

IN RE: PETITION FOR SPECIAL HEARING

E side of Opie Road, 20 feet N of the
c/line of Maple Avenue
11th Election District
5th Council District
(8 Opie Road)

Matthew B. and Jill Benicewicz
Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2012-0105-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Special Hearing filed by the legal owners of the property, Matthew B. and Jill Benicewicz. The Petitioners are requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit (two) 2 one-family detached dwellings on two (2) lots having an area less than required for the RC 2 zone as permitted by Section 304.1 of the B.C.Z.R. There now exists one dwelling on the site, and Petitioners propose to create one additional lot. Lot 1 shall contain a total of .7175 acres and Lot 2 shall contain a total of .69138 acres. Lot 1 shall contain the existing improvements, including the existing residence. Lot 2 shall be available for a proposed dwelling as shown on the site plan, which was marked as Exhibit 1.

Appearing at the public hearing held for this case were Matthew B. and Jill Benicewicz, Bernadette Moskunas of Site Rite Surveying and J. Neil Lanzi, Esquire, attorney for Petitioners. It appears the Petition was properly advertised 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 file does not contain any letters of protest or opposition.

The Zoning Advisory Committee (ZAC) comments were received and are made a part of

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Date 12-18-11

By SMA.

the record of this case. Comments were received from the Department of Environmental Protection and Sustainability (DEPS), dated November 16, 2011. These comments were submitted pursuant to B.C.Z.R §500.14, given that the property is within the critical area. The DEPS comments will be attached to this order and it will be Petitioners' responsibility to address each prior to the issuance of any permits for this project. In addition a ZAC comment was received from the Department of Planning, dated November 9, 2011, which recommends approval of the undersized lot request.

The Petitioners' have lived on the premises since 2000, and reside in a single-family dwelling on the site. The total site acreage is approximately 1.4 acres, and Petitioners propose to create two lots on this parcel. Lot 1 would be approximately 0.7175 acres, and would contain the existing dwelling at 8 Opie Rd. Lot 2 would be approximately 0.7 acres, and would eventually be improved with a single-family dwelling, as shown on the site plan, Exhibit 1.

Petitioners' counsel explained that only the lot areas would be deficient under the RC 2 Zoning, and that all other height and area requirements would be satisfied. Petitioners also presented evidence that the lots which compromise the subject property were originally created by a 1924 Plat of "Bird River Beach," which was recorded among the land records of Baltimore County, See Exhibit 2. Finally, Petitioners confirmed that they do not own "sufficient adjoining land" which would enable them to satisfy the RC 2 lot size requirements.

The Petitioners presented Bernadette Moskunas as an expert witness. Ms. Moskunas is with Site Rite Surveying, and was accepted as an expert in Baltimore County zoning and land use regulations, and her testimony was presented by way of a proffer. Ms. Moskunas testified that in her opinion the Petitioners' proposal satisfied B.C.Z.R §304. She explained that the neighborhood consists of single-family dwellings on +/- ½ acre lots, and thus she believed the two lots and two

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Date 12-16-11

By SMA

single-family dwellings proposed would be consistent and compatible with this general pattern of development. Ms. Moskunas also indicated that prior orders of the Zoning Commissioner have also granted similar relief to other lot owners in this immediate vicinity. See, e.g., Case Nos. 86-372-A (4 Opie Road) and 94-154/155-SPHA (6 Opie Road).

The Petitioners also submitted letters from their adjoining neighbors, which indicate they support the request to create one additional lot on the subject property. See Exhibits 3, 4 and 5. In these circumstances, it appears Petitioners have satisfied the requirements of B.C.Z.R. §304 (as that provision has been construed in *Mueller V. Peoples Counsel*, 177 Md. App. 43 (2007)) and the granting of relief in this case will not be detrimental to the community's health and general welfare.

Pursuant to the advertisement, posting of the property and public hearing on this Petition and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 16 day of December, 2011 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing seeking relief under Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit (two) 2 one-family detached dwellings on two (2) lots having an area less than required for the RC 2 zone, pursuant to Section 304.1 of the B.C.Z.R., be and is hereby GRANTED, subject, however to the following:

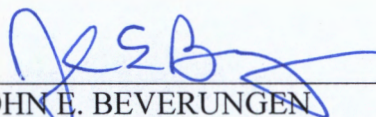
1. The Petitioners may apply for their building permit and may be granted same upon receipt of this Order, however the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioners will be required to return and be responsible for returning said property to its original condition.

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Date 12-16-11

By SMA

2. Petitioner must comply with the DEPS comments attached hereto and incorporated herein prior to the issuance of any building permits.



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sma

ORDER RECEIVED FOR FILING

Date 12-16-11

By SMA



KEVIN KAMENETZ
County Executive

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

December 16, 2011

J. Neil Lanzi, Esquire
409 Washington Ave., Suite 617
Towson, MD 21204

RE: PETITIONS FOR SPECIAL HEARING
E side of Opie Road, 20 feet N of the c/line of Maple Avenue
11th Election District - 5th Councilmanic District
(8 Opie Road)
Matthew B and Jill Benicewicz - *Legal Owner*
CASE NO. 2012-0105-SPH

Dear Mr. Lanzi:

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:



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 8 Opie Road Whitemarsh MD 21162 which is presently zoned RC2
Deed Reference 14643/00318 10 Digit Tax Account # 1900012178
Property Owner(s) Printed Name(s) Matthew Benicewicz and Jill Benicewicz

CASE NUMBER 2012-0105SPH Filing Date 10/19/11 Estimated Posting Date / / Reviewer KM

(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. X a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED

