

IN RE: PETITION FOR VARIANCE

S/S Poplar Road, 200' N c/line of
River Road

15th Election District

6th Council District

(2434 Poplar Road)

138 Poplar Road, LLC

Petitioner

*

*

*

*

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BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2008-0597-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by Brett Ungar and Noah Matten, the managing members of the legal owner of the subject property, 138 Poplar Road LLC. The Petitioner is requesting variance relief from Section 1A04.3.B.2(b) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the construction of a dwelling with a 40 foot setback to the centerline of the street and to permit an open projection (decks) with a 9 foot and 12 foot setback in lieu of the required 75 feet and 37.5 feet, respectively and to affirm and amend the site plan in Case No. 08-240-A. The subject property and requested relief are more fully described on the amended site plan and building elevations which were marked and accepted into evidence as Petitioner's Exhibits 1 and 2.

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

Testimony and evidence offered at the outset of the hearing disclosed that the property is an irregular rectangular-shaped parcel containing 0.41 acre of unimproved land in the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA) and zoned R.C.5. The property is water oriented and located to the southeast of Poplar Road in the Cedar Beach

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Date 9-2-08
BY [signature]

subdivision in the Essex area of Baltimore County. Petitioner purchased the unimproved parcel known as Lot 138 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 (the lot is bisected centrally by a critical area drainage easement) and appears to be the only inhabitable lot in the surrounding area as three lots to the east and closer to the Creek were found to be undevelopable. The topography of the property limits the ability to develop the lot.

In this regard, an appreciation of the property's past zoning history is relevant and is briefly outlined. Following Ungar and Matten's purchase of the property, they filed for and received relief on February 25, 2008 in prior zoning Case No. 08-240-A. In that case, Deputy Zoning Commissioner Thomas H. Bostwick granted approval to allow a single-family dwelling to be constructed 75 feet from the centerline of Poplar Road and variance relief to allow lot line setbacks of 18 feet (west side) and 9 feet (east side) in lieu of the required 50 feet for the proposed dwelling. To the extent applicable, the findings, conclusions and conditions in that case are incorporated herein. Essentially, testimony and evidence previously offered was that the subject property was in an older subdivision community laid out many years ago, well prior to the adoption of the zoning regulations in Baltimore County. The lot, like many in the neighborhood, was undersized and did not meet current area and width requirements. Variance relief was appropriate and consistent with the neighborhood and in keeping with the spirit and intent of Section 307 and *Cromwell v. Ward*, 102 Md. App. 691 (1995). The Petitioner next made application for a building permit (Petitioner's Exhibit 3) and obtained requisite approval from all agencies except the Department of Environmental Protection and Resource Management (DEPRM). DEPRM wants the Petitioner(s) to move the house forward on the lot because of the critical area easement (that they never picked up when issuing their prior Zoning Advisory

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By [Signature]

Committee [ZAC] comment). By doing that, it would violate the R.C.5 front setback requirement. DEPRM will not change their mind and the Petitioner now returns with a new Petition in order to proceed.

After due consideration of the testimony and evidence presented and having received a revised comment from DEPRM stating, *The plan accompanying this zoning request is acceptable to DEPRM – Environmental Impact Review - concerning the house location*, I find that relief should be granted. As noted above, the subject property has been a lot of record since 1913, well prior to the adoption of the R.C.5 zoning regulations in 1979. This classification was placed on the property when utility services were non-existent and now that they have been provided, many land planners believe the classification should rightly be changed to D.R.5.5. DEPRM requires that any building remain 25 feet from the critical area easement as shown on Petitioner's Exhibit 1, which effectively pushes everything to the northwest. *North v. St. Mary's County*, 99 Md. App. 502 (1994) and *McClean v. Soley*, 270 Md. App. 208 (1973) stand for the proposition, that in certain cases, a variance may be and should be granted if it is shown that strict application of the regulations would deprive a Petitioner the use of its property for a permitted purpose. I am persuaded that approval of the new plan will not have a detrimental impact to adjacent properties or surrounding locale. To deny the amended relief would unduly burden the Petitioner and amount to an unreasonable hardship. The relief requested is the minimum relief necessary to permit a dwelling to be located on the lot.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 2nd day of September, 2008 that the Petition for Variance seeking relief from

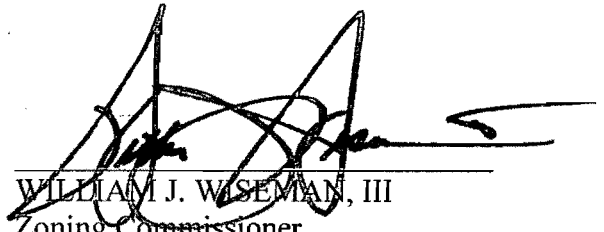
SV
Date 9-2-08
RECEIVED FOR FILING

Section 1A04.3.B.2(b) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the construction of a dwelling with a 40 foot setback to the centerline of the street and to permit open projection decks with side yard setbacks of 9 feet and 12 feet, in lieu of the required 75 feet and 37.5 feet, respectively, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED;

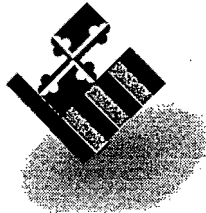
IT IS FURTHER ORDERED that the zoning relief and site plan approved in Case No. 08-240-A is affirmed and amended consistent with the relief herein.

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

WJW:dlw


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

RECEIVED FOR FILING
Date 9-2-08
By [signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

September 2, 2008

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. Brett Ungar
Mr. Noah Matten
1746 South Charles Street
Baltimore, Maryland 21130

RE: PETITION FOR VARIANCE
S/S Poplar Road, 200' N c/line of River Road
15th Election District - 6th Council District
(2434 Poplar Road)
138 Poplar Road, LLC - Petitioner
Case No. 2008-0597-A

Dear Messrs. Ungar and Matten:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Will Wiseman", written over a circular stamp or seal.
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,
Annapolis, MD 21401
People's Counsel; DEPRM; Office of Planning; File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property

located at 2434 POPLAR RD.

which is presently zoned R.C.5

Deed Reference: 26386/657 Tax Account # 1505930010

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) 1A04.3B.2.6. (BCZR)

To permit the construction of a dwelling with a 40-foot setback to the centerline of the street and to permit an open projection (decks) with a 9-foot and 12-foot side setback in lieu of the required 75-feet and 37.5-feet, respectively and to reaffirm 08-240-A.

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

Please consider granting a front setback of 23' in lieu of the required 75'. The lot is located in the Bay Critical Area and requires a critical area easement. Without a front setback variance of 23', the property cannot be built and the money spent on survey's, engineers plans, architect plans, environmental consultant fees and other improvement costs will have been wasted. 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 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): 138 POPLAR ROAD LLC

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Telephone No.

Zip Code

Representative to be Contacted:

Name

Address

City

State

Telephone No.

Zip Code

Case No. 2008-0597-A

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by

D.T.

Date 7/1/08

REV 8/20/07

RECEIVED FOR FILING
Date 9-2-08
By [Signature]

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 6^eD Councilmanic District.

