

IN RE: PETITION FOR VARIANCE

W side of Old Battle Grove Road; 856.90 feet
N of c/l St. Patricia Lane
15th Election District
9th Councilmanic District
(7538 Old Battle Grove Road)

Brian Schriefer
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 2010-0047-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 owner of the subject property, Brian Schriefer. Petitioner is requesting Variance relief from Sections 1B02.3.A.5, 1B02.3.B and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a replacement dwelling with a side yard setbacks of 7 feet and 8 feet, an open projection (deck) of 7 feet and a lot width of 46 feet in lieu of the required 10 feet, 7.5 feet and 55 feet, respectively. The subject property and requested relief are more fully depicted on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner Brian Schriefer and his land use and zoning consultant, Bernadette Moskunas, with Siterite Surveying, Inc., the firm that prepared the site plan. There were no Protestants or other interested persons in attendance.

Testimony and evidence offered revealed that the subject property is irregular-shaped and consists of approximately 11,750 square feet or 0.27 acre, more or less, zoned D.R.5.5. As shown on the site plan and the aerial photograph that was marked and accepted into evidence as Petitioner's Exhibit 2, the property is located on the west side of Old Battle Grove Road, west of North Point Boulevard and Interstate 695, with water frontage and access on Bear Creek, in the

11.16.09
[Signature]

Dundalk area of Baltimore County. The property is improved with an existing single-family dwelling that was built in 1924, along with a wood deck and brick fireplace located at the water side of the property. The property is depicted on the record plat for "Battle Grove" that was marked and accepted into evidence as Petitioner's Exhibit 3, and indicates the subdivision was recorded in April 1923. The subject property is identified as Lot 44 on the record plat.

Further evidence indicated that Petitioner's grandparents purchased the property in the late 1930's and during the ensuing years has had a number of improvements and additions. Petitioner has lived in the dwelling for about the last 10 years and recently purchased the property from his mother and uncle. At this point in time, the dwelling has essentially outlived its useful life and Petitioner now desires to raze the existing structure and replace it with a new dwelling. Elevation drawings of the replacement dwelling that were marked and accepted into evidence as Petitioner's Exhibit 4 show an attractive design with a wraparound style porch as well as a similar second floor wraparound balcony. There are also several architectural features, including multiple rooflines and dormer windows.

Petitioner's plans are complicated by the need for variance relief from the side yard and open projection setback requirements, as well as the undersized lot width requirement. The side yard setbacks are 7 and 8 feet, respectively, where 10 feet on each side is required, and an open projection deck would have a 7 foot setback where 7.5 feet is required. In addition, a variance is needed from the minimum lot width requirement of 55 feet. Although the subject property is almost 60 feet wide at the shoreline, the lot width is designated at 46 feet wide because it tapers significantly to the road side of the property.

In support of the variance requests, Ms. Moskunas explained that the subject property was platted in 1923, well before the adoption of the Zoning Regulations. As shown on the record plat,

this property has been a lot of record for over 85 years and was platted with its present width and configuration. Ms. Moskunas also pointed out that the need for zoning relief is driven primarily by the unusual shape of the property, which is the result of the curvature of Old Battle Grove Road, which is very pronounced in front of the subject property, and the uneven shoreline on Bear Creek. Petitioner desires to replace the existing "shore shack" with a permanent residence that would be more in line with the redevelopment that is occurring in many waterfront communities in Baltimore County as generations move on from one to the next, and the structures themselves deteriorate into a state of disrepair. If the variance requests were not granted and Petitioner given the opportunity to improve the property, Ms. Moskunas indicated the property would be rendered essentially useless for its intended purpose. Finally, Petitioner submitted a letter of support signed by the neighbors on each side of the property. A copy of the letter was marked and accepted into evidence as Petitioner's Exhibit 5 and requests that the variance relief be granted.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated August 25, 2009 which indicates no opposition to the setback relief; however, the new structure shall be consistent with that which exists in the neighborhood. Building elevations shall be reviewed with the community planner prior to building permit application. Comments were received from the Department of Environmental Protection and Resource Management (DEPRM) dated September 29, 2009 which indicates that the property must comply with the Chesapeake Bay Critical Area Regulations. The lot is within the Limited Development Area (LDA) and a Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Lot coverage and 15% afforestation requirements must be met. The acreage of the lot used to calculate lot coverage and afforestation must be based on the area of the lot above mean high water. In addition, BMA requirements for

RECEIVED FOR FILING
11-16-09
pm

development within the 100 foot buffer must be met. Comments were received from the Bureau of Development Plans Review dated August 19, 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.

