

IN RE: PETITION FOR VARIANCE

S side of Loreley Beach Road, 1180 feet
E of Loreley Beach Road North
11th Election District
5th Councilmanic District
(6041 Loreley Beach Road)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY

Kimberly Connelly, Personal Representative
For Estate of Donald E. Lumpkin

Petitioner

Michael Cooley

Contract Purchaser

*
*
* CASE NO. 07-195-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Kimberly Connelly, Personal Representative for Estate of Donald E. Lumpkin. The Petitioner is requesting variance relief for property located at 6041 Loreley Beach Road. The variance request is from Section 1A01.3.B.3 to permit side yards of 17 feet and 18.5 feet in lieu of the required 35 feet each.

The property was posted with Notice of Hearing on December 26, 2006 for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief and time and date of the public hearing. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on December 26, 2006 to notify any interested persons of the scheduled hearing date and relief requested.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar

1-11-07
PB

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 (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 December 29, 2006, which contains restrictions and the Bureau of Development Plans Review dated November 9, 2006, which contains restrictions. Copies of which are incorporated herein and made a part hereof the file.

Interested Persons

Appearing at the hearing on behalf of the variance request were Kimberly Connelly, Personal Representative for the Estate of Donald E. Lumpkin, and David Billingsley with Central Drafting and Design, Inc., who prepared the site plan. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject area of development contains 0.316 acres zoned RC 2 and is improved by the Petitioner's deceased father's waterfront home. Mr. Billingsley

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indicated that the Lumpkin family purchased the property in 1953. The property consists of all of lot 6 and ½ of lot 5 of the Mt. Arat Shores subdivision which was created in 1945 but never recorded as such. Nevertheless lots were sold and resold continuously since that time.

Mr. Billingsley explained that the property is improved by an existing two story house built in 1950 which has a wrap around porch on the north and east sides as shown on the Plat to Accompany, exhibit 1. The property was to have been purchased by the contract purchaser, Mr. Cooley, who wanted to enclose the porch. This would have resulted in side yard setbacks of 18.5 feet on the west (the existing house) and 20 feet on the east (the enclosed porch). However after extensive design efforts, Mr. Cooley needed a larger kitchen and requested the side yard setback on the east be decreased to 17 feet. Unfortunately Mr. Cooley's financing fell through and the Petitioner decided to proceed with the request anyway with the hope a new purchaser will find it appealing.

Mr. Billingsley noted that this portion of Bird River is zoned RC 2 which requires 35 foot lot line setbacks. The property is 70 feet wide so can never be used for residential purposes unless relief is given from the property line setback regulations. He noted that although the Petitioner is requesting side yard setback variances, the side yard still exceeds the informal standard for waterfront properties of 10 feet on each side to allow emergency vehicles to have access to the water.

Finally he indicated that the public sewer line is being built down Loreley Beach Road and agreed that building permits for the addition or new house not be issued until the sewer line is operational. This is to insure that the present septic system is not overwhelmed and effluent wind up in Bird River. The Petitioner admitted that the two

1-11-07
P3

lots which comprise this property have merged with building the home across the common boundary. Mr. Billingsley indicated he agreed that DEPRM and Plans Review's comments apply to this case.

Findings of Fact and Conclusions of Law

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The existing house was constructed before the RC 2 zoning was imposed and the later imposed setback requirements of RC 2 disproportionately impact this property as compared to others in the RC 2 district. Therefore 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. The property cannot be used for residential purposes with only 70 feet of width and setback requirements of 35 feet.

Density is not an issue as there is an existing house on the 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 expanded home will be in keeping with the neighborhood.

