The variance request is for property located at 3650 Revolea Beach Road in the Revolea Beach subdivision area of Baltimore County. The variance request is from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 feet in lieu of the required 22.5 feet for a carport.

The Petitioners state that they would like to construct a carport with a 3 foot side yard setback. The carport would be over an existing paved driveway. Due to building limitation in the rear of the property only a single car garage was possible. The carport is needed to protect personal valuable property and do minimize winter slipping hazards when walking to an unprotected vehicle.

The Petitioners note on the site plan that the subject property was granted a variance on March 5, 2002 to allow a front yard setback of 15 feet in lieu of the required 30 feet and to allow a side yard setback of 15 feet in lieu of the required 30 feet per case no. 02-183-A.

Zoning Advisory Committee Comments

A Zoning Advisory Committee (ZAC) comment was received from the Department of Environmental Planning and Resource Management (DEPRM) dated June 8, 2006 which contains certain restrictions a copy of which is attached hereto and made a part hereof.

Applicable Law

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

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

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on May 20, 2006, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner have filed the supporting affidavits and photographs as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore,

strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 12th day of June, 2006, that a variance Sections 1B02.3.C.1 and 303.1of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 feet in lieu of the required 22.5 feet for a carport, be and is hereby GRANTED with conditions:

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. 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. Property must comply with Limited Development Area impervious surface limits of 25%. It appears that there is a violation into the Critical Area Easement on this property which will be pursued by DEPRM as part of the building permit process.

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

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

June 12, 2006

NORRIS W. MATTHEWS III & JEANN C. MATTHEWS 3650 REVOLEA BEACH ROAD BALTIMORE MD 21220

Re: Petition for Administrative Variance Case No. 06-581-A Property: 3650 Revolea Beach Road

Dear Mr. and Mrs. Matthews:

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

JVM:pz Enclosure

FLOOD

CASE NO. 66-58/-A

REV 10/25/01

CRITICAL AREA



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3650 Revole	a Beach	Rd
which is presently zoned_		

owner(s) of the property	situate in Baltimor	re County and which	and Development Management. The undersigned, legistis described in the description and plat attached hereto are (s)	nd
		Section	1B62.3.6.1 & 303.1 ; BCZ	<u> </u>
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of the zoning regulations of this petition form.	of Baltimore Cou	nty, to the zoning lav	v of Baltimore County, for the reasons indicated on the ba	ck
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			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:		Legal Owner(s): Matthewis	-
Name - Type or Print	<u> </u>	····	Name - Type or Print	
Signature			Signature Jeann C. Mathews	 , -
Address	<u> </u>	Telephone No.	Name - Type or Print	
City	State	Zip Code	Signature Signature	
Attorney For Petition	<u>ier:</u>	•	3690 Rovolea Beach Hel 410-335 Address Telephone N Baltinore Mcl Z172	
Name - Type or Print	<u> </u>		City State Zip Cod	
Signature			Representative to be Contacted: Nocis W. Matthews III	-
Company	*1.5 t		Name 3/000 Revoled Beach Rd 410-320	-1899
Addréss		Telephone No.	Address Telephone No Zuzz	# ¹ D
City	State	Zıp Code	City State Zip Code	
A Public Hearing having be this day of regulations of Baltimore Count	, that	the subject matter of this	equired, it is ordered by the Zoning Commissioner of Baltimore Countries petition be set for a public hearing, advertised, as required by the zoni	ity, ing
	3 *		Zoning Commissioner of Baltimore County	

Reviewed By

Estimated Posting Date

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	3650 Revole	ea Beach Ro	<u>, </u>
	Address [Za] Innore City	√\\ <u>C'</u> State	7 <u>7</u> 12 <u>7</u> Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	or practical difficulty):		
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property on a si possible. The co	ngle car	garage u	Jas
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minimize winder walking to an u	nprotecte	d vehicle.	
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	mal demand is filed, Additional information.	Affiant(s) will be required	to pay a reposting and
Mon Mal Aluman Signature	Signatur	е	Athems
NORRIS W. Mathews T. Name - Type or Print	Name -	Type or Print	Lhew 25
STATE OF MARYLAND, COUNTY OF BALTIM	ORE, to wit:	# # # = # # # # = -	
of Maryland, in and for the County aforesaid, per	sónally appeared	<u> </u>	otary Public of the State
the Affiant(s) herein, personally known or satisfactor	ctorily identified to me a	s such Affiant(s).	
AS WITNESS my hand and Notarial Seal	Laran	ne C Boone	
	My Commission	n Expires 2/11/20	07

