

IN RE: PETITION FOR VARIANCE

W side of Denton Road; 180' S of the
c/line of Cherry Garden Road
15th Election District
6th Councilmanic District
(1512 Denton Road)

Frank B. and Catherine R. Brown
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2011-0360-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Variance filed by the legal owners of the subject property, Frank B. and Catherine R. Brown. Petitioners are requesting Variance relief under Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit side yards with a minimum of 6 feet and a sum of 14 feet in lieu of the required 10 feet and 25 feet respectively for a replacement dwelling on the existing lot of record. The subject property and requested relief is more fully depicted 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 variance request were Petitioner Frank Brown, William H. Storm, IV with Freestate General Contractors, and David Billingsley of Central Drafting & Design, who are assisting the Petitioners with the permitting process. The file reveals that the Petition was properly advertised and the property was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons in attendance at the hearing.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Sustainability on July 8, 2011 and based on this review, they offer the following comments:

ORDER RECEIVED FOR FILING

Date 8-5-11

By [Signature]

"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 (LDA) and is subject to Critical Area lot coverage requirements. The applicant is proposing to construct a replacement dwelling that is larger than the existing dwelling. The increase in lot coverage {as defined in State of Maryland Natural Resources Article §8-1802(a)(17), must meet all LDA requirements and water quality impacts can be minimized in this proposal. By meeting the lot coverage and BMA requirements, the relief requested by the applicant will result in minimal impacts to water quality.

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

This waterfront property is located within a Buffer Management Area (BMA) of the Critical Area. The applicant's plan accompanying this zoning petition shows that the proposed dwelling is located entirely within the 100-foot tidal buffer. Impacts to the tidal buffer must meet all BMA requirements for location but the proposed side yard setbacks would not affect those requirements. The new impacts require mitigation that will improve buffer functions and conserve fish habitat in Muddy Gut.

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 to construct a replacement dwelling on this waterfront property 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."

Comments were received from the Bureau of Development Plans Review dated July 6, 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 damage. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts the International Building Code.

ORDER RECEIVED FOR FILING

Date 8-5-11 2

By [Signature]

Mr. Billingsley offered a proffer on behalf of the Petitioners. He stated that they had purchased the property, zoned DR 3.5, in 2011 with the intention of razing the existing one story structure built in 1938 and constructing a new building as noted as the Plat to Accompany the Petition for Variance (Petitioners' Exhibit 1).

The witness addressed himself to the various agency comments. As the property is located within the Chesapeake Bay Critical Area, the Department of Environmental Protection and Sustainability (DEPS), requirements were set out pursuant to the B.C.Z.R. Section 500.14. Development Plans Review also provided detailed comments regarding structural requirements for the proposed construction. Petitioners agree and will carry out the proposed construction in full compliance with the various comments. In addition, he has agreed and will provide for any mitigation costs related to all areas disturbed by the project.

In regards to the variance request itself, the witness offered that the subject property is unique in light of its irregular water-side dimensions as well as the narrowing of the property from 50 feet frontage to 44 feet at the rear. Given the dimensions of the site, construction without the requested variance would require the structure to be only 21 feet wide, rendering it untenable both physically and financially.

Considering all of the testimony and evidence presented, I am persuaded to grant the requested 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 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 to grant relief without injury to the public, health, safety and general welfare. In all manner and respect, the variances requested meet

ORDER RECEIVED FOR FILING

Date 8-5-11

By [Signature]

the requirements of Section 307 of the B.C.Z.R. as well as those requirements established in *Cromwell v. Ward*, 102 Md. App. 691 (1995) and *McLean v. Soley*, 270 Md. 208 (1973).

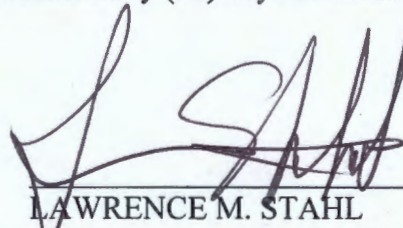
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioners, I find that Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 5th day of August, 2011 by this Administrative Law Judge that Petitioners' Variance requests from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit side yards with a minimum of 6 feet and a sum of 14 feet in lieu of the required 10 feet and 25 feet respectively for a replacement dwelling on the existing lot of record, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioners are to comply with the Zoning Advisory Committee (ZAC) comments received from the Department of Environmental Protection and Sustainability dated July 8, 2011 and the Bureau of Development Plans Review, dated July 6, 2011; copies of which are attached hereto and made a part hereof.

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

Attachment

LMS:pz

ORDER RECEIVED FOR FILING

Date 8-5-11 4

By [Signature]

8-1-11 10am
205

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

JUL 08 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: July 8, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-360-A
Address 1512 Denton Road
(Brown Property)

Zoning Advisory Committee Meeting of June 27, 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 (LDA) and is subject to Critical Area lot coverage requirements. The applicant is proposing to construct a replacement dwelling that is larger than the existing dwelling. The increase in lot coverage {as defined in State of Maryland Natural Resources Article §8-1802(a)(17)}, must meet all LDA requirements and water quality impacts can be minimized in this proposal. By meeting the lot coverage and BMA requirements, the relief requested by the applicant will result in minimal impacts to water quality.