2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. a Variance from Section(s)

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)

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:

J. Neil Lanzi

Name- Type or Print

Signature

409 Washington Ave, Suite 617

Towson, MD

Mailing Address City State

21204 / 410-296-0686 / nlanzi@lanzilaw.com

Zip Code Telephone # Email Address

REV. 2/23/11

Legal Owners:

Matthew Benicewicz / Jill Benicewicz

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

8 Opie Road White Marsh MD

Mailing Address City State

21162

Zip Code Telephone # Email Address

Representative to be contacted:

J. Neil Lanzi

Name - Type or Print

Signature

409 Washington Ave Suite 617

Towson, MD 21204

Mailing Address City State

410-296-0686 / nlanzi@lanzilaw.com

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING

Date 12-16-11

By SMA

Petition for Special Hearing

Jill Benicewicz and Matthew Benicewicz, Petitioners, for the property known as 8 Opie Road, hereby petition the Administrative Law Judge for Baltimore County pursuant to Section 500.7 of the BCZR to approve:

1. Two one family detached dwellings on two lots having an area less than required for the RC 2 Zone pursuant to Section 304.1 of the BCZR.

Petitioners submit this Petition and Site Plan proposing to create one additional lot on the existing property. Lot One shall contain a total of .7175 acres and Lot Two shall contain a total of .69138 acres. Lot One shall contain the existing improvements, including the existing residence. Lot Two shall be available for a proposed dwelling as shown on the Site Plan.

For these reasons and such other reasons to be provided at the hearing on this matter.

Zoning Description for #8 Opie Road

Beginning for the same at a point on the east side of Opie Road which is 40 feet wide at the distance of 20 feet north of the centerline of Maple Avenue (now known as Mayberry Avenue) which is 40 feet wide, more accurately described as the northeast intersection of Opie Road and Maple Avenue (now known as Mayberry Avenue):

Thence the following courses and distances, as now surveyed:

- North 07 degrees 35 minutes 28 seconds West, 125.01 feet,
- North 82 degrees 24 minutes 32 seconds East, 491.62 feet,
- South 06 degrees 55 minutes 23 seconds East, 125.02 feet, and
- South 82 degrees 24 minutes 32 seconds West, 490.16 feet back to the point of beginning as recorded in Deed Liber 14643, folio 318, containing 61,367 square feet.

Located in the 11th Election District and 5th Councilmanic District.

Michael V. Moskunas
Professional Land Surveyor
Reg. No. 21175



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

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

No. 74481

Date: 10/14/11

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					75.00

Total: 75.00

Rec From: M. BENICEWICZ

For: 2012-0105-SPH.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 24 Issue - Jeffersonian

Please forward billing to:

J. Neil Lanzi
409 Washington Avenue, Ste. 617
Towson, MD 21204

410-296-0686

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: 2012-0105-SPH

8 Opie Road

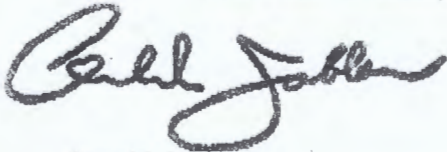
E/side of Opie Rd, 20 feet (+/-) north of centerline of Maple Ave. (now known as Mayberry Ave.

11th Election District – 5th Councilmanic District

Legal Owners: Matthew & Jill Benicewicz

Special Hearing to permit two one family detached on two lots having an area less than required for the RC 2 zone pursuant to Section 304.1 of the BCZR. Petitioners submit this petition and Site plan proposing to create one additional lot on the existing property. Lot One shall contain a total of .7175 acres and Lot Two shall contain a total of .69138 acres. Lot One shall contain the existing improvements, including the existing residence. Lot Two shall be available for a proposed dwelling as shown on the site plan. For these and such other reasons to be provided at the hearing on this matter.

Hearing: Monday, December 12, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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.

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: 2012-0105 SPH.

Petitioner: Till + Matt Benicewicz

Address or Location: 8 Opic RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: J NEIL LANZI

Address: 409 WASHINGTON AVE #617

Towson MD 21204

Telephone Number: 410 296 0686

NOTICE OF ZONING HEARING

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Case: # 2012-0105-SPH

8 Ople Road

E/side of Ople Rd, 20 feet (+/-) north of centerline of Maple Ave. (now known as Mayberry Ave.)

11th Election District-5th Councilmanic District

Legal Owner(s): Matthew & Jill Benicewicz

Special Hearing: to permit two one family detached on two lots having an area less than required for the RC 2 zone pursuant to Section 304.1 of the BCZR. Petitioners submit this petition and Site plan proposing to create one additional lot on the existing property. Lot One shall contain a total of .7175 acres and Lot Two shall contain a total of .69138 acres. Lot One shall contain the existing improvements, including the existing residence. Lot Two shall be available for a proposed dwelling as shown on the site plan. For these and such other reasons to be provided at the hearing on this matter.

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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.

11/187 November 24

291378

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 11/24/, 2011.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING
CERTIFICATE OF POSTING

RE: CASE NO: 2012-0105 SPH

PETITIONER/DEVELOPER _____

SITE RTE SURVEYING INC.

