

IN RE: PETITION FOR VARIANCE

N side of 2nd Street; 110' W of
Cuckold Point Road
15th Election District
7th Councilmanic District
(2803 2nd Street)

David M. and Michele L. McWilliams
Petitioners

*

*

*

*

*

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2011-0344-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings as a Petition for Variance filed by the legal owners of the subject property, David M. and Michele L. McWilliams. The variance request is from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed replacement dwelling with a side yard setback of 8 feet in lieu of the minimum required 10 feet and a front street setback of 35 feet in lieu of the averaged front street setback of 40 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was David McWilliams, property owner. The record in this case reflects that the subject property was properly posted and advertised as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested citizens in attendance.

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 June 9, 2011. The comments indicate that the first floor or basement must be at least one foot above the flood plain elevation in all construction, the building should be designed and adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood

ORDER RECEIVED FOR FILING

Date 7-13-11

By [Signature]

damage. A permit from the Building Engineer will be required for the project, and flood-resistant construction should be in accordance with the Baltimore County Building Code which adopts the International Building Code. The subject property, being in the Chesapeake Bay Critical Area, the Department of Environmental Protection and Sustainability (DEPS), pursuant to § 500.14 of the B.C.Z.R. provided written recommendations to the file. They noted that, to minimize the impact on water quality, lot coverage requirements must be met by the Petitioners in carrying out the project. That action will, in DEPS' opinion, be a positive factor in conserving fish habitat in Back River. Upon compliance with their comments, DEPS believes that the project is consistent with the goals of the Chesapeake Bay Critical Area Regulations.

Testimony and evidence offered by the Petitioners revealed that the property is 50 feet x 138 feet and is zoned DR 5.5. It is served by public water and sewer. Petitioners wish to replace the existing structure with a single family residence 50 feet x 32 feet. Further, he wishes to reduce the front street setback to 35 feet in lieu of the required 40 feet in order to affect a reduction in lot coverage in conformance with the above-noted DEPS comments. Addressing himself to the requirements of the statutes and case law regarding variances, Petitioners believe that the property is unique in that, at 138 feet, the lot is shorter than many in the area; it is also higher in elevation than many of the surrounding properties. He wishes to provide living space for his family, including facilities for his mother-in-law, who suffers from severe medical issues. Without the requested variance, he will not be able to provide for the needs of his extended family and still be in a position to conform with the requirements set out in the various agency comments.

Considering all of the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Moreover, I find that strict

ORDER RECEIVED FOR FILING

Date 7-13-11

2

By [Signature]

enforcement of the B.C.Z.R. would cause the Petitioners to suffer practical difficulty and undue hardship. Therefore, I also find that the variances requested can be granted in strict harmony with the spirit and intent of the said regulations, and in such a manner as grant relief without injury to the public health, safety, and general welfare.

Thus, the variances requested meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

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 13 day of July, 2011 that a Variance from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed replacement dwelling with a side yard setback of 8 feet in lieu of the minimum required 10 feet and a front street setback of 35 feet in lieu of the averaged front street setback of 40 feet, be and is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The base flood elevation for this site is 7.7 feet [NAVD 88].
3. The flood protection elevation for this site is 8.7 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.

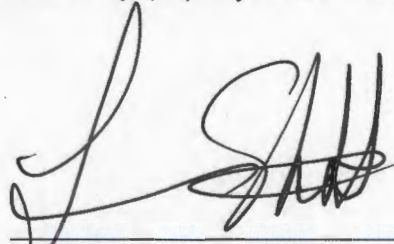
ORDER RECEIVED FOR FILING

Date 7-13-11

By [Signature]

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.

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



LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:pz

ORDER RECEIVED FOR FILING

Date 7-13-11

By [Signature]



KEVIN KAMENETZ
County Executive

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

July 13, 2011

DAVID M. AND MICHELE L. MCWILLIAMS
2803 2ND STREET
BALTIMORE MD 21219

Re: Petition for Variance
Case No. 2011-0344-A
Property: 2803 2nd Street

Dear Mr. and Mrs. McWilliams:

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 with the Department of Permits, Approvals and Inspections an appeal within thirty (30) days from the date of this Order. 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 "L. Stahl", is written over the printed name of Lawrence M. Stahl.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz

Enclosure



QBCA / Flood Plains

Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 2803 2nd Street Baltimore, MD 21219
which is presently zoned DR 5.5

Deed Reference: 20333 / 450 Tax Account # 1502571461

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

*1B02.3.C.1 & 303.1, BC2R, to permit
a proposed replacement dwelling with a side yard setback of 8 feet in lieu of
the minimum required 10 feet and a front street setback of 35 feet in
lieu of the averaged front street setback of 40 feet.*

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

To Be Presented At Hearing

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

David McWilliams

Name - Type or Print

Signature

Michele McWilliams

Name - Type or Print

Signature

2802 2nd Street

410-299-2445

Address

Telephone No.

