IN RE: PETITION FOR SPECIAL HEARING

E side of Cold Spring Road, 640 feet S of

C/l of Chesapeake Avenue

15th Election District

6th Councilmanic District

(809 Cold Spring Road)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Harlan K. Zinn
Petitioner

CASE NO. 07-236-SPH

ORDER ON MOTION FOR RECONSIDERATION

*

This matter comes before this Deputy Zoning Commissioner as a Motion for Reconsideration by Dennis A. Kennedy, Supervisor, with the Bureau of Development Plans Review.

Original Case

The Petitioner originally filed a Petition for Special Hearing relief requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R) to permit an 8 x 15 foot storage shed, accessory structure on property on which no primary structure currently exists, to supplement use of property with associated pier. The shed would contain kayaks, boating equipment and gardening equipment.

Motion for Reconsideration

On February 2, 2007, Mr. Kennedy submitted revised comments from the Bureau of Development Plans Review.

Finds of Fact and Conclusions of Law

The Bureau of Development Plans Review submitted revised comments which were received after the Order was issued on February 9, 2007. The revised comments reflect that conditions 8 and 9 as listed in the Order should be deleted. Conditions 8 and 9 pertain to a

 dwelling unit, not a shed. The structure is a storage shed to be used as an accessory structure on property on which no primary structure currently exists. Therefore, conditions 8 and 9 are not appropriate.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of February, 2007 that the Motion for Reconsideration filed in the above-captioned matter is granted. Conditions 8 and 9 of the Order dated February 9, 2007 are hereby removed and conditions 10, 11 and 12 renumbered as 8, 9, and 10.

IT IS FURTHER ORDERED that all of the terms and conditions of the Order issued on February 9, 2007 shall remain in full force and effect.

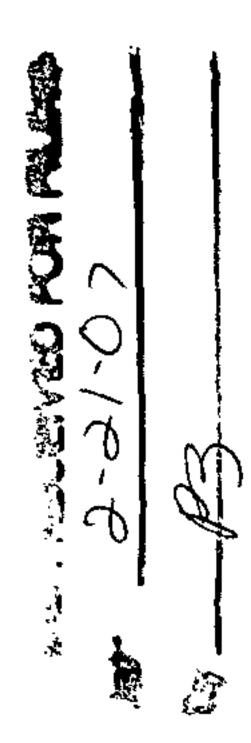
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN W. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz



IN RE: PETITION FOR SPECIAL HEARING

E side of Cold Spring Road, 640 feet S of C/l of Chesapeake Avenue

15th Election District

6th Councilmanic District

(809 Cold Spring Road)

Harlan K. Zinn
Petitioner

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 07-236-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

*

*

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at 809 Cold Spring Road. The Petition was filed by Harlan K. Zinn, legal property owner. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an 8 x 15 foot storage shed, accessory structure on property on which no primary structure currently exists, to supplement use of property with associated pier. The shed would contain kayaks, boating equipment and gardening equipment.

The property was posted with Notice of Hearing on January 13, 2007, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on January 16, 2007, to notify any interested persons of the scheduled hearing date.

Applicable Law

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

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

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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 January 22, 2007 which contains restrictions, and the Bureau of Development Plans Review dated November 30, 2006 which contains restrictions, and copies of which are incorporated herein and made a part hereof the file.

However upon review of the comments by the Bureau of Development Plans Review, it appears the comment was directed at new construction of a dwelling and not a shed. The Bureau's requirements related to sheds are incorporated into this Order.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing was Harlan K. Zinn, Petitioner. 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 waterfront property contains 0.169 acres zoned DR 3.5 and is improved by a pier and houseboat. This property had been the subject of several zoning requests. In Case No. 03-500-A the Zoning Commissioner denied the owner's request for setback variances to allow construction of a dwelling on the property. In Case No. 04-522-A the Deputy Zoning Commissioner and the Board of Appeals denied the owner's request for variances to allow construction of a dwelling on the property.

The Petitioner would now like to construct a shed on the property to store kayaks, boating equipment and gardening equipment. The proposed shed would be 8 x14 feet or 12 x10 feet configured as shown on exhibit 15 and located approximately in the area shown on Petitioner's

exhibit 20. In support of the request, Mr. Zinn presented 18 additional exhibits which will be highlighted as follows. He indicated that he has improved the property substantially paving and relocating the turn around, landscaping the property and improving the existing pier as shown in exhibits 11, 12 and 13. Tied to the end of the pier is a houseboat shown on exhibit 13. He indicated that in addition the property is now served by public water, cable and most recently public sewer which he indicated were all to serve the occupants of the houseboat.

He noted that the property has had prior sheds in the 1980's and 1990 as shown in exhibit 17 and many of the neighbors have similar sheds as shown on exhibits 18 and 19. He opined that the shed on this property will not adversely affect the community and that strict compliance with the regulations would present a hardship.

Upon questioning whether the water and sewer would be connected to the shed, he indicated that the shed is strictly for storage, and will have no water, sewer, toilet, kitchen or bath.

Findings of Fact and Conclusions of Law

As I mentioned at the hearing, the most obvious concern regarding this request is that the shed will quickly become the dwelling which has been denied by the County in the last three zoning cases. Mr. Zinn assures me that this will not happen and the public water and sewer are to serve the houseboat only. Having been reassured by Mr. Zinn, I now worry that a future owner may mistakenly turn this storage shed into a dwelling with kitchen, bath, sleeping facilities and over time simply expand the shed/dwelling to accomplish over time that which the County prohibited.

Considering the testimony and evidence presented I find that the request to permit a storage shed, accessory structure, on property on which no primary structure currently exists,

will not adversely affect the community, and is within the spirit and intent of the regulations.

Therefore I will grant the request but will require the Petitioner to record this Order in the Land

Records of the County prior to permit to assure that future owners of the property do not

mistakenly convert the shed to a dwelling.

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 Petitioner, I find that the Petitioners' request for special hearing should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this ______ day of February, 2007, that the Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit storage shed as an accessory structure on property on which no primary structure currently exists, is hereby GRANTED subject to the following conditions:

- 1. After recording this Order in the Land Records as in 3 below, the Petitioners may apply for their permits 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 shed shall not exceed 120 square feet in footprint area.
- 3. The Petitioner shall employ a qualified attorney to record a copy of this Order in the Land Records of Baltimore County prior to permit; and
- 4. The Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 5. The accessory structure shall not be used for commercial purposes.
- 6. 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).
- 7. This property is within the Limited Development Area (LDA) and Buffer Management Area (BMA) of the CBCA. Any development on this property must comply with LDA and BMA regulations.
- 8. In conformance with *Federal Flood Insurance* Requirements, the first floor must be at least 1 foot above the flood plain elevation in all construction.

- 9. The property is located adjacent to tidewater. The Petitioner 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.
- 10. The building engineer shall require a permit for this project.
- 11. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
- 12. Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the County.

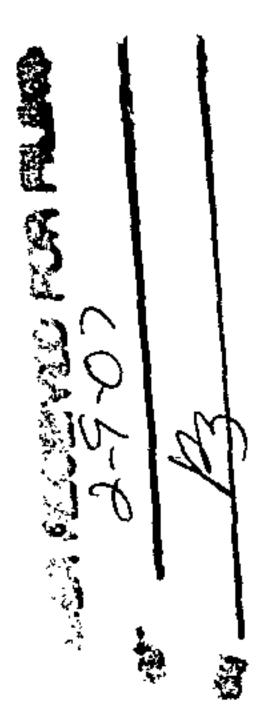
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHNW. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz



CBCA FLOOD à



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 809 Coro Strucks

which is presently zoned $\boxed{200}$

use of pro	perty wit	4 associat	ed pier. Shed would cont	lement Sain
I, or we, agree to pay exp	enses of above Spe	ecial Hearing, advertis	Gardening Lguipment. zoning regulations. ing, posting, etc. and further agree to and are to be boursuant to the zoning law for Baltimore County.	inded by the
			I/We do solemnly declare and affirm, under the pen perjury, that I/we are the legal owner(s) of the prope is the subject of this Petition.	
Contract Purchaser/Lessee:			Legal Owner(s):	
			Harlan K. Zinn	
Name - Type or Print		<u></u>	Name - Type or Print	
Signature			Signature	<u>-</u>
Address	<u></u>	Telephone No.	Name - Type or Print	
City	State	Zip Code	Signature 410	48628
Attorney For Petitio	ner:		809 Coldspring Rd. 0.410	.580.29
	•		▲	elephone No.
Name - Type or Print			Beltimore, Mb 2 City State	22 6 Zip Code
Signature		·	Representative to be Contacted:	
Signature			Harlan Zinn	
Company		·	Name	1
Address		Telephone No.	10628 Park Heights Address	lephone No.
City			OWINGS MILLS 211	
City	State	Zip Code	City	∕Zip Code
•			OFFICE USE ONLY	
		•	ESTIMATED LENGTH OF HEARING	··
Case No. 07	-236-5¢	> A	UNAVAILABLE FOR HEARING	
	-236-ST	PA PROVINCE ROV	language and the second	- <i>O</i> 6.

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal

made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore

, owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and

J. S. DALLAS, IRC.

SURVEYING & ENGINEERING

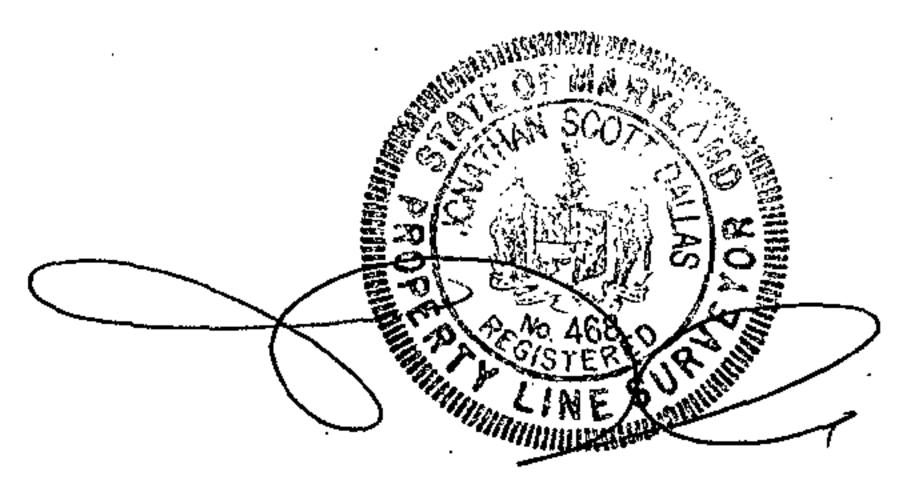
13523 LONG GREEN PIKE P.O. BOX 26 BALDWIN, MD 21013 (410) 817-4600 FAX (410) 817-4602

PROPERTY DESCRIPTION #809 COLD SPRING ROAD

BEGINNING at a point on or near the existing edge of paving of the traveled portion of Cold Spring Road at the distance of 640 feet, more of less, in a southerly direction from the extension of the centerline of Chesapeake Avenue, 40 feet wide said point being also at the extension of the division line between Lots No. 200 and 304 as shown on the Plat entitled "Plan of Long Beach Estates" as recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 4 folio 131 thence running with and binding on the extension of said division line and a part of said division line, in all, with all bearings and distances herein according to a Boundary Survey dated December 5, 2001 by Siterite Surveying, Inc. (1) South 64 degrees 09 minutes East 84.78 feet more or less the waters of the Galloway Creek, thence leaving said division line and running with and binding on the outline of said Creek the three following courses and distances: (2) South 42 degrees 10 minutes East 36.26 feet (3) South 14 degrees 31 minutes East 27.91 feet and (4) South 24 degrees 18 minutes East 24.59 feet to intersect the northernmost outline of Lot No. 199 as shown on said Plat thence running with and binding on said northernmost outline of Lot No. 199 (5) South 88 degrees 51 minutes West 86.28 feet to intersect a point on or near said existing edge of paving thence running with and binding on or near said existing edge of paving the three following courses and distances: (6) North 03 degrees 30 minutes West 14.26 feet, (7) Northwesterly by a curve to the left with a radius of 300 feet for an arc length of 33.92 feet (the chord of said arc being North 16 degrees 21 minutes West 33.90 feet and (8) Northwesterly by a curve to the right with a radius of 300 feet for an arc length of 71.60 feet (the chord of said arc being North 17 degrees 10 minutes West 71.43 feet) to the place of beginning.