Considering all the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. I agree with Petitioner's consultant that the variance requests are driven by the unusual shape of the property. In reviewing the aerial photograph and the record plat, it is evident that the subject property, as with others in the subdivision, was laid out in accordance with the space available, given the contours of the road on one side and the shoreline on the other. This created some lots that do meet the minimum lot width requirement -- even by today's standards -- and some like Petitioner's that do not. I conclude that the subject property is unique in a zoning sense and that Petitioner would suffer practical difficulty and undue hardship if the variance requests were to be denied. I also find that because the creation and layout of the subject lot predates the adoption of the Zoning Regulations, the property is disproportionately impacted by the imposition of zoning on this property.

Further, I agree with Petitioner that in order to construct a permanent home of adequate size, the side yard and open project variance relief is necessary. Finally, I find that the variance relief can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Thus, I

RECEIVED FOR FILING

11.16.09

pm

find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as interpreted in *Cromwell v. Ward*, 102 Md.App. 691 (1995).

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

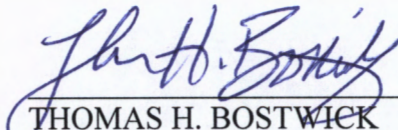
THEREFORE, IT IS ORDERED this 16th day of November, 2009 by this Deputy Zoning Commissioner, that Petitioner's Variance relief from Sections 1B02.3.A.5, 1B02.3.B and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a replacement dwelling with a side yard setback of 7 feet and 8 feet, an open projection (deck) of 7 feet and a lot width of 46 feet in lieu of the required 10 feet, 7.5 feet and 55 feet, respectively, be and are hereby **GRANTED**. The relief granted herein shall be subject to the following:

1. 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, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The new structure shall be consistent with that which exists in the neighborhood.
3. Building elevations shall be reviewed with the community planner prior to building permit application.
4. 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).
5. The lot is within the Limited Development Area (LDA) and a Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Lot coverage and 15% afforestation requirements must be met. The acreage of the lot used to calculate lot coverage and afforestation must be based on the area of the lot above mean high water. In addition, BMA requirements for development within the 100 foot buffer must be met.

RECEIVED FOR FILED
11-16-09
[Signature]

6. 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.
7. 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.
8. 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.
9. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.

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

NOT FOR PUBLIC RELEASE
11-16-09
pm



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

November 16, 2009

BRIAN SCHRIEFER
7538 OLD BATTLE GROVE ROAD
BALTIMORE MD 21222

Re: Petition for Variance
Case No. 2010-0047-A
Property: 7538 Old Battle Grove Road

Dear Mr. Schriefer:

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 cursive script, reading "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Bernadette L. Moskunus, Site Rite Surveying, Inc., 200 East Joppa Road, Room 101,
Towson MD 21286



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at #7538 Old Battle Grove Road
which is presently zoned D.R. 5.5

Deed Reference: 20921 / 189 Tax Account # 1502570020

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) 1B02.3A.5., 1B02.3B., 301.1A. (BCZR)

To permit a replacement dwelling with a side yard setback of 7-feet and 8-feet, an open projection (deck) of 7-feet and a lot width of 46-feet in lieu of the required 10-feet, 7.5-feet and 55-feet, respectively.

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

see attached

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

Case No. 2010-0047-A

REV 8/20/07

Legal Owner(s):

Brian Schriefer

Name - Type or Print

Signature

Name - Type or Print

Signature

7538 Old Battle Grove Road

443-286-2001

Address

Telephone No.

Baltimore

MD

21222

City

State

Zip Code

Representative to be Contacted:

Site Rite Surveying, Inc.

