

IN RE: PETITION FOR ADMIN. VARIANCE

E side of Cherwin Avenue; 410 feet NE
of the c/l of Birdwood Avenue
15th Election District
6th Councilmanic District
(13215 Cherwin Avenue)

Angela L. Huth
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2011-0154-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, Angela L. Huth for property located at 13215 Cherwin Avenue. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a garage to be located in the front yard with a height of 16.8 feet in lieu of the required rear yard and a permitted height of 15 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner desires to construct a garage measuring 24 feet x 35 feet and states the front yard placement is due to the unique physical characteristics of the neighborhood. The neighboring back yards face the subject property at the front yard. Placing the garage in the back yard would interfere with the community integrity as the neighboring front yards face the subject property at the back yard.

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 November 10, 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 damage. Flood-resistant construction should be in accordance with the Baltimore County

ORDER RECEIVED FOR FILING

Date 1-19-11

By

Building Code which adopts the International Building Code. Comments were received from the Office of Planning dated November 16, 2010. That office is concerned about the proposal and requests a full variance hearing to ensure that all aspects of this particular case can be examined and are disclosed to the adjacent property owners. The Planning Office suggests that the garage be constructed at the end of the driveway in the rear yard of the property. Placing the garage at this location would complement the already established pattern of the house orientation. Structures on Powderdale Avenue to the south of the property already face the rear of the existing dwelling and would not face any additional negative impact from the rear of the garage, provided that it is finished with quality materials and maintains a residential character. The Office of Planning also recommends 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. Comments were received from the Department of Environmental Protection and Resource Management (DEPRM) dated December 21, 2010. 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, they offer the following comments:

1. This lot is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA). It is not waterfront. Relief to the height restrictions and to allow the garage in the front yard will not adversely affect the Critical Area. A limit of 31.25% on lot coverage, and mitigation for lot coverage between 25% and 31.25% will minimize adverse impacts on water quality that result from development activities.
2. The proposed development must comply with all LDA requirements. There must be six trees on the property to meet the 15% afforestation requirement; the trees must be planted if none exist on site; therefore the subject zoning petition will conserve fish, wildlife, and plant habitat.
3. The proposed development will be required to meet all LDA 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.

ORDER RECEIVED FOR FILING

Date 1-19-11

2

By _____

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on November 7, 2010 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the 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.

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.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 19th day of January, 2011 that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a garage to be located in the front yard with a height of 16.8 feet in lieu of the required rear yard and a permitted height of 15 feet is hereby GRANTED, subject to the following:

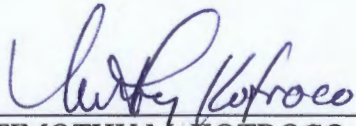
1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner 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.

ORDER RECEIVED FOR FILING

Date 1-19-11

3. The accessory structure shall not be used for commercial purposes.
4. The base flood elevation for this site is 8.5 feet [NAVD 88].
5. The flood protection elevation for this site is 9.5 feet.
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. 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.
12. 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 21, 2010. A copy of this comment has been attached hereto and is made a part hereof.
13. 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 1-19-11

By [Signature]

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: December 21, 2010

SUBJECT: Zoning Item # 11-154-A
Address 13215 Cherwin Avenue
(Huth 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) of the Chesapeake Bay Critical Area (CBCA). It is not waterfront. Relief to the height restrictions and to allow the garage in the front yard will not adversely affect the Critical Area. A limit of 31.25% on lot coverage, and mitigation for lot coverage between 25% and 31.25% will minimize adverse impacts on water quality that result from development activities.
2. The proposed development must comply with all LDA requirements. There must be six trees on the property to meet the 15% afforestation requirement; the trees must be planted if none exist on site; therefore the subject zoning petition will conserve fish, wildlife, and plant habitat.
3. The proposed development will be required to meet all LDA 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 30, 2010

ORDER RECEIVED FOR FILING

date

3y



KEVIN KAMENETZ
County Executive

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

January 19, 2011

ANGELA L. HUTH
13215 CHERWIN AVENUE
MIDDLE RIVER MD 21220

Re: Petition for Administrative Variance
Case No. 2011-0154-A
Property: 13215 Cherwin Avenue

Dear Ms. Huth:

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, appearing to read "Timothy Kotroco", is written over a faint, larger signature.

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property located at 13215 Cherwin Avenue

which is presently zoned DR 5.5

Deed Reference: 24002/717 Tax Account # 2100005870

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) 400.1 & 3; BCZR, to permit a height garage to be located in the front yard with a height of 16.8 ft in LIEU of the Required rear yard and a permitted height of 15 ft.

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

Date Address Telephone No.

By City State Zip Code

Legal Owner(s):

Angela L. Huth

Name - Type or Print

Signature

Name - Type or Print

Signature

13215 Cherwin Avenue 443-271-2673

Address Telephone No.

Middle River MD 21220

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

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 day of 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.

