

IN RE: PETITION FOR VARIANCE

E side of Falls Road, 780 feet
S from Gadd Road
8th Election District
3rd Councilmanic District
(14411 Falls Road)

Donna Ariosa Gauthier aka Savitri Gauthier
Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2012-0104-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Variance filed by the legal owner of the subject property, Donna Ariosa Gauthier aka Savitri Gauthier. Petitioner is requesting Variance relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side yard setback of 5 feet in lieu of the required 35 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 requisite public hearing in support of the variance request was Petitioner Donna Ariosa Gauthier aka Savitri Gauthier and Bruce Doak of Gerhold Cross & Etzel, Ltd., the professional land surveyor who prepared the site plan. The file reveals that the Petition was properly advertised and the property was properly posted as required by the Baltimore County Zoning Regulations. No Protestants or other parties were present.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Sustainability dated November 16, 2011, which states that any future proposed additions (building permits) will require review by Groundwater Management.

ORDER RECEIVED FOR FILING

Date 12-13-11

By pm

Bruce Doak proffered Petitioner's case. He described the subject property as a long rectangular lot of approximately 1.487 acres zoned RC 2. It is improved, according to the taxation and assessments record (Petitioner's Exhibit 6), by a one story structure built in 1942; and a second floor added in approximately 1945. Petitioner has owned the property since approximately 1980. One half of the property is cleared, while the remaining half is heavily wooded.

The Petitioner proposes to construct two additions, a two story addition in the rear of the present structure and a one story addition on its southern side. The side addition will require a variance permitting a 5 foot setback from the nearest adjacent property line in lieu of the required 35 feet. Further, Mr. Doak pointed out that the existing house was already within the 35 foot setback when it was imposed upon the already constructed building, but was legitimized as pre-existing when the zoning regulations were imposed. Any addition to the structure is, therefore, in violation of the present setback requirements ab initio.

Utilizing two aerial photographs of the area (Petitioner's Exhibits 2 and 3), Mr. Doak related that the subject site is surrounded by forests and streams. He stated that, granting the requested variance will not disturb the surrounding area. Further, the outside of the additions will be completed with vinyl siding to match that which already exists on the structure. Moreover, he pointed out that the closest neighbor is on the north side of the property, while the variance is being requested for the south side of the site, where the nearest neighbor's home is approximately 400 feet from the property line. He also pointed out that dual septic fields, one in the front and one in the rear, had just recently been constructed, as the original system was in a failing mode.

He then addressed the requirements for the requested variance. He pointed to the long rectangular shape of the property, the newly constructed dual septic fields, and the fact that the construction of the subject residence, built prior to zoning, which at its imposition had placed the

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By pm

structure in violation of the required setback, as factors rendering the subject site unique. Given the constraints noted above, the only areas of the site amenable to the construction of the proposed additions were those set out in the Petition. Since any addition to this structure itself, is on its face not in conformance with the applicable side setback, the only way to construct an otherwise permitted addition to the building is by way of a grant of a side setback variance.

Finally, Mr. Doak presented a letter from the adjoining neighbor on the side for which the variance is being requested, in which she states that she has no objection to Petitioner's request.

Considering all of the testimony and evidence presented, I am persuaded to grant the requested relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Moreover, I find that strict enforcement of the B.C.Z.R. would cause the Petitioners to suffer practical difficulty and undue hardship.

Therefore, I also find that the variances requested can be granted in strict harmony with the spirit and intent of the said regulations, and in such a manner as to grant relief without injury to the public, health, safety, and general welfare. In all manner and respect, the variances requested meet the requirements of Section 307 of the B.C.Z.R. as well as those requirements established in *Cromwell v. Ward*, 102 Md. App. 691 (1995) and *McLean v Soley*, 270 Md. 208 (1973).

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

THEREFORE, IT IS ORDERED this 13th day of December, 2011 by this Administrative Law Judge that Petitioner's Variance requests from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side yard setback of 5 feet in lieu of the required 35 feet, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

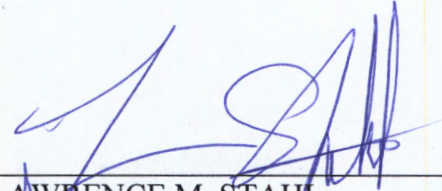
Date 12-13-11

By pr

The relief granted herein shall be subject to the following:

1. Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Any future proposed additions (building permits) will require review by the Groundwater Management section of the Department of Environmental Protection and Sustainability.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

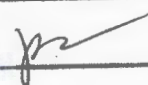


LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:pz

ORDER RECEIVED FOR FILING

Date 12-13-11

By 



KEVIN KAMENETZ
County Executive

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

December 14, 2011

DONNA ARIOS GAUTHIER AKA SAVITRI GAUTHIER
14411 FALLS ROAD
COCKEYSVILLE MD 21030

Re: Petition for Variance
Case No. 2012-0104-A
Property: 14411 Falls Road

Dear Ms. Gauthier:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Department of Permits, Approvals and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please feel free to contact the appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to be "LMS", is written over a horizontal line.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz

Enclosure

c: Bruce Doak, Gerhold, Cross & Etzel, Ltd., 320 East Towsontown Blvd., Suite 100, Towson,
MD 21286
Douglas Fambrough, 411 Range Road, Towson MD 21204
Jeff Lees, 706 Dunkirk Road, Baltimore MD 21212

Flood PLANS



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

address 14411 FALLS ROAD which is presently zoned RC2
Deed Reference SM 14145/634 10 Digit Tax Account # 0812020450
Property Owner(s) Printed Name(s) DONNA ARIOSA GAUTHIER

CASE NUMBER 2012-0104-A Filing Date 10/12/11 Estimated Posting Date N/A Reviewer JCM

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. X a **Variance** from Section(s) 1401.3.B.3

TO PERMIT A SIDEYARD SETBACK OF 5 FEET IN LIEU OF THE REQUIRED 35'

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "To Be Presented At Hearing". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners:

DONNA ARIOSA GAUTHIER ALMA SIVITTI GAUTHIER
Name #1 - Type or Print Name #2 - Type or Print

Donna A. Gauthier
Signature #1 Signature #2

14411 FALLS ROAD COCKEYSVILLE MD
Mailing Address City State

21030 410-267-8867
Zip Code Telephone # Email Address

Representative to be contacted:

BRUCE DOAK
STERHOLO CROSS & ETZEL, LTD.
Name - Type or Print

Bruce E. Doak
Signature

320 E. TOWSONTOWN BLVD. TOWSON MD.
Mailing Address City State

21286 410-823-4470 BDOAK@GCELIMITED.COM
Zip Code Telephone # Email Address



Flood Plains

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Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Date

Signature

By

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners:

DONNA ARIOSA GAUTHIER ALMA SIVITIL GAUTHIER
Name #1 - Type or Print Name #2 - Type or Print

Donna Gauthier
Signature #1 Signature #2

14911 FALLS ROAD COCKEYSVILLE MD
Mailing Address City State

21030 410-267-8867
Zip Code Telephone # Email Address

Representative to be contacted:

BRUCE DOAK
GERHOLD CROSS & ETZEL, LTD.
Name - Type or Print

Bruce Doak
Signature

320 E. TOWSONTOWN BLVD. TOWSON MD.
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Flood Plains

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Contract Purchaser/Lessee:

Name- Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ / Telephone # _____ / Email Address _____

Attorney for Petitioner:

Name- Type or Print _____

Signature _____ Date 12-13-11

Mailing Address _____ City _____ State _____

Zip Code _____ / Telephone # _____ / Email Address _____

Legal Owners:

DONNA ARIOSA GAUTHIER ALMA SINITHI GAUTHIER

Name #1 - Type or Print _____ Name #2 - Type or Print _____

Donna A. Gauthier
 Signature #1 _____ Signature #2 _____

14911 FALLS ROAD COCKEYSVILLE MO
 Mailing Address _____ City _____ State _____

21030 / 410-267-8867 /
 Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

BRUCE DOAK
GERHOLD CROSS & ETZEL, LTD.

