

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Haddaway Road, 140 feet E
of the c/l of Brannan Avenue
15th Election District
7th Councilmanic District
(2627 Brannan Avenue)

Jennifer T. and Edward W. Crizer, Jr.
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2011-0369-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owners of the subject property, Jennifer T. and Edward W. Crizer, Jr. for property located at 2627 Brannan Avenue. Resolution 81-11 concerning the public disclosure of Edward W. Crizer, Jr., an employee of the Baltimore County Board of Appeals, was approved at the County Council meeting held on August 1, 2011. The variance request is to permit a proposed addition to be located in the front yard of an existing dwelling and to have setbacks as follows:

- 8 feet side yard setbacks in lieu of the required 10 feet to the east side yard property line; and
- 9 feet side yard setback in lieu of the required 10 feet to the west side property line, pursuant to Section 1B02.3.C of the Baltimore County Zoning Regulations ("B.C.Z.R."); and
- 24 feet in lieu of the required 40 feet as otherwise required by Section 303.1 of the B.C.Z.R. (averaging of front yard depths).

The subject property and requested relief are more particularly described on Petitioners' Exhibit No.

1. Petitioners propose to construct a two story "L" shaped addition to include a garage and living quarters. The dwelling was constructed in 1931 long prior to the imposition of zoning on the property. The front of the dwelling is to Haddaway Road, the rear to Brannan Avenue. Although

ORDER RECEIVED FOR FILING

Date 8-4-11

the property's address is Brannan, the front of the property is to Haddaway. The property is unique in that its address is Brannan, while its neighbors are Haddaway. The actual frontage of the property is on Haddaway, however. The Petitioners have access from both Brannan and Haddaway.

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 dated July 13, 2011. The subject property is located within the Chesapeake Bay Critical Area. According to B.C.Z.R. 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 (DEPS) 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. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

1. Occupied by a structure, parking area, driveway, walkway, or roadway;
or

2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;

2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;

3. A wood mulch pathway; or

4. A deck with gaps to allow the water to pass freely.

The Limited Development Area (LDA) regulations impose Critical Area lot coverage limits of 25% (2,067 square feet [sf]) for a lot this size (8,268 sf). With approval and mitigation, this amount may be exceeded up to 31 ¼% of the property area (2,584 sf). In order to minimize impacts on water quality, the property must adhere to these limits of Critical Area lot coverage. According to

ORDER RECEIVED FOR FILING

Date

8-4-11

2

By



what is shown on the applicant's plan for this review, existing and proposed lot coverage, post construction, will be approximately 37%-39%. Compliance with the LDA lot coverage regulations would result in avoidance or minimization of water quality impacts. In addition, the LDA regulations require 15% tree coverage on the property. This requirement is satisfied by existing trees.

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

Compliance with the LDA lot coverage limits will avoid water quality impacts, maintain buffer functions and conserve fish habitat in Jones Creek.

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 request to permit reduced building setbacks is consistent with this goal and will avoid environmental impacts, provided that the property is in compliance with the Critical Area LDA lot coverage requirements.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 3, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have 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 Petitioners.

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.

ORDER RECEIVED FOR FILING

Date 8-4-11

By [Signature]

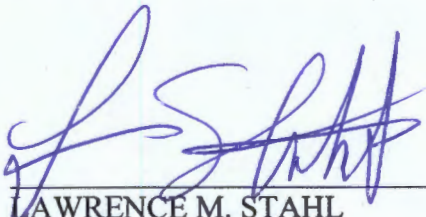
THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 14th day of August, 2011 that a variance from to permit a proposed addition to be located in the front yard of an existing dwelling and to have setbacks as follows:

- 8 feet side yard setbacks in lieu of the required 10 feet to the east side yard property line; and
- 9 feet side yard setback in lieu of the required 10 feet to the west side property line, pursuant to Section 1B02.3.C of the Baltimore County Zoning Regulations ("B.C.Z.R."); and
- 24 feet in lieu of the required 40 feet as otherwise required by Section 303.1 of the B.C.Z.R. (averaging of front yard depths),

