RIDER RECEIVED FOR FILING	3-14-07	CAT CA
CASOER.	Date	By

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
N/S Holly Beach Road, 400' SW C/line		
Henrietta Avenue	*	ZONING COMMISSIONER
(2502 Holly Beach Road) 15 th Election District		
_	*	OF
6 th Council District		
	*	BALTIMORE COUNTY
William Douglas Schmidt, Sr., et ux		
Petitioners	*	Case No. 07-317-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, William Douglas Schmidt, Sr., and his wife, Kathleen Schmidt. The Petitioners request variance relief from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition and screened porch with side yard setbacks of 7 feet and 49 feet and a 57-foot setback from the centerline of the street in lieu of the required 50 feet, 50 and 75 feet respectively. The subject property and requested relief are more particularly described on the amended redlined site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were William Schmidt, Sr., property owner, and Bernadette Moskunas, of Site Rite Surveying, Inc., the consultants who assisted the Petitioners in the filing process. Also appearing was a family friend and contractor, Frank A. Beever, who is intimately familiar with the property and existing improvements which were built in 1989. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the property under consideration consists of two lots of record (Lots 1 and 2) and when combined form an irregular, rectangular

shaped waterfront parcel located with frontage on Middle River on the northwest side of Holly Beach Road in eastern Baltimore County. The properties contain a gross area of 53,143 square feet (1.22 acres), more or less, zoned R.C.5 and improved (primarily Lot 2) with a modest (2,118 square foot) 1-1/2 story dwelling featuring a front deck and 300' pier. As is often the case with older subdivisions, the Holly Beach community was laid out many years ago (December 1913), well prior to the adoption of the zoning regulations in Baltimore County. Thus, many of the lots in the neighborhood are undersized and do not meet current area and width requirements. As shown on the site plan, the subject property has 111' of road frontage; however, is 200' along the water, and 313' deep on the west side and 268' deep on the east side. The property has been in the Petitioners family for many years with Mr. Schmidt obtaining ownership in 1985 and his family has enjoyed it as a summer home since that time. Also shown on the site plan, the Petitioners are now desirous of further improving the property by adding a 16' wide x 43' deep addition on the east side of the dwelling and propose a 24' x 16' screened-in porch on the west side. Due to the topography and existing floodplain lines (See Petitioners' Exhibits 4 and 5), the dwelling when originally constructed had to be placed out of the floodplain in the southeastern portion of the lot in Flood Zone C. In 2003, mandatory public sewer and water was brought to the area and the connections placed on this property in the western front yard (See Petitioners' Exhibit 3). In view of the unusual configuration and size of the lot, its proximity to Flood Zone A10 bisecting the property, compliance with the regulations is not practical or possible. Additionally, as waterfront property, the proposed development must comply with Chesapeake Bay Critical Area regulations, which require that the house and improvements be set back from the waterfront as great a distance as possible. Thus, variance relief is requested in order to comply with the spirit and intent of those regulations. In that the R.C.5 development regulations require a minimum 50-foot setback to any property line and a 75-foot setback from any road, the requested variance relief is necessary. In support of the request, testimony indicated that the proposed dwelling would be consistent with other houses in the community and feature similar setbacks as those on Holly Beach Road. Moreover, the Petitioners testified that they have spoken with their neighbors about the plans and no one had any objections. Ms. Moskunas points out that the R.C.5 zoning classification was placed on the properties when utility services were non-existent and now that they have been provided, the zoning classification should rightly be changed to D.R.5.5. Further, she indicates that this is one of the larger lots in the community where many of the existing homes were built on 50-foot wide lots (See Petitioners' Exhibit 4 – Topographical Map demonstrating the pattern of development). Thus, she submits that the relief requested is appropriate and is consistent with the neighborhood.

After due consideration of the testimony and evidence presented, I find that the Petitioners have met the requirements of Section 307 and Cromwell v. Ward, 102 Md. App. 691 (1995) for relief to be granted. As noted above, the subject property has been a lot of record since 1913, well prior to the adoption of the R.C.5 zoning regulations in 1979. It is clear that strict compliance with the regulations would result in practical difficulty for the Petitioners and prevent further improvements of the property for a permitted purpose. There were no adverse comments submitted by any County reviewing agency, and none of the neighbors have any objections. Thus, I find that relief can be granted without detrimental impact to the health, safety, or general welfare of the surrounding locale. However, due to the properties close proximity to Middle River, the proposed improvements must comply with Chesapeake Bay Critical Area regulations as set forth in the attached Zoning Advisory Committee (ZAC) comment submitted by the Department of Environmental Protection and Resource Management

OH FILING ANDER RECEIVED ð (DEPRM).

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of March, 2007 that the Petition for Variance seeking relief from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition and screened porch with a side yard setback of 7 feet and 49 feet and a 57-foot setback from the centerline of the street in lieu of the required 50 feet, 50 and 75 feet respectively, in accordance with Petitioners' Exhibits 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- Compliance with the Chesapeake Bay Critical Area regulations and the Limited Development Area (LDA) requirements. A copy of that comment, dated March 2, 2007, is attached hereto and made a part hereof.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the

Baltimore County Code.

