

IN RE: PETITION FOR VARIANCE

E side of Leslie Road, 30 feet S of
Leslie Road
15th Election District
6th Councilmanic District
(6868 Leslie Road)

**Linda Harrington, Dawn Lichty and
Carolyn Rasmussen**
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* Case No. 2009-0195-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, Linda Harrington, Dawn Lichty and Carolyn Rasmussen. Petitioners are requesting Variance relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 19 feet in lieu of the required 35 feet for a replacement dwelling on existing lots on record. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner Carolyn Rasmussen and her husband, Richard Rasmussen, and Petitioner Linda Harrington. Also appearing in support of the requested relief was Robert Infussi with Expedite LLC, the land use consultant assisting Petitioners, and David Billingsley with Central Drafting & Design, Inc., the firm that prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is rectangular in shape and contains 20,200 square feet or 0.464 acre, more or less, zoned R.C.2. This waterfront

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property fronts Railroad Creek and is located on the east side of Leslie Road, east of Earls Beach Road and north of Ebenezer Road in the Middle River area of Baltimore County. The property is comprised of Lots 9 and 10 from the Plat of "Earl" subdivision and is presently improved with an existing building consisting of a two car garage on the ground floor and a living area on the second floor. The property is also improved with an existing carport structure and shed.

Petitioners indicated that the subject property has been in their family for many years. Petitioners' parents, James and Madeline Robley acquired Lots 1 through 11 of the "Earl" subdivision in 1956. A copy of said deed was marked and accepted into evidence as Petitioners' Exhibit 3A. A Life Estate Deed was created in 1961, wherein the properties were left to Ms. Robley's children upon her death. A copy of said Life Estate Deed was marked and accepted into evidence as Petitioners' Exhibit 3C. Over the years, most of the 11 lots were sold and developed. Ms. Robley died in 2004 and Petitioners have owned the subject property and adjacent Lot 11 since that time. Petitioners' father currently resides in the house on Lot 11. In order to care for their father and provide support for him, Petitioners' desire is to raze the existing house on the subject property, as well as the carport and shed, and construct a replacement dwelling. The existing dwelling was built in 1947 and was damaged following Hurricane Isabel in 2003. Photographs of the existing dwelling were marked and accepted into evidence as Petitioners' Exhibits 6A through 6D. It is also planned that Petitioner Carolyn Rasmussen and her husband, Richard Rasmussen, would live there permanently.

In support of the variance request, Mr. Billingsley proffered that the property is unusual in that it is much smaller than other nearby lots. This is evident on the record plat which was marked and accepted into evidence as Petitioners' Exhibit 4. The adjacent lot to the north, Lot 11, is approximately twice as large as the subject property. Properties to the south are similar,

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but are much deeper than the subject property. As shown on the record plat, the layout of the property predates the Zoning Regulations. The plat indicates the "Earl" subdivision was recorded in 1924. Mr. Billingsley also pointed out that Petitioners are requesting variance relief from only the side yard setback at the north side of the property for the proposed new dwelling. The rear yard and front yard setbacks, and the 35 foot side yard setback at the south side of the property, will all be met. In addition, the current 19 foot side yard setback at the north side of the property will be maintained; hence, there will be no change -- and in particular -- no decrease in the setback distance from the existing dwelling to the proposed new dwelling. It is also important to note that environmentally, the new dwelling would upgrade the property in that it would be placed closer to Leslie Road, further away from the existing 100 year flood zone. Moreover, the other existing structures such as the carport and shed will be removed, providing a more appealing view of the property.

Finally, Petitioners submitted letters of support from adjacent neighbors that were marked and accepted into evidence as Petitioners Exhibits 7A and 7B. These letters, from Mike and Lois Panzer of 6860 Leslie Road and George Shekells of 6872 Leslie Road, respectively, indicate they are not opposed to Petitioners' plans for a new dwelling on the site.

