

|                                            |   |                               |
|--------------------------------------------|---|-------------------------------|
| <b>IN RE: PETITION FOR SPECIAL HEARING</b> | * | BEFORE THE                    |
| NE side of Chestnut Road; 554 feet E       |   |                               |
| of the c/l of Seneca Road                  | * | DEPUTY ZONING                 |
| 15 <sup>th</sup> Election District         |   |                               |
| 6 <sup>th</sup> Councilmanic District      | * | COMMISSIONER                  |
| (4026 Chestnut Road)                       |   |                               |
|                                            | * | FOR BALTIMORE COUNTY          |
| <b>Michael and Kristen Loveless</b>        |   |                               |
| <i>Petitioners</i>                         | * | <b>CASE NO. 2011-0132-SPH</b> |

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the legal property owners, Michael and Kristen Loveless. Petitioners request Special Hearing relief pursuant to Sections 1A04.3.B.1.b(1), 1A04.3.B.2.b and 1A04.3.B.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed replacement single-family dwelling on a lot of 26,647 square feet in lieu of the required 1.5 acres with side setbacks of 10 feet in lieu of the required 50 feet, and a lot coverage of 23% in lieu of the maximum allowed 15%. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing relief were Petitioners Michael and Kristen Loveless. Also appearing was Vincent Moskunas with Site Rite Surveying, Inc., the firm that prepared the site plan for the Petitioners, and Tom Ridley, the builder assisting the Petitioners.

Testimony and evidence presented revealed that the subject property is an irregularly shaped parcel consisting of 0.612 acres or approximately 26,647 feet of land zoned R.C.5. The property is located on the north side of Chestnut Road adjacent to Seneca Creek and is recorded as Lots 136-137 of the Bowleys Quarters subdivision. Petitioners submitted the Record Plat for

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Date 12-10-10

by PM

Bowleys Quarters, demonstrating that the lots comprising the subject property were recorded in 1921, well before 2003 as required by Section 1A04.3.B.1.b(1) of the B.C.Z.R.

Further testimony revealed that Petitioners purchased the property in September 2010 and are proposing to raze the existing dwelling and to build a replacement dwelling on the property. The replacement dwelling will be an attractive two-story home with a wooden deck facing the creek and a porch and garage facing Chestnut Road. Petitioners submitted a copy of the proposed floor plan, which was marked and accepted into evidence as Petitioners' Exhibit 6. The proposed dwelling will be located further from the Creek than the existing dwelling, which will decrease the environmental impact on the property by reducing the improvements in the critical area buffer; however, due to the shape of the property (which is wider at the water and narrows towards Chestnut Road), the location of the replacement dwelling requires relief from the side setback requirements for property in the R.C.5 Zone.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments were received from the Office of Planning dated October 28, 2010 stating that the Office does not oppose the petitioner's request, with the requirement that the development comply with R.C.5 performance standards. In order to make this determination, the Office of Planning will require the submission of additional information, which will be expounded on further in this Order. Comments were also received from the Department of Environmental Protection and Resource Management (DEPRM) dated November 8, 2010 stating that the lot is located within a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area (CBCA). The proposed dwelling will be farther from the water than the existing dwelling. The CBCA lot coverage limit of 5,445 square feet, reduction of lot coverage in the 100-foot buffer, and the BMA requirements will minimize adverse impacts on

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Date 12-10-10

By jm

water quality that result from development activities. The proposed development must comply with all LDA and BMA requirements, including the 15% Afforestation requirement and CBCA lot coverage requirements, prior to building permit approval. Therefore, the subject zoning petition will conserve fish, wildlife and plant habitat. The proposed development will be consistent with established land use policies for development in the Chesapeake Bay 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. Additional comments were received from the Bureau of Development Plans Review, dated October 21, 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 all of the evidence and testimony presented at the hearing, I am persuaded to grant the Petition for special hearing and permit the construction of the proposed replacement dwelling. The relief requested in this special hearing petition (from side setbacks and lot coverage percentages) is the type of relief that would typically be requested in a petition for variance. However, Section 1A04.3.B.1.b(1) of the B.C.Z.R. specifies that the owner of a lot of record that existed prior to September 2, 3003 can apply for a special hearing to improve properties that do not meet the minimum acreage or setback requirements for R.C.5 zoned properties. That is precisely the case here, where Petitioners are requesting approval to build a structure on an R.C.5 lot that was recorded in 1921, substantially prior to 2003. All of the lots surrounding the property are undersized, and the property has contained a single-family dwelling for years without incident.

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Date 12-10-10

By [Signature]

I therefore find no reason to deny Petitioners desire to alter the minimum lot size requirement pursuant to Section 1A04.3.B.1.b(1) of the B.C.Z.R. Additionally, the replacement dwelling will reduce the existing environmental impact by moving the structure farther from Seneca Creek, thereby promoting the important public purposes of the Critical Area law. As previously mentioned, the decision to move the new dwelling farther from the water places an increased impact on the side setbacks due to the shape of the property, and I am persuaded to grant zoning relief from the setback requirements in order to facilitate the resulting environmental benefit. All in all, Petitioners are proposing an attractive dwelling that will further the purposes of the Critical Area law without having any negative impact on the surrounding area or the side yards in particular.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the parties, I find that Petitioners' request for special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 10<sup>th</sup> day of December, 2010 that Petitioners' request for Special Hearing relief pursuant to Sections 1A04.3.B.1.b(1), 1A043.B.2.b and 1A04.3.B.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed replacement single-family dwelling on a lot of 26,647 square feet in lieu of the required 1.5 acres with side setbacks of 10 feet in lieu of the required 50 feet, and a lot coverage of 23% in lieu of the maximum allowed 15%, be and is hereby **GRANTED** subject to the following conditions:

1. Petitioners may apply for 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.

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Date 12-10-10

By [Signature]

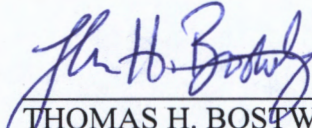
2. The base flood elevation for this site is 8.5 feet [NAVD 88].
3. The flood protection elevation for this site is 9.5 feet.
4. In conformance with Federal Flood Insurance Requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.
5. The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.
6. The building engineer shall require a permit for this project.
7. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
8. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.
9. The proposed development must comply with all Limited Development Area (LDA) and Buffer Management Area (BMA) requirements, including the 15% afforestation requirement and Chesapeake Bay Critical Area lot coverage requirements, prior to building permit approval.
10. Prior to obtaining a building permit, the Petitioner shall submit the following information to the Office of Planning for their determination that the proposed structure meets the RC 5 Performance Standards.
  - a. Submit photographs of existing adjacent dwellings to the Office of Planning.
  - b. Submit building elevations (all sides) of the proposed dwelling to the Office of Planning for review and approval. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) use the same finish materials and architectural details on the front, side and rear elevations. Use of quality material such as brick, stone or cedar is encouraged.
  - c. Design all decks, balconies, windows, dormers, chimneys and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
  - d. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building, on the site, providing consistency in materials, colors, roof pitch and style.
  - e. Provide landscaping along the public road, if it is consistent with the existing streetscape.

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Date 12-10-10

By ym

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 12-10-10

By MB



**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
*County Executive*

THOMAS H. BOSTWICK  
*Deputy Zoning Commissioner*

December 10, 2010

MICHAEL AND KRISTEN LOVELESS  
3038 ELLIOTT STREET  
BALTIMORE MD 21224

Re: Petition for Special Hearing  
Case No. 2011-0132-SPH  
Property: 4026 Chestnut Road

Dear Mr. and Mrs. Loveless:

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.

