

IN RE: PETITION FOR ADMIN. VARIANCE

N side Bletzer Road, 1,315 feet NE of
Beachwood Road
15th Election District
7th Councilmanic District
(8348 Bletzer Road)

Edward and Cathy Sellers
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-273-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Edward and Cathy Sellers for property located at 8348 Bletzer Road. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) with a height of 21 feet in lieu of the required 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that the existing garage is over 40 years old and has been added onto several times over the years. The garage is in poor shape and it is not practical to renovate. The existing garage will be razed and replaced with a new 30 foot x 30 foot garage with an attached carport. The additional garage height is necessary to store important items and valuables. The house does not have a basement and there is a need to store personal belongings in a safe, secure and dry location. The site plan indicates that two existing sheds will also be razed. The subject property is bisected by Bletzer Road, is narrow at 55 feet wide adjacent to the Back River and narrows even more to 40 feet at the other end.

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning

ORDER RECEIVED FOR FILING
1-28-08
[Signature]

dated January 28, which recommends that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes. Comments were received from the Bureau of Development Plans Review dated January 3, 2008. The comments indicate that the first floor or basement must be at least one foot above the flood plain elevation in all construction, the building should be designed and 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. Comments were also received from the Department of Environmental Protection and Resource Management dated January 17, 2008 which indicates that the property must comply with the Chesapeake Bay Critical Area Regulations. The property is located within the Limited Development Area and the Non-Buffer Management Area of the CBCA and requires buffers from tidal wetlands/waters, impervious surface limit and tree cover.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 28, 2007 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

~~NOT FOR FILING~~

1-28-08
pm

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 28th day of January, 2008 that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) with a height of 21 feet in lieu of the required 15 feet is hereby GRANTED, subject to the following:

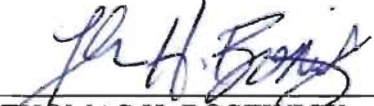
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.
4. The base flood elevation for this site is 9.4 feet Baltimore County Datum.
5. The flood protection elevation for this site is 10.4 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.
11. 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).
12. The site is in the Limited Development Area (LDA) and Non-Buffer Management Area (BMA) of the Chesapeake Bay Critical Area and requires a 100 foot buffer from tidal wetlands/tidal waters, a 25% impervious surface limit and 15% tree cover.
13. The Petitioners shall regularly maintain the property in good condition, free of all trash and debris, and in compliance with all zoning and building code regulations.

ORDER RESERVED FOR FILING

1-28-08

by

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

ORDER RECEIVED FOR FILING

BY

1-28-08

pm



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

January 28, 2008

EDWARD AND CATHY SELLERS
8348 BLETZER ROAD
BALTIMORE MD 21221

Re: Petition for Administrative Variance
Case No. 08-273-A
Property: 8348 Bletzer Road

Dear Mr. and Mrs. Sellers:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

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,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Buck Jones, 500 Vogts Lane, Baltimore MD 21221



Flood LBCA
Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County

for the property located at 8348 Bletzer Road
which is presently zoned DR 5.5

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

400.3 to permit an
accessory structure (garage) with a height of 21 ft. in lieu
of the required 15 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Edward Sellers

Name - Type or Print

Signature

Cathy Sellers

Name - Type or Print

Cathy Sellers

Signature

8348 Bletzer Road

Address

443-850-0402

Telephone No.

Baltimore

City

md

State

21221

Zip Code

Representative to be Contacted:

Buck Jones

Name

500 Vogts Lane

Address

410-574-9337

Telephone No.

Baltimore

City

md

State

21221

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 08 day of August, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 08-273-A

Reviewed By BH

Date 12/19/07

REV 9/15/98

Estimated Posting Date 12/30/07



Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 8348 Bretzer Rd
Address
Baltimore md 21222
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

The existing garage is over 40 years old and has been added onto several times over the years. The garage is in poor shape and it is not practical to renovate. We would prefer in the reconstruction phase to rebuild with a storage area above. Since our existing home is constructed below the flood zone elevation and we cannot afford to raise our home, the storage area above the garage would be invaluable in holding our important items and valuable in the event that another storm such as Isabel would occur.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Edward Sellers
Signature

Edward Sellers
Name - Type or Print

Cathy Sellers
Signature

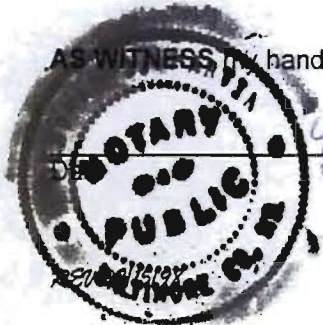
Cathy Sellers
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1 day of November, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Edward & Cathy Sellers
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal



Deborah J. Martin
Notary Public

My Commission Expires 11/01/07

Deborah J. Martin
Notary Public
Baltimore County, Maryland
My Comm. Exp. 11/01/07

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 8348 Bletzer Rd
Address
Baltimore md 21222
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

The existing garage is over 40 years old and has been added onto several times over the years. The garage is in poor shape and it is not practical to renovate. We would prefer in the reconstruction phase to rebuild with a storage area above. Since our existing home is constructed below the flood zone elevation and we cannot afford to raise our home, the storage area above the garage would be invaluable in holding our important items and valuable in the event that another storm such as Isabel would occur.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
Signature
Edward Sellers
Name - Type or Print

[Signature]
Signature
Cathy Sellers
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1 day of November, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Edward + Cathy Sellers
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESSES my hand and Notarial Seal



[Signature]
Notary Public
My Commission Expires 11/01/07
Deborah J. Martin
Notary Public
Baltimore County, Maryland
My Comm. Exp. 11/01/07

1009 0804

Flood CBCA

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County



for the property located at 8348 Bletzer Road
which is presently zoned DR 5.5

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

400.3 to permit an

accessory structure (garage) with a height of 21 ft. in lieu of
the required 15 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Edward Sellers

Name - Type or Print

Ed Sellers

Signature

Cathy Sellers

Name - Type or Print

Cathy Sellers

Signature

8348 Bletzer Road

Address

443-850-0402

Telephone No.

