

IN RE: PETITION FOR VARIANCE

N side of Cove Road, 145 feet E of
the c/l of Lodge Forest Drive
15th Election District
7th Councilmanic District
(7704 South Cove Road)

Herbert and Melie Oliver
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0216-A**

* * * * *

IN RE: PETITION FOR VARIANCE

N side of South Cove Road, 20 feet E of
the c/l of Lodge Forest Drive
15th Election District
7th Councilmanic District
(7702 South Cove Road)

Herbert and Melie Oliver
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0217-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before this Deputy Zoning Commissioner for consideration of Petitions for Variance and Special Hearing filed by the owners of the subject properties, Herbert and Melie Oliver. In each case number, Petitioner is requesting the following relief:

Case No. 2009-0216-A: For the property located at proposed 7704 South Cove Road, the Variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 10 foot rear yard setback in lieu of the required 30 foot setback.

Case No. 2009-0217-A: For the property located at 7702 South Cove Road, the Variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning regulations (B.C.Z.R.) to amend the Variance granted in Case No. 1979-0241-A to allow a side yard setback of 5 feet in lieu of the required 10 feet. The subject properties and the requested relief are more fully

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described on the site plans which were marked and accepted into evidence as Petitioners' Exhibits 1A (proposed 7704 South Cove Road) and 1B (7702 South Cove Road), respectively.

Appearing at the requisite public hearing in support of the Variance requests were Petitioners Herbert and Melie Oliver. Also appearing in support of the requested relief was Pattianne Smith, Petitioners' land use consultant and professional land surveyor with L.L.S. Land Services, Inc., who prepared the site plans. 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 consists of approximately 15,000 square feet or 0.344 acre, more or less, zoned D.R.5.5. As depicted on the site plans, the property is located at the northeast corner of South Cove Road and Lodge Forest Drive, west of North Point State Park and north of Old Road Bay in the Edgemere area of southeastern Baltimore County. The property is improved with Petitioners' existing two-story single-family dwelling that fronts South Cove Road and an attached two car garage. There is also a small shed located in the rear of the property. The dwelling is placed on the western side of the lot, with an existing side yard setback on the Lodge Forest Drive side of 28 feet. The other side yard setback is approximately 90 feet, with a front yard setback of 25 feet.

The "Plat of Lodge Forest" was recorded in October 1976. The subject property is known as Lot 755 of that subdivision. Petitioners have owned the subject property since January 1979 and have resided at the location since their home was built in 1980. In order to build their home, and due to the relative narrowness of this corner lot, Petitioners requested and were granted variance relief to permit a 10 foot rear yard setback in lieu of the required 30 feet, and a distance from the center line of South Cove Road of 48 feet in lieu of the required 50 feet. A copy of the May 1, 1979 Order was marked and accepted into evidence as Petitioners' Exhibit 2.

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[Signature]

As a result of the configuration of the lot and the placement of the home as shown on the site plans, Petitioners have a very small rear yard with very little depth; however, there is a relatively large area in the side yard on the east side of the property that is unimproved. Photographs of the property, including Petitioner's home and the area of the proposed new lot, were marked and accepted into evidence as Petitioners' Exhibits 3A through 3F. As a result, Petitioners desire to subdivide this east side of their property and create proposed Lot 755B with an address of 7704 South Cove Road, and rename their lot as Lot 755A. As the site plans detail, this would result in two separate, more square-shaped lots. The proposed new lot would be approximately 85 feet wide by 70½ feet deep resulting in a lot size of 6,009 square feet. The proposed home on the new lot would have the minimum required 10 foot side yard setbacks (one of the proposed side yards is 15 feet), and would have front yard averaging of 26.25 feet; however, in order to construct a home on proposed Lot 755B of comparable size to others in the neighborhood, Petitioners are in need of variance relief from the rear yard setback requirement of 30 feet. As with their home when it was originally built, there is very little room to the rear of the property. In addition, in order to meet the minimum lot size of 6,000 square feet, the proposed lot has a width of 85 feet. This new proposed property line between the two lots cuts into the existing side yard setback, thus necessitating the need for a side yard setback of 5 feet for the existing dwelling.