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

This waterfront property is located within a Buffer Management Area (BMA) of the Critical Area. The applicant's plan accompanying this zoning petition shows that the proposed dwelling is located entirely within the 100-foot tidal buffer. Impacts to the tidal buffer must meet all BMA requirements for location but the proposed side yard setbacks would not affect those requirements. The new impacts require mitigation that will improve buffer functions and conserve fish habitat in Muddy Gut.

ORDER RECEIVED FOR FILING

Date

By

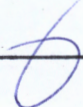
3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The applicant's proposal to construct a replacement dwelling on this waterfront property 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: *Paul Dennis; Environmental Impact Review*

ORDER RECEIVED FOR FILING

Date 8-5-11

By 

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 July 11, 2011
Item No. 2011-360

DATE: July06, 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 11-360-072011.doc

ORDER RECEIVED FOR FILING

Date 8-5-11

By [Signature]



KEVIN KAMENETZ
County Executive

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

August 8, 2011

FRANK B. AND CATHERINE R. BROWN
298 MONTROSE AVENUE
BALTIMORE MD 21221

Re: Petition for Variance
Case No. 2011-0360-A
Property: 1512 Denton Road

Dear Mr. and Mrs. Brown:

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 word "Sincerely,".

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz

Enclosure

c: David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood MD 21040
William H. Storm IV, Freestate General Contractors, 810 Back River Neck Road, Baltimore MD 21221



CBA/Flood Plains
Petition for Variance

**to the Zoning Commissioner of Baltimore County for the property
located at** 1512 DENTON ROAD
which is presently zoned DR 3.5

Deed Reference: 30497 / 170 Tax Account # 1519710190

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 TO PERMIT SIDE YARDS WITH A MINIMUM OF 6 FEET AND A SUM OF 14 FEET IN LIEU OF THE REQUIRED 10 FEET AND 25 FEET RESPECTIVELY FOR A REPLACEMENT DWELLING ON THE EXISTING LOT OF RECORD

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):

FRANK BARRETT BROWN

Name - Type or Print Frank Barrett Brown 6-14-11
Signature _____

CATHERINE R. BROWN

Name - Type or Print Catherine R Brown 6-14-11
Signature _____

298 MONTROSE AVE. **410-574-6367**
Address Telephone No.

BALTIMORE **MD.** **21221**
City State Zip Code

Representative to be Contacted:

WILLIAM H STORM IV FREESTATE GEN CON

Name **810 BACK RIVER NECK ROAD 410-574-9337**

Address **BALTIMORE** **MD** **21221**
City State Zip Code

Case No. 2011-0360-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by A. Taw Date 6/15/11

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

Date 8-5-11

By [Signature]

ZONING DESCRIPTION

1512 DENTON ROAD

Beginning at a point on the west side of Denton Road (30 feet wide) distant 180 feet southerly from it's intersection with the center of Cherry Garden Road (30 feet wide), thence being all of Lot 3 as shown on the plat entitled Cherry Garden Farm recorded among the Baltimore County Plat Records in Plat Book 12 Folio 46. Containing 10,100 square feet or 0.232 acre of land, more or less.

Being known as 1512 Denton Road. Located in the 15th Election District, 6th Councilmanic District of Baltimore County, Md.

2011-0360-A

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

No. **70339**

Date: **6/15/11**

PAID RECEIPT

BUSINESS REPAIR
 6/15/2011 8:15:00 PM
 RECEIPT # 52325
 BAL. 00000
 Receipt total: \$75.00
 \$75.00 CR
 Baltimore County, MD - Cash

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	006	0000		6150					\$ 75

Total: **\$ 75**

Rec From: **FREETATE GEN. CONTR.**

For: **1512 DENTON ROAD**

2011-1360-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

**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: # 2011-0360-A
1512 Denton Road
W/side of Denton Road, 180 feet south of centerline of Cherry Garden Road
15th Election District
6th Councilmanic District
Legal Owner(s): Frank & Catherine Brown
Variance: to permit side yards with a minimum of 6 feet and a sum of 14 feet in lieu of the required 10 feet and 25 feet respectively for a replacement dwelling on the existing lot of record.

Hearing: Monday, August 1, 2011 at 10:00 a.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.

07/122 July 14 281345

hearing 8/1/11

CERTIFICATE OF PUBLICATION

7/14/2011

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 7/14/2011.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 07/16/2011

Case Number: 2011-0360-A

Petitioner / Developer: MR. & MRS. BROWN ~ WILLIAM STORM. IV ~
FREE STATE GENERAL CONTRACTORS, INC.