Baltimore

City

md

State

21221

Zip Code

Representative to be Contacted:

Buck Jones

Name

500 Vogts Lane

Address

410-574-9337

Telephone No.

Baltimore

City

md

State

21221

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ___ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 02-273-A

REV 9/15/98

Reviewed By PR Date 12/18/07

Estimated Posting Date 12/30/07

ZONING DESCRIPTION

Zoning Description For 8348 Bletzer Road

BEGINNING FOR THE SAME AT A POINT IN THE THIRD OR NORTH 83 DEGREES 11 MINUTES EAST ONE THOUSAND SIXTY EIGHT FEET LINE OF THE 24.40 ACRE TRACT OF LAND WHICH BY LEASE DATED OCTOBER 11, 1941 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER C.H.K. NO. 1254 FOLIO 126 FROM THELMA VIRGINIA FRANCIS UNMARRIED TO CARRIE D. DORSCH AT THE DISTANCE OF FIVE HUNDRED TWENTY-THREE AND EIGHTY ONE HUNDRED THE (523.80) FEET FROM THE BEGINNING OF SAID LINE AND RUNNING THENCE WITH AND BINDING ON PART OF SAID LINE NORTH 84 DEGREES 43 MINUTES EAST FORTY FEET THENCE LEAVING THE OUTLINE THEREOF FOR A NEW DIVISION LINE THROUGH THE LAND OF SAID GRANTOR NORTH 3 DEGREES 17 MINUTES WEST FOR HUNDRED THIRTY THREE AND SEVENTY TWO ONE HUNDREDTHS (433.72) FEET TO THE WATERS OF BACK RIVER THENCE RUNNING AND BINDING ON THE SAME SOUTH 77 DEGREES 52 MINUTES WEST FIFTY FIVE FEET AND THENCE RUNNING SOUTH 5 DEGREES 13 MINUTES EAST 426.88 FEET TO THE PLACE OF BEGINNING.

SUBJECT HOWEVER TO THE USE OF A ROAD THROUGH SAID LAND AS NOW TRAVELED AS A MEANS OF INGRESS AND EGRESS.

THIS CONVEYANCE IS MADE SUBJECT TO ALL RESTRICTIONS, EASEMENTS, RIGHTS OF WAY, COVENANTS AND CONDITIONS CONTAINED IN THE DEEDS FORMING THE CHAIN OF TITLE TO THIS PROPERTY.

BEING THE SAME PROPERTY CONVEYED TO EDWARDS JAMES SELLERS BY DEED FROM DOROTHY H. MARZULLO AS TO A LIFE ESTATE INTEREST, DATED FEBRUARY 7TH, 1985 AND RECORDED FEBRUARY 19TH, 1985 IN BOOK 6872, PAGE 448.

Property Address: 8348 Bletzer Road, Baltimore, MD 21222

No. 08754.

Date: 12/12/07

PAID RECEIPT

[illegible]

Total: \$ 75,000

From:

For:

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
VALIDATION**

Item 4273

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 01/03/08

Case Number: 08-273-A

Petitioner / Developer: EDWARD & CATHY SELLERS~FREESTATE
GENERAL CONTRACTORS

Date of Hearing (Closing): JANUARY 14, 2008

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
8348 BLETZER ROAD

The sign(s) were posted on: 12/28/07



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 273 -A Address 8348 Bletzer Rd.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 12/19/07 Posting Date: 12/30/07 Closing Date: 1/14/08

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 08- 273 -A Address 8348 Bletzer Rd.

Petitioner's Name Edward & Cathy Sellers Telephone 443-850-0402

Posting Date: 12/30/07 Closing Date: 1/14/08

Wording for Sign: To Permit an accessory structure (garage) with a height of
21 ft. in lieu of the required 15 ft.

WCR - Revised 6/25/04

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 08-273-A
Petitioner: ED & CATHY SELLERS
Address or Location: 8348 BLITZER RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: ED & CATHY SELLERS
Address: 8348 BLITZER RD.
BLT. MD. 21222
Telephone Number: 410-574-9337

Revised 2/20/98 - SCJ



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 14, 2008

Edward Sellers
Cathy Sellers
8348 Bletzer Road
Baltimore, MD 21221

Dear Mr. and Mrs. Sellers:

RE: Case Number: 08-273-A, 8348 Bletzer Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 19, 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
Buck Jones 500 Vogts Lane Baltimore 21221

AV
1/14

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
JAN 30 2008

BY:

TO: Timothy M. Kotroco

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

DATE: January 17, 2008

SUBJECT: Zoning Item # 08-273-A
Address 8348 Bletzer Road
(Sellers Property)

Zoning Advisory Committee Meeting of December 17, 2007

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

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

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

This site is Limited Development Area (LDA) and Non- Buffer Management Area (BMA) of the Chesapeake Bay Critical Area (CBCA) and requires a 100-foot buffer from tidal wetlands/ tidal waters, a 25% impervious surface limit, and 15% tree cover.

Reviewer: John Russo

Date: January 15, 2008

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 3, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For December 24, 2007
Item No. 08-273

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 08-273-01032008.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 18, 2008

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

RECEIVED
JAN 23 2008

SUBJECT: 8-273 – Administrative Variance

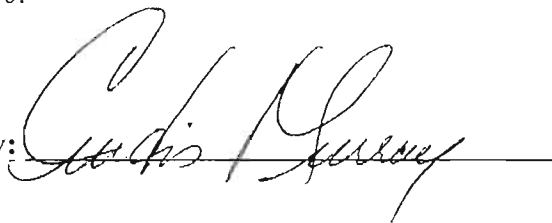
BY:

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 21 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact John Alexander at 410-887-3480.

Prepared by:



AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 11, 2008

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

SUBJECT: 601 Maiden Choice Lane

INFORMATION:

Item Number: 8-285

Petitioner: Little Sisters of the Poor, Baltimore, Inc.

