

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
N/S Holly Beach Road, east of		
Henrietta Avenue	*	DEPUTY ZONING COMMISSIONER
15 th Election District		
6 th Councilmanic District	*	OF BALTIMORE COUNTY
(2706 Holly Beach Road)		
	*	
Gloria J. Fair-Pineda and Jose H. Pineda, III		
<i>Petitioners</i>	*	CASE NO. 07-068-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, Gloria J. Fair-Pineda and Jose H. Pineda, III. The variance request is for property located at 2706 Holly Beach Road. The variance request is from Section 1A04.3.B.2.b. of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks to lot lines of 6 feet and 8 feet in lieu of the required 50 feet for each for a proposed 1-story addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state due to the existing limited setbacks and the RC 5 zoning it is not possible to conform to the setbacks. The location for the addition, as depicted on the accompanying site plan, is best for architectural compatibility with the existing house and does not interfere with neighbor's view of the water. The proposed 1 story addition measures 740 square feet in size.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Department of Environmental Protection and Resource Management dated September 12, 2006 which contains restrictions and is attached hereto and made a part hereof.

ORDER RECEIVED FOR FILING
 9-21-06
 [Signature]

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.”

Findings of Fact and Conclusions of Law

The Petitioners Plat to Accompany, exhibit 1, indicates that the houses on either side of the subject property are closer to the existing house on the subject property than is actually the case. Mr. Harmon explained that he measured the actual distances with a tape measure and the distance from the house on the subject property to the west property line is 6 feet 5 inches and distance to the Wilson house is 13 ft. 8 in. The plat shows the Wilson house to be 1 foot from the property line when in reality it is 7 ft. 3 inches. Similarly the distance from the subject house to the east property line is actually 8 ft 2 inches and distance to the Fieden house 22 feet 8 inches. The plat shows the distance to the Fieden house to be approximately 11 feet from the subject house. Mr. Harmon explained that the incorrect dimensions were taken from the aerial photographs of the area.

In addition to clarifying the Plat to Accompany, he indicated that the proposed addition would stay within the dimensions of the existing house on the subject property and eliminated a bump out on the east side of the addition as shown in red on exhibit 1. This was in response to a

SEARCHED INDEXED FOR FILING
9-21-06
Jat
B

request to give maximum access to the water for emergency equipment. The addition will not reduce the present access in any manner. The requested variances of 6 feet and 8 feet are still correct.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 25, 2006 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners 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 21st day of September, 2006, that a variance from Section 1A04.3.B.2.b. of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks to lot lines of 6 feet and 8 feet in lieu of the required 50 feet for each for a proposed 1-story addition as shown on the redline plat to accompany, exhibit 1, be and is hereby GRANTED, subject to the following:

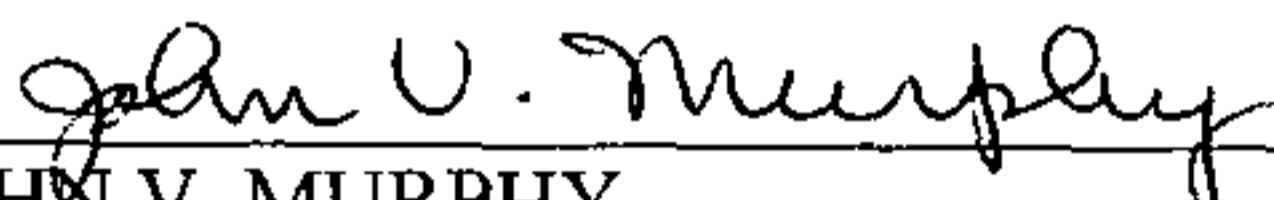
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be

RECEIVED FOR FILING
Jag. 9-21-06
A-B

required to return, and be responsible for returning, said property to its original condition.

2. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).
3. This property is within the Limited Development Area (LDA) and Buffer Management Area (BMA) of the CBCA. LDA regulations state that impervious surface area cannot exceed 25% of the lot, and that 15% tree cover must be maintained. Any proposed addition in the 100-foot buffer to tidal waters requires mitigation approved by this Department.

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

ADVISOR RECEIVED FOR FILING
Jat 9-21-06
B3

CBCA



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at: 2706 Holly Beach Rd
which is presently zoned KC5

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) IA04.3.B.2.b To Permit (Side YARD) setbacks To Lot Lines of 6 FT. and 8 FT. in Lieu of The Required 50 FT. For Each. For A Proposed 1 story Addition.

