IN RE: PETITION FOR SPECIAL HEARING 445 E of Bowerman Road	*	BEFORE THE
(AKA Loreley Beach Road)	*	ZONING COMMISSIONER
(11015 Bowerman Road) 11 th Election District 5 th Council District	*	OF
	*	BALTIMORE COUNTY
Charlsie Ernestine Klapka Petitioner	*	Case No. 08-099-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Charlsie E. Klapka. The Petitioner requests a special hearing to approve as a legal non-conforming condition, pursuant to Section 104 of the Baltimore County Zoning Regulations (B.C.Z.R.), the existing six (6) dwellings currently located on the 5.65 acre property (as indicated on the site plan), and to approve the continuation of said legal non-conforming uses after the approval of a subdivision of the property, with one (1) dwelling being converted to storage. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1A.¹

Appearing at the requisite public hearing in support of the request were Charlsie E. Klapka, property owner, and several members of the Klapka family, including Nancy Rapski, her daughter, and Joseph Rapski, son-in-law. The Petitioner was assisted by Robert Infussi of Expedite, LLC and David Billingsley of Central Drafting and Design, Inc., the consultant who prepared the site plan for this property. There were no Protestants, however, Robert C. Curley and Michelle V'Aoust, who reside just west of the subject property, appeared as interested persons and were concerned that the posting of a zoning sign on the property might lead to further development in the area. In this regard, it is noted that the immediate neighbors as well as Mr. Curley do not oppose the request and the continued use of the property in the manner in which it has been used since the 1950's.

¹ Subsequent to the hearing, Central Drafting and Design, Inc. amended the site plan to reflect the actual dimensions of all improvements "existing conditions" located on the property.

Testimony and evidence offered by Ms. Klapka was that she and her deceased husband resided at 11015 Bowerman Road and obtained title to the property by operation of law in 1999 from her mother and step-father, James Bowerman. (See Petitioner's Exhibit 3 – Life Estate Deed with Remainder to Petitioner). Prior to that time, the Bowerman's had obtained and resided on the property known as Lot 5 on a plat entitled "Property of Mrs. Jane S. Bowerman' recorded in 1939 – See Petitioner's Exhibit 4. Lot 5 remained intact and consisted of 6.756 acres from 1939 until 1967 when the Bowerman's conveyed out of Lot 5 a 1.11-acre parcel to their daughter, Patricia Bragg.² The Bowerman's retained for themselves and their other daughter (Klapka) the subject property, consisting of 5.65 acres and improved with six (6) single-family dwellings, several of which are over 100 years old and referred to as "fishing shacks" by Ms. Klapka who grew up on the property. The improvements on the north side of Bowerman Road are the newest homes and were built some 50 years ago.

The Petitioner desires, as her parents before her, to provide for her children, who have lived on the property for most of their lives. She proposes as part of her estate planning a minor subdivision of the property creating proposed Lot 1 that will be 2.80 acres in area and improved with two (2) dwellings known as 11049 and 11051 Bowerman Road. Proposed Lot 2 will be south of Bowerman Road which bisects the property and will be retained by the Petitioner. This lot will contain four (4) existing dwellings, 11011, 11013, 11015 (Klapka's residence) and 11017 Bowerman Road³. The entire property is zoned R.C.2 and enjoys some 372 feet of frontage on the Bird River just south of the Gunpowder State Park in White Marsh. Apparently, the zoning classification has been attached to this property since the 1970's. Additionally, it was indicated that the various dwelling buildings on the property have been in existence and continuously occupied since 1955. Thus, the Petitioner filed for a determination by this Commission of whether the continued non-conforming use of the multiple dwellings can continue after approval of the proposed subdivision.

² The Devolution of Title is set forth on Petitioner's Exhibit 1A.

³ Petitioner's Exhibit 1B is a colorized site plan outlining the proposed lots, provides dimension of all improvements and the name(s) of all occupants.

Except for the improvement shown as 11013 on the site plan, which received storm damage and has not been used for dwelling purposes for some seven (7) years, the testimony and evidence offered was persuasive to a finding that non-conforming status should be granted and allowed to continue for the other five (5) identified dwellings following the proposed subdivision. The property has, in fact, already been effectively divided by Bowerman's Road (AKA Loreley Beach Road). James Bowerman, except for the two (2) fishing shacks erected on the property some 100 years ago, built all other improvements prior to 1955. In this regard, nonconforming uses are defined in Section 101 of the B.C.Z.R. and regulated by Section 104 thereof. Often the non-conforming use designation is sought to grandfather an otherwise illegal use. That is, if the Petitioner can establish that the use began prior to the effective date of the zoning regulation which prohibited such use, and the use has continued without interruption since that time, that use may continue as non-conforming. In this case, the undisputed testimony and evidence presented was persuasive that the non-conforming status should be afforded this property. Insofar as the rights of subdivision, the Petitioner is requesting the approval of two (2) lots together with the existing dwelling rights discussed above that will be serviced by public utilities recently brought to the area.4 Under current R.C.2 regulations, two (2) lots are permitted, however, three (3) homes would need to be removed (one from proposed Lot 2, two from proposed Lot 1). I am reluctant to preclude the continued use of these dwellings for these people who have lived there since the 1950's with the understanding that they were acceptable uses. I find that relief would not adversely impact the Chesapeake Bay Critical Area regulations and that a denial of the request would result in a hardship upon the Petitioner. In sum, I find that the grant of relief is appropriate in this instance.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____ day of November, 2007, that the Petition for Special Hearing to approve five (5)

⁴ This is confirmed by the Department of Environmental Protection and Resource Management (DEPRM) in their Zoning Advisory Committee (ZAC) comment, dated October 30, 2007, and received subsequent to the October 19, 2007 public hearing.

