

IN RE: PETITIONS FOR SPECIAL HEARING
N side Bird River Grove Road, 0.9 miles
E c/l Ebenezer Road
15th Election District
6th Councilmanic District
(11202 Bird River Grove Road)

Paul G. Gross
Legal Owner & Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* CASE NO. 07-438-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owner of the subject property, Paul G. Gross. The subject property is identified as 11202 Bird River Grove Road. The Special Hearing request was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a waiver pursuant to Section 500.6, BCZR; Section 3112.0 Building Code; and Sections 32-4-107.(a)(2), 32-8-302 BCC to build an addition (12 feet by 16 feet), a porch (6 feet by 12 feet), and a garage (12 feet by 22 feet) on an existing dwelling in a tidal floodplain. The Variance request is to permit side yard setbacks of 9 feet and 12 feet in lieu of the required 35 feet for three proposed additions.

The property was posted with Notice of Hearing on June 4, 2007, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on June 5, 2007, to notify any interested persons of the scheduled hearing date.

Applicable Law

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

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of

6-20-07 pg 2

any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Section 307 of the B.C.Z.R. *Variances*

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee Comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Bureau of Development Plans Review dated April 4, 2007 which contains restrictions. ZAC comments were received from the Department of Environmental Protection and Resource Management dated May 8, 2007 which contains restrictions. Copies of these comments are incorporated herein and made a part hereof the file.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing and variance relief was Paul Gross, Petitioner. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject waterfront property contains 12,428 square feet or .285 acres +/- zoned RC 2 and is improved by the Petitioners' existing two story dwelling. The Petitioner would like to

6-20-07 p2

build a 12 x 22 ft. garage attached to his home to eventually replace the existing separate garage shown on exhibit 1, the Plat to Accompany. However because of the configuration of his home shown in photograph exhibit 2A, he indicated that the new garage would stick out from the house in an architecturally awkward fashion and become the dominant feature of the house. Consequently he proposes to fill in the area along side and above the garage with other additions such as a porch and additional storage space as shown on exhibit 3. He opined that this design is much more in keeping with the neighborhood homes.

He noted that his lot is long, narrow and trapezoidal in shape having only 47 feet of width at the point of the additions. In addition the existing house is skewed with respect to the side property lines such that the northwest corner is only 5 feet from the property line while the northeast side is 15 feet from the other side property line. The additions would simply extend the existing sides of the house. However, because of the skew, the addition will be 9 feet from the northeast property line and 12 feet from the north east property line. He observed that he could never meet the 35 foot side yard setback with a lot this narrow. He also indicated that his neighbors approved of his request.

In regard to DEPRM and Plans Review comments, he indicated that his home is above the tidal flood height and nearly meets the elevations required by Development Plans Review. His home was not damaged in Hurricane Isabel. He acknowledged DEPRM's additional requirements as listed in the case comment.

Findings of Fact and Conclusions of Law

I agree with his assessment that simply attaching a garage to the front of his home would result in an architecturally unattractive design where the garage would be the dominant feature. By adding the other additions the Petitioner can make the garage blend into the façade of the house.

6-2007
PZ

In regard to the requested special hearing, I find that there is no need for a waiver to allow construction in a tidal floodplain. Section 32-8-202 distinguishes between riverine and tidal floodplains. Section 32-8-301 indicates that waivers may be granted under Section 32-4-107 from the provisions of Section 32-4-414. The latter refers exclusively to riverine floodplains in prohibiting construction in riverine floodplains. In addition this Section specifies that encroachments into the floodplain shall not increase the existing base flood elevation. This provision can only refer to a riverine flow where obstructions would increase the base flood elevation. Said another way there is no conceivable human construction in a tidal floodplain which will increase the base flood elevation of the oceans. It would take a structure in the order of magnitude of melting the Polar Ice Cap to change tidal elevation. Finally this issue also arose recently in Case No. 07-421-SPHA and ZAC comments from the Bureau of Development Plans Review dated April 2, 2007 indicated that the Public Works Department believes that no waiver is necessary to grade or build in a tidal floodplain. While I will deny the request for waiver, I do so not on the merits but that no waiver is necessary in tidal floodplains.

In regard to the requests for variance, considering all the testimony and evidence presented, I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The lot is long and narrow and clearly created prior to the imposition of the RC 2 zoning regulations such that these regulations impact this property disproportionately as compared to others in the district. Therefore I find the property unique in a zoning sense.

I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There can be no practical use of a lot which is 45 feet wide when side yard setbacks are 35 feet from each property line.

RECEIVED FOR FILE
6-20-07
[Signature]

Finally, I find that this variance can be granted in strict harmony with the spirit and intent of said regulations and in a manner so as to grant relief without injury to the public health, safety and general welfare. The additional garage, porch and storage area will not change the pattern of development of the neighborhood.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' special hearing and variance requests should be denied without prejudice.

