

IN RE: PETITION FOR VARIANCE

S side of Old Battle Grove Road; 1,100
feet W of the c/l of North Point Blvd.
15th Election District
7th Council District
(7655 Old Battle Grove Road)

David J. Schoppert
Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2012-0065-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Variance filed by the legal owner of the property, David Schoppert. The Petitioner is requesting Variance relief from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (garage) with a height of 30 feet in lieu of the required 15 feet. 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 public hearing in support of the variance request was Petitioner David Schoppert and Richard Feit, who is assisting the Petitioner in the permit process. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R. There were no Protestants or other interested persons in attendance, and the Petitioner indicated his neighbors were supportive of his request.

This matter came to the OAH as a result of 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 Petitioner on May 27, 2011, for failure to obtain the required building permits and inspections for the garage he was constructing on

ORDER RECEIVED FOR FILING

Date 10-28-11

By SMA

his property. Hence, Petitioner filed for Variance relief to "legitimize" the structure.

Testimony and evidence offered revealed that the subject property is improved by a dwelling of 2,160 square feet. The lot contains approximately 7,500 square feet and is zoned DR 5.5.

The Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. Comments were received from the Department of Environmental Protection and Sustainability dated September 23, 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 concerning certain factors. EPS' response is as follows:

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. The applicant is proposing to exceed the height limits for a shed. To minimize impacts on water quality, lot coverage requirements must be met. Additional storage on a second level, rather than an expanded footprint, help reduce lot coverage. By meeting the lot coverage requirements, the relief requested by the applicant will result in minimal impacts to water quality.

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

This property is not waterfront. It is unclear from the applicant's plan accompanying this zoning petition whether the requested relief will exceed the lot coverage limit on site. If the proposal does not exceed lot coverage limits, it will help conserve fish habitat in Back River.

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.

If lot coverage limits are met, then the applicant's proposal is consistent with this goal. The relief requested will be consistent with established land-use policies provided that the applicants meet the requirements stated above.

Considering all of the testimony and evidence presented, I am persuaded to grant the

ORDER RECEIVED FOR FILING

Date 10-28-11

2

By SMA

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. The garage is situated at the rear of the lot, and will not interfere with adjoining neighbors' enjoyment and use of their property, nor will it block neighbors' sight lines or views.

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 variance relief can be granted in accordance with the requirements of Section 307 of the B.C.Z.R. as articulated in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

Although the Office of Planning did not make any recommendations related to the garage height and usage, I will impose conditions that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

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 28 day of October, 2011 by this Administrative Law Judge that Petitioner's Variance request from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (garage) with a height of 30 feet in lieu of the required 15 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

ORDER RECEIVED FOR FILING

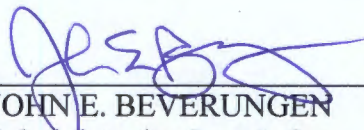
Date 10-28-11

3

By SMA

1. The Petitioner may apply for a building permit and may be granted same upon receipt of this Order, however the Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioner will be required to return and be responsible for returning said property to its original condition.
2. The Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.
4. Compliance with the ZAC comments made by the Department of Environmental Protection and Sustainability dated September 23, 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.



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

ORDER RECEIVED FOR FILING

Date 10-28-11

By SMA

10/20 12:30
205

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

SEP 23 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 23, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-0065-A
Address: 7655 Old Battle Grove Road
(Schoppert Property)

Zoning Advisory Committee Meeting of September 12, 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. The applicant is proposing to exceed the height limits for a shed. To minimize impacts on water quality, lot coverage requirements must be met. Additional storage on a second level, rather than an expanded footprint, help reduce lot coverage. By meeting the lot coverage requirements, the relief requested by the applicant will result in minimal impacts to water quality.

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This property is not waterfront. It is unclear from the applicant's plan accompanying this zoning petition whether the requested relief will exceed the lot coverage limit on site. If the proposal does not exceed lot coverage limits, it will help conserve fish habitat in Back River.

C:\DOCUME~1\DWILEY~1\BA2\LOCALS~1\Temp\XPgrpwise\ZAC 12-0065-A 7655 Old Battle Grove Road.doc

ORDER RECEIVED FOR FILING

Date 10-28-11

By [Signature]

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.

If lot coverage limits are met, then the applicant's proposal is consistent with this goal. The relief requested will be consistent with established land-use policies provided that the applicants meet the requirements stated above.

Reviewer: Regina Esslinger, *Environmental Impact Review*

ORDER RECEIVED FOR FILING

Date

10-28-11

By

103



KEVIN KAMENETZ
County Executive

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

October 28, 2011

David J. Schoppert
7655 Old Battle Grove Rd.
Baltimore, MD 21222

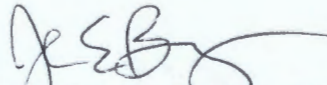
RE: **PETITION FOR VARIANCE**
S side of Old Battle Grove Rd; 1,100 feet W of the c/l of North Point Blvd.
15th Election District- 7th Council District
(7655 Old Battle Grove Road)
David J. Schoppert - *Petitioner*
CASE NO. 2012-0065-A

Dear Mr. Schoppert:

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, Approvals and Inspections office at 410-887-3391.

