

IN RE: PETITION FOR VARIANCE

W side of East Riverside Avenue, 50 feet N
of Mitchell Road
15th Election District
6th Councilmanic District
(1332 East Riverside Avenue)

Mark V. Dyson and Lane Terwilliger
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 2008-0602-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, Mark V. Dyson and Lane Terwilliger. Petitioners are 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 replacement dwelling with an eight foot side yard setback in lieu of the required 50 feet. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance request were Petitioners Mark V. Dyson and Lane Terwilliger and a neighboring resident, John Wittig. Margaret and Jim Ludwig, who live next door to Petitioners, appeared as interested citizens.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped lot containing approximately 20,500 square feet of land zoned R.C.5. This waterfront property is located west of Riverside Avenue near the intersection of Bay Avenue in the Back River Neck Park subdivision in the Essex area of Baltimore County. The property is improved with an existing single-family dwelling; however, Petitioners are proposing to raze the existing structure and build a replacement home, which will require a variance from the side setback requirements

CORDER RESERVED FOR FILING
Date 10-8-08
By [Signature]

of the R.C.5 zone. Petitioners submitted a letter summarizing the requested relief, which was marked and accepted into evidence as Petitioners' Exhibit 2.

The evidence demonstrated that the existing single-family dwelling is a single-story 30 foot by 30 foot structure that was originally constructed in 1920. Petitioners submitted a photograph of the existing structure, which was marked and accepted into evidence as Petitioners' Exhibit 4. Petitioners testified that the home was originally built as a summer home and is not equipped with any heat or insulation. Petitioners' propose to raze the existing structure and build a larger 33 foot wide by 72 foot deep home that is approximately 35 feet tall at its highest point. The proposed home, much like the rectangular shaped property, is much longer than it is wide. According to Petitioners, many homes in the surrounding neighborhood have been razed and rebuilt with replacement dwellings of a similar size and shape. To support this notion, Petitioners submitted several photographs of homes in the surrounding neighborhood, which were collectively marked and accepted into evidence as Petitioners' Exhibit 3. Petitioners filed the instant petition after realizing that the proposed structure would require a variance since the resulting side setback will be eight feet in lieu of the required 50 feet in the R.C.5 zone.

Testifying as an interested citizen was Margaret Ludwig of 1334 East Riverside Avenue. Ms. Ludwig lives next door to Petitioners' property, just south, in a home that is proportionately much closer to East Riverside Avenue than Petitioners' property. Ms. Ludwig, who has lived at her location for 47 years, does not necessarily oppose the razing of the existing home and the building of a newer, larger home; however, she did express concerns over the size (especially the depth) and placement of the proposed home, which will be moved approximately 40 feet closer to the road from the existing home's current position. On the other hand, testimony was also received from John Wittig who resides at 1350 East Riverside Avenue, not far from the

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Date 10-18-08
By 3

subject property. Mr. Wittig, who has lived at his location for 42 years, expressed unequivocal support for Petitioners' proposal. He sees Petitioners' plan to raze the older "shore shack" and replace it with a newer, larger home as a much needed improvement to the neighborhood.

The Zoning Advisory Committee (ZAC) comment received from the Office of Planning dated August 8, 2008 does not oppose Petitioners' request, provided the construction complies with the current R.C.5 requirements. In order to make this determination, the Office of Planning will require the submission of additional information, which will be expounded on further in this Order. Comments were received from the Department of Environmental Protection and Resource Management (DEPRM) dated August 1, 2008 which indicates that the property must comply with the Chesapeake Bay Critical Area (CBCA) regulations. The property is located within the Limited Development Area (LDA) and Buffer Management Area (BMA) and subject to a maximum lot coverage of 25% (31.25% if approved and with mitigation) of the lot area above mean high water. There is a minimum 15% tree cover requirement. A 100-foot tidal buffer applies to this lot, and disturbance and use of the tidal buffer is restricted pursuant to the CBCA requirements. These comments are based on a lot area above mean high water of 20,500 square feet and are subject to revision should the area be revised. Comments were received from the Bureau of Development Plans Review dated July 18, 2008 which indicate that the first floor or basement must be at least one foot above the flood plain elevation in all construction, the building should be designed and adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood damage. Flood-resistant construction should be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.

Considering all the testimony and evidence presented, I am convinced that the requested relief should be granted. I find special circumstances or conditions exist that are peculiar to the

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Date 10-8-08
By [Signature]

land or structure which is the subject of the variance request. The property was plotted and recorded in the 1920s, well before the adoption of zoning in Baltimore County. Each of the surrounding lots is uniquely affected by the contours of the Back River shoreline. Additionally, the subject property is only 50 feet wide, and the R.C.5 zone requires 50 foot side yard setbacks. Since *any* construction on the property would require a side setback variance, I find that the imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district.