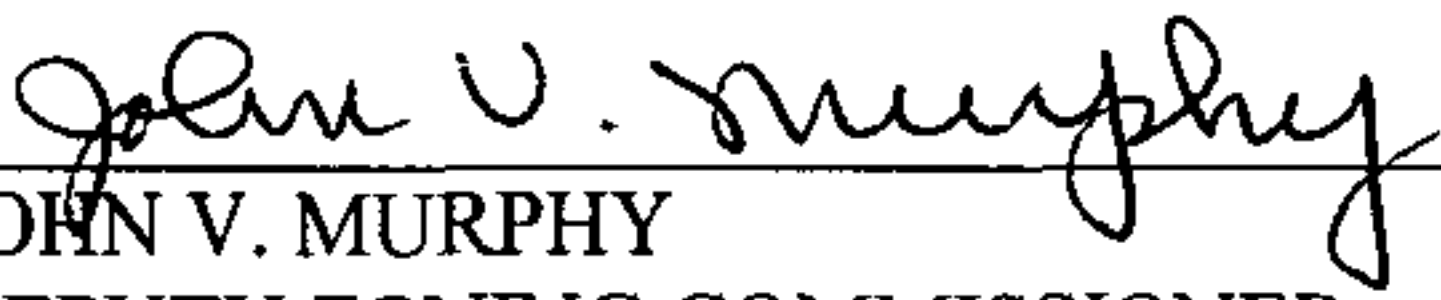
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 20th day of June, 2007, that the Petitioners' request for Variance to permit side yard setbacks of 9 feet and 12 feet in lieu of the required 35 feet for three proposed additions-is hereby GRANTED subject to the following conditions:

1. The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. 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).
3. The property must comply with the Limited Development Area regulations and Buffer Management regulations. Impervious surfaces are limited to 31.25% of the lot. Any impervious surface proposed in the 100 foot buffer will require mitigation on a fee-in-lieu. Property must maintain 15% tree cover.
4. The base flood elevation for this site is 10.2 feet Baltimore County Datum.
5. The flood protection elevation for this site is 11.2 feet.
6. In conformance with *Federal Flood Insurance* Requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.
7. The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.
8. The building engineer shall require a permit for this project.
9. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

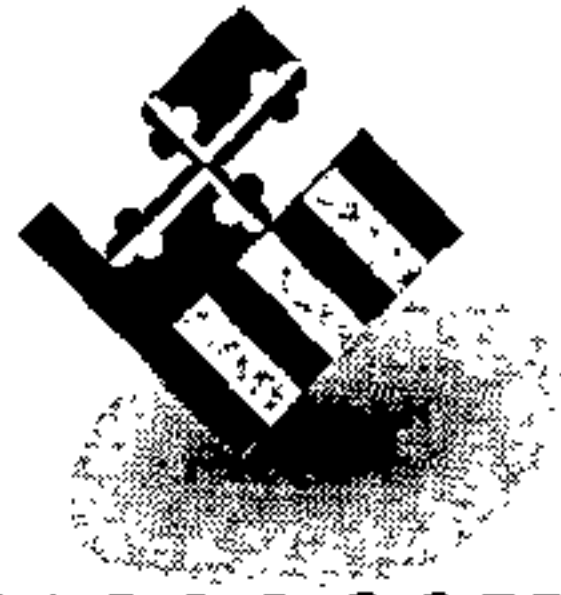
10. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.

IT IS FURTHER ORDERED, the Petitioner's request for Special Hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), for a waiver pursuant to Section 500.6, BCZR; Section 3112.0 Building Code; and Sections 32-4-107.(a)(2), 32-8-302 BCC to build an addition (12 feet by 16 feet), a porch (6 feet by 12 feet), and a garage (12 feet by 22 feet) on an existing dwelling in a tidal floodplain is hereby DENIED as unnecessary:

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 20, 2007

PAUL G. GROSS
11202 BIRD RIVER GROVE ROAD
WHITE MARSH, MD 21162

Re: Petition for Special Hearing and Variance
Case No. 07-438-SPHA
Property: 11202 Bird River Grove Road

Dear Mr. Gross:

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

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

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:pz

Enclosure



Flood • CBCA

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 11202 Bird River Grove Rd 21162
which is presently zoned RC-2

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

See attached

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Paul Gross

Name - Type or Print

Signature

Name - Type or Print

Signature

11202 Bird River Grove Rd 410-344-1176

Address

Telephone No

White Marsh Md

City

State

21162
Zip Code

Representative to be Contacted:

Name

Address

Telephone No

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 07-438-SPHA

Reviewed By BN Date 3/28/07

REV 9/15/98

~~NOT FORWARDED FOR FILING~~
6-20-07
JB

A waiver pursuant to Section 500.6, BCZR; Section 3112.0 Building Code; and Sections 32-4-107.(a)(2), 32-8-302 BCC to build an addition (12'x16'), a porch (6'x12'), and a garage (12'x22') on an existing dwelling in a tidal floodplain.