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

RECEIVED FOR FILE

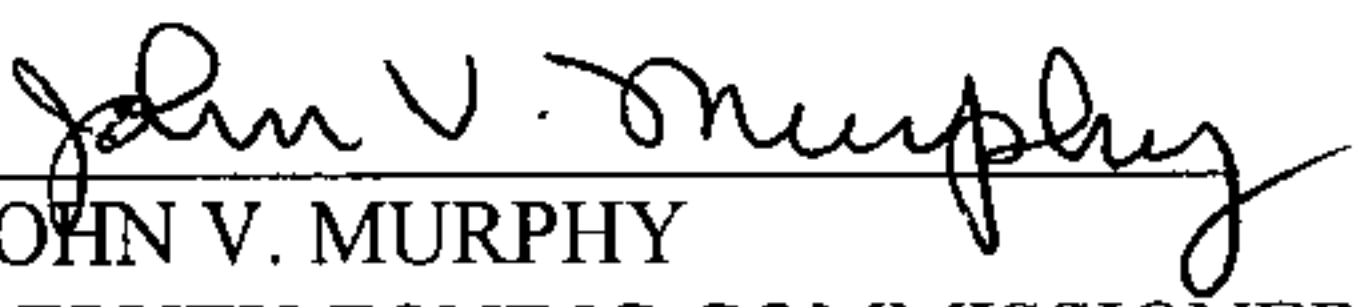
1-11-07

P3

THEREFORE, IT IS ORDERED, this 11th day of January, 2007 by this Deputy Zoning Commissioner, that the Petitioner's variance request from Section 1A01.3.B.3 to permit side yards of 17 feet and 18.5 feet in lieu of the required 35 feet each is hereby GRANTED subject to the following:

1. The Petitioner may not be granted a building permit for alteration of the existing home or building of a replacement home until the public sewer line in Loreley Beach Road is operational and the Petitioner ready to hook up.
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. Development of this property must comply with the Buffer Management Area provisions, including mitigation. It must also comply with the Limited Development Area (LDA) regulations for impervious surface.
4. The base flood elevation for this site is 10.2 feet Baltimore County Datum.
5. The flood protection elevation for this site is 11.2 feet.
6. 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.
7. 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.
8. The building engineer shall require a permit for this project.
9. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
10. Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the County.

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

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1-11-07
CJ



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 10, 2007

KIMBERLY CONNELLY, PERSONAL REPRESENTATIVE
FOR ESTATE OF DONALD E. LUMPKIN
618 STEVENSON LANE
TOWSON MD 21286

Re: Petition for Variance
Case No. 07-195-A
Property: 6041 Loreley Beach Road

Dear Ms. Connelly:

Enclosed please find the decision rendered in the above-captioned case. The petition for 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: Michael Cooley, 5 Hidden Cove Court, Baltimore MD 21220
David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood MD
21040

RECEIVED FOR FILING
1-11-07
P3



COPA Flood

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 604 J LORELEY BEACH ROAD
which is presently zoned RC 2

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)

SEE ATTACHED

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 PRESENTED AT HEARING

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:

MICHAEL COOLEY

Name - Type or Print

Signature

5 HIDDEN COVE CT. (410) 687-6498

Address

BALTO

City

MD.

State

Telephone No.

21220

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

**Legal Owner(s): KIMBERLEY CONNELLY
PERSONAL REPRESENTATIVE FOR THE
ESTATE OF DONALD E. LUMPKIN**

Name - Type or Print

Signature

Name - Type or Print

Signature

618 STEVENSON LANE (410) 337-7087

Address

TOWSON

City

MD.

State

21286

Zip Code

Representative to be Contacted:

**DAVID BILLINGSLEY
CENTRAL DRAFTING & DESIGN, INC.**

Name

601 CHARYWOOD CT (410) 679-8719

Address

EDGEWOOD

City

MD.

State

21040

Zip Code

OFFICE USE ONLY

Case No. **07-195-A**

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date **10-27-06**

SFV: 0260 9

NOT RECORDED FOR FILING

Jan

11-01

PA

SECTION 1A01.3.B.3 TO PERMIT SIDE YARDS OF 17 FEET AND 18.5 FEET IN
LIEU OF THE REQUIRED 35 FEET.

ZONING DESCRIPTION

6041 LORELEY BEACH ROAD

Beginning at a point on the south side of Loreley Beach Road (30 feet wide) distant 1180 feet easterly from it's intersection with the center of Loreley Beach Road North, thence (1) S $41^{\circ}25'$ E 75 feet, thence (2) S $32^{\circ}05'$ W 195 feet, thence (3) N $41^{\circ}25'$ W 75 feet, thence (4) N $32^{\circ}05'$ E 195 feet to the place of beginning. Containing 13,750 square feet or 0.316 acre of land, more or less

Being known as 6041 Loreley Beach Road. Also being all of lot 6 and the westernmost $\frac{1}{2}$ of lot 5 as shown on the unrecorded plat of Mount Ararat Shores. Located in the 11TH Election District, 5TH Councilmanic District of Baltimore County, Maryland

