IN RE: PETITION FOR ADMIN. VARIANCE
SE side of Beach Road, 115 feet SW of
Seneca Road
15<sup>th</sup> Election District
6<sup>th</sup> Councilmanic District
(3509 Beach Road)

John D. Cherry

Petitioner

BEFORE THE

\* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

\*

\*

\* CASE NO. 07-173-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 owner of the subject property, John D. Cherry. The variance request is for property located at 3509 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 a proposed addition with a side yard setback of 30 feet in lieu of the minimum required 50 feet, and to permit an existing dwelling with a side yard setback of 24 feet in lieu of the minimum required 50 feet, and a street centerline setback of 40 feet in lieu of the minimum required 75 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. The Petitioner is aging and it is necessary to expand the house to make it ADA accessible. He proposes to construct a 42 foot x 40 foot addition to be located on the side of the house. There is no place else to construct the addition.

### 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 letter was received from the Bureau of Development Plans Review dated October 31, 2006 which contains restrictions. ZAC comments were received from the Department of Environmental Protection and Resource

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1-30-06 M

Management dated November 21, 2006 which contains restrictions. Copies of which are incorporated herein and made a part hereof the file.

#### Applicable Law

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

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

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on October 29, 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 3040 day of November, 2006, that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition with a side yard setback of 30 feet in lieu of the minimum required 50 feet, and to permit an existing dwelling with a side yard setback of 24 feet in lieu of the minimum required 50 feet, and a street centerline setback of 40 feet in lieu of the minimum required 75 feet 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 required to return, and be responsible for returning, said property to its original condition.
- 2. The minimum right-of-way for all public roads in Baltimore County is 40 feet. Show the right-of-way for Beach Road centered on existing 20 foot paving.
- 3. The base flood elevation for this site is 10.2 feet Baltimore County Datum.
- 4. The flood protection elevation for this site is 11.2 feet.
- 5. 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.
- 6. 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.
- 7. The building engineer shall require a permit for this project.

- 8. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
- 9. Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the County.
- 10. 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).

- 11. This lot must comply with LDA requirements and any impacts to the 100 foot buffer will require a Chesapeake Bay Critical Area Administrative Variance.
- 12. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

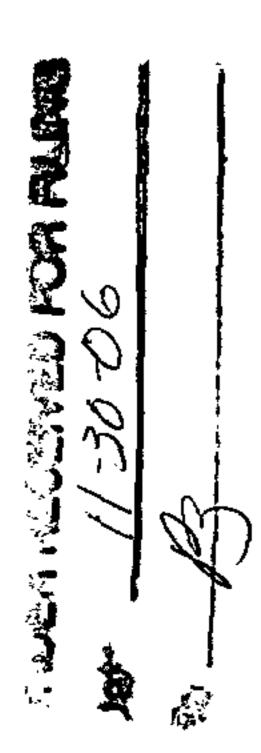
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

OHNW. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz



## CBCA FOOD



### Petition for Administrative Variance

for the property located at 3509 BEACH: 120

to the Zoning Commissioner of Baltimore County

· · · · · · · · · · · · · · · · · · ·	, which is presently zoned ————————————————————————————————————
owner(e) of the property situate in Raltimore County and	ermits and Development Management. The undersigned, legal which is described in the description and plat attached hereto and Section(s) 1A04.3, B, 2, b, BCZR, to permit a propose
addition with a side yard set back of	section(s) 1A04.3, B. 2, b, BCZR, to permit a propose.  30 feet in lieu of the minimum required SD f  with a side ward cotback of 24 feet in li
of the minimum required 50 feet and	with a side ward setback of 24 feet in lies a street centerline setback of 40 feet in lies
of the minimum required to leet.	
of this petition form.	ing law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by 1; or we, agree to pay expenses of above Variance, advertising regulations and restrictions of Baltimore/County adopted pursu	g, posting, etc. and further agree to and are to be bounded by the zoning
	perjury, that live are the legal owner(s) or the property which
Contract Purchaser/Lessee:	Legal Owner(s):
	MCM JOHN D. CHERRY
Name - Type or Print	Name: Type or Political
Signature	Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature .
Attorney For Petitioner:	Address Telephone No.
	PALTIMORE MD. 21220.
Name - Type or Print	City State Zip Code
Signature	Representative to be Contacted:
	1-1:LMK
Company	2201. OLD WOT PD. 337.9520
Address Telephone No.	Address  Address  Telephone No.
City State Zip Code	City State Zip Code
this day of that the subject matter regulations of Baltimore, County and that the property be reposted.	to be required, it is ordered by the Zoning Commissioner of Baltimore County, er of this petition be set for a public hearing, advertised, as required by the zoning
THE TANK OF THE PROPERTY AND THE PARTY AND T	
	Zoning Commissioner of Baltimore County
CASE NO. U./ J A	Reviewed By Date   0/16/06
REV 10/25/01	Estimated Posting Date 10/29/06

