

IN RE: PETITION FOR ADMIN. VARIANCE

N side Penwood Avenue; 715 feet W
of the cl of North Point Road
15th Election District
7th Councilmanic District
(8016 Penwood Avenue)

Alvin K. and Deborah I. Medlin
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2011-0095-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owner of the subject property, Alvin K. and Deborah I. Medlin for property located at 8016 Penwood Avenue. The variance request is from Sections 1B02.3.C.1 (Section 1B02.3.C.2.C of the Zoning Commissioner's Policy Manual) and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed addition to an existing detached accessory building (garage) to have a street setback of 18 feet and a height of 24 feet in lieu of the required 25 feet and 15 feet respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to enlarge the existing 20 feet x 24 feet garage to 28 feet x 28 feet with a second floor storage area above with a height of 24 feet. There is nowhere else to construct the structure due to the narrow lot and existing improvements thereon.

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 October 5, 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 adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood

ORDER RECEIVED FOR FILING

Date 1-21-11

By P3

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 (DEPRM) dated December 3, 2010. DEPRM has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the B.C.Z.R., Section 500.14. Based upon this review, they offer the following comments:

1. The current proposal includes an increase in lot coverage over the 4,425 square feet grandfathered limit, which does not comply with the Limited Development Area (LDA) regulations. The proposed tire tracks are not permitted for compliance with the LDA regulations. The applicant must propose the removal of an adequate area of lot coverage from elsewhere on the lot to comply with the LDA regulations and to minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run-off from surrounding lands.
2. The applicant's current proposal does not comply with the LDA regulations therefore will not conserve fish, wildlife and plant habitat.
3. The current proposal is not consistent with established land use policies for development in the Chesapeake Bay Critical Area since the proposed lot coverage will exceed the grandfathered lot coverage limit.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 9, 2010 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have 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 Administrative Law Judge, 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.

ORDER RECEIVED FOR FILING

Date 1-21-11 2
By PJ

Although the Office of Planning did not make any recommendations related to the garage height and usage, I will impose conditions that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

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. The requested variance has been granted; however, granting of the variance does not preclude the Department of Environmental Protection and Resource Management (DEPRM) from denying the permit.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 21st day of January, 2011 that a variance from Sections 1B02.3.C.1 (Section 1B02.3.C.2.C of the Zoning Commissioner's Policy Manual) and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed addition to an existing detached accessory building (garage) to have a street setback of 18 feet and a height of 24 feet in lieu of the required 25 feet and 15 feet respectively is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.
4. The base flood elevation for this site is 7.7 feet [NAVD 88].
5. The flood protection elevation for this site is 8.7 feet.

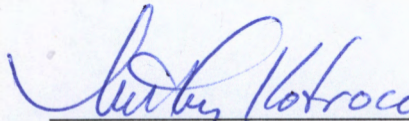
ORDER RECEIVED FOR FILING

Date 1-21-11 3

By [signature]

6. 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.
9. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
10. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.
11. Prior to the issuance of any building permit, Petitioners shall comply with the ZAC comment submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated December 3, 2010. A copy of this comment has been attached hereto and is made a part hereof.
12. When applying for a building permit, the site plan filed must reference this case and set forth and address the conditions and restrictions of this Order.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

Attachment

TMK:pz

ORDER RECEIVED FOR FILING

Date 1-21-11

By 

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

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

DATE: December 3, 2010

RECEIVED

SUBJECT: Zoning Item # 2011-0095-A
Address 8016 Penwood Avenue
(Medlin Property)

DEC 03 2010

ZONING COMMISSIONER

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. The current proposal includes an increase in lot coverage over the 4,425 square foot grandfathered limit, which does not comply with the Limited Development Area (LDA) regulations. The proposed tire tracks are not permitted for compliance with the LDA regulations. The applicant must propose the removal of an adequate area of lot coverage from elsewhere on the lot to comply with the LDA regulations and to minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
2. The applicant's current proposal does not comply with the LDA regulations and therefore will not conserve fish, wildlife, and plant habitat;
3. The current proposal is not consistent with established land use policies for development in the Chesapeake Bay Critical Area since the proposed lot coverage will exceed the grandfathered lot coverage limit.

Reviewer: Adriene Metzbower

Date: December 3, 2010

ORDER RECEIVED FOR FILING

Date *1-21-11*

By *[Signature]*



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

January 19, 2011

ALVIN K. AND DEBORAH I. MEDLIN
8016 PENWOOD AVENUE
BALTIMORE MD 21219

Re: Petition for Administrative Variance
Case No. 2011-0095-A
Property: 8016 Penwood Avenue

Dear Mr. and Mrs. Medlin:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

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.

