

IN RE: **PETITION FOR VARIANCE**

E/S Poplar Road, 415' S of

Poplar Road

(2330 Poplar Road)

15th Election District

6th Council District

James A. Pine, Jr., et ux

Petitioners

*

*

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*

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BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2009-0103-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, James A. Pine, Jr., and his wife, Kathleen A. Pine. The Petitioners request Variance relief from Sections 1A04.3B3 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a building coverage of 21.1% and an accessory building (garage) with a height of 20 feet in lieu of the permitted 15% and 15 feet respectively. The subject property and requested relief are more particularly described on the amended site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1. Appearing at the requisite public hearing in support of the request were James and Kathleen Pine¹, legal owners, a neighbor, Mark W. Dickerson, and David Billingsley, of Central Drafting and Design, Inc., who is assisting the Petitioners in the process. There were no Protestants or other interested persons present; however, letters of support were received from residents on Poplar Road (*See* Petitioners' Exhibit 5).

Testimony and evidence offered disclosed that the subject property is a rectangular shaped waterfront parcel (51' x 281') located on the southeast side of Poplar Road with frontage on Sue Creek in the community of Cedar Beach. The property contains a gross area of 0.32

¹ Mr. Pine participated by way of telephone conference.

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Date 11-21-08

By

102

acres (13,930 square feet), more or less, zoned R.C.5, and is improved with a single-family dwelling dating back to 1924, a pier and a 40' x 18' garage surrounded by macadam paving. The Petitioners have owned the property, identified as part of Lots 113 and 114 of Cedar Beach, for the past six (6) years. In 2006, they purchased a new 45' Tiffin Zephyr Motorhome Coach and have stored it in the rear side yard adjacent to their garage. Mr. Pine testified that the vehicle is frequently used for recreational purposes and that it has been stored outside exposed to the elements since its purchase. The Petitioners now come before me seeking approval to enlarge their existing garage. As shown on the site plan, a proposed 20' x 20' addition will be added to the eastern end of the present garage (house side) over existing macadam providing parking for automobiles. The expansion of the existing garage will consist of raising the pitched roof by 5 feet to provide for a larger garage door permitting the motorhome to be backed in. The improvements will allow for a break or offset and window treatments providing for a residential appearance to better match the pattern of development in the locale. This will allow the Pines to store the recreational vehicle out of view from adjacent neighbors and passing motorists traveling on Poplar Road. B.C.Z.R. Section 415A.1A provides in pertinent part a preference that such a vehicle be stored in a garage.

After due consideration of all of the testimony and evidence presented, I am persuaded to grant the requested relief. Testimony and evidence offered in support of the request was that without variance relief, the garage improvements could not be made. At present, "building coverage" on the lot is 18.5%. The 20' x 20' new addition will increase "building coverage" to 21.1%, however, there will be no increase in impervious surface area as the garage will be placed over macadam pavement. Obviously, strict compliance with the regulations would result in a practical difficulty and unreasonable hardship for the Petitioners. As noted above, the vehicle has existed on the property where located for the past two years without prior

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By [Signature]

complaint. In my view, the relief requested will not result in any detriment to the health, safety and general welfare of the surrounding locale and meets the spirit and intent of Section 307 for relief to be granted. Indeed, Mr. Dickerson testified that having the motorhome coach housed inside an enclosed garage would be a benefit. There were no adverse comments submitted by any County reviewing agency and the neighbors support the proposal. However, the proposed improvements must comply with the Chesapeake Bay Critical Area regulations as set forth in the attached Zoning Advisory Committee (ZAC) comment submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated November 19, 2008. Finally, in order to safeguard the community, should the Petitioners discontinue the use of the accessory structure for recreational vehicle storage or sell the property to subsequent owners, I will further condition approval to prevent the structure's use for living quarters or commercial purposes.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of November 2008 that the Petition for Variance seeking relief from Sections 1A04.3B3 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a building coverage of 21.1% and an accessory building (garage) with a height of 20 feet in lieu of the permitted 15% and 15 feet respectively, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

