IN RE: PETITION FOR ADMIN. VARIANCE

SE of Chestnut Road, 783 feet SW from

Seneca Road

15<sup>th</sup> Election District

6<sup>th</sup> Councilmanic District

(3729 Chestnut Road)

Carl L. Rossmark

Petitioner

BEFORE THE

DEPUTY ZONING

\* COMMISSIONER

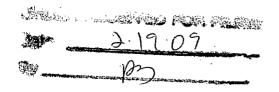
\* FOR BALTIMORE COUNTY

\* Case No. 2009-0185-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 owner of the subject property, Carl L. Rossmark for property located at 3729 Chestnut Road. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an attached garage to be 3 feet from a side property line in lieu of the required 50 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner desires to construct an attached garage to protect his automobiles from inclement weather and to provide much needed storage space. The existing dwelling was constructed in 1969 and prior to construction a variance (Case No. 1969-0001) was granted to permit a front building line of 100 feet instead of the required 150 feet. The property is 104 feet wide at the front property line, 550 feet deep along the left property line and 580 feet deep along the right property line and contains 1.298 acres. The existing dwelling is constructed 22 feet from the left property line. The property owners of 3727 Chestnut Road, Robert Paul Schreiber and Charles T. and Sharon L Brickell, did not voice any objection to the variance request.

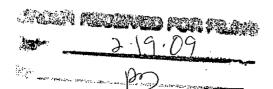
The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Bureau of Development Plans Review



dated January 26, 2009. 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 February 4, 2009 which indicates that the property must comply with the Chesapeake Bay Critical Area Regulations. The property is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. Lot coverage is limited to 15% and there are limits on forest clearing. Clearing up to 20% must be mitigated 1:1, clearing between 20%-30% must be mitigated at 1.5:1 for the entire area cleared, and clearing above 30% is not permitted without a variance.

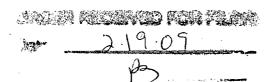
The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on January 18, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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 Petitioner.



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.

- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner 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).



10. The property is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. Lot coverage is limited to 15% and there are limits on forest clearing. Clearing up to 20% must be mitigated 1:1, clearing between 20%-30% must be mitigated at 1.5:1 for the entire area cleared, and clearing above 30% is not permitted without a variance.

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



THOMAS H. BOSTWICK Deputy Zoning Commissioner

February 19, 2009

CARL L. ROSSMARK 3729 CHESTNUT ROAD BALTIMORE MD 21220

Re: Petition for Administrative Variance

Case No. 2009-0185-A

Property: 3729 Chestnut Road

Dear Mr. Rossmark:

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

## **Petition for Administrative Variance**



to the Zoning Commissioner of Baltimore County for the property

located at	3729 Chestnut Road Baltimore, MD 21220	
		_

which is presently zoned RC5

Deed	Reference:	11725	/ 418	Tax Account #	1518475480

This Petitio	n shall be	filed with	the Depart	tment of	Permits	and De	velopn	nent M	anagem	ent.	The u	ndersigned	d, legal
owner(s) of	the proper	ty situate i	n Baltimore	County	and which	h is des	scribed	in the	descript	ion a	nd pla	t attached	hereto
and made a	part hereo	f, hereby p	etition for a	Variance	e from Sec	ction(s)	10	/	~	0	~ · /	2	_

TO PERMIT AN ATTACHED GARAGE TO BE 3FT. FROM
A SIDE PROPERTY LINE IN LIEU OF THE REGISTRED
50 FT.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2009-DIRS-A

REV 7/20/07

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

I, or we, agree to pay expenses of above Administrative 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: Legal Owner(s): Rossmark Name - Type or Print Signature Signature Name - Type or Print Address Telephone No. City Signature Zip Code 410 675-5440 3729 Chestnut Road Attorney For Petitioner: Address Telephone No. 21220 Baltimore. MD Name - Type or Print Zip Code Representative to be Contacted: Signature Carl L. Rossmark Name Company 3729 Chestnut Road W:410 675-5440 Telephone No. Address Telephone No. Address Baltimore MD 21220 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

Reviewed By

Estimated Posting Date

## 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

## 3729 Chestnut Road

Address Baltimore, MD 21220
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):

I need the variance to construct a garage on my property for several reasons such as my need for more storage space, protection of assets or automobiles from the weather. This was planned when the house was initially built but at the time financial issues prohibited it.