2008-0597-A

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: #2008-0597-A

2434 Poplar Road

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

15th Election District - 6th Councilmanic District

Legal Owner(s): Brett Unger & Noah Matten

Variance: to permit the construction of a dwelling with a 40 foot setback to the centerline of the street and to permit an open projection (deck) with a 9 foot and 12 foot side setback in lieu of the required 75 feet and 37.5 feet, respectively and to reaffirm 08-240-A.

Hearing: Thursday, August 28, 2008 at 11:00 a.m. in Hearing Room 1, Jefferson Building, 105 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/8/644 Aug. 12

180683

CERTIFICATE OF PUBLICATION

8/14/2008

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 8/12/2008.

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

J. Wilkinson

LEGAL ADVERTISING

Certificate of Posting

RE: Case NO. 2008-0597-A

Petitioner/Developer _____

Brett Unger & Noah Matten

Date of Hearing/Closing 8/28/08

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

Attention:

This letter is to certify, under penalties of perjury, that the necessary sign(s) as required by law, were posted conspicuously on the property located at _____

2434 Poplar Road

The sign(s) were posted on 8/13/08
(Month, Day, Year)

Sincerely,

(Signature of sign Poster and date)

Richard E. Hoffman
(Printed Name)

See Attached
Photograph

904 Dellwood Drive
(Address)

Fallston, Md. 21047
(City, State, Zip Code)

410-879-3122
(Telephone Number)

Certificate of Posting
Photograph Attachment

Re: 2008-0597-A

Petitioner/Developer: _____

Brett Unger & Noah Matten

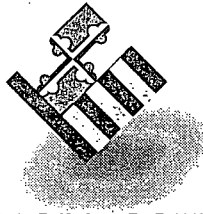
Date of Hearing/Closing: 8/28/08



2434 Poplar Road

Posted: 8/13/08

Richard E. Hoffman



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

July 16, 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: 2008-0597-A

2434 Poplar Road

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

15th Election District – 6th Councilmanic District

Legal Owners: Brett Unger & Noah Matten

Variance to permit the construction of a dwelling with a 40 foot setback to the centerline of the street and to permit an open projection (deck) with a 9 foot and 12 foot side setback in lieu of the required 75 feet and 37.5 feet, respectively and to reaffirm 08-240-A.

Hearing: Thursday, August 28, 2008 at 11:00 a.m., Hearing Room 1, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Brett Unger/Noah Matten, 1746 S. Charles Street, Baltimore 21230

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 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, August 12, 2008 Issue - Jeffersonian

Please forward billing to:
Brett Unger
1746 S. 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: 2008-0597-A

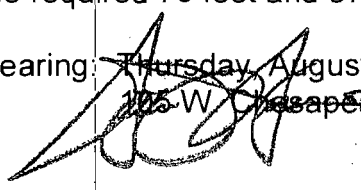
2434 Poplar Road

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

15th Election District – 6th Councilmanic District

Legal Owners: Brett Unger & Noah Matten

Variance to permit the construction of a dwelling with a 40 foot setback to the centerline of the street and to permit an open projection (deck) with a 9 foot and 12 foot side setback in lieu of the required 75 feet and 37.5 feet, respectively and to reaffirm 08-240-A.

Hearing:  Thursday, August 28, 2008 at 11:00 a.m., Hearing Room 1, Jefferson Building,
205 W. 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.

**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.

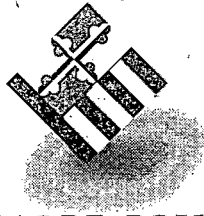
For Newspaper Advertising:

Item Number or Case Number: 2008-0597-A
Petitioner: 138 POPLAR ROAD LLC
Address or Location: 2434 POPLAR RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: BRETT UNGER
Address: 1746 S. CHARLES ST.
BALTO. MD 21230

Telephone Number: 443-798-1070



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

August 20, 2008

Brett & Noah Ungar
138 Poplar Road LLC
1746 S. Charles St.
Baltimore MD, 21230

Dear: Brett & Noah Ungar

RE: Case Number 2008-0597-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 July 1, 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BW 8/28
11am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 6, 2008

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

RECEIVED
AUG 07 2008

SUBJECT: 2434 Poplar Road

INFORMATION:

Item Number: 8-597

Petitioner: Brett Ungar

Zoning: RC 5

Requested Action: Variance

BY:

SUMMARY OF RECOMMENDATIONS:

The Office of Planning 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:

Candis Murray

Division Chief:

John Jackson

CM/LL

BW 8/28
11am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
AUG 04 2008

BY: _____

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination JWL
DATE: August 1, 2008
SUBJECT: Zoning Item # 08-597-A
Address 2434 Poplar Road
(Unger/Matter Property)

Zoning Advisory Committee Meeting of July 14, 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: This property was the subject of a Chesapeake Bay Critical Area Administrative Variance and development must comply with all conditions of variance approval. The plan accompanying this zoning request is acceptable to DEPRM-Environmental Impact Review concerning the house location.

Reviewer: Paul Dennis

Date: July 28, 2008

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 18, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For July 21, 2008
Item No. 08-0597

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.

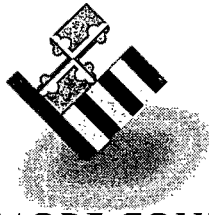
The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

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 08-0597-07182008



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

July 14, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 14, 2008

Item Number: 0582,0594,0595,0596,~~0597~~,0598,0599,0601,0602,0605,0607

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



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: July 14, 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 2008-0597-A
2434 Poplar RD
MATTER PROPERTY
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. 2008-0597-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,

For Steven D. Foster, Chief
Engineering Access Permits
Division

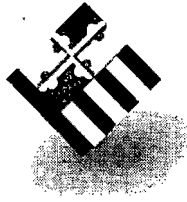
SDF/MB

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





BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

DAVID A.C. CARROLL, *Director*
Department of Environmental Protection
and Resource Management

April 30, 2008

Mr. Brett Ungar
Mr. Noah Matten
1746 South Charles St.
Baltimore MD 21230

Re: Ungar & Matten Property
Lot 138, Cedar Beach, s/s Poplar Rd, 130± Ft. E of River Rd
Critical Area Administrative Variance
Tracking # 06-07-587

Dear Messrs. Ungar and Matten:

The Department of Environmental Protection and Resource Management (DEPRM) has completed a review of the variance request to impact 3,300± square feet of the 100-foot critical area buffer, including a 180 square foot non-tidal wetland, for the purpose of constructing a single family dwelling including a practical yard, driveway, sidewalk, and utilities. The entire area of the buffer proposed for disturbance is forested. In addition, the applicant proposes a 25-foot primary structure setback in lieu of the required 35-foot requirement. The Director of DEPRM may grant a variance to the Chesapeake Bay Critical Area regulations in accordance with regulations adopted by the Critical Area Commission concerning variances as set forth in COMAR 27.01.11. There are five (5) criteria listed in COMAR 27.01.11 that shall be used to evaluate the variance request. All five of the criteria must be met in order to approve the variance.

