

IN RE: PETITION FOR VARIANCE
N/S of Beach Road, 250 feet west of
Centerline of Marsh Road
15th Election District
6th Councilmanic District
(1020 Beach Road)

Mary Margaret Harlow
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-600-A

*
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Mary Margaret Harlow. The Petitioners requesting variance relief for property located at 1020 Beach Road. Variance relief is requested from Sections 1A04.3B.1.a. and 1A04.3B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a new dwelling on a lot containing 22,500 square feet with a 70 foot setback to centerline of the street and 5 foot setbacks to nearest property line in lieu of the minimum required 1.5 acres, 75 feet and 50 feet, respectively.

The property was posted with notice of the public hearing date and time on July 15, 2006. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on July 13, 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

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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 Bureau of Development Plans Review dated June 20, 2006 and contains restrictions. A ZAC comment letter was received from the Department of Environmental Planning and Resource Management dated July 21, 2006 and contains restrictions. Copies of which are attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request were Joe Gilbert and Mary Margaret Harlow, 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 combines lots 422 through 427 of the Cedar Beach subdivision which the Petitioner indicated was recorded in the land records of the County in the 1930's. See Plat of Cedar Beach, exhibit 5. Each lot is 25 x 150 feet. The subject property combines 6 lots resulting in an overall width of

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150 feet. The Petitioner indicated that she owns and occupies her home at 1023 Cedar Creek Road also containing 6 lots (lot 401 through 406) which back up to the subject lots. See exhibit 1.

The Petitioner testified that she is a widow of a former retired Bethlehem Steel Company employee and is dependent on the benefits from her late husband's pension. She noted that those benefits have recently been drastically reduced and so must either find another source of income or move. She proposes to erect the home shown on exhibit 2 on the subject property and then rent or sell her existing home.

She indicated that the subject property with frontage on Beach Road had been the site of the home of the former owner, the Stachowski's, who decided in the 1960's to build another home on the Cedar Creek side of this one acre property. They lived in the house shown as exhibit 4 E. When the Petitioner and her late husband purchased the property (12 lots) in 1965 as shown in exhibit 3, the Stachowski's had only succeeded in building the foundation, walls and roof of the Petitioner's present home. Thereafter the Petitioner completed the home which she now occupies. However the old Stachowski residence on Beach Road fell into disrepair and approximately in 1975 the Petitioner razed the structure.

She indicated that these 6 lots have always been assessed and taxed separately from her home on Cedar Creek Road as shown by the SDAT data sheets, exhibit 6. No use other than as described above has been made of the subject property other than to cut the grass. See exhibit 4 for photographs of the subject property and nearby homes.

In regard to the pattern of development of the neighborhood, Mr. Gilbert indicated that the house next door is on a 75 foot wide combined lot, a new house was recently

built up the street on 1/4 acre, and the two houses across the street are on small lots. At 1/2 acre the proposed lot would be one of the larger lots in the neighborhood.

Findings of Fact and Conclusions of Law

In regard to zoning merger, while the 12 lots were conveyed in one deed, the weight of the evidence indicates the 6 subject lots on Beach Road were never merged with the 6 lots on Cedar Creek Road. The SDAT information shows that they have been assessed and taxed separately. There were houses simultaneously on the subject lot on Beach Road and the Petitioner's home on Cedar Creek Road. The only use the Petitioner has made of the subject site is to cut the grass as shown on the photographs. Finally merger has not been found to have occurred with back to back lots in case law of other jurisdictions. Both have road frontage and appear to be separate lots. Consequently I find these 6 lots on Beach Road have not merged with the 6 lots on Cedar Creek Road.

Looking at the other side of zoning merger I find that no internal variances are needed for the new house to be located as shown on exhibit 1. These 6 lots have merged and there are no internal lots lines from which one might need a variance. See *Friends of the Ridge v Baltimore Gas and Electric Company*, 352 MD 645, 724 A 2d 34, (1999). Said another way, this Petitioner has declared she intends to merge the 6 lots by her request in this process to build a new home thereon. Specifically there is no need for variance for the side yard setback of 5 feet as requested. There is a need for the front road setback variance if the proposed house is to be constructed. If the house is moved back 5 feet away from the road, the rear yard would need a variance.

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

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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 zoning on this property disproportionably impacts the subject property as compared to others in the zoning district. Consequently I find the property unique from a zoning standpoint.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The Petitioner's financial hardship can only be relieved by allowing her to build the proposed house.

No increase in residential density beyond that otherwise allowable by the Zoning Regulations will occur as a result of granting this variance as the subject property previously had a house on it as shown by the photographs.

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. The pattern of development shown by the Petitioner is similar to this plan so there will be no change to the character of the neighborhood.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this 6th day of September, 2006, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Sections 1A04.3B.1.a. and 1A04.3B.2 of the Baltimore County Zoning Regulations to permit a new dwelling on a lot containing 22,500 square feet with a 70 foot setback to centerline

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[Signature]

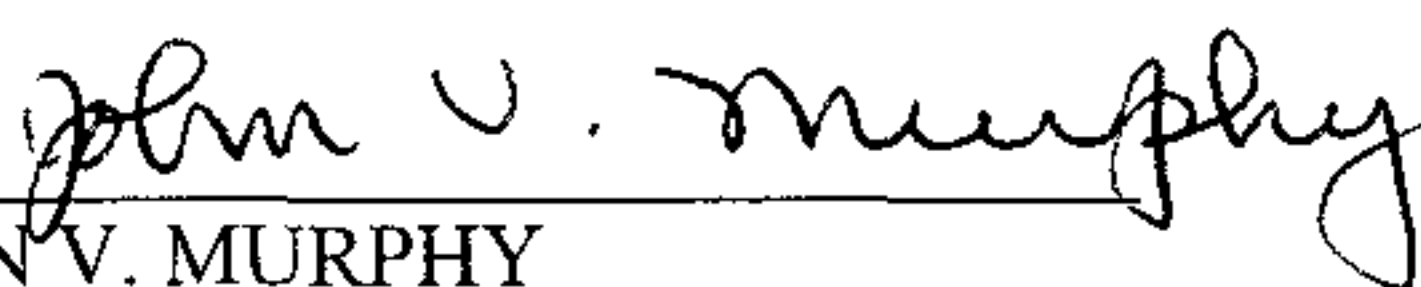
of the street in lieu of the minimum required 1.5 acres, and 75 feet, respectively is hereby

GRANTED, subject to the following :

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. 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.
3. 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.
4. The building engineer shall require a permit for this project.
5. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
6. Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the County.
7. Development of the 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).
8. This property is within the Limited Development Area of the CBCA. Impervious surfaces are limited to 5,445 feet and 15% tree cover must be maintained; and

IT IS FURTHER ORDERED that the Petitioner's request for variance to allow 5 foot side yard setbacks to nearest property line in lieu of the required 50 feet is DENIED as moot and not needed.

