

IN RE: PETITION FOR VARIANCE

S side Chester Road, 600 feet SE of c/l of
West Chesapeake Avenue
Election District
Councilmanic District
(1117 Chester Road)

Thomas and Reese Hicks
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 2009-0003-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, Thomas and Reese Hicks. Petitioners are requesting variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed house on a previously improved undersized lot that has a lot width of 42 feet at the front building line in lieu of the required 70 feet, and to permit a minimum side setback of four feet with a sum of eight feet in lieu of the required 10 feet and a sum of 25 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 Thomas Hicks and his wife, Katherine Hicks. Also appearing in support of the requested relief was Beverly True, Petitioners' land use consultant. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is located on the south side of Chester Road, east of Susquehanna Avenue and several miles south of Eastern Boulevard in the Bowleys Quarters area of Baltimore County. The property is situated on a small peninsula along Frog Mortar Creek, across from Martin State Airport in an area known as "Long Beach

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Estates.”¹ The lot is somewhat unusual in that it tapers inward toward the waterfront, with the Chester Road end of the property being substantially wider than the waterfront end of the property. The property also averages over 310 feet long. The property was previously improved with a dwelling that was likely built in the 1920’s or early 30’s that has since been razed and removed. The proposed new dwelling would be approximately 28 feet wide by 58 feet deep, with a foundation level and first and second floor levels. The property would also have access to public water and sewer services.

Petitioners purchased the property approximately three years ago and intended to retain the original dwelling; however, age and wear and tear, including damage that lingered from Hurricane Isabel in 2003, had taken its toll on the structure and Petitioners realized thereafter that the dwelling was not in good shape. They then had the dwelling razed with the intention of constructing a new replacement dwelling; however, financial limitations prevented them from building the replacement dwelling until now.

Further testimony from Petitioners revealed that the property measurement at Chester Road is only 50 feet wide and tapers inward at the waterfront. The proposed dwelling would occupy the similar area of the previous house, but as shown on the site plan, would obviously be larger. The location of the proposed dwelling near the location of the original dwelling creates a lot width of 42 feet at the front (street side) building line, thereby necessitating a variance from the minimum width requirement of 70 feet. In addition, the tapering of the lot severely limits Petitioners’ ability to meet the minimum side yard setback requirements as well. Petitioners indicated their plan for a replacement dwelling will not have any negative impacts on the existing properties. Petitioners submitted photographs of the subject unimproved lot and

¹ While the property is technically in a “subdivision,” this office has traditionally treated old Land Record subdivisions as simply “lots of record.” This lot was created prior to Council Bill 55-04, which provides for an exception through a special hearing for undersized lots. See, Section 1A04.3.B.1(b) of the B.C.Z.R.

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BY _____

adjacent and nearby properties, which were marked and accepted into evidence as Petitioners' Exhibits 2A through 2H. These photographs show a number of new, larger dwellings in the neighborhood. In fact, Petitioners indicate that the new dwelling will add to the overall appearance of the neighborhood, and will be consistent with the revitalization and rebuilding that is occurring in the nearby Bowleys Quarters waterfront community. Elevations of the proposed new dwelling were marked and accepted into evidence as Petitioners' Exhibit 3 and show an attractive dwelling with a stone foundation façade, vinyl siding, distinctive rooflines, and abundant windows and sliding glass doors to take advantage of the water view.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management dated August 19, 2008 which indicate that the property must comply with the Chesapeake Bay Critical Area Regulations. The property is located within the Limited Development Area and Buffer Management Area of the CBCA and impervious surfaces are limited to 31.25%. Any impervious surface within the 100 foot buffer must meet all BMA provisions and will require mitigation or fee-in-lieu. In addition, the 15% afforestation requirement must be met. Additional comments received from the Bureau of Development Plans Review dated July 28, 2008 indicate that the first floor or basement must be at least one foot above the flood plain elevation in all construction, the building should be designed and adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood damage. Flood-resistant construction should be in accordance with the Baltimore County Building Code, which adopts the International Building Code.

Considering all the testimony and evidence presented, I am persuaded to grant the variance relief. I find special circumstances or conditions exist that are peculiar to the land or

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structure which is the subject of the variance requests. If Petitioners were merely repairing the original structure, they would not need zoning relief; however, because Petitioners wish to improve the property with a replacement dwelling, variance relief is needed. Further, the original home was constructed prior to the current zoning regulations; therefore 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 strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship, and would render a property unable to be developed to its current and best use. Therefore I find the property unique in a zoning sense. Constructing a new home on a 50 foot wide lot, especially one that tapers inward and gets "thinner" towards the waterfront resulting in a 42 foot width at the front building line, requires a variance. Because of the 50 foot lot width and without the requested side yard variances, Petitioners would be denied the right to construct a dwelling of practical width. The original dwelling was considered a "shore shack" as that term is often used, and the new dwelling will be an improvement for the neighborhood.

Finally, I find the variance can be granted in strict harmony with the spirit and intent of the zoning regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

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

THEREFORE, IT IS ORDERED this 3rd day of September, 2008 by this Deputy Zoning Commissioner, that Petitioners' variance requests from Section 1B02.3.C.1 of the

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Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed house on a previously improved undersized lot that has a lot width of 42 feet at the front building line in lieu of the required 70 feet, and to permit a minimum side setback of four feet with a sum of eight feet in lieu of the required 10 feet and a sum of 25 feet be and are 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. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).
3. The property is in a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Impervious surfaces are limited to 31.25%. Any impervious surface within the 100 foot buffer must meet all BMA provisions and will require mitigation or fee-in-lieu. In addition, the 15% afforestation requirement must be met.
4. The base flood elevation for this site is 10.2 feet Baltimore County Datum. The flood protection elevation for this site is 11.2 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.
7. 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.

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


THOMAS H. BESTWICK
Deputy Zoning Commissioner
for Baltimore County

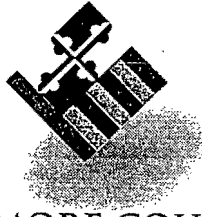
THB:pz

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9-3-08

p3



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

October 3, 2008

THOMAS AND REESE HICKS
1 SADDLEBROOK LANE
LUTHERVILLE MD 21093

Re: Petition for Variance
Case No. 2009-0003-A
Property: 1117 Chester Road

Dear Mr. and Mrs. Hicks:

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 "Thomas H. Bostwick", written over a horizontal line.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Beverly True, 3920 London Bridge Road, Sykesville MD 21784



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1117 Chester Road

which is presently zoned DR 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1

To permit a proposed house on a previously improved undersized lot that has a lot width of 42-feet at the front building line in lieu of the required 70-feet and to permit a minimum side set back of 4-feet with a sum of 8-feet in lieu of the required 10-feet and a sum of 25-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):

Thomas V. Hicks

Name - Type or Print

[Signature]

Signature

Besse Hicks

Name - Type or Print

[Signature]

Signature

41 Saddle Brook Lane

410-365-7707

Address

Lutherville

MD

21093

City

State

Zip Code

Representative to be Contacted:

Ben True / OBL

Name

3930 London Bridge Rd

Address

Cykesville

MD

443-318-0988

City

State

Zip Code

OFFICE USE ONLY

Case No. 2009-0003-A

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By [Signature]

Date 7/8/08

Hardship - 1117 Chester Road

We would like to construct a new single family home to our existing lot. The old home that was there has been razed, it would have been difficult to repair and would have been too costly to remodel. Due to the unique shape of the lot we are asking to encroach on the existing setback requirements. This would not be detrimental to the neighborhood and would increase the beauty of the neighborhood

CASE# 2009-0003A

ZONING DESCRIPTION FOR 1117 CHESTER ROAD

Beginning at a point on the South side of Chester Road which is 50' wide at the distance of 600' South East of the centerline of the nearest improved intersecting street W.Chesapeake Ave. which is 50' wide. Being Lot # 239-A Block 4, in the subdivision of Long Beach Estates as recorded in Baltimore County Plat Book # 5, Folio # 63, and containing 15,300 Square Feet. Also known as 1117 Chester Road and located in the 15th Election District, 6 th Councilmanic District.

2009-0003-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: # 2009-0003-A

1117 Chester Road

S/west side of Chester Road, 600 ft. s/east of centerline of W. Chesapeake Avenue

15th Election District — 6th Councilmanic District

Legal Owner(s): Thomas & Reese Hicks

Variance: to permit a proposed house on a previously improved undersized lot that has a lot width of 42 feet at the front building line in lieu of the required 70 feet and to permit a minimum side setback of 4 feet with a sum of 8 feet in lieu of the required 10 feet and a sum of 25 feet.

Hearing: Tuesday, September 9, 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.

JT-8/745 Aug. 26

181712

CERTIFICATE OF PUBLICATION

8/28/2008

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 8/26/2008.

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

S. Wilkinson

LEGAL ADVERTISING

SECRET

[illegible][illegible]

Total: 65.00

Rec
From: Beverly Tice

For: 1117 Pester Rd 2009-0003-A
Beth ID 21220

**CASHIER'S
VALIDATION**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CERTIFICATE OF POSTING

RE: Case No.: 2009-0003-A

Petitioner/Developer: _____

Thomas & Reese Hicks

Date of Hearing/Closing: Sept. 9,08

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

ATTN: Kristen Matthews

Ladies and Gentlemen:

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

1117 Chester Road

The sign(s) were posted on Aug. 25, 2008
(Month, Day, Year)

Sincerely,



Robert Black Aug. 28, 08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 26, 2008 Issue - Jeffersonian

Please forward billing to:

Beverly True
3920 London Bridge Road
Sykesville, MD 21784

443-398-0988

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: 2009-0003-A

1117 Chester Road

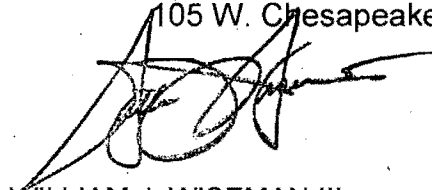
S/west side of Chester Road, 600 ft. s/east of centerline of W. Chesapeake Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Thomas & Reese Hicks

Variance to permit a proposed house on a previously improved undersized lot that has a lot width of 42 feet at the front building line in lieu of the required 70 feet and to permit a minimum side setback of 4 feet with a sum of 8 feet in lieu of the required 10 feet and a sum of 25 feet.

