

IN RE: PETITION FOR VARIANCE
S side Poplar Road, 200 feet N of
c/l River Road
15th Election District
6th Councilmanic District
(2434 Poplar Road)

Brett Ungar and Noah Matten
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-240-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, Brett Ungar and Noah Matten. Petitioners are requesting variance relief from Sections 1A04.3.B.1.(a), (b) and 2(b) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot for a single family dwelling with side yard setbacks of nine feet and 18 feet, in lieu of the required 50 feet; and a lot area of 0.41 acre in lieu of the required 1.5 acres. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance requests were Petitioners Brett Ungar and Noah Matten. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the property is an irregular-shaped parcel containing approximately .41 acre of unimproved land zoned R.C.5. A zoning map submitted by Petitioners was marked and accepted into evidence as Petitioners' Exhibit 2. The property is located to the southeast of Poplar Road in the Cedar Beach subdivision in the Essex area of Baltimore County. Petitioners submitted a topographical subdivision map that was marked and

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accepted into evidence as Petitioners' Exhibit 3. Petitioners also submitted a portion of the 2007 MLS listing for the property, which was marked and accepted into evidence as Petitioners' Exhibit 4.

Petitioners purchased the unimproved parcel known as 138 Poplar Road in August of 2007. Poplar Road is a "paper street" that once was filled with gravel but is now overgrown. The property is located at the mean water level near Sue Creek and appears to be the only inhabitable lot in the surrounding area as three lots closer to the Creek were found to be undevelopable. The topography of the property limits the ability of Petitioners to develop the lot, and the southeast corner of the property contains an approximately 18 foot undevelopable environmental area. Petitioners propose to construct a single-family dwelling approximately 75 feet from the center of Poplar Road with side setbacks of nine and 18 feet in lieu of the 50 feet required for an R.C.5 zone.

The ZAC comment received from the Office of Planning dated December 11, 2007 does not oppose Petitioners' request, provided the construction complies with the current R.C.5 requirements. In order to make this determination, the Office of Planning will require the submission of additional information, which will be expounded on further in this Order. Comments further indicate that Petitioners do not own sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet standards stated in Section 304.1.C of the BCZR. There also appears to be several existing undersized lots in the neighborhood.

Comments were also received from the Bureau of Development Plans Review dated December 12, 2007. The comments indicate that the first floor or basement must be at least one foot above the flood plain elevation in all construction, and the building should be designed and

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2.25.08

PM

adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood damage. Flood-resistant construction should be in accordance with the Baltimore County Building Code which adopts the International Building Code. Finally, comments were received from the Department of Environmental Protection and Resource Management (DEPRM) dated January 29, 2008 indicating the development of the property must comply with the Chesapeake Bay Critical Area (CBCA) Regulations. In addition, the property is located in the Limited Development Area (LDA) of the CBCA and must meet impervious surface and forest clearing limits. The site is also highly constrained by the required stream/wetlands buffer. A CBCA Administrative Variance is currently under review in DEPRM for the property.

Considering all of the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The layout of the subject property, given the topography and close proximity to Sue Creek, severely limits Petitioners' options for constructing a home. The proposed location, while not in conformance with the side setback and area requirements for an R.C.5 zone, appears to be the best option for constructing the proposed single-family dwelling. I find that the imposition of zoning on this property disproportionately impacts the subject property as compared to others in the zoning district, and that other homes on similarly undersized lots have existed for decades in the surrounding area.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The Petitioners have spent significant resources researching the property and surrounding locale, and have purchased a lot that is best suited to the proposed development. I find that the requested variance relief can be

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[Signature]

granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioners, I find that Petitioners' variance requests should be granted.