CONTAINING 7345 square feet or 0.169 acres of land, more or less.

BEING all of those two parcels of Land which by deed dated January 14, 2003 and recorded among the Land Records of Baltimore County in Liber 17471 folio 328 etc. was conveyed by Ann June Schuman fka Ann June Kratzer and Janice Ann Oberst to Janice Ann Oberst.



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: # 07-236-SPH

809 Cold Spring Road

E/side, of Cold Spring Road, 640 feet south of centerline of Chesapeake Avenue,
15th. Election District - 6th Councilmanic District.
Legal Owner(s):Harlan K. Zinn

Special Hearing: To permit an 8 X 15 foot storage shed, accessory structure on property on which no primary structure currently exists, to supplement use of property with associated pier. Shed would contain kayaks, boating equipment and gardening equipment.

Hearing: Thursday, February 1, 2007 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesa-peake 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 1/705 Jan. 16

(<u>t</u>)

nat the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., \Rightarrow THIS IS TO CERTIFY each of once in on

an The Jeffersonia

- Catonsville Times **Arbutus Times**
 - Towson Times
- **l**imes Owings Mills 1
- /Reporter ☐ NE Booster,

North County News

Nullus

LEGAL ADVERTISING

MISCELLANEOUS RECEIPT
ACCOUNT ROCE CCC CCC CCC NATIONAL STATES IN ST
The State of the Contract of t

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CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS DATE: 1/15/07 Case Number: 07-236-SPH Petitioner/Developer: HARLIN ZINN Date of Hearing (Closing): 02/01/07 This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 809 COLD SPRING ROAD The sign(s) were posted on: -- 01/13/07-LUNING NOTICE (Signature of Sign Poster)

CASE # 07-236-SPH

DATE AND TIME:

A PUBLIC HEARING WILL BE HELD BY

THE ZONING COMMISSIONER

IN TOWSON, MD

PLACE: 111 W. CHESAPEAKE AVE. TOWSON 21204

OG NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

ROOM 106 COUNTY OFFICE BUILDING

COLD SPRING ROAD

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

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

410-666-5366 (Telephone Number of Sign Poster)

PETITION FOR VARIANCE RE:

809 Cold Spring Road; E/side of Cold Spring

Road, 640' +/- S of Chesapeake Avenue 15th Election & 6th Councilmanic Districts

Legal Owner(s): Harlan Zinn

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

07-236-SPH

ENTRY OF APPEARANCE

*

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of November, 2006, a copy of the foregoing Entry of Appearance was mailed to, Harlan Zinn, 809 Cold Spring Road, Baltimore, MD 21220 Petitioner(s).

RECEIVED

MOV 2 8 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



JAMES T. SMITH, JR. County Executive

T 1960 Text 196 K P2R 2006 Director
Department of Permits and
Development Management

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809 Cold Spring Road

E/side of Cold Spring Road, 640 feet south of centerline of Chesapeake Avenue

15th Election District – 6th Councilmanic District

Legal Owner: Harlan K. Zinn

buth Kotroco

Special Hearing to permit a 8X15 foot storage shed, accessory structure on property on which no primary structure currently exists, to supplement use of property with associated pier. Shed would contain kayaks, boating equipment and gardening equipment.

Hearing: Thursday, February 1, 2007 at County Office Building, 111 West Chesapeake Avenue, Room 106, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Harlan Zinn, 10628 Park Heights Avenue, Owings Mills 21117

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JANUARY 17, 2007.
 - (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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

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

For Newspaper Advertising:
Item Number or Case Number: <u>07-23G-Spu</u>
Petitioner: Tie HARLAN ZLWN.
Address or Location: 909 Colo Spring Ro, BALT. Mo
PLEASE FORWARD ADVERTISING BILL TO: Name: I LR. LARLURD ZLNN.
Address: 16628 PARK HEIGHTS AUG
Telephone Number: 410 - 466-2899
410.586-2986

Revised 7/11/05 - SCJ



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

January 25, 2007

Harlan Zinn 10628 Park Heights Avenue Owings Mills, MD 21117

Dear Mr. Zinn:

RE: Case Number: 07-236-SPH, 809 Cold Spring Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 21, 2006.

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

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

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

W. Callalal

WCR:amf

Enclosures

c: People's Counsel



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12/5/2006

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

RE: Baltimore County

Item No. 7-236-SPH 809 COLD SPRING ROAD HARLAN K. ZINN PROPERTY SPECIAL HEARING-PERMIT

A 8'X 15' STORAGE SHED

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. 7-236-5PH.

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,

Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

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 28, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: November 27, 2006

Item No.: 230, 231, 232, 233, 234, 235, 236, 237, 238, 239.

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.

The Fire Marshal's Office has no comments at this time.

Acting Lieutenant Don W. Muddiman Fire Marshal's Office 410-887-4880 MS-1102F

cc: File



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



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

January 25, 2007

Harlan Zinn 10628 Park Heights Avenue Owings Mills, MD 21117

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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.

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Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

W. CallalalS

WCR:amf

Enclosures

c: People's Counsel

3/1

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

Jeff Livingston, DEPRM - Development Coordination

DATE:

January 22, 2007

SUBJECT:

Zoning Item #

07-236-SPH .

Address

809 Cold Spring Road Baltimore, MD 21226

Zoning Advisory Committee Meeting of November 27, 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).

<u>X</u> 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. Any development on this property must comply with LDA and BMA regulations.

Reviewer:

Kevin Brittingham

Date: December 13, 2006

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-236-SPH.doc

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 30, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 4, 2006

Item No. 236

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:clw

cc: File

ZAC-ITEM NO 07-236-11292006.doc



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12/5/2006

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

Baltimore County

Item No. 7-236-SPH

809 COLD SPRING ROAD

HARLAN K. ZINN PROPERTY

SPECIAL HEARING-PERMIT

A 8'X 16' STORAGE SHED

Dear Ms. Matthews:

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RE:

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,

Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

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 28, 2006

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Distribution Meeting of: November 27, 2006

Item No.: 230, 231, 232, 233, 234, 235, 236, 237, 238, 239.

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.

The Fire Marshal's Office has no comments at this time.

Acting Lieutenant Don W. Muddiman Fire Marshal's Office 410-887-4880 MS-1102F

cc: File

INTER-OFFICE CORRESPONDENCE

DATE: January 3, 2006

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) 7-236- Special Hearing

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

Inter-Office Correspondence



Jan. 5 2007

TO:

Timothy M. Kotroco

FROM:

Jeff Livingston, DEPRM - Development Coordination

DATE:

January 22, 2007

SUBJECT:

Zoning Item #

07-236-SPH

Address

809 Cold Spring Road

Baltimore, MD 21226

Zoning Advisory Committee Meeting of November 27, 2006

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

<u>X</u> 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).

Mathematical 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. Any development on this property must comply with LDA and BMA regulations.

Reviewer:

Kevin Brittingham

Date: December 13, 2006

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-236-SPH.doc

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 30, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 4, 2006

Item No. 236

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:clw

cc: File

ZAC-ITEM NO 07-236-11292006.doc

INTER-OFFICE CORRESPONDENCE

DATE: January 3, 2006

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) 7-236- Special Hearing

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

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: February 2, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

SIGNED: Dennis A. Kennedy

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 4, 2006

Item No. 07-236 (Revised)

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

The accessory building will be in the tidal flood plain. For accessory buildings that are less than 400 square feet in area, no foundation is required, but the building must be anchored.

DAK:CEŃ:clw

cc: File

ZAC-ITEM NO 07-236 (Revised) -11292006.doc

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: February 2, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 4, 2006

Item No. 07-236 (Revised)

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

The accessory building will be in the tidal flood plain. For accessory buildings that are less than 400 square feet in area, no foundation is required, but the building must be anchored.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 07-236 (Revised) -11292006.doc



JAMES T. SMITH, JR.

County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

February 21, 2007

HARLAN K. ZINN 10628 PARK HEIGHTS AVENUE OWINGS MILLS MD 21117

Re: Petition for Special Hearing
Case No. 07-236-SPH
Order on Motion for Reconsideration
Property: 809 Cold Spring Road

Dear Mr. Zinn:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:pz

Enclosure



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

February 9, 2007

HARLAN K. ZINN 10628 PARK HEIGHTS AVENUE OWINGS MILLS MD 21117

Re: Petition for Special Hearing

Case No. 07-236-SPH

Property: 809 Cold Spring Road

Dear Mr. Zinn:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:pz

Enclosure

Guide to Exhibits

- 1. Certificate of Posting
- 2. Certificate of Publication
- 3. Recorded Lot of Record "Plan C" Long Beach Estates- 1910
- 4. Zoning Description
- 5. Survey Field Analysis by J.S. Dallas, Inc. surveyors and engineers
- 6. Confirmatory Deed of Property John Gontrum of Whiteford, Taylor and Preston

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1

- 7. Zoning Map
- 8. MD Critical Area Commission Variance Approval
- 9. DEFRM Critical Area Administrative Variance Approval
- 10. MD SDAT Record of Zoning and Use Assessments
- 11. Photo of property in June, 1995 and October, 2003
- 12. Photo of property in September, 2006 Improvements
- 13. Photo of property in November, 2005 and July, 2006
- 14. Photo of property in October, 2005 Turn-around relocation
- 15. Photo of proposed 120 square foot storage shed
- 16. Photo of current needs for storage of equipment, etc.
- 17. Photo of earlier sheds on property in 1980s and 1990s
- 18. Phono of adjacent neighbor properties with sheds
- 19. Photo of adjacent neighbor properties with sheds



EDOCTIME 1

ATTENTION: KRISTEN MATHHEWS

DATE:

1/15/07

Case Number: 07-236-SPH

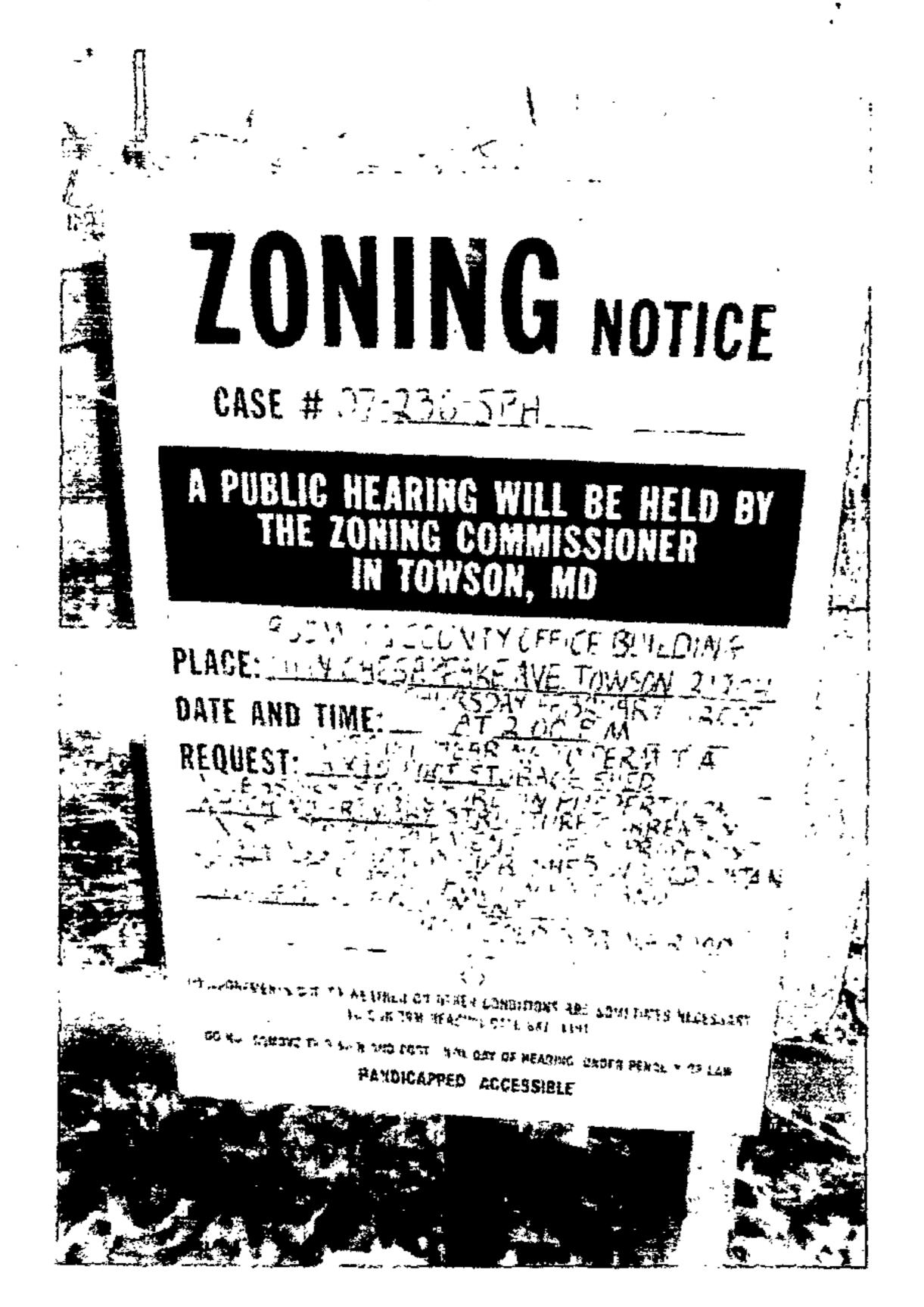
Petitioner/Developer: HARLIN ZINN

Date of Hearing (Closing):

02/01/07

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 809 COLD SPRING ROAD

The sign(s) were posted on: 01/13/07



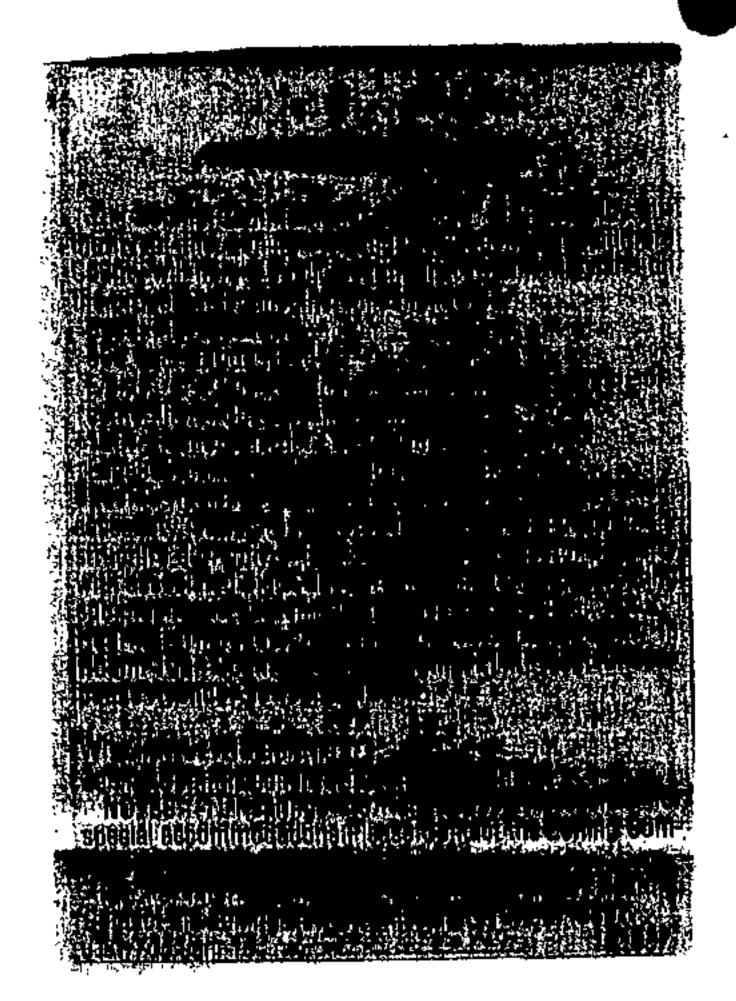
(Signature of Sign Poster)

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

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

410-666-5366 (Telephone Number of Sign Poster)



EXIVET 2

CERTIFICATE OF PUBLICATION

1/18,2007
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 116,2007.
The Jeffersonian Arbutus Times Catonsville Times
☐ Towson Times
 Owings Mills Times NE Booster/Reporter
☐ North County News
Phillenson

LEGAL ADVERTISING



Beginning at a point on the paving edge of Cold Spring Road, including Lots No. 200 and 304, as shown on Plat entitled "Plan of Long Beach Estates", recorded within Land Records of Baltimore County in Liber 17471 folio 328 - east 84.78 feet the waters of Galloway Creek; southeast 36.26 feet; southeast 27.91 feet; southeast 24.59 feet; north to adjacent lot No. 199; southwest 86.28 feet; northwest 14.26 feet to paving; northwest curve 33.90 feet; northwest 71.60 feet to the beginning.

Plat was updated and recorded among the Land Records of Baltimore County in Liber 22503, folio 40 (page 040), based on a field survey analysis taking into account deletion from the waterfront of the property over the intervening decades since recordation of the aforesaid record plat and failure of the offer of dedication of the roadbed of Cold Spring Road as depicted on the aforesaid plan.

Property contains 7,345 square feet or 0.169 acres of land and is located in the 15th Election District, 6th Councilmanic District.

0023703 555

J. S. DALLAS, INC.

SURVEYING & ENGINEERING

13523 LONG GREEN PIKE P.O. BOX 26 BALDWIN, MD 21013 (410) 817-4600 FAX (410) 817:4602

PROPERTY DESCRIPTION #809 COLD SPRING ROAD

BEGINNING at a point on or near the existing edge of paving of the traveled portion of Cold Spring Road at the extension of the division line between Lots No. 200 and 304 as shown on the Plat entitled "Plan of Long Beach Estates" as recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 4 folio 131 thence running with and binding on the extension of said division line and a part of said division line, in all, with all bearings and distances herein according to a Boundary Survey alated December 5, 2001 by Siterite Surveying, Inc. (1) South 64 degrees 09 minutes East 84.78 feet more or less the waters of the Galloway Creek, thence leaving said division line and running with and binding on the outline of said Creek the three following courses and distances: (2) South 42 degrees 10 minutes East 36.26 feet (3) South 14 degrees 31 minutes East 27.91 feet and (4) South 24 degrees 18 minutes East 24.59 feet to intersect the northernmost outline of Lot No. 199 as shown on said Plat thence running with and binding on said northernmost outline of Lot No. 199 (5) South 88 degrees 51 minutes West 86.28 feet to intersect a point on or near said existing edge of paving thence running with and binding on or near said existing edge of paving the three following courses and distances: (6) North 03 degrees 30 minutes West 14.26 feet, (7) Northwesterly by a curve to the left with a radius of 300 feet for an arc length of 33,92 feet (the chord of said arc being North 16 degrees 21 minutes West 33,90 feet and (8) Northwesterly by a curve to the right with a radius of 300 feet for an arc length of 71.60 feet (the chord of said arc being North 17 degrees 10 minutes West 71.43 feet) to the place of beginning.

CONTAINING 7345 square feet or 0.169 acres of land, more or less.

BEING all of those two parcels of Land which by deed dated January 14, 2003 and recorded among the Land Records of Baltimore County in Liber 1747! folio 328 etc. was conveyed by Ann June Schuman fka Ann June Kratzer and Janice Ann Oberst to Janice Ann Oberst.

0023303 652



THIS CONFIRMATORY DEED, Made this ______ day of December, 2005, by and between JANICE ANN OBERST, party of the first part, and HARLAN K. ZINN, party of the second part

WITNESSETH:

WHEREAS by deed dated September 3, 2005 and recorded among the Land Records of Baltimore County in Liber 22503, folio 40, the Grantor herein conveyed a piece of property located in the 15th Election District of Baltimore County to Grantee; and

WHEREAS a subsequent description of the property has been prepared modifying the description of the original lot boundaries as shown on a record plat of Plan "C" of Long Beach Estates recorded among the Plat Books as aforesaid in Plat Book W.P.C. No. 4, page 131; and

WHEREAS said description is based on field analysis taking into account deletion from the waterfront of the property over the intervening decades since recordation of the aforesaid record plat and failure of the offer of dedication of the roadbed of Cold Spring Avenue as depicted on the aforesaid plan; and

WHEREAS the parties desired a more accurate depiction of the property being described

NOW, THEREFORE, in consideration of no consideration the said party of the first part, JANICE ANN OBERST, does hereby grant and convey all of the following described property unto the party of the second part, HARLAN K. ZINN, his personal representatives and assigns, in fee simple,

BEING all that lot of ground situated in the 15th Election District of Baltimore County, Maryland and described as follows:

SEE EXHIBIT "A"

BEING the same lot of ground intended to be conveyed by deed dated September 3, 2005 and recorded as aforesaid in Liber 22503, page 040 from Janice Ann Oberst to Harlan K. Zinn, the parties hereto.