In support of the variance requests, Ms. Smith, Petitioners' consultant, pointed out that Petitioners had little choice in the layout of the original subdivision and the configuration of their lot. The lots were sectioned off by the developer and sold individually. In addition, when Petitioners' home was built, most of the other homes in the neighborhood were not yet built, so Petitioners did not know where other homes would be located and how close in proximity they

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would eventually be to each other. Ms. Smith also indicated the property's uniqueness stems from the long, narrow lot and its position as a corner lot.

The Zoning Advisory Committee (ZAC) comments for these properties were received and are contained within the case file. Comments were received from the Office of Planning dated March 16, 2009 for both cases. For Case No. 2009-0216-A, the comment indicates that the proposed lot is atypical of the adjacent lots in the neighborhood. It will create an atypical compaction of primary and accessory structures. Because the existing house will also require a side yard setback of 5 feet, the appearance will be slightly crowded from the front view. There will be very little yard. The proposal appears to create its own hardship and practical difficulty. Therefore, the Office of Planning recommends denial. For Case No. 2009-0217-A, the comment explains that the existing home sits sideways on the property with a large side yard. The proposal is to divide the property so that the side yard becomes a separate building lot if a rear variance is permitted for that proposed lot, and a side yard variance is permitted for the lot where the existing home is located. The comment concludes that this proposal will greatly increase the density of the corner cluster of residences, and that the proposal appears to create its own hardship and practical difficulty. Therefore, the Planning Office recommends denial. Comments were also received from the Bureau of Development Plans Review dated March 3, 2009 concerning the property's flood elevation and flood protection requirements. Finally, comments were received from the Department of Environmental Protection and Resource Management dated April 22, 2009 which indicates that the properties must comply with the Chesapeake Bay Critical Area Regulations.

I am certainly mindful of Petitioners' desire to utilize this "open" area of their property to subdivide and create another buildable lot. Petitioners indicated during the hearing they are

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retired and -- with the abundance of space on the one side of their property -- wanted to explore the potential of creating a second lot. It is also apparent that Petitioners can meet the minimum lot size, front yard and side yard setback requirements for the new lot. The problem is with the rear yard setback of 10 feet in lieu of the required 30 feet and the deficient side yard setback of 5 feet in lieu of 10 feet that results for the existing home with the creation of the new lot. It was also understandable 30 years ago that Petitioners were granted variance relief from the 30 foot rear yard setback requirement to construct their existing home. The lot as platted was a long, narrow, corner lot that limited Petitioners' ability to construct a home; however, in my view, those unique features from 30 years ago simply do not transfer to the instant matter where Petitioners are creating a new lot line and additional lot. Moreover, I agree with the Office of Planning's comment that Petitioners are creating the very hardship and practical difficulty that drives the need for the variances. Hence, the requested relief is not consistent with the requirements of Section 307.1 of the B.C.Z.R., as interpreted in *Cromwell v. Ward*, 102 Md.App. 691 (1995). Finally, I find that granting the requested relief would have a negative overall impact on the surrounding neighborhood and would not meet the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED this 8th day of May, 2009 by this Deputy Zoning Commissioner, that the requests for relief for the properties set forth as follows:

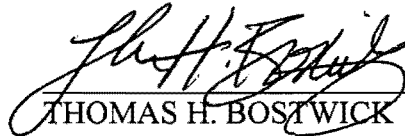
Case No. 2009-0216-A: For the property located at proposed 7704 South Cove Road, the Variance request from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations

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[Signature]

(B.C.Z.R.) to permit a 10 foot rear yard setback in lieu of the required 30 foot setback be and is hereby DENIED; and

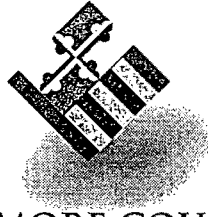
Case No. 2009-0217-A: For the property located at 7702 South Cove Road, the Variance request from Section 1B02.3.C.1 of the Baltimore County Zoning regulations (B.C.Z.R.) to amend the Variance granted in Case No. 1979-0241-A to allow a side yard setback of 5 feet in lieu of the required 10 feet be and is hereby DENIED.