Sincerely,

THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

Enclosure

c: Vincent Moskunus, Site Rite Surveying, Inc., 200 East Joppa Road, Room 101, Towson MD 21286  
Tom Ridley, 2904 Chestnut Hill Drive, Ellicott City MD 21043



# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at 4026 Chestnut Road  
which is presently zoned RC5

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

(This box to be completed by planner)

Pursuant to Sections 1A04.3.B.1.b (1), 1A04.3.B.2.b and 1A04.3.B.3 – to permit a proposed replacement single family dwelling on a lot of 26,647 square feet in lieu of the required 1½ acres, with side setbacks of 10 feet in lieu of the required 50, and a lot coverage of 23% in lieu of the maximum allowed 15

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bound 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 \_\_\_\_\_  
Date 12-10-10

By [Signature]

Case No. 2011-0132-SPH

REV 9/15/98

### Legal Owner(s):

Michael Loveless

Name - Type or Print \_\_\_\_\_  
Signature Michael Loveless  
Kristen Loveless  
Name - Type or Print \_\_\_\_\_  
Signature Kristen Loveless

3038 Elliott Street 443-695-1665  
Address Telephone No.  
Baltimore MD 21224  
City State Zip Code

### Representative to be Contacted:

Site Rite Surveying, Inc

Name \_\_\_\_\_  
200 E. Joppa Road Room 101 410-828-9060  
Address Telephone No.  
Towson MD 21286  
City State Zip Code

### OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

Reviewed By [Signature] Date 10/6/10

**ZONING DESCRIPTION FOR  
#4026 CHESTNUT ROAD**

BEGINNING at a point on the northeast side of Chestnut Road which is 30 feet wide at a distance of 554 feet northeast of the center line of Seneca Road which is 30 feet wide. Being Lot Nos. 136 and 137 in the subdivision of "Bowleys Quarters" as recorded in the Baltimore County Plat Book No. 7, folio No. 13, containing 26,647 S.F. Also known as #4026 Chestnut Road and located in the 15<sup>th</sup> Election District, 6<sup>th</sup> Councilmanic District.



---

Michael V. Moskunas  
Reg. No. 21175

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

*Item #0132*

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

No. **60748**

Date: **10/06/10**

**PAID RECEIPT**

BUSINESS ACTUAL TIME  
 0/02/2010 10/06/2010 11:30:36

REC WSO3 WALKIN ROOM LRB  
 >> RECEIPT # 402915 10/06/2010 OFLN  
 Dept 5 520 ZONING VERIFICATION  
 CR NO. 060748

Recpt Tot \$65.00  
 \$65.00 CR \$1.00 CR  
 Baltimore County, Maryland

| Fund | Dept | Unit | Sub Unit | Rev Source/ | Sub Rev/ | Obj | Sub Obj | Dept Obj | BS Acct | Amount |
|------|------|------|----------|-------------|----------|-----|---------|----------|---------|--------|
| 001  | 306  | 0000 |          | 6150        |          |     |         |          |         | 665    |
|      |      |      |          |             |          |     |         |          |         |        |
|      |      |      |          |             |          |     |         |          |         |        |
|      |      |      |          |             |          |     |         |          |         |        |
|      |      |      |          |             |          |     |         |          |         |        |
|      |      |      |          |             |          |     |         |          |         |        |

Total: **665**

Rec  
 From:

For: **zoning hearing - case # 2011-0132-SPH**

**DISTRIBUTION**

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

**CASHIER'S  
 VALIDATION**

1A04.3.B.1. b(1) - Special Hearing lot area/setback

1A04.3.B.2. b sideyard 10' in lieu of 50'

.3 lot coverage. 23% in lieu of ~~15~~ 15%

MICHAEL J LOVELESS  
3038 ELLIOT ST  
BALTIMORE, MD 21224

1695

65-320/550  
BRANCH 95941

Pay to the  
Order of

9/13/10  
BALTIMORE County MD.

Date

\$ 65.00

Sixty Five

00/100

Dollars



Security  
Features  
Details on  
Back



WACHOVIA

Wachovia Bank, N.A.  
wachovia.com

For

Michael Loveless

MP

⑆055003201⑆1010061814680⑈ 1695

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: # 2011-0132-SPH

4026 Chestnut Road  
N/east side of Chestnut Road, 554 feet east of the center-line of Seneca Road  
15th Election District - 6th Councilmanic District

Legal Owner(s): Michael & Kristen Loveless

**Special Hearing:** to permit a proposed replacement single family dwelling on a lot of 26,467 square feet in lieu of the required 1 1/2 acres with side setbacks of 10 feet in lieu of the required 50, and a lot coverage of 23% in lieu of the maximum allowed 15.

**Hearing:** Monday, November 29, 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 accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

11/090 Nov. 11

260379

CERTIFICATE OF PUBLICATION

11/11/2010

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 11/11/2010.

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

*S. Wilkinson*

LEGAL ADVERTISING

**CERTIFICATE OF POSTING**

RE: Case No. 2011-0132-SPH

Petitioner/Developer MICHAEL  
EKRISTEN LOVELESS

Date Of Hearing/Closing: 11/29/10

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 4026 CHESTNUT ROAD

This sign(s) were posted on November 12, 2010

Month, Day, Year

Sincerely,

Martin Ogle 11/12/10  
Signature of Sign Poster and Date

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

# ZONING NOTICE

CASE # 201-0132-SPH

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

Room 104 JEFFERSON BUILDING 105 WEST

PLACE: CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: MONDAY, NOVEMBER 29, 2010  
AT 10:00 A.M.

REQUEST: REPLACEMENT SINGLE FAMILY DWELLING ON A  
LOT OF 26,467 SQUARE FEET IN LIEU OF THE REQUIRED 1 1/2  
ACRES WITH SIDE SETBACKS OF 10 FEET IN LIEU OF THE  
REQUIRED 50, AND LOT COVERAGE OF 23% IN LIEU OF THE  
MAXIMUM ALLOWED 15

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 887-3391

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

11/12/2010

*Matthew D. L. 11/12/10*

TO: PATUXENT PUBLISHING COMPANY  
Thursday, November 11, 2010 Issue - Jeffersonian

Please forward billing to:

Michael & Kristen Loveless  
3038 Elliott Street  
Baltimore, MD 21224

443-695-1665

---

## 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: 2011-0132-SPH**

4026 Chestnut Road

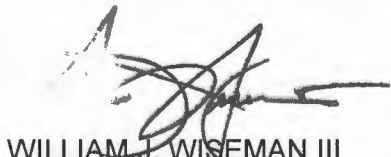
N/east side of Chestnut Road, 554 feet east of the centerline of Seneca Road

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: Michael & Kristen Loveless

Special Hearing to permit a proposed replacement single family dwelling on a lot of 26,467 square feet in lieu of the required 1 ½ acres with side setbacks of 10 feet in lieu of the required 50, and a lot coverage of 23% in lieu of the maximum allowed 15.

Hearing: Monday, November 29, 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.



**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
County Executive

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

October 18, 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: 2011-0132-SPH**

4026 Chestnut Road

N/east side of Chestnut Road, 554 feet east of the centerline of Seneca Road

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: Michael & Kristen Loveless

Special Hearing to permit a proposed replacement single family dwelling on a lot of 26,467 square feet in lieu of the required 1 ½ acres with side setbacks of 10 feet in lieu of the required 50, and a lot coverage of 23% in lieu of the maximum allowed 15.

Hearing: Monday, November 29, 2010 at 10:00 a.m. in Room 104, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco  
Director

TK:kl

C: Mr. & Mrs. Loveless, 3038 Elliott Street, Baltimore 21224  
Site Rite Surveying, Inc., 200 E. Joppa Road, Rm. 101, Towson 21286

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., NOVEMBER 13, 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: 2011-0132-SPH  
Petitioner: Michael and Kristen Loveless  
Address or Location: #4026 Chestnut Road

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: Michael and Kristen Loveless  
Address: 3038 Elliott Street  
Baltimore, MD 21224  
  
Telephone Number: 443-695-1665

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

*Hearing 11/29/10*

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

**DATE:** October 21, 2010

**FROM:** Dennis A. Kennedy, <sup>DAK</sup>Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For October 25, 2010  
Item No. 2011-132

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 11-132-10252010.doc

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



**RECEIVED**

**NOV 29 2010**

**ZONING COMMISSIONER**

**TO:** Timothy M. Kotroco

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

**DATE:** November 29, 2010

**SUBJECT:** Zoning Item # 11-132-SPH  
Address 4026 Chestnut Road  
(Loveless 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 a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area (CBCA). The proposed dwelling will be farther from the water than the existing dwelling. The CBCA lot coverage limit of 5,445 square feet, reduction of lot coverage in the 100-foot buffer, and the BMA requirements will minimize adverse impacts on water quality that result from development activities.
2. The proposed development must comply with all LDA and BMA requirements, including the 15% afforestation requirement and CBCA lot coverage requirements, prior to building permit approval. Therefore the subject zoning petition will conserve fish, wildlife, and plant habitat.
3. The proposed development will be required to meet all LDA and BMA requirements and therefore will be consistent with established land use policies for development in the Chesapeake Bay 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.