Date of Hearing (Closing): AUGUST 1, 2011

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
1512 DENTON ROAD

The sign(s) were posted on: JULY 16, 2011



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 14, 2011 Issue - Jeffersonian

Please forward billing to:
William Storm, IV
810 Back River Neck Road
Baltimore, MD 21221

410-574-9337

NOTICE OF ZONING HEARING

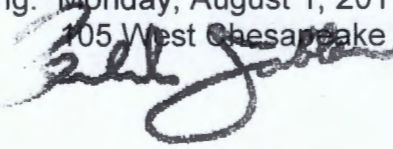
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1512 Denton Road
W/side of Denton Road, 180 feet south of centerline of Cherry Garden Road
15th Election District – 6th Councilmanic District
Legal Owners: Frank & Catherine Brown

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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

July 11, 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: 2011-0360-A

1512 Denton Road

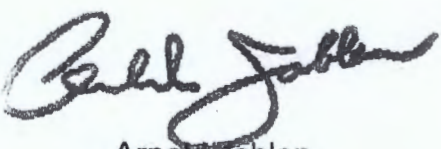
W/side of Denton Road, 180 feet south of centerline of Cherry Garden Road

15th Election District – 6th Councilmanic District

Legal Owners: Frank & Catherine Brown

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Hearing: Monday, August 1, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Brown, 298 Montrose Avenue, Baltimore 21221
William Storm, IV, Freestate Gen Con., 810 Back River Neck Rd., Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 16, 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, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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: 2011-0360-A
Petitioner: FRANK BROWN
Address or Location: 1512 DENTON ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: William H. Storm IV
Address: 810 Back River Neck Road
Baltimore MD. 21221
Telephone Number: 410-574-9337



KEVIN KAMENETZ
County Executive

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

July 27, 2011

Frank & Catherine Brown
298 Montrose Avenue
Baltimore, MD 21221

RE: Case Number 2011-0360-A, 1512 Denton Road

Dear Frank & Catherine Brown,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 15, 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." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
William H Storm IV Freestate Gen., Con., 810 Back River Neck Road, Baltimore, MD 21221



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 6-28-2011

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

RE: Baltimore County
Item No. 2011-0360-A
1512 DENTON ROAD
BROWN PROPERTY
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2011-0360-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,

A handwritten signature in black ink, appearing to read "Michael P. Badger".

Foster¹ Steven D. Foster, Chief
Access Management Division

SDF/rz



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

June 28, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **June 27, 2011**

Item No.:

Special Hearing: 2011-0359-SPHA, 2011-0361-SPH, 2011-0364-SPH, 2011-0368-SPH

Administrative Variance: 2011-0363A, 2011-0365A, 2011-0367A, 2011-0369A

Variance: 2011-0360A, 2011-0366-ASA

Special Variance: 2011-0366-ASA

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
cc: File

8-1-11 10am
205

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

JUL 08 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: July 8, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-360-A
Address 1512 Denton Road
(Brown Property)

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The applicant's proposal to construct a replacement dwelling on this waterfront property 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: *Paul Dennis; Environmental Impact Review*

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 July 11, 2011
Item No. 2011-360

DATE: July06, 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 11-360-072011.doc

RE: PETITION FOR VARIANCE
1512 Denton Road; W/S Denton Road; 180'
S of c/line of Cherry Garden Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Frank & Catherine Brown
Petitioner(s)

* BEFORE THE
* ADMINISTRATIVE LAW
* JUDGE FOR
* BALTIMORE COUNTY
* 2011-360-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.

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

RECEIVED

JUL 06 2011

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of July, 2011, a copy of the foregoing Entry of Appearance was mailed to William Strom, 810 Back River Neck Road, Baltimore, Maryland 21221, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Debra Wiley - ZAC Comments

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 7/12/2011 3:04 PM
Subject: ZAC Comments

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

Thanks and feel free to contact me should you have any questions or concerns.

2011-0359-SPH - 110 Forest Avenue (No Hearing Date reflected in data base as of today)

2011-0360-A - 1512 Denton Road (Hearing Date: 8/1/11) [DEPS comment rec'd]

2011-0361-SPH - Lincoln and Cooper Avenue (No Hearing Date reflected in data base as of today) - [DEPS comment rec'd]

2011-0362-SPH - 164 Wesley Avenue (Hearing: 8/1/11)

2011-0363-A (Administrative Variance) - 606 Hollow Road (Closing Date Per ZAC Agenda - 7/11/11; Closing Date Per data base - 7/25/11 - not sure which is correct)

2011-0364-SPH - Gilroy, Map 51, Parcel 360 Rd. (Hearing Date: 8/2/11) - [DEPS comment rec'd]

2011-0365-A (Administrative Variance) - 750 Chapel Ridge Road (Closing Date 7/18/11)