Zoning: DR 5.5

Requested Action: **Special Hearing, Special exception and Variance**

SUMMARY OF RECOMMENDATIONS:

A wooded stream buffer and a large cemetery bound the site to the north, the Charlestown Retirement Community to the east, and the Park View apartment homes for seniors to the west. To the south there are 4 single-family dwellings located along the north side of Maiden Choice Lane and several single-family dwellings located along the south (opposite) side of Maiden Choice Lane.

The Petitioner seeks approval of a compatibility analysis to permit multi-family dwelling units for independent living style senior housing in a DR 5.5 zone.

The proposed redevelopment project will be compatible with the surrounding land uses and the neighborhood. The scale and mass of the proposed buildings will be similar to the existing buildings located to the east (Charlestown) and to the west (Park View). The project will comply with the BCZR residential transition area requirements. The project will be adequately screened from the single-family dwellings located along Maiden Choice Lane by a wide vegetated buffer. The project won't be very visible from Maiden Choice Lane because of the vegetated buffer.

The Office of Planning has reviewed the petitioner's compatibility study site plan and building elevations. After reviewing such documents this office finds that the proposed development is compatible with the surrounding uses and neighborhood as defined the Baltimore County Code.

The Petitioner seeks a special exception for a nursing home in the DR 5.5 zone.

It is this office's opinion that the proposed nursing home at this location will not generate adverse effects above and beyond those normally associated with such a use.

The petitioner seeks a variance from Section 1B01.2b.2, and 504 of the BCZR and a modification of standards from the CMDP to permit a total building length of 510 feet in lieu of the maximum permitted length of 200 feet.

The building length variance will be used to provide a large, functional building for several related uses. Breaks in the building elevations will prevent a long, linear appearance. The division of the building mass into smaller-scale components will reduce the perceived length and bulk of the building.

The Office of Planning has reviewed proposed building elevations and recommends that the Zoning Commissioner support the petitioner's request for a modification of the requirements for building length up to 510 feet. Any length variance or modification beyond that is at the discretion of the Zoning Commissioner.

Lastly the petitioner seeks a variance to permit side-building face to side building face setbacks of 26 feet in lieu of the required 30 feet and for a building height of 64 feet in lieu of the maximum permitted 50 feet.

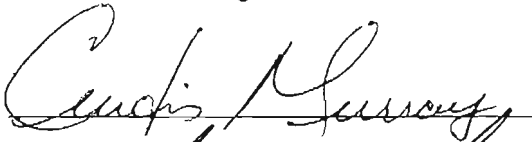
The proposed building façade facing Maiden Choice Lane will be one and two stories. The proposed 4-story portions of the building will be located to the rear of the site, away from the single-family dwellings located along Maiden Choice Lane. The height variance for the 4-story building elevations will provide for an enhanced roof design. Buildings of four to seven stories are found in Charlestown.

The Office of Planning does not oppose the aforementioned petitioner's requests for variances of setbacks and height for the proposed development as well.

This redevelopment project will utilize the existing vehicular entrance on Maiden Choice Lane. The proposed parking and access drives will be appropriately located to the side and rear of the main building.

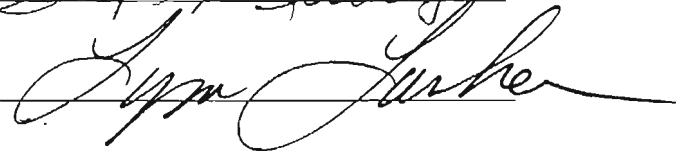
For further information concerning the matters stated here in, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Division Chief:

AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 28, 2008

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

SUBJECT: 8870 McDonogh Road

INFORMATION:

Item Number: 8-279

Petitioner: TRP Suburban Second, Inc.

Zoning: OT

Requested Action(s): Variance(s)

Variance from Section 102.2 206.4C.4(1B01.2.C.1.a), and 206.4.C.1 of the BCZR to permit a parking garage to be setback a minimum of 70 feet from and office building that it serves, in lieu of the required 93 feet. (Between Parking Garage 5 and Office Building 5 and between Parking Garage 6 and Building 6)

Variance from Section 206.4.C.4 (1B01.2.C.1.a) Of the BCZR to permit minimum rear yard setbacks of 7 feet, in lieu of the required 50 feet and a minimum side yard setback of 7 feet in lieu of the required 20 feet (Parking Garage 5).

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and offers the following comments:

The subject property is within the *Master Plan 2010* designated Owings Mills Growth area and offers a use that complements the existing corporate campus and is consistent with the goals of the Master Plan. The site plan indicates that the petitioner owns all adjacent properties impacted by the requested variances.

The Office of Planning supports the petitioner's requested variances.

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

Prepared by:

Division Chief:

AFK/LL: CM



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 28, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 17, 2007

Item Number: 257,259,260,265,266,267,268,269,270,271,272,273,274

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



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on Recycled Paper

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



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

February 4, 2008

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

RE: Baltimore County
Item No. 03-308-A
4719 Butler Road
200' east of Central Avenue
Flayhart Property
Administrative Variance-

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on January 31, 2008. A field inspection and internal review reveals that the existing entrance onto MD 128 (Butler Road) is consistent with current State Highway Administration requirements. Therefore, this office has no objection to 4719 Butler Road property, Case Number 03-308-A approval.

