IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE
S/S of Ridge Drive, 180 feet ± south of
c/l of Hillside Avenue
13<sup>th</sup> Election District
1<sup>st</sup> Councilmanic District
(4525 Ridge Drive)

Albert G. Sanders, Jr. and Jean M. Sanders

Petitioners

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* FOR

\* BALTIMORE COUNTY

\* CASE NO. 06-661-SPHA

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owners of the subject property, Albert G. Sanders, Jr. and Jean M. Sanders. The Petitioners are requesting special hearing relief for property owned at 4525 Ridge Drive. The special hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve the establishment of a zoning use division line in accordance with Policy 102.2A. The variance is to permit a proposed second dwelling with a side yard setback of 5 feet from a use division line in lieu of the required 10 feet, a setback between buildings of 15 feet in lieu of the required 20 feet, and a front yard setback of 15 in lieu of the required 25 feet. To permit an open projection (deck) with a setback of 2 feet from a use division line in lieu of the minimum permitted 7.5 feet.

The property was posted with Notice of Hearing on July 18, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on July 17, 2006, to notify any interested persons of the scheduled hearing date.

8-8-06 8-8-06

### **Amended Petition**

In parallel with the processing of the request for special hearing and variance, the Director of the Department of Public Works issued a report dated June 23, 2006 on the Petitioner's request for waiver of the Public Works requirement that all building be setback 20 feet from the floodplain. The Director recommended the waiver pursuant to Section 32-8-303 (c) of the BCC under the circumstance. The undersigned Deputy Commissioner recognizes this request in addition to the special hearing request for a zoning use division line.

### Applicable Law

Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

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 Comments are made part of the record of this case and contain the following highlights: The Department of Public Works indicated in its June 23, 2006 comment that the proposed home meets or exceeds the intent of the life safety provisions of DPW Design Manual Plate D-19.

### Interested Persons

Appearing at the hearing on behalf of the requested special hearing and variance relief were JoAnn Schmidt, and Albert G. Sanders, Jr., Petitioner. There were no protestants or interested citizens in attendance at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

### Testimony and Evidence

The subject property contains 35,645 square feet zoned DR 5.5. Ms. Schmidt is the daughter of the Petitioners. Mr. Sanders, the Petitioner, indicated that his wife is disabled, wheelchair bound and has use of only one arm. He is taking care of her but is getting older himself and would like his daughter to live close by to help with her care and eventually with his own care. Ms. Schmidt indicated that she now lives with her husband and three children in a townhouse and has agreed to build a house on her parent's lot as shown in Petitioner's exhibit 1. She indicated that she selected the size of this house based on her family's needs. She understood that having zoning use division line is not the same as a subdivision and would likely have great difficulty selling the new home in the future with a zoning use division line. There would be two homes on one lot. She was aware of her right to ask the County to subdivide the lot but was told that the subdivision process could take many months. Given the need for caring for her parents she would like the zoning use division line now and will apply to subdivide the lot in the future.

the houses in the neighborhood. She pointed out that the houses on the north side of Ridge Drive are closer than 5 feet from the property line and that the proposed new "lot" would be larger than most of the lots in the neighborhood. She also indicated that there were several new homes in the area which were built on lots smaller than she proposes.

Mr. Sanders indicated that the deck on the north side of his existing house which triggers the request for one variance could be removed eventually to eliminate this variance but presently it is his only way for his disabled wife to get to the car with her wheel chair.

### Findings of Fact and Conclusions of Law

In regard to the Special Hearing, I will allow the proposed new home to be built with a zoning use division line. The Petitioner understands the severe limitations of this approach as opposed to subdivision. The proposed "lot" sizes are quite large compared to the other lots and homes in the community. I find this approach will not adversely affect the neighborhood. In addition I will grant the waiver of the 20 foot setback from the floodplain as outlined in the Director of Public Works memo of June 23, 2006 for the reasons contained in the memo.

Regarding the request for variances, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. This property has a very substantial flood plain in the rear yard which severely limits where a new home can be built. The flood plain is the cause of the variance requests. It causes both the front and side yard requests. I find the imposition of DR 5.5 zoning on this property disproportionably impacts the subject property as compared to others in the zoning district. Consequently I find the property unique in a zoning sense.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Strict compliance would mean the

daughter's family would have a home smaller than her present town home and this smaller home is not compatible with the community.