2011-0366-ASA (Variance Special Variance) - 1402 East Joppa Road (No Hearing Date reflected in data base as of today)

2011-0367-A (Administrative Variance) - 5 Ivy Brook Farm Ct. (Closing Date 7/18/11) - [DEPS comment rec'd]

2011-0368-SPH - 2464 East Ruhl Road (No Hearing Date reflected in data base as of today)

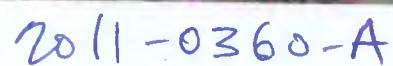
2011-0369-A - (Administrative Variance) 2627 Brannan Avenue (Closing Date 7/18/11)

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

CASE NAME 1512 Denton Rd.
CASE NUMBER 2011-0360-A
DATE 8-1-11 @ 10am

CASE NUMBER 2011-0360-A
DATE 8-1-11 @ 10AM

[illegible]



PETITIONER'S EXHIBITS

1512 DENTON ROAD
CASE NO. 2011-0360-A

- 1. PLAN TO ACCOMPANY VARIANCE REQUEST DATED JUNE 10, 2011**
- 2. SDAT REAL PROPERTY SEARCH**
- 3. DEED OF RECORD - LIBER 30497 FOLIO 170**
- 4. PLAT OF CHERRY GARDENS – PB 12 F 46 – RECORDED JULY 19, 1939**
- 5. PORTION OF COUNTY ZONING MAP 097C3**
- 6. AERIAL PHOTO**
- 7 a-h. PHOTOS**
- 8. BUILDING ELEVATIONS**

PETITIONER'S

EXHIBIT NO. _____

Maryland Department of Assessments and
Real Property Data Search (vw1.1A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 15 Account Number - 1519710190

Owner Information

Owner Name: BROWN FRANK BARRETT **Use:** RESIDENTIAL
BROWN CATHERINE R **Principal Residence:** NO
Mailing Address: 295 MONTROSE AVE **Deed Reference:** 1) /30497/ 00170
BALTIMORE MD 21221- 2)

Location & Structure Information

Premises Address

1512 DENTON RD
BALTIMORE 21221-0000

Legal Description

1512 DENTON RD
Waterfront CHERRY GARDENS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0097	0024	0426		0000			3	3	Plat Ref: 0012/ 0046

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1938	462 SF	10,972 SF	34

Stories	Basement	Type	Exterior
1.000000	NO	STANDARD UNIT ASBESTOS SHINGLE	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2010	07/01/2011
Land	120,970	120,970		
Improvements:	31,000	63,130		
Total:	151,970	184,100	173,390	184,100
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
STEWART HELEN ANNA	02/04/2011	\$142,000
Type: ARMS LENGTH IMPROVED	Deed1: /30497/ 00170	Deed2:
STEWART NORMAN E	06/27/2006	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /24082/ 00630	Deed2:
STEWART LESTER B	04/19/1982	\$8,000
Type: ARMS LENGTH IMPROVED	Deed1: /06386/ 00698	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County			0.00
State			0.00
Municipal			0.00

Tax Exempt:
Exempt Class:

Special Tax Recapture:
* NONE *

PETITIONER'S
EXHIBIT NO. 2

Precise Title, Inc.
File No. 5000-3847
Tax ID # 15-1519710190

0030497 10
PETITIONER'S

EXHIBIT NO. 2

This Deed, made this 4th day of February, 2011, by and between Lester A. Stewart and Margaret A. Smith, parties of the first part, Grantors; and Frank Barrett Brown and Catherine R. Brown, parties of the second part, Grantees.

- Witnesseth -

That for and in consideration of the sum of One Hundred Forty Two Thousand Dollars 00/100 (\$142,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantors do grant and convey to the said Frank Barrett Brown and Catherine R. Brown, as tenants by the entirety unto the survivor of them, their personal representatives, successors, heirs and assigns, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say:

Beginning for the same on the northwest side of a road 30 feet wide at the end of the two following courses and distances from a stone therefore planted at the beginning of a tract of land called "Cherry Gardens" said stone also being the beginning of the land which by deed dated October 18, 1928, and recorded among the Land Records of Baltimore County in Liber W.H.M. No. 660, folio 540 etc., was conveyed by Charles A. Pettit and wife to John O. Waechter and wife, viz: South 18 degrees 42 minutes east 102.5 feet and south 48 degrees 03 minutes west 610.66 feet and running thence from the said place of beginning and binding on the west side of said road 30 feet wide, south 15 degrees 03 minutes west 50 feet thence running for a line of division north 45 degrees 27 minutes 238.00 feet to the waters of Marshy Creek thence binding on the waters of said creek northeasterly 55.00 feet more or less to intersect a line drawn north 45 degrees 27 minutes west from the place of beginning and thence binding reversely on said line so drawn south 45 degrees 27 minutes east 185.00 feet to the pace of beginning. Together with the right to use for purpose of ingress and egress to the herein described lot the road as now used to the Back River Neck Road. Being also known as Lot No. 3 on Plat of A Portion of Cherry Garden Farm recorded among the Plat Book No. 12 folio 46. The improvements thereon being known as 1512 Denton Road.