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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5.8.09

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

May 8, 2009

HERBERT AND MELIE OLIVER
7702 SOUTH COVE ROAD
BALTIMORE MD 21219

Re: Petition for Variance
Case Nos. 2009-0216-A and 2009-0217-A
Property: 7704 South Cove Road and 7702 South Cove Road

Dear Mr. and Mrs. Oliver:

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: Pattianne Smith, 5802 York Road, Baltimore MD 21212



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at PROPOSED 7704 SOUTH COVE ROAD BALTIMORE MD 21219
which is presently zoned D.R. 5.5

Deed Reference: 9259 / 606 Tax Account # 1504502730

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)

IB02.3.C1

PERMIT A 10 FOOT REAR YARD SETBACK IN LIEU OF THE REQUIRED 30 FOOT SETBACK

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

IN ORDER TO HAVE A REASONABLY SIZED PROPOSED DWELLING, AND COMPLY WITH FRONT YARD AND SIDE YARD SETBACKS, THE REAR YARD REQUIRES RELIEF.

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):

HERBERT C. OLIVER

Name - Type or Print

Signature

MELIE N. OLIVER

Name - Type or Print

Signature

7702 SOUTH COVE ROAD

Address Telephone No.

BALTIMORE MARYLAND 21219

City State Zip Code

Representative to be Contacted:

PATTIANNE SMITH

Name

5802 YORK ROAD 410-207-2383

Address Telephone No.

BALTIMORE MARYLAND 21212

City State Zip Code

Case No. 2009-02116-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by D.T. Date 2/19/09

REV 8/20/07

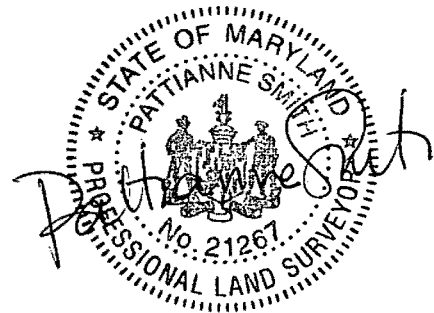
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DESCRIPTION TO ACCOMPANY
PETITION FOR ZONING VARIANCE

7704 SOUTH COVE ROAD
15TH ELECTION DISTRICT
7TH COUNCILMATIC DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the north side of South Cove Road (40 feet wide), at the end of the following course and distance measured from the intersection of the north side of said South Cove Road with the east side of Lodge Forest Drive (40 feet wide), (1) South 84 degrees 14 minutes East 115 feet, thence leaving said point of beginning and binding on the north side of South Cove Road (1) South 84 degrees 14 minutes East 85 feet, thence leaving South Cove Road (2) North 05 degrees 46 minutes East 70.7 feet, thence (3) North 84 degrees 14 minutes West 85 feet, and thence (4) South 05 degrees 46 minutes West 70.7 feet to the point of beginning; containing 0.138 of an acre of land, more or less.

BEING part of Lot 755 as shown on the plat entitled "Plat of Lodge Forest", which plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book L.McL.M 10, Folio 76.



2009-0216-A

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

No. **35069**

Date: **2/19/09**

PAID RECEIPT

BUSINESS ACTUAL THE DAY
 2/19/2009 2/19/2009 11:27:07 5

DATE WHEN RECEIVED
 RECEIPT NUMBER 20090000000000000000

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	800	0000		6150				65.00

Total: **65.00**

Rec From: **LLS LANDSERVICES**

For: **2009-0216-A**

7704 SOUTH CONE RD

D. THOMPSON

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: # 2009-0216-A
7704 South Cove Road (Proposed)

N/side of Cove Road, 145 east of the centerline of Lodge Forest Drive
15th Election District

7th Councilmanic District
Legal Owner(s): Herbert Oliver & Melie Oliver

Variance: to permit a 10-foot rear yard setback in lieu of the required 30-foot setback

Hearing: Monday, April 20, 2009 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.

