

IN RE: PETITION FOR VARIANCE

SE Corner Tampa Road & Waterford Road
(601 Tampa Road)
15th Election District
7th Council District

Jesse Goles, et ux
Petitioners

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 07-327-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, Jesse Goles, and his wife, Ashley Goles. The Petitioners request variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Page S-14, Policy Manual, Page 1B-26) to permit a proposed dwelling on a corner lot to have a side yard street building line setback as close as 8 feet in lieu of the required 25 feet. The subject property and requested relief are more particularly described on the 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 Jesse and Ashley Goles, property owners, and William J. Winter, of Heritage Homes, the contractor retained to construct the proposed single-family dwelling. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped corner lot located at the intersection of Tampa Road and Waterford Road in eastern Baltimore County. The property is identified as Lot 87 of the subdivision known as Hyde Park, which is an older waterfront community that was recorded in the Land Records of Baltimore County in May 1930. Although not immediately adjacent to the water, the property is located not far from Back

ORDER RECEIVED FOR FILING

Date 3-22-07

By DZ

River and thus, is subject to compliance with the Limited Development Area (LDA) regulations of the Chesapeake Bay Critical Areas and must therefore comply with impervious surface limits and tree requirements. The property contains a gross area of 11,868.8 square feet (0.27 acres), more or less, zoned D.R.5.5 and is and has been unimproved. The property is approximately 67 feet wide across the rear and 200 feet deep along Waterford Road; however, tapers to a width of 40 feet wide along Tampa Road. The adjacent property to the west is owner-occupied.

Mr. Goles gave a brief history of his family and the property. He and his wife are newlyweds with a baby on the way. They wish to construct an attractive two-story dwelling, 40 feet wide x 26 feet deep in this community where 10 of their relatives live. Mr. Goles grew up in the neighborhood and his parents and all of his aunts and uncles still reside there. They believe that it would be nice to have their children grow up in close proximity to their relatives. The proposed house will face Tampa Road and the side yard will parallel Waterford Road. Mr. Goles explained that the petition was filed in response to the advice received from David Duvall in the Zoning Review Office during the permitting process, who indicated "corner lot (side street) set back in a D.R.5.5 zone should be 25 feet" (Zoning Commissioner's Policy Manual - Z.C.P.M-Page 1B-26)¹. As originally shown on the site plan, the new dwelling would be set back 70 feet from Tampa Road and require a 7.2 foot side street building line setback on the eastern side closest to Waterford Road. However, in its Zoning Advisory Committee (ZAC) comment, the Bureau of Development Plans Review, while agreeing technically that the proposed house would not block site distance, felt that it

¹ Petitioners and their builder respectfully submit that Mr. Duvall has misinterpreted the applicability of Z.C.P.M.-Page 1B-26 as the subject property "is not in a duly recorded subdivision" and not approved by the Baltimore County Planning Board or Planning Commission mandating compliance with the Z.C.P.M. and its attendant small lot table requiring a corner lot to have a 25-foot side yard setback. Petitioners assert that it is the 10-foot side yard setback that is applicable as depicted on the small lot table of Section 1B02.3.C of the B.C.Z.R. As evidenced by the Zoning Advisory Committee (ZAC) comment received from the Office of Planning, that Office believed that it is the table found in Section 1B01.2.C.1.b that is applicable requiring a 15-foot street building line setback. While there is apparent confusion, I find the application of Section 103.1 of the B.C.Z.R., County Council Bill 24-06, and Z.C.P.M.-Page 1B-26.2 lead me to believe that the advice received from Mr. Duvall is appropriate and necessary.

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Date 3-22-07

By DSW

could be hindered in the future should Waterford Road be widened. In response to this comment, the Petitioners met with Mr. Dennis Kennedy and agreed to amend their site plan by moving the front of their home further to the south and away from Tampa Road and further placing the driveway at the rear of the lot with access off of Waterford Road. The Petitioners offered the amended plan and modified the requested relief in that the proposed home will be located 8 feet from the right-of-way line of Waterford Road, not the 7.2 feet as originally proposed.

It is to be noted that the right-of-way is an imaginary line and the proximity of the proposed house to the road surface is not changing and will be 30 feet from the front corner of the home to Waterford Road. The plan was amended and the Petitioners were given leave to discuss the changes with both the Office of Planning and Bureau of Development Plans Review who both agreed with the modified relief of moving the house further back on the property to limit future conflicts with site distances in the event of any future improvements to Waterford Road.

Turning to the variance request, Page 1B-26.2 of the Z.C.P.M. depicts the matter in which setbacks are to be measured in a variety of situations. It is to be noted that this section of the policy manual describes four different setback measurements. The first is the street building line setback (i.e., distance from a building to a street); the second, a front yard setback; the third, a side yard setback; and the fourth, a rear yard setback. It is to be particularly noted that for the purpose of the diagrams set out on Page 1B-26.2, the policy manual distinguishes between a front yard setback and street building line setback. For example, in that diagram depicting a dwelling on a corner lot, the policy manual requires compliance with the street building line setback when measuring both the distance from the front of the house to the street it faces and the side wall of the house facing the second street. It is to be emphasized, that although the manual requires compliance with the street building line setback, in terms of both the distance of the front yard and side yard in a corner lot

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By DJW

scenario, the diagram indicates that a front yard setback be maintained, only between the dwelling and the street towards which the house is oriented. In other words, there is no averaging requirement as set forth in Section 303.1 of the B.C.Z.R. on a side street setback. Accordingly, there is no "sum of side yard requirement" for the subject lot.

After due consideration of the testimony and evidence offered, I am persuaded to grant the relief requested. I find that the Petitioners have met the requirements of Section 307 for relief to be granted and that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship. A denial of the variance would render this lot unbuildable and have no real use. The Petitioners should not be denied their right to develop a lot under the circumstances. The uniqueness of the property is its irregular shape and corner location. Moreover, the proposed dwelling will be compatible with other houses in the area and all other development requirements will be met but for the reduced side yard setback. There were no adverse comments submitted by any County reviewing agency and it appears that the Petitioners have the support of their neighbors. Thus, relief shall be granted subject to certain terms and conditions. First, the Petitioners are reminded that the proposal need comply with the Chesapeake Bay Critical Area regulations as set forth in the ZAC comment submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated March 15, 2007. Secondly, the Office of Planning has requested building elevations (all sides) of the proposed home be submitted for their review and approval, prior to the issuance of any building permits. The Petitioners had no objection to these requests. It is to be noted that Waterford Road dead-ends at Galena Road and the Back River and thus, is not a heavily traveled street. It is also to be noted that there are no residential homes which front along the east side of Waterford Road, nor will there be any in the future.

ORDER RECEIVED FOR FILING

Date 3-22-07

By DJW

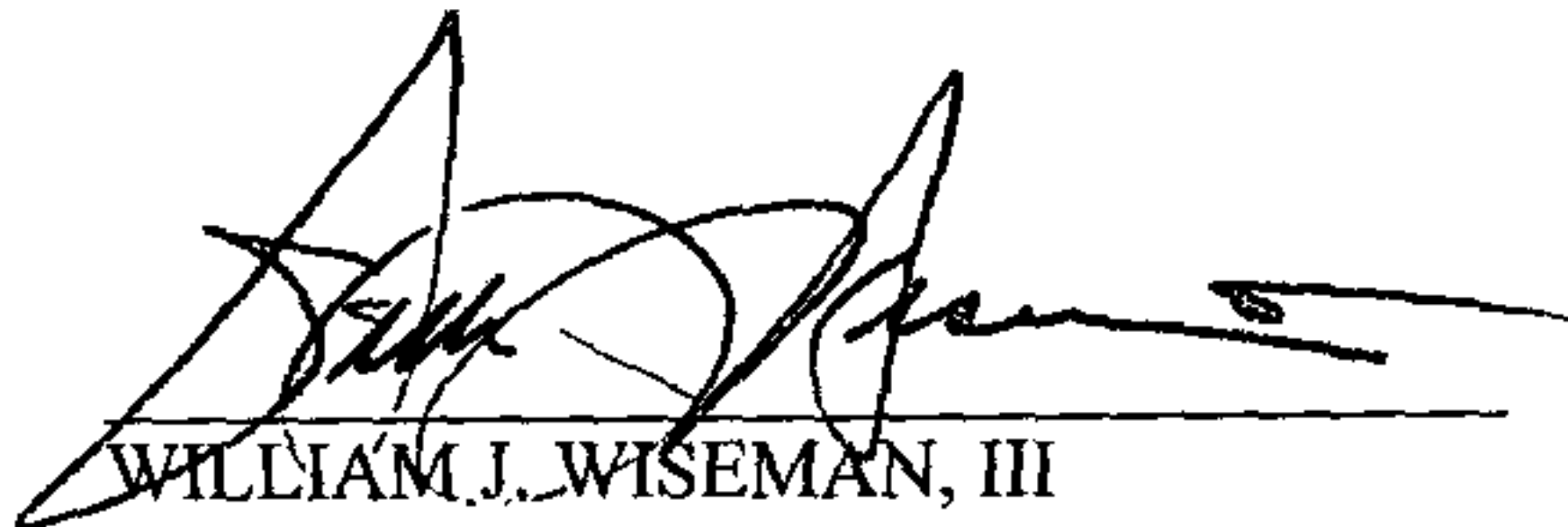
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

22nd THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of March 2007 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Page S-14, Policy Manual, Page 1B-26) to permit a side yard street building line setback of 8 feet, as amended, for a corner lot in lieu of the required 25 feet for a proposed dwelling, in accordance with Petitioners' amended Exhibit 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.
- 2) Compliance with the Chesapeake Bay Critical Area regulations, pursuant to the ZAC comment submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated March 15, 2007, a copy of which is attached hereto and made a copy hereof.
- 3) Compliance with the ZAC comment submitted by the Office of Planning, dated March 19, 2007, requiring the review and approval of building elevations prior to the issuance of any building permits, a copy of which is attached hereto, and made a copy hereof.