Name - Type or Print _____

Bruce E. Doak
 Signature _____

320 E. TOWSONTOWN BLVD. TOWSON MO.
 Mailing Address _____ City _____ State _____

21286 / 410-823-4470 / BD@GEE LIMITED
 Zip Code _____ Telephone # _____ Email Address _____



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towson Town Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

October 4, 2011

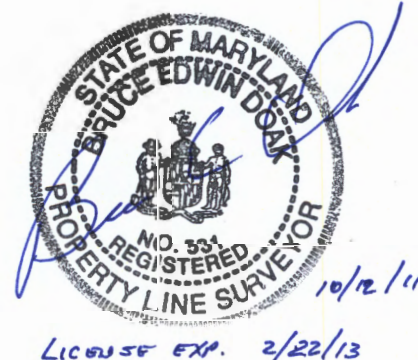
**Zoning Description
Gauthier Property
14411 Falls Road
Baltimore County, Maryland**

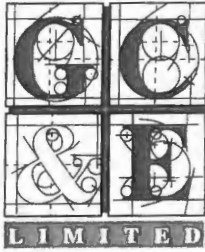
All that piece or parcel of land, situate, lying and being in the Eighth Election District, Third Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point on the east side of Falls Road, said point being approximately 780 feet measured southerly from the intersection of Falls Road and Gadd Road, thence leaving said Falls Road and running on the outlines of the herein described parcel of land, the three following courses and distances, viz: 1) South 87 degrees 06 minutes East 612.15 feet, 2) South 10 degrees 39 minutes West 108.7 feet, and, 3) North 87 degrees 06 minutes West 588.2 feet to the east side of said Falls Road, thence running and binding on the east side of said Falls Road, the following course and distance, viz: 4) North 03 degrees 21 minutes West 108.2 feet, to the place of beginning.

Containing 1.487 Acres of land, more or less.

This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.





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Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
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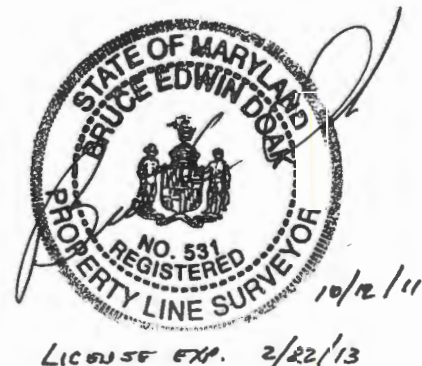
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BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **74484**

Date: **10/12/11**

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6150					75.-

Total: **75.-**

Rec From: **D. GAITHER**

For: **6150 014-A**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

PAID RECEIPT

DATE: 10/12/11
 TIME: 10:00 AM
 BY: 0002 HALL DEVA JEFF
 RECEIPT # 74484
 \$ 75.00
 528 2011M VERIFICATION
 10/12/11
 BALTIMORE COUNTY, MD

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

November 8, 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: 2012-0104-A

14411 Falls Road

E/side of Falls Road, 780 (+/-) south from Gadd Road

8th Election District – 3rd Councilmanic District

Legal Owners: Donna Ariosa Gauthier

Variance to permit a sideyard setback of 5 feet in lieu of the required 35 feet.

Hearing: Wednesday, December 7, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Ms. Gauthier, 14411 Falls Road, Cockeysville 21030
Bruce Doak, GC&E, 320 E. Towsontown Blvd., Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 22, 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.

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14411 Falls Road
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Road

8th Election District
3rd Councilmanic District
Legal Owner(s): Donna
Ariosa Gauthier

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Hearing: Wednesday, De-
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a.m. in Room 205, Jeffer-
son 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 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 11/677 Nov. 22 291323

CERTIFICATE OF PUBLICATION

11/23/2011

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 11/22/2011.

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

S. Wilkinson

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: Case# 2012-0104-A

PETITIONER:
Donna Ariosa Gauthier

DATE OF HEARING: December 7,
2011

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

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

(see page 2 for full size photo)

LOCATION:

14411 Falls Road

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD

SUITE 100

320 EAST TOWSONTOWN BLVD

TOWSON, MARYLAND 21286

410-823-4470 PHONE

410-823-4473 FAX

POSTED ON: November 18, 2011

ZONING NOTICE

CASE #:2012-0104-A

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

PLACE: Room 205 Jefferson Building
TIME & 105 West Chesapeake Avenue, Towson, MD

DATE : 10:00 am Wednesday Dec. 7, 2011

**Variance to permit a side yard setback
of 5 feet in lieu of the required 35 feet.**



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
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TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 22, 2011 Issue - Jeffersonian

Please forward billing to:
Sivitri Gauthier
14411 Falls Road
Cockeysville, MD 21030

410-207-8867

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

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RE: PETITION FOR VARIANCE
14411 Falls Road; E/S Falls Road, 780' S
From Gadd Road
8th Election & 3rd Councilmanic Districts
Legal Owner(s): Donna Ariosa Gauthier
A/K/A Siuitri Gautheir
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2012-104-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

NOV 01 2011

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of November, 2011, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, Gerhold, Cross & Etzel, 320 E Towsontown Boulevard, Suite 100, Towson, Maryland 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**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: 2012-0104-A

Petitioner: SIVITRI GAUTHIER

Address or Location: 14411 FALLS ROAD COCKEYSVILLE MD 21030

PLEASE FORWARD ADVERTISING BILL TO:

Name: SIVITRI GAUTHIER

Address: 14411 FALLS ROAD

COCKEYSVILLE MD 21030

Telephone Number: 410-207-8867

Revised 2/20/98 - SCJ

MEMORANDUM

DATE: January 17, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0104-A

The appeal period for the above-referenced case expired on January 13, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

CASE NAME GAUTHIER
CASE NUMBER 2012-0104-A
DATE 12/07/11

[illegible]

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment12-7DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent 12-2)nc11-16DEPS
(if not received, date e-mail sent _____)comments

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)10-24

STATE HIGHWAY ADMINISTRATION

nc

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 11-22SIGN POSTING Date: 11-18 by DoakPEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Patricia Zook - Re: Case 2012-0104-A - any comments?LS
12-7-11

From: Dennis Kennedy
To: Zook, Patricia
Date: 12/2/2011 11:40 AM
Subject: Re: Case 2012-0104-A - any comments?
CC: Richards, Carl

Patti:
We had no comments on 2012-0104-A.
Dennis Kennedy

>>> Patricia Zook 12/2/2011 9:41 AM >>>
Hello Dennis -

The above case is scheduled for a hearing on Wednesday, December 8 and the file is missing comments from your office.

If you don't have a comment, just reply to this e-mail and I'll place it in the case file.

Thanks for your help.

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

CONFIDENTIALITY NOTICE: The information contained in this ELECTRONIC MAIL transmission is legally privileged and confidential. It may also be subject to the attorney-client privilege or be privileged work product or proprietary information. This information is intended for the exclusive use of the addressee(s). If you are not the intended recipient, you are hereby notified that any use, disclosure, dissemination, distribution (other than to the addressee(s)), copying or taking of any action because of this information is strictly prohibited.