No increase in residential density beyond that otherwise allowable by the Zoning Regulations will occur as a result of granting this variance as the two lots after zoning use division will still greatly exceed the minimum lot size of 6000 square feet for this DR 5.5 zoned property.

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. There are homes across Ridge Drive which are similarly close to property lines. The new home would be compatible with the community if the materials and design are carefully chosen. The Planning Office should review the elevations and design of the new house for compatibility.

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' special hearing request should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this \_\_\_\_\_\_ day of August, 2006, that the Petitioners' request for special hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve the establishment of a zoning use division line in accordance with Policy 102.2A, and to grant a waiver to the Department of Public Works Design Manual to allow a 3 ft setback from the floodplain in lieu of the 20 feet required be and is hereby GRANTED; and

IT IS FURTHER ORDERED, that the variance from Section 1B02.3.C.1of the BCZR to permit a proposed second dwelling with a side yard setback of 5 feet from a use division line in lieu of the required 10 feet, a setback between buildings of 15 feet in lieu of the required 20 feet, and a front yard setback of 15 in lieu of the required 25 feet, and to permit an open projection (deck) with a setback of 2 feet from a use division line in lieu of the minimum permitted 7.5 feet, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 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. The Petitioner shall submit elevations and designs for the new home to the Office of Planning for review and approval prior to building permit to assure the new home is compatible with the neighborhood.

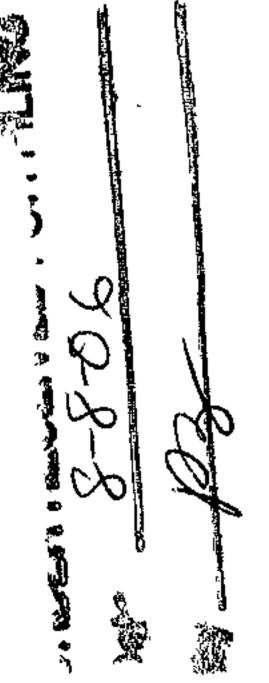
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

August 7, 2005

ALBERT G. SANDERS JR & JEAN M. SANDERS 4525 RIDGE DRIVE BALTIMORE MD 21229

Re: Petition for Special Hearing and Variance

Case No. 06-661-SPHA
Property: 14525 Ridge Drive

Dear Mr. and Mrs. Sanders:

Enclosed please find the decision rendered in the above-captioned case. The petition for Special Hearing and Variance has been granted with restrictions 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

for Baltimore County

JVM:pz

Enclosure

c: JoAnn Schmidt, 929 Grove Hill Road, Baltimore MD 21227



# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 4525 Ridge Drive which is presently zoned D.R.5.5

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

of a zuning use division line in accondance with policy 102.2. A

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

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

Legal Owner(s):

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:

REV 9/15/98

Maria Com Pure Pure

### Albert G. Sanders Jr. Name - Type or Print Name - Type or Print Signature Signature Jean M. Sanders Name - Type or Print Telephone No. Address Signature City Zip Code State 410-242-4431 4525 Ridge Drive Attorney For Petitioner: Telephone No. Address 21229 Baltimore MDZip Code State Name - Type or Print City Representative to be Contacted: Signature 461-379-9104 Ann SChmidt Company Name 410-935-7427 929 Grovehill Road Address Telephone No. Address Telephone No. 21227 MD Baltimore Zip Code City Zip Code State City State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING \_\_\_ **UNAVAILABLE FOR HEARING**



# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at 4525 Ridge Drive which is presently zoned D.R.5.5

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 102.2 (and 1-42.1 of Policy Manual), to permit a use division line for a separate structure; Section 1B02.3.C.1, to permit a proposed second dwelling with a side yard setback of 5 feet from a use division line in lieu of the required 10, a setback between buildings of 15 feet in lieu of the required 20, and a front yard setback of 15 feet in lieu of the required 25; and Section 301.1, to permit an open projection (deck) with a setback of 2 feet from a use division line in lieu of the maximum permitted 7 ½.