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.

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):

GLORIA J. FAIR-PINEDA
Name - Type or Print _____
Gloria J. Fair-Pineda
Signature _____
JOSE H. PINEDA, III
Name - Type or Print _____
Jose H. Pineda, III
Signature _____
2706 HOLLY BEACH RD 410-780-
Address _____ Telephone No. 7771
ESSEX MD 21221
City _____ State _____ Zip Code _____

Representative to be Contacted:

Mark Harmon
Name _____
410-937-3868
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 07-068-A
REV 10/25/01
RECEIVED FOR FILING
9-21-06
mm

Reviewed By JL Date 8/18/06
Estimated Posting Date 8/27/06

1020

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 2706 Holly Beach Road
Address
Essex MD 21221
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Growing Family SEE ATTACHED

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

x [Signature]
Signature
GHORIA I. FAIR-PINEDA
Name - Type or Print

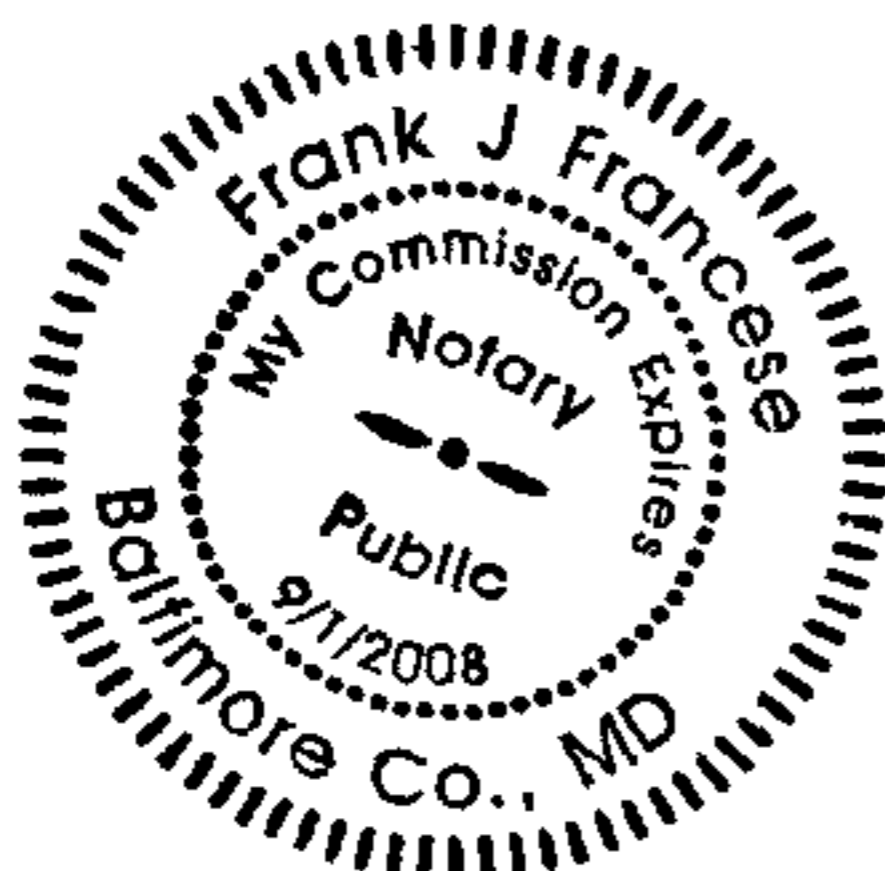
x [Signature]
Signature
JOSE H. PINEDA, III
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30 day of JULY, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

GHORIA FAIR-PINEDA AND JOSE H. PINEDA, III
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



[Signature]
Notary Public
My Commission Expires 9/1/08

1089

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 2706 Holly Beach Rd
Address
Essex md 21221
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

growing FAMILY SEE ATTACHMENT

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Gloria J. Fair-Pineda
Signature
GLORIA J. FAIR-PINEDA
Name - Type or Print

