

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
E side Riverside Avenue, 82.5 feet N	*	DEPUTY ZONING
of Bay Avenue		
15 th Election District	*	COMMISSIONER
6 th Councilmanic District		
(1153 E. Riverside Avenue)	*	FOR BALTIMORE COUNTY
 Robert Beavers		
<i>Petitioner</i>	*	Case No. 2008-0444-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by Robert Beavers, the legal owner of the subject property. The Special Hearing request was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a proposed detached accessory structure to occupy an area footprint larger than the principal building. The Variance request is from Section 400.3 of the B.C.Z.R. to permit a proposed detached accessory structure to have a height of 25 feet in lieu of the maximum allowed 15 feet. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing and variance relief was Petitioner Robert Beavers. Appearing as interested citizens were Carl Maynard of 1546 Denton Road, Tina Moore of 1134 East Riverside Avenue, and Catherine Travis of 2019 Silver Lane.

Testimony and evidence offered revealed that the subject property is an irregular-shaped property containing approximately 2.69 acres zoned D.R.3.5. The property is located at the northeast corner of Bay Avenue and East Riverside Avenue, west of Back River Neck Road, in the Essex area of Baltimore County. The subject property is improved with Petitioner's existing two-

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story wood frame dwelling. There are also two small sheds located to the rear of the property. As shown on the site plan, the subject property is identified as Parcel 570. Petitioner also owns a smaller parcel (.298 acre) abutting the subject property identified on the site plan as Parcel 569, as well as a property across the street at 1146 East Riverside Avenue. Petitioner owns a total of approximately 4 acres. In order to maintain the aforementioned properties, Petitioner owns and operates several pieces of heavy equipment. This includes a backhoe, a "bobcat" type bulldozer, a dump truck, and several lawn mowers, a bushhog (a type of heavy mower), and a snowplow.

As shown on the photographs that were marked and accepted into evidence as Petitioner's Exhibits 3A through 3D, Petitioner's home is located fairly close to the corner of Bay Avenue and East Riverside Avenue, in comparison to the total size of the subject property. This is partly due to the fact that almost half of the property is heavily wooded, and also because much of the property is located in a tidal gut. Water flows into the tidal gut, which then acts as a natural flood relief area. Presently, Petitioner stores this equipment in his rear yard. In order to provide cover for the equipment from foul weather and also to screen the equipment from view, Petitioner desires to construct an accessory building. As shown on the site plan, the building would be rectangular in shape and located behind the dwelling. The proposed metal structure would be approximately 42 feet wide by 72 feet long with a height of 25 feet. The size and height of the structure is necessitated by the size of Petitioner's equipment. In particular, the backhoe and dump truck are very large and require the additional height.

In further support of the variance request, Petitioner submitted a Petition to Allow Variance for Storage Shed. This petition was circulated to residents on East Riverside Avenue and was marked and accepted into evidence as Petitioner's Exhibit 5. The petition indicates that the

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neighbors are supportive of Petitioner's special hearing and variance requests and was signed by 27 individuals.

As indicated previously, several interested citizens attended the hearing. Carl Maynard indicated that he was present to see what Petitioner was proposing, but had no position in favor or against Petitioner's requests. Tina Moore indicated that she was aware of the amount of property owned by Petitioner and the need to maintain the land, and was understanding of Petitioner's desire to store the equipment indoors. Ms. Moore indicated she is supportive of Petitioner's requests. Catherine Travis also testified and questioned Petitioner's need to have so much heavy equipment when landscaping and earthwork is not his profession (Petitioner indicated he works in computers).

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments received from the Department of Environmental Protection and Resource Management dated May 1, 2008 indicate that the property must comply with the Chesapeake Bay Critical Area Regulations. The property is in a Limited Development Area and impervious surfaces are limited to 15%. Buffers are required from all tidal and nontidal wetlands, clearing of forest cannot exceed 30%, and mitigation must be provided.

In regard to the requested special hearing, based on the testimony and evidence, I am persuaded to grant the relief. Although the footprint of the proposed accessory building will be more than that of the principal dwelling, in my view this is justified by the amount and size of equipment Petitioner desires to store indoors.

In regard to the request for variance, considering all the testimony and evidence presented, I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The subject property is irregular-shaped and is a corner lot.

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In addition, as shown on the aerial photograph that was marked and accepted into evidence as Petitioner's Exhibit 6, Petitioner's property is much larger than all other D.R.5.5 zoned lots in the vicinity. While the subject property is almost 3 acres, with frontage on East Riverside Avenue of over 300 feet, the other lots across the street on Riverside Avenue are much smaller waterfront lots, many between 50 and 100 feet wide. As shown on the zoning map that was marked and accepted into evidence as Petitioner's Exhibit 2, the subject property is also the only D.R.3.5 property that is surrounded on three sides by R.C.20 zoning. Hence, I find the property unique in a zoning sense. I also find that the imposition of zoning on this property disproportionately impacts the subject property as compared with other properties in the area.

I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Without variance relief, Petitioner could not construct an accessory building of sufficient size to store his equipment.