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

to be discussed at hearing

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

If 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 Purchase	er/Lessee:		Legal Owner(s);		
			Albert G. Sanders	s Jr.	
Name - Type or Print	······································		Name - Type or Print		
Signature		<u> </u>	Signature Jean M. Sanders		
Address		Telephone No.	Name - Type or Print  Signature  Signature	שאנו	
City	State	Zip Code	Signature 4525 Ridge Drive		0-242-4431
Attorney For Petit	<u>ioner:</u>		Address	· · · · · · · · · · · · · · · · · · ·	Telephone No.
			Baltimore	MD	21229
Name - Type or Print		<del>, ,,,, </del>	City	State	Zip Code
Signature	<u> </u>	<u>, ,</u>	Representative to be Co		
		<del> </del>	Name		
Company			929 Grovehill Ro	ad 410	-935-7427
Address	<del></del>	Telephone No.	Address	MD	Telephone No 2 1 2 2 7
O:4	Clata	Zip Code	Baltimore City	State	Zip Code
City	State	Zip Code	OFFICE US		A.p 0000
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REV 9/15/98		eviewed E	3y <u>(                                   </u>	23/00	1
	10 B B	PROPERTY STREET			•

### ZONING DESCRIPTION

Beginning in Ridge Drive, 40-feet wide, 180' south of the centerline of Hillside Avenue and described as follows: S 55-20-00 E 190.35', then S 13-55-22 W 150.93', then N 55-15-00 W 302.09' to a point in Ridge Drive, then N 60-34-53 E 160.85' to the point of beginning. Containing 35,645 sf or 0.81 acres, more or less.

Being known as 4525 Ridge Drive, lying in the 13<sup>th</sup> Election District, 1<sup>st</sup> Councilmanic District

			Customent Constraints
		AMOUNT	
			W. Zeerice
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### NOTICE OF ZONING HEARING

therity 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: # 06-661-SPHA

4525 Ridge Drive
South side of Ridge Drive, 180 feet +/- south of centerline of Hillside Avenue

13th Election District — 1st Councilmanic District
Legal Owner(s): Albert G. & Jean M. Sanders

Special Hearing: to approve establishment of a zoning use division line in accordance with Policy 102.2A.

Variance: to permit a proposed second dwelling with a side yard setback of 5 feet from a use division line in lieu of the required 10 feet, a setback between buildings of 15 feet in lieu of the required 20 feet, and a front yard setfeet in lieu of the required 20 feet, and a front yard set-back of 15 feet in lieu of the required 25 feet. To permit an open projection (deck) with a setback of 2 feet from a use division line in lieu of the minimum permitted 7 1/2

Hearing: Wednesday, August 2, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Ave nue, 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.

