

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Bird River Grove Road, 1 mile NE
of c/l of Ebenezer Road
15th Election District
3rd Councilmanic District
(11222 Bird River Grove Road)

John and Kathleen McCormack
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0071-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, John and Kathleen McCormack for property located at 11222 Bird River Grove Road. The variance requests are as follows:

- From Section 1A01.3.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot of 0.298 acres in lieu of the minimum 1 acre; and
- From Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 10 feet from the east property line in lieu of the required 35 feet and to permit a setback from the centerline of Bird River Grove Road of 74 feet in lieu of the minimum 75 feet; and
- From Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) and to permit a height for the existing garage/storage accessory structure of 15.6 feet in lieu of the maximum 15 feet permitted; and
- Confirmation that the "front" yard is that portion of the land between the house and Bird River, thereby confirming that under Section 400.1 of the B.C.Z.R. that the existing garage/storage building is a permitted accessory structure in the rear yard.

The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners propose to replace the current dwelling containing 1,000 square feet with a new dwelling containing 1,458 square feet. The existing bulkhead and retaining wall will remain. The concrete steps will be reduced from 143 to 49 and the concrete sidewalks will be

CASE FILED FOR FILING

Date 10-27-08

By [Signature]

reduced from 1,309 square feet to 548 square feet. The current garage of 564 square feet will be increased to 584 square feet. The driveway configuration will not change.

The Petitioners' architect, Donald B. Smith, of Smith Architects, offers that the existing property of 0.298 acres was recorded as a development plat in the land records of Baltimore County in the year 1925, preceding the adoption of the zoning regulations by the County. There is no additional land owned by or available to the Petitioners by which the minimum one acre could be assembled. Application of the minimum setbacks as well as the Critical Bay setback from the bulkhead on an undersized lot creates a practical difficulty for the use of the property for a residence of a desired size and proportion. The existing residence on the property has one setback from the side property line of 10 feet which Petitioner desires to maintain. The existing garage/storage building with the Petitioners wish to continue to use was constructed prior to the adoption of the zoning regulations of the County. The living areas of both the existing and proposed new house will orient to the Bird River while the kitchen and bathrooms will orient to Bird River Grove Road.

The new dwelling will only be 458 square feet larger than the current structure. The impervious surfaces within the buffer will be decreased 855 square feet as mitigation. Within the first 25 feet from the water, Petitioners plan to remove 95 square feet of concrete paving used for access to the pier and replace with 92 square feet of pervious wood walkway. Petitioners expect to pay a mitigation for this 97 square feet increase. Within the buffer from 25 feet to 50 feet the Petitioners propose to remove 230 square feet of concrete paving and will install 120 square feet of new concrete paving and 19.5 square feet of pervious wood walkway. A net loss of 110.5 square feet of impervious paving will result. Within the buffer from 50 feet to 75 feet the Petitioners propose to remove 570 square feet of concrete paving and will install 77 square feet of new

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Date 10-27-08
By [Signature]

concrete paving. A net loss of 493 square feet of impervious paving will result. Within the buffer from 75 feet to 100 feet the Petitioners propose to remove 135 square feet of concrete paving and will install 62 square feet of new concrete paving. A net loss of 73 square feet of impervious paving will result.

The subject property has 100 feet of frontage at the concrete bulkhead on Back River and 100 feet of width on Bird River Grove Road. The Zoning Commissioner's Policy Manual (Z.C.P.M.), Sections 400.1A and 400.2A, provides a determination of what constitutes the front yard on waterfront lots based on the orientation of the houses and accessory buildings. In most cases, waterfront lots refer to the front of the structure facing the water.

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights. Comments were received from the Bureau of Development Plans Review dated September 24, 2008. The comments indicate that the first floor or basement must be at least one foot above the flood plain elevation in all construction, the building should be designed and adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood damage. Flood-resistant construction should be in accordance with the Baltimore County Building Code which adopts the International Building Code. Comments were received from the Department of Environmental Protection and Resource Management dated October 16, 2008 which indicates that the property must comply with the Chesapeake Bay Critical Area Regulations. The property is within a Limited Development Area (LDA) and a Buffer Management Area (BMA). Lot coverage is limited to 31.25% and the 15% afforestation requirement must be met. In addition, all development within the 100 foot buffer must meet all BMA provisions.