I further find that this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The R.C.5 designation was originally placed on shoreline properties to prevent infill development so as to decrease the impact of human elements on the neighboring waterfront, and reduce the strain on available services, including water and sewer access and the impact of ground water septic systems. However, with technological advances and the addition of grinder pumps for sewage, the imposition of the R.C.5 requirements now appears at times to be overly burdensome.

In this case, the existing structure leaves a 10 foot side yard setback, and the proposed replacement dwelling will result in an eight foot side yard setback. Thus, the impact of the proposal is a minimal two foot decrease in the side yard setback. The shape of and vegetation on the property essentially mandates the construction of the replacement dwelling in the proposed location, which is closer to the road than to the waterfront of the property. Petitioners' decision to move the replacement dwelling towards the road will decrease the potential environmental impact, as well as the impact on the waterfront views of surrounding homes, and will allow Petitioners to maintain the forest and vegetation that exists between the home and the water. This would appear to satisfy the concerns of the nearest neighbor, Ms. Ludwig, who did not

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Date 10-8-08
By [Signature]

oppose the requested relief but expressed concern with the impact of the proposed structure on her shoreline view. All of these factors, along with the fact that razing and rebuilding homes has become somewhat of a common practice in the surrounding neighborhood, lead me to believe that this variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

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

THEREFORE, IT IS ORDERED this 8th day of October, 2008 by this Deputy Zoning Commissioner, that Petitioners' variance request from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the construction of a replacement dwelling with an eight foot side yard setback in lieu of the required 50 feet be and is hereby GRANTED, subject to the following:

1. Petitioners are advised that they may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Prior to obtaining a building permit, the Petitioner shall submit the following information to the Office of Planning for their determination that the proposed structure meets the R.C.5 Performance Standards.
 - a. Submit photographs of existing adjacent dwellings to the Office of Planning.
 - b. Submit building elevations (all sides) of the proposed dwelling to the Office of Planning for review and approval. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) use the same finish materials and architectural details on the front, side and rear elevations. Use of quality material such as brick, stone or cedar is encouraged.
 - c. 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.

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Date 10-8-08
By [signature]

- d. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building, on the site, providing consistency in materials, colors, roof pitch and style.
 - e. Provide landscaping along the public road, if it is consistent with the existing streetscape.
3. The property is located within the Limited Development Area and Buffer Management Area of the Chesapeake Bay Critical Area and is subject to a maximum lot coverage of 25% (31.25% if approved and with mitigation) of the lot area above mean high water. There is a minimum 15% tree cover requirement. Also, a 100-foot tidal buffer applies to this lot. Disturbance and use of the tidal buffer is restricted pursuant to the CBCA requirements. These conditions are based on a lot area above mean high water of 20,500 ft. and are subject to revision should the area be revised.
 4. 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.
 5. The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.
 6. The building engineer shall require a permit for this project. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
 7. Flood-resistant construction shall be in accordance with the Baltimore County Building Code, which adopts, with exceptions, the International Building Code.

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

RECEIVED FOR FILING
Date 10-8-08
By [Signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

October 8, 2008

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

Mark V. Dyson
Lane Terwilliger
1332 East Riverside Avenue
Essex, Maryland 21221

RE: PETITION FOR VARIANCE

W side of East Riverside Avenue, 50 feet N of Mitchell Road
15th Election District - 6th Councilmanic District
(1332 East Riverside Avenue)
Mark V. Dyson and Lane Terwilliger – *Petitioners*
Case No. 2008-0602-A

Dear Mr. Dyson and Ms. Terwilliger:

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 "J. H. Bostwick", written over the printed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:dlw
Enclosure

c: John Wittig, 1350 East Riverside Avenue, Essex, MD 21221
Margaret and Jim Ludwig, 1334 East Riverside Avenue, Essex, MD 21221
Margaret and Jim Ludwig, 1336 East Riverside Avenue, Essex, MD 21221
Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,
Annapolis, MD 21401
People's Counsel, Office of Planning, DEPRM, Development Plans Review, File



EX. ACCOUNT # 1508301950

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 1332 E. RIVERSIDE AVE.
which is presently zoned RL 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) 1A04, 3B, 2, b. (BCZR)

TO PERMIT THE CONSTRUCTION OF A REPLACEMENT DWELLING WITH AN
8-FOOT SIDE YARD SETBACK IN LIEU OF THE REQUIRED 50-FEET.

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

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

1332 E. RIVERSIDE AV. 410-780-3726
Address Telephone No.

ESSEX MD 21221
City State Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No. 2008-0602-A

REV 9/15/98

Date

10-8-08

Reviewed By

D.T.

Date

11/2/08

By

10w

UNAVAILABLE FOR HEARING

Zoning Description for 1332 E. RIVERSIDE AVENUE

Beginning at a point on the west side of East Riverside Avenue which is 30-feet wide at a distance of 120-feet north of the centerline of Mitchell Road which is 30-feet wide.