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. Compliance with the Zoning Advisory Committee comments made by the Department of Environmental Protection and Sustainability dated July 13, 2011, a copy of which is 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 8-4-11

By [Signature]

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

JUL 27 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 13, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-369-A
Address 2627 Brannan Avenue
(Crizer 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, and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

1. Occupied by a structure, parking area, driveway, walkway, or roadway; or
2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;

C:\DOCUME~1\pzoek\LOCALS~1\Temp\XPgrpwise\ZAC 11-369-A 2627 Brannan Avenue_1.doc

ORDER RECEIVED FOR FILING

Date

By

2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;

3. A wood mulch pathway; or

4. A deck with gaps to allow the water to pass freely.

The Limited Development Area (LDA) regulations impose Critical Area lot coverage limits of 25% (2,067 square feet [sf]) for a lot this size (8,268 sf). With approval and mitigation, this amount may be exceeded up to 31 1/4% of the property area (2,584 sf). In order to minimize impacts on water quality, the property must adhere to these limits of Critical Area lot coverage. According to what is shown on the applicant's plan for this review, existing and proposed lot coverage, post construction, will be approximately 37%-39%. Compliance with the LDA lot coverage regulations would result in avoidance or minimization of water quality impacts. In addition, The LDA regulations require 15% tree coverage on the property. This requirement is satisfied by existing trees.

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

Compliance with the LDA lot coverage limits will avoid water quality impacts, maintain buffer functions and conserve fish habitat in Jones Creek.

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 request to permit reduced building setbacks is consistent with this goal and will avoid environmental impacts, provided that the property is in compliance with the Critical Area LDA lot coverage requirements.

Reviewer: Thomas Panzarella; Environmental Impact Review

ORDER RECEIVED FOR FILING

Date 8-4-11

By [Signature]

C:\DOCUME~1\pzoek\LOCALS~1\Temp\XPgrpwise\ZAC 11-369-A 2627 Brannan Avenue_1.doc



KEVIN KAMENETZ
County Executive

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

August 4, 2011

JENNIFER T. AND EDWARD W. CRIZER, JR.
2627 BRANNAN AVENUE
SPARROWS POINT MD 21219

Re: Petition for Administrative Variance
Case No. 2011-0369-A
Property: 2627 Brannan Avenue

Dear Mr. and Mrs. Crizer:

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 with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the name "LAWRENCE M. STAHL".

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz

Enclosure



CBCA

TAX. AC

1510950720

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2627 Brannan Ave
which is presently zoned DR. 5.5

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

SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

ORDER RECEIVED FOR FILING
8-4-11

Date

Legal Owner(s):

Edward W. Crizer Jr.
Name - Type or Print
Edward W. Crizer Jr.
Signature
Jennifer T. Crizer
Name - Type or Print
Jennifer T. Crizer
Signature
2627 Brannan Ave 443-992-0819
Address Telephone No.
Sparrows Point MD 21219
City State Zip Code

Representative to be Contacted:

Edward W. Crizer Jr.
Name
2627 Brannan Ave 443-992-0819
Address Telephone No.
Sparrows Point MD 21219
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 8 day of August, 2011, 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. 2011-0369-A

REV 10/25/01

Reviewed By D.T. Date 6/24/11

Estimated Posting Date 7/3/11

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 reside at

2627 Brannan Ave
Address
Sparrows Point MD 21219
City State Zip Code

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 hardship or practical difficulty):

See attached

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Edward W. Crizer Jr.
Signature

Edward W. Crizer Jr.
Name - Type or Print

Jennifer T. Crizer
Signature

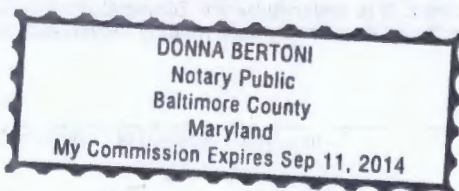
Jennifer T. Crizer
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2 day of March, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Edward Crizer and Jennifer Crizer
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Donna Bertoni
Notary Public
My Commission Expires 9-11-2014

Variances Requested:

To permit a proposed addition to be located in the front yard of existing dwelling and to have setbacks as follows:

- (1) 8' side yard setbacks in lieu of required 10' to east side yard property line;
- (2) 9' side yard setback in lieu of required 10' to west side yard property line, pursuant to section 1B02.3C, BCZR; and
- (3) 24' in lieu of the required 40' as otherwise required by section 303.1 (averaging of front yard depths), BCZR.