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Date 10-27-08
By [signature]

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 20, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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

I find that strict compliance with the zoning regulations of Baltimore County would result in practical difficulty. There is no land on either side of the lot for the Petitioners to acquire and avoid the variance request. No increase in residential density beyond that otherwise allowable by the zoning regulations will result by granting these variances. The proposed home will be compatible with the pattern of the development of the neighborhood.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 27th day of October, 2008 that the variance requests as follows:

- From Section 1A01.3.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot of 0.298 acres in lieu of the minimum 1 acre; and
- From Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 10 feet from the east property line in lieu of the required 35

ORDER RECEIVED FOR FILING
Date 10-27-08
By [Signature]

feet and to permit a setback from the centerline of Bird River Grove Road of 74 feet in lieu of the minimum 75 feet; and

- From Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) and to permit a height for the existing garage/storage accessory structure of 15.6 feet in lieu of the maximum 15 feet permitted; and
- Confirmation that the "front" yard is that portion of the land between the house and Bird River, thereby confirming that under Section 400.1 of the B.C.Z.R. that the existing garage/storage building is a permitted accessory structure in the rear yard

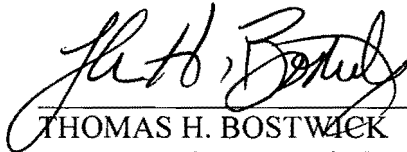
be and are hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The base flood elevation for this site is 10.2 feet Baltimore County Datum.
3. The flood protection elevation for this site is 11.2 feet.
4. 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.
8. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.
9. 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).

ORDER RECEIVED FOR FILING
Date 10-27-08
By [Signature]

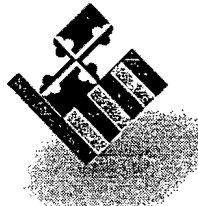
10. The property is within a Limited Development Area (LDA) and a Buffer Management Area (BMA). Lot coverage is limited to 31.25% and the 15% afforestation requirement must be met. In addition, all development within the 100 foot buffer must meet all BMA provisions.

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

CERTAIN RECEIVED FOR FILING
Date 10-27-08
By 193



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

October 27, 2008

JOHN AND KATHLEEN MCCORMACK
11222 BIRD RIVER GROVE ROAD
WHITE MARSH MD 21162

Re: Petition for Administrative Variance
Case No. 2009-0071-A
Property: 11222 Bird River Grove Road

Dear Mr. and Mrs. McCormack

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "John H. Bostwick", written over the typed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Donald D. Smith, Smith Architects, 3100 Elm Avenue, Baltimore MD 21211



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11222 Bird River Grove Road
which is presently zoned RC-2

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)

See Attachment hereto

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

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

John P. McCormack
Name - Type or Print _____
Signature John P. McCormack
Kathleen M. McCormack
Name - Type or Print _____
Signature Kathleen M. McCormack
11222 Bird River Grove Rd. 410/335.23
Address Telephone No. 52
White Marsh MD 21162-1804
City State Zip Code

Representative to be Contacted:

Donald D. Smith, NCARB
Name _____
3100 Elm Avenue 410/662.6900
Address Telephone No.
Baltimore, MD 21211-2722
City State Zip Code

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

Zoning Commissioner of Baltimore County

CASE NO. 2009-0071-A

Reviewed By [Signature] Date 9/9/08

REV 10/25/01

ORDER RECEIVED FOR FILING

Date 10-27-08

Estimated Posting Date 9/21/08

By [Signature]

Affidavit in Support of Administrative Variance

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

That the Affiant(s) does/do presently reside at 11222 Bird River Grove Road
Address
White Marsh, MD 21162-1804
City State Zip Code

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

See Attachment Hereto

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

John P. McCormack
Signature
John P. McCormack
Name - Type or Print

Kathleen M. McCormack
Signature
Kathleen M. McCormack
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18th day of August, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

John P. McCormack and Kathleen M. McCormack
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

"OFFICIAL SEAL"
Jane A. Wolf
Notary Public, State of Maryland
Baltimore County
My Commission Expires Feb 1 2009

Jane A. Wolf
Notary Public
My Commission Expires 2-1-09

Attachment to Petition for Administrative Variance

Owners hereby petition for a Variance from Sections

- 1A01.3.B.2 To permit a lot of 0.298 Acres in lieu of the minimum 1 Acre; and
- 1A01.3.B.3 To permit a sideyard setback of 10' from the east property line in lieu of the required 35'; and to permit a setback from the centerline of Bird River Grove Road of 74' in lieu of the minimum 75'; and
- 400.3 To permit a height for the existing garage/storage accessory structure of 15'-6" in lieu of the maximum 15'-0" permitted

of the zoning regulations of Baltimore County, to the zoning laws of Baltimore County, for the reasons indicated hereinafter.

And further, Owner requests confirmation that the "Front" yard is that portion of the land between the house and Bird River; thereby confirming under 400.1 of the zoning regulations that the existing garage/storage building is a permitted accessory structure in the rear yard.