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

WJW:dlw


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date 3-22-07

By dlw



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

March 22, 2007

WILLIAM J. WISEMAN III
Zoning Commissioner

Jesse and Ashley Goles
5 Pinewall Place, Apt. 1A
Baltimore MD 21236

RE: PETITION FOR VARIANCE
(601 Tampa Road)
Case No. 07-327-A

Dear Mr. and Mrs. Goles:

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.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III", with a long horizontal flourish extending to the right.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:pz
Enclosure

c: William Winter, 2784 Seitz Drive, Lancaster PA 17601



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 601 TAMPA ROAD BALTO, MD 21221
which is presently zoned DRS-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) 1302.3.C.1 - to permit a proposed

dwelling on a corner lot to have a side, setback as close as 7.2 feet
in lieu of the required 25 yard ⁽⁸⁾

~~50 ft~~ of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) I HAVE A CORNER LOT IN WHICH I WOULD LIKE TO FIT A SINGLE FAMILY HOME BUT AM HAVING TROUBLE MEETING THE REQUIREMENTS OF THE SETBACKS OF MY FRONT AND SIDE YARDS I NEED THE VARIANCE TO FIT MY HOUSE ON THE PROPERTY WHERE THE OTHER HOMES ON THE STREET ARE. IT WILL NOT INTERFERE WITH MY NEIGHBORS

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.

ZCPM -
1-1.3.C

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

OFFICE USE ONLY

Case No. 07-327-A

ESTIMATED LENGTH OF HEARING

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 3-22-07

By WFW

Reviewed By

UNAVAILABLE FOR HEARING

Date

4/19/07

ZONING DESCRIPTION

ZONING DESCRIPTION FOR: 601 TAMPA RD.

BEGINNING AT A POINT ON THE SOUTH SIDE OF TAMPA RD. WHICH IS 50' WIDE AT THE CORNER OF WATERFORD RD. WHICH IS 50' WIDE. * BEING LOT #87 IN THE SUBDIVISION OF HYDE PARK. AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #9, FOLIO #59 CONTAINING 11868.82 SQUARE FEET. ALSO KNOWN AS 601 TAMPA RD. AND LOCATED IN THE 15th ELECTION DISTRICT, 4th COUNCILMANIC DISTRICT.

Item # 327

**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: #07-237-A
601 Tampa Road
S/east corner of Tampa & Waterford Roads
15th Election District
7th Councilmanic District
Legal Owner(s): Jesse Gales
Variance: to permit a proposed dwelling on a corner lot to have a side setback as close as 7.2 feet in lieu of the required 25 feet.

Hearing: Monday, March 19, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT 3/640 Mar. 6 127058

CERTIFICATE OF PUBLICATION

3/8, 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 3/6, 2007.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 23016

DATE 1/14/07 ACCOUNT 2001 2000 6150

AMOUNT \$ 55.00

RECEIVED FROM: Jesse Golas

FOR: Zoning hearing - case #07-027-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTIVITY THE
1/23/2007 1/19/2007 11:30:51
RECEIPT # 584579 1/19/2007
DEPT 5 530 FUNDING IDENTIFICATION
OR 00. 023016

Receipt for
\$55.00, OK
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 07-327-A

Petitioner/Developer: JESSE

GOLES

Date of Hearing/Closing: 3-19-07

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

ATTN: Kristen Matthews ((410) 887-3394)

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 located at: _____

601 TAMPA RD

The sign(s) were posted on 3-3-07
(Month, Day, Year)

Sincerely,

Robert Black 3-6-07
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

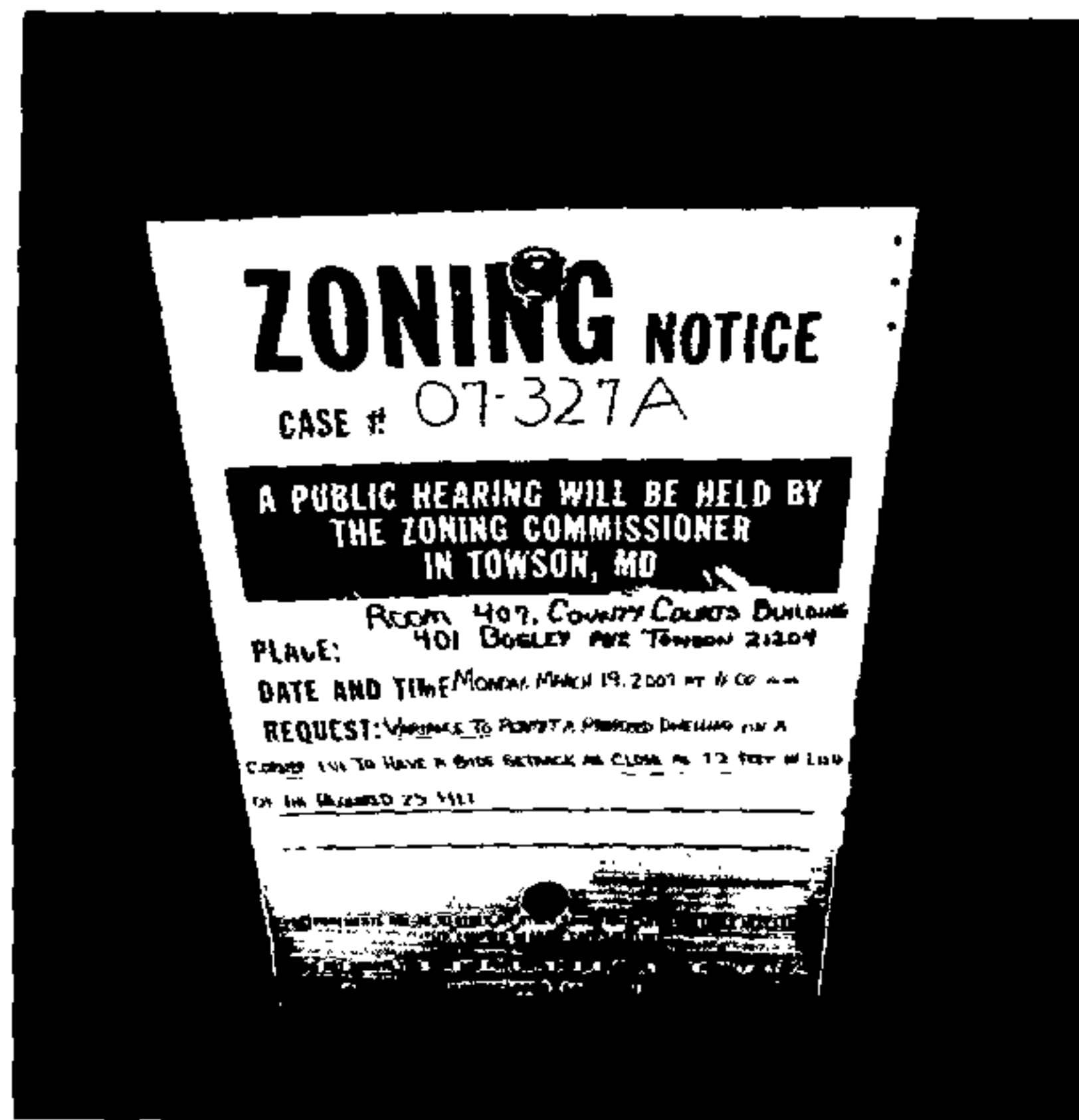
(Address)