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

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JVM



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

September 6, 2006

MARY MARGARET HARLOW
1023 CEDAR CREEK ROAD
BALTIMORE MD 21221

Re: Petition for Variance
Case No. 06-600-A
Property: 1020 Beach Road

Dear Ms. Harlow:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been granted in part and denied in part 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,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Joe F. Gilbert, 4640 Poole Road, Sykesville MD 21784



CBOA

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1020 BEACH ROAD
which is presently zoned RC5

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) 1A04.3B.1.a., 1A04.3B.2. (BCZR)

To permit a new dwelling on a lot containing 22,500 square feet with a 70-foot setback to centerline of the street and 5-foot side setbacks to nearest property line in lieu of the minimum required 1.5 acres, 75-feet and 50-feet, respectively.

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

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

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By

Date 5/25/06

Case No. 06-600-A

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REV 9/15/98

9-6-06

13

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 1020 Beach Road

Beginning at a point on the north side of Beach Road which is 40 feet wide at the distance of 250 feet west of the centerline of the nearest improved intersecting street Marsh Road which is 25 feet wide.

Being lots 422-427 Block _____, Section # _____

In the subdivision of Cedar Beach as recorded in Baltimore County

Plat Book # 007, Folio # 186, containing ²²⁵⁰⁰ ^ square feet. Also

Known as 1020 Beach Road and located in the 15th Election District, 6th Councilmanic District.

06-600-A

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: #06-600-A

1020 Beach Road

North side of Beach Road, 250 feet west of centerline of Marsh Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Mary Margaret Harlow

Variance: to permit a new dwelling on a lot containing 22,500 square feet with a 70 foot setback to centerline of the street and 5 foot side setbacks to nearest property line in lieu of the minimum required 1.5 acres, 75 feet and 50 feet, respectively.

Hearing: Monday, July 31, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

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

7/103 July 13

101664

CERTIFICATE OF PUBLICATION

7/13/2006

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 7/13/2006.

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

J. Wilkinson

LEAD ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 7116

DATE 5/25/06 ACCOUNT 6010016150
AMOUNT \$ 65.00

RECEIVED FROM MR. HARLOW

FOR: ITEM # 100 016-600-A

1030 BEACH RD. D. Thompson

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAYD RECEIPT

BUSINESS ACTUAL TIME DEPT
5/25/2006 5/25/2006 10:00:10 B
REG. MOOS WALKIN MONTMIG
>>RECEIPT W. 402331 5/25/2006 DEPLN
Dept 5 500170MARI VERIFICATION
CR. NO. 007116
Receipt Tax \$65.00
\$65.00 CR \$0.00
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-600-A

Petitioner/Developer: MARY

MARGARET HARLOW

Date of Hearing/Closing: JULY 31, 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:

1020 BEACH RD

The sign(s) were posted on 7-15-06
(Month, Day, Year)

Sincerely,

Robert Black 7-16-06
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

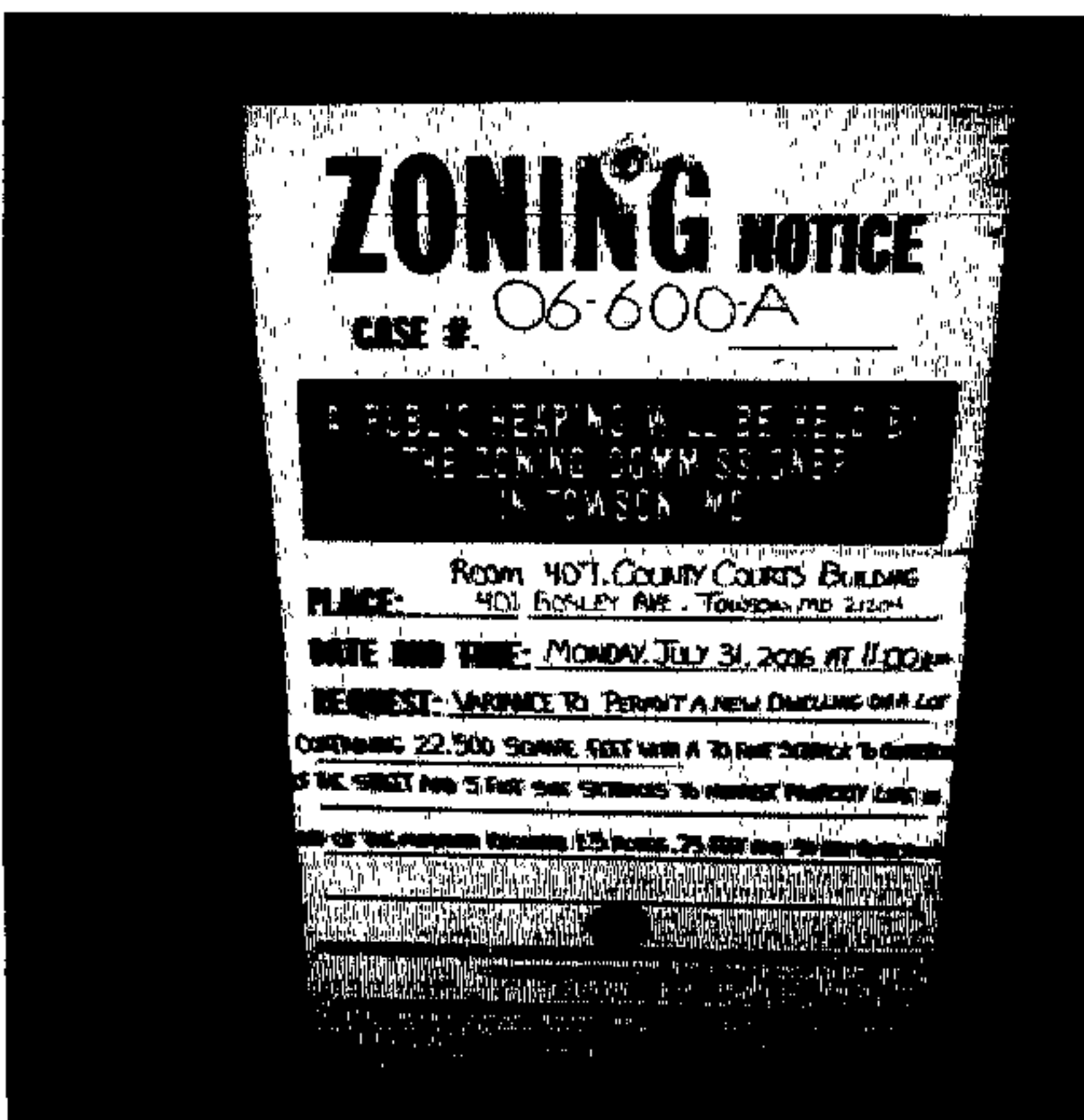
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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: 06-600-A