DATE OF HEARING/CLOSING: _____

12/12/11

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

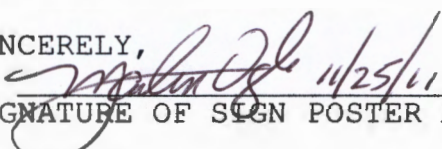
ATTENTION:

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 BOPIE ROAD

THIS SIGN(S) WERE POSTED ON November 25, 2011
(MONTH, DAY, YEAR)

SINCERELY,

 11/25/11
SIGNATURE OF SIGN POSTER AND DATE:

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

ZONING NOTICE

CASE # *2012-0105-SPH*

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

Room 205 JEFFERSON BUILDING 105

PLACE: WEST CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: *MONDAY, DECEMBER 12, 2011 AT 10:00 A.M.*

REQUEST: *SPECIAL HEARING TO PERMIT TWO ONE FAMILY DETACHED ON TWO LOTS HAVING AN AREA LESS THAN REQUIRED FOR THE RC 2 ZONE PURSUANT TO SECTION 304.1 OF THE BCZC. PETITIONERS SUBMIT THIS PETITION AND SITE PLAN PROPOSING TO CREATE ONE ADDITIONAL LOT ON THE EXISTING PROPERTY. LOT ONE SHALL CONTAIN A TOTAL OF .7175 ACRES AND LOT TWO SHALL CONTAIN A TOTAL OF .6938 ACRES. LOT ONE SHALL CONTAIN THE EXISTING IMPROVEMENTS, INCLUDING THE EXISTING RESIDENCE. LOT TWO SHALL BE AVAILABLE FOR A PROPOSED DWELLING AS SHOWN ON THE SITE PLAN. FOR THESE AND SUCH OTHER REASONS TO BE PROVIDED AT THE HEARING ON THIS MATTER.*

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS MAY SOMETIMES BE NECESSARY.
TO CONFIRM HEARING CALL 410-687-3371**

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

W. J. [Signature]
11/25/11
11/25/2011



KEVIN KAMENETZ
County Executive

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

November 14, 2011

NOTICE OF ZONING HEARING

The Zoning Commissioner 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: 2012-0105-SPH

8 Opie Road

E/side of Opie Rd, 20 feet (+/-) north of centerline of Maple Ave. (now known as Mayberry Ave.

11th Election District – 5th Councilmanic District

Legal Owners: Matthew & Jill Benicewicz

Special Hearing to permit two one family detached on two lots having an area less than required for the RC 2 zone pursuant to Section 304.1 of the BCZR. Petitioners submit this petition and Site plan proposing to create one additional lot on the existing property. Lot One shall contain a total of .7175 acres and Lot Two shall contain a total of .69138 acres. Lot One shall contain the existing improvements, including the existing residence. Lot Two shall be available for a proposed dwelling as shown on the site plan. For these and such other reasons to be provided at the hearing on this matter.

Hearing: Monday, December 12, 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".

Arnold Jablon
Director

AJ:kl

C: J. Neil Lanzi, 409 Washington Avenue, Ste. 617, Towson 21204
Mr. & Mrs. Benicewicz, 8 Opie Road, White Marsh 21162

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., NOVEMBER 26, 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.**

Zoning Review | County Office Building

111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048
www.baltimorecountymd.gov

M E M O R A N D U M

DATE: January 17, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0105-A – Appeal Period Expired

The appeal period for the above-referenced case expired on January 16, 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

Patricia Zook - 2012-0105-SPH - 30 day appeal period is up

From: Sarah Adams
To: Adams, Sarah; Wiley, Debra; Zook, Patricia
Date: 1/16/2012
Due: 1/16/2012
Subject: 2012-0105-SPH - 30 day appeal period is up

Disclaimer: The information in this message is confidential and may be legally privileged. It is intended solely for the addressee. Access to this message by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying or distribution of the message, or any action or omission taken by you in reliance on it, is prohibited and may be unlawful. Please immediately contact the sender if you have received this message in error. Thank you.

CASE NAME 8 Opie Road
CASE NUMBER 2012-0105-SPH
DATE 12/12/2011

[illegible]

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 - 11 Account Number - 1900012178

Owner Information

Owner Name:	BENICEWICZ MATTHEW B BENICEWICZ JILL	Use:	RESIDENTIAL
Mailing Address:	8 OPIE RD WHITE MARSH MD 21162-1617	Principal Residence:	YES
		Deed Reference:	1)/14643/ 00318 2)

Location & Structure Information

Premises Address	Legal Description
8 OPIE AVE 0-0000	LT234-235PT236-239TH 8 OPIE AVE BIRD RIVER BEACH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0073	0020	0316		0000			234	3	Plat Ref: 0007/ 0187

Special Tax Areas

Town	NONE
Ad Valorem	
Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1985	960 SF	1.4300 AC	04

Stories	Basement	Type	Exterior
1.000000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2011	07/01/2012
Land	83,400	83,400		
Improvements:	139,100	139,100		
Total:	222,500	222,500	222,500	
Preferential Land:	0			

Transfer Information

Seller:	BENICEWICZ MICHAEL C,SR	Date:	08/16/2000	Price:	\$120,000
Type:	NON-ARMS LENGTH OTHER	Deed1:	/14643/ 00318	Deed2:	
Seller:	HOLTER MARY MARGARET,ETAL	Date:	12/19/1983	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/06641/ 00571	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

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

Tax Exempt:
Exempt Class:

Special Tax Recapture:

12/12 10am
Rm-205

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 # 2012-0105-SPH
Address 8 Opie Road
(Benicewicz Property)

Zoning Advisory Committee Meeting of October 24, 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. The subject property is located within a Limited Development Area (LDA) and a Resource Conservation Area (RCA) and is subject to Critical Area requirements. The applicant is proposing to create an additional lot on the existing property. There are possible wetlands and a stream, with associated buffers, on the property in the area of the proposed subdivision. The area of the proposed lot is forested and part of a larger forest tract that may contain forest interior dwelling bird habitat. No development associated with the LDA is permitted in the RCA. Without additional information as to these resources and potential impacts, this office cannot concur that the applicant's actions will result in minimal impacts to water quality.
2. This property is not waterfront, but there are possible wetlands and a stream, with associated buffers, on the property in the area of the proposed subdivision. The area of the proposed lot is forested and part of a larger forest tract that may contain forest interior dwelling bird habitat. No environmental resources information has been provided. Without this information this office cannot verify that fish, plant, and wildlife habitat in the Bird River will be conserved.

