

IN RE: PETITION FOR VARIANCE

S side of Cold Spring Road; 580' from
East of the c/line of Galloway Road
15th Election District
6th Councilmanic District
(1113 Cold Spring Road)

Stephanie Klaben
Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2012-0008-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 owner of the subject waterfront property, Stephanie Klaben. Petitioner is requesting Variance relief under Sections 1A04.3.B.2.b and 1A04.3.B.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit the following:

- A front yard setback of 60.5 feet from the centerline of the existing road in lieu of the required 75 feet;
- Side West property line setback of 10 feet in lieu of the required 50 feet;
- Side East property line setback of 10 feet in lieu of the required 50 feet, and
- A lot coverage of 18% in lieu of the required 15%.

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner Stephanie Klaben, Mark Klaben and Brian Dietz from Dietz Surveying Co., the consulting firm that prepared the site plan. Edward C. Covahey, Jr. with Covahey, Boozer, Devan & Dore, P.A. appeared as counsel and represented the Petitioner. The file reveals that the Petition was properly

ORDER RECEIVED FOR FILING

Date

By

9-6-11

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advertised and the property was properly posted as required by the Baltimore County Zoning Regulations. No Protestants or other parties were present.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning on August 2, 2011 and based on this review, they offer the following comments:

"The Office of Planning has reviewed the petitioner's request and accompanying site plan. The Office of Planning does not oppose the petitioner's request. However, this office is required to provide a statement of finding to the Administrative Law Judge indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office prior to the application for any building permits:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the existing streetscape."

Comments were also received from the Department of Environmental Protection and Sustainability (DEPS) and indicate as follows:

"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. 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.*

In order to minimize impacts on water quality, the applicant should comply with the LDA lot coverage requirement, which, for a property this size, is 25%. With approval and mitigation, this amount may be exceeded to 31 ¼%. The property is also located within a Buffer Management Area (BMA), which further restricts impervious surfaces and structures within 100 feet landward of mean high tide (100 foot buffer). According to the plan submitted for this review, the proposed lot coverage is below the 25% limit and there are no proposed impervious surfaces or structures within the 100 foot buffer, therefore, by allowing the items requested by the petitioner, impacts on water quality will be minimized.

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

The current development proposal for the property will be reviewed for application of the LDA and BMA requirements, which will improve buffer functions, and conserve fish, wildlife and plant habitat in Galloway Creek.

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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 side and front yard setbacks and lot coverage areas requested will be consistent with established land use policies, provided that the applicants meet any LDA and BMA requirements applicable to the proposal. The request, if granted, will avoid environmental impacts."

In addition, comments were received from the Bureau of Development Plans Review, dated July 22, 2011, and state as follows:

"The base flood elevation for this site is 8.5 feet [NAVD 88].

The flood protection elevation for this site is 9.5 feet.

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

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

The building engineer shall require a permit for this project.

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

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

At the beginning of the hearing, Petitioner withdrew her request for variance for lot coverage of 18% in lieu of 15%. Mr. Covahey proffered testimony on behalf of the Petitioner. He described the property as R.C.5 located on Galloway Creek. The property is part of the Bowleys subdivision created in 1921 and is already improved by an existing "shore shack". The property is connected to public water and sewer and the proposed reconstruction would not result in any additional demand therein other than that already required by the property.

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He proffered the qualifications as an expert of Brian Dietz of Dietz Surveying and offered that the witness would testify that the construction of the proposed replacement structure could not be carried out without the requested variances. Counsel further proffered on Dietz's behalf that the existing structure was situated such that only approximately 2 ½ feet of additional space would be required on either side for the new structure. He stated that the front setback would remain the same.

Counsel then addressed the requirements for a variance, directing attention to the plat to accompany the petition (Petitioner's Exhibit 1) and an aerial view of the general area containing the subject site (Petitioner's Exhibit 3) to support the witnesses uncontested testimony and opinion that the subject property has an irregular water side configuration from its neighbors. That observation, along with the existing size and setbacks of the present structure is, in Mr. Dietz's testimony, the basis for a finding of uniqueness. Counsel then referred to the construction issues proffered on behalf of the witness Dietz to establish Petitioner's arguments addressing Cromwell v. Ward and Section 307.1 of the Baltimore County Zoning Regulations. He finally offered that the requested variance and resulting construction of Petitioner's proposed structure, so similar in nature and size to the existing building, would not in any way result in injury to the public health, safety and welfare.