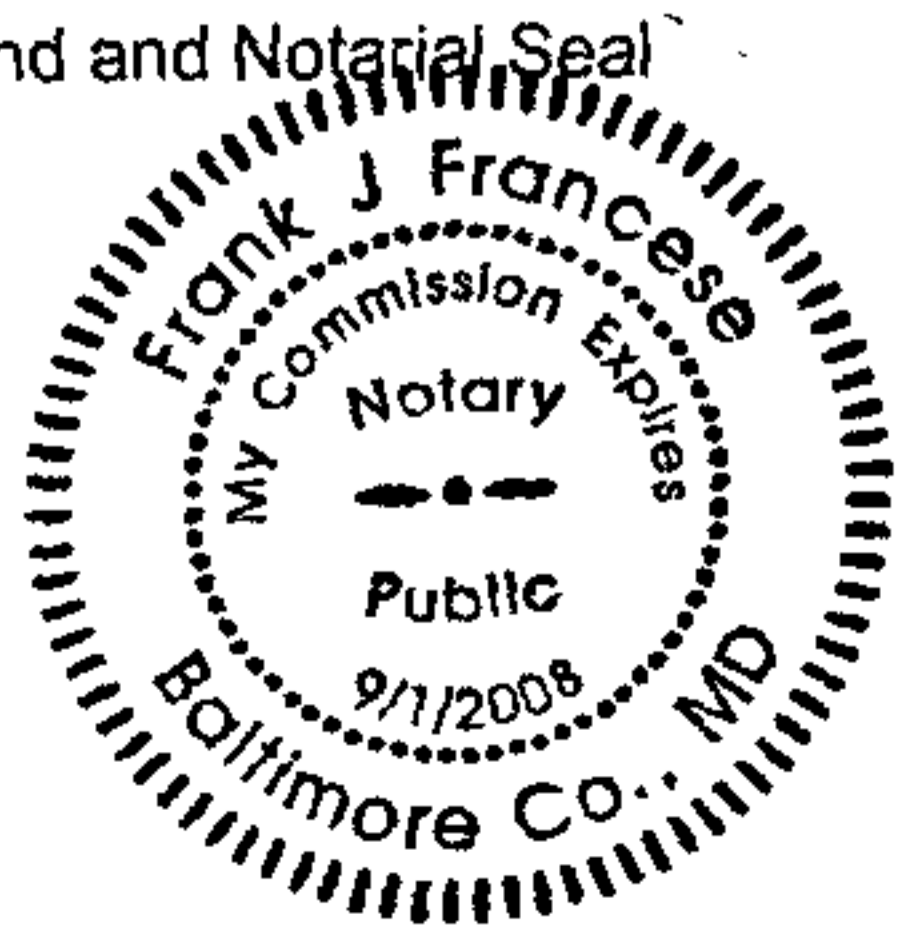
Jose H. Pineda
Signature
JOSE H. PINEDA, III
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30 day of JULY, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

GLORIA FAIR-PINEDA AND JOSE H. PINEDA, III
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Frank J. Francese
Notary Public
My Commission Expires 9/1/08

CBCA



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2706 Holly Beach Rd
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)

1A04.3.B.2.b To Permit (side yard) Setbacks To Lot Lines of 6 FT. And 8 FT. in lieu of the Required 50 FT. For Each. For A Proposed 1 Story Addition.

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.

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

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ___ day of ___ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 07068 A

Reviewed By JL Date 8/18/06

REV 10/25/01 9-21-06

Estimated Posting Date 8/27/06

Handwritten initials

ATTACHMENT PRACTICAL DIFFICULTY

Due To The existing limited Setbacks and The RC5 Zoning, it is not possible To Conform with The Setbacks, In keeping with The existing Setbacks and placing The Addition Away From The Waters edge, THE LOCATION IS THE BEST FOR ~~ARCH~~ ARCHITECTURAL COMPATIBILITY WITH THE EXISTING HOUSE AND DOES NOT INTERFERE WITH NEIGHBORS VIEW OF THE WATER.

2706 Holly Beach Road
BALT. Md 21221

MA

ZONING DESCRIPTION FOR 2706 Holly Beach Road, Baltimore, Maryland 21221

Beginning at a point on the north side of Holly Beach Road, which is 40 ft. wide at the distance of 1,336 ft. ^{EAST M N} ~~WEST~~ of the centerline of the nearest improved intersecting street, Henrietta Avenue, which is 40 ft. wide. *Being Lot #10 in the subdivision of Broring Point as recorded in Baltimore County Plat Book #6, Folio #101 containing 13,671 sq.ft. Also known as 2706 Holly Beach Road and located in the 15th Election District, 6th Councilmanic District.

