IN RE: PETITION FOR VARIANCE

N/S Beach Road, 200 feet +/- E from

c/l Opie Road

(11308 Beach Road)

11th Election District 5th Council District

Robert C. Gruber et ux Petitioners BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 07-367-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, Robert C. Gruber, Jr., and his wife, Courtney D. Alvanchi-Gruber. As filed, variance relief is requested from Sections 1A01.3.B.2 & 3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 35 feet and 15 feet respectively in lieu of the required 35 feet; a front setback of 40 feet from the street centerline in lieu of the required 75 feet; and to permit a lot size of 0.452 acres (19,674 square feet) in lieu of the minimum required one acre as an undersized lot, pursuant to Section 304 of the B.C.Z.R., for a proposed single family dwelling. However, at the onset of the hearing, the Petition was amended to correct the side yard setback request on the west side to be 34 feet (as shown on the site plan) and in order to maintain a front yard depth consistent with existing homes on adjoining lots the front setback was increased to 45 feet. That is, the Petitioners now request side yard setbacks of 34 feet and 15 feet in lieu of the required 35 feet and a front yard setback of 45 feet from the street centerline in lieu of the required 75 feet. The subject property and requested relief are more particularly described on the amended site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the hearing in support of the request were Robert Gruber, property of the request were Robert Grubert Grubert

4-9-0 CO-6-1-

through the permitting process and obtained the services of Leonard Buerhaus, with L.G.B. Surveys, LLC to prepare the site plan. There were no Protestants or interested citizens present.

Testimony and evidence offered disclosed that the property under consideration consists of two lots of record (Lots 31-32) and when combined form a rectangular shaped water oriented parcel located with frontage on Beach Road. The property known as 11308 Beach Road is in the original subdivision plat for "Bird River Beach" in the White Marsh area of eastern Baltimore County. The property contains a gross area of 19,674 square feet (0.452 acres), more or less zoned R.C. 2 and is unimproved. Mr. Gruber points out that he and his wife purchased the property from Linda Westerfield in December, 2006. Ms. Westerfield had intended to build a home on the lot and applied for a building permit (B539712) in 2003, but changed her mind and sold the property to the Petitioners. As is often the case with older subdivisions, the Bird River Beach community was laid out many years ago (July 10, 1923) well prior to the adoption of any 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 property has 104 feet of frontage on the north side of Beach Road and is 200 feet deep. The property along the south side of Beach Road enjoys waterfront privileges along the Bird River. In any event, the property is clearly undersized by today's standards given its R.C. 2 zoning classification requiring new lots to be one acre in area with setbacks as indicated above.

Testimony indicated that the Petitioners are desirous of developing the property with a 50' wide x 32' deep two story single family dwelling to include a side loaded garage on the driveway side or western portion of the property. As shown on the site plan the dwelling is positioned on the eastern side of the lot as the home as Joseph and Victoria Craft (Lot 30) is a good distance away while in contrast the home of Daniel DuPont (Lot 33) was built next to the western property line. Both side ends of the proposed dwelling (west and east) extend into the

side setbacks thereby necessitating the requested variance relief. Additionally, the structure is proposed to be 45 feet from the centerline of Beach Road in keeping with adjacent property improvements. As noted above, current regulations require a minimum lot area of one acre and side setbacks of no less than 35 feet and a front yard setback of 75 feet from the centerline of the street. In support of the request, Mr. and Mrs. Gruber discussed this proposal with the adjacent neighbors on either side of the property who have no objection and support the proposal. Testimony indicated that the proposed dwelling will be consistent with other homes in the community and feature similar setbacks as other homes on Beach Drive which turns into Loreley Beach Road on the other side of Days Cove Park. In view of the narrow configuration and size of the lot, compliance with the regulations is not practical or possible. Additionally, the property is located in the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA) which require that the proposed development must comply with these regulations and in particular the impervious surfaces which are limited to 25% of the property. Placing the proposed dwelling further back on the property would necessitate a longer driveway further reducing the 25% maximum allowable in this area. Thus, variance relief is requested in order to comply with the spirit and intent of those regulations.