dwellings on the subject property as a legal, non-conforming use, pursuant to Section 104 of the Baltimore County Zoning Regulations (B.C.Z.R.), and to approve the continuation of said legal non-conforming uses after the approval of a subdivision of the property, with one (1) dwelling being converted to storage, in accordance with Petitioner's Exhibit 1A and 1B, be and are hereby GRANTED, subject to the following restrictions:

- 1. There will be no more than two (2) dwelling units on the 2.80-acre parcel referred to as Lot 1.
- 2. There will be no more than three (3) dwelling units permitted on the 2.85-acre parcel proposed as Lot 2.
- 3. There will be no dwelling unit allowed in Building No. 11013 Bowerman Road.
- 4. Any future improvements to the property, whether called renovations, replacements, or additions, shall be subject to Maryland Law on non-conforming uses, and the Baltimore County Zoning Regulations (B.C.Z.R.).
- 5. <u>ADVISORY:</u> This Order approves the requested non-conforming use and to approve the continuation of said non-conforming use after the proposed subdivision. The Petitioner's subdivision proposal to create Lots 1 and 2 must be submitted to the Development Review Committee for consideration and processing and the conditions of this Order must be referenced on the minor subdivision plan to be processed and reviewed by Baltimore County agencies.
- 6. Compliance with the ZAC comment, dated October 30, 2007, submitted by DEPRM relative to Chesapeake Bay Critical Area regulations and development of the site within the Limited Development Area (LDA) requirements. A copy of this comment is attached hereto and made a part hereof.

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

LLIAMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw

REPUT CHEMO

Inter-Office Correspondence



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B	Y:			

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

October 30, 2007

SUBJECT:

Zoning Item

08-99-SPH

Address

11015 Bowerman Road

(Klapka Property)

Zoning Advisory Committee Meeting of August 27, 2007

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).

<u>X</u> 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 subdivision must comply with all floodplain regulations. Appropriate buffers; including the 100-foot buffer to tidal waters and tidal wetlands, will be required to be shown on the subdivision plan. The site is within the Limited Development Area (LDA) and must meet all LDA requirements. A portion of the site is mapped as designated forest and all applicable Critical Area forest regulations apply. — Regina Esslinger; Environmental Impact Review

The houses must be connected to public water and sewer. -S. Farinetti; Ground Water Management

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CBCA FLOOD

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

MARYLAND	for the property located at	11015	BOWERMAN	ROAD	
	which is presently zoned	RC	Z		
(This petition	must be filed in person, in the			vith original s	signatures.,

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

Contract Purchaser/Lessee:

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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.

Legal Owner(s):

	-··-		CHARL5/E	E. KLAPKA	•
Name - Type or Print			Name - Type or Print	E. Klanka	
Signature	· · · · · · · · · · · · · · · · · · ·	<u> </u>	Signature		
Address		Telephone No.	Name - Type or Print	<u> </u>	<u> </u>
City	State	Zip Code	Signature		
Attorney For Petitione	<u>er:</u>		//0/5 BOWER/ Address WHITE MARSH		10)591-247 Telephone No. 2//6 Z
Name - Type or Print			City	State	Zip Code
Signature		<u> </u>	Representative to b ROBERT INFL EXPEDITE L	e Contacted: /55/ LLC	
Company		<u> </u>	Name P.O. BOX 1043		812-2236
Address	,	Telephone No,	Address BEL AIR	MQ.	hône No. 2/0/4_
City	State	Zip Code	City	State	Zip Code
			<u>OFF</u>	ICE USE ONLY	
		EST	IMATED LENGTH OF	HEARING	
Case No. 08-0 5	195PH	UN. Reviewed By	AVAILABLE FOR HEAR	1NG e 8.22.0	7
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To approve as a legal non-conforming condition, the existing 6 dwellings currently located on the 6.65 acre property (as indicated on the site plan), and to approve the continuation of said legal non-conforming uses after the approval of a subdivision of the

property, with one dwelling being converted to storage.

DESCRIPTION TO ACCOMPANY SPECIAL HEARING KLAPKA PROPERTY

Beginning at a point in the center of Loreley Beach Road (also known as Bowerman Road), said point being distant 445 feet easterly from it's intersection with the center of Bowerman Road, thence (1) N 13 18 E 557.45 feet (2) S 71 24 E 195 feet (3) S 06 34 W 549.15 feet (6) N 75 23 W 175 feet (7) S 06 34 W 65 feet (8) S 06 04 30 E 235 feet (9) S 75 23 E 75 feet (10) S 06 04 30 E 217.34 feet (11) N 62 30 W 32.36 feet (12) S 58 45 W 170 feet (13) S 83 45 W 110 feet (14) N 79 15 W 60 feet and (15) N 13 18 E 645.30 feet to the place of beginning. Containing 5.65 acres of land, more or less.

Being known as 11015 Bowerman Road. Located in the 11TH Election District, 5TH Councilmanic District.

Also being part of Lot 5 as shown on the plat entitled Property of Jane S. Bowerman recorded in the Baltimore County plat records in Plat Book 12 Folio 44.

NOTICE OF ZONING HEARING

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

Case: #08-099-SPH
11015 Bowerman Road

Traversed by Bowerman Road, 445 feet +/- east of Bowerman Road (a/k/a Loreley Beach Road) 1 tth Election District - 5th Councilmanic District Legal Owner(s): Charlsie Klapka

Special Hearing: to approve as a legal non-conforming condition, the existing 6 dwelling currently located on the 6.65-acre property (as indicated on the site pian) and to approve the continuation of said legal non-conforming uses after the approval of a subdivision of the property, with one dwelling being converted to storage.