17 7/686 July 18

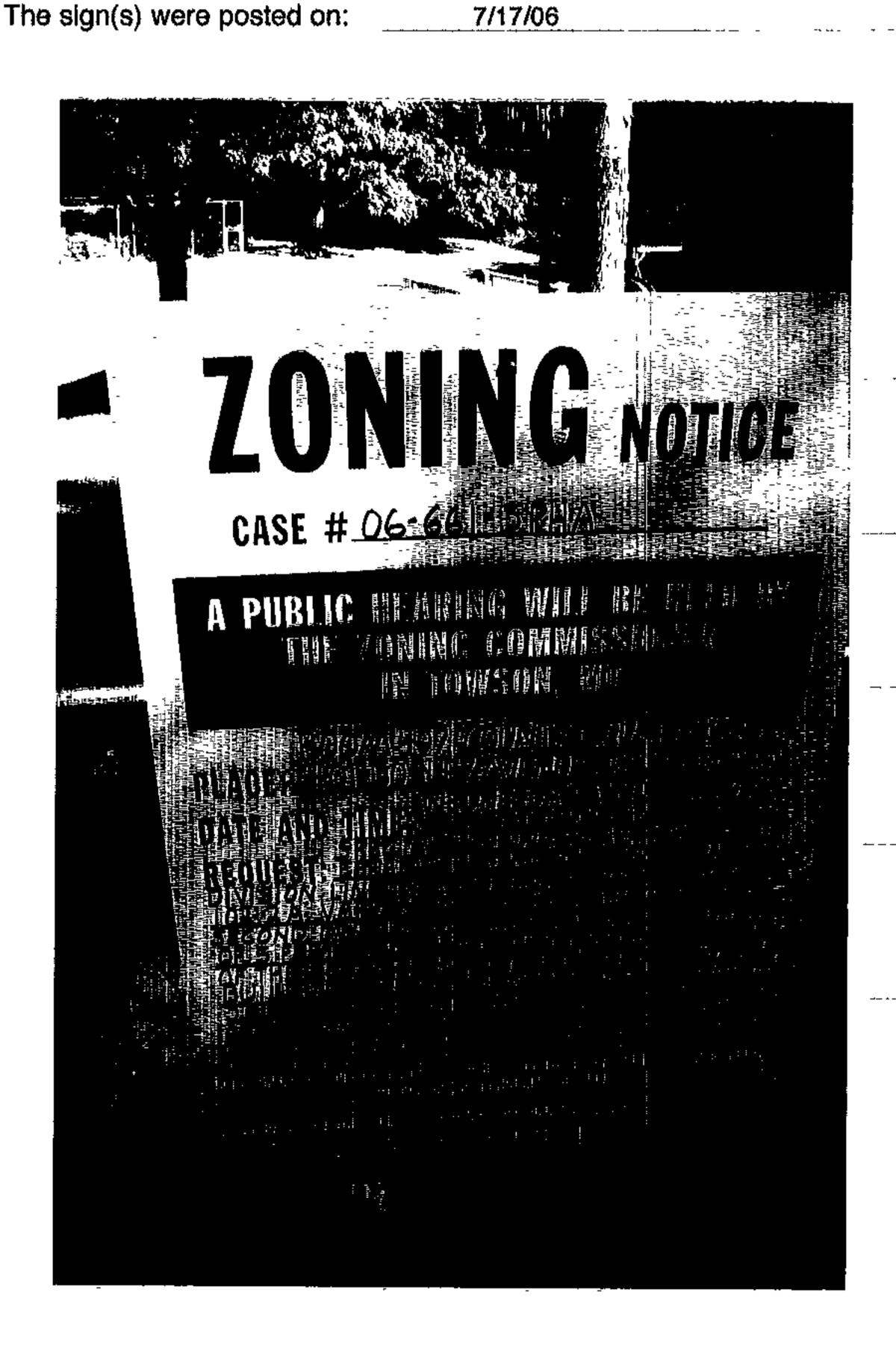
## CERTIFICATE OF PUBLICATION

7/20,2006	
THIS IS TO CERTIFY, that the annexed advertisement was publ	ished
in the following weekly newspaper published in Baltimore County, I	Md.,
once in each ofsuccessive weeks, the first publication appear on7     8  ,2006	uring
The Jeffersonian  Arbutus Times  Catonsville Times  Towson Times	
☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News	
S. Wilking	
LEGAL ADVERTISING	

# CERTIFICATE OF POSTING

Case Number: 06-661-SPHA
Petitioner/Developer: ALBERT & JEAN SANDERS & JO ANN SCHMIDT
Date of Hearing (Closing): 08/2/06

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 4525 RIDGE DRIVE



Signature of Sign Poster)

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030 (City, State, Zip Code of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)



JAMES T. SMITH, JR. County Executive

TIMOPHY'M, KOTROCO, Director

Department of Permits and

Development Management

### 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: 06-661-SPHA

4525 Ridge Drive

Southside of Ridge Drive, 180 feet +/- south of centerline of Hillside Avenue

13<sup>th</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owners: Albert G. & Jean M. Sanders

Special Hearing to approve establishment of a zoning use division line in accordance with Policy 102.2A. <u>Variance</u> to permit a proposed second dwelling with a side yard setback of 5 feet from a use division line in lieu of the required 10 feet, a setback between buildings of 15 feet in lieu of the required 20 feet, and a front yard setback of 15 feet in lieu of the required 25 feet. To permit an open projection (deck) with a setback of 2 feet from a use division line in lieu of the minimum permitted 7 ½ feet.