Should you have any questions regarding this matter feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Steven D. Foster'.

for Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

BACK RIVER
HYDROLOGY
AREA

104B1

SE 2-H

HYDROLOGY
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HYDROLOGY
AREA

HYDROLOGY
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AREA

BACK
RIVER

Flood
Zone X

8332

8334

8336

8338

8340

8344

8346

8348

8350

8352

8354

8356

8358

8360

99999

8351

KLIMEK, PAUL A.
PROPERTY (PDM
File/Project #)

BROWN, JAMES I &
WIFE PROPERTY (PDM
File/Project #)

Plat
Book/Folio
047123

DR 5.5

ROAD

7 CD

Flood Zone 0.2
PCT ANNUAL CHANCE
FLOOD HAZARD

8337

8339

HYDROLOGY
AREA

Flood
Zone AE

Back River
Hydrology 100 Foot
Stream Buffer

MH IM

15 ED

Plat
Book/Folio
050146

HYDROLOGY
AREA

DR 3.5

BRIARWOOD MOBILE HOME
ESTATES (SECTION 2)
(PDM File/Project #)

PAINE REALTY
CORP (PDM
File/Project #)

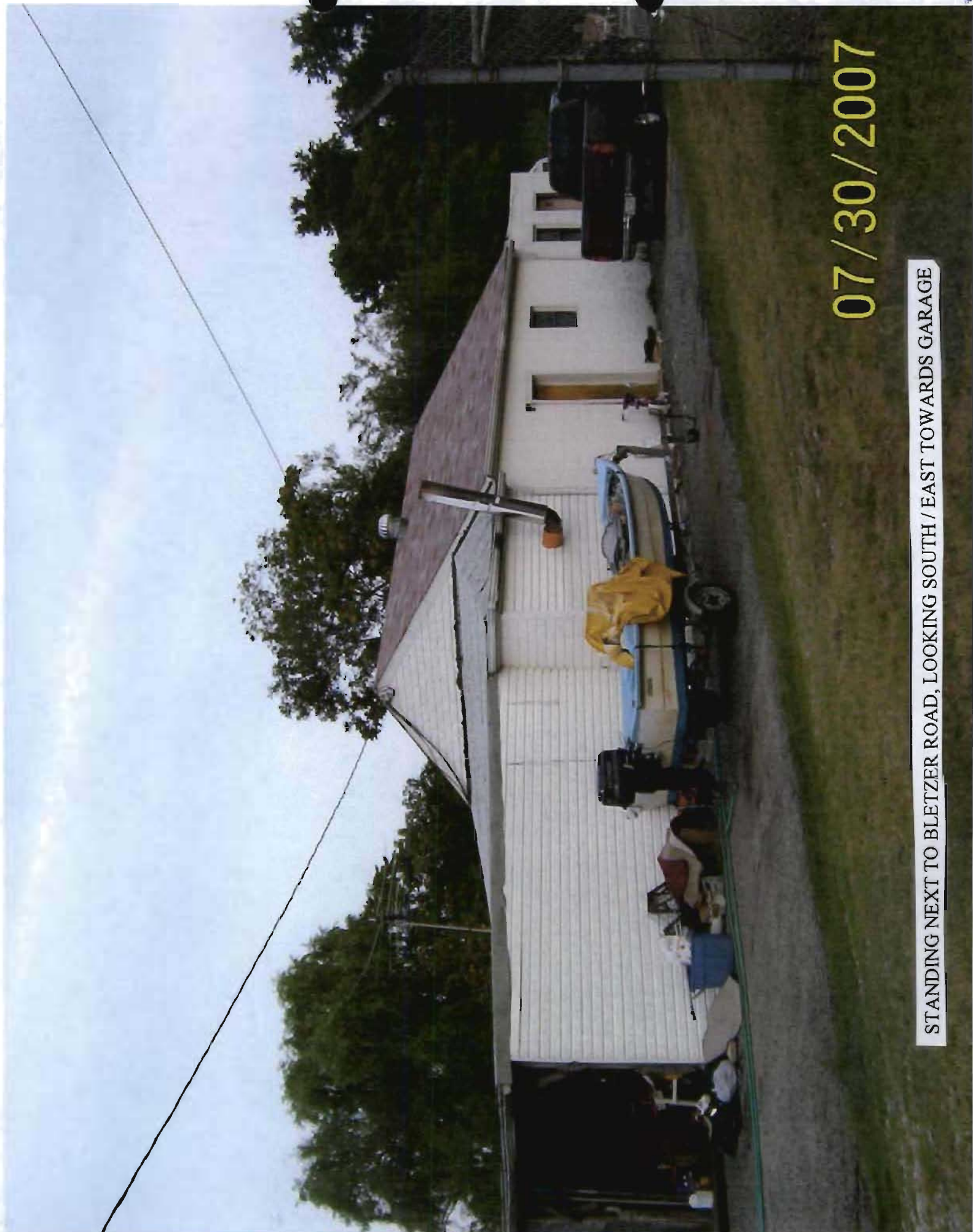


STANDING ON REAR OF PROPERTY LOOKING NORTH.
GARAGE TO BE RAZED AND NEW ONE BUILT IN IT'S PLACE.