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 February 4, 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

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Department of Environmental Protection and Resource Management dated March 24, 2009 which indicates that the property must comply with the Chesapeake Bay Critical Area regulations. This property is within a Limited Development Area (LDA) and a Buffer Management Area (BMA) of the Chesapeake Bay Critical Area and must meet all LDA and BMA requirements, including 15% afforestation and lot coverage limits. The property is 20,200 square feet and therefore is limited to 31.25% lot coverage (6,312.5 square feet) with mitigation. In addition, all development within the 100 foot buffer must meet all BMA provisions.

Based on the testimony and evidence presented, I am persuaded to grant the variance relief. The property is 100 feet wide, but because of the R.C.2 Zoning, the side yard setbacks are 35 feet which allows for a house width of only 30 feet; however, because the depth of the property is only about 200 feet, it more lends itself to a dwelling that is wider with not as much depth, as opposed to a "thinner" dwelling that is considerably deeper than it is wide. It is also noteworthy that the property was platted in 1924, far prior to the adoption of the Zoning Regulations. Hence, in my view, the imposition of zoning on the property disproportionately impacts the subject property as compared with others in the area. Further, the effect of the 19 foot side yard setback will be very benign in my judgment because it will be the same as what exists presently, and will not be detrimental to the health, safety or general welfare of the community.

I also find that strict compliance with the zoning regulations of Baltimore County would result in practical difficulty and undue hardship. Petitioners would not be unable to construct a new dwelling and raze the existing 62 year old hurricane-damaged house. Finally, I find that this variance can be granted in strict harmony with the spirit and intent of the zoning regulations and

APPROVED FOR FILED
3-25-09
[Signature]

in such a manner as to grant relief without injury or detrimental impact to adjacent properties or the surrounding locale.

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

THEREFORE, IT IS ORDERED this 25th day of March, 2009 by this Deputy Zoning Commissioner, that Petitioners' Variance request from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 19 feet in lieu of the required 35 feet for a replacement dwelling on existing lots of record be and is hereby GRANTED, subject to the following:

1. Petitioners are advised that they may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. 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.

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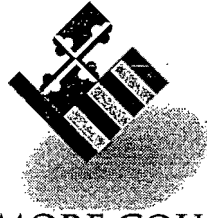
8. Flood-resistant construction shall be in accordance with the Baltimore County Building Code.
9. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).
10. This property is within a Limited Development Area (LDA) and a Buffer Management Area (BMA) of the Chesapeake Bay Critical Area and must meet all LDA and BMA requirements, including 15% afforestation and lot coverage limits. The property is 20,200 square feet and therefore is limited to 31.25% lot coverage (6,312.5 square feet) with mitigation. 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

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3-25-09
P3



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

March 25, 2009

CAROLYN RASMUSSEN AND RICHARD RASMUSSEN
311 SASSAFRAS ROAD
BALTIMORE MD 21221

Re: Petition for Variance
Case No. 2009-0195-A
Property: 6868 Leslie Road

Dear Mr. and Mrs. Rasmussen:

Enclosed please find the decision rendered in the above-captioned case.

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

Very truly yours,

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Linda Harrington, 2 North Pipe Creek Road, Union Bridge, MD 21791
Robert Infussi, Expedite LLC, PO Box 1043, Belair MD 21014
David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood MD 21040



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 6868 LESLIE ROAD
which is presently zoned R.C. 2

Deed Reference: 3974 1 99 Tax Account # 1518471390

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)

1A01.3.B.3 TO PERMIT A SIDE YARD OF 19 FEET
IN LIEU OF THE REQUIRED 35 FEET FOR A REPLACEMENT
DWELLING ON EXISTING LOTS OF RECORD

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.

CAROLYN RASMUSSEN

Carolyn Rasmussen

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):

LINDA HARRINGTON

Name - Type or Print

Signature

DAWN LICHTY

Name - Type or Print

Signature C/O CAROLYN RASMUSSEN

311 SASSAFRAS RD. (410) 391-2446

Address

Telephone No.

BALTIMORE

MD.