Very truly yours,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sma
Enclosure

c: Richard Feit, 982 Martin Rd., Baltimore, MD 21221
Lewis Mayer, Code Enforcement Division, Department of Permits, Approvals and Inspections



CBCA

TAX. UNIT # 1519511600

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7655 010 BATHGROVE RD
which is presently zoned R.L. 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3 (BCZR)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT OF 30-FEET IN LIEU OF THE REQUIRED 15-FEET.

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

+ to be discussed

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By D.T. Date 9/1/11

Case No. 2012-0065-A

ORDER RECEIVED FOR FILING
REV 9/15/98

Date 10-28-11

BY SPMA

Zoning Description for 7655 OLD BATTLE GROVE ROAD

Beginning at a point on the south side of Old Battle Grove Road which is 50-feet wide at a distance of 1100-feet west of the centerline of North Point Boulevard which is 100-feet wide. Being Lot #214 in the Subdivision known as "Battle Grove" as recorded in Baltimore County Plat Book #8, Folio #94 containing 7500 square feet. Also known as 7655 Old Battle Grove Road and located in the 15th Election District and 7th Councilmanic District.

2012-0065-A

**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: # 2012-0065-A

7655 Old Battle Grove Road
S/s Old Battle Grove Road,
1100 feet west of center-
line of North Point Blvd.

15th Election District
7th Councilmanic District
Legal Owner(s): David
Schoppert

Variance: to permit an ac-
cessory structure (garage)
with a height of 30-feet in
lieu of the required 15 feet.

Hearing: Thursday, Octo-
ber 20, 2011 at 1:30 p.m.
in Room 205, Jefferson
Building, 105 West Chesa-
peake Avenue, Towson
21204.

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Administrative Hearings Of-
fice at (410) 887-3868.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

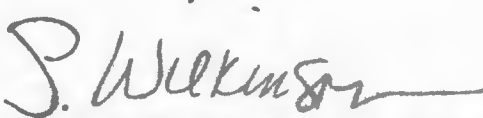
JT 10/600 Oct. 4 287539

CERTIFICATE OF PUBLICATION

10/6/, 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 10/4/, 2011.

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



LEGAL ADVERTISING

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 4, 2011 Issue - Jeffersonian

Please forward billing to:

Bill: David Schoppert
7655 Old Battle Grove Road
Baltimore, MD 21222
Contact: Richard Feit

410-977-2931

NOTICE OF ZONING HEARING

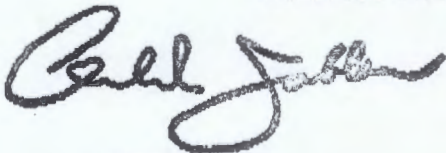
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0065-A

7655 Old Battle Grove Road
S/s Old Battle Grove Road, 1100 feet west of centerline of North Point Blvd.
15th Election District – 7th Councilmanic District
Legal Owner: David Schoppert

Variance to permit an accessory structure (garage) with a height of 30-feet in lieu of the required 15 feet.

Hearing: Thursday, October 20, 2011 at 1:30 p.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 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

September 19, 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: 2012-0065-A

7655 Old Battle Grove Road

S/s Old Battle Grove Road, 1100 feet west of centerline of North Point Blvd.

15th Election District – 7th Councilmanic District

Legal Owner: David Schoppert

Variance to permit an accessory structure (garage) with a height of 30-feet in lieu of the required 15 feet.

Hearing: Thursday, October 20, 2011 at 1:30 p.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: David Schoppert, 7655 Old Battle Grove Road, Baltimore 21222
Richard Feit, 982 Marvin Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, OCTOBER 5, 2011**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/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: 2012-0065-A

Petitioner: SCHOPPERT

Address or Location: 7655 OLD BATTLE GR

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. DAVID SCHOPPERT

Address: 7655 OLD BATTLE GROVE RD.

BALTO. MD 21222

Telephone Number: 410-977-2931 (RICHARD FEIT)

CERTIFICATE OF POSTING

10/20/11
Hearing

2012-0065-A

RE: Case No.: _____

Petitioner/Developer: _____

David Schoppert

October 20, 2011

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

7655 Old Battle Grove Road

October 5, 2011

The sign(s) were posted on _____

(Month, Day, Year)

Sincerely,



(Signature of Sign Poster)

October 13, 2011

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2012-0065-A

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

Room: 205 JEFFERSON BUILDING
105 WEST CHESAPEAKE AVE.
TOWSON 21204

PLACE:

DATE AND TIME THURSDAY, OCTOBER 20, 2011 AT 1:30^{P.M.}

REQUEST: VARIANCE TO PERMIT AN ACCESSORY STRUCTURE
(GARAGE) WITH A HEIGHT OF 30 FEET IN LIEU OF THE REQUIRED
15 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 877-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