12/7 10am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
NOV 16 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: November 16, 2011

SUBJECT: DEPS Comment for Zoning Item # 2012-0104-A
Address 14411 Falls Road
(Gauthier Property)

Zoning Advisory Committee Meeting of October 24, 2011.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. Any future proposed additions (building permits) will require review by Groundwater Mgmt.

Reviewer: Dan Esser; Groundwater Management

Maryland Department of Assessments and Taxation
Real Property Data Search (vw3.1A)
BALTIMORE COUNTY

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

Account Identifier: District - 08 Account Number - 0812020450

Owner Information

Owner Name: GAUTHIER DONNA ARIOSA
GAUTHIER SAVITRI
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 14411 FALLS RD
COCKEYSVILLE MD 21030-1024
Deed Reference: 1) /14145/ 00634
2)

Location & Structure Information

Premises Address
14411 FALLS RD
0-0000
Legal Description
1.50 AC
ES FALLS RD
800 FT S OF GADD RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0033	0021	0105		0000				2	Plat Ref:

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1942	1,992 SF	1.5000 AC	04

Stories	Basement	Type	Exterior
1.000000	YES	STANDARD UNIT ASBESTOS SHINGLE	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2011	07/01/2012
Land	315,000	262,500		
Improvements:	136,030	97,600		
Total:	451,030	360,100	360,100	360,100
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
GAUTHIER DONNA ARIOSA	11/10/1999	\$0
Type:	Deed1:	Deed2:
NON-ARMS LENGTH OTHER	/14145/ 00634	
Seller:	Date:	Price:
ARIOSA JOHN J	03/03/1987	\$0
Type:	Deed1:	Deed2:
NON-ARMS LENGTH OTHER	/07436/ 00670	
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	0.00
State	000	0.00	0.00
Municipal	000	0.00	0.00

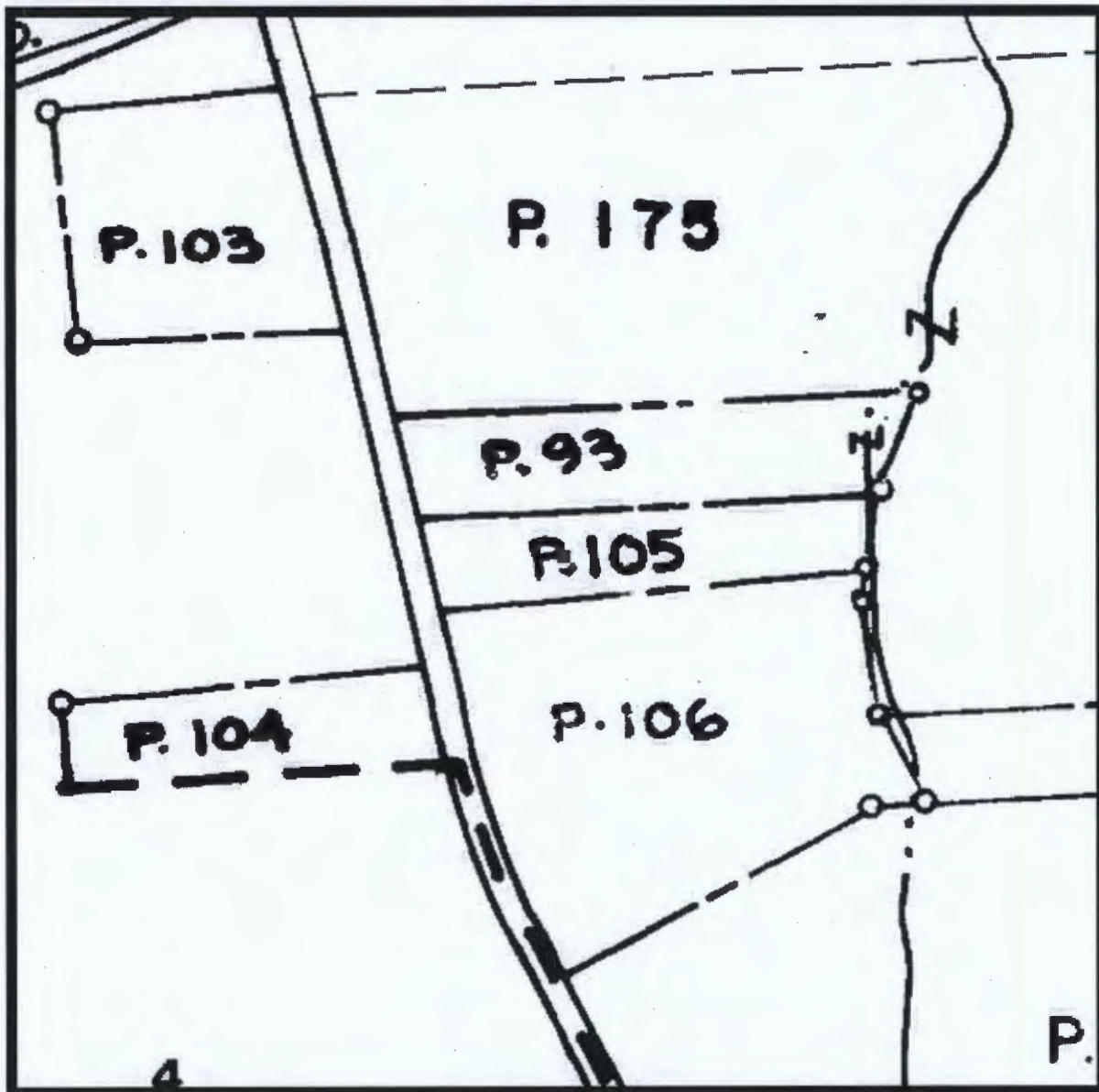
Tax Exempt: **Special Tax Recapture:**
Exempt Class:



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

District - 08 Account Number - 0812020450



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2009.
For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

Debra Wiley - ZAC Comments - Distribution Meeting of 10/24

From: Debra Wiley
To: Livingston, Jeffrey; Murray, Curtis; Lanham, Lynn; Muddiman, Don; Lykens...
Date: 10/30/2011 2:18 PM
Subject: ZAC Comments - Distribution Meeting of 10/24

Hi there,

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. Thank you.

2012-0104-A - 14411 Falls Road (Floodplain)

No hearing date as of 10/28

2012-0105-SPH - 8 Opie Road

No hearing date as of 10/28

2012-0106-A - 2701 Delk Court

No hearing date as of 10/28

2012-0107-A - 819 Stags Head Road

Administrative Variance (Closing Date: 11/7)

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



KEVIN KAMENETZ
County Executive

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

November 29, 2011

Ms. Gauthier
14411 Falls Road
Cockeysville, MD 21030

RE: Case Number 2012-0104-A, 14411 Falls Road

Dear Ms. Gauthier,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 12, 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
Bruce Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd. 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: 10-24-11

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

RE: Baltimore County
Item No. 2012-0104-A
Variance
Donna Anjos a Gauthier
14411 Falls Road.
MD 25

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 10-24-11. A field inspection and internal review reveals that an entrance onto MD25 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2012-0104-A.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Steven D. Foster".
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

1700014662

19900258

Lot # 2

24 PDM # 080666 Lot # 1

Pt. Bk./Folio # 077179

WANG PROPERTY (PDM File/Project # MS 04102)