## 5000

## Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as

The state of the s	public hearing is scheduled in the future with regard thereto.
That the Affiant(s) does/do presently reside at	AFRO BENCH OF
That the Amanday accords processing recises at	Address BALTO, MD. 21220.
	City Zip Code
Variance at the above address (indicate hards)	lowing are the facts upon which I/we base the request for an Administrative hip or practical difficulty):
to construct AN A	DATION ON SIDE OF EXISTIAL.
DESIDENCE DECAM	E:1) 15t 15ton 1100000000000000000000000000000000000
	DDMON SIDE OF EXISTING. E:) Ist is too MARROW The other place entot.
	3 HECESSACY TO EXPAND HOUSE
	PECONE OF AGING CLIENT
·	to make House ADA. Accessing
	AFORMAL LAYOUTOFDESIGN
That the Affiant(s) acknowledge(s) that if a	formal demand is filed, Affiant(s) will be required to pay a reposting and
That the Affiant(s) acknowledge(s) that if a advertising fee and may be required to provide	formal demand is filed, Affiant(s) will be required to pay a reposting and additional information.
That the Affiant(s) acknowledge(s) that if a advertising fee and may be required to provide	formal demand is filed, Affiant(s) will be required to pay a reposting and additional information.
advertising fee and may be required to provide	additional information.  Signature
That the Affiant(s) acknowledge(s) that if a advertising fee and may be required to provide signature	Signature
advertising fee and may be required to provide	additional information.  Signature
advertising fee and may be required to provide signature	Signature
signature  Name - Type or Print  STATE OF MARYLAND, COUNTY OF BALTI	Signature  Name - Type or Print  IMORE, to wit:
Signature  Name - Type or Print  STATE OF MARYLAND, COUNTY OF BALTI  I HEREBY CERTIFY, this 27 day of of Maryland, in and for the County aforesaid, p	Signature  Name - Type or Print  IMORE, to wit:
Signature  Name - Type or Print  STATE OF MARYLAND, COUNTY OF BALTI  I HEREBY CERTIFY, this 27 day of County aforesaid, p	Signature  Name - Type or Print  IMORE, to wit:  TEMBEL , 2006 , before me, a Notary Public of the State ersonally appeared
Signature  Name - Type or Print  STATE OF MARYLAND, COUNTY OF BALTI  I HEREBY CERTIFY, this 27 day of of Maryland, in and for the County aforesaid, p	Signature  Name - Type or Print  IMORE, to wit:  TEMBEL , 2006 , before me, a Notary Public of the State ersonally appeared

**Notary Public** 

My Commission ExpireSAWBENCE NOTABY PUBLIC STATE OF MARYLAND

Baltimore County My Commission Expires May 1, 2009

REV 10/25/01

# CBCA FWOD



## Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3509	PEACHE RD.
	ntly zoned R.C.5

	which is presently zoned +
annoyla) of the property attracts in Daltimore County and	Permits and Development Management. The undersigned, legal d which is described in the description and plat attached hereto and Section(s)   AO4.3, B.2.6, BCZR, +o Dermit a propose
addition with a side yard set back of	= 30 feet in lieu of the minimum required 50 fa
and to permit an existing dwelling	and a street centerline set back of 24 feet in lieu
	ning law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by a square to pay expenses of above Variance, advertising regulations and restrictions of Baltimore County adopted pure	ng, posting, etc. and further agree to and are to be bounded by the zoning
	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
The state of the s	1 MILERS
Name - Type or Print	Name Type or Philippe
Signature	Agnature .
Address Telephone No.	Name - Type or Print
City State Zip Code	e Signature 4(D·
Attorney For Petitioner:	Address Telephone No.
Name - Type or Print	City State Zip Code
Cierratura	Representative to be Contacted:
Signature	L.J. LINK JR.
Company	Name , 410.
Address Telephone No.	Address Telephone No.
City. State Zip Code	City State Zip Code
A Public Hearing having been formally demanded and/or found that the subject matter regulations of Baltimore County and that the property be reposted.	to be required, it is ordered by the Zoning Commissioner of Baltimore County, ter of this petition be set for a public hearing, advertised, as required by the zoning
The state of the s	Zoning Commissioner of Baltimore County
CASE NO 07-173-A	Reviewed By JNP Date 10/16/06
REV 10/25/04 IN THE POR FILMED	Estimated Posting Date/0/29/06



My Commission Expires May 1, 2009

## 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.

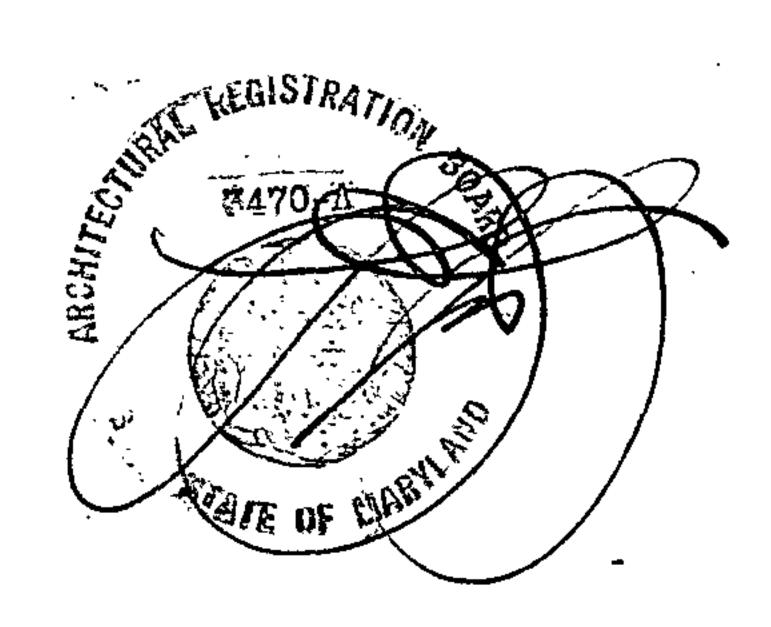
competent to testify thereto in the event that a p	sublic hearing is scheduled in the future with reg	ard thereto.
That the Affiant(s) does/do presently reside at	2509 BEACH 25.	
	Address   BACTO, MD. 21220 City State	
That based upon personal knowledge, the followariance at the above address (indicate hardship	ip or practical difficulty):	
-to constant an add	itim or site of pr	ustry
to constant an add	isot is too vairon.	()
	2). no place else to pl	ace a lot
	3) necessary to expan	Lhome
	because assis	• •
	to nobe time A	
	4) FUNCTIONAL LAYO	
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a form	ormal demand is filed, Affiant(s) will be required additional information.	ed to pay a reposting and
Signature	Signature	
JOHN TO CHERRY	ſ.	····
Name - Type or Print	Name - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIN	 MORE. to wit:	
I HEREBY CERTIFY, this 22 day of		a Notary Public of the State
of Maryland, in and for the County aforesaid, pe	rsonally appeared	as flading .
WHY CHERRY	11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	The Course To I
the Affiant(s) herein, personally known or satisfa	actorily identified to me as such Attiant(s).	
AS WITNESS my hand and Notarial Seal		
	Notary Public	THE SHITTER
	My Commission Expir NOTARY PUBLIC	STATE OF MARYI AND