THEREFORE, IT IS ORDERED this 25th day of February, 2008 by this Deputy Zoning Commissioner, that Petitioners' variance requests from Sections 1A04.3.B.1(a), (b) and 2(b) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot for a single-family dwelling with side yard setbacks of nine feet and 18 feet, in lieu of the required 50 feet; and a lot area of 0.41 acre in lieu of the required 1.5 acres be and is hereby GRANTED, subject to the following:

1. Petitioners are advised that they may apply for any required building 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Prior to obtaining a building permit, Petitioners shall submit the following information to the Office of Planning for their determination that the proposed structure meets the RC 5 Performance Standards.
 - a. Submit photographs of existing adjacent dwellings to the Office of Planning.
 - b. Submit building elevations (all sides) of the proposed dwelling to the Office of Planning for review and approval. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Petitioners shall ensure that the exterior of the proposed building(s) use the same finish materials and architectural details on the front, side and rear elevations. Use of quality material such as brick, stone or cedar is encouraged.
 - c. Petitioners shall design all decks, balconies, windows, dormers, chimneys and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.

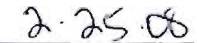
ORDER RECEIVED FOR FILING
2-25-08
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- d. Petitioners shall design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building, on the site, providing consistency in materials, colors, roof pitch and style.
 - e. Petitioners shall provide landscaping along the public road, if it is consistent with the existing streetscape.
3. The base flood elevation for this site is 9.4 feet Baltimore County Datum. The flood protection elevation for this site is 10.4 feet.
 4. In conformance with *Federal Flood Insurance* Requirements, the first floor or basement floor must be at least one foot above the flood plain elevation in all construction.
 5. 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.
 6. The building engineer shall require a permit for this project.
 7. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
 8. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.
 9. Development of the property must comply with the Chesapeake Bay Critical Area (CBCA) Regulations. In addition, the property is located in the Limited Development Area (LDA) of the CBCA and must meet impervious surface and forest clearing limits. The site is also highly constrained by the required stream/wetlands buffer.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz


ZONING DESCRIPTION for:
2434 Poplar Road, Essex, MD 21221

Beginning at a point on the South side of Poplar Road which is 30 feet wide at a distance of 200 feet North of the centerline of the nearest improved intersecting street River Road which is 30 feet wide. *Being Lot #138, n/a Block, n/a Section, in the subdivision of Cedar Beach as recorded in Baltimore County Plat Book #13, Folio 59, containing 0.41 Acres or 18,100 Sq. feet. Also known as 2434 Poplar Road and located in the 15th Election District, and the 6D Councilmanic 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: # 08-240-A

2434 Poplar Road

S/side of Poplar Road, 200 feet north of centerline River Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Brett Unger

Variance: to permit a lot for a single family dwelling with side yard setbacks of 9 feet and 18 feet, in lieu of the required 50 feet; and a lot area of 0.41 acres in lieu of the required 1.5 acres.

Hearing: Monday, January 28, 2008 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special 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.

1/19 Jan. 10

160106

CERTIFICATE OF PUBLICATION

1/10/, 2008

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 1/10/, 2008.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **06211**

Date: 11/21/07

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				65.00

Total: 65.00

Rec

From: BRETT UNGAR

For: ITEM # 240 08-240-A
2434 POPLAR RD.

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME DEPT
 11/23/2007 11/21/2007 14424100 2
 DEPT 002 MAIL JEVG JEL
 >>RECEIPT N 549395 11/21/2007 001H
 Dept 5 520 COUNCIL VERIFICATION
 006211
 Receipt 465.00
 \$65.00 CR 4.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 08-240-A

Petitioner/Developer: _____

BRETT LINGER

Date of Hearing/Closing: 1/28/08

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

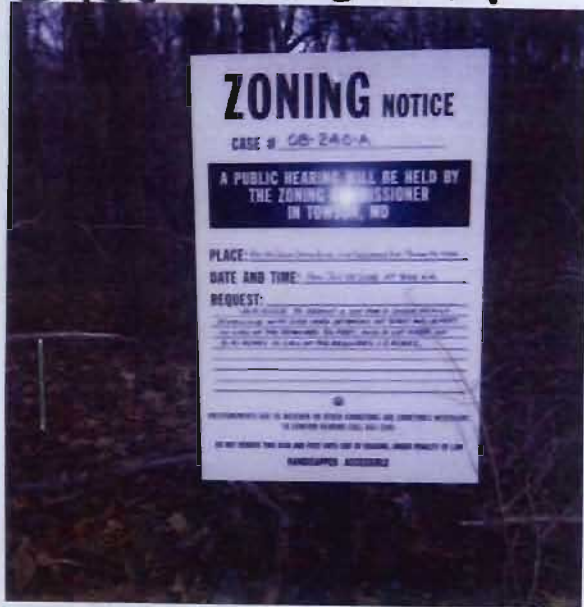
Attention:

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 located at _____

2434 POPLAR ROAD

CASE # 08-240-A



2434 POPLAR RD.

POSTED 1/12/08

Richard E. Hoffman 1/12/08

1 / 12 / 08

(Month, Day, Year)

Sincerely,

Richard E. Hoffman - 1/12/08
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

5

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.

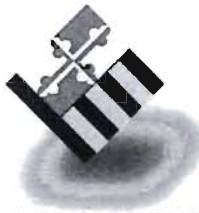
For Newspaper Advertising:

Item Number or Case Number: 08-240-A
Petitioner: UNGAR + MATTEN
Address or Location: 2434 POPLAR RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Brett Unger
Address: 1746 South Charles Street
Baltimore MD 21230

Telephone Number: (443) 798-1070



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

December 17, 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: 08-240-A

2434 Poplar Road
S/side of Poplar Road, 200 feet north of centerline River Road
15th Election District – 6th Councilmanic District
Legal Owner: Brett Unger

Variance to permit a lot for a single family dwelling with side yard setbacks of 9 feet and 18 feet, in lieu of the required 50 feet; and a lot area of 0.41 acres in lieu of the required 1.5 acres.

Hearing: Monday, January 28, 2008 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Brett Ungar, 1746 South Charles Street, Baltimore 21230

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 12, 2008.**
- (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, January 10, 2008 Issue - Jeffersonian

Please forward billing to:

Brett Ungar
1746 South Charles Street
Baltimore, MD 21230

443-798-1070

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: 08-240-A

2434 Poplar Road

S/side of Poplar Road, 200 feet north of centerline River Road

15th Election District – 6th Councilmanic District

Legal Owner: Brett Unger

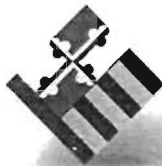
Variance to permit a lot for a single family dwelling with side yard setbacks of 9 feet and 18 feet, in lieu of the required 50 feet; and a lot area of 0.41 acres in lieu of the required 1.5 acres.

Hearing: Monday, January 28, 2008 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



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

January 23, 2008

Brett Ungar
Noah Matten
1746 S. Charles Street
Baltimore, Maryland 21230

Dear Mr. Ungar and Mr. Matten:

RE: Case Number: 08-240-A, 2434 Poplar Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 21, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

TB 1/28
9am

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

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

DATE: December 11, 2007

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

SUBJECT: 2434 Poplar Road

INFORMATION:

Item Number: 8-240

Petitioner: Brett Ungar

Zoning: RC 5

Requested Action: Variance

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BY:.....

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject request and has determined that the petitioner does not own sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. Additionally, there appears to be several existing undersized lots in the neighborhood. As such, this office does not oppose the petitioner's request.

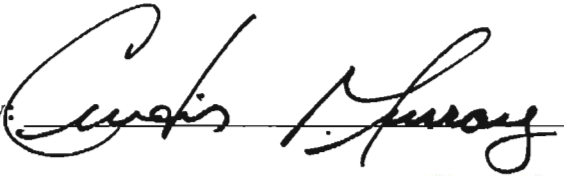
However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.

3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the existing streetscape.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay with the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 12, 2007

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 10, 2007
Item No. 08-240

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 9.4 feet Baltimore County Datum.

The flood protection elevation for this site is 10.4 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 08-240-12122007.doc



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

County Office Building, Room 111
, 2007
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

December 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 3, 2007

Item Number: 223,236,237,238,239, 240, 241,242,244,246,247

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

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



Maryland Department of Transportation

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

Date: 12/5/2007

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

RE: Baltimore County
Item No. 8-240-A
2434 POPLAR ROAD
MATTEN PROPERTY
ADMINISTRATIVE 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. 8-240-A.