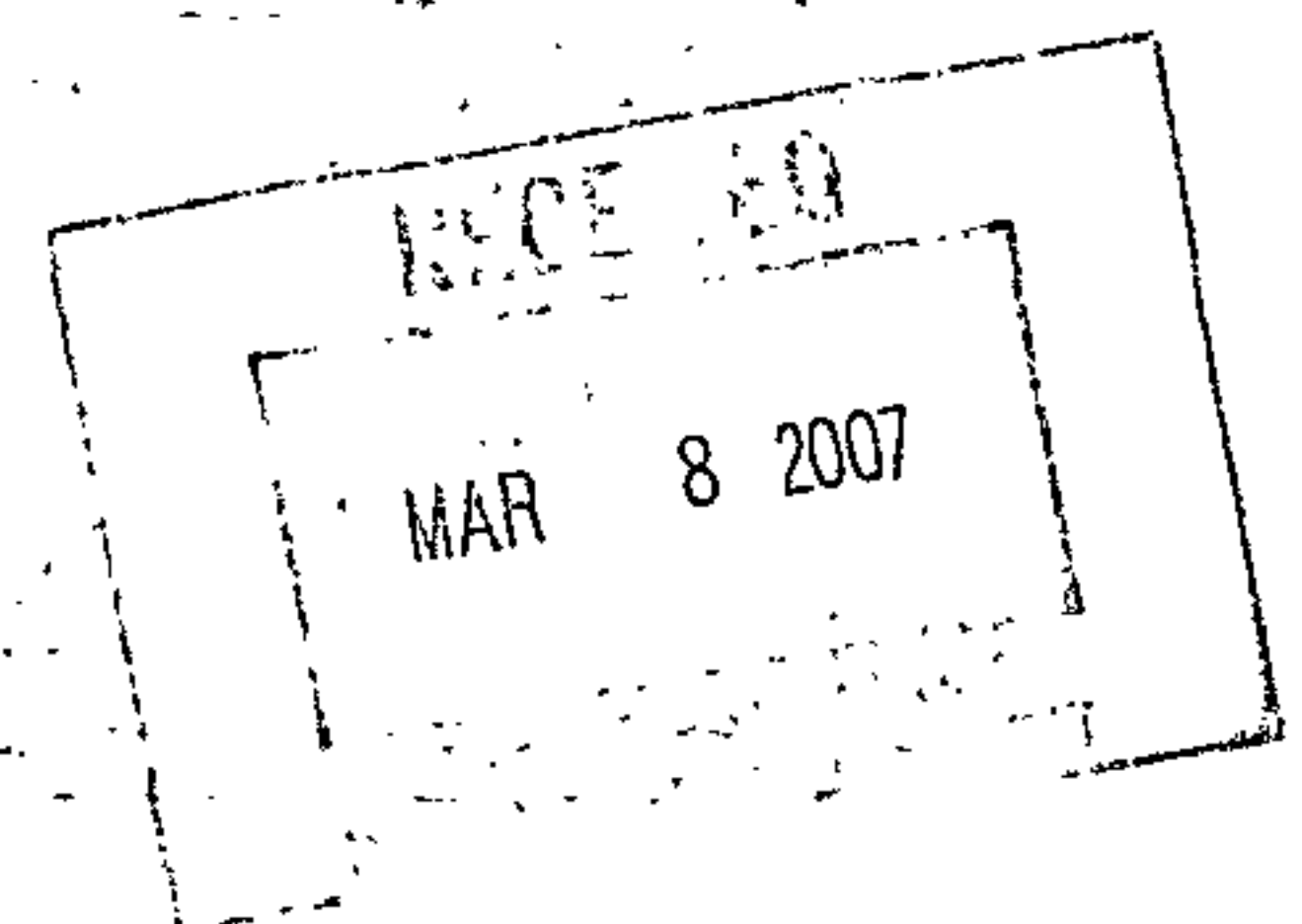
Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 6, 2007 Issue - Jeffersonian

Please forward billing to:
Jesse Goles
1413 Sussex Road
Baltimore, MD 21221

443-277-7188

NOTICE OF ZONING HEARING

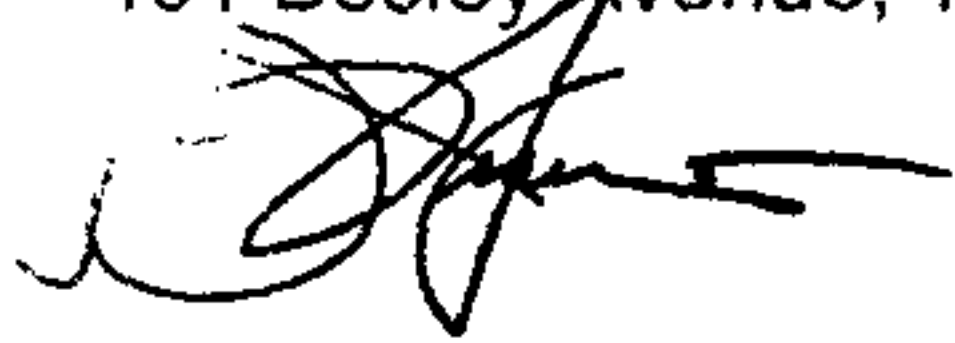
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 07-327-A

601 Tampa Road
S/east corner of Tampa & Waterford Roads
15th Election District – 7th Councilmanic District
Legal Owners: Jesse Goles

Variance to permit a proposed dwelling on a corner lot to have a side setback as close as 7.2 feet in lieu of the required 25 feet.

Hearing: Monday, March 19, 2007 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

February 13, 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: 07-327-A

601 Tampa Road
S/east corner of Tampa & Waterford Roads
15th Election District – 7th Councilmanic District
Legal Owners: Jesse Goles

Variance to permit a proposed dwelling on a corner lot to have a side setback as close as 7.2 feet in lieu of the required 25 feet.

Hearing: Monday, March 12, 2007 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Jesse Goles, 601 Tampa Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 24, 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 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: 07-327-A

Petitioner: Jesse GoleS

Address or Location: 601 TAMPA ROAD BALTO, MD 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jesse GoleS

Address: 1413 SySsex RD BALTO, MD 21221

Telephone Number: 443-277-7188



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

March 5, 2007

Jesse Goles
601 Tampa Road
Baltimore, MD 21221

Dear Mr. Goles:

RE: Case Number: 07-327-A, 601 Tampa Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 19, 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,

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

RE: PETITION FOR VARIANCE * BEFORE THE
601 Tampa Road; SE corner Tampa & Waterford *
15th Election & 7th Councilmanic Districts * ZONING COMMISSIONER
Legal Owner(s): Jesse Goles
Petitioner(s) * FOR
* BALTIMORE COUNTY
* 07-327-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 2nd day of February, 2007, a copy of the foregoing Entry of Appearance was mailed to Jesse Goles, 601 Tampa Road, Baltimore, MD 21221, Petitioner(s).

RECEIVED

FEB 02 2007

Per.....



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

February 5, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 29, 2007

Item Number: 314 and ³²⁷322 through 333

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 8, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For February 5, 2007
Item No. 07-327

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

While technically the proposed house will not block sight distance, we feel that it could be hindered in the future. We feel that the house should be rotated 90° to front on Waterford. The proposed driveway must be shown for comment. The driveway must be placed such that cars parked in it do not block sight distance.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 07-327-02052007.doc

BW
3-19-07
11 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED



MAR 15 2007

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: March 15, 2007

SUBJECT: Zoning Item # 07-327-A
Address 601 Tampa Road
(Goles Property)

Zoning Advisory Committee Meeting of January 29, 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:

This property lies within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA) and must comply with impervious surface limits, tree requirements, and any required wetland buffers.

Reviewer: Paul A. Dennis

Date: 3/13/07

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 26, 2007

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

SUBJECT: 601 Tampa Road

INFORMATION:

Item Number: 7-327

Petitioner: Jesse Goles

Zoning: DR 5.5

Requested Action: Variance

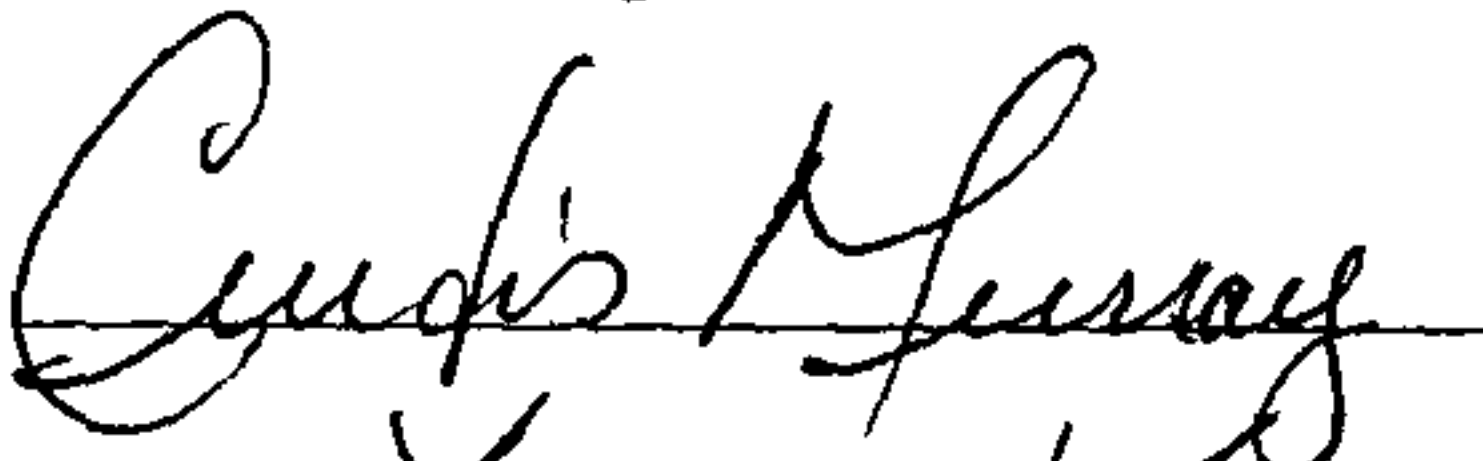
The petitioner requests a variance to permit a proposed dwelling on a corner lot to have a side setback as close as 7.2 feet in lieu of the required 25 feet.

SUMMARY OF RECOMMENDATIONS:

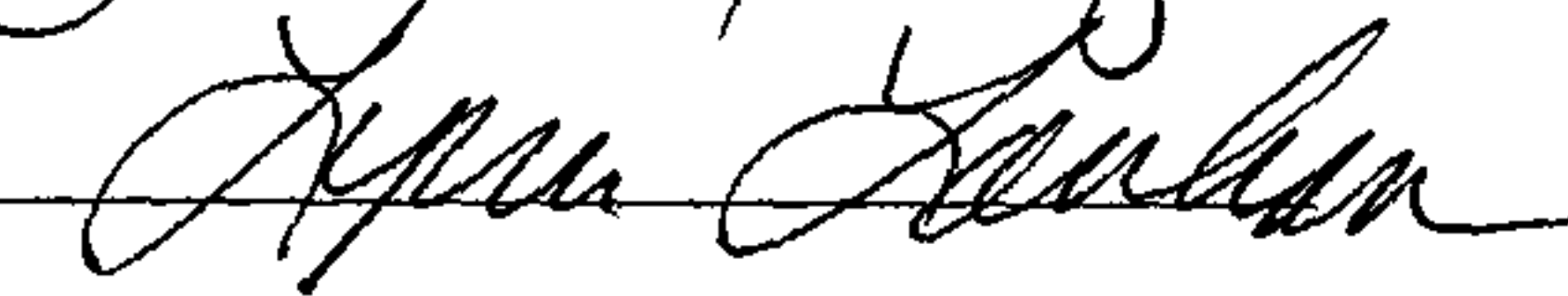
The Office of Planning feels that the proposed side setback from Waterford Road of less than 10 feet is not sufficient. The petitioner should redesign or reorient the proposed dwelling in such a way that the side yard setback from Waterford Road is at least 15 feet. Additionally the petitioner shall show the location of the driveway or parking pad along with elevations of the proposed dwelling.