Petitioner: HARLOW

Address or Location: 1020 BEACH RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MS. MARY M. HARLOW

Address: 1020 CEDAR CREEK RD.

BALTO. MD 21221

Telephone Number: 410-687-4080



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

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

June 12, 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: 06-600-A

1020 Beach Road

North side of Beach Road, 250 feet west of centerline of Marsh Road

15th Election District – 6th Councilmanic District

Legal Owner: Mary Margaret Harlow

Variance to permit a new dwelling on a lot containing 22,500 square feet with a 70 foot setback to centerline of the street and 5 foot side setbacks to nearest property line in lieu of the minimum required 1.5 acres, 75 feet and 50 feet, respectively.

Hearing: Monday, July 31, 2006 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Mary Margaret Harlow, 1023 Cedar Creek Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 15, 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.



TO: PATUXENT PUBLISHING COMPANY
Thursday, July 13, 2006 Issue - Jeffersonian

Please forward billing to:

Ms. Mary M. Harlow
1023 Cedar Creek Road
Baltimore, MD 21221

410-687-4080

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: 06-600-A

1020 Beach Road

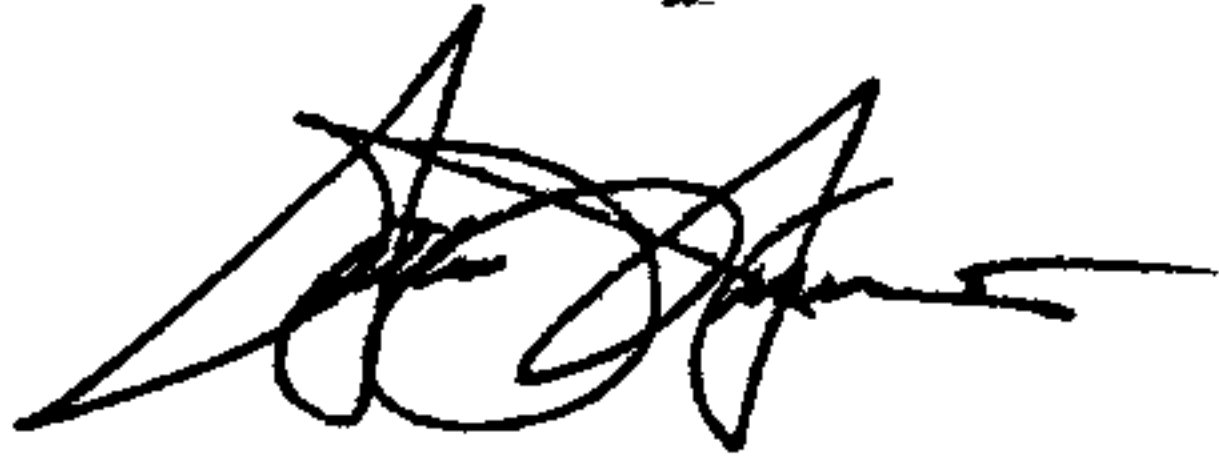
North side of Beach Road, 250 feet west of centerline of Marsh Road

15th Election District – 6th Councilmanic District

Legal Owner: Mary Margaret Harlow

Variance to permit a new dwelling on a lot containing 22,500 square feet with a 70 foot setback to centerline of the street and 5 foot side setbacks to nearest property line in lieu of the minimum required 1.5 acres, 75 feet and 50 feet, respectively.

Hearing: Monday, July 31, 2006 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

July 25, 2006

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

Mary Margaret Harlow
1023 Cedar Creek Road
Baltimore, MD 21221

Dear Ms. Harlow:

RE: Case Number: 06-600-A, 1020 Beach Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 25, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 20, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For June 12, 2006
Item No. 600

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 600-06202006.doc

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[Signature]

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JW*

DATE: July 21, 2006

SUBJECT: Zoning Item # 06-0600
Address 1020 Beach Road
Harlow Property

Zoning Advisory Committee Meeting of June 5, 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. Impervious surfaces are limited to 5,445 square feet and 15% tree cover must be maintained.

Reviewer: Kevin Brittingham

Date: July 10, 2006

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2006\ZAC 06-0600.doc

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9-6-06
[Signature]

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 7, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For June 12, 2006
Item No. 600

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 600-06072006.doc



Baltimore County
Fire Department

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

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

June 6, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 5, 2006

8 600

Item Numbers: Item Number 176, 598 through 608

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: 6.5.06

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

RE: Baltimore County
Item No. 600 DT

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

RE: PETITION FOR VARIANCE
1020 Beach Road; N/S Beach Road,
250' W c/line Marsh Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Mary Margaret Harlow
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 06-600-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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

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 7th day of June, 2006, a copy of the foregoing Entry of Appearance was mailed to, Mary Margaret Harlow, 1023 Cedar Creek Road, Baltimore, MD 21221, Petitioner(s).