**Reviewer:** Regina Esslinger

**Date:** November 8, 2010

TB  
11-29-10

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** October 28, 2010

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

**SUBJECT:** 4026 Chestnut Road

**INFORMATION:**

**Item Number:** 11-132

**Petitioner:** Michael Loveless

**Zoning:** RC 5

**Requested Action:** Variance

RECEIVED

NOV 01 2010

ZONING COMMISSIONER

### SUMMARY OF RECOMMENDATIONS:

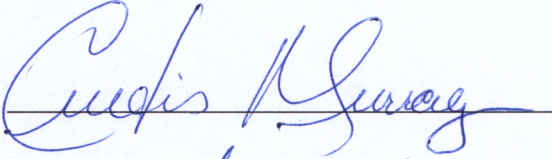
The Office of Planning does not oppose the petitioner's request. However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.

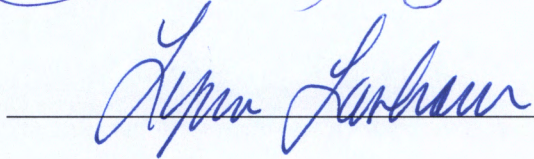
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the existing streetscape.

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

Prepared By:



Division Chief:



CM/LL

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

*Hearing*  
*11/29/10*

Date: *Oct. 20, 2010*

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

RE: Baltimore County  
Item No. 2011-0132-SPH  
*4026 CHESTNUT RD*  
*LOVELESS PROPERTY*  
*SPECIAL HEARING*

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. 2011-0132-SPH.

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,

A handwritten signature in dark ink, appearing to read "Steven D. Foster".

*Foster*  
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](http://www.sha.maryland.gov)



Baltimore County  
Fire Department

Office of the Fire Marshal  
700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4880

*Neary 11/29/10*

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

October 13, 2010

ATTENTION: Kristen Mathews  
ZAC Agenda 10/25/2010

Item Numbers:

2011-0123-SPHA  
2011-125-A  
2011-0127-A  
2011-0128-A  
2011-0129-A  
2011-0130-A  
2011-0131-A  
2011-0132-SPH

The fire marshal's office has no comments at this time.

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

cc: File



Printed with Soybean Ink  
on Recycled Paper

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)

RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
4026 Chestnut Road; NE/S Chestnut Road, \* ZONING COMMISSIONER  
554' E of c/line of Seneca Road \*  
15<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts \*  
Legal Owner(s): Michael & Kristen Loveless\* FOR  
Petitioner(s) \*  
\* BALTIMORE COUNTY  
\* 2011-132-SPH

\* \* \* \* \*

**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 13 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 13th day of October, 2010, a copy of the foregoing Entry of Appearance was mailed to Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286, Representative for Petitioner(s).

*Peter Max Zimmerman*  
\_\_\_\_\_  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

**Debra Wiley - Case No. 2011-0132-SPH (Hearing 11/29 @ 10 AM)**

---

**From:** Debra Wiley  
**To:** Kennedy, Dennis; Livingston, Jeffrey  
**Date:** 11/26/2010 12:52 PM  
**Subject:** Case No. 2011-0132-SPH (Hearing 11/29 @ 10 AM)

---

*Missing  
DPR + DEPRM*

Gentlemen,

Here's another one ... In reviewing case files received today for next week's hearings, it appears that ZAC comments are missing for the above-referenced file. The property (4026 Chestnut Road, 21220) is in the CBCA as well as the 100-year flood zone.

Please send your comment to me, via email, and I will be sure that Tom receives it. If you've previously prepared this comment, I apologize in advance (Rose is on vacation this week).

Thanks for your usual cooperation.

Debbie Wiley  
Legal Administrative Secretary  
Office of the Zoning Commissioner  
105 West Chesapeake Avenue, Suite 103  
Towson, Md. 21204  
410-887-3868  
410-887-3468 (fax)  
dwiley@baltimorecountymd.gov

Maryland Department of Assessments and Taxation  
Real Property Data Search (vw2.3)  
BALTIMORE COUNTY

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

Account Identifier: District - 15 Account Number - 1512001300

#### Owner Information

Owner Name: LOVELESS MICHAEL J  
LOVELESS KRISTEN E  
Use: RESIDENTIAL  
Principal Residence: YES  
Mailing Address: 4026 CHESTNUT RD  
BALTIMORE MD 21220-4025  
Deed Reference: 1) /30077/ 158  
2)

#### Location & Structure Information

Premises Address  
4026 CHESTNUT RD  
Legal Description  
CHESTNUT RD  
WATERFRONT BOWLEYS QUARTERS

| Map | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area | Plat No:  | 2     |
|-----|------|--------|--------------|-------------|---------|-------|-----|-----------------|-----------|-------|
| 91  | 22   | 150    |              |             |         |       | 136 | 3               | Plat Ref: | 7/ 13 |

Special Tax Areas  
Town  
Ad Valorem  
Tax Class

| Primary Structure Built | Enclosed Area | Property Land Area | County Use |
|-------------------------|---------------|--------------------|------------|
| 1963                    | 1,807 SF      | 12,274.00 SF       | 34         |

| Stories | Basement | Type          | Exterior |
|---------|----------|---------------|----------|
| 1 1/2   | YES      | STANDARD UNIT | BRICK    |

#### Value Information

|                    | Base Value | Value<br>As Of<br>01/01/2009 | Phase-in Assessments<br>As Of<br>07/01/2010 | As Of<br>07/01/2011 |
|--------------------|------------|------------------------------|---------------------------------------------|---------------------|
| Land               | 322,060    | 322,060                      |                                             |                     |
| Improvements:      | 200,060    | 171,440                      |                                             |                     |
| Total:             | 522,120    | 493,500                      | 493,500                                     | 493,500             |
| Preferential Land: | 0          | 0                            | 0                                           | 0                   |

#### Transfer Information

| Seller:                      | Date:              | Price:    |
|------------------------------|--------------------|-----------|
| LACHER DORIS M               | 11/03/2010         | \$500,000 |
| Type: MULT ACCTS ARMS-LENGTH | Deed1: /30077/ 158 | Deed2:    |

CASE NAME COVERLESS PROP.  
CASE NUMBER 2011-0132 SPH  
DATE 11-29-10

[illegible]