For further information concerning the matters stated here in, please contact Amy Mantay 410-887-3480.

Reviewed by:



Division Chief:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 19, 2007

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

SUBJECT: 601 Tampa Road

INFORMATION:

Item Number: 7-327 (*Revised Comments*)

Petitioner: Jesse Goles

Zoning: DR 5.5

Requested Action: Variance

The petitioner requests a variance to permit a proposed dwelling on a corner lot to have a side setback as close as 7.2 feet in lieu of the required 15 feet.

SUMMARY OF RECOMMENDATIONS:

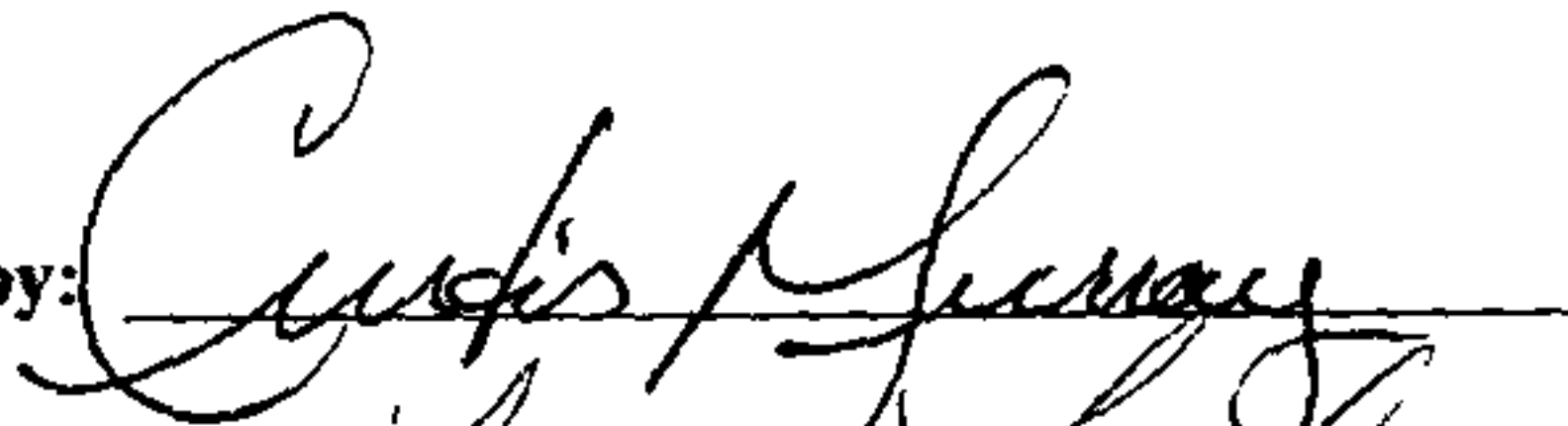
The Office of Planning feels that the proposed side setback from Waterford Road of less than 10 feet is not sufficient, however we met with the petitioner and conducted a site visit. This Office is of the opinion that the proposed variance is appropriate for this lot and the existing pattern in the neighborhood.

While the Office of Planning is not opposed to the dwelling being located 70 feet from Tampa Road, the petitioner should reconfigure the site plan so that the proposed dwelling is situated 80 feet from Tampa Road to limit future conflicts with site distances and any improvements to Waterford Road.

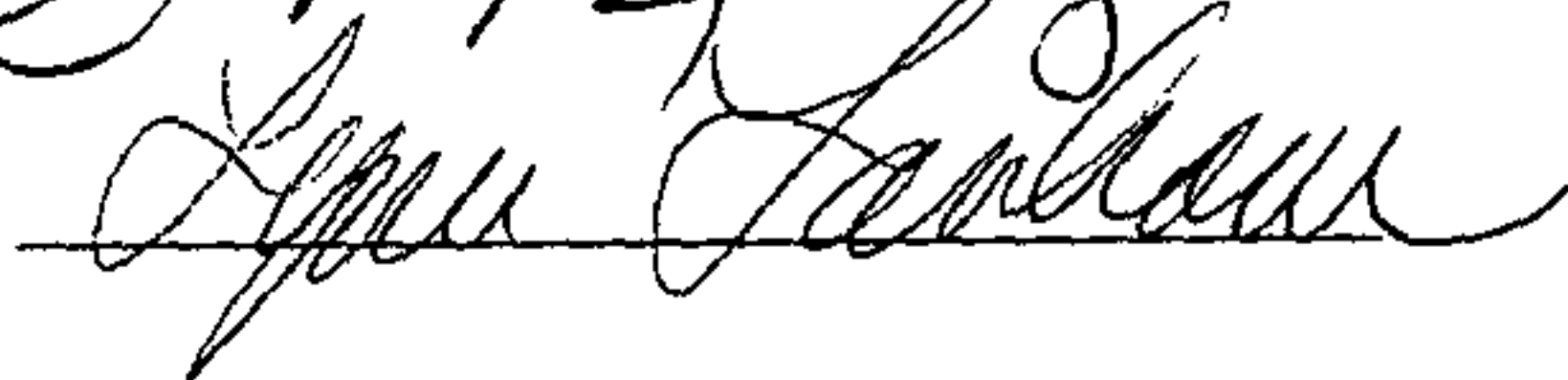
It is recommended that the petitioner show the location of the driveway or parking pad off of Waterford Road, and submit building elevations (all sides) of the proposed dwelling for review and approval prior to the issuance of any building permits. Side elevations facing Waterford Road may be subject to additional architectural detail and features.

For further information concerning the matters stated here in, please contact Amy Mantay or Curtis Murray 410-887-3480.

Reviewed by:



Division Chief:
AFK/LL: CM



Martin O'Malley, Governor
Anthony Brown, Lt. Governor



John D. Porcari, Secretary Designate
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: FEBRUARY 1, 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. 7-327-A
601 TAMPA ROAD
GOLES PROPERTY
VARIANCE

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. 7-327A.

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
For Engineering Access Permits
Division

SDF/MB

January 29, 2007

To Whom It May Concern,

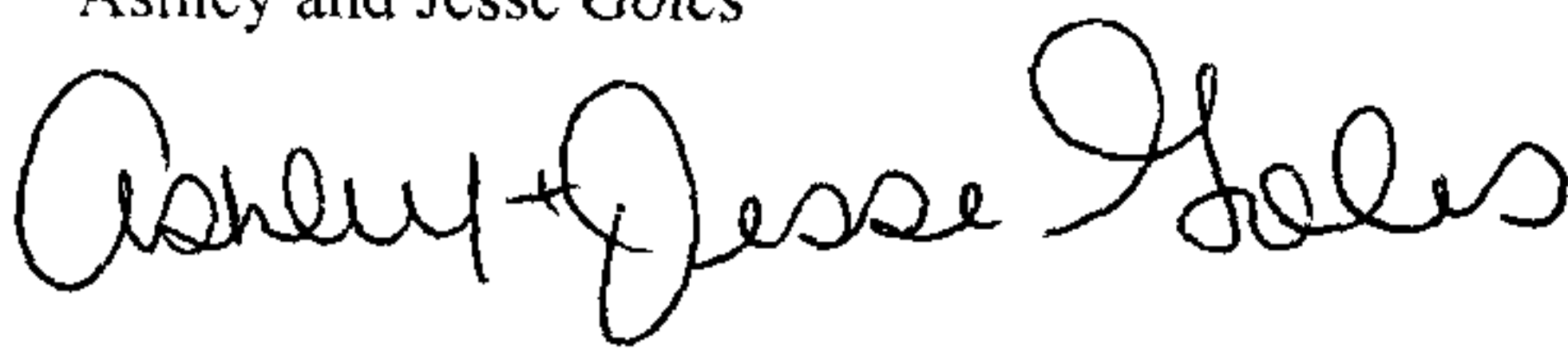
My husband, Jesse, and I are awaiting a public hearing date to get approval for a variance to build our house in Essex, Maryland. We would like to request to have this process expedited, as we are under many time constraint pressures. I understand that the process is slow and that there are many other people needing similar approvals.

We are newlyweds and just starting out. And to make things more interesting we have a baby on the way. With our salaries this is the only way to have a home for our family. We just want a nice home, in this community where 10 of our relatives live. My husband grew up in the neighborhood and his Parents, and all of his Aunts and Uncles still reside there. We think it would be very nice to have our children grow up so close to all their relatives.

