

IN RE: PETITION FOR ADMIN. VARIANCE

S side of private Road; 219 feet S of the
c/l of Cape May Road
15th Election District
6th Councilmanic District
(1845 Cape May Road)

Margaret A. Hood
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2012-0028-A**

* * * * *

AMENDED
OPINION AND ORDER

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owner of the subject property, Margaret A. Hood for property located at 1845 Cape May Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition on the side of an existing dwelling with a rear setback of 12 feet in lieu of the required 30 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner desires to construct an addition measuring 17' x 23.67'. The proposed addition will be 'flush' with the front of the existing dwelling. Due to the layout of the dwelling, the addition can only be constructed as shown on the site plan. Additional living space is needed for the family. The property is irregular in shape and fronts on Hog Pen Creek.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Bureau of Development Plans Review dated August 15, 2011, which indicate that the first floor or basement must be at least one foot above the flood plain elevation in all construction, the building should be designed and adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood damage. Flood-resistant construction should be in accordance with the Baltimore County Building Code

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Date

By

9-13-11
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which adopts the International Building Code. Comments were also received from the Department of Environmental Protection and Sustainability dated August 31, 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. Based on the plan, the proposed home addition can meet the lot coverage requirements, and impacts to water quality can be minimized.

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 addition is to be located no further waterward than the existing dwelling. By meeting BMA, lot coverage, and planting requirements, buffer functions can be maintained and conserve fish habitat in Hog Pen 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 proposal can be consistent with this goal and with established land-use policies provided that the applicants meet the requirements stated above.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on May 22, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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

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the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 13th day of September, 2011 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition on the side of an existing dwelling with a rear setback of 12 feet in lieu of the required 30 feet, be and is hereby GRANTED, subject to the following:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The base flood elevation for this site is 7.7 feet [NAVD 88].
3. The flood protection elevation for this site is 8.7 feet.
4. In conformance with Federal Flood Insurance Requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.
5. The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.
6. The building engineer shall require a permit for this project.

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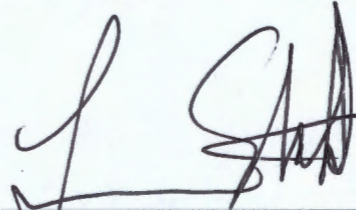
9-13-11

By

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7. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
8. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.
9. Compliance with the ZAC comments made by the Department of Environmental Protection and Sustainability dated August 31, 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

LMS/dlw

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Date

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By

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BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

AUG 31 2011

OFFICE OF ADMINISTRATIVE HEARINGS



TO: Hon. 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 31, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-028-A
Address 1845 Cape May Road
(Hood Property)

Zoning Advisory Committee Meeting of August 8, 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. Based on the plan, the proposed home addition can meet the lot coverage requirements, and impacts to water quality can be minimized.

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 addition is to be located no further waterward than the existing dwelling. By meeting BMA, lot coverage, and planting requirements, buffer functions can be maintained and conserve fish habitat in Hog Pen Creek.

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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 can be consistent with this goal and with established land-use policies provided that the applicants meet the requirements stated above.

Reviewer: *Paul Dennis - Environmental Impact Review*

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Date

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By

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KEVIN KAMENETZ
County Executive

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

September 13, 2011

Vincent Moskunas
Site Rite Surveying, Inc.
200 East Joppa Road, Room 101
Towson, Maryland 21286

Re: Petition for Administrative Variance—**AMENDED OPINION AND ORDER**

Case No. 2012-0028-A

Property: 1845 Cape May Road

Dear Mr. Moskunas:

Thank you for bringing to the attention of this Office the Opinion and Order issued on September 2, 2011 containing typographical errors. The Order inadvertently contained duplicate wording and omitted relief requested on Page 3. Therefore, please find attached an AMENDED OPINION AND ORDER in the above-captioned case.

Specifically, on Page 3, in the therefore clause on lines 2 through 7, wording was duplicated from Page 1, and the variance relief requested was omitted. We have amended the Order as follows:

“THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 13th day of September, 2011 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an addition on the side of an existing dwelling with a rear setback of 12 feet in lieu of the required 30 feet, be and is hereby GRANTED, subject to the following:”.

This letter as well as the Amended Opinion and Order shall be incorporated into the case file and made a part thereof, and I trust that this will resolve any discrepancies found therein. Thank you for bringing this matter to my attention and I apologize for any inconvenience this may have caused.