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT		PAID RECEIPT BUSINESS MAIL FILE 10/30/2006 10/30/2006 10-27-06 2 REG 0002 MAIL 3EVA JEL >>RECEIPT # 497910 10/30/2006 UFLM Dept: 5 528 ZONING VERIFICATION CR NO. 021030 Receipt for \$100.00 EX \$5.00+ CO Baltimore County, Maryland	
DATE <u>10-27-06</u>		ACCOUNT <u>201-006-0150</u>	
RECEIVED FROM: <u>K. Connolly</u>		AMOUNT \$ <u>65.00</u>	
FOR: <u>UAX</u>		<u>6041</u>	
<u>Corey Bea...</u>			
DISTRIBUTION WHITE - CASHIER		PINK - AGENCY YELLOW - CUSTOMER	

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: # 07-195-A

6041 Loreley Beach Road
S/side of Loreley Beach Road, 1180 feet east of Loreley Beach Road North

11th Election District - 5th Councilmanic District
Legal Owner(s): Kimberly Connelly, Personal Representative for Estate of Donald E. Lumpkin

Contract Purchaser: Michael Cooley

Variance: To permit side yards of 17 feet and 18.5 feet in lieu of the required 35 feet each.

Hearing: Wednesday, January 3, 2007 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 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.

JT 12/763 Dec. 26 119953

CERTIFICATE OF PUBLICATION

12/28/2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/26/2006.

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

S. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No: 07-195-A

Petitioner/Developer: MICHAEL
COOLEY (KIMBERLY CONNELLY)

Date Of Hearing/Closing: 1/10/07

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

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
at 6041 LORELEY BEACH RD.

This sign(s) were posted on December 26, 2006

(Month, Day, Year)

Sincerely,

Martin Ogle 12/26/06
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

im000956 (576x432x24b jpeg)

ZONING NOTICE
CASE # 0-195-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

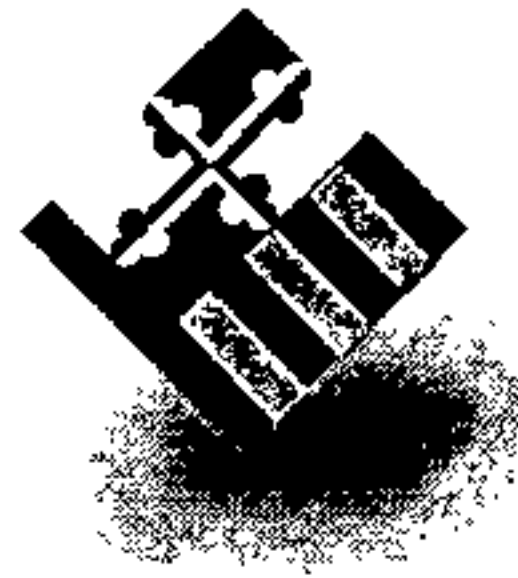
ROOM 106 COUNTY OFFICE BUILDING
PLACE: HI WEST CHESAPEAKE AVE TOWSON, MD
DATE AND TIME: TUESDAY, JANUARY 9, 2007
AT 9:00 AM
REQUEST: VALUABLE 15 FEET SIDE YARDS OF HI
WEST CHESAPEAKE AVE. 15 FEET PLAZA AT THE CORNER
55 FEET EACH

REQUIREMENTS MAY BE CHANGED BY OTHER ORDINANCES AND ORDINANCES NECESSARY
TO OBTAIN A ZONING CALL 410-331-1200

DO NOT REMOVE THIS SIGN AND KEEP IT WITH YOU AT ALL TIMES, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

Martin G. 12/26/06



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

November 13, 2006
Director
Department of Permits and
Development Management

NEW 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: 07-195-A

6041 Loreley Beach Road

S/side of Loreley Beach Road, 1180 feet east of Loreley Beach Road North

11th Election District – 5th Councilmanic District

Legal Owners: Kimberly Connelly, Personal Representative for Estate of Donald E. Lumpkin

Contract Purchaser: Michael Cooley

Variance to permit side yards of 17 feet and 18.5 feet in lieu of the required 35 feet each.