21221

City

State

Zip Code

Representative to be Contacted:

ROBERT INFUSSI
EXPEDITE LLC

Name

P.O. BOX 1043

(410) 812-2236

Address

Telephone No.

BEL AIR

MD.

21014

City

State

Zip Code

Case No. 2009-0195-A

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by

JCM

Date

12/23/09

REV 8/20/07

NOT RECEIVED FOR FILING

3.25.09

PB

ZONING DESCRIPTION

6868 LESLIE ROAD

Beginning at a point on the east side of Leslie Road (30 feet wide), distant 30 feet southerly from it's intersection with the north side of Leslie Road (30 feet wide), thence being all of Lots 9 and 10 as shown on the Plat of Earl recorded among the Baltimore County plat records in Plat Book 7 Folio 144.

Containing 20,200 square feet or 0.464 acre of land, more or less.

Being known as 6868 Leslie Road. Located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, Md.

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

No. **35047**

Date: **01-23-09**

PAID RECEIPT

SYSTEM: ACTUAL TIME: 1/23/2009 09:21:50

REQ: MS04 WALTON CSTE CUS
 RECEIPT # 466600 1/23/2009 BFLH

5 528 ZONING VERIFICATION

0.00000

Recpt Tot: 1130.00

1130.00 CK 9.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				65.-
001	806	0000		6150				65.-

Total: **130.-**

Rec From: **D. HILLINGSLEY**

For: **2009-0195-A**
2009-0196-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**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: # 2009-0195-A

6868 Leslie Road

E/side of Leslie Road, 30 feet +/- south of Leslie Road

15th Election District — 6th Councilmanic District

Legal Owner(s): Linda Harrington, Dawn Lichty & Carolyn Rasmussen

Variance: to permit a side yard setback of 19 feet in lieu of the required 35 feet for a replacement dwelling on existing lots on record.

Hearing: Thursday, March 19, 2009 at 10:00 a.m. in Room 106, County Office Building, 111 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 3/631 Mar. 3

195758

CERTIFICATE OF PUBLICATION

3/5/2009

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 3/3/2009.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No 2009-0195-A

Petitioner/Developer BOB
INFUSSI

Date Of Hearing/Closing: 3/19/09

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 penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 6868 LESLIE RD

This sign(s) were posted on March 3, 2009

Month, Day, Year

Sincerely,

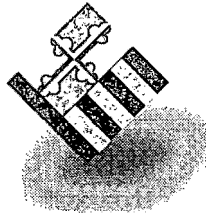
Martin Ogle 3/3/09
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

Martin Ogle 3/3/09



03/03/2009



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

February 23, 2009
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: 2009-0195-A

6868 Leslie Road

E/side of Leslie Road, 30 feet +/- south of Leslie Road

15th Election District – 6th Councilmanic District

Legal Owners: Linda Harrington, Dawn Lichty & Carolyn Rasmussen

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Hearing: Thursday, March 19, 2009 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Carolyn Rasmussen, 311 Sassafras Road, Baltimore 21221
Robert Infussi, Expedite, LLC, P.O. Box 1043, Bel Air 21014

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., MARCH 4, 2009.**
- (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, March 3, 2009 Issue - Jeffersonian

Please forward billing to:

Expedite, LLC
P.O. Box 1043
Bel Air, MD 21014

410-812-2236

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: 2009-0195-A

6868 Leslie Road

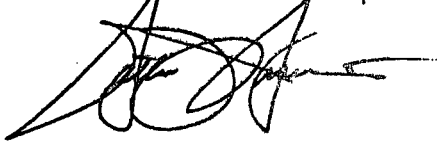
E/side of Leslie Road, 30 feet +/- south of Leslie Road

15th Election District – 6th Councilmanic District

Legal Owners: Linda Harrington, Dawn Lichty & Carolyn Rasmussen

Variance to permit a side yard setback of 19 feet in lieu of the required 35 feet for a replacement dwelling on existing lots on record.