WJW:dlw

WILLIAM J. WISEMAN, VII Zoning Commissioner

for Baltimore County

Inter-Office Correspondence



RECEIVED

MAR - 2 2007

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

March 2, 2007

SUBJECT:

Zoning Item. # 07-317-A

2502 Holly Beach Road

(Schmidt Property)

Zoning Advisory Committee Meeting of January 22, 2007

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

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

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

Additional Comments:

The property is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA) and must comply with a 15% impervious surface limit, a 15% forest cover requirement, and Critical Area buffer issues. Part of the property is within the Buffer Management Area and must adhere to those requirements. The broadswal on the west side of the site requires evaluation and may result in additional comments.

Reviewer:

Paul A. Dennis

Date: January 30, 2007

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-317-A.doc

R FILING UNDER RECEIVED FO



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

March 13, 2007

Mr. Douglas Schmidt, Sr. Ms. Kathleen Schmidt 1213 Limekiln Road Towson, Maryland 21286

RE: PETITION FOR VARIANCE

N/S Holly Beach Road, 400' SW C/line Henrietta Avenue (2502 Holly Beach Road)
15th Election District - 6th Council District
William Douglas Schmidt, Sr., et ux - Petitioners
Case No. 07-317-A

Dear Mr. and Mrs. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted with restrictions in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

Very Muly yours,

WJW:dlw Enclosure

c: Ms. Bernadette Moskunas, Site Rite Surveying, Inc., 200 E. Joppa Road, #101, Towson, Md. 21286

Mr. Frank Beever, 1119 High Country Road, Towson, Md. 21286

Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100, Annapolis, Md. 21401

People's Counsel; DEPRM; Case File



CBGA Flood Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 2502 Holly Beach Poad
which is presently zoned PC5

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) 1AO43B.2bBCZR

To permit an addition with a side yard set back of Attach 49ft, and a 57ft setbook from the Clenthe Street in lieu of the required 50ft, 50ft, and 75 ft. respectively.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

see attached.

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 law for Baltimore County.

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.

Signature Address Telephone No. Attorney For Petitioner: Name - Type or Print Name - Type or Print Name - Type or Print City Signature City Representative to be Contacted: Signature Sign			13 the Subject of the	
Name - Type or Print Signature Signature Signature Signature Address Telephone No. Attorney For Petitioner: City State Zip Code Signature Attorney For Petitioner: City City City City Representative to be Contacted: Signature Signature Company Address Telephone No. Name 200 E. Joppa Road, #101 (410(828-9060 Address Towson MD 21286 City State Zip Code City State Towson MD 21286 City State	Contract PurchaseriLessee:		Legal Owner(s):	
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Address Telephone No. City State Zip Code Attorney For Petitioner: Name - Type or Print Signature Signature Company Address Telephone No. Telephone No. Telephone No. Address Telephone No. Telephone No. Address Telephone No. Telephone No. Address Telephone No. Address Telephone No. Telephone No. Address Telephone No. Telephone No. Address Telephone No. Telephone No. Telephone No. Address Telephone No. Telephone No. Towson MD 21286 City State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Reviewed By Thunyallable For HEARING Date OFICE USE ONLY CONDEN MEURICIPE FOR HEARING TOWSON CONDEN MEURICIPE FOR HEARING Date OFFICE USE ONLY CONDEN MEURICIPE FOR HEARING DATE OFFICE USE ONLY CONDEN MEURICIPE FOR HEARING DATE OFFICE USE ONLY CONDEN MEURICIPE FOR HEARING DATE OFFICE USE ONLY CONDEN MEURICIPE FOR HEARING DATE OFFICE USE ONLY CONDEN MEURICIPE FOR HEARING DATE OFFICE USE ONLY CONDEN MEURICIPE FOR	Name - Type or Print	Name	Man D. Schmidt	11
City State Zip Code Signature Attorney For Petitioner: Name - Type or Print City Representative to be Contacted: Signature Signature Signature Signature Company Address Telephone No. Address Telephone No. Towson Mn 21286 City State Zip Code	Signature		KATHLEEN Schmidt	<u></u>
Attorney For Petitioner: Address Telephone No. Towson MD 21286 Telephone No. Towson MD 21286 Telephone No. Towson MD 21286 Telephone No. Towson Tow	Address	Telephone No.	Kathleen Schmid	<u>e</u>
Name - Type or Print City Representative to be Contacted: Signature Site Rite Surveying, Inc. Name 200 E. Joppa Road, #101 (410(828-9060 Address Telephone No. Address Telephone No. Address Towson MD 21286 City State Zip Code OFFICE USE ONLY Case No. 07-3/7 A ESTIMATED LENGTH OF HEARING Reviewed By Truphayallable For HEARING On Den Medicals Reviewed By Truphayallable For HEARING On Den Medicals Towson MD 21286 Office USE ONLY Case No. 07-3/7 A ESTIMATED LENGTH OF HEARING Data 1/12/07	City	Zip Code		1 1110 602 714
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REASONS TO ACCOMPANY VARIANCE PETITION

- 1. Property owner does not own contiguous property in order to meet setback requirements. The property has been under the same ownership since July 12, 1985 and the lots as described are shown on a plat dated December 1913 filed for record February 1916.
- 2. The existing dwelling was constructed in 1989 and is used as a summer home. The existing dwelling met the zoning regulations in place at the time of construction.
- 3. This request is within the spirit and intent of B.C.Z.R. and will not adversely affect the general health, safety or welfare of the neighborhood.