Hearing: Tuesday, January 10, 2007 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Kimberley Connelly, 618 Stevenson Lane, Towson 21286

Michael Cooley, 5 Hidden Cove Court, Baltimore 21220

David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 26, 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, December 26, 2006 Issue - Jeffersonian

Please forward billing to:
Michael Cooley
5 Hidden Cove Court
Baltimore, MD 21220

410-687-6498

CORRECTED 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: 07-195-A

6041 Loreley Beach Road

S/side of Loreley Beach Road, 1180 feet east of Loreley Beach Road North

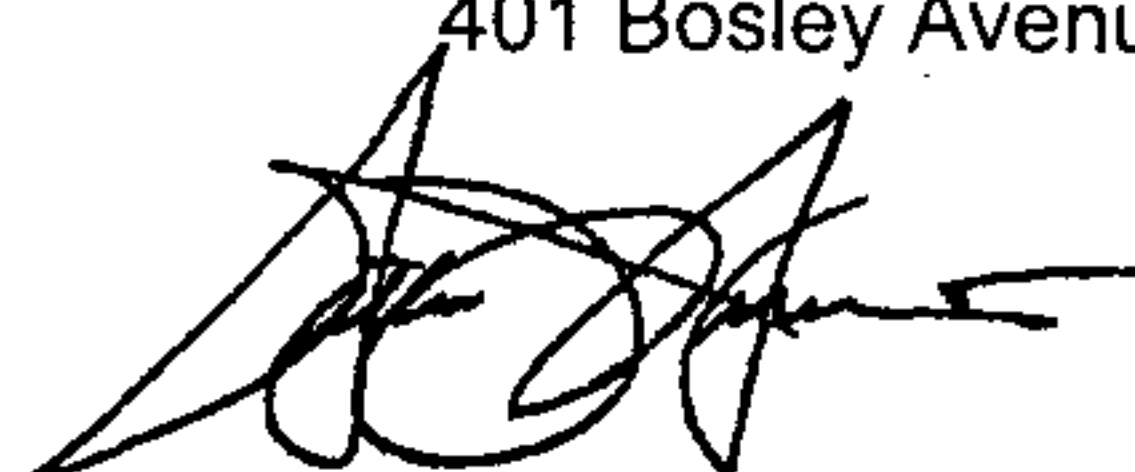
11th Election District – 5th Councilmanic District

Legal Owners: Kimberly Connelly, Personal Representative for Estate of Donald E. Lumpkin

Contract Purchaser: Michael Cooley

Variance to permit side yards of 17 feet and 18.5 feet in lieu of the required 35 feet each.

Hearing: Wednesday, January 3, 2007 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.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
November 29, 2006 *Land Management*

Kimberly Connelly
618 Stevenson Lane
Towson, MD 21286

Dear Mr. Connelly:

RE: Case Number: 07-195-A, 6041 Loreley Beach Road

The above matter, previously scheduled for January 3, 2007, has been postponed at the request of the Zoning Commissioners Office. The hearing has been rescheduled and the notice reflecting this change is attached.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Michael Cooley
David Billingsley

**Department of Permits and
Development Management**



Baltimore County

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Tel: 410-887-3353 • Fax: 410-887-5708

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

November 16, 2006

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 07-195-A

6041 Loreley Beach Road

S/side of Loreley Beach Road, 1180 feet east of Loreley Beach Road North

11th Election District – 5th Councilmanic District

Legal Owners: Kimberly Connelly, Personal Representative for Estate of Donald E. Lumpkin

Contract Purchaser: Michael Cooley

Variance to permit side yards of 17 feet and 18.5 feet in lieu of the required 35 feet each.

Hearing: Wednesday, January 3, 2007 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Kimberley Connelly, 618 Stevenson Lane, Towson 21286
Michael Cooley, 5 Hidden Cove Court, Baltimore 21220
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 19, 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.

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 19, 2006 Issue - Jeffersonian

Please forward billing to:
Michael Cooley
5 Hidden Cove Court
Baltimore, MD 21220

410-687-6498

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: 07-195-A

6041 Loreley Beach Road

S/side of Loreley Beach Road, 1180 feet east of Loreley Beach Road North

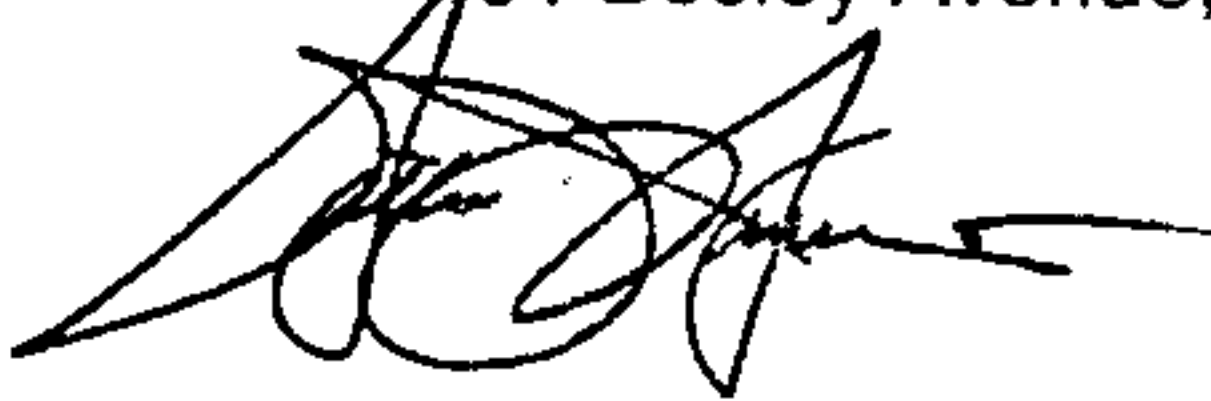
11th Election District – 5th Councilmanic District