That the Affiant(s) acknowledge(s) that if a formal day vertising fee and may be required to provide addition and the signature	emand is filed, Affiant(s) will be recently and information.  Signature	quired to pay a reposting and
Carl L. Rossmark Name - Type or Print	Name - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIMORE,  I HEREBY CERTIFY, this 1300 day of 2000 day of 20	Bik , 2008, before me	e, a Notary Public of the State
the Affiant(s) herein, personally known or satisfactorily	identified to me as such Affiant(s).	*,.
AS WITNESS my hand and Notarial Seal	Notary Public Sur	<b>~</b>
REV 7/24/07	My Commission Expires	JULIE L LUTZI NOTARY PUBLIC

BALTIMORE COUNTY
MARYLAND
MY COMMISSION EXPIRES APRIL 16, 2012

EXAMPLE 3 20 ING DESCRIPTION

ZONING DESCRIPTION FOR 3729 CHESTOUT RD BARD MD 21220

### Exhibit "A"

**BEGINNING FOR THE SAME** at a point on the southeast side of Chestnut Road 30 feet wide as shown on the Plat No. 2, Bowley's Quarter, which Plat is recorded among the Land Records of Baltimore County in Plat Book No. 7, folio 13, distant 783.11 feet measured Southwesterly along the Southeast side of Chestnut Road from its intersection with the Southwest side of Seneca Road, 30 feet wide, said point of beginning being at the end of the South 43 degrees 40 minutes 30 seconds West 104.31 foot line as set forth in a Deed dated November 14, 1961, and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3925, folio 528, from Laura G. Voegler, unmarried, to Charles E. Kelly and Cecelia Kelly, his wife, and running thence binding on the said Southeast side of Chestnut Road, the courses herein being referred to the True Meridian as established by the Baltimore County Metropolitan District, South 43 degrees 40 minutes 30 seconds West 104.31 feet, thence leaving Chestnut Road, South 62 degrees 51 minutes 30 seconds East, 580.14 feet, thence North 27 degrees 08 minutes 30 Seconds East 100.00, to the end of the South 62 degrees 51 minutes 30 seconds East 550.45 foot line as set forth in a Deed recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3925, folio 528, hereinafter referred to, thence reversing said line and binding thereon North 62 degrees 51 minutes 30 seconds West 550.45 feet to the place of beginning, containing 1.298 Acres of land, more or less, situate on the Southeast side of Chestnut Road. The improvements thereon being known as No. 3729 Chestnut Road.

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# CERTIFICATE OF POSTING

	RE: Case No: 2009-0185 -A
	Petitioner/Developer:
	CARL ROSSMARK
••	Date Of Hearing/Closing: 2/2/09
Baltimore County Department Permits and Development Ma County Office Building, Room 111 West Chesapeake Avenue	anagement n 111
Attention:	
	the penalties of perjury that the necessary posted conspicuously on the property  3729 CHESTNUT LD
This sign(s) were posted on	(Month, Day, Year) Sincerely, Sincerely, (Signature of sign Poster and Date)  Martin Ogle Sign Poster  16 Salix Court  Address  Balto. Md 21220 (443-629 3411)

01/18/2009

# BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

ADMINATO LIVITAE AVIVINIACE HAI OLIMATION SHEEL MAD DATES
Case Number 2009- 0185 -A Address 3729 CHESTING Rel-
Contact Person:    J. M. C. F. Phone Number: 410-887-3391   Planner, Please Print Your Name   Phone Number: 410-887-3391   Phone Num
Filing Date: 1709 Posting Date: 01.0809 Closing Date: 01.02.09
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. <b>POSTING/COST:</b> 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.
2. <b>DEADLINE:</b> 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.
4. 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 2009-0185 -A Address 3729 CHESTNUT Rd.
Petitioner's Name CARL ROSSMARK Telephone 410-675-5440
Posting Date: 1809 Closing Date: 02-02-09
Wording for Sign: To Permit A SIDEYARD SETBACK OF 3H.
TOP AN ATTACHED GARAGE IN LIEU OF THE
REQUIRED 50ft.