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

I further find that the granting of the relief as set forth herein can be accomplished without injury to the public health, safety, and general welfare. Therefore, in all manner and form, I find that the variance requested can be granted in such a manner as to meet the requirements of Section

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307 of the B.C.Z.R. as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995). *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 Petitioner, I find that Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 6th day of September, 2011 by this Administrative Law Judge that Petitioner's Variance requests from Sections 1A04.3.B.2.b and 1A04.3.B.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit the following:

- A front yard setback of 60.5 feet from the centerline of the existing road in lieu of the required 75 feet;
- Side West property line setback of 10 feet in lieu of the required 50 feet, and
- Side East property line setback of 10 feet in lieu of the required 50 feet,

be and are hereby GRANTED.

IT IS FURTHER ORDERED that the Variance request for lot coverage of 18% in lieu of 15% is DISMISSED AS MOOT.

The relief granted herein shall be subject to the following:

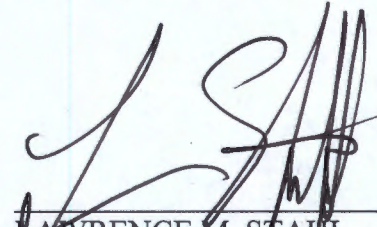
1. Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner shall comply with the Zoning Advisory Committee (ZAC) comments received from the Office of Planning, Department of Environmental Protection and Sustainability (DEPS) and Bureau of Development Plans Review, dated August 1, 2011, August 4, 2011, and July 22, 2011 respectively; copies of which are attached and made a part hereof.

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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:dlw

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Date 9-6-11
By 103

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 1, 2011

FROM: Andrea Van Arsdale
Director, Office of Planning

SUBJECT: 1113 Cold Spring Road

Item Number: 12-008

Petitioner: Edward C. Covahey, Jr.

Zoning: RC 5

Requested Action: Variance

RECEIVED

AUG 02 2011

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan.

The Office of Planning does not oppose the petitioner's request. However, this office is required to provide a statement of finding to the Administrative Law Judge indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office prior to the application for any building permits:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the existing streetscape.

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

Prepared by:

Candis Murray

Division Chief:

JM/LL: CM

Andrea Van Arsdale

By: WADEVREVZAC\ZACs 2012\008.doc

ORDER RECEIVED FOR FILING

Date

By

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BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: August 4, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-008-A
Address 1113 Cold Spring Road
(Klaben Property)

Zoning Advisory Committee Meeting of July 18, 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. 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;

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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.

In order to minimize impacts on water quality, the applicant should comply with the LDA lot coverage requirement, which, for a property this size, is 25%. With approval and mitigation, this amount may be exceeded to 31 1/4%. The property is also located within a Buffer Management Area (BMA), which further restricts impervious surfaces and structures within 100 feet landward of mean high tide (100 foot buffer). According to the plan submitted for this review, the proposed lot coverage is below the 25% limit and there are no proposed impervious surfaces or structures within the 100 foot buffer, therefore, by allowing the items requested by the petitioner, impacts on water quality will be minimized.

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

The current development proposal for the property will be reviewed for application of the LDA and BMA requirements, which will improve buffer functions, and conserve fish, wildlife and plant habitat in Galloway 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 side and front yard setbacks and lot coverage areas requested will be consistent with established land use policies, provided that the applicants meet any LDA and BMA requirements applicable to the proposal. The request, if granted, will avoid environmental impacts.

Reviewer: Thomas Panzarella; Environmental Impact Review

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Date

9-6-11

By

DJ

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 August 1, 2011
Item No. 2012-008

DATE: July 22, 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 8.5 feet [NAVD 88].

The flood protection elevation is 9.5 feet.

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

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

The building engineer shall require a permit for this project.

