

IN RE: PETITION FOR VARIANCE

NW/side of New Section Road; 500'
S of c/line of South Seneca Road
(3920 New Section Road)
15th Election District
6th Council District

Robert Barrett and Sophia Dritsas
Petitioners

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2012-0042-A

* * * * *

ORDER AND OPINION

This matter comes before the Administrative Law Judge as a Petition for Variance filed by the legal owners of the property, Robert Barrett and Sophia Dritsas. The Petitioners are requesting Variance relief pursuant to Section 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an as-built gazebo attached to an open front deck with a 5.2 feet side setback in lieu of the required 37.5 feet side setback. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

This matter arose from a complaint registered with the Code Enforcement Division of the Department of Permits, Approvals and Inspections¹. A Code Inspections and Enforcement Correction Notice was issued to the Petitioners on May 4, 2011, for failure to obtain a building permit for a deck and gazebo on the waterside of dwelling and failure to obtain the required inspections. Hence, Petitioners filed the instant Petition to legitimize same.

Appearing at the requisite public hearing held for this case were the Petitioners, Robert Barrett and Sophia Dritsas, and Robert Infussi with Expedite, LLC, who is assisting the Petitioners with the permitting process. The file reveals that the Petition was properly advertised

¹ Case No: CO-0092792

ORDER RECEIVED FOR FILING

Date

By

9-15-11

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and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons in attendance at the hearing, and the Petitioners indicated their neighbors were supportive of their request.

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 (DPR), dated August 26, 2011, as follows:

1. The base flood elevation for this site is 8.5 feet [NAVD 88].
2. The flood protection elevation for this site is 9.5 feet.
3. 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.
4. 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.
5. The building engineer shall require a permit for this project.
6. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
7. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.

Comments were also received from the Department of Environmental Protection and Sustainability (DEPS), dated September 13, 2011, as follows:

DEPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. This waterfront property is located in a Limited Development Area and a Buffer Management Area within the Chesapeake Bay Critical Area. Development of this property must comply with a maximum lot coverage limit of 31.25% (4,697 square feet) with mitigation for the lot coverage amount over 25% (3757.5 square feet), must meet BMA requirements for development within the 100-foot tidal

buffer, and must meet a 15% tree cover requirement. Any portion of the deck that does not have a roof and is constructed with spaces between the boards so as to be pervious does not count towards the lot coverage limits. Based on this, DEPS has determined that adverse impacts on water quality from the pollutants discharged from the proposed development can be minimized with compliance and mitigation pursuant to Critical Area requirements. Mitigation requirements may include the planting of native trees and shrubs.

2. The proposed development must comply with all LDA and BMA requirements, including the 15% afforestation requirement and CBCA lot coverage requirements, prior to building permit approval. Therefore the subject zoning petition will conserve fish, wildlife, and plant habitat.
3. The proposed development is permitted under the State-mandated Critical Area regulations provided that development is in compliance with all Critical Area requirements. Lot coverage on the property is limited. Compliance with the Critical Area requirements, and mitigation can allow the subject development to be consistent with established land use policy 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.

Testimony and evidence offered revealed that the subject property is zoned R.C.5 and contains 0.345 acres, more or less. The property is served by public water and sewer, and is within the Chesapeake Bay Critical Area (CBCA). Petitioners purchased their home in August 2003, and less than a month later it was totally destroyed by Hurricane Isabel. The Petitioners reconstructed their present home on the same "footprint" in May 2005, and rebuilt the same deck on the front of their home that existed before the storm. Petitioners purchased a pre-built gazebo (shown on Exhibit 3) which was positioned on their lot. Petitioners indicated they were unaware of the setback requirements, and thought they were permitted to reconstruct the improvements on the lot in basically the same location before Hurricane Isabel.

Considering all of the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that are peculiar to the

land or structure which is the subject of the variance request. As noted above, Petitioners' home was totally destroyed by Hurricane Isabel, and they advised the insurance company paid them only about \$20,000 for the loss. They lived in a neighbor's pool house for over two years while saving to construct their new home, and did so with the understanding they were allowed to reconstruct the improvements in the same location, which failed to account for the side yard setback requirements of the B.C.Z.R. These facts, coupled with the very narrow lot and the somewhat unorthodox orientation of the dwelling on that lot, render the property unique.