Finally, I find that this height variance can be granted in strict harmony with the spirit and intent of said regulations and in a manner so as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered, I find that Petitioner's special hearing and variance requests should be granted with conditions.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 9th day of July, 2008 that Petitioner's request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a proposed detached accessory structure to occupy an area footprint larger than the principal building be and is hereby GRANTED; and

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[Signature]

IT IS FURTHER ORDERED that Petitioner's request for Variance from Section 400.3 of the B.C.Z.R. to permit a proposed detached accessory structure to have a height of 25 feet in lieu of the maximum allowed 15 feet be and is hereby GRANTED, subject to the following:

1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner will be required to return, and be responsible for returning, said property to its original condition.
2. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).
3. The property is in a Limited Development Area of the Chesapeake Bay Critical Area. Impervious surfaces are limited to 15%. Buffers are required from all tidal and nontidal wetlands; no disturbance of wetlands and associated buffers is permitted without a permit. Clearing of forest cannot exceed 30% and mitigation must be provided in accordance with the regulations.
4. 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.
5. The proposed accessory building shall be constructed so as to have a style and architecture that is consistent with similar large accessory structures on properties in the surrounding R.C.20 Zone.

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

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7-9-08
[Signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

July 9, 2008

ROBERT BEAVERS
1153 E. RIVERSIDE AVENUE
BALTIMORE MD 21221

Re: Petition for Special Hearing and Variance
Case No. 2008-0444-SPHA
Property: 1153 E. Riverside Avenue

Dear Mr. Beavers:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Carl Maynard, 1546 Denton Road, Baltimore MD 21221
Tina Moore, 1134 East Riverside Avenue, Baltimore MD 21221
Catherine Travis, 2019 Silver Lane, Baltimore MD 21221

CBCA



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1153 E. Riverside Ave.
which is presently zoned 3.5

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

a proposed detached accessory structure (storage shed) to occupy an area footprint larger than the principal building

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Robert Beavers

Name - Type or Print

Signature

Name - Type or Print

Signature

1153 E. Riverside Ave. 410-925-1110

Address

Telephone No.

Baltimore MD

City

State

21221

Zip Code

Representative to be Contacted:

Robert Beavers

Name

1153 E. Riverside Ave. 410-925-1110

Address

Telephone No.

Baltimore MD

City

State

21221

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By RDD Date 3/24/08

Case No. 2008-0444-SPHA

REV 9/15/98

SPOT RESERVED FOR FILED
7.9.08
m



CBCA

TAX. ACCOUNT

1518721390

Petition for Variance

to the **Zoning Commissioner of Baltimore County**
for the property located at 1153 East Riverside Ave.
which is presently zoned DR 3.5

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 a proposed detached accessory

structure (storage shed) to have a height of 25 feet in lieu of the maximum allowed 15

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

TO BE DISCUSSED @ MEETING

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

OFFICE USE ONLY

Case No. 2008-0444-SPHA

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

REV 9/15/98

79.08

pm

3/24/08

ZONING DESCRIPTION

For
1153 E. RIVERSIDE AVE.
Baltimore, Maryland 21221

Beginning at a point on the East side of E. Riverside Ave. which is 30 feet wide at the distance of 82 feet & 6 inches North of the centerline of the nearest improved intersecting street Bay Ave. which is 35 feet wide. As recorded in Deed Liber: 14155, Folio: 208. North 9 degrees 22 minutes East 50.32 feet and North 1 degree 54 minutes West 284.68 feet, South 79 degrees 18 minutes East 267.78 feet, South 9 degrees 48 minutes East 419.72 feet, North 79 degrees 18 minutes West 150 feet, North 9 degrees 22 minutes East 65 feet, North 79 degrees 18 minutes West 200 feet to the place of beginning. Containing 117,176.4 square feet or 2.69 acres. Also known as 1153 E. Riverside Ave. and located in the 15th Election District, ~~Xth~~ 6th Councilmanic District.

Item # 444

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: #2008-0444-SPHA

1153 E. Riverside Avenue

E/side of Riverside Avenue, 82.5 feet north of Bay Avenue

15th Election District — 6th Councilmanic District

Legal Owner(s): Robert Beavers

Special Hearing: to approve a proposed detached accessory structure (storage shed) to occupy an area footprint larger than the principal building. **Variance:** to permit a proposed detached accessory structure (storage shed) to have a height of 25 feet in lieu of the maximum allowed 15 feet.

Hearing: Wednesday, May 28, 2008 at 11:00 a.m. in Room 108, 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) 887-4386.

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

JT 5/6/2 May 13

172979

CERTIFICATE OF PUBLICATION

5/15/2008

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 5/13/2008.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

S. Wilkins

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **12112**

PAID RECEIPT

Date:

3/24/08

BUSINESS ACTUAL TIME DFM
 3/26/2008 3/25/2008 10:15:51 2

REC #02 WALKIN JEW JEE
 >>RECEIPT # 570118 3/25/2008 OFLH

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				5115

Dept 5 528 ZONING VERIFICATION
 CR NO. 012112

Recpt Tot \$115.00
 \$115.00 OK \$0.00 CA
 Baltimore County, Maryland

Total:

5115

Rec
 From:

For:

zoning hearing - case #08-444-SPHA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No: 2008-0444-SPHA

Petitioner/Developer: ROBERT BEAVERS

Date Of Hearing/Closing: 5/28/08

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 1153 E. RIVERSIDE RD

This sign(s) were posted on May 10, 2008

(Month, Day, Year)

Sincerely,

Martin Ogle 5/10/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

myatt 5/10/08

ZONING NOTICE

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSION
ON THURSDAY, MAY 14, 2008

CASE NO. 2008-0004-SHA

Request from the County Office to Rezone
to R-1000 (Residential Single-Family) from
R-1000 (Residential Single-Family) at
1000 1st Street, N. 1000

at 1000 1st

Request from the County Office to Rezone
to R-1000 (Residential Single-Family) from
R-1000 (Residential Single-Family) at
1000 1st Street, N. 1000