The first criterion requires that special conditions exist that are peculiar to the land or structure, and that literal enforcement of the regulations would result in unwarranted hardship. Literal enforcement of the regulations would prevent the construction of a home and would result in an unwarranted hardship. Therefore, the first criterion is met.

The second criterion requires that a literal enforcement of the regulations would deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area. The applicant would be deprived of residential use that is enjoyed on similar properties if there were literal enforcement of the buffer requirements. Therefore, the second criterion is met.

Ungar & Matten Property

Lot 138, Cedar Beach, s/s Poplar Rd, 130± Ft. E of River Rd

Critical Area Administrative Variance

Tracking # 06-07-587

April 30, 2008

Page 2

The third criterion requires that granting of a variance will not confer upon an applicant any special privilege that would be denied to other lands or structures within the Critical Area. Reduction of the critical area buffer on a property with similar constraints would not be denied. Therefore, the third criterion is met.

The fourth criterion requires that a variance is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property. This variance request is not the result of actions by the applicant, and does not arise from any condition relating to land or building use on neighboring properties. Therefore, the fourth criterion is met.

The fifth criterion requires that granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area regulations. A small 180 square foot non-tidal wetland area will be permanently disturbed, and the primary structure setback reduced from 35 to 25 feet to allow for minimization of buffer impacts and to allow for better protection of the tidal and/or non-tidal wetlands to the southeast. The understory of the reduced buffer will be planted with native trees and shrubs to improve water quality management. Therefore, the buffer reduction to allow for home and yard use will result in minimal adverse affects to plants or wildlife. Granting of this variance will be in harmony with the spirit and intent of the Critical Area Regulations. Therefore, the fifth criterion can be met with mitigation.

Based upon our review, this Department finds that the first four of the above criteria have been met, and that the fifth criterion can be met by planting native trees and shrubs on-site, and providing additional mitigation off-site, or by payment of a fee-in-lieu. Therefore, the requested variance is hereby approved in accordance with Section 33-2-205 of the Baltimore County Code with the following conditions:

1. Mitigation shall be provided at a rate of 3:1 (9900 square feet) for the forested buffer disturbance, and 1.5:1 (1254 square feet) for the forest clearing outside the buffer. An 11,154± square foot area of native trees and shrubs shall be planted within the critical area buffer to enhance the understory of the existing forest. Part of this mitigation may be accomplished by payment of a fee-in-lieu. The fee would be \$0.60 per square foot for clearing outside the buffer and \$1.20 per square foot for buffer disturbance. A forest establishment plan outlining the required 11,154 square feet of required mitigation must be submitted to DEPRM for review. Upon approval by DEPRM, a security of no less than \$0.25 per square foot of planting shall be submitted to Baltimore County with an Environmental Agreement. The security and any fees-in-lieu must be submitted prior to any permit approvals.

Ungar & Matten Property

Lot 138, Cedar Beach, s/s Poplar Rd, 130± Ft. E of River Rd

Critical Area Administrative Variance

Tracking # 06-07-587

April 30, 2008

Page 3

2. The Critical Area Easement shall be marked by "Critical Area Easement-Do Not Disturb" signs placed in approved locations to be shown on the forest establishment plan for this project. The signs must be erected prior to any permit approvals.
3. The CAE shall be recorded in Baltimore County Land Records along with a declaration of protective covenants that restrict use and disturbance of the area. This recordation must be completed prior to any permit approvals.
4. The site plan for the permit application must be revised to reflect the conditions of this variance.
5. All conditions placed on this variance must be completed to the satisfaction of this Department prior to release of the Use and Occupancy Certificate for the dwelling unless stated otherwise above.

It is the intent of this Department to approve this variance subject to the above conditions. Changes in site layout may require submittal of revised plans and an amended variance request.

Please sign the statement on the next page to agree to meet the above conditions and adhere to the Chesapeake Bay Critical Area regulations, and then return the letter to this Department. Failure to return a signed copy of this letter may result in delays in processing of permits or other development plans for the subject property, and/or may render this variance null and void.

If you have questions regarding this project, please contact Paul Dennis at 410-887-3980.

Sincerely,



David A. C. Carroll
Director

DACC: pad

c: Ms. Julie Roberts, Critical Area Commission

Ungar & Matten Property
Lot 138, Cedar Beach, s/s Poplar Rd, 130± Ft. E of River Rd
Critical Area Administrative Variance
Tracking # 06-07-587
April 30, 2008
Page 4

I/We have read and agree to implement the above requirements to bring my/our
property into compliance with Baltimore County Code Article 33, Title 2
Chesapeake Bay Critical Areas Protection:

Property Owner Signatures

Date

Printed Names

Date

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
* 08-597-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

RECEIVED

JUL 15 2008

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of July, 2008, a copy of the foregoing Entry of Appearance was mailed to, Brett Ungar, 1746 South Charles Street, Baltimore MD, 21230, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 15 Account Number - 1505930010

Owner Information

Owner Name: 138 POPLAR ROAD LLC **Use:** RESIDENTIAL
Principal Residence: NO
Mailing Address: 138 POPLAR RD **Deed Reference:** 1) /26386/ 657
 BALTIMORE MD 21221 2)

Location & Structure Information

Premises Address **Legal Description**

POPLAR RD

CEDAR BEACH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
105	2	208					138	3	Plat Ref: 13/ 59

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		18,100.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-In Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	4,520	4,520		
Improvements:	0	0		
Total:	4,520	4,520	4,520	4,520
Preferential Land:	0	0	0	0

Transfer Information

Seller: EWING CARVILLE B **Date:** 11/15/2007 **Price:** \$10,000
Type: UNIMPROVED ARMS-LENGTH **Deed1:** /26386/ 657 **Deed2:**