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 3650 Kevolea Beach Ke	<u></u>
Baltonore Md City State	ZIZZ C Zip Code
That based upon personal knowledge, the following are the facts upon which I/we base the req Variance at the above address (indicate hardship or practical difficulty):	uest for an Administrative
B.C.Z.R. 5-1002.3.	
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Due to building limitations in the rear of only a single car garage was possible	- me bose
carport is need to protect valuable prand to minimize winter slipping ha	ersonal proper
when walking to an unprotected ve	· • • • • • • • • • • • • • • • • • • •
That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be require advertising fee and may be required to provide additional information.	d to pay a reposting and
Signature	Athems
Nove is W. Matthewszzz Leave. C. Mar. Name - Type or Print	thews
	<u> </u>
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	
of Maryland, in and for the County aforesaid, personally appeared	Notary Public of the State
Norris Matthews III Jean C Matthews the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).	<u></u>
AS WITNESS my hand and Notarial Seal	<u> </u>
Navane O Boo	2
Notary Public My Commission Expires 2/11/2	209

REV 10/25/01

CRITICAL AREA



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

I/We do solemnly declare and affirm, under the penalties of

for the property located at 3650 Revoled Beach Rd which is presently zoned D.R.3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal	
owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and	
made a part hereof, hereby petition for a Variance from Section(s)	
Section 1802.3.C.1 \$ 303.1; BCZR,	
PERMIT A SIDEMARD SETBACK OF 3ft. FOR A	

CARPORT IN LIEU OF THE REQUIRED WAS 22.5ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: <u>Legal Owner(s):</u> Name - Type or Print Name - Type or Print Signature Signature Name - Type or Print Telephone No. Address Zip Code State Signature City Attorney For Petitioner: Address Telephone No. 2,220 State Zip Code Name - Type or Print Representative to be Contacted: Signature neu Name Company Address 21220 -imore Zip Code State Zip Code City State A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning day of regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County Reviewed By REV 10/25/01 Estimated Posting Date ____

kjWellsInc

Land Surveying and Site Planning

Telephone: (410) 592-8800 Fax: (410) 817-4055

email: kiWellsinc@msn.com

7403 New Cut Road Kingsville, Md. 21087-1132

November 07, 2001

ZONING DESCRIPTION LOTS 127 – 129 REVOLEA BEACH

15th Election District
5th Councilmanic District

Beginning at a point on the northwest side of Revolea Beach Road which is 30 feet wide at a distance of 810 feet southwest of the centerline of Bowleys Quarter Road which is 20 feet wide. Being Lots 127 through 129 in the subdivision of Revolea Beach as recorded in Baltimore County Plat Book 5 folio 67, containing 0.86 acres or 37,448 square feet more or less.



02-183-A

	CASHEN VALDARION
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2 €	OISTHBUTTOR.

CERTIFICATE OF POSTING

RE: Case No: 06-58/-A

	Petitioner/Davalanon
	Petitioner/Developer: NORMS MATTHEWS
	Date Of Hearing/Closing: 4/5/06
Baltimore County Department Permits and Development Man County Office Building, Room 111 West Chesapeake Avenue	agement
Attention:	
Ladies and Gentlemen:	
sign(s) required by law were po	ne penalties of perjury that the necessary osted conspicuously on the property 150 REVOLEN BENCH LD.
	,
This sign(s) were posted on	Month, Day, Year) Sincerely, Yactur Gle 5/25/20 (Signature of sign Poster and Date) Martin Ogle Sign Poster 16 Salix Court Address Balto. Md 21220 (443-629 3411)

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matter De 5/20/06

<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

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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: 58	-	· · · · · · · · · · · · · · · · · · ·
Petitioner: <u>NORRIS</u> MATTHEWS	·	
Address or Location: 3650 REUGLEA	BEACH Rd. BALTO. M	1.21220
PLEASE FORWARD ADVERTISING BILL TO:		•
Name:	i	<u> </u>
Address:		
An	<u>_</u> _	
	-	
Telephone Number: 4-10-320-	1892	<u> </u>

Revised 7/11/05 - SCJ

Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapcake 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 5, 2006

Norris W. Matthews III Jeann C. Matthews 3650 Revolea Beach Rd. Baltimore, MD 21220

Dear: Mr. Matthews and Mrs. Matthews

RE: Case Number: 06-581-A, 3650 Revolea Beach Rd.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 12, 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,

u. Callibal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel



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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



JUN 0 8. 2006

2011/16 COMMER

TO:

Timothy M. Kotroco

FROM:

David Lykens, DEPRM - Development Coordination own

DATE:

June 8, 2006

SUBJECT:

Zoning Item

06-581-A

Address

3650 Revolea Beach Road

(Matthews Property)

Zoning Advisory Committee Meeting of May 22, 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).

