

IN RE: PETITION FOR VARIANCE
W side of Miles Road, 50 feet SE of
Corsica Road
15th Election District
6th Councilmanic District
(324 Miles Road)

Michael J. Sweeney and Kathleen M. Lohnes
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* CASE NO. 07-282-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 owners of the subject property, Michael J. Sweeney and Kathleen M. Lohnes. The Petitioners are requesting variance relief for property located at 324 Miles Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 12.5 feet and a sum of side yards of 22.5 feet in lieu of the required 15 feet and 25 feet respectively for a new dwelling to replace an existing dwelling on a lot.

The property was posted with Notice of Hearing on February 12, 2007 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 January 21, 2007 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 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

3-6-07

CS

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 Bureau of Development Plans Review dated January 3, 2007, which contains restrictions. ZAC comments were received from the Department of Environmental Protection and Resource Management dated March 3, 2007, which contains restrictions. Copies of these comments are incorporated herein and made a part hereof the file.

Interested Persons

Appearing at the hearing on behalf of the variance request were Michael J. Sweeney and David Billingsley, with Central Drafting & 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 waterfront property contains 9,375 square feet or 0.215 acres zoned DR 3.5 and is improved by an existing dwelling. The subject property is lot 188 of the Middleborough subdivision which was recorded in the land records in 1916. See exhibit 2. The lot is 50 feet wide by 187.5 feet (average) deep. Mr. Billingsley indicated that the existing home is only 22.5 feet wide and is impractically small for modern families.

The Petitioners purchased the property in November, 2006 with the intent to raze the existing house and replace it with a modern manufactured home. See SDAT data sheet exhibit 3. They have been unable to find a suitable model for a 25 foot wide home which would meet the DR 3.5 side yard setback regulations but have located a manufactured home 27.5 feet wide which will suit their needs. Mr. Billingsley indicated that this would require the requested variances be granted for side yard setback of 12.5 feet and sum of the side yard setback of 22.5 feet.

As shown on exhibit 1, the Plat to Accompany, the new home would be located over the existing home footprint so that it would align with neighboring homes. Mr. Billingsley indicated that the Petitioner agreed with the ZAC comment from the Bureau of Development Plans Review regarding raising the building above flood levels and that the plan would have to meet Chesapeake Bay Critical Area regulations.

He opined that granting the requested variances would not adversely affect the neighborhood as many existing homes in the area were being upgraded and replaced including the property next door at 322 Miles Road which was granted variances similar to those requested herein in Case 07-119-A.

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. This subdivision and the subject lots were created much before the zoning was imposed on the area. The imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. This is a 50 foot wide lot. If

3-6-07
PB

strictly enforced the side yard setbacks would limit the replacement house width to an impractical 25 feet.

No increase in residential density beyond that otherwise allowable by the Zoning Regulations will occur as a result of granting this variance as this is a replacement house.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The pattern of development shown by the Petitioner is similar to this plan so there will be no change to the character of the neighborhood. In fact a similar variance was granted for the property next door for the same reasons.

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.

THEREFORE, IT IS ORDERED, this 6th day of March, 2007 by this Deputy Zoning Commissioner, that the Petitioner's variance request from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 12.5 feet and a sum of side yards of 22.5 feet in lieu of the required 15 feet and 25 feet respectively for a new dwelling to replace an existing dwelling on a lot is hereby GRANTED subject to the following conditions:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The base flood elevation for this site is 9.4 feet Baltimore County Datum.
3. The flood protection elevation for this site is 10.4 feet.
4. 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.
5. 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

RECEIVED FOR FILE

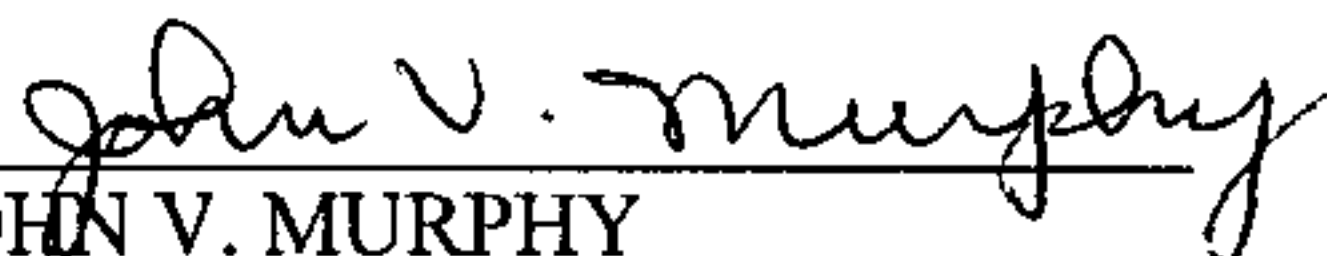
3-6-07

PB

whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

6. The building engineer shall require a permit for this project.
7. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
8. Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the County
9. 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).
10. The development of this site must comply with impervious surface limits, native tree coverage, 100 foot tidal buffer, and buffer management area requirements as it is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA).