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

No. **73694**

Date: **9/1/11**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	800	0000		4150				75.00

Total: **75.00**

Rec From: **BURR BUILDING**

For: **2012-0065-A**
7655 OLD BATTLE GROVE RD

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

October 12, 2011

David Schoppert
7655 Old Battle Grove Road
Baltimore, MD 21222

RE: Case Number 2012-0065A, 7655 Old Battle Grove Road

Dear Mr. Schoppert,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 1, 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 that reads "W. Carl Richards, Jr." The signature is stylized with a large, flowing "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Richard Feit, 982 Marvin Road, Baltimore, MD 21221

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 9-12-11

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

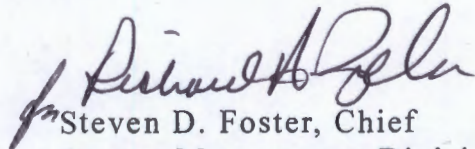
RE: Baltimore County
Item No. 2012-0065-A
Variance
David Schoppert
7655 Old Battle Grove Road.

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. 2012-0065-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
INTEROFFICE CORRESPONDENCE

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

DATE: September 15, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For September 26, 2011
Item Nos. 2012-061,063,064,065
And 066

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-09262011 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



10/20 12:30
205

RECEIVED

SEP 23 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 23, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-0065-A
Address: 7655 Old Battle Grove Road
(Schoppert Property)

Zoning Advisory Committee Meeting of September 12, 2011.

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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.

If lot coverage limits are met, then the applicant's proposal is consistent with this goal. The relief requested will be consistent with established land-use policies provided that the applicants meet the requirements stated above.

Reviewer: Regina Esslinger; *Environmental Impact Review*

RE: PETITION FOR VARIANCE * BEFORE THE
7655 Old Battle Grove Road; S/S Old *
Battle Grove Road, 1100' W c/line North Pt Rd* ADMINSTRATIVE LAW
15th Election & 7th Councilmanic Districts *
Legal Owner(s): David Schoppert * JUDGE FOR
Petitioner(s) * BALTIMORE COUNTY
* 2012-065-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

SEP 19 2011



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of September, 2011, a copy of the foregoing Entry of Appearance was mailed to David Schoppert, 7655 Old Battle Grove Road, Dundalk, MD 21222 Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

2012-0065 A

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: September 13, 2011

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Glenn Berry, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 2012-0065A
Legal Owner/Petitioner: David Schoppeart
Contract Purchaser: N/A
Property Address: 7655 Old Battle Grove Road
Location Description: S/S Old Battle Grove Road; 1100 feet West of centerline

VIIOLATION INFORMATION: Case No. CO0094787
Defendants: David Schoppert

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
Lewis Mayer	111 W. Chesapeak Aveue

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- ☒ 1. Complaint letter/memo/email/fax (if applicable)
- ☒ 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- ☒ 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- ☐ 8. Photographs including dates taken
- ☒ 9. Correction Notice/Code Violation Notice
- ☒ 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt (if applicable)
- ☒ 12. Final Order of the Code Official/Hearing Officer (if applicable)
- ☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- ☒ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Room 113 in order that the appropriate action may be taken relative to the violation case.

AGB/rw
C: Code Enforcement Officer

CODE ENFORCEMENT REF

DATE: 5/26/11 INTAKE BY: GB CASE # 00094787 INSPEC: 610294075

COMPLAINT LOCATION: 7655 OLD BATTLE GROVE Rd.

ZIP CODE: _____ DIST: 15

COMPLAINANT NAME: Anonymous PHONE #: (H) _____ (W) _____

ADDRESS: _____ ZIP CODE: _____

PROBLEM: BUILDING A BUILDING IN REAR YARD.
SEE ATT LETTER

IS THIS A RENTAL UNIT? YES _____ NO _____
IF YES, IS THIS SECTION 8? YES _____ NO _____
OWNER/TENANT INFORMATION: _____

TAX ACCOUNT #: _____ ZONING: _____

INSPECTION: 5/27/11 - Visited Site, Observed Large Accessory Structure Being Built In Rear Yard, Issued A Stop Work Order To Owner To Obtain A Building Permit And Required Inspections
RLC 6/17/11 JRM

REINSPECTION: 6/21/11 - No Permit Application Made. No Contact With County Made By Owner, Issued A Civil Citation To Owner, Sent By Mail Set Hearing Date For 7/26/11 RLC 7/25/11 JRM JRM
7/25/11 - Visited Site, Structure Still In Place. No Permit Applied For And No Appointment Scheduled To File For Variance

REINSPECTION: 8/1/11 - Order Issued, Owner Has 30 Days To Apply For Variance RLC 8/30/11 JRM
9/1/11 - Variance Application Accepted, Case 2012-0065-A RLC 9/30/11 JRM

REINSPECTION: _____

COPY: 7655 OLD BATTLE GROVE RD

Hello, I talk to you in reference to property 7655 old battle grove road Baltimore Maryland 21222. there is a building being built behind my house which is at least 3 feet over property line and on baltimore county property. Secondly we are close to water and need to keep a certain amount of land untouched. I am concerned about the flooding that may occur also environmental issues. Please keep my name anonymous. Thank you concerned neighbor

DATE: 09/12/2011

STANDARD ASSESSMENT INQUIRY (1)

TIME: 14:49:53

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 19 511600	15	3-0	04-00	H	NO		08/17/11
SCHOPPERT DAVID J				DESC-1..			