0023303 653

TOGETHER WITH the buildings and improvements thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said party of the second part, his heirs, personal representatives, and assigns, in fee simple.

AND the said party of the first part hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property granted and that she will execute such further assurances of the same as may be requisito.

WITNESS the hand and seal of said grantor.

WITNESS:

State of Maryland, City/County of Baltimore to wit:

I HEREBY CERTIFY, That on this 10th day of December 2005, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County of <u>Baltimare</u> personally appeared, JANICE ANN OBERST, known to me, or satisfactorily proven, to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal/

IMULA [SEAL] **Notary Public**

My Commission Expires:

0023333

CERTIFICATION

This is to certify that the within instrument has been prepared by or under the supervision of the undersigned Maryland attorney.

JOHN B. GONTRUM

AFTER RECORDING, PLEASE RETURN TO:

John B. Gontrum, Esq.
Whiteford, Taylor & Preston L.L.P.
400 Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204-4515

Zoning Hearing - 809 Cold Spring Rd, Bowleys Quarters Case Number 07-236-SPH

As part of the requirements for filing for a "special hearing", please see Exhibits 1 and 2

- "certificate of posting and publications" which document signage and newspaper

notification to the public.

As way of background, the property known as 809 Cold Spring Road was a recorded lot of record as part of "Long Beach Estates" in 1910 (Exhibit 3). Lots No. 200 and 304 were acquired by the Oberst family in the early 1950's and transferred to a daughter in the 1990's. Property was subsequently purchased by me in September, 2005. A "zoning description" for the property is referenced in Exhibit 4.

A survey field analysis was performed in November, 2005 by J.S. Dallas Associates, engineers and surveyors (Exhibit 5), to more accurately define the lot boundaries because of deletion from the waterfront of the property over the intervening decades since recordation and the failure of the offer of dedication of the roadbed of Cold Spring Road. A confirmatory deed was prepared, supervised and recorded by attorney John Gontrum of Whiteford, Taylor and Preston in January, 2006 (Exhibit 6). Total property contains 7,345 square feet or .169 acres of land and is zoned DR 3.5 and within the 100 year floodplain. The Zoning Map attached to the Special Exception application shows the site as indicated, adjacent to Log Point at Galloway Creek and Middle River (Exhibit 7). The property is within the Chesapeake Bay Critical Area and had been granted variance approval by both the MD Critical Area Commission and DEPRM to build a limited sized dwelling on the property (Exhibits 8 & 9).

At this juncture, I am requesting approval to place a structure for accessory storage of recreational and gardening equipment on the subject property, without a principal use dwelling via a special hearing waiver pursuant to Section 500.6 of the Zoning Regulations; Section 3112.0 of the Baltimore County building Code; and Sections 32-4-107(a)(2), 32-8-302 of the Baltimore County Code.

The proposed accessory, storage shed structure, would encompass a total of 120 sq feet with a configuration of either an 8x15 (A-frame) or 10x12 (hip-roof) and would be constructed of wood with a porous ground preparation underneath, vented and anchored (Exhibit 15). Although the accessory will be somewhat elevated, 6-8", it is obviously below the floodplain protection of 11.2 feet for this site; thus, the requested waiver is necessary in order to proceed. The proposed structure is consistent with sound, floodplain management and would not result in any adverse impacts such as flooding on adjacent properties. In addition, many native plantings recommended and approved by the Chesapeake Bay Critical Area Commission have been installed by me to protect and beautify the lot while mitigating the impact of any proposed structures, to include the shed and an earlier proposed but denied housing site. (see Exhibit 12 again)

Currently, my family's use of kayaks requires loading them on car roofs and transporting them 30 miles to the site and occasionally storing them unsecured on the premises. In addition, a number of boating materials including supplies, shade sails, cushions, fishing equipment, etc. are carried back and forth weekly and seasonally to the site in order to utilize our boat (Exhibit 16). Beautifying and maintaining the site has necessitated bringing in lawnmowers, shovels, rakes, etc. by truck or car to the site and transporting those back and forth almost weekly during the spring, summer and fall seasons.

Of significance, this site has always had a storage facility located on the premises as evidenced in Exhibit 17 – both in the 1980s and 1990s In addition, the majority of adjacent neighbors currently have storage sheds on their property (Exhibits 18 & 19).

Failure to grant the requested waiver would continue to create a hardship for me.

Granting the waiver will not increase flood heights, impact pubic safety, incur
extraordinary public expense, or conflict with existing local or state laws or ordnances.

The impact of the proposed accessory building is minimal and would not disturb the floodplain.

P. 01/01

ELNIET 8

Robert L. Ehrlich, Jr. Governor

Michael S. Steele
Lt Governor



Martin G. Madden Chairman

Ren Serry
Executive Director

STATE OF MARYLAND CRITICAL AREA COMMISSION CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401 (410) 260-3460 Fax; (410) 974-5338 www.dar.state.md.us/criticalares/

March 29, 2004

Mr. Keith Kelley
Bultimore County
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

RE: BC 353-03: 04-02 Oberst Property Buffer Variance Request

Tax Map 98, Parcel 203, Lot 304: 809Cold Spring Lane

Dear Keith,

I have reviewed the information regarding this Buffer variance request to construct a dwelling in the 25-foot Critical Area Setback on a grandfathered lot in the LDA of Galloway Creek. This lot is located in a Buffer Management Area and is subject to a 25-foot Critical Area Setback. Due to the unusual configuration of this lot, the proposed development cannot be sited outside the Setback, even though it has been located as far away from the shoreline as possible. We do not oppose this variance request. We recommend the variance approval include the following condition:

That mitigation for new disturbances in the Setback are to be provided on-site at a 3:1
ratio and disturbances in the Buffer outside the Setback are to be provided on-site at a 2:1
ratio, to the extent feasible.

Please provide this office with a copy of the written decision made in this case. Feel free to contact me at 410-260-3481 if you have any questions regarding these comments.

Sincerely,

Wanda Diane Cole

Natural Resources Planner

(De la Diane Cola

cc: Mr. Harlan Zinn



Department of Environmental Protection and Resource Management

401 Bosley Avenue, Suite 416 Towson, Maryland 21204



James T. Smith, Jr., County Executive

David A.C. Carroll, Director

June 11, 2004

Ms. Janice Oberst 2587 Vance Drive Mount Airy, MD 21771

> 809 Cold Spring Road Re:

> > Critical Area Administrative Variance

Dear Ms. Oberst:

The Department of Environmental Protection and Resource Management (DEPRM) has received your revised variance request to construct a dwelling in the 100 foot tidal buffer closer to Galloway Creek/Middle River (23' in lieu of the required 32') than Buffer Management Area Regulations allow. The Director of DEPRM may grant a variance to the Chesapeake Bay Critical Area regulations in accordance with regulations adopted by the Critical Area Commission concerning variances as set forth in COMAR 27.01.11. There are five (5) criteria listed in COMAR 27.01.11 that shall be used to evaluate the variance request. All five (5) of the criteria must be met in order to approve the variance.

The first criterion requires that special conditions exist that are peculiar to the land or structure, and that literal enforcement of the regulations would result in unwarrented hardship. The entire lot is in the 100-foot buffer due its shape/size. This property was already a recorded lot prior to the onset of Chesapeake Bay Critical Area Regulations. A literal enforcement of the regulations would prevent the construction of the dwelling, resulting in unwantanted hardship. Therefore, this criterion has been met.

The second criterion requires that a literal enforcement of the regulations would deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area. Many of the properties along the Chesapeake Bay waterfront have homes within the 100foot tidal buffer. A similar variance would be granted on another waterfront lot under similar circumstances. Therefore, this criterion has been met.

The third criterion requires that granting of a variance will not confer upon an applicant any special privilege that would be denied to other lands or structures within the Critical Area. Granting of this variance will not confer upon an applicant any special privilege that would be denied to other lands or structures within the Critical Area. Therefore, this criterion has been met

Ms. Janice Oberst June 11, 2004 Page 3

processing of permits or other development plans for the subject property, and/or may render this variance null and void.

If you have questions regarding this project, please contact Mr. Keith Kelley at (410) 887-3980.

Rale J

David A. C. Carroll
Director

Sincerely.

DACC/kdk

cc: Ms. Wanda Cole, CBCA Commission

Mr. Scott Dallas, J. S. Dallas, Inc.

I/We have read and agree to implement the above requirements to bring my/our property into compliance with Chesapeake Bay Critical Area regulations.

Signature Date Date

Attachment

J:\keith\revisedoberstcanv



Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation **BALTIMORE COUNTY** Real Property Data Search

Go Back View Map New Search **Ground Rent**

Account Identifier:

District - 15 Account Number - 2400013238

Owner Information

Owner Name:

ZINN HARLAN K

Use:

RESIDENTIAL

Muiling Address:

10628 PARK HEIGHTS AVE

Principal Residence:

NO

OWINGS MILLS MD 21117-4310

Deed Reference:

1) /23303/ 652

Location & Structure Information

Premises Address 809 COLD SPRING AVE Legal Description

.169AC LT3048ADJ LND 809 COLD SFRING AVE C LONG BEACH ESTATES

Map Grid Parcel Sub District 203

Subdivision Block Section

Assessment //rea Lot 304

4/ 131 Plat Rof:

Special Tax Areas

Stories

Town Ad Valorem

Tax Class

Property Land Area **Enclosed Area** 7,345.00 SF

County Use

Primary Structure Built 0000

Basement

Type

Exterior

Plat No:

Value Information

	Buse	Value	Phase-in Assessments					
	Value	As Of	As Of	As Of				
		01/01/2006	07/01/2006	07/01/2007				
Land:	45, 390	123,750						
Improvements:	0	0						
Total:	45,390	123,750	71,510	97,630				
Preferential Land:	0	0	0	0				

₫	Transfer Information

Seller: ZINN HARLAN K Type: NOT ARMS-LENGTH	Date: 01/30/2006 Deed1: /23303/652	Price: \$0 Deed2:
Seller:	Date: Deed1:	Price: Deed2:
Seller: Type:	Date: Deed1:	Price: Deed2:

والمسابق والمراد المنصب والموارد والمستوان والمبادرة والمسابق والمسابق والمراج والمستوان والمستوان والمستوان والمستوان	هذبه _{ال} ي من هو يون المدوي هو بالرون المصري المسابق بالأمن النب الأن المدار الخديد المسابق الماري المسابق
	Exemption Information

Partial Exempt Assessments County State Municipal	Cines 000 000	07/01/2006 0 0 0	07/01/2007 ¹ 0 0 0							

Tax Exempt: **Exempt Class:** NO

Special Tax Recepture:

* NONE *

ACCESSORY STRUCTURE (OR SHED) ADJACENT TO WATER

- 1. The Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 2. The accessory structure shall not be used for commercial purposes
- 3. 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.
- 4. 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.
- 5. The building engineer shall require a permit for this project.
- 6. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
- 7. Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the County.

will not adversely affect the community, and is within the spirit and intent of the regulations. Therefore I will grant the request but will require the Petitioner to record this Order in the Land Records of the County prior to permit to assure that future owners of the property do not mistakenly convert the shed to a dwelling.