Being the same lot of ground as described in a Deed dated April 24, 2006 and recorded June 27, 2006 among the Land Records of Baltimore County, Maryland in Liber 24082 folio 630 was granted and conveyed unto Lester A. Stewart and Margaret A. Smith, Remaindermen from Helen A. Stewart, reserving unto herself a life estate without powers. The said Helen A. Stewart having departed this life on February 10, 2010.

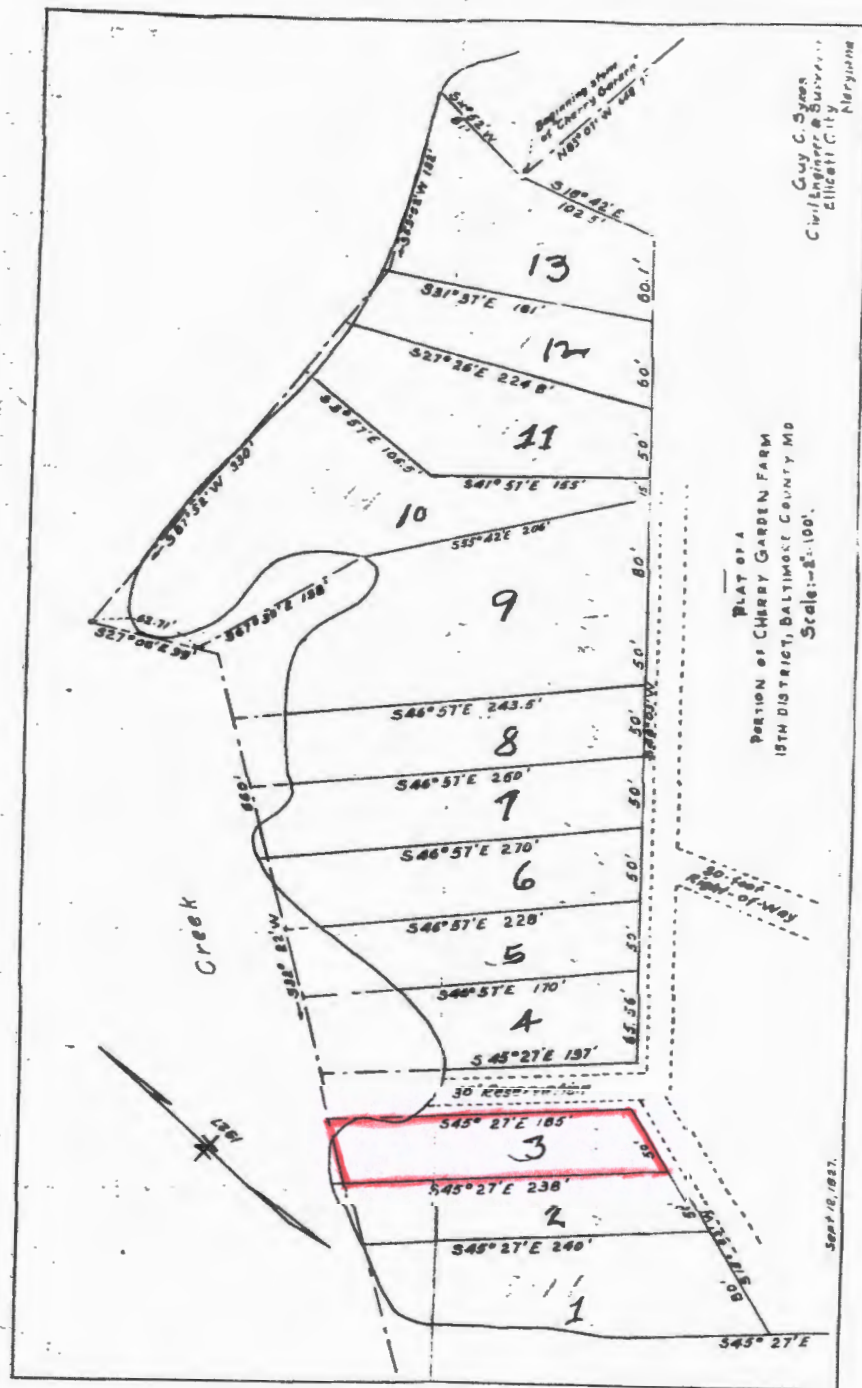
Subject to covenants, conditions, restrictions, easements and right of way agreements of record, if any.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

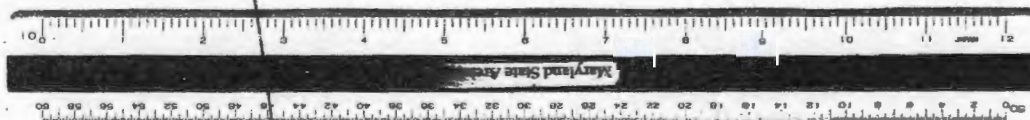
To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Frank Barrett Brown and Catherine R. Brown, as tenants by the entirety unto the survivor of them, their personal representatives, successors, heirs and assigns, in fee simple.