Based upon the testimony and evidence presented, I am persuaded to grant the requested relief. In my judgment, the Petitioners have satisfied the requirements of Section 307 of the B.C.Z.R. and Cromwell v. Ward, 102 Md. App. 691 (1995). The variances in this case are driven by the configuration and size of the lot. Moreover this property will be served by public water and public sewer which has recently been made available in this area. Strict compliance with the regulations would cause a practical difficulty upon the Petitioners in that a reasonable use of the land would not be permitted. Finally, the neighbors support the proposal. Thus, I find that relief can be granted without detrimental impact to adjacent properties. In this regard it is

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noted that many other houses in the community are built on similarly sized lots. However, in granting the relief, the Petitioners are reminded that they need to comply with the CBCA regulations enforced by the Department of Environmental Protection and Resource Management (DEPRM).

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this ______ day of April, 2007 that the Petition for Variance seeking relief from Sections 1A01.3.B.2 & 3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 34 feet (west side) and 15 feet (east side) in lieu of the required 35 feet; a front setback of 45 feet from the street centerline in lieu of the required 75 feet; and a lot area of 0.452 acres in lieu of the required one acre for a single family dwelling, in accordance with Petitioners' exhibit 1, be and the same 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 ZAC comment submitted by DEPRM, dated April 6, 2007, relative to the Chesapeake Bay Critical Area regulations and the Limited Development Area (LDA) regulations. A copy of this comment has been attached hereto and are made a part hereof.

WJW:pz

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WHILIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

4



JAMES T. SMITH, JR. County Executive

April 9, 2007

WILLIAM J. WISEMAN III

Zoning Commissioner

Robert C. Gruber, Jr. 8542 Kings Ridge Road Parkville MD 21234

RE: PETITION FOR VARIANCE

N/S Beach Road, 200 feet +/- E from c/l Opie Road

(11308 Beach Road)

11th Election District – 5th Council District

Robert C. Gruber et ux

Case No. 07-367-A

Dear Mr. and Mrs. Gruber:

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,

IMIAMI. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:pz Enclosure

c: Scott D. Chilton, 27 Neptune Drive, Joppa MD 21085 Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100, Annapolis, MD 21401 People's Counsel; DEPRM; Bureau of Development Plans Review; File



Petition for Variance to the Zoning Commissioner of Baltimore County

for the pro	perty located at 1/309 BEACH ROAD
	which is presently zoned <u>RC-2</u>
of the property situate in Baltimore County and which is deshereof, hereby petition for a Variance from Section(s) SIDRYAND SMTBACKS OF 35 PT is 15 REQUIRED 35 FT. A FRIHIT SET R IN LIPLE OF THE RESIDENCES 75 O. 452 ACRES IN LIPLE OF THE FAMILY of the Zoning Regulations of Baltimore County, to the zoning or practical difficulty)	s and Development Management. The undersigned, legal owner(s) scribed in the description and plat attached hereto and made a part 1.3.13.2.43; BC2R, TO PARMIT PT. 1256PACTIVISTY IN LIBER OF THE SACK OF HO FT.) FROM THE STEAT COMMENT
Property is to be posted and advertised as prescribed by the zero, or we, agree to pay expenses of above Variance, advertising, regulations and restrictions of Baltimore County adopted pursuant to	coning regulations. posting, etc. and further agree to and are to be bounded by the zoning the zoning law for Baltimore County.
•	do solemnly declare and affirm, under the penalties of we are the legal owner(s) of the property which stiffon.
Contract Purchaser/Lessee: POBELT C. GRUBER Name - Type or Print	Legal Owner(s): Robert C. Gruppe Name - Type or Print
Signature 8542 KIH65 PIDER RD. 443-386-429; Address PALLULLE W.D. 21234 City State Zip Code Attorney For Petitioner:	Name - Type of Print Signature Signature KINGS PIDGE RD 443-26-4292 Address Telephone No.
Name - Type or Print	PARKULUE MD. 21234 City State Zip Code Representative to be Contacted:
Signature	SCOTT D. CHILTON
Address Telephone No.	17 NEPTUHE DRIVE 443-220-6585 Address Telephone No. 21095
City State Zip Code	State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING
Case No. O O PAReviewed B	UNAVAILABLE FOR HEARING

