

IN RE: **PETITION FOR VARIANCE**

E/S Middle Road, 131' S of c/line of
Revolea Beach Road
(905 Middle Road)
15th Election District
6th Council District

Daniel Thomas, et ux
Petitioners

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2011-0099-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Daniel Thomas, and his wife, Jennifer Thomas. The Petitioners request a variance from Sections 1B02.3A.5, 1B02.3B and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling with a front yard average setback of 19 feet in lieu of the required 26 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Daniel and Jennifer Thomas, property owners. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property, which is the subject of this variance request, consists of 11,880 square feet zoned D.R. 3.5. The property is not improved by any structure and is heavily wooded. It is virtually surrounded by wetlands as indicated in my prior Order in Case No. 08-315-A dated March 19, 2008. To the extent applicable, the Findings and Conclusions set forth in that Order are adopted by reference and incorporated herein. The Petition currently before me is to allow the relocation of the proposed single-family dwelling in order to reduce forest clearing and wetland impacts. The County

ORDER RECEIVED FOR FILING

Date

12-8-10

By

103

requires a 35 foot minimum setback from the wetlands and so the area for building a home on the property is very limited.

Mr. Thomas stated that there was a problem locating a reasonable size home on the buildable area of the lot while keeping 25' to 35' from the delineated wetlands. If he reduced the depth of the home to avoid the variance, the rooms would be too small and become unreasonable. Mr. Thomas testified that the new home would be occupied by his wife's mother, Debbie Smith, who wants to be close to the Thomases and her other daughter.

I find that there are special circumstances or conditions existing such as wetlands that are peculiar to the land which is the subject of the variance request and that strict compliance with the Zoning Regulations would result in practical difficulty or unreasonable hardship.¹ Furthermore, given the Zoning Advisory Committee (ZAC) comment received from the Department of Environmental Protection and Resource Management (DEPRM) dated October 25, 2010, I find that such a variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health and environmental wellbeing. That comment states in pertinent part:

"The zoning request will reduce forest clearing and wetland impacts, and mitigation will be required for any wetland impacts and/or forest clearing on this lot. Therefore, the subject zoning petition will conserve fish, wildlife, and plant habitat."

After due consideration of all the testimony and evidence presented, I am persuaded to grant the variance.

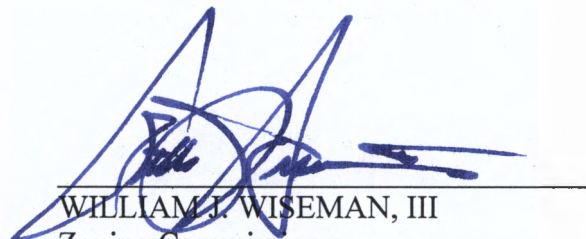
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

This Commission granted similar relief to the adjacent neighbor at 905 Middle River in Case No. 04-028-A. In that case, then Deputy Zoning Commissioner John V. Murphy permitted a front setback of 16 feet in lieu of the permitted 20 feet due to wetland constraints.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of December 2010 that the Petition for Variance seeking relief from Sections 1B02.3A.5, 1B02.3B and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling with a front yard average setback of 19 feet in lieu of the required 26 feet, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1. The Petitioners may apply for their building permits and be granted the same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. The Petitioners must comply with the recommendations made by DEPRM and Development Plans Review in the ZAC comments, dated October 25, 2010 and October 5, 2010, respectively. A copy of these comments are attached hereto and made a part hereof.
3. The Petitioners shall submit building elevation drawings of the proposed dwelling to the Office of Planning for review and approval prior to the issuance of any permit.
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be made in accordance with Section 32-3-401 of the Baltimore County Code.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

PP - TB 11/12 10AM
12/6 11AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM – Development Coordination
DATE: October 25, 2010
SUBJECT: Zoning Item #11-099-A
Address 905 Middle Road
(Thomas Property)

RECEIVED

OCT 26 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. This lot is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA). The lot was created prior to the inception of the CBCA regulations. Relief to the front yard setback will reduce impacts to the wetland on site. Mitigation will be required for any new development proposed on this lot to minimize adverse impacts on water quality that resulting from development activities.
2. The zoning request will reduce forest clearing and wetland impacts, and mitigation will be required for any wetland impacts and/or forest clearing on this lot. Therefore, the subject zoning petition will conserve 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. Any proposed development activities must meet all CBCA regulations, and a Critical Area variance will be necessary to place a dwelling on this lot.