REV 10/25/01

Beginn at the Southeast side of Beach Rood (which is 20th wide),
115 ff. Southwest of Sene Road which 20th wide.

Said description being recorded in pat book 8/45, Sene Pack Beach, 10th 49¢50, I orated in the 15th election destrict a the 6th Councilmatin district.

Soid (at contains 0.6 acres (1/-).



L.J.Link Jr., Inc.
Architect
Box 727 Rockland Grist Mill
Brooklandville, Md. 21022
410. 337. 9528
fac 410. 369. 6601

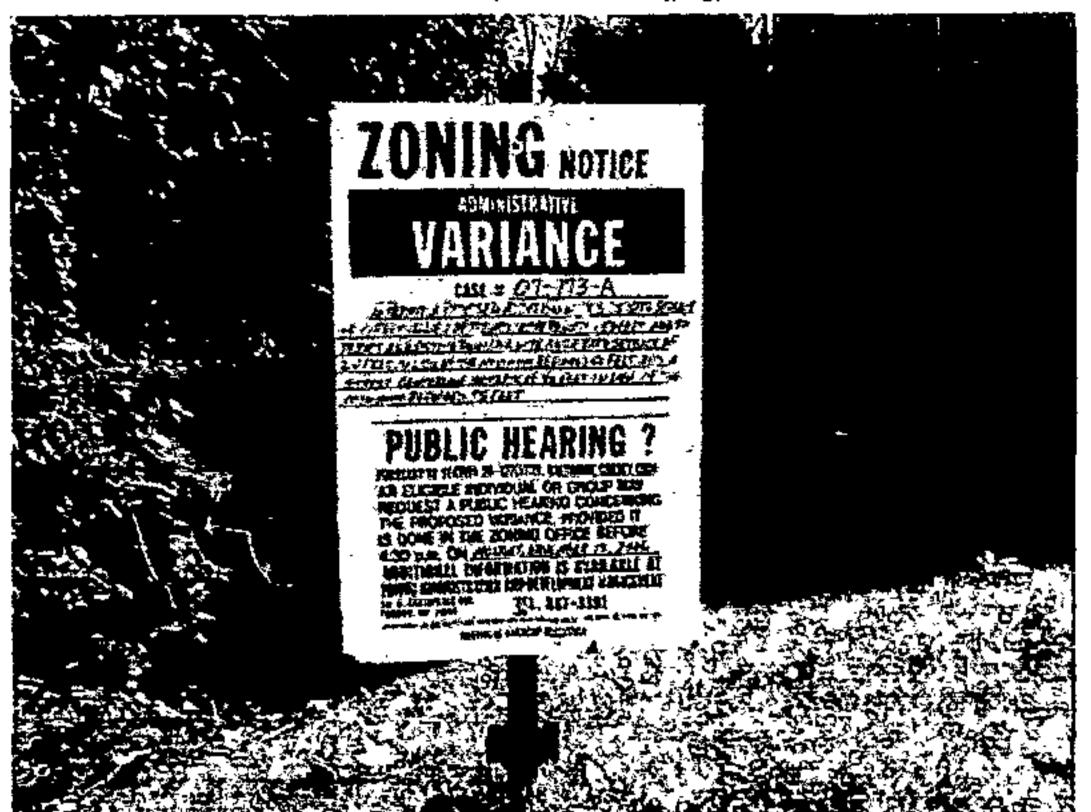
07-173-A

BALTIMORE COUNTY, MARYLAN OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT  DATE  PATE  PATE  PROM  FROM  FROM  DISTRIBUTION WHITE - CASHIER  PINX - AGENCY  PROM  DISTRIBUTION WHITE - CASHIER  PINX - AGENCY  PROM  DISTRIBUTION WHITE - CASHIER  PINX - AGENCY  PROM  PINX - AGENCY  PROM  PROM  DISTRIBUTION  PINX - AGENCY  PROM  PRO
No.2183
PAID RECEIVE TO THE THE TOTAL PAID TO THE THE TOTAL PAID TO THE TOTAL PAID TO THE TOTAL PAID TOTAL

### CERTIFICATE OF POSTING

	RE: Case No: 07-113-A
	Petitioner/Developer:
	Date Of Hearing/Closing: 11/13/06
Baltimore County Department Permits and Development Ma County Office Building, Room 111 West Chesapeake Avenue	nagement m 111
Attention:	
Ladies and Gentlemen:	
This letter is to certify under sign(s) required by law were part	the penalties of perjury that the necessary posted conspicuously on the property 3509 BEACH 2010
This sign(s) were posted on 2	5 AA-0
	(Month, Day, Year) Sincerely,  (Signature of sign Poster and Date)  Martin Ogle Sign Poster  16 Salix Court  Address  Balto. Md 21220
	(443-629 3411)

im000848 (576x432x24b jpeg)



### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

·
Case Number 07- 173 -A Address 3509 Beach Roud
Contact Person: <u>Je Hrey Perlow</u> Phone Number: 410-887-3391
Filing Date: $\frac{10/16/06}{10/16/06}$ Posting Date: $\frac{10/29/66}{10/29/66}$ Closing Date: $\frac{11/13/06}{10/16}$
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 07- 173 -A Address 3509 Beach Road
Petitioner's Name John D. Cherry Telephone 410-592-5979
Posting Date: 10/29/06 . Closing Date: 11/13/06
Nording for Sign: To Permit a proposed addition with a commensate yard setback of
30 feet in lieu of the mininum required 50 feet, and to permit an existing dwelling
with a side yard setback of 24 feet in lieu of the minimum required 50 feet and a street centerline setback of 40 feet in lieu of the minimum required 75 feet.



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

November 14, 2006

John D. Cherry 3509 Beach Road Baltimore, MD 21220

Dear Mr. Cherry:

RE: Case Number: 07-173-A, 3509 Beach Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 16, 2006.

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

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

Very truly yours,

u. Callibal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

**Enclosures** 

c: People's Counsel
L.J. Link, Jr. 2201 Old Court Road Baltimore 21208

### Inter-Office Correspondence



Timothy M. Kotroco

1:0 / 2 1 2003

FROM:	Dave Lykens,	DEPRM - Development Coordination JWL
DATE:	November 21,	, 2006
SUBJECT:	Zoning Item Address	# 07-173-A 3509 Beach Road (Cherry Property)
Zonin	g Advisory Cor	nmittee Meeting of October 23, 2006
_ <del>-</del>	•	nvironmental Protection and Resource Management has no ve-referenced zoning item.
	•	nvironmental Protection and Resource Management offers nts on the above-referenced zoning item:
	Protection of	of the property must comply with the Regulations for the Water Quality, Streams, Wetlands and Floodplains (Section ugh 33-3-120 of the Baltimore County Code).
	Development Conservation Baltimore Cou	of this property must comply with the Forest Regulations (Sections 33-6-101 through 33-6-122 of the unty Code).
<u>X</u>	Critical Area	of this property must comply with the Chesapeake Bay Regulations (Sections 33-2-101 through 33-2-1004, and s, of the Baltimore County Code).
<u>Additi</u>	onal Comments	<u>s:</u>

This lot must comply with LDA requirements and any impacts to the 100-foot Buffer will

require a Chesapeake Bay Critical Area Administrative Variance. There is no guarantee

Reviewer:

of approval.

TO:

Regina Esslinger

Date: 11/6/06

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-173-A.doc

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** October 31, 2006

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For October 30, 2006 Item No. 07-173

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The minimum right-of-way for all public roads in Baltimore County is 40-feet. Show the right-of-way for Beach Road centered on existing 20-foot paving.

The base flood elevation for this site is 10.2 feet Baltimore County Datum.

The flood protection elevation for this site is 11.2 feet.

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

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

The building engineer shall require a permit for this project.

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

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

DAK:CEN:clw

cc: File

ZAC-ITEM NO 07-173-10262006.doc

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-173- 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

RECED

**DATE:** November 2, 2006

NOV - 6 2006

DAMES CONFR



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 October 31, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 23, 2006

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: Ocross x 31, 2006

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

RE: Baltimore County
Item No. 7-173 A
3509 BERCH ROLD
-SOHN D. CHERRY PROFERRY

VACEINANCE - PROPOSED ADDITION
WITH SIDEYARD -SEX TO MED

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject proporty does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-173-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For Steven D. Foster, Chief Ungincering Access Permits

Division

SDF/MB



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

November 30, 2006

JOHN D. CHERRY 3509 BEACH ROAD BALTIMORE MD 21220

> Re: Petition for Administrative Variance Case No. 07-173-A Property: 3509 Beach Road

Dear Mr. Cherry:

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. However, the Bureau of Development Plans Review and the Department of Environmental Protection and Resource Management have issued comments which I have incorporated into the Order. I regard these comments as "standard" and so did not schedule a public hearing on these matters assuming that you would agree that each was necessary. I would like to point out one particular comment, however, which is often confusing to property owners. The Bureau of Development Plans Review requested the County's right of way on Beach Road be extended to 40 feet. This means the County's right of way would come into your front (road side) yard another 10 feet. Said another way, if the County ever decides to widen Beach Road, the County does not want to have to pay you for the additional 10 feet of right of way. Whether or not the County will ever widen the roadway, I do not know. However, I thought you should know about this matter.

If you do not agree to any of the conditions imposed, please send me a letter to that effect and I will schedule a public hearing in Towson.

Assuming that you agree to all conditions and want the attached Order to remain, I also would like to point out 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 appeals, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

John i murphy

JVM:pz Enclosure

いるというというから

L.J. Link, Jr., 2201 Old Court Road, Baltimore MD 21298

County Courts Building | 401 Bosley Avenue, Suite 405 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468 www.baltimorecountyonline.info



JAMES T. SMITH, JR. County Executive

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

November 14, 2006

John D. Cherry 3509 Beach Road Baltimore, MD 21220

Dear Mr. Cherry:

RE: Case Number: 07-173-A, 3509 Beach Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 16, 2006.