Owner affirms, upon personal knowledge, that the following are facts upon which they base the request for an Administrative Variance:

- (1) The existing property of 0.298 acres was recorded as a development plat in the land records of Baltimore County in the year 1925, preceding the adoption of the zoning regulations by Baltimore County; There is no additional land owned by or available to the existing Owner by which the minimum 1 Acre could be assembled.
- (2) Application of the minimum setbacks, as well as the Critical Bay setback from the bulkhead on an undersized lot creates a practical difficulty for the use of the property for a residence of a desired size and proportion. The existing residence on the property has one setback from the side property line of 10', which Owner desires to maintain.
- (3) Existing Garage/Storage building, which Owner wishes to continue in use, was constructed prior to the adoption of the zoning regulations of Baltimore County.
- (4) Living areas of both the existing and proposed new house do/will orient to the Bird River, while the kitchen and bathrooms do/will orient to Bird River Grove Road.

Zoning Description

ZONING DESCRIPTION FOR 11222 BIRD RIVER GROVE ROAD

Beginning at a point on the north side of Bird River Grove Road which is 25 feet wide at the distance of approximately one mile northeast of the centerline of the nearest improved intersecting street Ebenezer Road which is 50 feet wide. Being Lots #24 and #25 of Section A in the subdivision of Bird River Grove as recorded in Baltimore County Plat Book W.P.C. 7, Folio 189, containing 0.298 Acres. Also known as 11222 Bird River Grove Road and located in the 15th Election District, 6th Councilmanic District.

2009-0071-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **26520**

Date: **9/9/08**

PAID RECEIPT

BUSINESS ACTUAL TIME ORN
 /10/2008 9/09/2008 15:11:17
 REG 9501 WALKER TRET THE
 RECEIPT # 39231 9/09/2008
 5 520 20100 IDENTIFICATION
 04/25/08
 Receipt for \$65.00
 100.00 EA 5.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	826	0		650				65.00

Total: **65.00**

Rec From: John McCannick
 For: 11222 Bad River Grove Rd.
2162-1804

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No: 2009-0071-A

Petitioner/Developer: JOHN P.
KATHLEEN M. McDEMACK

Date Of Hearing/Closing: 10/6/08

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 11222 BIRD RIVER GROVE RD

This sign(s) were posted on September 20, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 9/20/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



P9200002.JPG
09/20/2008

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0071 -A Address 11222 Bird River Grove Rd

Contact Person: LEONARD WASILEWSKI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9/9/08 Posting Date: 9/21/08 Closing Date: 10/6/08

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

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

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2009- 0071 -A Address 11222 Bird River Grove Rd.
Petitioner's Name John P & Kathleen M. McGinnacki Telephone 410-335-2352
Posting Date: 9/21/08 Closing Date: 10/6/08
Wording for Sign: To Permit See Attached

WCR - Revised 7/7/08

Attachment to Petition for Administrative Variance

Owners hereby petition for a Variance from Sections

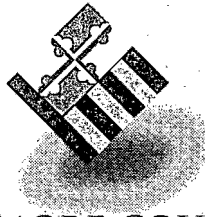
1A01.3.B.2 To permit a lot of 0.298 Acres in lieu of the minimum 1 Acre; and

1A01.3.B.3 To permit a sideyard setback of 10' from the east property line in lieu of the required 35'; and to permit a setback from the centerline of Bird River Grove Road of 74' in lieu of the minimum 75'; and

400.3 To permit a height for the existing garage/storage accessory structure of 15'-6" in lieu of the maximum 15'-0" permitted

of the zoning regulations of Baltimore County, to the zoning laws of Baltimore County, for the reasons indicated hereinafter.

And further, Owner requests confirmation that the "Front" yard is that portion of the land between the house and Bird River; thereby confirming under 400.1 of the zoning regulations that the existing garage/storage building is a permitted accessory structure in the rear yard.



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

October 6, 2008

John P. & Kathleen M. McCormack
11222 Bird River Grove Rd.
White Marsh, MD 21162

Dear: John P. & Kathleen M. McCormack

RE: Case Number 2009-0071-A, 11222 Bird River Grove Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 21, 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
Donald D. Smith, NCARB, 3100 Elm Ave., Baltimore, MD 21211



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: SEPT. 23, 2008

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

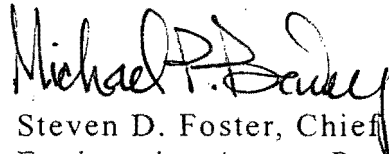
RE: Baltimore County
Item No 2009-0071-A
11222 BIRD RIVER GROVE RD
MC GORMACK PROPERTY
ADMINISTRATIVE VARIANCE

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. 2009-0071-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

INTER-OFFICE CORRESPONDENCE

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

DATE: October 20, 2008

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

RECEIVED
OCT 24 2008

BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-071- Administrative 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:
CM/LL

Curtis Murray

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
OCT 16 2008

BY:.....