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

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

DAK:CEN
cc: File
ZAC-ITEM NO 12-008-08012011.doc

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Date

By



KEVIN KAMENETZ
County Executive

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

September 6, 2011

Edward C. Covahey, Jr., Esquire
Covahey, Boozer, Devan & Dore, PA
614 Bosley Avenue
Towson MD 21204

Re: Petition for Variance
Case No. 2012-0008-A
Property: 1113 Cold Spring Road

Dear Mr. Covahey:

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 typed name.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/dlw
Enclosure



*CACA/Flood
Plains*

Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 1113 Cold Spring Road, Middle River, MD 21220
which is presently zoned RC5

Deed Reference: 15702 / 001 Tax Account # 1507150680

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)

1A04.3B2b - to permit the following:

1. A front yard setback of 60.5' from the center line of the existing road in lieu of the required 75'.
2. Side West property line setback of 10' in lieu of the required 50'.
3. Side East property line setback of 10' in lieu of the required 50'.

1A04.3B3 - to permit the following:

1. A lot coverage of 18% in lieu of the required 15%. *WITHDRAWN @ hearing - 12% only*

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

1. The subject property and other lots in the sub-division of Bowleys' Quarter Plat #1 were created in 1921 and, accordingly, were in existence prior to the enactment of zoning regulations.
2. It is impossible to raze the existing dwelling on the subject property and erect a new dwelling without the requested variances.
3. The overall density of the lot will not be affected.
4. RC5 zoning is inappropriate as the site is served by public sewer and water.

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:

Edward C. Covahey, Jr.
Name - Type or Print

Signature

Covahey, Boozer, Devan & Dore, P.A.

Company

614 Bosley Avenue 410-828-9441

Address Telephone No.

Towson MD 21204

City State Zip Code

Legal Owner(s):

Stephanie Klaben

Name - Type or Print

Signature

Name - Type or Print

Signature

1502 Woodridge Manor Road 410-599-6436

Address Telephone No.

Fallston MD 21047

City State Zip Code

Representative to be Contacted:

Edward C. Covahey, Jr.

Name

614 Bosley Avenue 410-828-9441

Address Telephone No.

Towson MD 21204

City State Zip Code

Case No. 2012-0008-A

fax 410-823 7530

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Date 9-6-11

By *[Signature]*

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by *[Signature]* Date 7-13-11

Brian R. Dietz
Professional Land Surveyor #21080
8119 Oakleigh Road, Baltimore, MD 21234
Phone 410-661-3160 Fax 410-661-3163

Zoning Description
For
1113 Cold Spring Road
June 30, 2011

Beginning at a point on the South side of Cold Spring Lane, (30' R/W), at the distance of 580 feet +/- East of the centerline of Galloway Road, (30'R/W), Being Lot 85, Plat No. 1, Bowleys Quaryers, as recorded among the land records of Baltimore County in Plat Book WPC 7, folio 12

Containing 14074 sq.ft or 0.323 Ac. of land more or less. Being known as 1113 Cold Spring Road and located in the 15th Election District, 6th Councilmanic District.

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: # 2012-0008-A

1113 Cold Spring Road
S/side of Cold Spring Road, 580 feet (+/-) from
east of centerline of Galloway Road
15th Election District - 6th Councilmanic District
Legal Owner(s): Stephanie Klaben

Variance: to permit a front yard setback of 60.5' from the centerline of the existing road in lieu of the required 75'; to permit the side west property line setback of 10' in lieu of the required 50'; to permit the side east property line setback of 10' in lieu of the required 50'; to permit a lot coverage of 18 percent in lieu of the allowed 15 percent.

Hearing: Tuesday, August 23, 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.

JT/8/645 AUG. 9

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CERTIFICATE OF PUBLICATION

8/11/, 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 8/9/, 2011.

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

S. Wilkinson

LEGAL ADVERTISING

2012-0008-A

8/23

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 08/05/2011

Case Number: 2012-0008-A

Petitioner / Developer: EDWARD COVAHEY, ESQ.~
STEPHANIE KLABEN

Date of Hearing (Closing): AUGUST 23, 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:
1113 COLD SPRING ROAD

The sign(s) were posted on: AUGUST 4, 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)

8/23 10AM
205

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 1, 2011

FROM: Andrea Van Arsdale
Director, Office of Planning

SUBJECT: 1113 Cold Spring Road

Item Number: 12-008

Petitioner: Edward C. Covahey, Jr.