Sincerely,

A handwritten signature in black ink, which appears to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure

c: George D. McClelland, 25 Waterview Road, Baltimore MD 21222



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property
located at 8016 Penwood Ave
which is presently zoned DR 5.5

Deed Reference: 5796 / 452 Tax Account # 1800013712

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)

1B02.3.C.1 (Section 1B02.3.C.2.C - ZCPM) and 400.3 - To permit a proposed addition to an existing detached accessory building (garage) to have a street setback of 18 feet and a height of 24 feet in lieu of the required 25 feet and 15 feet respectively.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above Administrative 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):

Alvin K. Medlin

Name - Type or Print

Signature

Deborah I. Medlin

Name - Type or Print

Signature

8016 Penwood Ave 410-477-2013

Address Telephone No.

Baltimore MD 21219

City State Zip Code

Representative to be Contacted:

George D. McClelland

Name

25 Waterview Rd 410-477-9136

Address

Baltimore MD 21222

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 9 day of September, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Case No. 2011-0095-A

Reviewed By

Date 9/9/10

Estimated Posting Date

9/19/10

FRM476_09 ORDER RECEIVED FOR FILING

Rev 3/09

Date 1-21-11

By P22

Affidavit in Support of Administrative Variance

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 the Affiant(s) does/do presently own and reside at 8016 Penwood Ave.
Address number Road or Street name

and that this address is the subject of this variance request as required by law.

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate the hardship or practical difficulty; attach an additional sheet if needed)

1. The lot has double frontage and the adjacent homes also front on Penwood Ave. and use this end of the property as a rear yard.

2. An existing garage is presently at the location, we would like to increase the size.

3. There is nowhere else to put the structure due to the narrow lot and existing improvements.

4. The proposed structure will not be detrimental to the neighborhood.

5. Other neighbors have similar structures.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

Alvin K. Medlin
Signature

Alvin K. Medlin

Name- print or type

Deborah I. Medlin
Signature

Deborah I. Medlin

Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 18th day of AUGUST, 2010, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): ALVIN K. MEDLIN AND DEBORAH I. MEDLIN
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

George R. Carter
Name of Notary Public
GEORGE R. CARTER

8-1-14
Commission expires

PLACE SEAL HERE:



**ZONING DESCRIPTION
for 8016 PENWOOD AVE.**

Beginning at a point on the north side of Penwood Ave. which is 30' wide at the distance of 715'

West of the centerline of North Point Rd. which is 30' wide.

Being lot numbers 136, 137, 158 and 159, section one in the subdivision of Penwood Terrace as recorded in Plat Book 7, Folio 92, containing 10,750 s.f.

Also know as 8016 Penwood Ave. and located in the 15th Election District, 7th Councilmanic District.

Item #0095

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

No. 00310

Date: 1/9/01

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
00	80	0001		6130					365

Total: 365.00

Rec
From:

For:

2001-1 driving - use #2011-0095-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

2011-0095-A

RE: Case No.: _____

Petitioner/Developer: _____
Alvin Medlin

October 4 2010
Date of Hearing/Closing: _____

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

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

8016 Penwood Avenue

September 19 2010
The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

Robert Black September 20 2010
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE# 2011-0095-A

TO PERMIT A PROPOSED ADDITION TO AN EXISTING DETACHED
ACCESSORY BUILDING (GARAGE) TO HAVE A STREET SETBACK
OF 18 FEET AND A HEIGHT OF 24 FEET IN LIEU OF THE REQUIRED
25 FEET AND 15 FEET RESPECTIVELY.

PUBLIC HEARING ?

PURSUANT TO SECTION 28-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON 10-4-10

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE.
TOWSON, MD 21204 TEL. 887-3391

MEETING IS HANDICAP ACCESSIBLE

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2000-0095-A Address 8016 Penwood Ave
Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 9/9/10 Posting Date: 9/19/10 Closing Date: 10/4/10

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
- POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2000-0095-A Address 8016 Penwood Ave
Petitioner's Name A + D Medlin Telephone 410 477-2013
Posting Date: 9/19/10 Closing Date: 10/4/10
Wording for Sign: To Permit a proposed addition to an existing detached accessory building (garage) to have a street setback of 18 feet and a height of 24 feet in lieu of the required 25 feet and 15 feet, respectively

WCR - Revised 7/7/08

**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: 2011-0095-A

Petitioner: Alvin K Madlin

Address or Location: 8016 Penwood Ave

PLEASE FORWARD ADVERTISING BILL TO:

Name: George McLolland

Address: 25 Waterview Rd

Baltimore, MD 21222

Telephone Number: 410-477-9136



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
October 5, 2010 *Director of Permits and*
Development Management

