IN RE: PETITION FOR ADMIN. VARIANCE

W side of Lourdes Road; 135 feet N of the c/l of Marsh Road
15th Election District
6th Councilmanic District
(1006 Lourdes Road)

David L. Thompson Petitioner

- * BEFORE THE
- * DEPUTY ZONING
- COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2010-0194-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, David L. Thompson for property located at 1006 Lourdes Road. The variance request is from Section 301.1.A of the Baltimore County Zoning Regulations to permit a side yard setback of 22 feet in lieu of the required 37.5 feet for a proposed open deck. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner desires to construct a ground-level deck measuring 10 feet x 30 feet onto the left side of the existing dwelling. The proposed deck will have rails on three sides with no stairs. Petitioner has a young son and the deck will prevent the child from running into the street or running into the creek which is located behind the property. The deck cannot be placed at the rear of the dwelling because the bedroom faces the water and there is no place for a door to go to a deck. Petitioner states that all neighbors currently enjoy decks on their homes.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Bureau of Development Plans Review dated January 22, 2010. 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

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Date	2-17-10	
By	m	

adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood damage. Flood-resistant construction should be in accordance with the Baltimore County Building Code which adopts the International Building Code. Comments were received from the Department of Environmental Protection and Resource Management dated February 2, 2010 which indicates that development of the property must comply with the Chesapeake Bay Critical Area Regulations. This property is not located within a Buffer Management Area, therefore construction of any portion of the deck within the 100 foot Critical Area Buffer from mean high water requires a Critical Area Administrative Variance. An application for a variance does not guarantee its approval.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on January 24, 2010 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County

Code and the Baltimore County Zoning Regulations, and for the reasons given above, the
requested variance should be granted.

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Date	2-17-10	
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THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this ______ day of February, 2010 that a variance from Section 301.1.A of the Baltimore County Zoning Regulations to permit a side yard setback of 22 feet in lieu of the required 37.5 feet for a proposed open deck is hereby GRANTED, subject to the following:

- The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. The base flood elevation for this site is 9.4 feet Baltimore County Datum.
- 3. The flood protection elevation for this site is 10.4 feet.
- 4. In conformance with Federal Flood Insurance Requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.
- 5. The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.
- 6. The building engineer shall require a permit for this project.
- 7. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
- 8. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.
- 9. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).
- 10. Construction of any portion of the deck within the 100 foot Critical Area Buffer from mean high water requires a Critical Area Administrative Variance. An application for a variance does not guarantee its approval.

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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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2-17-10 Date.

Ву_



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

February 17, 2010

DAVID L. THOMPSON 1006 LOURDES ROAD BALTIMORE MD 21221

Re: Petition for Administrative Variance

Case No. 2010-0194-A Property: 1006 Lourdes Road

Dear Mr. Thompson:

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,

THOMAS H. BOSTWICK

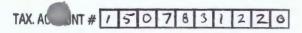
Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: Thomas White, 1012 Lourdes Road, Essex MD 21221





Rv

Petition for Administrative Variance

(** * * * *)	to the Zon	ing Commission	er of Baltimo	re County
MARYLAND	for the property	located at 1006	Langues	Rel
10 =	Line I	which is present		CF'
This Petition shall be filed with the Downer(s) of the property situate in Baltin made a part hereof, hereby petition for a	Department of Permits nore County and which a Variance from Section	is described in the describes	nagement. The unription and plat attac	dersigned, legal ched hereto and
owner(s) of the property situate in Baltin made a part hereof, hereby petition for a yard setback of a proposed open d	22 ft. in li	eu of the	to permit	7.5 ft. for
a proposed open a				
of the zoning regulations of Baltimore C of this petition form.	ounty, to the zoning law	v of Baltimore County, for	r the reasons indica	ited on the back
Property is to be posted and advertised I, or we, agree to pay expenses of above Varegulations and restrictions of Baltimore Cou	ariance, advertising, posti	ng, etc. and further agree to	o and are to be bound County.	ded by the zoning
		I/We do solemnly declar perjury, that I/we are the is the subject of this Peti	legal owner(s) of the	e penalties of property which
Contract Purchaser/Lessee:		Legal Owner(s):		
Name - Type or Print		Name - Type or Print	Thompson	
Signature 1012 Lowedes Address	410 23 8 2300	Signature Name - Type or Print	. '	
ESSEX MD	21221			
State	Zip Code	Signature	s RD 41	10.74= 0014
Attorney For Petitioner:		Address	/	Telephone No.
Name - Type or Print		Baltimore	MY) State	ZID Code
		Representative to I	be Contacted:	
Signature		Thomas Whil	the para	M. dr.
Company		Name	1 214	10 732 230
Address	Telephone No.	Address	ACS IXON	Telephone No.
City State	Zip Code	E sex	State	21221
A Public Hearing having been formally demar this day of, t	hat the subject matter of this	equired, it is ordered by the a petition be set for a public he		
regulations of Baltimore County and that the property	erty be reposted.	911		
		Zoning Commissi	oner of Baltimore Count	у
CASE NO. ORDER RECEIVED FOR	H-LIFIIAO	wed By Bh	Date////	/ 6
REV 10/25/01	Estim	ated Posting Date	124/10	