Baltimore

MD

21219

City

State

Zip Code

Representative to be Contacted:

David McWilliams

Name

2802 2nd Street

410-299-2445

Address

Telephone No.

Baltimore

MD

21219

City

State

Zip Code

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by JNP

Date 5/25/2011

REV 8/20/07

ORDER RECEIVED FOR FILING

Date 7-13-11

By [Signature]



CBCA/Flood Plains
Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at 2803 2nd Street Baltimore, MD 21219
which is presently zoned DR 5.5

Deed Reference: 20333/450 Tax Account # 1502571461

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1 & 303.1, BC2R, to permit a proposed replacement dwelling with a side yard setback of 8 feet in lieu of the minimum required 10 feet and ~~a~~ reduced front street setback of 35 feet in lieu of an averaged front street setback of 40 feet

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

To Be Presented At Hearing

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____

Signature _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

David McWilliams

Name - Type or Print _____

Signature _____

Michele McWilliams

Name - Type or Print _____

Signature _____

2802 2nd Street 410-299-2445

Address _____ Telephone No. _____

Baltimore MD 21219

City _____ State _____ Zip Code _____

Representative to be Contacted:

David McWilliams

Name _____

2802 2nd Street 410-299-2445

Address _____ Telephone No. _____

Baltimore MD 21219

City _____ State _____ Zip Code _____

Case No. 2011-0344-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by SNP Date 5/25/2011

REV 8/20/07 **ORDER RECEIVED FOR FILING**

Date 7-13-11

By [Signature]

ZONING DESCRIPTION FOR 2803 2nd Street

Beginning at a point North side of 2nd Street which is 20' feet wide at the distance of 110 ± west of the Centerline of the nearest improved intersection street

Cuckold Pt. Rd. which is 20' wide *Being Lot# 16 Block _____. Section# _____

in the subdivision of Swan Point as recorded in Baltimore County Plat

Book# LMCLM #9, Folio# 5 containing 6900 sq. ft. Also known as 2803 2nd Street.
and located in the 15th Election District, 7th Councilman District.

2011-0344-A

**NOTICE OF ZONING
HEARING**

The Administrative Law Judges 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: # 2011-0344-A

2803 2nd Street
N/side of 2nd Street, 110 feet
west of Cuckold Point Road
15th Election District
7th Councilmanic District
Legal Owner(s): David &
Michelle McWilliams

Variance: to permit a proposed replacement dwelling with a side yard setback of 8 feet in lieu of the minimum required 10 feet and a front street setback of 35 feet in lieu of the averaged front street setback of 40 feet.

Hearing: Wednesday, July 6, 2011 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

**ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY**

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT/6/677 June 21 279104

CERTIFICATE OF PUBLICATION

6/23/2011

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 6/21/2011.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No. 2011-0344-A

Petitioner/Developer DAVE
McWILLIAMS

Date Of Hearing/Closing: 7/6/11

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 2803 2ND ST.

This sign(s) were posted on June 20, 2011

Month, Day, Year

Sincerely,

Martin Ogle 6/20/11
Signature of Sign Poster and Date

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

ZONING NOTICE

CASE # 2011-0344-A

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

Room 205 TOWSON BUILDING 105 WEST
PLACE: CHESTNUT AVENUE, TOWSON 21204

DATE AND TIME: WEDNESDAY, MAY 6, 2011
AT 7:30 PM

REQUEST: VARIANCE TO PERMIT A PROPOSED REPLACEMENT
SHED WITH A 52'6" YARD SETBACK OF 8
FEET IN LIEU OF THE MINIMUM REQUIRED 10 FEET AND A FRONT
STREET SETBACK OF 34 FEET IN LIEU OF THE REQUIRED FRONT
STREET SETBACK OF 40 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONTINUE HEARING, CALL 847-3391