4/034 April 2 197955

CERTIFICATE OF PUBLICATION

4/2/, 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 4/2/, 2009.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: 2009-0216-A

Petitioner/Developer: _____

Herbert Oliver & Melie Oliver

Date of Hearing/closing: April 20 2009

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

Attn : Kristin Matthews

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at, _____
7704 South Cove Road (Proposed

The sign(s) were posted on _____ April 4 2009
(Month, Day, Year)

Sincerely,

Robert Black 4-5-09
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE 20090216-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

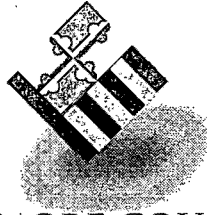
Room 104, JEFFERSON BUILDING
PLACE 105 W CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: MONDAY, APRIL 20, 2009 AT 9:00 ^{A.M.}

REQUEST VARIANCE TO PERMIT A 10-FOOT REAR YARD
SETBACK IN LIEU OF THE REQUIRED 30-FOOT SETBACK.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 387-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

March 11, 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: 2009-0216-A

7704 South Cove Road (Proposed)

N/side of Cove Road, 145 feet east of the centerline of Lodge Forest Drive

15th Election District – 7th Councilmanic District

Legal Owners: Herbert Oliver & Melie Oliver

Variance to permit a 10-foot rear yard setback in lieu of the required 30-foot setback.

Hearing: Monday, April 20, 2009 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: Herbert & Melie Oliver, 7702 South Cove Road, Baltimore 21219
Pattianne Smith, 5802 York Road, Baltimore 21212

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 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
Thursday, April 2, 2009 Issue - Jeffersonian

Please forward billing to:
Pattianne Smith
5802 York Road
Baltimore, MD 21212

410-207-2383

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: 2009-0216-A

7704 South Cove Road (Proposed)

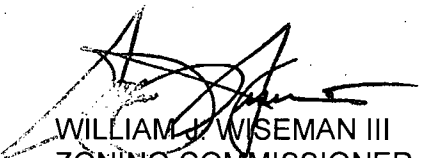
N/side of Cove Road, 145 feet east of the centerline of Lodge Forest Drive

15th Election District – 7th Councilmanic District

Legal Owners: Herbert Oliver & Melie Oliver

Variance to permit a 10-foot rear yard setback in lieu of the required 30-foot setback.

Hearing: Monday, April 20, 2009 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.

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2009-0216-A

Petitioner: OLIVER

Address or Location: 7704 SOUTH COVE RD.

PLEASE FORWARD ADVERTISING BILL TO:

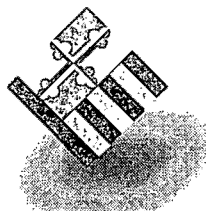
Name: MS. PATTIANNE SMITH

Address: 5802 YORK RD.

BALTO. MD 21212

Telephone Number: 410-207-2383

Revised 7/11/05 - SCJ



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
April 17, 2009

Herbert & Melie Oliver
7702 S. Cove Rd.
Baltimore, MD 21219

Dear: Herbert & Melie Oliver

RE: Case Number 2009-0216-A, 7704 S. Cove Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 19, 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,

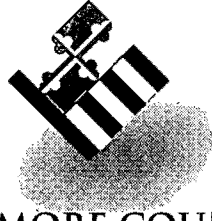
A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Pattianne Smith; 5802 York Rd.; Baltimore, MD 21212



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

March 9, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 2, 2009

Item Numbers 0212, 0214, 0215, 0216, 0217, 0218 and 0220

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

TB 4/20
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 16, 2009

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

SUBJECT: 7704 South Cove Road

INFORMATION:

Item Number: 9-216 (9-217 related)

Petitioner: Herbert and Melie Oliver

Zoning: DR 5.5

Requested Action: Variance

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ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