ZONING DESCRIPTION

ZONING DESCRIPTION FOR: 11308 BEACH ROAD, WHITE WARSH, MD. 21162
BEGINNING AT A POINT ON THE HORTH SIDE OF
PEACH POAD , WHICH IS AO FEET WIDE AT THE
DISTANCE OF ZOO FEET OF THE CENTERLINE OF THE NEAREST IMPROVED
INTERSECTING STREET, OPIE , WHICH IS ZOFEET WIDE. AS
RECORDED IN DEED LIBER #7 , FOLIO # 187 , CONTAINING 0.452 Ac. +- ALSO
KNOWN AS 11308 BRACH RD. AND LOCATED IN THE
ELECTION DISTRICT, 5 12
COUNCILMAN DISTRICT.

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: #07-367-A

11308 Beach Road

N/side of Beach Road, 200 feet +/- East from centerline of Opic Road

11th Election District - 5th Councilmanic District

Legal Owner(s): Robert Gruber & Courtney Aldanchi/Gruber
Variance: to permit side yard setbacks of 34 feet and 15
feet respectively in lieu of the required 35 feet; a front set;
back of 40 feet from the street centerline in lieu of the required 75 feet; and a lot area of 0.452 acres in lieu of the required one acre for a single family dwelling.
Hearing: Wednesday, April 4, 2007 at 10:00 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 Commissioner's Office at (410) 887-3868.

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

JT/3/698 Mar. 20

128593

CERTIFICATE OF PUBLICATION

322,2007
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 320 , 2007 .
The Jeffersonian Arbutus Times
☐ Arbutus Times
☐ Catonsville Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

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CASHIER'S VALIDATION "

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CERTIFICATE OF POSTING

RE: Case No.: 07 - 367 - A Petitioner/Developer: ROBERT GRUBER Date of Hearing/Closing: APRIL This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were 308 BEACH ROAD (Month, Day, Year) Sincerely, (Signature of Sign Poster) SSG Robert Black (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222 (City, State, Zip Code)

(Telephone Number)

A PUBLIC HEARING WILL BE HELD BY THE LONING COMMISSIONER IN TOWSON, MD PLACES 111 WEST CHENDENKE ANDREW PRINCES 111 WEST CHENDENKE ANDREW PRINCES PRODUCE TOWNS IN 21204 BATE AND TIME: WATER SERVE AND A BOOK AT 10:00 REQUEST: Visions to Penner out was Seminers of 30

Baltimore County Department of

County Office Building, Room 111

111 West Chesapeake Avenue

Towson, Maryland 21204

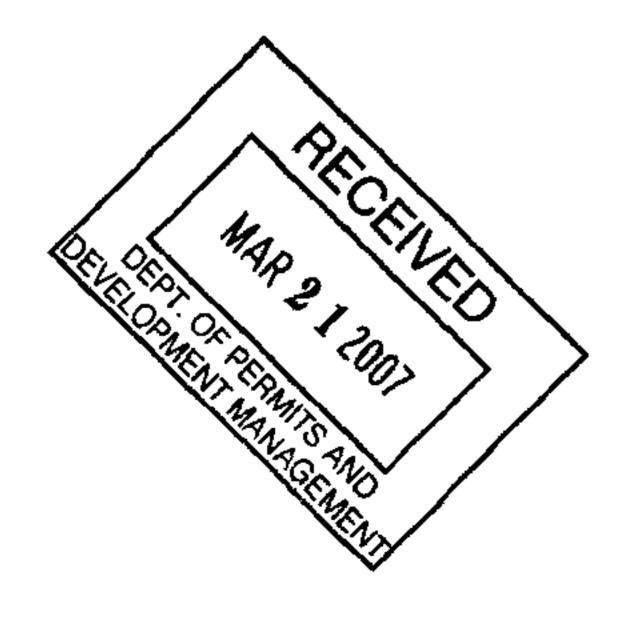
Ladies and Gentlemen:

The sign(s) were posted on

Permits and Development Management

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

posted conspicuously on the property located at:





JAMES T. SMITH, JR. County Executive

March 2, 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: 07-367-A

11308 Beach Road

N/side of Beach Road, 200 feet +/- east from centerline of Opie Road

11th Election District – 5th Councilmanic District

Legal Owners: Robert Gruber & Courtney Aldanchi/Gruber

<u>Variance</u> to permit side yard setbacks of 34 feet and 15 feet respectively in lieu of the required 35 feet; a front setback of 40 feet from the street centerline in lieu of the required 75 feet; and a lot area of 0.452 acres in lieu of the required one acre for a single family dwelling.

Hearing: Wednesday, April 4, 2007 at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Robert Grüber, 8542 King Ridge Road, Parkville 21234 Scott Chilton, 27 Neptune Drive, Joppa 21085

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 20, 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, March 20, 2007 Issue - Jeffersonian

Please forward billing to:

Robert Gruber 8542 Kings Ridge Road Parkville, MD 21234 443-386-4292

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: 07-367-A

11308 Beach Road

N/side of Beach Road, 200 feet +/- east from centerline of Opie Road

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Legal Owners: Robert Gruber & Courtney Aldanchi/Gruber

Variance to permit side yard setbacks of 34 feet and 15 feet respectively in lieu of the required 35 feet; a front setback of 40 feet from the street centerline in lieu of the required 75 feet; and a lot area of 0.452 acres in lieu of the required one acre for a single family dwelling.

Hearing: Wednesday, April 4, 2007 at 10:00 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: 367
Petitioner: LOBERT GRUBAR
Address or Location: 1308 Beach Pol.
PLEASE FORWARD ADVERTISING BILL TO:
Name: Poseus G-208An
Address: 8542 Kinns Pione Rd.
PARKUTTE, Mol. 21234.
Telephone Number: 443-386-4292_

Revised 7/11/05 - SCJ



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

March 27, 2007

Robert C. Gruber 8542 Kings Ridge Road Parkville, MD 21234

Dear Mr. Gruber:

RE: Case Number: 07-367-A, 11308 Beach Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 15, 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

U. Callabal)

WCR:amf

Enclosures

c: People's Counsel Scott D. Chilton 27 Neptune Drive Joppa 21085 RE: PETITION FOR VARIANCE

11308 Beach Road; N/S Beach Road,

200' E c/line Opie Road

11th Election & 5th Councilmanic Districts

Legal Owner(s): Robert & Courtney Gruber *

Contract Purchaser(s): Robert Gruber

Petitioner(s) *

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

07-367**-**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 and documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of February, 2007, a copy of the foregoing Entry of Appearance was mailed Scott Chilton, 27 Neptune Drive, Joppa, MD 21085, Representative for Petitioner(s).

RECEIVED

FEB 2 7 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Pet

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

March 1, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 26,2007

Item Number: 363 through 373

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

DATE: March 2, 2007

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 5, 2007

Item Nos. 07-314, 363, 364, 366, 367) 368,

369, 370, 371, 372, and 373

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-03022007.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination JWL

DATE:

April 6, 2007

SUBJECT:

Zoning Item

07-367-A

Address

11308 Beach Road

(Gruber Property)

Zoning Advisory Committee Meeting of February 26, 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).

_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:

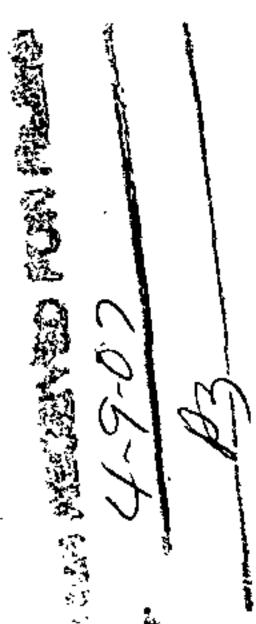
The property must comply with the Limited Development Area (LDA) regulations. Impervious surfaces are limited to 31.25% of the property, or 6,148 square feet. Property must maintain 15% forest cover.