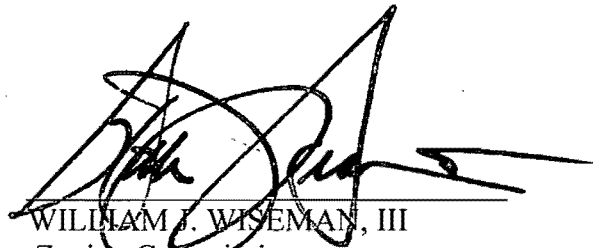
- 1) The Petitioners may apply for their building permits and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

ORDER RECEIVED FOR FILING
Date 11-21-08
By 192

- 2) Compliance with the Zoning Advisory Committee (ZAC) comment submitted by DEPRM relative to the Limited Development Area (LDA) and Buffer Management Area (BMA) in the Chesapeake Bay Critical Area (CBCA) in accordance with this comment, dated November 19, 2008 has been attached hereto and are made a part hereof.
- 3) The Petitioners or their subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities nor shall it be used for commercial purposes.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.

WJW:dlw



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

RECEIVED FOR FILING
Date 11-21-08
By [signature]

BW 11/20
9 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: November 19, 2008
SUBJECT: Zoning Item # 09-103-A
Address 2330 Poplar Road
(Pine Property)

RECEIVED
NOV 20 2008

BY: _____

Zoning Advisory Committee Meeting of October 27, 2008

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

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

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

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

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

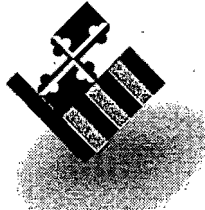
Additional Comments: This property is located within a Limited Development Area and Buffer Management Area in the Chesapeake Bay Critical Area and must comply with maximum lot coverage requirements, and a minimum 15% tree cover requirement. Actual lot coverage and tree requirements can only be determined in a field inspection and review of historic data. A 100-foot tidal buffer also applies to this site. There are additional requirements concerning use of this buffer.

Reviewer: Paul Dennis

Date: November 19, 2008

C:\DOCUME~1\dwiley\LOCALS~1\Temp\ZAC 09-103-A.doc

RECEIVED FOR FILING
Date 11-21-08
By [signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

November 21, 2008

James A. Pine, Jr.
Kathleen A. Pine
611 Horncrest Road
Baltimore, MD 21204

RE: PETITION FOR VARIANCE
E/S Poplar Road, 415' S of Poplar Road
(2330 Poplar Road)
15th Election District - 6th Council District
James A. Pine, Jr., et ux – Petitioners
Case No. 2009-0103-A

Dear Mr. and Mrs. Pine:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "W. J. Wiseman, III", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: David Billingsley, Central Drafting and Design, Inc., 601 Charwood Court,
Edgewood, MD 21040
Mark Dickerson, 2402 Poplar Road, Baltimore, MD 21221
Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,
Annapolis, MD 21401
People's Counsel; DEPRM; Office of Planning; File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 2330 POPLAR ROAD
which is presently zoned R.C.5

Deed Reference: 16942 / 18 Tax Account # 1501920010

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 ATTACHED

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

TO BE PRESENTED AT HEARING

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):

JAMES A. PINE, JR.

Name Type or Print

James Pine Jr

Signature

KATHLEEN A. PINE

Name Type or Print

Kathleen A. Pine

Signature

611 HORNCREST RD. (410) 746-0199

Address

BALTO

City

MO.

State

Telephone No.

21204

Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING AND DESIGN, INC.

Name

601 CHARWOOD CT. (410) 679-8719

Address

EDGEWOOD

City

MO.

State

Telephone No.

21040

Zip Code

Case No. 2009-0103-A

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

REV 8/20/07

RECEIVED FOR FILING

Date 11-21-08

By [Signature]

Reviewed by A-TSLI Date 10/15/08

1A04.3.B.3 AND 400.3 (BCZR) TO ALLOW A BUILDING COVERAGE OF 21.1 %
AND AN ACCESSORY BUILDING (GARAGE) WITH A HEIGHT OF 20 FEET IN
LIEU OF THE PERMITTED 15 % AND 15 FEET RESPECTIVELY

ZONING DESCRIPTION

2330 POPLAR ROAD

Beginning for the same at a point on the east side of Poplar Road (30 feet wide) distant 415 feet southerly from it's intersection with the center of Poplar Road (30 feet wide), thence (1) S 34 56 53 W 51.38 feet, thence (2) S 45 15 02 E 281.26 feet, thence (3) N 34 44 52 E 48.14 feet, thence (4) N 44 35 41 W 261.68 feet to the place of beginning.