Note that 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:

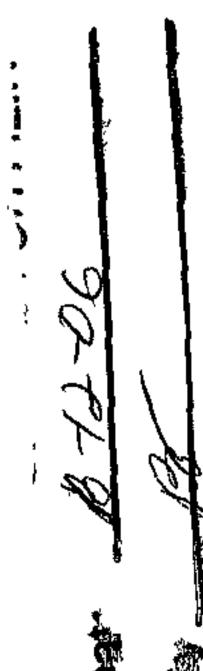
Property must comply with Limited Development Area impervious surface limits of 25%. It appears that there is a violation into the Critical Area Easement on this property which will be pursued by DEPRM as part of the building permit process.

Reviewer:

Martha Stauss

Date: 06/06/2006

S:\Devcoord\ZAC 06-581.doc



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: Zoning Advisory Petition(s): Case(s) 6-581- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

CM/LL

RECEIVED

DATE: June 7, 2006

JUN 0 9 2006

ZONING COMMISSIONER



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

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

Maryland Department of Transportation

Date: | 5. 19.04

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

RE:

Baltimore County

Item No.

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: May 25, 2006

TO:

Timothy M. Kotroco, Director

Department of Permits & Development

Management

DAT

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 30, 2006

Item No. 581

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.

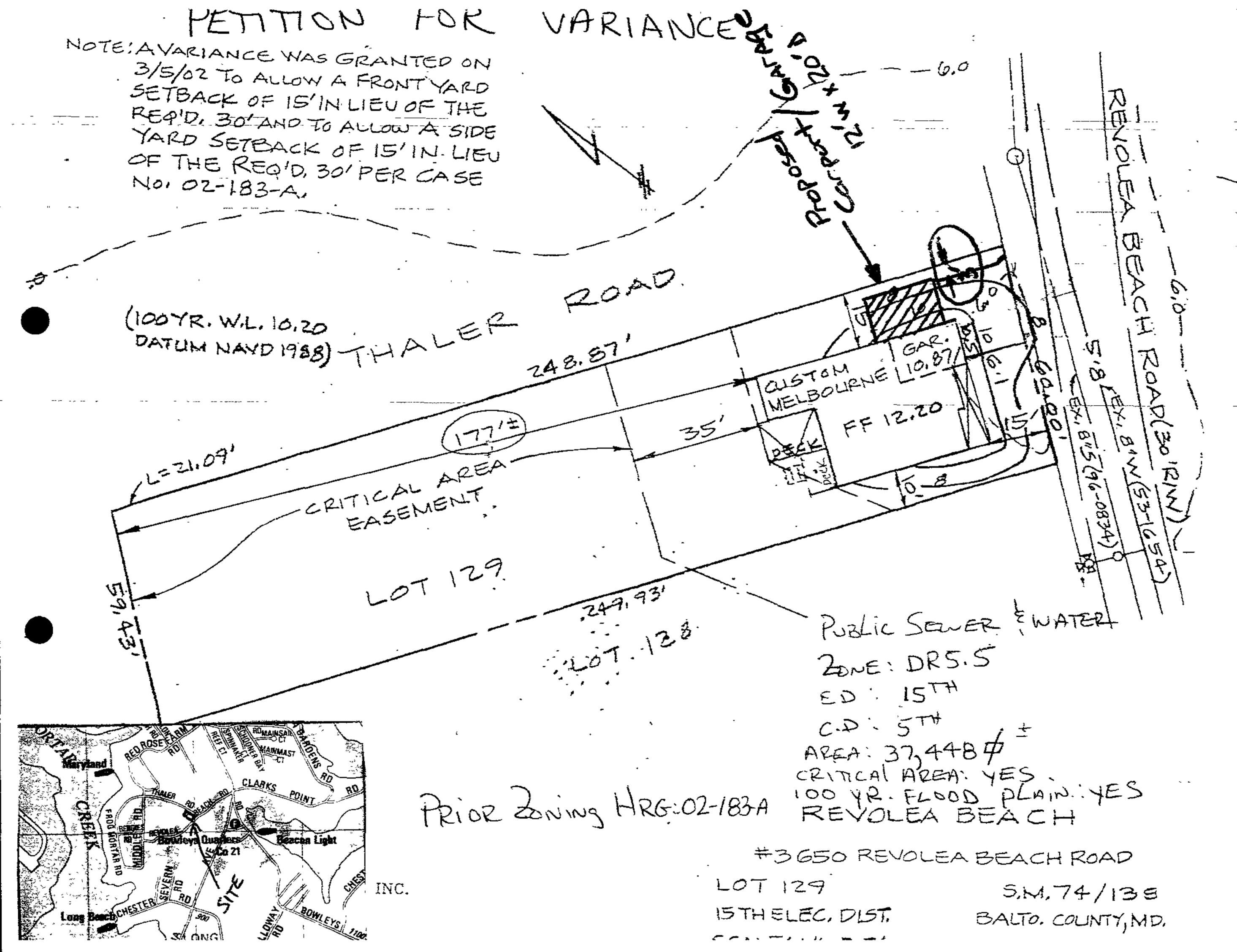
The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

