

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Bayside Road, 165 feet W
of Cedar Road
15th Election District
6th Councilmanic District
(1246 Bayside Road)

William M. and Karen M. Kolb
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2012-0133-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owners of the subject property, William M. and Karen M. Kolb for property located at 1246 Bayside Road. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side yard of 15 feet in lieu of the required 50 feet (25 feet per prior zoning Case 1987-0221-A) for an addition to an existing dwelling. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a one story addition measuring 10 feet x 35 feet. The addition will contain a bedroom, sitting room and bathroom to accommodate an elderly mother-in-law who is moving into the home. An existing covered deck is to be removed. Due to the interior layout of the dwelling, the only practical location for the addition is as proposed on the site plan. No additional kitchen is proposed. Petitioners submitted a floor layout and elevation drawings with their Petition.

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 December 16, 2011, which states: "The subject property is located within the Chesapeake Bay Critical Area. According to B.C.Z.R. Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a

ORDER RECEIVED FOR FILING

Date 12-20-11

property within the Critical Area until the Department of Environmental Protection and Sustainability (DEPS) 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. To minimize impacts on water quality, lot coverage cannot exceed 25% of the lot area, or 31.25% of the lot area, if approved, and with mitigation for the amount over 25%. According to the applicant's plan, the proposed addition would result in about 35 square feet of new lot coverage, and total lot coverage on the site could meet Critical Area requirements with mitigation. By meeting the lot coverage requirements, allowing the relief requested by the applicant will result in minimal impacts to water quality. It is recommended that the zoning petition be conditioned to require adherence to all lot coverage requirements. Lot coverage is as defined in Natural Resources Article §8-1802(a)(17).

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

The current development of the property limits water quality and habitat functions, but can maximize water quality management by adhering to lot coverage limits and tree requirements established in the Critical Area law. It is recommended that the zoning petition be conditioned to require conformance with Critical Area requirements to offset water quality impacts associated with the addition and any lot coverage proposed on-site.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The applicant's proposal to construct a home addition can be consistent with this goal provided that lot coverage on the property meets Critical Area requirements and the new lot coverage is mitigated. The relief requested will be consistent with established land-use policies provided that the applicants meet the conditions listed in comments 1 and 2 above".

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on November 27, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to

ORDER RECEIVED FOR FILING

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2

By 

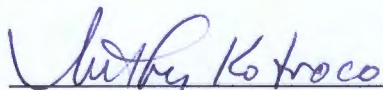
indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements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

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

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 20th day of December, 2011 that a Variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side yard of 15 feet in lieu of the required 50 feet (25 feet per prior zoning Case 1987-0221-A) for an addition to an existing dwelling, be and is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the ZAC comments made by the Department of Environmental Protection and Sustainability dated December 6, 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.


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date 12-20-11 3

By pm

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

DEC 16 2011

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: December 16, 2011

SUBJECT: DEPS Comment for Zoning Item # 2012-0133-A
Address 1246 Bayside Road
(Kolb Property)

Zoning Advisory Committee Meeting of November 21, 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. To minimize impacts on water quality, lot coverage cannot exceed 25% of the lot area, or 31.25% of the lot area, if approved, and with mitigation for the amount over 25%. According to the applicant's plan, the proposed addition would result in about 35 square feet of new lot coverage, and total lot coverage on the site could meet Critical Area requirements with mitigation. By meeting the lot coverage requirements, allowing the relief requested by the applicant will result in minimal impacts to water quality. It is recommended that the zoning petition be conditioned to require adherence to all lot coverage requirements. Lot coverage is as defined in Natural Resources Article §8-1802(a)(17).

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Date 12-20-11

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.

The applicant's proposal to construct a home addition can be consistent with this goal provided that lot coverage on the property meets Critical Area requirements and the new lot coverage is mitigated. The relief requested will be consistent with established land-use policies provided that the applicants meet the conditions listed in comments 1 and 2 above.