Zoning Commissioner of Baltimore County

Case No. 2011-0154-A

Reviewed By [Signature] Date 10/28/10

Estimated Posting Date 11/7/10

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 13215 Cherwin Avenue
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) The request for Administrative Zoning Variances is to place a garage in the front yard (variance is for

front yard placement), sixteen feet-eight inches high (variance is for one foot-eight inches).

The front yard garage placement is due to the unique physical characteristics of the neighborhood. The neighboring backyards face my property at the Front Yard. (Photos 1-3 attached) Conversely, placing the garage in the back yard would interfere with the community integrity as the neighboring front yards face my property at the back yard. (photos 4-6 attached)

The minimum relief necessary to maintain community integrity is placing the garage in the front at sixteen feet eight inches high.

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.

Signature

Angela L. Huth

Name- print or type

Signature

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 21st day of October 2010, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here):

Angela L. Huth
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Regina Fulk
Name of Notary Public

5/23/12
Commission expires

PLACE SEAL HERE:

PROPERTY DESCRIPTION

ZONING DESCRIPTION FOR

13215 CHERWIN AVENUE

Beginning at the South side of Cherwin Avenue which is 40 feet wide at the distance of 410 Feet ~~South~~ ^{NORTH EAST} of the centerline of the nearest improved intersecting street Birdwood Avenue which is 40 feet wide.

The property address at 13215 Cherwin Avenue in Subdivision Twin Rivers Beach, from PLAT Book, W.H.M. Number 9, Folio Number 33, Lot Numbers 151, 152, 153, 154, 167, 168, 169, 170 Section A is also known as Number 358, Route 16, Powderdale Road.

The property is 21,120 square feet, located in the 15th Election District and County Councilmanic District 6.

2011-0154-A

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

No. **61007**

Date: **10/28/10**

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
 10/28/2010 10/28/2010 10:09:47 1

REG WS01 WALKIN JRIC JMR
 >>RECEIPT # 476944 10/28/2010 OFLN

Dept 5 528 ZONING VERIFICATION

CR NO. 061007

Recpt Tot \$65.00
 \$65.00 CK \$.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						65.00

Total: **65.00**

Rec From: **Angela A Hath**

For: **13215 Cherwin Ave**

21220

2011-0154-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No. 2011-0154-A

Petitioner/Developer ANGELA
HATH

Date Of Hearing/Closing: 11/22/10

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 13215 CHERWIN AVE

This sign(s) were posted on November 7, 2010
Month, Day, Year
Sincerely,

Martin Ogle 11/7/10
Signature of Sign Poster and Date

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



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0154 -A Address 13215 Cheawin Ave
Contact Person: LEONARD WASILEWSKI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 10/28/10 Posting Date: 11/7/10 Closing Date: 11/22/10

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 2011- 0154 -A Address 13215 Cheawin Ave
Petitioner's Name Angela C. Huth Telephone _____
Posting Date: 11/7/10 Closing Date: 11/22/10
Wording for Sign: To Permit A GARAGE to be located in the Front Yard
with a height of 16.8 feet in lieu of the required
rear yard and a permitted height of 15 Feet.

WCR - Revised 7/7/08



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

November 19, 2010

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

Angela L. Huth
13215 Cherwin Avenue
Middle River, Maryland 21220

Dear Ms. Huth:

RE: Case # 2011-0154-A 13215 Cherwin Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 28, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc

Enclosures

c: People's Counsel

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



MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: Nov. 16, 2010

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

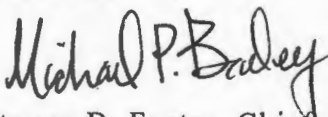
RE: Baltimore County
Item No. 2011-0154-A
13215 CHERWIN AVE
ANGELA HUTH PROPERTY
ADMIN. VAR. SPECIAL HEARING

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. 2011-0154-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,


FOA 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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 16, 2010

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

SUBJECT: 11-154 – Administrative Variance

The Office of Planning has reviewed the subject requested variances from Section 400.1, 400.3 to permit a garage in the front yard with a height of 16.8 feet, in lieu of the required rear yard at a permitted height of 15 feet. The Office of Planning is concerned about the proposal and requests a full variance hearing to ensure that all aspects of this particular case can be examined and are disclosed to adjacent property owners.

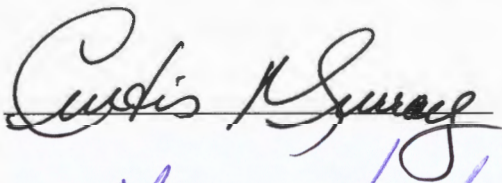
The Office of Planning suggests the garage be constructed at the end of the driveway in the rear yard of the property. Placing the garage at this location would complement the already established pattern of the house orientation. Structures on Powderdale Avenue to the south of the property already face the rear of the existing dwelling and would not face any additional negative impact from the rear of the garage, provided that it is finished with quality materials and maintains a residential character.