Name

200 E. Joppa Road, Room 101 410-828-9060

Address

Telephone No.

Towson, MD 21286

City

State

Zip Code

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by D.T. Date 8/12/09

RECEIVED FOR PLANNING
11.16.09
pm

REASONS TO ACCOMPANY VARIANCE PETITION

1. The existing dwelling to be replaced was constructed in 1926 containing 760 S.F. and is one (1) story. The owner purchased the subject property in November 2004 and does not own contiguous property.
2. Lot of record on a Plat entitled "Battle Grove" dated April 1923 well before the adoption of Zoning Regulation. The lot configurations differ along this section of Old Battle Grove Road due to the curve in the road and the irregular shoreline. The road frontage is only 36.28 feet and widens slightly along the water.
3. Strict compliance with B.C.Z.R. would create a hardship for this subject property. Granting such relief will not adversely affect the general welfare, health or safety of the surrounding community.

2010-0047-A

ZONING DESCRIPTION
#7538 OLD BATTLE GROVE ROAD

BEGINNING at a point on the west side of Old Battle Grove Road which is 30 feet (Per Plat) 40 feet (Per 8" Sanitary Sewer Drawing No. 66-557) wide at the distance of 856.90 feet north of the center line of Saint Patricia Lane which is 50 feet wide. Being Lot No. 44 in the subdivision of "Battle Grove" as recorded in Baltimore County Plat Book No. 5, folio 75, containing 11,750 S.F., more or less. Also known as #7538 Old Battle Grove Road and located in the 15th Election District, 7th Councilmanic District.

A circular professional seal for the State of Maryland, Department of the General Land Office, Surveyors. The seal contains the text "STATE OF MARYLAND", "DEPARTMENT OF THE GENERAL LAND OFFICE", "SURVEYORS", and "MICHAEL V. MOSKUNAS". The seal also includes the number "NO. 21175". A handwritten signature, "Michael V. Moskunas", is written across the seal.

Michael V. Moskunas
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 101
Towson MD 21286
(410) 828-9060

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: # 2010-0047-A

7538 Old Battle Grove Road

W/side of Old Battle Grove Road, 856.90 feet north of centerline of St. Patricia Lane

15th Election District — 7th Councilmanic District

Legal Owner(s): Brian Schriefer

Variance: to permit a replacement dwelling with a side yard setback of 7 feet and 8 feet, an open projection (deck) of 7 feet and a lot width of 46 feet in lieu of the required 10 feet, 7.5 feet and 55 feet.

Hearing: Monday, October 5, 2009 at 10:00 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.

9/325 September 17

213887

CERTIFICATE OF PUBLICATION

_____ 9/17 _____, 20 09

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 9/17, 20 09.

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

J. Wilkinson

LEGAL ADVERTISING

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

No.

Date:

2/12/07

Rev
Source/
Obj

Sub
Rev/
Sub Obj

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		0150				65.10

Total:

65.10

Rec

From:

BRUNN SCHLIEFER

For:

2010-0047-A

7538 OLD BATTLE GROVE RD.

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

RE: Case No 2010-0047-A

Petitioner/Developer BRIAN SCHRIEFER

Date Of Hearing/Closing: 10/5/09

Attention:

This letter is to certify under penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property at 7538 OLD BATTLE GROVE RD

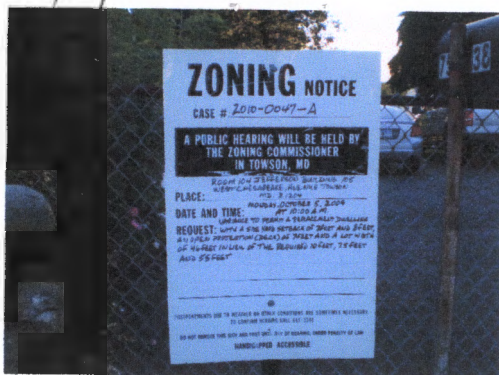
This sign(s) were posted on September 19, 2009
Month, Day, Year

Sincerely,

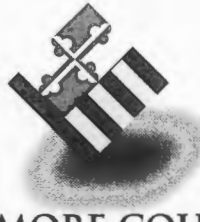
Sincerely,
 9/19/09
Signature of Sign Poster and Date