ZONING DESCRIPTION #2502 HOLLY BEACH ROAD

Road which is 40 feet wide at the distance of 400 feet southwest of the centerline of Henrietta Avenue which is 40 feet wide. Being Lots 1 and 2, in the subdivision of "Holly Beach" as recorded in Baltimore County Plat Book #4, Folio #182, containing 1.22 Acre, more or less. Also known as #2502 Holly Beach Road and located in the 15th Election District, 6th Councilmanic District.



Michael V. Moskunas Reg. No. 21175

Site Rite Surveying, Inc. 200 E. Joppa Road, Suite 101 Towson MD 21286 (410) 828-9060

#317

File: 2502 Holly Beach Rd.doc

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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: # 07-317-A

2502 Holly Beach Road

N/side of Holly Beach Road, at the distance of 400 feet s/west of the centerline of Henrietta Avenue

15th Election District - 6th Councilmanic District

Legal Owner(s): William Douglas & Kathleen Schmidt,

Variance: to permit an addition with a side yard setback of 7 feet and 49 and a 57-foot setback from the centerline of the street in lieu of the required 50 feet, 50 feet and 75 feet respectively.

Hearing: Thursday, March 8, 2007 at 9:00 a.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 Com-

missioner'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 2/693 Feb. 20.

CERTIFICATE OF PUBLICATION

•
222,2007
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 220 ,2007.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING



ZONING NOTICE

CASE # 07-317-A

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

ROOM LOG, COUNTY OFFICE BUILDING
III WEST CHESAPEAKE AVENUE
TOWSON, MO. 21204

PLACE:

THURSDAY, MARCH 8, 2007

DATE AND TIME: AT 9:00 A.M.

REQUEST: WARIANCE TO PERMIT AN ADDITION

WITH A SIDE YARD SETBACK OF TEET AND

49 FEET AND A 57 FOOT SETBACK FROM THE

CENTERLINE OF THE STREET IN LIEU OF THE

REQUIRED SO FEET, SO FEET AND 75 FEET RESPECT

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POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

Baltimore County Department of

County Office Building, Room 111

111 West Chesapeake Avenue

Attention: Christen Matthews

Towson, MD 21204

Permits and Development Management

The sign(s) were posted on [53, 21]

Petitioner/Developer: W. D. SCHMIDT, SR. Date of Hearing/Closing: MAR. 8, 2007 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 propery located at # 2502 HOLLY BEACH POAD (Month, Day, Year) Sincerely, (Signature of Sign Poster and Date) CJAPLANED E. MOORE (Printed Name) 3225 RYERSON CIRCLE BAUTIMORE, MD, 21227 (City, State, Zip Code) (Telephone Number)

RE: Case No.: 07-317-A

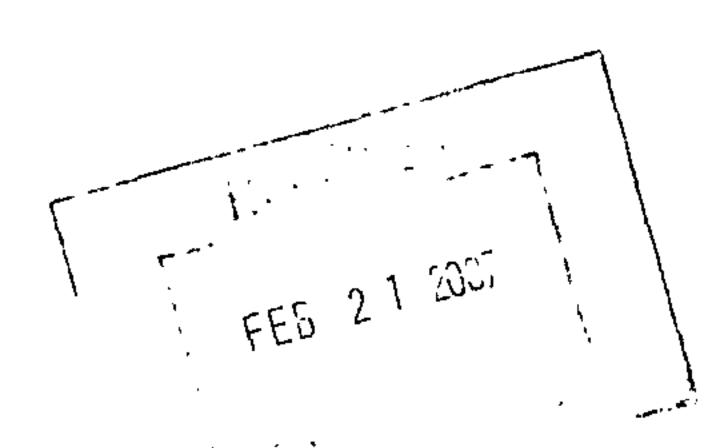


ZONINGN

CASE # 07-317-A

A PUBLIC HEARING WILL BE THE ZONING COMMISSIO IN TOWSON, MD

Room 106 Comme



RE: PETITION FOR VARIANCE

2502 Holly Beach Road; N/S Holly Beach Road

400' SW c/line Henrietta Avenue

15th Election & 6th Councilmanic Districts

Legal Owner(s): William & Kathleen Schmidt*

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

07-317-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/

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 30th day of January, 2007, a copy of the foregoing Entry of Appearance was mailed to Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED

JAN 3.0 2007

Per.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



JAMES T. SMITH, JR. County Executive

February 1, 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: 07-317-A

2502 Holly Beach Road

N/side of Holly Beach Road, at the distance of 400 feet s/west of the centerline of Henrietta Avenue

15th Election District – 6th Councilmanic District

Legal Owners: William Douglas & Kathleen Schmidt, Sr.