Affidavit in Support of Administrative Variance

That the Affiant(s) does/do presently reside at

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That based upon per Variance at the above	rsonal knowledge, the e address (indicate har	following are the rdship or practical	e facts upon al difficulty):	which I/we base t	he request for a	an Administrativ
To 1	ouild a deck	on wat	ertront	residential	property	
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	J. Sec.					
gnature	Thompson		Signatur	Type or Print		7.
	ND, COUNTY OF BAL	LTIMORE, to with		pro4		1
Maryland, in and fo	this day of the County aforesaid	Personally appe	eared	, <u>aw</u> , before	me, a Notary P	ublic of the Stat
e Affiant(s) herein, p	personally known or sa		fied to me a	s such Affiant(s).	\bigcirc	
	nd and Notarial Seal	80 0-20			1	7
Baltim	L. Horsey ry Public ore County ssion Expires: 34	//	tary Public (n Evnires	1/20 0 (4)	
EV 10/25/01	71100, 37	·/ / / Wiy	Sommissio	IR MOR DRV	DER REGR)
					21-0	

To whom it may concern My wife and I are looking to build a ground level deck with rails all the way around on three sides and no stairs. We are seeking a zoning variance to put it on the side of our house for several reasons. 1) Our two year old son is currently playing in the yard facing the street; at time he will run in any direction sometimes causing us to chase him toward the street. By putting the described deck up, we will be able to contain him in a clean safe area. 2) We are also trying to teach our son about the wild life in the creek without disturbing their natural state. 3) All of our neighbors have decks on their houses and to only place we have to build is on the side as our bedroom faces the water and there is no place for a door to go to a deck with no stairs. 4) Most importantly, we have a registered child sex offender living two doors away. As a police officer I see first hand how the public needs to be aware of the potential problems that can occur in dealing with this type of person. This is why we want to build the deck in a fashion that deters intruders from having access to our child.

ZONING DESCRIPTION

Zoning Description For 1006 Lourdes Road

Beginning at a point on the West side of Lourdes Road, which is 40 feet wide at the distance of 135 ft. north of the centerline of the nearest improved intersecting street Marsh Road, which is 30 ft. wide. Being Lots # 317-319 and part of 320 in the subdivision of Cedar Beach as recorded in Baltimore County Plat Book #0007, Folio# 0186, containing 10,411 square feet. Also known as 1006 Lourdes Road and located in the 15th Election District, 6th Councilmanic District.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Address	1006 ration 12
Conta	t Person: Bruso Rudaitis. Planner, Please Print Your Name	Phone Number: 410-887-3391
Filing	Date: 1/11/10 Posting Date: 1	
Any o	entact made with this office regarding the status of the contact person (planner) using the case number.	the administrative variance should be
1.	POSTING/COST: The petitioner must use one of the reverse side of this form) and the petitioner is response reposting must be done only by one of the sign poster is again responsible for all associated costs. The zeroperty on or before the posting date noted above. It date.	nsible for all printing/posting costs. Any rs on the approved list and the petitioner oning notice sign must be visible on the
2.	DEADLINE: The closing date is the deadline for an or formal request for a public hearing. Please underequest for a public hearing, the process is not complete.	erstand that even if there is no formal
3.	ORDER: After the closing date, the file will be revolved and service or that the matter be set in for a public hearing. You within 10 days of the closing date if all County agwhether the petition has been granted, denied, or will mailed to you by First Class mail.	lief; (b) deny the requested relief; or (c) ou will receive written notification, usually pencies' comments are received, as to
4.	whether due to a neighbor's formal request or by commissioner), notification will be forwarded to you changed giving notice of the hearing date, time and loosted, certification of this change and a photograph chis office.	order of the zoning or deputy zoning The sign on the property must be ocation. As when the sign was originally
	(Detach Along Dotted Line)	
Petitio	ner: This Part of the Form is for the Sign Poster O	nly
	USE THE ADMINISTRATIVE VARIANCE	CE SIGN FORMAT
Case	umber 2010- 0194 -A Address 1006	Lourdes Rd.
Petitio	er's Name David Thompson	Telephone 40-780-00/6
Postir	g Date: Closin	g Date: 2/8/10
Wordi	g for Sign: To Permit a side yard setback	e of aast, in lieu of the
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DEPARTMENT F PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:	2010-0194-A
The in Number of Case Number	2010 0111 + 74
Petitioner: David The	npson
Address or Location: 1006	Longoles Rd ESSEX, MD 2122
·	
PLEASE FORWARD ADVERTISIN	G BILL TC
PLEASE FORWARD ADVERTISIN Name: David Thom	G BILL TC
PLEASE FORWARD ADVERTISIN Name: David Thom Address: 1006 Long	SBILL TC ASUN XES RU
PLEASE FORWARD ADVERTISIN Name: David Thom Address: 1006 Long ESSEX MD	des Rd
Name: David Thomas Address: 1006 Long	des Rd