GADD RD

14431

14436

BL

0806058670

0803051100

PDM # 080587

0823037060

20020242

14419

Pt. Bk./Folio # MP90462

NW 21-E

0812020450

14411

0813001450

14404

14401

0805019460

14401

Lot # 4

Pt. Bk. 58, Folio 86

19880347

Pt. Bk./Folio # 058086

PDM # 080518

2202

2100004950

Pt. Bk./Folio # 006119

2100004953
PDM # 088041

FALLS RD

NW 20-F

NW 20-E

2100004948

Lot # 2

NW 21-F

2200006294

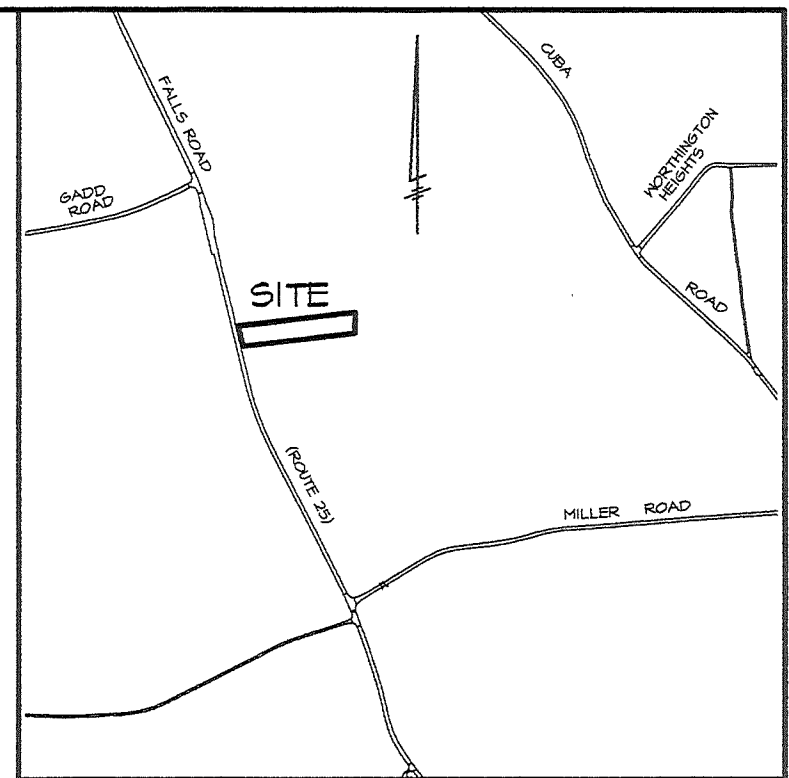
8 ED

RC 2

033B3

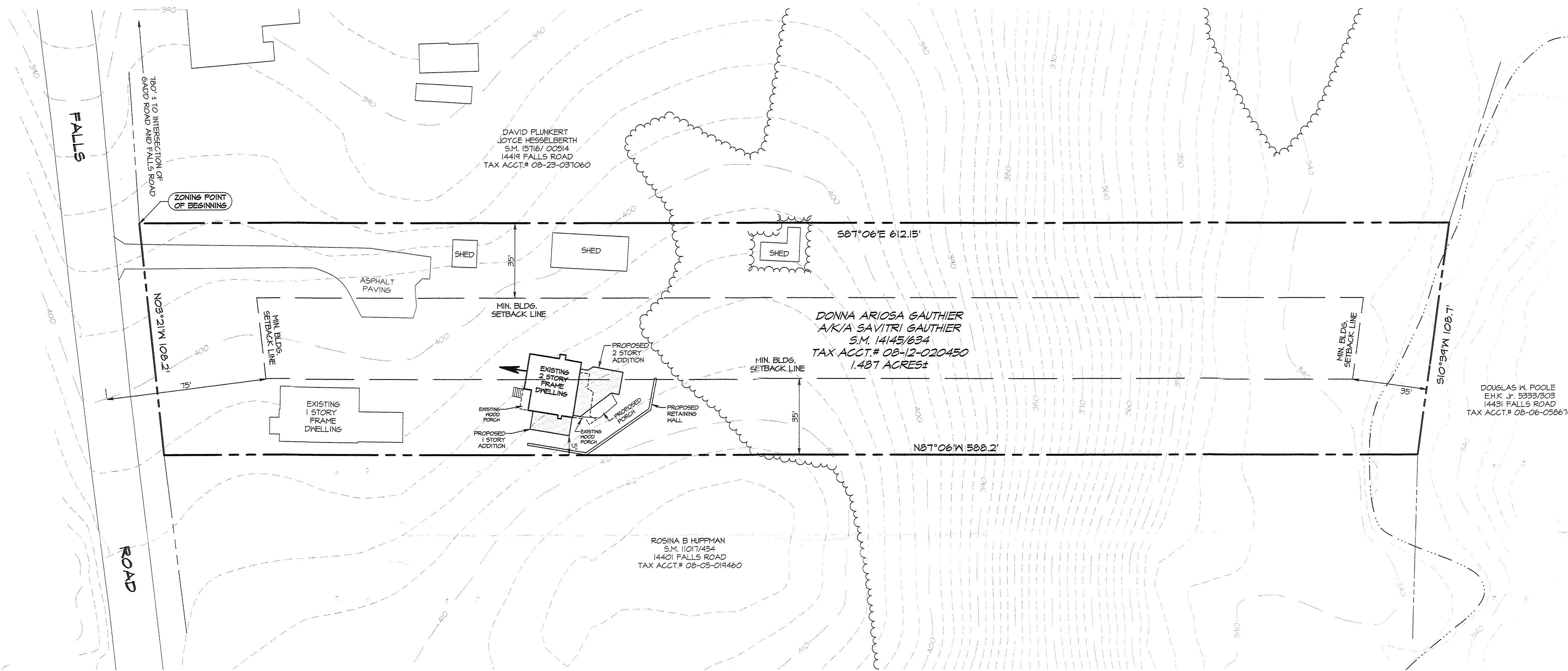
3 CD

Lot # 3



VICINITY MAP
1" = 1000'

S.M. 14145/634



GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS BASED ON THE TITLE DEED OF RECORD.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 033B3.
3. CENSUS TRACT 408200 REGIONAL PLANNING DISTRICT 304.
4. WATERSHED LOCH RAVEN RESERVOIR SUBWERSHED WESTERN RUN - LOCH RAVEN SCHOOL DISTRICT; ELEMENTARY - SPARKS E.S.; MIDDLE - HEREFORD M.S.; HIGH - HEREFORD H.S. A.D.C. MAP 4 GRID OLD 11611 NEW 4345FT 4345FT
5. THERE ARE NO KNOWN PRIOR ZONING CASES.
6. THE SUBJECT PROPERTY IS IN THE NATIONAL REGISTER HISTORIC DISTRICT: WESTERN RUN - BELFAST.
7. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
8. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
9. THE SUBJECT PROPERTY IS WITHIN A 100 YEAR FLOOD PLAIN.
10. THE PROPERTY OWNER MAKE CLAIM THAT THE WESTERNMOST DWELLINGS HAS BEEN EXISTING AND LIVED IN CONTINUOUSLY SINCE PRIOR TO 1945.

DOUGLAS W. POOLE
E.H.K. J. 5339/503
14491 FALLS ROAD
TAX ACCT. # 08-06-050610

R.C. 2 PRINCIPAL STRUCTURE OR DWELLING SETBACKS

FROM ANY BUILDING FACE TO: CENTERLINE OF ANY STREET	75'
FROM ANY BUILDING FACE TO: LOT LINE OTHER THAN A STREET LINE	35'

VARIANCE REQUESTED

SECTION 1A01.3.B.3 (BCZR)
TO PERMIT A SIDEYARD SETBACK
OF 5 FEET IN LIEU OF THE
REQUIRED 35 FEET.