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 581-05252006.doc

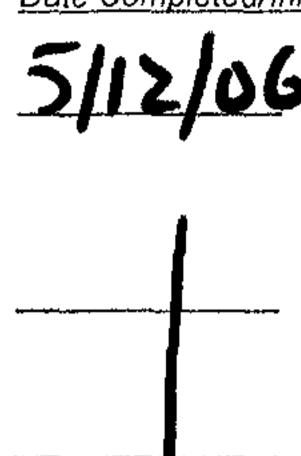


DR 3.5 MAP: 09183

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 06.581-0

Date Completed/Initials



PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

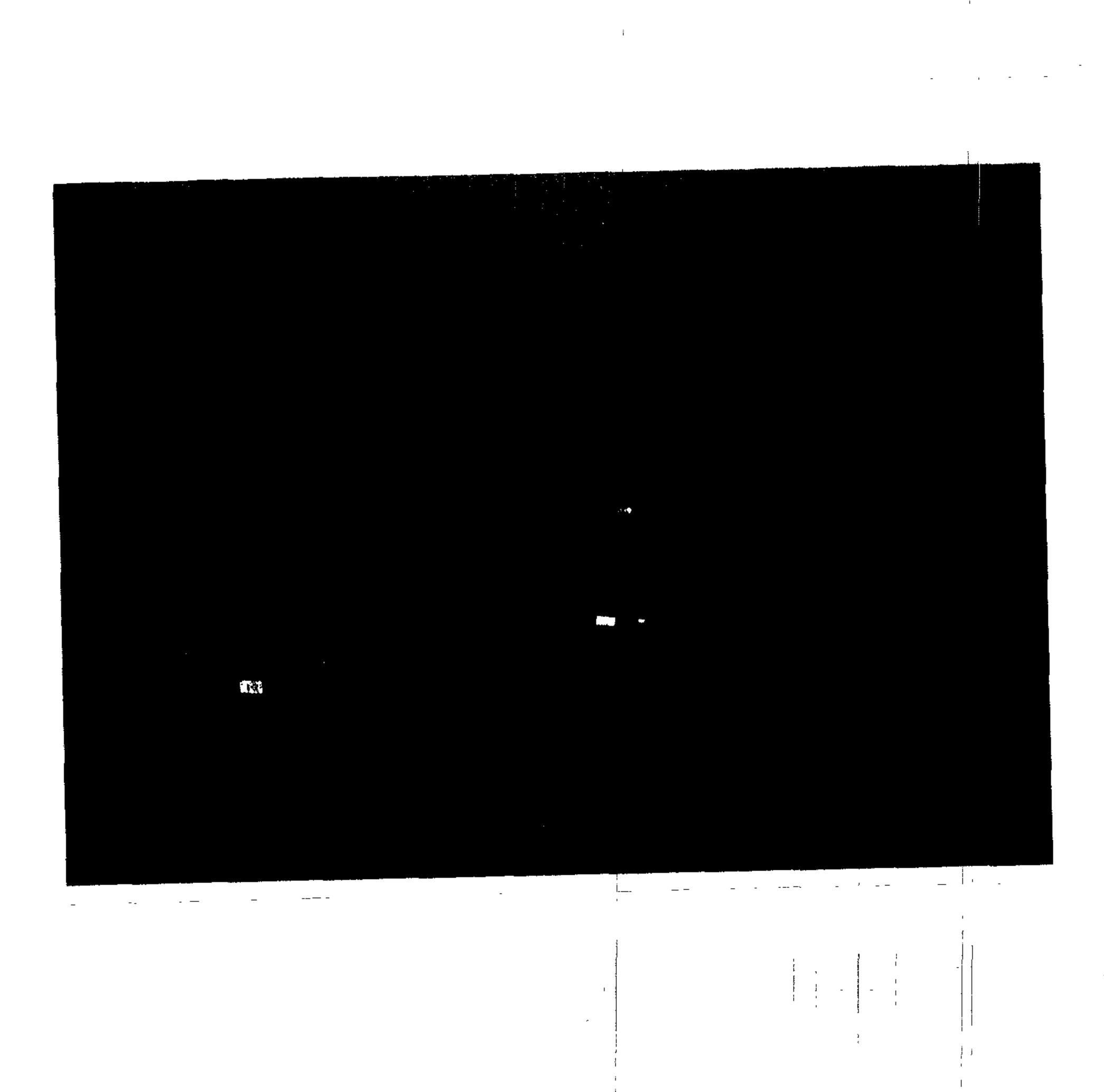
INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)