Case No.: 2011-0132-SPH

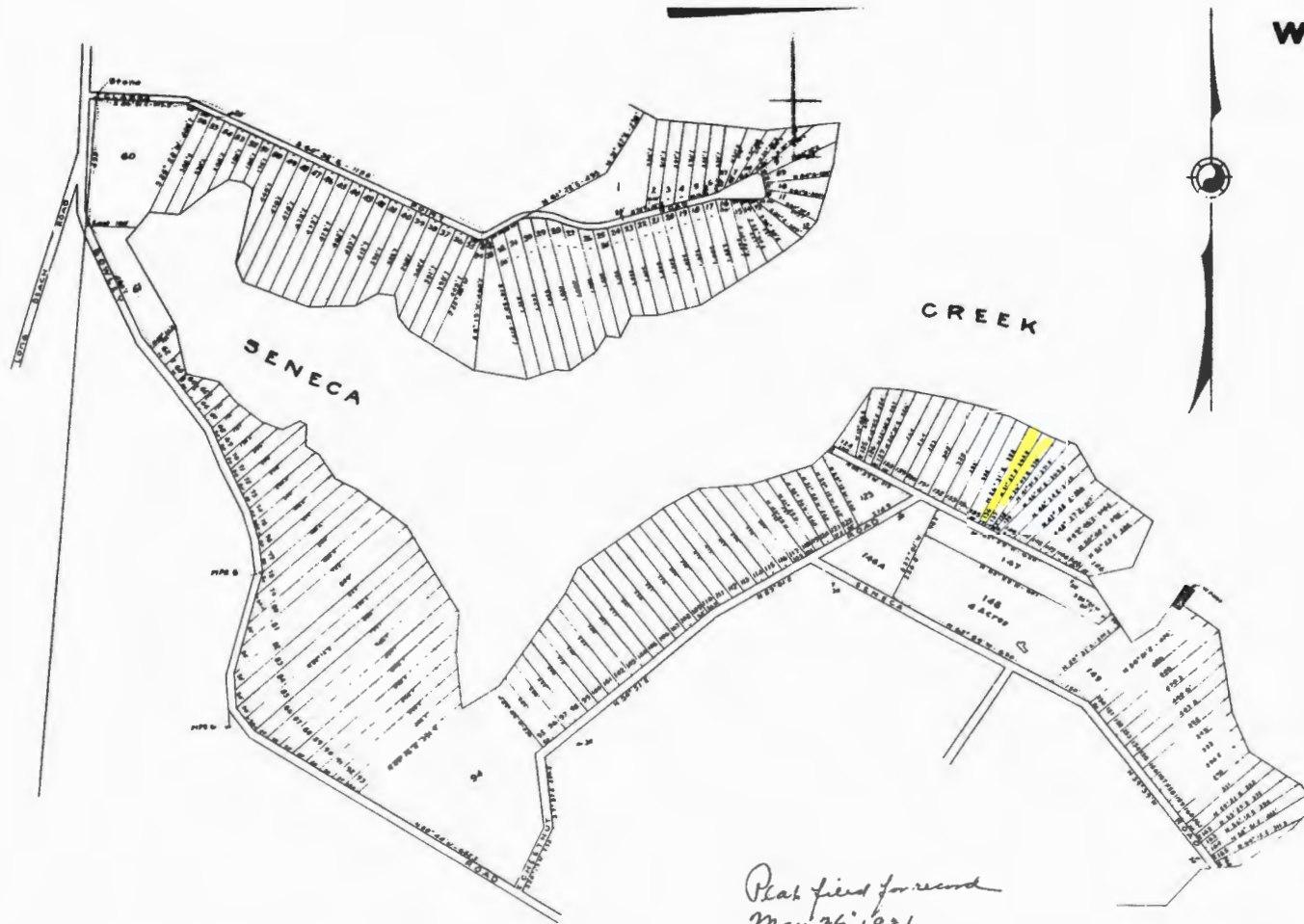
Exhibit Sheet

Petitioner/Developer

Protestant

|        |                               |  |
|--------|-------------------------------|--|
| No. 1  | site plan                     |  |
| No. 2  | record plat (1921)            |  |
| No. 3  | aerial photograph             |  |
| No. 4  | zoning map                    |  |
| No. 5  | Hazard + Critical<br>Area Map |  |
| No. 6  | floor plan                    |  |
| No. 7  |                               |  |
| No. 8  |                               |  |
| No. 9  |                               |  |
| No. 10 |                               |  |
| No. 11 |                               |  |
| No. 12 |                               |  |

W.P.C. No 7 PART 1-13



Recorded 1921  
No Signatures

Plat filed for record  
May 26, 1921  
Test - Wm. P. Cole, Clerk

PETITIONER'S

EXHIBIT NO.

2

BOWLEYS QUARTER  
PLAT NO. 2

Scale 1"=200' April 16, 1921.  
Edward V. Coonan and Company  
Surveyors and Civil Engineers  
Baltimore, Md.

• Indicates Location of Stake

Item #0132

PETITIONER'S

EXHIBIT NO.

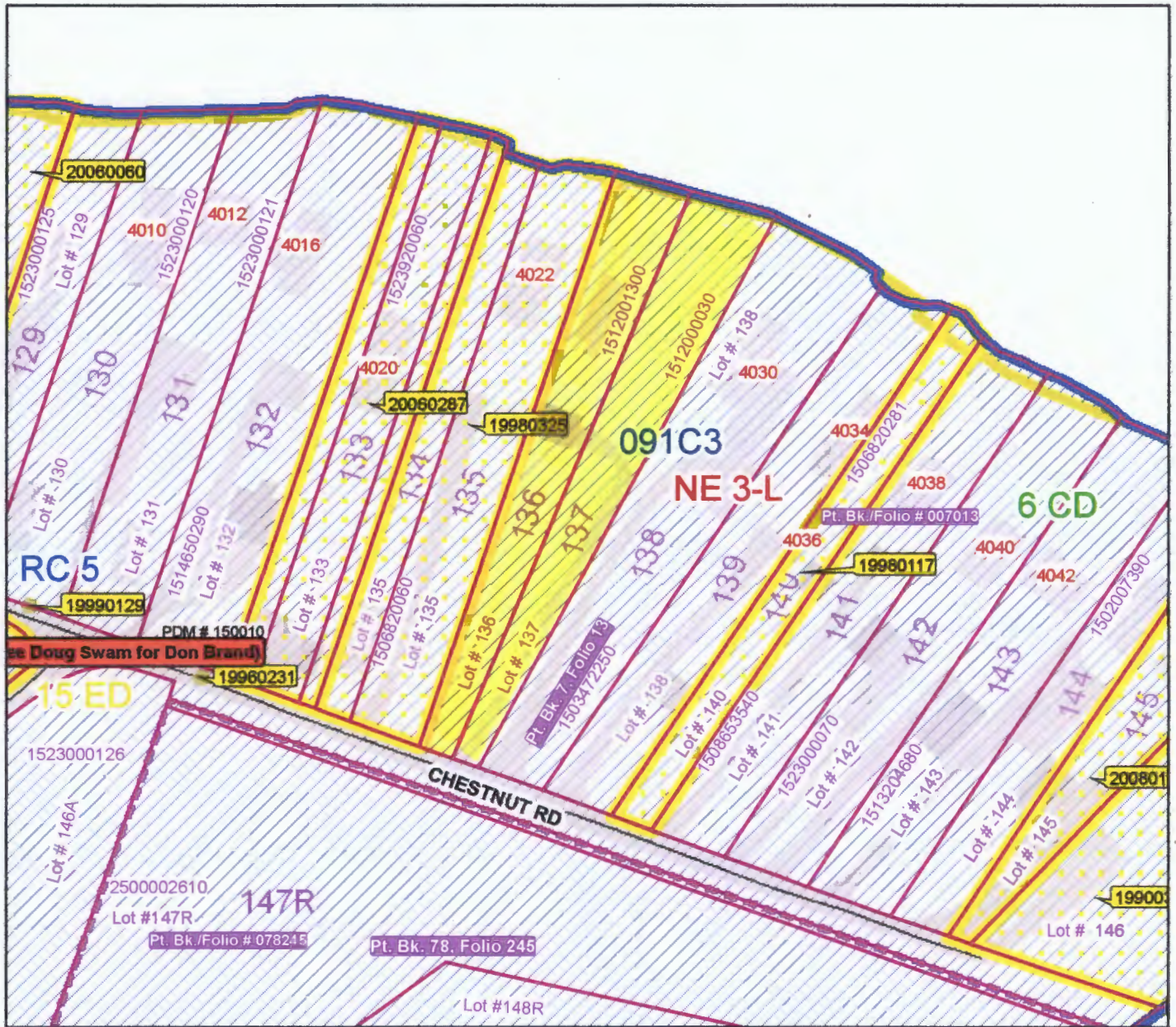
3



#4026 CHESTNUT ROAD

Item #0132

# 4026 Chestnut Road



PETITIONER'S  
EXHIBIT NO. 4



Publication Date: October 06, 2010  
Publication Agency: Department of Permits & Development Management  
Projection/Datum: Maryland State Plane,  
FIPS 1900, NAD 1983/91 HARN, US Foot