3. Again, without information regarding the multiple environmental resources on site, this office does not believe this proposal will be consistent with established land-use policies.

Reviewer: *Regina Esslinger; Environmental Impact Review*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: November 9, 2011

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 8 Opie Road

RECEIVED

INFORMATION:

NOV 14 2011

Item Number: 12-105

Petitioner: Richard Dare S. McCall

OFFICE OF PERMITS, APPROVALS AND INSPECTIONS

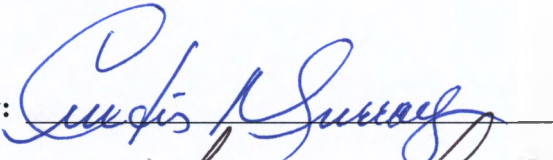
Zoning: RC2 and RC 50

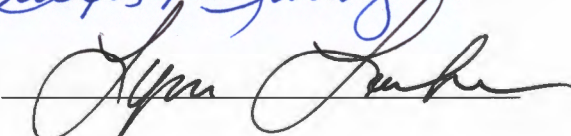
Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. This department recommends approval of the undersized lot request in a RC zone. Additionally, the subject property is part of the 2012 Comprehensive Zoning Map Process Issue number 5-007.

For further information concerning the matters stated here in, please contact Donnell Zeigler at 410-887-3480.

Prepared by: 

Division Chief: 
AVA/LL: CM

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

December 5, 2011

Mr. & Mrs. Benicewicz
8 Opie Road
White Marsh, MD 21162

RE: Case Number 2012-0105-SPH, 8 Opie Road

Dear Mr. & Mrs. Benicewicz,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 4, 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
J. Neil, Lanzi, 409 Washington Ave., Ste. 617, Towson, MD 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: November 9, 2011

FROM: Andrea Van Arsdale
Director, Department of Planning

*Hearing
12/12/11*

SUBJECT: 8 Opie Road

INFORMATION:

Item Number: 12-105

Petitioner: Richard Dare S. McCall

Zoning: RC2 and RC 50

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. This department recommends approval of the undersized lot request in a RC zone. Additionally, the subject property is part of the 2012 Comprehensive Zoning Map Process Issue number 5-007.

For further information concerning the matters stated here in, please contact Donnell Zeigler at 410-887-3480.

Prepared by:

[Signature]

Division Chief:
AVA/LL: CM

[Signature]

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 and Inspections
County Office Building, Room 109
Towson, Maryland 21204

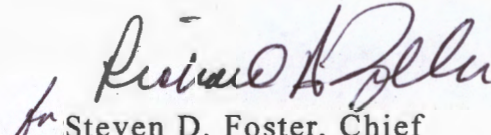
RE: Baltimore County
Item No. 2012-0105-SPH
Special Hearing
Matthew & Jill Denice Wicz
& Opie Road

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. 2012-0105-SPH.

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,


for 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

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
8 Opie Rd; E/S Opie Rd, 20' N c/line Maple Ave.	*	
11 th Election & 5 th Councilmanic Districts	*	OF ADMINSTRATIVE
Legal Owner(s): Matthew & Jill Benicewicz	*	HEARINGS FOR
Petitioner(s)	*	BALTIMORE COUNTY
	*	2012-105.SPH

* * * * *

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 J. Neil Lanzi, Esquire, 409 Washington Aveue, Suite 617, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Case No.: 2012-0105-SPH

Exhibit Sheet

12-16-11. SMA

11/17/12

p38

Petitioner/Developer

Protestants

No. 1	Site Plan	
No. 2	Original Plat Bird River	
No. 3	12-1-11 letter Robert Mitchell	
No. 4	12-1-11 letter Rick Hamilton	
No. 5	March 9, 2011 Esther Busch	
No. 6	Aerial Photo "My Neighborhood"	
No. 7	Photos A-H	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Rick and Linda Hamilton
10 Opie Road
White Marsh, MD 21162

December 1, 2011

Administrative Law Judge
Office of Administrative Hearings
105 W. Chesapeake Avenue
Suite 103
Towson, MD 21204

Re: 8 Opie Road
Case No. 2012-0105-SPH

Dear Sir:

We are the owners of the property known as 10 Opie Road located immediately adjacent to the Benicewicz property at 8 Opie Road. The purpose of this letter is to inform you of our absolute support of the special hearing request filed by Matthew and Jill Benicewicz which we understand is necessary to allow them to create one additional lot on their property.

Thank you for your consideration.

Very truly yours,



Rick Hamilton



Linda Hamilton

cc: Matthew and Jill Benicewicz

PETITIONER'S

EXHIBIT NO.

4

Esther E. Bush
Herbert R. Bush
11 Opie Road
Baltimore, MD 21162

March 9, 2011

Administrative Hearing Officer
Baltimore County Maryland
111 West Chesapeake Avenue
Towson, MD 21204

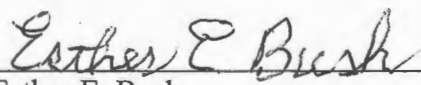
Re: Benicewicz Property
8 Opie Road

Dear Sir:

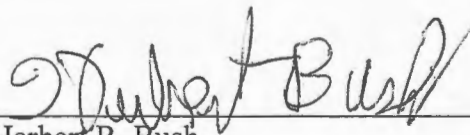
Our neighbors, Jill and Matthew Benicewicz, own the property known as 8 Opie Road and it has come to our attention they are subdividing and developing their property. We reside at 11 Opie Road and also own property on Maple Avenue directly across from the Benicewicz property and recently completed a subdivision there approved by Baltimore County. The purpose of this letter is to express our support for the proposed Benicewicz property subdivision/development.