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 307 of the B.C.Z.R. as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

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

THEREFORE, IT IS ORDERED, this 15 day of September, 2011 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an as-built gazebo attached to an open front deck with a 5.2 feet side setback in lieu of the required 37.5 feet side setback, be and is hereby GRANTED.

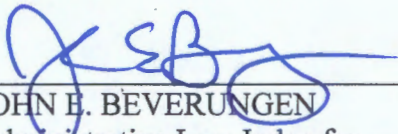
The relief granted herein shall be subject to the following:

1. Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order

9-15-11
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has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Petitioners shall comply with the ZAC comments received from the Bureau of Development Plans Review (DPR), dated August 26, 2011, and Department of Environmental Protection and Sustainability (DEPS), dated September 13, 2011; copies of which are attached hereto and made a part hereof.



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date

9-15-11

By

DLW

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 September 06, 2011
Item No. 2012-0042

DATE: August 26, 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 12-0042-09062011.doc

ORDER RECEIVED FOR FILING

Date

9-15-11

By

JB 9/14 11Am jos

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

SEP 13 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: September 13, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-042-A
Address 3920 New Section Road
(Barrett/Dritsas Property)

Zoning Advisory Committee Meeting of August 22, 2011.

DEPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. This waterfront property is located in a Limited Development Area and a Buffer Management Area within the Chesapeake Bay Critical Area. Development of this property must comply with a maximum lot coverage limit of 31.25% (4,697 square feet) with mitigation for the lot coverage amount over 25% (3757.5 square feet), must meet BMA requirements for development within the 100-foot tidal buffer, and must meet a 15% tree cover requirement. Any portion of the deck that does not have a roof and is constructed with spaces between the boards so as to be pervious does not count towards the lot coverage limits. Based on this, DEPS has determined that adverse impacts on water quality from the pollutants discharged from the proposed development can be minimized with compliance and mitigation pursuant to Critical Area requirements. Mitigation requirements may include the planting of native trees and shrubs.
2. The proposed development must comply with all LDA and BMA requirements, including the 15% afforestation requirement and CBCA lot coverage requirements, prior to building permit approval. Therefore the subject zoning petition will conserve fish, wildlife, and plant habitat.
3. The proposed development is permitted under the State-mandated Critical Area regulations provided that development is in compliance with all Critical Area requirements. Lot coverage on the property is limited. Compliance with the

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ORDER RECEIVED FOR FILING

Date 9-15-11 By [signature]

Critical Area requirements, and mitigation can allow the subject development to be consistent with established land use policy 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.

Reviewer: Regina Esslinger; Environmental Impact Review

ORDER RECEIVED FOR FILING

Date

9-15-11

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 15, 2011

Robert Infussi
Expedite, LLC
1536 Dunkeld Way
Bel Air, Maryland 21015

RE: PETITION FOR VARIANCE

NW/side of New Section Road; 500' S of c/line of South Seneca Road
(3920 New Section Road)
15th Election District - 6th Council District
Robert Barrett and Sophia Dritsas - Petitioners
CASE NO. 2012-0042-A

Dear Mr. Infussi:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "JEB", is written over the typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Lewis Mayer, Code Inspector, Division of Code Inspections and Enforcement, PAI



CBCA & Floor Plans **Petition for Variance**

to the Zoning Commissioner of Baltimore County for the property
located at 3920 NEW SECTION RD 21220
which is presently zoned RC-5

Deed Reference: 187421651 Tax Account # 1511801770

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)

Section 301.1.A of BCZR to permit an as-built gazebo attached to an open front deck with a 5.2 feet side setback in lieu of the required 37.5 feet side setback.