ZONING COMMISSIONER OFF M

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 Petitioner, I find that the Petitioners' request for special hearing should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 5 day of February, 2007, that the Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit storage shed as an accessory structure on property on which no primary structure currently exists, is hereby GRANTED subject to the following conditions:

- 1. After recording this Order in the Land Records as in 3 below, the Petitioners may apply for their permits 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 shed shall not exceed 120 square feet in footprint area.
- 3. The Petitioner shall employ a qualified attorney to record a copy of this Order in the Land Records of Baltimore County prior to permit; and
- 4. The Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 5. The accessory structure shall not be used for commercial purposes.
- 6. 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).
- 7. This property is within the Limited Development Area (LDA) and Buffer Management Area (BMA) of the CBCA. Any development on this property must comply with LDA and BMA regulations.
- 18 In conformance with Federal Flood Insurance Requirements, the first floor must be at least 1 foot above the flood plain elevation in all construction.

I so my copy 10:

The property is located adjacent to tidewater. The Petitioner 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.

10. The building engineer shall require a permit for this project.

- 11. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
- 12. 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.

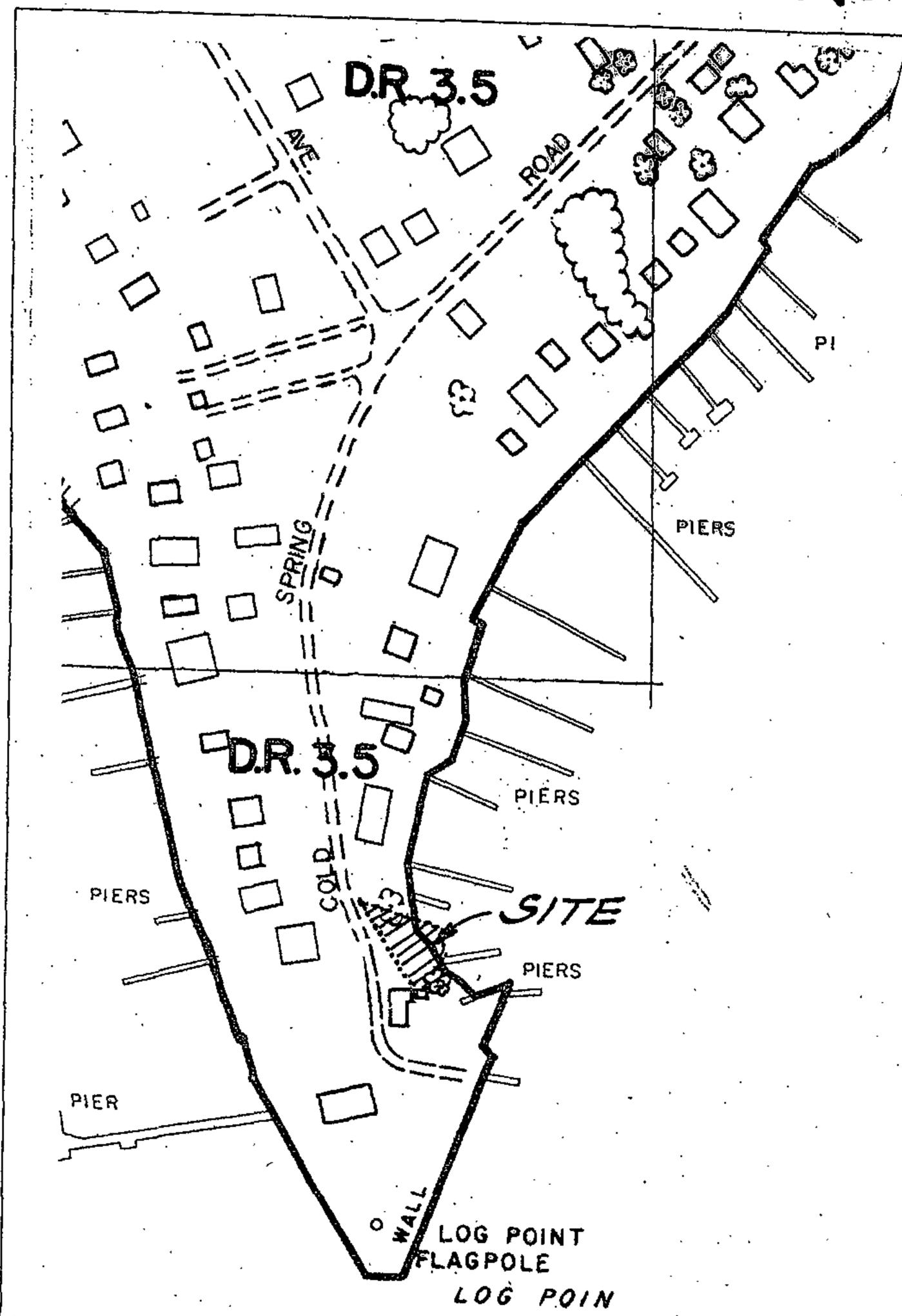
JOHNW. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz

#809 COLD SPRING ROAD

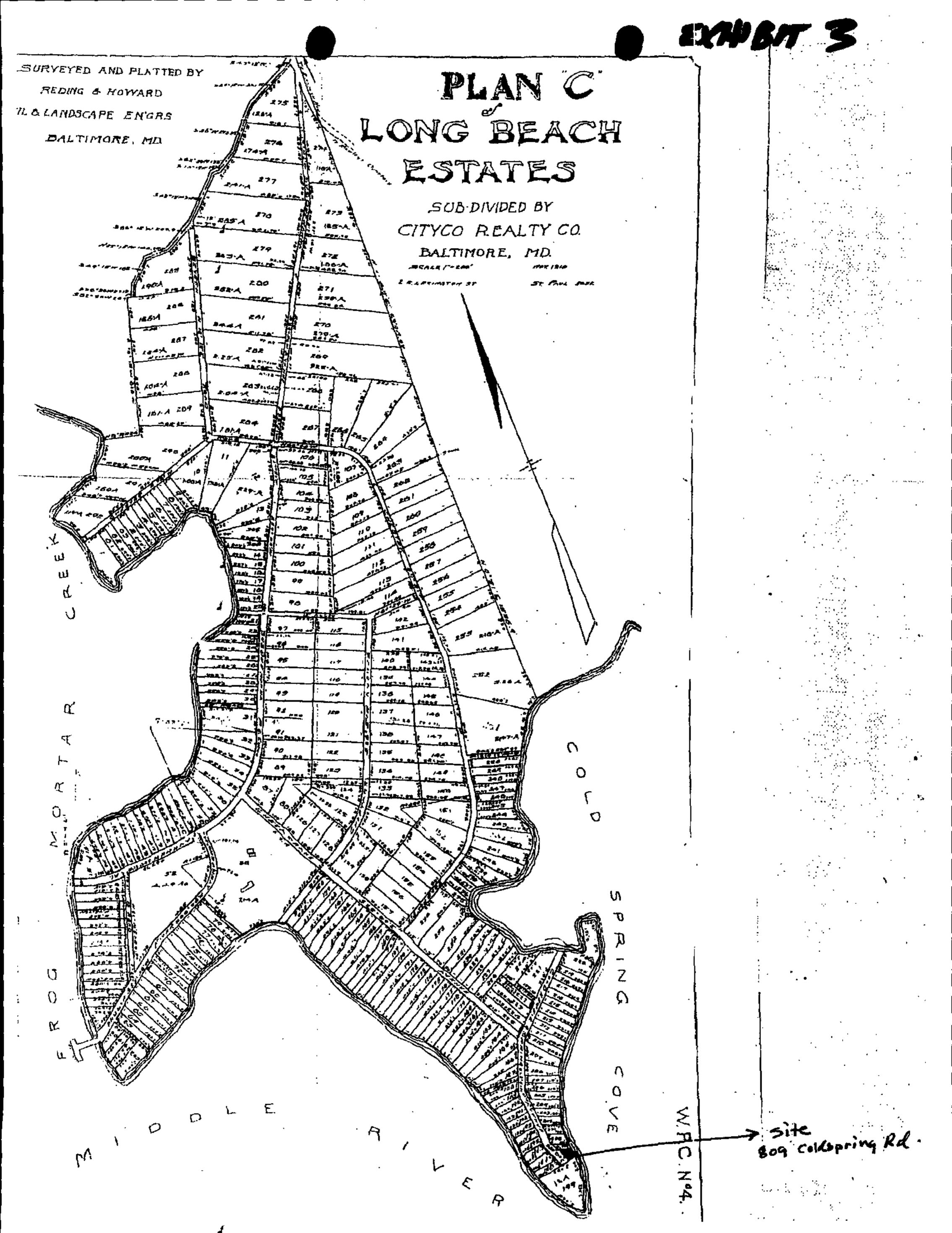


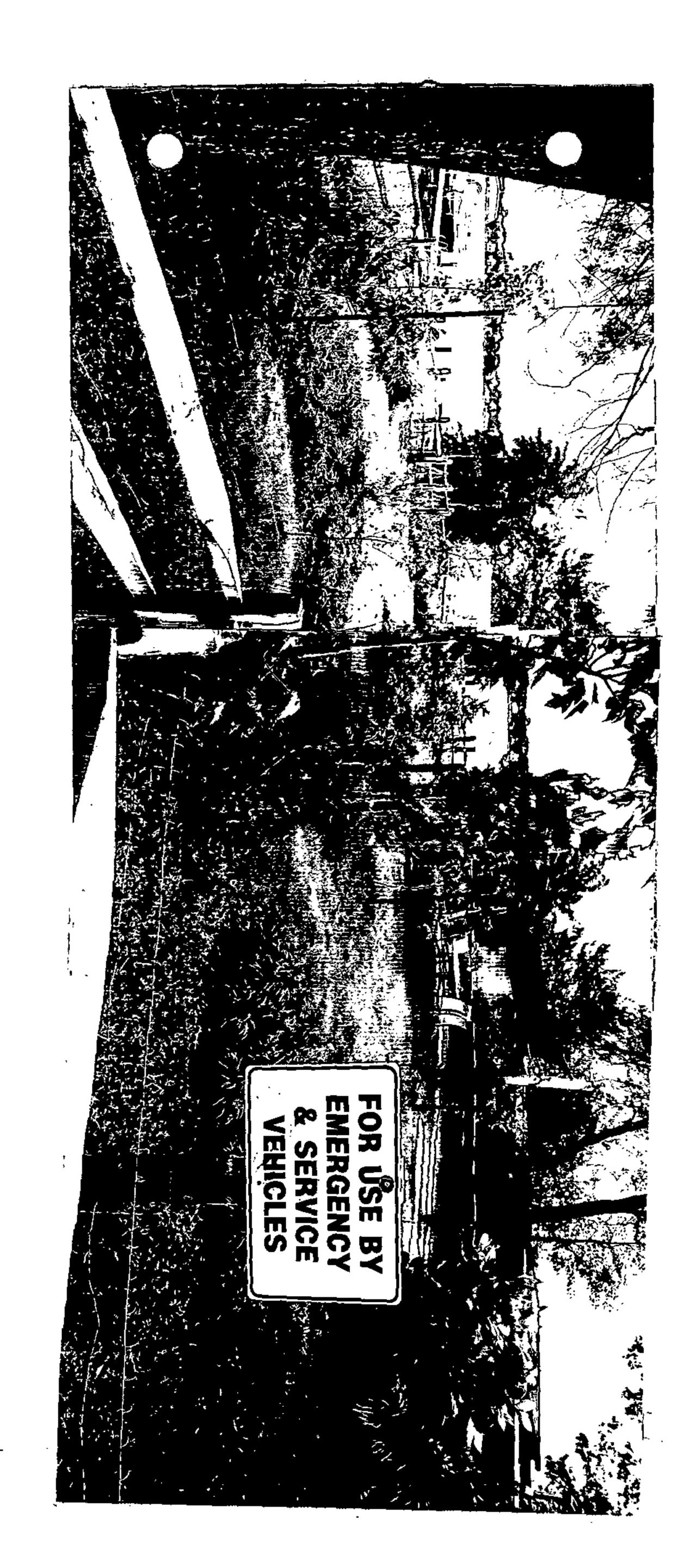
PART OF OPZ NE 1-K 1"= 200'