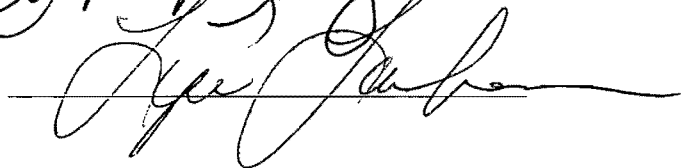
The proposed lot is atypical of the adjacent lots in the neighborhood. It will create an atypical compaction of primary and accessory structures. Because the existing house will also require a side yard setback of 5 ft. the appearance will be slightly crowded from the front view. There will be very little yard. The proposal appears to create its own hardship and practical difficulty. Therefore, this office recommends denial.

For further information concerning the matters stated here in, please contact John Alexander at 410-887-3480.

Prepared by:



Division Chief:
AFK/LL: CM





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: MARCH 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 2009-0216 A
7704 S. COVE RD
OWNER 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. 2009-0216 A.

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

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

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

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



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

APR 22 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: April 22, 2009
SUBJECT: Zoning Item # 09-216-A
Address 7704 South Cove Road
(Oliver Property)

Zoning Advisory Committee Meeting of March 2, 2009

 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:

Reviewer: Thomas Panzarella

Date: April 21, 2009

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 3, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For March 9, 2009
Item No. 2009-0216-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 9.4 feet Baltimore County Datum.

The flood protection elevation for this site is 10.4 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 2009-0216-a-03092009

RE: PETITION FOR VARIANCE * BEFORE THE
7704 South Cove Road; N/S of Cove Road, * ZONING COMMISSIONER
145' E of c/line of Lodge Forest Drive *
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Herbert & Melie Oliver * FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-216-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

MAR 11 2009

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

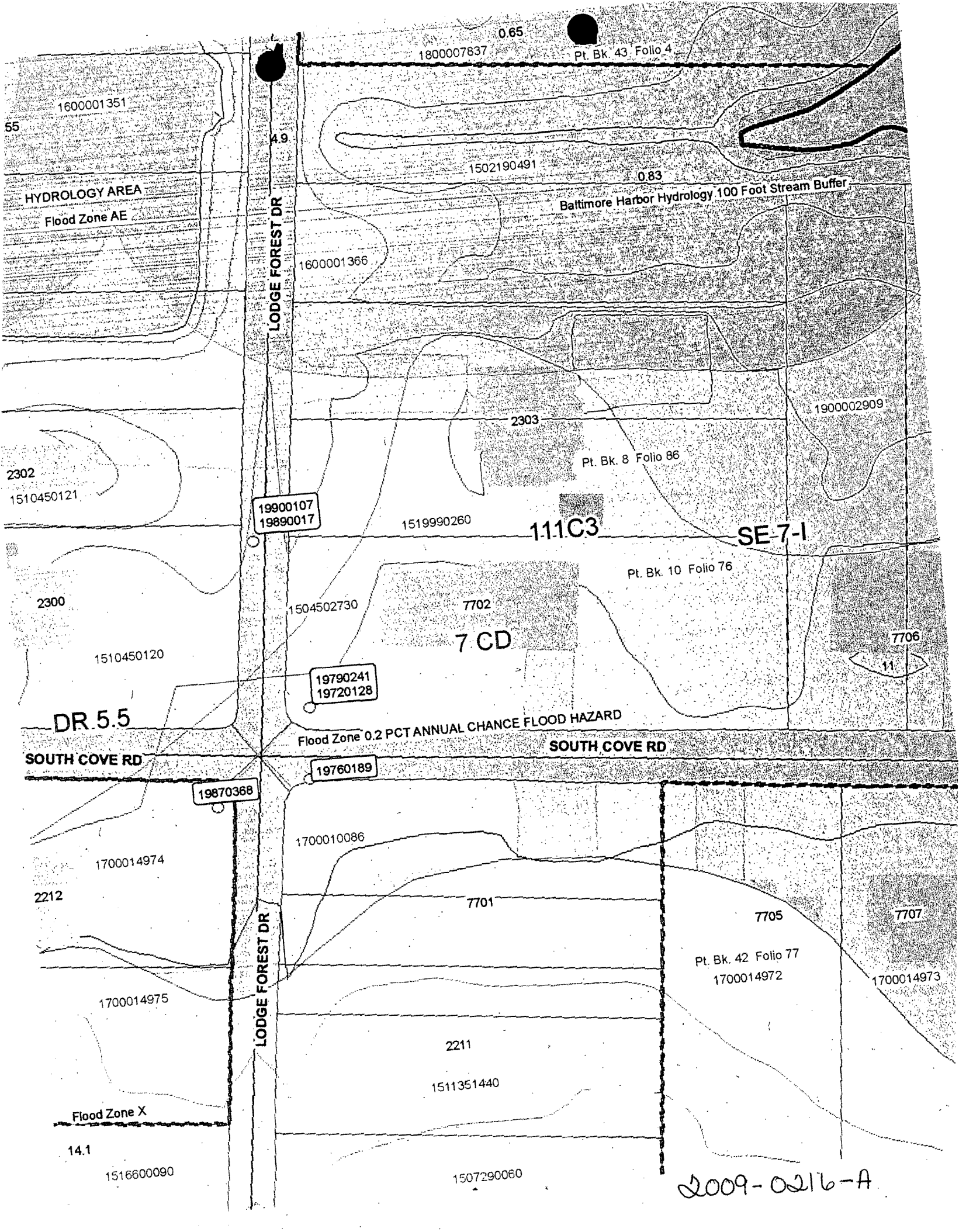
CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of March, 2009, a copy of the foregoing Entry of Appearance was mailed to Pattianne Smith, 5802 York Road, Baltimore, MD 21212, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