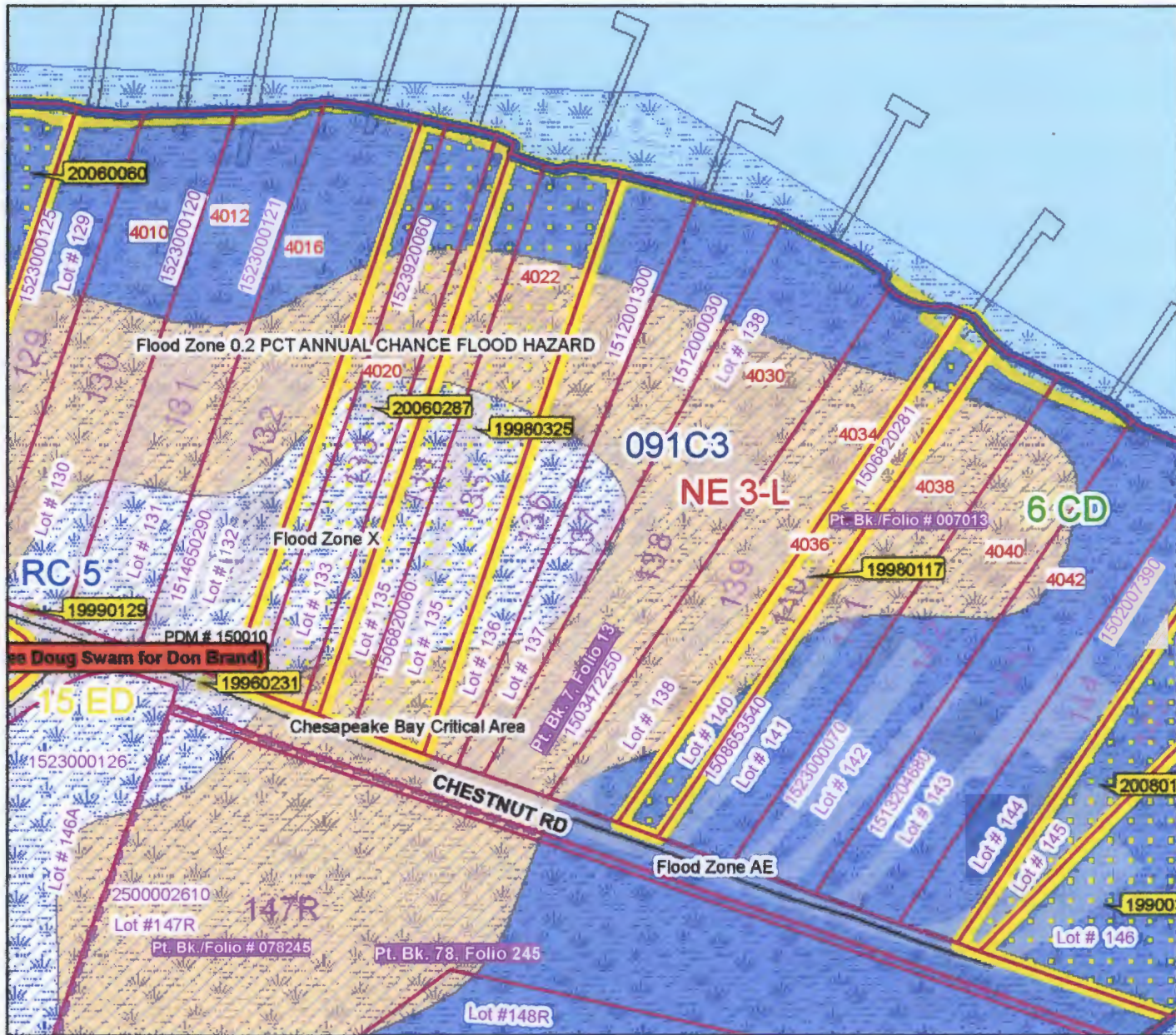


0 100 200  
Feet

1 inch = 100 feet

Item #0132

# Hazard and Critical Areas



PETITIONER' S

EXHIBIT NO. 5



Publication Date: October 06, 2010  
 Publication Agency: Department of Permits & Development Management  
 Projection/Datum: Maryland State Plane,  
 FIPS 1900, NAD 1983/91 HARN, US Foot

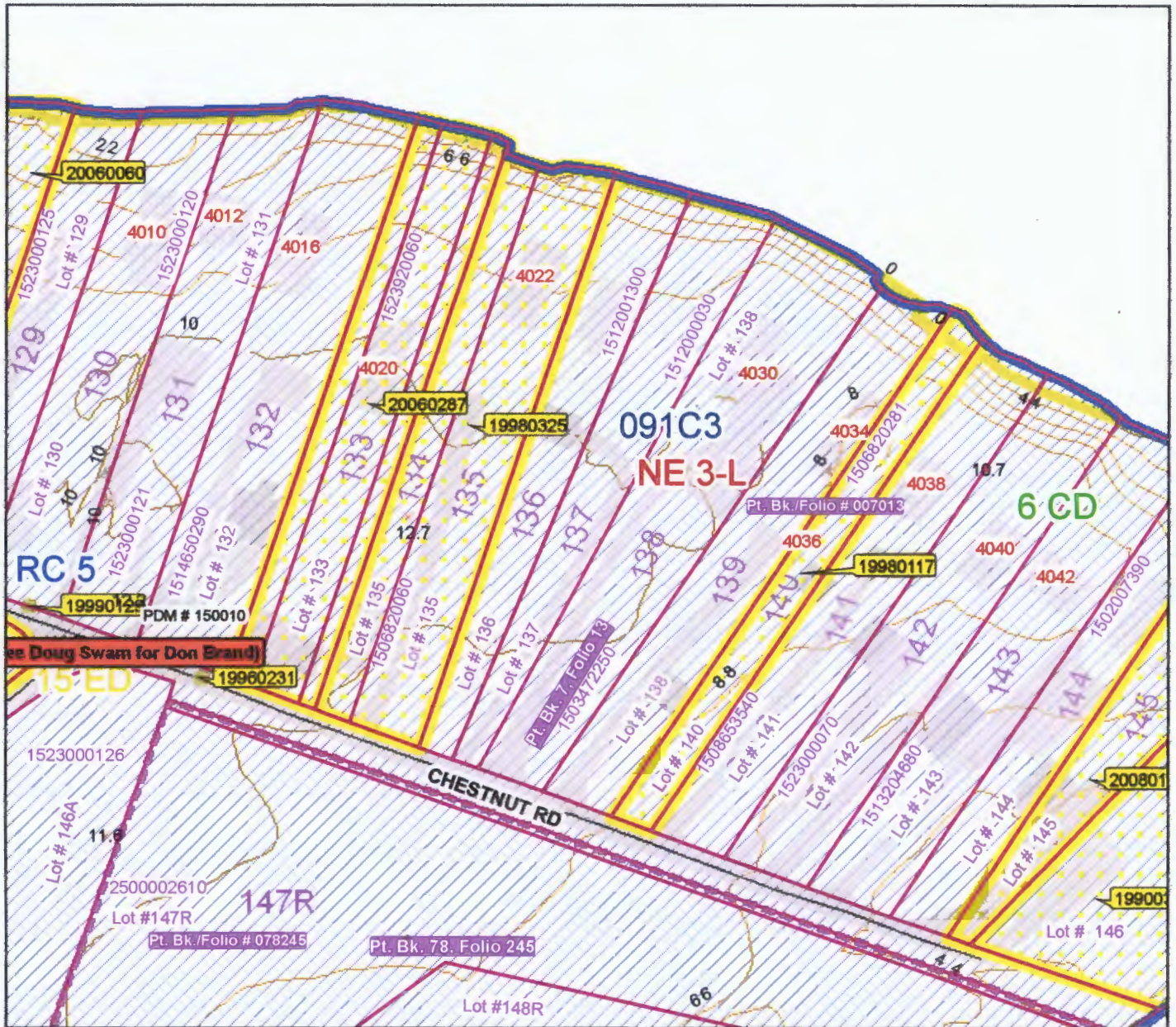


0 100 200  
 Feet

1 inch = 100 feet

Item #0132

# Elevations



Publication Date: October 06, 2010  
 Publication Agency: Department of Permits & Development Management  
 Projection/Datum: Maryland State Plane,  
 FIPS 1900, NAD 1983/91 HARN, US Foot