Our need for having this rushed, is that our apartment lease ends on March 31st and more importantly our construction loan expires in mid-April. Therefore we need the public hearing, the variance approval, and the building permit issued well before then to have the house built and ready to settle before the loan expires. And, of course with a baby on the way, it would be nice to have a home ready and not living between relative's houses! ☺

We hope you will take our unique circumstances into consideration and maybe we can get this process moving as quickly as possible. We appreciate your time listening to us plead our hardship case. Please feel free to call us if you have any questions.
Jesse's Cell: #443-277-7188

Thank you very much,
Ashley and Jesse Goles

A handwritten signature in cursive script that reads "Ashley + Jesse Goles". The signature is written in dark ink and is positioned below the typed names.

JAN 30 2007

07-16

Bill Wiseman - Item no. 07-327

From: Dennis Kennedy
To: Wiseman, Bill
Date: 03/19/07 11:58 AM
Subject: Item no. 07-327

Bill:

After speaking to the petitioners, they agreed to move the house back away from Tampa by 20 feet, and put the driveway in the rear off of Waterford. This will alleviate my sight distance concerns with the small setback, and still give them a modest rear yard.

Dennis Kennedy

DATE _____

E-MAIL

jesse.giles@gmail.com

31/05/2022 11:14 AM

6907000000

Case No.: 07-327-A 601 TAMPA ROAD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	AMENDED RED LINED SITE PLAN	
No. 2	AERIAL PHOTO'S OF LOCAL SHOWING PATTERN OF DEVELOPMENT	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

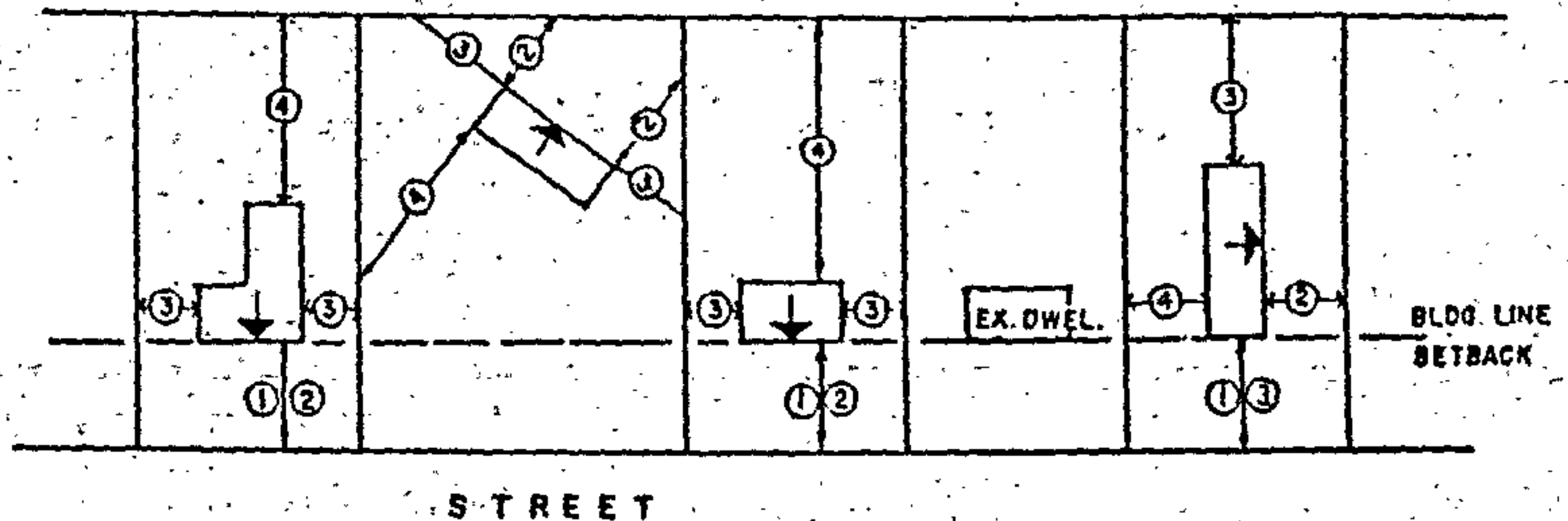
Information Sheet METHOD OF MEASURING SETBACKS

IN ALL ZONES, EXCEPT R.C.'s

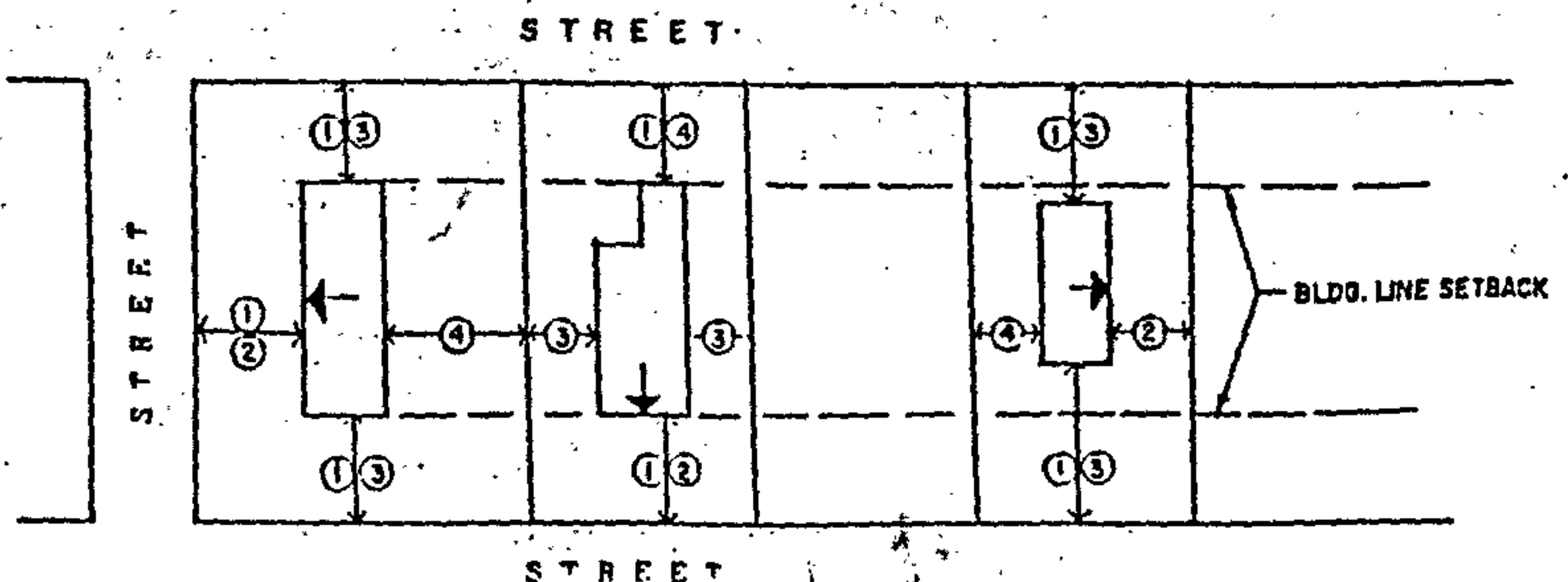
Street Frontage & Building to Lot Line Orientation

- i. The front setback distance is measured radial or perpendicular to the road or front right-of-way.
- ii. Side and rear setback distances are measured by extending the foundation wall lines to the nearest intersection of the property line.
- iii. The building line setback required by the lot's zoning classification must be maintained from all abutting street frontages.
- iv. Additionally, if a building is oriented so as to face or front a lot line other than a street, applicable front, side and rear setbacks relative to the building's front must also be maintained as required by the property's class.

v. Diagrams

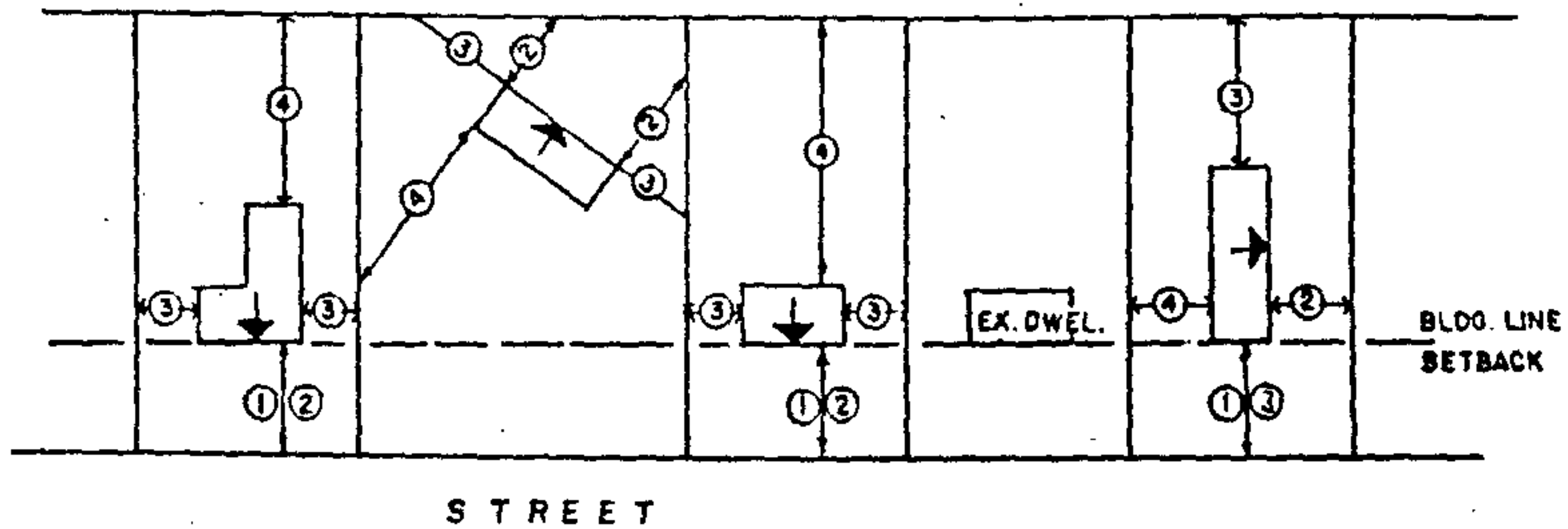


1. Street Building Line Setback (If two setbacks conflict the greater of the two shall be maintained)
 2. Front Yard Setback
 3. Side Yard Setback
 4. Rear Yard Setback
- FRONT OF BUILDING