Very truly yours,

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw

c: Margaret A. Hood, 1845 Cape May Road, Baltimore, Maryland 21221

IN RE: PETITION FOR ADMIN. VARIANCE

S side of private Road; 219 feet S of the
c/l of Cape May Road
15th Election District
6th Councilmanic District
(1845 Cape May Road)

Margaret A. Hood
Petitioner

* BEFORE THE
* OFFICE OF
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OPINION AND ORDER

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The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Bureau of Development Plans Review dated August 15, 2011, which indicate that the first floor or basement must be at least one foot above the flood plain elevation in all construction, the building should be designed and adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood damage. Flood-resistant construction should be in accordance with the Baltimore County Building Code

ORDER RECEIVED FOR FILING

Date

By

9-2-11
3

which adopts the International Building Code. Comments were also received from the Department of Environmental Protection and Sustainability dated August 31, 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;

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

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on May 22, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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

ORDER RECEIVED FOR FILING

Date

By

the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 2nd day of September, 2011 that a variance from Comments were received from the Bureau of Development Plans Review dated August 15, 2011, which indicate that the first floor or basement must be at least one foot above the flood plain elevation in all construction, the building should be designed and adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood damage. Flood-resistant construction should be in accordance with the Baltimore County Building Code which adopts the International Building Code is hereby GRANTED, subject to the following:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The base flood elevation for this site is 7.7 feet [NAVD 88].
3. The flood protection elevation for this site is 8.7 feet.
4. In conformance with Federal Flood Insurance Requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.
5. The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby

ORDER RECEIVED FOR FILING

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9-2-11

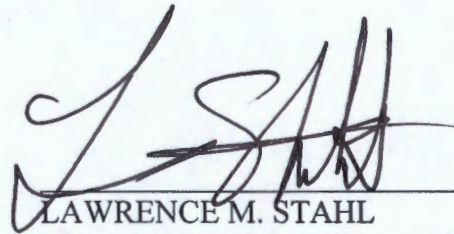
By

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elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

6. The building engineer shall require a permit for this project.
7. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
8. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.
9. Compliance with the ZAC comments made by the Department of Environmental Protection and Sustainability dated August 31, 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

9-2-11

By

03

CBC A/Flood Plains

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property
located at 1845 Cape may Road
which is presently zoned D.R. 3.5

Deed Reference: 25609 / 8 Tax Account # 1900008897

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)

1 B 02.3 C.1. TO PERMIT AN ADDITION ON SIDE OF EXISTING DWELLING WITH A REAR SETBACK OF 12 FEET IN LIEU OF THE REQUIRED 30 FEET.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Address

City State Zip Code

Legal Owner(s):

Margaret Hood

Name - Type or Print

Signature

Name - Type or Print

Signature

1845 Cape May Road

Address Telephone No.

Baltimore, MD 21221

City State Zip Code

Representative to be Contacted:

Site Rite Surveying, Inc.

Name

200 E. Joppa Road, Room 101 410-828-9060

Address Telephone No.

Towson MD 21286

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

Case No. 2012-0024-A

Reviewed By A. TSUI Date 7/29/11

Estimated Posting Date 8/7/11 ~ 8/22/11

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 own and reside at 1845 Cape May Road
Address number Road or Street name

and that this address is the subject of this variance request as required by law.

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate the hardship or practical difficulty; attach an additional sheet if needed) The existing dwelling is only one story (23.67' x 36') and sits on a crawl space. The addition is needed for living space. To minimize the environmental impacts and adhere to floodplain and buffer management regulations, it is best to position the addition on the side of the existing dwelling, for which zoning relief is needed.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

Margaret Hood
Signature

Margaret Hood

Name- print or type

Signature

Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

HARFORD
STATE OF MARYLAND, ~~BALTIMORE~~ COUNTY, to wit:

I HEREBY CERTIFY, this 27th day of JULY, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): Margaret Hood

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

AS WITNESS my hand and Notarial Seal

[Signature]
Name of Notary Public

12/03/11
Commission expires



**ZONING DESCRIPTION
#1845 CAPE MAY ROAD**

BEGINNING at a point on the south side of a private 20 foot right of way that leads to Cape May Road, which is 45 feet wide, said distance being 219.21 feet from the centerline of said Public Right of Way. As recorded in Deed Liber 25609, folio 8 with the following courses and distances:

North 82° 23' 53" East, 82.55 feet thence running along the south side of the Private 20 foot Right of Way, S 63° 10' 05" East, 40 feet; thence leaving said Right of Way S 05° 49' 43" West, 110.38 feet to the waters of Hog Pen Creek; thence running along said waters the three (3) following courses and distances, viz: (1) North 87° 15' 25" West, 32 feet, (2) North 27° 00' 25" West, 35 feet and (3) South 15° 12' 35" W, 35 feet; thence running North 22° 42' 38" West, 127.91 feet to the point of beginning, containing 0.2376 acres, more or less.