ADDITIONAL INFORMATION IS AVAILABLE AT
THE ZONING COMMISSION'S WEBSITE
WWW.ZONING.COM
CALL 887-3333

FOR MORE INFORMATION, CONTACT THE ZONING COMMISSION AT 887-3333

**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: 08-444-SPHA

Petitioner: Robert Beavers

Address or Location: 1153 E. Riverside Ave. Baltimore, MD 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: Robert Beavers

Address: 1153 E. Riverside Ave

Baltimore, MD 21221

Telephone Number: 410-925-1110

Revised 2/20/98 - SCJ



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

April 8, 2008
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: 2008-0444-SPHA

1153 E. Riverside Avenue

E/side of Riverside Avenue, 82.5 feet north of Bay Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Robert Beavers

Special Hearing to approve a proposed detached accessory structure (storage shed) to occupy an area footprint larger than the principal building. Variance to permit a proposed detached accessory structure (storage shed) to have a height of 25 feet in lieu of the maximum allowed 15 feet.

Hearing: Wednesday, May 28, 2008 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Robert Beavers, 1153 E. Riverside Avenue, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 13, 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
Tuesday, May 13, 2008 Issue - Jeffersonian

Please forward billing to:
Robert Beavers
1153 E. Riverside Avenue
Baltimore, MD 21221

410-925-1110

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: 2008-0444-SPHA

1153 E. Riverside Avenue
E/side of Riverside Avenue, 82.5 feet north of Bay Avenue
15th Election District – 6th Councilmanic District
Legal Owners: Robert Beavers

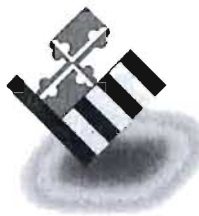
Special Hearing to approve a proposed detached accessory structure (storage shed) to occupy an area footprint larger than the principal building. Variance to permit a proposed detached accessory structure (storage shed) to have a height of 25 feet in lieu of the maximum allowed 15 feet.

Hearing: Wednesday, May 28, 2008 at 11:00 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

Robert Beavers
1153 E. Riverside Ave.
Baltimore, MD 21221

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
May 22, 2008

Dear Robert Beavers:

RE: Case Number: 2008-0444-SPHA, Address: 1153 E. Riverside Ave

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 24, 2008. 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 5/28
11am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 8, 2008

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APR 09 2008

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

BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-444- Special Hearing**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:

Candis Murray

Division Chief:
CM/LL

Adam Fisher

TB 5/28
11AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
MAY 02 2008

BY:

TO: Timothy M. Kotroco

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

DATE: May 1, 2008

SUBJECT: Zoning Item #08-444-SPHA
Address 1153 E. Riverside Avenue
(Beavers Property)

Zoning Advisory Committee Meeting of March 31, 2008

_____ 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 in a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. Impervious surfaces are limited to 15%. Buffers are required from all tidal and nontidal wetlands; no disturbance of wetlands and associated buffers is permitted without a variance. Clearing of forest cannot exceed 30% and mitigation must be provided in accordance with the regulations.

Reviewer: Regina Esslinger

Date: April 24, 2008

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2008\ZAC 08-444-SPHA 1153 East Riverside Ave.doc



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

State Highway
Administration

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

Maryland Department of Transportation

Date: APRIL 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. B-444-SPHA
1103 E. RIVERSIDE AVE.
BEAVERS PROPERTY
SPECIAL HEARING
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. B-444-SPHA.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For ¹ 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



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

April 4, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 31, 2008

Item Number: 441,442,443, 444,445,446,447,449

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 2, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For April 7, 2008
Item No. 08-444

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:lrk

cc: File

ZAC-ITEM NO 08-444-04072008.doc

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
1153 E. Riverside Avenue; E/S Riverside Ave,* ZONING COMMISSIONER
82.5' North of Bay Avenue *
15th Election & 6th Councilmanic Districts * FOR
Legal Owner(s): Robert Beavers *
Petitioner(s) * BALTIMORE COUNTY
* 08-444-SPHA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

RECEIVED

APR 03 2008

Per *kh*

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of April, 2008, a copy of the foregoing Entry of Appearance was mailed to Robert Beavers, 1153 E. Riverside Avenue, Baltimore, MD 21221, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TB 5/28
11AM

1415 Bay Avenue
Essex, MD 21221
410-391-4497

July 26, 2008

RECEIVED
JUL 28 2008

BY:.....

To: Thomas H. Bostwick Deputy Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

Re: Request for Reconsideration
Case Number 2008-0444-SPHA 1153 E. Riverside Avenue

Dear Mr. Bostwick,

I would like request reconsideration on the above referenced case for the following reasons:

1. Section 431 of the Baltimore County code for zoning regulations states:

**"Section 431, Parking of Commercial Vehicles on Residential Property
[Bill No. 70-1988]"**

- A. A commercial vehicle exceeding 10,000 pounds gross vehicle weight or gross combination Weight may not be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle.
- B. One commercial vehicle, per dwelling, unit may be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle subject to the following conditions:
 1. The gross vehicle weight or gross combination weight shall not exceed 10,000 pounds.
 2. The owner or operator of the vehicle shall reside on the lot.
 3. The vehicle shall be parked within a fully enclosed structure or, alternatively, if not within a fully enclosed structure.
 - a. No materials, products, freight or equipment shall be visible.
 - b. The vehicle shall display no advertising other than lettering, figures or designs located on the driver's door or front seat passenger's door.
 - c. The vehicle shall be parked in a side or rear yard.