S:\Devcoord ZAC-Zoning Petitions\ZAC 2012\ZAC 12-133A 1246 Bayside Road

ORDER RECEIVED FOR FILING

Date 12-20-11

By [Signature]

S:\Devcoord ZAC-Zoning Petitions\ZAC 2011\ZAC 11-346-SPHA 9015 Cuckold Point Road



KEVIN KAMENETZ
County Executive

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

December 20, 2011

WILLIAM M. AND KAREN M. KOLB
1246 BAYSIDE ROAD
BALTIMORE MD 21221

Re: Petition for Administrative Variance
Case No. 2012-0133-A
Property: 1246 Bayside Road

Dear Mr. and Mrs. Kolb:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

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 contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure

c: David Billingsley, Central Drafting and Design, Inc., 601 Charwood Court, Edgewood MD 21040



KEVIN KAMENETZ
County Executive

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

December 21, 2011

WILLIAM M. AND KAREN M. KOLB
1246 BAYSIDE ROAD
BALTIMORE MD 21221

Re: Petition for Administrative Variance
Case No. 2012-0133-A
Property: 1246 Bayside Road

Dear Mr. and Mrs. Kolb:

It has come to our attention that the Zoning Advisory Committee (ZAC) comments from the Department of Environmental Protection and Sustainability were not attached to the Order which was signed on December 20, 2011. The ZAC comments relate to Condition No. 2 of the Order. Please attach these ZAC comments to your copy of the Order.

We apologize for any inconvenience this may have caused.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

Enclosure

c: David Billingsley, Central Drafting and Design, Inc., 601 Charwood Court, Edgewood MD 21040

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

DEC 16 2011

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: December 16, 2011

SUBJECT: DEPS Comment for Zoning Item # 2012-0133-A
Address 1246 Bayside Road
(Kolb Property)

Zoning Advisory Committee Meeting of November 21, 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:

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S:\Devcoord ZAC-Zoning Petitions\ZAC 2012\ZAC 12-133A 1246 Bayside Road



CBCA

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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 1246 BAYSIDE ROAD which is presently zoned RC-5

Deed Reference L-8347 F-342 10 Digit Tax Account # 1519712799 F98

Property Owner(s) Printed Name(s) WILLIAM M. & KAREN M. KOLB

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

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

1. ☒ ADMINISTRATIVE VARIANCE from section(s)

SEE ATTACHED

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

2. ☐ ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4- 416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

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

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

I, or we, agree to pay expenses of above 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:

N/A

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

N/A

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners:

WILLIAM M. KOLB , KAREN M. KOLB

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature #2

1246 BAYSIDE RD BALTO.

MD.

Mailing Address

City

State

21221 , (410) 780-9371 ,

Zip Code

Telephone #

Email Address

Representative to be contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING AND DESIGN, INC.

Name – Type or Print

Signature

601 CHARWOOD CT. EDGEWOOD, MD

Mailing Address

City

State

21040 , (410) 679-8719 , dnb0209@yahoo.com

Zip Code

Telephone #

Email Address

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, this 12-20-11 day of BY that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Administrative Law Judge of Baltimore County

CASE NUMBER 2012 0013 A

Filing Date 11/18/11

Estimated Posting Date 12/13/11

Reviewer VL

SECTION 1A04.3.B.2.b TO PERMIT A SIDE YARD OF 15 FEET IN LIEU
OF THE REQUIRED 50 FEET (25 FEET PER ZONING CASE 1987-0221-A)
FOR AN ADDITION TO AN EXISTING DWELLING.

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 1746 BAYSIDE ROAD BALTO. MD. 21221
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. **(Clearly state practical difficulty or hardship here)**

SEE ATTACHED

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

William M. Kolb
Signature of Affiant
WILLIAM M. KOLB
Name- Print or Type

Karen M. Kolb
Signature of Affiant
KAREN M. KOLB
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

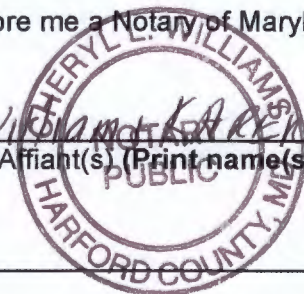
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4th day of Nov, 2011, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

William Kolb and Karen Kolb - William and Karen Kolb
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s). (Print name(s) here)

AS WITNESS my hand and Notaries Seal

Cheryl L. Williams
Notary Public
6/18/2015
My Commission Expires



We wish to construct a one story addition to the existing dwelling which will contain a bedroom, sitting room and bathroom. The additional space will allow us to have my elderly mother move into our house instead of an assisted living facility.

Due to the interior layout of the existing dwelling, the only practical location for the addition is as proposed in our petition. No additional kitchen is proposed. A floor layout and elevation views have been submitted with the petition.

ZONING DESCRIPTION

1246 BAYSIDE ROAD

Beginning at a point on the north side of Bayside Road (30 feet wide), distant 165 feet westerly of it's intersection with the center of Cedar Road (30 feet wide) thence being all of Lots 96 and 97 as shown on the plat entitled Evergreen Park recorded in Plat Book 7 Folio 174.