Should the Zoning Commissioner grant the petitioner's request the following conditions shall be planed on the subject relief:

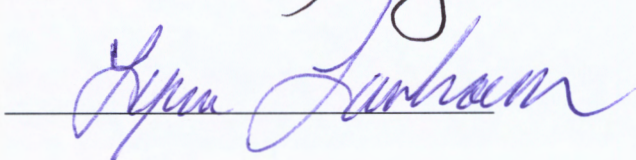
1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Section Chief:



AFK/LL: CM

RECEIVED

NOV 18 2010

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: December 21, 2010

SUBJECT: Zoning Item # 11-154-A
Address 13215 Cherwin Avenue
(Huth 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) of the Chesapeake Bay Critical Area (CBCA). It is not waterfront. Relief to the height restrictions and to allow the garage in the front yard will not adversely affect the Critical Area. A limit of 31.25% on lot coverage, and mitigation for lot coverage between 25% and 31.25% will minimize adverse impacts on water quality that result from development activities.
2. The proposed development must comply with all LDA requirements. There must be six trees on the property to meet the 15% afforestation requirement; the trees must be planted if none exist on site; therefore the subject zoning petition will conserve fish, wildlife, and plant habitat.
3. The proposed development will be required to meet all LDA 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 30, 2010

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For November 22, 2010
Item No. 2011-154

DATE: November 10, 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 11-154-11222010.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

no (H)

DATE: November 30, 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. 2011-0154-A -- located at 13215 Cherwin Avenue

After a review of the above-captioned case file and negative comments from the Office of Planning, Tom Bostwick has requested that this case be set in for a public hearing. The comments from the Office of Planning do not support the location of a garage in the front yard and suggests that the garage be constructed at the end of the driveway in the rear yard of the property. The Office of Planning is concerned about the proposal and all aspects of the case should be examined and disclosed to adjacent property owners during a public hearing.

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

RECEIVED

JAN 13 2011

ZONING COMMISSIONER

approve
mention ZAC comments
"compliance ...
(in condition)

From: Patricia Zook
To: Campbell, Rose; Lewis, Kristen
Date: 11/30/2010 11:05 AM
Subject: Case No. 2011-0154-A -- located at 13215 Cherwin Avenue
Attachments: IO-2011-0154-A AV schedule hearing-OP comments.doc

Ladies -

Please see Tom's memo regarding this case. The file is being returned to your office.

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

410-887-3868

pzook@baltimorecountymd.gov

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 - 2100005870

Owner Information

Owner Name: HUTH ANGELA L **Use:** RESIDENTIAL
Principal Residence: YES
Mailing Address: 13215 CHERWIN AVE
BALTIMORE MD 21220-1007 **Deed Reference:** 1) /24002/ 717
2)

Location & Structure Information

Premises Address 13215 CHERWIN AVE
Legal Description LS 151-154,167-170
13215 CHERWIN AVE
TWIN RIVER BEACH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
84	1	43			A		151	3	Plat Ref: 9/ 33

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1989	1,220 SF	22,583.00 SF	04

Stories	Basement	Type	Exterior
SPFOY		SPLIT FOYER	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2010	07/01/2011
Land	89,390	89,390		
Improvements:	192,150	198,790		
Total:	281,540	288,180	285,966	288,180
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
HUTH ANGELA L	05/12/2006	\$0
Type: NOT ARMS-LENGTH	Deed1: /24002/ 717	Deed2:
Seller: PUSZCZEWICZ DANIEL	Date: 12/07/2001	Price: \$170,000
Type: IMPROVED ARMS-LENGTH	Deed1: /15832/ 585	Deed2:

2011-0154-A

[illegible]



0154-A

NEIGHBOR LOT 150

BACKYARD FACES MY FRONT
YARD

③



FRONT
YARD



0154-A



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 13215 CHERWIN AVENUE

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Two Rivers Beach

SCALE

PLAT BOOK # 9 FOLIO # 33 LOT # 5 SECTION # 4

1"=25'

OWNER ANGELA L. HUTH

→ 151, 152, 153, 154, 167, 168, 169, 170

Also known as No. 358, Route 16, Powderdale Road

NEIGHBOR
BACKYARD

51° 11' E

NEIGHBOR
BACKYARD

NEIGHBOR
FRONT YARD

ASPHALT DRIVE

BACKYARD

PROPOSED
GARAGE

FRAME
SHED
28'

WIRE FENCE

NEIGHBOR
BACKYARD

NEIGHBOR
FRONT YARD



VICINITY MAP
SCALE: 1" = 500m

LOCATION INFORMATION

ELECTION DISTRICT 15th

COUNCILMANIC DISTRICT 6th

1"=200' SCALE MAP # 084A3

ZONING DR S.5

LOT SIZE 21,120
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

CHESAPEAKE BAY
CRITICAL AREA YES ☒ NO ☐

100 YEAR FLOOD PLAIN YES ☒ NO ☐

HISTORIC PROPERTY/
BUILDING YES ☐ NO ☒

PRIOR ZONING HEARING : NO

ZONING OFFICE USE ONLY
REVIEWED BY TH ITEM # 2011 CASE # 0154-A