Alvin & Deborah Medlin
8016 Penwood Ave.
Baltimore, MD 21219

Dear: Alvin & Deborah Medlin

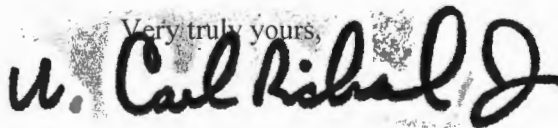
RE: Case Number 2011-0095-A, 8016 Penwood Ave.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 09, 2010.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic)	410-887-3751
Fire Department	410-887-4880
State Highway Administration	410-545-5600
Office of Planning	410-887-3480
Department of Environmental Protection and Resource Management (DEPRM)	410-887-5859
Recreation and Parks	410-887-3824
Maryland Office of Planning - Chesapeake Bay Critical Area (CBCA)	410-767-4489
Department of Natural Resources - Floodplain	410-631-3914

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

Very truly yours,


W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lw

C: People's Counsel
George D. MacClelland; 25 Waterview Rd.; Baltimore, MD 21222

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 29, 2010

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



SUBJECT: Zoning Advisory Petition(s): **Case(s) 11-095- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request.

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

Prepared By:
CM/LL



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

State Highway
Administration

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Oct. 1, 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. 2011-0095-A
8016 PENWOOD AVE.
MEDLIN 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. 2011-0095-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,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

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

October 4, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 27, 2010

Item Number: 2011-0095-A

The Baltimore County Fire Department has no comments.

Lt. Jimmie D. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 28, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For October 12, 2010
Item No. 2011-095

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 11-095-10122010.doc

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 5, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For October 12, 2010
Item No. 2011-095

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 11-095-10122010.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

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

DATE: December 3, 2010

SUBJECT: Zoning Item # 2011-0095-A
Address 8016 Penwood Avenue
(Medlin Property)

RECEIVED

DEC 03 2010

ZONING COMMISSIONER

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. The current proposal includes an increase in lot coverage over the 4,425 square foot grandfathered limit, which does not comply with the Limited Development Area (LDA) regulations. The proposed tire tracks are not permitted for compliance with the LDA regulations. The applicant must propose the removal of an adequate area of lot coverage from elsewhere on the lot to comply with the LDA regulations and to minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
2. The applicant's current proposal does not comply with the LDA regulations and therefore will not conserve fish, wildlife, and plant habitat;
3. The current proposal is not consistent with established land use policies for development in the Chesapeake Bay Critical Area since the proposed lot coverage will exceed the grandfathered lot coverage limit.

Reviewer: Adriene Metzbowser

Date: December 3, 2010

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: December 6, 2010

TO: Kristen Matthews
Dept. of Permits and Development Management

FROM: Patricia Zook, Legal Secretary to 
Thomas Bostwick, Deputy Zoning Commissioner

RE: Petition for Administrative Variance
Case No. 2011-0095-A -- located at 8016 Penwood Avenue

After a review of the above-captioned case file and negative comments from the Department of Environmental Protection and Resource Management (DEPRM), Tom Bostwick has requested that this case be set in for a public hearing. DEPRM states that the proposal is not consistent with established land use policies for development in the Chesapeake Bay Critical Area since the proposed lot coverage will exceed the grandfathered lot coverage limit. The proposal also does not comply with the Limited Development Area regulations.

We are returning the file to you for further processing, i.e., notifying the Petitioner, posting of the hearing notice, advertising, etc. Per Tom, the County is to post and advertise the hearing. This administrative variance case can be scheduled for Tom to hear.

Thank you for your attention and cooperation in this matter.

c: Case File
Kristen Lewis, Zoning Review Office
Rose Campbell, Zoning Review Office

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: December 6, 2010

TO: Kristen Matthews
Dept. of Permits and Development Management

FROM: Patricia Zook, Legal Secretary to
Thomas Bostwick, Deputy Zoning Commissioner

RE: Petition for Administrative Variance
Case No. 2011-0095-A -- located at 8016 Penwood Avenue

RECEIVED

JAN 13 2011

ZONING COMMISSIONER

After a review of the above-captioned case file and negative comments from the Department of Environmental Protection and Resource Management (DEPRM), Tom Bostwick has requested that this case be set in for a public hearing. DEPRM states that the proposal is not consistent with established land use policies for development in the Chesapeake Bay Critical Area since the proposed lot coverage will exceed the grandfathered lot coverage limit. The proposal also does not comply with the Limited Development Area regulations.

We are returning the file to you for further processing, i.e., notifying the Petitioner, posting of the hearing notice, advertising, etc. Per Tom, the County is to post and advertise the hearing. This administrative variance case can be scheduled for Tom to hear.