Hearing: Tuesday, September 9, 2008 at 11:00 a.m. in Room 104, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

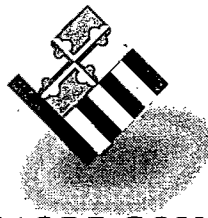


WILLIAM J. WISEMAN III

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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

July 30, 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: 2009-0003-A

1117 Chester Road

S/west side of Chester Road, 600 ft. s/east of centerline of W. Chesapeake Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Thomas & Reese Hicks

Variance to permit a proposed house on a previously improved undersized lot that has a lot width of 42 feet at the front building line in lieu of the required 70 feet and to permit a minimum side setback of 4 feet with a sum of 8 feet in lieu of the required 10 feet and a sum of 25 feet.

Hearing: Tuesday, September 9, 2008 at 11:00 a.m. in Room 104, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Hicks, 1 Saddle Brook Lane, Lutherville 21093
Bev True, 3920 London Bridge Road, Sykesville 21784

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, AUGUST 25, 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.

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: 2009-0003-A

Petitioner: Thomas V. & Reese Hicks

Address or Location: 1117 Chester Rd

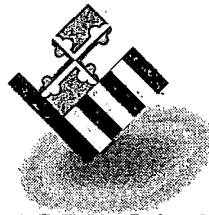
PLEASE FORWARD ADVERTISING BILL TO:

Name: Beverly True

Address: 3920 London Bridge Rd

Sykesville, MD 21784

Telephone Number: 443-398-0988



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

September 4, 2008

Thomas V. & Reese Hicks
1 Saddle Brook Ln.
Lutherville, MD 21093

Dear: Thomas V. & Reese Hicks

RE: Case Number 2009-0003-A, 1117 Chester Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 8, 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.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Bev True, 3920 London Bridge Rd., Sykesville, MD 21784

TB 9/9
11am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
AUG 19 2008

BY:.....

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination *JWL*
DATE: August 19, 2008
SUBJECT: Zoning Item # 09-003-A
Address 1117 Chester Road
(Hicks Property)

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AUG 19 2008

BY:.....

Zoning Advisory Committee Meeting of July 21, 2008

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

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

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

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

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

Additional Comments:

The property is in a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Impervious surfaces are limited to 31.25%. Any impervious surface within the 100-foot buffer must meet all BMA provisions and will require mitigation or fee-in-lieu. In addition, the 15% afforestation requirement must be met.

Reviewer: Regina Esslinger

Date: August 14, 2008

TB 919
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 18 2008

BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-003- Variance**

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

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

Prepared By:

Curtis Murray

Division Chief:
CM/LL

John Sanborn

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 28, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For July 28, 2008
Item No. 2009-0003-A

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 10.2 feet Baltimore County Datum.

The flood protection elevation for this site is 11.2 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.

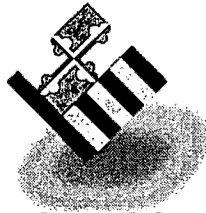
The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

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 09-0003-07282008



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

July 22, 2008

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

ATTENTION: Zoning Review planners

Distribution Meeting of: July 21, 2008

Item No.: 2008-0570-A, 2008-0588-SPH, 2008-0600-SPHA, 2009-001-A,
2009-0002-A, 2009-0003-A, 2009-0004-A, 2009-0005-A,
2009-0006-A, 2009-0008-A, 2009-0009-A and 2009-0010-A

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.

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

Don W. Muddiman, Acting Lieutenant
Fire Marshal's Office
(Office) 410-887-4880
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: 7-29-2008

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

RE: Baltimore County
Item No 2009-0003-A
1117 CHESTER RD
HICKS 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. 2009-0003-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



RE: PETITION FOR VARIANCE * BEFORE THE
1117 Chester Road; S/S Chester Road, 600' SE *
c/line of West Chesapeake Avenue * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Thomas & Beese Hicks * FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-003-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 30 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 30th day of July, 2008, a copy of the foregoing Entry of Appearance was mailed to Ben True, GBL, 3920 London Bridge Road, Sykesville, MD 21784, Representative for Petitioner(s).

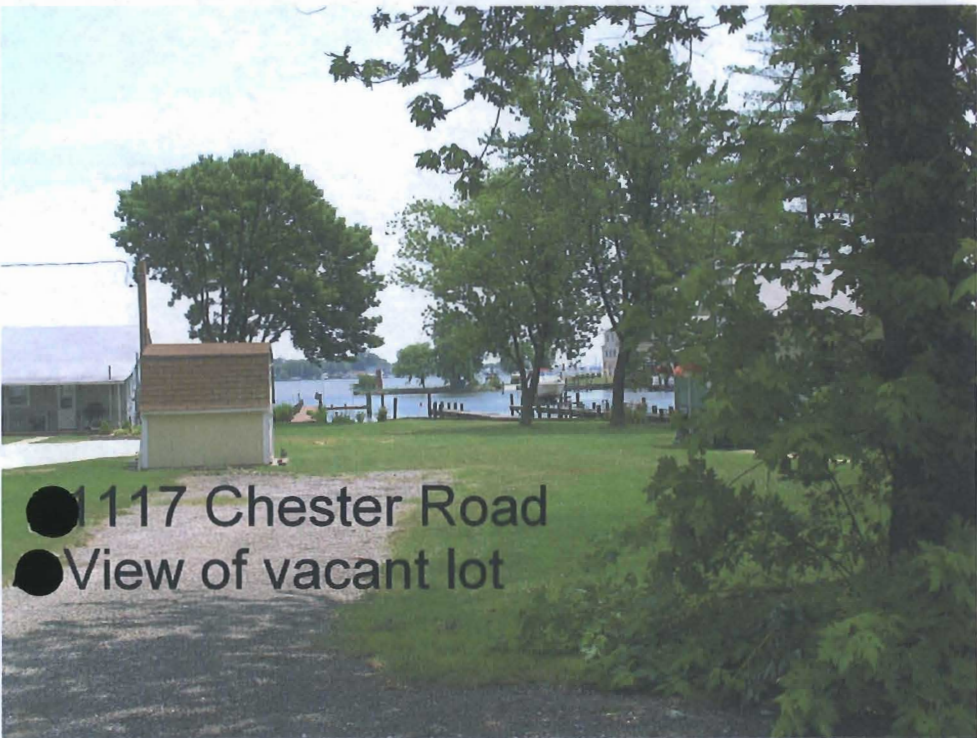
Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME Hicks
CASE NUMBER 2009-0003-A
DATE 9/9/08

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
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[illegible]



