

IN RE: PETITION FOR VARIANCE

NE side of River Drive Road; 90 feet E
of Greenhill Road
15th Election District
7th Councilmanic District
(6800 River Drive Road)

Garey Simmons
Legal Owner
PLP XVI, LLC
Contract Purchaser

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* **CASE NO. 2011-0074-A**

* * * * *

IN RE: PETITION FOR VARIANCE

NE side of River Drive Road; 90 feet E
of Green Hill Road
15th Election District
7th Councilmanic District
(6802 River Drive Road)

Garey Simmons
Legal Owner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **CASE NO. 2011-0075-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before this Deputy Zoning Commissioner for consideration of Petitions for Variance. In each case number, Petitioner is requesting the following Variance relief:

Case No. 2011-0074-A: For the property located at proposed 6800 River Drive Road, the legal property owner, Garey Simmons, and the contract purchaser, PLP XVI, LLC, request Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling on an existing lot of record.

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Date 10-27-10

By B

Case No. 2011-0075-A: For the property located at 6802 River Drive Road, the legal property owner, Garey Simmons, requests Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a lot width of 50 feet in lieu of the required 55 feet for an existing dwelling on an existing lot of record.

The subject properties and requested relief are more fully described on the site plans which were marked and accepted into evidence in each case as Petitioners' Exhibit 1.¹

Appearing at the requisite public hearing in support of the variance requests were the owner of the two properties, Garey Simmons, and Linda Kropp on behalf of the contract purchaser of proposed 6800 River Drive Road, PLP XVI, LLC. Also appearing in support of the relief was David Billingsley with Central Drafting & Design, Inc., the professional land surveyor who prepared the site plan. Attending as interested citizens were Robert and Deborah Rasinski of 6712 River Drive Road. There were no Protestants or other interested persons in attendance.

Testimony and evidence offered revealed that the properties which comprise proposed 6800 River Drive Road (Case No. 2011-0074-A) and existing 6802 River Drive Road (Case No. 2010-0075-A) are situated side-by-side and each rectangular in shape, though with an irregular pattern at the shoreline, and zoned D.R.5.5. The properties are located on the northeast side of River Drive Road, just east of the road's intersection with Greenhill Road and north of North Point Road, in the Edgemere area of southeastern Baltimore County. The properties have water access, fronting on Greenhill Cove, which leads into Back River. In addition, the properties are part of the "Lynch Point" subdivision. As delineated on the SDAT Real Property Data Search printouts that were marked and accepted into evidence in each case as Petitioners' Exhibit 2, proposed 6800 River Drive Road is identified as Lot 12 and consists of 7,150 square feet, and

¹ The site plans and exhibits for Case No. 2011-0074-A and 2011-0075-A are contained in the respective case files, however, exhibit numbers are identical for each case.

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By RZ

existing 6802 River Drive Road is identified as Lot 13 and consists of 7,752 square feet. The lots are each 50 feet wide by approximately 130 feet deep (Lot 12) and 145 feet deep (Lot 13), respectively (due to irregularities in the shoreline). The subdivision plat of Lynch Point that was marked and accepted into evidence in each case as Petitioners' Exhibit 3 shows the location of the lots in question. As shown on the site plans, 6802 River Drive Road is currently improved with a 1½-story single-family dwelling consisting of approximately 1,338 square feet. There is also a driveway that runs along the left side of property from the road, as well as an attached deck and small shed situated on the water side. Proposed 6800 River Drive Road is unimproved. Both lots are shown on the subdivision plat as separate lots and each has their own tax identification number and is referenced separately in the SDAT Real Property Data Search.

Petitioner Mr. Simmons purchased the two lots in February 2007 and has resided at 6802 River Drive Road (Lot 13) since that time. During that period, Petitioner indicated that Lot 12 (proposed 6800 River Drive Road) has remained vacant and unimproved. Photographs of both properties were marked and accepted into evidence in each case as Petitioners' Exhibits 6A through 6E. Mr. Simmons indicated he has merely maintained the unimproved property by cutting the grass and keeping it neat and clean. At this juncture, he desires to sell the Lot 12 property to PLP XVI, LLC, of which Ms. Kropp is a member. Mr. Kropp, in turn, desires to construct a single-family dwelling on the property. As shown on the site plans, the new home would be constructed with a 10 foot setback on the side adjacent to Mr. Simmons and a 12 foot setback on the side adjacent to Mr. and Mrs. Rasinski.² Elevation drawings that were marked and accepted into evidence (in Case No. 2011-0074 only) as Petitioners' Exhibit 7 illustrate a home similar in style to Mr. Simmons' home next door. The main differences are that the

² Although the site plans show a side yard setback adjacent to the Rasinski property of 13.7 feet, Mr. Billingsley indicated that the new home would actually be 28 feet wide and not the 26.3 feet depicted on the site plan. As such, the site plans were redlined to reflect the planned 28 foot house width as well as the 12 foot side yard setback.

dormers on the proposed home would be on each side, rather than facing front and back as with Mr. Simmons' home, and the home would be more elevated due to the need to comply with today's base flood elevation and protection levels.

Also testifying in the case were Mr. and Mrs. Rasinski. They own the property at 6712 River Drive Road, immediately adjacent to Lot 12. Their property is a "double" lot in that it is approximately 100 feet wide and consists of Lots 10 and 11 of the Lynch Point subdivision. It also appears from the SDAT Real Property Data Search that their property was redeveloped recently, with the home having been built in 2005. Mr. Rasinski indicated that they were initially opposed to a new dwelling on Lot 12 because they were concerned that a large, tall home would overwhelm the relatively small property and also negatively impact their property next door; however, upon being informed in more detail of Mr. Simmons' and Ms. Kropp's plans and the type and size of home proposed, they indicated they do not have any objection to the project.