Thank you for your consideration.

Very truly yours,



Esther E. Bush

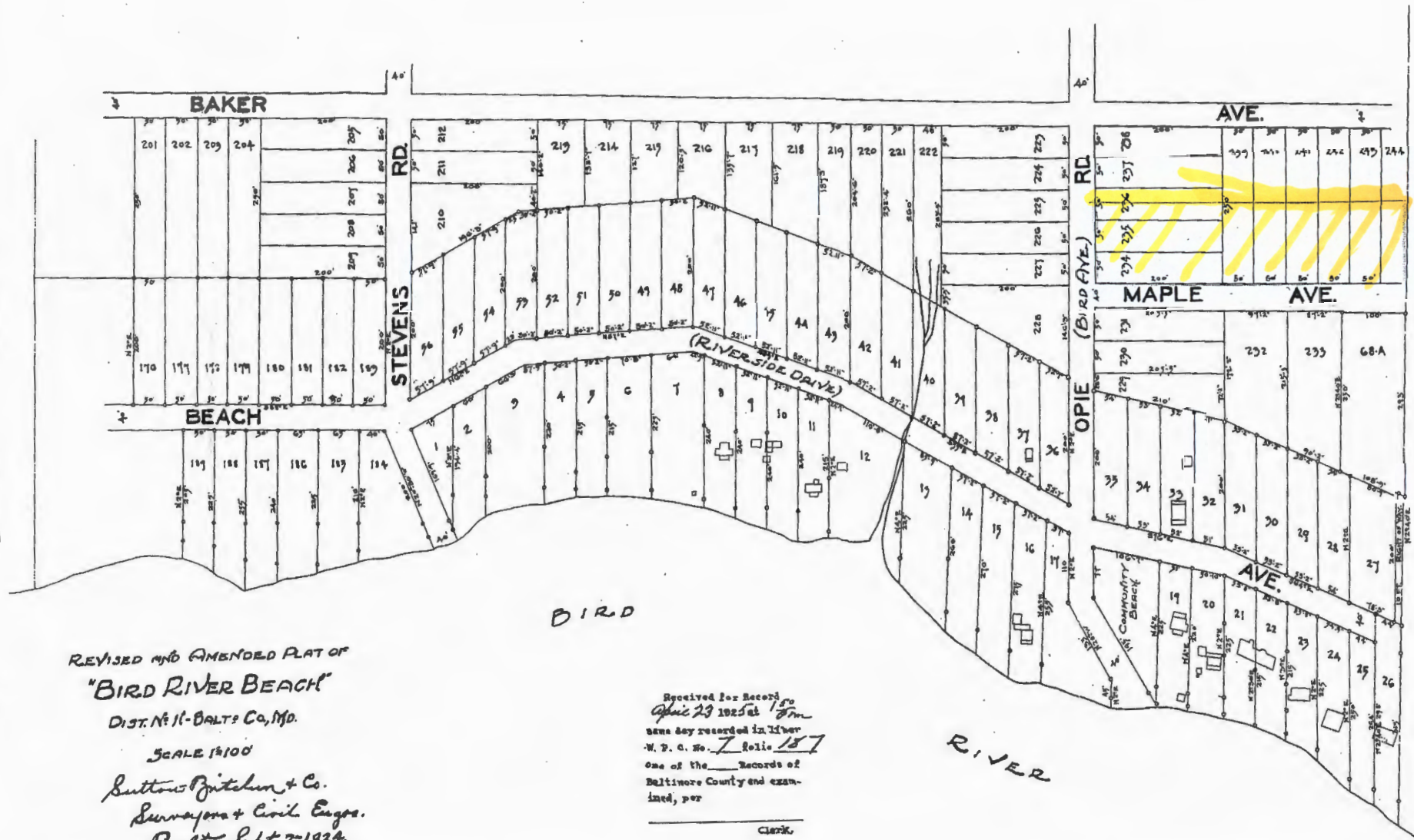


Herbert R. Bush

PETITIONER' S

EXHIBIT NO.

5



REVISED AND AMENDED PLAT OF

"BIRD RIVER BEACH"

DIST. N. 11. BALTS. CO., MD.

SCALE 1"=100'

Suttons British & Co.

Surveyors & Civil Engrs.

Balts. Sept 2-1924.

C2136-3916

EX 2

Robert and Elvira Mitchell
9 Opie Road
White Marsh, MD 21162

December 1, 2011

Administrative Law Judge
Office of Administrative Hearings
105 W. Chesapeake Avenue
Suite 103
Towson, MD 21204

Re: 8 Opie Road
Case No. 2012-0105-SPH

Dear Sir:

We are the owners of the property known as 9 Opie Road located immediately across from the Benicewicz property at 8 Opie Road. The purpose of this letter is to inform you of our absolute support of the special hearing request filed by Matthew and Jill Benicewicz which we understand is necessary to allow them to create one additional lot on their property.

Thank you for your consideration.

Very truly yours,

Robert Mitchell

Robert Mitchell

Elvira Mitchell

Elvira Mitchell

cc: Matthew and Jill Benicewicz

PETITIONER' S

EXHIBIT NO.