Also known as #1845 Cape May Road and located in the 15th Election District, 6th Councilmanic District.



Michael V. Moskunas
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road, Suite 101
Towson MD 21286
(410) 828-9060

2012-0028-A

CERTIFICATE OF POSTING

RE: Case No. 2012-0028-A

Petitioner/Developer SITE
RTE SURVEYING INC.

Date Of Hearing/Closing: 8/22/11

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

Ladies and Gentlemen

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

1845 CAPE MAY ROAD

This sign(s) were posted on August 7, 2011

Month, Day, Year

Sincerely,

Martin Ogle 8/2/11
Signature of Sign Poster and Date

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

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE# 2012-0028-A

TO PERMIT AN ADDITION ON SIDE OF EXISTING DWELLING
WITH A REAR SETBACK OF 12 FEET 10 INCHES AT THE REAR
30 FEET

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
WEDNESDAY, AUGUST 23, 2011.
ADDITIONAL INFORMATION IS AVAILABLE AT ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT LOCATED
AT 111 W. CALVERT AVE., TOWSON MD. 21204
TEL. 410-887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER THE DATE ENTERED PENALTY OF LAW
MEETING IS HANDICAP ACCESSIBLE

08/07/2011

Handwritten signature 8/7/11

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2012- 0028 -A Address 1845 CAPE MAY ROAD
Contact Person: AARON TSUI Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 7/29/11 Posting Date: 8/7/11 Closing Date: 8/22/11

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

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
- POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2012- 0028 -A Address 1845 CAPE MAY ROAD
Petitioner's Name MARGARET HOOD Telephone _____
Posting Date: 8/7/11 Closing Date: 8/22/11
Wording for Sign: To Permit AN ADDITION ON SIDE OF EXISTING DWELLING
WITH A REAR SETBACK OF 12 FEET IN LIEU OF THE
REQUIRED 30 FEET.

Revised 7/06/11



KEVIN KAMENETZ
County Executive

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

August 11, 2011

Ms. Margaret Hood
1845 Cape May Road
Baltimore, MD 21221

RE: Case Number 2012-0028-A, 1845 Cape May Road

Dear Ms. Hood,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 29 2011. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Site Rite Surveying, Inc., 200 E. Joppa Road, Rm. 101, Towson, MD 21286

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



Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 8-9-11

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

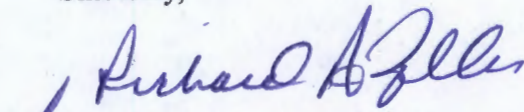
RE: Baltimore County
Item No. 2012-0028-A
Administrative Variance
Margaret Hood
1845 Cape May Road.

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. 2012-0028-A.

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

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

AUG 31 2011



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. 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 31, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-028-A
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(Hood Property)

Zoning Advisory Committee Meeting of August 8, 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. Based on the plan, the proposed home addition can meet the lot coverage requirements, and impacts to water quality can be minimized.

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 addition is to be located no further waterward than the existing dwelling. By meeting BMA, lot coverage, and planting requirements, buffer functions can be maintained and conserve fish habitat in Hog Pen 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 proposal can be consistent with this goal and with established land-use policies provided that the applicants meet the requirements stated above.

Reviewer: *Paul Dennis - Environmental Impact Review*

AV

Joked
8/24/11

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For August 22, 2011
Item No. 2012-0028

DATE: August 15, 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 12-0028-08222011.doc



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

August 4, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **August 8, 2011**

Item No.:

Administrative Variance: 2012-0026A, 2012-0028A, 2012-0030A – 0032A.

Variance: 2012-0027A.

Special Hearing: 2012-0029-SPH.

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

Patricia Zook - Case 2012-0024-A - comment needed

From: Patricia Zook
To: Livingston, Jeffrey
Date: 8/24/2011 10:14 AM
Subject: Case 2012-0024-A - comment needed

Good morning -

This administrative variance case was delivered to our office. In reviewing the case file, it does not contain any comments from your office.

CASE NUMBER: 2012-0024-A

21717 Gunpowder Road

Location: E side of Gunpowder Road; 3,000 feet N of the c/l of Lynn Ridge Court.