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

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Robert D. Barrett
Name - Type or Print _____
[Signature]
Signature _____
Sophia K. Dritsas
Name - Type or Print _____
Sophia K. Dritsas
Signature _____

Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Case No. 2012-0042-A

ORDER RECEIVED FOR FILING

REV 8/20/07

Date 9-15-11

By DW

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by AT&M I Date 8/16/11

Zoning Description

Address 3920 New Section Road 21220

NORTH - WEST

Beginning at a point on the East side of New Section Road which is 18 foot wide at the distance of 500 feet South of the intersection of South Seneca Road and which is 2 miles to the intersection of Bowleys Quarters Road. And being lot # 310, block # n/a, section # n/a, in the subdivision of Bowleys Quarters as recorded in Baltimore County Plat Book #10, Folio # 64 containing 15,600 sq. ft.. Also known as 3920 New Section Road and located in the 15th Election District and the 6th Councilmanic District.

2012-0042-A

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2012-0042-A

3920 New Section Road

N/West side of New Section Road, 500 feet south of centerline of South Seneca Road

15th Election District — 6th Councilmanic District

Legal Owner(s): Robert Barrett & Sophia Dritsas

Variance to permit an as-built gazebo attached to an open front deck with a 5.2 feet side setback in lieu of the required 37.5 feet side setback.

Hearing: Wednesday, September 14, 2011 at 11:00 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 08/755 August 30 284871

CERTIFICATE OF PUBLICATION

9/11, 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 8/30/, 2011.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING
CERTIFICATE OF POSTING

9/14
11Am

RE: CASE NO: 2012-0042-A

PETITIONER/DEVELOPER _____

BOB INFUSSI

DATE OF HEARING/CLOSING: _____

9/14/11

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 THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT 3920 NEW SECTION ROAD

THIS SIGN(S) WERE POSTED ON _____

August 30, 2011
(MONTH, DAY, YEAR)

SINCERELY,

[Signature] 8/30/11
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
10 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

ZONING NOTICE

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

CASE # 2012-0042-A

ROOM 205, JEFFERSON BUILDING 105
PLACE: WEST CHESAPEAKE AVENUE, TOWSON 21204
DATE AND TIME: WEDNESDAY SEPTEMBER 14, 2011
AT 11:00 A.M.

REQUEST: VARIANCE TO PERMIT AN AS-BUILT GAZEBO
ATTACHED TO AN OPEN FRONT DECK WITH A
5.2 FEET SIDE SETBACK IN LIEU OF THE REQUIRED
37.5 FEET SIDE SETBACK

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE.
TOWSON, MD 21204
TEL 410-887-3391
GOING TO HARBOR ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 30, 2011 Issue - Jeffersonian

Please forward billing to:
Robert Infussi
Expedite, LLC
1536 Dunkeld Way
Bel Air, MD 21015

410-812-2236

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0042-A

3920 New Section Road

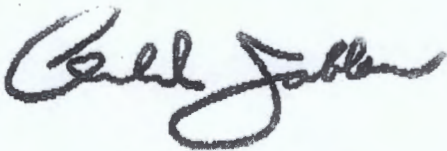
N/west side of New Section Road, 500 feet south of centerline of South Seneca Road

15th Election District – 6th Councilmanic District

Legal Owners: Robert Barrett & Sophia Dritsas

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105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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



KEVIN KAMENETZ
County Executive

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

August 23, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0042-A

3920 New Section Road

N/west side of New Section Road, 500 feet south of centerline of South Seneca Road

15th Election District – 6th Councilmanic District

Legal Owners: Robert Barrett & Sophia Dritsas

Variance to permit an as-built gazebo attached to an open front deck with a 5.2 feet side setback in lieu of the required 37.5 feet side setback.

Hearing: Wednesday, September 14, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Robert Infussi, 1536 Dunkeld Way, Bel Air 21015
Robert Barrett, Sophia Dritsas, 3920 New Section Road, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 30, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2012-0042 A

Petitioner: ROBERT BARRETT & SOPHIA DRITSAS

Address or Location: 3920 New Section Rd 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: Robert Infassi Expedite, LLC

Address: 1536 Dunkeld Way
Bel Air, Md 21015

Telephone Number: 410 - 812 - 2236



KEVIN KAMENETZ
County Executive

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

September 7, 2011

Mr. Robert Barrett
Ms. Sophia Dritsas
3620 New Section Road
Baltimore, MD 21220

RE: Case Number 2012-0042-A, 3920 New Section Road

Dear Mr. Barrett and Ms. Dritsas,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 16, 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
Robert Infussi, 1536 Dunkeld Way, Bel Air, MD 21015



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

August 23, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **August 22, 2011**

Item No.:

Administrative Variance: 2012-0040A – 0041A, 2012-0043A

Variance: 2012-0039-SPHXA, 2012-0042A

Special Hearing: 2012-0039-SPHXA

Special Exception: 2012-0039-SPHXA

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

SEP 13 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: September 13, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-042-A
Address 3920 New Section Road
(Barrett/Dritsas Property)

Zoning Advisory Committee Meeting of August 22, 2011.

DEPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

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Critical Area requirements, and mitigation can allow the subject development to be consistent with established land use policy 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.

Reviewer: Regina Esslinger; Environmental Impact Review

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For September 06, 2011
Item No. 2012-0042

DATE: August 26, 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 12-0042-09062011.doc

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 8-24-11

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

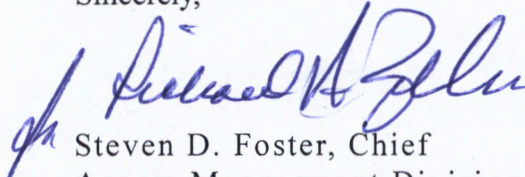
RE: Baltimore County
Item No. 2012-0042-A
Variance
Robert Barrett & Sophia Dritsas
3920 New Section Road.

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. 2012-0042-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 1.800.735.2256 Statewide Toll Free

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

RE: PETITION FOR VARIANCE * BEFORE THE
3920 New Section Road; NW/S New Section *
Road, 500' S of c/line Seneca Road * ADMINISTRATIVE LAW
15th Election & 6th Councilmanic Districts
Legal Owner(s): Robert Barrett & Sophia Dritsas* JUDGE FOR
Petitioner(s) * BALTIMORE COUNTY
* 2012-042-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

AUG 29 2011

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of August, 2011, a copy of the foregoing Entry of Appearance was mailed to Robert Barrett, 3920 New Section Road, Baltimore, MD 21220, Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Debra Wiley - Case No. 2012-0042-A - 3920 New Section Road

From: Debra Wiley
To: Livingston, Jeffrey; Lykens, David
Date: 9/13/2011 11:47 AM
Subject: Case No. 2012-0042-A - 3920 New Section Road

Good Morning,

Please note that the above-referenced hearing is scheduled for tomorrow and there's no ZAC comment received from your department. This is in the CBCA.

Thanks.

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

Re:

CBCA
comment

JB

9/14 11Am
205**Debra Wiley - Re: Case No. 2012-0042-A - 3920 New Section Road**

From: Jeffrey Livingston
To: Wiley, Debra
Date: 9/13/2011 11:49 AM
Subject: Re: Case No. 2012-0042-A - 3920 New Section Road

Debbie,

I should be able to actually have this one for you later today. It looks there is a comment filed, I just have to make sure that it's gone through upper level review before I can release it. I'll let you know in a bit.

Jeff

>>> Debra Wiley 9/13/2011 11:47 AM >>>
Good Morning,

Please note that the above-referenced hearing is scheduled for tomorrow and there's no ZAC comment received from your department. This is in the CBCA.

Thanks.