Being the same property and recorded among land records of Baltimore County in Plat Book 7, Folio 4 and being in the subdivision known as "Back River Neck Park" containing 20,500 square feet. Also known as 1332 E. Riverside Ave. located in the 15th Election District and 6th Councilmanic District.

2008-0602-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: # 2008-0602-A
1332 E. Riverside Avenue
W/side of East Riverside Avenue, 50 feet north of Mitchell Road
15th Election District
6th Councilmanic District
Legal Owner(s): Mark Dyson & Jane Terwillinger
Variance: to permit the construction of a replacement dwelling with an 8 foot sideyard setback in lieu of the required 50 feet.
Hearing: Wednesday, September 3, 2008 at 11:00 a.m.
In Room 104, 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.
IT 8/697 Aug 19 181194

CERTIFICATE OF PUBLICATION

8/21/2008

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 8/19/2008.

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

J. Wilkins

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **18411**

PAID RECEIPT

Date: **7/2/08**

DATE RECEIVED: **7/2/2008 14:21:34**

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			650				65.00

Total: **65.00**

Rec From: _____

For: **2008-0602-A 1332 E RIVERSIDE AVE**

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

REC-01 WALTON, JRIC-JWR
 RECEIPT # 381210 7/02/2008 OFLN
 5 528 ZONING VERIFICATION
 012411
 Recpt Tot 665.00
 665.00 CK 1.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

ZONING NOTICE

CASE # 2008 0602-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

Room 104 STANFORD BUILDING 105

PLACE: 141 CHILMARK AVENUE TOWSON, 21204

DATE AND TIME: SEPTEMBER 22ND AT 11 AM

REQUEST: VARIANCE TO PERMIT THE
CONSTRUCTION OF A REPLACEMENT DWELLING
WITH AN 8 FOOT SIDEYARD SETBACK, W
LTA W THE REQUIRED 50 FEET.

PROPOSED PROJECTS MAY BE SUBJECT TO OTHER REGULATIONS AND REQUIREMENTS
AS SET FORTH IN THE ZONING AND SUBDIVISION ACTS.

WE ARE REQUESTING THAT YOU AND YOUR FAMILY, IF YOU HAVE ANY, BE PRESENT AT THE
PUBLIC HEARING. ACCESSIBLE

myattw@glc 8/15/08

CERTIFICATE OF POSTING

RE: Case No: 2008-0602-A

Petitioner/Developer: MARK DYSON
& JANE TERWILLINGER

Date Of Hearing/Closing: 9/3/08

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 1332 E. RIVERSIDE AVE

This sign(s) were posted on August 15, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 8/15/08
(Signature of sign Poster and Date)

Martin Ogle

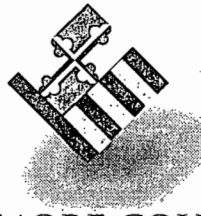
Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

July 16, 2008
TIMOTHY M. KOTROČO, *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: 2008-0602-A

1332 E. Riverside Avenue

W/side of East Riverside Avenue, 50 feet north of Mitchell Road

15th Election District – 6th Councilmanic District

Legal Owners: Mark Dyson & Jane Terwilliger

Variance to permit the construction of a replacement dwelling with an 8 foot sideyard setback in lieu of the required 50 feet.

Hearing: Wednesday, September 3, 2008 at 11:00 a.m., Room 104, 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: Mark Dyson, Jane Terwilliger, 1332 E. Riverside Avenue, Essex 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 19, 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 19, 2008 Issue - Jeffersonian

Please forward billing to:

Mark Dyson
1332 E. Riverside Avenue
Essex, MD 21221

410-780-3726

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: 2008-0602-A

1332 E. Riverside Avenue

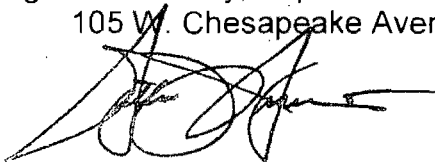
W/side of East Riverside Avenue, 50 feet north of Mitchell Road

15th Election District – 6th Councilmanic District

Legal Owners: Mark Dyson & Jane Terwillinger

Variance to permit the construction of a replacement dwelling with an 8 foot sideyard setback in lieu of the required 50 feet.

Hearing: Wednesday, September 3, 2008 at 11:00 a.m., Room 104, Jefferson Building,
105 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: 2008-0602-A

Petitioner: DYSON / TERWILLIGER

Address or Location: 1332 E. RIVERSIDE AVE.

PLEASE FORWARD ADVERTISING BILL TO:

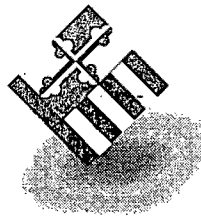
Name: MR. MARK DYSON

Address: 1332 E. RIVERSIDE AVE.