Reviewer: Regina Esslinger

Date: October 14, 2010

C:\DOCUME~1\dwiley\LOCALS~1\Temp\XPgrpwise\ZAC 11-099-A 905 Middle Road.doc

ORDER RECEIVED FOR FILING

Date 12-8-10

By [signature]

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For October 12, 2010
Item No. 2011-099

DATE: October 5, 2010

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 8.5 feet [NAVD 88].

The flood protection elevation is 9.5 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 11-099-10122010.doc

ORDER RECEIVED FOR FILING

Date

By

12-8-10

DAK



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

December 8, 2010

Daniel Thomas
Jennifer Thomas
1618 Holly Tree Road
Middle River, Maryland 21220

RE: **PETITION FOR VARIANCE**
E/S Middle Road, 131' S of c/line of Revolea Beach Road
(905 Middle Road)
15th Election District - 6th Council District
Daniel Thomas, et ux – Petitioners
Case No. 2011-0099-A

Dear Mr. and Mrs. Thomas:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Hicks Engineering Associates, Inc., 200 East Joppa Road, Suite 402, Towson, MD 21286
People's Counsel; DEPRM; DPR; File



TAX. ACCOUNT # 15074711680

Petition for Variance

to the **Zoning Commissioner of Baltimore County**
for the property located at 905 Middle Rd 21220
which is presently zoned DR 3.5

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) 1802.3A.5., 1802.3B., 303.1 (BCZR)

TO PERMIT A PROPOSED DWELLING WITH A FRONT YARD AVERAGE SETBACK OF 19-FEET IN LIEU OF THE REQUIRED 26-FEET.

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

We purchased a lot to build a home, but due to the wetlands we need to move the location. We are requesting a front variance of 19' to allow the least amount of wetland impact.

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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____

Signature _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Case No. 2011-0099-A

REV 9/15/98

Legal Owner(s):

Jennifer Thomas
Name - Type or Print _____

[Signature]
Signature _____

Daniel Thomas
Name - Type or Print _____

[Signature]
Signature _____

1618 HollyTree Rd 4436233391
Address _____ Telephone No. _____

Middle River md 21220
City _____ State _____ Zip Code _____

Representative to be Contacted:

Jennifer Thomas
Name _____

1618 HollyTree Rd 4436233391
Address _____ Telephone No. _____

Middle River md 21220
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 9/12/10

Zoning description for 905 Middle Road, Middle River, Maryland 21220.

Beginning at a point on the East side of Middle Road which is 50' wide at the distance of 131' South of the centerline of the nearest improved intersecting street Revolea Beach Road which is 28' wide.

Being Lot# 85 as recorded in Baltimore County Plat Book # 5, Folio #67, containing 12,110 square feet also known as 905 Middle Road Middle River, Maryland 21220 and located in the 15 Election District, 6 Councilmanic District.

2011-0099-A

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

No. **60014**

Date: **9/13/10**

PAID RECEIPT

BUSINESS ACTUAL TIME INW
 9/14/2010 9/13/2010 14:21:39 2

REG WS02 MAIL JEVA JEE
 RECEIPT # 701845 9/13/2010 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				65.

5 528 ZONING VERIFICATION

060014

Receipt Tot. \$65.00
 9.00 CK \$60.00 CA
 \$15.00- CB

Baltimore County, Maryland

Total: **65.00**

Rec From: **JENNIFER THOMAS**

For: **2011-0099-A**
905 MIDDLE RD

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2011-0099-A
905 Middle Road
E/side of Middle Road, 131
south of the centerline of
Revolea Beach Road
15th Election District
6th Councilmanic District
Legal Owner(s): Jennifer &
Daniel Thomas
Variance: to permit a pro-
posed dwelling with a front
yard average setback of 19
feet in lieu of the required
26 feet.
**Hearing: Monday, Decem-
ber 6, 2010 at 11:00 a.m.**
In Room 104, Jefferson
Building, 105 West Chesa-
peake 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.
11/173 Nov. 18 261116