Hearing: Wednesday, August 2, 2006 at 10:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Albert & Jean Sanders, Jr., 4525 Ridge Drive, Baltimore 21229 Jo Ann Schmidt, 929 Grovehill Road, Baltimore 21227

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 18, 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

Tuesday, July 18, 2006 Issue - Jeffersonian

Please forward billing to:

Mr. Albert Sanders, Jr. 4525 Ridge Drive Baltimore, MD 21229

410-242-4431

### **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: 06-661-SPHA

4525 Ridge Drive

Southside of Ridge Drive, 180 feet +/- south of centerline of Hillside Avenue

13<sup>th</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owners: Albert G. & Jean M. Sanders

Special Hearing to approve establishment of a zoning use division line in accordance with Policy 102.2A. Variance to permit a proposed second dwelling with a side yard setback of 5 feet from a use division line in lieu of the required 10 feet, a setback between buildings of 15 feet in lieu of the required 20 feet, and a front yard setback of 15 feet in lieu of the required 25 feet. To permit an open projection (deck) with a setback of 2 feet from a use division line in lieu of the minimum permitted 7 ½ feet.

Hearing: Wednesday, August 2, 2006 at 10:00 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.



JAMES T. SMITH, JR. County Executive

July 26, 2006

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

Albert G. Sanders, Jr. Jean M. Sanders 4525 Ridge Drive Baltimore, MD 21229

Dear Mr. and Mrs. Sanders:

RE: Case Number: 06-661-SPHA, 4525 Ridge Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 22, 2006.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

u. Cal Rohal D

WCR:amf

Enclosures

c: People's Counsel Jo Ann Schmidt 929 Grovehill Road Baltimore 21227



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 Chesapeak: Avenue
Towson, Maryland 212)4

July 5, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 10, 2006

Item Number(s): 65% through 673

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:

6.30.06

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

RE:

**Baltimore County** 

Item No.  $\angle \angle$ 

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

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Engineering Access Permits Division

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 10, 2006

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 10, 2006

Item Nos. 231, 657, 658, 659, 661, 662,

663, 664, 666,670,671, and 672

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

DAK:CEN:clw cc: File

ZAC-NO COMMENTS-07072006.doc

### BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

TO:

Timothy Kotroco, Director,

Permits & Development Management

ATTN:

Kristen Matthews

MS 1105

FROM:

Edward Adams, Director,

Public Works

DATE:

June 23, 2006

SUBJECT:

Case No. 06-661 SPHA

Special Hearing to waive certain requirements of Design Manual Plate D-19 to allow construction of new dwelling less than 20' from floodplain

freeboard limit at 4525 Ridge Drive, district 13c1.

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

The Plat to Accompany Petition for Zoning Variance and Special Hearing #4525 Ridge Drive prepared by McKee & Associates, Inc., and dated June 8, 2006 shows a plan and section of the proposed dwelling in relation to the 100-year floodplain (as taken from Federal Flood Insurance Rate Map 240010-0389C). The setback to the freeboard line is three feet horizontally instead of the required twenty feet, however the first floor elevation is 126.0 (9.9' higher than the required elevation of 116.1) and the basement elevation of 117.0 provides an additional 2.9' above the freeboard (flood protection elevation) of 114.1. The applicant has demonstrated that the proposed construction meets or exceeds the life-safety intent of DPW Design Manual Plate D-19.

I therefore recommend approval of this waiver request.

### ECA/DLT/s

Attachments: Plan and section of proposed dwelling from McKee plat of 6/8/2006 (copy not to scale)

CC: John Joyce, State Coordinating Office, Maryland Department of Natural Resources; Steve Walsh, Chief of Design; Jim Grammer, McKee & Associates; Joann Schmidt, applicant.

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RE: PETITION FOR SPECIAL HEARING
AND VARIANCE
4525 Ridge Drive; S/S Ridge Drive,
180' S c/line Hillside Avenue
13th Election & 1st Councilmanic Districts
Legal Owner(s): Albert, Jr & Jean Sanders
Petitioner(s)

\* BEFORE THE

\* ZONING COMMISSIONER

\* FOR

\* BALTIMORE COUNTY

\* 06-661-SPHA

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

### ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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

(410) 887-2188

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of July, 2006, a copy of the foregoing Entry of Appearance was mailed Jo Ann Schmidt 929 Grovehill Road, Baltimore, MD 21227, Representative for Petitioner(s).

RECEIVED

JUL 0 7 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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Per.....