ESSEX, MD 21221

Telephone Number: 410-780-3726

Revised 7/11/05 - SCJ



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

August 27, 2008

Mark Dyson & Lane Terwilliger
1332 E. Riverside Ave.
Essex, MD 21221

Dear: Mark Dyson & Lane Terwilliger

RE: Case Number 2008-0602-A, 1332 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 July 2, 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, reading "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

TB 913
11 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 8, 2008

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

RECEIVED
AUG 26 2008
BY:.....

SUBJECT: 1322 Burke Road

INFORMATION:

Item Number: 8-602

Petitioner: Mark Dyson

Zoning: RC 5

Requested Action: Variance

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:

Curtis Murray

Division Chief:

Alfred Lubauer

CM/LL

TB 913
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 # 08-602-A
Address 1332 East Riverside Avenue
(Dyson/ Terwilligen 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:

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

Additional Comments: The property is located within the Limited Development Area and Buffer Management Area of the Chesapeake Bay Critical Area (CBCA) and is subject to a maximum lot coverage of 25% (31.25% if approved and with mitigation) of the lot area above mean high water. There is a minimum 15% tree cover requirement. Also, a 100-foot tidal buffer applies to this lot. Disturbance and use of the tidal buffer is restricted pursuant to the CBCA requirements. These comments are based on a lot area above mean high water of 20,500 ft² and are subject to revision should the area be revised.

Reviewer: Paul Dennis

Date: July 15, 2008

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 18, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For July 21, 2008
Item No. 08-0602

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.

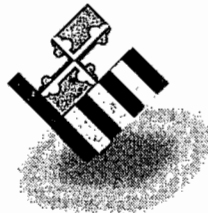
The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

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 08-0602-07182008



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: June 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 2008-0602-A
1382 E. RIVERSIDE AVE
TERWILLIGEN 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. 2008-0602-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,

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



RE: PETITION FOR VARIANCE * BEFORE THE
1332 E. Riverside Avenue; W/S E. Riverside *
Avenue, 50' N of Mitchell Road * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts
Legal Owners: Mark Dyson & Lane Terwilliger* FOR
Petitioner(s) *
* BALTIMORE COUNTY
*
* 08-602-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.

RECEIVED

JUL 15 2008

.....

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 15th day of July, 2008, a copy of the foregoing Entry of Appearance was mailed to Mark Dyson & Lane Terwilliger, 1332 E. Riverside Avenue, Essex, MD 21221, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Thomas Bostwick - Zoning Commission QuestionRE: case# 2008-0602-A....Mark Dyson

From: <Baltimark@aol.com>
To: <tbostwick@baltimorecountymd.gov>
Date: 09/03/08 9:04 PM
Subject: Zoning Commission QuestionRE: case# 2008-0602-A....Mark Dyson

Mr. Bostwick:

Thank you for overseeing our case this morning. I was able to clarify a couple of things after the hearing.
1.0) Regarding Mr. and Mrs. Ludwigs claim that my proposed house is so much larger....mostly longer than other houses in the neighborhood. I measured Mrs. Ludwigs dwelling @ **1334 Riverside**.....the footprint dimensions are 54 feet wide x 62 feet long...(a total of 3348 sq. feet under roof.)

2.0) The proposed dwelling @ **1332 Riverside** has a 34 foot wide X 72 feet long footprint, (12 feet of which is a patio.) Even including the patio, the total square footage under roof is 2448 sq. feet...900 square feet less than Mrs. Ludwigs house!

I thought you should know this...I wasn't sure of the exact house dimensions at the time of the hearing, or I surely would have brought it up. It seems to me to be somewhat hypocritical of her to be complaining about the "view" that my proposed house is going to take away from her when her house actually covers 900 square feet more than mine.

I don't know if you can use this information for your decision, but, I sure do hope so. In any case, I am sure you will make a fair and just decision.

Warmest Regards,

Mark Dyson

It's only a deal if it's where *you* want to go. Find your travel deal [here](#).

CASE NAME Dyson / Levinziger
CASE NUMBER 2008-0602-A
DATE 9-3-08

NAME

CITY, STATE, ZIP

E-MAIL

MARGARET LUDWIG 1334 E. RIVERSIDE AVE BALTO. MD. 21221

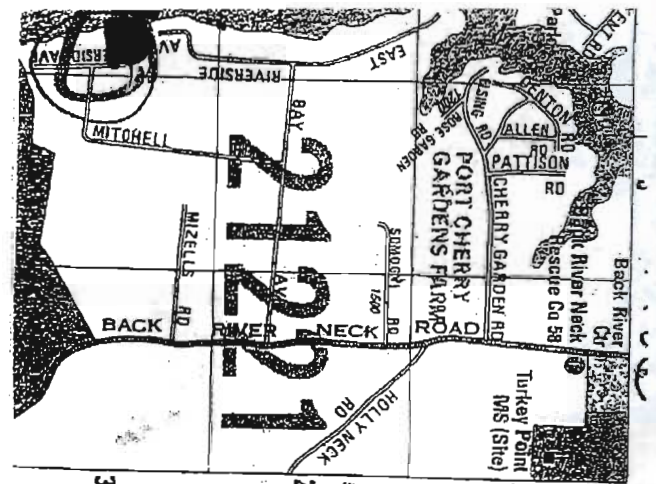
CASE NAME _____
CASE NUMBER 2008-0602-A
DATE 9/3/08