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 handwritten signature in black ink that reads "Michael P. Bailey".

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

Patricia Zook - 08-240-A - hearing is Mon Jan 28 - need DEPRM comments

From: Patricia Zook
To: Livingston, Jeffrey
Date: 1/24/2008 12:17 PM
Subject: 08-240-A - hearing is Mon Jan 28 - need DEPRM comments

Hi Jeff -

We need DEPRM comments for this case which is scheduled for a hearing on Monday January 28. The property is located at 2434 Poplar Road.

Thanks.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
County Courts Building
401 Bosley Avenue, Room 405
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
JAN 30 2008

BY:.....

TO: Timothy M. Kotroco

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

DATE: January 29, 2008

SUBJECT: Zoning Item # 08-240-A
Address 2434 Poplar Rd.
Ungar Property

Zoning Advisory Committee Meeting of December 10, 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 is located in the Limited Development area of the Chesapeake Bay Critical Area and must meet impervious surface and forest clearing limits. In addition, the site is highly constrained by the required stream/wetlands buffer. A Chesapeake Bay Critical Area Administrative Variance is currently under review in DEPRM for this property.

Reviewer: Paul Dennis, Environmental Impact Review Date: January 23, 2008

RE: PETITION FOR VARIANCE * BEFORE THE
2434 Poplar Road; S/S Poplar Road, *
200' N c/line River Road * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Brett Ungar & Noah Matten* FOR
Petitioner(s) *
BALTIMORE COUNTY
*
08-240-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 all 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 3rd day of December, 2007, a copy of the foregoing Entry of Appearance was mailed to, Brett Ungar, 1746 South Charles Street, Baltimore MD, 21230, Petitioner(s).

RECEIVED

DEC 03 2007

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

ZAC AGENDA

Item Number: 240

Case Number: 8-240-A

Primary Use: Residential

Reviewer: DT

Type: Variance

Legal Owner: Brett Ungar and Noah Matten

Contract Purchaser:

Critical Area: Yes

Flood Plain: Yes

Historic: No

Election Dist: 15th

Councilmanic Dist: 6th

Property Address: 2434 Poplar Road

Location: South side Poplar Road, 200 feet north of centerline River Road.