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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 News	paper Advertising:		•
Item Numb	per or Case Number: 2009 - 0185-A		
Petitioner:	CARL L ROSSMANK		
Address o	Location: 3729 CHESTNUT RD DAG	o mu	2122
PLEASE F	ORWARD ADVERTISING BILL TO:		*.
Name:			
Address:	Ame		
Jeléphone	Number: W:410 675-5440		



TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management
February 02, 2009

Carl L. Rossmark 3729 Chestnut Rd. Baltimore, MD 21220

Dear: Carl L. Rossmark

RE: Case Number 2009-0185-A, 3729 Chestnut Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 07, 2009. 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,

u. Cal Ribal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel



JOHN J. HOHMAN, Chief Fire Department

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 January 26,2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 19, 2009

Item Numbers 0035,0128,0183, 0184,0185,0186,0187,0188,0189

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**

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** January 26, 2009

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For January 26, 2009 Item No. 2009-0185-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 2009-0185-A-012609



JOHN J. HOHMAN, Chief Fire Department

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 January 26,2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 19, 2009

Item Numbers 0035,0128,0183, 0184,0185,0186,0187,0188,0189

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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: January 22, 2009

**RECEIVED** 

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

JAN 22 2009

**ZONING COMMISSIONER** 

SUBJECT: Zoning Advisory Petition(s): Case(s) 09-185- 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



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

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

Maryland Department of Transportation

Date: Jan. 22 2009

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

RE: **Baltimore County** 

Item No 2005 - 0185-A

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 - 0185-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,

teven D. Foster, Chief Engineering Access Permits

Division

SDF/MB

#### **BALTIMORE COUNTY, MARYLAND**

#### **Inter-Office Correspondence**



#### **RECEIVED**

FEB 1 8 2009

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

February 4, 2009

SUBJECT:

Zoning Item

# 09-185-A

Address

3729 Chestnut Road

(Rossmark Property)

Zoning Advisory Committee Meeting of January 19, 2009

 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:

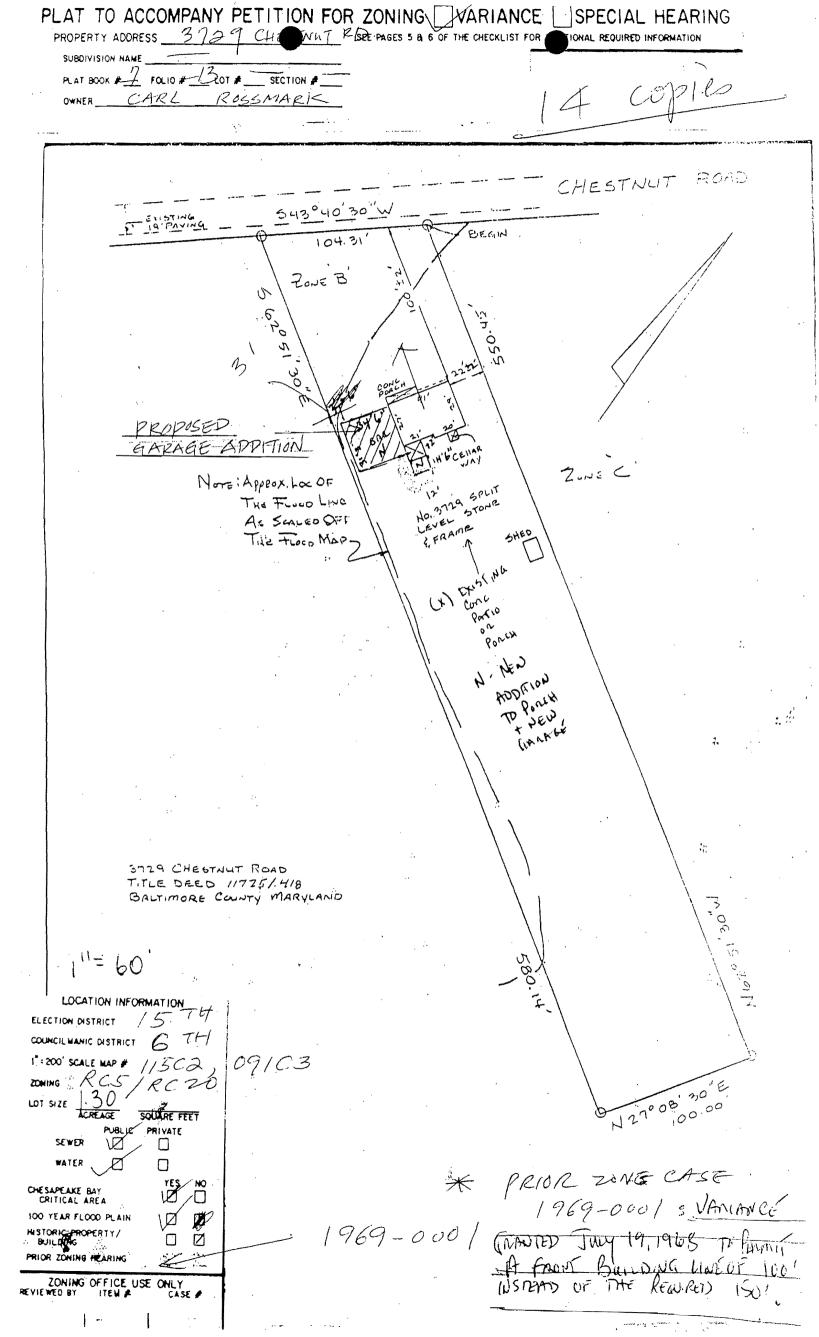
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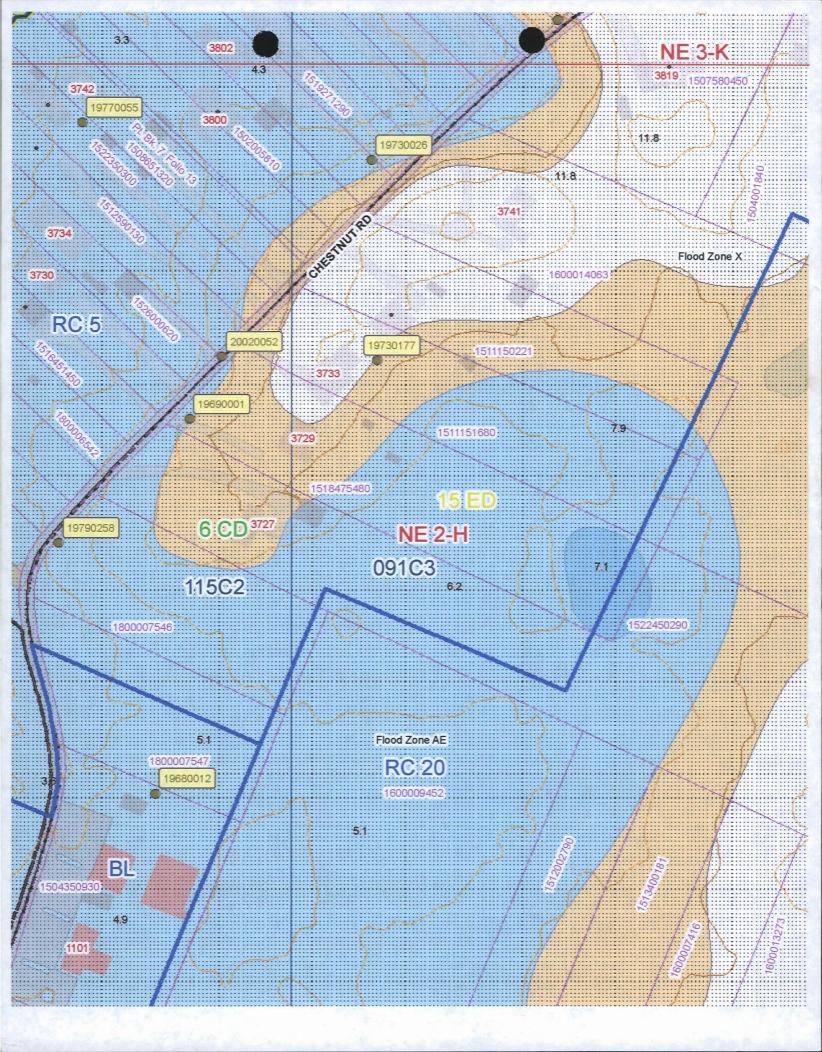
Reviewer:

Regina Esslinger

Date: February 2, 2009

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3729 CHESTNUT RD





3729 CHESTNUT