Hearing: Fridey, October 19, 2007 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Toward 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) 887-8868.
(2) For Information concerning the File and/or Hearing;
Contact the Zoning Review Office at (410) 887-3391.
10/010 Oct. 4

1014,2007

in the following weekly newspaper published in Baltimore County, Md., once in each of THIS IS TO CERTIFY, that the annexed advertisement was published successive weeks, the first publication appearing

North County News	☐ NE Booster/Reporter	🗅 Owings Mills Times	Towson Times	🗀 Catonsville Times	Arbutus Times	🛱 The Jeffersonian	
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LEGAL ADVERTISING

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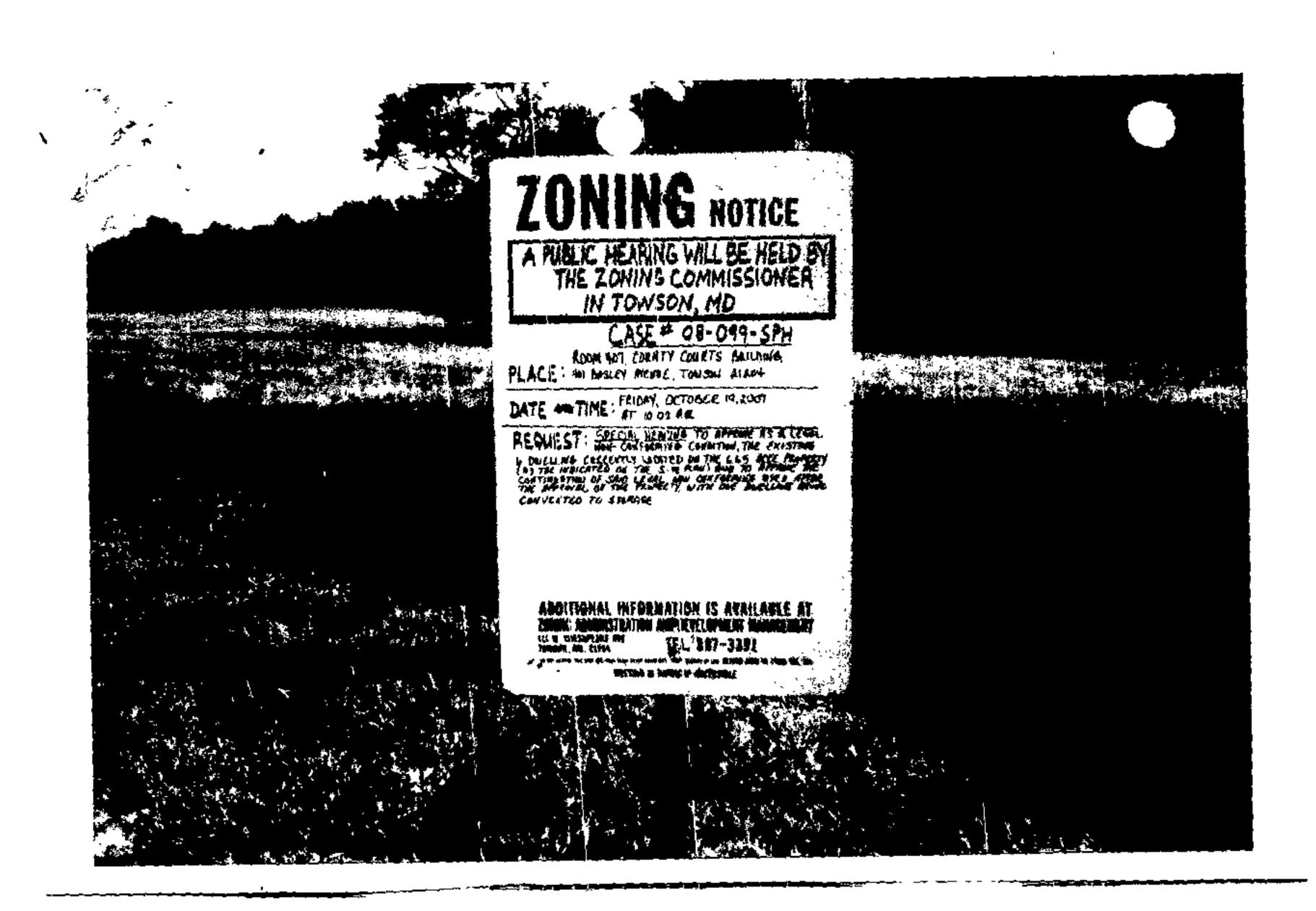
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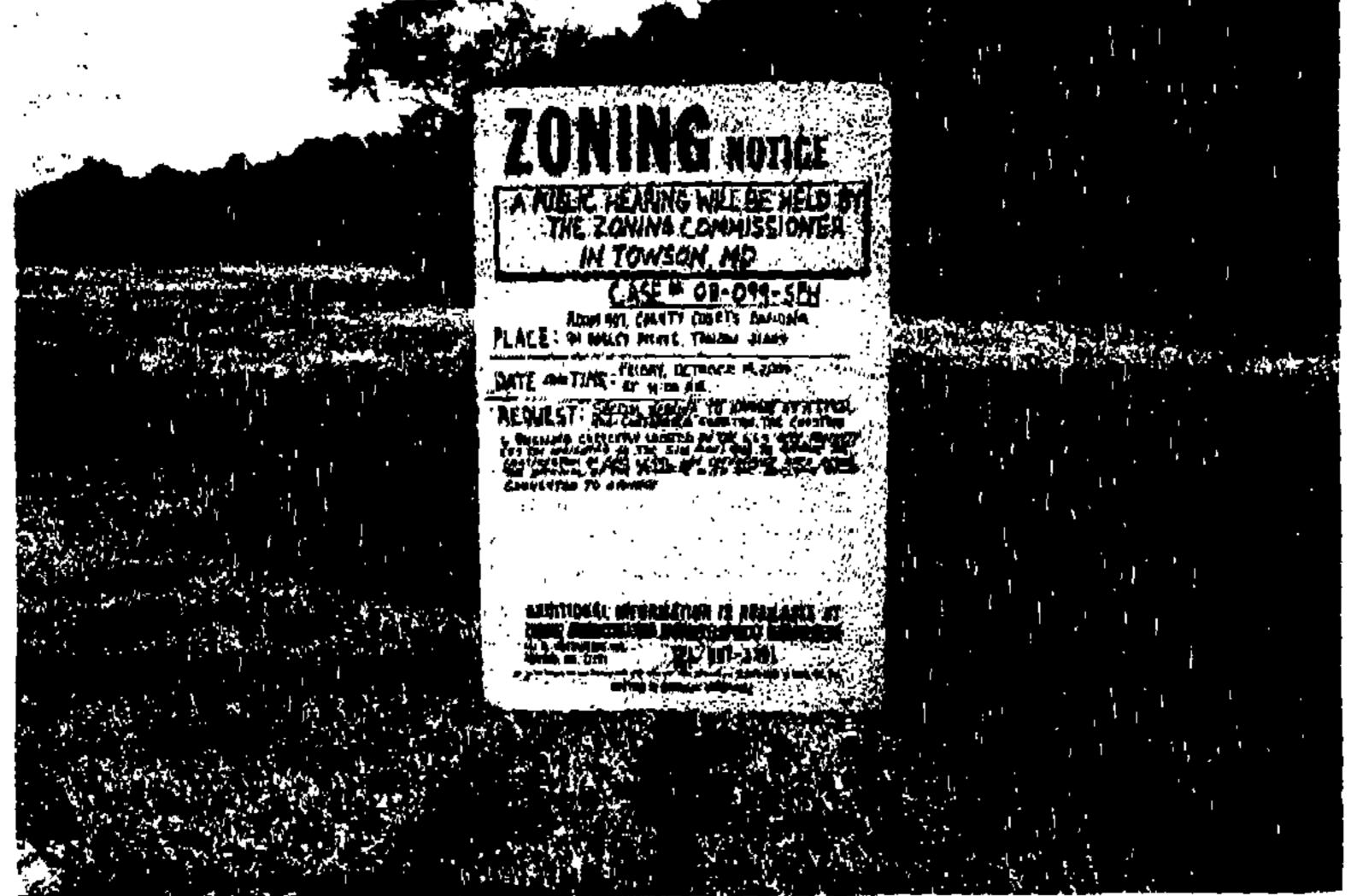
CERTIFICATE OF POSTING