● 117 Chester Road
● View of vacant lot



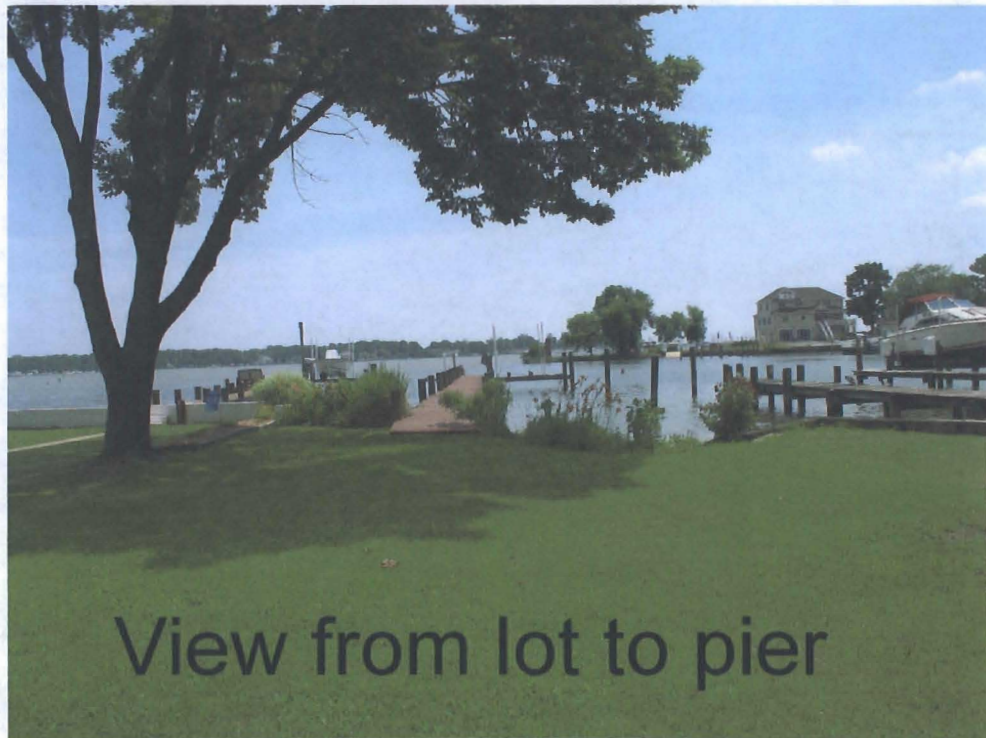
View from lot looking front

PETITIONER'S

EXHIBIT NO. 2A-H



Looking from lot to the left



View from lot to pier

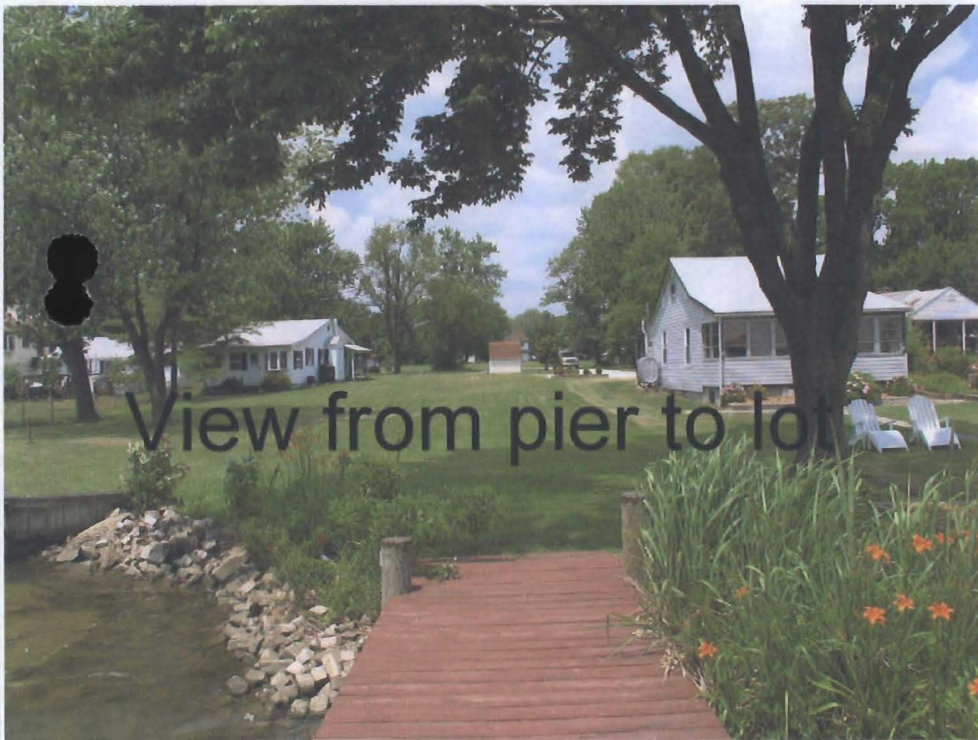
2009-0003-A



View looking left from proposed home



View from proposed home looking right



View from pier to lot



View of lot looking to street

CASE# 2009-0003A.

Pt. Bk. 4 Folio 131 1503470071

1507470753

1105

6.8

Pt. Bk. 22 Folio 14 1109

1507470751

1507470754

CHESTER RD

Pt. Bk. 5 Folio 63

6 CD 15 ED

DR 3.5

Flood Zone AE

Bowleys Quarters-Back River Neck Area

NE 2-H

1119

098B1 1117

1115

Martin State Airport Restriction Area (needs SAA approval of height & noise)

1502005210

1519715350

1121

1123

1.84

1516601400

GALLOWAY CREEK HYDROLOGY AREA

1511150060

2009-0003-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

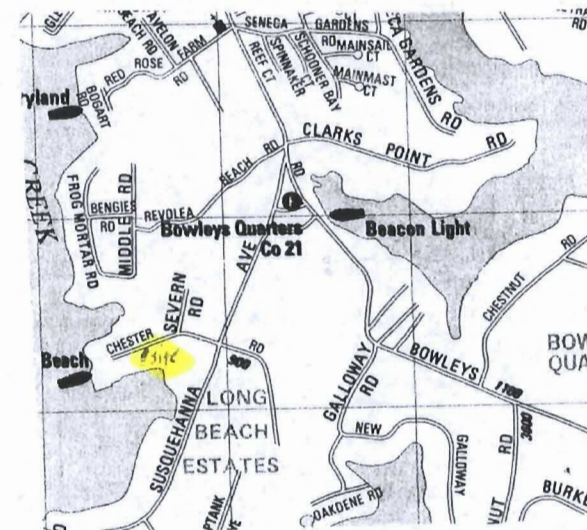
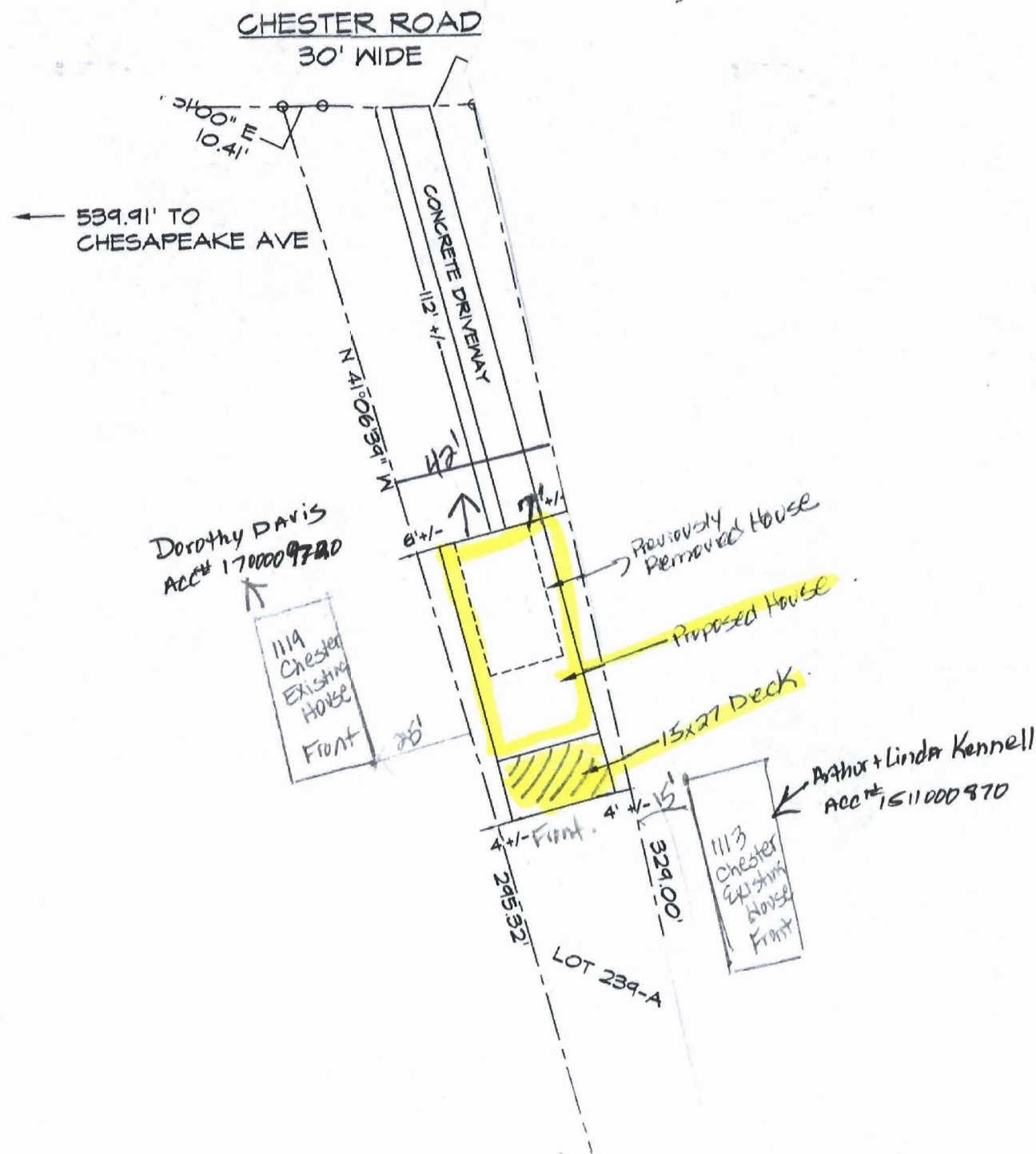
PROPERTY ADDRESS 1117 Chester Road

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

SUBDIVISION NAME Long Beach Estates

PLAT BOOK # 5 FOLIO # 13 LOT # 239 SECTION #

OWNER Thomas V. + Reese Hicks



VICINITY MAP

SCALE 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 4

1" = 200' SCALE MAP # 09831

ZONING DR. 3.5

LOT SIZE 15,300 SF

ACREAGE

PUBLIC PRIVATE

SEWER ☒ ☐

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA YES ☒ NO ☐

100 YEAR FLOOD PLAIN ☒ ☐

HISTORIC PROPERTY/BUILDING ☐ ☒

PRIOR ZONING HEARING No.

PETITIONER'S

EXHIBIT NO. 1

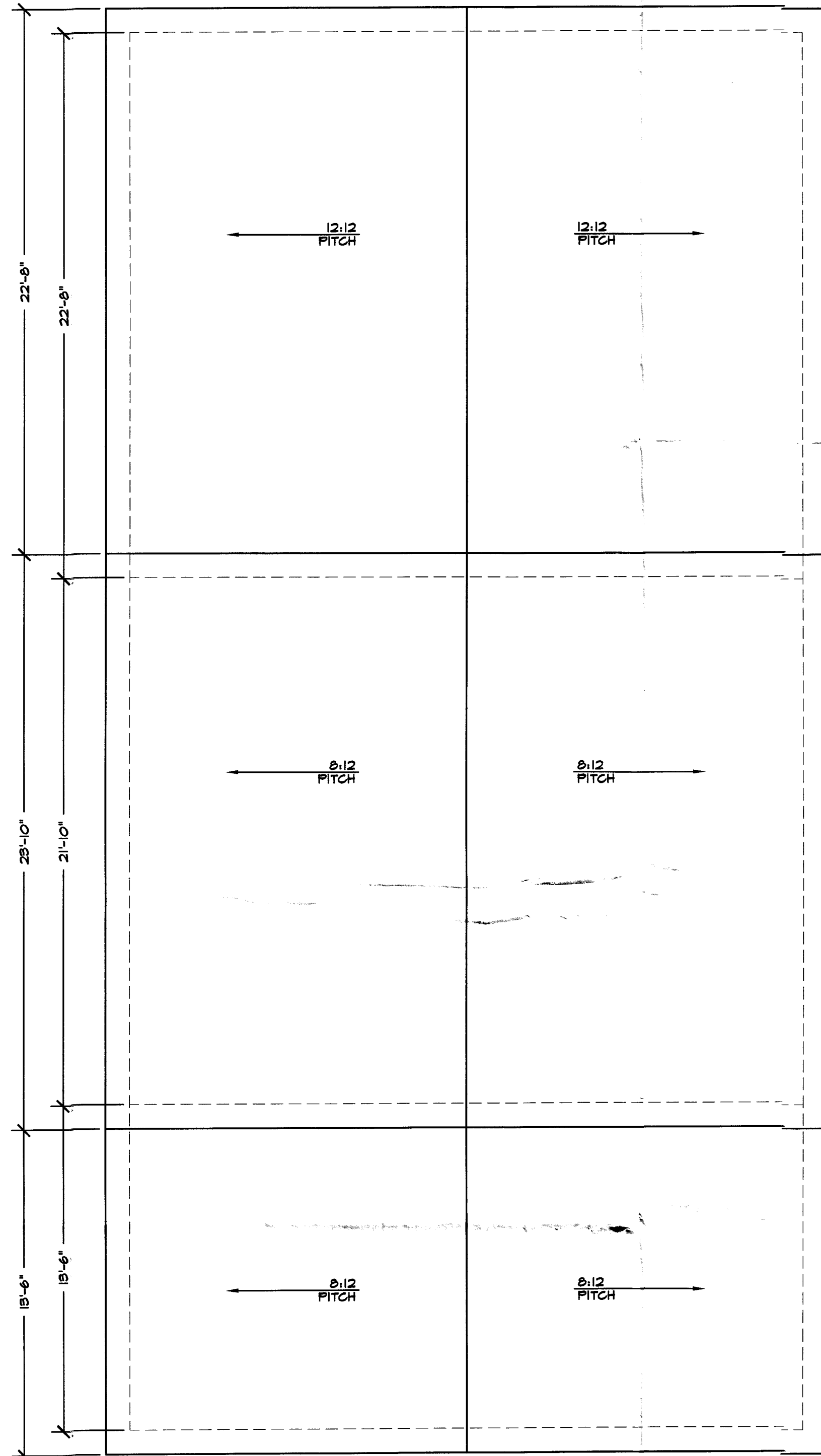
ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