2011-0369-A

Affidavit in Support of Administrative Variance

Attachment

The Petitioners' home on the subject property was constructed 1931, and have resided uninterruptedly and continuously there since 1994, when they purchased the property. The property is zoned DR 5.5. The front of the dwelling is to Haddaway Road, the rear to Brannan Ave. Although the property's address is Brannan, in fact the front of the property is Haddaway. The DR 5.5 zone requires the following setbacks: averaging of "front yard depths of the lots immediately adjoining on each side if improved with principal buildings situate within 200' of the joint side property lines...provided no dwelling shall be required to be set back more than 40' in DR 5.5 Zone", see section 303.1, BCZR; and minimum width of individual side yard of 10', see section 1B02.3C, BCZR. The front yard depth of the dwelling located on lot 8, 2629 Haddaway Rd, is approximately 55'; the front yard depth of the dwelling located on lot 10, 2625 Haddaway Rd, is approximately 58'.

Petitioners proposed to construct an addition attached to their home, to include a garage and living quarters, "L-shaped", 32.75 +/-' x 32 +/-, as more particularly shown on the attached site plan, marked as Petitioners' Exhibit 1. The addition is proposed to be attached to the front of the home, as shown. The addition is not a separate and distinct dwelling unit.

The proposed setback from the building line of the addition on the west side property line will be a minimum of 9' and from the building line of the addition to the east property line will also be a minimum of 8'. The setback from the front building line of the addition to the front property line will be a minimum of 24'. All of which are more particularly described on Petitioners' Exhibit 1, attached. The dwellings on lots immediately adjoining the subject property are set back more than 40' from their front property lines. The average depth of the dwellings immediately adjoining is 56.5'; pursuant to section 303.1, BCZR, the maximum average required is 40'.

The subject property is unique in that its address is on Brannan, while its neighbors are Haddaway. The actual frontage of the subject property is on Haddaway, however. The Petitioners have access from both Brannan and Haddaway.

The proposed area for the addition lends itself to the utilization of the existing single family dwelling.

In order to conform existing conditions as well as for the proposed addition, variances are requested from the sections 1B02.3C, BCZR and 303.1, BCZR.

2011-0369-A

ZONING DESCRIPTION
For
2627 BRANNAN AVE.

Beginning at a point on the South side of Haddaway Rd. which is 25' wide at the distance of 130' East of the centerline of Brannan Ave. which is 15' wide.

Being lot number 9, in the subdivision of the 'Brannan Plat' as recorded in Plat Book 14, Folio 89, containing 8,268 s.f.

Also know as 2627 Brannan Ave. and located in the 15th Election District, 7th Councilmanic District.

2011-0369-A

CERTIFICATE OF POSTING

2011-0369-A

RE: Case No.: _____

Petitioner/Developer: _____

Ed Crizer

July 18, 2011

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

2627 Brannan Ave

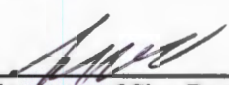
July 3, 2011

The sign(s) were posted on _____

(Month, Day, Year)

Sincerely,

July 6, 2011



(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2011-0369-A

TO PERMIT AN ADDITION WITH SIDE YARD
SETBACKS OF 8- FEET AND 9- FEET AND A FRONT AVERAGING
OF 24- FEET IN LIEU OF THE REQUIRED 10- FEET AND 40- FEET
RESPECTIVELY.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON 7-18-11

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION & DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204

TEL. 887-3391

DO NOT REMOVE THIS SIGN FROM POST UNTIL AFTER ABOVE DATE. VIOLATION SUBJECT TO FINE. RETURN SIGN TO ZABO, RM. 101
MEETING IS HANDICAP ACCESSIBLE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0369 -A

Address 2627 BRANNAN AVE. 21219

Contact Person: DONNA THOMPSON
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 6/24/11

Posting Date: 7/3/11

Closing Date: 7/18/11

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **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.
2. **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.
3. **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.
4. **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- 0369 -A

Address 2627 BRANNAN AVE.