ZONING NOTES

THE MAIN DWELLING AND THE GUEST
HOUSE WERE BUILT PRIOR TO 1945
AND USED SINCE THEIR CONSTRUCTION
FOR THOSE USES.

OWNER/DEVELOPER

DONNA ARIOSA GAUTHIER
A/K/A SAVITRI GAUTHIER
14411 FALLS ROAD
COCKEYSVILLE MD 21030-1024

PLAT TO ACCOMPANY PETITION FOR A VARIANCE ON THE GAUTHIER PROPERTY

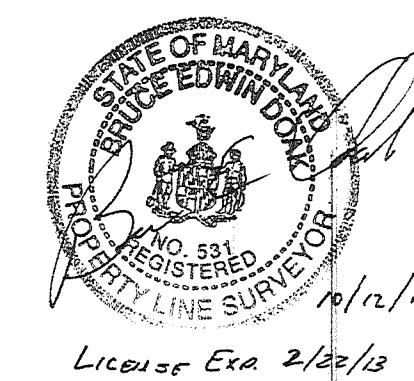
14411 FALLS ROAD
Deed Ref: S.M. No. 14145 folio 634
Tax Account No.: 08-12-020450
Zoned R.C. 2; GIS Tile: 033B3
Tax Map 33; Grid 21; Parcel 105
8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=30'

Date: OCTOBER 4, 2011

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470



License Exp. 2/28/13

GENERAL NOTE #1 ADDED	10/12/11
REVISION	DATE

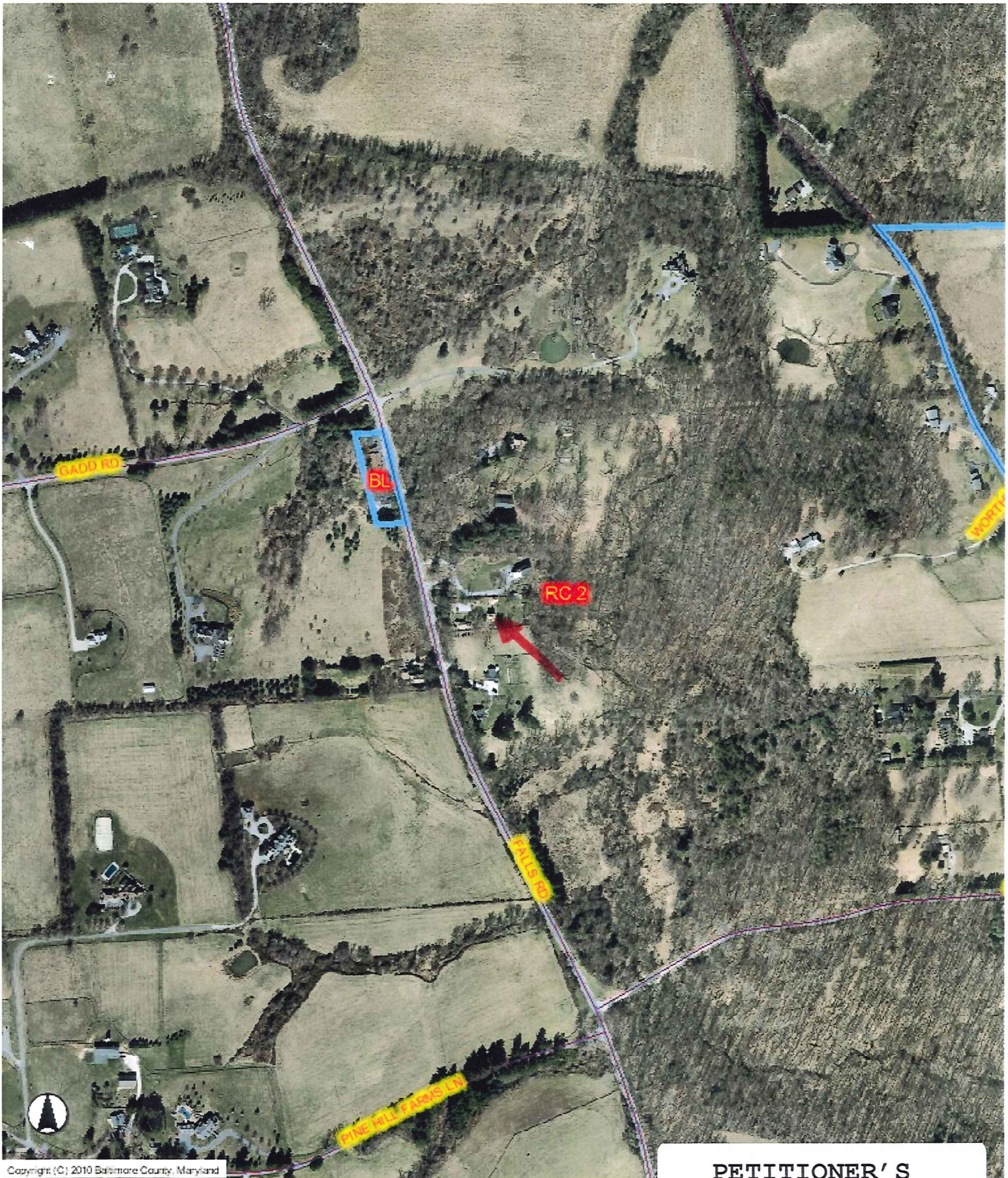
COMPUTED: DRAWN: RTD CHECKED:

PETITIONER'S

EXHIBIT NO. 1

LEGEND

EXISTING BUILDING	
MOODS LINE	
EXISTING PAVING	
PROPERTY LINE	
CONTOURS	



Copyright (C) 2010 Baltimore County, Maryland

PETITIONER' S

EXHIBIT NO. 2



Environmental Map

Created By
Baltimore County
My Neighborhood



This
inac
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or i
Balt
incl
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of, arising from or in connection with the use of or reliance upon this data.