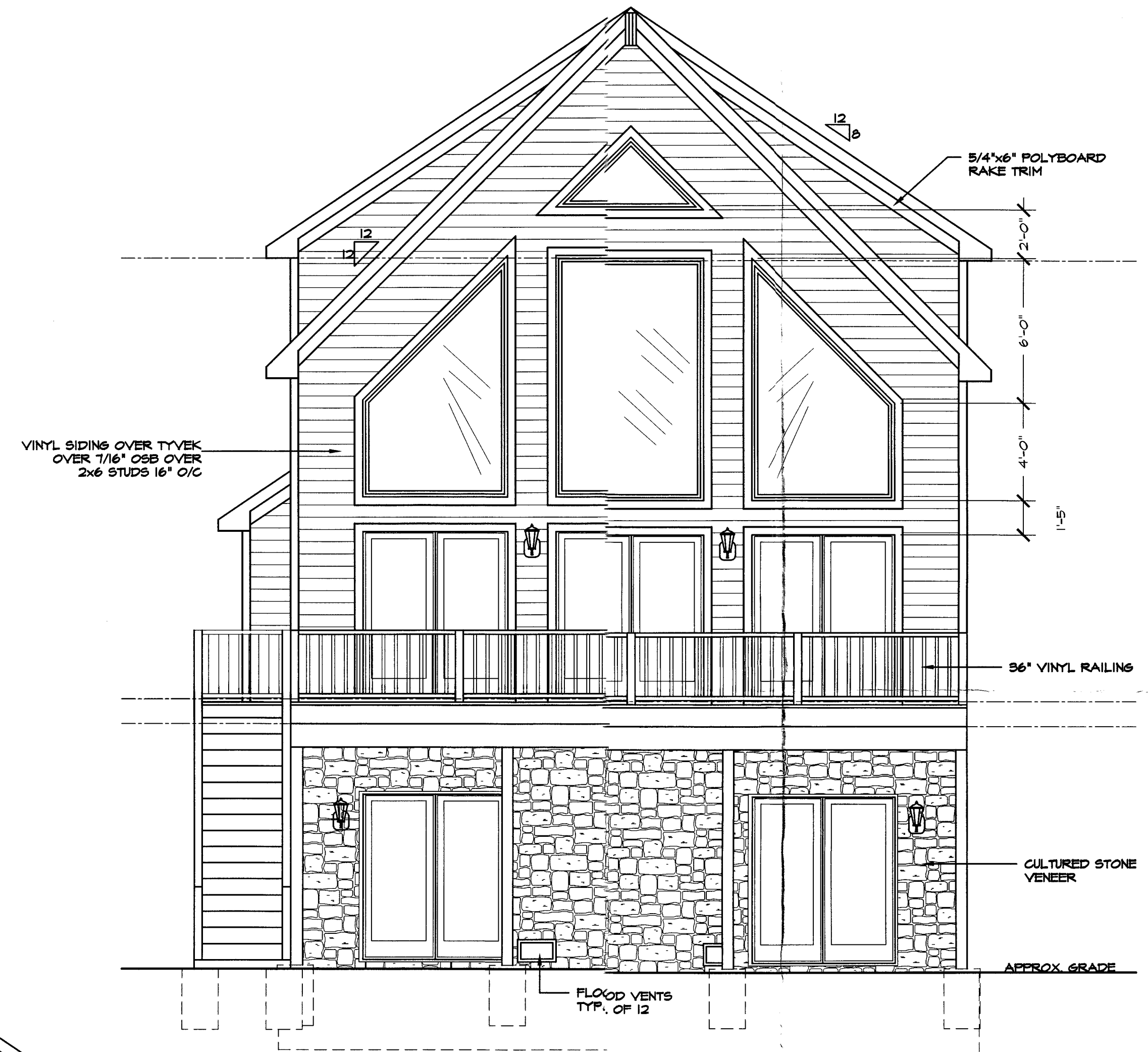
2009 0003A

PREPARED BY B True

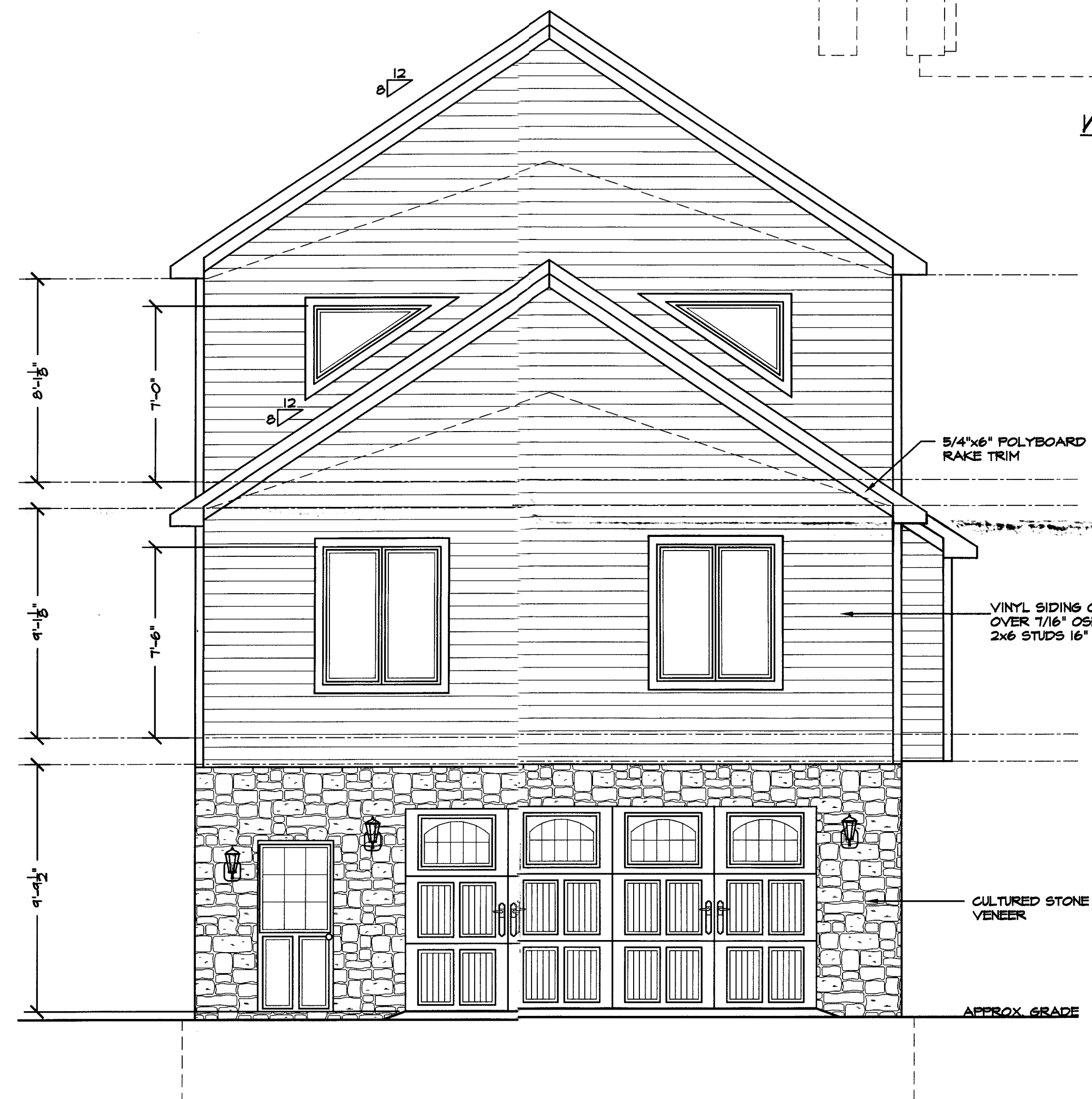
SCALE OF DRAWING: 1" = 40'



ROOF PLAN
SCALE: 1/4" = 1'-0"



WATER FRONT ELEVATION
SCALE: 1/4" = 1'-0"



STREET SIDE ELEVATION
SCALE: 1/4" = 1'-0"