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

RECEIVED FOR FILED
3607
PZ



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

March 5, 2007

MICHAEL J. SWEENEY AND KATHLEEN M. LOHNES
420 WALCOTT ROAD
BALTIMORE MD 21206

Re: Petition for Variance
Case No. 07-282-A
Property: 324 Miles Road

Dear Mr. Sweeney and Ms. Lohnes:

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,

A handwritten signature in black ink that reads "John V. Murphy" followed by a stylized flourish.

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood MD 21040

**CBC****FLOOD**

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 324 MILES ROAD

which is presently zoned OK 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

MICHAEL J. SWEENEY

Name - Type or Print

Signature

KATHLEEN M. LOHNE

Name - Type or Print

Signature

420 WALCOTT RD. (410) 939-9201

Address

Telephone No.

BALTO.

MD

21206

State

Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY

CENTRAL DRAFTING & DESIGN, INC.

Name

601 CHARWOOD CT. (410) 679-8719

Address

Telephone No.

EDGEWOOD

MD

21040

City

State

Zip Code

OFFICE USE ONLY

Case No. 07-282-A

ESTIMATED LENGTH OF HEARING _____

SFV: 0850 9

Reviewed By JNP Date 12/19/06

UNAVAILABLE FOR HEARING

RECEIVED FOR FILING

316-07

13

SECTION 1B02.3.C.1 (BCZR) TO PERMIT A SIDE YARD SETBACK OF 12.5 FEET
AND A SUM OF SIDE YARDS OF 22.5 FEET IN LIEU OF THE REQUIRED 15
FEET AND 25 FEET RESPECTIVELY FOR A NEW DWELLING TO REPLACE AN
EXISTING DWELLING ON A LOT

07-282-A

ZONING DESCRIPTION

324 MILES ROAD

Beginning for the same at a point on the west side of Miles Road (30 feet wide), distant 50 feet southeasterly from it's intersection with the center of Corsica Road (30 feet wide) thence being all of Lot 188 as shown on the plat entitled Middleborough recorded among the plat records of Baltimore County in Plat Book 4 Folio 191.

Containing 9,375 square feet or 0.215 acre of land, more or less.

Being known as 324 Miles Road. Located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, Maryland.

07-282-A

No. 6666

RECEIVED
FROM: David B. Williams

C7-282-A (Sweeney)

YELLOW - CUSTOMER

CASHIER'S VALIDATION

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: #07-282-A

324 Miles Road

West side of Miles Road, 50 feet southeast of Corsica Road,

15th Election District - 6th Councilmanic District

Legal Owner(s): Michael J. Sweeney and Kathleen M. Lohmes

Variance: To permit a side yard setback of 12.5 feet and a sum of side yards of 22.5 feet in lieu of the required 15 feet and 25 feet respectively for a new dwelling to replace and existing dwelling on a lot.

Hearing: Tuesday, February 13, 2007 at 10:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake 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) 887-3368.

(2) For information concerning the file and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/1740 Jan. 23

122463

CERTIFICATE OF PUBLICATION

1/25/2007

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 1/23/2007.

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

P. Williams

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No: 07-282-A

Petitioner/Developer: CENTRAL DRAFTING & DESIGN

Date Of Hearing/Closing: 3/2/07

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 324 MILES RD

This sign(s) were posted on February 12, 2007
(Month, Day, Year)

Sincerely,

Martin Ogle 2/12/07
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

[illegible]

Yacht Of 2/12/07



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

January 22, 2007
TIMOTHY M. KOTROCO, *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: 07-282-A

324 Miles Road

West side of Miles Road, 50 feet southeast of Corsica Road.

15th Election District – 6th Councilmanic District

Legal Owner(s): Michael J. Sweeney and Kathleen M. Lohnes

Variance – To permit a side yard setback of 12.5 feet and a sum of side yards of 22.5 feet in lieu of the required 15 feet and 25 feet respectively for a new dwelling to replace an existing dwelling on a lot.

Hearing: Friday, March 2, 2007 at 9:00 a.m. in Room 407 in the Baltimore County Office Building, 111 W. Chesapeake Avenue, Towson 21204.

Handwritten signature of Timothy Kotroco in black ink.

Timothy Kotroco
Director

TK:klm

C: Michael J. Sweeney Kathleen M. Lohnes 420 Walcott Road Baltimore 21206
David Billingsley Central Drafting & Design, Inc. 601 Charwood Court Edgewood 21040

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, FEBRUARY 15, 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director
January 22, 2007
Department of Permits and
Development Management