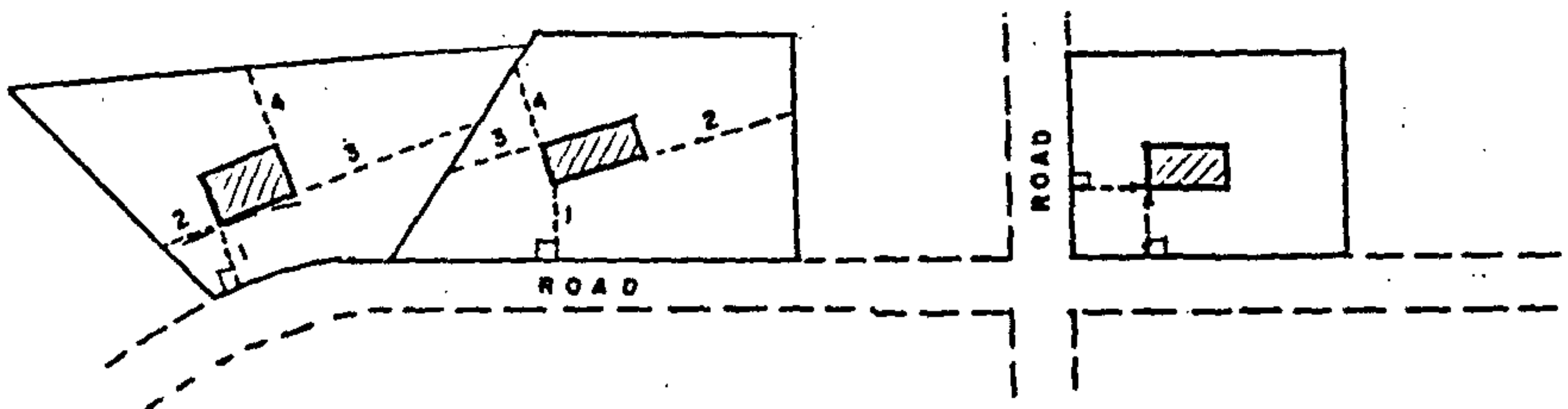
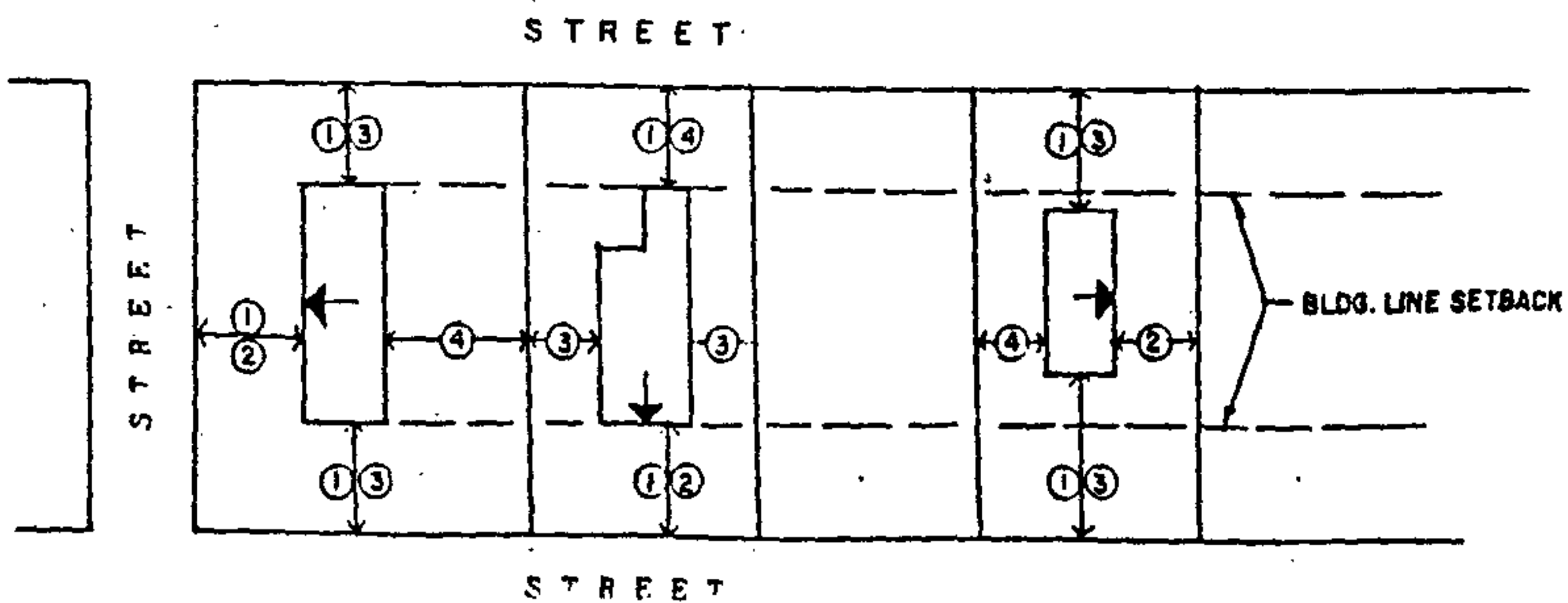


SECTION 1B02.3.C.2.c

v. Diagrams



1. Street Building Line Setback (If two setbacks conflict the greater of the two shall be maintained)
 2. Front Yard Setback
 3. Side Yard Setback
 4. Rear Yard Setback
- = FRONT OF BUILDING



(See Section 103.3 ZCPM, Page 1-43.1 for diagrams showing method of measuring setback in R.C. zones).

DENSITY RESIDENTIAL ZONES

- a. Nonresidential principal building setbacks in DR Zones.

Nonresidential Principal Building Setbacks

	Front Yard (feet)	Side Yard Interior (feet)	Corner Street Side (feet)	Rear Yard (feet)
D.R.1	70	40	65	50
D.R.2	60	30	50	40
D.R.3.5	50	20	35	30
D.R.5.5	40	20	35	30
D.R.10.5	25	20	35	50
D.R.16	30	25	25	30

- b. Single-family detached, two-family alternative site design dwellings.

Single-Family Detached, Two-Family Alternative Site Design Dwellings

	D.R. 1 & 2 Zones (feet)	D.R.3.5, 5.5, 10.5 & 16 Zones (feet)	Alternative Site Design Dwellings	
			Zero & Zipper Lots All D.R. Zones (feet)	Neo-Traditional All D.R. Zones (feet)
From front building face to: Public street right-of-way or property line	25	25	25	15
Arterial or collector	-	-	-	25
From side building face to: Side building face	30	16 < 20 high 20 > 20 high	16	16 < 20 high 20 > 20 high
Public street right-of-way	25	15	15	15
Paving of a private road	30	25	25	25
Tract boundary	25	15	15	15
From rear building face to: Rear property line	30	30	20	50
Public street right-of-way	30	30	20	50
Additional setbacks: Setbacks for buildings located adjacent to arterial roadways shall be increased by an additional 20 feet.				

This table lists minimum setback requirements and building heights for urban residential use. For a fuller explanation of these and other requirements, consult the Comprehensive Manual of Development Policies (CMDP).