DESC-2.. BATTLE GROVE

7655 OLD BATTLE GROVE RD

PREMISE. 07655 OLD BATTLE GROVE RD

00000-0000

BALTIMORE

MD 21222-3508 FORMER OWNER: GILTINAN TIMOTHY

----- FCV -----		----- PHASED IN -----				
	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	55,500	73,500		FCV	ASSESS	ASSESS
IMPV:	241,560	226,780	TOTAL..	300,280	300,280	299,207
TOTL:	297,060	300,280	PREF...	0	0	0
PREF:	0	0	CURT...	300,280	300,280	297,060
CURT:	297,060	300,280	EXEMPT.		0	0
DATE:	09/08	09/08				

----	TAXABLE BASIS	----	FM DATE
	ASSESS:	300,280	
	ASSESS:	299,207	
	ASSESS:	0	

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF



Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake
Towson, MD 21204

OFFICE HOURS 7:30 am - 3:30 pm

Building Inspection: 410-887-2053

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No. **C094787** Property No. **1519511600** **FA0294075**

Name(s): **DAVID SCHOPPERT**

Address: **7655 OLD BATTLE GROVE RD. DUNDALK MD 21222**

Violation Location: **7655 OLD BATTLE GROVE RD**

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BALTIMORE COUNTY CODE 2003 ARTICLE 35

SUBTITLE 3 SECT. 35-2-301, 304 COUNCIL BILL 47-10
115.1)

FAILURE TO OBTAIN BUILDING PERMIT

FOR BUILDING IN REAR OF HOUSE

FAILURE TO OBTAIN REQUIRED INSPECTION

OBTAIN BUILDING PERMIT FOR BUILDING IN
REAR OF HOUSE

OBTAIN REQUIRED INSPECTIONS

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE: **6/17/11** DATE ISSUED: **5/27/11**

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name **Lew Mayer**

INSPECTOR: **Lew Mayer**

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE: **6/17/11** DATE ISSUED: **5/27/11**

INSPECTOR: **Lew Mayer / Lew Mayer**

Permits and Development Management
Code Inspections and Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave.
Towson, Maryland 21204



Code Enforcement 410-887-3351
Building Inspection 410-887-3953
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620

CODE ENFORCEMENT & INSPECTION CITATION

CASE NUMBER C00094787 FACILITY ID FA0094075

PROPERTY TAX ID 1519511600 ZONE

NAME(S): DAVID SCHOPPERT

[Signature]

MAILING ADDRESS: 7655 OLD BATTLE GROUND RD

CITY DUNDALK STATE MD ZIP CODE 21222

VIOLATION ADDRESS: 7655 OLD BATTLE GROUND RD

CITY BALTIMORE STATE MARYLAND ZIP CODE 21222

VIOLATION DATES: 5/17/11 through 6/21/11

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BALTIMORE COUNTY CODE 2003, ARTICLE 35, SUBTITLE B
SECT. 35-2-301, 304; BALT. COUNTY COUNCIL BILL 47-10
BART 115.1

FAILURE TO OBTAIN BUILDING PERMIT FOR NEW
STRUCTURE OVER 120 SQ FT IN REAR YARD OF PROPERTY
FAILURE TO OBTAIN REQUIRED INSPECTIONS

Pursuant to the Baltimore County Code, as a result of the violation(s) cited herein a civil penalty has been assessed in the amount indicated.

\$ 2500.00

A hearing has been pre-scheduled in room 106,
111 W. Chesapeake Ave, Towson, Maryland, 21204.

DATE: 7/26/11

If unable to appear on the designated date, the violator may request in writing to the Code Official or the Director within fifteen days from the date of this citation for a rescheduled hearing. If you require the assistance of an interpreter because you do not understand or speak the language in which the proceedings are being conducted you must ask for an interpreter within 72 hours of the court date.

TIME: 9:00 A.M. / P.M.

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Inspector Printed Name: Lewis Mayer

INSPECTOR SIGNATURE: Lewis Mayer Date: 6/20/11

Department of Permits Approvals and Inspections
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

David Schoppert

Respondent

Civil Citation No. 94787

7655 Old Battle Grove Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on July 26, 2011, for a Hearing on a citation for violations of the Baltimore County Code (BCC) 2003, Article 35, Subtitle B, Section 35-2-301, 304; Baltimore County Council Bill 47-10 Part 115.1, failure to obtain building permit for new structure over 120 sq. ft. in rear yard of property, failure to obtain required inspections on residential property.