Martin Ogle

**60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411**



09/19/2009



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
August 31, 2009

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: 2010-0047-A

7538 Old Battle Grove Road

W/side of Old Battle Grove Road, 856.90 feet north of centerline of St. Patricia Lane

15th Election District – 7th Councilmanic District

Legal Owners: Brian Schriefer

Variance to permit a replacement dwelling with a side yard setback of 7 feet and 8 feet, an open projection (deck) of 7 feet and a lot width of 46 feet in lieu of the required 10 feet, 7.5 feet and 55 feet.

Hearing: Monday, October 5, 2009 at 10:00 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: Brian Schriefer, 7538 Old Battle Grove Road, Baltimore 21222
Site Rite Surveying, Inc., 200 E. Joppa Rd., Rm. 101, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPT. 19, 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, September 17, 2009 Issue - Jeffersonian

Please forward billing to:
Brian Schriefer
7538 Old Battle Grove
Baltimore, MD 21222

443-388-2620

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: 2010-0047-A

7538 Old Battle Grove Road

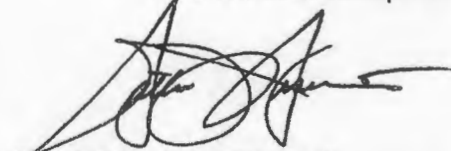
W/side of Old Battle Grove Road, 856.90 feet north of centerline of St. Patricia Lane

15th Election District – 7th Councilmanic District

Legal Owners: Brian Schriefer

Variance to permit a replacement dwelling with a side yard setback of 7 feet and 8 feet, an open projection (deck) of 7 feet and a lot width of 46 feet in lieu of the required 10 feet, 7.5 feet and 55 feet.

Hearing: Monday, October 5, 2009 at 10:00 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: 2010-0047-A

Petitioner: Brian Schriefer

Address or Location: 7538 Old Battle Grove Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Brian Schriefer

Address: 7538 Old Battle Grove Road

Baltimore, MD 21222

Telephone Number: 443-388-2620



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

October 2, 2009

Brain Schriefer
7538 Old Battle Grove Rd.
Baltimore, MD 21222

Dear: Brain Schriefer

RE: Case Number 2010-0047, 7538 Old Battle Grove Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 12, 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
Site Rite Surveying, Inc.; 200 E. Joppa Rd., Rm. 101; Towson, MD 21286

TB 195 10AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 25, 2009

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

SUBJECT: 7538 Old Battle Grove Road

INFORMATION:

Item Number: 10-047

Petitioner: Brian Schriefer

Zoning: DR 5.5

Requested Action: Variance

RECEIVED

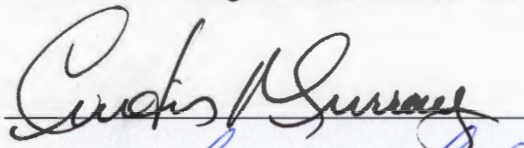
AUG 31 2009

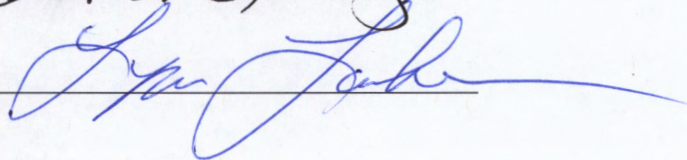
ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan and has no opposition to the setback relief. The new structure shall be consistent with that which exists in the neighborhood. Building elevations shall be reviewed with the community planner prior to building permit application.

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

Prepared by: 

Division Chief: 
AFK/LL: CM

TB 10/5
10 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

SEP 29 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: September 29, 2009
SUBJECT: Zoning Item # 10-047-A
Address 7538 Old Battle Grove Road
(Schriefer Property)

Zoning Advisory Committee Meeting of August 17, 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:

The lot is within the Limited Development Area (LDA) and a Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Lot coverage and 15% afforestation requirements must be met. The acreage of the lot used to calculate lot coverage and afforestation must be based on the area of the lot above mean high water. In addition, BMA requirements for development within the 100-foot buffer must be met.