The Backhoe, "Bobcat", Dump Truck, and Tractors all exceed this prohibition.

I own the 12 acres parcel at the northwest corner of Bay Avenue and East Riverside. Since my property is four times as large as Mr. Beavers, located at 1153 E. Riverside Avenue, as noted in above case, I expect, in the future, the right to build four (42'x 72') commercial size storage buildings on my property.

2. The 1153 E. Riverside building is new construction. When building my home at 1415 Bay Avenue, in order to receive a building permit, Baltimore County imposed the following conditions:

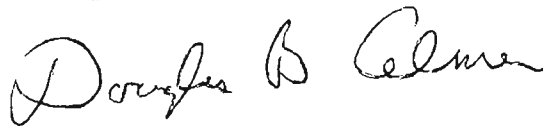
- A. All construction had to be located a minimum of 135' from the nearest wetland.

- B. The remainder of my 3-acre property was required to be placed in permanent Chesapeake Critical Area easement.

The owner at 1153 E. Riverside should be held to equal requirements by Baltimore County.

I am not opposed to any property owners' reasonable use of his/her property. I want to be clear to the property owner, Baltimore County, and the neighbors, that the future impacts resulting from this precedent setting case, will impact the community when I exercise the same right of use under the law.

Respectfully signed,

A handwritten signature in cursive script, reading "Douglas B. Celmer".

Douglas B. Celmer

Cc: Peoples Counsel Suite 204 Jefferson Building
Pat Farr Baltimore County DEPRM
Joseph Bartenfelder County Council
Carl Maynard 1546 Denton road

CASE NAME _____
CASE NUMBER 08-491-SPHA
DATE _____

[illegible]

PLEASE PRINT CLEARLY

CASE NAME _____

CASE NUMBER _____

DATE _____

CITIZEN'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

CARL MAYNARD

1546 DENTON RD

BALTO MD 21221

TINA MOORE

1134 E. RIVERSIDE AVE

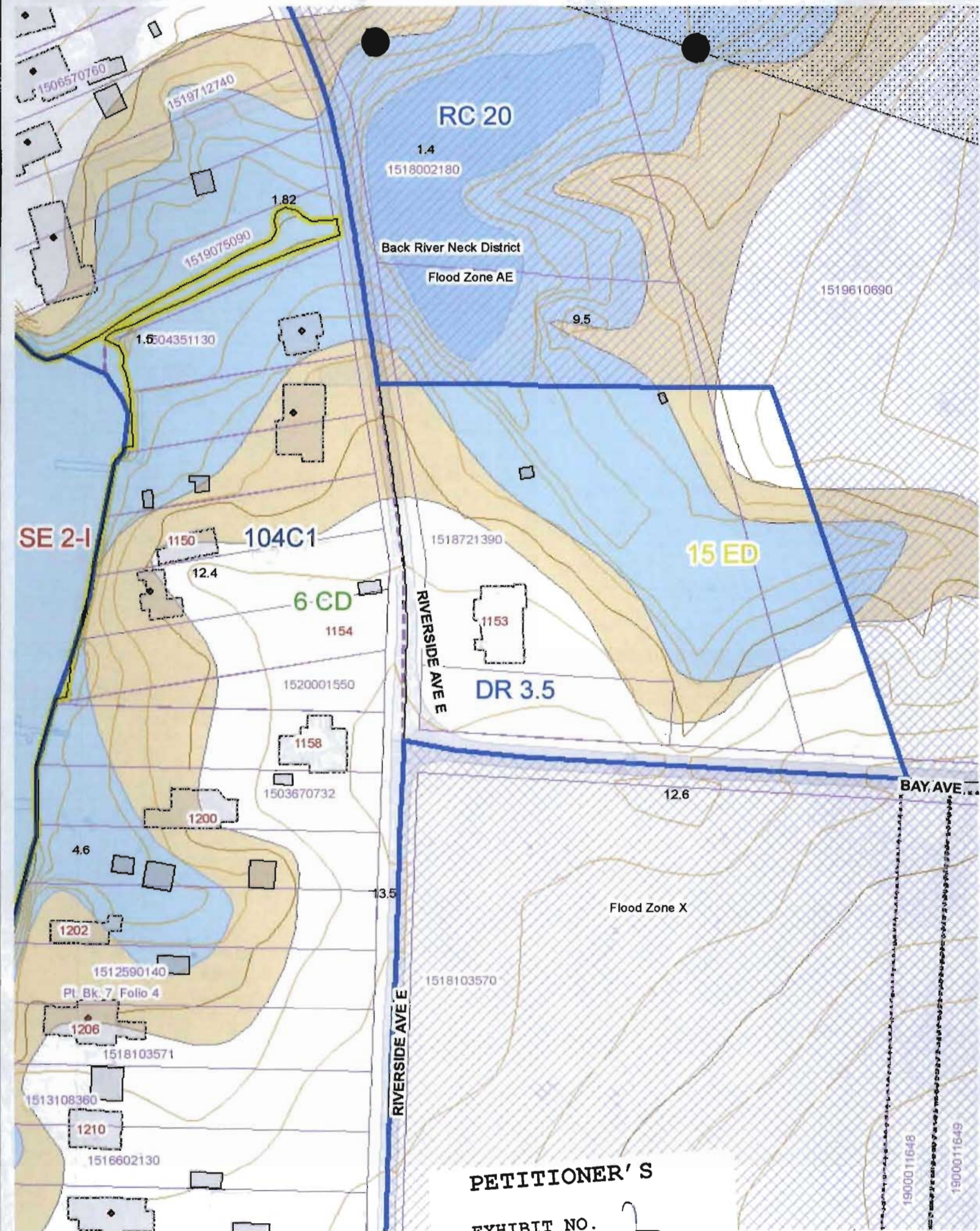
BALTO MD 21221

Gatherine Travis

2019 Silver Lane

" " "