3

PDM # 111041

ML

1118036690

11 ED

2000012918

NE 9-J
RC 50

PDM Permits Hold Layer (See WSmith for DAK)

PDM Permits Hold Layer (See WSmith for DAK)

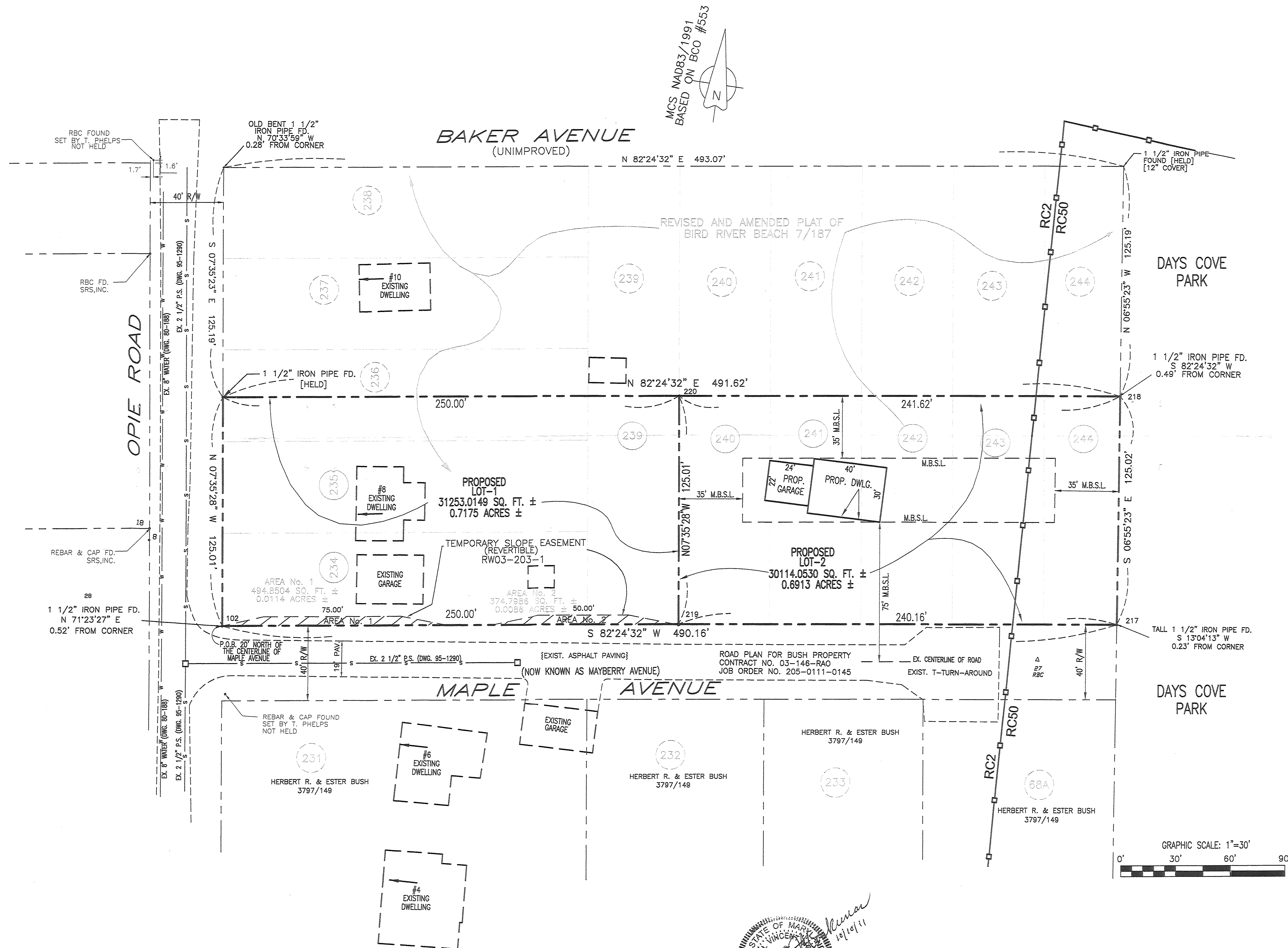
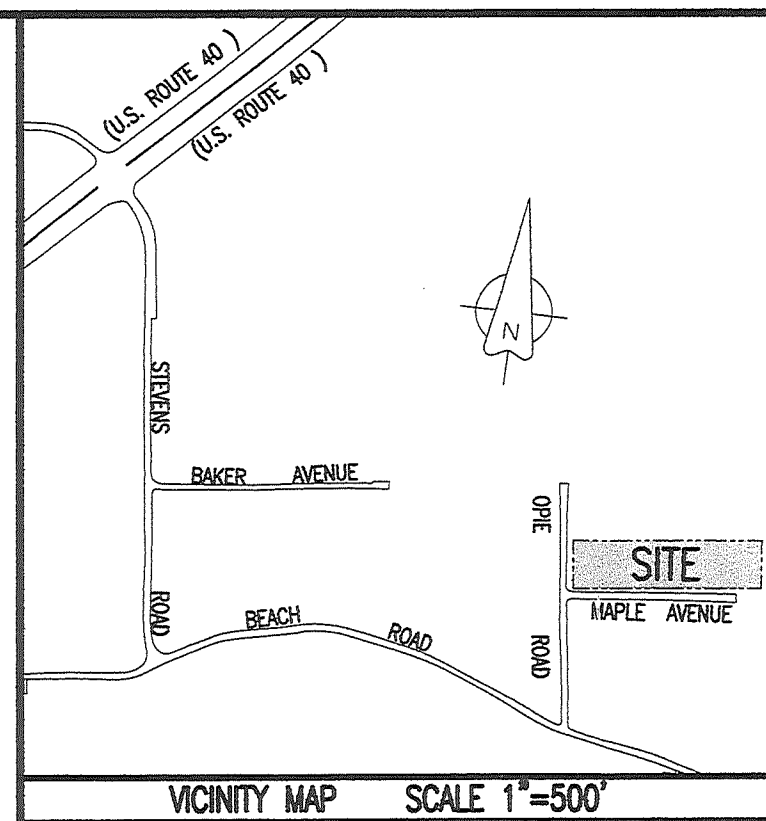
BEACH RD