RECEIVED

JUN 07 2006

Per SA

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

DATE: 04/04/2006

ASSESSMENT TAXPAYER SERVICE

TIME: 11:58:08

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HIST	DEL	LOAD DATE
15 08 006170	15	3-0	04-00	H	NO		01/04/06

HARLOW OLLIE W

DESC-1.. IMPSLT 401-406

HARLOW MARY M

DESC-2.. CEDAR BEACH

1023 CEDAR CREEK RD

PREMISE. 01023 CEDAR CREEK

RD

00000-0000

BALTIMORE

MD 21221-6107 FORMER OWNER:

-----FCV-----		-----TRANSFER DATA-----		---PROPERTY ID---	
PRIOR	PROPOSED	NUMBER.....		LOT.....	
LAND: 35,870	65,870	DATE.....		BLOCK....	
IMPV: 93,180	136,700	PURCHASE PRICE..	0	SECTION..	
TOTL: 129,050	202,570	GROUND RENT.....	0	PLAT.....	
PREF: 0	0	DEED REF LIBR. 04510		BOOK..... 0007	
CURT: 129,050	202,570	DEED REF FOLIO.. 327		FOLIO.... 0186	
DATE: 07/02	08/05	YEAR BUILT..... 65		MAP..... 0105	
		NEW CONSTR YR...		GRID..... 0002	
				PARCEL... 0167	

TAXABLE BASIS

153,556	LOT WIDTH..	150.00	✓ 100
129,050	LOT DEPTH..	100.00	✓ 150
0	LAND AREA..	22500.000	S

SB 1995	300.00
WB 1968	82.50
SS	334.69
WD	68.72

ENTER-INQUIRY1 PA1-PRINT PF4-MENU PF5-QUIT

$$\begin{array}{r}
 22500 \\
 22500 \\
 \hline
 45000
 \end{array}$$
 45,000 + 3,520 sq ft = 1 Acre

State of Maryland
Department of Assessments and Taxation

BALTIMORE CO ASSESSMENT OFC
HAMPDEN PLAZA
300 E. JOPPA RD STE 602
TOWSON MD 21286-3020

410-512-4900
b1co@dat.state.md.us

*****AUTO**5-DIGIT 21221 129 - 147 - 40,879
ACCT#04 15 1508006171 /15262
105 219575 R
HARLOW OLLIE W
HARLOW MARY M
1023 CEDAR CREEK RD
BALTIMORE, MD 21221-6107



Assessment Notice
(This is Not A Tax Bill)

NOTICE #	NOTICE DATE	TAX YEAR BEGINNING
219575	12/30/2005	07/01/2006
DIST MAP	PARCEL SEC BLOCK	LOT USE SUBD
15 105	167	R
PROPERTY LOCATION	PRINCIPAL RESIDENCE	
BEACH RD LT 422-427	NO	
CONTROL #:	5558	

State law requires that all real property be revalued at least every three years. The property described above has been reviewed to determine the new market value effective January 1, 2006. The new market value is based upon market data available prior to this date. The old total market value of your property was:

1. \$ 28,370

If this property is your principal residence, the assessments that your real estate taxes are based on may be limited or capped because of the Homestead Tax Credit. Maryland counties, Baltimore City, and other municipalities annually establish their own Homestead cap of 10% or less. The Homestead cap for State taxable assessments is 10%. **We estimate that your July 1, 2006 real estate tax bill will be based on the following taxable assessments:**

**Taxable
Assessments**

2. \$ 35,870
County or Balt. City
Taxable Assessment

3. \$ 35,870
State
Taxable Assessment

4. \$ NOT APPLICABLE
Municipal
Taxable Assessment

This property has been reappraised as of Jan. 1, 2006 and the new market value is estimated at:

New Market Value

5. \$ 50,870
Land

6. \$ 0
Buildings

7. \$ 50,870
TOTAL

State law provides that any increase in the new market value be phased in over the next three tax years in equal amounts. Your phased-in market values/assessments (before applicable credits and exemptions) for the next three years are:

**Phased-In
Market Values/
Assessments**

8. \$ 35,870
2006

9. \$ 43,370
2007

10. \$ 50,870
2008

**Your Appeal
Rights**

If you feel that your property's Total New Market Value of \$ 50,870 is incorrect, you may file an appeal. An explanation of the appeal process and instructions on how to file your appeal are located on page 4.

An appeal must be filed or postmarked by 02/13/2006

ATTENTION: If the mailing address at right is incorrect, please print the correct address below and return to the Assessment Office.

ACCT#04 15 1508006171 /15262
105 219575 R
HARLOW OLLIE W
HARLOW MARY M
1023 CEDAR CREEK RD
BALTIMORE, MD 21221-6107

Principal Residence Verification

Is this your principal residence? Look at the information in the box at the top of this page. You should verify whether or not this property is designated as your principal residence. This information affects eligibility for the Homestead Tax Credit. If it is wrong, please complete the information to the right and return it to the Assessment Office.

Address of where your principal residence is located:

Number of months you have resided or expect to reside at this address each year: _____

Signature (Required)

Date

BALTIMORE CO. ASSESSMENT OFC
JEFFERSON BLDG
105 W CHESAPEAKE AVE STE 200
TOWSON MD 21204-4737

410-512-4905
blco@dat.state.md.us

ACCT#04 15 1508006170 /15257
105 921102 R

HARLOW OLLIE W
HARLOW MARY M
1023 CEDAR CREEK RD
BALTIMORE MD 21221-6107

|||||

NOTICE # NOTICE DATE TAX YEAR BEGINNING
921102 12/27/2002 07/01/2003

DIST MAP PARCEL SEC BLOCK LOT USE SUBD
15 105 167 R

PROPERTY LOCATION PRINCIPAL RESIDENCE
YES

1023 CEDAR CREEK RD
LT 401-406

CONTROL #: 1529

State law requires that all real property be revalued at least every three years. The property described above has been reviewed to determine the new market value effective **01/01/2003**. The new market value is based upon market data available prior to this date. The old total market value of your property was **1\$ 116,340**. The new market value of your property is

New Market Value

2\$ 35,870
Land

3\$ 93,180
Buildings, Other

4\$ 129,050
TOTAL

**Phased-In
Market Value/
Assessment**

To lessen the impact of increases in value, State law provides that any increase in the new market value over the old market value be phased in over the next 3 years in equal amounts. Your phased-in new market value/assessment for the next three taxable years is:

5\$ 120,576
2003

6\$ 124,812
2004

7\$ 129,050
2005

**Taxable
Assessment**

If this property is your primary residence, you may have the assessment increase limited by the assessment cap (Homestead Tax Credit). Taxable assessment increases are capped at 10% annually for the state property tax. Counties and municipalities must set an assessment cap of 10% or less each year. Based on current information, if you qualify, we estimate that you will be taxed on the following assessments next year:

8\$ 120,576
State

9\$ 120,576
County/Baltimore City

10\$ NOT APPLICABLE
Municipal

**Your Appeal
Rights**

If you feel that the **Total New Market Value (Box 4)** is incorrect, you may file an appeal. Included in this packet is an explanation of the appeal process and instructions on how to file your appeal. An appeal must be filed or postmarked within 45 days from the date of this notice.