And the said parties of the first part hereby covenant that they have not done and suffered to be done any act, matter or thing whatsoever, to encumber the

PETITIONER'S
EXHIBIT NO. 3



PETITIONER'S
EXHIBIT NO. **4**



SITE

6 CD

15-ED

5



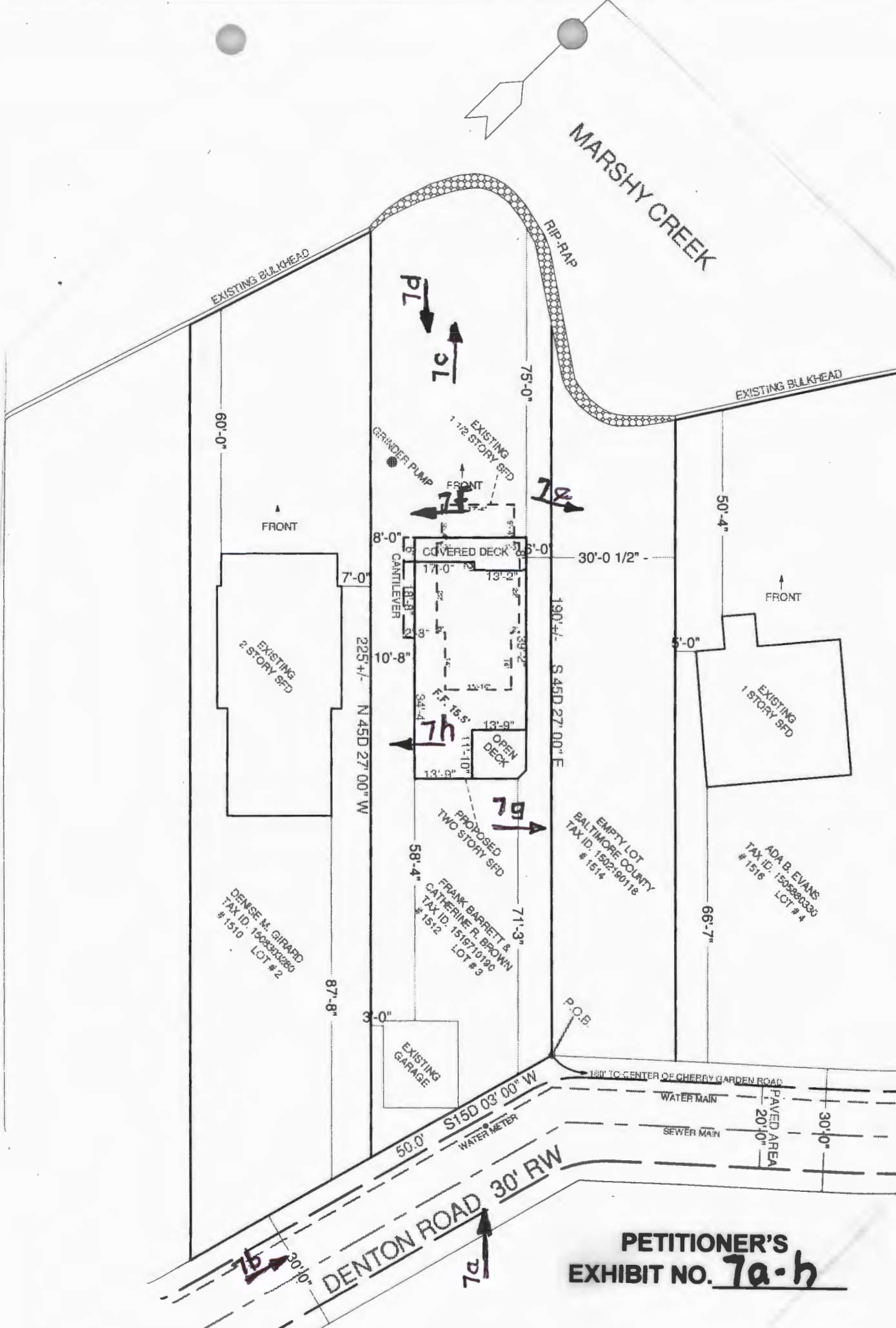
My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 7/26/2011