—



PETITIONER'S

EXHIBIT NO. 2

Item #444



ROBERT BEAVERS
1153 E. RIVERSIDE AVE.
BALTIMORE, MARYLAND 21221
(410) 925-1110



PETITIONER' S

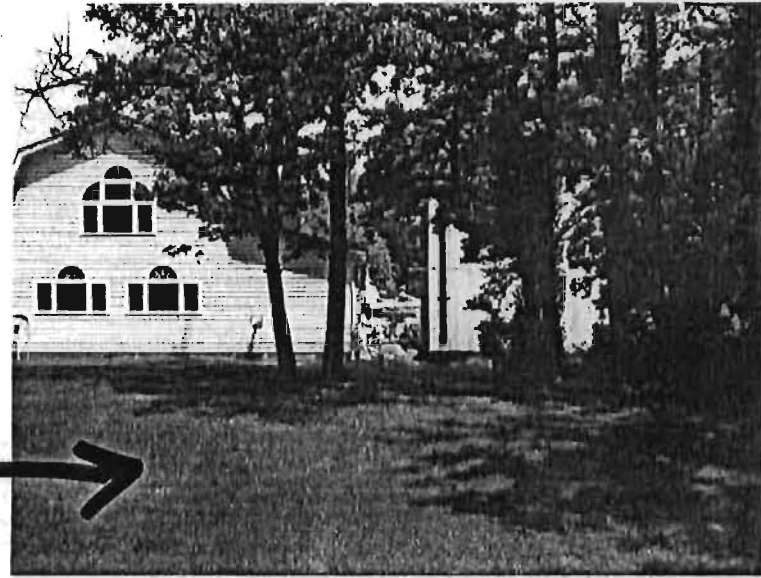
EXHIBIT NO. 3A-3D



PETITIONER'S

EXHIBIT NO. 4

Petition to allow Variance for Storage Shed



CASE NUMBER: 2008-0444-SPHA

1153 E. Riverside Avenue

E/Side Of Riverside Avenue, 82.5 feet North of Bay Avenue

15th Election District - 6th Councilmanic District

Legal Owners: Robert Beavers

PETITIONER' S

EXHIBIT NO.

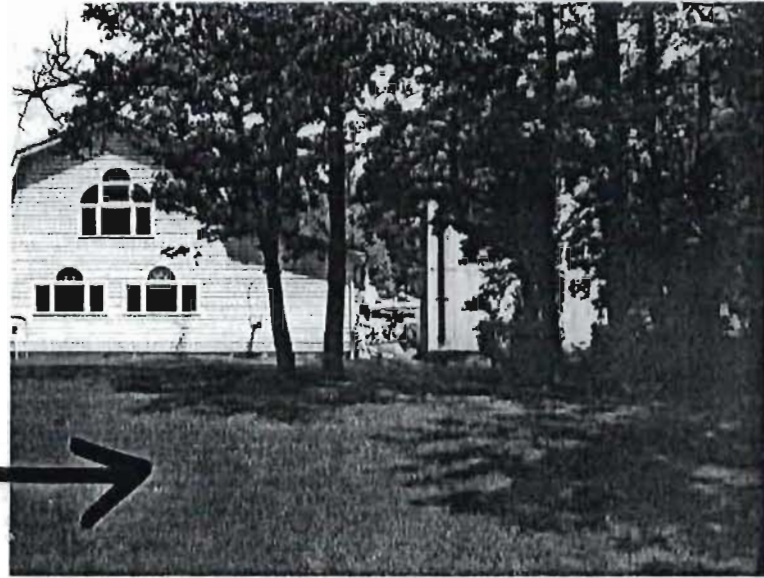
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We, the citizens of E. Riverside Ave and Neighboring property owners and renters, petition the Zoning Commissioner of Baltimore County to approve a proposed detached accessory structure (Storage Shed) to occupy an area footprint larger than the principle building and to permit a proposed detached accessory structure (Storage Shed) to have a height of 25 feet in lieu of the maximum allowed 15 feet.

NAME	ADDRESSE	PHONE #	SIGNATURE
PAUL BORDIS	1102 BACK RIVERSIDE AVE 21221	410-591-8513	Paul Bordis
John Somogyi	1501 Somogyi Rd 21221	410-686-9856	John Somogyi
John Falkenstein	2424 GOLUPSKI RD 21221	410-980-5420	John Falkenstein
Rosemary Matthei	1246 E. Riverside Ave 2122	410-686-8781	Rosemary Matthei
Bonnie Serio	1304 E. Riverside Ave	410-574-4325	Bonnie Serio
Cecilia Thayer	1308 Riverside Ave	410-686-4215	Cecilia Thayer
Betty Hammond	1312 E. Riverside Ave	410-687-1438	Betty Hammond
J. Howell	1242 E. Riverside Ave	410-687-0552	J. Howell
D. Andrew	1244 E. Riverside Ave	410-391-2185	D. Andrew
C. Roe	1236 E. Riverside Ave	410-979-6817	C. Roe
Carol H. Gandy	1232 E. Riverside Ave	410-687-4584	Carol H. Gandy
Edmund Fuchs	1230 E. RIVERSIDE AVE.	410-686-9342	Edmund Fuchs
L.R. FUCHS	1230 E. RIVERSIDE AVE	410-686-9342	L.R. Fuchs
ERIC MARE	1228 E. RIVERSIDE AVE	410-682-9441	Eric Mare
BUD RISTON	1226 E RIVERSIDE AVE	410-391-3487	B. Riston