Containing 20,175 square feet or 0.463 acre of land, more or less.

Being known as 1246 Bayside Road. Located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, Md.

0133

CERTIFICATE OF POSTING
CERTIFICATE OF POSTING

RE: CASE NO: 2012-0133-A

PETITIONER/DEVELOPER _____

DAVE BILLINGSLEY

DATE OF HEARING/CLOSING: _____

12/12/11

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
11 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 1246 BAYSIDE RD

THIS SIGN(S) WERE POSTED ON November 27, 2011
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 11/27/11
SIGNATURE OF SIGN POSTER AND DATE:

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

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE 2012-0133-A

TO PERMIT A SIDE YARD SETBACK OF 15 FT. IN LIEU
OF THE REQUIRED 50 FT. (25 FT. PER ZONING CASE
1987-0221-A) FOR AN ADDITION TO THE
DWELLING.

[Signature]
11/27/11

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1) BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC
HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED
IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 P.M. ON

MONDAY DECEMBER 12, 2011

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT LOCATED
AT 111 W. CHESAPEAKE AVE. TOWSON MD. 21204
TEL. 410-887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER THE DATE UNDER PENALTY OF LAW

MEETING IS HANDICAP ACCESSIBLE

11/27/2011

Zoning File Copy APP
HAS
CR16.**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**Case Number 2012- 0133 -A Address 1246 BAYSIDE RD.Contact Person: JOHN LEWIS Phone Number: 410-887-3391
Planner, Please Print Your NameFiling Date: 11/18/11 Posting Date: 11/27/11 Closing Date: 12/12/11

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

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

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only**USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT**Case Number 2012- 0133 -A Address 1246 BAYSIDE RDPetitioner's Name WILLIAM & KAREN KOLB Telephone 410 780 9371Posting Date: 11/18/11 Closing Date: 12/13/11Wording for Sign: To Permit A SIDE YARD SETBACK OF 15 FT. IN LIEU
OF THE REQUIRED 50 FT. (25 FT. PER ZONING CASE
1987-0221-A) FOR AN ADDITION TO THE DWELLING.

Revised 7/06/11

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: 2012-0133-A
Petitioner: WILLIAM KOLB
Address or Location: 1246 BAYSIDE RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: WILLIAM KOLB
Address: 1246 BAYSIDE RD
BALTO. MD. 21221
Telephone Number: (410) 780-9371

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

No. **74904**

Date: **11/18/11**

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

Total: **75.00**

Rec From:

Central Drafting & Design

For:

*Reo Varance 2012-0133-A FILINT
 1246 BAYSIDE RD*

DISTRIBUTION

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

PAID RECEIPT

RECEIVED
 11/21/11
 177.00
 BALTIMORE COUNTY, MARYLAND

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

December 5, 2011

Mr. & Mrs. Kolb
1246 Bayside Road
Baltimore, MD 21221

RE: Case Number 2012-0133-A, 1246 Bayside Road

Dear Mr. & Mrs. Kolb,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 18, 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.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:men

Enclosures

c: People's Counsel
David Billingsley, Central Drafting & Design, Inc., 601 Charwood Ct. Edgewood, MD 21040

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 28, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For December 5, 2011
Item Nos. 2012-126,127,128,129,130,132,133
And 134

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-12052011 -NO,COMMENTS.doc

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11-22-11

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

RE: Baltimore County
Item No. 2012-0133-A
Administrative Variance
William & Karen Kolb
1246 Bayside 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. 2012-0133-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,

A handwritten signature in blue 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

Patricia Zook - Case 2012-0133-A comment needed

From: Patricia Zook
To: Livingston, Jeffrey
Date: 12/15/2011 1:13 PM
Subject: Case 2012-0133-A comment needed

Hello Jeff -

This property is located in the CBCA and we need a comment.

CASE NUMBER: 2012-0133-A

1246 Bayside Road

Location: N side of Bayside Road, 165 feet W of Cedar Road

15th Election District, 6th Council District

Legal owner: William M. and Karen M. Kolb

ADMINISTRATIVE VARIANCE to permit a side yard of 15 feet in lieu of the required 50 feet (25 feet per prior zoning Case 1987-0221-A) for an addition to an existing dwelling.