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

06/20/2011

Robert J. G. 6/20/11

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 21, 2011 Issue - Jeffersonian

Please forward billing to:
David McWilliams
2802 2nd Street
Baltimore, MD 21219

410-299-2445

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2011-0344-A

2803 2nd Street

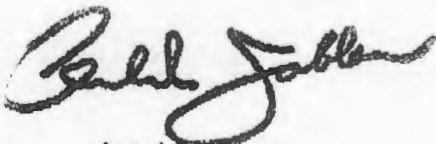
N/side of 2nd Street, 110 feet west of Cuckold Point Road

15th Election District – 7th Councilmanic Street

Legal Owners: David & Michelle McWilliams

Variance to permit a proposed replacement dwelling with a side yard setback of 8 feet in lieu of the minimum required 10 feet and a front street setback of 35 feet in lieu of the averaged front street setback of 40 feet.

Hearing: Wednesday, July 6, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

June 9, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2011-0344-A

2803 2nd Street

N/side of 2nd Street, 110 feet west of Cuckold Point Road

15th Election District – 7th Councilmanic Street

Legal Owners: David & Michelle McWilliams

Variance to permit a proposed replacement dwelling with a side yard setback of 8 feet in lieu of the minimum required 10 feet and a front street setback of 35 feet in lieu of the averaged front street setback of 40 feet.

Hearing: Wednesday, July 6, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. McWilliams, 2802 2nd Street, Baltimore 21219

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 21, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (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: 2011-0344-A
Petitioner: David & Michele McWilliams
Address or Location: 2803 2nd Street

PLEASE FORWARD ADVERTISING BILL TO:

Name: David McWilliams
Address: 2802 2nd Street
Baltimore, MD 21219
Telephone Number: 410-299-2445



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

June 20, 2011

Mr. & Mrs. David McWilliams
2802 2nd Street
Baltimore, MD 21219

RE: Case Number 2011-0344A, 2803 2nd Street, Baltimore, MD 21219

Dear Mr. & Mrs. McWilliams,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 25, 2011. 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:mcn

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

JUN 21 2011



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: June 21, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-344-A
Address 2803 2nd Street
(McWilliams Property)

Zoning Advisory Committee Meeting of June 6, 2011.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area and is subject to Critical Area lot coverage requirements. The applicant is proposing to reduce the side and front yard setbacks for a replacement dwelling. To minimize impacts on water quality, lot coverage requirements must be met. By meeting the lot coverage requirements, the relief requested by the applicant will result in minimal impacts to water quality.

2. Conserve fish, wildlife, and plant habitat; and

This property is not waterfront. The applicant's plan accompanying this zoning petition shows that the requested relief will help reduce the lot coverage on site, which will conserve fish habitat in Back River.

3. 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.

The applicant's proposal is consistent with this goal. The relief requested will be consistent with established land-use policies provided that the applicants meet the requirements stated above.

Reviewer: *Regina Esslinger; Environmental Impact Review*

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For June 20, 2011
Item No. 2011-344

DATE: June 9, 2011

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The base flood elevation for this site is 7.7 feet [NAVD 88].

The flood protection elevation is 8.7 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN
cc: File
ZAC-ITEM NO 11-344-06202011.doc

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



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

Maryland Department of Transportation

Date: 6-7-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

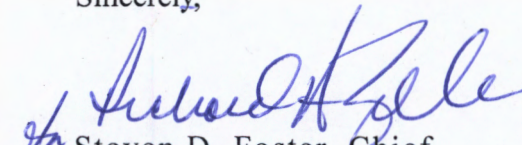
RE: Baltimore County
Item No. 2011-0344-A
Variance.
David & Michele McWilliams
2803 2nd Street

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. 2011-0344-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1800.735.2258 Statewide toll free

Street address: 707 North Calvert Street - Baltimore, Maryland 21202 - Phone 410.545.0300 - www.marylandroads.com





KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

June 3, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **June 6, 2011**

Item No.:

Special Hearing: 2011-0345-SPH, 2011-0346—SPHA.

Variance: 2011-0339A – 0340A, 2011-0344A, 2011-0346—SPHA.

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For June 20, 2011
Item No. 2011-344

DATE: June 9, 2011

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The base flood elevation for this site is 7.7 feet [NAVD 88].