Zoning: RC 5

Requested Action: Variance

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OFFICE OF ADMINISTRATIVE HEARINGS

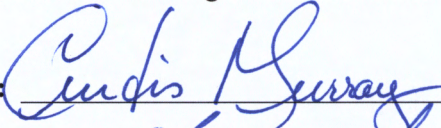
SUMMARY OF RECOMMENDATIONS:

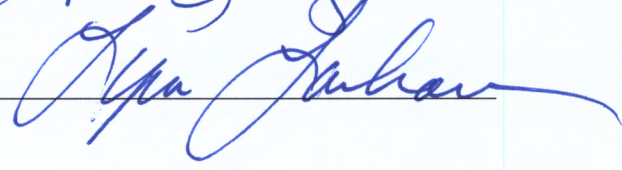
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5. Provide landscaping along the public road, if consistent with the existing streetscape.

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

Prepared by: 

Division Chief: 
JM/LL: CM

8/23/11

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: August 4, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-008-A
Address 1113 Cold Spring Road
(Klaben Property)

Zoning Advisory Committee Meeting of July 18, 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:

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

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3. A wood mulch pathway; or

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

In order to minimize impacts on water quality, the applicant should comply with the LDA lot coverage requirement, which, for a property this size, is 25%. With approval and mitigation, this amount may be exceeded to 31 1/4%. The property is also located within a Buffer Management Area (BMA), which further restricts impervious surfaces and structures within 100 feet landward of mean high tide (100 foot buffer). According to the plan submitted for this review, the proposed lot coverage is below the 25% limit and there are no proposed impervious surfaces or structures within the 100 foot buffer, therefore, by allowing the items requested by the petitioner, impacts on water quality will be minimized.

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

The current development proposal for the property will be reviewed for application of the LDA and BMA requirements, which will improve buffer functions, and conserve fish, wildlife and plant habitat in Galloway 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 side and front yard setbacks and lot coverage areas requested will be consistent with established land use policies, provided that the applicants meet any LDA and BMA requirements applicable to the proposal. The request, if granted, will avoid environmental impacts.

Reviewer: Thomas Panzarella; 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 August 1, 2011
Item No. 2012-008

DATE: July 22, 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 8.5 feet [NAVD 88].

The flood protection elevation is 9.5 feet.

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

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

The building engineer shall require a permit for this project.

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

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

DAK:CEN
cc: File
ZAC-ITEM NO 12-008-08012011.doc

Case No.: 2012-0008-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Plot to Accompany Petition for Variance	
No. 2	Plot of Bowling Quarter	
No. 3	Aerial View of area of site	
No. 4	8 photos	
No. 5	photo of construction	
No. 6	8 letters supporting petition	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Plot 6x#3





Plot #5

August 19, 2011

Dear Judge,

We have owned the property located at 1115 Cold Spring Road since 1989. Our property is immediately adjacent east of the Klaben's residence at 1113 Cold Spring Road.

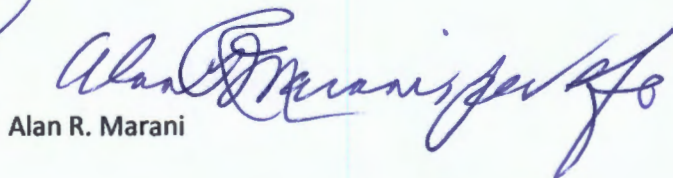
We have reviewed the zoning application and have no objections to the request. It is our belief that the replacement with a new house will be in the best interest to the community based on the zoning application and proposed new house. We do not believe this will be detrimental to the community but will enhance the property values of the neighborhood, as well as enhance the county tax base.

Therefore, we endorse the zoning application and construction of a new dwelling to improve the neighborhood.

Sincerely,



Susan F. O'Hare



Alan R. Marani

Petal # 6A

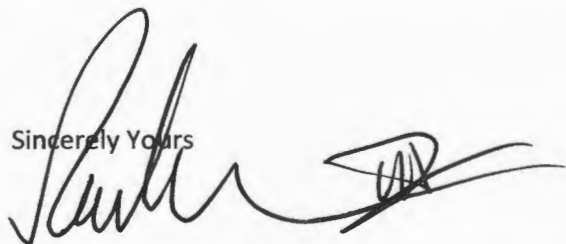
August 18, 2011

Dear Judge and to whom it may concern,

We have resided at 1109 Cold Spring Road, Middle River, MD 21220 since the 1995, Our property is immediately next door to the Klaben's residence at 1113 Cold Spring Road, Middle River, MD 21220.