Seller: **Date:** **Price:**
Type: **Deed1:** **Deed2:**

Seller: **Date:** **Price:**
Type: **Deed1:** **Deed2:**

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

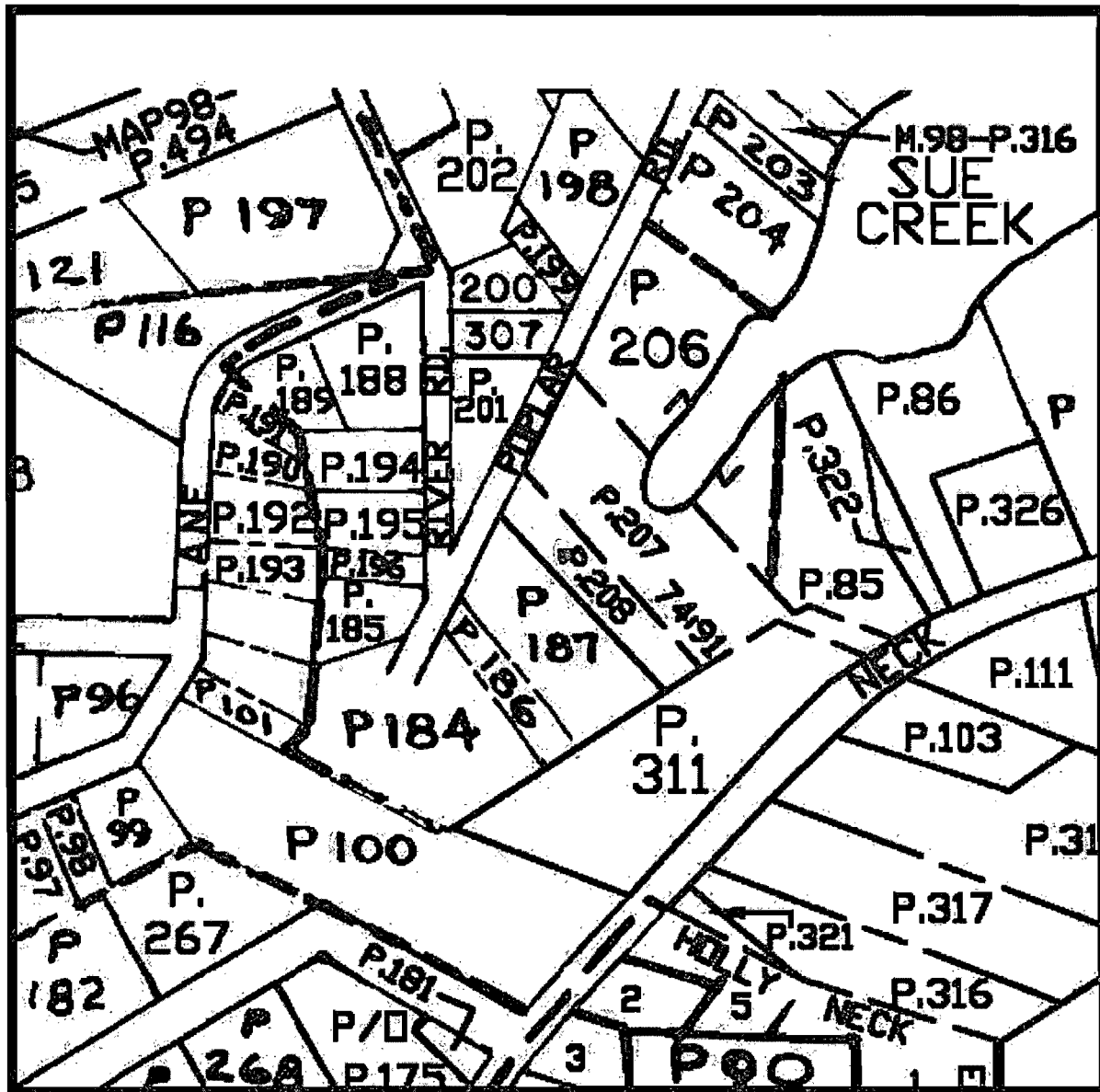
Special Tax Recapture:
 * NONE *



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

[Go Back](#)
[View Map](#)
[New Search](#)

District - 15 Account Number - 1505930010



Property maps provided courtesy of the Maryland Department of Planning ©2004.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/webcom/index.html



Case No.: 2008-0597-A

2434 POPLAR RD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	<i>Revised Site Plan</i>	
No. 2	<i>Bldg Elevations</i>	
No. 3	<i>Building Permit</i>	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO.

2

NORTHWEST ELEVATION 1/4"=1'

2008-0597-A

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

DATE: 6/15/08
OEA: mrpme
HISTORIC DISTRICT/BLDG:

PERMIT #: ~~B-1111~~ PROPERTY ADDRESS: 2434 Poplar Rd
RECEIPT #: ~~A-597~~ SUITE/SPACE/FLOOR:
CONTROL #: NR SUBDIV: Cedar Beach
XREF #: TAX ACCOUNT #: 15-05-930010 DISTRICT/PRECINCT: 15

FEE: 17545 = 180.00
PAID:
PAID BY:
INSPECTOR:
I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

OWNER'S INFORMATION (LAST, FIRST)
NAME: 138 Poplar Road LLC
ADDR: 138 Poplar Rd. 21221-0000

DOES THIS BLDG. HAVE SPRINKLERS
YES NO

APPLICANT INFORMATION
NAME: Brett Ungar
COMPANY: 1746 S. Charles St.
STREET: Baltimore MD 21230
CITY, ST, ZIP
PHONE #: 443 798 1070 MHIC #
APPLICANT: Brett Ungar
SIGNATURE: DRC#
PLANS: CONST 2 PLOT 7 PLAT 0 DATA 0 EL 1 PL 1
TENANT:
CONTR:
ENGR:
SELLR:

- TYPE OF IMPROVEMENT
- NEW BLDG CONST
 - ADDITION
 - ALTERATION
 - REPAIR
 - WRECKING
 - MOVING
 - OTHER

DESCRIBE PROPOSED WORK: CBCA Const. SFD, 2nd & attic & Bant
Bant, F/P - Great room - outside Proj. not to exceed 4x10, Cor'd front porch, 2 Bedrooms, rear porch, (2 side balconies - 2 feet & attic 20x33'6"x39' = 1798 SF

- TYPE OF USE
- RESIDENTIAL
- ONE FAMILY
 - TWO FAMILY
 - THREE AND FOUR FAMILY
 - FIVE OR MORE FAMILY (ENTER NO UNITS)
 - SWIMMING POOL
 - GARAGE
 - OTHER

- NON-RESIDENTIAL
- AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
 - CHURCH, OTHER RELIGIOUS BUILDING
 - FENCE (LENGTH HEIGHT)
 - INDUSTRIAL, STORAGE BUILDING
 - PARKING GARAGE
 - SERVICE STATION, REPAIR GARAGE
 - HOSPITAL, INSTITUTIONAL, NURSING HOME
 - OFFICE, BANK, PROFESSIONAL
 - PUBLIC UTILITY
 - SCHOOL, COLLEGE, OTHER EDUCATIONAL
 - RESTAURANT

- TYPE FOUNDATION
- SLAB
 - BLOCK
 - CONCRETE
- BASEMENT
- FULL
 - PARTIAL
 - NONE

PETITIONER'S

EXHIBIT NO. 3
TYPE TYPE
(NO. UNITS)

- TYPE OF CONSTRUCTION
- MASONRY
 - WOOD FRAME
 - STRUCTURE STEEL
 - REINF. CONCRETE
- TYPE OF HEATING FUEL
- GAS
 - OIL
 - ELECTRICITY
 - COAL
- TYPE OF SEWAGE DISPOSAL
- PUBLIC SEWER
 - PRIVATE SYSTEM
 - SEPTIC
 - PRIVY
- EXISTENCE
- PROPOSED

CENTRAL AIR: 1. ☒ 2. ☐
ESTIMATED COST: \$150,000.00
OF MATERIALS AND LABOR

PROPOSED USE: SFD
EXISTING USE: vacant
OWNERSHIP

- PRIVATELY OWNED
- PUBLICLY OWNED
- SALE
- RENTAL

RESIDENTIAL CATEGORY: 1. ☒ DETACHED 2. ☐ SEMI-DET. 3. ☐ GROUP 4. ☐ TOWNHSE 5. ☐ MIDRISE
#EFF: #1BED: 2 #2BED: 2 #3BED: 2 TOT BED: 6 TOT APTS/CONDOS: 6
1 FAMILY BEDROOMS
GARBAGE DISPOSAL 1. ☒ 2. ☐ BATHROOMS 2
POWDER ROOMS 2 KITCHENS 2
CLASS 04
LIBER 13 FOLIO 59