[illegible]

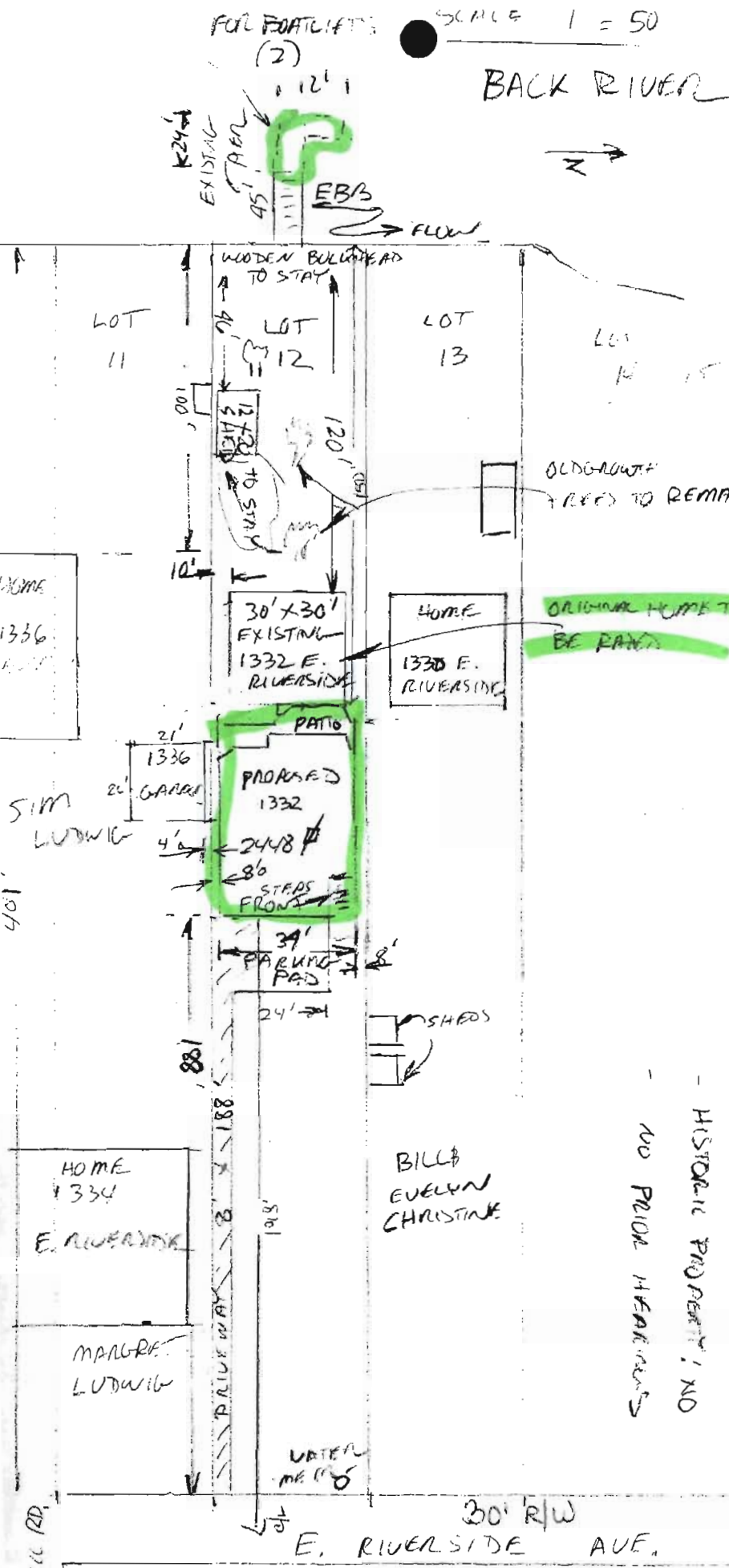
PETITION FOR ZONING VARIANCE

CRITICAL AREA NOTES

- SITE IMPROVEMENTS LIMIT 25% (5125 \$)
- IMPROVEMENTS PROPOSED = (4576 \$)
- SITE IS BMM-SFD IS TO BE OUT OF BMM
- OLD GROWTH TREES COVER EXIST'S 3 W/ REMAIN IN BATTERY
- HISTORIC PROPERTY; NO OLD PIONEER HERITAGES
- BUREAU'S; MARK TOWN
- ADDRESS: 1332 E. RIVERSIDE AVE.
- SUBDIV. BACK RIVER NECK PARK
- PLATBOOK: 7 FOLIO: 4 LOT: # 12
- SUB: FOLIO:
- FILED. DIST: 15 COUNCIL: 6
- ZONE: RCS LOT: 20,500 \$
- PUBLIC WORKS & SEWER
- 100 YR. FLOOD PLANE: YES
- CHESAPEAKE BAY CRITICAL AREA: YES