PETITIONER'S

EXHIBIT NO. 3

may be
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s a result



PETITIONER'S

EXHIBIT NO. 44-11

















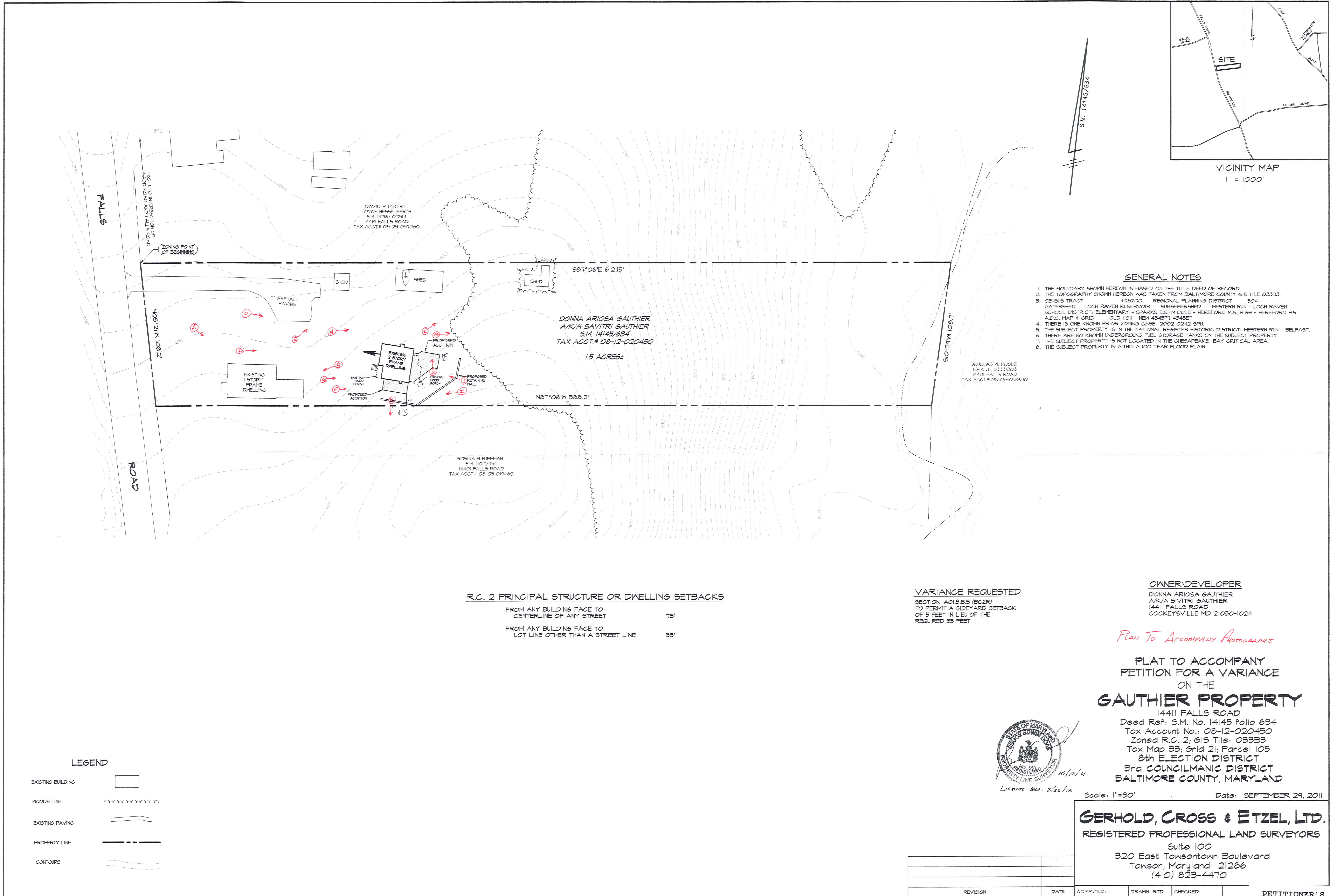












GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS BASED ON THE TITLE DEED OF RECORD.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 033B3.
3. CENSUS TRACT 408200 REGIONAL PLANNING DISTRICT 304
4. WATERSHED LOCH RAVEN RESERVOIR SUBWERSHED WESTERN RUN - LOCH RAVEN SCHOOL DISTRICT, ELEMENTARY - SPARKS E.S.; MIDDLE - HEREFORD M.S.; HIGH - HEREFORD H.S. A.D.C. MAP & GRID OLD 11611 NEW 4345FT 4345E7
5. THERE IS ONE KNOWN PRIOR ZONING CASE: 2002-0242-SFH.
6. THE SUBJECT PROPERTY IS IN THE NATIONAL REGISTER HISTORIC DISTRICT: WESTERN RUN - BELFAST.
7. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
8. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
9. THE SUBJECT PROPERTY IS WITHIN A 100 YEAR FLOOD PLAIN.

DOUGLAS W. POOLE
E.H.K. J. 5333/303
14431 FALLS ROAD
TAX ACCT.# 08-06-058670

R.C. 2 PRINCIPAL STRUCTURE OR DWELLING SETBACKS

FROM ANY BUILDING FACE TO: CENTERLINE OF ANY STREET	15'
FROM ANY BUILDING FACE TO: LOT LINE OTHER THAN A STREET LINE	35'

VARIANCE REQUESTED

SECTION 1A01.3.B.3 (BCZR)
TO PERMIT A SIDEYARD SETBACK
OF 5 FEET IN LIEU OF THE
REQUIRED 35 FEET.

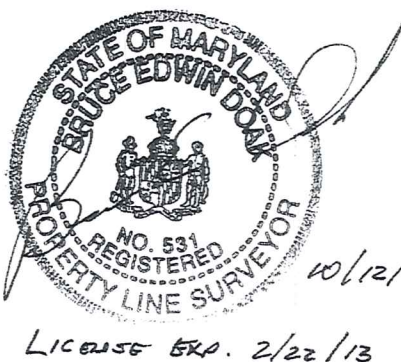
OWNER/DEVELOPER

DONNA ARIOSA GAUTHIER
A/K/A SIVITRI GAUTHIER
14411 FALLS ROAD
COCKEYSVILLE MD 21030-1024

PLAN TO ACCOMPANY PHOTOGRAPHS

PLAT TO ACCOMPANY
PETITION FOR A VARIANCE
ON THE
GAUTHIER PROPERTY

14411 FALLS ROAD
Deed Ref: S.M. No. 14145 folio 634
Tax Account No.: 08-12-020450
Zoned R.C. 2; GIS Tile: 033B3
Tax Map 33; Grid 21; Parcel 105
8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND



License: 8740, 2/22/13

Scale: 1"=30'