Flood CBCA



Petition for Variance

to the Zoning Commissioner of Baltimore County,

for the property located at 11202 Bird River Grove Rd 21162
which is presently zoned RC-2

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

see attached

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

to be presented at the hearing

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

White Marsh Md

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

Case No. 07-438-SPHA

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

BK

Date

3/28/07

REV 9/15/98

JOHN RECEIVED FOR FILING

6-20-07

RB

1B02.3.C.1 to permit side yard setbacks of 9 ft. and 12 ft. in lieu of the required 35 ft. for three proposed additions.

ZONING DESCRIPTION

Zoning Description For 11202 Bird River Grove Road

Beginning at a point on the North side of Bird River Grove Road, which is 25 feet wide at the distance of 0.9 mile east of the centerline of the nearest improved intersecting street Ebenezer Road, which is 60 ft. wide. Being Lot # 36, Block A, in the subdivision of Bird River Grove as recorded in Baltimore County Plat Book #7, Folio# 189, containing 12,428 square feet. Also known as 11202 Bird River Grove Road and located in the 15th Election District, 6th Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 25050

DATE

3/24/07

ACCOUNT

2001.06-6150

AMOUNT

\$ 130.00

RECEIVED
FROM:

Pat Glass

FOR:

Specialty Agency & Insurance

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

JLH #458

PAID RECEIPT

BUSINESS

ACCT

TIME

DATE

3/30/2007

3/28/2007 14:34:15

2

REG NO. 0011

3/28/2007

RECEIPT NO. 000785

3/28/2007

0711

DEPT

5

522 (0011) VALIDATION

CR NO.

000000

Regd. for

\$130.00

\$130.00

CR

CA

Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: # 07-438-SPHA

11202 Bird River Grove Road
N/side of Bird River Grove Road, 0.9 miles east of
centerline of Ebenezer Road
15th Election District - 6th Councilmanic District

Legal Owner(s): Paul G. Gross

Special Hearing: for a waiver pursuant to Section 500.6, BCZR; Section 3112.0 Building Code and Sections 32-4-107(a)(2), 32-8-302 BCC to build an addition (12 feet by 22 feet) on an existing dwelling a tidal floodplain. **Variance:** to permit side yard setbacks of 9 feet and 12 feet in lieu of the required 35 feet for three proposed additions.

Hearing: Tuesday, June 19, 2007 at 10:00 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) 887-3868.

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

JT 5/6/17 June 5 137609

CERTIFICATE OF PUBLICATION

6/7/2007

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 6/5/2007.

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

S. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No: 07-438-SPHA

Petitioner/Developer: _____

PAUL G. GROSS

Date Of Hearing/Closing: 6/19/07

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 11202 BIRD RIVER GROVE RD.

This sign(s) were posted on

Monday June 4, 2007
(Month, Day, Year)

Sincerely,

Martin Ogle 6/4/07
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

W. J. H. J.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY KOTROCO, Director
May 17, 2007
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: 07-438-SPHA

11202 Bird River Grove Road

N/side of Bird River Grove Road, 0.9 miles east of centerline of Ebenezer Road

15th Election District – 6th Councilmanic District

Legal Owner: Paul G. Gross

Special Hearing for a waiver pursuant to Section 500.6, BCZR; Section 3112.0 Building Code and Sections 32-4-107(a)(2), 32-8-302 BCC to build an addition (12 feet by 22 feet) on an existing dwelling in a tidal floodplain. Variance to permit side yard setbacks of 9 feet and 12 feet in lieu of the required 35 feet for three proposed additions.

Hearing: Tuesday, June 19, 2007 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in black ink.

Timothy Kotroco
Director

TK:klm

C: Paul G. Gross, 11202 Bird River Grove Road, White Marsh 21162

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JUNE 4, 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, June 5, 2007 Issue - Jeffersonian

Please forward billing to:

Paul Gross
11202 Bird River Grove Road
White Marsh, MD 21162

410-344-1176

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: 07-438-SPHA

11202 Bird River Grove Road

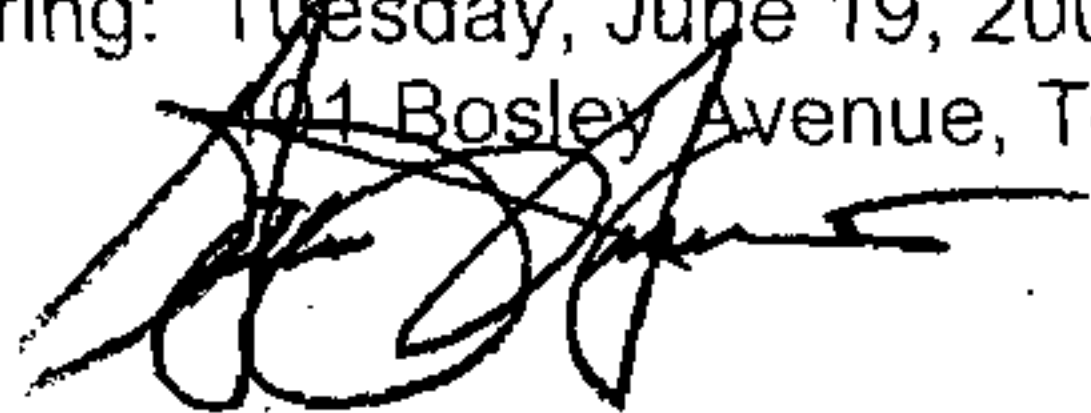
N/side of Bird River Grove Road, 0.9 miles east of centerline of Ebenezer Road