Containing 13,930 square feet or 0.320 acre of land, more or less.

Being known as 2330 Poplar Road. Located in the 15TH Election District, 6TH Councilmanic District

2009-0103-A

No

Date _____

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
------	------	------	----------	-----	---------	----------	---------	--------

Total:

For

2009-0103-A

GOLD - ACCOUNTING

**CASHIER'S
VALIDATION**

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: # 2009-0103-A

2330 Poplar Road
E/side of Poplar Road, 415 feet
s/of Poplar Road
15th Election District
6th Councilmanic District
Legal Owner(s): James &
Kathleen Pine, Jr.

Variance: to allow a building coverage of 21.1% and an accessory building (garage) with a height of 20 feet in lieu of the permitted 15% and 15 feet respectively.

Hearing: Thursday, November 20, 2008 at 9:00 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 11/6/08, Nov. 4 187978

CERTIFICATE OF PUBLICATION

11/6/2008

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 11/4/2008.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

J. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No: 2009-0103-A

Petitioner/Developer: DAVE
BILLINGSLEY

Date Of Hearing/Closing: 11/20/08

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 2330 Poplar Rd

This sign(s) were posted on November 5, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 11/5/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

11-14 Placed call to Mr. Ogle (Sign poster). Advised him that cert. of posting reflects correct case # however photo rec'd is not for this case - is for an Admin Var. (2009-0108-A). Deb checked w/ LaShonda to see if perhaps photos were inadvertently exchanged in file folders and they were not.

Req'd Mr. Ogle to fax us correct photo and to contact us if he had any questions.

Wrong Photo -

This is for an
Admin. Var.

Case No.

2009-0108-A

(Orig. photo ret'd to
LaShonda 11/14)

Wattie J. 11/2/08

ZONING NOTICE
ADMINISTRATIVE
VARIANCE

CASE # 2009-0108-A
TO REPAIR AN EXISTING STRUCTURE
(BAND) BE LOCATED IN THE SIDE YARD IN ORDER
TO REPAIR THE KICK VIDS

PUBLIC HEARING ?
Pursuant to Ordinance 16-10700, the Planning Commission
will hold a public hearing on the proposed variance provided it
is done in the zoning office on the 11th day of November at
4:00 p.m. on November 11, 2009, at the Planning Commission
meeting room, 11111 N. 11th Ave., Suite 100, Phoenix, AZ 85021.
If you have any questions, please call the Planning Commission
at (602) 995-1111.

11/02/2008

CERTIFICATE OF POSTING

RE: Case No: 2009-0103-A

Petitioner/Developer: DAVE BILLINGSLEY

Date Of Hearing/Closing: 11/22/08

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 2330 Poplar Ln

This sign(s) were posted on November 5, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 11/5/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

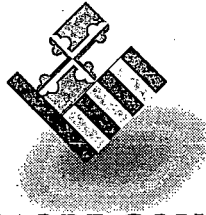
Address

Balto. Md 21220

(443-629 3411)



11/05/2008



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

October 28, 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: 2009-0103-A

2330 Poplar Road
E/side of Poplar Road, 415 feet s/of Poplar Road
15th Election District – 6th Councilmanic District
Legal Owners: James & Kathleen Pine, Jr.

Variance to allow a building coverage of 21.1% and an accessory building (garage) with a height of 20 feet in lieu of the permitted 15% and 15 feet respectively.

Hearing: Thursday, November 20, 2008 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Pine, 611 Horncrest Road, Baltimore 21204
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDN., NOVEMBER 5, 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, November 4, 2008 Issue - Jeffersonian

Please forward billing to:
James Pine
611 Horncrest Road
Baltimore, MD 21204

410-746-0199

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: 2009-0103-A

2330 Poplar Road
E/side of Poplar Road, 415 feet s/of Poplar Road
15th Election District – 6th Councilmanic District
Legal Owners: James & Kathleen Pine, Jr.