2/20/00

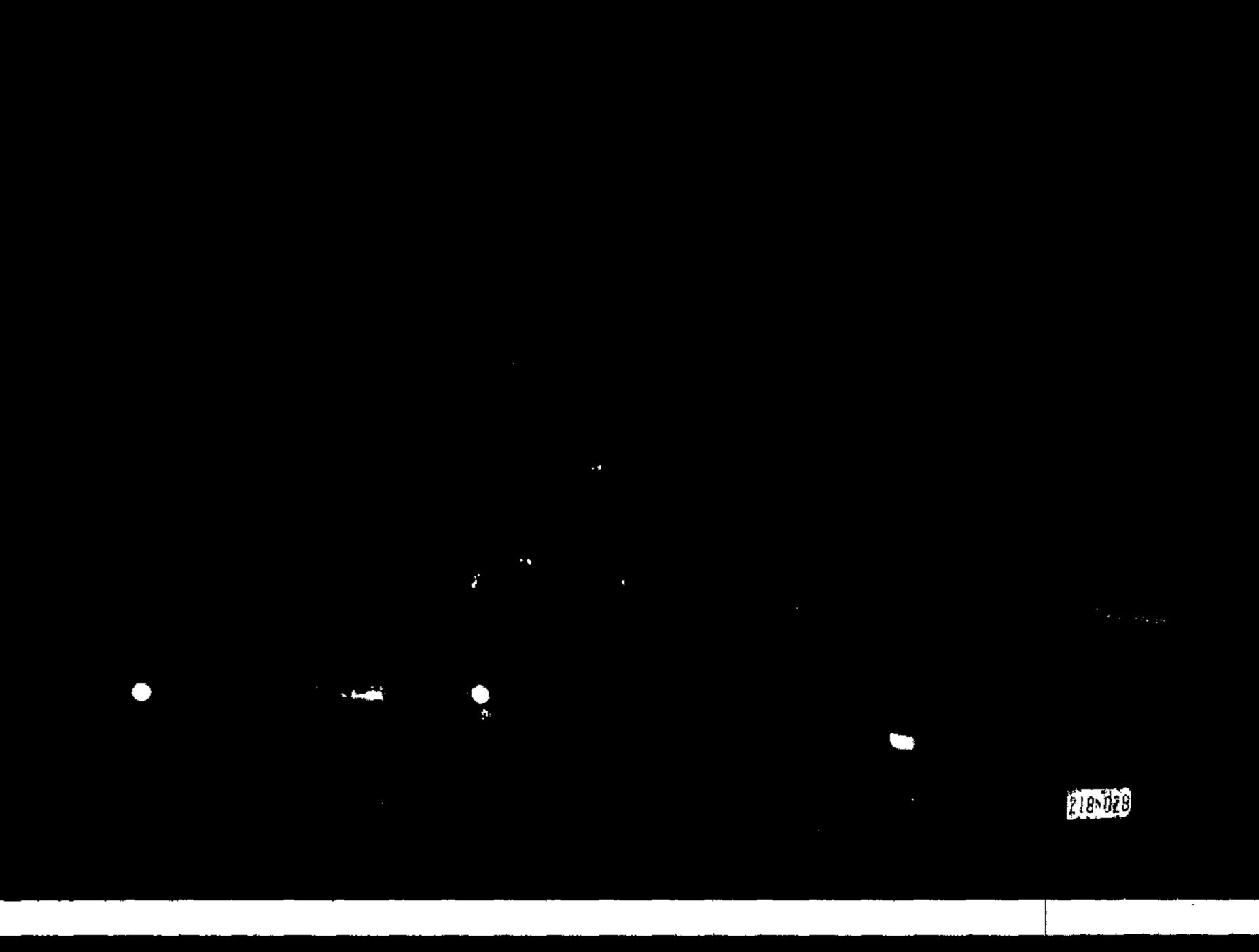
ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)







Winds