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 Feet

1 inch = 100 feet

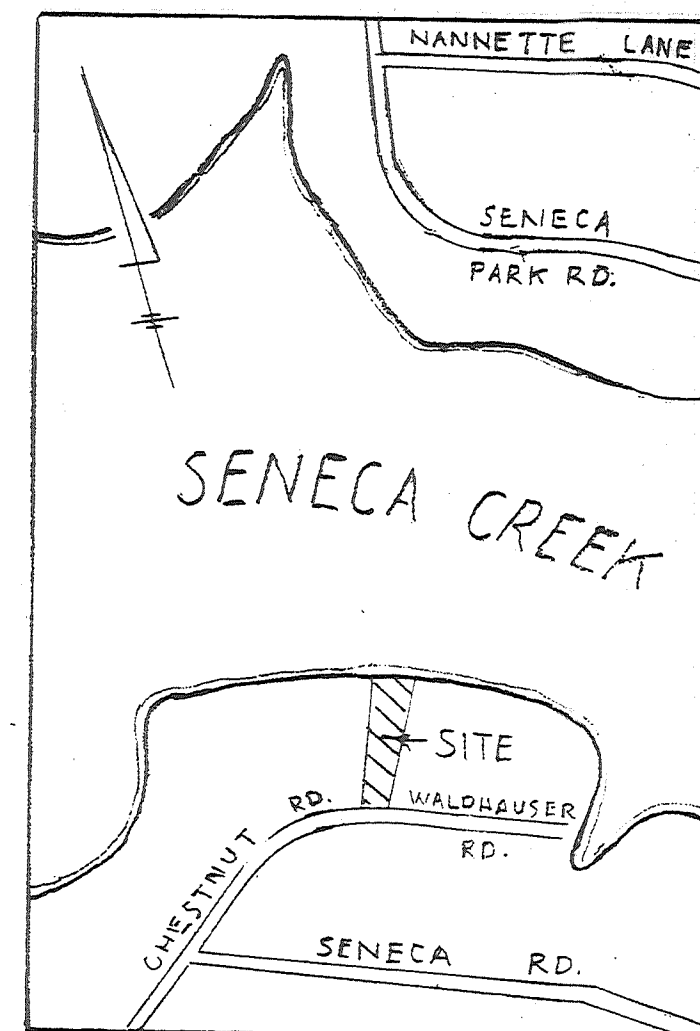
Item # 0132

MAG NAIL FOUND  
IN TOP OF BULKHD.

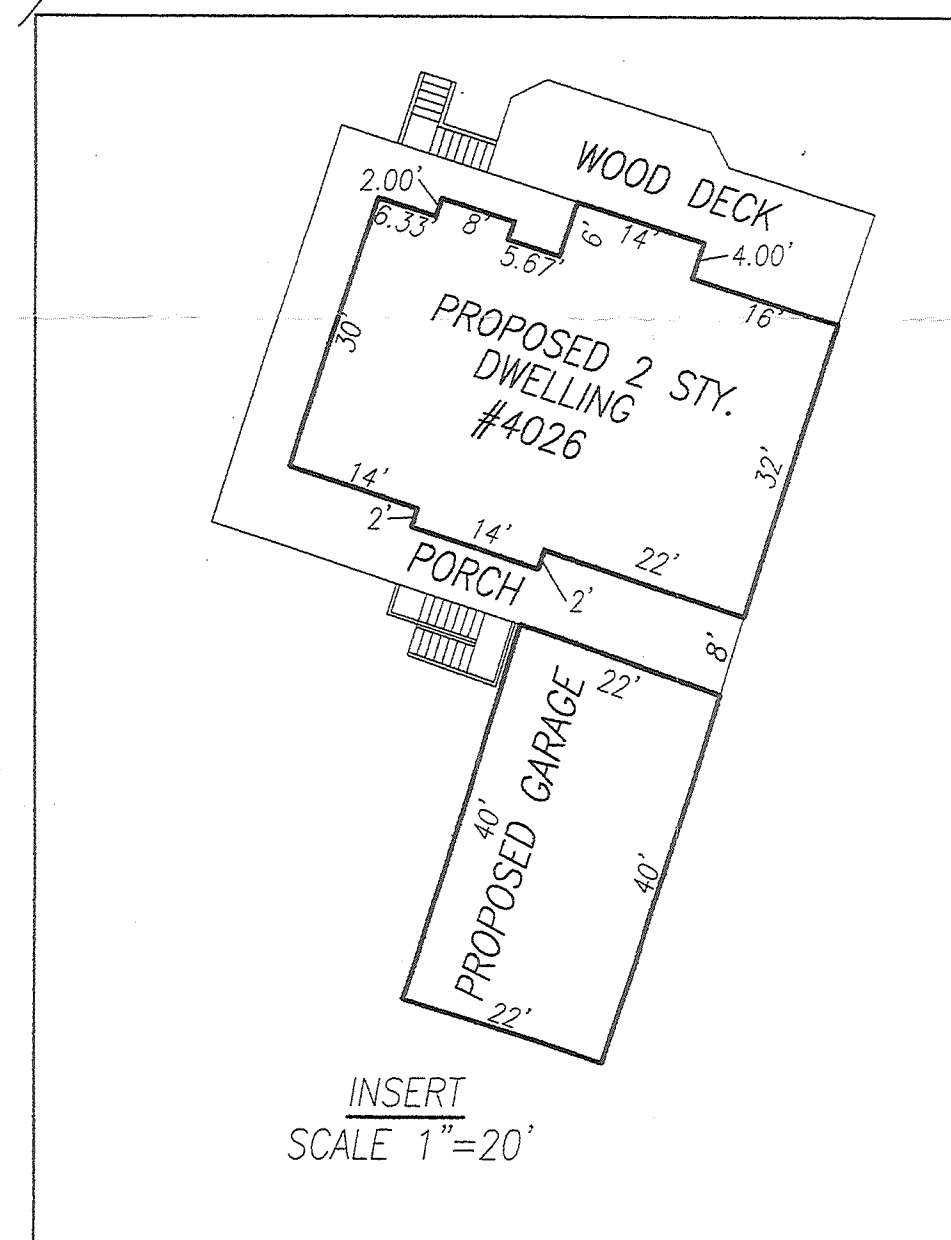
SENECA CREEK

**GENERAL NOTES:**

1. EXISTING ZONING: RC5 (09801)
2. LOT AREA: 26,647 S.F. or 0.612 ACRE PER BOUNDARY SURVEY
3. EXISTING USE: SINGLE FAMILY DWELLING TO BE RAZED  
PROPOSED USE: REPLACEMENT SINGLE FAMILY DWELLING
4. PUBLIC WATER AND SEWER ARE AVAILABLE TO THE SITE
5. NOT LOCATED IN THE HISTORIC DISTRICT
6. LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA (LDA)
7. LOCATED IN THE 100 YEAR FLOOD PLAIN AREA  
COMMUNITY PANEL NO. 240010 0435F ZONE: "X" AND "AE"
8. NO PRIOR ZONING HEARINGS
9. LOTS AS SHOWN ON A PLAT DATED APRIL 16, 1921
10. ALLOWABLE LOT COVERAGE: 25% 6661.75 S.F.
11. EXISTING DWELLING WAS BUILT IN 1963.
12. PROPERTY IS LOCATED WITHIN THE BUFFER MANAGEMENT AREA MUST MEET ALL BMA PROVISIONS FOR LOT COVERAGE WITHIN 100 FEET BUFFER AND REQUIRE MITIGATION OR FEE-IN-LIEU. ALSO, 15% AFFORESTATION REQUIREMENT MUST BE MET.
13. EXISTING WOOD PIER AND CONCRETE BULKHEAD TO REMAIN
14. EXISTING LOT COVERAGE:  
WALKS AND GARAGE: 1833.58 S.F.  
PORCH, CONCRETE PAD AND OUTHOUSE: 166.29 S.F.  
HOUSE: 1241.22 S.F.  
DRIVEWAY: 2230 S.F.  
TOTAL: 5461.09 S.F. +/- 20.5% OF LOT AREA
15. PROPOSED LOT COVERAGE:  
HOUSE, DECKS, PORCH: 3788 S.F.  
EXISTING PORTION OF DRIVEWAY AND PROPOSED ADDITIONAL DRIVEWAY: 2395 S.F.  
TOTAL: 6183 S.F. 23% OF LOT AREA



VICINITY MAP  
SCALE: 1"=500'



INSERT  
SCALE 1"=20'

OWNER: MIKE and KRISTEN LOVELESS  
3038 ELLIOTT STREET  
BALTIMORE MD 21224  
443-695-1665

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING  
"LOVELESS PROPERTY"  
#4026 CHESTNUT ROAD LOTS 136 and 137  
"BOWLEYS QUARTERS" 7/13  
ELECTION DISTRICT NO. 15 C6  
BALTIMORE COUNTY, MD  
SCALE 1"=20'  
OCTOBER 6, 2010  
JOB #9674