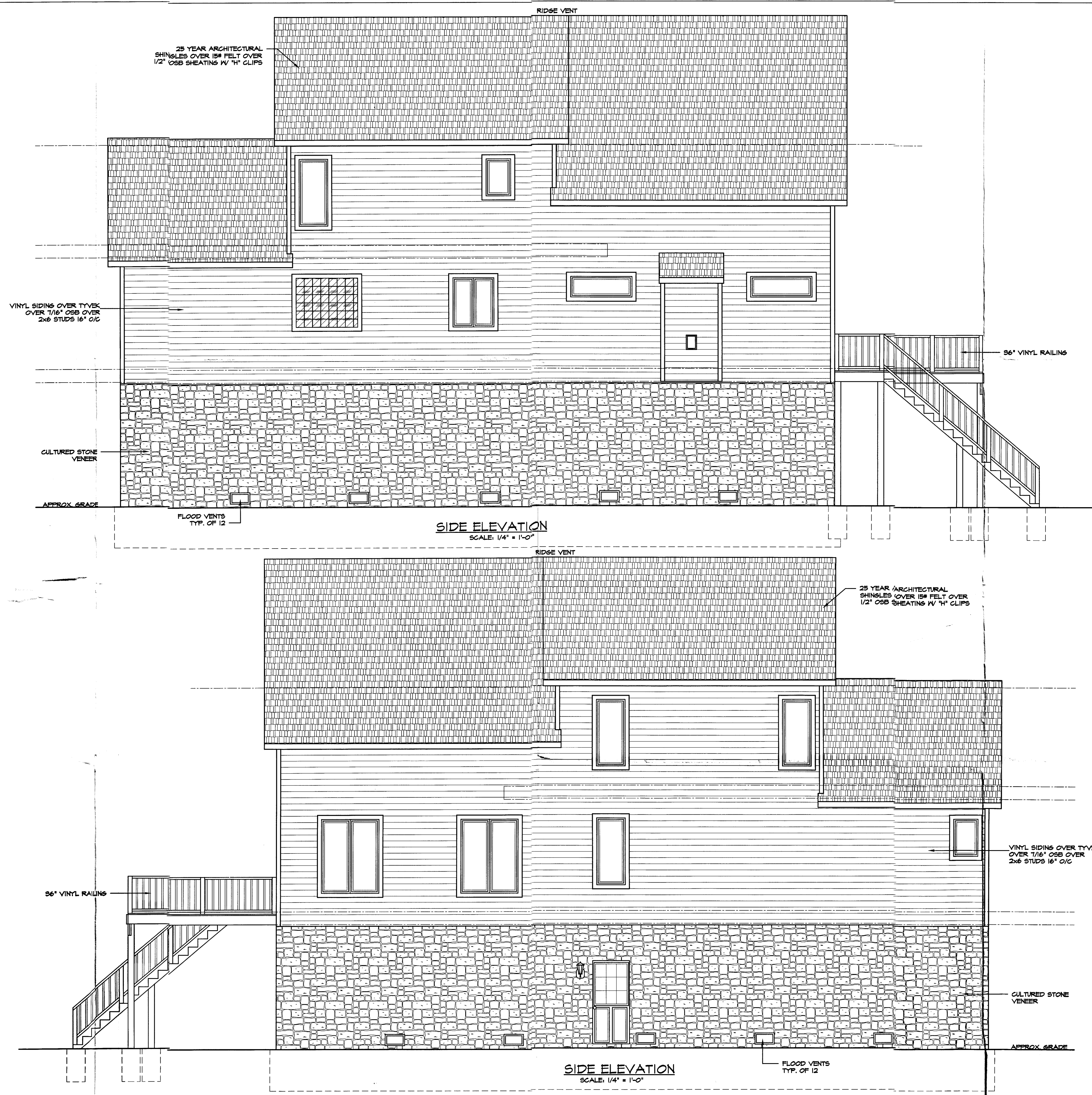
PETITIONER'S
EXHIBIT NO. 3

2009-0003-A

THE HICKS RESIDENCE

SCALE: 1/4" = 1'-0"
DATE: 3/2008
SHEET NO.: 1 OF 6

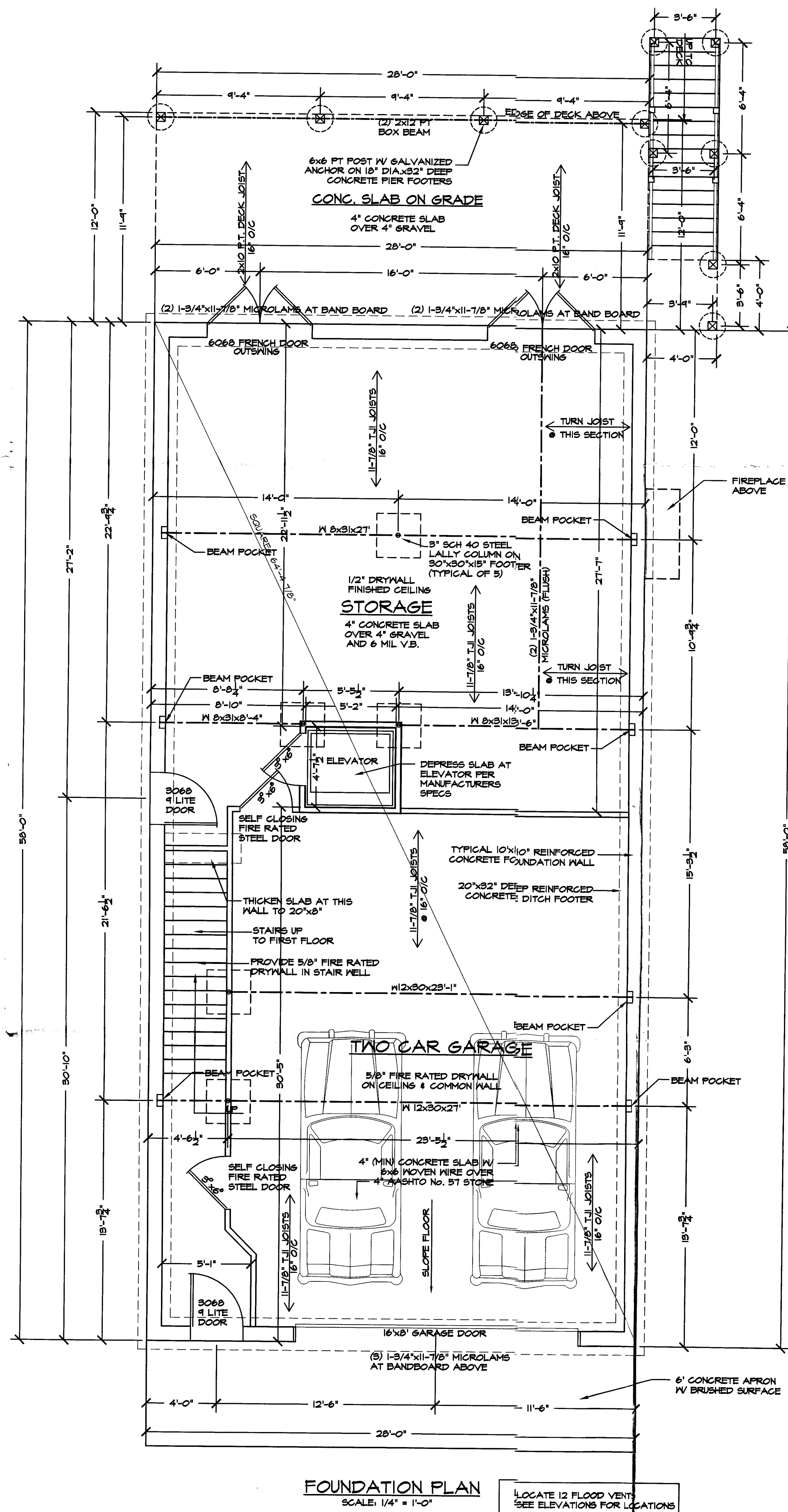
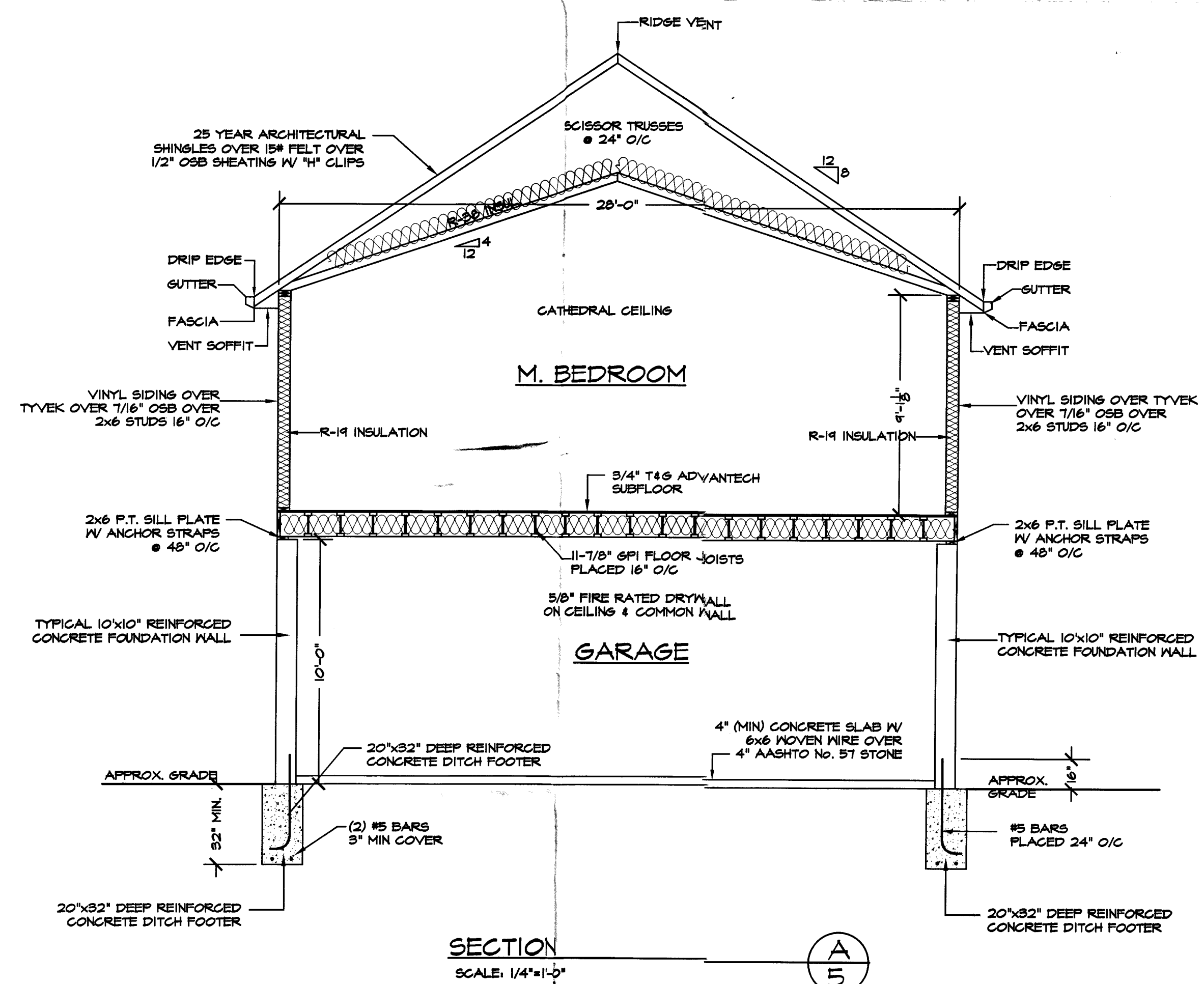
GBL CUSTOM HOME
DESIGN INC.
PO BOX 281 FINKSBURG, MD 21046
PHONE 410-939-9320