Petitioner's Name CRIZER

Telephone 443-992-0819

Posting Date: 7/3/11

Closing Date: 7/18/11

Wording for Sign: To Permit AN ADDITION WITH SIDE YARD SETBACKS OF
8- FEET AND 9- FEET AND A FRONT AVERAGING OF 24- FEET IN
LIEU OF THE REQUIRED 10- FEET AND 40- FEET, RESPECTIVELY.

**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: 2011-0369-A

Petitioner: EDWARD & JENNIFER T. CAIZER

Address or Location: 2627 BRANNAN AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: EDWARD CAIZER

Address: 2627 BRANNAN AVE

SPARROWS POINT, MD 21219

Telephone Number: 443 992 0819

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

JUL 27 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 13, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-369-A
Address 2627 Brannan Avenue
(Crizer 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, and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

- 1. Occupied by a structure, parking area, driveway, walkway, or roadway; or*
- 2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material*

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

- 1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;*

2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;

3. A wood mulch pathway; or

4. A deck with gaps to allow the water to pass freely.

The Limited Development Area (LDA) regulations impose Critical Area lot coverage limits of 25% (2,067 square feet [sf]) for a lot this size (8,268 sf). With approval and mitigation, this amount may be exceeded up to 31 1/4% of the property area (2,584 sf). In order to minimize impacts on water quality, the property must adhere to these limits of Critical Area lot coverage. According to what is shown on the applicant's plan for this review, existing and proposed lot coverage, post construction, will be approximately 37%-39%. Compliance with the LDA lot coverage regulations would result in avoidance or minimization of water quality impacts. In addition, The LDA regulations require 15% tree coverage on the property. This requirement is satisfied by existing trees.

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

Compliance with the LDA lot coverage limits will avoid water quality impacts, maintain buffer functions and conserve fish habitat in Jones Creek.

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 request to permit reduced building setbacks is consistent with this goal and will avoid environmental impacts, provided that the property is in compliance with the Critical Area LDA lot coverage requirements .

Reviewer: Thomas Panzarella; Environmental Impact Review

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July06, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For July 11, 2011
Item Nos. 2011-359, 361, 362, 363, 364, 365, 367, 368
And 369.

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-07112011 -NO COMMENTS.doc



**County Council
of
Baltimore County**

Court House
Towson, Maryland 21204

410-887-3196
Fax: 410-887-5791

Tom Quirk
FIRST DISTRICT

Vicki Almond
SECOND DISTRICT

Todd Huff
THIRD DISTRICT

Kenneth N. Oliver
FOURTH DISTRICT

David Marks
FIFTH DISTRICT

Cathy Bevins
SIXTH DISTRICT

John Olszewski, Sr.
SEVENTH DISTRICT

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL
SECRETARY

August 2, 2011

RECEIVED

AUG 03 2011

OFFICE OF ADMINISTRATIVE HEARINGS

Lawrence M. Stahl, Esquire
Baltimore County Zoning Commissioner
The Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Stahl:

Attached please find a copy of Resolution 81-11 concerning the public disclosure of Edward W. Crizer, Jr., an employee of the Baltimore County Board of Appeals. Mr. Crizer has applied for a variance to construct a garage at his residence at 2627 Brannan Avenue, Baltimore, Maryland, 21219.

This Resolution was approved by the County Council at its August 1, 2011 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:dp
Enclosure

cc: Edward W. Crizer, Jr.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2011, Legislative Day No. 13

Resolution No. 81-11

Mr. John Olszewski, Sr., Councilman

By the County Council, August 1, 2011

A RESOLUTION concerning the public disclosure of Edward W. Crizer, Jr., an employee of the Baltimore County Board of Appeals.