6th Election District, 3rd Council District

Legal owner: Gary K. and Debbra Ann LaBarre

ADMINISTRATIVE VARIANCE To permit a proposed accessory building (detached garage) to be located on the side of the dwelling, and to be 17 feet 6 inches in height in lieu of the required rear yard location and the maximum allowed 15 feet height.

Closing 8/22/2011

If you don't have comments, just reply to this e-mail and I'll place it in the file. As always, thanks for your help,
~~Dennis~~ *Seff*

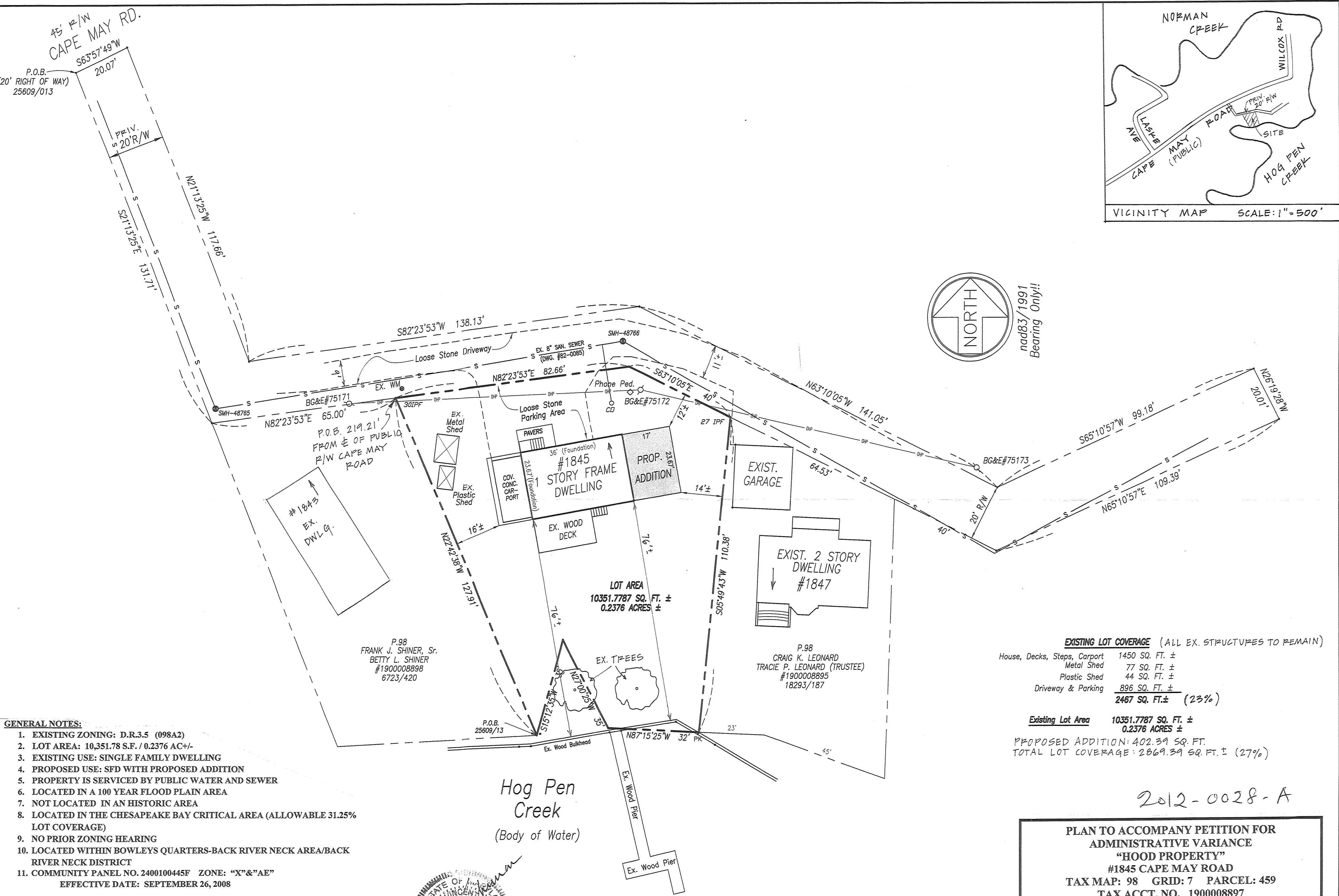
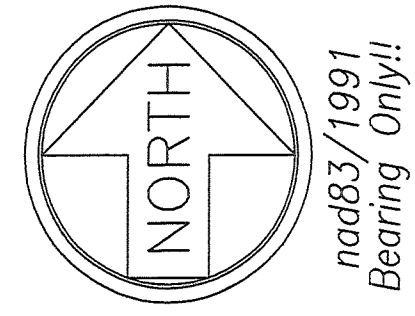
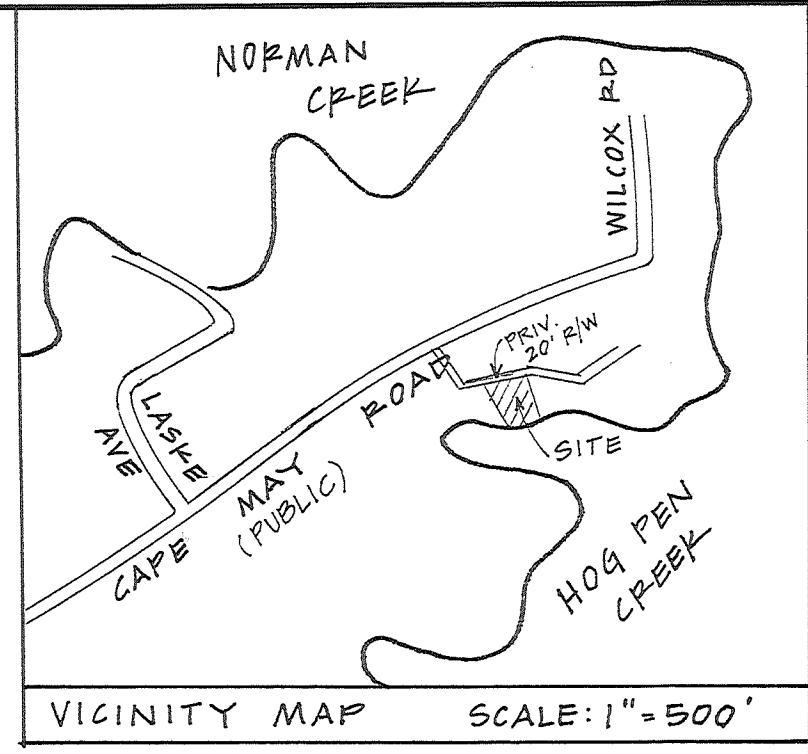
Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