Reviewer: Regina Esslinger

Date: September 15, 2009

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 19, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For August 17, 2009
Item No. 2010-0047-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:kmt

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-item no 2010-0047-A-08172009.doc



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

August 21, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: August 17, 2009

Item Numbers 0041, 0043, 0044, 0045, 0046, 0047

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

cc: File



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

State Highway
Administration

Beverley K. Swaim-Staley, Acting Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: August 19, 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. 2010-0047-A
7538 OLD BATTLE GROUND RD
SCHRIEFER 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. 2010-0047-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 ¹Steven 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 0900 • www.marylandstate.gov

RE: PETITION FOR VARIANCE * BEFORE THE
7538 Old Battle Grove Road; W/S Old Battle *
Grove Road, 856.9' N c/line of St. Patricia Ln* ZONING COMMISSIONER
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Brian Schriefer * FOR
Petitioner(s) * BALTIMORE COUNTY
* 10-047-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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

AUG 27 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 27th day of August, 2009, a copy of the foregoing Entry of Appearance was mailed to Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME _____
CASE NUMBER 2016-0047A
DATE 10/5/09

[illegible]

Case No.: 2010-0047-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Aerial Photo and Zoning Map	
No. 3	Record Plat	
No. 4	Elevation Drawings	
No. 5	Letter of support	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

September 2009

To: Baltimore County Zoning Commissioner
Re: Variance Case Number 2010-0047-A

I have reviewed the construction plans and associated plot plan/setbacks for the proposed replacement dwelling at 7538 Old Battle Grove Road, Dundalk MD.

The variance to permit a replacement dwelling with a side yard setback of 7 feet and 8 feet, and open projection (deck) of 7 feet and a lot width of 46 feet in lieu of the required 10 feet, 7.5 feet and 55 feet referenced in case number 2010-0047-A should be granted/approved.

Signature Susanne Quidley
William Jay Quidley

William Jay Quidley
Susanne A. Quidley
7536 Old Battle Grove Road
Dundalk, MD 21222