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RE: Case No 2010-0194-1

	WHITE THE PAVENS REMUCIAL
	Date Of Hearing/Closing 2/8/10
Permits and De County Office E	ity Department of svelopment Management Building,Room 111 sapeake Avenue
Attention:	
_adies and Gen	tiernen
	by law were posted conspicuously on the property / OUG LOUEDES RIS
'his sign(s) were	Month, Day, Jear Sincerely,
	Signature of Sign Poster and Date
	Martin Ogle
	60 Chelmsford Court
	Baltimore, Md, 21220
	443-629-3411



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

February 16, 2010

David Thompson 1006 Lourdes Rd. Baltimore, MD 21221

Dear: David Thompson

RE: Case Number 2010-0194-A, 1006 Lourdes 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 11, 2010. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,
U. Carl Roha

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

Thomas While; 1012 Lourdes Rd.; Essex, MD 21221

2-8-10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

FEB 0 2 2010

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

February 2, 2010

SUBJECT:

Zoning Item # 10-194-A

Address

1006 Lourdes Road

(Thompson Property)

Zoning Advisory Committee Meeting of January 18, 2010.

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 not located within a Buffer Management Area, therefore, construction of any portion of the deck within the 100 foot Critical Area buffer from mean high water requires a Critical Area Administrative Variance. An application for a variance does not guarantee its approval.

Reviewer: Thomas Panzarella Date: January 29, 2010

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: January 22, 2010

TO:

Timothy M. Kotroco, Director

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 1, 2010 Item No.: 2010-194

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:cab

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-ITEM NO 2010-0194-02012010.doc



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: January 20, 2010

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 10-194- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:

CM/LL



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 January 27, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 18, 2010

Item Numbers: 0189,0190,0191,0192,0194,0195,0196,0198,0199

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



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Beverley K. Swaim-Staley, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Jan. 20, 2010

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

RE:

Baltimore County

Item No. 2010-6194-A 1006 LOURDES ROAD

THOMPSON PROPERTY

ADMIN. 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.

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

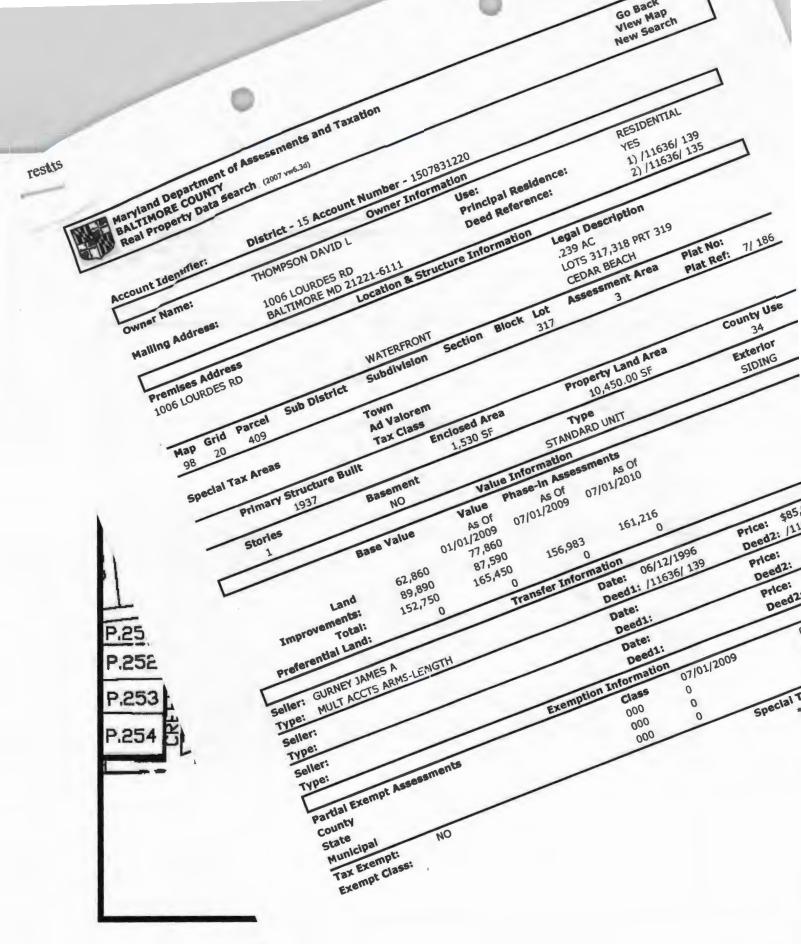
Very truly yours,

ASteven D. Foster, Chief

Engineering Access Permits

Division

SDF/mb



The information shown on the survey. The map should not be Maryland Department of Plannin

If a plat for a property is needed, cc Plats are also available online throug Im rewrite details.aspx? AccountNumber





#U194