07/30/2007

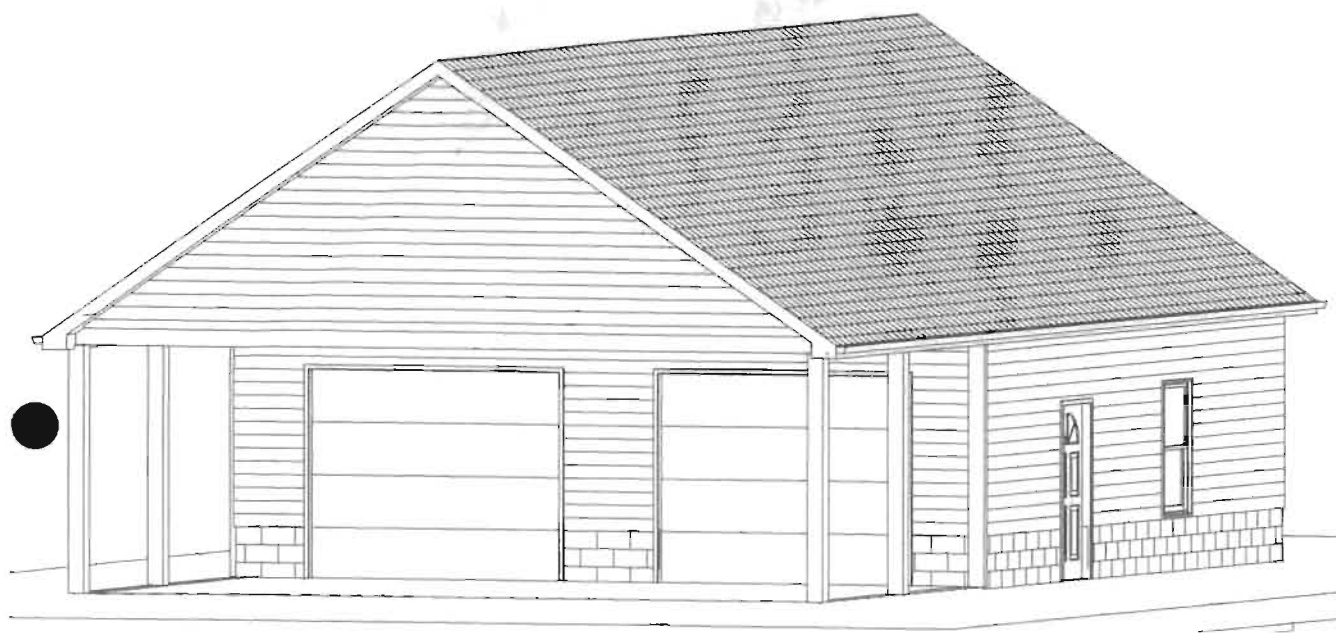


STANDING ON BLETZER ROAD, LOOKING SOUTH AT GARAGE



STANDING NEXT TO BLETZER ROAD, LOOKING SOUTH / EAST TOWARDS GARAGE

07/30/2007



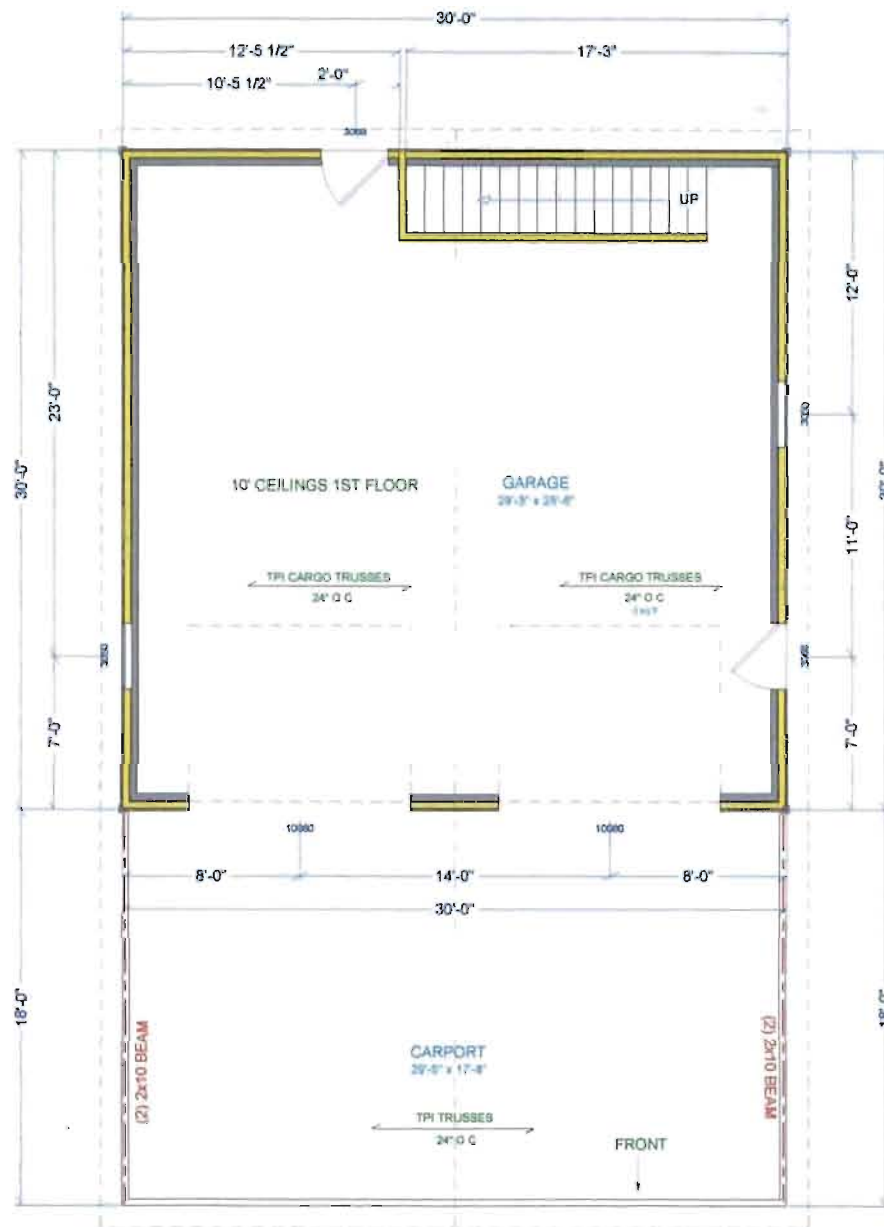
FREESTATE GENERAL CONTRACTORS
810 BACK RIVER NECK ROAD 410-574-9337

DATE 12-18-07

SELLERS PLANS
3D VIEWS

DRAWN BY