CERTIFICATE OF PUBLICATION

11/18/, 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 11/18/, 2010.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2011-0099-A

RE: Case No.: _____

Petitioner/Developer: _____

Jennifer and Daniel Thomas

Dec 6 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
905 Middle Road

November 20 2010

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

Sincerely,

Robert Black November 23 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

CASE # 2011-0099-A

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

PLACE: *Room 104, Jefferson Building*
105 WEST CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: *Monday, December 6, 2010 at 11:00 A.M.*

REQUEST: *Variance To Permit A Proposed Dwelling With
A Front Yard Average Setback of 19 Feet in Lieu of the
Required 26 Feet.*

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 867-3391

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

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 18, 2010 Issue - Jeffersonian

Please forward billing to:

Mr. & Mrs. Daniel Thomas
1618 Holly Tree Road
Middle River, MD 21220

443-623-3391

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 NUMBER: 2011-0099-A

905 Middle Road

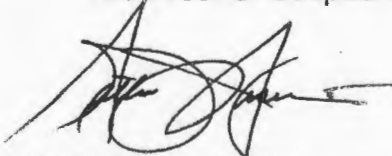
E/side of Middle Road, 131 south of the centerline of Revolea Beach Road

15th Election District – 6th Councilmanic District

Legal Owners: Jennifer & Daniel Thomas

Variance to permit a proposed dwelling with a front yard average setback of 19 feet in lieu of the required 26 feet.

Hearing: Monday, December 6, 2010 at 11:00 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.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

November 5, 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: 2011-0099-A

905 Middle Road

E/side of Middle Road, 131 south of the centerline of Revolea Beach Road

15th Election District – 6th Councilmanic District

Legal Owners: Jennifer & Daniel Thomas

Variance to permit a proposed dwelling with a front yard average setback of 19 feet in lieu of the required 26 feet.

Hearing: Monday, December 6, 2010 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:kl

C: Mr. & Mrs. Thomas, 1618 Holly Tree Road, Middle River 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., NOVEMBER 20, 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.

**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: 2011-0099-A

Petitioner: THOMAS

Address or Location: 905 MIDDLE RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR + MRS. DANIEL THOMAS

Address: 1618 HOLLY TREE RD.

MIDDLE RIVER, MD 21220

Telephone Number: 443-623-3391



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

December 1, 2010

Jennifer Thomas
1618 Holly Tree Road
Middle River, Md. 21220

Dear Ms. Thomas:

RE: 2011-0099-A 905 Middle River Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 10, 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:rjc
Enclosures

c: People's Counsel

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: 2011-0099-A

The Baltimore County Fire Department has no comments.

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

cc: File

(PP) - TB 11-12 10AM
12-6 11AM 104

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 5, 2010

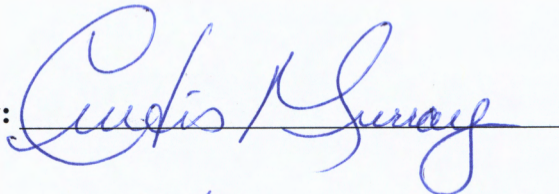
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 11-099- Variance**

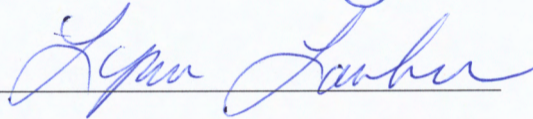
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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:



Division Chief:
CM/LL



RECEIVED

OCT 12 2010

ZONING COMMISSIONER



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

State Highway
Administration

Beverly K. Swaim-Staley, Secretary
Nell 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. 2011-0099-A
905 MIDDLE ROAD
THOMAS 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. 2011-0099-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 ¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

My telephone number/toll-free number is _____

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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov

PP - TB 11/12 10 AM
12/6 11 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM – Development Coordination
DATE: October 25, 2010
SUBJECT: Zoning Item #11-099-A
Address 905 Middle Road
(Thomas Property)