The LAST DAY to file an appeal is: 02/10/2003

ATTENTION: If the address at right is incorrect, please print the correct address below and return to the Assessment Office.

ACCT#04 15 1508006170 /15257
105 921102 R
HARLOW OLLIE W
HARLOW MARY M
1023 CEDAR CREEK RD
BALTIMORE MD 21221-6107

Look at the information in the box at the top of this page. You should verify whether or not this property is designated as your principal residence. This information affects eligibility for the Homestead Tax Credit. If it is wrong, please complete the information to the right and return to the Assessment Office.

Address of where your principal residence is located:

Number of months you have resided or expect to reside at this address each year: _____

State of Maryland
Department of Assessments and Taxation
BALTIMORE CO ASSESSMENT OFC
HAMPTON PLAZA
300 E. JOPPA RD STE 602
TOWSON MD 21286-3020

410-512-4900
blco@dat.state.md.us

*****AUTO**5-DIGIT 21221 129 - 147 - 40,879

ACCT#04 15 1508006171 /15262
105 219575 R

HARLOW OLLIE W
HARLOW MARY M
1023 CEDAR CREEK RD
BALTIMORE, MD 21221-6107

Assessment Notice

(This is Not A Tax Bill)

NOTICE #	NOTICE DATE	TAX YEAR BEGINNING
219575	12/30/2005	07/01/2006

DIST	MAP	PARCEL	SEC	BLOCK	LOT	USE	SUBD
15	105	167				R	

PROPERTY LOCATION	PRINCIPAL RESIDENCE
BEACH RD	NO

LT 422-427

CONTROL #: 5558



State law requires that all real property be revalued at least every three years. The property described above has been reviewed to determine the new market value effective January 1, 2006. The new market value is based upon market data available prior to this date. The old total market value of your property was:

1. \$ 28,370

If this property is your principal residence, the assessments that your real estate taxes are based on may be limited or capped because of the Homestead Tax Credit. Maryland counties, Baltimore City, and other municipalities annually establish their own Homestead cap of 10% or less. The Homestead cap for State taxable assessments is 10%. **We estimate that your July 1, 2006 real estate tax bill will be based on the following taxable assessments:**

Taxable Assessments

2. \$ 35,870
County or Balt. City
Taxable Assessment

3. \$ 35,870
State
Taxable Assessment

4. \$ NOT APPLICABLE
Municipal
Taxable Assessment

New Market Value

This property has been reappraised as of Jan 1, 2006 and the new market value is estimated at:

5. \$ 50,870
Land

6. \$ 0
Buildings

7. \$ 50,870
TOTAL

Phased-In Market Values/ Assessments

State law provides that any increase in the new market value be phased in over the next three tax years in equal amounts. Your phased-in market values/assessments (before applicable credits and exemptions) for the next three years are:

8. \$ 35,870
2006

9. \$ 43,370
2007

10. \$ 50,870
2008

Your Appeal Rights

If you feel that your property's **Total New Market Value of \$ 50,870** is incorrect, you may file an appeal. An explanation of the appeal process and instructions on how to file your appeal are located on page 4.

An appeal must be filed or postmarked by 02/13/2006

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ACCT#04 15 1508006171 /15262
105 219575 R
HARLOW OLLIE W
HARLOW MARY M
1023 CEDAR CREEK RD
BALTIMORE, MD 21221-6107

Principal Residence Verification

Is this your principal residence? Look at the information in the box at the top of this page. You should verify whether or not this property is designated as your principal residence. This information affects eligibility for the Homestead Tax Credit. If it is wrong, please complete the information to the right and return it to the Assessment Office.

Address of where your principal residence is located:

Number of months you have resided or expect to reside at this address each year

To whom it may concern:

We (Joseph and Susan Wiegand) are planning to build a house on lots 419, 420 and 421. If you have any objections please indicate below.

☐ yes ☒ no Name: Andy & Sue Roberts

Address: 1013 Beach Rd

Signature: Andy & Sue Roberts

☐ yes ☒ no Name: SAMUEL P. LIPSCOMB

Address: 1023 BEACH RD.

Signature: Samuel P. Lipscomb

☐ yes ☒ no Name: Harry A. Sample

Address: 1012 Beach Rd. 21721

Signature: Muriel E. Sample

☐ yes ☒ no Name: MARY M + OLLIE W HARLOW

Address: 1023 CEDAR CREEK Rd.

Signature: Mary M. Harlow

☐ yes ☐ no Name: _____

Address: _____

Signature: _____

☐ yes ☐ no Name: _____

Address: _____

Signature: _____

We and the three above named families are the residents of Beach Road.