Thank you for your attention and cooperation in this matter.

c: Case File
Kristen Lewis, Zoning Review Office
Rose Campbell, Zoning Review Office

*approve
mention ZAC
"compliance
in condition"*

*no #
forward crisis of comment
to Petitioner w/
warning that zoning
variance granted
does not preclude
Department for
denial permit*

From: Patricia Zook
To: Campbell, Rose; Lewis, Kristen
Date: 12/6/2010 9:39 AM
Subject: Case No. 2011-0095-A -- located at 8016 Penwood Avenue
Attachments: IO-2011-0095-A AV schedule hearing-DEPRM comments.doc

Good morning Ladies -

Please see the attached memorandum. Tom is calling for a public hearing on this case due to the negative comments from DEPRM.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

Patricia Zook - October 4, 2010 - administrative variance cases - ZAC comments missing from files

From: Patricia Zook ✓
To: Kennedy, Dennis; Livingston, Jeffrey; Murray, Curtis
Date: 10/6/2010 11:12 AM
Subject: October 4, 2010 - administrative variance cases - ZAC comments missing from files
CC: Bostwick, Thomas

Good morning -

The following administrative variance cases closed on October 4 and the files were brought to our office. Both of the files are missing ZAC comments from your offices.

CASE NUMBER: 2011-0094-A

200 Kingston Park Lane

Location: N side of Kingston Park Lane; 214 feet W of the c/l of East Kingston Park Lane.

15th Election District, 6th Councilmanic District

Legal Owner(s): Paul and Diane Harmon

Closing Date: 10/4/2010

ADMINISTRATIVE VARIANCE To permit an open projection (deck) with a 6 feet side yard setback in lieu of the required 7.5 feet.

CASE NUMBER: 2011-0095-A

8016 Penwood Avenue

Location: N side Penwood Avenue; 715 feet W of the cl of North Point Road.

15th Election District, 7th Councilmanic District

Legal Owner(s): Alvin and Deborah Medlin

Closing Date: 10/4/2010

ADMINISTRATIVE VARIANCE To permit a proposed addition to an existing detached accessory building (garage) to have a street setback of 18 feet and a height of 24 feet in lieu of the required 25 feet and 15 feet respectively.

If you have 'no comment' simply reply to this e-mail and let me know. I'll print your response and place it in the case file.

Thanks for your help.

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Patricia Zook - Re: 2011-0095-A

From: Jeffrey Livingston
To: Zook, Patricia
Date: 11/16/2010 3:28 PM
Subject: Re: 2011-0095-A

I do not have comments for 0095 yet. I spoke to Adrienne on the 9th and she said that she had to make a site visit and discuss it with Regina.

>>> Patricia Zook 11/16/2010 3:04 PM >>>
Hi Jeff -

just checking to see if you have any comments yet for 2011-0095-A.....I was hoping to get this out before I went on vacation.....

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>>> Jeffrey Livingston 11/3/2010 3:16 PM >>>
I do not have any comments as of yet and they are both still listed as pending. I'll let you know when EIR has them ready.

>>> Patricia Zook 11/3/2010 2:21 PM >>>
Hello Jeff -

Have you seen comments for these two cases -- 2011-0095-A and 2011-0102-A.

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>>> Jeffrey Livingston 10/26/2010 11:38 AM >>>
2011-0095-A and 2011-0102-A.

Patricia Zook - Re: ZONING PETITIONS

From: Jeffrey Livingston
To: Zook, Patricia
Date: 10/26/2010 11:38 AM
Subject: Re: ZONING PETITIONS

I still haven't gotten comments back on those yet. I'll try checking on them today.

>>> Patricia Zook 10/26/2010 11:34 AM >>>
Hi Jeff -

Thanks for all the comments. I'm still looking for DEPRM comments for these two administrative variance cases:

2011-0095-A and 2011-0102-A.

Thanks!

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>>> Jeffrey Livingston 10/26/2010 10:10 AM >>>
And here's this one too.

Patricia Zook - Case 2011-0095-A

From: Patricia Zook
To: Livingston, Jeffrey; Murray, Curtis
Date: 10/18/2010 10:21 AM
Subject: Case 2011-0095-A
CC: Bostwick, Thomas

Gentlemen -

In my previous e-mail of 10/6/2010 11:12:36 AM, I requested comments for this administrative variance case.

CASE NUMBER: 2011-0095-A

8016 Penwood Avenue

Location: N side Penwood Avenue; 715 feet W of the cl of North Point Road.