BUILDING SIZE 1798 SF
FLOOR 120
WIDTH 20
DEPTH 33'6
HEIGHT 39
STORIES 2
LOT # 138
CORNER LOT 1
1. YES 2. NO
ZONING RCS

LOT SIZE AND SETBACKS

SIZE 18100 SF
FRONT STREET
SIDE STREET
FRONT SETBK 95-23
SIDE SETBK 1819
SIDE STR SETBK
REAR SETBK 217-488
ZONING RCS

APPROVAL SIGNATURES

DATE

BLD INSP: 6/23/08
BLD PLAN: 6/23/08
FIRE: 6/23/08
SEDI CTL: 6/23/08
ZONING: 6/23/08
PUB SERV: 6/23/08
ENVRMNT: 6/23/08
PLANNING: 6/23/08
PERMITS: 6/23/08

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND NO FEES REFUNDED

2nd Attic & Bant

6/23/08

6/24/08 DT

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND

DATE:

OEA:

HISTORIC DISTRICT/BLDG:

PERMIT #: B-12345 PROPERTY ADDRESS 2434 Poplar Rd
RECEIPT #: A-12345 SUITE/SPACE/FLOOR YES ☐ NO ☒
CONTROL #: NR SUBDIV: Cedar Beach DO NOT KNOW ☐
XREF #: TAX ACCOUNT #: 15-05-930010 DISTRICT/PRECINCT 15

FEE: 17545 = 180.00
PAID BY: app
INSPECTOR:

I HAVE CAREFULLY READ THIS APPLICATION
AND KNOW THE SAME IS CORRECT AND TRUE,
AND THAT IN DOING THIS WORK ALL PROVI-
SIONS OF THE BALTIMORE COUNTY CODE AND
APPROPRIATE STATE REGULATIONS WILL BE
COMPLIED WITH WHETHER HEREIN SPECIFIED
OR NOT AND WILL REQUEST ALL REQUIRED
INSPECTIONS.

APPLICANT INFORMATION
NAME: Brett Unger
COMPANY: 1746 S. Charles St.
STREET: Baltimore MD 21230
CITY, ST, ZIP: 443 798 1070 MHIC # MHBR #
PHONE #: 443 798 1070
APPLICANT: Brett Unger DRC#
SIGNATURE: Brett Unger
PLANS: CONST 2 PLOT 7 PLAT 0 DATA 0 EL 1 PL 1
TENANT:
CONTR: Owner
ENGR:
SELLR:

DOES THIS BLDG.
HAVE SPRINKLERS
YES ☐ NO ☐

TYPE OF IMPROVEMENT

1. ☒ NEW BLDG CONST
2. ☐ ADDITION
3. ☐ ALTERATION
4. ☐ REPAIR
5. ☐ WRECKING
6. ☐ MOVING
7. ☐ OTHER

TYPE OF USE

RESIDENTIAL

01. ☒ ONE FAMILY
02. ☐ TWO FAMILY
03. ☐ THREE AND FOUR FAMILY
04. ☐ FIVE OR MORE FAMILY
(ENTER NO UNITS)
05. ☐ SWIMMING POOL
06. ☐ GARAGE
07. ☐ OTHER

TYPE FOUNDATION

1. ☐ SLAB
2. ☒ BLOCK
3. ☒ CONCRETE

BASEMENT

1. ☒ FULL
2. ☐ PARTIAL
3. ☐ NONE

DESCRIBE PROPOSED WORK

CBCA
Const. SFD, 2 & attic (w/ Baln & Bath)
Bent, F/P - Great room - outside Proj. not to
exceed 4'x10, Cor'd front Porch, 2 Bedrooms
rear Porch, (2 side balconies - 2 flr + attic)
20'x33'6" x 39' = 1798 USE OF HARDI-PLANK
OR HIGH QUALITY
VINYL
per case # 08-240-A

08. ☐ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. ☐ CHURCH, OTHER RELIGIOUS BUILDING
10. ☐ FENCE (LENGTH HEIGHT)
11. ☐ INDUSTRIAL, STORAGE BUILDING
12. ☐ PARKING GARAGE
13. ☐ SERVICE STATION, REPAIR GARAGE
14. ☐ HOSPITAL, INSTITUTIONAL, NURSING HOME
15. ☐ OFFICE, BANK, PROFESSIONAL
16. ☐ PUBLIC UTILITY
17. ☐ SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. ☐ SIGN
19. ☐ STORE MERCANTILE RESTAURANT
SPECIFY TYPE
20. ☐ SWIMMING POOL
SPECIFY TYPE
21. ☐ TANK, TOWER
22. ☐ TRANSIENT HOTEL, MOTEL (NO. UNITS)
23. ☐ OTHER

Affirmation of
Landowner
Letter attached.

INFILL
LOT

TYPE OF CONSTRUCTION

1. ☐ MASONRY
2. ☒ WOOD FRAME
3. ☐ STRUCTURE STEEL
4. ☐ REINF. CONCRETE

TYPE OF HEATING FUEL

1. ☒ GAS 3. ☐ ELECTRICITY
2. ☐ OIL 4. ☐ COAL

TYPE OF SEWAGE DISPOSAL

1. ☒ PUBLIC SEWER EXISTS ☒ PROPOSED
2. ☐ PRIVATE SYSTEM
SEPTIC EXISTS ☐ PROPOSED
PRIVY EXISTS ☐ PROPOSED

TYPE OF WATER SUPPLY

CENTRAL AIR: 1. ☒ 2. ☐ 1. ☒ PUBLIC SYSTEM EXISTS ☒ PROPOSED
ESTIMATED COST: \$ 150,000.00 2. ☐ PRIVATE SYSTEM EXISTS ☐ PROPOSED

OF MATERIALS AND LABOR

PROPOSED USE: SFD

EXISTING USE: vacant

OWNERSHIP

1. ☒ PRIVATELY OWNED 2. ☐ PUBLICLY OWNED 3. ☐ SALE 4. ☐ RENTAL

RESIDENTIAL CATEGORY:

1. ☒ DETACHED 2. ☐ SEMI-DET. 3. ☐ GROUP 4. ☐ TOWNHSE 5. ☐ MIDRISE
#EFF: #1BED: 2 #2BED: #3BED: TOT BED: TOT APTS/CONDOS: 6. ☐ HIRISE

1 FAMILY BEDROOMS 2

GARBAGE DISPOSAL 1 BATHROOMS 2 CLASS 04

POWDER ROOMS 2 KITCHENS 2 LIBER 13 FOLIO 59

BUILDING SIZE 1798 LOT SIZE AND SETBACKS
FLOOR 20 SIZE 18100 SF
WIDTH 20 FRONT STREET
DEPTH 33'6" SIDE STREET
HEIGHT 39' FRONT SETBK 75' 2.3
STORIES 2 SIDE SETBK 18' 19
LOT # 3 SIDE STR SETBK
CORNER LOT REAR SETBK 217' 10.8
1. ☐ YES 2. ☒ NO ZONING RCS