	RE: Case No: 08-09	39-5PH
	Petitioner/Developer: CHARLSIE KLAPK	<u>A</u>
	Date Of Hearing/Closin	ng: 10/19/07
Baltimore County Department of Permits and Development Manager	za.aza†	DECEIV.
County Office Building, Room 111		OCT 1 6 2007
111 West Chesapeake Avenue		BY:
Attention:		C) terranenesissanans
Ladies and Gentlemen:		
This letter is to certify under the persign(s) required by law were posted at //0/5		property
This sign(s) were posted on	Hobel 2, 2007 Month, Day, Year)	
•	Sincerely, Signature of sign Poster	10/2/07
(5	Signature of sign Poster	and Date)
	Martin Ogle Sign Poster	
	16 Salix Court	
	Address	
· -	Balto. Md 21220	· ·
	(443-629 3411)	÷



CERTIFICATE OF POSTING

•	RE: Case No: 08-099-5911
	Petitioner/Developer:
	CHARLSIE KLAPKA
	Date Of Hearing/Closing: 10/19/27
altimore County Department of ermits and Development Mana county Office Building, Room 1 11 West Chesapeake Avenue	agement
ttention:	
adies and Gentlemen:	
gn(s) required by law were pos	e penalties of perjury that the necessary sted conspicuously on the property
	175 STOCKERIVERTO FLORE CO
his sign(s) were posted on	Detober 2, 2007
· · · · · · · · · · · · · · · · · · ·	(Month, Day, Year)
, •	Sincerely,
	Sincerely, (Signature of sign Poster and Date)
	Martin Ogle Sign Poster
	Sign Poster 16 Salix Court
	Address
	Balto. Md 21220
	(443-629 3411)





JAMES T. SMITH, JR. County Executive

TIBEPHENNOROTACEO, 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: 08-099-SPH

11015 Bowerman Road

Traversed by Bowerman Road, 445 feet +/- east of Bowerman Road (aka Loreley Beach Road)

11th Election District – 5th Councilmanic District

Legal Owners: Charlsie Klapka

Special Hearing to approve as a legal non-conforming condition, the existing 6 dwelling currently located on the 6.65-acre property (as indicated on the site plan) and to approve the continuation of said legal non-conforming uses after the approval of a subdivision of the property, with one dwelling being converted to storage.