Michael Sweeney
Kathleen Lohnes
420 Walcott Road
Baltimore, MD 21206

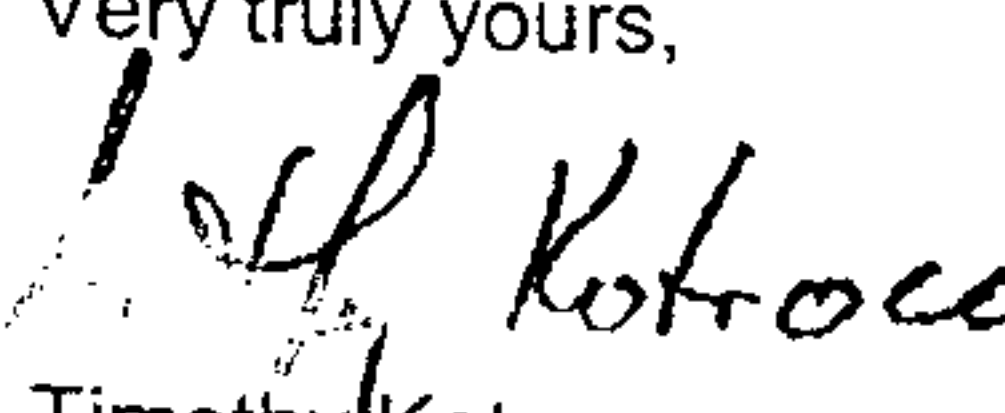
Dear Mr. Sweeney and Ms. Lohnes:

RE: Case Number: 07-282-A, 324 Miles Road

The above matter, previously scheduled for February 13, 2007, has been postponed at the request of your representative Mr. David Billingsley. The hearing has been rescheduled and the new 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,


Timothy Kotroco
Director

TK:klm

C: David Billingsley, 601 Charwood Court, Edgewood 21040

CENTRAL DRAFTING AND DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MARYLAND 21040
(410) 679-8719 FAX (410) 679-1298

Department of Permits and Development Management
Baltimore County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

ATTN: Ms. Matthews
Zoning Review Office

RE: 324 MILES ROAD
CASE NO. 07-282-A

Dear Ms. Matthews:

As we discussed, please reschedule the hearing for the referenced case sometime after February 27, 2007.

Thank you for your cooperation in this matter.

Very truly yours,



David W. Billingsley

cc: Michael J. Sweeney, Kathleen M. Lohnes

*Kristen
OK to postpone
Tim*



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

January 10, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

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

CASE NUMBER: 07-282-A

324 Miles Road

West side of Miles Road, 50 feet southeast of Corsica Road.

15th Election District – 6th Councilmanic District

Legal Owner(s): Michael J. Sweeney and Kathleen M. Lohnes

Variance – To permit a side yard setback of 12.5 feet and a sum of side yards of 22.5 feet in lieu of the required 15 feet and 25 feet respectively for a new dwelling to replace and existing dwelling on a lot.

Hearing: Tuesday, February 13, 2007 at 10:00 a.m. in Room 106 in the Baltimore County Office Building, 111 W. Chesapeake Avenue, Towson 21204.

Handwritten signature of Timothy Kotroco in black ink.

Timothy Kotroco
Director

TK:amf

C: Michael J. Sweeney Kathleen M. Lohnes 420 Walcott Road Baltimore 21206
David Billingsley Central Drafting & Design, Inc. 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, JANUARY 23, 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 23, 2007 Issue - Jeffersonian

Please forward billing to:

Michael Sweeney
420 Walcott Road
Baltimore, MD 21206

410-939-9201

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: 07-282-A

324 Miles Road

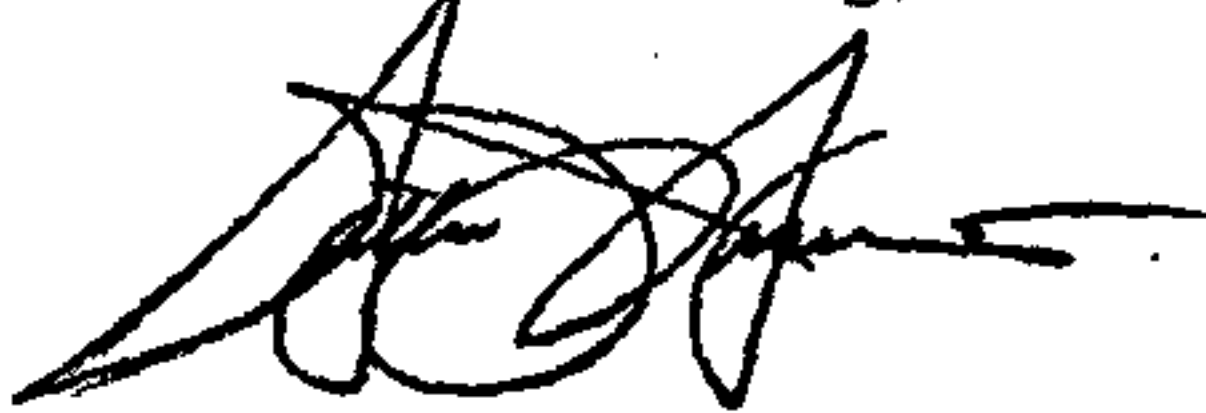
West side of Miles Road, 50 feet southeast of Corsica Road.

15th Election District – 6th Councilmanic District

Legal Owner(s): Michael J. Sweeney and Kathleen M. Lohnes

Variance – To permit a side yard setback of 12.5 feet and a sum of side yards of 22.5 feet in lieu of the required 15 feet and 25 feet respectively for a new dwelling to replace and existing dwelling on a lot.