15th Election District – 6th Councilmanic District

Legal Owner: Paul G. Gross

Special Hearing for a waiver pursuant to Section 500.6, BCZR; Section 3112.0 Building Code and Sections 32-4-107(a)(2), 32-8-302 BCC to build an addition (12 feet by 22 feet) on an existing dwelling in a tidal floodplain. Variance to permit side yard setbacks of 9 feet and 12 feet in lieu of the required 35 feet for three proposed additions.

Hearing: Tuesday, June 19, 2007 at 10:00 a.m. in Room 407, County Courts Building,
101 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.

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/neighbor 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 07-438-SQHA

Petitioner Paul Gross

Address or Location 11202 Bird River Grove Rd, White Marsh, Md 21162

PLEASE FORWARD ADVERTISING BILL TO

Name Paul Gross

Address 11202 Bird River Grove Rd, White Marsh, Md 21162

Telephone Number 410-344-1176



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

June 11, 2007

Paul G. Gross
11202 Bird River Grove Road
White Marsh, MD 21162

Dear Mr. Gross:

RE: Case Number: 07-438-SPHA, 11202 Bird River Grove Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 28, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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

Jm 6-19-07

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
MAY 09 2007

BY:

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JNL

DATE: May 8, 2007

SUBJECT: Zoning Item # 07-438-SPHA
Address 11202 Bird River Grove Road
(Gross Property)

Zoning Advisory Committee Meeting of April 2, 2007

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- _____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- _____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
- X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

The property must comply with Limited Development Area regulations and Buffer Management regulations. Impervious surfaces are limited to 31.25% of the lot. Any impervious surface proposed in the 100 foot buffer will require mitigation or a fee-in-lieu. Property must maintain 15% tree cover.

Reviewer: Regina Esslinger

Date: May 1, 2007

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 4, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For April 9, 2007
Item No. 07-438

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

The base flood elevation for this site is 10.2 feet Baltimore County Datum.

The flood protection elevation for this site is 11.2 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

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

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 07-438-03042007.doc

Jm 6/19

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 2, 2007

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-438- Special Hearing and 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:

Candis Hurray

Division Chief:

Lynne Leubman

CM/LL

RECEIVED

APR - 4 2007

ZONING COMMISSION

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

April 5, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 2, 2007

Item Number: 427 through 438

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





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

State Highway
Administration

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

Maryland Department of Transportation

Date: **APRIL 3, 2007**

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

RE: Baltimore County
Item No. 7-438-SPHA
11202 BIRD RIVER GROVE ROAD
CROSS PROPERTY
SPECIAL HEARING
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. **7-438-SPHA**.

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

My telephone number/toll-free number is _____

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

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

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
11202 Bird River Grove Road; N/S Bird River * ZONING COMMISSIONER
Grove Rd, .9 miles E c/line Ebenezer Road
15th Election & 6th Councilmanic Districts * FOR
Legal Owner(s): Paul G. Gross
Petitioner(s) * BALTIMORE COUNTY
* 07-438-SPHA

* * * * *

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

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 5th day of April, 2007, a copy of the foregoing Entry of Appearance was mailed Paul Gross, 11202 Bird River Grove Road, White Marsh, MD 21162, Petitioner(s).

RECEIVED

APR 05 2007

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CASE NAME	CASE NUMBER	DATE

PETITIONER'S SIGN-IN SHEET

[illegible]