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 September 14, 2010 which indicates that Petitioner Mr. Simmons owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the B.C.Z.R. However, there appear to be several existing undersized lots in the neighborhood. As such, the Planning Office does not oppose Petitioners' request. If the request is granted, conditions shall apply to the proposed dwelling as follows: submit building elevations for review and approval prior to the issuance of any building permit; the dwelling shall be compatible in size, materials and architectural detail as that of the existing dwellings in the area; and provide landscaping along the public road, if applicable. Comments were received

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By PJ

from the Department of Environmental Protection and Resource Management (DEPRM) dated October 12, 2010 which indicates they have reviewed the subject zoning petitions for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, they offered comments which will be expounded on further in this Order. Comments were received from the Bureau of Development Plans Review dated September 8, 2010 which indicates 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 of all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. Without variance relief, Lot 13 would be in violation of the current regulations and Lot 12 could not be developed. Obviously, strict compliance with the Zoning Regulations would create a hardship and would result in a denial of a reasonable and sufficient use of the property. The evidence indicates that the subject properties were platted as separate lots of record since 1926. As is often the case with older subdivisions, many of the lots in the Lynch Point subdivision are undersized and do not meet current width and setback requirements. As shown in the aerial photographs that were marked and accepted into evidence in each case as Petitioners' Exhibit 5, the property at 6802 River Drive Road is representative of many of the lots in the subdivision, undersized and improved with a primary structure built over 50 years ago, or redeveloped much more recently. Similarly, proposed 6800 River Drive Road, although unimproved, is almost identical in metes and bounds to other lots in the subdivision. Hence, in

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By PJ

my judgment, the imposition of current zoning disproportionately impacts the subject lots as compared to other properties in the zoning district.

Further, I find these variance requests can be granted in strict harmony with the spirit and intent of Section 307 of the B.C.Z.R., as interpreted in *Cromwell v. Ward*, 102 Md.App. 691 (1995). The only deficiency in both of these instances is the lot width, which is five feet shy of the required 55 feet, and in one case, is to legitimize an existing condition. There are no other variances requested or required. It is also noteworthy that this type of proposed in-fill development is a preferred manner of development, since the new dwelling at proposed 6800 River Drive Road, which has existed as a lot of record for over 80 years, can utilize existing infrastructure and public services. Hence, the variance requests can be granted without any detriment to the public health, safety and general welfare of the surrounding locale.

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

THEREFORE, IT IS ORDERED this 27th day of October, 2010 by this Deputy Zoning Commissioner that Petitioners' Variance request in Case No. 2011-0074-A for proposed 6800 River Drive Road from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling on an existing lot of record be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED that Petitioner's Variance request in Case No. 2011-0075-A for 6802 River Drive Road from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a lot width of 50 feet in lieu of the required 55 feet for an existing dwelling on an existing lot of record be and is hereby **GRANTED**.

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Date 10-27-10 6

By Bj

The relief granted herein shall be subject to the following:

1. Petitioners may apply for their building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioners shall submit building elevations to the Office of Planning for review and approval prior to the issuance of any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
3. Petitioners shall provide landscaping along the public road, if applicable.
4. The base flood elevation for this site is 7.7 feet (NAVD 88). The flood protection elevation for this site is 8.7 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.
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. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
7. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.
8. For Case No. 2011-0074-A, compliance with DEPRM comments as follows:
 - a) This lot (Lot 12) is located within an Intensely Developed Area (IDA) and a Buffer Management Area (BMA) of the Chesapeake Bay Critical Area (CBCA) and is subject to meeting a 10% reduction of existing pollutant levels from the site. Mitigation necessary to achieve the 10% pollutant reduction will minimize adverse impacts on water quality that may result from pollutants discharged from structures or conveyances or that have run off from surrounding lands.
 - b) The proposed development activity must comply with all IDA and BMA requirements, including the minimization of impacts within the 100-foot Critical Area Buffer, prior to building permit approval and will therefore conserve fish, wildlife, and plant habitat.

ORDER RECEIVED FOR FILING

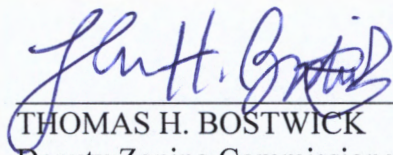
Date 10-27-10

7

By PZ

- c) The proposed development will be required to meet all IDA and BMA requirements and therefore will be consistent with established land use policies for development in the CBCA, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

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

ORDER RECEIVED FOR FILING

Date 10-27-10

By 



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

October 27, 2010

GAREY SIMMONS
6802 RIVER DRIVE ROAD
BALTIMORE MD 21219

Re: Petition for Variance
Case Nos. 2011-0074-A and 2011-0075-A
Property: 6800 River Drive Road and 6802 River Drive Road

Dear Mr. Simmons:

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: Linda Kropp, Manager, PLP XVI, LLC, 727 Weil Mandel Way, Cockeysville MD 21030
David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood MD 21040
Robert and Deborah Rasinski, 6712 River Drive Road, Baltimore MD 21219



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 6802 RIVER DRIVE ROAD
which is presently zoned DR 5-5

Deed Reference: 25571 1258 Tax Account # 1510000290

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)

SEE ATTACHED

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

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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):

GAREY J. SIMMONS

Name - Type or Print

Signature

Name - Type or Print

Signature

6802 RIVER DRIVE ROAD (410) 679-8719

Address

Telephone No.

BALTO.

MD.

21219

City

State

Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY

CENTRAL DRAFTING & DESIGN, INC.

Name

601 CHERRYWOOD COURT (410) 679-8719

Address

Telephone No.

EDGEWOOD

MD.

21040

City

State

Zip Code

Case No. 2011 0075 A

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

1 HR

Reviewed by

SL Date 8/22/10

REV 8/20/07

Set with 0074

SECTION 1B02.3.C.1 (BCZR) TO PERMIT A LOT WIDTH OF 50 FEET
IN LIEU OF THE REQUIRED 55 FEET FOR AN EXISTING DWELLING
ON AN EXISTING LOT OF RECORD.

ZONING DESCRIPTION

0075

6802 RIVER DRIVE ROAD

Beginning at a point on the north side of River Drive Road (40 feet wide), distant 90 feet easterly of it's intersection with the center of Green Hill Road (40 feet wide), thence being all of Lot 13, Block K as shown on the plat entitled Lynch Point recorded in the Baltimore plat records in Plat Book 8 Folio 38.

Being known as 6802 River Drive Road. Located in the 15TH Election District, 7TH Councilmanic District of Baltimore County, Md.