Reviewer:

Regina Esslinger

Date: 3/16/07

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-367-A.doc



BALTIMOR'E COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

11308 Beach Road

INFORMATION:

Item Number:

7-367

Petitioner:

Robert C. Gruber

Zoning:

RC 2

Requested Action:

Variance

DATE: March 12, 2007

APR - 4 2007

SUMMARY OF RECOMMENDATIONS:

Section 1A01.1.B of the Baltimore County Zoning Regulations (BCZR) states that the RC-2 zoning classification is meant to "foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses". Upon field inspection as well as in depth analysis of the surrounding zoning classifications, this Office finds that the RC-2 zone in place at this particular location is not necessarily preserving productive agricultural land. While the agricultural preservation is limited at this particular piece of property, this Office is concerned about the request to reduce the minimum lot area requirements from 1 acre to .452 acres. This is more than half of what would be required under the existing zoning regulations (e.g. approximately 54%) and may set an extremely negative precedent for future variance requests in other recourse conservation zones. Moreover, the property is located outside the County's growth boundary (URDL), and located within the Chesapeake Bay Critical Area.

The property in question is isolated between previously existing dwellings, which were likely built prior to current zoning regulations. Furthermore, the petitioner does not own sufficient adjoining land in order to increase the existing lot(s) to meet the minimum acreage requirements.

Given the above information, this Office does not oppose the petitioner's request, provided that this case will not be used as precedent to support future requests to reduce the minimum acreage requirements under RC-2 zoning.

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: May 16, 2007

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

11308 Beach Road

INFORMATION:

Item Number:

7-367

Petitioner:

Robert C. Gruber

Zoning:

RC 2

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The property in question is isolated between previously existing dwellings, which were likely built prior to current zoning regulations. The petitioner does not own sufficient adjoining land in order to increase the existing lot(s) to meet the minimum acreage requirements. Furthermore, there is a pattern of small lot widths in the neighborhood, typically 50-feet wide.

Given the above information, this Office does not oppose the petitioner's request.

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Reviewed by:

Division Chief:

AFK/LL: CM

State Highway

Administration State

State Highway

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

Neil J. Pedersen, Administrator

John D. Porcari, Secretary Designate

Maryland Department of Transportation

Date: MARCH 5, 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. 7-3674

11308 BEACH ROAD GRUBER 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.

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,

A Steven D. Foster, Chief

Fon Engineering Access Permits

Division

SDF/MB

CASE NUMBER: 7-367-A

11308 Beach Road

Location: N side of Beach Road, 200 feet +/- E from c/l of Opie Road.

11th Election District, 5th Councilmanic District

Legal Owner: Robert C. Gruber and Courtney D. Alvanchi/Gruber

Contract Purchaser: Robert C. Gruber

VARIANCE To permit side yard setbacks of 34 feet and 15 feet respectively in lieu of the required 35 feet; a front setback of 40 feet from the street c/l in lieu of the required 75 feet; and a lot area of 0.452 acres in lieu of the required one acre for a single family dwelling.

Hearing: Wednesday, 4/4/2007 at 10:00:00 AM, County Office Building, 111 West Chesapeake Avenue, Room 106, Towson

From:

Debra Wiley

To:

Murray, Curtis

Date:

03/30/07 11:33:23 AM

Subject:

Office of Planning Comments Needed for Hearings Next Week

Good Morning Curtis,

In reviewing next week's case files for Bill, we need comments for the following:

4/3 @ 9 AM - 07-337-SPHA (3628 Forest Hill Road)

4/3 @ 11 AM - 07-341-A (6540/42 Blackhead Road)

4/4 @ 9 AM - **07-365-SPH** (503A Stuart Avenue)

4/4 @ 10AM - 07-367-A (11308 Beach Road)

4/4 @ 11AM - 07-368-SPH - (12213 Park Heights Avenue, LLC)

Thanking you in advance for your usual cooperation and have a great day & weekend!!