Variance to permit an addition with a side yard setback of 7 feet and 49 and a 57-foot setback from the centerline of the street in lieu of the required 50 feet, 50 feet and 75 feet respectively.

Hearing: Thursday, March 8, 2007 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: William & Kathleen Schmidt, Sr., 1213 Limekiln Road, Towson 21286 Site Rite Surveying, Inc., 200 E. Joppa Road, Rm. 101, Towson 21286

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, FEBRUARY 21, 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, February 20, 2007 Issue - Jeffersonian

Please forward billing to:

William Schmidt 1213 Limekiln Road Towson, MD 21286 410-583-7645

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: 07-317-A

2502 Holly Beach Road

N/side of Holly Beach Road, at the distance of 400 feet s/west of the centerline of Henrietta Avenue

15th Election District – 6th Councilmanic District

Legal Owners: William Douglas & Kathleen Schmidt, Sr.

<u>Variance</u> to permit an addition with a side yard setback of 7 feet and 49 and a 57-foot setback from the centerline of the street in lieu of the required 50 feet, 50 feet and 75 feet respectively.

Hearing: Thursday, March 8, 2007 at 9:00 a.m. in Room 106, County Office Building, 111, West 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 <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: 07-3/7-A
Petitioner: William Schmidt
Address or Location: 2502 Holly Beach Poad
PLEASE FORWARD ADVERTISING BILL TO:
Name: William Schmidt
Address: 1213 LimeKiln Poad
TOWSON, MD 21286
Telephone Number: 410 583 - 7645



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

February 28, 2007

William Douglas Schmidt, Sr. Kathleen Schmidt 1213 Limekiln Road Towson, MD 21286

Dear Mr. and Mrs. Schmidt:

RE: Case Number: 07-317-A, 2502 Holly Beach Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 12, 2007.

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

WCR:amf

Enclosures

c: People's Counsel Site Rite Surveying, Inc. 200 E. Joppa Road, Suite 101 Towson 21286

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 January 26, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 22, 2007

317

Item Number: 304 and 307 through 321

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File



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

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: January 24, 2007

Department of Permits & Development Management

ON

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 29, 2007

Item Nos. 07-260,304, 307, 309, 310, 311, 312, 313, 314, 315, 317, 318, 319,

320, and 321

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-01222007.doc

Inter-Office Correspondence



RECEIVED

MAR - 2 2007

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

March 2, 2007

SUBJECT:

Zoning Item #

07-317-A

Address

2502 Holly Beach Road

(Schmidt Property)

Zoning Advisory Committee Meeting of January 22, 2007

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).

_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 property is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA) and must comply with a 15% impervious surface limit, a 15% forest cover requirement, and Critical Area buffer issues. Part of the property is within the Buffer Management Area and must adhere to those requirements. The broadswal on the west side of the site requires evaluation and may result in additional comments.

Reviewer:

Paul A. Dennis

Date: January 30, 2007

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-317-A.doc

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management DATE: February 1, 2007

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-317 - 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

State Highway

Administration 8

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

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

Maryland Department of Transportation

Date: JANUARY 23, 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. 7-317-A

2502 HOLLY BEACHRD SCHMIDT PROPERTY

VARIABLE

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. 7-317A.

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

Very truly yours,

FOR

Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

From:

Debra Wiley

To:

Livingston, Jeffrey

Date:

03/01/07 4:04:55 PM

Subject:

DEPRM Comment Needed

Hi Jeff,

Bill is hearing a case next week and we're missing a DEPRM comment for:

3/8 - 07-317-A - 2502 Holly Beach Road - CBCA

Thanks!