1800007837 0.65

Pt. Bk. 43 Folio 4

55 1600001351

HYDROLOGY AREA
Flood Zone AE

4.9

1502190491

0.83

Baltimore Harbor Hydrology 100 Foot Stream Buffer

1600001366

2303

1900002909

2302
1510450121

Pt. Bk. 8 Folio 86

19900107
19890017

1519990260

111C3

SE-7-1

Pt. Bk. 10 Folio 76

2300

1510450120

1504502730

7702

7 CD

7706

11

19790241
19720128

DR 5.5

Flood Zone 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

SOUTH COVE RD

SOUTH COVE RD

19760189

19870368

1700010086

1700014974

2212

7701

7705

7707

Pt. Bk. 42 Folio 77
1700014972

1700014973

1700014975

2211

1511351440

Flood Zone X

14.1

1516600090

1507290060

2009-0216-A

CASE NAME _____
CASE NUMBER 2009-0216-A + 0217-A
DATE 4-20-09

[illegible]

Case No.: 7009-0216-A + 7009-0217-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	7704 - Core Road Site Plan	
A+B	7702 - Core Road Site Plan	
No. 2	Order from earlier case 79-0241-A	
No. 3	Photography	
A-F		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

21' ASPHALT PAVING
LODGE FOREST DRIVE
40' RIGHT-OF-WAY

S05°46'W 70.7'

LOT 755A
8131 SQ.FT.

POB #7702

WILLIAM T. SZIMANSKI
CATHERINE .M. SZIMANSKI
W.J.R. 3907/120
LOTS 753 AND 754
PLAT L.McL.M. 10/76
#2303 LODGE FOREST DRIVE

73'±

VARIANCE #7702
5' SIDE B.R.L.
IN LIEU OF 10'

EXISTING DWELLING
#7702

FRONT

EXISTING CONCRETE
DRIVE

WOOD
SHED

PROPOSED LOT LINE
70.7'

N84°14'W 200'

PROPOSED
LOT 755B

6009 SQ.FT.

PROPOSED
#7704
26.25' B.R.L. (AVG.)