LORELEY BEACH RD.
PDM #.118043

Pt. Bk./Folio # 010008

20090

Pt. Lot # 811103



GENERAL NOTES

1. ZONING MAP: 073A3
2. ZONING: RC2/RC50
3. LOT AREA: 61,367.0679 SF± OR 1.4088 AC.±
4. EXISTING USE: SINGLE FAMILY DWELLING (1)
PROPOSED USE: SINGLE FAMILY DWELLING (1 EXISTING) & (1 PROPOSED)
5. THIS PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOD PLAIN
6. THIS PROPERTY IS NOT LOCATED IN A HISTORIC DISTRICT.
7. THIS PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
8. THIS PROPERTY IS SERVICED BY PUBLIC WATER.
9. PRIOR ZONING HEARING CASE No. 88-470-A: DATED JUNE 3, 1988.
GRANTED: TO PERMIT AN ACCESSORY STRUCTURE (DETACHED GARAGE) IN THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD.
10. COUNCILMANIC DISTRICT: 5
11. CZMP ISSUE No. 5-007: ZONING CHANGE FROM RC2 TO D.R. 3.5.

PETITIONER'S

EXHIBIT NO. 1

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING

#8 OPIE ROAD

LOTS 234-235, PART OF LOTS 236, 239-244
REVISED & AMENDED PLAT OF
"BIRD RIVER BEACH" (W.P.C. 7/187)

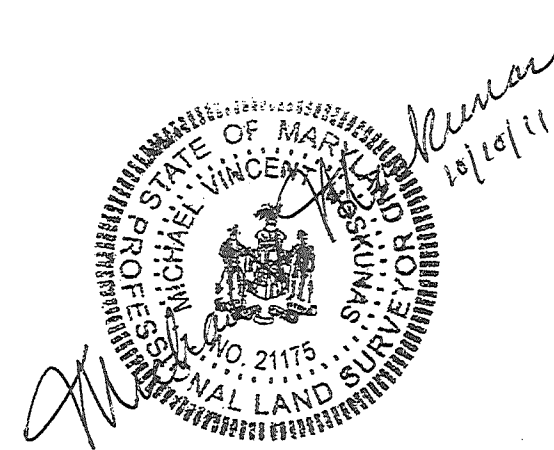
DEED REFERENCE: 14643/318
11TH ELECTION DISTRICT, BALTIMORE COUNTY
DATE: 10/10/2011

SCALE: 1"=30'

JOB #9582

SITERITE
SURVEYING INC.
200 E. JOPPA ROAD
SHELL BUILDING, SUITE 101
TOWSON, MD. 21286
PHONE: 410-828-9060
FAX: 410-828-9066

OWNER
MATTHEW & JILL BENICEWICZ
#8 OPIE ROAD
WHITE MARSH, MARYLAND 21162
PHONE: 410-335-7642
TAX MAP: 73 GRID: 20 PARCEL: 316
TAX ACCT. #1900012178
DEED REFERENCE: 14643/318