068

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 5030

UF 068

ACCOUNT 0010066150

DATE 8/18/06

AMOUNT \$ 65.00

RECEIVED FROM: HAMMOND

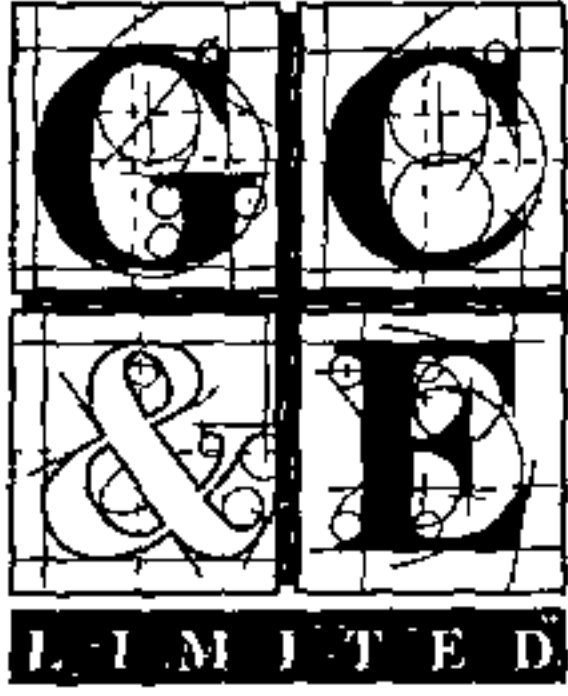
FOR: RV 3702 HOLLY TRUCK (ED)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTION THE
8/18/2006 8/18/2006 RECEIVED
REG. INFO MAIL JEVA XE
> RECEIPT # 472376 8/18/2006
Dept. 5 523 BUILDING VERIFICATION
EX NO. 009630
Receipt Tot. \$65.00
\$65.00 EX
Baltimore County, Maryland

CASHIER'S VALIDATION



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286

Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE# 07-068-A
PETITIONER/DEVELOPER:
Jose & Gloria Pineda
DATE OF CLOSING: Sept. 11, 2006

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

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

(see page 2 for full size photo)

LOCATION:
2706 Holly Beach Road



SIGNATURE OF SIGN POSTER

John J. Dill

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: August 25, 2006

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE #: 07-068-A

To permit: A PROPOSED 2 STORY
ADDITION WITH SIDE YARD
SE BRACKS TO LOT LINES OF PLOT AND
SIDE IN LIEF OF THE REQUIRED SET.

PUBLIC HEARING?

IF YOU ARE AN INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 P.M. ON September 11, 2008
AND A PUBLIC HEARING IS HELD AT 4:30 P.M. AT
THE ZONING ADMINISTRATION AND SEWERAGE DEPARTMENT MANAGER'S
OFFICE, 411 WEST 31ST

HEARINGS ARE HAND CAPPED ACCESS 511

08/25/2008



ZONING NOTICE

**PROPOSING
VARIANCE**

For your information, the following property is being proposed for a zoning variance. The property is located at 1234 Main Street, City, State, ZIP. The proposed variance is for a [unclear] [unclear] [unclear]. The property owner is [unclear].

PUBLIC HEARING?

The following information is provided for your information. The public hearing will be held on [unclear] at [unclear]. The hearing will be held at [unclear] from [unclear] to [unclear]. The hearing will be held at [unclear] from [unclear] to [unclear].

08/25/2006

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 7 068 -A Address 2706 HOLLY BEACH RD

Contact Person: JOHN LEWIS Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/18/06 Posting Date: 8/27/06 Closing Date: 9/11/06

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
- POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 7 068 -A Address 2706 HOLLY BEACH RD

Petitioner's Name JOSE + GLORIA PINEDA Telephone 410-780-7771

Posting Date: 8/27/06 Closing Date: 9/11/06

Wording for Sign: To Permit A PROPOSED 2 STORY ADDITION WITH
(SIDE YARD) SETBACKS TO LOT LINES OF 6 FT. AND 8 FT. IN LIEU
OF THE REQUIRED 50 FT. FOR EACH

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/neighborhood 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: 07-068-A

Petitioner: x Pineda

Address or Location: 2706 Holly Beach Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: MARK HARMAN / HARMAN CONSTRUCTION

Address: 802 Hickory Ridge Dr
Belt Air Md 21015

Telephone Number: 410 937 3868



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

September 12, 2006

Gloria J. Fair-Pineda
Jose H. Pineda, III
2706 Holly Beach Road
Essex, MD 21221

Dear Mr. and Mrs. Pineda:

RE: Case Number: 07-068-A Comments, 2706 Holly Beach Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 18, 2006.