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: October 16, 2008
SUBJECT: Zoning Item # 09-071-A
Address 11222 Bird River Grove Road
(McCormack Property)

Zoning Advisory Committee Meeting of September 22, 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 within a Limited Development Area (LDA) and a Buffer Management Area (BMA). Lot coverage is limited to 31.25% and the 15% afforestation requirement must be met. In addition, all development within the 100-foot buffer must meet all BMA provisions.

Reviewer: Regina Esslinger

Date: October 8, 2008

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 24, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For September 29, 2008
Item No. 2009-0071-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 0071-A-09232008

Patricia Zook - Fwd: Case Number: 2009-0071-A - administrative variance that closed October 6 – comments needed

From: Patricia Zook
To: Murray, Curtis
Date: 10/21/2008 11:21 AM
Subject: Fwd: Case Number: 2009-0071-A - administrative variance that closed October 6 – comments needed

We still need comments from the Planning Office.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
Jefferson Building, Suite 103
105 West Chesapeake Avenue
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

From: Debra Wiley
To: Livingston, Jeffrey; Murray, Curtis
Date: 10/15/08 3:47:32 PM
Subject: Comment Needed

Good Afternoon Gentlemen:

The Administrative Variance listed below closed on 10/6/08 and we're missing comments from your offices. I have provided a case description for your convenience as follows:

Case No. 2009-0071-A

11222 Bird River Grove Road

Location: N side of Bird River Grove Road, 1 mile NE of Ebenezer Road

15th Election District, 3rd Councilmanic District

Legal Owner: John and Kathleen McCormack

Closing Date: 10/6/08

ADMINISTRATIVE VARIANCE to permit a lot of 0.298 acres in lieu of the minimum 1 acre, to permit a side yard setback of 10 feet from the east property line in lieu of the required 35 feet, to permit a setback from c/line of Bird River Grove Road of 74 feet in lieu of the minimum 75 feet, and to permit a height for existing garage/storage accessory structure of 15.6 feet in lieu of the maximum 15 feet permitted.

Additional Information: CBCA & Flood

Thanking you in advance for your usual cooperation.

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Patricia Zook - Case Number: 2009-0071-A - administrative variance that closed October 6 – comments needed

From: Patricia Zook
To: Kennedy, Dennis; Livingston, Jeffrey; Murray, Curtis
Date: 10/7/2008 10:46 AM
Subject: Case Number: 2009-0071-A - administrative variance that closed October 6 – comments needed
CC: Bostwick, Thomas; Wiley, Debra

Good morning -

The below listed administrative variance case file was just delivered to our office. The file does not contain comments from your offices. If you have 'no comment' just reply to this e-mail and I'll print that response and place it in the file.

Thanks for your help.

CASE NUMBER: 2009-0071-A
11222 Bird River Grove Road
Location: N side of Bird River Grove Road, 1 mile NE of Ebenezer Road.
15th Election District, 3rd Councilmanic District
Legal Owner: John and Kathleen McCormack
Closing Date: 10/6/2008

ADMINISTRATIVE VARIANCE to permit a lot of 0.298 acres in lieu of the minimum 1 acre, to permit a side yard setback of 10 feet from the east property line in lieu of the required 35 feet, to permit a setback from centerline of Bird River Grove Road of 74 feet in lieu of the minimum 75 feet, and to permit a height for existing garage/storage accessory structure of 15.6 feet in lieu of the maximum 15 feet permitted.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
Jefferson Building, Suite 103
105 West Chesapeake Avenue
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

RE: PETITION FOR ADMINSTRATIVE * BEFORE THE
VARIANCE
11222 Bird River Grove Rd; N/S Bird River * ZONING COMMISSIONER
Grove Rd, approx. 1 miles NE Ebenezer Road
15th Election & 3rd Councilmanic Districts * FOR
Legal Owner(s): John & Kathleen McCormack * BALTIMORE COUNTY
Petitioner(s) *
* 09-071-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/ 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
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

OCT 03 2008

elm

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of October, 2008, a copy of the foregoing Entry of Appearance was mailed to Donald Smith, NCARB, 3100 Elm Avenue, Baltimore, MD 21211-2722, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

IMPORTANT MESSAGE

FOR

Tom

DATE

10-1

TIME

1:20

A.M.

P.M.

M

Carole De Millio

OF

PHONE

AREA CODE

NUMBER

EXTENSION

☐ FAX

☐ MOBILE

AREA CODE

NUMBER

TIME TO CALL

TELEPHONED	☒	PLEASE CALL	☒
CAME TO SEE YOU	☐	WILL CALL AGAIN	☐
WANTS TO SEE YOU	☐	RUSH	☐
RETURNED YOUR CALL	☐	SPECIAL ATTENTION	☐

MESSAGE

Re: case

*2009-0071-A - admin. variance
that closes 10/6/08.*

*This case should be a
variance w/ hearing - deals
w/ undersized lot.*

SIGNED



FORM 3002P
MADE IN U.S.A.