Existing Zoning: RC - 5

Area: 18,100 square feet +/-

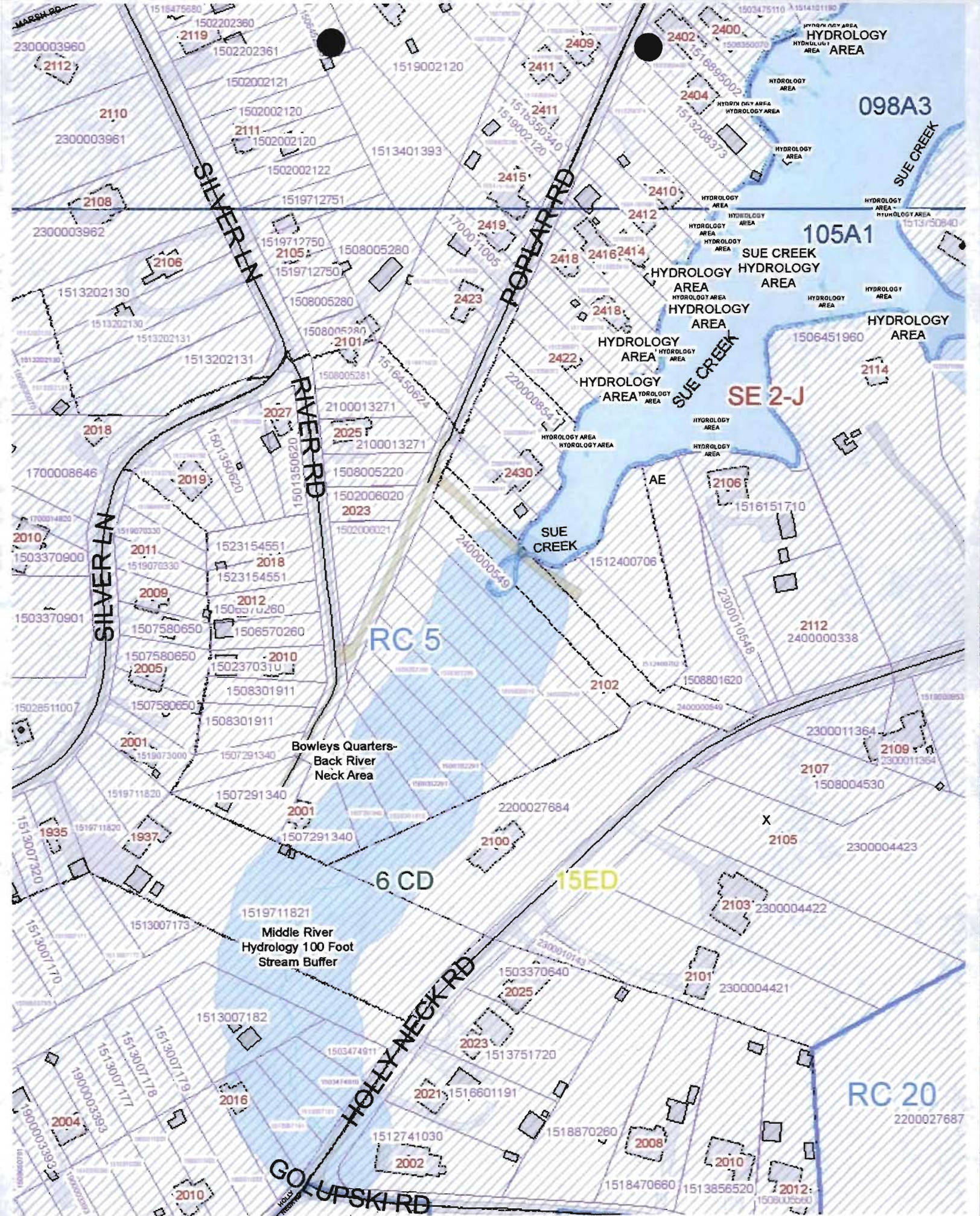
Proposed Zoning: VARIANCE To permit a lot for a single family dwelling with side yard setbacks of 9 feet and 18 feet, in lieu of the required 50 feet; and a lot area of 0.41 acres in lieu of the required 1.5 acres.

Attorney:

Miscellaneous:

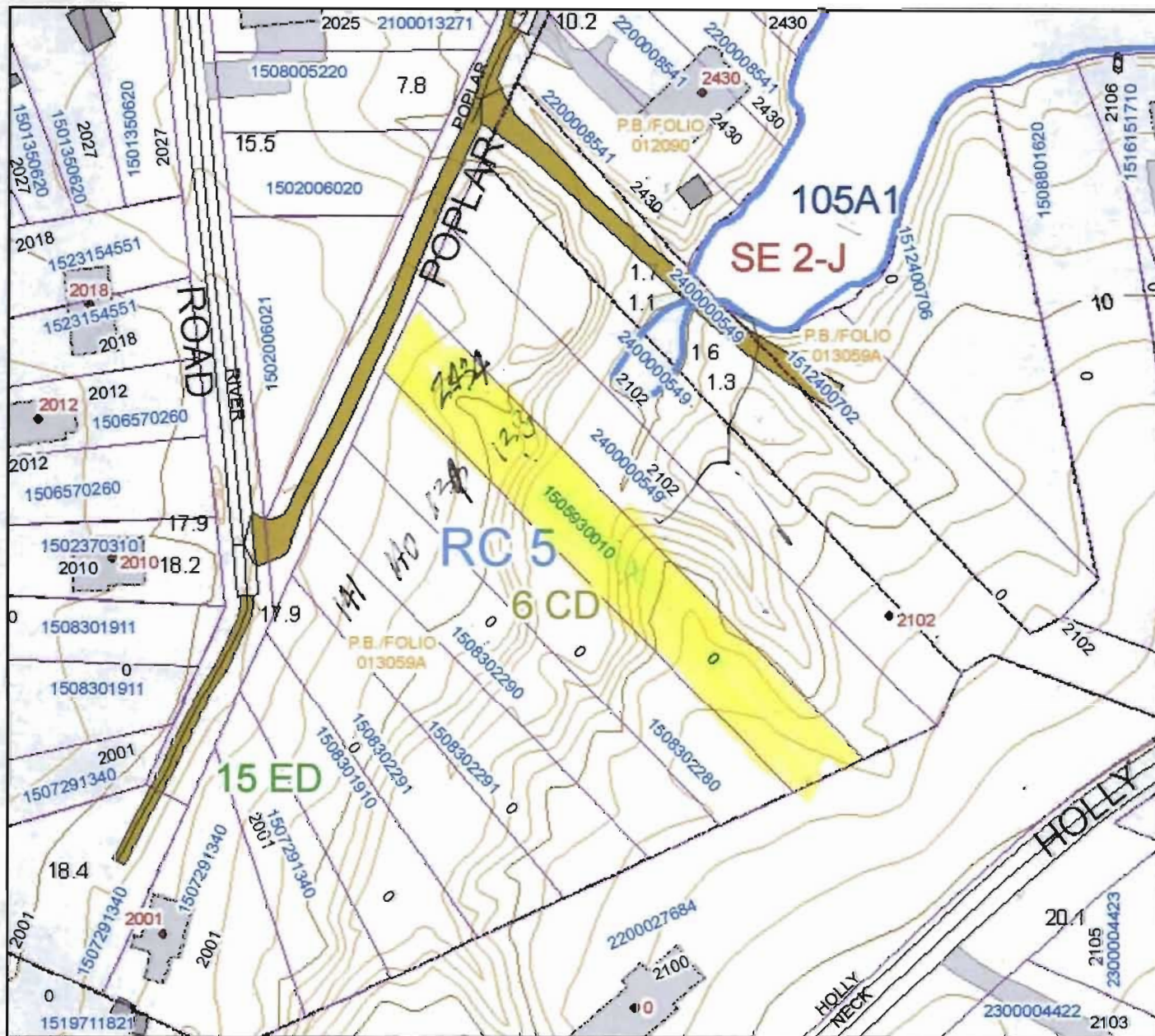
CASE NAME _____
CASE NUMBER 08-240-A
DATE _____

[illegible]



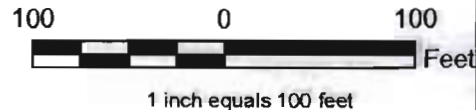
4

Tax # 15 05 930 010



Publication Date: August 28, 2007
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

DQ Map Notes



Case No.: 08-240-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	<i>site plan</i>	
No. 2	<i>zoning map</i>	
No. 3	<i>subdivision map</i>	
No. 4	<i>part of MLS listing</i>	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

BC6301159

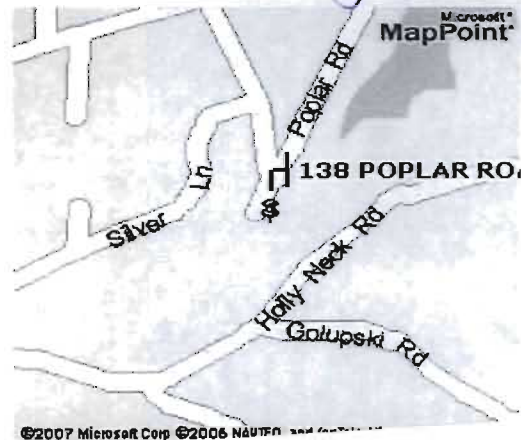
Lot-Land

138 POPLAR RD ESSEX, MD 21221

Metropolitan Regional Information Systems, Inc
Full Listing

2007
Listing

Page 1 of 2
12-Jun-2007
2:32 pm



Listing Type: Excl. Right

County: Baltimore

Leg Sub:

Old Map: BC46B01

Area:

Lot size-SF: 18,100

Elementary:

Show Instructions: Show Anytime

Status: ACTIVE

Ownership: Fee Simple, Sale

Postal City: ESSEX

Adv Sub: CEDAR BEACH

TBM Map:

Tax ID Num: 04151505930010

Middle:

PETITIONER'S

EXHIBIT NO.