Closing 12/12/2011

Thank you 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

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M E M O R A N D U M

DATE: February 16, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0133-A – Appeal Period Expired

The appeal period for the above-referenced case expired on January 19, 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

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

2012-0133-A

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

Account Identifier:

District - 15 Account Number - 1519712799

Owner Information

Owner Name:	KOLB WILLIAM M KOLB KAREN M	Use:	RESIDENTIAL
Mailing Address:	1246 BAYSIDE DR BALTIMORE MD 21221-6501	Principal Residence:	YES
		Deed Reference:	1) /08347/ 00342 2)

Location & Structure Information

Premises Address
1246 BAYSIDE DR
0-0000

Legal Description

943 E BEECHWOOD AVE
EVERGREEN PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0104	0024	0268		0000			97	3	Plat Ref: 0007/0174

Special Tax Areas

Town	NONE
Ad Valorem	
Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1990	1,128 SF	10,050 SF	04

Stories	Basement	Type	Exterior
1.000000	YES	SPLIT FOYER 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	77,700	77,700		
Improvements:	166,500	166,500		
Total:	244,200	244,200	244,200	
Preferential Land:	0			

Transfer Information

Seller:	SPANGLER MARVIN	Date:	12/11/1989	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/08347/ 00342	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		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:

EXHIBIT PROOR CASE

IN RE: PETITION FOR ZONING VARIANCE
N/S of Bayside Road, 165' W
of Cedar Road
(1246 Bayside Road)
15th Election District

John R. Shaffer, et ux,
Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 87-221-A

* * * * *

The Petitioners herein request a zoning variance to permit side yard setbacks of 25 feet in lieu of the required 50 feet.

Testimony by the Petitioners indicates that the lot on which they plan to construct a new home is 100' wide by 200' long. A 50-foot wide dwelling is proposed to house the Petitioners, their four children, and the mother of one of the Petitioners. The husband is a truck driver who owns two vehicles, which will not be parked on site. The wife will do her husband's bookkeeping and fire pottery as a hobby, both within the house. The adjacent dwellings are 25 feet away from the property line on one side and 50 feet away from the property line on the other side. There were no Protestants.

Pursuant to the advertisement, posting of property, and public hearing on the petition; it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners; Baltimore County having reviewed the application involving property located in the Maryland Chesapeake Bay Critical Areas and having ascertained that it is consistent with the requirements of the State of Maryland to minimize adverse impacts on water quality and fish, wildlife, and plant habitat; in the opinion of the Deputy Zoning Commissioner, the requested variances will not adversely affect the health, safety, and general welfare of the community and should therefore be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 9th day of December 1986, that the herein request for side yard