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HOG PEN
CREEK
(BODY OF WATER)

2012-0028-A



- GENERAL NOTES:**
1. EXISTING ZONING: D.R.3.5 (098A2)
 2. LOT AREA: 10,351.78 S.F. / 0.2376 AC+/-
 3. EXISTING USE: SINGLE FAMILY DWELLING
 4. PROPOSED USE: SFD WITH PROPOSED ADDITION
 5. PROPERTY IS SERVICED BY PUBLIC WATER AND SEWER
 6. LOCATED IN A 100 YEAR FLOOD PLAIN AREA
 7. NOT LOCATED IN AN HISTORIC AREA
 8. LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA (ALLOWABLE 31.25% LOT COVERAGE)
 9. NO PRIOR ZONING HEARING
 10. LOCATED WITHIN BOWLEYS QUARTERS-BACK RIVER NECK AREA/BACK RIVER NECK DISTRICT
 11. COMMUNITY PANEL NO. 2400100445F ZONE: "X"&"AE" EFFECTIVE DATE: SEPTEMBER 26, 2008

EXISTING LOT COVERAGE (ALL EX. STRUCTURES TO REMAIN)

House, Decks, Steps, Carport	1450 SQ. FT. ±
Metal Shed	77 SQ. FT. ±
Plastic Shed	44 SQ. FT. ±
Driveway & Parking	896 SQ. FT. ±
2467 SQ. FT. ± (23%)	

Existing Lot Area 10351.7787 SQ. FT. ± 0.2376 ACRES ±

PROPOSED ADDITION: 402.39 SQ. FT.
TOTAL LOT COVERAGE: 2869.39 SQ. FT. ± (27%)

2012-0028-A

PLAN TO ACCOMPANY PETITION FOR ADMINISTRATIVE VARIANCE "HOOD PROPERTY"

#1845 CAPE MAY ROAD
TAX MAP: 98 GRID: 7 PARCEL: 459
TAX ACCT. NO. 1900008897
DEED REF.: 25609/8
ELECTION DISTRICT NO. 15
COUNCILMANIC DISTRICT NO. 6
BALTIMORE COUNTY, MD
SCALE: 1"=20'
JULY 29, 2011
JOB NO. 9980

SITERITE SURVEYING INC.
200 E. JOPPA ROAD
SHELL BUILDING, SUITE 101
TOWSON, MD. 21286
410-828-9060



OWNER: Margaret Hood
1845 Cape May Road
Baltimore, MD 21221