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

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

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Jeff Livingston, DEPRM - Development Coordination *JWL*
DATE: 9/12/2006
SUBJECT: Zoning Item # 07-68-A
Address 2706 Holly Beach Road
Baltimore, MD 21221

Zoning Advisory Committee Meeting of August 28, 2006

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

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 (LDA) and Buffer Management Area (BMA) of the CBCA. LDA regulations state that impervious surface area cannot exceed 25% of the lot, and that a 15% tree cover must be maintained. Any proposed addition in the 100-foot buffer to tidal waters requires mitigation approved by this Department.

Reviewer: Kevin Brittingham

Date: 9/12/06

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC07-68-A.doc

INDEXED FOR FILING
9-21-06
[Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

September 21, 2006

GLORIA J. FAIR-PINEDA AND JOSE H. PINEDA, III
2706 HOLLY BEACH ROAD
ESSEX MD 21221

Re: Petition for Administrative Variance
Case No. 07-068-A
Property: 2706 Holly Beach Road

Dear Mr. and Mrs. Pineda:

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,

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

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Mark Harmon

NOEN RECEIVED FOR FILING

9-21-06

Handwritten initials, possibly "B", written in a stylized cursive font.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 7, 2006

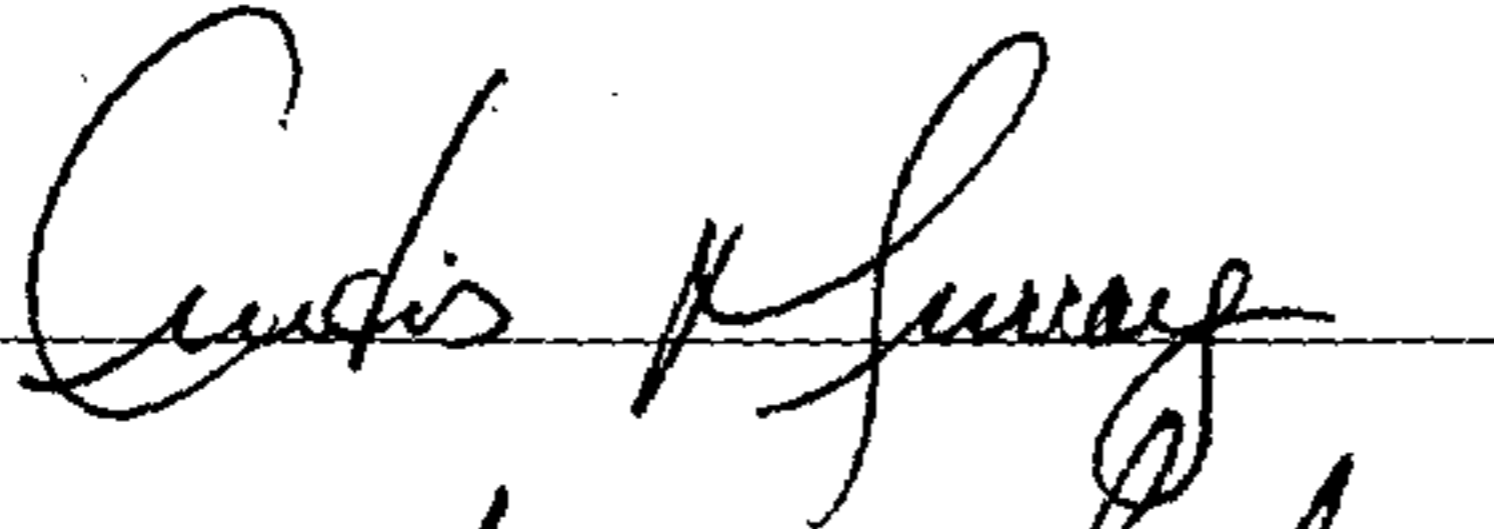
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-068 Administrative Variance**