ACTURING ZONES

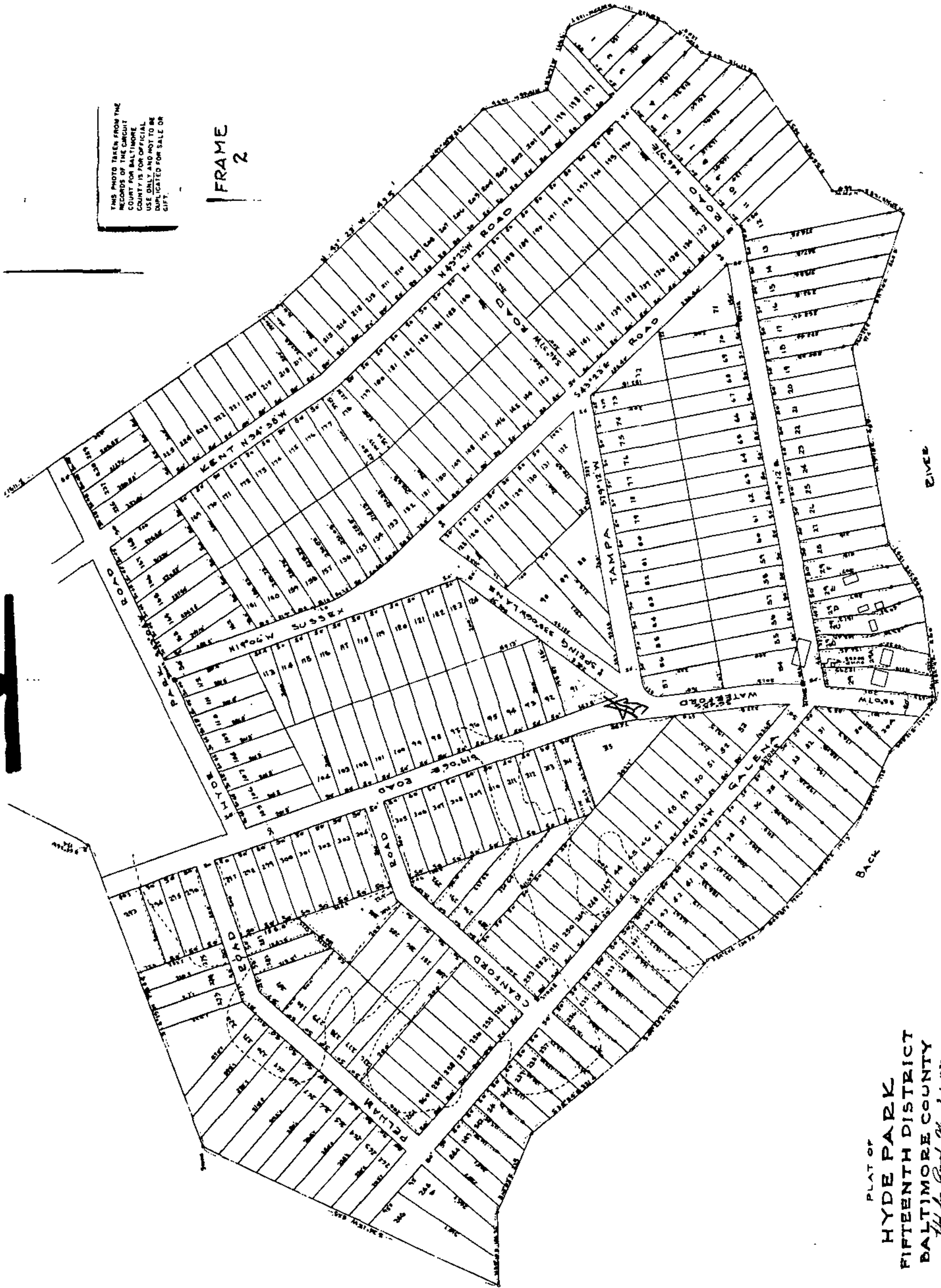
ELEVATOR - APARTMENT
RESIDENCE ZONES

OFFICE ZONES

1301.2.C.
1.6

THIS PHOTO TAKEN FROM THE
RECORDS OF THE CIRCUIT
COURT FOR BALTIMORE
COUNTY IS FOR OFFICIAL
USE ONLY AND NOT TO BE
DUPLICATED FOR SALE OR
GIFT.

FRAME
2



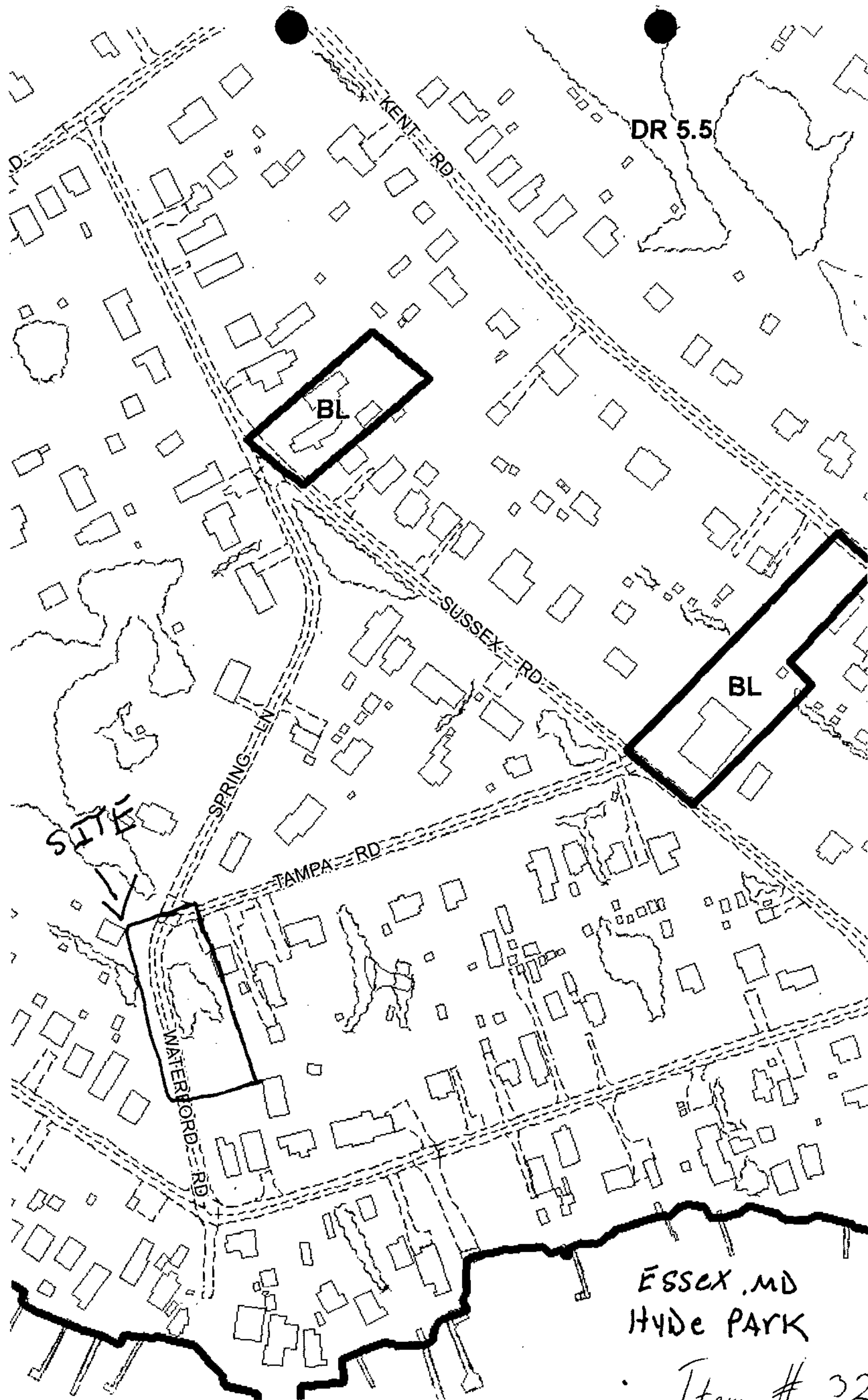
PLAT OF
HYDE PARK
FIFTEENTH DISTRICT
BALTIMORE COUNTY
1891

Item # 327

SCALE 1"=100' JULY 17, 1926.
EXCOCKMAN & CO.,
SURVEYORS & CIVIL ENGINEERS,
231 COURTLAND ST.,
BALTIMORE, MD.