Debra Wiley - DEPRM Comments Needed for Hearings Next Week

Page 1

From:

Debra Wiley

To:

Livingston, Jeffrey

Date:

03/30/07 11:37:35 AM

Subject:

DEPRM Comments Needed for Hearings Next Week

Good Morning Jeff,

In reviewing next week's case files for Bill, we need comments for the following:

4/3 @ 11 AM - 07-341-A - 6540/42 Blackhead Road - CBCA, zoned R.C.2

4/4 @ 10 AM - 07-367-A - 11308 Beach Road - CBCA, zoned R.C.2

Thanking you in advance for your usual cooperation and have a great day & weekend!!

Case No.: 07-367-A

11308 BEACH ROAD

Exhibit Sheet

Petitioner/Developer

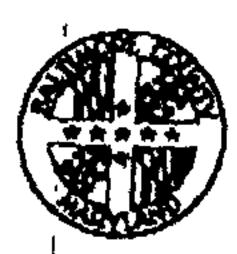
Protestant

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Department of Environmental Protection and Resource Management

401 Bosley Avenue, Suite 416 Towson, Maryland 21204



Baltimore County

James T. Smith, Jr., County Executive David A.C. Carroll, Director

December 12, 2003

Ms. Linda Westerfield 11307 Beach Road White Marsh, MD 21162

> Re: New Dwelling-11308 Beach Road Building Permit Application 8539712

Dear Ms. Westerfield:

Environmental Impact Review (EIR) has reviewed the above-referenced pennit application for the proposed dwelling and has placed the application on held because we need to convey to you the following regulations.

The property is located in the Limited Development Area (LDA) of the Chasapeake Bay Critical Area (CBCA). LDA regulations state that impervious surfaces are limited to 25% of the property. The lot size is approximately 20,800 square feet. Twenty-five (25) percent of the site is 5,200 equare feet. Existing impervious surfaces equal 80 square feet or <1%. Proposed imperviousness of the lot will equal 1,508 equare feet or 7,3% for the new dwelling only. You have 3,692 square feet of impervious area left for a driveway, sidewalk, etc.

Another CBCA regulation states that there must be a 15% tree cover. This equates to 8 trees for a property of this size. The site is wooded, thus no more need to be

Please sign and return a copy of this letter to indicate your understanding of the CBCA Regulations. Your permit application will be approved once I receive a copy of this signed letter. The above items will be checked at the time of Use & Occupancy request,

If you have any questions regarding these requirements or if I can be of essistance, please contact me at 410-887-3980,

> -Sincerely yours, Kelth Kelley Natural Resource Specialis! Environmental Impact Review

I/We have read and do hereby agree to implement the above requirements to bring mylour property into compliance with Chesapeake Bay Critical Area Regulations.

signatura.

date

signature

data

kdk#21/westormid

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

CASE	NAME_	Grut	e-	<u> </u>
CASE	NUMBI	ER <u>07</u>	-367	- A
DATE	04/0	4/0	7	

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Soft D. CHINON	5542 Kings Ridge Rd. 27 HEPPUHE DR.	Partuille 240.21234 JOPPA MD. 21085	00 1/- 11- 11- 11- 11- 11-
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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: May 16, 2007

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

11308 Beach Road

INFORMATION:

Item Number:

7-367

Petitioner:

Robert C. Gruber

Zoning:

RC 2

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The property in question is isolated between previously existing dwellings, which were likely built prior to current zoning regulations. The petitioner does not own sufficient adjoining land in order to increase the existing lot(s) to meet the minimum acreage requirements. Furthermore, there is a pattern of small lot widths in the neighborhood, typically 50-feet wide.