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

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

Very truly yours,

U. Callilally

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

People's Counsel C: L.J. Link, Jr. 2201 Old Court Road Baltimore 21208



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 October 31, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 23, 2006

Item Number(s): 170 through 182

173

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. Flansgan, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: October 31, 2006

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

RE: Baltimore County

Item No. 7-173 A

3509 BEACH ROAD

JOHN D. CHERRY PROPERTY

VACIANCE - PROPOSED ADDITION

WITH SIDEYARD TEXTERCO

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject proporty does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-173-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For Steven D. Foster, Chief D. Engineering Access Permits

Division

SDF/MP

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** October 31, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 30, 2006 Item No. 07-173

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The minimum right-of-way for all public roads in Baltimore County is 40-feet. Show the right-of-way for Beach Road centered on existing 20-foot paving.

The base flood elevation for this site is 10.2 feet Baltimore County Datum.

The flood protection elevation for this site is 11.2 feet.

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

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

The building engineer shall require a permit for this project.

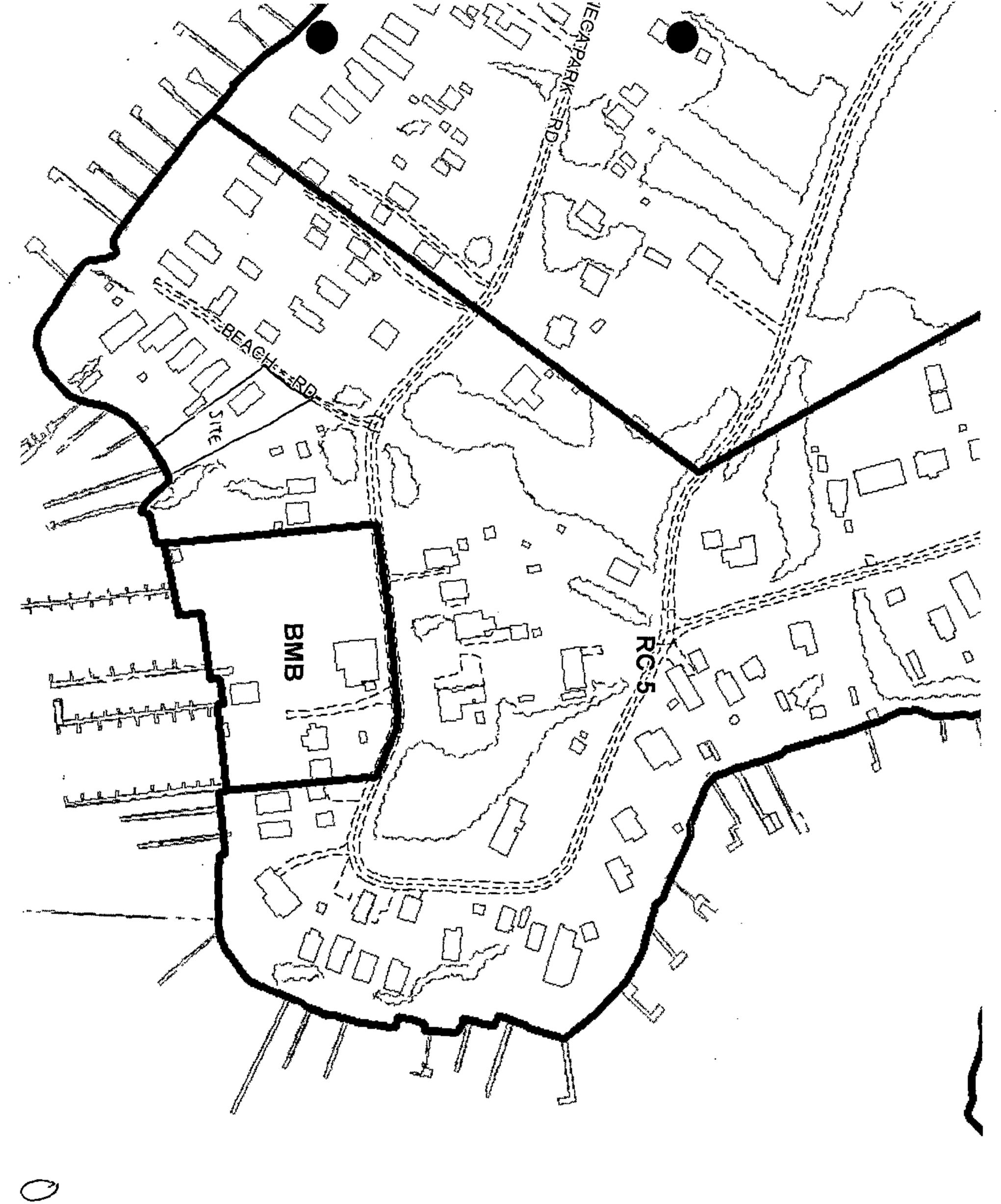
The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

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

DAK:CEN:clw

cc: File

ZAC-ITEM NO 07-173-10262006.doc



07-173-A

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BALTIMORE COUNTY

Department of Permits and Development Management Zoning Review
County Office Building