Variance to allow a building coverage of 21.1% and an accessory building (garage) with a height of 20 feet in lieu of the permitted 15% and 15 feet respectively.

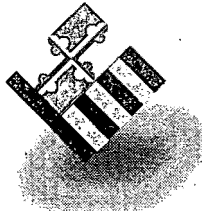
Hearing: Thursday, November 20, 2008 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
November 14, 2008

Kathleen A. & James A. Pine Jr.
611 Horn crest Rd.
Baltimore, MD 21204

Dear: Kathleen A. & James A. Pine Jr.

RE: Case Number 2009-0103-A, Poplar Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 15, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
David Billingsley, 601 Charwood Ct., Edgewood, MD 21040

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 31, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For November 3, 2008
Item Nos. 2009-0100, 101, 102, (103) 104,
105, 106, 107 and 108

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN:cab
cc: File
ZAC- 11032008-NO COMMENTS



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

October 31, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 27, 2008

Item Numbers: Item Number 0100 through 0107

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 17, 2008

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

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BY: _____

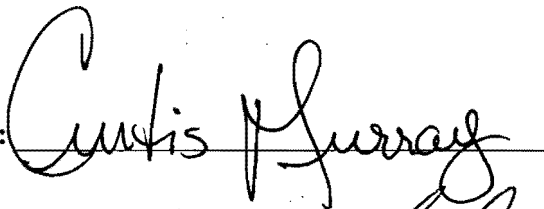
SUBJECT: 9-103 -Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 20 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

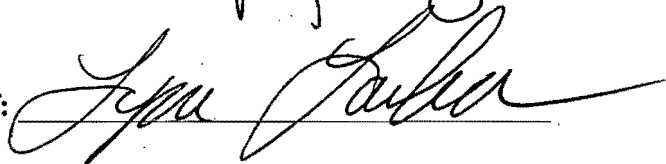
1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Section Chief:



AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

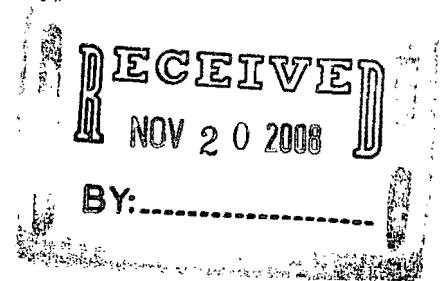


TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: November 19, 2008

SUBJECT: Zoning Item # 09-103-A
Address 2330 Poplar Road
(Pine Property)



Zoning Advisory Committee Meeting of October 27, 2008

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

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

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

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

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

Additional Comments: This property is located within a Limited Development Area and Buffer Management Area in the Chesapeake Bay Critical Area and must comply with maximum lot coverage requirements, and a minimum 15% tree cover requirement. Actual lot coverage and tree requirements can only be determined in a field inspection and review of historic data. A 100-foot tidal buffer also applies to this site. There are additional requirements concerning use of this buffer.

Reviewer: Paul Dennis

Date: November 19, 2008



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

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

Maryland Department of Transportation

Date: Oct. 24, 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. ~~2009-0103A~~
2330 POPLAR RD
PINE 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. 2009-0103A.

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
2330 Poplar Road; E/S Poplar Road,
415' S of Poplar Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): James & Kathleen Pine
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 09-103-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

OCT 30 2008

[Signature]
.....

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 October, 2008, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

From: Debra Wiley
To: Livingston, Jeffrey; Murray, Curtis
Date: 11/19/08 9:10:38 AM
Subject: REMINDER: Comment Needed - Hearing on 11/20/08

Good Morning Gentlemen,

Just a friendly reminder that we still need this comment for tomorrow's meeting scheduled for 9:00 AM.
Thanking you in advance for your usual cooperation and have a great day !