The flood protection elevation is 8.7 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

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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
cc: File
ZAC-ITEM NO 11-344-06202011.doc

RE: PETITION FOR VARIANCE
2803 2nd Street; N.S 2nd Street,
W of Cuckold Point Road
15th Election & 7th Councilmanic Districts
Legal Owner(s): David & Michele McWilliams*
Petitioner(s)

* BEFORE THE
* ADMINISTRATIVE LAW
* JUDGE FOR
* BALTIMORE COUNTY
* 2011-344-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

JUN 06 2011

.....

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 June, 2011, a copy of the foregoing Entry of Appearance was mailed to David McWilliams, 2802 2nd Street, Baltimore, Maryland 21219, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

2803 2nd Street



Publication Date: May 25, 2011
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 50 100
 Feet

1 inch = 50 feet

2011-0344-A

Elevations and Flood Hazards



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PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

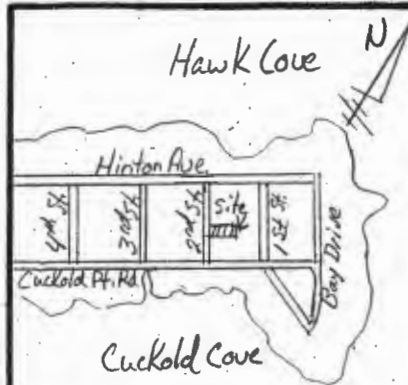
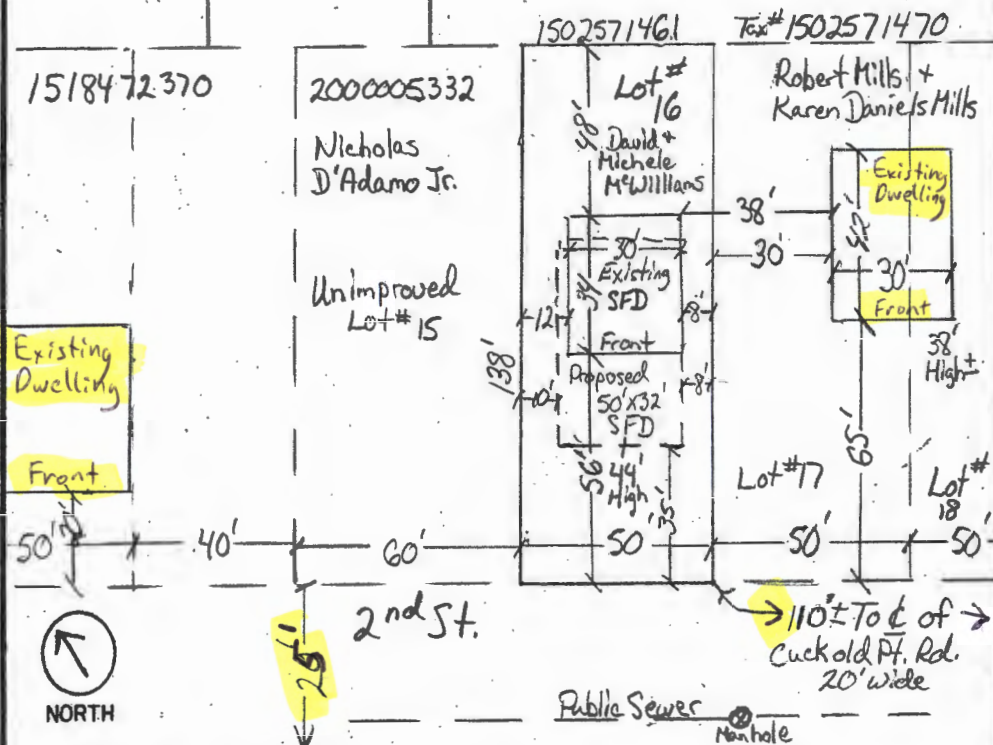
PROPERTY ADDRESS 2803 2nd St.

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

SUBDIVISION NAME Swan Point

PLAT BOOK # 9 FOLIO # 5 LOT # 16 SECTION #

OWNER David + Michele McWilliams



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # 11282

ZONING DRS.5

LOT SIZE .158 ACREAGE 6700 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐
CHESAPEAKE BAY CRITICAL AREA	☒	☐
100 YEAR FLOOD PLAIN	☒	☐
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING	☒	☒

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
JNP	0344	2011-0344-A

7-6-11
Relat G#1

-15-