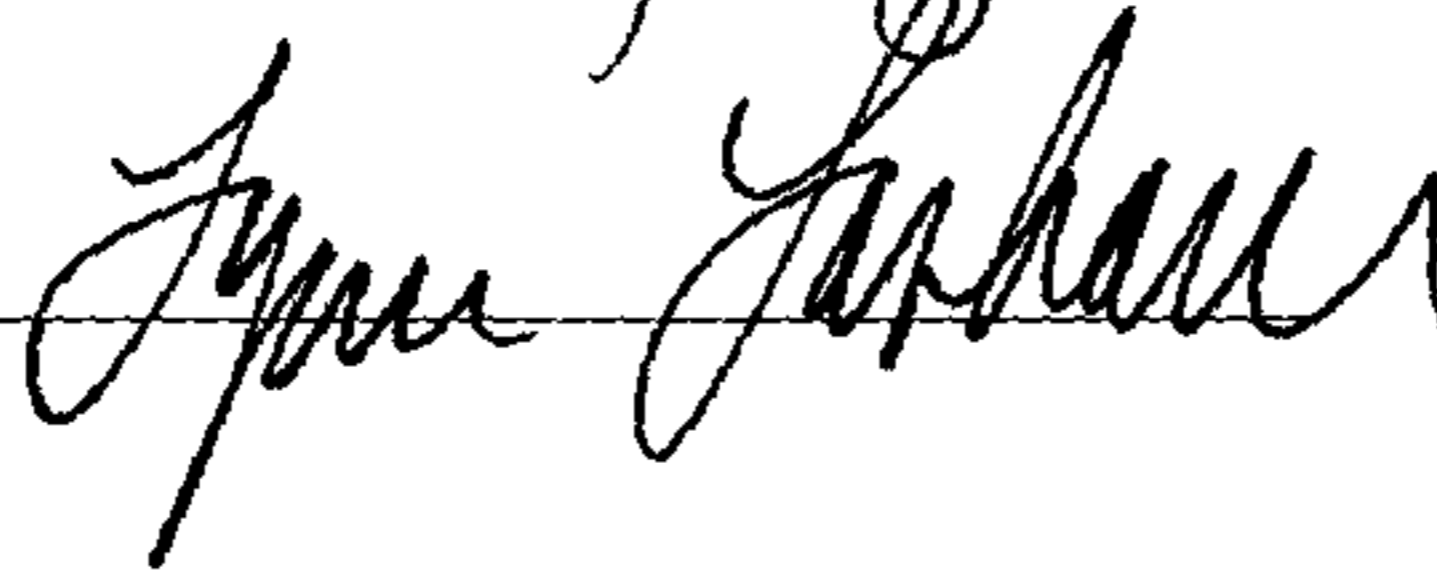
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

SEP 18 2006

ZONING COMMISSIONER



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

August 31, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: August 28, 2006

Item Number(s): 067, 068, 069, 079, 080, 081, 083, 084

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



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 1, 2006

FROM: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For September 4, 2006
Item Nos. 07-067, 068, 069, 079, 080,
081, 082, 083 and 084

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

DAK:CEN:cab
cc: File
ZAC-NO COMMENTS-09042006.doc



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

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

Maryland Department of Transportation

Date: 8.25.06

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

RE: Baltimore County
Item No. JLL 068

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Jeff Livingston, DEPRM - Development Coordination
DATE: 9/12/2006
SUBJECT: Zoning Item # 07-68-A
Address 2706 Holly Beach Road
Baltimore, MD 21221

Zoning Advisory Committee Meeting of August 28, 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 (LDA) and Buffer Management Area (BMA) of the CBCA. LDA regulations state that impervious surface area cannot exceed 25% of the lot, and that a 15% tree cover must be maintained. Any proposed addition in the 100-foot buffer to tidal waters requires mitigation approved by this Department.

Reviewer: Kevin Brittingham

Date: 9/12/06

MODE = MEMORY TRANSMISSION

START=SEP-21 09:15

END=SEP-21 09:17

FILE NO.=490

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	*	94105885650	007/007	00:01:03

-ZONING COMMISSIONER OFF M-

***** -

- ***** -

410 887 3468- *****

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

FAX COVER SHEET

DATE: 9-21-06

NO. OF PAGES INCLUDING COVER SHEET: 7

TO: Mark Narmor

FROM: Patti

PHONE: _____ PHONE: _____

FAX NO.: 410 588 5650 FAX NO.: _____

C: _____

REMARKS: URGENT FOR YOUR REVIEW REPLY ASAP PLEASE COMMENT

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

FAX COVER SHEET

DATE: 9-21-06

NO. OF PAGES INCLUDING COVER SHEET: 7

TO:

Mark Narmor

FROM:

Patti

PHONE:

PHONE:

FAX NO.:

410 588 5650

FAX NO.:

C:

REMARKS: URGENT FOR YOUR REVIEW REPLY ASAP PLEASE COMMENT



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

September 21, 2006

GLORIA J. FAIR-PINEDA AND JOSE H. PINEDA, III
2706 HOLLY BEACH ROAD
ESSEX MD 21221

Re: Petition for Administrative Variance
Case No. 07-068-A
Property: 2706 Holly Beach Road

Dear Mr. and Mrs. Pineda:

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,

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

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Mark Harmon

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Jeff Livingston, DEPRM - Development Coordination *JWL*
DATE: 9/12/2006
SUBJECT: Zoning Item # 07-68-A
Address 2706 Holly Beach Road
Baltimore, MD 21221

Zoning Advisory Committee Meeting of August 28, 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).