Hearing: Tuesday, February 13, 2007 at 10:00 a.m. in Room 106 in the Baltimore County Office Building, 111 W. Chesapeake 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/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: 07-282-A
Petitioner: MICHAEL SWEENEY & KATHLEEN LOHNE
Address or Location: 324 MILES ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: MICHAEL SWEENEY
Address: 420 WALCOTT ROAD
BALTO, MD. 21206
Telephone Number: (410) 939-9201



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

February 22, 2007

Michael J. Sweeney
Kathleen M. Lohnes
420 Walcott Road
Baltimore, MD 21206

Dear Mr. Sweeney and Ms. Lohnes:

RE: Case Number: 07-282-A, 324 Miles Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 19, 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
David Billingsley Central Drafting & Design, Inc. 601 Charwood Ct Edgewood 21040



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

Driven to Excel
State Highway
Administration

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

Maryland Department of Transportation

Date: JAN. 3, 2007

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

RE: Baltimore County
Item No. 7-282-A
324 MILES ROAD
LOHNES-SWEENEY PROPERTY
VARIANCE-SIDE YARD SETBACK

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. 7-282-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,

For¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

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

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



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAR - 2 2007

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination *JWL*
DATE: March 3, 2007
SUBJECT: Zoning Item # 07-282-A
Address 324 Miles road
(Sweeney/Lohnes Property)

Zoning Advisory Committee Meeting of January 1, 2007

_____ 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:

The development of this site must comply with impervious surface limits, native tree coverage, 100-foot tidal buffer, and buffer management area requirements as it is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA).

Reviewer: Paul A. Dennis

Date: January 24, 2007

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 4, 2007

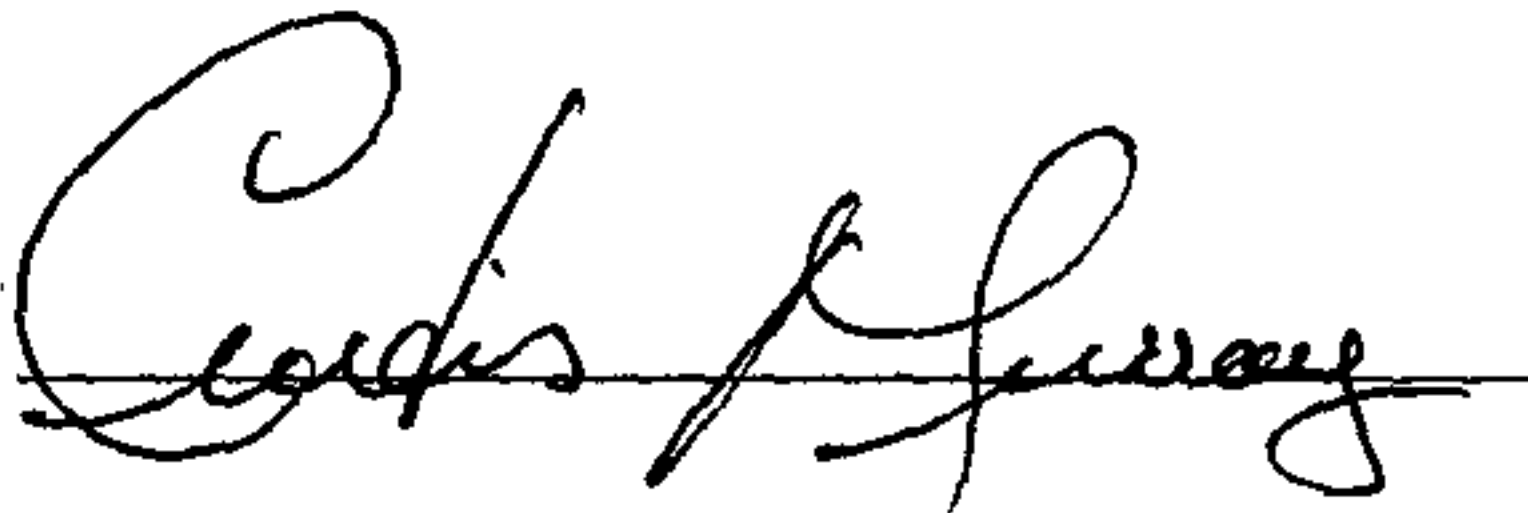
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-282 Variance**

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

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

Prepared By:



Division Chief:



CM/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 3, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For January 8, 2006
Item No. 07-282

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 9.4 feet Baltimore County Datum.