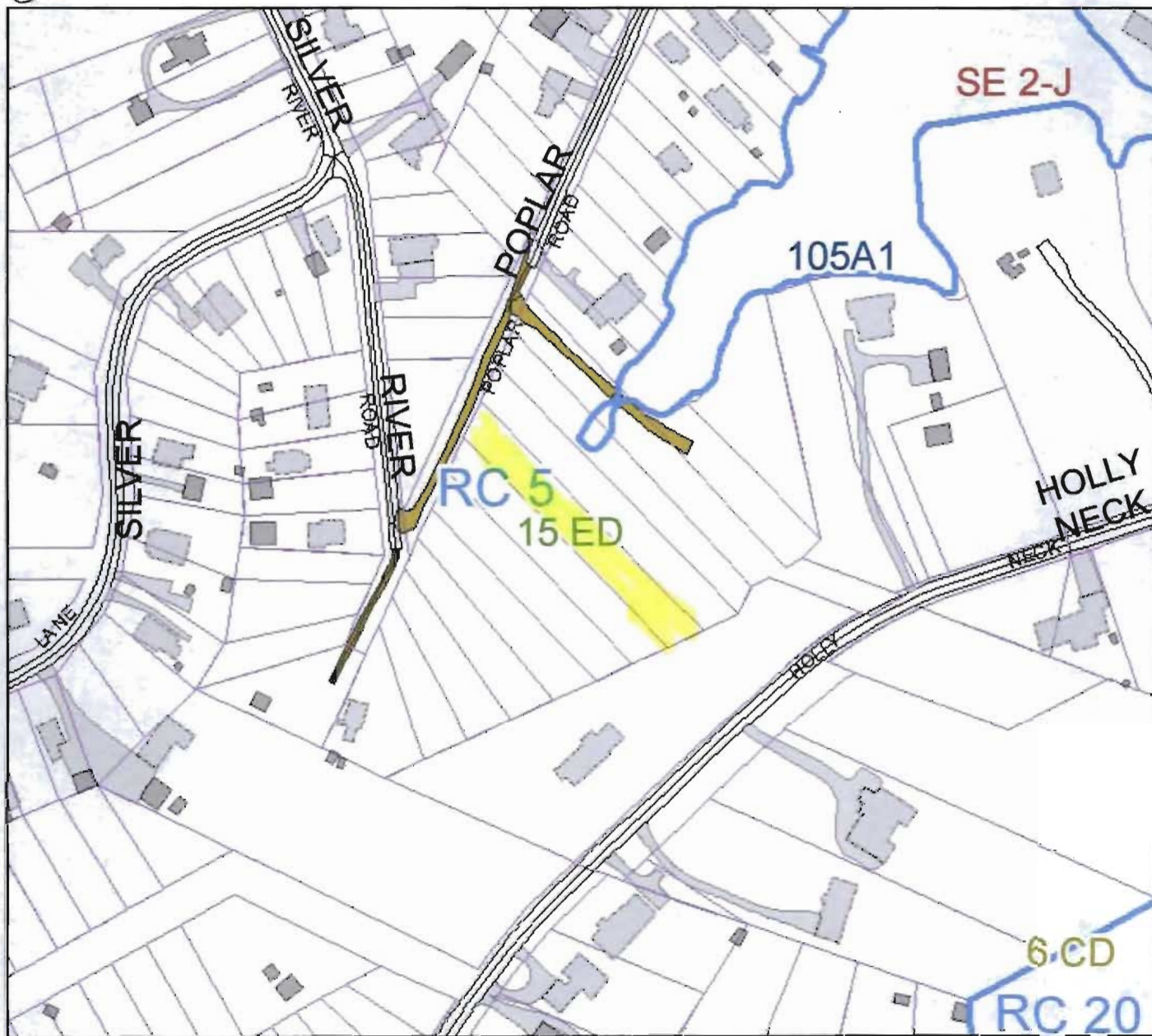
4

High:

TO BACK RIVER NECK ROAD, L ON HOLLY NECK, L ON CEDAR BEACH ROAD, L ON RIVER ROAD ON LEFT

4

1"=200'



PETITIONER'S

EXHIBIT NO.