On June 21, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector Lewis Mayer issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,500.00 (two thousand five hundred dollars).

The following persons appeared for the Hearing and testified: Richard Feit of Burr Building and Remodeling representing the Respondent/owner, David Schoppert who failed to appear and Lewis Mayer, Baltimore County Building Inspector.

Testimony was presented that, upon the receipt of a complaint letter, an inspection of the subject property took place on 5/27/11. A large accessory structure was noted in the rear yard. A review of county records disclosed that no permit had ever been requested or issued for its construction; and a stop work order was issued. A further review of records on 6/21/11 revealed no application, permit, or contact had been made by the owner regarding the structure, and a Citation was issued and mailed. Although the inspector was contacted and told that a permit request was being

made, no action had been taken as of 7/25/11, the day before the scheduled hearing. Mr. Feit testified that he had been hired only the previous Friday to deal with the situation. Apparently, the structure was being constructed by the Respondent himself. Mr. Feit reported that, based upon his initial efforts, there appeared to be impervious coverage as well as variance issues which would need to be addressed relative to the structure. He would be pursuing resolution on behalf of the Respondent

Upon the testimony and evidence presented

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$2,500.00 (two thousand five hundred dollars).

IT IS FURTHER ORDERED that \$1,000.00 of the \$2,500.00 civil penalty be suspended, with an immediate \$1,500.00 fine imposed at this time.

IT IS FURTHER ORDERED that the Respondent apply within 30 days for all variance or other relief needed to bring the subject structure into compliance with applicable Baltimore County Code and regulations.

IT IS FURTHER ORDERED that no additional work is to be done on the subject structure until all proper variances and permits shall have been issued by Baltimore County.

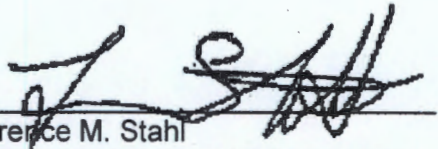
IT IS FURTHER ORDERED that the remaining \$1,000.00 civil penalty will be imposed if the property is not brought into compliance with this Order.

IT IS FURTHER ORDERED that, the remaining \$1,000.00 civil penalty will be imposed if there is a subsequent finding against the Respondent for the same violation.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 29th day of July 2011

Signed: 

Lawrence M. Stahl
Managing Administrative Law Judge

NOTICE TO RESPONDENT: The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security in the amount of the penalty assessed.

LMS/jaf

Debra Wiley - DEPS Comment for Administrative Variance - CBCA

From: Debra Wiley
To: Livingston, Jeffrey; Lykens, David
Date: 9/20/2011 1:52 PM
Subject: DEPS Comment for Administrative Variance - CBCA

Good Afternoon,

RE: ZAC Agenda - Distribution Meeting of 9/12

We have received a copy of the above ZAC agenda.

It indicated that **Case No. 2012-0065-A** is located within the Chesapeake Bay Critical Area (CBCA). As such, under Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), no decision may be rendered by this Office concerning this request until we have received a written comment (including "no comment") from you. If it is not received by the hearing date (no date reflected in data base as of 9/20), this matter will be postponed.

In order to avoid delays, please forward your recommendation in a timely manner.

Thanks and have a great day !

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

Debra Wiley - ZAC Comments

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 9/20/2011 2:10 PM
Subject: ZAC Comments

Good Afternoon,

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

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

2012-0060-SA - 10749, 10751, 10803, 10805, 20089 Falls Rd.
Hearing Date: 10/19/11 @ 10 AM

2012-0061-A - 5108 Morning Dove Way
Administrative Variance: Closing 9/26/11

2012-0062-SPHA - 9402 Belair Road
Hearing Date: None in data base as of 9/20

2012-0063-A - 907 Catherine Avenue
Administrative Variance: Closing 9/26/11

2012-0064-A - 1701 Twin Springs Road
Hearing Date: None in data base as of 9/20

2012-0065-A - 7655 Old Battle Grove Road (CBCA)
Hearing Date: None in data base as of 9/20

2012-0066-SPH - 6630 Ebenezer Road
Hearing Date: None in data base as of 9/20

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

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

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

Account Identifier: District - 15 Account Number - 1519511600

Owner Information

Owner Name: SCHOPPERT DAVID J **Use:** RESIDENTIAL
Mailing Address: 7655 OLD BATTLE GROVE RD **Principal Residence:** YES
BALTIMORE MD 21222-3508 **Deed Reference:** 1) /24717/ 00219
2)

Location & Structure Information

Premises Address **Legal Description**
7655 OLD BATTLE GROVE RD
0-0000 7655 OLD BATTLE GROVE RD
BATTLE GROVE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	3
0104	0008	0236		0000			214	3	Plat Ref:	0008/ 0094