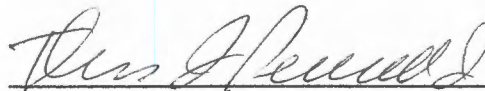
WHEREAS, Edward W. Crizer, Jr., an employee of the Baltimore County Board of Appeals, has applied for a variance to construct a garage at his residence at 2627 Brannan Avenue, Baltimore, Maryland 21219; and

WHEREAS, this Resolution is intended to provide full public disclosure under Section 32-1-102 of the Baltimore County Code.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the zoning request filed by Edward W. Crizer, Jr., does not contravene the public welfare.

READ AND PASSED this **1ST** day of **AUGUST**, 2011.

BY ORDER

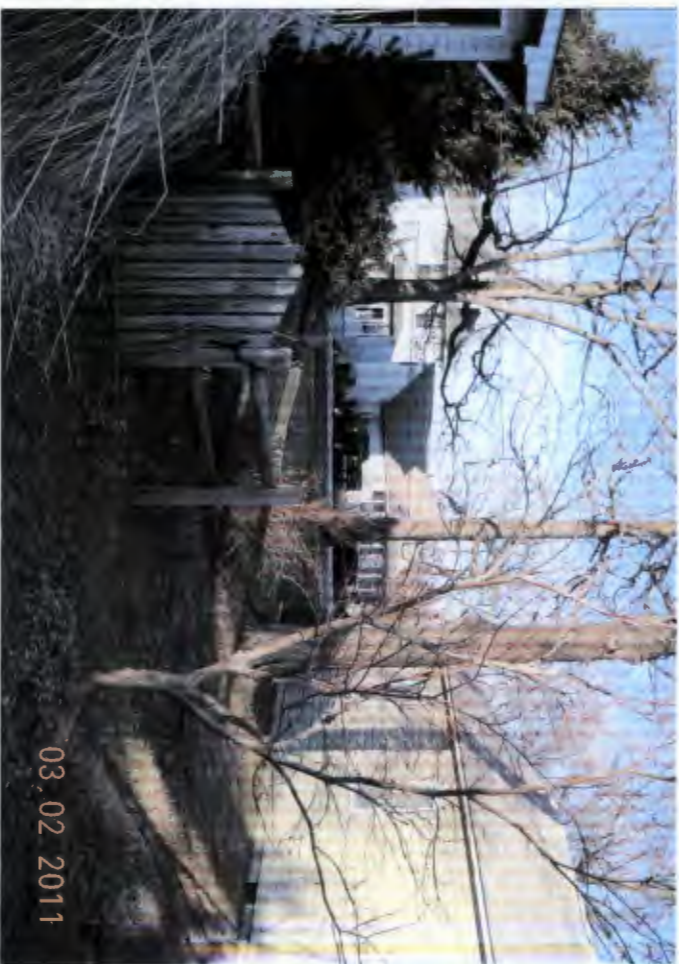
A handwritten signature in cursive script, appearing to read "Tom Peddicord", is written over a horizontal line.