Hearing: Friday, October 19, 2007 at 10:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Room 407, Towson 21204

Timothy Kotroco Director

TK:klm

C: Charlsie Klapka, 11015 Bowerman Road, White Marsh 21162 Robert Infussi, Expedite, LLC, P.O. Box 1043-7043, Bel Air 21014

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

Thursday, October 4, 2007 Issue - Jeffersonian

Please forward billing to:

Charlsie Klapka 11015 Bowerman Road White Marsh, MD 21162 410-591-2472

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: 08-099-SPH

11015 Bowerman Road

Traversed by Bowerman Road, 445 feet +/- east of Bowerman Road (aka Loreley Beach Road)

11th Election District – 5th Councilmanic District

Legal Owners: Charlsie Klapka

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Hearing: Friday October 19, 2007 at 10:00 a.m. in Room 407, County Courts Building, 401 mosley Avenue Room 407, Towson 21204

WILLIAM J. WISEMAN III ZONING COMMISSIONER FOR BALTIMORE COUNTY

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(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.

	ber or Case Number: 08-0945PH	
Detitioner	CHARLSIE E. KLAPKA	
Address o	or Location: 11015 BOWERMAN RD.	
Name:	FORWARD ADVERTISING BILL TO: CHARLSIE E. KLAPKA	
	LIDIE BOWERLIAN ROAD	
Address:		
Address:	11015 BOWERMAN ROAD WHITE MARSH, MO. 21162	



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

October 10, 2007

Charlsie E. Klapka 11015 Bowerman Road White Marsh, MD 21162

Dear Mr. Klapka:

RE: Case Number: 08-099-SPH, 11015 Bowerman Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 22, 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,

u. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

Robert Infussi Expedite, LLC P.O. Box 1043-7043 Bel Air 21014

Miscellaneous Permit & License Processing | County Office Building 111 West Chesapeake Avenue, Room 101 | Towson, Maryland 21204 Phone 410-887-3616 | Fax 410-887-4578 | Animal Licenses 410-887-3630 www.baltimorecountymd.gov





RE: PETITION FOR SPECIAL HEARING

11015 Bowerman Road; 445' E of Bowerman

Road (AKA Loreley Beach Road)

11th Election & 5th Councilmanic Districts

Legal Owner(s): Charlsie Klapka

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

08-099-SPH

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 all 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 13th day of September, 2007, a copy of the foregoing Entry of Appearance was mailed to, Robert Infussi, Espedite, LLC, P.O. Box 1043-7043, Bel Air, MD 21014, Representative for Petitioner(s).

RECEIVED

SEP 1 3 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per-



Martin O'Malley. Governor

Anthony G. Brown, Lt. Governor



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

Maryland Department of Transportation

Date: SEPTEMBER, 2, 2007

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

Dear Ms. Matthews:

RE: Baltimore County

Item No. 8-90-A

SCOTT ADAMRD AND 105 St. ELMO COURT

HAMPTON MANOR, LLP

SPECIAL HEARING &

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. 8-90 Å.

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

Engineering Access Permits

Division

SDF/MB

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INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 1, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-099- Special Hearing

The Office of Planning has reviewed the above referenced case(s) and does not oppose this request subject to the approval of the subdivision mention in the attachment to the petition for special hearing.

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

Prepared By:

Division Chief

CM/LL

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 4, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 3, 2007

Item No. 08-099

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

The Bureau of Development Plans Review has reviewed the subject-zoning item.

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.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 099-08302007.doc

Inter-Office Correspondence



	EC	E]	. V ∏ 2007.	
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B	Y:		.		

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination July

DATE:

October 30, 2007

SUBJECT:

Zoning Item # 08-99-SPH

Address

11015 Bowerman Road

(Klapka Property)

Zoning Advisory Committee Meeting of August 27, 2007

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

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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 subdivision must comply with all floodplain regulations. Appropriate buffers; including the 100-foot buffer to tidal waters and tidal wetlands, will be required to be shown on the subdivision plan. The site is within the Limited Development Area (LDA) and must meet all LDA requirements. A portion of the site is mapped as designated forest and all applicable Critical Area forest regulations apply. – Regina Esslinger; Environmental Impact Review

The houses must be connected to public water and sewer. -S. Farinetti; Ground Water Management



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

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

Maryland Department of Transportation

Date: SEPT. 2, 2007

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

RE: Baltimore-Gounty

Item No. 8-99-SPH

11015 BOWERMAN

KLAPKA PROPERTY

SPECIAL HEARING

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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,

LOQI

Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: October 1, 2007

DECEIVE OCT 0 1 2007

BY:__

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-099- Special Hearing

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

Prepared By:

Division Chief:

CM/LL

PLEASE PRINT CLEARLY

CASE NAME 11015 BOWERMAN CASE NUMBER 68.099504 DATE 10/19/07

PETITIONER'S STONING SHEET

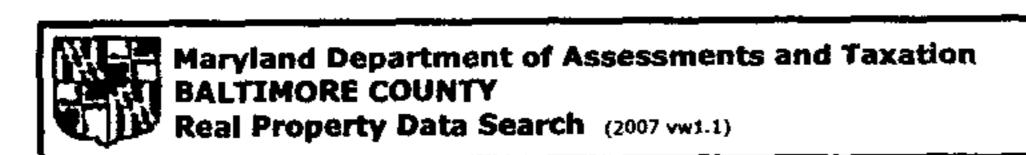
E-MAIL			
EOSEWOOD MO. 21040 Bel Air Md Ziory White Maush Md 2162 White Maush Md 2162			
GOI CHARNEDO CT BOY 1043 11015 BOWERMAN DA 11049 BOWERMAN DA	, , , , , ,		
NAME DAVID BILGINGSLEY Reb INTUSSI Charlsie Klapka Jangy Rapski Sosenh Ranski			

PLEASE PRINT CLEARLY

CASE NAME 1/015 BOWERMAN NO CASE NUMBER 08-099SPH . DATE 10/19/07

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
ROBERT C. CURLEY	11010 BOUERMAN RO	WHITE MACHUM 2116	Recolber of Vice/201. mo
 			
ISACE V TOWN!	- (DEN)		