PETITIONER'S
EXHIBIT NO. **7a-h**



7a

FROM STREET FACING NORTH WEST TOWARDS HOUSE



7b

IN STREET FACING NORTH EAST UP STREET



7c

FROM FRONT OF HOUSE FACING NORTH TOWARDS WATER



7d

FROM WATER FACING SOUT EAST TOWARDS HOUSE

a. morgan
p. 8



7g

FROM FRONT OF HOUSE FACING NORTH EAST TO EMPTY LOT



7f

FROM FRONT OF HOUSE FACING SOUTH WEST TOWARDS 1510 DENTON ROAD



7g

FROM REAR OF HOUSE FACING NORTH EAST TOWARDS EMPTY LOT



7h

FROM REAR OF HOUSE FACING SOUTH WEST TOWARDS 1510 DENTON ROAD

BID SET ONLY



ROAD OR REAR VIEW



WATER OR FRONT VIEW

FREESTATE GENERAL CONTRACTORS

810 BACK RIVER NECK RD 410-574-9337

DATE 06-13-11

BROWN RESIDENCE

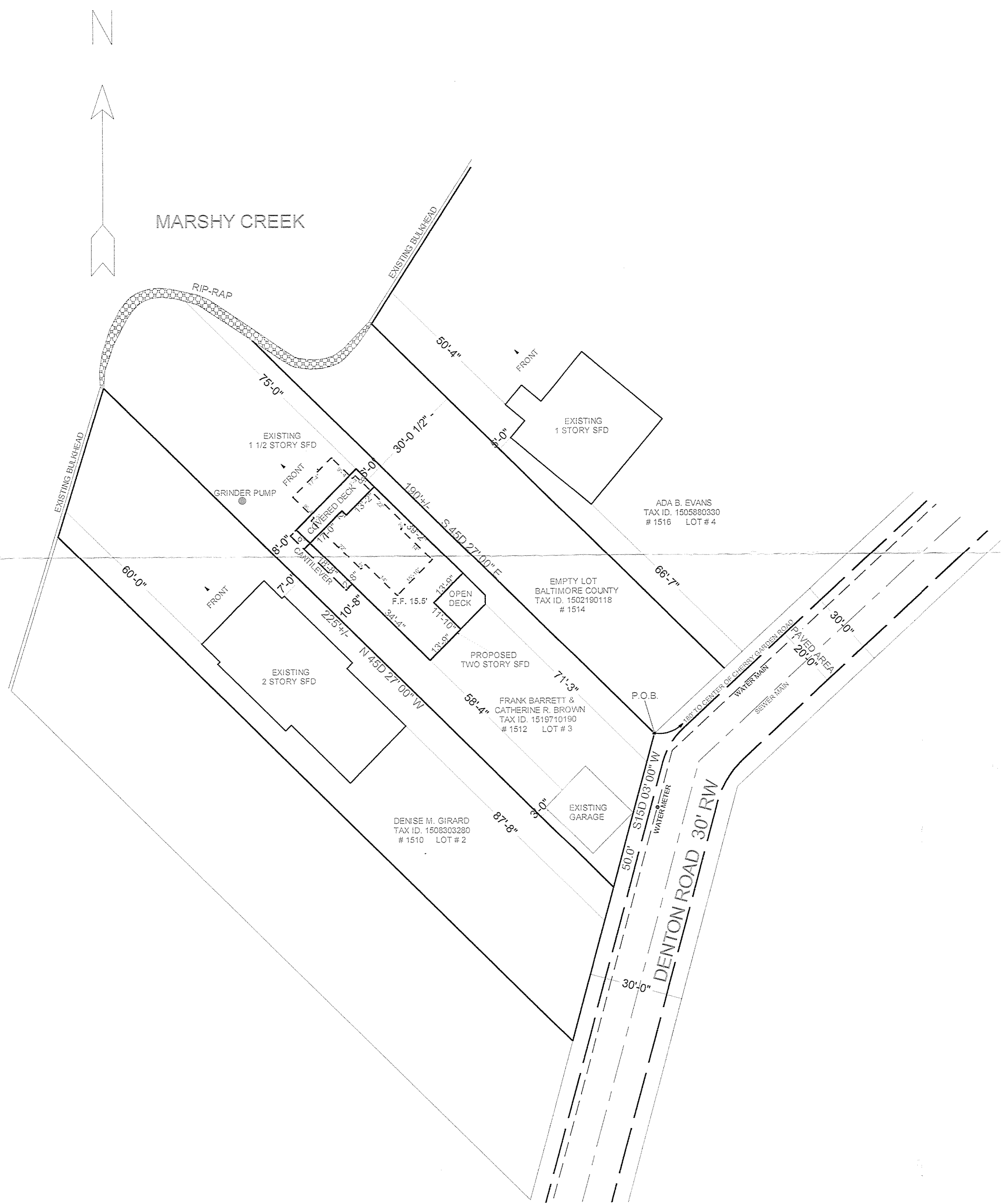