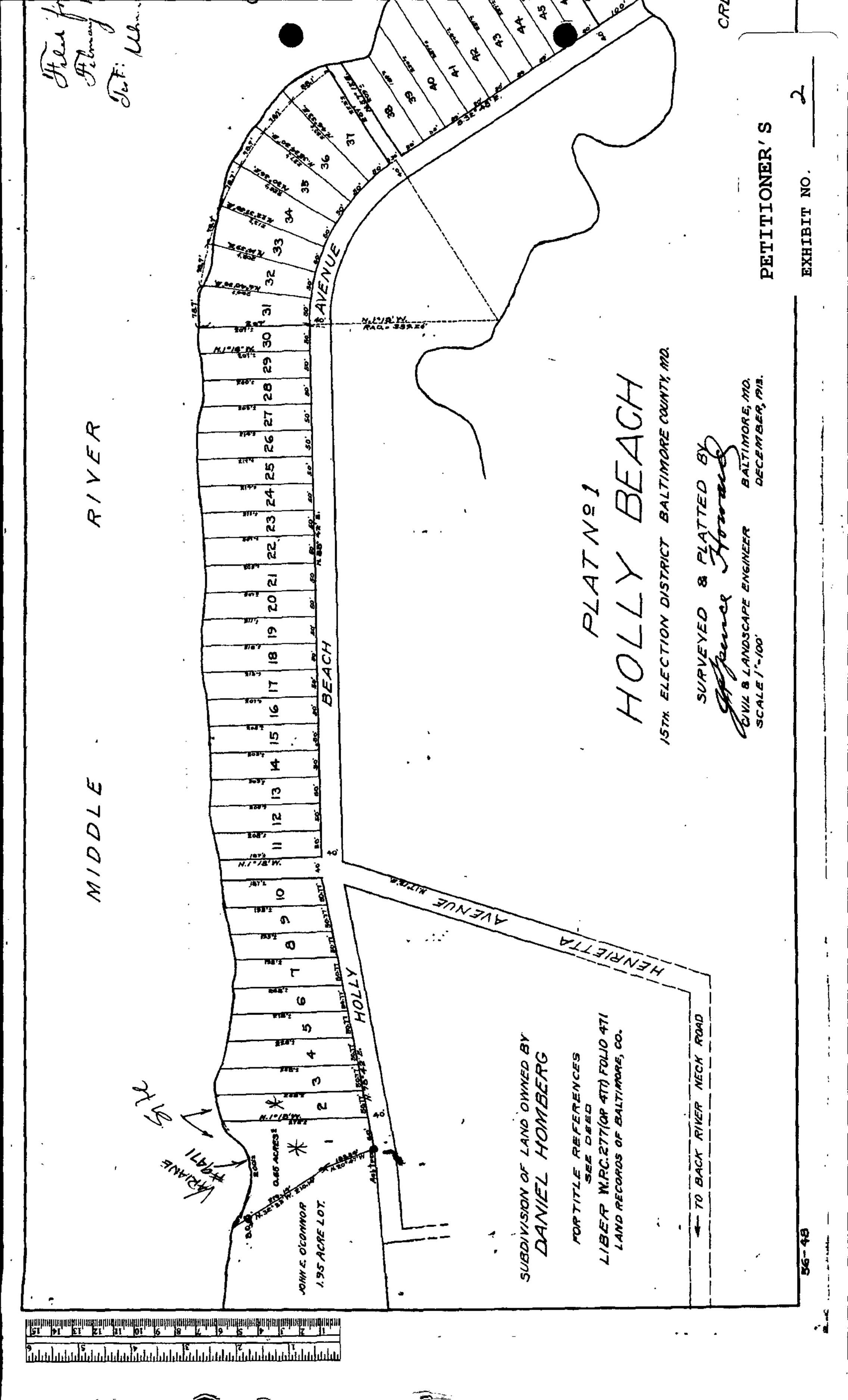
Case No.: 07-317 A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1 SITE PLAN No. 2 SUB DIVISION PLAT Holly Brach No. 3 2003 Ruseine Server Plat No. 4 GIS Services Map No. 5 Fama MAP No. 6	
No. 3 2003 Presente Sever Plat No. 4 GIS Services Map No. 5 Fema MAP No. 6	
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No. 10	
No. 11	
No. 12	