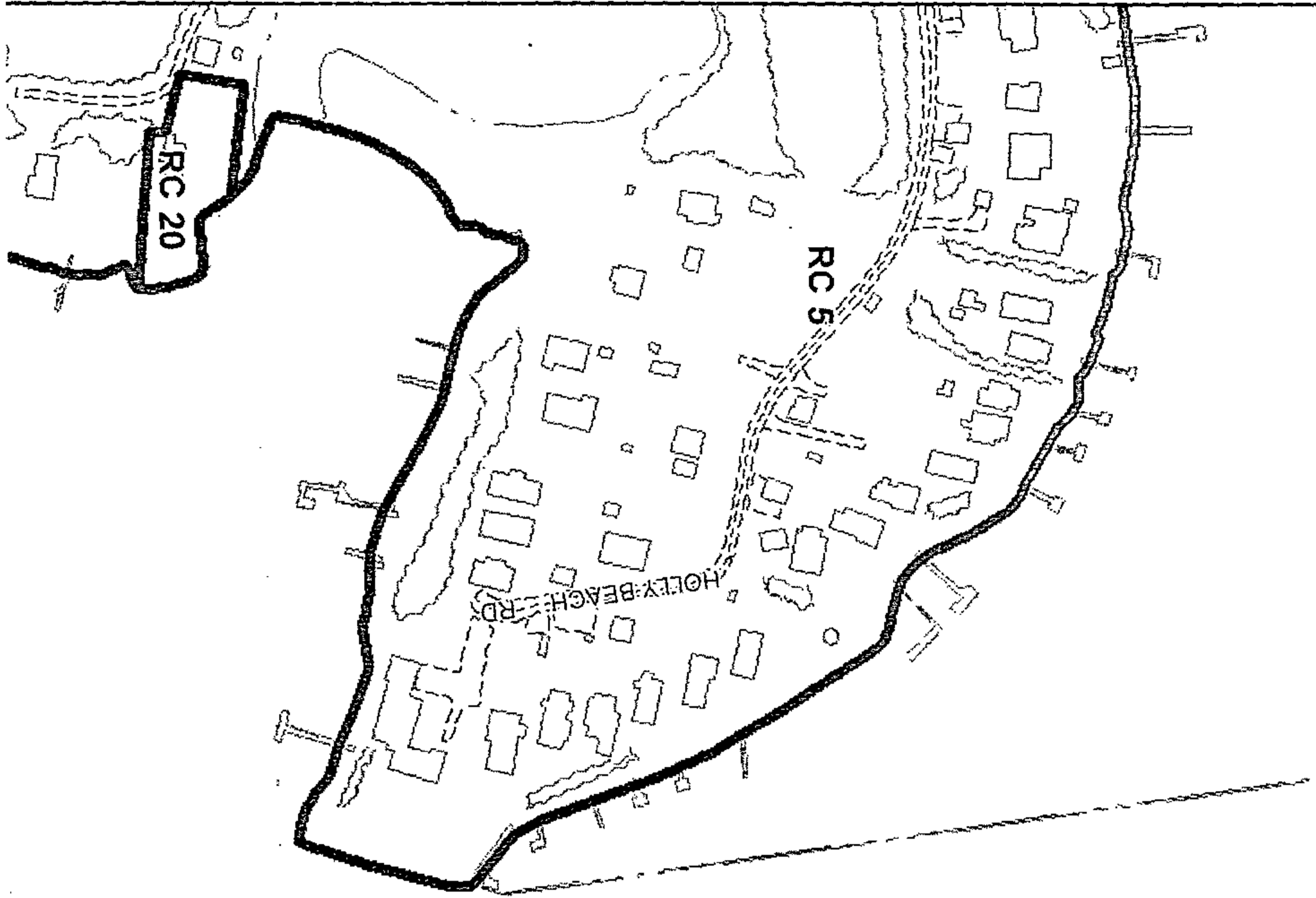
X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

This property is within the Limited Development Area (LDA) and Buffer Management Area (BMA) of the CBCA. LDA regulations state that impervious surface area cannot exceed 25% of the lot, and that a 15% tree cover must be maintained. Any proposed addition in the 100-foot buffer to tidal waters requires mitigation approved by this Department.