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

NE 3-L

091C3

NE 2-L

6 CD

RC 5

15 ED

RC 20

NEW SECTION RD

Bowleys Quarters-Back River Neck Area

Pt. Bk. PDM # 150010

Lot # A 1507472091

1502651051
Pt. Bk. 10, Folio 64

3932

Lot # 315
1518101370

20020569

1519510650

196

Lot # C

Lot # X

Lot # 332

200401
200302

2400005687

3921

Lot # 334

1519391554

1519391553

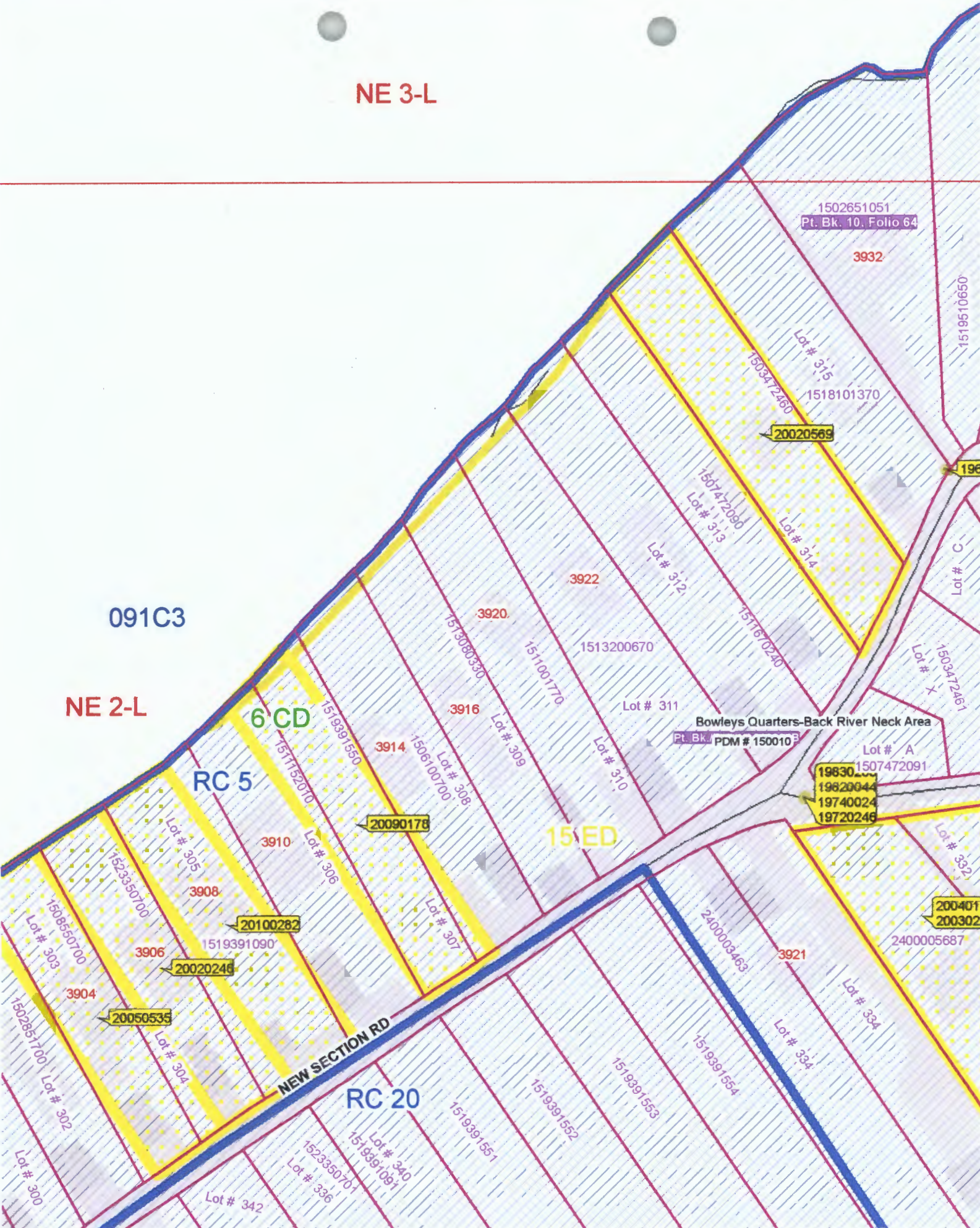
1519391552

1519391551

Lot # 340
1519391091

Lot # 336
1523350701

Lot # 342



2012-0042-A

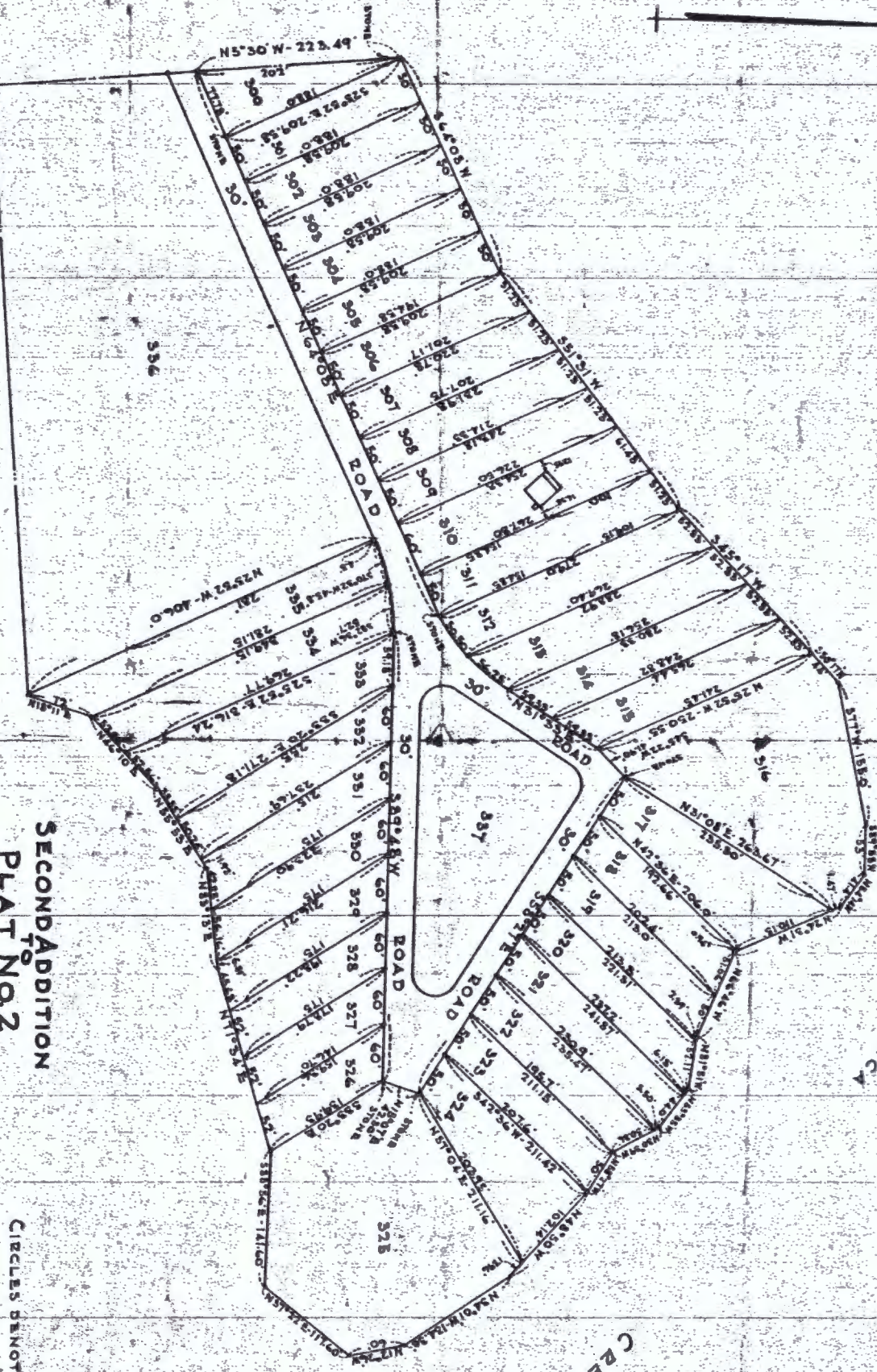


05.10.2011

Rt #3

Pt. # 2

SECOND ADDITION
TO
PLAT NO. 2
BOWLEY'S QUARTERS



CIRCLES DENOTE STAKES

SCALE 1"=100' JUNE 6, 1931.