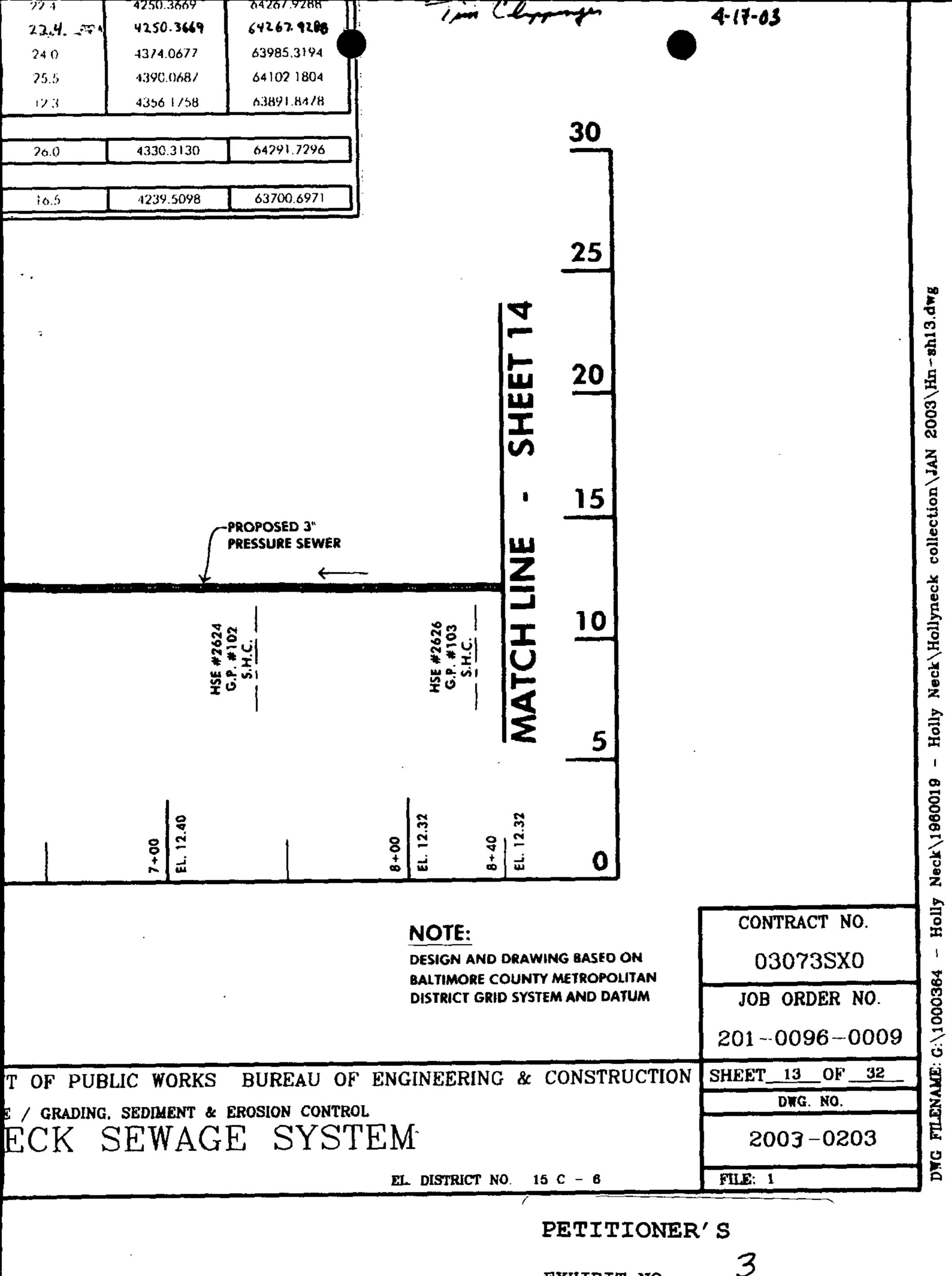
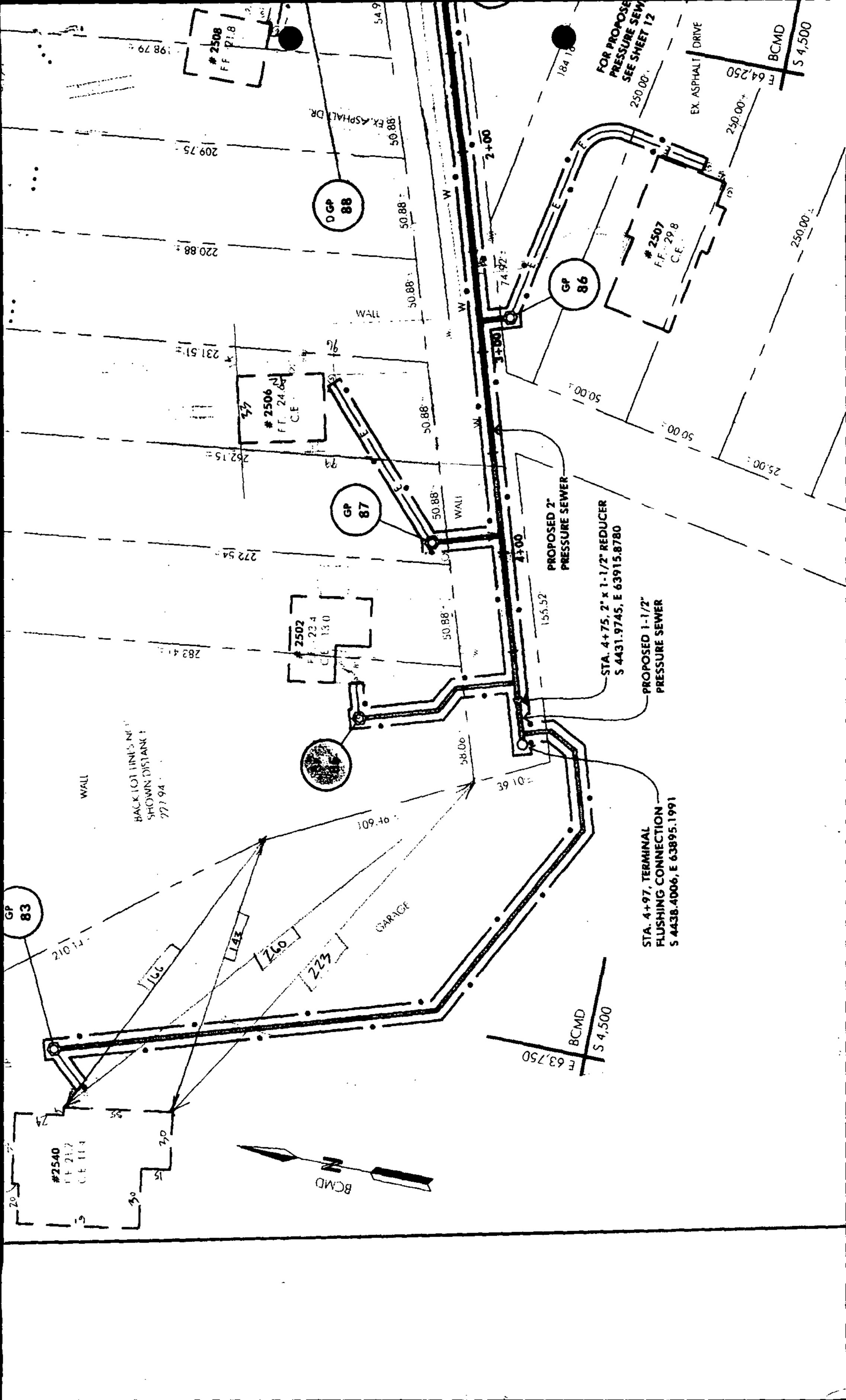
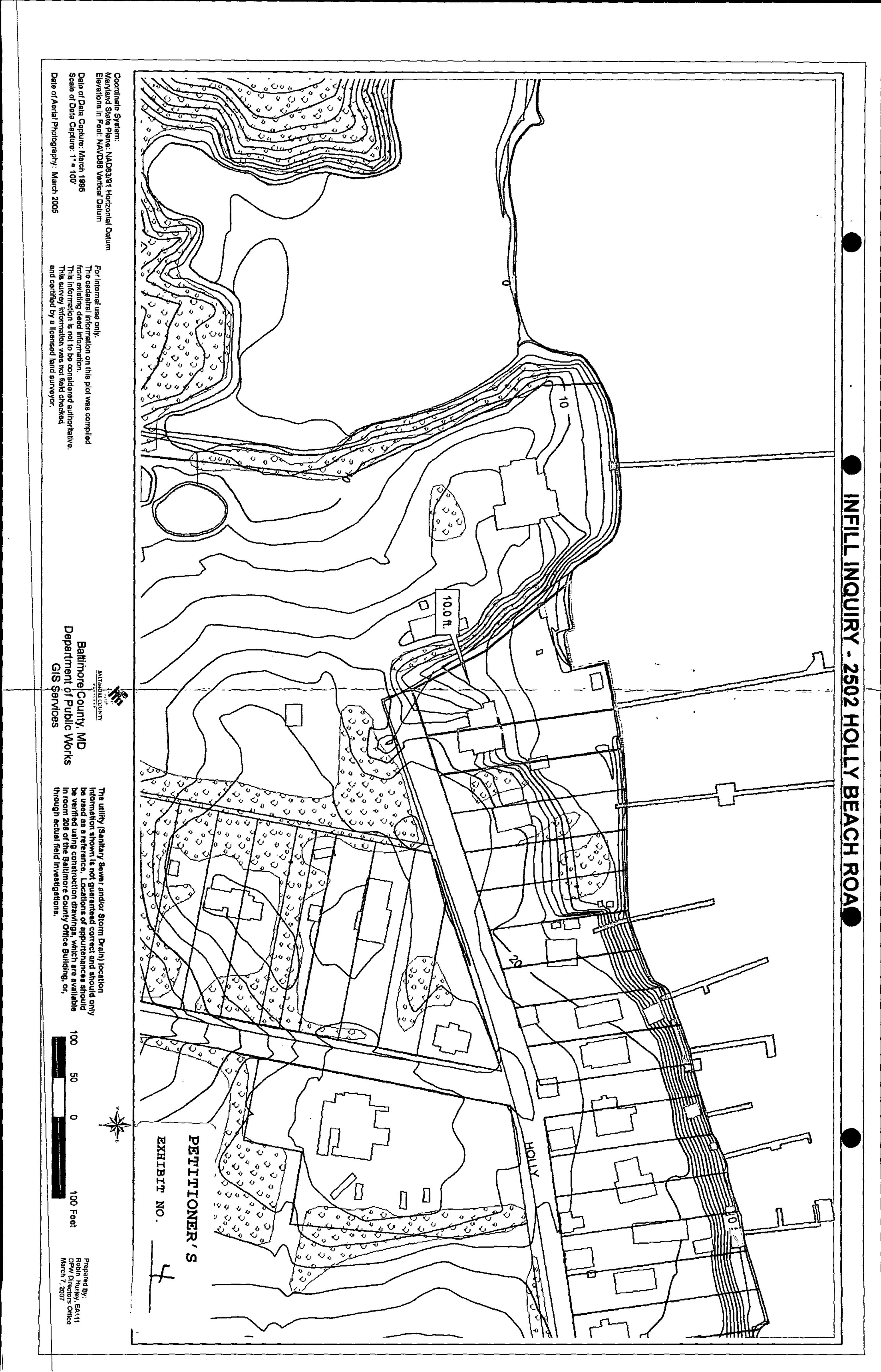
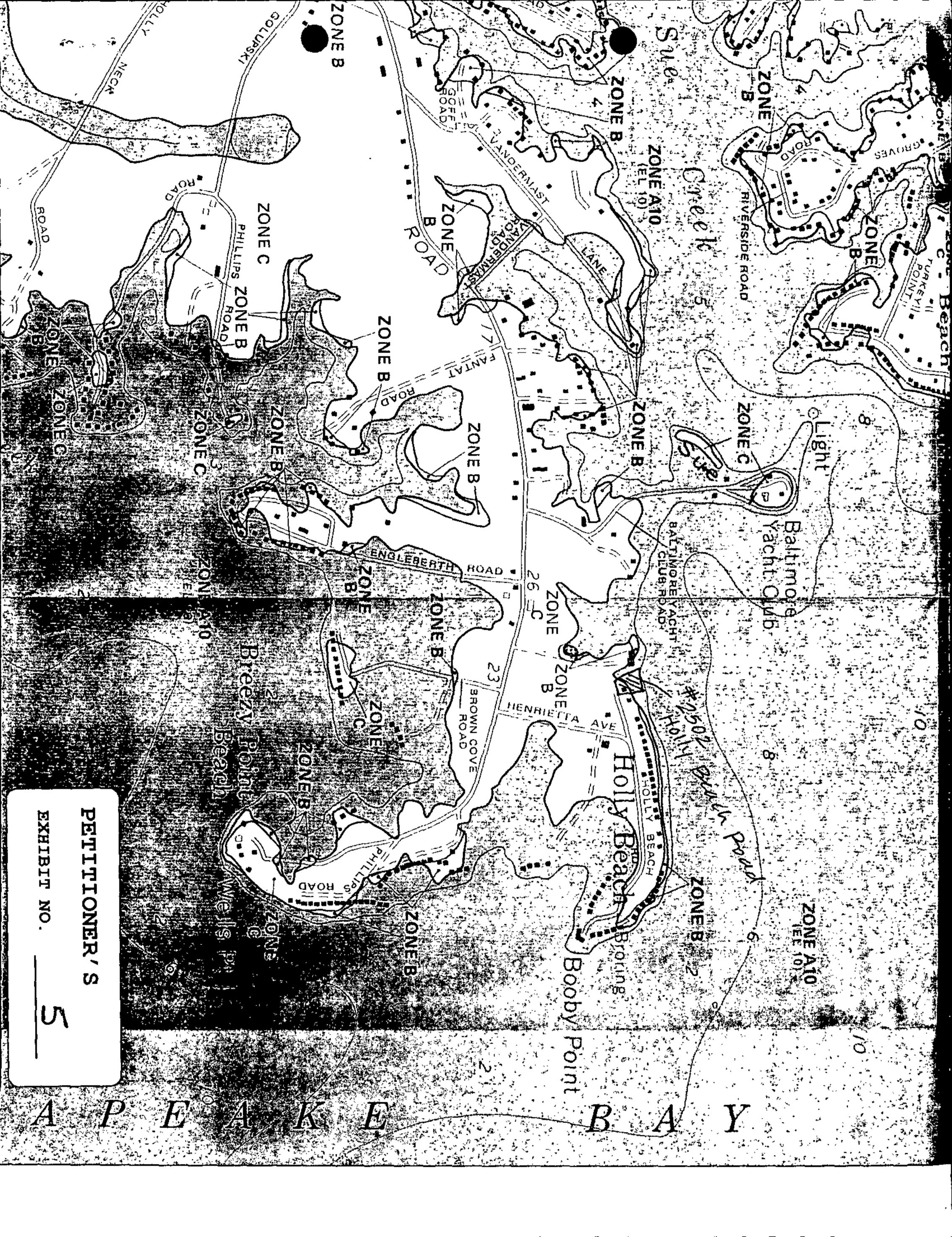


EXHIBIT NO.







NATIONAL FLOOD INSURANCE PROGRAM

FIRM

FLOOD INSURANCE RATE MAP

BALTIMORE COUNTY, MARYLAND (UNINCORPORATED AREAS)

PANEL 445 OF 575

(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER 240010 0445 C

> MAP REVISED: NOVEMBER 17, 1993

Federal Emergency Management Agency

1, 1/000

PLEASE PRINT CLEARLY

CASE NAME 2502 HOLLY BEACH POAR CASE NUMBER 07-3/17A DATE 3/8/07

PETITIONER'S SIGN-IN SHEET

E- MAIL アマダク 2122 2025 STATE, ZIP 3 Baltinore, M. Jowson, M. CITY, 200 E. Joppa Road Run 101 2502 Hollybeach Rd 2011 ADDRESS NAME