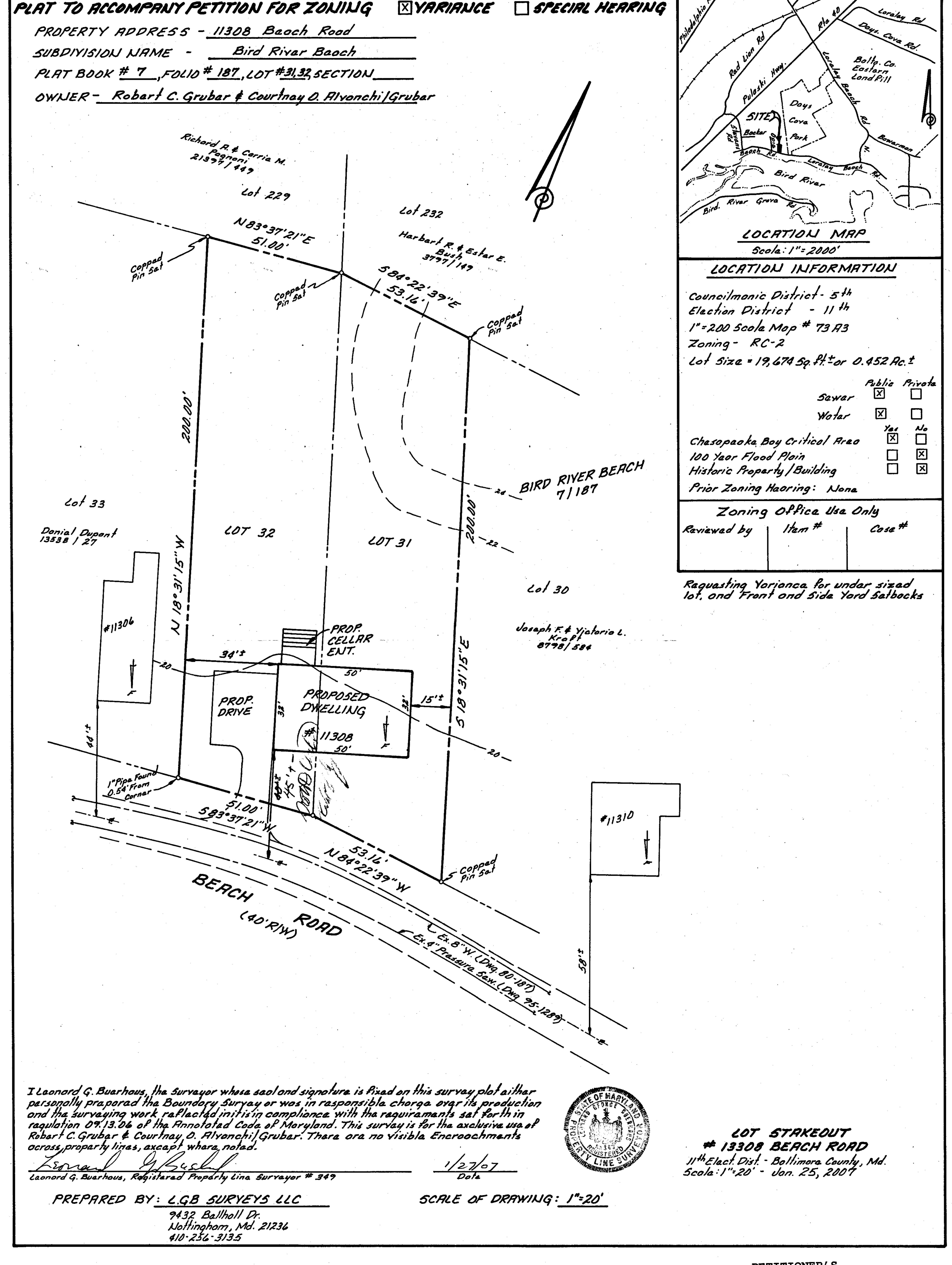
Given the above information, this Office does not oppose the petitioner's request.

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Reviewed by:

Division Chief:

AFK/LL: CM



PETITIONER'S

EXHIBIT NO.