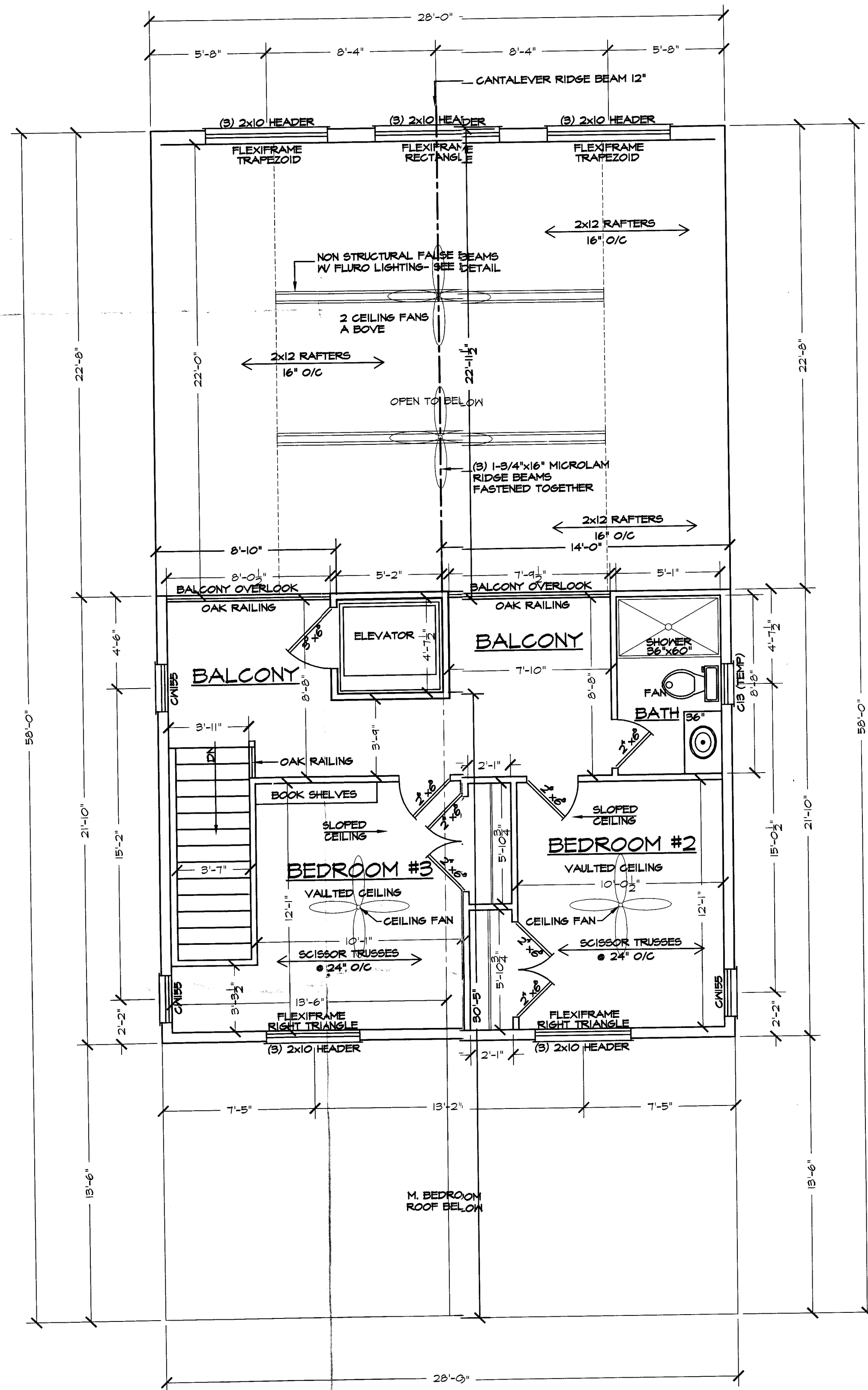


THE HICKS RESIDENCE

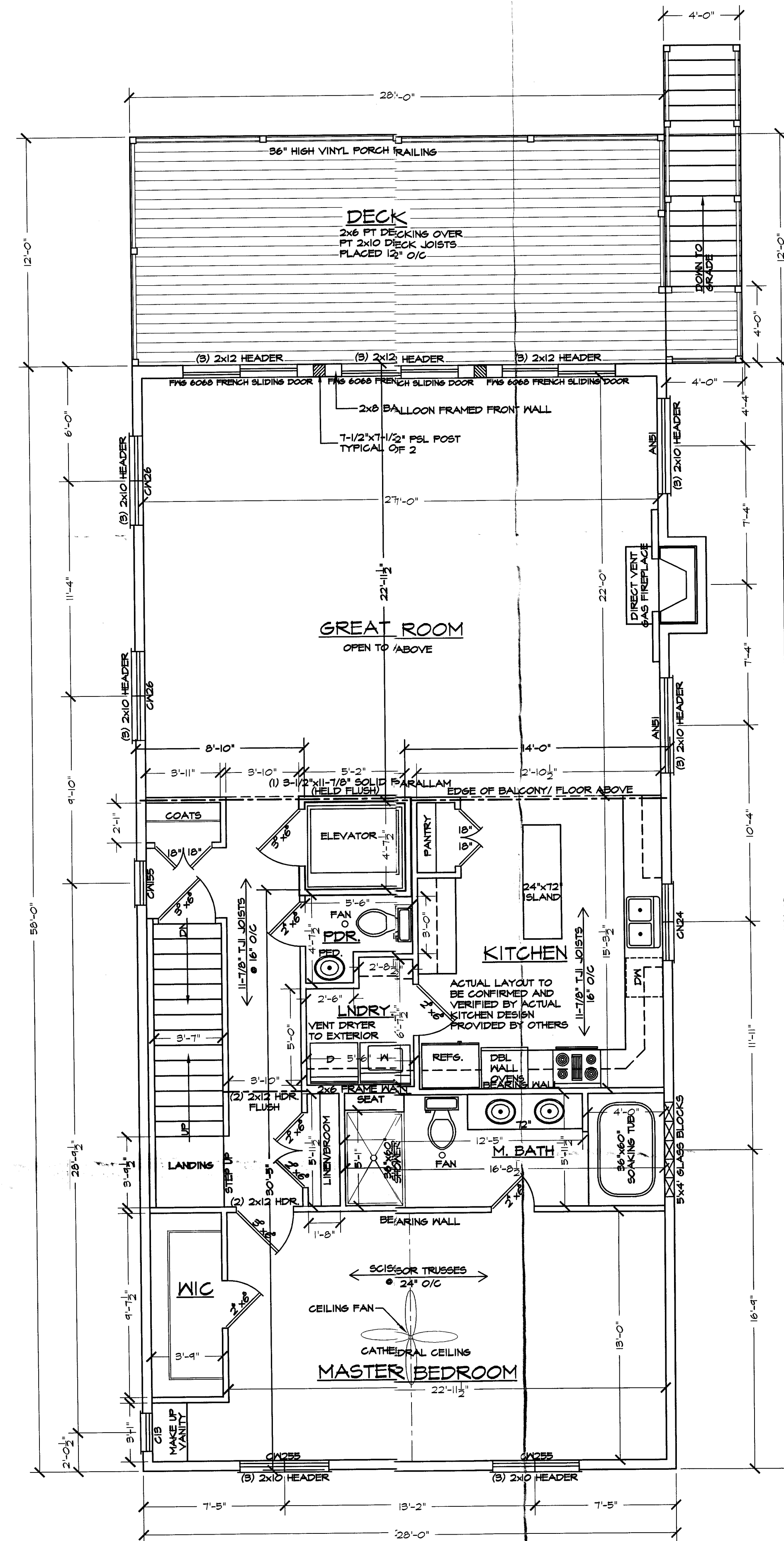
EX. 3
PAGE 2 OF 6

THE HICKS RESIDENCE			GBL CUSTOM HOME DESIGN INC. PO BOX 251 PINKSBURG, MD 21046 PHONE 410-835-9320
SCALE: 1/4" = 1'-0"			
DATE: 3/2006			
SHEET NO.: 2 OF 6			





SECOND FLOOR FRAMING PLAN
SCALE: 1/4" = 1'-0"



FIRST FLOOR FRAMING PLAN
SCALE: 1/4" = 1'-0"

THE HICKS RESIDENCE

THE HICKS RESIDENCE

SCALE: 1/4" = 1'-0"

DATE: 3/2008

SHEET NO.: 4 OF 6

GBL CUSTOM HOME
DESIGN INC.
PO BOX 251 FINKSBURG, MD 21048
PHONE 410-835-9320

EX 3
P. 4 OF 6

GENERAL STRUCTURAL NOTES

1. GENERAL

A. ALL CONSTRUCTION SHALL CONFORM WITH THE PROVISIONS OF THE 2000 INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS.