FRONT

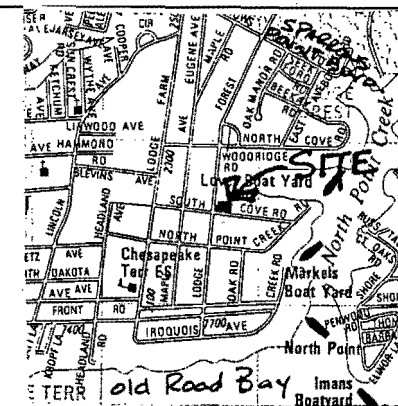
85'

POB #7704 S84°14'E 200'

24' ASPHALT PAVING

SOUTH COVE ROAD
40' RIGHT-OF-WAY

VICINITY MAP
SCALE: 1"=2000'



EXISTING DWELLING
#7706

WAYNE F. ZAWODNY
MARYANN ZAWODNY
E.H.K.JR. 6304/692
LOTS 756 AND 757
PLAT L.McL.M. 10/76

PETITIONER'S

EXHIBIT NO. 1A

PROPOSED
7704 SOUTH COVE ROAD
BALTIMORE, MARYLAND 21219

TAX MAP 111 PARCEL 98
LOT 755
"PLAT OF LODGE FOREST"
PLAT L.McL.M. 10/76
15th ELECTION DISTRICT
7th COUNCILMANIC DISTRICT
ZONING MAP 111C3
ZONING D.R.5.5
PUBLIC WATER
PUBLIC SEWER

EXISTING TOTAL LOT AREA 14140 SQ. FT.
REMAINING LOT 755A #7702 AREA = 8131 SQ.FT.
PROPOSED LOT 755B #7704 AREA = 6009 SQ.FT.

- SITE IS WITHIN THE CHESAPEAKE BAY CRITICAL AREA
- SITE IS NOT WITHIN HISTORIC DISTRICT
- PROPERTY LIES WITHIN FLOOD ZONE X (SHADED) AS SHOWN ON FLOOD INSURANCE RATE MAP DESIGNATED 240010 0555F AND DATED 09/26/2008
- PRIOR ZONING CASES FOR #7702:
1972-0128-A; HOUSE REFERENCED IN THIS CASE NO LONGER EXISTS
1979-0241-A; VARIANCE TO PERMIT A REAR YARD SETBACK OF 10 FEET IN LIEU OF THE REQUIRED 30 FOOT AND A DISTANCE OF 48 FEET FROM THE CENTERLINE OF SOUTH COVE ROAD IN LIEU OF THE REQUIRED 50 FEET.
GRANTED MAY 1, 1979.

UPON APPROVAL OF THE VARIANCES ON
#7702 AND #7704 SOUTH COVE ROAD
A SUBMISSION FOR A MINOR SUBDIVISION
WILL BE MADE.

PLAN TO ACCOMPANY PETITION FOR
ZONING VARIANCE

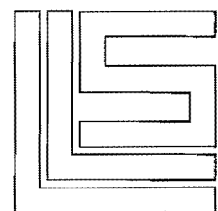
7704 SOUTH COVE ROAD
P/O LOT 755 "PLAT OF LODGE FOREST" L.McL.M. 10/76
FIFTEENTH ELECTION DISTRICT
SEVENTH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE: 02/13/09

SCALE: 1"=20'

FILE: 08-320

2009-0216-A



L.L.S. LAND
SERVICES, INC.

5802 YORK ROAD
BALTIMORE, MARYLAND 21212
OFFICE 410.879.4735
FAX 410.879.4736

21' ASPHALT PAVING
LODGE FOREST DRIVE
40' RIGHT-OF-WAY

S05°46'W 70.7'

LOT 755A
8131 SQ.FT.