**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: 2011 0075 A
Petitioner: GAREY J. SIMMONS
Address or Location: 6802 RIVER DRIVE RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: PLP XYI LLC
Address: 727 WEIL MANDEL WAY
COCKEYSVILLE MD 21030
Telephone Number: (443) 370-7116



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

September 28, 2010

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: 2011-0075-A

6802 River Drive Road

N/east side of River Drive Road, 90 feet east of Green Hill Road

15th Election District – 7th Councilmanic District

Legal Owners: Garey Simmons

Variance to permit a lot width of 50 feet in lieu of the required 55 feet for an existing dwelling on an existing lot of record.

Hearing: Tuesday, October 26, 2010 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:kl

C: Garey Simmons, 6802 River Drive Road, Baltimore 21219
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, OCTOBER 11, 2010.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 12, 2010 Issue - Jeffersonian

Please forward billing to:
PLP XVI, LLC
Attn: Linda Kropp
727 Weil Mandel Way
Cockeysville, MD 21030

443-370-7116

NOTICE OF ZONING HEARING

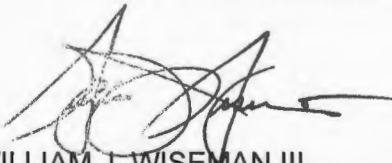
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CASE NUMBER: 2011-0075-A

6802 River Drive Road
N/east side of River Drive Road, 90 feet east of Green Hill Road
15th Election District – 7th Councilmanic District
Legal Owners: Garey Simmons

Variance to permit a lot width of 50 feet in lieu of the required 55 feet for an existing dwelling on an existing lot of record.

Hearing: Tuesday, October 26, 2010 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.

**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: #2011-0075-A
6802 River Drive Road
N/east side of River Drive
Road, 90 feet east of Green-
hill Road
15th Election District
7th Councilmanic District
Legal Owner(s):
Garey Simmons

Variance: to permit a lot
width of 50 feet in lieu of
the required 55 feet for an
existing dwelling on an ex-
isting lot of record.

**Hearing: Tuesday, Octo-
ber 26, 2010 at 10:00
a.m. in Room 104, Jeffer-
son Building, 105 West
Chesapeake Avenue,
Towson 21204.**

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-4386.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

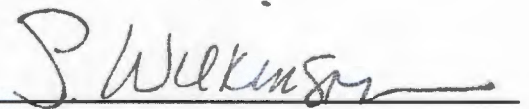
JT 10/672 Oct. 12 257345

CERTIFICATE OF PUBLICATION

10/14/, 2010

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 10/12/, 2010.

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



LEGAL ADVERTISING

malone 10/9/10

ZONING NOTICE

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

CASE # 2011-0075-A
ROOM 104, JEFFERSON BUILDING 105
PLACE: WEST CHESAPEAKE AVENUE, TOWSON 21204
DATE AND TIME: THURSDAY OCTOBER 20, 2010
AT 10:00 A.M.
REQUEST: VARIANCE TO PERMIT A LOT WIDTH OF 50 FEET
IN LIEU OF THE REQUIRED 55 FEET FOR AN EXISTING
Dwelling ON AN EXISTING LOT OF RECORD

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
101 W. CHESAPEAKE AVE.
TOWSON, MD 21204
TEL 410-887-3391
MEETING IS MANDATORY ATTENDANCE

10/09/2010

CERTIFICATE OF POSTING

RE: Case No. 2011-0075-A

Petitioner/Developer DAVE
BILLINGSLEY

Date Of Hearing/Closing: 10/26/10

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

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 6802 ZNER DRIVE R3

This sign(s) were posted on October 9, 2010

Month, Day, Year
Sincerely,

malone 10/9/10
Signature of Sign Poster and Date

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



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

October 21, 2010

Garey Simmons
6802 River Drive Rd.
Baltimore, MD 21219

Dear: Garey Simmons

RE: Case Number 2011-0075-A, 6802 River Drive 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 20, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Central Drafting & Design, Inc.; 601 Charwood Ct.; Edgewood, MD 21040

TB 10/26 9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 14, 2010

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 11-074 and ~~11-075~~ Variance

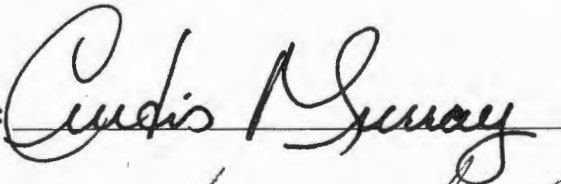
The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there appears to be several existing undersized lots in the neighborhood. As such, this office does not oppose the petitioner's request.

If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling:

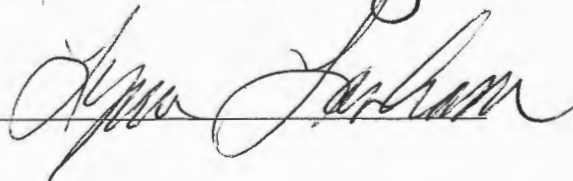
1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Provide landscaping along the public road, if applicable.

For further questions or additional information concerning the matters stated herein, please contact John Alexander with the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

RECEIVED

SEP 17 2010

ZONING COMMISSIONER



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

September 1, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: August 30, 2010

Item No.:

Administrative Variance: 2011-0073A

Variance: 2011-0026SPHXA, 2011-0074A – 0078A, 2011-0079SPHA, 2011-0081SPHA,
2011-0082A

Special Exception: 2011-0026SPHXA

Special Hearing: 2011-0026SPHXA, 2011-0079SPHA, 2011-0080SPH,, 2011-0081SPHA

Pursuant to your request, the referenced plans have been reviewed by the **Baltimore County Fire Marshal's Office** and the comment below is applicable for the above listed properties.

The Fire Marshal's Office has no comments at this time.

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
Mail Stop 1102
cc: File

TB
10-26-10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

OCT 12 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM – Development Coordination
DATE: October 12, 2010
SUBJECT: Zoning Item # 11-075-A
Address 6802 River Drive Road
(Simmons Property)

DEPRM has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. This lot is located within an Intensely Developed Area (IDA) and a Buffer Management Area (BMA) of the Chesapeake Bay Critical Area (CBCA). The lot will remain developed with a single-family dwelling as it has been since prior to the inception of the CBCA regulations. No new development is proposed on this lot and there will be no adverse impacts on water quality that resulting from development activities.
2. No development activities are proposed on this lot and the lot will remain as it has since prior to the inception of the CBCA regulations. The subject zoning petition will have no effect on fish, wildlife, and plant habitat.
3. The CBCA regulations apply to development activities within the Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts. No development activities are proposed, therefore the CBCA regulations are not applicable to the subject zoning petition.