E. V. COONAN & CO.

SURVEYORS & CIVIL ENGINEERS

231 ST. PAUL PLACE

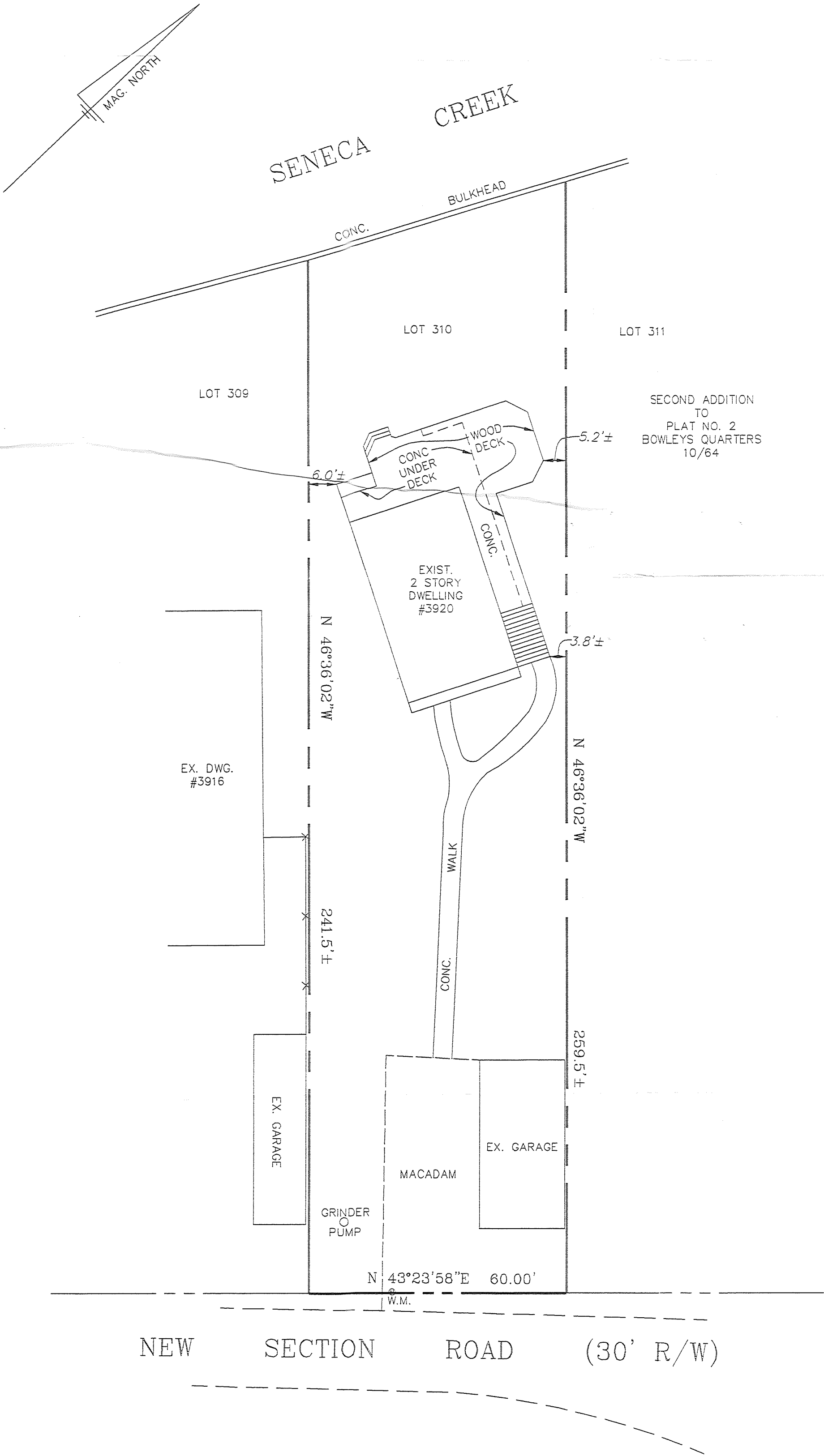
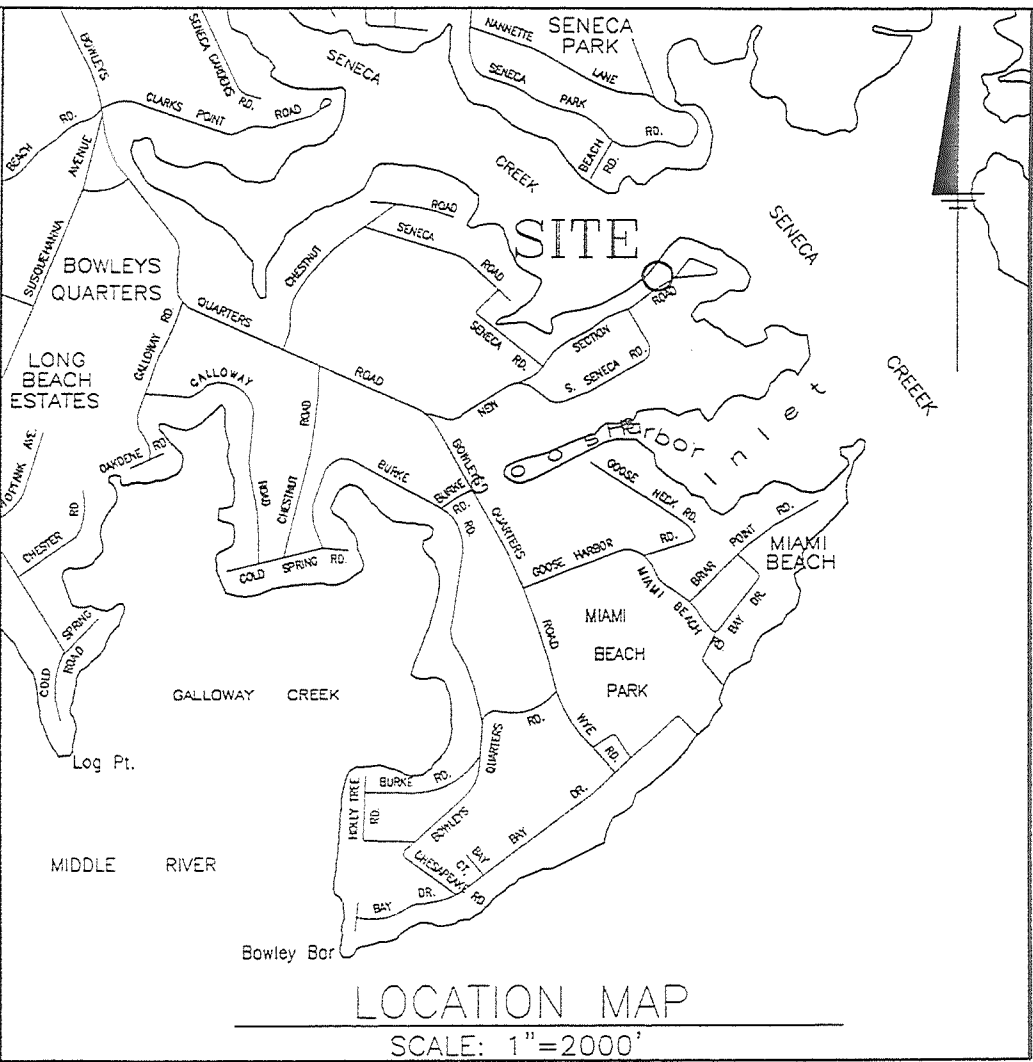
BALTO., MD.

-95-16511 2736-2467



PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE (SIDEYARD SETBACK)

PROPERTY ADDRESS - #3920 NEW SECTION ROAD
SUBDIVISION NAME - SECOND ADDITION TO PLAT NO.2 BOWLEYS QUARTERS
PLAT BOOK - 10/64 LOT 310
OWNER: ROBERT BARRETT & SOPHIA DRITSAS
TAX NO. 15-11-001770
DEED REF. 18742/651



LOCATION INFORMATION			
ELECTION DISTRICT	15th		
COUNCILMANIC DISTRICT	6th		
1"=200 SCALE MAP	#091C3		
ZONING	RC-5		
LOT SIZE	0.345 ACREAGE	15,030 SQUARE FEET	
	SEWER	PUBLIC ☒	PRIVATE ☐
	WATER	☒	☐
	CHESAPEAKE BAY CRITICAL AREA	YES ☒	NO ☐
	100 YEAR FLOOD PLAIN	☒	☐
	HISTORIC PROPERTY/BUILDING	☐	☒
ZONING HISTORY - NONE			
ZONING OFFICE USE ONLY			
REVIEWED BY:	ITEM #	CASE #	
ATSUI	0042	2012-0042A	