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

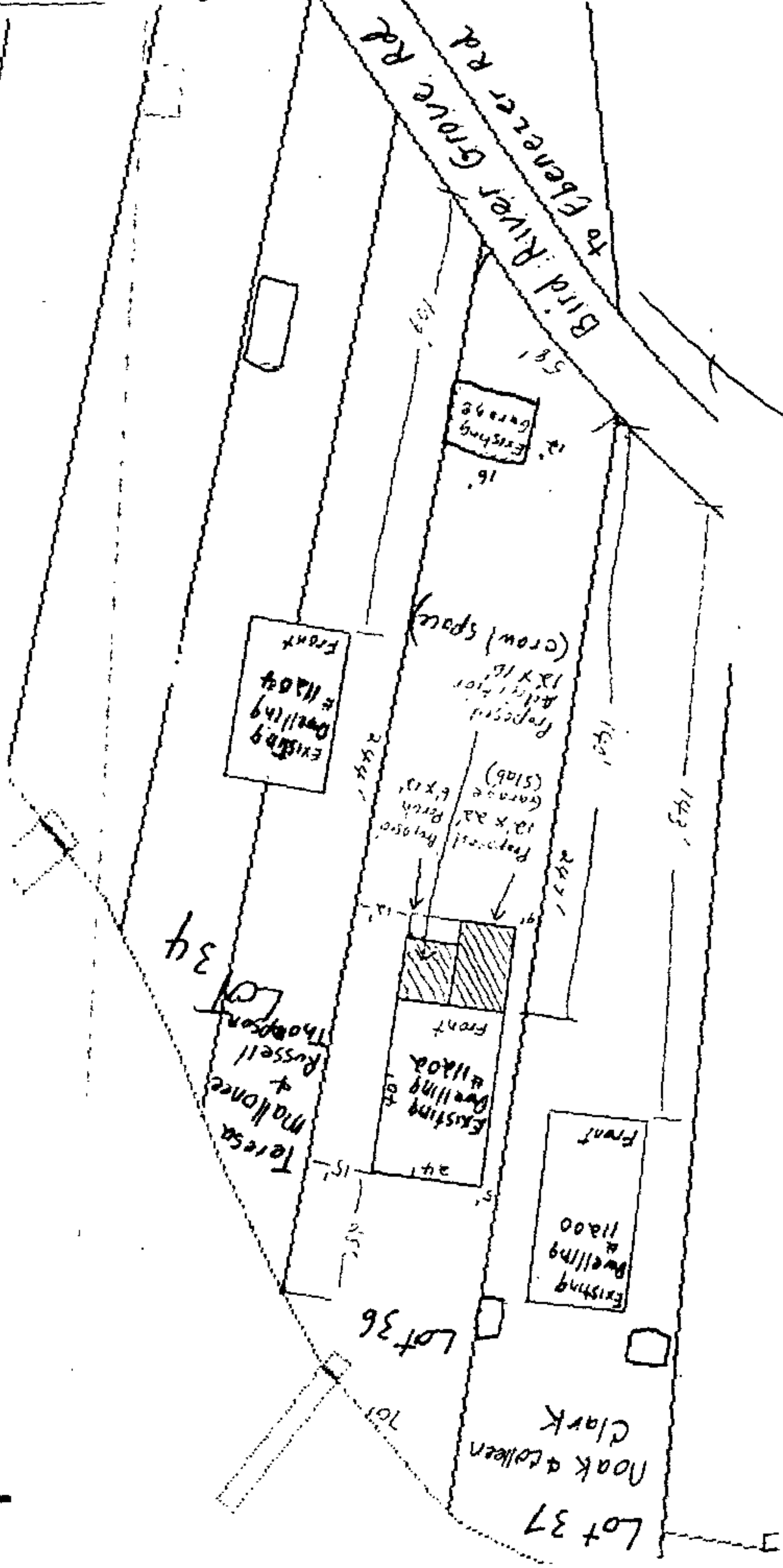
PROPERTY ADDRESS 11207 Bird River Grove Rd SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Bird River Grove
PLAT BOOK # 7 FOLIO # 189 LOT # 36 SECTION # A
OWNER Paul Gerard Gross



VICINITY MAP

SCALE 1" = 1000'