CASE NAME Zinn CASE NUMBER 07-236-5 DATE 2.01.07

ETITIONER'S SIGN-IN SHEET

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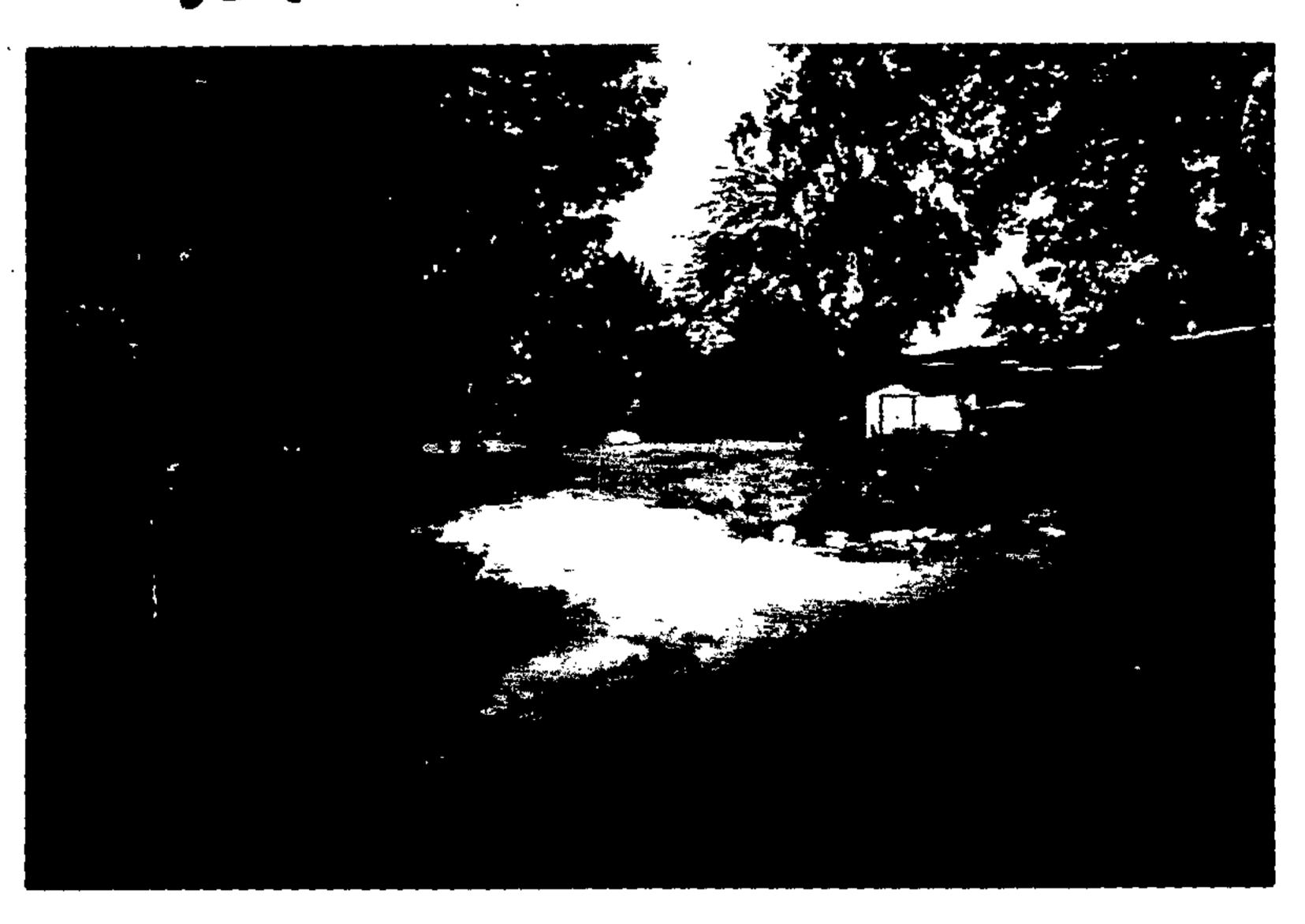