Hearing: Thursday, March 19, 2009 at 10:00 a.m. in Room 106, County Office Building,
111 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.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

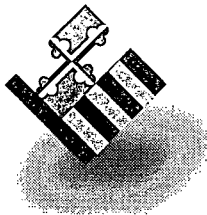
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 0195
Petitioner: CAROLYN RASMUSSEN
Address or Location: 6868 LESLIE ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: EXPEDITE, LLC
Address: P.O. BOX 1043
BELAIR, MD. 21014
Telephone Number: (410) 812-2236



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
March 12, 2009

Linda Harrington; Dawn Lichty &
Carolyn Rasmussen
311 Sassafra Rd.
Baltimore, MD 21221

Dear: Linda Harrington; Dawn Lichty & Carolyn Rasmussen

RE: Case Number 2009-0195-A, 6868 Leslie 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 23, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Robert Infussi: Expedite LLC; P.O. Box 1043; Bel Air, MD 21014

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 4, 2009

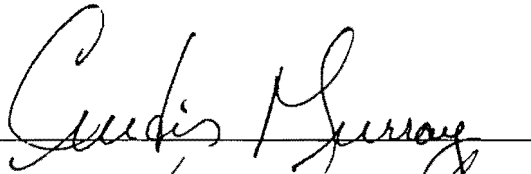
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-195- 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:



Division Chief:
CM/LL





BALTIMORE COUNTY
MARYLAND

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

February 11, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 9, 2009

Item Numbers **0195**, 0197, 0198, 0199, 0201

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
Department of Permits & Development
Management

DATE: February 12, 2009

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 16, 2009
Item No. 2009-0195-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 2009-0195-A-02162009



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: FEB. 6, 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 2009-0195-A
6868 LESUE ROAD
HARRINGTON/LICHTY 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. 2009-0195-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,

Fed¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB





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: FEB. 10, 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 2009-0195-A
6868 LEGGIE ROAD
LIGHTY 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. 2009-0195-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



RE: PETITION FOR VARIANCE * BEFORE THE
6868 Leslie Road *
15th Election & 6th Councilmanic Districts * ZONING COMMISSIONER
Legal Owner(s): Linda Harrington & *
Dawn Lichty * FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-195-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

FEB 04 2009

.....

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 4th day of February, 2009, a copy of the foregoing Entry of Appearance was mailed to Robert Infussi, Expedite, LLC, P.O. Box 1043, Bel Air, MD 21014, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAR 24 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: March 24, 2009

SUBJECT: Zoning Item # 09-195-A
Address 6868 Leslie Road
(Harrington/Liehty Property)

Zoning Advisory Committee Meeting of February 2, 2009

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

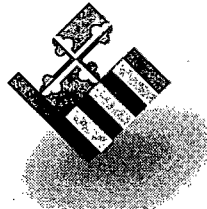
X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

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 in a Limited Development Area (LDA) and a Buffer Management Area (BMA) of the Chesapeake Bay Critical Area and must meet all LDA and BMA requirements, including 15% afforestation and lot coverage limits. The property is 20,200 square feet and therefore is limited to 31.25% lot coverage (6,312.5 sq.ft) with mitigation. In addition, all development within the 100-foot buffer must meet all BMA provisions. -Regina Esslinger; Environmental Impact Review

Prior to building permit approval, revised plans are required as stated in the **attached letter** dated September 10, 2007. A new well must be drilled to serve the residence at 6864 Leslie Rd. The hand dug well on site must be properly abandoned and sealed. For more information contact Rob Powell, of GWM, at 410-887-2762. - S. Farinetti;
Groundwater Management



BALTIMORE COUNTY
MARYLAND



JAMES T. SMITH, JR.
County Executive

DAVID A.C. CARROLL, *Director*
Department of Environmental Protection
and Resource Management

September 10, 2007

Mr. Buck Jones
500 VOGTS LA
BALTIMORE MD 21221

RE: 6864 Leslie Road, D-15

Dear Mr. Jones,

A representative of this office, J. Robert Powell, R.S., conducted soil evaluations on 09/04/2007 regarding the above-referenced lot(s). Prior to granting approval of the soil percolation tests, a revised plan, drawn to a scale no greater than 1" equals to 100', must be submitted to this office and contain the following:

- Topography of the property
- Accurate location(s) of:
 - All completed test pits and proposed sewage disposal reserve area(s)
 - Proposed water well(s)
 - Proposed dwelling(s)
 - Existing water well(s) on site and within 100 ft. of the property lines
 - Existing septic system(s) on site and within 100 ft. of the property lines
 - Existing underground storage tank(s) on site and within 100 ft. of the property lines
- Depict on site plan the location of the macadam driveway
- Verify sufficient septic reserve area to accommodate one installation and one repair for the number of bedrooms in the proposed replacement dwelling.

In order to subdivide this property, the owner/developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. For additional subdivision information, contact the Development Coordination office at 410-887-5859.

Mr. Buck Jones
September 10, 2007
Page 2



IN ORDER TO FACILITATE PROCESSING OF THE PROJECT, WE REQUEST THAT THE REVISED PLANS BE SUBMITTED DIRECTLY TO THE SANITARIAN WHO CONDUCTED THE SOIL TESTS.

Please also contact that sanitarian for any further information or questions

Sincerely,


J. Robert Powell, R.S.
Soil Evaluation Program

J:\PERC LETTERS\2007 PERC LETTERS\Revised Plan Letters\Leslie Rd.,6864,9-10-07.doc Revised 7-04

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 4, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For February 9, 2009
Item No. 2009-0195-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 2009-0195-A-02092009

CASE NAME _____
CASE NUMBER 2009-0195-A
DATE 3-19-09

[illegible]

DR 5

BIRD RIVER HYDROLOGY AREA

Bird River Hydrology 100 Foot Stream Buffer

NE 8-L

LESLIE RD

5.4

6826

BIRD AVE

6.9

6840

6842

6844

6848

6854

6856

6860

6864

6864

6864

SITE

083C1

9.4

9.1

9.2

Flood Zone AE

6 CD

15 ED

8.8

NE 7-L

RC 50

9.15

8.97

8.93

1519392046

11.31

8.81

8.92

9.34

9.19

9.36

1.21

RC 2

6884

6882

2.68

RAILROAD CREEK HYDROLOGY AREA

99999

RC 20

6.9

PETITIONER'S EXHIBITS

6868 LESLIE ROAD
CASE NO. 2009-0195-A

- 1. PLAT TO ACCOMPANY PETITION DATED JANUARY 5, 2009 (NO CHANGES)**
- 2. SDAT REAL PROPERTY DATA SEARCH**
- 3. TITLE DEEDS**
- 4. COPY OF PLAT OF EARL P.B. 7 F. 144 RECORDED MAY 19, 1924**
- 5. AERIAL PHOTO**
- 6. PHOTOS 6a THRU 6l**
- 7. LETTERS OF NO OBJECTION FROM ADJACENT PROPERTY OWNERS**

Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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

Account Identifier: District - 15 Account Number - 1518471390

Owner Information

Owner Name: ROBLEY V MADELINE Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 6864 LESLIE RD Deed Reference: 1) / 3024/ 5
BALTIMORE MD 21220-1224 2)

Location & Structure Information

Premises Address
6864 LESLIE RD

Legal Description
LT 9,10 PT 11
EARL PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assesment Area	Plat No:
83	5	438		WATERFRONT			9	3	Plat Ref: 7/ 144

Special Tax Areas		Town Ad Valorem Tax Class	Primary Structure Built	Enclosed Area	Property Land Area	County Use
Stories	Basement		1947	2,385 SF	39,634.00 SF	34
1 1/2	NO					
					STANDARD UNIT	Exterior SIDING

Value Information

	Base Value	Value As Of	Phase-in Assessments	
		01/01/2003	07/01/2004	07/01/2005
Land:	66,900	69,900		
Improvements:	112,060	135,290		
Total:	178,960	205,190	196,446	205,190
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

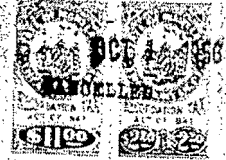
PETITIONER'S

EXHIBIT NO.