111 West Chesapeake Ávenue, Room 111 Towson, Maryfand 21204

MW 15/06 RESOLTED

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Return Service Requested

Baltimore, MD 21220 John D. Cherry 3509 Beach Road

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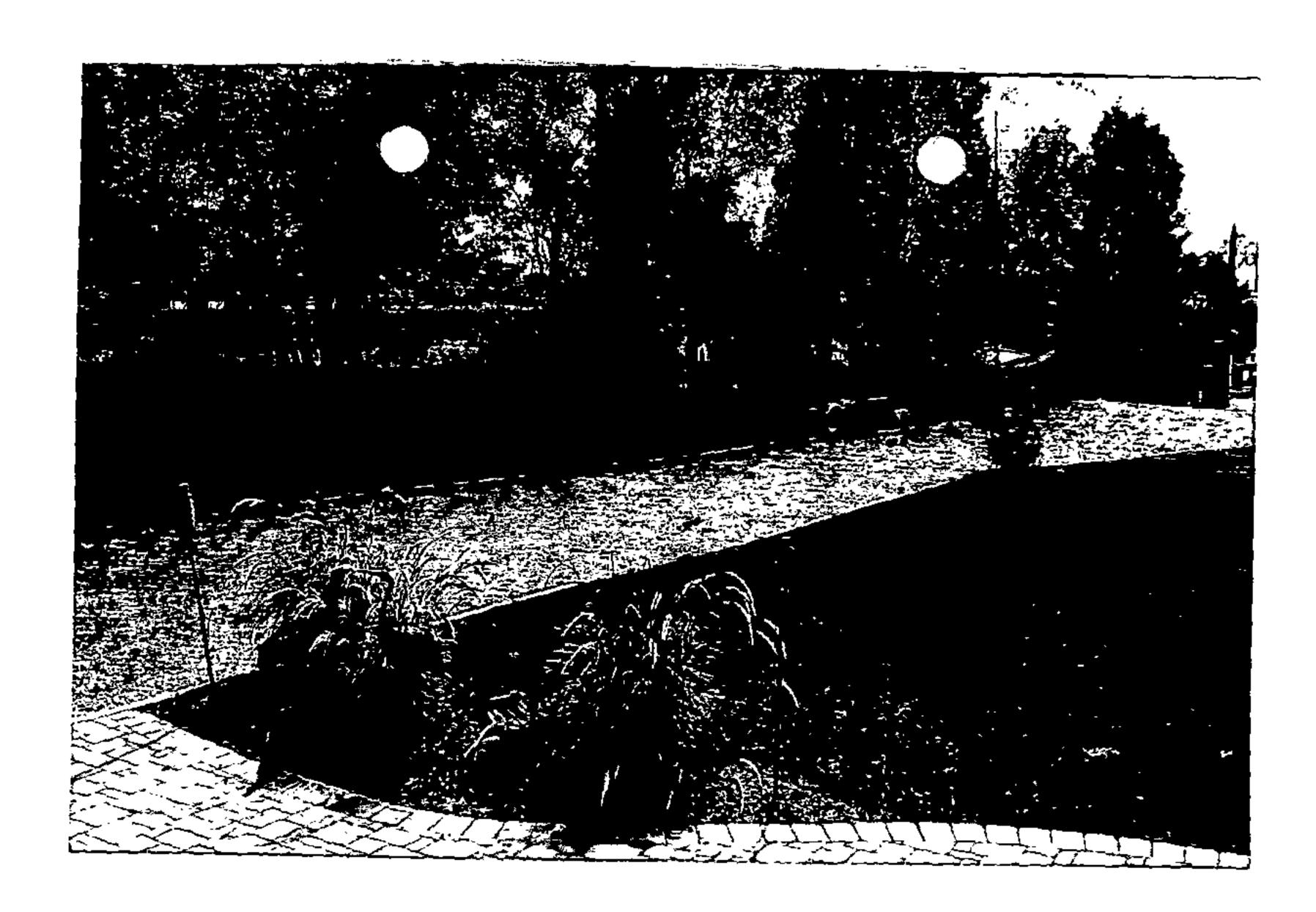
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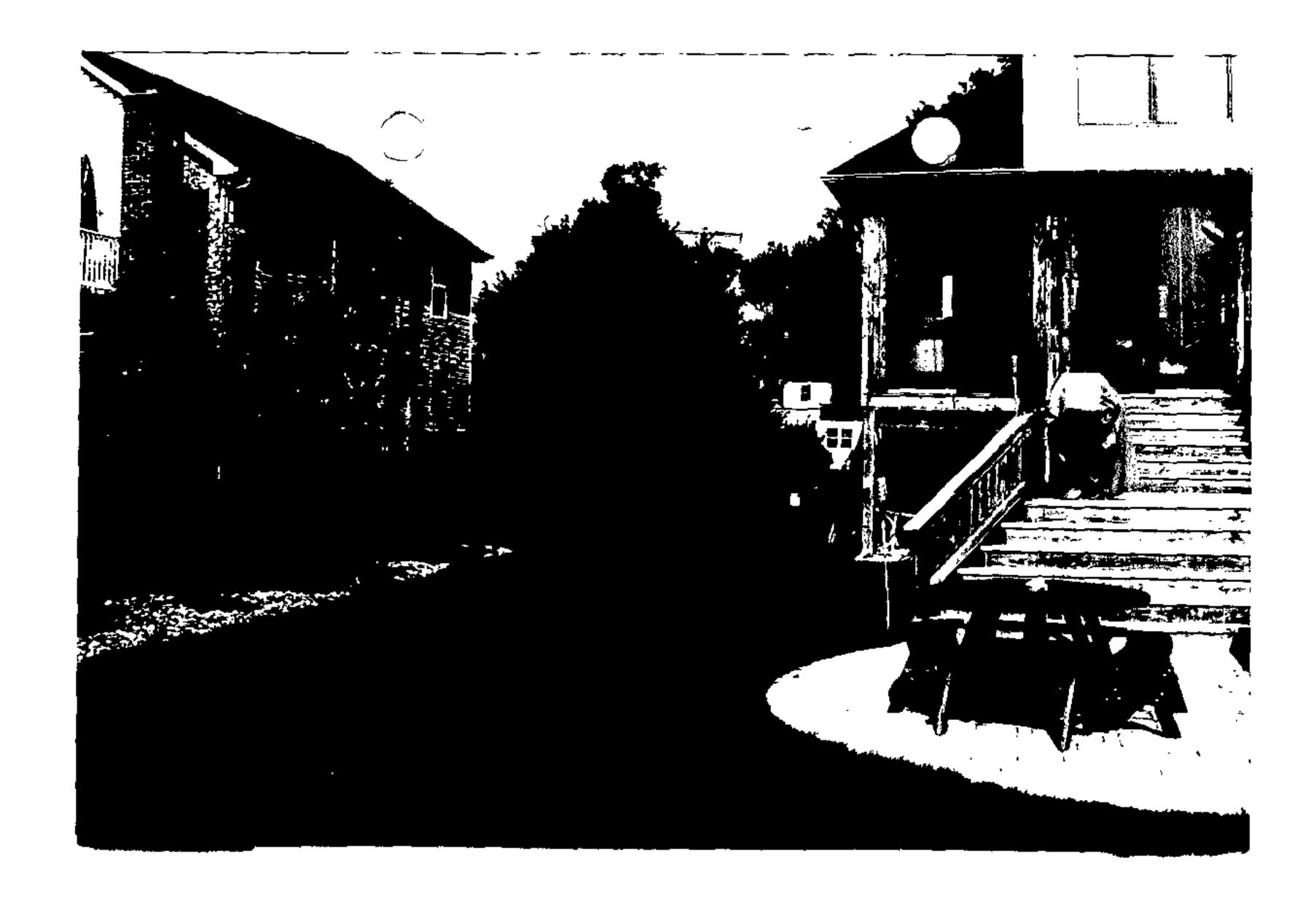