FOR PORTLIFT (2) SCALE 1 = 50
BACK RIVER



HOME 1336

51M LUDWIG

HOME 1334 E. RIVERSIDE MARGARET LUDWIG

BILL & EVELYN CHRISTINE

WATER

30' R/W E. RIVERSIDE AVE.

1503471610

DR 3.5

HYDROLOGY AREA

1503471610

1511890510

RC 20

0.88

0.82

0.79

0.77

3.28

1322

1523153670

1511150310

1507471200

99999

Flood Zone AE

1526000247

6 CD

15 ED

RC 5

Back River Neck District

1508301950
Pt. Bk. 7 Folio 4

1512740290

1332

1334

1336

1513204290

1338

1507470020

1340

1516600920

1342

1504650450

1344

1503670510

1502006710

1346

1519070190

1523505500

SE 3-I 104C1

BACK RIVER HYDROLOGY AREA

RIVERSIDE AVE

RIVERSIDE AVE

1520680000

1519391870

1510200330

150200250

1504200340

2008-0602-A

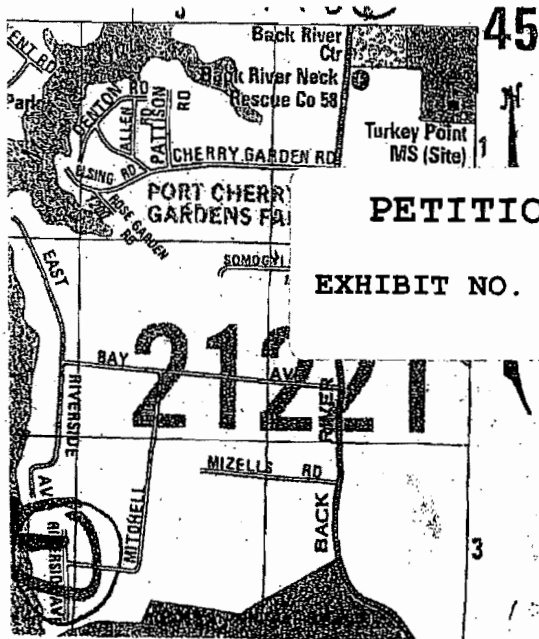
Case No.: 2008-0602-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Pet. written summary w/ arch rendering + photo	
No. 3	photos of surrounding properties	
No. 4	photo of existing home	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



45

PETITION FOR ZONING VARIANCE CRITICAL AREA NOTES

PETITIONER'S

EXHIBIT NO. 1

- OWNERS: MARK TAYLOR
LANE TERVILLIGER

- ADDRESS: 1332 E. RIVERSIDE AVE.

- SUBDIV: BACK RIVER NECK PARK

- PLATBOOK: 7 FOLIO: 4 LOT: #12

- SWB FOLIO:

- ELEC. DIST: 15 COUNCIL: 6

- ZONE: R05 LOT SIZE: 20,500 sq ft

- PUBLIC WATER & SEWER

- 100 YR FLOOD PLANE: YES

- CHEESAPEAKE BAY CRITICAL AREA: YES

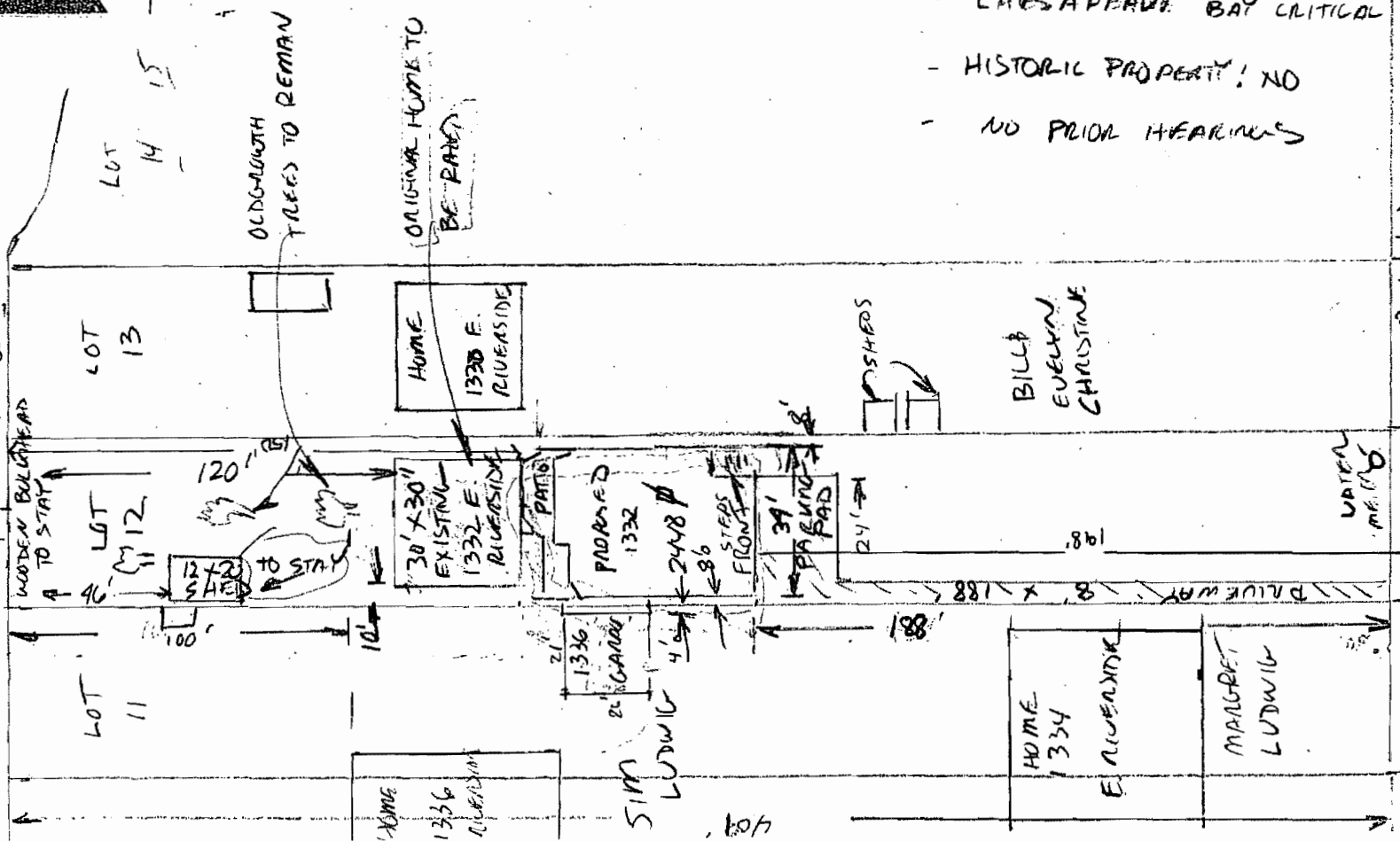
- HISTORIC PROPERTY: NO

- NO PRIOR HEARINGS

SCALE 1" = 50'

BACK RIVER

FULL PORTALITS (2)



30' R/W E. RIVERSIDE AVE.

17774211

MARK V. DYSON

1332 E. Riverside Ave.
Baltimore, Md. 21221
Phone (410)-780-3726
MarkVDyson@AOL.com

Zoning Commissioner of Baltimore County

RE: Mark V Dyson 1332 E. Riverside Ave.

Lot #12 Plat Book #7 Folio#4

Request for Zoning Variance currently zoned RC-5

July, 1, 2008

Gentlemen:

Please review the following paperwork regarding my request for zoning variance, I believe all of the forms are in order. As you can see, I am attempting to gain permission to raze my current residence and build another, somewhat larger one. This is a waterfront lot where all properties are divided into 50 feet wide lots. The current "shore home" is a single story 30 foot x 30 foot square built in 1920 as a summer home with no heat or insulation. The proposed home is a 33'9" X 72'6" deep home that is 34'11" at its tallest point.

I understand that I need a variance for the width of the home, this case being 33'9". I will require 8 foot setbacks from my property boundaries. This is not uncommon down here, please see example #1 this shows a distance of 12 feet between residence #s 1358 and 1360 E. Riverside Ave.....just down the road. As you can see from my site-plan, There is a garage on the neighboring lot that is only four feet from my property line. This is the only area that will be close to the proposed house. There will be a distance of 12 feet from the edge of his garage to the east wall of my proposed house. There is no other place on this lot that I can put the house, outside of the 100 foot buffer area, without coming close to this garage. I spoke with the neighbor, and he doesn't have a problem with this scenario.

I believe the other stipulation for a RC-5 Zone is one house per 1-1/2 acres of land. This variance request goes without saying.....none of the lots down here are even 1 acre in area.

For your records, I have taken a photo of the two houses that are 12 feet apart...this is marked example #1.

Thank you in advance for taking the time to review my submittals.