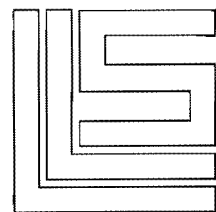
POB #7702

SOUTH COVE ROAD
40' RIGHT-OF-WAY

S84°14'E 200'

7702 SOUTH COVE ROAD
BALTIMORE, MARYLAND 21219

TAX MAP 111 PARCEL 98
LOT 755
"PLAT OF LODGE FOREST"
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15th ELECTION DISTRICT
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ZONING D.R.5.5
PUBLIC WATER
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L.L.S. LAND SERVICES, INC.
5802 YORK ROAD
BALTIMORE, MARYLAND 21212
410.879.4735
FAX 410.879.4736

EXISTING DWELLING
#7702

FRONT

EXISTING CONCRETE DRIVE

115'

VARIANCE #7702
5' SIDE B.R.L.
IN LIEU OF 10'

WOOD SHED

PROPOSED LOT LINE

70.7'

POB #7704

PROPOSED LOT 755B

6009 SQ.FT.

PROPOSED #7704

FRONT

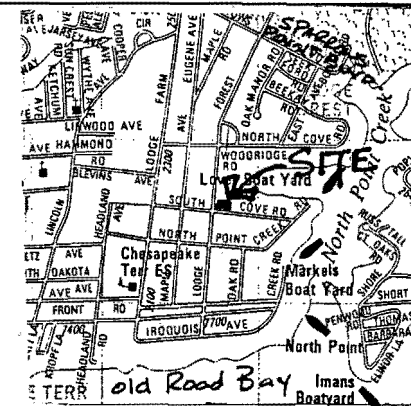
26.25' B.R.L (AVG.)

85'

VARIANCE #7704
10' REAR B.R.L
IN LIEU OF 30'

24' ASPHALT PAVING

VICINITY MAP
SCALE: 1"=2000'



EXISTING DWELLING
#7706

WAYNE F. ZAWODNY
MARYANN ZAWODNY
E.H.K.JR. 6304/692
LOTS 756 AND 757
PLAT L.McL.M. 10/76

PETITIONER'S

EXHIBIT NO.

1B

PLAN TO ACCOMPANY PETITION FOR
ZONING VARIANCE

7702 SOUTH COVE ROAD
P/O LOT 755 "PLAT OF LODGE FOREST" L.McL.M. 10/76
FIFTEENTH ELECTION DISTRICT
SEVENTH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE:02/13/09

SCALE:1"=20'

FILE: 08-320

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GRANTED MAY 1, 1979.

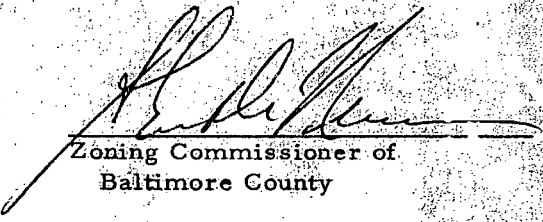
UPON APPROVAL OF THE VARIANCES ON
#7702 AND #7704 SOUTH COVE ROAD
A SUBMISSION FOR A MINOR SUBDIVISION
WILL BE MADE.

2009-0217-A

79-241-A

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner(s), the Variance(s) should be had; and it further appearing that by reason of the granting of the Variance(s) requested not adversely affecting the health, safety, and general welfare of the community, the Variance(s) should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 1979, that the herein Petition for Variances to permit a rear yard setback of 10 feet in lieu of the required 30 feet and a distance from the center line of South Cove Road of 48 feet in lieu of the required 50 feet should be and the same is GRANTED, from and after the date of this Order, subject to approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.


Zoning Commissioner of
Baltimore County

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of failure to show practical difficulty and/or unreasonable hardship, the Variance(s) should not be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for the Variance(s) to permit

PETITIONER'S

EXHIBIT NO.

2

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

DATE

BY

ADMINISTRATIVE ASSISTANT

STEPHEN
DIRECTOR

#2303

#7702

LODGE FOREST ROAD

A

PETITIONER'S

EXHIBIT NO. 3A-3F





#7702

S. COVE RD.

C

Lodge Forest

#702 ↓

#706 ↓

South Cove Road

1)

7702 ↓

7706

South Cove Road

E



7706 ↓

7708 ↓

South
Cove
Rondo

F