SKIP STORM
PAGE # 1

273

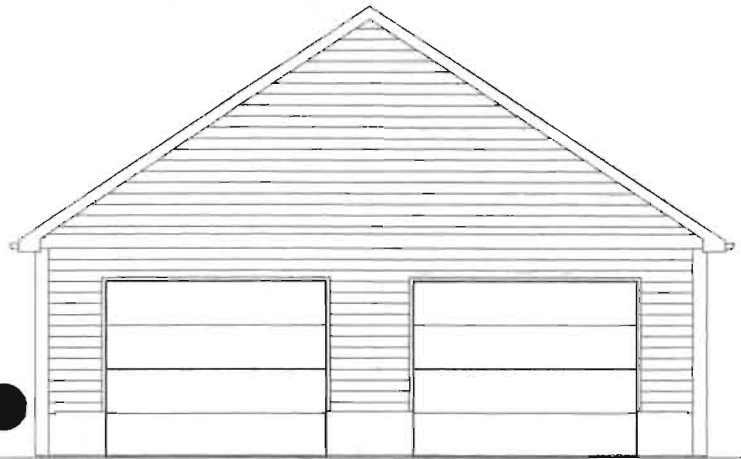


FREESTATE GENERAL CONTRACTORS
810 BACK RIVER NECK ROAD 410-574-9337

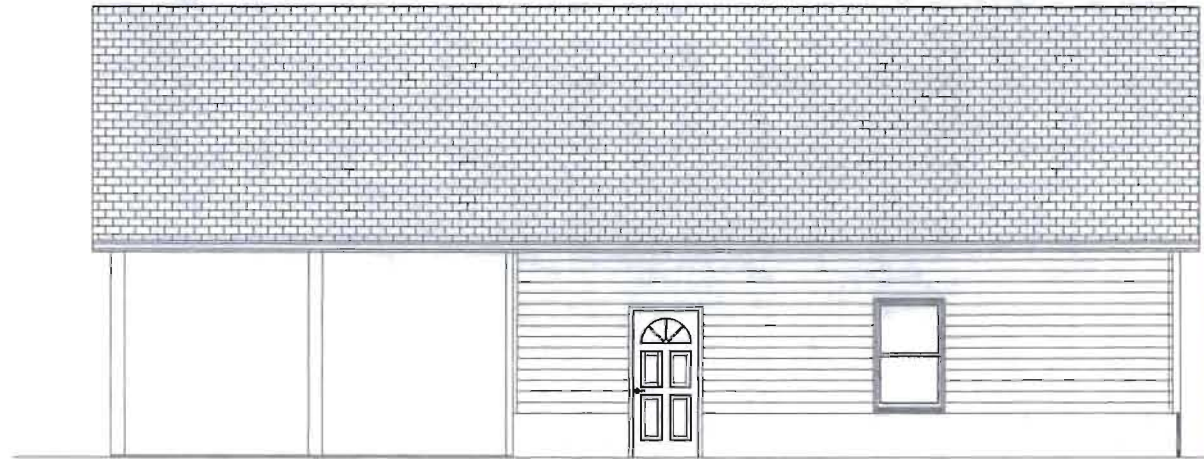
SCALE 1/4" = 1'
DATE 12-18-07

SELLERS PLANS
FIRST FLOOR PLAN

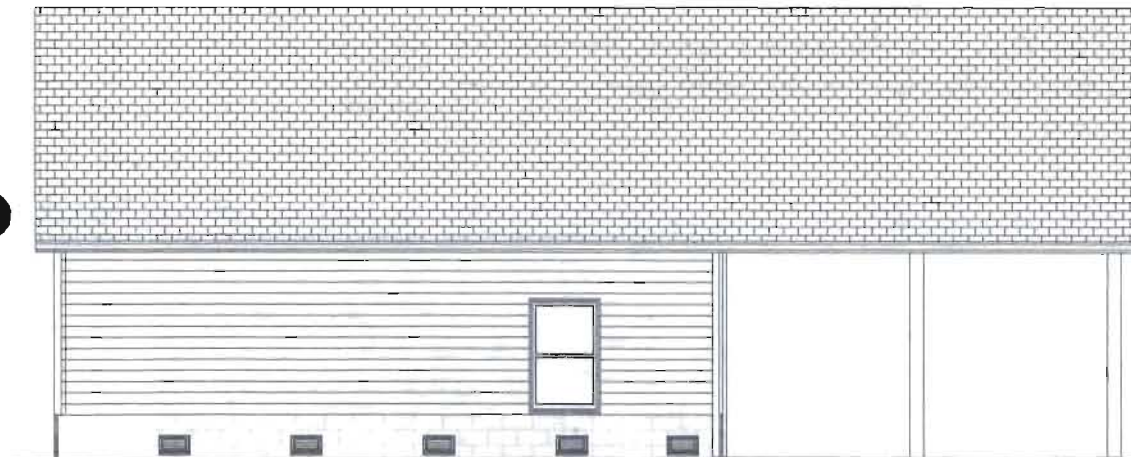
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SKIP STORM
PAGE # 2