15th Election District, 7th Councilmanic District

Legal Owner(s): Alvin and Deborah Medlin

Closing Date: 10/4/2010

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Patricia Zook - Re: 2011-0095-A

From: Patricia Zook
To: Livingston, Jeffrey
Date: 11/30/2010 10:29 AM
Subject: Re: 2011-0095-A
CC: Bostwick, Thomas

Good morning Jeff -

Checking to see if you have comments for this administrative variance case that closed on October 4. If there is a problem with this variance request, please let us know.

Patti Zook
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Office of the Zoning Commissioner
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>>> Jeffrey Livingston 10/26/2010 11:38 AM >>>
2011-0095-A

Maryland Department of Assessments and Taxation
Real Property Data Search (vw3.1)
BALTIMORE COUNTY

2011-0095-A

Account Identifier:

District - 15 Account Number - 1800013712

Owner Information

Owner Name: MEDLIN ALVIN K **Use:** RESIDENTIAL
MEDLIN DEBORAH I **Principal Residence:** YES
Mailing Address: 8016 PENWOOD AVE **Deed Reference:** 1) / 5796/ 452
BALTIMORE MD 21219-2420 2)

Location & Structure Information

Premises Address **Legal Description**
8016 PENWOOD AVE LTS 136-137-158-159
PENWOOD TERRACE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area
111	24	145			1		136	3

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	Co
1927	956 SF	10,750.00 SF	04

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2009	Phase-in Assessments As Of 07/01/2010 As Of 07/01/2011	
Land	50,680	74,680		
Improvements:	95,840	91,200		
Total:	146,520	165,880	159,426	165,880
Preferential Land:	0	0	0	0