MODE = MEMORY TRANSMISSION

START=OCT-29 11:50

END=OCT-29 11:52

FILE NO.=140

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK		94105909071	007/007	00:02:05

-ZONING COMMISSIONER OFF M-

410 887 3468- *****



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

October 27, 2008

JOHN AND KATHLEEN MCCORMACK
11222 BIRD RIVER GROVE ROAD
WHITE MARSH MD 21162

Re: Petition for Administrative Variance
Case No. 2009-0071-A
Property: 11222 Bird River Grove Road

Dear Mr. and Mrs. McCormack

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

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

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Donald D. Smith, Smith Architects, 3100 Elm Avenue, Baltimore MD 21211

**THIS SHOULD HAVE BEEN TAKEN IN AS A VARIANCE (NOT AS AN
ADMINISTRATIVE VARIANCE) BECAUSE IT DEALS WITH LOT SIZE and a
NEW DWELLING! THIS IS TO APPROVE AN UNDERSIZED LOT!**

**TOM AND BILL CHATTED ABOUT THIS CASE; CAN BE PROCESSED AS AN
ADMINISTRATIVE VARIANCE – NO HEARING IS REQUIRED**



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 - 1518100870

Owner Information

Owner Name:	MCCORMACK JOHN P MCCORMACK KATHLEEN M	Use:	RESIDENTIAL
Mailing Address:	11222 BIRD RIVER GR RD WHITE MARSH MD 21162-1804	Principal Residence:	YES
		Deed Reference:	1) /13849/ 52 2)

Location & Structure Information

Premises Address	Legal Description
11222 BIRD RIVER GROVE RD	LT 24,25
WATERFRONT	BIRD RIVER GROVE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
73	20	324			A		24	3	Plat Ref: 7/ 189

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1943	960 SF	12,800.00 SF	34
Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	BLOCK

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2008	07/01/2009
Land	177,950	177,950		
Improvements:	87,950	87,950		
Total:	265,900	265,900	265,900	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller: REIDER ANNA L	Date: 06/24/1999	Price: \$130,000
Type: IMPROVED ARMS-LENGTH	Deed1: /13849/ 52	Deed2:
Seller: REIDER JOHN L	Date: 02/23/1999	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /13545/ 402	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *



1. McCormack Residence, 11222 Bird River Grove Road, viewed from road looking toward Wasilewski residence

0071-A

	Prepared By SMITH Architects 3100 Elm Avenue Baltimore, MD 21211 (410) 662.6900	Property Owners John and Kathleen McCormack Property Address 11222 Bird River Grove Road, 21162 Subdivision Bird River Grove, Section A recorded in Plat Book 7 Folio 189, Lots 24 and 25	Election District 15 Councilmanic District 6 Sheet NE 8-J
Photographs to Accompany Petition for Administrative Variance			