APPROVAL SIGNATURES

DATE

BLD INSP:
BLD PLAN 120 OK TO FILE 9/23/08
FIRE
SEDI CTL 4/16 OK to file Paul D. Dennis 6/23/08
ZONING 1/11 OK to file Paul D. Dennis 6/23/08
PUB SERV 1/11 OK to file Paul D. Dennis 6/23/08
ENVRMNT 4/16 OK to file Paul D. Dennis 6/23/08
PLANNING 4/16 OK to file Paul D. Dennis 6/23/08
PERMITS 4/16 OK to file Paul D. Dennis 6/23/08

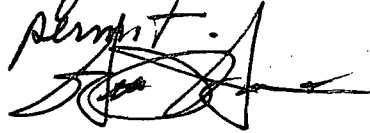
MAKE CHECKS PAYABLE TO BALTIMORE COUNTY DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT

2 & Attic & Bent FINAL DT 8/28/08 Heath's 15 PM 123 6-23-08

6/24/08

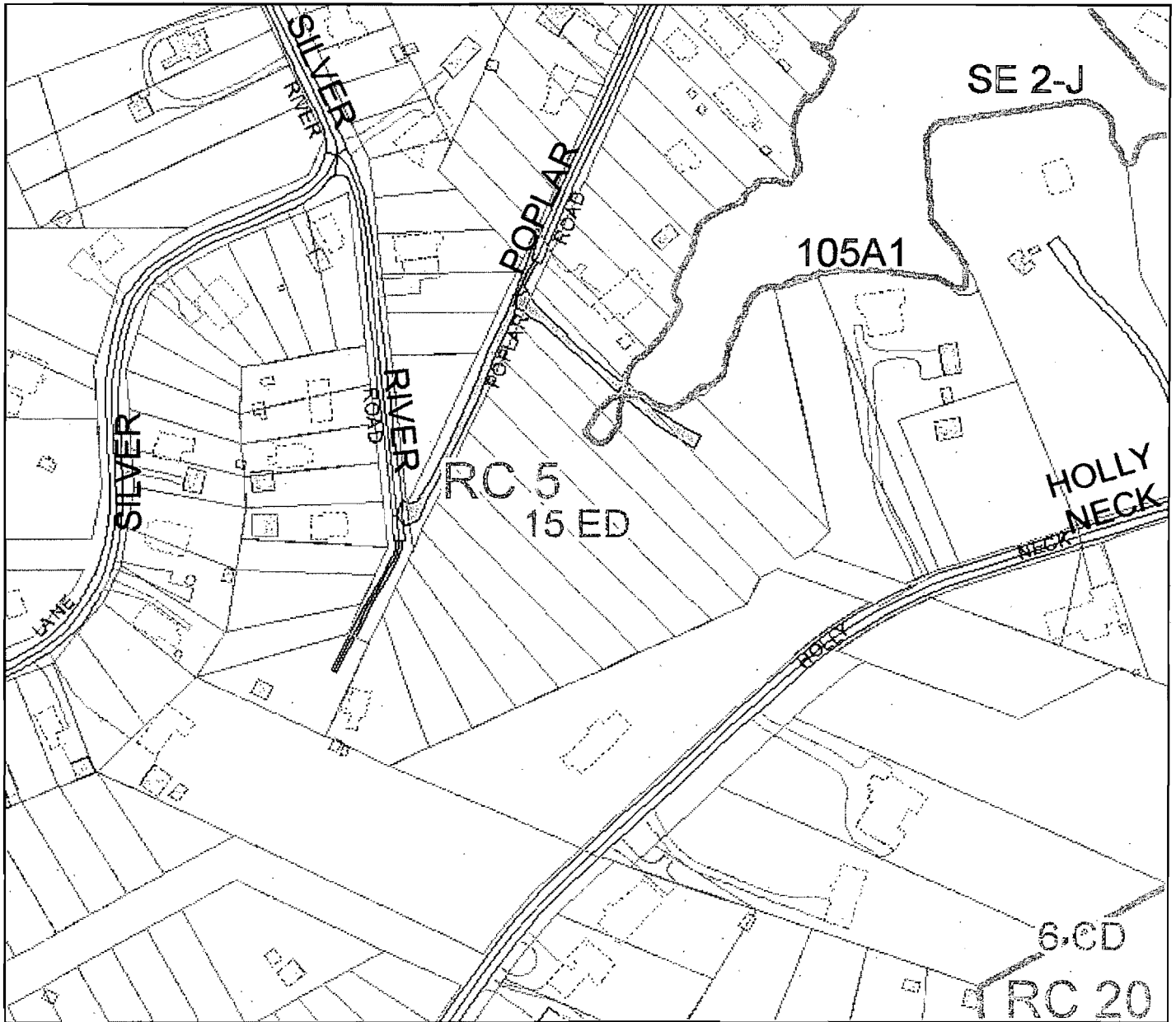
2008-0597-A 8/28/08

40' set back to c/L
of Road granted in lieu of
required 75 feet - OK
to issue permit.

A handwritten signature, possibly reading "John A. [unclear]", is written over the text "to issue permit.".

4

1"=200'



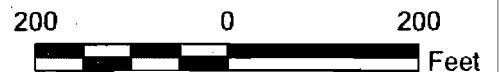
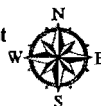
PETITIONER'S