SOT COLD SPRING RD. 10.03

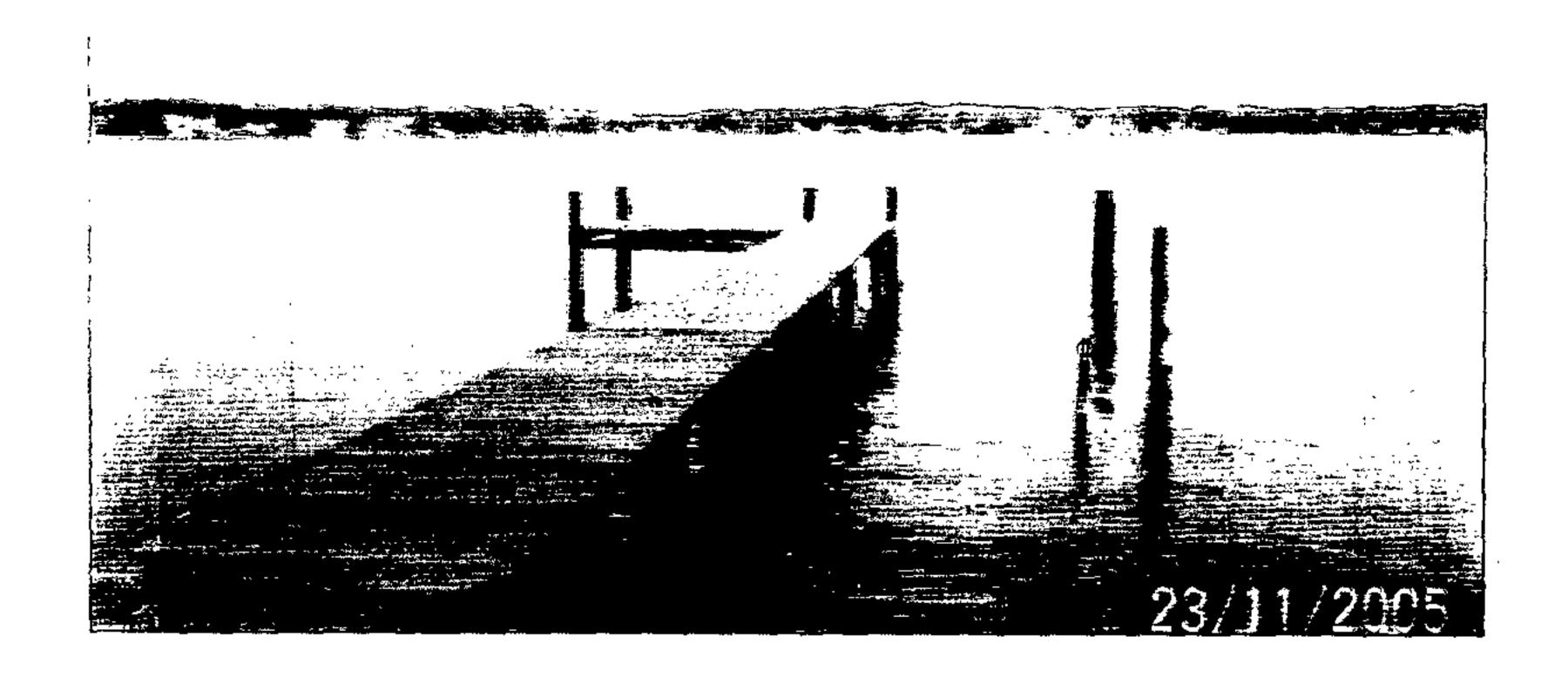


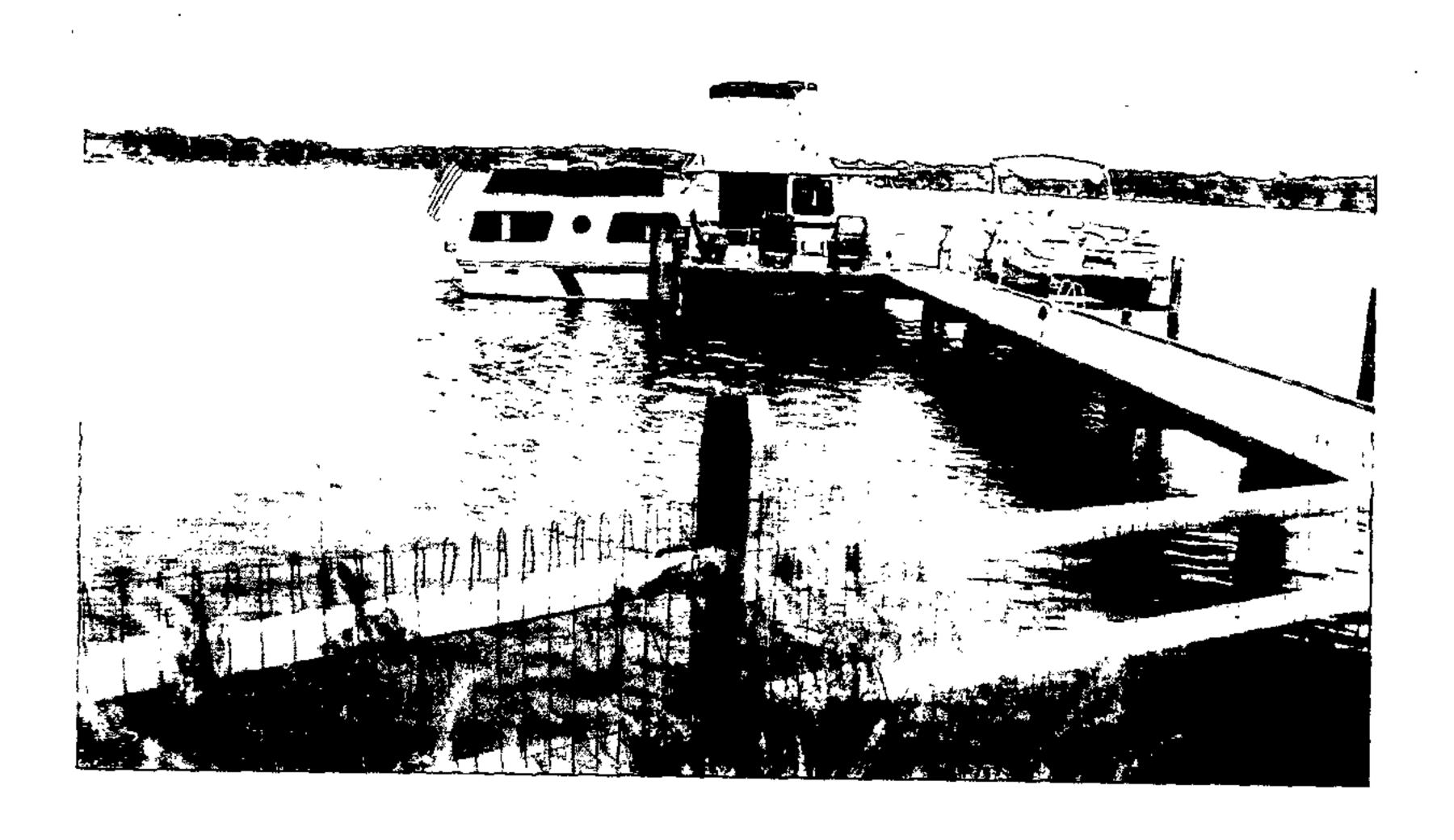
801 CM STRIBE RA 6.45

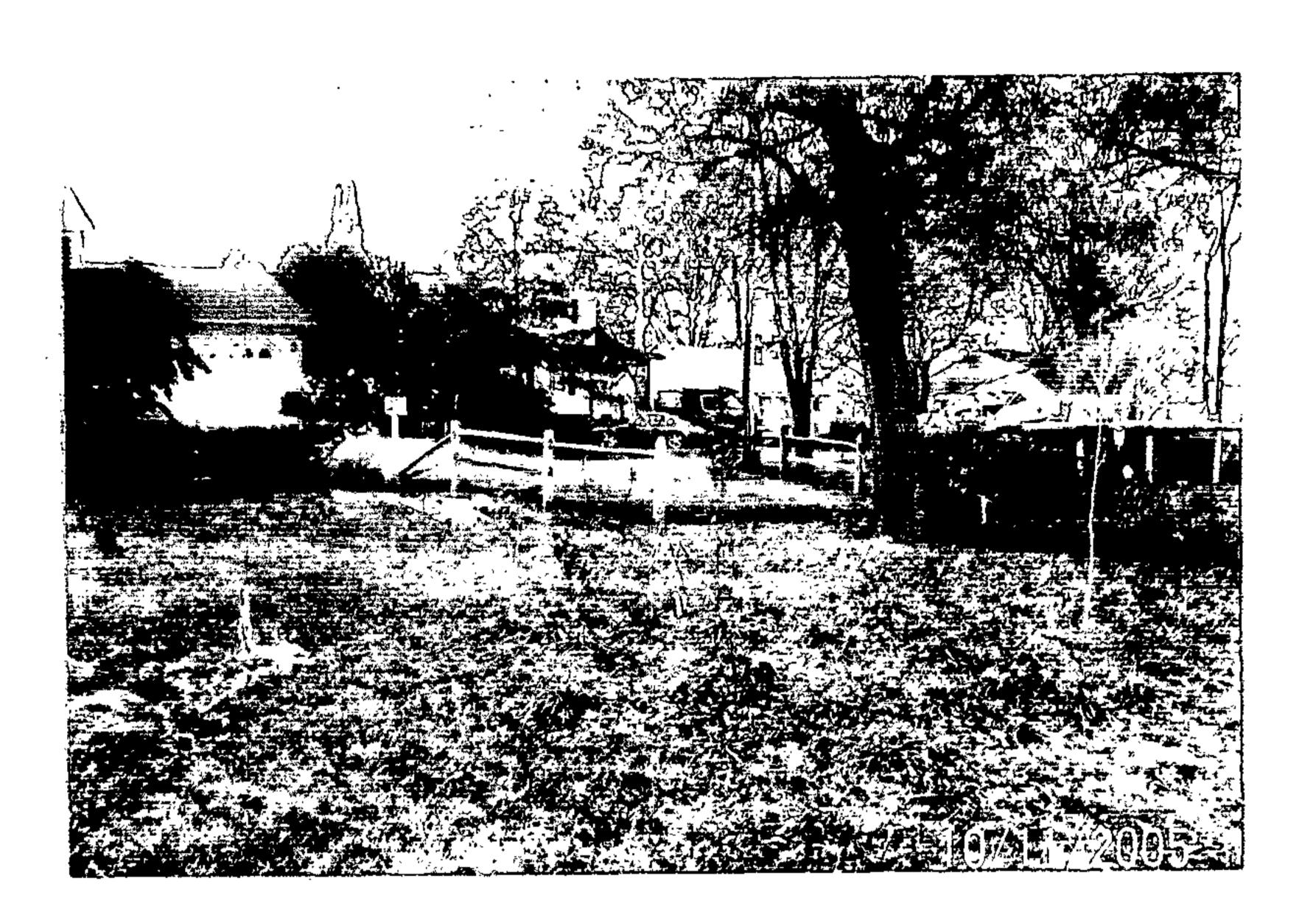


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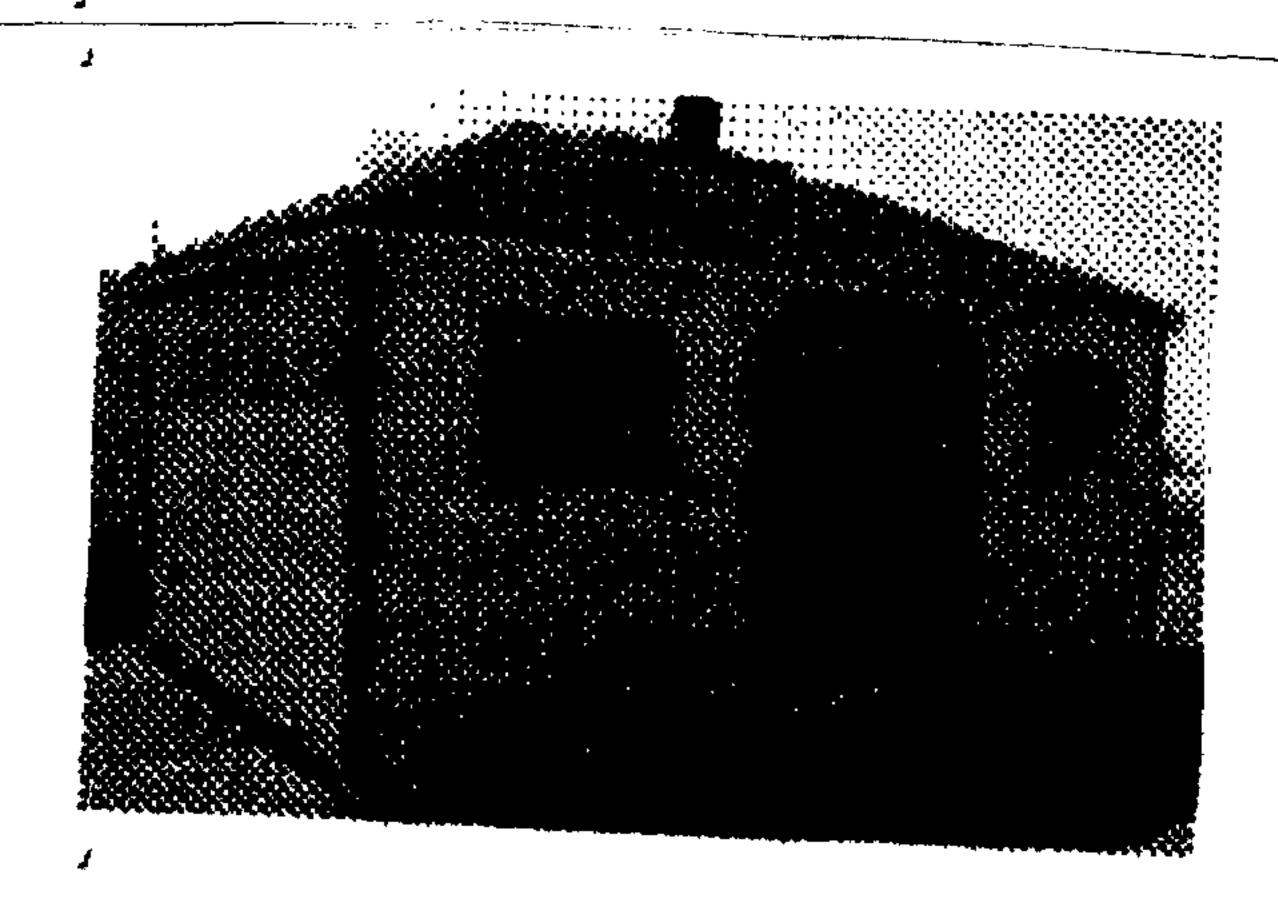
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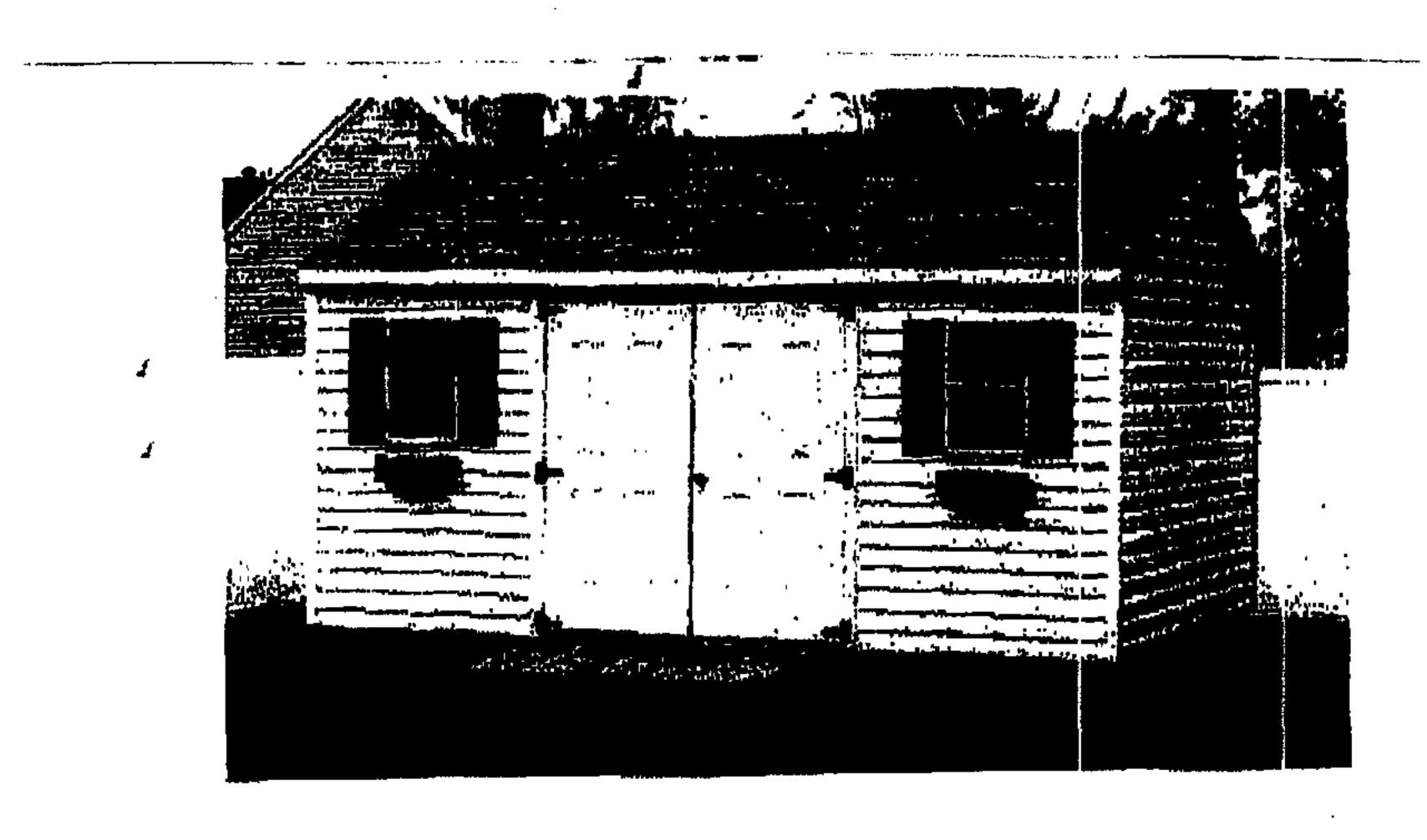