2. Roadside (South) facade of McCormack Residence, looking past pool.



3. East facade of McCormack Residence



4. North waterside facade of McCormack Residence from pier.

0071-A



5. Wasilewski residence at 11220 Bird River Grove Road, taken from McCormack pier.



6. McCormack Residence taken from eastern end of bulkhead looking at Retaining Wall and Wasilewski Residence.

0071-A



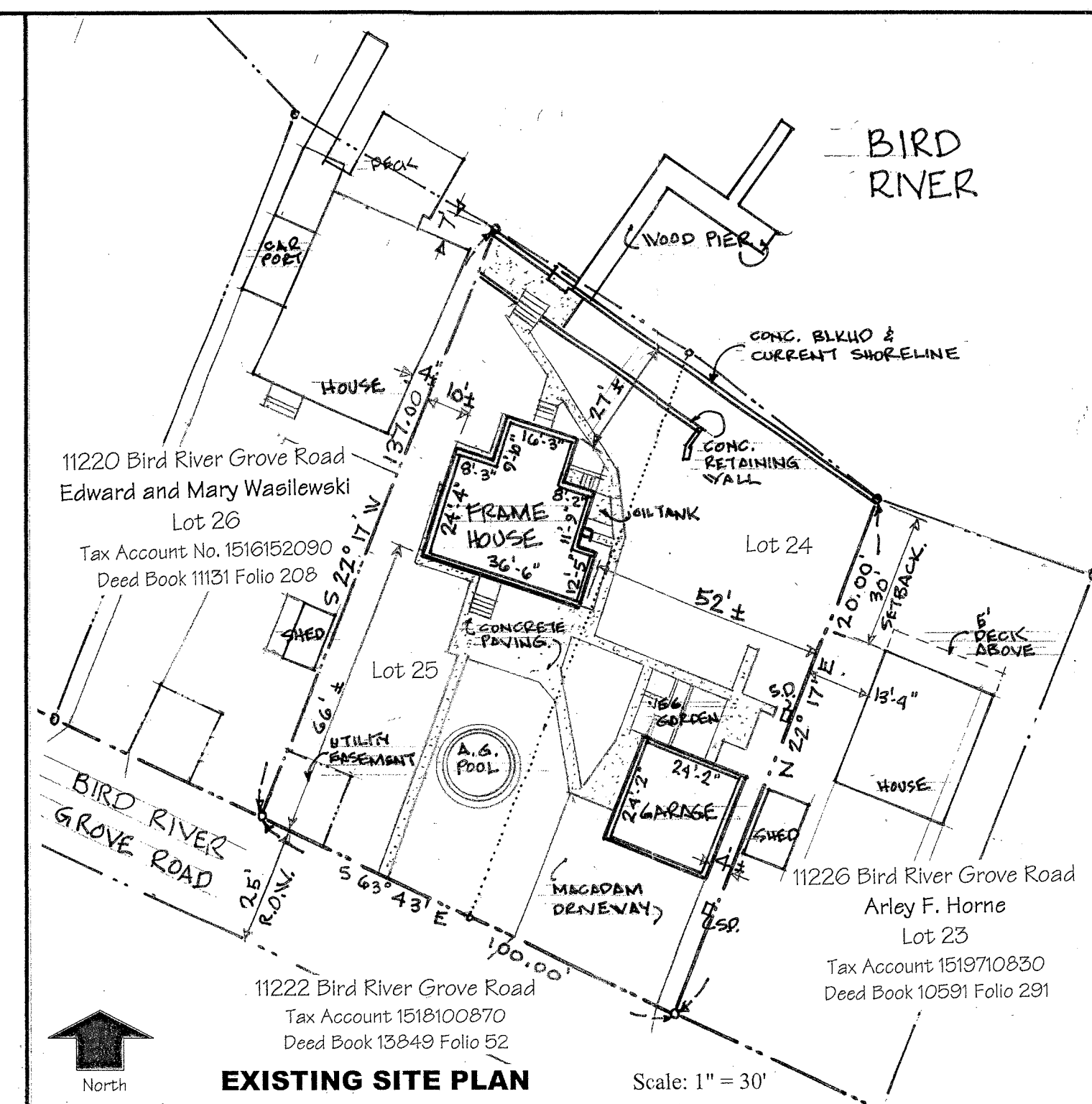
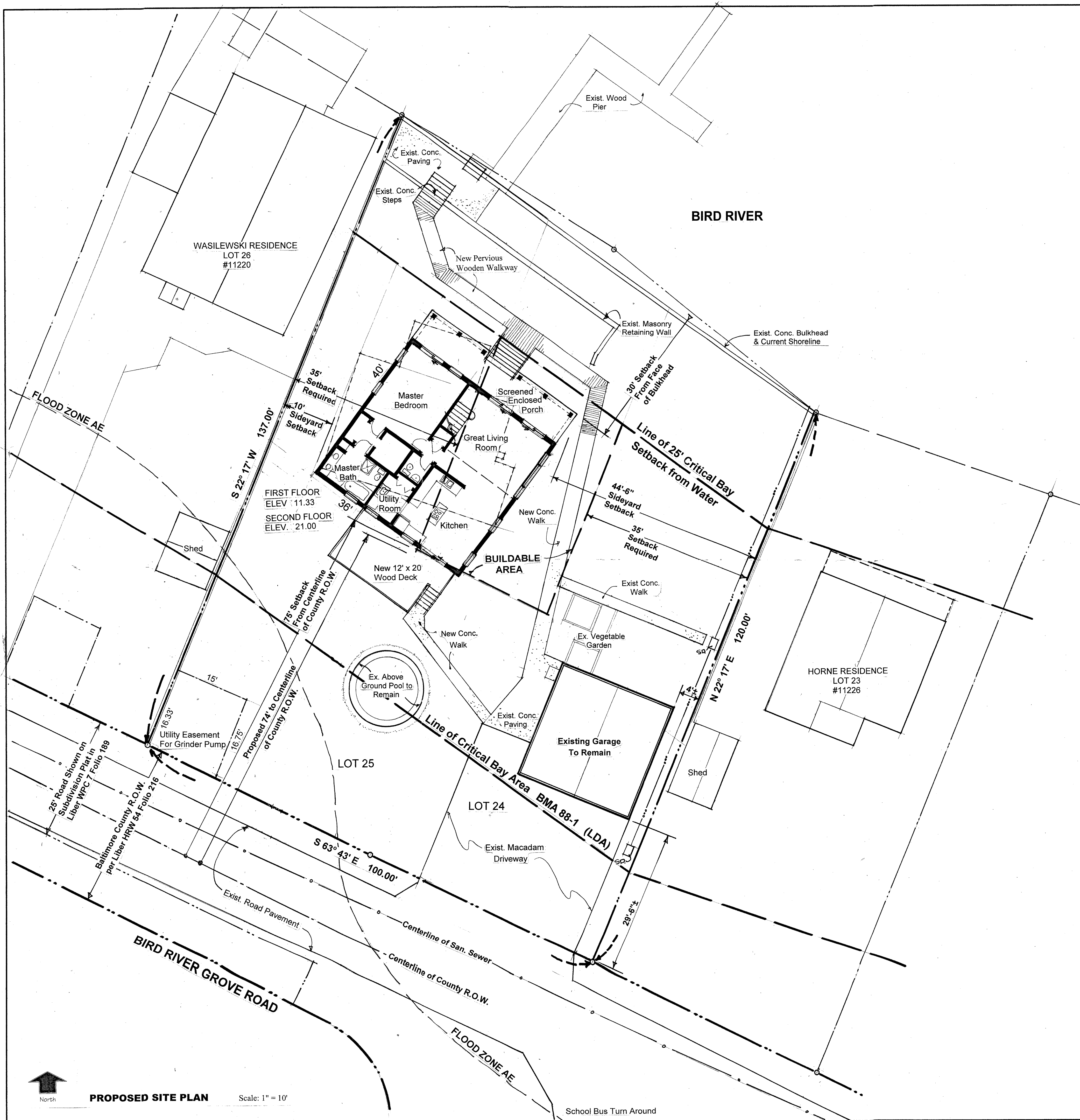
7. Horne Residence at 11226 Bird River Grove Road.