Reviewer: Adriene Metzbower

Date: October 4, 2010

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 8, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For September 13, 2010
Item No. 2011-075

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 7.7 feet [NAVD 88].

The flood protection elevation is 8.7 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

ZAC-ITEM NO 11-075-09132010.doc



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

State Highway
Administration

Beverley K. Swalm-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: SEPT. 13, 2010

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

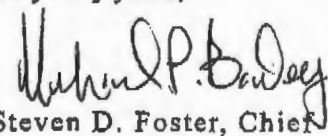
RE: Baltimore County
Item No. 2011-0075-A
6802 RIVER DRIVE RD
SIMONS PROPERTY
VARIANCE -

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. 2011-0075-A.

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,


Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

RE: PETITION FOR VARIANCE * BEFORE THE
6802 River Drive Road; NE/S River Drive * ZONING COMMISSIONER
Road, 90' E of Greenhill Road *
15th Election & 7th Councilmanic Districts * FOR
Legal Owner(s): Garey Simmons *
Petitioner(s) * BALTIMORE COUNTY
* 2011-075-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.

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

RECEIVED

SEP 08 2010

.....]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of September, 2010, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ No Comment</u>
<u>9-8-10</u>	DEVELOPMENT PLANS REVIEW	<u>conditions</u>
<u>10-12-10</u>	DEPRM (if not received, date e-mail sent _____)	<u>comments</u>
<u>9-1-10</u>	FIRE DEPARTMENT	<u>nc</u>
<u>9-14-10</u>	PLANNING (if not received, date e-mail sent _____)	<u>conditions</u>
<u>9-13-10</u>	STATE HIGHWAY ADMINISTRATION	<u>nc</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>10-12-10</u>	
SIGN POSTING	Date: <u>10-9-10</u> <u>Ogle</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

PETITIONER'S EXHIBITS

**6802 RIVER DRIVE ROAD
CASE NO. 2011-0075-A**

- 1. PLAT TO ACCOMPANY PETITION DATED AUGUST 11, 2010 (NO CHANGES)**
- 2. SDAT REAL PROPERTY DATA SEARCH**
- 3. DEED OF RECORD L.25571 F.258**
- 4. SUBDIVISION PLAT OF LYNCH POINT P.B. 8 F. 38**
- 5. AERIAL PHOTO**
- 6a – 6e. PHOTOS**

Dulaney Title & Escrow, LLC
File No. 07-P-005
Tax ID # 15-1510000290 & 15-1510000130

This Deed, made this 26th day of February, 2007, by and between Victoria J. Keller, party of the first part, Grantor; and Garey J. Simmons, party of the second part, Grantee.

- Witnesseth -

That for and in consideration of the sum of Five Hundred Fifteen Thousand Dollars 00/100 (\$515,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantor does grant and convey to the said Garey J. Simmons, as sole owner, in fee simple, all that lot of grounds situate in the County of Baltimore, State of Maryland and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot No. 13, Section K, as shown on the Plat of Lynch Point Land Company, recorded among the Plat Records of Baltimore County in Plat Book WPC No. 8, folio 38. **The improvements thereon being known as No. 6802 River Drive Road.**
TAX ID # 15-1510000290

BEING KNOWN AND DESIGNATED as Lot No. 12, Section K, as shown on the Plat of Lynch Point Land Company, recorded among the Plat Records of Baltimore County in Plat Book WPC No. 8, folio 38. **The improvements thereon being known as Lot # 12 on River Drive Road.**
TAX ID # 15-1510000130

BEING the same properties which, by Deed dated December 5, 2001, and recorded among the Land Records of the County of Baltimore, State of Maryland, in Liber No. SM 15937, folio 146, was granted and conveyed by Victoria J. Keller unto Victoria J. Keller.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of grounds and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Garey J. Simmons, as sole owner, in fee simple.

And the said party of the first part hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the properties hereby granted; and that she will execute such further assurances of the same as may be requisite.

PETITIONER'S

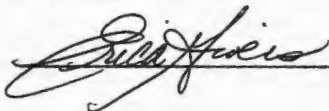
EXHIBIT NO.

3

0025571, 259.

As Witness the hand and seal of said Grantor, the day and year first above written.

WITNESS:



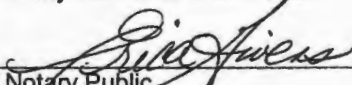
 {Seal}
Victoria J. Keller

STATE OF MARYLAND, COUNTY OF HARFORD, to wit:

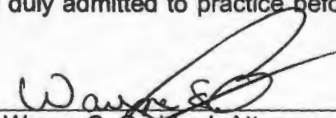
I hereby certify that on this 26th day of February, 2007, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Victoria J. Keller, the Grantor herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