Go Back View Map New Search

District - 11 Account Number - 2100000679 **Account Identifier: Owner Information** RESIDENTIAL Use: **Owner Name: CURLEY ROBERT C** YES **Principal Residence:** 1) / 7694/ 520 **Deed Reference:** 11010 BOWERMAN RD Mailing Address: WHITE MARSH MD 21162-1614 **Location & Structure Information Legal Description Premises Address** 1,368 AC PT LT 1 11010 BOWERMAN RD **BOWERMAN PROPERTY** Plat No: Section Block Lot Map Grid Parcel Sub District Subdivision **Assessment Area** Plat Ref: 12/44 22 73 Town Special Tax Areas Ad Valorem Tax Class **County Use Enclosed Area Property Land Area Primary Structure Built** 04 1.36 AC 1958 1,170 SF Exterior Type Stories **Basement** STUCCO STANDARD UNIT YES 1 1/2 **Value Information** Phase-in Assessments **Base Value** Value As Of As Of As Of 01/01/2006 07/01/2007 07/01/2008 113,960 72,520 Land 81,140 106,530 Improvements: Total: 153,660 220,490 198,212 220,490 Preferential Land: **Transfer Information** Price: \$0 Seller: RAWLE HARVEY S **Date:** 10/08/1987 Deed2: **Deed1:** / 7694/ 520 Type: NOT ARMS-LENGTH Price: Date: Seller: Deed2: Deed1: Type: Price: Date: Seller: Deed2: Deed1: Type: **Exemption Information** 07/01/2007 07/01/2008 **Partial Exempt Assessments** Class 000 County 000 State 000 Municipal Special Tax Recapture: NO Tax Exempt: * NONE * **Exempt Class:**

* NONE * 3

http://sdatcert3.resiusa.org/rp_rewrite/details.aspx?County=04&SearchType=STREFT&Ac...

OXI 9/07



Go Back View Map **New Search**

Account Identifier:	District -	11 Account N	lumber - 1102	058025					
		Ow	ner Informat	ion					
Owner Name: Mailing Address:				Principal Residence:			RESIDENTIAL YES		
mailing Augress:	11015 BOWERMAN RD WHITE MARSH MD 21162-1613			Deed Reference:			1) / 7091/ 373 2)		
		Location 8	Structure I	formatio	ÞΩ				
Premises Address					Legal Des	scription			
11015 BOWERMAN RD		5.646 AC				47 BOWEOMAN BB			
		WATERFRON	I T		11015-101		- -		
Man Crid Darsol C	ub District			ada Lab	JANE S BO		-,,,,,,,,,,,,,-		
Map Grid Parcel S 73 22 20	uo District	Subdivision	Section Bl	ock Lot	Assessmen 3	t Area	Plat No: Plat Ref:	12/ 4	
	T	own							
Special Tax Areas		d Valorem							
		ax Class							
Primary Structure Built		Enclosed Area		Property Land Area		rea	County Use		
1955			52 SF		5.64 AC		34		
Stories 1 1/2	Basem YES		c.	Type STANDARD UNIT			Exterior FRAME		
1 1/2			lue Informat		Olati		FRAME	- 	
<u></u>	Base Value	Value	Phase-in As						
	pase value	As Of	As Of		s Of				
		01/01/2006	07/01/2007	07/01/2					
Land	157,480	206,040							
Improvements:	232,580	287,660							
Total:	390,060	493,700	459,152	493,	_				
Preferential Land:	0	0	0						
C-11 0011/CDMAN 24	MEC D	Trai	nsfer Informa		/20/4000		**		
Seller: BOWERMAN JA Type: NOT ARMS-LEN			ate: 09/ eed1:/7	/30/1999 091/373	Price: Deed2	•			
					0317 373		<u> </u>		
Seller: Type:				ate: eed1:		Price: Deed2			
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Seller; Type:		Date: Deed1:			·	Price: Deed2:			
· ypc.		Fyan	nption Inforn			Deedz			
Partial Exempt Asses	emante		Class		01/2007	07/	01/2008		
County	Sinelita		000	0//	V 1, 400)	0//	V1/2000		
State			000	ō		ő			
Municipal			000	0		0			
Tax Exempt: NO					Specia	Tax Rec	apture:		
Exempt Class:					•	* NONE *	*		

From:

Debra Wiley

To:

Bosley, Roland

Date:

10/12/07 4:00:08 PM

Subject:

Fire Dept. Comments Needed for Zoning Cases

Hi Lt.,

Commissioner Wiseman has two zoning (2) hearings scheduled next week and in reviewing the zoning files, there doesn't appear to be any comments from your department. I've checked with Andrea in the Zoning Review Office today and she has advised that she doesn't have any for these either.

Could you provide comments via fax (x3468) before our scheduled hearing(s) for the following:

08-100-SPHA

1241 Maple Road S/side of Maple Rd., 789 feet n/west of c/line of Highview Road 13th Election District - 1st Council District Legal Owners: Kyle O'Haro

Special Hearing to permit a boarding or rooming house in a DR zone for period not to exceed two years from the issuance of the use permit.

Variance to permit 3 off-street parking spaces in an existing driveway in lieu of 4 angled or parallel spaces.

Hearing: Tuesday, October 16, 2007, at 11:00 AM, in Room 407, County Courts Bldg.

08-099-SPH

11015 Bowerman Road
Traversed by Bowerman Road, 445 feet +/- east of Bowerman Road (aka Loreley Beach Road)
11th Election District - 5th Council District
Legal Owners: Charlsie Klapka

Special Hearing to approve as a legal non-conforming condition, the existing 6 dwelling currently located on the 6.65-acre property (as indicated on the site plan) and to approve the continuation of said legal non-conforming uses after the approval of a subdivision of the property, with one dwelling being converted to storage.

Hearing: Friday, October 19, 2007, at 10:00 AM, in Room 407, County Courts Bldg.