B. DESIGN LIVE LOADS:
ROOF: 30 PSF
FLOORS: 40 PSF
SLEEPING AREAS: 30 PSF

C. THE CONTRACTOR SHALL PROVIDE ALL SHORING AND BRACING AS REQUIRED TO SUPPORT THE EXISTING STRUCTURE. THE CONTRACTOR SHALL EXAMINE THE EXISTING STRUCTURE TO DETERMINE THE EXTENT OF NECESSARY SHORING AND BRACING. THE CAPACITY AND METHOD USED FOR SHORING AND BRACING SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.

2. FOUNDATIONS

A. FOOTINGS ARE DESIGNED FOR AN ALLOWABLE SOIL BEARING CAPACITY OF 2000 PSF. FOOTINGS SHALL BEAR ON NATURAL UNDISTURBED SOIL, 1'-0" BELOW ORIGINAL GRADE. THE BOTTOM OF EXTERIOR FOOTINGS SHALL BE A MINIMUM OF 2'-6" BELOW FINISHED GRADE. CONTRACTOR TO VERIFY THE ALLOWABLE SOIL PRESSURE IN THE FIELD. IF FOUND TO BE LESS THAN 2000 PSF, THE FOOTINGS WILL HAVE TO BE REDESIGNED.

3. CAST IN PLACE CONCRETE

A. ALL CONCRETE WORK SHALL CONFORM TO THE LATEST APPROVED (BY LOCAL GOVERNMENT) EDITIONS OF THE FOLLOWING A.C.I. AND A.S.T.M. DOCUMENTS:

ACI-301 SPECIFICATIONS FOR STRUCTURAL CONCRETE FOR BUILDINGS
ACI-318 BUILDING CODE REQUIREMENTS FOR REINFORCED CONCRETE

B. ALL CONCRETE, EXCEPT AS NOTED, SHALL BE (Pc=3000 PSI) STONE AGGREGATE CONCRETE AT 28 DAYS. ALL CONCRETE EXPOSED TO THE WEATHER SHALL BE AIR ENTRAINED.

C. SLABS ON GROUND SHALL BE 4" THICK CONCRETE REINFORCED WITH 6"x6" M.A.XXII.4 W/F OVER 6 MIL POLYETHYLENE VAPOR BARRIER AND 4" WASHED GRAVEL UNLESS OTHERWISE NOTED.

4. MASONRY

A. ALL MASONRY CONSTRUCTION AND MATERIALS USED THEREIN (CONCRETE MASONRY, CLAY MASONRY, MORTAR, GROUT AND STEEL REINFORCEMENT) SHALL CONFORM TO 'BUILDING CODE REQUIREMENTS FOR MASONRY STRUCTURES' (ACI 530-42/ASCE 5-42/TMS 402-4.2) AND 'SPECIFICATIONS FOR MASONRY STRUCTURES' (ACI 530.1-42/ASCE 6-42/TMS 602-4.2) IN ALL RESPECTS.

B. MASONRY BEARING WALLS SHALL CONSIST OF STANDARD HOLLOW UNITS CONFORMING TO ASTM C 90 UNLESS OTHERWISE NOTED. WHERE SOLID UNITS ARE REQUIRED, PROVIDE UNITS CONFORMING TO ASTM C 145.

C. ALL MORTAR SHALL CONFORM TO THE REQUIREMENTS FOR PROPORTIONS, MIXING, STRENGTH AND APPLICATION FOR PORTLAND CEMENT/TYPE 'S' MORTAR AS DESCRIBED IN ACI 530-42.

D. ALL GROUT FILL IN MASONRY WALLS SHALL CONFORM TO ASTM C 476. SLUMP RANGE 8-11". PLACE GROUT IN 3'-0" MAXIMUM FOUR HEIGHTS AND CONSOLIDATE BY MECHANICAL VIBRATION.

E. PROVIDE 8" DEPTH OF 100% SOLID MASONRY BELOW ALL JOIST OR SLAB BEARING LINES. PROVIDE 16" HIGH X 16" LONG 100% SOLID MASONRY BELOW ALL LINTELS AND BEAMS UNLESS NOTED OTHERWISE.

F. ALL MASONRY WALLS SHALL BE REINFORCED WITH NO. 4 SAGE TRUSS TYPE GALVANIZED DUR-O-WALL SPACED VERTICALLY AT 16" O.C. UNO. LAP ALL DUR-O-WALL 6" MINIMUM. PROVIDE CORNER AND TEE PIECES AT ALL INTERSECTIONS.

G. LOOSE LINTELS FOR MASONRY WALLS SHALL BE FOR EACH 4" WIDTH OF MASONRY ONE STEEL ANGLE AS FOLLOWS:

0'-0" TO 3'-0" 3-1/2" X 3-1/2" X 5/16"
3'-0" TO 5'-0" 4" X 3-1/2" X 5/16"
5'-0" TO 6'-6" 5" X 3-1/2" X 5/8"
6'-6" TO 8'-0" 6" X 3-1/2" X 5/8"

ALL ANGLES SHALL HAVE THEIR SHORT LEGS OUTSTANDING AND 6" MINIMUM BEARING.

5. STRUCTURAL STEEL

A. ALL STRUCTURAL STEEL SHALL CONFORM TO ASTM SPECIFICATION A-36 (LATEST LOCAL APPROVED). ALL STEEL SHALL BE DETAIL, FABRICATED, AND ERECTED IN ACCORDANCE WITH THE AISC MANUAL, AISC SPECIFICATION AND AISC CODE OF STANDARD PRACTICE.

B. ALL WELDED CONNECTIONS SHALL BE DONE WITH E70XX ELECTRODES. SHOP AND FIELD WELDS SHALL BE MADE BY APPROVED CERTIFIED WELDERS AND SHALL CONFORM TO THE AMERICAN WELDING SOCIETY CODE FOR BUILDINGS AND D.I.I. WELDS SHALL DEVELOP THE FULL STRENGTH OF MATERIALS BEING WELDED UNLESS OTHERWISE NOTED.

6. WOOD

A. STRUCTURAL SOLID WOOD RAFTERS, JOISTS, BEAMS AND STUDS SHALL BE HEY FIR #2 OR SPRUCE PINE FIR #2 SURFACED DRY AT A MAXIMUM OF 19 % MOISTURE CONTENT. ALL LUMBER EXPOSED TO WEATHER SHALL BE PRESSURE TREATED SOUTHERN PINE #2. ALL FABRICATION, ERECTION, OTHER PROCEDURES, AND MINIMUM UNIT STRESSES SHALL CONFORM TO THE CURRENT NATIONAL DESIGN SPECIFICATION FOR WOOD CONSTRUCTION.

B. WOOD TRUSSES SHALL BE DESIGNED, FABRICATED AND ERECTED IN ACCORDANCE WITH THE NATIONAL DESIGN STANDARD FOR METAL PLATE CONNECTED WOOD TRUSS CONSTRUCTION (ANSI/TPI 1) AND COMMENTARY AND RECOMMENDATIONS FOR HANDLING, INSTALLING AND BRACING METAL PLATE CONNECTED WOOD TRUSSES (HIB-4) AS PUBLISHED BY THE TRUSS PLATE INSTITUTE AND IN ACCORDANCE WITH THE 1991 EDITION OF THE NATIONAL DESIGN SPECIFICATION FOR WOOD CONSTRUCTION.

C. WOOD TRUSSES AND ENGINEERED FLOOR JOISTS ARE TO BE DESIGNED BY THE SUPPLIER. SHOP DRAWINGS SHALL BE SUBMITTED TO THE ENGINEER/ARCHITECT FOR REVIEW. ALL TRUSSES AND JOISTS SHALL BE DESIGNED TO LIMIT THE BEARING STRESS TO 425 PSI WHERE BEAMS OR STUDS ARE USED TO SUPPORT TRUSSES OR JOISTS. PROVIDE MEMBERS OF ADEQUATE WIDTH OR METAL CONNECTIONS TO LIMIT STRESSES TO THE SPECIFIED VALUE.

D. ALL LAMINATED VENEER LUMBER (LVL) OR PARALLEL STRAND LUMBER (PSL) SHALL HAVE THE FOLLOWING MINIMUM PROPERTIES: Fb=2800psi, Fv=285psi, E=1,900,000psi, Fc=2500psi(PARALLEL), Fc=1750psi(PERPENDICULAR).

E. ALL DOUBLE MEMBERS SHALL BE NAILED TOGETHER WITH 2 ROWS OF 16d NAILS SPACED AT 12" O.C. ALL TRIPLE MEMBERS SHALL BE NAILED TOGETHER WITH 3 ROWS OF 16d NAILS SPACED AT 12" O.C. NAILED FROM EACH SIDE.

F. PROVIDE DOUBLE JOISTS AT PARALLEL PARTITIONS WHERE PARTITION LENGTH EXCEEDS 1/3 JOIST SPAN.

G. ALL NAILS ARE TO BE COMMON WIRE NAILS. NAILING OF ALL FRAMING SHALL BE AS SPECIFIED IN THE CONTRACT DOCUMENTS BUT IN NO CASE SHALL BE LESS THAN THE RECOMMENDED NAILING SCHEDULE CONTAINED IN THE 2000 INTERNATIONAL RESIDENTIAL CODE. ALL MULTIPLE STUD POSTS ARE TO BE NAILED TOGETHER WITH 12d NAILS @ 6" O.C. STAGGERED.