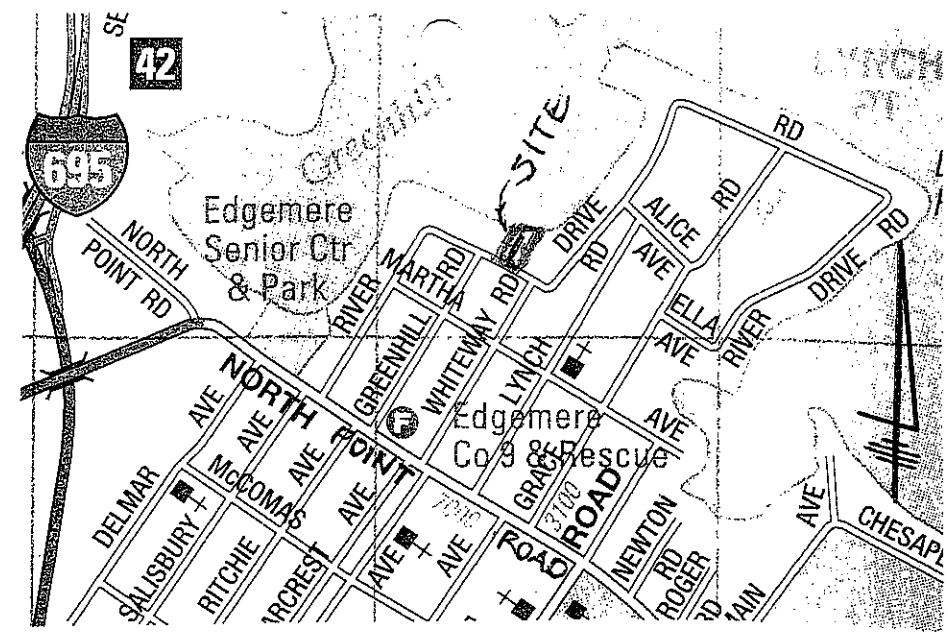
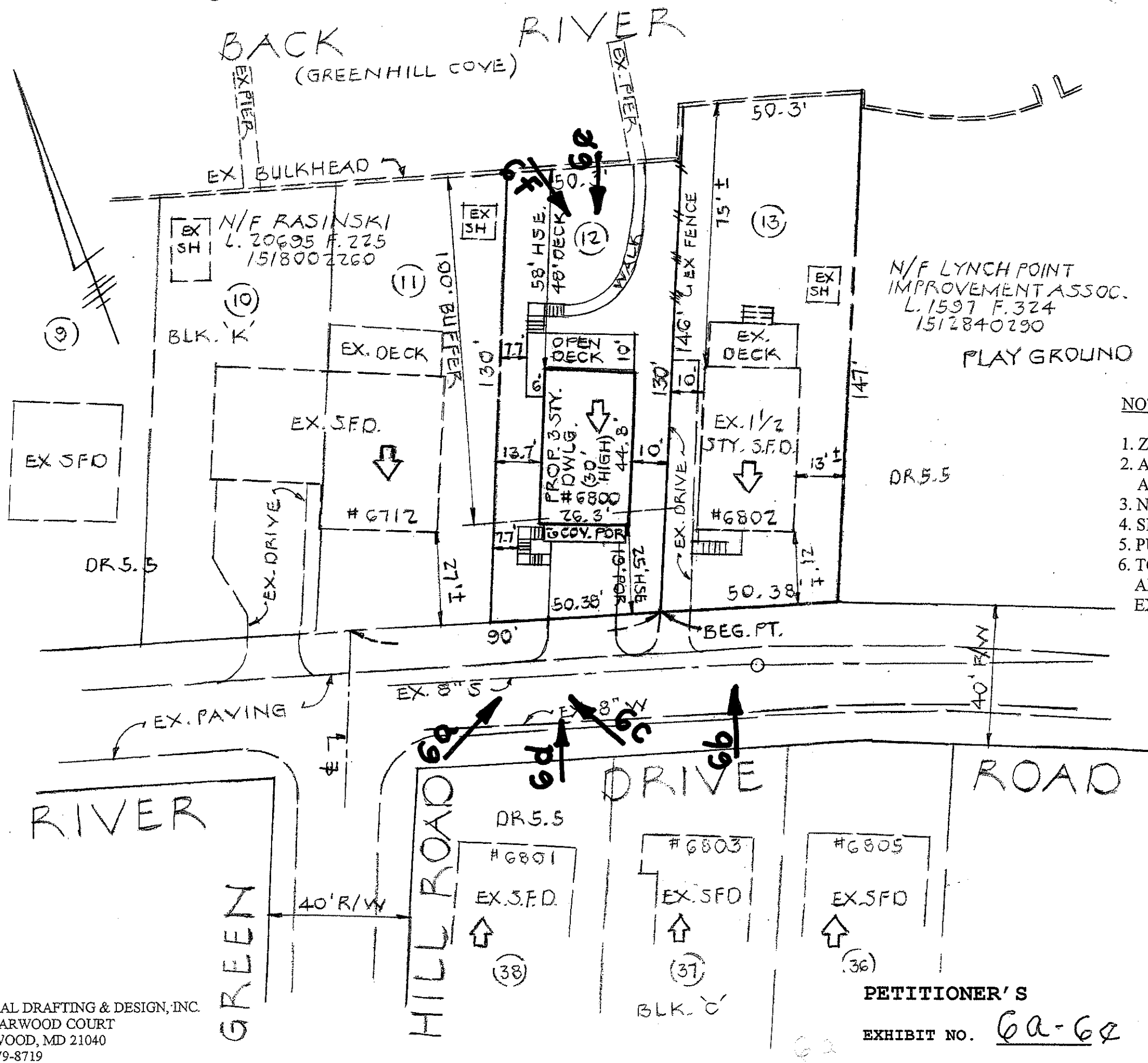

Notary Public
My commission expires: 10/1/09

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.


Wayne S. Goddard, Attorney

AFTER RECORDING, PLEASE RETURN TO:

Dulaney Title & Escrow, LLC
1018 Dulaney Valley Road
Towson, MD 21204



VICINITY MAP
SCALE: 1" = 1000'

NOTES

1. ZONING...DR 5.5 (MAP NO. 111C1)
2. AREA # 6800 RIVER DRIVE RD.....6500 S.F. = 0.149 ACRE
AREA # 6802 RIVER DRIVE RD.....7325 S.F. = 0.168 ACRE
3. NO PREVIOUS ZONING HISTORY OR VIOLATIONS
4. SITE IS LOCATED IN THE CBCA AND 100 YEAR FLOOD ZONE AE
5. PUBLIC WATER AND SEWER IS EXISTING
6. TO THE PREPARER'S KNOWLEDGE, NO HISTORIC STRUCTURES, ARCHEOLOGIC SITES OR UNDERGROUND FUEL STORAGE TANKS EXIST.