Petition to allow Variance for Storage Shed



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CASE NUMBER: 2008-0444-SPHA

1153 E. Riverside Avenue

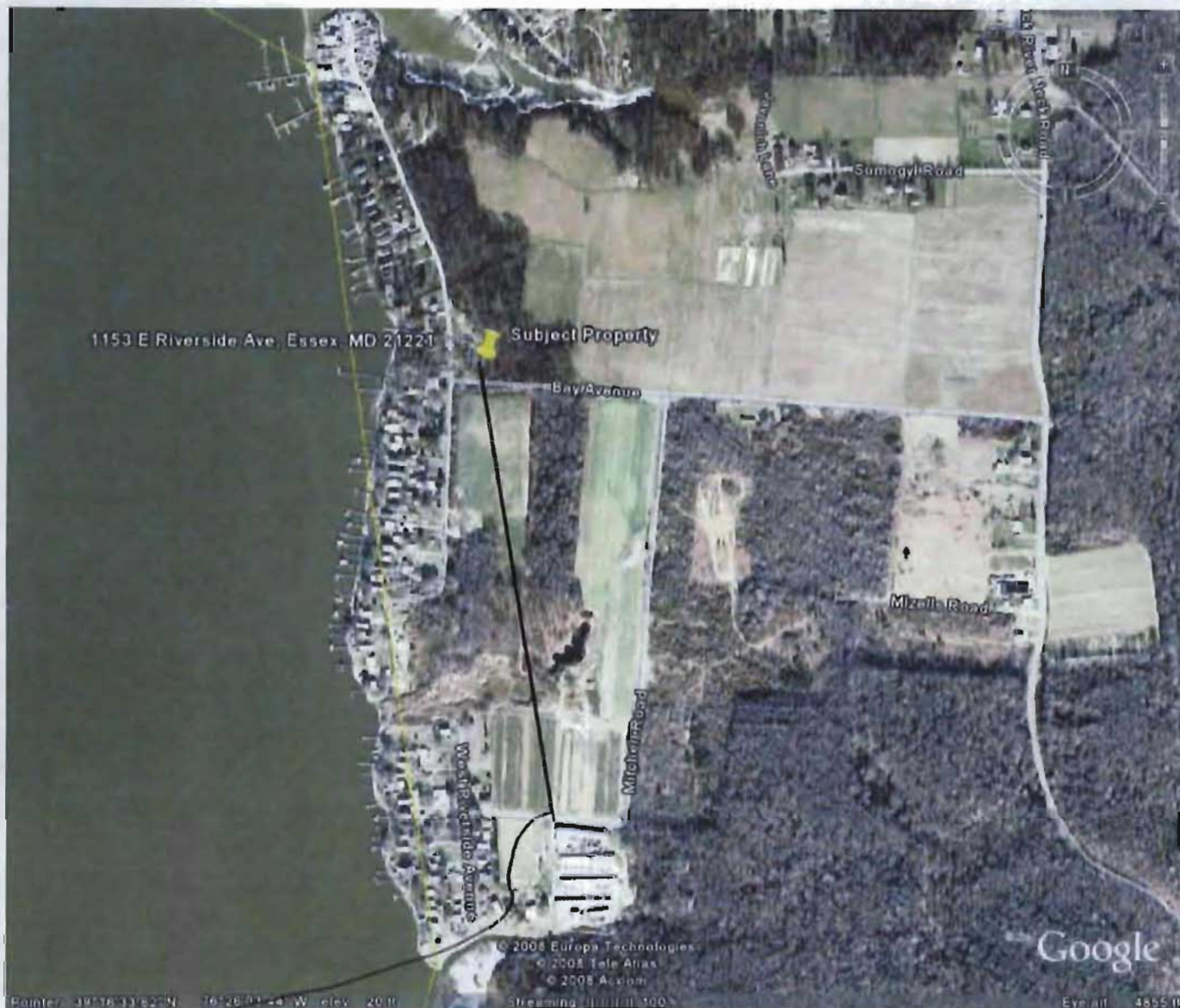
E/Side Of Riverside Avenue, 82.5 feet North of Bay Avenue

15th Election District - 6th Councilmanic District

Legal Owners: Robert Beavers

We, the citizens of E. Riverside Ave and Neighboring property owners and renters, petition the Zoning Commissioner of Baltimore County to approve a proposed detached accessory structure (Storage Shed) to occupy an area footprint larger than the principle building and to permit a proposed detached accessory structure (Storage Shed) to have a height of 25 feet in lieu of the maximum allowed 15 feet.