Date: SEPTEMBER 29, 2011

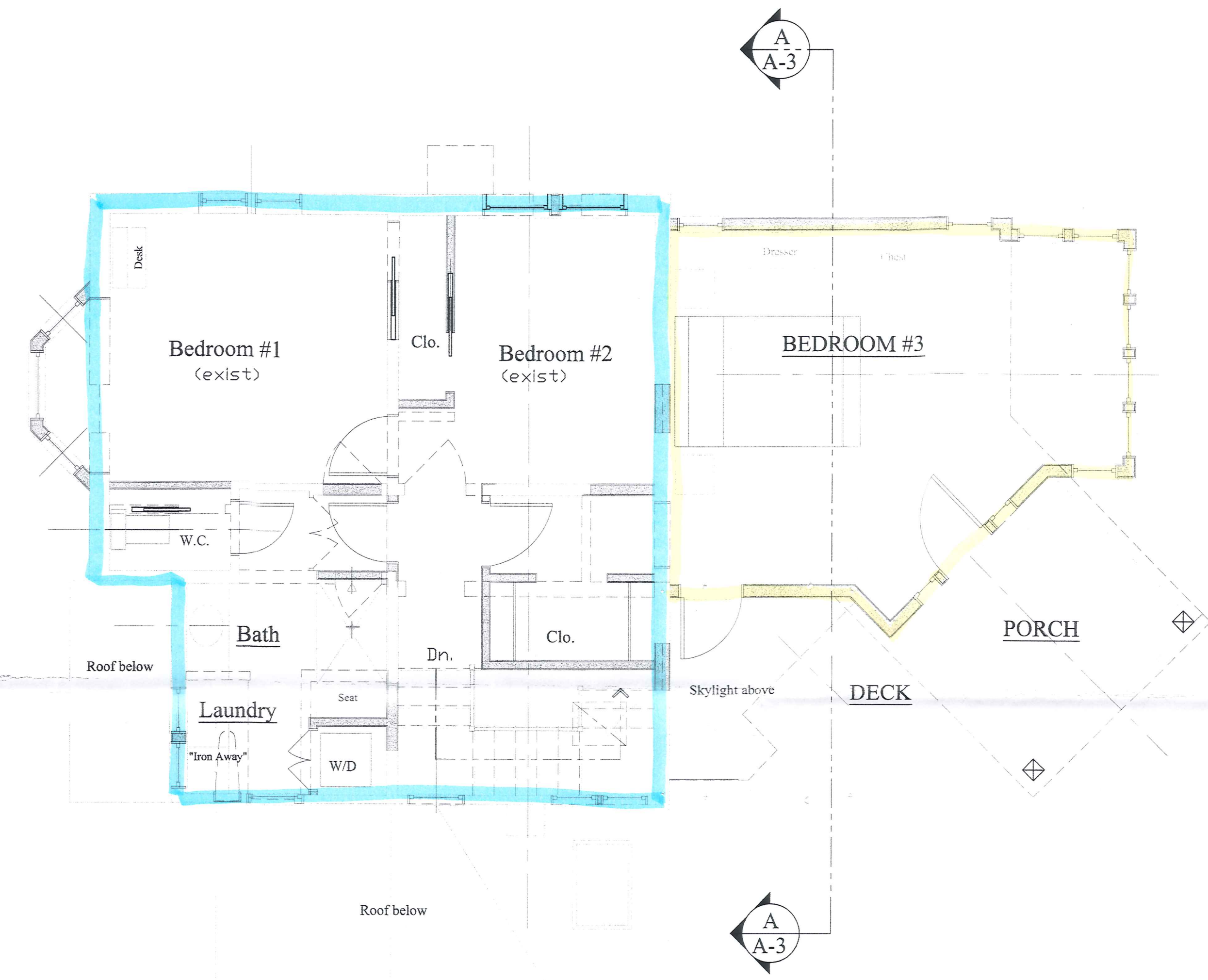
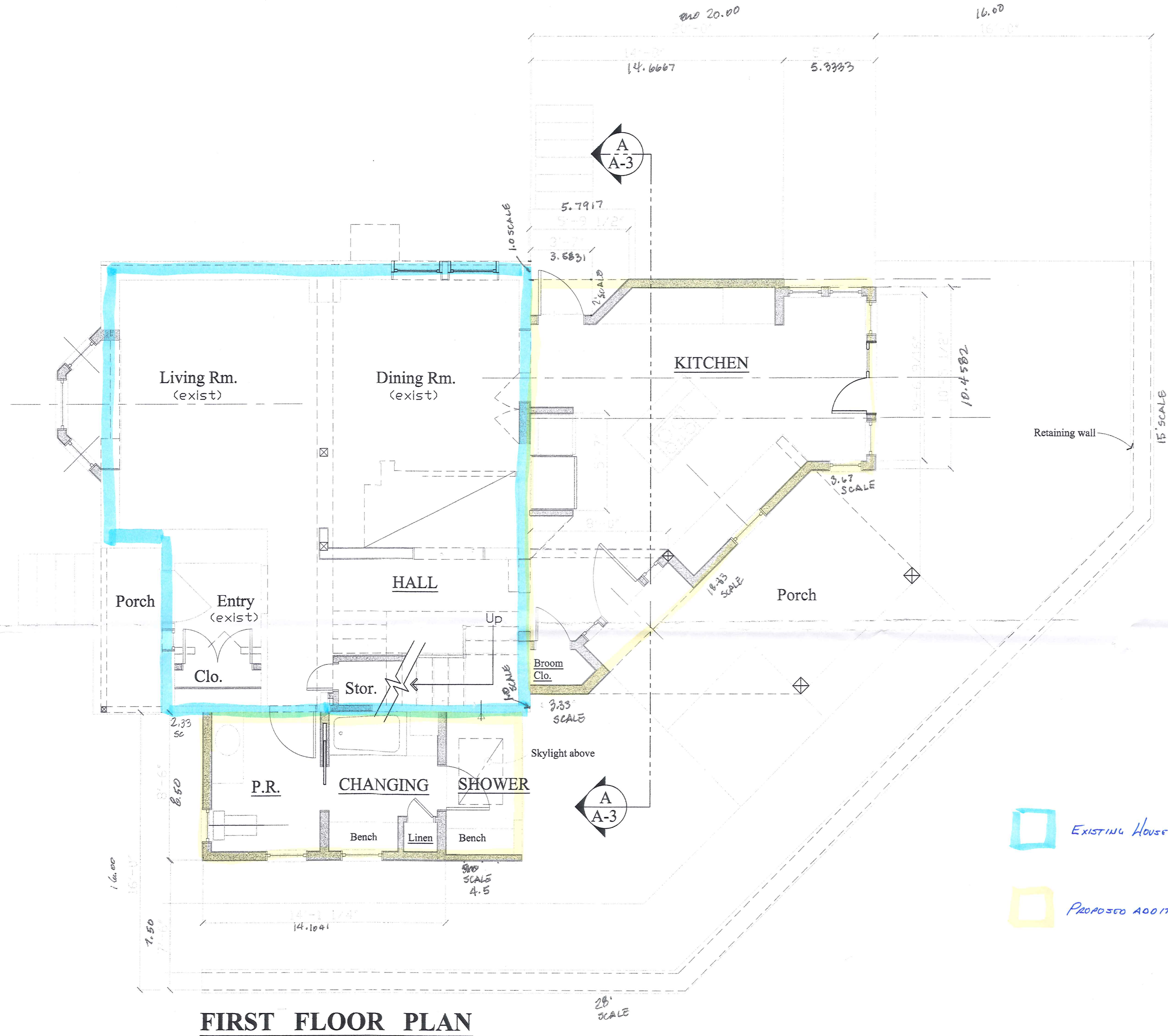
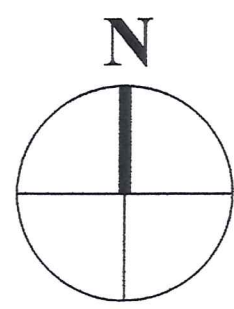
GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISION	DATE	COMPUTED	DRAWN: RTD	CHECKED

PETITIONER'S

EXHIBIT NO. 5



PETITIONER'S
EXHIBIT NO. 7A

Jeffrey A. Lees, AIA

A R C H I T E C T

706 Dunkirk Rd. Baltimore, MD, 21212
410-377-8009 Fax 410-377-0880

I certify that these documents were prepared or approved by me, and that I am a duly licensed architect under the laws of the State of Maryland, license number 5919-A, expiration date.

Addition & Alterations to

14411 FALLS ROAD

Hunt Valley, MD 21030

for Ms. Savitri Gauthier & Mr. Douglas Fambrough

TITLE

FLOOR PLANS

REVISIONS

SCALE

1/4" = 1'-0"

DATE

30 August, 2011

DRAWING NO.