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

>>> Debra Wiley 11/14/08 10:28 AM >>>
Good Morning Gentlemen:

Bill has hearing scheduled next Thursday and in reviewing the case file as well as checking our pending folder, we are unfortunately missing a comment from both of your offices. I have provided a case description for your convenience as follows:

CASE NUMBER: 2009-0103-A

2330 Poplar Road
Location: East side of Poplar Road, 415 feet South of Poplar Road.
15th Election District, 6th Councilmanic District
Legal Owner: James & Kathleen Pine

VARIANCE To allow a building coverage of 21.1% and an accessory building (garage) with a height of 20 feet in lieu of the permitted 15% and 15 feet respectively.

Hearing: Thursday, 11/20/2008 at 9:00 AM, Jefferson Building, 105 West Chesapeake Avenue, Room 104, Towson, MD 21204

Thanks and have a wonderful weekend !

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

*Missing
DEBRA
&
OP*

*Reminder
Sent
11-19*

From: Debra Wiley
To: Livingston, Jeffrey; Murray, Curtis
Date: 11/14/08 10:28:15 AM
Subject: Comment Needed - Hearing on 11/20/08

Good Morning Gentlemen:

Bill has hearing scheduled next Thursday and in reviewing the case file as well as checking our pending folder, we are unfortunately missing a comment from both of your offices. I have provided a case description for your convenience as follows:

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Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

CC: Are, Kathy

Missing
OP +
DEPRM
11/14
Friday



2009-103-A

CASE NAME 2330 POPLAR RD
CASE NUMBER 09-103-A
DATE 11/20/08

[illegible]



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1)

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

Account Identifier: District - 15 **Account Number -** 1501920010

Owner Information

Owner Name:	PINE JAMES A, JR PINE KATHLEEN A	Use:	RESIDENTIAL
Mailing Address:	611 HORNCREST RD BALTIMORE MD 21204-4225	Principal Residence:	NO
		Deed Reference:	1) /16942/ 18 2)

Location & Structure Information

Premises Address	Legal Description
2330 POPLAR RD	.30 AC PTLT 113-114 2330 POPLAR RD CEDAR BEACH
WATERFRONT	

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
98	20	305					113	3	Plat Ref: 7/ 186

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1924	1,752 SF	13,199.00 SF	34
Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2008	07/01/2009
Land	162,790	162,790		
Improvements:	159,870	159,870		
Total:	322,660	322,660	322,660	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller: HERRING CLARENCE J, SR	Date: 10/15/2002	Price: \$160,000
Type: NOT ARMS-LENGTH	Deed1: /16942/ 18	Deed2:
Seller: AUGUST HENRY W	Date: 02/26/1976	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 5888/ 841	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 *

PETITIONER'S

EXHIBIT NO. 2

FEE SIMPLE DEED

Tax ID No. 15-01-920010
2330 Poplar Road

THIS DEED, Made this 30TH day of SEPTEMBER, 2002, by and between **JANET L. HERRING**, party of the first part, Grantor, and **JAMES A. PINE, JR. and KATHLEEN A. PINE, his wife**, parties of the second part, Grantees.

WITNESSETH, That in consideration of the sum of \$160,000.00, the said party of the first part doth grant and convey to the said **JAMES A. PINE, JR. and KATHLEEN A. PINE, his wife**, as tenants by the entirety, their assigns, the survivor of them, his or her personal representatives and assigns, in fee simple, all that lot of ground in Baltimore County, State of Maryland, and described as follows, that is to say:

BEING KNOWN AS No. 2330 Poplar Road, more particularly described on the attached sheet marked **DESCRIPTION**.

PETITIONER'S

EXHIBIT NO. 3

NOTES

1. ZONING.....RC 5 (MAP NO. 098A3)
2. LOT AREA.....13,930 S.F. = 0.320 ACRE
3. BUILDING COVERAGE
EXISTING.....18.5 %
PROPOSED.....21.1 %

PREVIOUS ZONING HISTORY OR
SEWER IS EXISTING

- NOTES
1. ZONING.....RC 5 (MAP NO. 098A3)
 2. LOT AREA.....13,930 S.F. = 0.320 ACRE
 3. BUILDING COVERAGE
EXISTING.....18.5 %
PROPOSED.....21.1 %
 4. NO PREVIOUS ZONING HISTORY OR VIOLATIONS ARE KNOWN
 5. PUBLIC WATER AND SEWER IS EXISTING
 6. SITE IS LOCATED IN THE CBCA
 7. A PORTION OF THE SITE IS LOCATED IN A 100 YEAR FLOOD ZONE.
 8. NO HISTORIC STRUCTURES, ARCHEOLOGICAL SITES OR UNDER-
GROUND STORAGE TANKS ARE KNOWN TO EXIST