Transfer Information

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

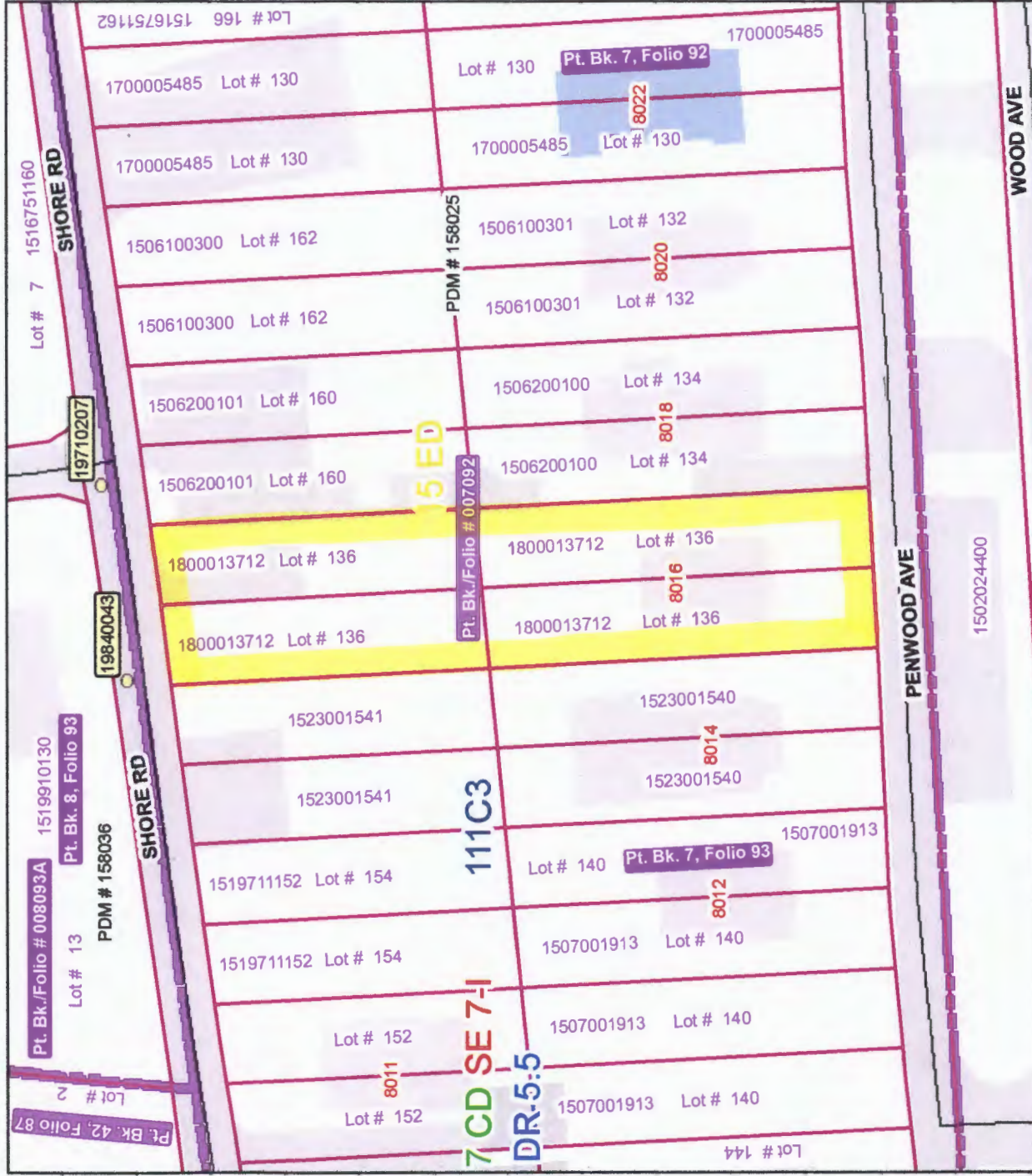
Exemption Information

Partial Exempt Assessments	Class	07/01/2010	07/01/2011
County	000	0	0
State	000	0	0
Municipal	000	0	0

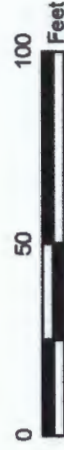
Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
* NONE *

8016 Penwood Avenue



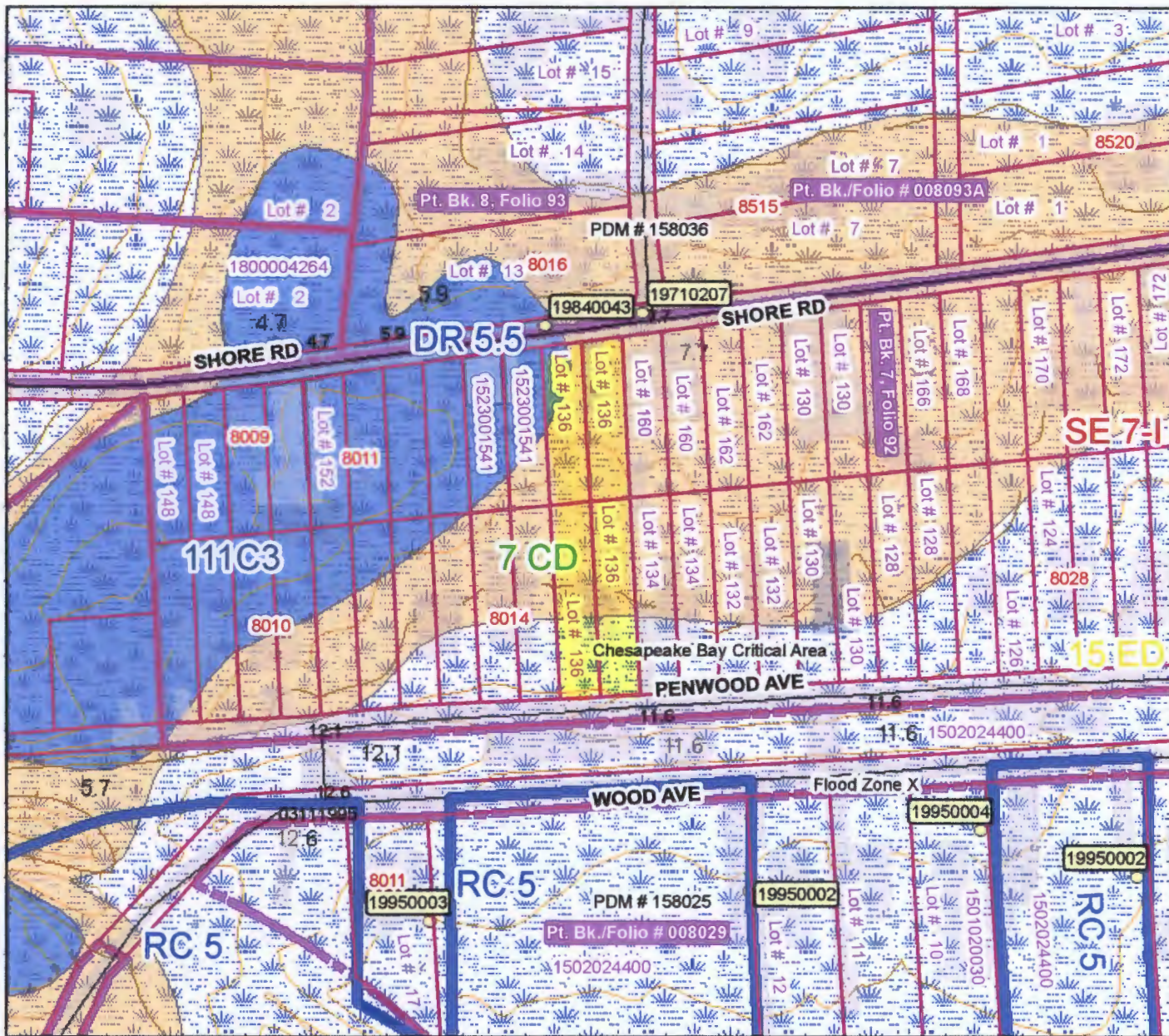
Publication Date: August 04, 2010
Publication Agency: Department of Permits & Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