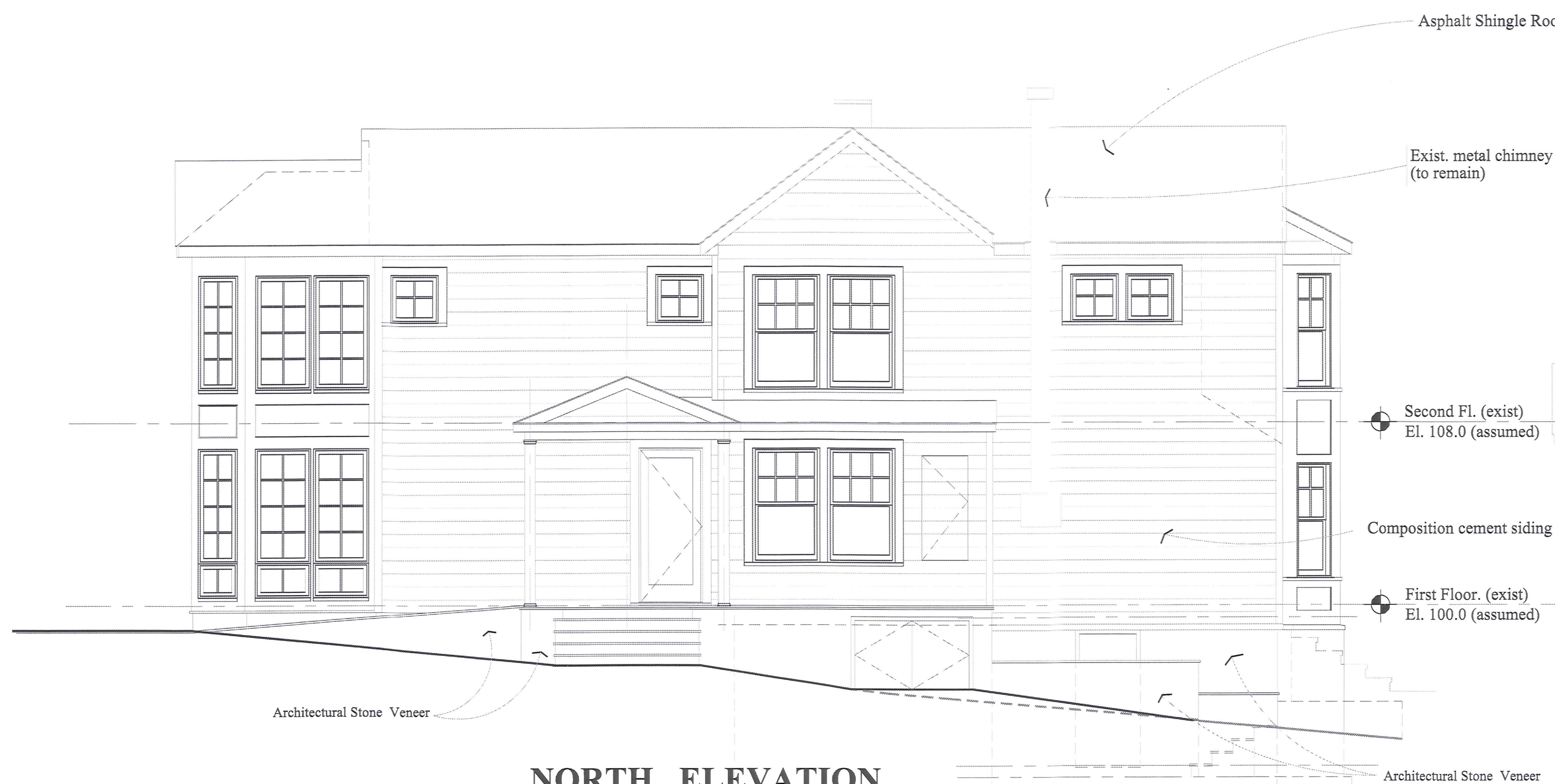
A-2



SOUTH ELEVATION



WEST (front) ELEVATION



NORTH ELEVATION



EAST ELEVATION

PETITIONER'S
EXHIBIT NO. 7B

Jeffrey A. Lees, AIA
ARCHITECT
706 Dunkirk Rd.
410-377-8009
Baltimore, MD. 21212
Fax 410-377-0880

I certify that these documents were prepared or approved by me, and that I am a duly licensed architect under the laws of the State of Maryland, license number 5919 - expiration date _____

Addition & Alterations to
14411 FALLS ROAD
Hunt Valley, MD 21030
for Ms. Savitri Gauthier & Mr. Douglas Fambrough

TITLE
ELEVATIONS

REVISIONS

SCALE
1/4" = 1'-0"

DATE
07 November, 2011

DRAWING NO.

A-4

MAGNETIC NORTH

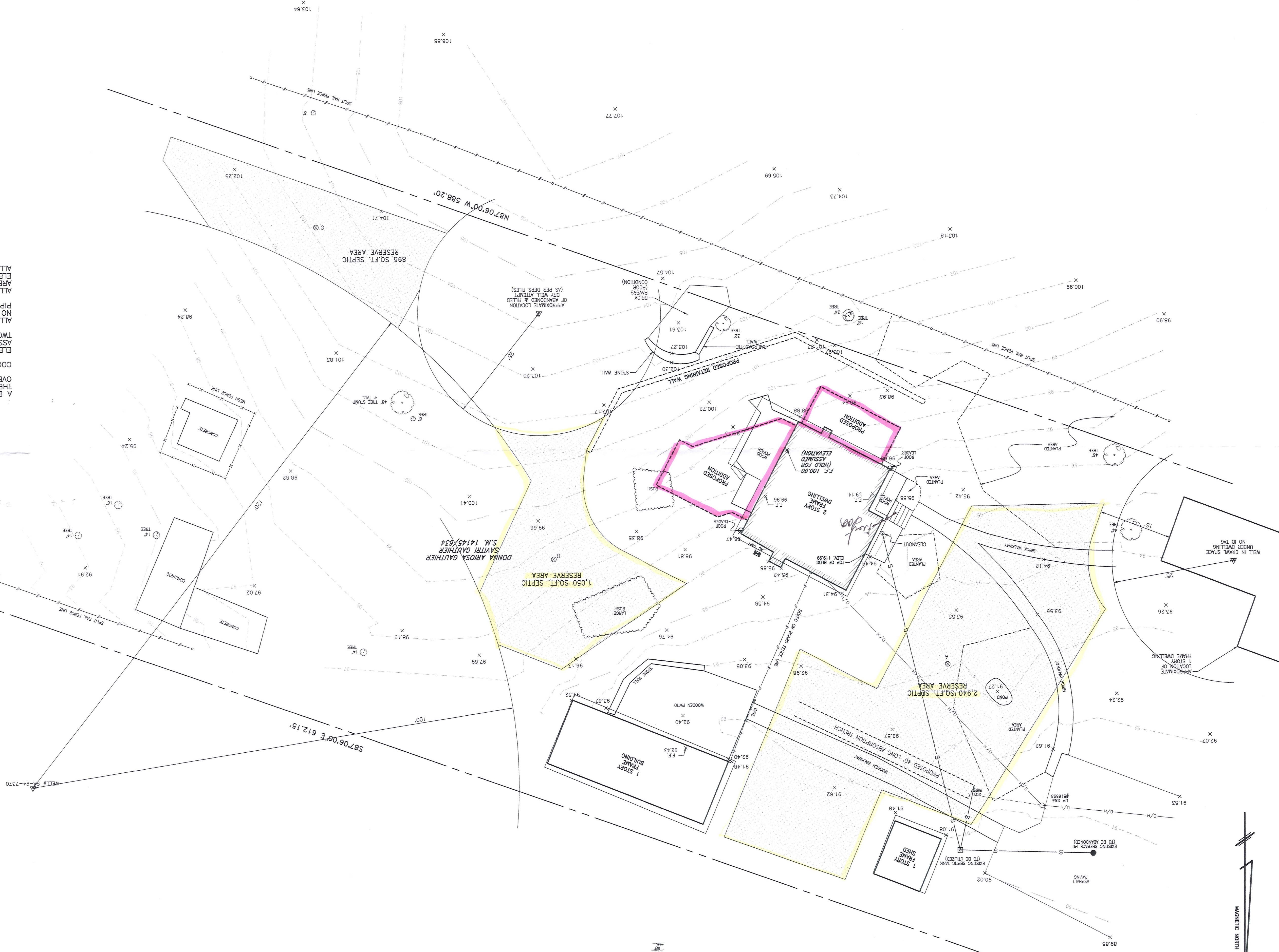


EXHIBIT NO. 8
PETITIONER'S
PLOT DATE: 9/6/2011
TECHNICIAN: JIM/RTD
DATE: 9/6/2011
REVISION

FILE NAME: X:\GAUTHIER, JALYS\perc_Plan_09022011.pro