VICINITY MAP
SCALE = 1" = 1000'

PETITIONER'S
EXHIBIT NO. 4

OWNER

JAMES A. PINE, JR.
KATHLEEN A. PINE
600 HORNCREST ROAD
BALTIMORE, MD. 21204
DEED REF. L. 16942 F. 18
PROP. NO. 1501920010

PHOTOS
PLAT TO ACCOMPANY PETITION
FOR VARIANCE
2330 POPLAR ROAD
PART OF LOTS 113 AND 114
CEDAR BEACH P.B. 7 F. 186
ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 30 FEET OCTOBER 11, 2011



a



b

c





d

4



②

TO: THE ZONING COMMISSIONER FOR BALTIMORE COUNTY

RE: 2330 POPLAR ROAD
CASE NO. 2009-0103-A

WE, THE UNDERSIGNED, HAVE REVIEWED THE PETITIONER'S REQUEST TO
ALLOW A GARAGE WITH A HEIGHT OF 20 FEET AND A BUILDING
COVERAGE OF 21.1 % AND HAVE NO OBJECTION TO THE APPROVAL OF
SAME

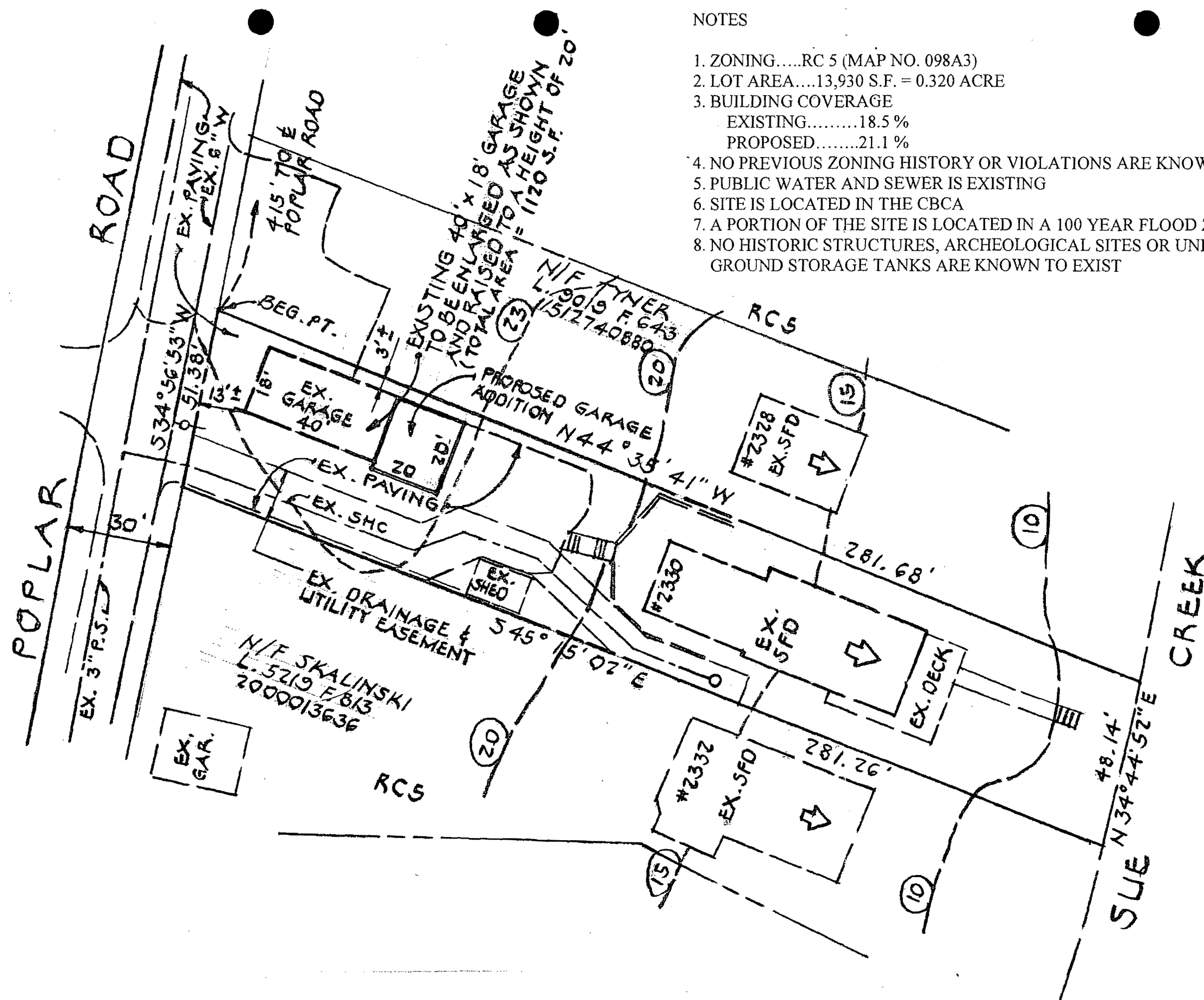
NAME

ADDRESS

Bob Huson	2334 Poplar Rd	21221