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP # 07343

ZONING RC-2

LOT SIZE 12.85 ACRES

12,428 SQUARE FEET

SEWER ☒ PUBLIC ☒ PRIVATE ☐

WATER ☒ PUBLIC ☒ PRIVATE ☐

CHESAPEAKE BAY CRITICAL AREA ☒ YES ☒ NO ☐

100 YEAR FLOOD PLAIN ☒ YES ☒ NO ☐

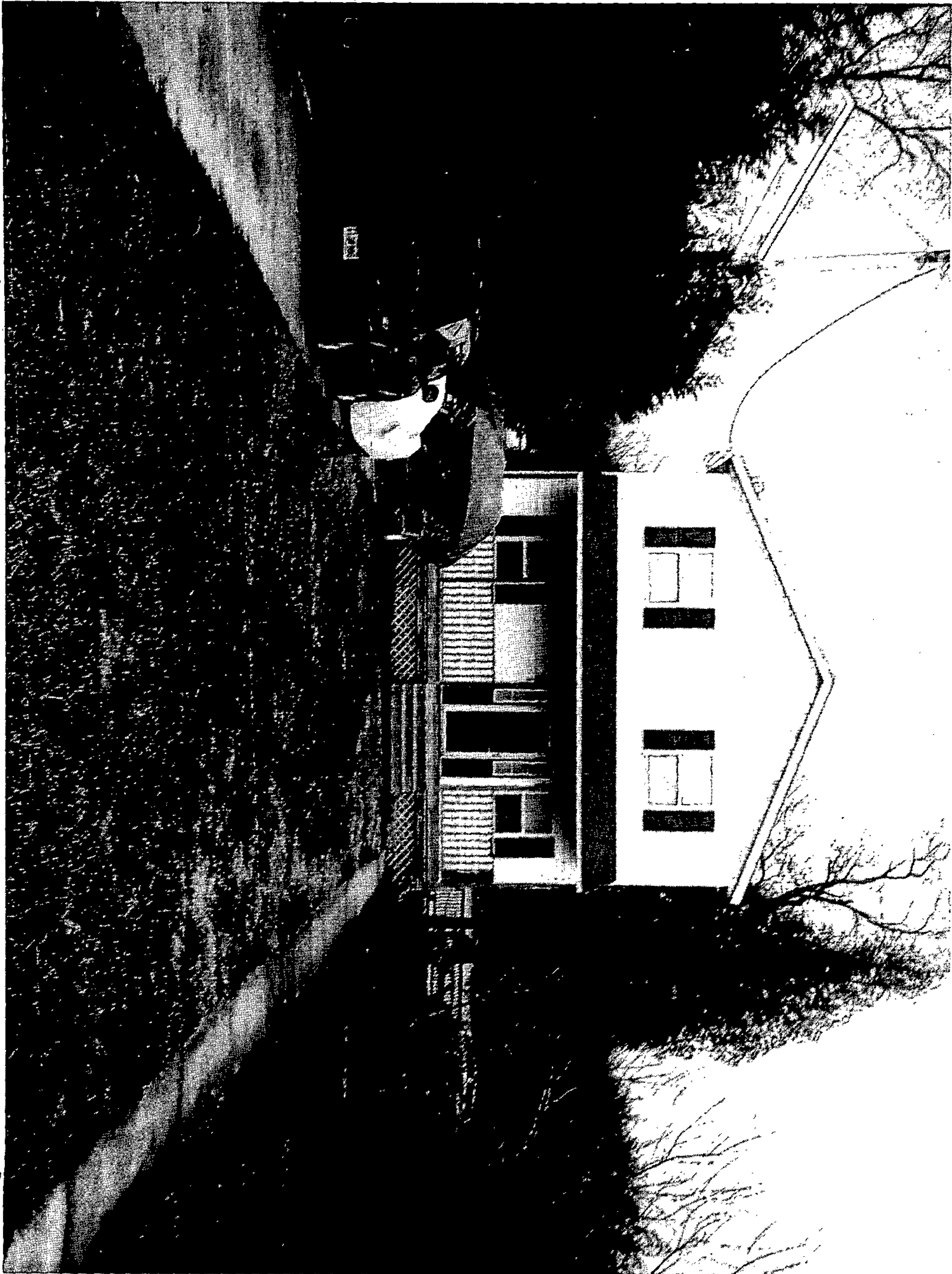
HISTORIC PROPERTY / BUILDING ☐ YES ☐ NO ☒

PRIOR ZONING HEARING ☐ YES ☐ NO ☒

ZONING OFFICE USE ONLY
REVIEWED BY Bh ITEM # 438 CASE # 07-438-SPHA



PREPARED BY Paul Gross SCALE OF DRAWING: 1" = 50'