Legal Owners: Kimberly Connelly, Personal Representative for Estate of Donald E. Lumpkin

Contract Purchaser: Michael Cooley

Variance to permit side yards of 17 feet and 18.5 feet in lieu of the required 35 feet each.

Hearing: Wednesday, January 3, 2007 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.

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/neighbors 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.

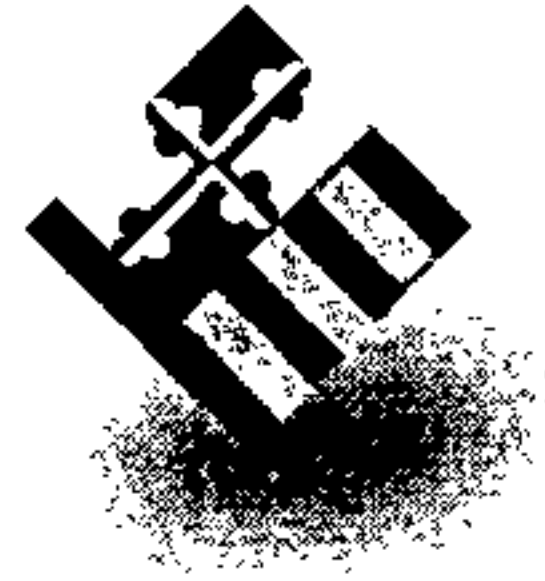
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 195
Petitioner: MICHAEL COOLEY
Address or Location: 6041 LORELEY BEACH ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: MICHAEL COOLEY
Address: 5 HIDDEN COVE CT
BALTO. MD 21220
Telephone Number: (410) 687-6498



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

January 3, 2007

Michael Cooley
5 Hidden Cove Court
Baltimore, MD 21220

Dear Mr. Cooley:

RE: Case Number: 07-195-A, 6041 Loreley 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 27, 2006.

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Kimberley Connelly 618 Stevenson Lane Towson 21286
David Billingsley Central Drafting & Design, Inc. 601 Charwood Ct Edgewood 21040

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

November 9, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 13, 2006

Item Number(s): 193 through 201

195

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

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



Printed on Recycled Paper



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: **NOVEMBER 8, 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. 7-195-A
6041 LORELEY BEACH ROAD
ESTATE OF DONALD E. LUMPKIN

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 property 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. 7-195-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
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 22, 2006

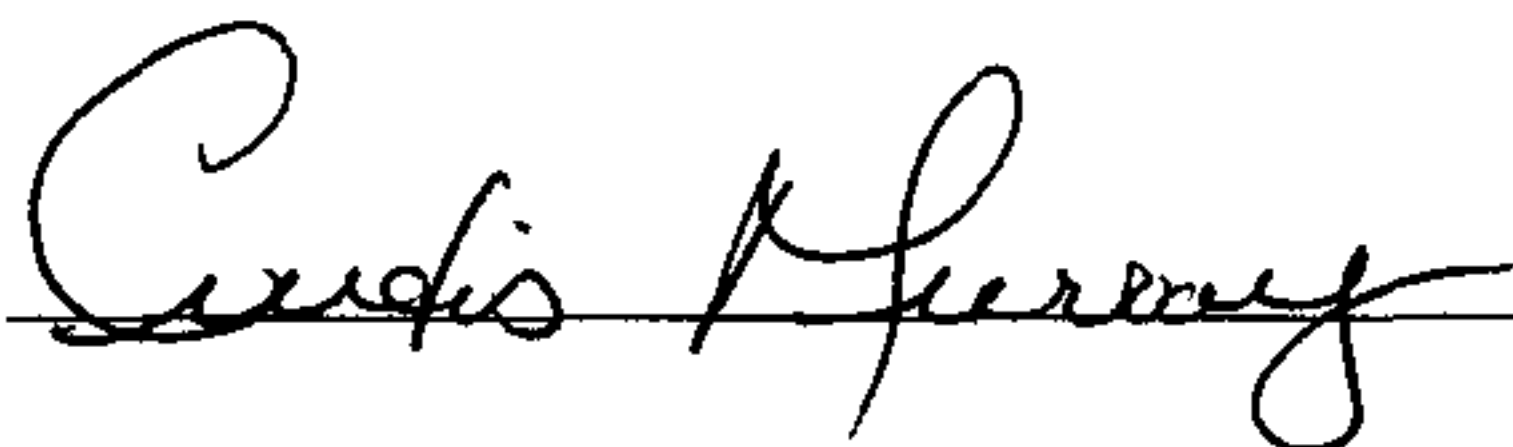
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-195- Variance**