Date 9.22.09
9-22-2009

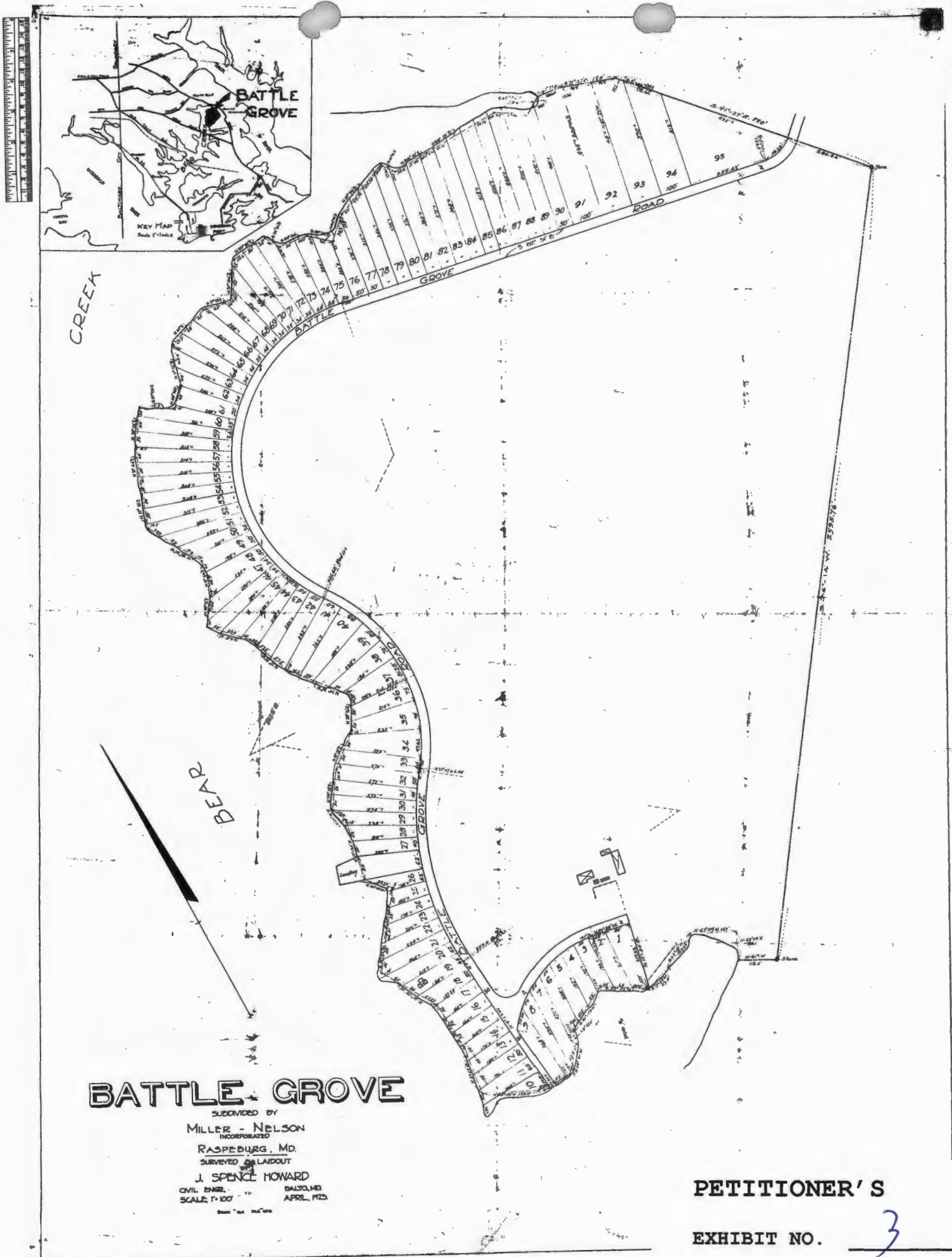
Signature Dan Clark

Daniel D. Clark
7540 Old Battle Grove Road
Dundalk, MD 21222

Date 9/25/09

PETITIONER' S

EXHIBIT NO. 5



BATTLE GROVE

SUBDIVIDED BY
MILLER - NELSON
INCORPORATED
RASPESBURG, MD.
SURVEYED & LAID OUT
J. SPENCE HOWARD
CIVIL ENGR. BALTO, MD.
SCALE 1"=100' APRIL, 1923