11-11-11

11-11-11

2/2

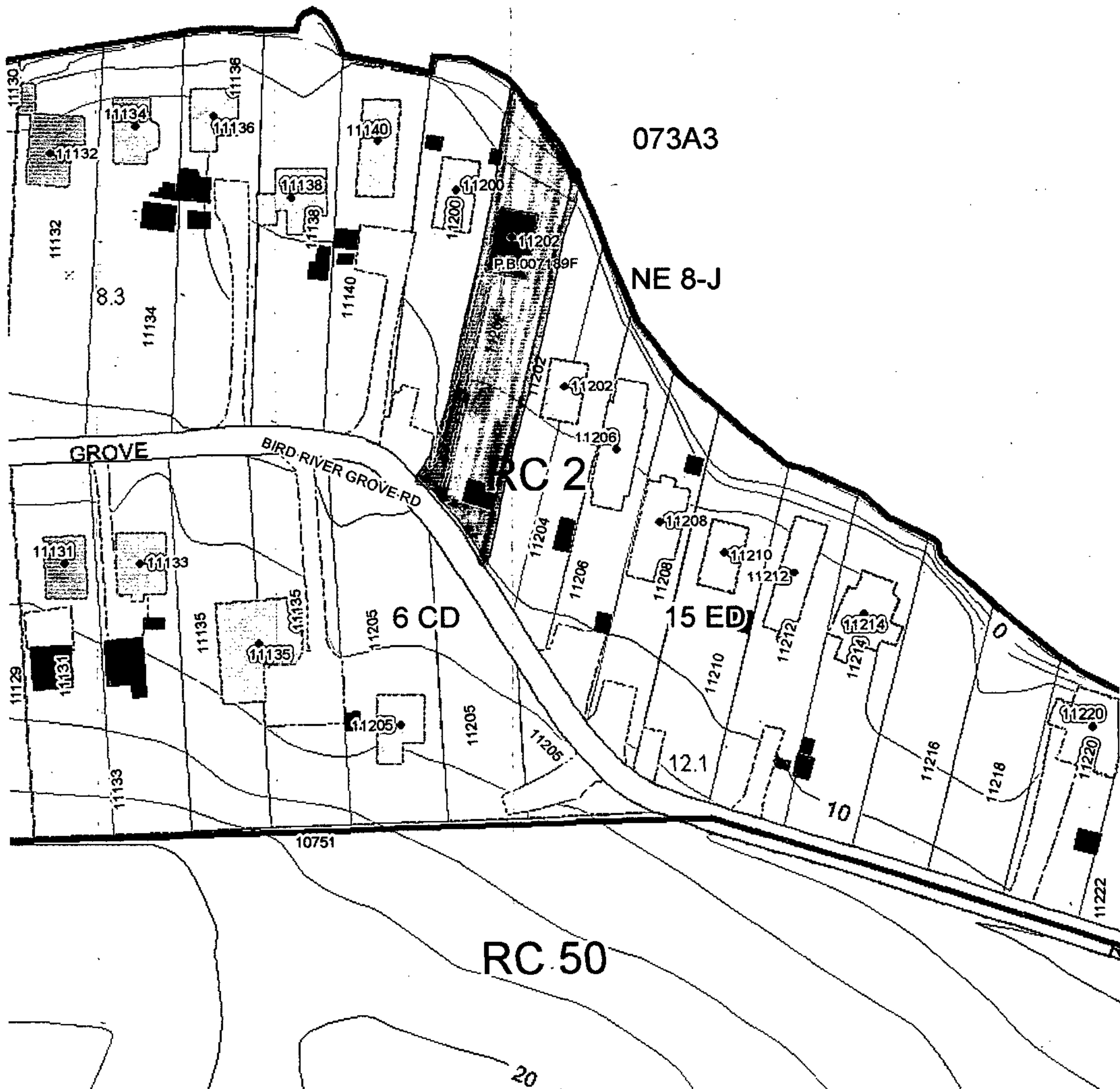


22





Part
3



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

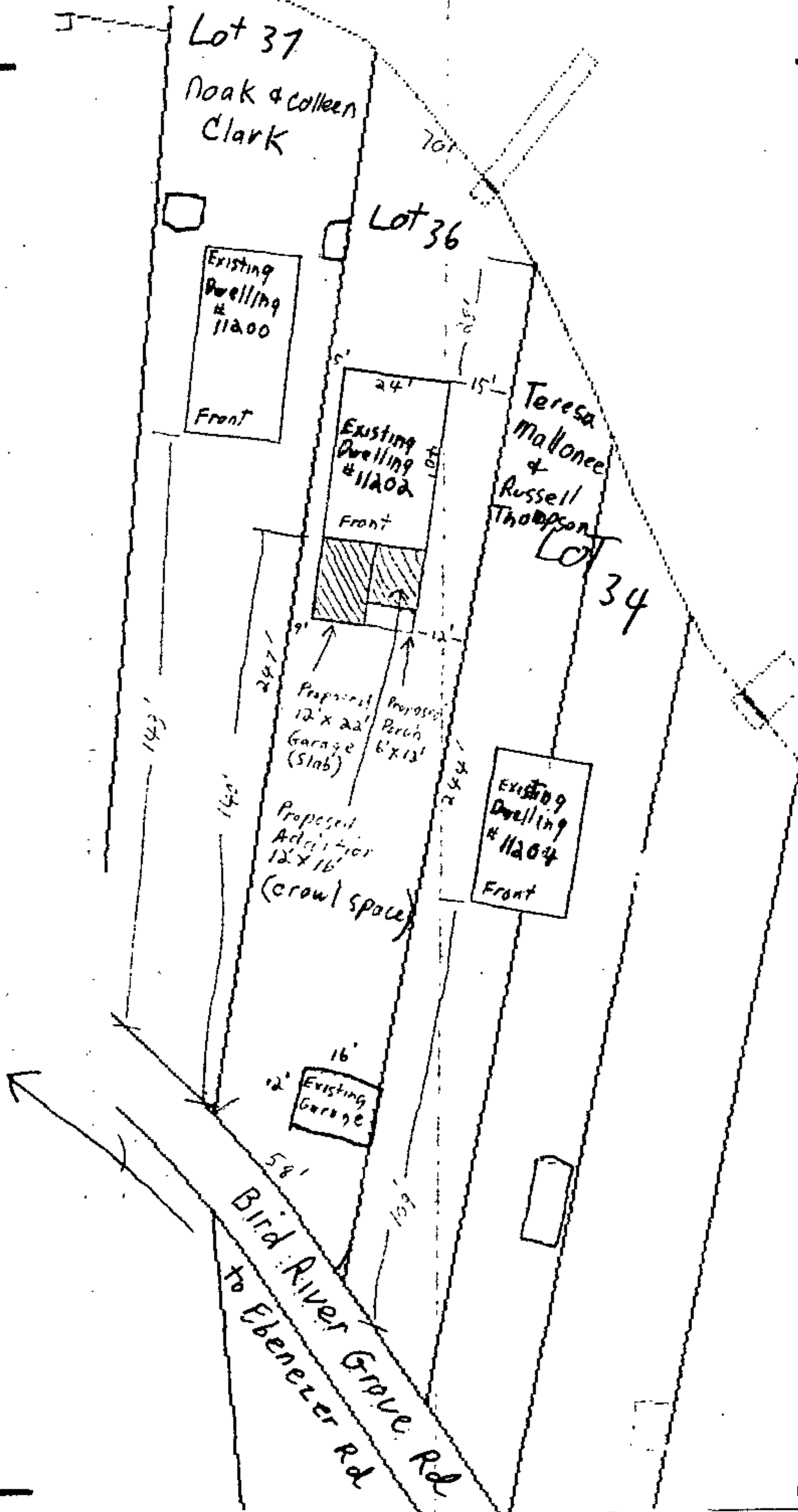
PROPERTY ADDRESS 11202 Bird River Grove Rd