### SECTION 102.2

### A. MIXED USES ON ONE PROPERTY

- 1. If several uses are proposed as separate structures on one property, each use must meet the zoning requirements as if it was a separate parcel.
- 2. Even if subdivision of the property is not proposed, the Zoning Commissioner may require that a line of division either a lease line or a zoning use division line between each use be shown on the plat.
  - a. <u>Conditions</u>: The following guidelines have been formulated so that this matter can be handled consistently:
    - Both existing and proposed uses, as divided, must be able to meet the B.C.Z.R. requirements with respect to area, density, parking, setbacks between buildings and to the division lines as if they were property lines.
    - ii. Residential density may be calculated on the overall property acreage if all uses are residential and is allowed in that zone.
  - b. <u>Interpretation</u>: This determination may be subject to a Special Hearing at the discretion of the Zoning Commissioner.

### B. SETBACKS AND BUILDINGS ACROSS ZONE LINES

1. If the property is bisected by a zone or a use and setback limitation line, the required applicable setbacks (for a building legally located in one of these zones) would be measured to the property or street right of way line and not the zone line.

The only exceptions to this method of measuring setbacks would be:

- a. If there is a specific use limitation within a certain distance of a particular zone, then the distance would have to be maintained, or if possible, a variance may be applied for.
- b. If there are 2 principal buildings proposed in different zones, on the same property, in close proximity, then the greatest distance between principal buildings will have to be maintained or a variance granted.
- 2. If a building is proposed across a zone or use and setback limitation line, regardless of what percentage of the building is on each side, the setbacks for each section of the building will be determined and applied separately, according to each separate zone or zone proximity requirement.

APPROVEDMAY 1 3 1992

From:

Patricia Zook

To:

Livingston, Jeffrey; Murray, Curtis

Date:

7/28/2006 3:55:41 PM

Subject:

Comments needed for cases scheduled for hearing next week

Hello -

The following cases are scheduled for hearings next week and we do not have comments:

Case No. 06-661-SPHA hearing on Wed August 2, 2006 @ 10:00 am

Case No. 06-654-SPH Case No. 06-655-SPH Case No. 06-615-A

hearing on Thurs Aug 3, 2006 @ 9:00 am hearing on Thurs Aug 3, 2006 @ 10:00 am

hearing on Thurs Aug 3, 2006 @ 11:00 am \*\*

Thanks for your help.

Patti Zook Legal Secretary Baltimore County Office of the Zoning Commissioner 410-887-3868

CC:

Murphy, John

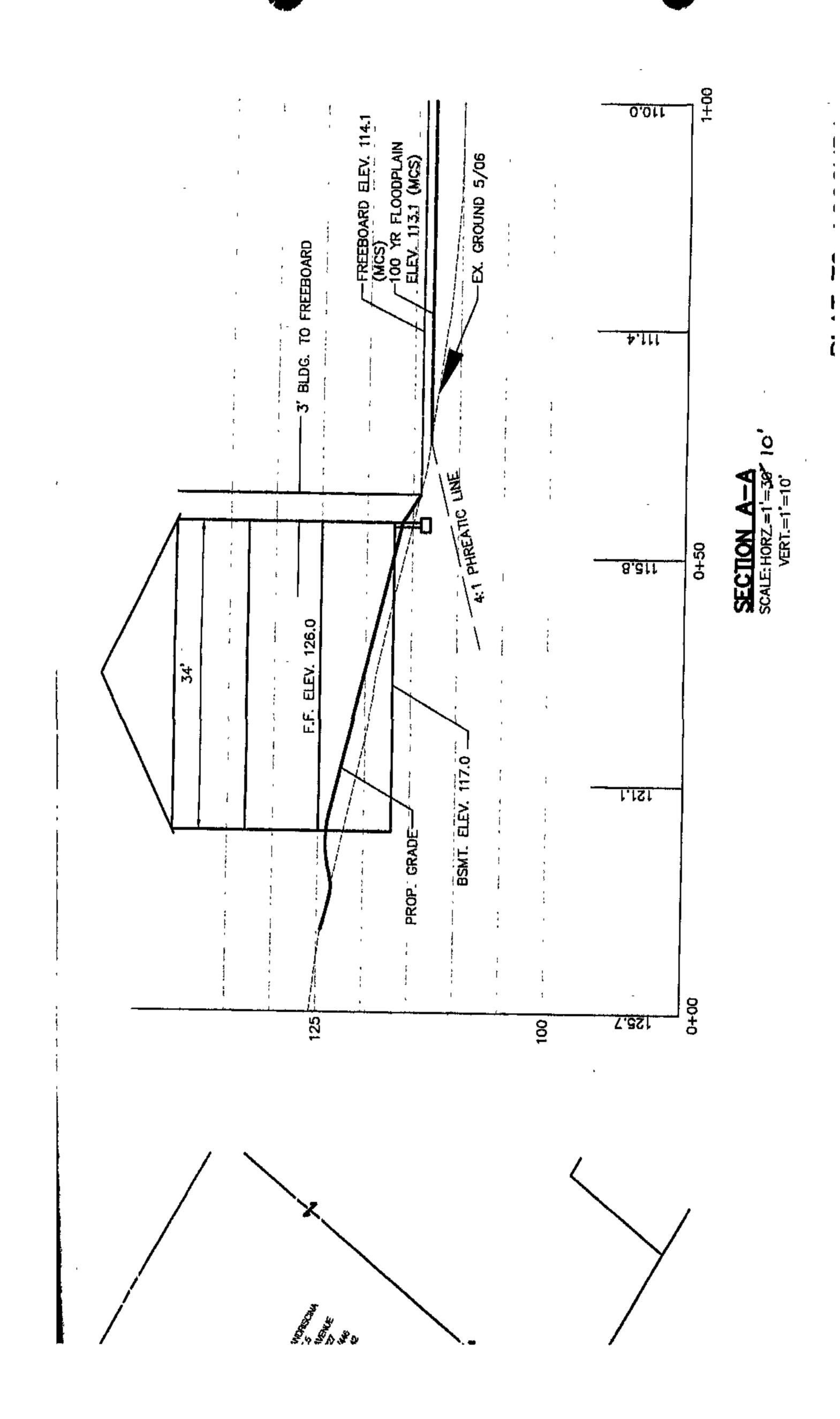
<sup>\*\*</sup>this case also needs DEPRM comments

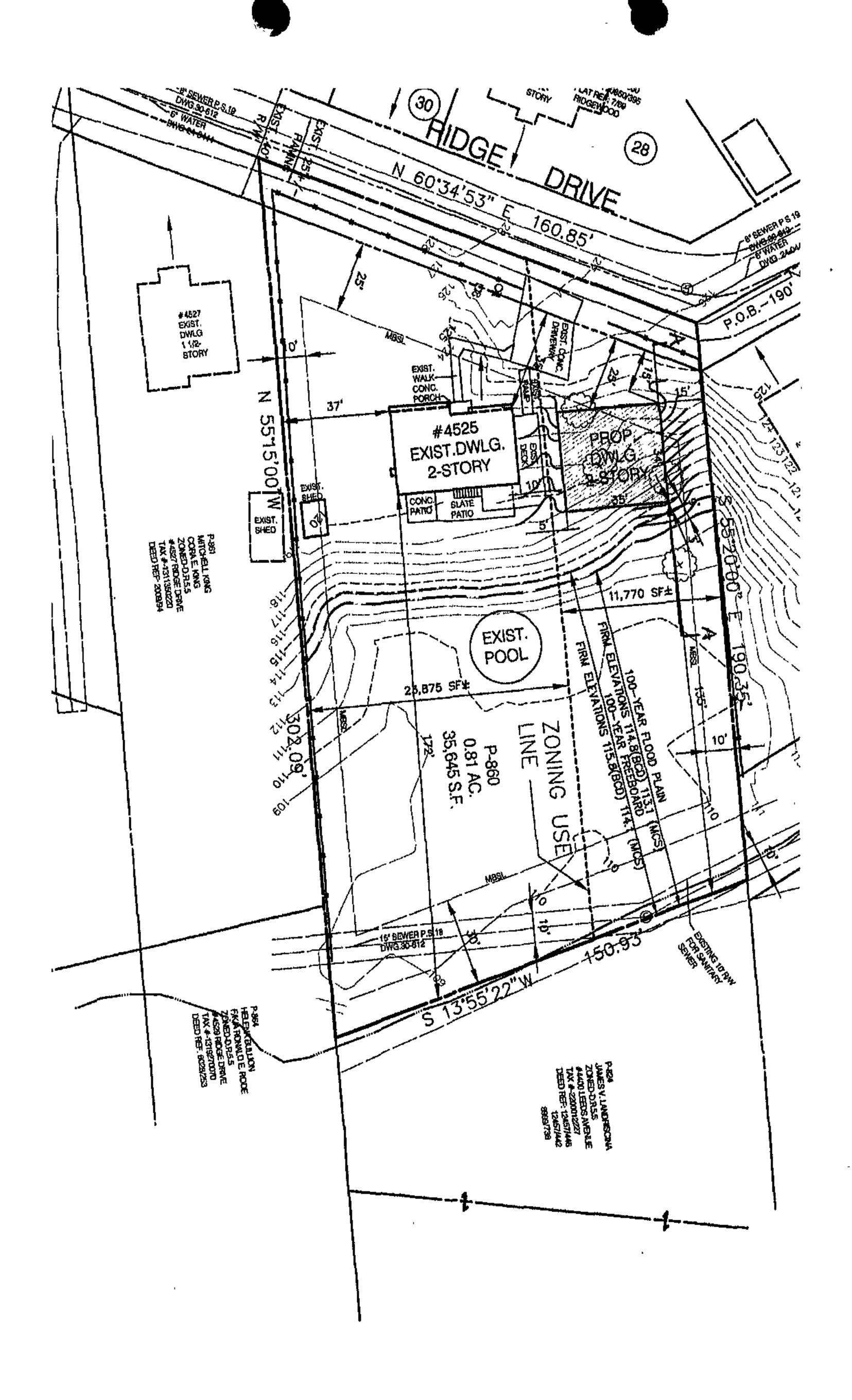
CASE NAME Albert Low Sanders
CASE NUMBER 06-661-59HA