8. McCormack Garage and Storage Building , looking toward Horne Residence and shed form pier.



9. McCormack Garage/Storage and Driveway, with Horne Residence in background, looking from Bird River Grove Road.



INFORMATION NOTES

EXISTING ZONING: RC-2

PERMITTED USES: Primary: Single Family Detached Dwelling
Secondary: Pier, Bulkhead, Swimming Pool, Garage/Storage, Parking

HEIGHT AND AREA REGULATIONS:

Primary Building			
Maximum Height Permitted:	35'	Proposed	33'
Minimum Lot Size:	1 Acre	Proposed	0.298 Acre
Minimum Street Setback:	75'	Proposed	74'
Minimum Lot Line Setback:	35'	Proposed	10' and 44'-6"
Accessory Building (Existing)			
Minimum Distance to Lot Line:	2.5'	Proposed	4'
Minimum Distance to Road Centerline:	15'	Proposed	44'
Maximum Height:	15'	Proposed	15'-6"
Maximum Coverage of Rear Yard:	40%	Proposed	10.25%

CRITICAL BAY AREA:

This Property is within the Buffer Management Area (BMA) 88-1. Use Classification: Limited Development Area (LDA). Uses Permitted in the BMA: New Single Family Dwellings; Porches; Detached Garages; Decks; Sheds and Storage Buildings; Swimming Pools; Sidewalks; Driveways; and Parking Pads.

Setback for Alternate Locations of Structure:
No closer than furthest adjacent property from water. Adjacent properties are 7' and 30' from water. Proposed setback from water is 30'.

Impervious surfaces waterward from the dwelling have been decreased from 520 SF to 335 SF by using a 3' wide pervious wooden walkway and entrance steps.

The proposed wood deck and steps will be constructed with space between boards to allow the flow of water; will be constructed over pervious gravel and filter cloth; will not be used for storage under the deck; and will not be roofed.

Impervious Construction on Site:

	CURRENT (SF)	PROPOSED (SF)
Dwelling	1,000	1,458
Garage Storage	564	584
Pool	189	189
Bulkhead	68	68
Retaining Wall	54	54
Edge Walls	45	45
Storm Drains	6	6
Driveway	1,081	1,081
Concrete Steps	143	49
Concrete Sidewalks	1,309	548
TOTAL	4,459	4,062
% of Total Site:	34.3%	31.25%

FORESTATION:

- No trees currently exist on the property. None will be removed for the proposed construction.
- Aforestation will be required @ 15% of the site area (13,000 SF) = 1,950 SF ÷ 500 sf per tree = 4 Trees Required.