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

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

From:

Debra Wiley

To:

Livingston, Jeffrey

Date: Subject: 10/12/07 9:39:57 AM Comment Needed for Bill - 10/19 @ 10 AM

Hi Jeff,

Bill will be hearing this case next Friday, 10/19 @ 10 AM and will needs a DEPRM comment:

08-099-SPH

11015 Bowerman Road, R.C.2 - CBCA
Traversed by Bowerman Road, 445 feet +/- east of Bowerman Road (aka Loreley Beach Road)
11th Election District - 5th Council District
Legal Owners: Charlsie E. Klapka

Special Hearing to approve as a legal non-conforming condition, the existing 6 dwelling currently located on the 6.65-acre property (as indicated on the site plan) and to approve the continuation of said legal non-conforming uses after the approval of a subdivision of the property, with one dwelling being converted to storage.

Hearing: Friday, October 19th at 10:00 AM, Room 407

Thanks and have a great day !!

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov



TO APPROVE AS A LEGAL NON-CONFORMING CONDITION, THE EXISTING DWELLINGS CURRENTLY LOCATED ON THE PROPERTY (AS INDICATED ON THE SITE PLAN), AND TO APPROVE THE CONTINUATION OF SAID LEGAL NON-CONFORMING USES AFTER THE APPROVAL OF A SUBDIVISION OF THE PROPERTY.

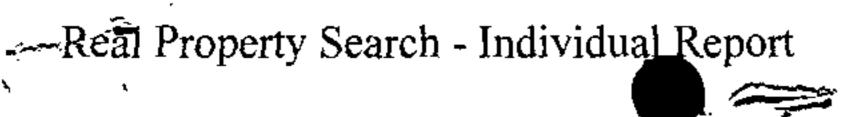
Case No.: 08-099-SPH 11015 Bowerman Rd.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	AMENDED
	1A- 1B-Colonized Lot Locations
No. 2	Md Dept & Granut and taxation.
No. 3	DEED
No. 4	Oliginal Subdivism Plat
No. 5	Language to accompany Petotron for Heavy
No. 6	
No. 7	
No. 8	
No. 9	
No. 10	
No. 11	
No. 12	



Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation **BALTIMORE COUNTY** Real Property Data Search

Go Back View Map New Search **Ground Rent**

Account Identifier:

District - 11 Account Number - 1102058025

Owner Information

Owner Name:

KLAPKA CHARLSIE ERNSTINE

Use:

RESIDENTIAL

Principal Residence:

YES

Mailing Address:

11015 BOWERMAN RD

WHITE MARSH MD 21162-1613

Deed Reference:

1) / 7091/ 373

Location & Structure Information

Premises Address

Legal Description

11015 BOWERMAN RD

5.646 AC

11015-10117 BOWERMAN RD

JANE S BOWERMAN

Sub District Map Grid Parcel 22 20

Subdivision

WATERFRONT

Section **Block Lot**

Assessment Area

Plat No: Plat Ref: 12/ 44

Special Tax Areas

73

Town Ad Valorem

Tax Class

Primary Structure Built

Enclosed Area 1,152 SF

Property Land Area

5.64 AC

County Use

34

1955

Basement

Type

Exterior

1 1/2

Stories

YES

STANDARD UNIT

FRAME

Value Information

Base Value Value As Of

Phase-in Assessments As Of

As Of

Land:

157,480

01/01/2006 206,040 07/01/2006

07/01/2007

Improvements:

232,580 390,060

287,660 493,700

424,606

459,152

Preferential Land:

0

0

0

Transfer Information

Seller: **BOWERMAN JAMES B NOT ARMS-LENGTH** Type:

Date: **Deed1:** / 7091/ 373

09/30/1999

Price: \$0

Seller:

Total:

Date:

Deed2:

Deed1:

Deed2: Price:

Price:

Seller: Type:

Type:

Deed1:

Date:

Deed2:

Exemption Information

Û

Partial Exempt Assessments
County
State
Municipal

Class

000

000

07/01/2006 0

07/01/2007

000

Tax Exempt: **Exempt Class:** NO

Special Tax Recapture:

* NONE *

PETITIONER'S

EXHIBIT NO.

LIGER 7 0 9 | PAGE 3 7 3

THIS DEED, Made this / day of J/N x y/R' , in the year one thousand nine hundred and eighty-'//, by and between JAMES B. BOWERMAN and MARGARET N. BOWERMAN, his wife, of Baltimore County, in the State of Maryland, parties of the first part, and JAMES B. BOWERMAN and MARGARET N. BOWERMAN, parties of the second part, and CHARLSTE ERNSTINE KLAPKA, party of the third part.

WITNESSETH, that without any monetary consideration, the said JAMES B. BOWERMAN and MARCARET N. BOWERMAN, his wife, do grant and convey unto the said JAMES B. BOWERMAN and MARGARET N. BOWERMAN, his wife, as Tenants by the Entireties, for and during the term of their natural lives and with remainder over upon the death of the Survivor as hereinafter provided and subject to the power and limitation hereinafter mentioned, all that lot or parcel of ground situated and lying in the Eleventh District of Baltimore County, State of Maryland and described as follows, to wit:.

BEING KNOWN AND DESIGNATED as Lot No. 5, containing 6.756 acres of land, on the plat heretofore left for record among the Land Records of Baltimore County, titled "Division of the property of Mrs. Jane S. Bowerman". Saving and Excepting therefrom any parcel of land heretofore conveyed out of the said Lot No. 5.

BEING the same lot of ground which, by Deed dated November-7, 1951 and recorded among the Land Records of Baltimore County in Liber GLB No. 2038, Folio 561, was granted and conveyed by Loretta C. Shalleross to James B. Bowerman and Margaret N. Bowerman, the grantors herein.