We have reviewed the zoning application and have no objections to the request. It is our belief that the replacement with a new house will be in the best interest to the community based on the zoning application and proposed new house. We believe this will not be detrimental to the community and may enhance our property values and those of the neighborhood. We enthusiastically endorse the zoning application and construction of a new dwelling to improve the neighborhood.

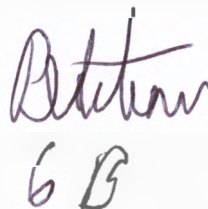
Sincerely Yours



Ralph H Prichard 111



Georgia M Prichard


B B

0A14

E X 1

8/23/11



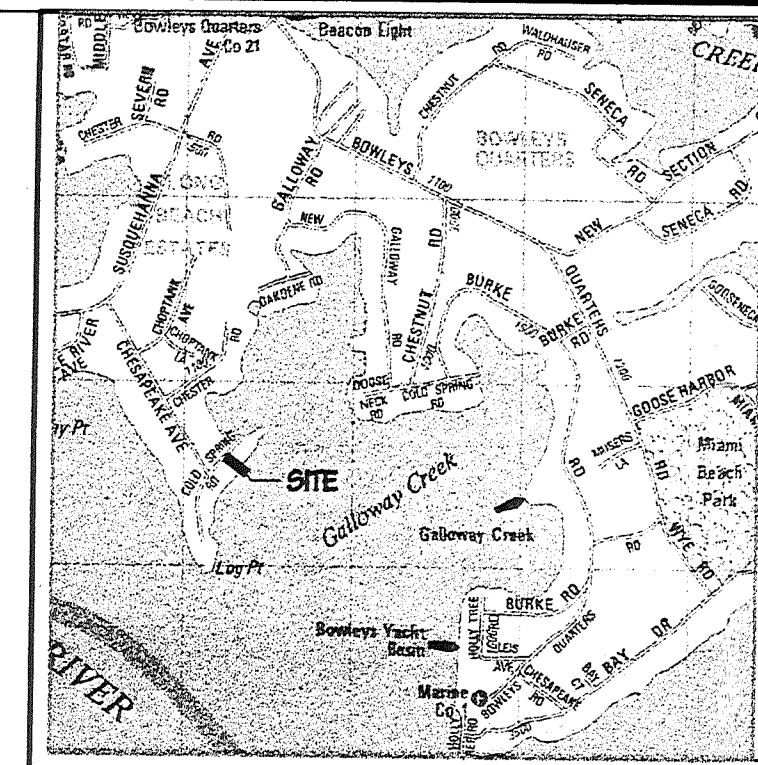
CHESAPEAKE BAY CRITICAL AREA LOT COVERAGE COMPUTATIONS

LOT AREA = 14,074 sq.ft.

PROPOSED BUILDING = 1,680 sq.ft. = 12%
PROPOSED DECK = 450 sq.ft.
PROPOSED PORCH = 150 sq.ft.
EXISTING DRIVEWAY = 560 sq.ft.
EXISTING WALK = 160 sq.ft.

TOTAL PROPOSED IMPERVIOUS AREA = 3,000 sq.ft. = 21%

ALLOWED IMPERVIOUS AREA = 3518 sq.ft. = 25%



Vicinity Map

Scale: 1" = 2000'

Notes

1. Owner: Stephanie Euler
1113 Cold Spring Road
Baltimore, MD 21220
2. Tax # 1507150680
3. Zoned: RC 5
4. This site is in the Chesapeake Bay Critical Area and the 100 year flood plain.
5. There are no underground fuel tanks.
6. This is not a historic property/building.
7. This site is serviced by public water and sewer.
8. No prior Zoning Hearings.

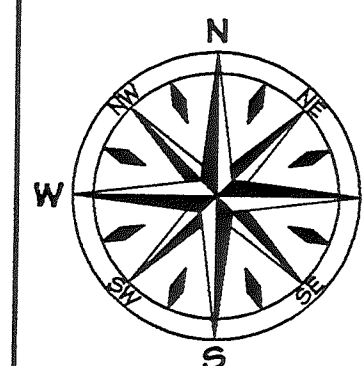
Plat to Accompany
a Petition for a
Zoning Variance

of the

Euler Property

1113 Cold Spring Road
Baltimore County, Maryland

15th Election District 6th Councilmanic District
Scale: 1"=50' Date: June 20, 2011