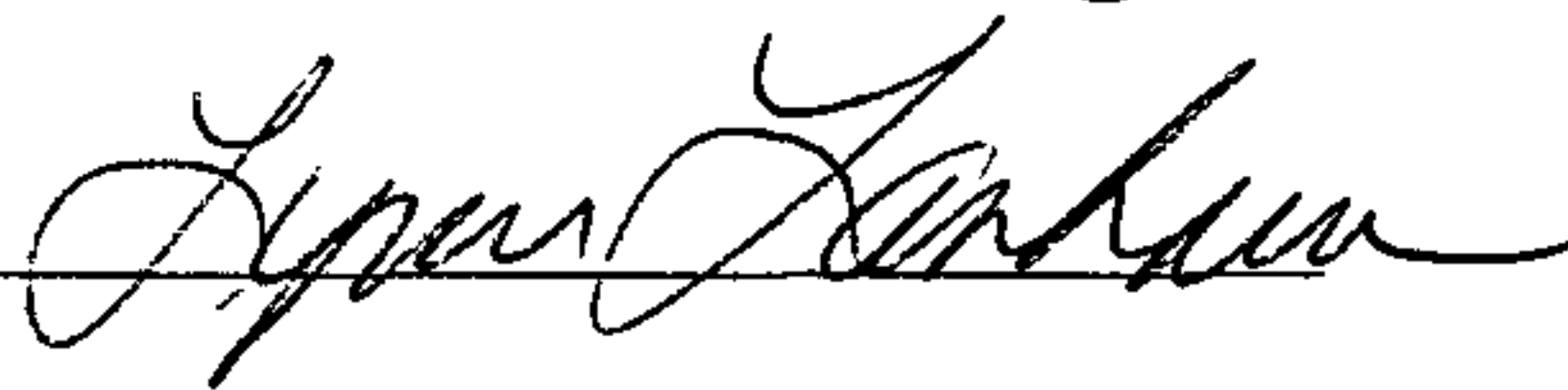
The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request.

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

Prepared By:



Division Chief:



CM/LL

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



DEC 2 2006

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JML

DATE: December 29, 2006

SUBJECT: Zoning Item # 07-195-A
Address 6041 Loreley Beach Road
(Lumpkin Property - K. Connelly rep.)

Zoning Advisory Committee Meeting of November 6, 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:

Development of this property must comply with the Buffer Management Area provisions, including mitigation. It must also comply with the Limited Development Area (LDA) regulations for impervious surface.

Reviewer: Regina Esslinger

Date: December 5, 2006

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 9, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For November 13, 2006
Item No. 07-195

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

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

The flood protection elevation for this site is 11.2 feet.

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

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

The building engineer shall require a permit for this project.

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

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

DAK:CEN:cab

cc: File

ZAC-ITEM NO 07-195-11132006.doc

RE: PETITION FOR VARIANCE * BEFORE THE
6041 Loreley Beach Road; S/S Loreley Beach *
Road, 1,180' E Loreley Beach Road North * ZONING COMMISSIONER
11th Election & 5th Councilmanic Districts *
Legal Owner(s): Kimberley Connelly, PR * FOR
for the Estate of Donald E. Lumpkin *
Contract Purchaser(s): Michael Cooley * BALTIMORE COUNTY
Petitioner(s) *
07-195-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of November, 2006, a copy of the foregoing Entry of Appearance was mailed to, David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED

NOV 13 2006

Per.....

CASE NAME 604 LORELEY BEACH RD
CASE NUMBER 07-195-A
DATE 1/10/07

PETITIONER'S SIGN-IN SHEET

[illegible]