FRONT



RIGHT SIDE



LEFT SIDE



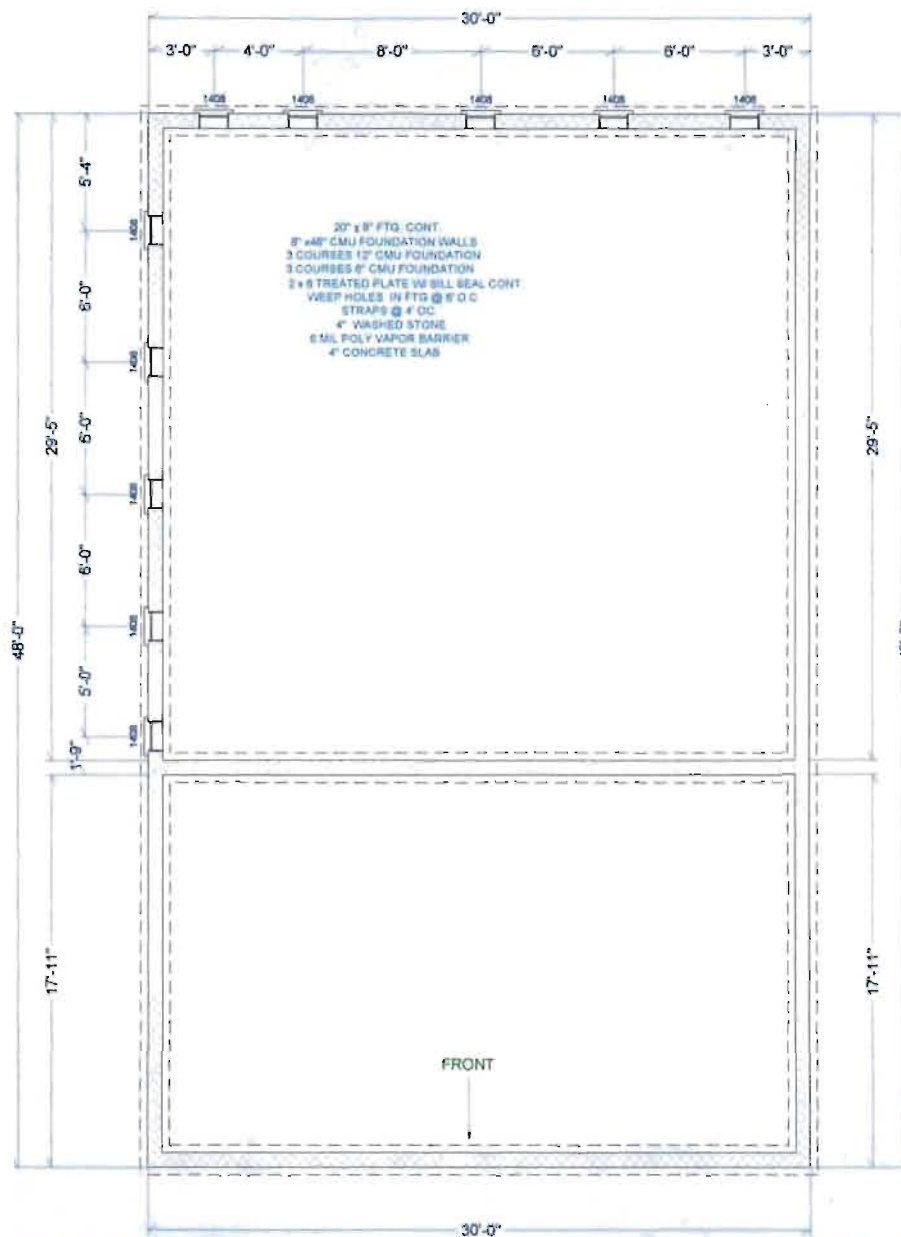
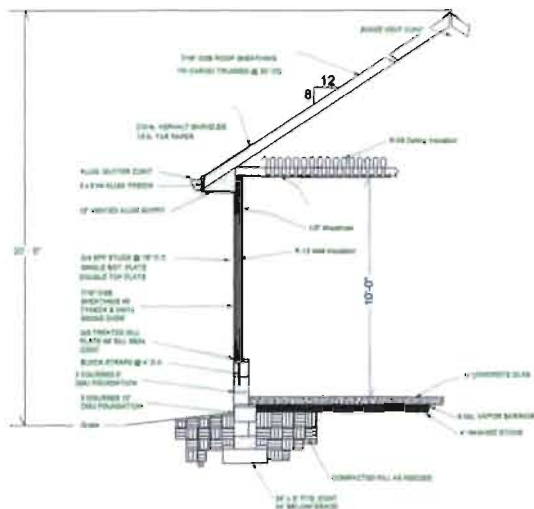
REAR