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1947	2,160 SF	7,500 SF	04

Stories	Basement	Type	Exterior
2.000000	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2010	07/01/2011
Land	55,500	73,500		
Improvements:	241,560	226,700		
Total:	297,060	300,200	299,207	300,200
Preferential Land:	0			0

Transfer Information

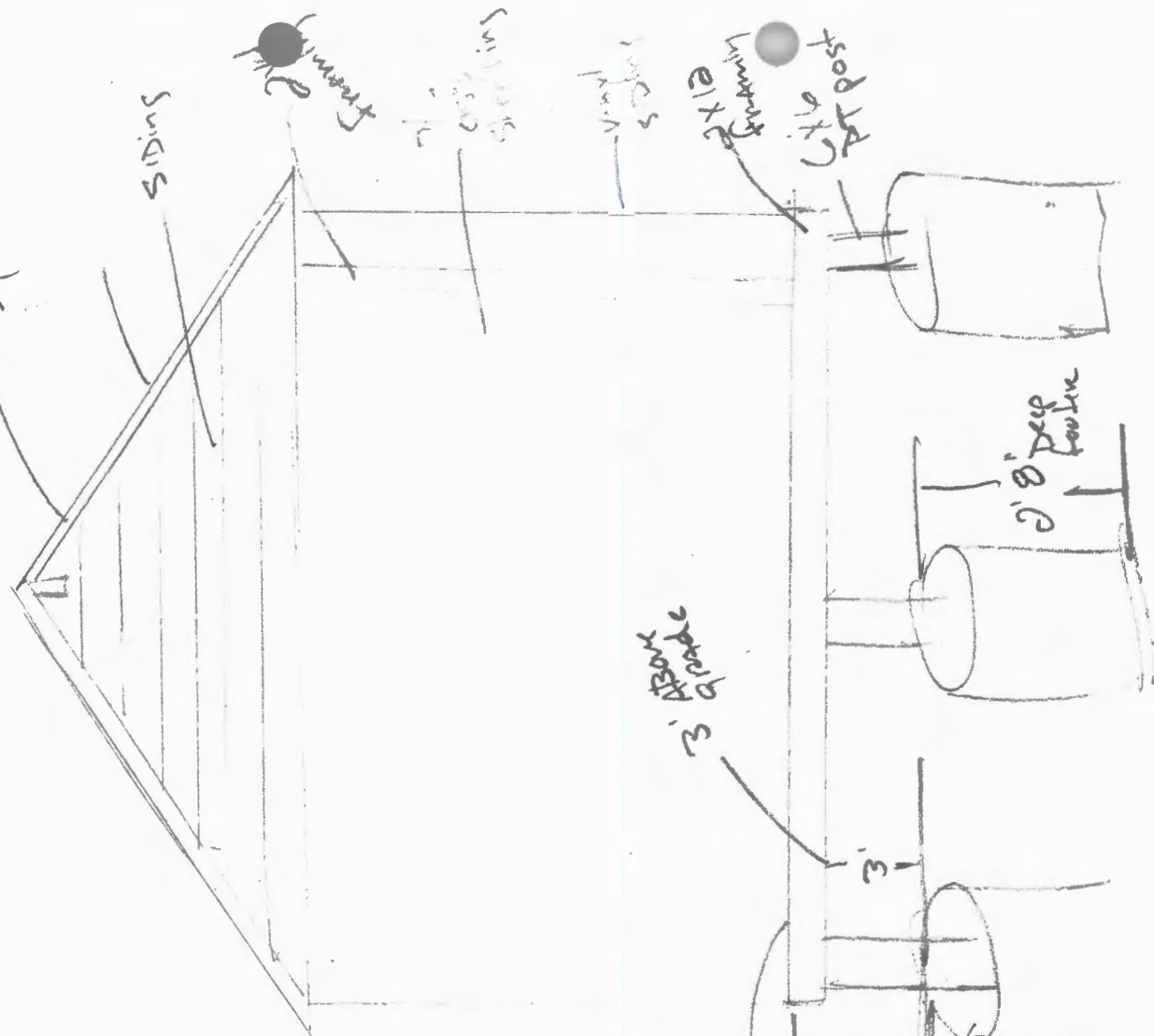
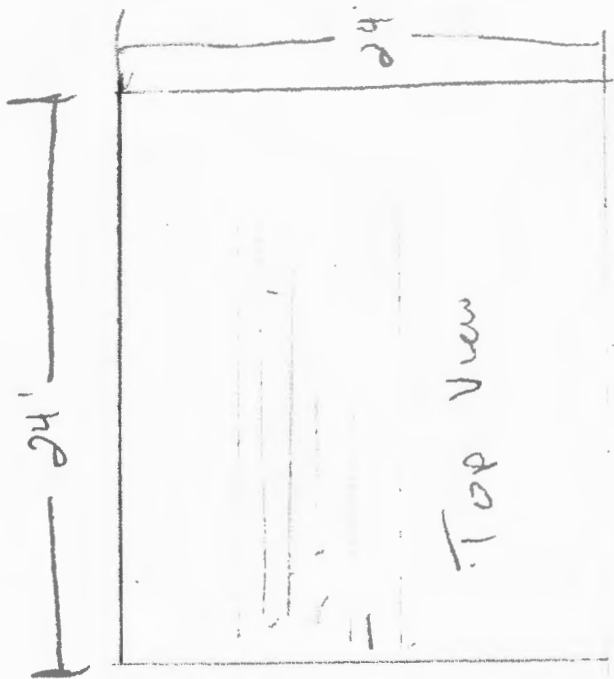
Seller:	Date:	Price:
GILTINAN TIMOTHY	11/02/2006	\$330,000
Type: ARMS LENGTH IMPROVED	Deed1: /24717/ 00219	Deed2:
FOUNDATION HOMES INVESTMENTS LLC	08/21/2006	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /24340/ 00706	Deed2:
GERCHALK ROBERT J	05/27/2005	\$139,500
Type: NON-ARMS LENGTH OTHER	Deed1: /21938/ 00059	Deed2:

Exemption Information

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

Tax Exempt: **Special Tax Recapture:**
Exempt Class: * NONE *

5/21/2011
5/21/2011



3/1
Sheet
on foot

2400

24"

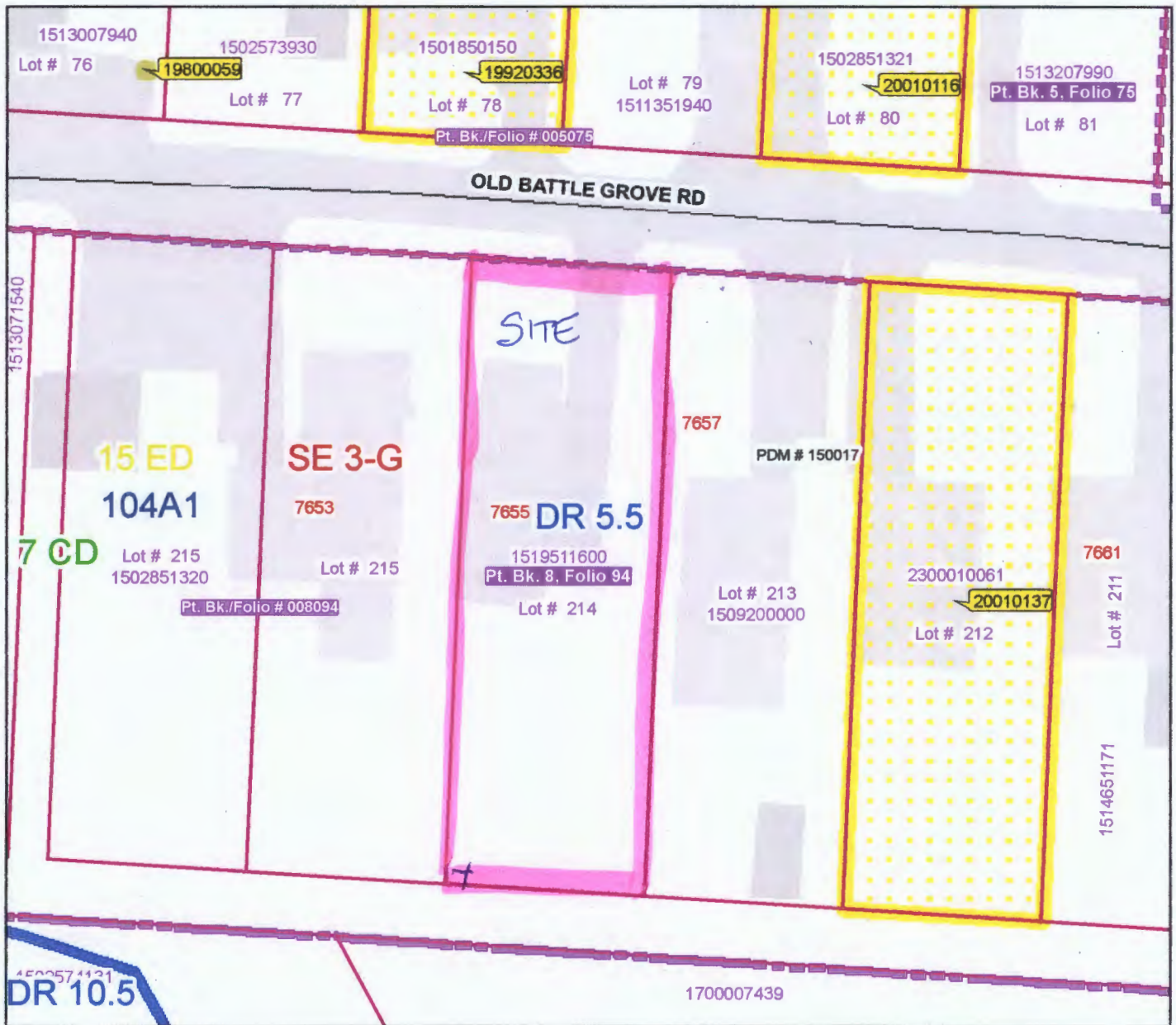
concrete
3000 psi. f'ok

7655 Old Battle Grove Rd.

3. Grade
Book

200

7655 Old Battle Grove Road



Publication Date: July 25, 2011
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 40 80
 Feet