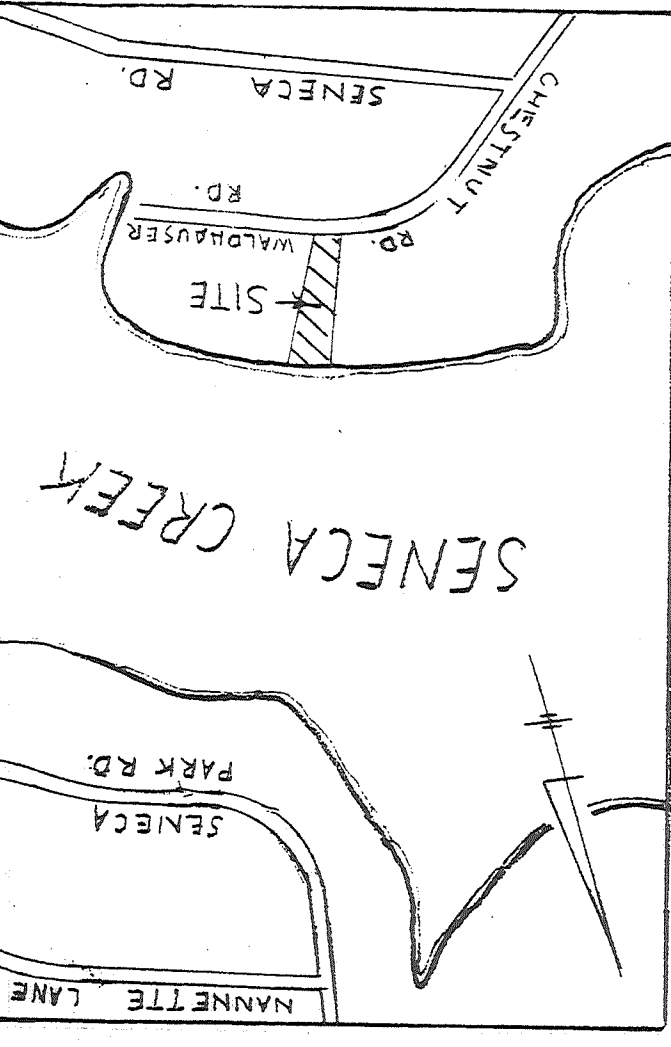
**SITERITE**  
SURVEYING INC.  
200 E. JOPPA ROAD  
SHELL BUILDING, SUITE 101  
TOWSON, MD. 21286  
410-828-9060

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING  
"LOVELESS PROPERTY"  
#4026 CHESTNUT ROAD LOTS 136 and 137  
"BOWLEYS QUARTERS" 7/13  
ELECTION DISTRICT NO. 15 C6  
BALTIMORE COUNTY, MD  
SCALE "1" = 20'  
OCTOBER 6, 2010  
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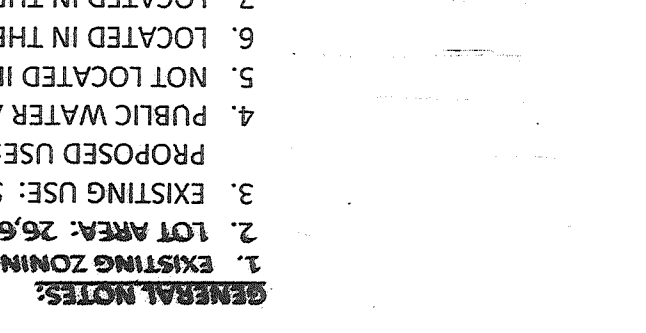
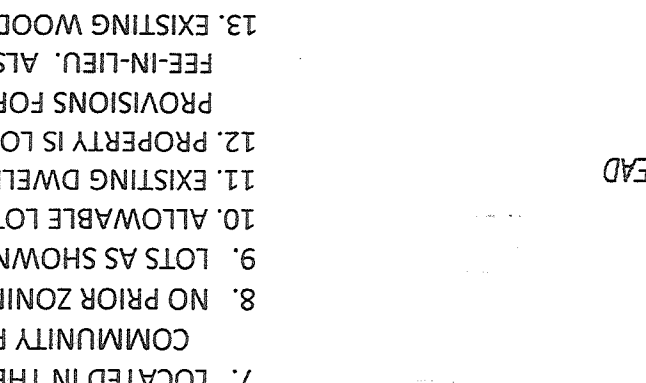
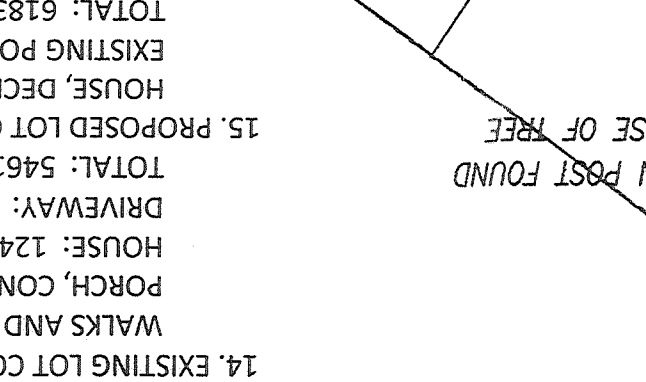
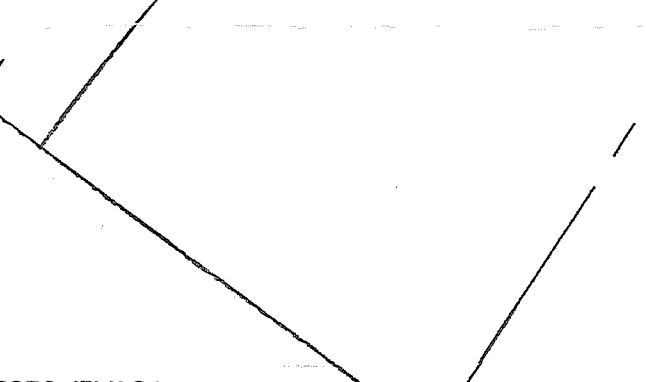
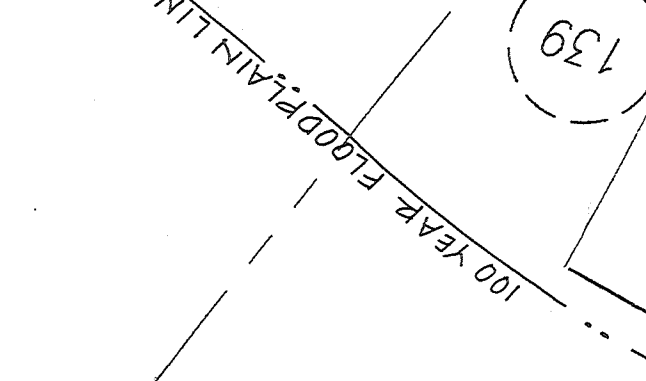
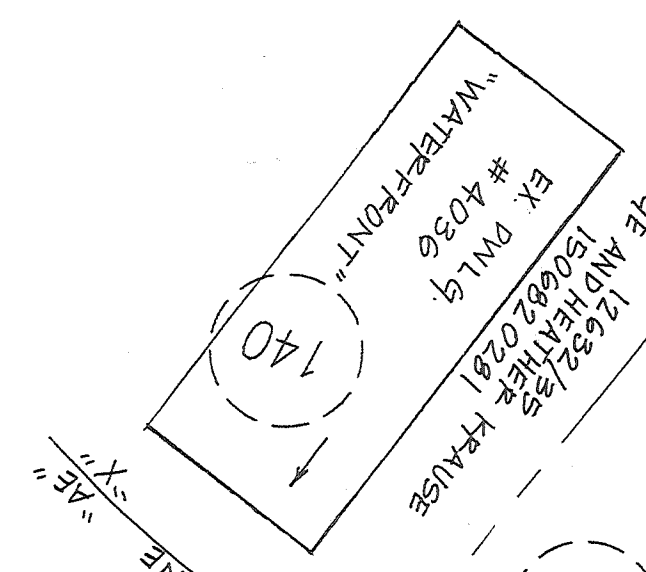
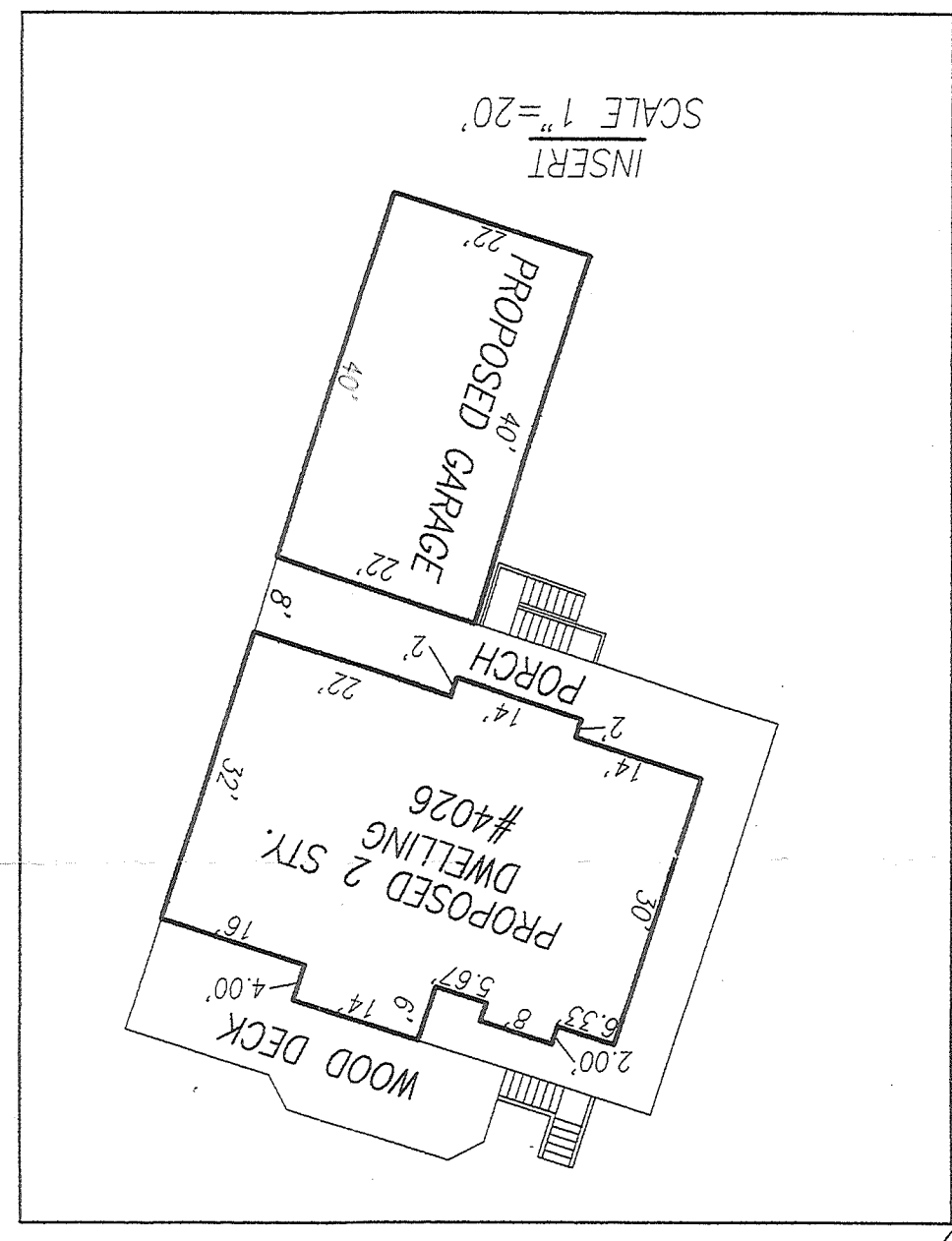
OWNER: MIKE and KRISTEN LOVELESS  
3038 ELLIOTT STREET  
BALTIMORE MD 21224  
443-695-1665