FREESTATE GENERAL CONTRACTORS
810 BACK RIVER NECK ROAD 410-574-9337

SCALE 1/4" = 1'
DATE 12-18-07

SELLERS PLANS
ELEVATIONS

DRAWN BY
SKIP STORM
PAGE # 3



FREESTATE GENERAL CONTRACTORS
 810 BACK RIVER NECK ROAD 410-574-9337

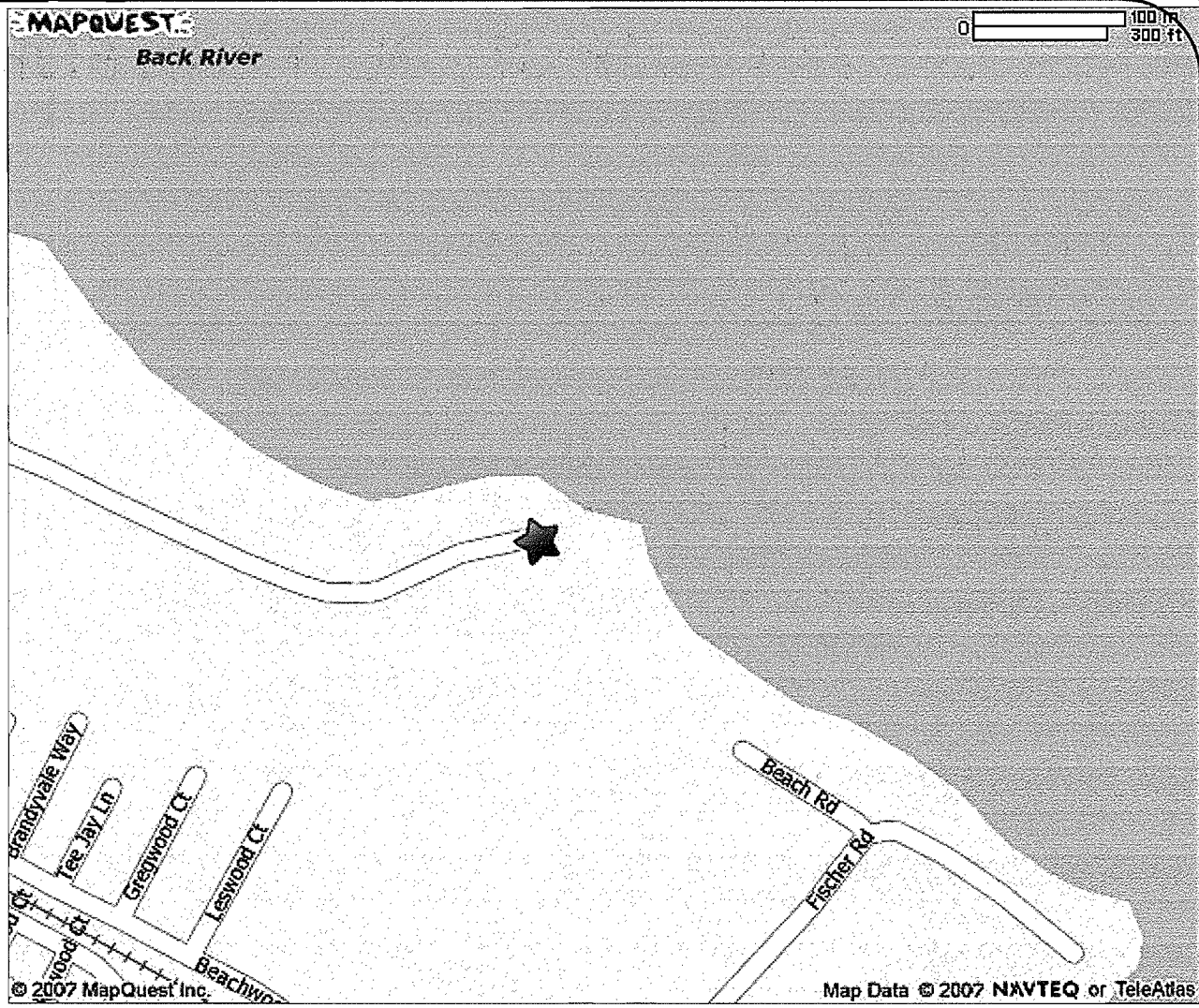
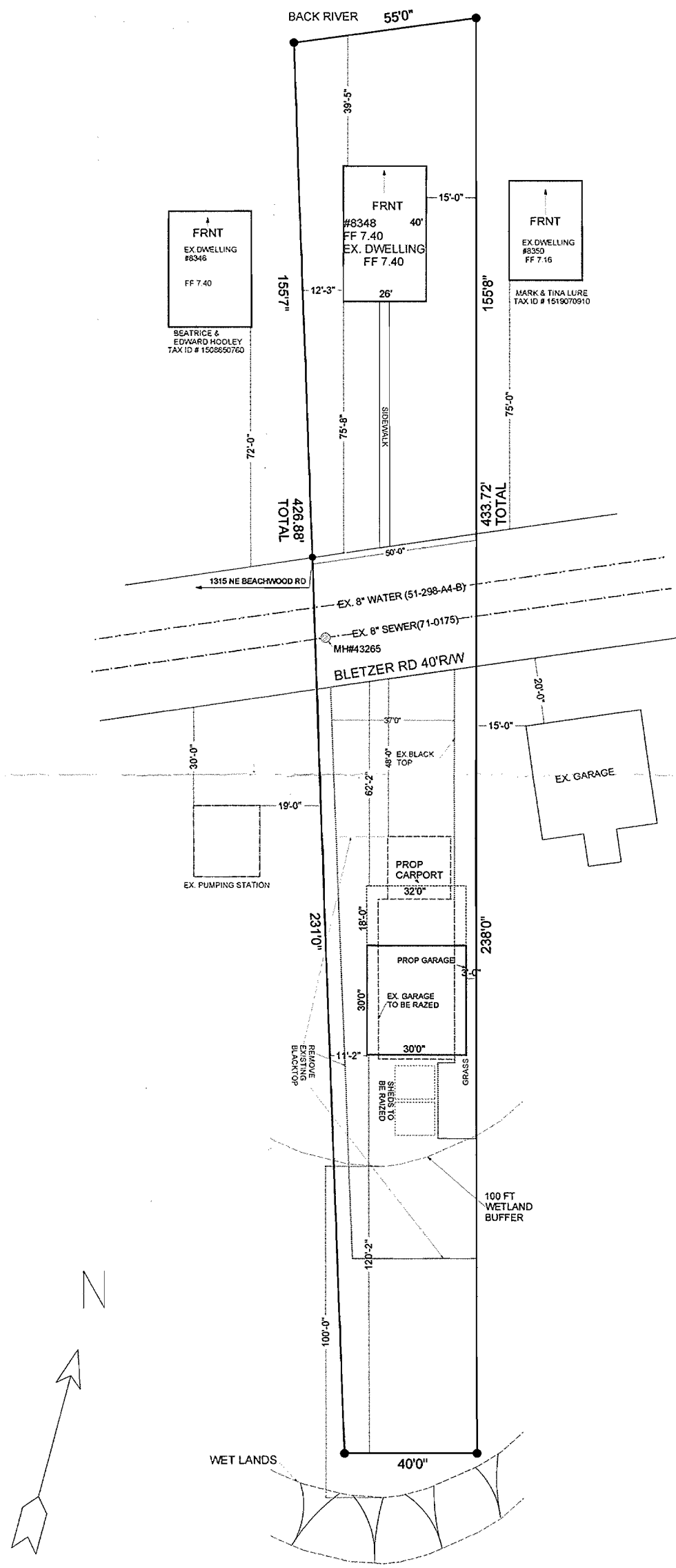
SCALE 1/4" = 1'
 DATE 12-18-07

SELLERS PLANS
FOUNDATION PLAN

DRAWN BY
 SKIP STORM
 PAGE # 4

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ ADMINISTRATIVE VARIANCE ☐ SPECIAL HEARING

ED & CATHY SELLERS
8348 BLETZER RD.
BALTIMORE MD 21222
TAX ID #1513207400
NEAREST INT.1315' NE BEACHWOOD RD
DEED REFR:25294/418



ADC MAP# 45-E2

LOCATION INFORMATION			
ELECTION DISTRICT 15			
COUNCILMANIC DISTRICT 7			
1"=200' SCALE MAP #104B1			
ZONING DR 5.5			
LOT SIZE	0.46	20,163	
	ACREAGE	SQUARE FEET	
	PUBLIC	PRIVATE	
SEWER	☒	☐	
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#	

FREESTATE GENERAL CONTRACTORS
810 BACK RIVER NECK ROAD 410-574-9337

SCALE 1"=40'
DATE 12-18-07

SELLERS SITE PLAN
SITE PLAN

DRAWN BY
JESSE NANTZ
PAGE # 1