RECEIVED

OCT 26 2010

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1. This lot is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA). The lot was created prior to the inception of the CBCA regulations. Relief to the front yard setback will reduce impacts to the wetland on site. Mitigation will be required for any new development proposed on this lot to minimize adverse impacts on water quality that resulting from development activities.
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Reviewer: Regina Esslinger

Date: October 14, 2010

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. 2011-099

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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 11-099-10122010.doc

RE: PETITION FOR VARIANCE * BEFORE THE
905 Middle Road; E/S Middle Road, * ZONING COMMISSIONER
131' S of c/line of Revolea Beach Road *
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Jennifer & Daniel Thomas * FOR
Petitioner(s) * BALTIMORE COUNTY
* 2011-099-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

OCT 06 2010

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of October, 2010, a copy of the foregoing Entry of Appearance was mailed to Jennifer Thomas, 1618 Holly Tree Road, Middle River, MD 21220, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.3)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 15 Account Number - 1507471680 ✓

Owner Information

Owner Name: THOMAS DANIEL
THOMAS JENNIFER
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 1618 HOLLY TREE RD
BALTIMORE MD 21220-4433
Deed Reference: 1) /29219/ 261
2)

Location & Structure Information

Premises Address MIDDLE RD
Legal Description SE COR BENGIES ROAD
REVOLEA BEACH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
91	21	145					85 ✓	3		5/ 67

Special Tax Areas
Town Ad Valorem Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		11,880.00 SF	04

Stories **Basement** **Type** **Exterior**

Value Information

	Base Value	Value As Of 01/01/2009	Phase-in Assessments As Of 07/01/2010	As Of 07/01/2011
Land	91,880	31,880		
Improvements:	0	0		
Total:	91,880	31,880	31,880	31,880
Preferential Land:	0	0	0	0

Transfer Information

Seller: GIRTON MICHELLE	Date: 02/25/2010	Price: \$20,000
Type: UNIMPROVED ARMS-LENGTH	Deed1: /29219/ 261	Deed2:
Seller: GOETZKE STUART FRANKLIN,SR	Date: 09/11/1991	Price: \$0

Lot # 78

Prior zoning

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
E/S Middle Road, 120' S c/line of	*	ZONING COMMISSIONER
Bengies Road	*	
(905 Middle Road)	*	OF
15 th Election District	*	
6 th Council District	*	BALTIMORE COUNTY
Michelle Girton, <i>Legal Owner</i>	*	
Castle Rock Homes, LLC,	*	Case No. 08-315-A
<i>Contract Purchaser</i>	*	
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Michelle Girton, and the contract purchaser, Castle Rock Homes, LLC, by and through their attorney, Deborah C. Dopkin, Esquire. As originally filed, the Petitioners requested variance relief from Sections 1B02.3.C.1 and 4A03.4.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 70 feet and to permit a minimum sum of side yard widths of as little as 20 feet in lieu of the required 25 feet. At the outset of the hearing, however, counsel for Petitioners amended the Variance petition by eliminating the request *to permit a minimum sum of side yard widths of as little as 20 feet in lieu of the required 25 feet*. The subject property and requested relief are more particularly described on the amended redlined site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Frank Scarfield, Jr., managing member of Castle Rock Homes, LLC, on behalf of the property owner, Donald E. Hicks, P.E., with Hicks Engineering Associates, Inc., the consultant who prepared the site plan for this property, and Deborah C. Dopkin, Esquire, attorney for Petitioners. Appearing as an