RECEIVED FOR FILING

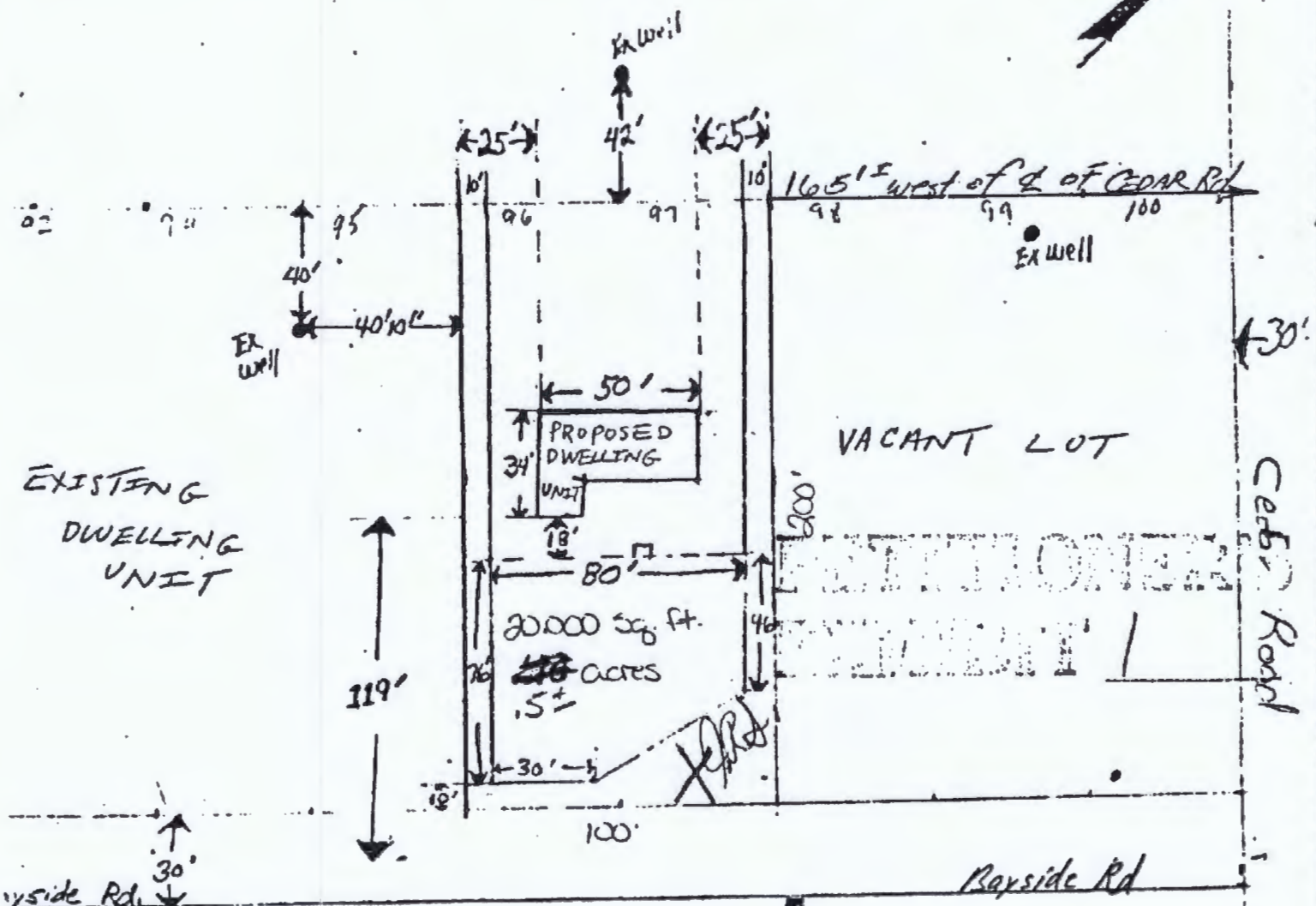
Date

By

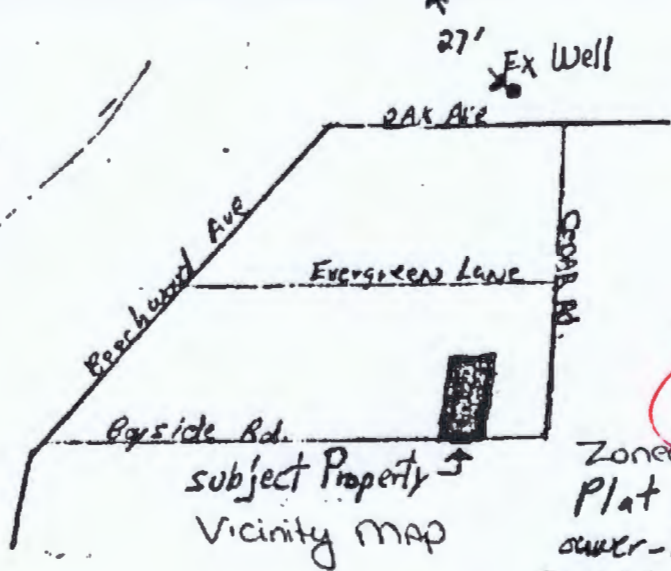
12/9/86
By: [Signature]

Scale: 1" = 50'

North



0133
EXHIBIT PLAN
FROM HEARME
Back River



#118
97-221-A

Zoned: RCS
Plat for Zoning Variance
owner - John & Tracey Shaffer
Subdivision - Evergreen Park
District 15 Lots 96 & 97
W.P.C. No 7 Folio 174
OFFICE COPY