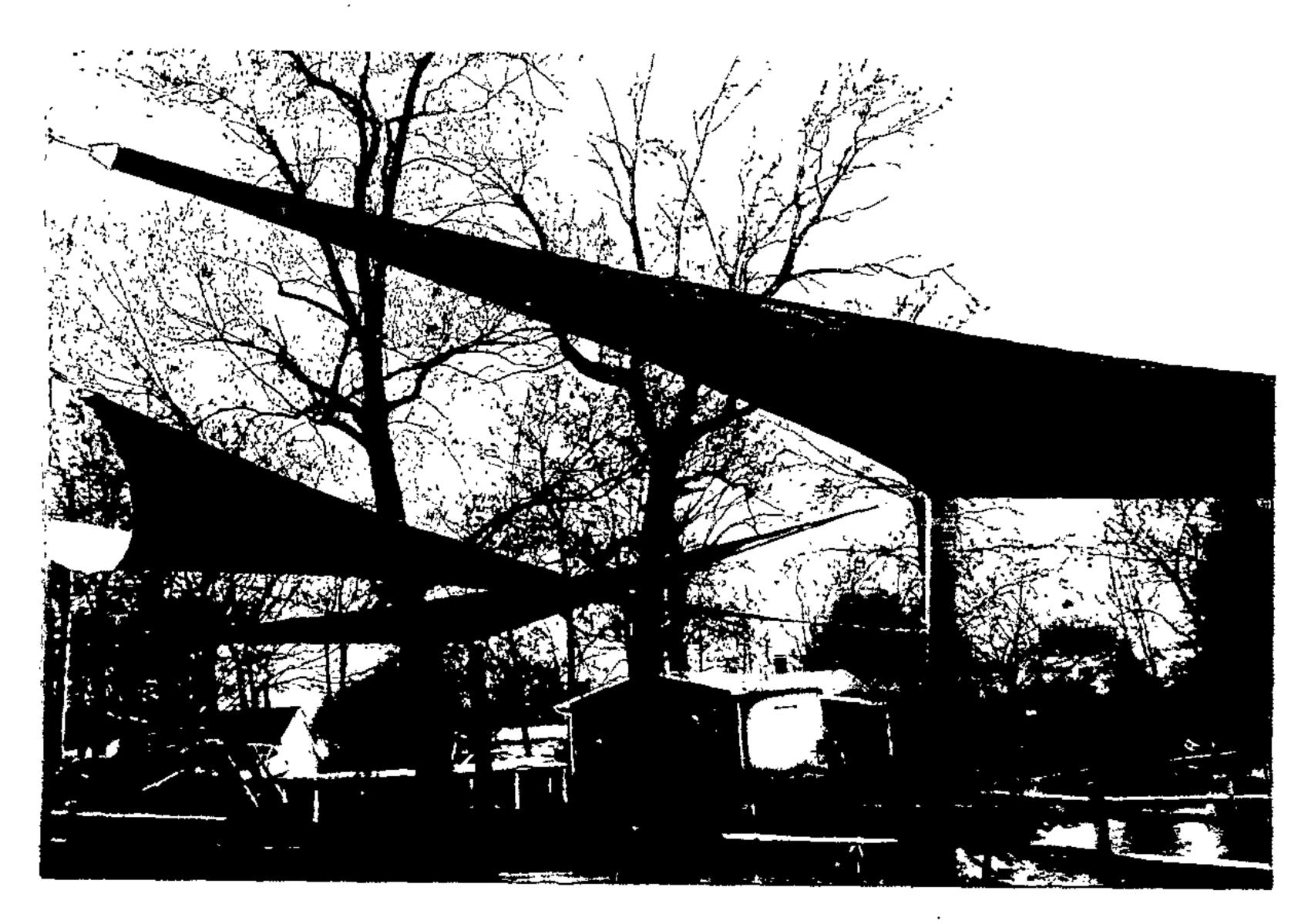
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CUNNENT NEEDS 10.06









809 COLD SPRING RA 1986's, 1998's

DEINIST 18



812 COW 3MING PS.




BIH COUSTRING RD.



615 COLD SPRING RD



BAO COW SPRING RD



o. # 03-1014

07-236.5pe

TO: PATUXENT PUBLISHING COMPANY

Tuesday, January 16, 2007 Issue - Jeffersonian

Please forward billing to:

Harlan Zinn 10628 Park Heights Avenue Owings Mills, MD 21117 410-466-2899

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: 07-236-SPH

809 Cold Spring Road

E/side of Cold Spring Road, 640 feet south of centerline of Chesapeake Avenue

15th Election District – 6th Councilmanic District

Legal Owner: Harlan K. Zinn

Special Hearing to permit a 8X15 foot storage shed, accessory structure on property on which no primary structure currently exists, to supplement use of property with associated pier. Shed would contain kayaks, boating equipment and gardening equipment.

Hearing: Thursday, February 1, 2007 at County Office Building, 111 West Chesapeake Avenue, Room 106, 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.

The property is zoned and taxed for residential purposes (Exhibit 10). The site was originally denied a variance by a previous contract purchaser in September of 2003 because of an overwhelming house foot print, lack of environmental variance approvals and proximity to a partial turn around on the property. My initial application for a variance in February of 2004 included a reduced house footprint, compliance with environmental regulations via MD Critical Area Commission approval and DEPRM Critical Area Administrative Variance approval, and similar proximity to the unique existing turn-around configuration within the property. Asst. Zoning Commissioner John Murphy found the property to be unique, but expressed concern about conflicting with the earlier zoning ruling, proximity to the partial turn-around and the construction of a dwelling that might not conform to the design of other residences on the street. — consequently, the variance request was denied. This was subsequently appealed and denied by the Board of Appeals in December, 2005 with the major focus on the lot size not adhering to the minimum 10,000 square feet. For reference, see the original site plan prepared by J.S. Dallas & Associates, surveyors and engineers.

In the interim, I have made significant improvements to the property - Exhibit 11 shows the property in June of 1995 and again in October of 2003. One can see the installed extensive landscaping which included trees, plants and groundcover; the installed split rail fencing and wire mesh which surrounded the property which have prevented dumping, abuse and misuse – see Exhibit 12. Additional improvements by me include an expanded bulkhead, a pier and platform and a boat lift (Exhibit 13); of particular interest is the earlier mentioned turnaround which I own which was moved to a more convenient location on my property for the convenience of the community and Baltimore County emergency and service vehicles (Exhibit 14); and finally various infrastructure utilities - water, electric, telephone, cable and DSL service which permit me to maintain the property and enjoy a very minimal use of the property via a houseboat and pontoon. In addition, a sewer connection service was just approved by the County with a contract to install pending – efforts to make the property attractive and conducive to use.

PAGE

03

Ms. Janice Oberst June 11, 2004 Page 2

4107865510

The fourth criterion requires that a variance is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property. This variance is not based upon conditions or circumstances which are the result of your actions. Therefore, this criterion has been met.

The fifth criterion requires that granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area regulations. We acknowledge that alternative dwelling designs were explored to minimize buffer impacts. With mitigation, granting of the variance will not adversely affect water quality, or adversely impact fish, wildlife, or plant habitat.

Based upon our review, it is this Department's findings that the first four of the above criteria have been met, and that the fifth criterion can be met by planting three (3) 5-6 foot high, native, deciduous trees for every 100 square feet of proposed impervious structure, or paying a fee-in-lieu of \$1.20 per square foot of impervious structure, or a combination of the mitigative options. Any pervious structures (deck) will require one-third the mitigation mentioned above. Therefore, the requested variance is hereby approved in accordance with Section 26-445(c) of the Baltimore County Code with the following conditions:

- 1. The attached "Notice of Granting of Variance" must be published in The Avenue, Dundalk Eagle or The East County Times. Final variance approval cannot be granted until fifteen (15) calendar days after the notice has been published. A copy of the Certificate of Publication for the advertisement issued by the newspaper, or a copy of the advertisement from the paper must be submitted to this office prior to receiving final variance approval.
- 2. Any trees to be planted must be done so by release of the Use & Occupancy Certificate. Any fee-in-lieu must be paid prior to building permit approval.
- 3. If any of the two (2) existing trees are removed, they must be replaced on a 1 to 1 basis by release of the Use & Occupancy Certificate.
- 4. The new dwelling shall not be located closer than 23 feet from Galloway Creek/ Middle River.

It is the intent of this Department to approve this variance subject to the above conditions. Changes in site layout may require submittal of revised plans and an amended variance request.

Please sign the statement on the next page and then return a copy of the letter along with your Certificate of Publication to this Department c/o Ms. Patricia Farr of Environmental Impact Review. Failure to return a signed copy of this letter and the other item may result in delays in