Case No.: 2011-0099-A 905 Middle Road

Exhibit Sheet

Petitioner/Developer

Protestant

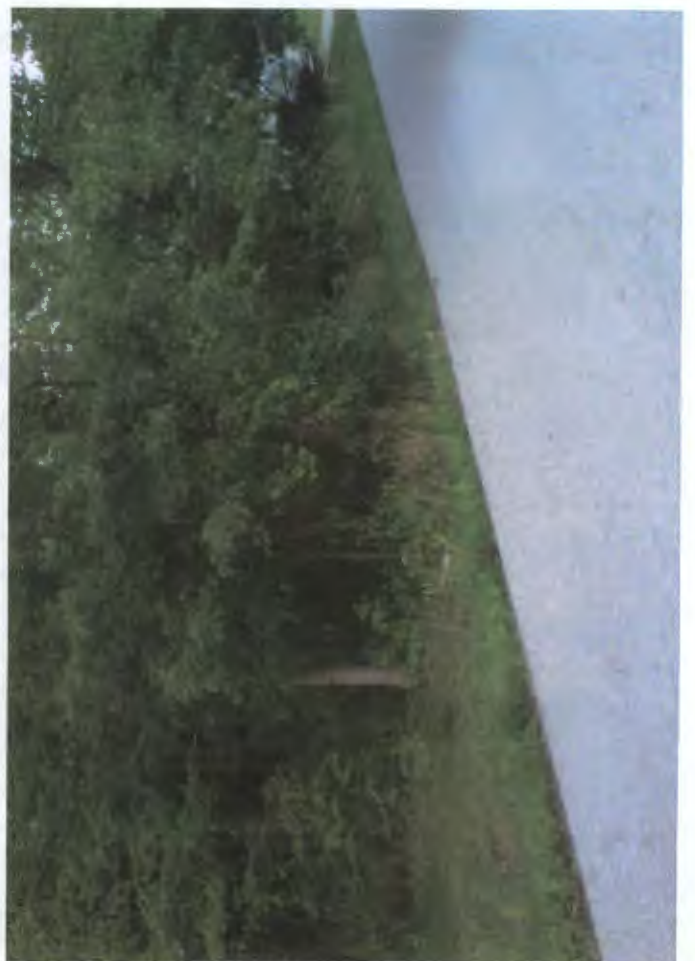
No. 1	Site Plan	
No. 2	Photographs	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

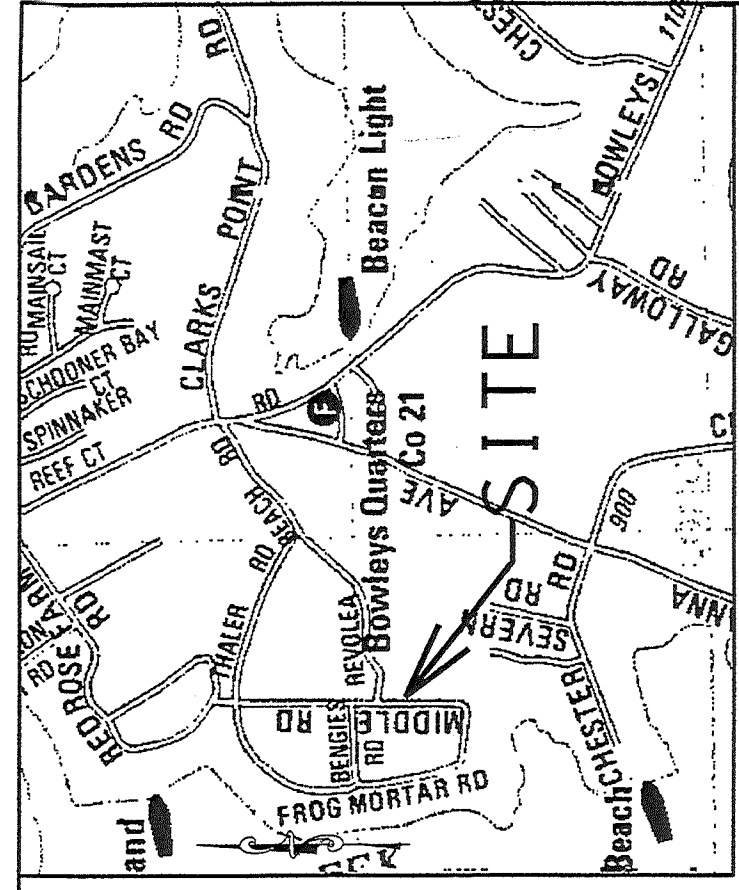


909 MIDDLE RD









VICINITY MAP
SCALE: 1" = 2,000'