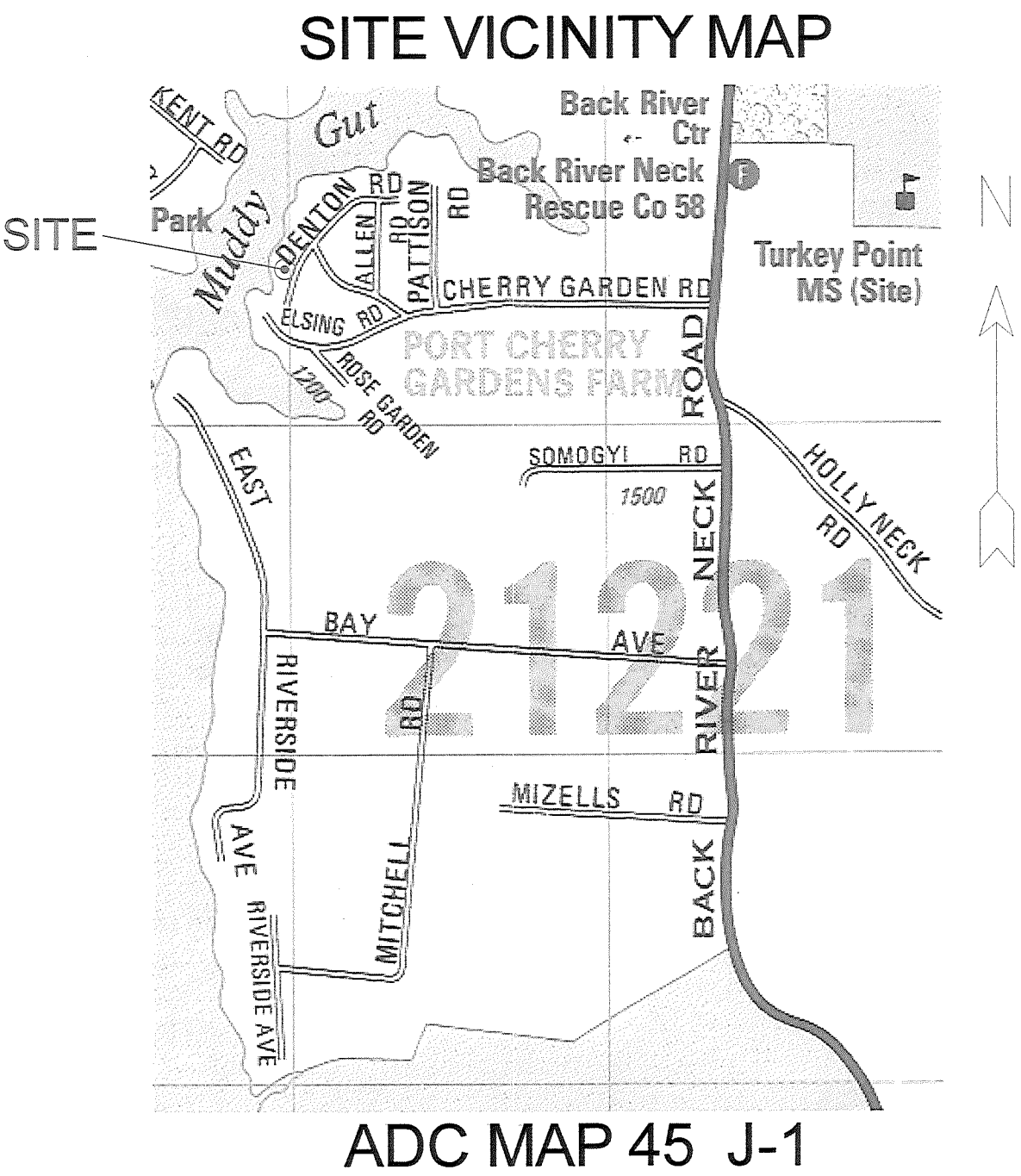
3 D PLANS

DRAWN BY SKIP STORM

PAGE # 1

PETITIONER'S
EXHIBIT NO. 8

ZONING HEARING PLAN FOR VARIANCE
1512 DENTON ROAD BALTIMORE MD 21221 FRANK BARRETT & CATHERINE R. BROWN
SUB DIV : CHERRY GARDEN FARM LOT # 3
PLAT BOOK # 12 FOLIO # 46 TAX ID #1519710190 DEED REFR: 30497/170



ZONING MAP # 097C3
ZONING: DR 3.5
ELECTION DIST: 15
COUNCIL DIST: 06
LOT AREA:10,100 SF/.232 ACRES
HISTORIC: NO
CBCA: YES
FLOOD PLAIN: YES
WATER: PUBLIC
SEWER: PUBLIC
PRIOR HEARING: NO

FREESTATE GENERAL CONTRACTORS
810 BACK RIVER NECK ROAD 410-574-9337

SCALE 1" = 30'	BROWN RESIDENCE	DRAWN BY SKIP STORM
DATE 06-10-11	SITE PLAN	PAGE # 1

PETITIONER'S
EXHIBIT NO. 1

2011-0360-A

2011-0360-A