1 inch = 50 feet

Item #0095

Elevations



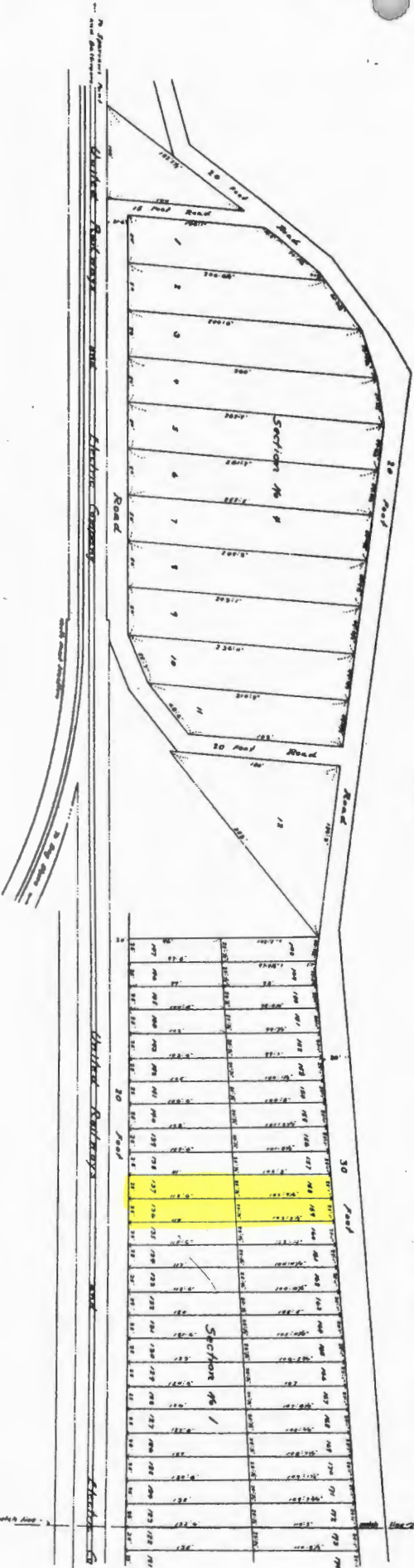
Publication Date: August 04, 2010
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



1 inch = 100 feet

Item #0095

W.P.C. No 7 PART 2-92



THIS PHOTO TAKEN FROM THE
RECORDS OF THE CIRCUIT
COURT FOR BALTIMORE
USE ONLY, AND NOT TO BE
REPRODUCED FOR SALE OR
USE.

Frame 1

Plat of Sections
Nos. 1 and 2

Pennwood Terrace

Scale - 50 feet to one inch
of Surveyor's Copy.
Made Jan 19, 1923

W.P.C. No 7
Dec 12, 1923
Part: 2-92
C.A.

Item # 0095



8016 PENWOOD AVE

Item #0095

8016 PENWOOD AVE



PENWOOD AVE LOOKING EAST



PENWOOD AVE LOOKING WEST

Item #0095

8016 PENWOOD AVE



REAR OF LOT (SHORE RD) LOOKING WEST



REAR OF LOT (SHORE RD) LOOKING EAST

Item #0095

8016 PENWOOD AVE



FRONT (PENWOOD AVE)