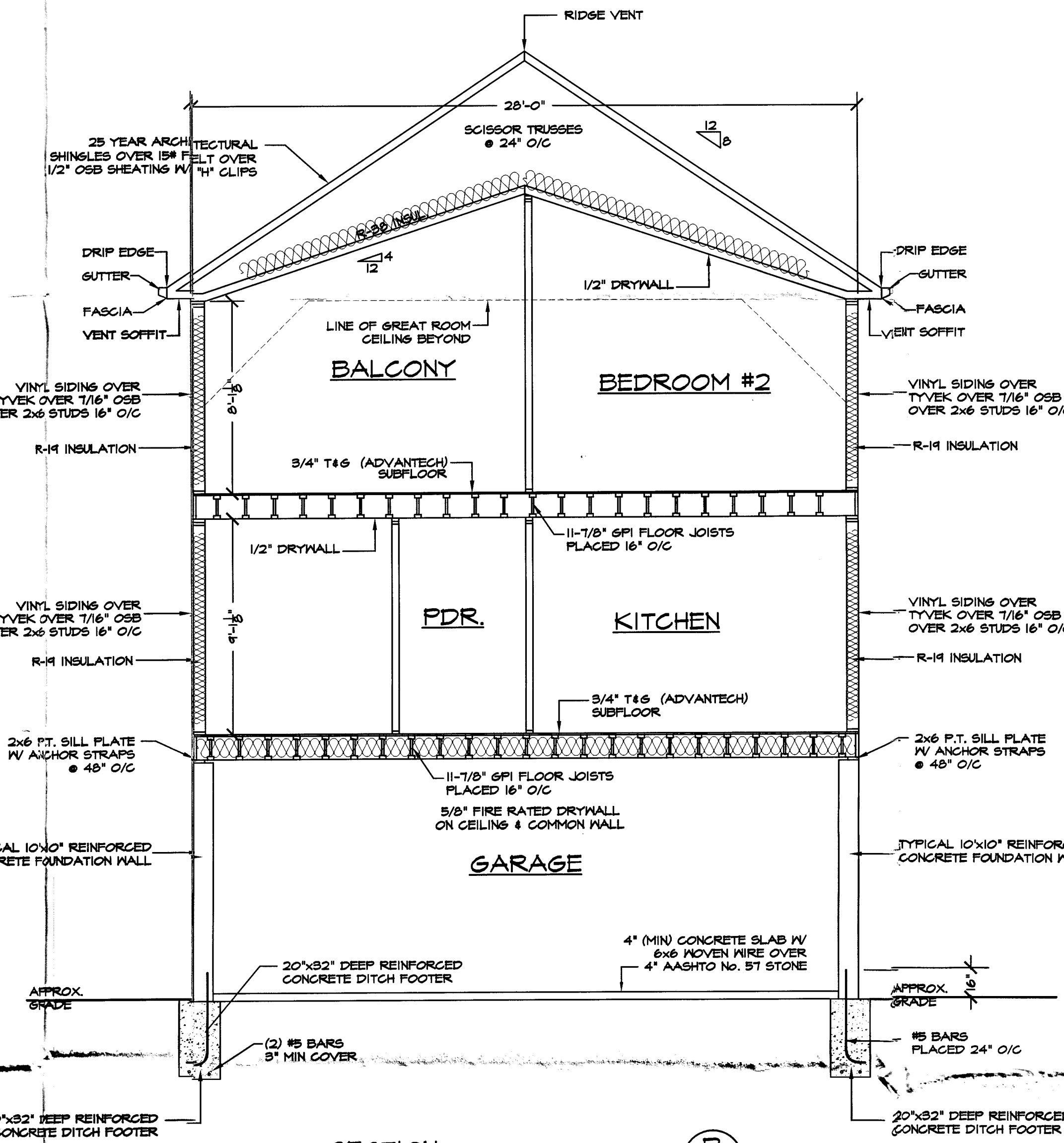
H. PROVIDE BRIDGING SPACED AT 48" O.C. IN FIRST TWO JOIST, RAFTER OR TRUSS SPACES WHEN FRAMING IS PARALLEL TO EXTERIOR WALL. NAIL SHEATHING (FLOOR, CEILING OR ROOF) TO BRIDGINGS AND NAIL BRIDGINGS TO EXTERIOR WALL PLATE. PROVIDE ONE ROW OF BRIDGINGS BETWEEN ALL FLOOR AND ROOF JOISTS FOR EACH 8'-0" OF SPAN. PROVIDE SOLID BLOCKING OR A CONTINUOUS RIM JOIST AT THE BEARING OF JOISTS, RAFTERS OR TRUSSES ON WOOD PLATES.

I. PROVIDE THE FOLLOWING JAMB STUDS AT ALL BEARING WALL OPENINGS UNLESS NOTED OTHERWISE:

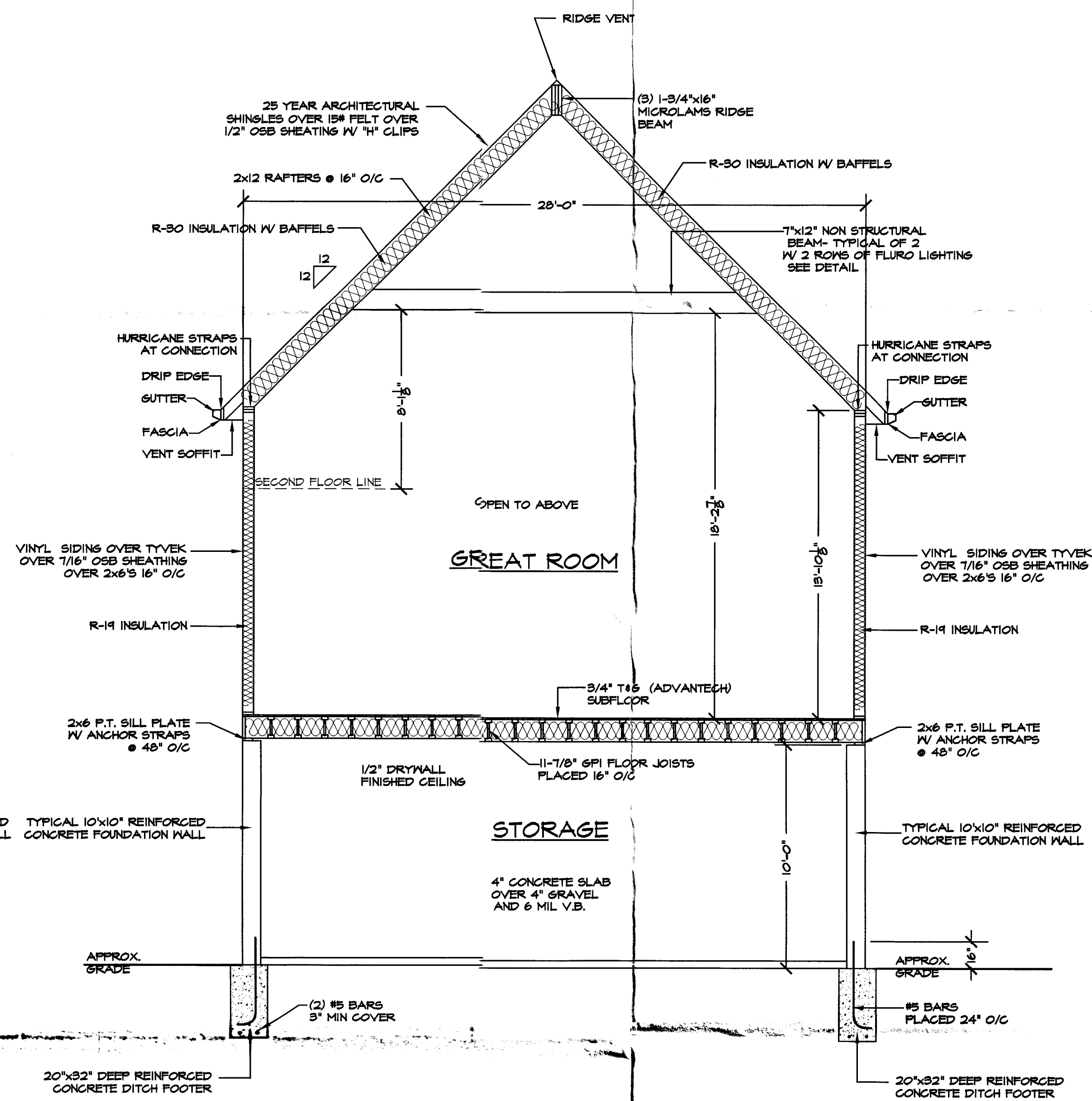
0'-3" OPENING 1 JACK STUD, 1 KING STUD
3'-1" - 6'-0" OPENING 2 JACK STUDS, 1 KING STUD
6'-1" - 9'-0" OPENING 2 JACK STUDS, 2 KING STUDS

PROVIDE DOUBLE STUDS AT ALL CORNERS AND BENEATH ALL GIRDER TRUSSES AND WOOD BEAMS UNLESS NOTED OTHERWISE ON PLANS. WOOD BEAMS, GIRDER TRUSSES HAVE TH AND HEADERS SHALL BEAR THE FULL DEPTH OF POSTS AND JACK STUDS.

J. ALL POSTS (MULTIPLE STUDS OR SOLID POST) SUPPORTING BEAMS, WALL HEADERS OR GIRDER TRUSSES, SHALL BE BLOCKED SOLID FOR THE FULL LENGTH AND WIDTH OF POSTS AT ALL INTERSECTIONS WITH FLOORS AS REQUIRED TO PROVIDE CONTINUOUS SUPPORT TO TOP FOUNDATION WALLS OR BEAMS. DOUBLE STUDS SHOWN ON UPPER LEVELS FLOORS SHALL ALSO BE INSTALLED ON THE LOWER LEVELS IN LINE WITH THE POST ABOVE DOWN TO FOUNDATION WALLS OR BEAMS.



SECTION B-B
SCALE: 1/4"=1'-0"



SECTION C-C
SCALE: 1/4"=1'-0"

THE HICKS RESIDENCE

THE HICKS RESIDENCE

SCALE: 1/4" = 1'-0"

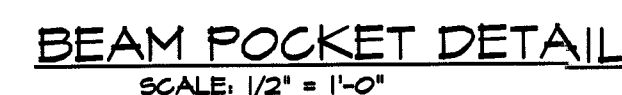
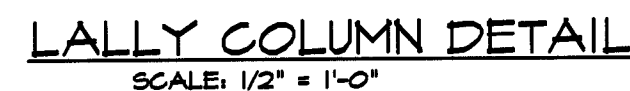
DATE: 9/2008

SHEET NO.: 5 OF 6

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DESIGN INC.
PO BOX 237 FINKSBURG, MD 21048
PHONE 410-635-8320

EX. 3

P. 5 of 6



EX. 3

P. 6 of 6