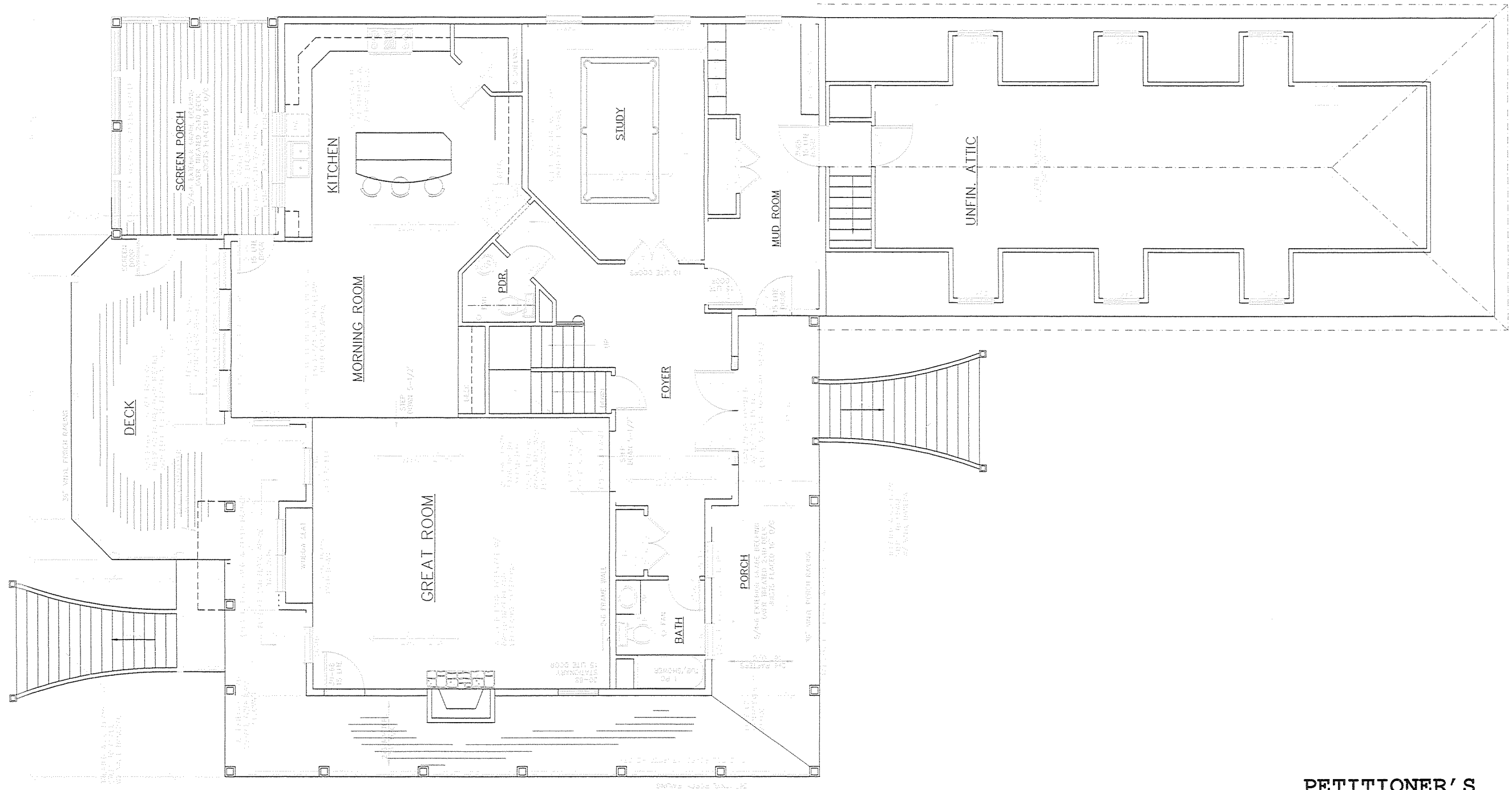
Yellow EX. IMPROVEMENTS  
Proposed IMPROVEMENTS

VICINITY MAP  
SCALE: 1" = 500'



- GENERAL NOTES:**
1. EXISTING ZONING: R3 (0960)
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PETITIONER'S  
EXHIBIT NO. 6