OWNER
GAREY J. SIMMONS
6802 RIVER DRIVE ROAD
BALTIMORE, MD. 21219
DEED REF. L. 25571 F. 258
ACCT. NOS.
(#6800) 1510000130
(#6802) 1510000290

PHOTOS

PLAT TO ACCOMPANY APPLICATIONS
FOR ZONING VARIANCES
6800 AND 6802 RIVER DRIVE ROAD
LOTS 11 AND 12 BLOCK K
LYNCH POINT P.B. 8 F. 38
ELECTION DISTRICT 15C7
SCALE: 1 INCH = 30 FEET AUGUST 11, 2010

PETITIONER'S
EXHIBIT NO. 6a-6e



6a



6b



6c



6d



6e



6f

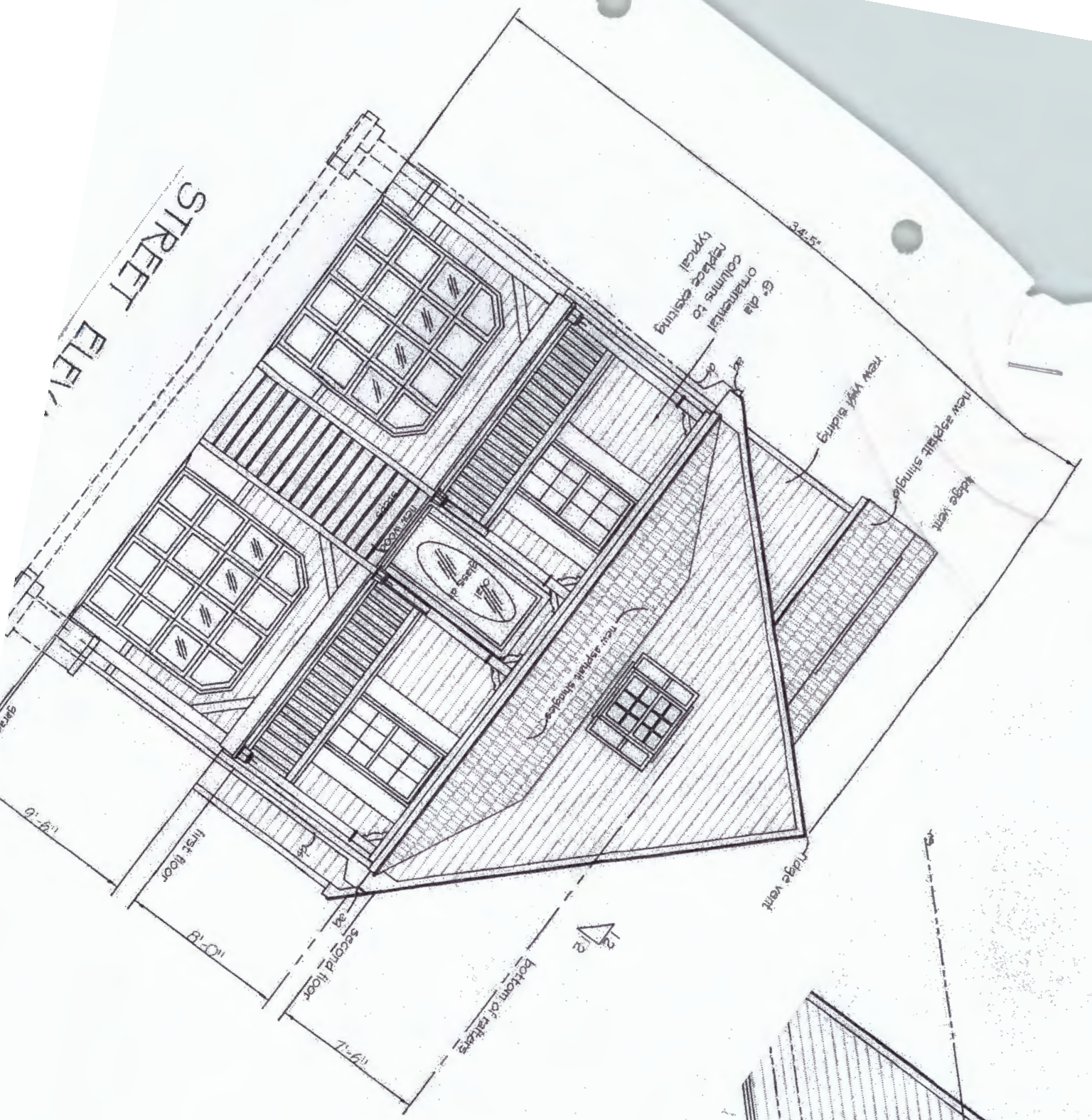
Baltimore County - My Neighborhood



PETITIONER'S

EXHIBIT NO. 5

STREET ELEVATION



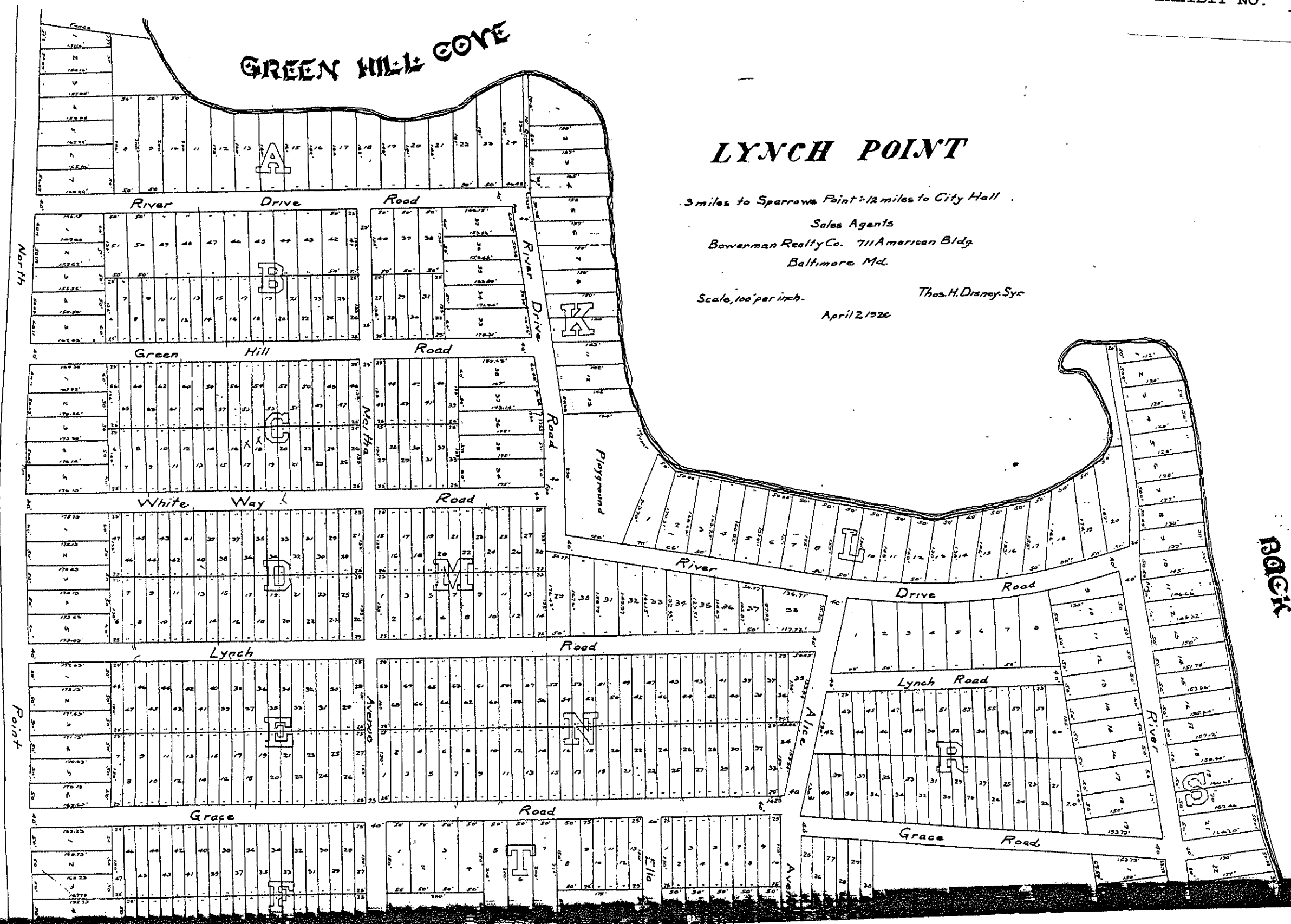
PETITIONER'S
EXHIBIT NO. 1a



PETITIONER'S

EXHIBIT NO.

4



LYNCH POINT

3 miles to Sparrows Point 1/2 miles to City Hall

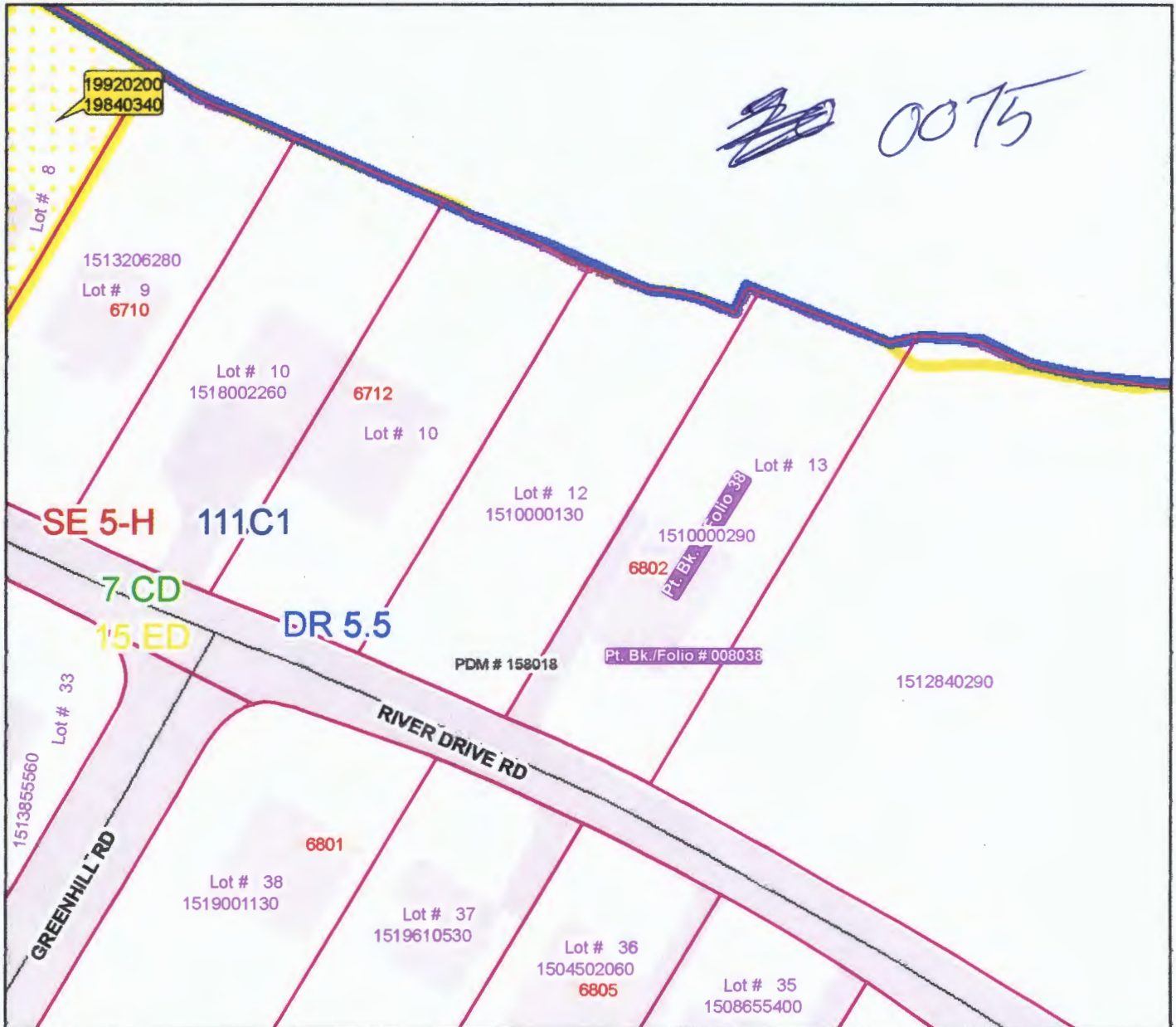
Sales Agents
Bowerman Realty Co. 711 American Bldg.
Baltimore Md.

Scale, 100' per inch.