The flood protection elevation for this site is 10.4 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 07-282-01032007.doc

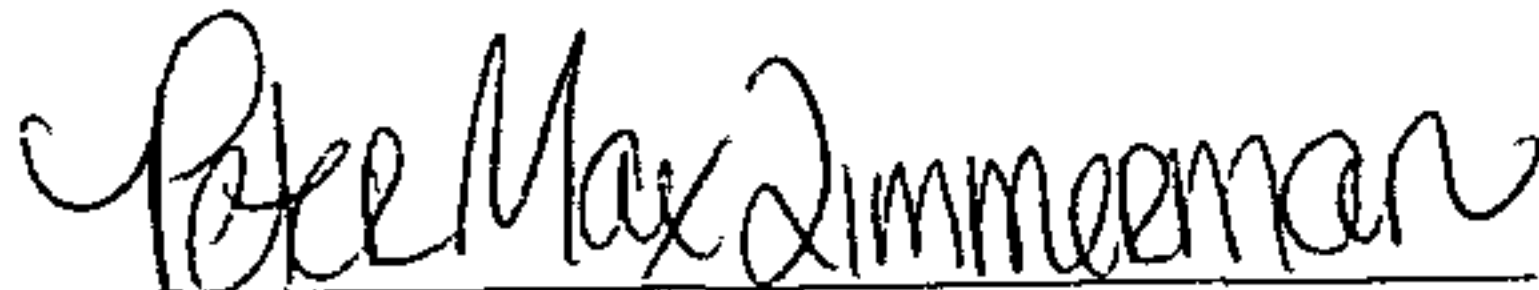
RE: PETITION FOR VARIANCE
324 Miles Road; W/S Miles Road,
50' SE Corsica Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Michael Sweeney &
Kathleen Lohnes
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 07-282-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
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

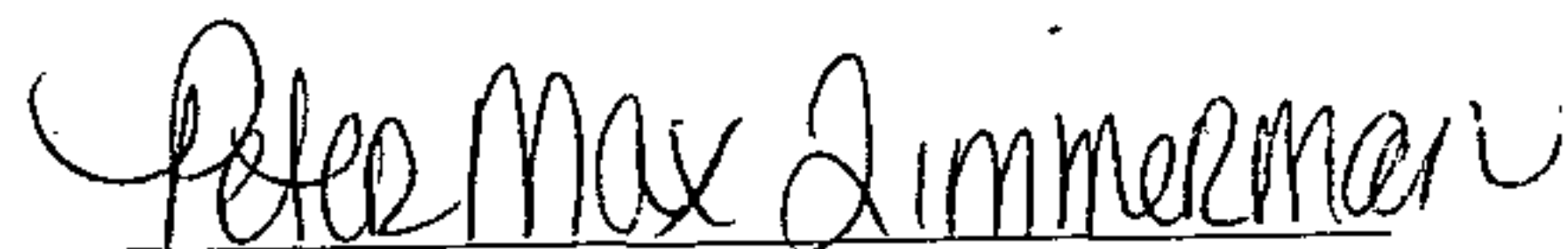
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of January, 2007, 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).

RECEIVED

JAN 0 2007

Per.....



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME 324 MILES RD.
CASE NUMBER 07-282-A
DATE 3/2/07

PETITIONER'S SIGN-IN SHEET

[illegible]