2



LIBER 3024 PAGE 005



SEE SIMPLE DEED-TENANCY BY THE ENTIRETY.

This Deed, Made this 27th day of September - - - - -

in the year one thousand nine hundred and fifty-six by - - - - -

RUTH E. BREYER, Widow - - - - -

of Baltimore County - - - - -, in the State of Maryland, party of the first part, and

JAMES L. ROBLEY and V. MADELINE ROBLEY, his wife - - - - -

of Baltimore County - - - - -, in the State of Maryland, parties of the second part.

Witnesseth. That in consideration of the sum of five dollars, and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said party of the first part does grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them, his or her heirs and assigns in fee-simple, all that lot of ground situate, lying and being in Baltimore County - - - - - and described as follows, that is to say:

~~XXXXXXXXXXXXXXXXXXXX~~

KNOWN AND DESIGNATED as Lots Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 as set forth and delineated on the Plat of Earl, which Plat is recorded among the Land Records of Baltimore County in Plat Book WPC No. 7, folio 144.

Subject to restrictions in Liber WPC No. 595, folio 131.

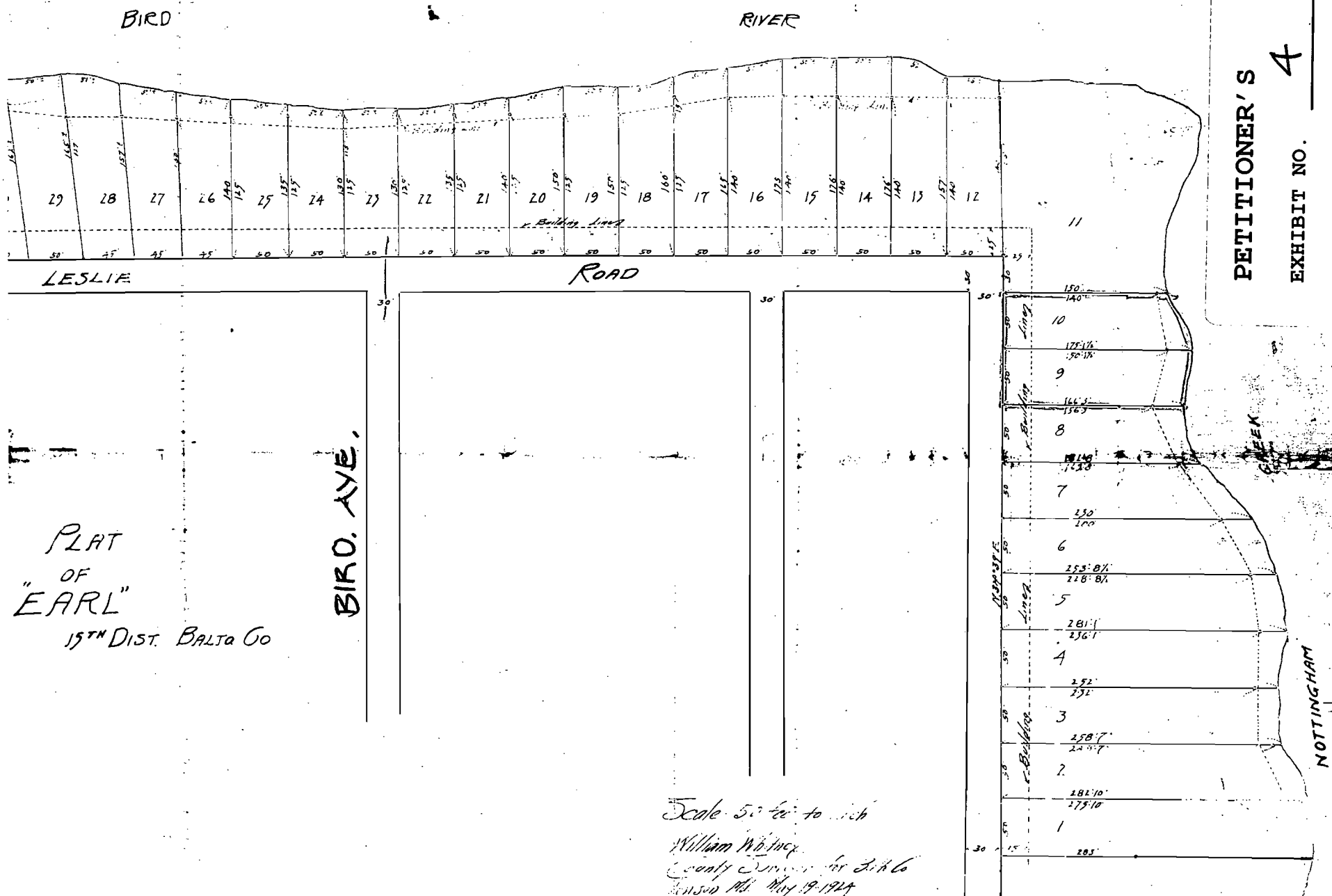
Being the same Lots of ground which by Deed dated June 12, 1924 and recorded among the Land Records of Baltimore County in Liber WPC No. 595, folio 121, was granted and conveyed by William C. Earl and wife unto W. Harry Breyer and wife. The said W. Harry Breyer having since departed this life on or about January 27, 1944.