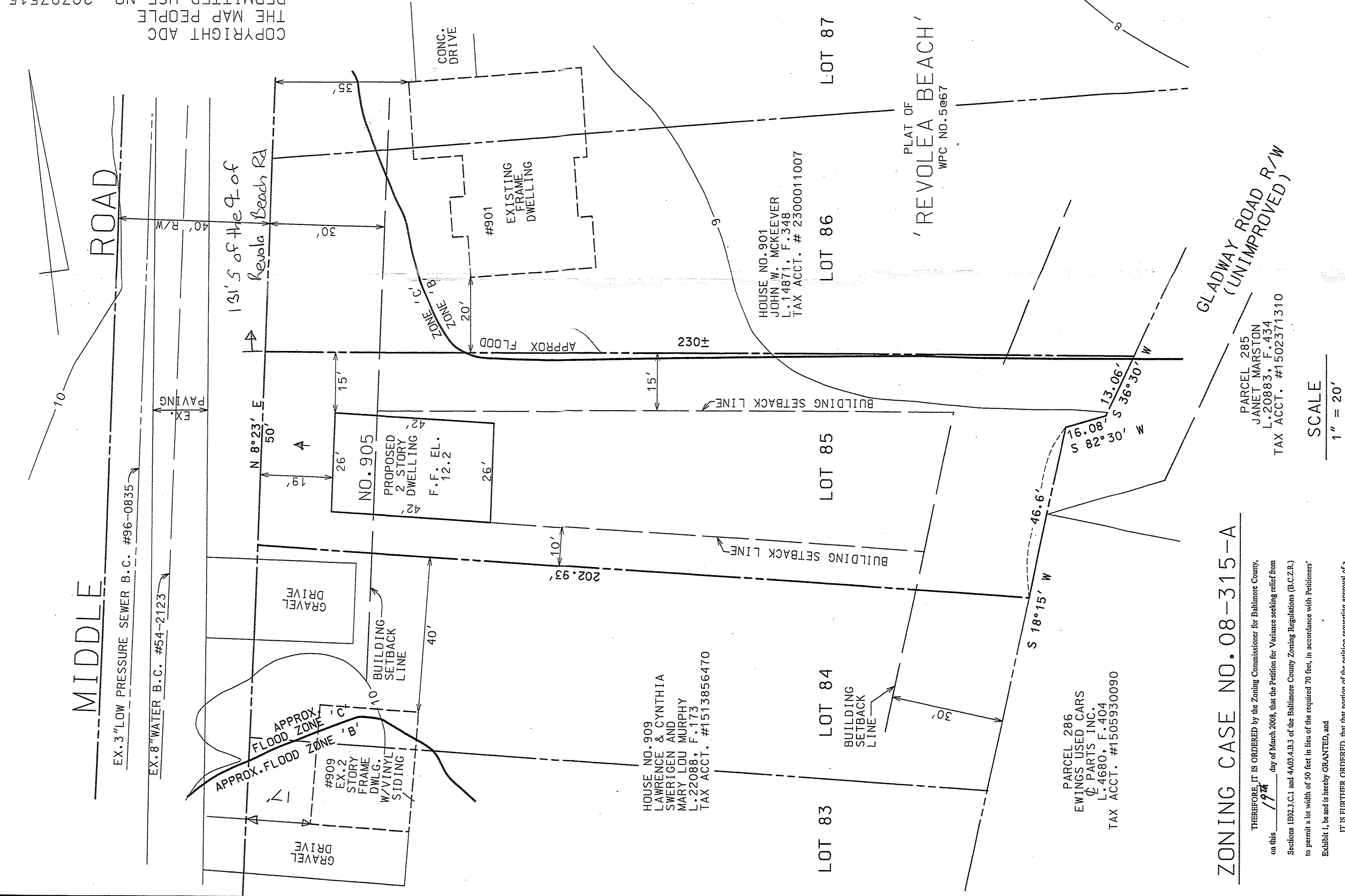
SITE DATA

DEED REFERENCE: 29219/261
SITE AREA: 0.278 AC.
EXISTING ZONING: DR 3.5
PLAT REFERENCE: 5/67
TAX ACCT. NO.: 1507471680
MAXIMUM HEIGHT OF BUILDINGS: 50 FEET
ELECTION DISTRICT: 15
COUNCILMANIC DISTRICT: 6
ZONING MAP # 115C2