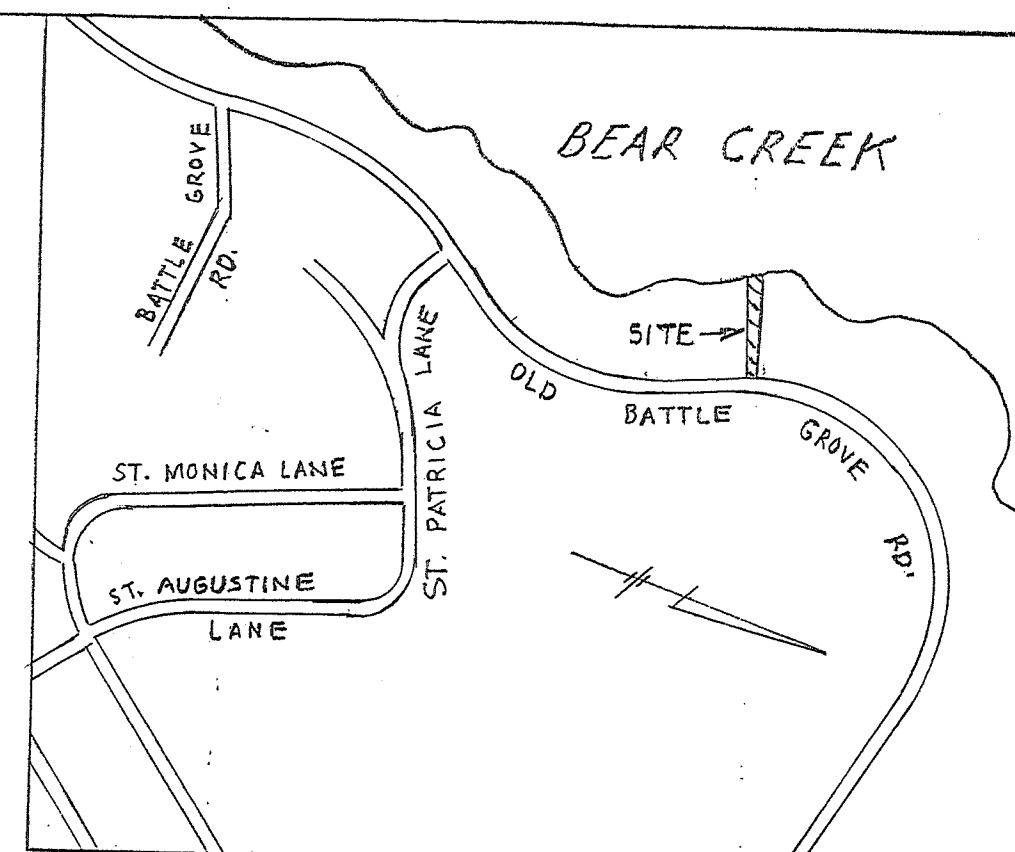
PETITIONER'S

EXHIBIT NO.

3

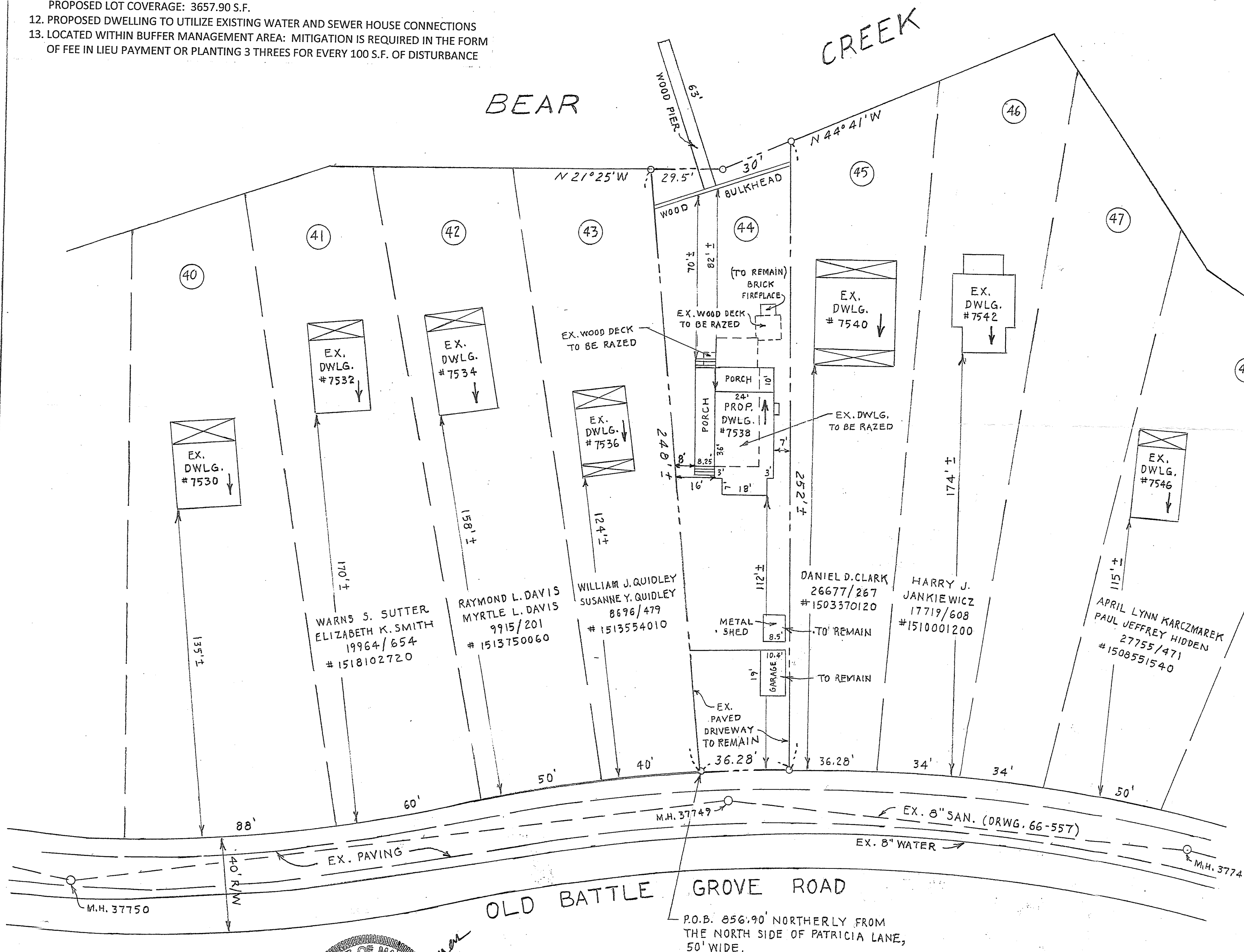
GENERAL NOTES:

1. EXISTING ZONING: D.R.5.5 (104A2)
2. LOT AREA: 11,750 S.F. (Per Real Property Search)
3. PUBLIC WATER AND SEWER ARE EXISTING
4. EXISTING USE: SINGLE FAMILY DWELLING BUILT 1924
PROPOSED USE: REPLACEMENT SINGLE FAMILY DWELLING
5. PROPERTY IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA
6. PROPERTY IS NOT LOCATED IN AN HISTORIC DISTRICT
7. PROPERTY IS LOCATED IN ZONES "AE" AND "X"
COMMUNITY PANEL #2400100555 F
8. NO PRIOR ZONING HEARING
9. LOT OF RECORD ON PLAT DATED 1923 (Prior to the adoption of Zoning Regulations)
10. 25% ALLOWABLE LOT COVERAGE: 2937.5 S.F. (Mitigation required for lot overage
31.25% ALLOWABLE LOT COVERAGE: 3671.87 S.F. above 25% up to 31.25 %)
11. EXISTING LOT COVERAGE: 2877.95 S.F.
PROPOSED LOT COVERAGE: 3657.90 S.F.
12. PROPOSED DWELLING TO UTILIZE EXISTING WATER AND SEWER HOUSE CONNECTIONS
13. LOCATED WITHIN BUFFER MANAGEMENT AREA: MITIGATION IS REQUIRED IN THE FORM
OF FEE IN LIEU PAYMENT OR PLANTING 3 TREES FOR EVERY 100 S.F. OF DISTURBANCE



VICINITY MAP

SCALE: 1" = 500'



PETITIONER'S

EXHIBIT NO. 1

PLAN TO ACCOMPANY PETITION FOR VARIANCE

#7538 OLD BATTLE GROVE ROAD

LOT 44

"BATTLE GROVE" 5/75

TAX MAP: 104 GRID: 8 PARCEL: 224

TAX ACCT. NO. 1502570020

DEED REF.: 20921/189

ELECTION DISTRICT NO. 15 C7

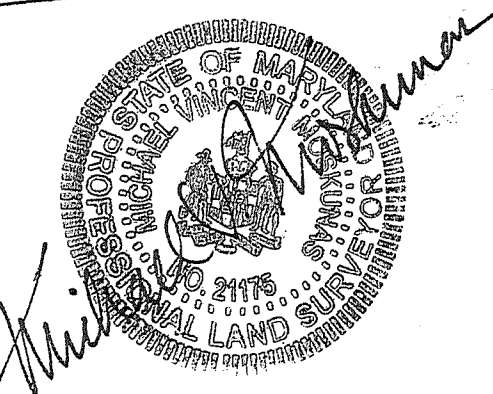
BALTIMORE COUNTY, MD

SCALE: 1" = 30'

AUGUST 10, 2009

JOB #9795

site rite SURVEYING, INC.
200 E. JOPPA ROAD RM. 101
TOWSON, MARYLAND 21286
PHONE: 410-828-9060
FAX: 410-828-9066



OWNER: BRIAN SCHRIEFER
7538 OLD BATTLE GROVE ROAD
BALTIMORE MD 21222
(443) 286-2001

2010-0047-A