SAVING AND EXCEPTING that portion of Lot No. 11 which was conveyed by Deed dated November 3, 1939 and recorded among the Land Records of Baltimore County in Liber CWR, Jr. No. 1080, folio 398, from W. Harry Breyer and wife unto Jess LaFond.

PETITIONER'S

EXHIBIT NO.

3a



PETITIONER'S

EXHIBIT NO.

4

NOTTINGHAM

P.B. 7 E 144

AERIAL MAP FOR 6864 LESLIE ROAD



Coordinate System:
Maryland State Plane: NAD83/91 Horizontal Datum
Elevations in Feet: NAVD88 Vertical Datum

Date of Data Capture: March 1995
Scale of Date Capture: 1" = 100'

Date of Aerial Photography: March 2005

The utility (sanitary sewer and/or storm drain) location information shown is not guaranteed correct and should only be used as a reference. Locations of appurtenances should be verified using construction drawings, which are available in room 206 of the Baltimore County Office Building, or, through actual field investigations.

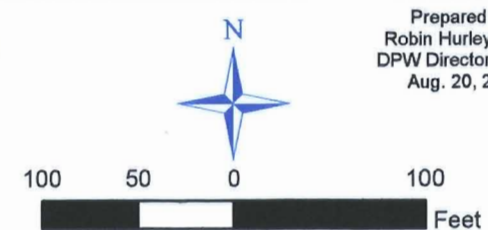


Baltimore County, MD
Department of Public Works
GIS Services

For internal use only.
The cadastral information on this plot was compiled on is
revised by a

PETITIONER'S

EXHIBIT NO. 5



Prepared By:
Robin Hurley, EA III
DPW Directors Office
Aug. 20, 2008

a



c



b



d

8



9



f



h

i



k



j



l

3-1-2009 *MS*

September 24, 2008

Re: Zoning Request @ 6864 Leslie Rd

I do not have an objection to the proposed new dwelling on the Robier property @6864 Leslie Rd.

Sincerely, *George Sheckells*

George Sheckells
6872 Leslie Rd
Baltimore Md 21220

PETITIONER' S

EXHIBIT NO. 7a

3/1/09

September 24, 2008

Re: Zoning Request @6864 Leslie Rd.

We are not opposed to the proposed new dwelling at the Robier property. We feel this would be an improvement to the property.

Sincerely,



Mike and Lois Panzer
6860 Leslie Rd
Baltimore, Md 21220

PETITIONER'S

EXHIBIT NO. 76