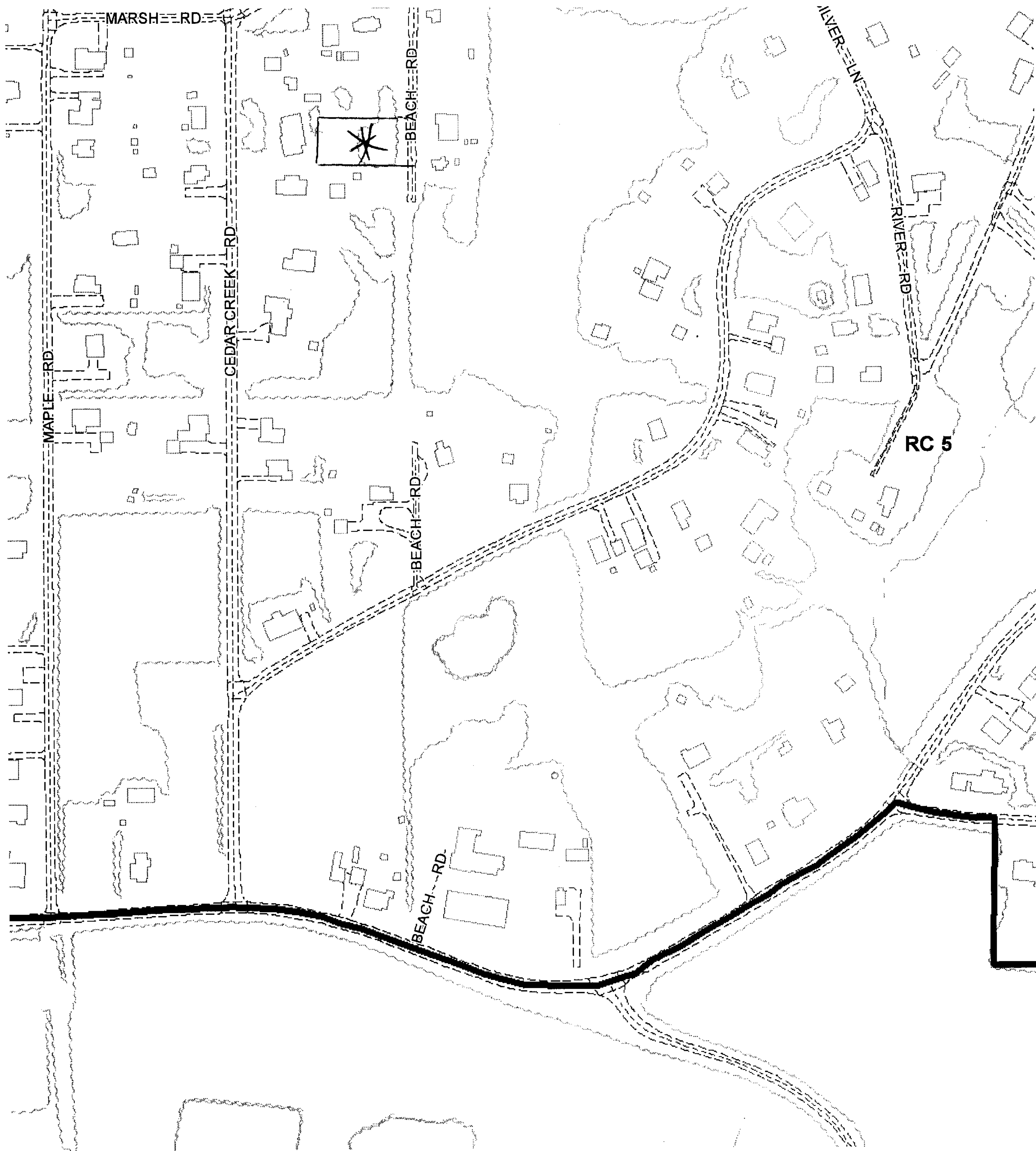
Joseph & Susan Wiegand

CASE NAME _____
CASE NUMBER _____
DATE _____

CASE NAME _____
CASE NUMBER _____
DATE _____

E-MAIL

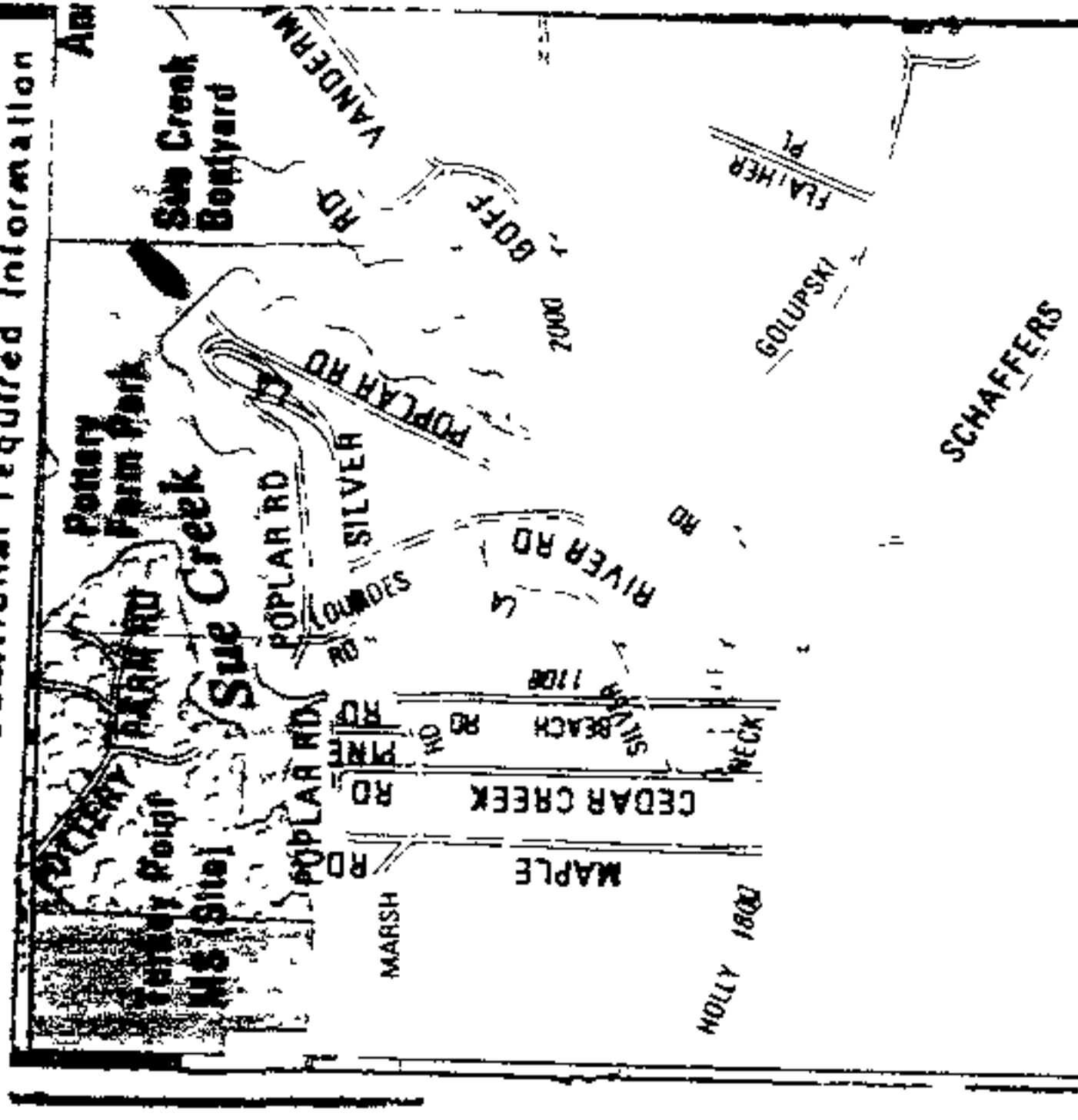
MARK M HARLOW Jr. Gilbert	1023 CEDAR CREEK Rd Silo Rock Rd	BALTO MD 21231 Seymour, Md. 21784
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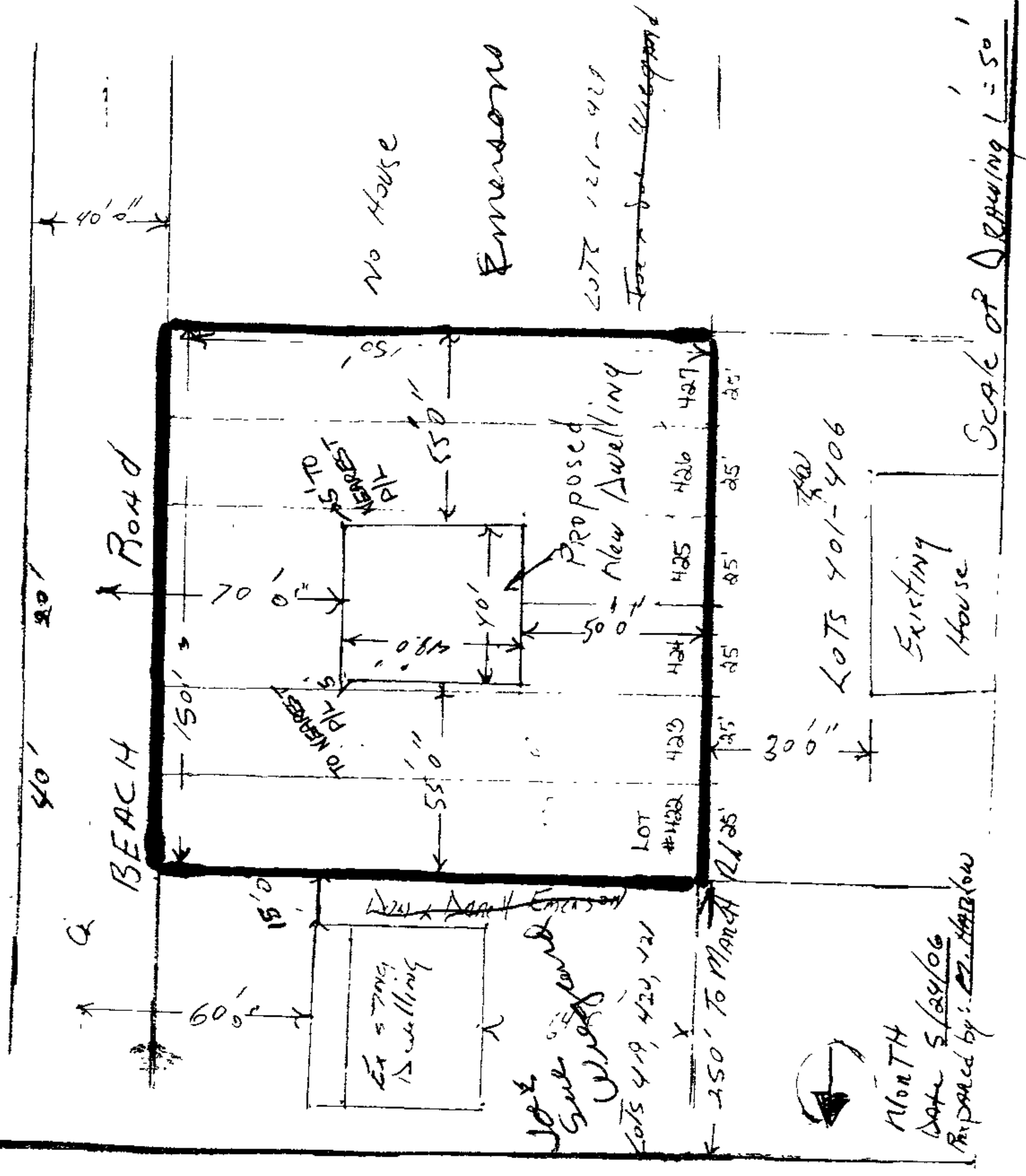
105A1

I intend to accompany Petition for Zoning ☒ Variance ☐ Special Hearing PROPERTY ADDRESS: Cedar Beach Road Subdivision name: Cedar Beach plat book 297, folios 186, 187, 426, 427, sections 1, 2 OWNER: Mary Harlow

see pages 5 & 6 of the CHECKLIST for additional required information



LOCATION INFORMATION Election District <u>15</u> Councilmanic District <u>5</u> 1:200 scale map <u>105A1</u> Zoning <u>R.C-5</u> Lot size <u>23500</u> acreage square feet Flood Zone <u>C</u>		SEWER ☒ WATER ☒ Chesapeake Bay Critical Area ☒ Prior Zoning Hearings <u>NONE</u>
Zoning Office USE ONLY reviewed by: _____ ITEM # _____ CASC # _____ D.T. <u>600</u>		<u>06-600-A</u>



222

ROAD

50 FT. ROAD

CREEK

BEACH

USE 1020

BEACH RD

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Home Plan DD-1853-A Details

Home Plan DD-1853-A

The Tanglewood

Color Photo



*Photographs may reflect homeowner modifications.

More Views

Floor Plans

[Main Floor](#)

[Upper Floor](#)

Exterior

[Color Photo](#)

[Color Rendering](#)

[Front View](#)

Other

[Virtual Tour](#)

Description

The kitchen has a center island area and is joined by a bayed breakfast area. Both look out over the columned front porch. The open dining and living areas provide ample room for entertaining and casual living. A backyard patio can be accessed from the living room. The master bedroom completes the main floor; three additional bedrooms and a full bath are upstairs.