Warmest regards,

Mark V. Dyson

PETITIONER'S

EXHIBIT NO.

2

2008-0602-A

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Go to House Plan Number:

Search Our House Plans:

All Plans

Total Living Area (sq. ft.):

0 to Over 6,000

Sort by:

Sales Popularity

Number of Floors:

All

Garage Type: Garage Size:

All

All

House Plan Style:

All

Bedrooms: Baths:

All

All

Exterior Walls:

All

Foundation:

All

Special Features:

All

Maximum Dimensions:

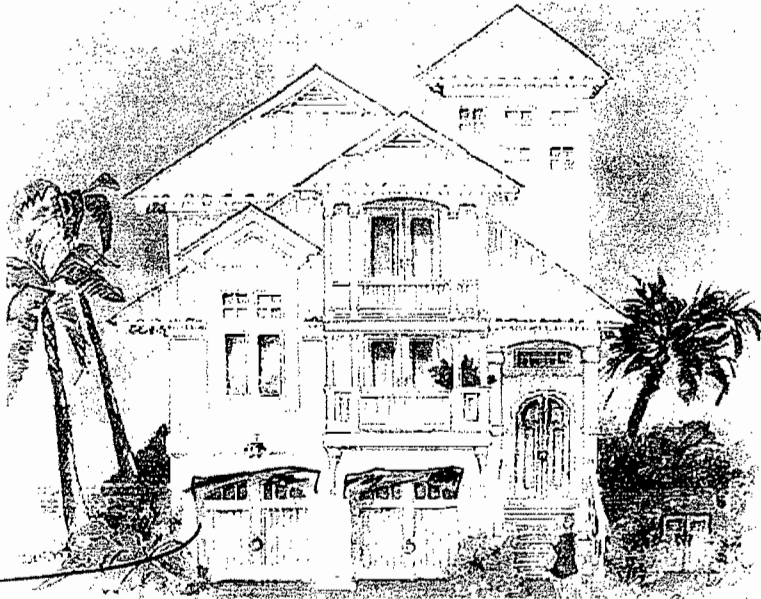
Width (feet): Depth (feet):

Plans per Page:

10 25 50



- ▶ **Elevation**
- ▼ **Details**
- ▼ **Main Level**
- ▼ **2nd Level**
- ▼ **3rd Level**
- ▼ **Other**
- ▼ **Sides/Rear**

**Click here to Mirror Reverse plan**

Right-Reading Reversed surcharge: \$200

House plans are Copyright © 2008 by our architects and designers.

☐ **Print Complete Plan** ☐ **Send Plan to a Friend** ☐ **More Plans by This Designer**STANDARD
GARAGE DOORS

- ▶ **Elevation**
- ▶ **Details**
- ▼ **Main Level**
- ▼ **2nd Level**
- ▼ **3rd Level**
- ▼ **Other**
- ▼ **Sides/Rear**

Detailed Prices and Options**One Set****Five Sets****Eight Sets****Reproducible****PDF File****CAD****Best Price Guarantee**

n/a

n/a

\$1,395

\$1,420

\$1,420

\$2,420

Style: Florida, Beach, Vacation**Living Area:** 3,580 sq. ft.**Main Flr:** 1,015 sq. ft.**2nd Floor:** 1,580 sq. ft.**3rd Floor:** 871 sq. ft.**Attached Garage:** 2 car, 506 sq. ft.**Other Unfinished Space:** 114 sq. ft.**Bedrooms:** 3**Full Bathrooms:** 4**Half Bathrooms:** 1**Width:** 33'0"**Depth:** 72'6"**Maximum Ridge Height:** 34'11"**Exterior Walls:** FF Concrete Block**Standard Foundations:** Concrete Block &

Slab

Optional Foundations: Request a modification price quote.**Click to view detailed prices and options**

- ★ Introducing a house plan that is a cool, crisp escape from the ordinary, and a stunning example of pure coastal home design.
- ★ Perfect for the work-at-home professional or large family, this house plan offers space for living and working with a number of flexible plan options.
- ★ The grand interior architecture provides sweeping coastal views from three stories, with two full master suites, two additional bedrooms, a formal dining room, and loft office space.

STUCCO

Plan W13024FL: Pure Coastal Home Design

- ▶ **Elevation**
- ▶ **Details**

NEWER HOMES ON E. RIVERSIDE AVE.



1338 E. RIVERSIDE



CROUCHER 1356 E. RIVERSIDE



1328 E. RIVERSIDE



1344 E. RIVERSIDE

PETITIONER'S

EXHIBIT NO.

3



EXAMPLE #1 1358/1360 E. RIVERSIDE

PETITIONER'S

EXHIBIT NO. 4



1332 E. RIVERSIDE EXISTING STRUCTURE FROM ROAD



1360 E. RIVERSIDE