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

SUBDIVISION NAME Good River Cove

PLAT BOOK # 7 FOLIO # 189 LOT # 36 SECTION # A

OWNER Paul Gerard Gross



NORTH

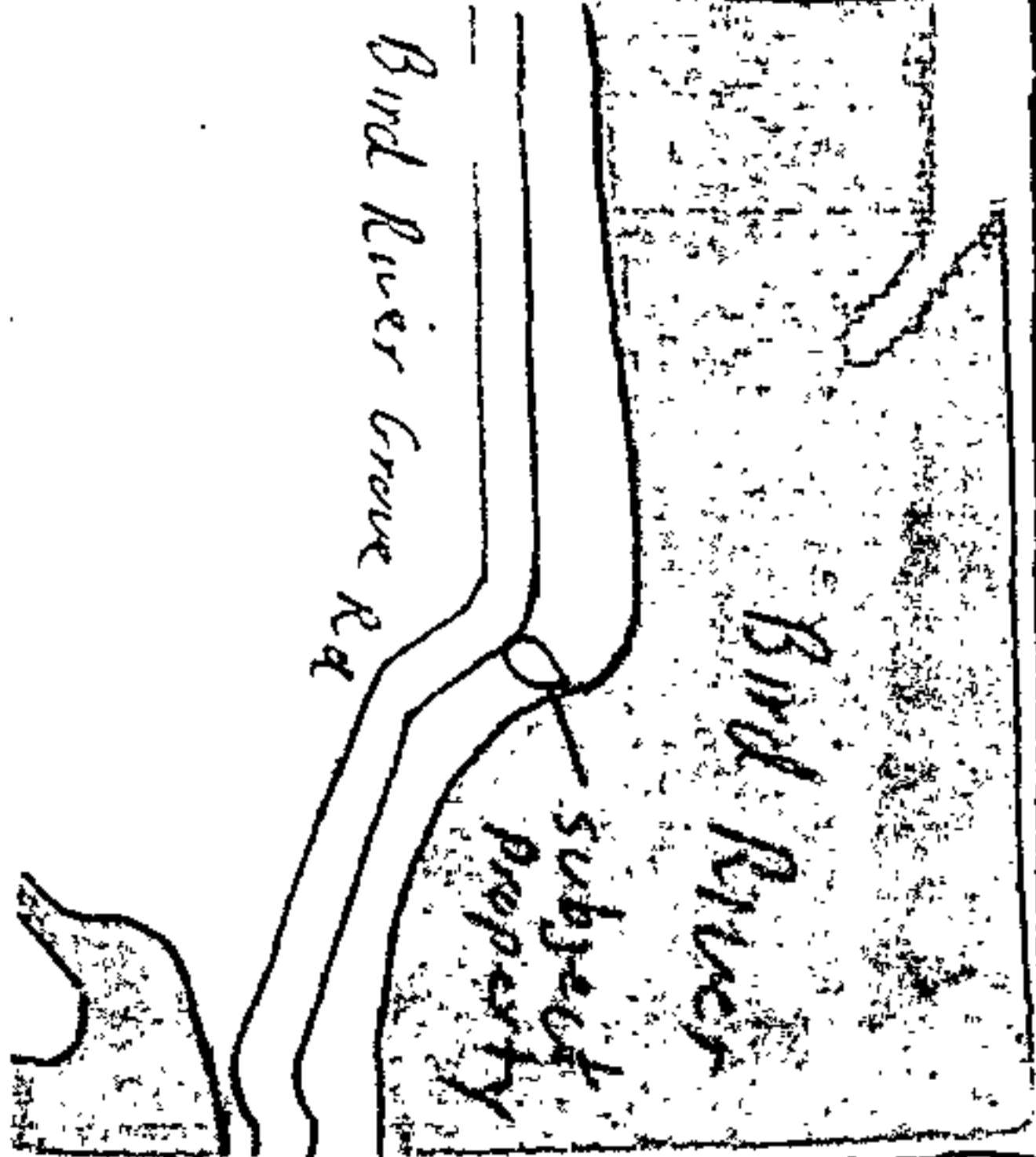


PREPARED BY Paul Gross

SCALE OF DRAWING: 1" = 50'



VICINITY MAP
SCALE: 1" = 1000'



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP # 07343

ZONING RC-2

LOT SIZE 1.285 ACRES 12,428 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 ITEM # CASE #

3h | 438 | 07-438-SPH/A