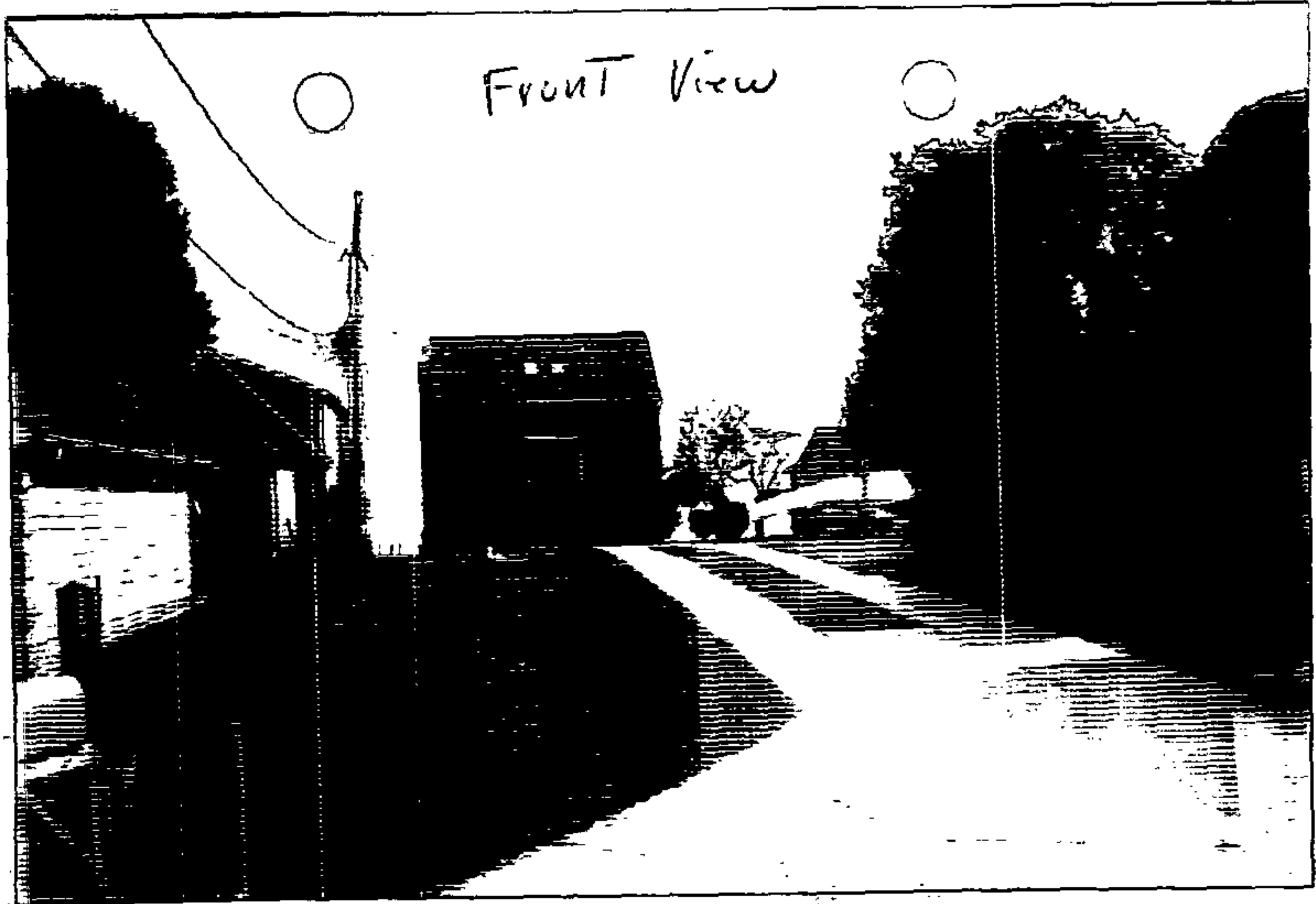
Reviewer: Kevin Brittingham

Date: 9/12/06



068

Map 4000000000



Facing Road