Rel #2

FREE-SIMPLE DEED—CODE—City of County

This Deed, Made this 20th day of August

in the year one thousand nine hundred and sixty-five, by and between
 ✓ CLEMA STACHOWSKI and EDWARD W. STACHOWSKI, her husband

of Baltimore County in the State of Maryland, of the first part, and
 ✓ OLLIE W. HARLOW and MARY M. HARLOW, his wife, of the same place

of the second part.

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

the said parties of the first part

do grant and convey unto the said Ollie W. Harlow and Mary M. Harlow, his wife, as tenants by the entireties, their

heirs and assigns, in fee simple, all that lot of ground, situate, lying and being in Baltimore County, State of Maryland, aforesaid, and described as follows, that is to say:—

Beginning for the same and being known and designated as Lots No. 401, 402, 403, 404, 405, 406, 422, 423, 424, 425, 426 and 427, as shown on the Plat of Cedar Beach, which Plat is recorded among the Plat Records of Baltimore County in Plat Liber W.P.C. No. 7, folio 186.

BEING twelve (12) of the lots of ground which by Deed dated July 25, 1962 and recorded among the land Records of Baltimore County in Liber W.J.R. No. 4021, folio 585, were granted and conveyed by Frank Stroup, et al, unto Clema Stachowski, the said Edward W. Stachowski, her husband, joins in the execution hereof for the purpose of conveying his right of curtesy.

Det #3



Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

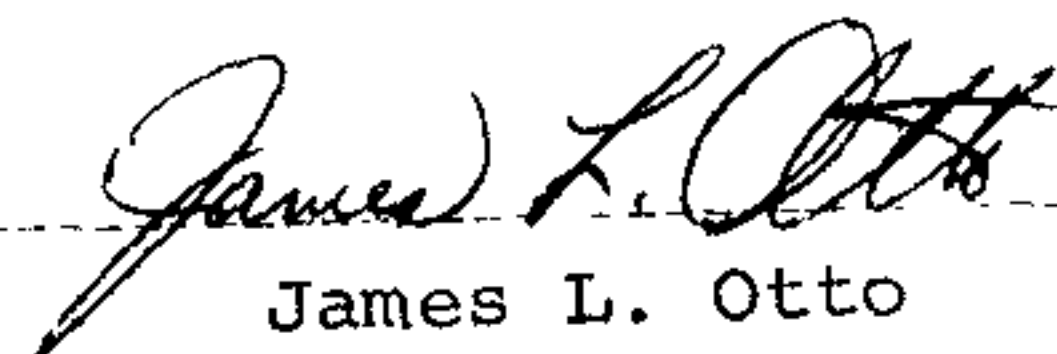
To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Ollie W. Harlow and Mary M. Harlow, his wife, as tenants by the entireties, their

heirs and assigns, in fee simple.

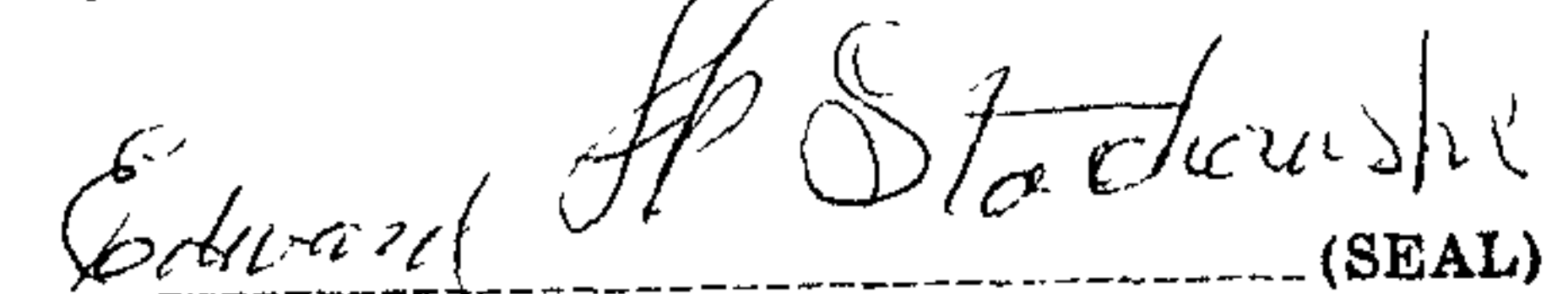
And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted and that they will execute such further assurances of the same as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

Witness the hands and seals of said grantors

TEST:


James L. Otto

 (SEAL)
CLEMA STACHOWSKI

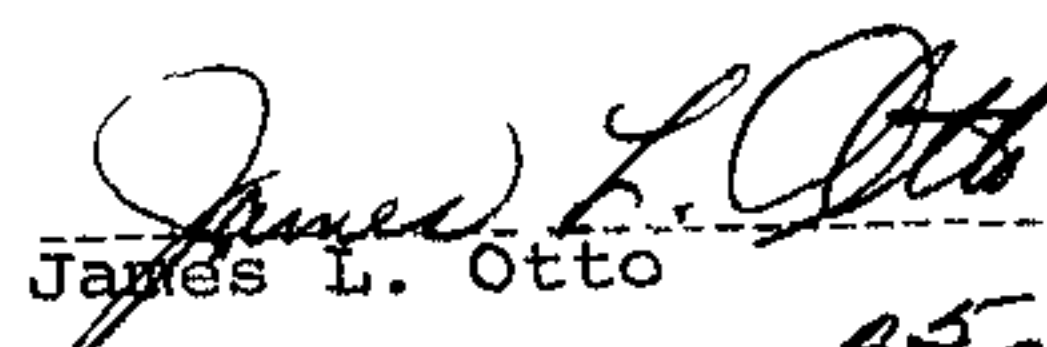
 (SEAL)
EDWARD W. STACHOWSKI

STATE OF MARYLAND, CITY OF BALTIMORE, to wit:

I HEREBY CERTIFY, That on this 20th day of August in the year one thousand nine hundred and sixty-five, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County aforesaid, personally appeared Clema Stachowski and Edward W. Stachowski, her husband

the above named grantors, and they acknowledged the foregoing Deed to be their act.

As Witness my hand and Notarial Seal.


James L. Otto Notary Public.

Rec'd for record SEP 1 1965 at 1:35 PM

Per Orville T. Gosnell, Clerk

Mailed to Henry W. Stachowski
Receipt No. 1558 \$ 6.00