EXHIBIT NO. _____

DQ Map Notes

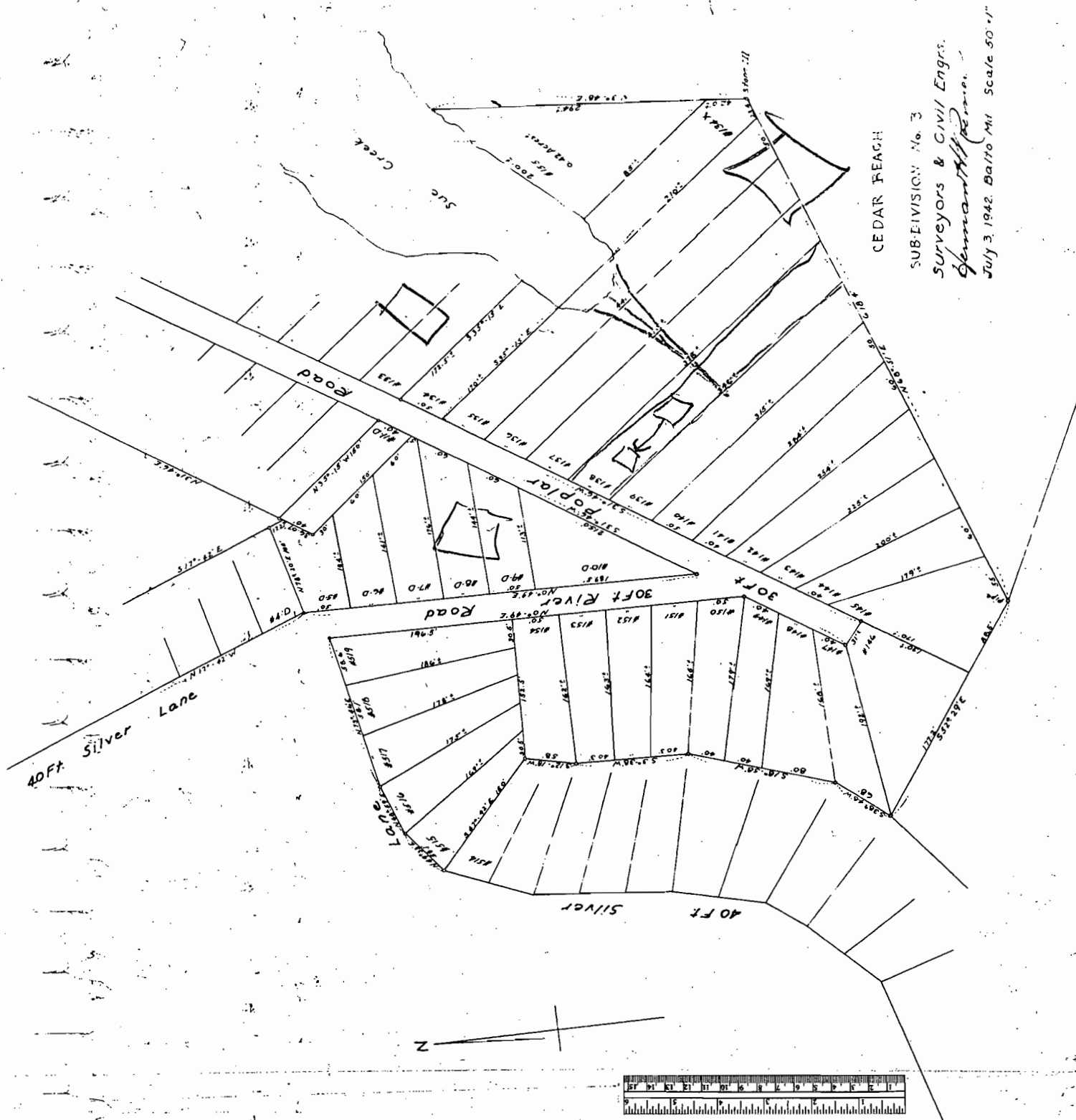


Publication Date: October 29, 2007
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



1 inch equals 200 feet

2008-0591-A



CEDAR BEACH

SUBDIVISION No. 3
SURVEYORS & CIVIL ENGRS.
Herman H. Brown
July 3, 1942. Baton Rouge, La. Scale 50'-1"

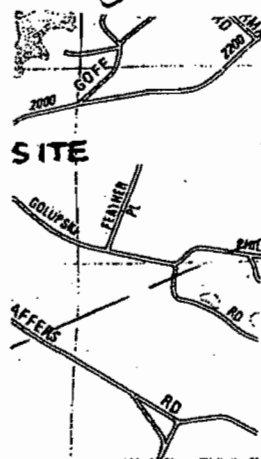
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 2434 Poplar Road SEE PAGES 5 & 6 OF THE CHECKLIST

SUBDIVISION NAME Cedar Beach

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

OWNER Brett Ungar and Noah Matten



UNGAR & MATTEN PROPERTY
S/S POPLAR RD 130 FEET
NORTHEAST OF RIVER RD.
TAX ID #1505930010
TAX MAP 105 GRID PARCEL 208 LOT 138.
CEDAR BEACH
LIMITED DEVELOPMENT AREA of the
CHESAPEAKE BAY CRITICAL AREA

LEGEND

SCALE IS ONE INCH = 30 FEET

- Tidal & Nontidal Wetland Limits
- Soil Boundary
- Water Line Proposed (Approximate)
- Sewer Line Proposed (Approximate)
- Limits of Disturbance
- Required Buffer Limit

SITE AREA ABOVE MEAN HIGH TIDE =	14340 square feet
25% IMPERVIOUS SURFACE AREA LIMIT	03585 square feet
MAXIMUM IMPERVIOUS POSSIBLE WITH MITIGATION	04481 square feet
IMPERVIOUS SURFACE AREA EXISTING	00000 square feet
IMPERVIOUS SURFACE AREA PROPOSED	03000 square feet
LOT 138	01070 square feet
House	00440 square feet
Drive	00600 square feet
Walk	00030 square feet
POPLAR ROAD AREA	01930 square feet
FOREST AREA EXISTING	14340 square feet
FOREST CLEARING PROPOSED	04136 square feet or 28.8%
Fee-in-lieu @\$0.60/square foot	\$2481.60

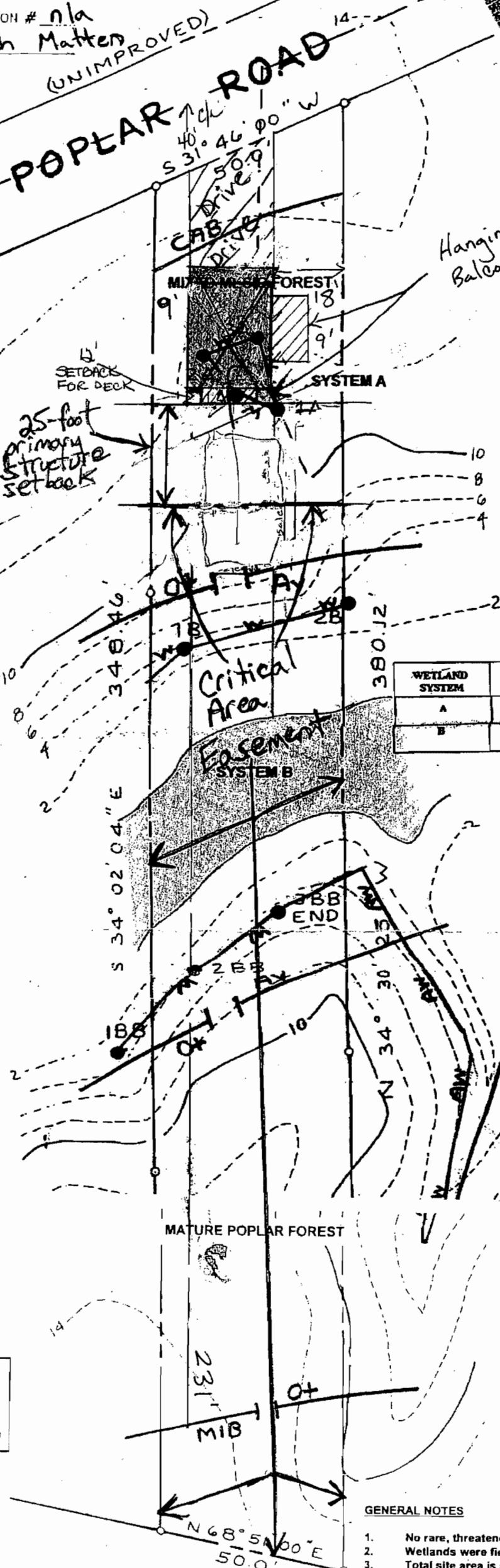
MD DNR Qualified Professional
USACOE Wetland Delineator
Certification # WDCT93MD0310006A