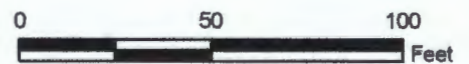
Thos. H. Disney, Syc.
April 2, 1926

6802 River Drive Road

20 0075

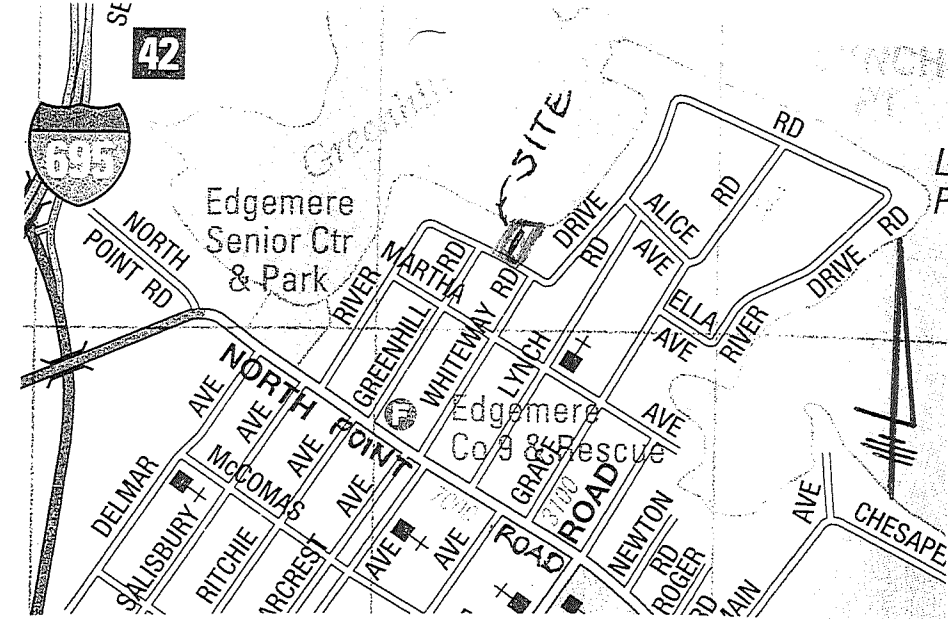
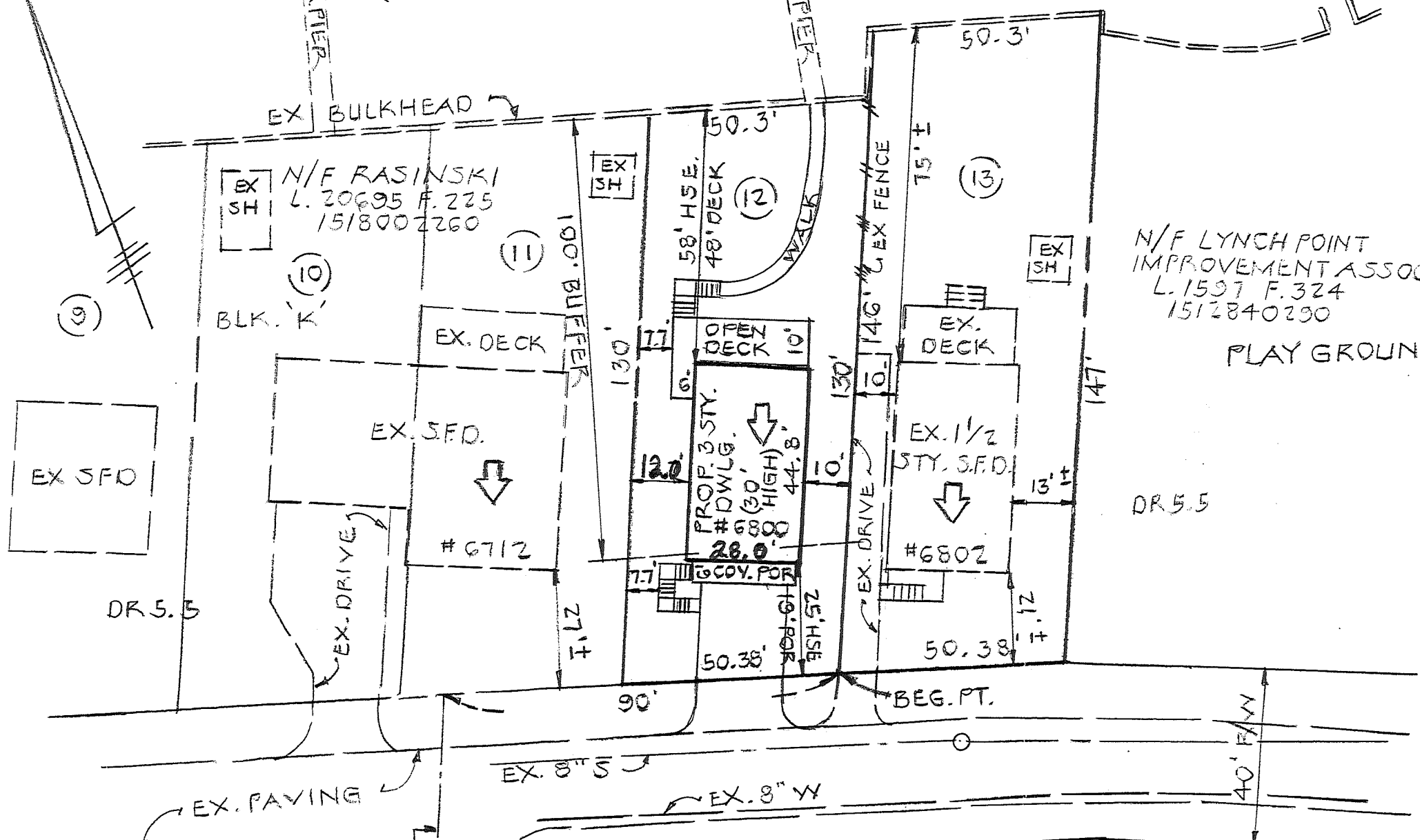


Publication Date: August 20, 2010
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



1 inch = 50 feet

BACK RIVER
(GREENHILL COYE)



VICINITY MAP
SCALE: 1" = 1000'

NOTES

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2011 ~~1111~~ 0075-A

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