1 inch = 40 feet

2012-0065-A



ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 7655 OLD BATTLE GROVE RD OWNER(S) NAME(S) DAVID SCHOPPERT

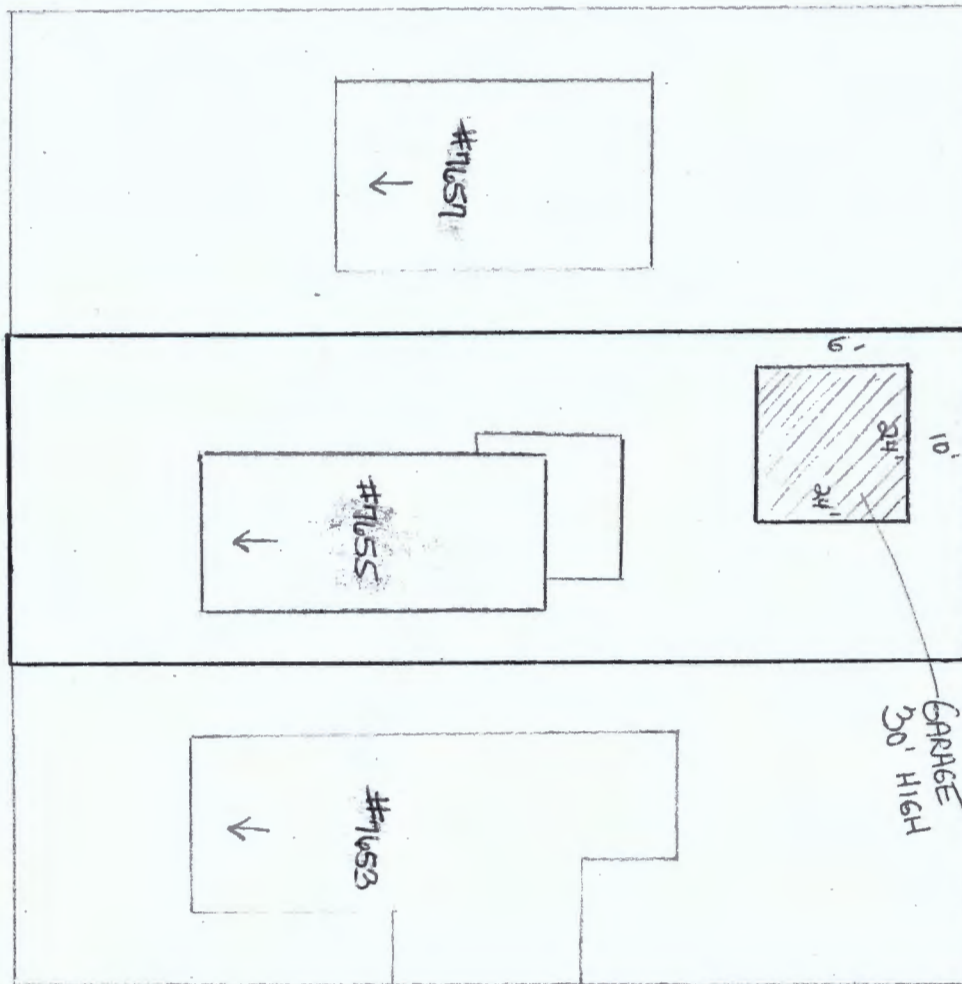
SUBDIVISION NAME BATTLE GROVE LOT # 214 BLOCK # - SECTION # -

PLAT BOOK # 8 FOLIO # 94 10 DIGIT TAX # 1519511600 DEED REF. # 24117/00219

PER CASE #

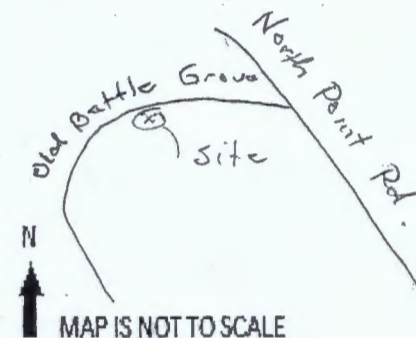
2012-0065-A

30' R/W
OLD BATTLE GROVE RD.



PLAN DRAWN BY _____ DATE _____ SCALE: 1 INCH = 30 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 104A1

SITE ZONED D.R.S.S

ELECTION DISTRICT 15

COUNCIL DISTRICT 7

LOT AREA ACREAGE -

OR SQUARE FEET 7500

HISTORIC? NO

IN CBCA? YES

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

YES