(Unsubstantiated)		
Conrad Wiegand	2332 Poplar Rd	
Conrad Wiegand		
Conrad Wiegand	2337 Poplar Rd	
Conrad Wiegand		
JAMES E. KELLER		
James E. Keller	2307 SILVER LA. BALTO	21221
JOHN MATOSKA		
John Matoska	1410 POPLAR RD	21221
MARK DICKERSON		
Mark Dickerson	2408, 2404, 2406, 2408 Poplar Rd	

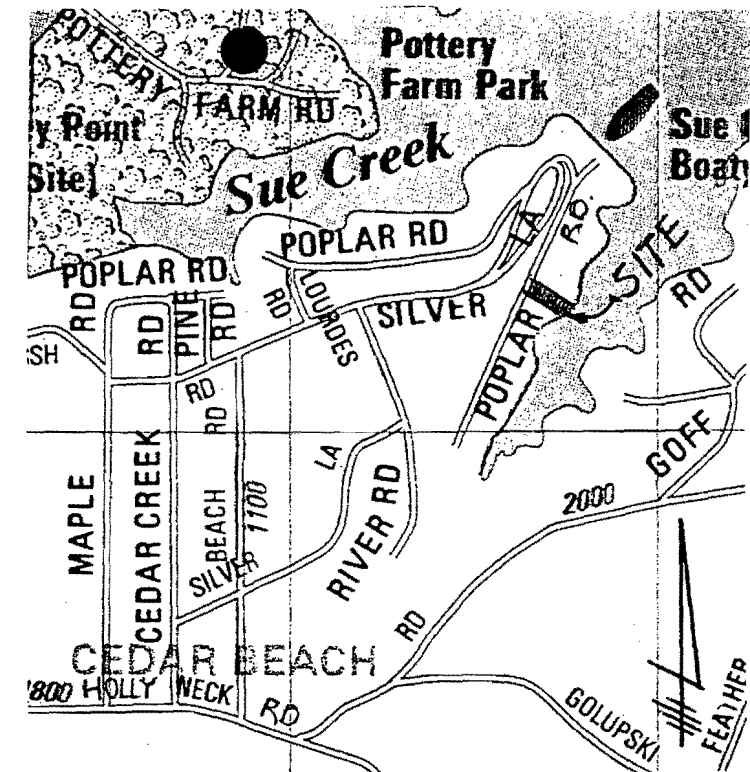
PETITIONER'S

EXHIBIT NO. 5



NOTES

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VICINITY MAP
SCALE = 1" = 1000'

PETITIONER'S
EXHIBIT NO. 1

OWNER

JAMES A. PINE, JR.
KATHLEEN A. PINE
600 HORNCREST ROAD
BALTIMORE, MD. 21204
DEED REF. L. 16942 F. 18
PROP. NO. 1501920010

PLAT TO ACCOMPANY PETITION
FOR VARIANCE
2330 POPLAR ROAD
PART OF LOTS 113 AND 114
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