JAMES B. BOWERMAN and MARGARET N. BOWERMAN, his wife, as Tenants by the Entireties, for and during the term of their natural lives or the life of the Survivor, with full power in the said life tenants or the Survivor during their lives or the life of the Survivor (except by Last Will and Testament) and without the consent of any remainderman, to bargain and sell, convey, lease, mortgage, or in any other manner dispose of the whole or any portion of the parcel of land herein described and the proceeds thereof to be used for the exclusive use and benefit of the said life tenants or tenant; and from and after the death of the surviving life tenant as to so much of the property as has not been disposed of unto CHARLSIE ERNSTINE REAFFA in fee simple.

AND the said JAMES B. BOWERMAN and MARGARET N. BOWERMAN, his wife, 107050 CON2 ROS 709:27 covenant that they have not done or suffered to be done any act, matter or thing 02/10/86 whatsoever to encumber the property hereby conveyed, that they will warrant the same specially, and that they will execute such further assurances of the land as may be requisite.

ASSESSED BY ANTHUMENT OF MAINTION

AGRICULTURAL TRANSPER TAX

SIGNATURE R DATA 1-30-80

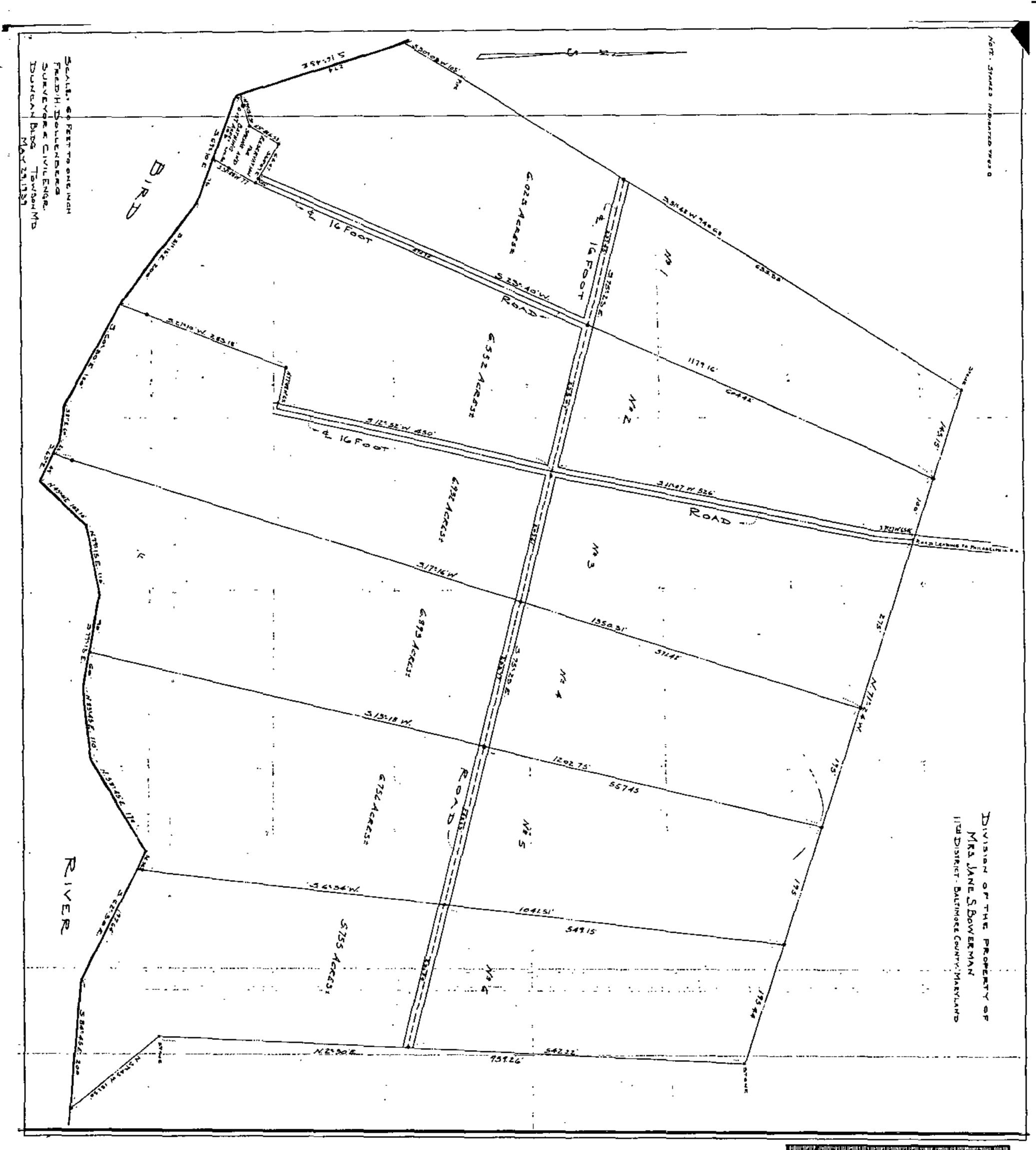
DV1 **b**)

PETITIONER'S

EXHIBIT NO.

3

15.00



PETITIONER'S

EXHIBIT NO.

4

4

TO APPROVE AS A LEGAL NON-CONFORMING CONDITION, THE EXISTING DWELLINGS CURRENTLY LOCATED ON THE PROPERTY (AS INDICATED ON THE SITE PLAN), AND TO APPROVE THE CONTINUATION OF SAID LEGAL NON-CONFORMING USES AFTER THE APPROVAL OF A SUBDIVISION OF THE PROPERTY.

PETITIONER'S

EXHIBIT NO.