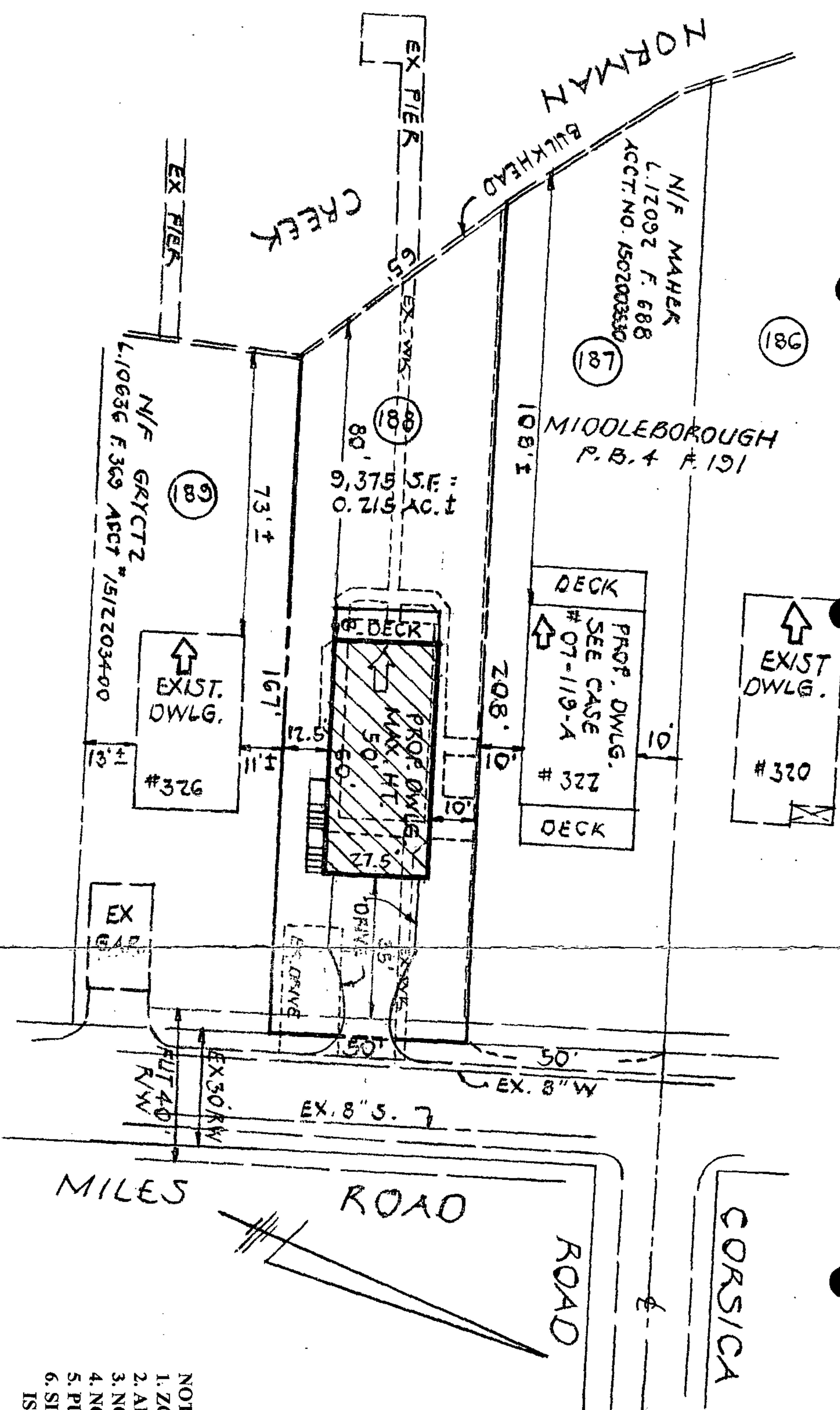


07-282-A

OWNER
MICHAEL J. SWEENEY
KATHLEEN M. LOHNES
420 WALNUT ROAD
BALTO., MD. 21206

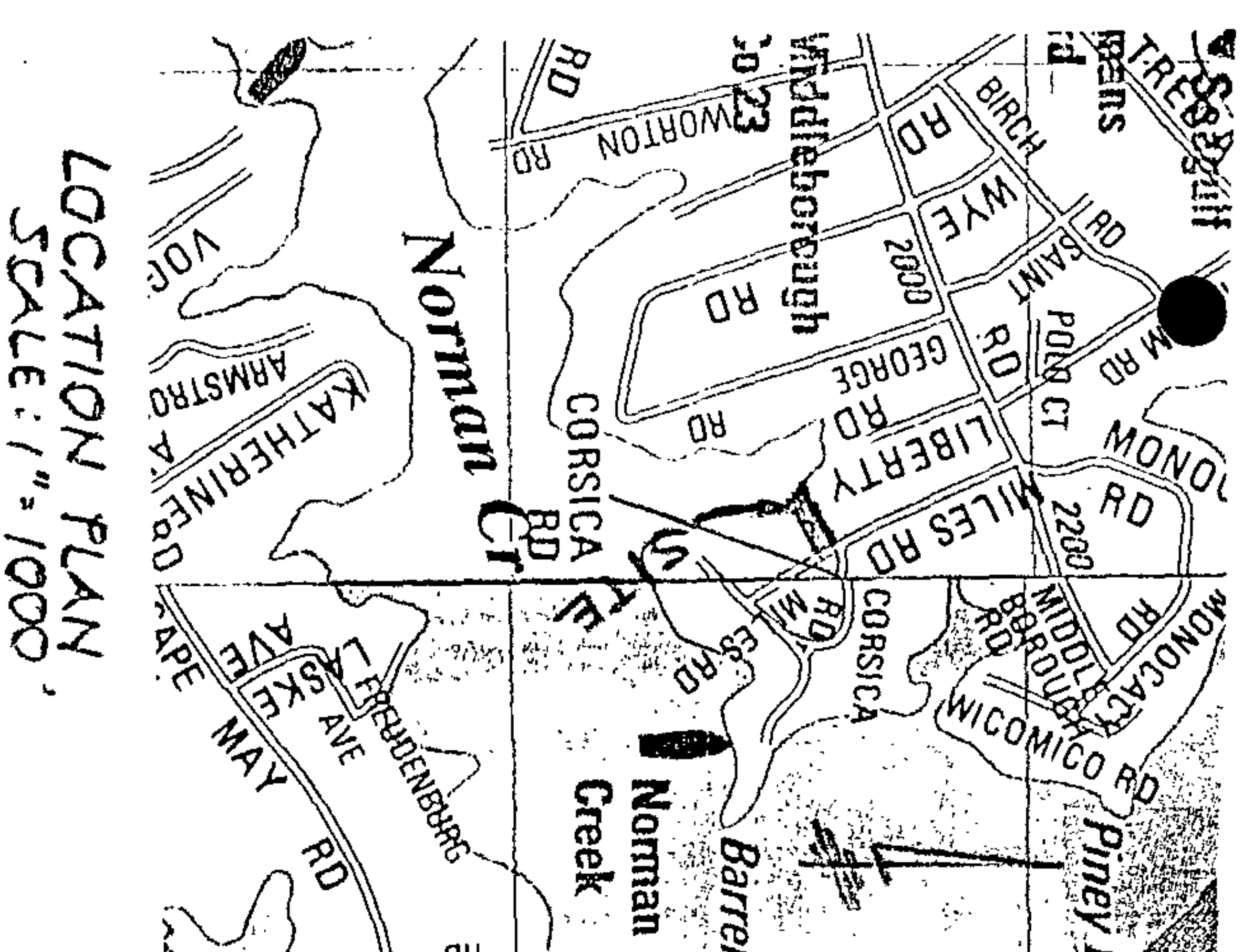
OWNER
MICHAEL J. SWEENEY
KATHLEEN M. LOHNES
420 WALNUT ROAD
BALTO, MD. 21206
DEED NOT YET ON RECORD
ACCT. NO. 1502653690