GENERAL NOTES

1. THE SUBJECT PROPERTY IS SERVED BY PUBLIC WATER AND SEWER FACILITIES.
2. THE SUBJECT PROPERTY IS NOT A HISTORICAL SITE NOR DOES IT LIE WITHIN A HISTORICAL DISTRICT.
3. THE SUBJECT PROPERTY LIES WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
4. THE SUBJECT PROPERTY LIES WITHIN THE 100-YEAR FLOOD PLAIN, FLOOD ZONE C & B PER FEMA FIRM PANEL #240010-0435 B.
5. THE ADJACENT ROADS ARE NOT COLLECTOR ROADS NOR DO THEY LEAD TO A COLLECTOR ROAD.
6. Prior zoning case: 08-315A

COPYRIGHT ADC
THE MAP PEOPLE
PERMITTED USE NO. 20797515



ZONING CASE NO. 08-315-A

THEREFORE, IT IS ORDERED by the Zoning Commissioners for Baltimore County, on this 19th day of March, 2008, that the Petition for Variance seeking relief from Sections 1B02.3.C.1 and 4A03.4.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 70 feet, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, and

IT IS FURTHER ORDERED, that that portion of the petition requesting approval of a minimum sum of side yard widths of as little as 20 feet in lieu of the required 25 feet, shall be hereby DISMISSED AS MOOT.

IT IS FURTHER ORDERED, for the reasons stated above that this decision is subject to the following conditions precedent to the relief granted:

1. Petitioners may apply for building permits and be granted the same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. Compliance with the ZAC comments submitted by DEPDM and the Bureau of Development Plans Review relative to the Critical Area Overlay District (CAOD) regulations and all other appropriate environmental, floodplain, and B.O.C.A. regulations for the protection of water quality, streams, wetlands, and floodplains. Copies of those comments have been attached hereto and are made a part hereof.
3. The Petitioners shall submit building elevation drawings of the proposed dwelling to the Office of Planning for review and approval prior to the issuance of any permit.
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be taken must be taken in accordance with Section 32-3-401 of the Baltimore County Code.

[Signature]
ZONING COMMISSIONER III
for Baltimore County

SCALE
1" = 20'

PARCEL 285
JANET MARSTON
L. 20883, F. 434
TAX ACCT. #1502371310

GLADWAY ROAD R/W
(UNIMPROVED)

PLAT OF
'REVOLEA BEACH'
WPC NO. 5067

HOUSE NO. 901
JOHN W. MCKEEVER
L. 14871, F. 348
TAX ACCT. # 2300011007

HOUSE NO. 909
LAWRENCE & CYNTHIA
SWERTGEN AND
MARY LOU MURPHY
L. 22088, F. 173
TAX ACCT. #1513856470

PARCEL 286
EWINGS USED CARS
O PARTS INC.
L. 4680, F. 404
TAX ACCT. #1505930090

2011-0099-A

PETITIONER'S
EXHIBIT NO. 1

APPLICANT

DANIEL THOMAS
1618 HOLLY TREE ROAD
BALTIMORE, MD 21220-4433
TELEPHONE: 443-623-1703
ATTN: MR. DANIEL THOMAS

AREA OF DISTURBANCE
3520 SQ. FT. OR 0.081 ACRES,
MORE OR LESS

OWNER: DANIEL THOMAS
JENNIFER THOMAS
1618 HOLLY TREE ROAD
BALTIMORE, MD 21220-4433

Hicks Engineering Associates, Inc.
ENGINEERS, SURVEYORS & PLANNERS
101 WEST BALTIMORE STREET, 402
TOWSON, MARYLAND 21286-3160
(410) 494-0001 FAX: (410) 821-8890

PROJECT TITLE:
#905 MIDDLE ROAD
REVOLEA BEACH, MD 21220
LOT 85

DRAWING TITLE:
PLAN TO ACCOMPANY
PETITION FOR ZONING
VARIANCE

JOB NO.:	22031
DRAWN BY:	MEH
CHECKED BY:	DH/GJ
DATE:	JUNE 9, 2010
SCALE:	1"=20'
SHEETS PER SET: 10F 1	

ZONING PLAT