Thomas J. Peddicord, Jr.
Secretary

ITEM: **RESOLUTION 81-11**

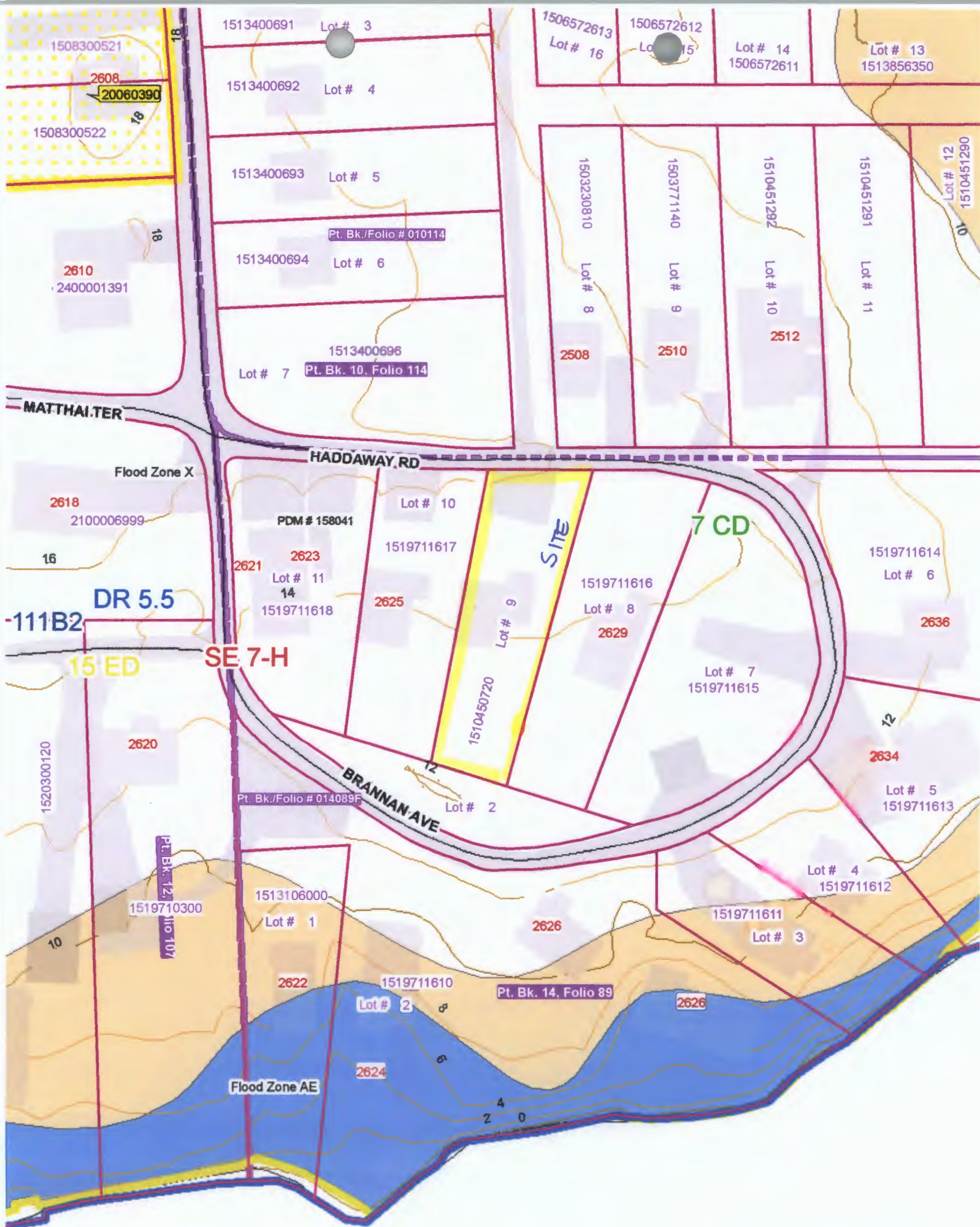


2011-0369-A





2011-0369-A





$$x \ 112 = 152.8$$

$$x = 1.36$$

2011-0369-A

General Notes

1. Area of property: 8,268 SF
2. Existing Zoning of Property: DR 5.5
3. Existing Use of Property: residential
4. Proposed zoning of property: DR 5.5
5. Proposed Use of Property: residential
6. Property served by public water and sewer
7. Proposed addition: 32.75' x 32'
8. Petitioners requesting variances to east and west side yards of 8' and 9', respectively, in lieu of required 10'; and front yard depth of 24' in lieu of required 40'
9. Existing dwelling constructed in or about 1931
10. Existing property has no zoning history