REAR YARD

Item #0095

8016 PENWOOD AVE



REAR YARD



REAR OF HOUSE

Item #0095



SHORE ROAD 30' R/W

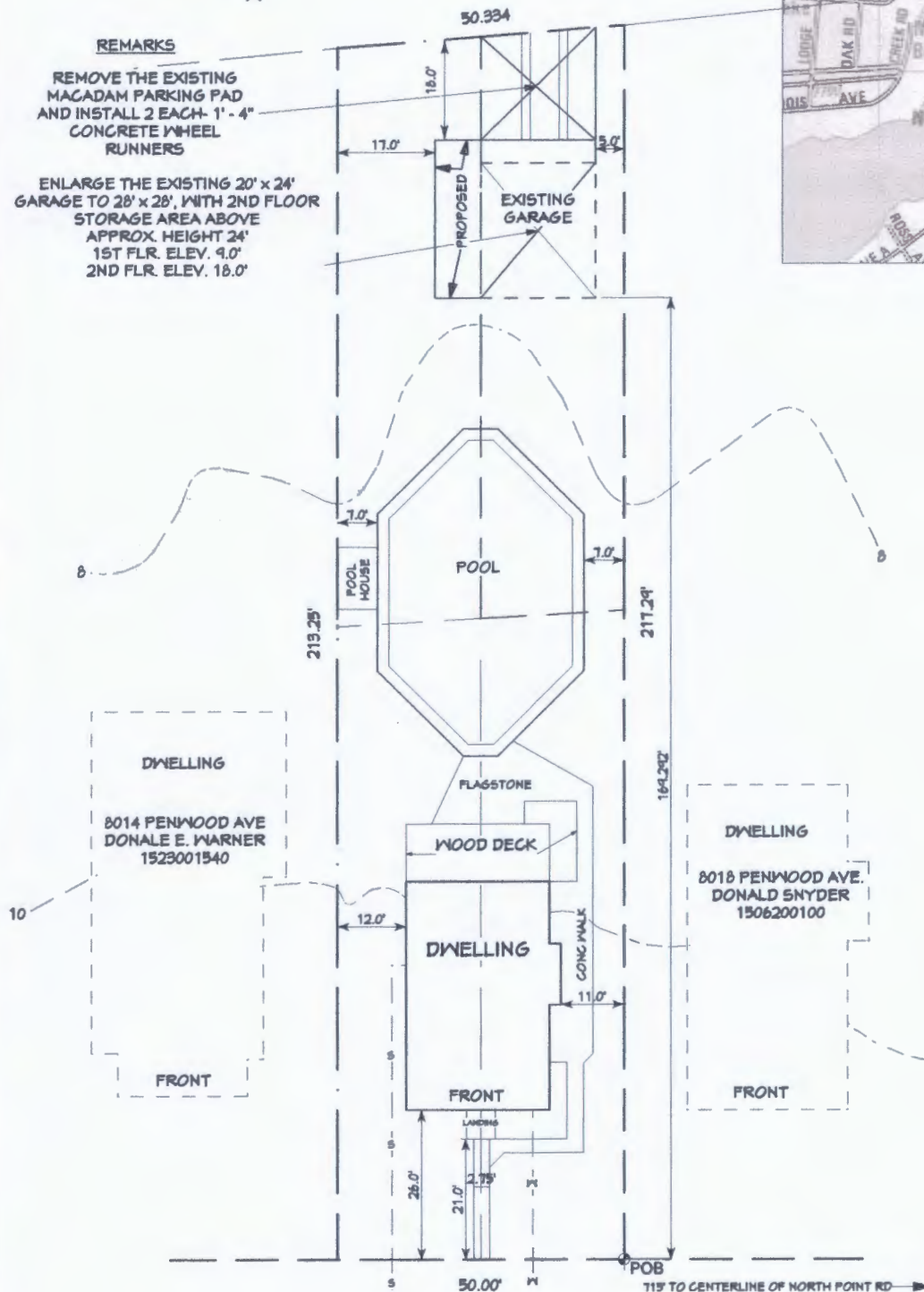
REMARKS

REMOVE THE EXISTING
MACADAM PARKING PAD
AND INSTALL 2 EACH 1'-4"
CONCRETE WHEEL
RUNNERS

ENLARGE THE EXISTING 20' x 24'
GARAGE TO 28' x 28', WITH 2ND FLOOR
STORAGE AREA ABOVE
APPROX. HEIGHT 24'
1ST FLR. ELEV. 9.0'
2ND FLR. ELEV. 18.0'



VICINITY MAP



SITE DATA

ACCT. NO. 1800013712
ELECT. DIST. 15
COUNCIL. DIST. 7
ZONING DR 5.5
DEED REF. 5796 / 452
LOTS 136, 137, 150, 159 PENWOOD TERRACE
LAND AREA: 10,750 SF
PUBLIC WATER AND SEWER
SITE IS IN THE C. B. C. A.
FLOOD ZONE 'A' & 'B'
MAP 11C3

PLAT TO ACCOMPANY
PETITION
FOR ZONING VARIANCE
AND BUILDING PERMIT
8016 PENWOOD AVE
OWNERS: MEDLIN, ALVIN K.
AND DEBORAH I.
8016 PENWOOD AVE
BALTIMORE, MD 21219
PHONE: 410-477-2013

SCALE: 1" = 30'
DATE: JULY 5, 2010

DWG. NO. SP6510

by: g. d. mcclelland 410-477-9136

SITE PLAN

SCALE: 1" = 30'

#2011-0095-A