NAME	ADDRESSE	PHONE #	SIGNATURE
Ethel Heise	1224 E. Riverside Ave	410-686-1169	Ethel Heise
D. F. Fubler	1220 E. Riverside Ave	410-682-5053	D. F. Fubler
Bonnie Mitchell	1210 E. Riverside Ave	410-391-4434	Bonnie Mitchell
Olive Dahmer	1206 EAST RIVERSIDE	410-686-5664	Olive Dahmer
GARY LOVE	1205 EAST RIVERSIDE	Gary Love	410-682-5623
Tammy Largent	1138 E. Riverside Ave, Essex MD	410-574-3253	Tammy Largent
Bob Largent	1138 E. Riverside Ave, Essex MD	410-574-3253	Bob Largent
Edward Han Southworth	1154 E. Riverside Ave	410-231-6050	Edward Han Southworth
Christine Burke	1153 E. Riverside Ave 21221	410-218-6649	Christine Burke
Robert Beavers	1153 E. Riverside Ave 21221	410-918-0004	Robert Beavers
Robert Beavers	1146 E. Riverside Ave 21221	410-925-1110	Robert Beavers
Robert Beavers	1155 E. Riverside Ave. 21221	410-918-0005	Robert Beavers



2,146 feet TO SIMILAR BUILDINGS LOCATED AT
386 MITCHELLS DR.

CASE NUMBER: 2008-0444-SPHA

1153 E. Riverside Avenue
E/Side Of Riverside Avenue, 82.5 feet North of Bay Avenue
15th Election District - 6th Councilmanic District
Legal Owners: Robert Beavers

PETITIONER' S

EXHIBIT NO.

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3/27/2008 3:05 PM



CASE NUMBER: 2008-0444-SPHA

1153 E. Riverside Avenue

E/Side Of Riverside Avenue, 82.5 feet North of Bay Avenue

15th Election District - 6th Councilmanic District

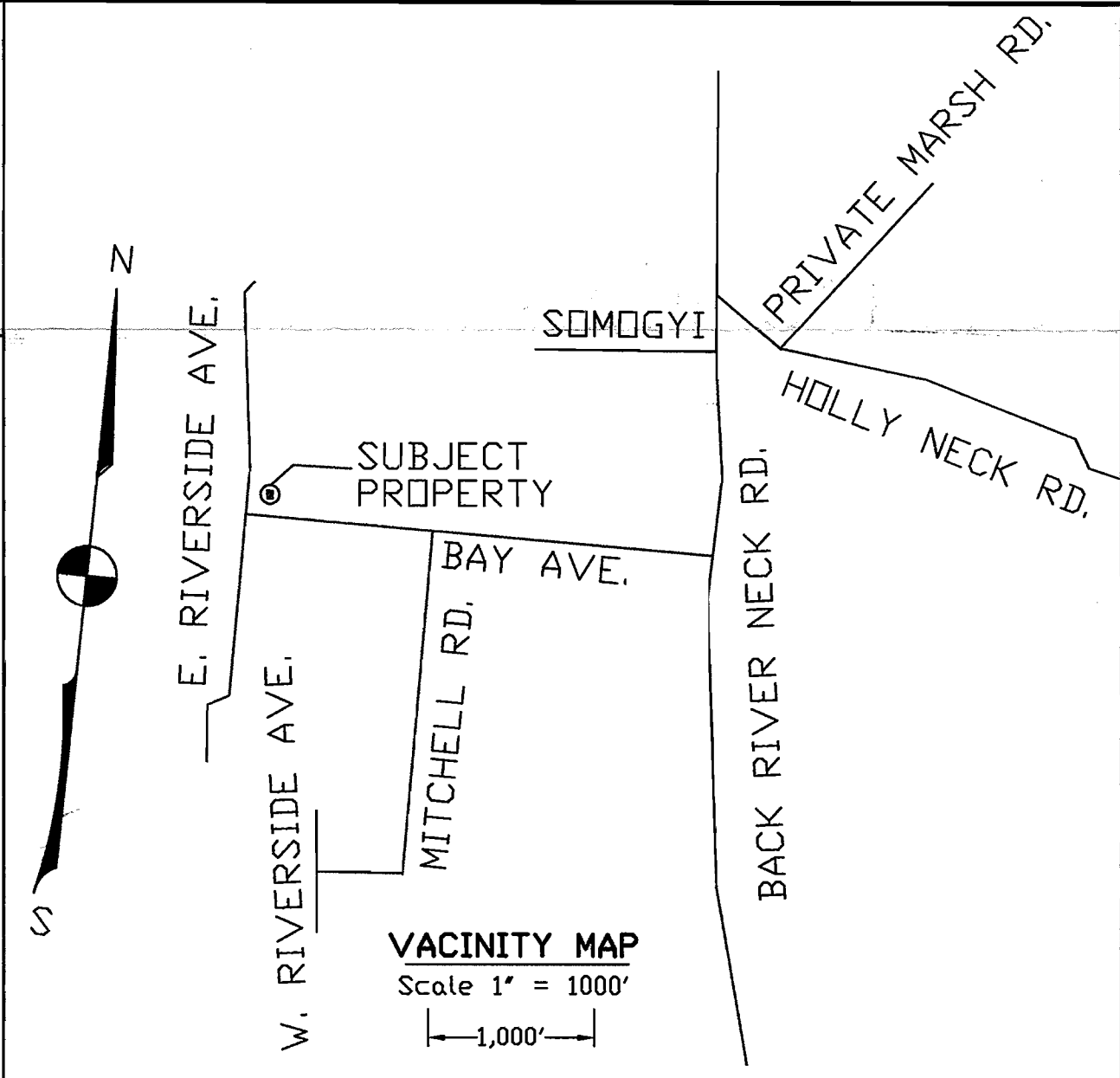
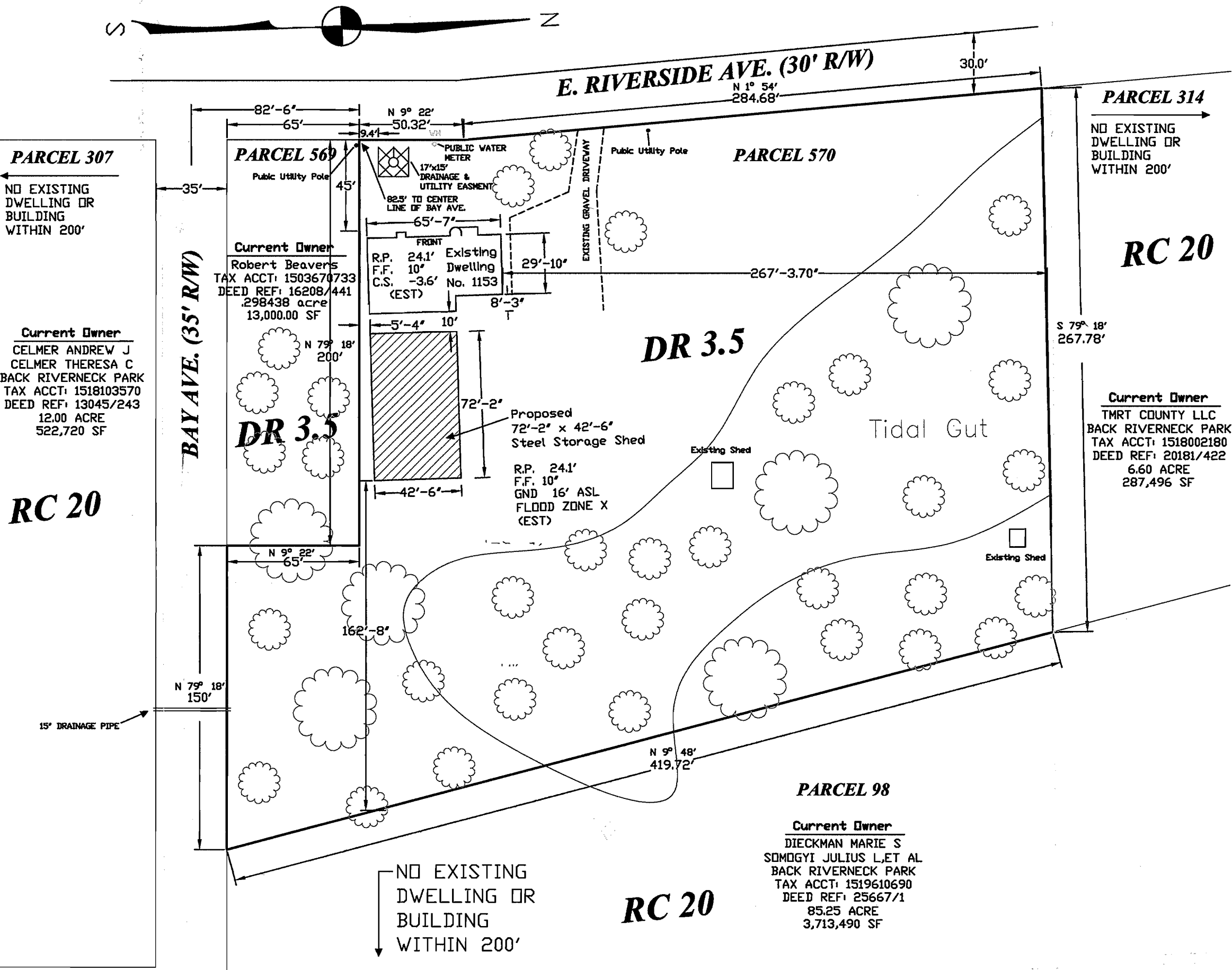
Legal Owners: Robert Beavers