**ZONING PLAT
324 MILES ROAD
LOT 188 MIDDLEBOROUGH
P.B. 4 F.191
ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 30 FEET
NOVEMBER 15, 2006**

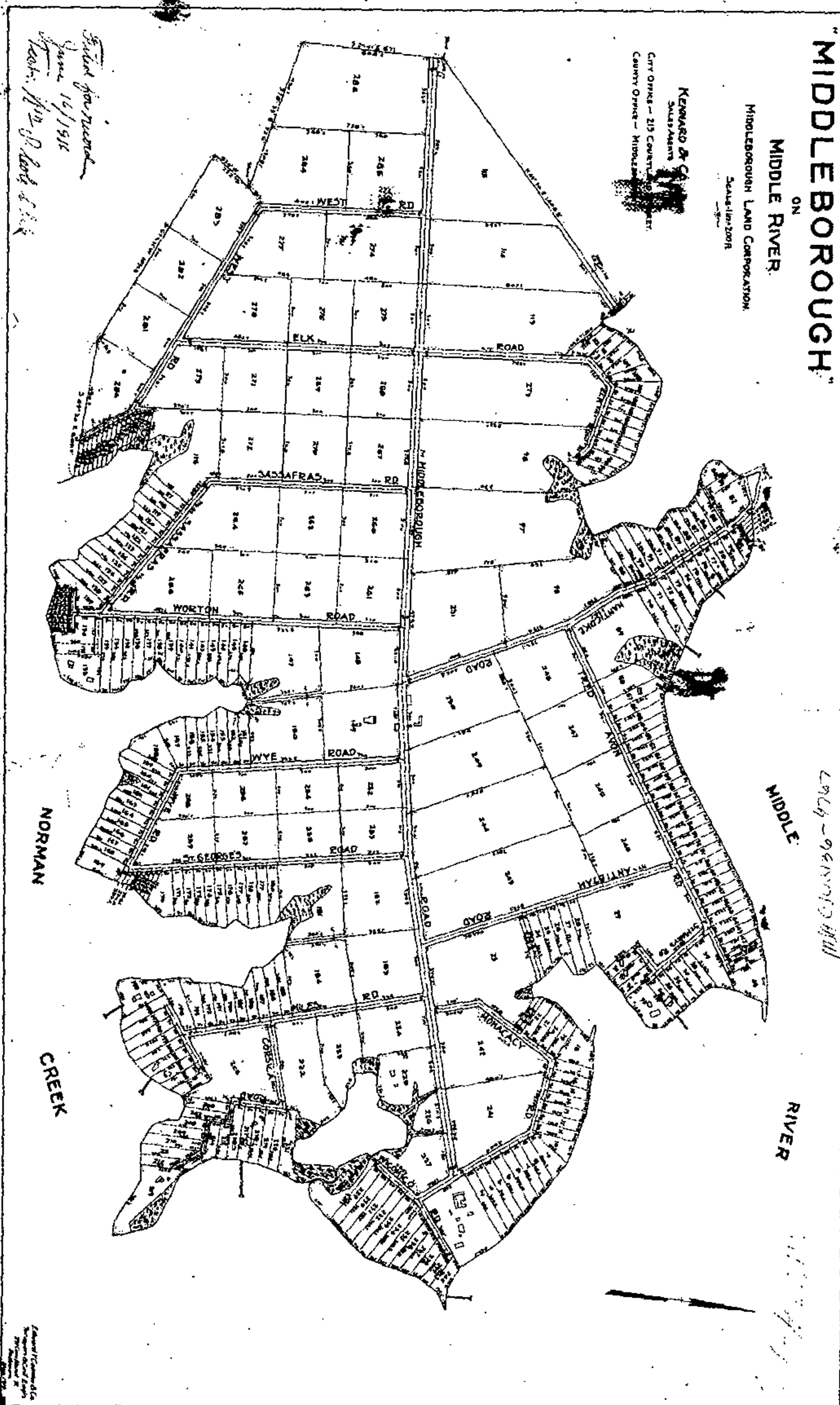


NOTES

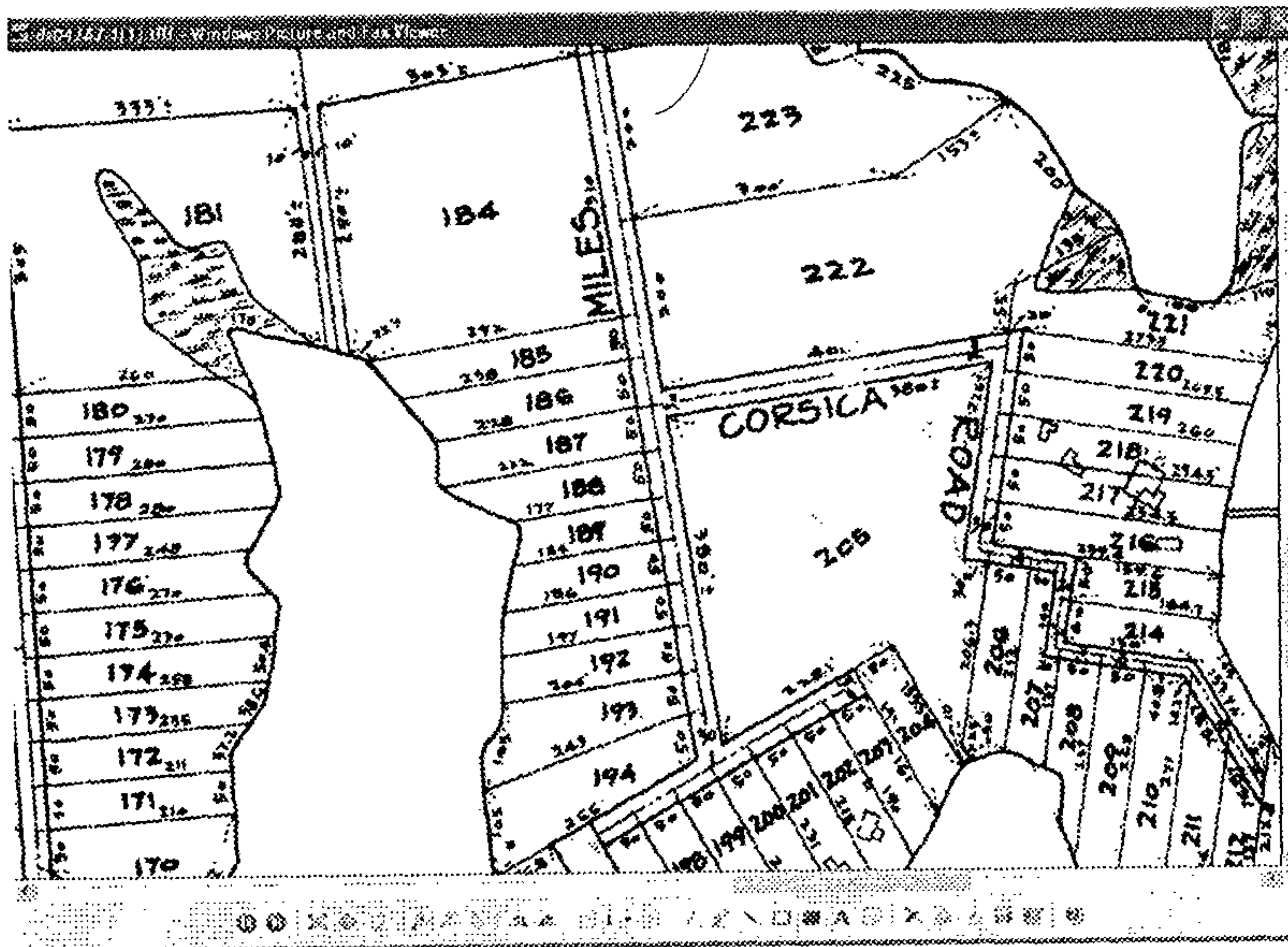
1. ZONING.....DR 3.5 (MAP 098A1)
2. AREA.....9,375 S.F. = 0.215 ACRE
3. NO PRIOR ZONING HISTORY
4. NO HISTORIC STRUCTURES EXIST
5. PUBLIC WATER AND SEWER IS EXISTING
6. SITE IS LOCATED IN CBCA. A PORTION OF THIS SITE IS LOCATED IN FLOOD ZONE A.



P.B. 4 F. 191
RECORDED 6/16/16



Page #2



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 - 1502653690

Owner Information

Owner Name: SWEENEY MICHAEL J
LOHNES KATHLEEN M
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 324 MILES RD
BALTIMORE MD 21221-1524
Deed Reference: 1) /24836/ 670
2)

Location & Structure Information

Premises Address

324 MILES RD

Legal Description

324 MILES RD
MIDDLEBOROUGH

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
97	12	373					188	3		4/ 191

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built
0000

Enclosed Area

Property Land Area
13,930.00 SF

County Use
34

Stories

Basement

Type

Exterior

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2006	As Of 07/01/2007
Land:	122,480	202,480		
Improvements:	5,820	5,210		
Total:	128,300	207,690	154,763	181,226
Preferential Land:	0	0	0	0

Transfer Information

Seller: SNIADACH JOSEPH A	Date: 11/30/2006	Price: \$335,000
Type: IMPROVED ARMS-LENGTH	Deed1: /24836/ 670	Deed2:
Seller: BROWN MARY A	Date: 02/23/1998	Price: \$125,000
Type: IMPROVED ARMS-LENGTH	Deed1: /12677/ 463	Deed2:
Seller: MOFFETT KENNETH K	Date: 05/22/1962	Price: \$5,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 7035/ 621	Deed2:

Exemption Information

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

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

3

Ref #3