MITIGATION:

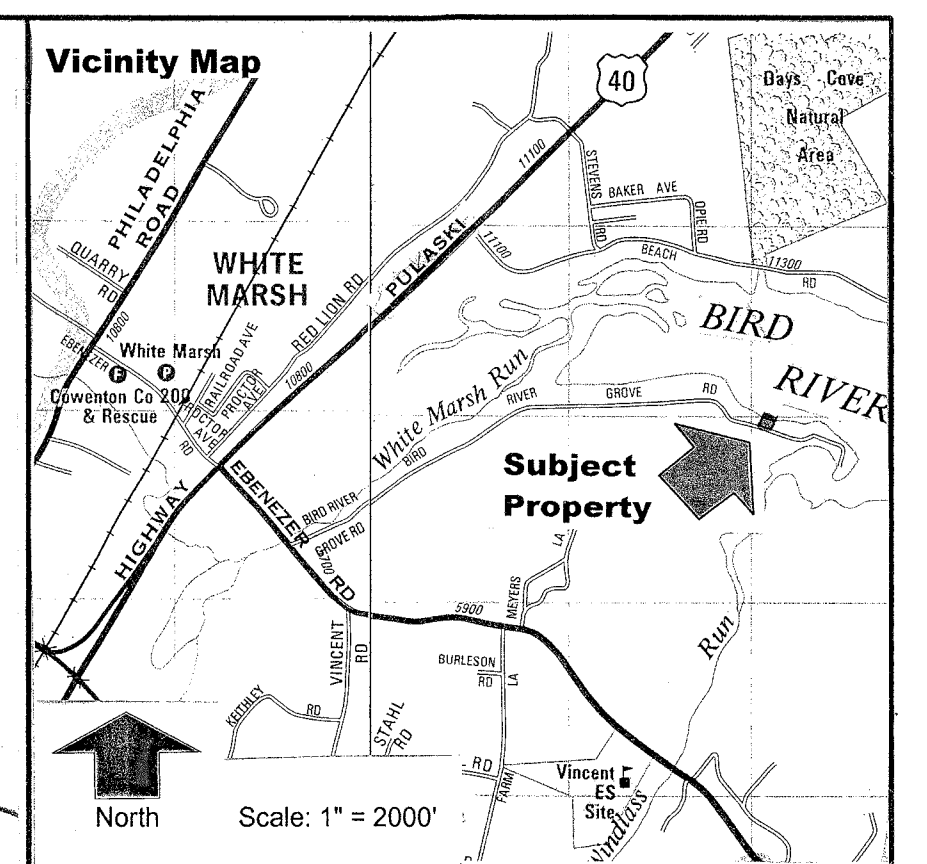
- The new structure has a site footprint of 1,458 SF which is an increase of 458 SF.
- Other impervious surfaces within the buffer will be decreased 855 SF as mitigation.
- Within the first 25' from the water, the Owner plans to remove 95 SF of concrete paving used for access to the pier, and to replace it with 192 SF of pervious wood walkway. Owner expects to pay a mitigation fee for this 97 SF increase.
- Within the buffer from 25' to 50' the Owner proposes to remove 230.5 SF of concrete paving and will install 120 SF of new concrete paving and 19.5 SF of pervious wood walkway. A net loss of 110.5 SF of impervious paving will result.
- Within the buffer from 50' to 75' the Owner proposes to remove 570 SF of concrete paving and will install 77 SF of new concrete paving. A net loss of 493 SF of impervious paving will result.
- Within the buffer from 75' to 100' the Owner proposes to remove 135 SF of concrete paving and will install 62 SF of new concrete paving. A net loss of 73 SF of impervious paving will result.

ON-SITE FILL:

The existing dwelling to be razed has a full basement. It will require 150 cubic yards of fill to in-fill the basement. A variance will be requested for this excess beyond the 100 cubic yard limit.

FLOOD PLAIN:

The property is within the Flood Zone AE as designated on County Map NE 8-J. This requires that the first floor be constructed at a minimum of 1' above flood level 10.2 feet. The proposed First Floor Level is 11.33 feet.



Location Information

Election District:	15
Councilmanic District:	6
1"=200' Scale Map No:	NE 8J 07343
Zoning:	RC 2
Lot Size:	0.298 ACREAGE 13,000 SQUARE FEET
Sewer:	PUBLIC ☒ PRIVATE ☐
Water:	PUBLIC ☒ PRIVATE ☐
Chesapeake Bay Critical Area:	YES ☒ NO ☐
100 Year Flood Plain:	☒ ☐
Historic Property / Building:	☐ ☒
Prior Zoning Hearing:	NONE



Plat to Accompany Petition for Zoning Administrative Hearing

Owner:
John P. and Kathleen M. McCormack

Address:
**11222 Bird River Grove Road
White Marsh, MD 21162**

SubDivision:
Bird River Grove, Section A

Plat Book: 7 Folio: 189 Lots: 24 and 25

Date: 22 August, 2008

ZONING OFFICE USE ONLY

Reviewed By:	Item #	Case #
<i>[Signature]</i>	2009	0071-A