L. Mc L. M. 9.59

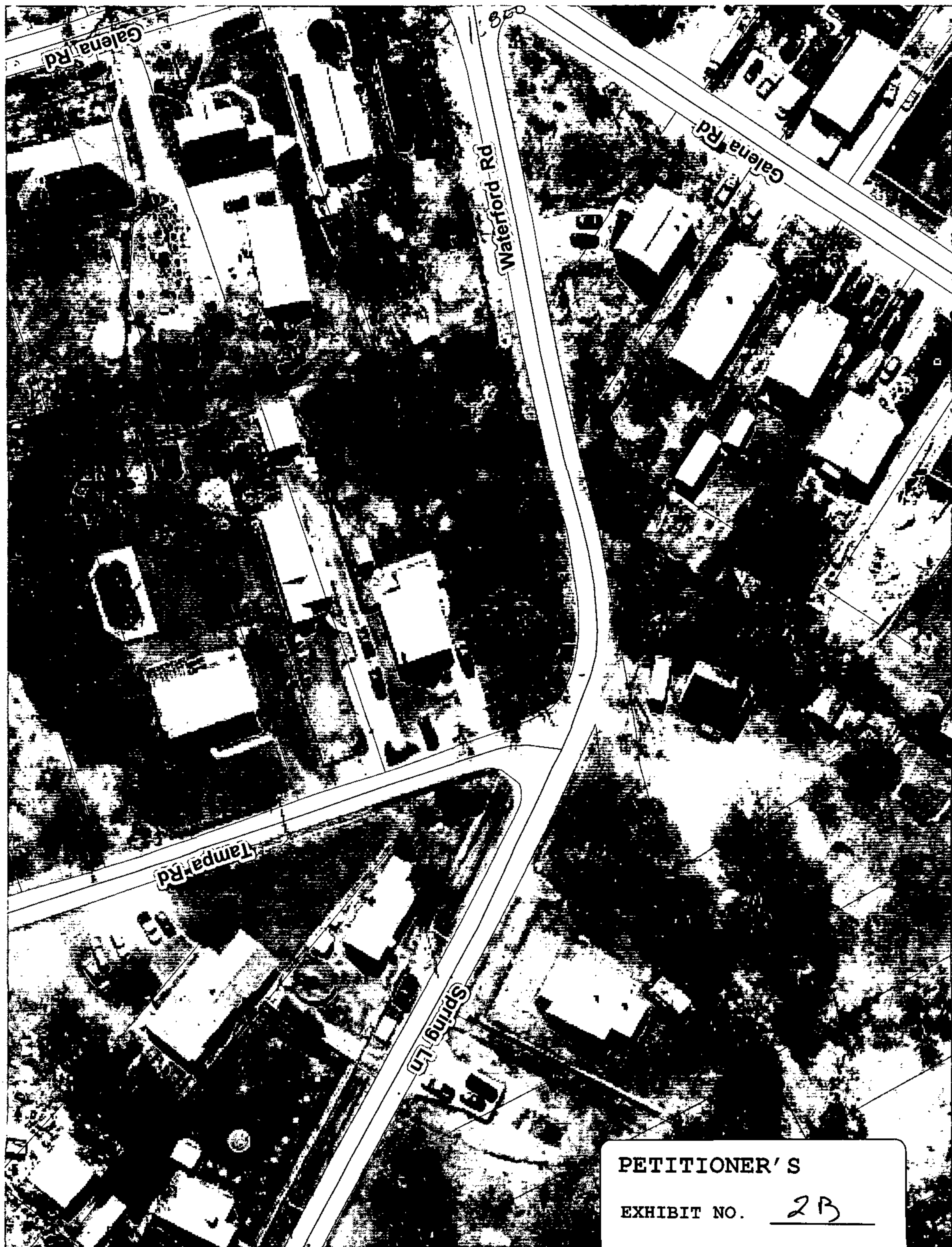
ZONING
MAP
#097C3



Essex MD
Hyde Park

Item # 327





PETITIONER' S

EXHIBIT NO. 2B



PETITIONER'S

EXHIBIT NO. 2 A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

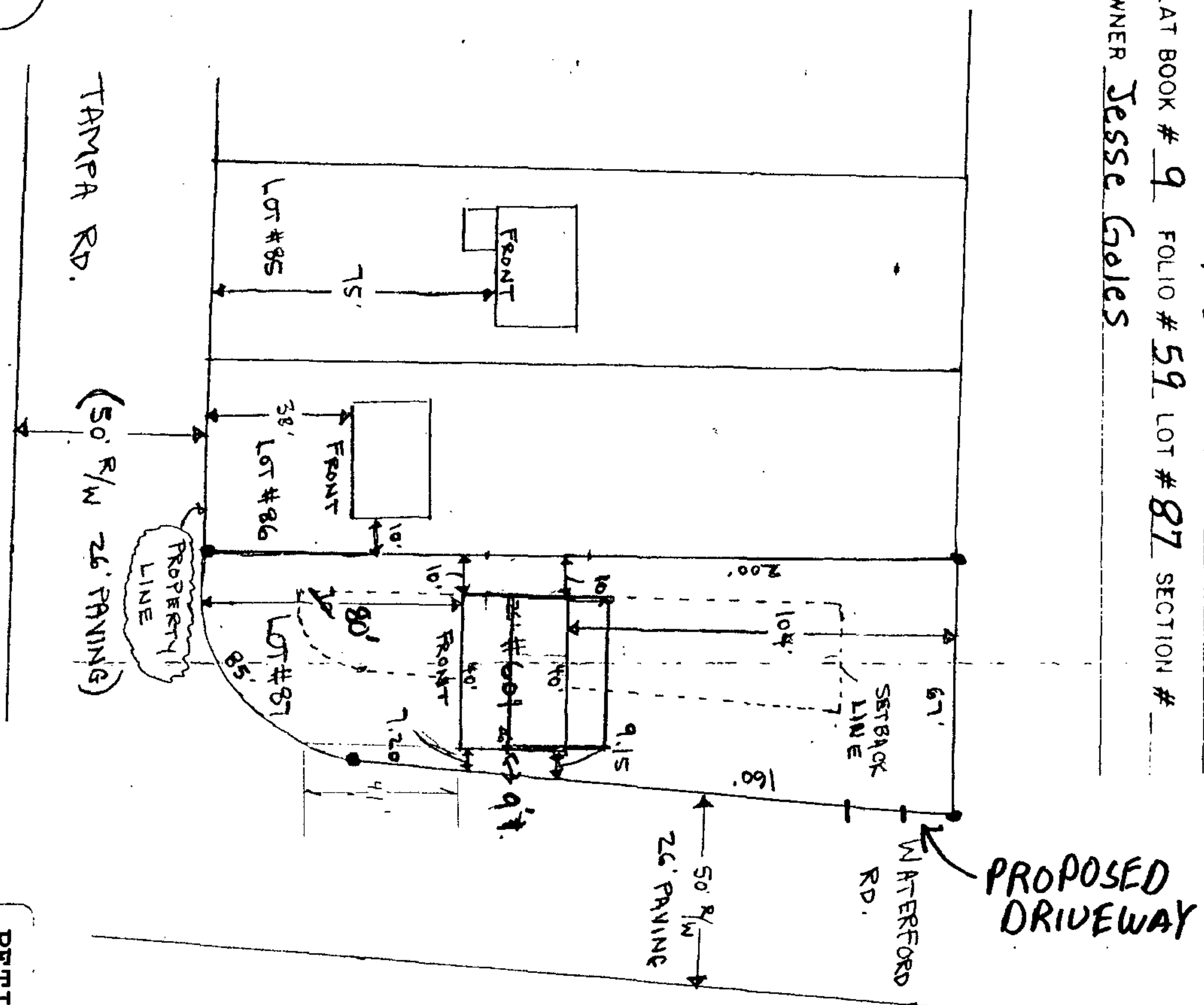
PROPERTY ADDRESS 661 TAMPA ROAD

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME HYDE PARK

PLAT BOOK # 9 FOLIO # 59 LOT # 87 SECTION #

OWNER Jesse Goles



PROPOSED DRIVEWAY



PREPARED BY TRC

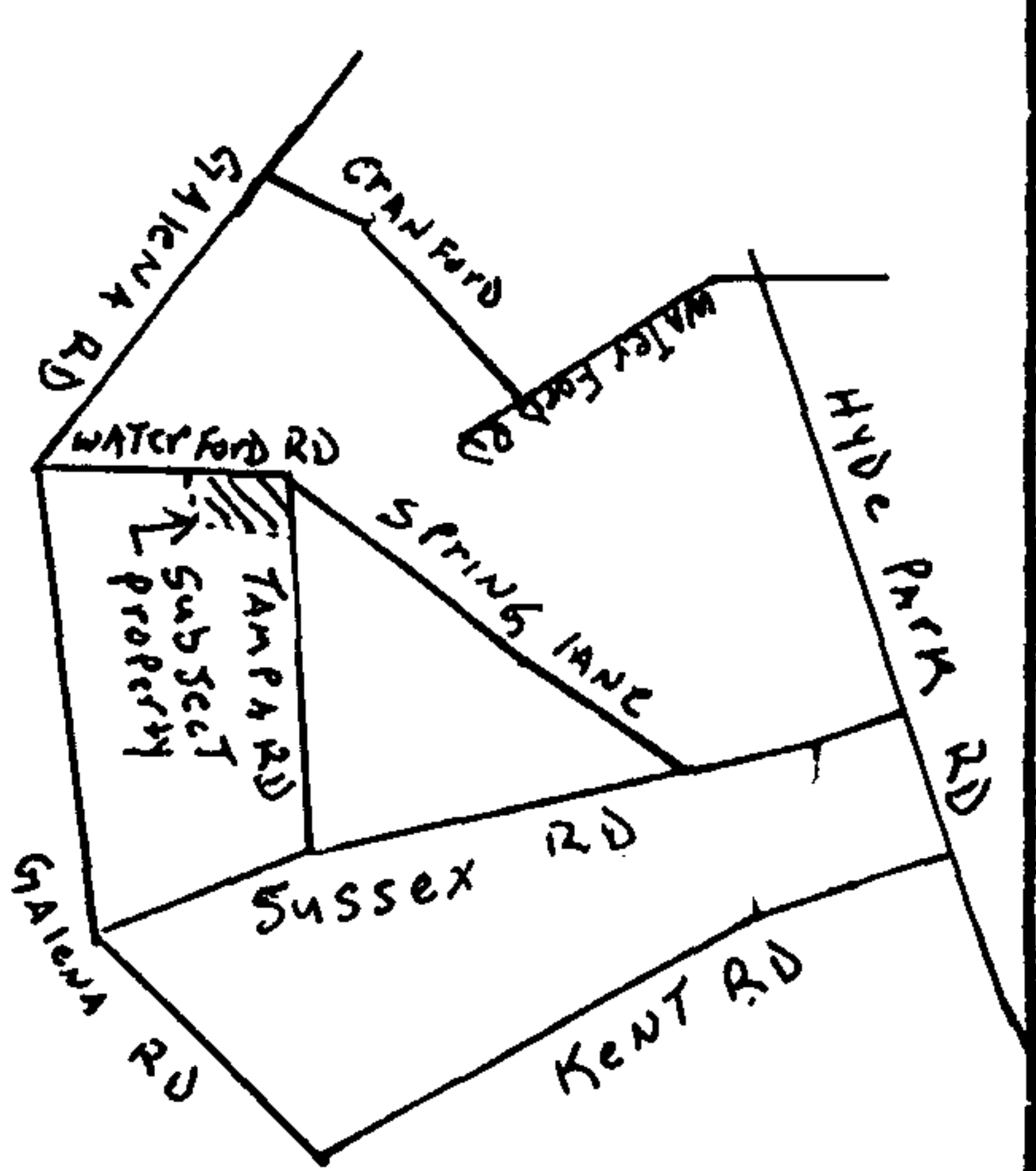
SCALE OF DRAWING: 1" = 40'

PETITIONER'S

EXHIBIT NO. 1



VICINITY MAP
SCALE: 1" = 1000'



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # 097C3

ZONING DR 5.5

LOT SIZE 0.27 ACRES 11,868.825 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY / BUILDING ☐ ☒

PRIOR ZONING HEARING ☐ ☒

ZONING OFFICE USE ONLY
REVIEWED BY TRC ITEM # 07-327-A CASE #