Environmental Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

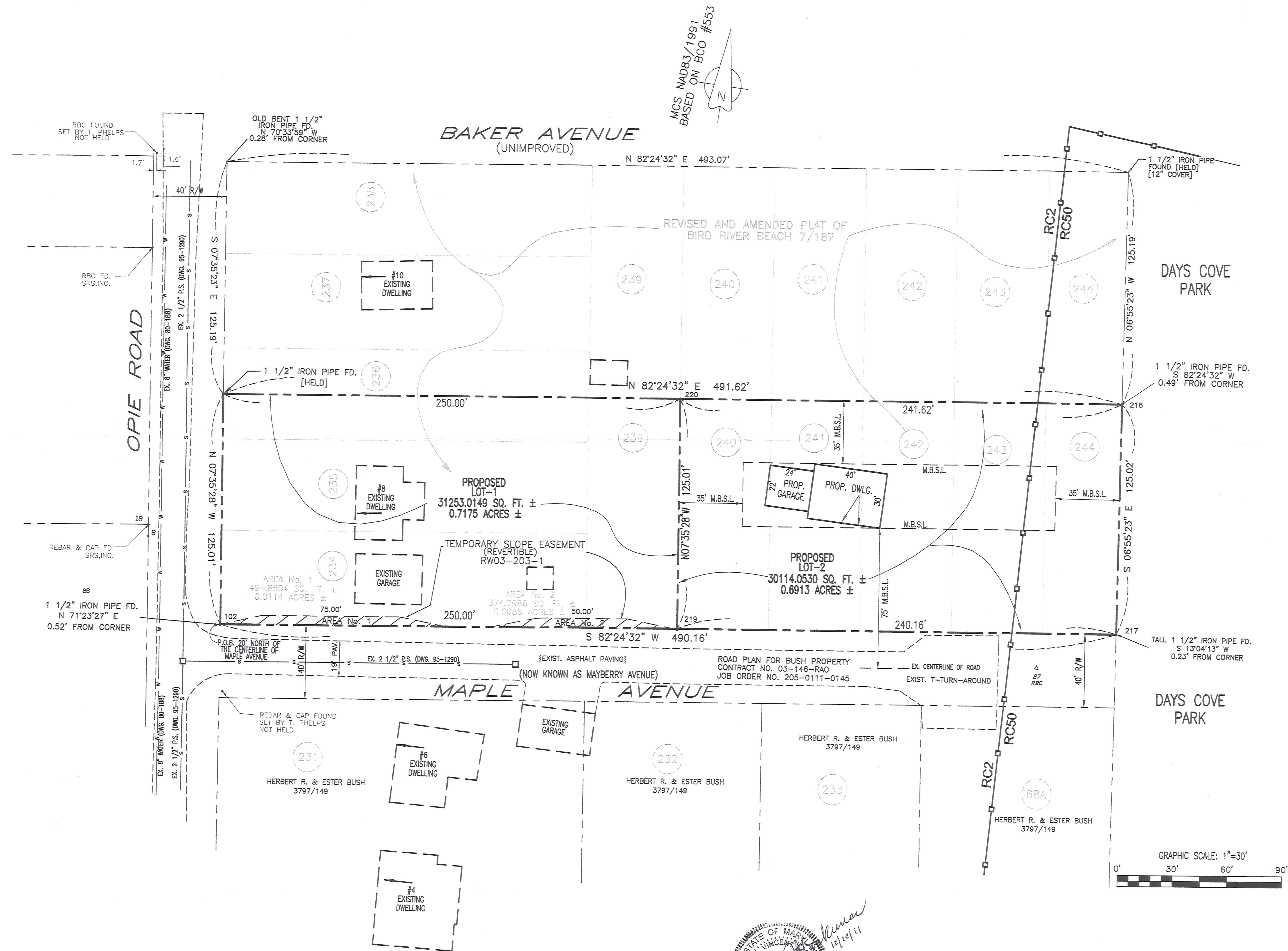
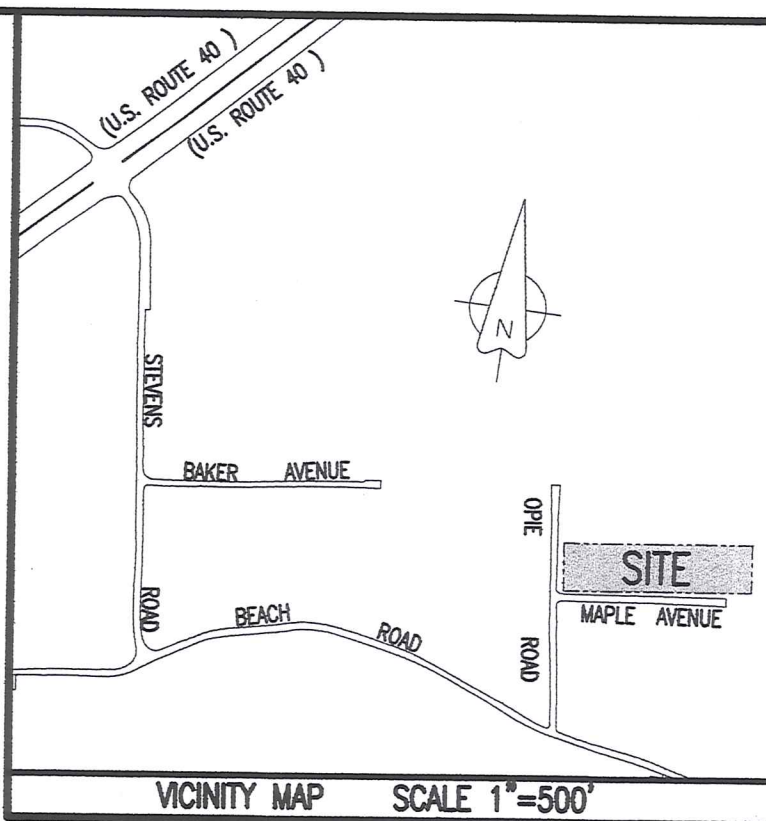
Printed 9/21/2011

PETITIONER'S

EXHIBIT NO.

6

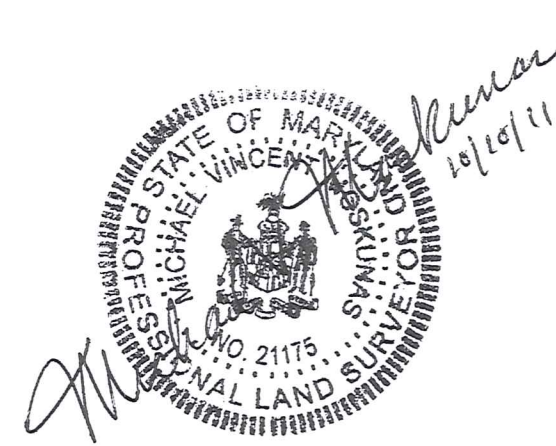
6



GENERAL NOTES

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SITERITE SURVEYING INC.
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TOWSON, MD. 21286
PHONE: 410-828-9060
FAX: 410-828-9066



OWNER
MATTHEW & JILL BENICIEWICZ
#8 OPIE ROAD
WHITE MARSH, MARYLAND 21162
PHONE: 410-335-7642
TAX MAP: 73 GRID: 20 PARCEL: 316
TAX ACCT. #1900012178
DEED REFERENCE: 14643/318

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING

#8 OPIE ROAD
LOTS 234-235, PART OF LOTS 236, 239-244
REVISED & AMENDED PLAT OF
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