Henry A. Eskinen
Henry A. Eskinen

Eco-Science
Professionals, Inc.
Consulting Ecologists

P.O. Box 5006 Glen Arm, Maryland 21057

Telephone (410) 593-4753 Fax (410) 833-1488



VICINITY MAP
SCALE: 1" = 1000' 2000'

LOCATION INFORMATION

ELECTION DISTRICT 15th
COUNCILMANIC DISTRICT 6
1" = 200' SCALE MAP # 105A1
ZONING RC5
LOT SIZE 0.41 18,100 A
ACREAGE SQUARE FEET
PUBLIC PRIVATE
SEWER ☒ ☐
WATER ☒ ☐
CHESAPEAKE BAY CRITICAL AREA ☒ ☐
100 YEAR FLOOD PLAIN ☒ ☐
HISTORIC PROPERTY/BUILDING ☐ ☒
PRIOR ZONING HEARING 08-240-A

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

D.T. 10597 2008-
0597-A

WETLAND SYSTEM	COWARDIN SYMBOL	DOMINANT
A	FSS6A	Ilex verticillata, Taxus
B	EMIN	Parquetia australis, I. cuneata

See report for complete wetland descriptions

"There shall be no clearing, grading, construction or disturbance of vegetation in the Critical Area Easement except as permitted by the Baltimore County Department of Environmental Protection and Resource Management."

"Any Critical Area Easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these area:

LEGEND

- EX. TOPOGRAPHY
- SOIL BOUNDARY
- LIMIT OF DELINEATED WETLANDS
- LIMIT OF APPROXIMATED WETLANDS
- CRITICAL AREA BUFFER

PETITIONER'S

EXHIBIT NO. 1

GENERAL NOTES

- No rare, threatened, or endangered species were observed on the site
- Wetlands were field delineated by Eco-Science Professionals, Inc. on August 8, 2007
- Total site area is approximately 0.41 acres.
- Surrounding land use consists of a mix of medium to high density residential development and forested land.

MAP 46

1" = 30'

WETLAND DELINEATION MAP

EWING PROPERTY

CEDAR BEACH

LOT NO. 138

PLAT NO. 13

FOLIO NO. 59

ELECTION DISTRICT 15

BALTIMORE CO. MD.

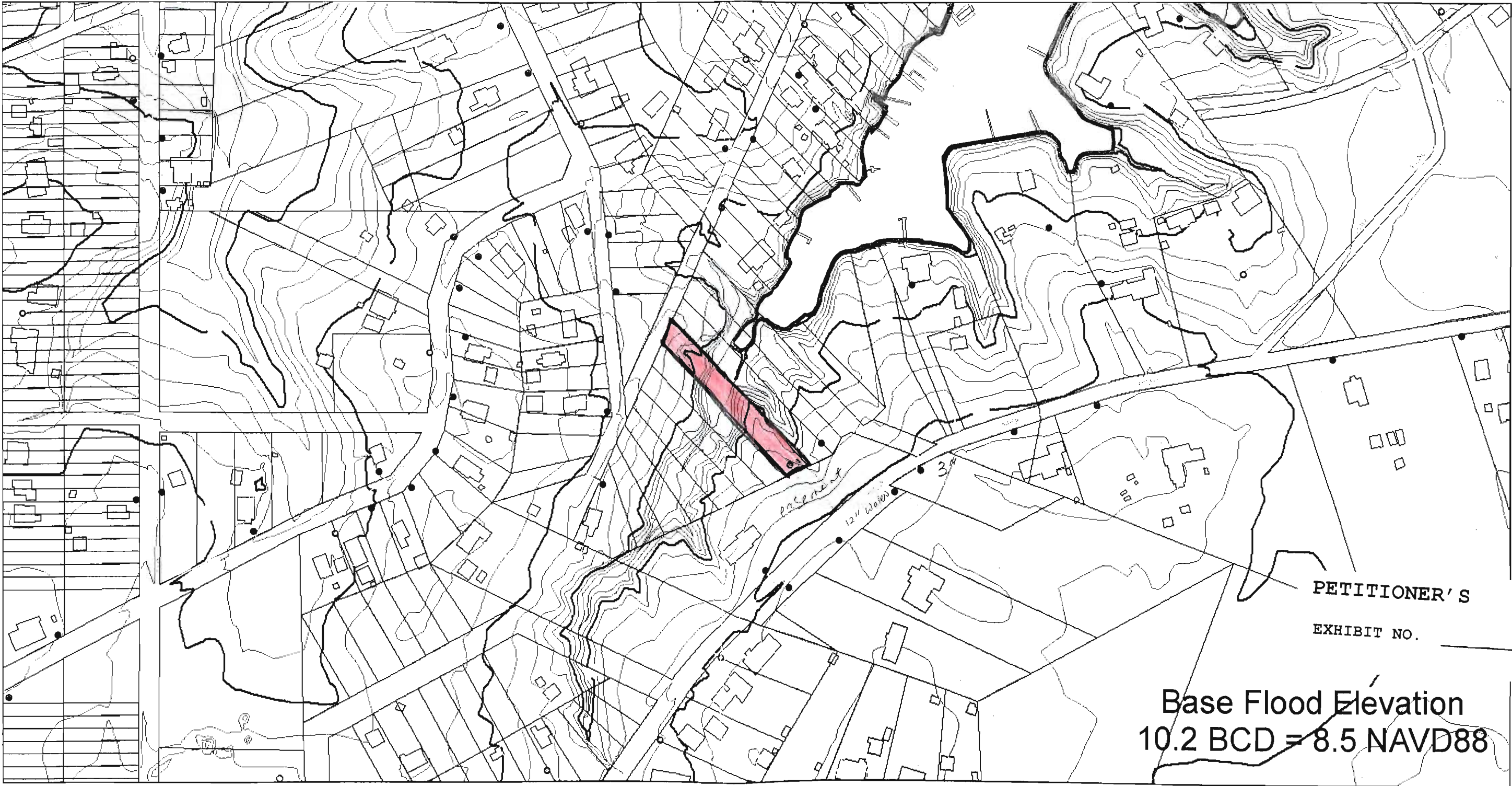
SCALE: 1" = 30'

OCTOBER 6, 2007

SPELLMAN, LARSON
& ASSOCIATES, INC.

CIVIL ENGINEERS AND LAND SURVEYORS
222 BOSLEY AVENUE, SUITE B-3
TOWSON, MARYLAND 21204
PHONE: 410-823-3535
FAX: 410-825-5215

LOT 38, POPLAR ROAD



PETITIONER'S
EXHIBIT NO. _____

Base Flood Elevation
10.2 BCD = 8.5 NAVD88

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

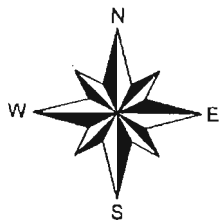
Date of Data Capture: March 1995, 1996 & 1997
Scale of Data Capture: 1"= 100"

Date of Aerial Photography: March 2005



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

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Date: September 27, 2007

0 100 200 Feet

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