DATE Num 2 2006

# PETITIONER'S SIGN-IN SHEE

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Joann@FederlineUSA-co	Balto. M) 21227	1 Grove Hill PA	
E- MAIL	CITY, STATE, ZIP	ADDRESS	NAME






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COCKEYSVILLE, MARYLAND 21030 FACSIMILE: (410) 527-1563

#4525 RIDGE DRIVE

ALBERT G. SANDERS JEAN M. SANDERS DEED REF: 7027/224 TAX ACCT.# 13-23501810 TAX MAP 101, GRID 18, PARCEL 860 410-935-7427

13TH ELECTION DISTRICT SCALE: 1"= 30'

BALTIMORE COUNTY, MARYLAND DATE: JUNE 8, 2006

SCALE: 1"=1000'

13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

JOB # 06-043

Oniginally, also located

90

Originally she located the new home farther away from Ridge Drive but to everyone's surprise found the subject property has much of the rear yard within the 100 year flood plain. Mr. Sanders indicated that there was a small stream in the rear but because his house is elevated so high above the stream, he could not imagine that flooding would be a problem. He noted that even in heavy rains the stream does not overflow its banks.

However because of the flood plain in the rear the new home had to be moved up the hill and toward Ridge Drive. This caused the first variance request of 15 feet front yard setback in lieu of 25 feet. In addition the rear western corner of the new house is technically still in the flood plain. In this regard the Department of Public Works issued its June 23, 2006 comment which indicated the final location of the new home, meets or exceeds the intent of the life safety provisions of DPW Design Manual Plate D-19. The basis of this comment is the Department recommends a waiver per Section 32-8-303 of the BCC be granted.

In regard to the other variance requests, the Petitioner indicated that the distance to the northern property line from the new house is 15 feet. DR 5.5 regulations require only 10 feet. If the house could be moved north 5 feet, all of the remaining variances would vanish. The problem is the flood plain curves around in such a way that the rear western corner of the house would extend further into the flood plain. So to avoid that result the new house is pushed 5 feet to the south. This causes the side yard setback, distance between houses and deck setback problems.

Upon questioning Ms. Schmidt indicated that the proposed house would be 35 feet wide by 34 feet deep. This is the minimum size to accommodate her growing family. If the front yard setback is not granted and side yard setback not granted, the house would be 24 feet deep by 30 feet wide. She indicated that this is smaller than her present townhouse and not consistent with