PLAT TO ACCOMPANY PETITION FOR ZONING "VARIANCE"

SUBMITTED
03/24/08

PROPERTY ADDRESS: 1153 E. RIVERSIDE AVE.
SUBDIVISION: BACK RIVER NECK PARK
TAX ACCT: 1518721390
PLAT BOOK 7, FOLIO 4
LIBER NO. 14155 FOLIO NO. 208 (Deed Reference)
CURRENT OWNER: ROBERT BRIAN BEAVERS (410) 925-1110

PLAT
Scale 1" = 50'
50'



LOCATION INFORMATION

Councilmanic District: **X 6th**
Election District: 15
1" = 200' Scale Zoning Map#: **SE-2-1 104C1**
Zoning: DR 3.5
Lot Size: 2.69 Acres 117,176.4 SF
Sewer = PUBLIC
Water = PUBLIC
Chesapeake Bay Critical Area = **NE YES**
100 Year Flood Plain = NO
Historic Property/Building = NO
Prior Zoning Hearings =

PETITIONER'S
EXHIBIT NO. _____

ACI Automation Controls, Inc.			
1411 Diffendal Road Baltimore, Maryland 21221 (888) 3-2-A-U-T-O-M-A-T-E			
CUSTOMER			
Robert B. Beavers			
TITLE			
1153 E. Riverside Plat			
ACI QUOTE	DRAWN BY	LOCATION	
	RBB	Diffendal Rd.	
FILE	DATE	SCALE	
	03/21/08	1:50	
JOB NUMBER	REV. DATE	DWG. NO.	OF
	NONE	DWG	01 01

ZONING OFFICE USE ONLY
REVIEWED BY: *[Signature]* ITEM #: CASE #:
2008-0444-SPHA