2

DQ Map Notes



Publication Date: October 29, 2007
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



200 0 200
Feet
1 inch equals 200 feet

08-240-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

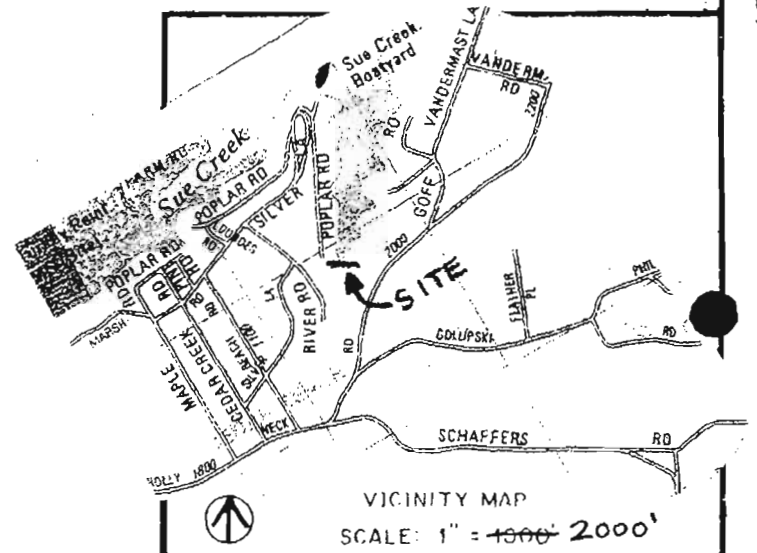
PROPERTY ADDRESS 2434 Poplar Road

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

SUBDIVISION NAME Cedar Beach

PLAT BOOK # 13 FOLIO # 59 LOT # 138 SECTION # n/a

OWNER Brett Ungar and Noah Matten



VICINITY MAP
SCALE: 1" = ~~1500'~~ 2000'

LOCATION INFORMATION

ELECTION DISTRICT 15th

COUNCILMANIC DISTRICT 6:

1" = 200' SCALE MAP # 105A1

ZONING RC5

LOT SIZE 0.41 18,100 #
ACREAGE SQUARE FEET

SEWER PUBLIC PRIVATE
☒ ☐

WATER ☒ ☐

CHESAPEAKE BAY
CRITICAL AREA

YES	NO
☒	☐

100 YEAR FLOOD PLAIN	☒	☐
HISTORIC PROPERTY/ BUILDING	☐	☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

D.T. | 240 | 08-240-A

PETITIONER' S

EXHIBIT NO.

PREPARED BY Brett Ungar

SCALE OF DRAWING: 1" = 30'

LOT 38, POPLAR ROAD



PETITIONER'S
EXHIBIT NO. 3

Base Flood Elevation
10.2 BCD = 8.5 NAVD88

Coordinate System:
Maryland State Plane: NAD83/91 Horizontal Datum
Elevations in Feet: NAVD88 Vertical Datum

Date of Data Capture: March 1995, 1996 & 1997
Scale of Data Capture: 1"= 100"

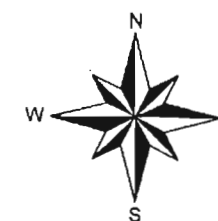
Date of Aerial Photography: March 2005



BALTIMORE COUNTY
MARYLAND

The cadastral information on this plot was compiled from existing deed information. This information is not to be considered authoritative. The survey information was not field checked and certified by a licensed land surveyor.

The utility (sanitary sewer and/or storm drain) location information shown is not guaranteed correct and should only be used as a reference. Locations of appurtenances should be verified using construction drawings, which are available in room 206 of the Balto. Co. Ofc. Bldg. or through actual field investigations.



Baltimore County, MD
Department of Public Works
GIS Services

Prepared By: Ann Briggeman
Date: September 27, 2007

0 100 200 Feet