PLAN TO ACCOMPANY PETITION FOR ADMINISTRATIVE VARIANCE

2627 Brannan Ave.
Baltimore, Maryland 21219

Election District: 15
Councilmanic District: 7th

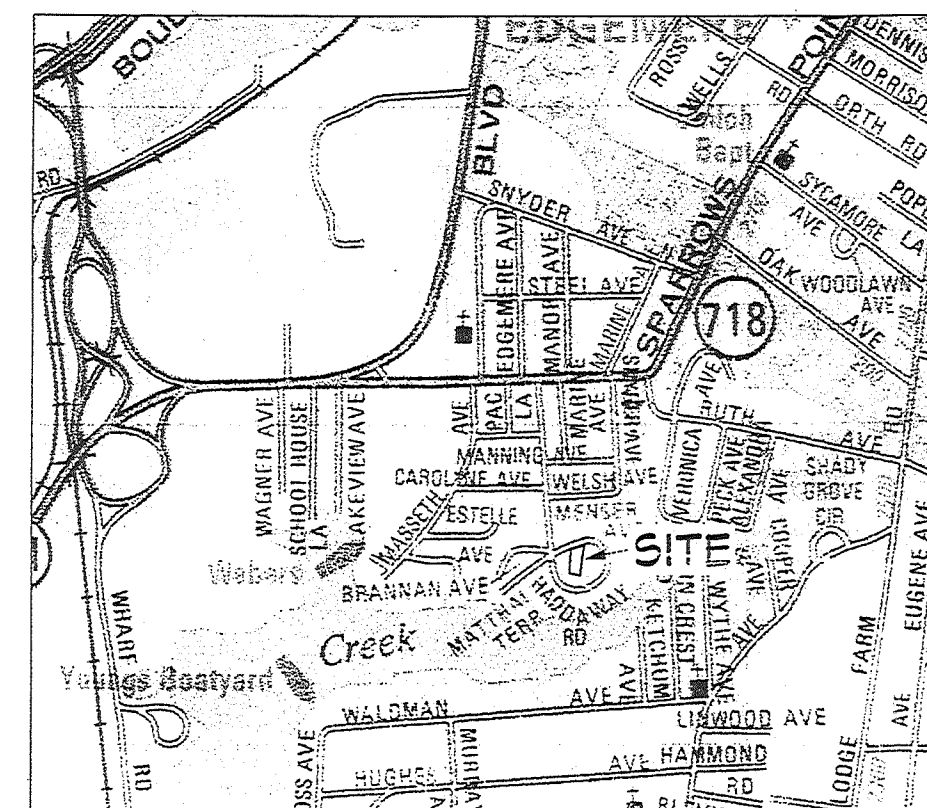


SITE PLAN
SCALE: 1" = 20'

STORM WATER MANAGEMENT
STORM WATER SHALL BE DIRECTED AWAY FROM THE DWELLING, ACROSS THE LAWN TO SWALES PARALLELING THE PROPERTY LINES, IN A SOUTHERLY DIRECTION AWAY FROM THE ADJOINING DWELLINGS TO THE EXISTING STORM DRAIN

GRADING
THE ADDITION WILL NOT REQUIRE ANY SITE GRADING EXCEPT FOR THE SWALE MODIFICATION

SEDIMENT CONTROL
THE EXISTING STONE PARKING AREA WILL SERVE AS A CONSTRUCTION ENTRANCE
WORK WILL NOT COMMENCE UNTIL SEDIMENT CONTROL FENCE IS INSTALLED AND INSPECTED



VICINITY MAP

SITE DATA

ACCOUNT NUMBER: 1510450720
DEED REF: 10665 / 717
PLAT REF: 14 / 89
LOT 9 BRANNAN PLAT
AREA: 8,283.00 S.F.
ZONING: DR-5.5
PUBLIC SEWER AND WATER ON SITE
15TH ELECTION DIST, TTH COUNCILMANIC DIST.
SITE IS IN THE C.B.C.A., FLOOD ZONE 'X'

PLAT TO ACCOMPANY BUILDING PERMIT
AND / OR ZONING VARIANCE
2627 BRANNAN AVE
OWNERS: EDWARD & JENNIFER CRIZER JR.
2627 BRANNAN AVE
BALTIMORE, MD 21219
Telephone: 443-992-0819
Date: January 11, 2011
Scale: 1" = 20'

DWG. NO. 11511

by: g. d. mcClelland 443-928-9365

2011-0369-A