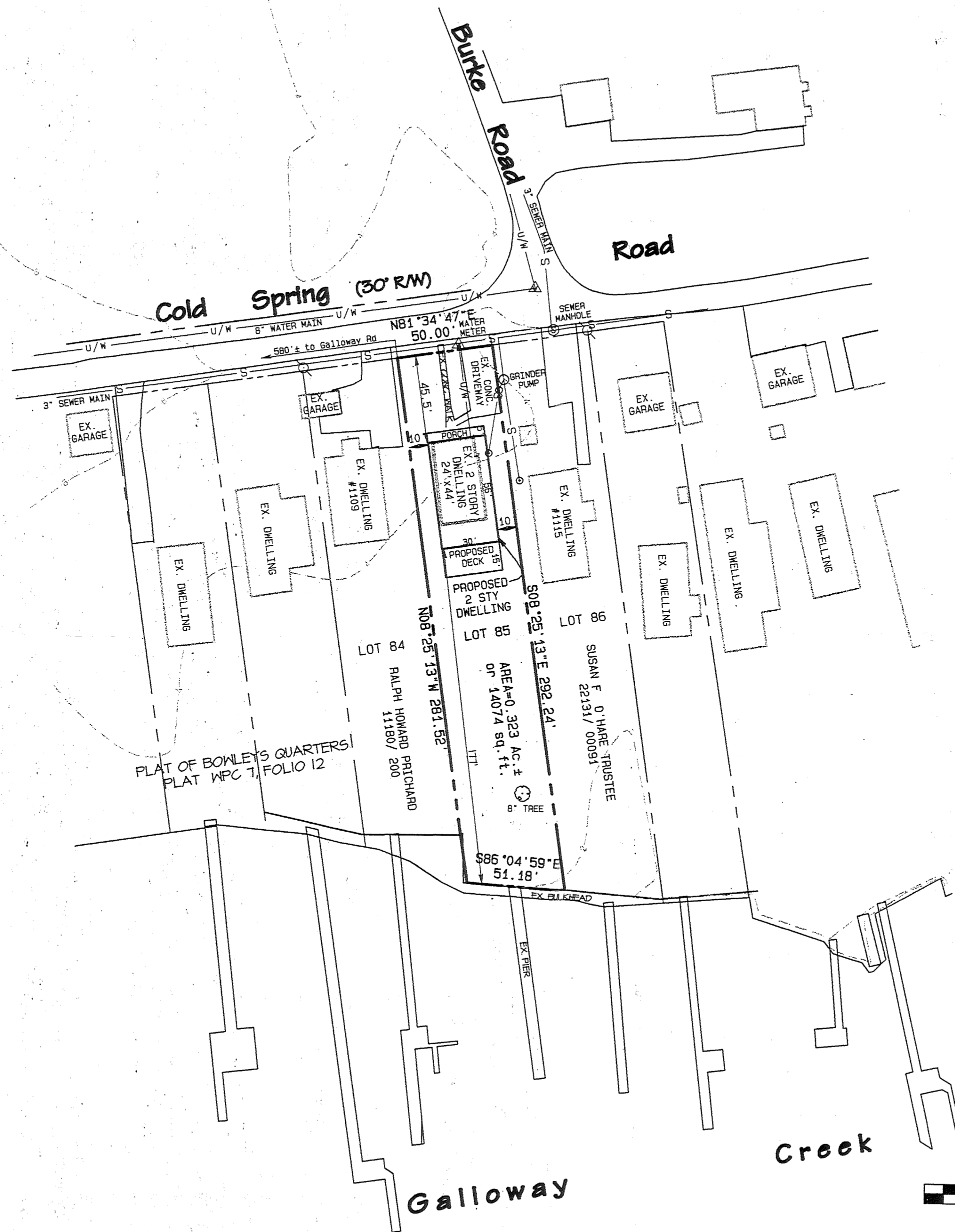


Dietz Surveying Co.
Land Surveying and Land Planning
8119 Oakleigh Road Baltimore MD 21234
Ph 410-661-3160, Fax 410-661-3163
www.dietzsveying.net

Plot Date: 8/23/2011

Job No. 11023
Party Chief: BRD, KK

File Name: X:\Cold Spring Rd 1113\WORKSHEET-backup.pro



GRAPHIC SCALE 1"=30'