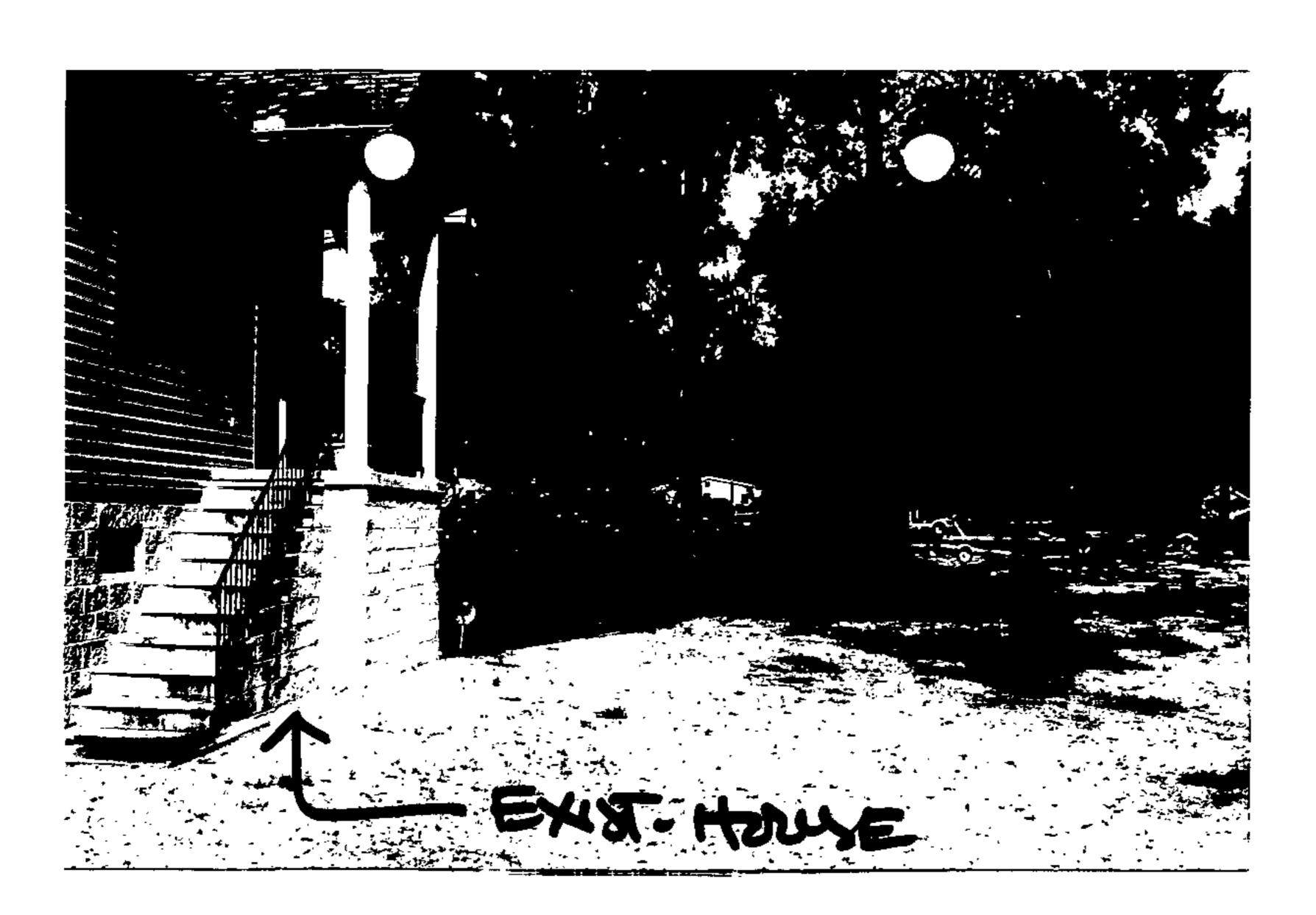


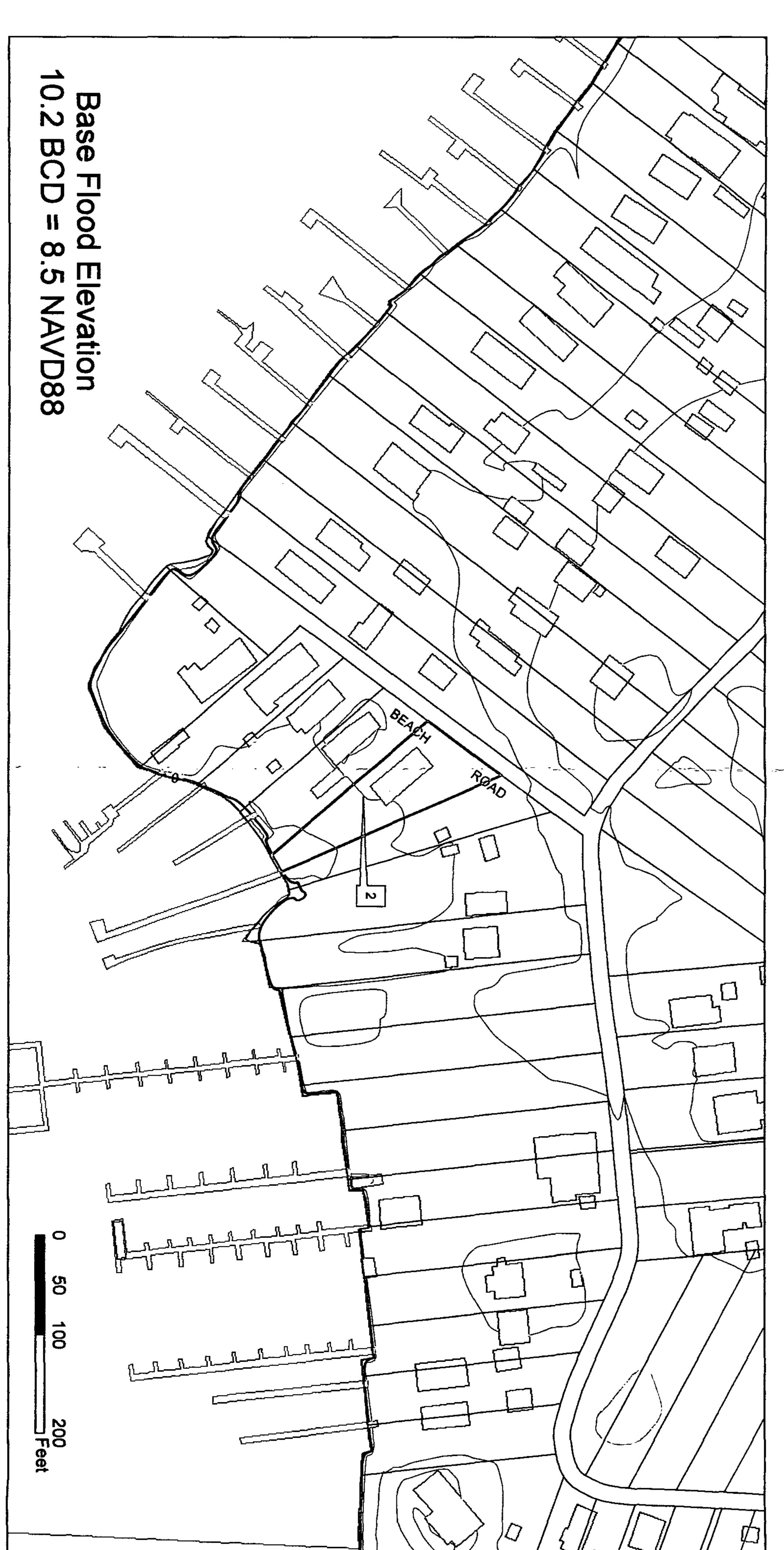


WY/V









Coordinate System: Maryland State Plane: NAD83/91 Horizontal Datum Elevations in Feet: NAVD88 Vertical Datum

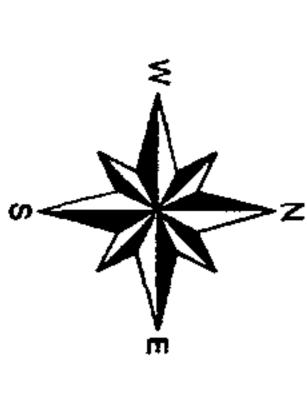
Date of Data Capture: Scale of Data Capture: Capture: March 1995 : 1"= 100"

Date of Aerial Photography: March 2005



The cadastral information on this plot was compiled from existing deed information. This information is not to be considered authoritative. The survey information was not field checked and certified by a license land surveyor. by a licensed

elevation elevation to Add 1.7 feet vertically to NAVD88 elevation to approximate BCD Floodplain elevation data from FEMA Flood Insurance Rate Map Baltimore County Daturn. 240010-0455B is approximate based on



Baltimore County, MD

Department of Public Works

GIS Services

Prepared By: Ann Briggeman Date: September 27, 2006

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