Lot # 127

Lot # 127
1511771550

Lot # 123
1519002660

EVERGREEN LN

Lot # 115

Lot # 115
1518473250

Lot # 115

Lot # 113
1511351560

Lot # 113

Lot # 112
1511351581

1215

Lot # 111
1511351580

6 CD
SE 4-I 104C3

1518721280

Lot # 1 PDM # 158067

Back River Neck District
Pt. Bk./Folio # 007174

Bowleys Quarters-Back River Neck Area

Lot # 109

RC 5

15 ED

1246

1519712798

Lot # 96

19870221

Lot # 97
1519712799

Lot # 94

Lot # 94
1501131210

1220

Lot # 93
1518350580

Lot # 91
1506451380

1224

20070072
20090252

Lot # 91

Lot # 91

20050207

Lot # 3

1231

1502203970
Lot # 2

Lot # 1
1511671931

Lot # 71

Lot # 71
1511671930

Lot # 73

Lot # 73

1513752120

Lot # 73

Lot # 73

1247

BAYSIDE RD

19940129

Lot # 118

2003005

Lot # 98

Lot # 98

19870122

2400008759

1248

Lot # 98

Lot # 118

1516000102

Lot # 118

Lot # 101

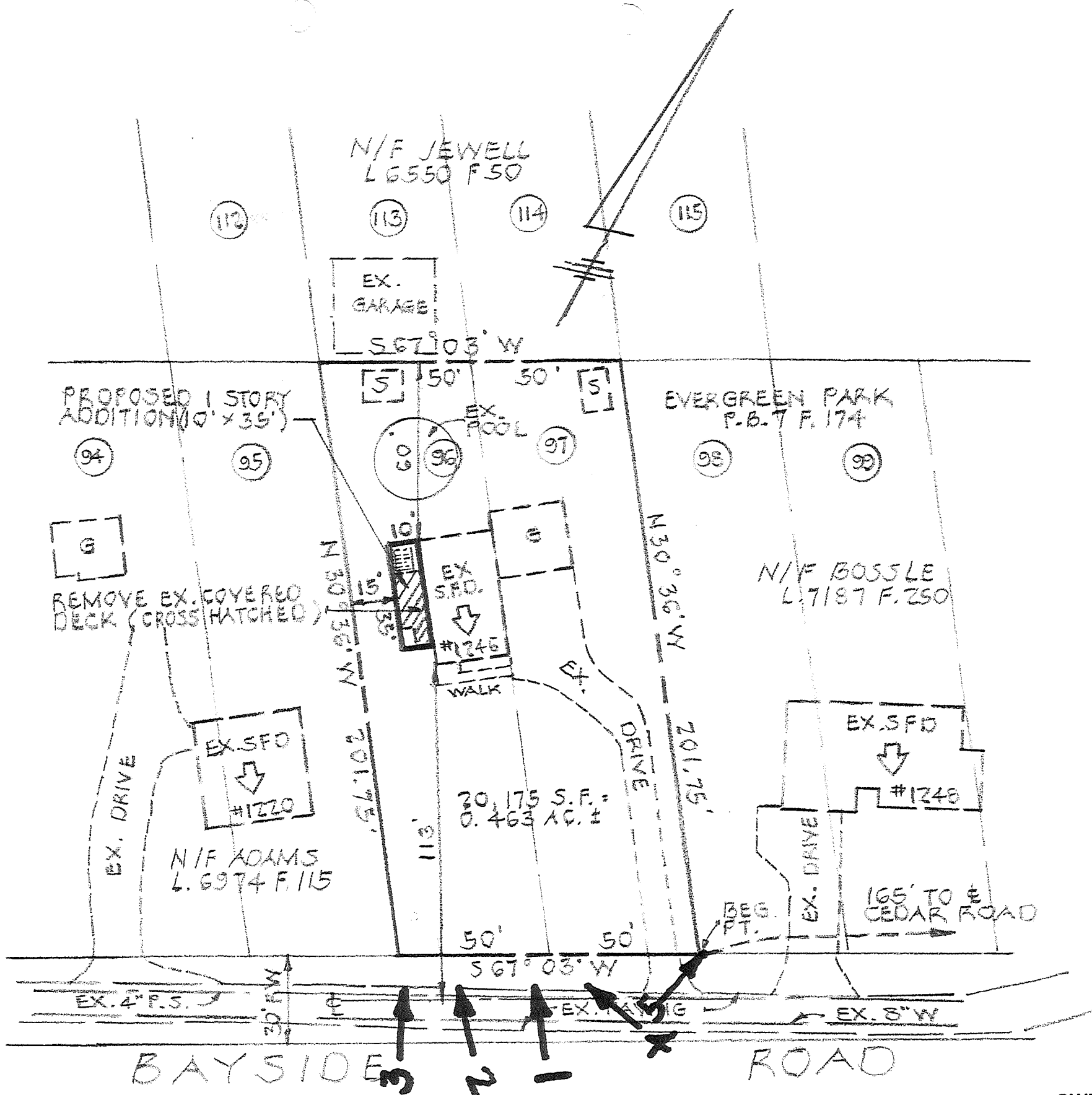
Lot # 101









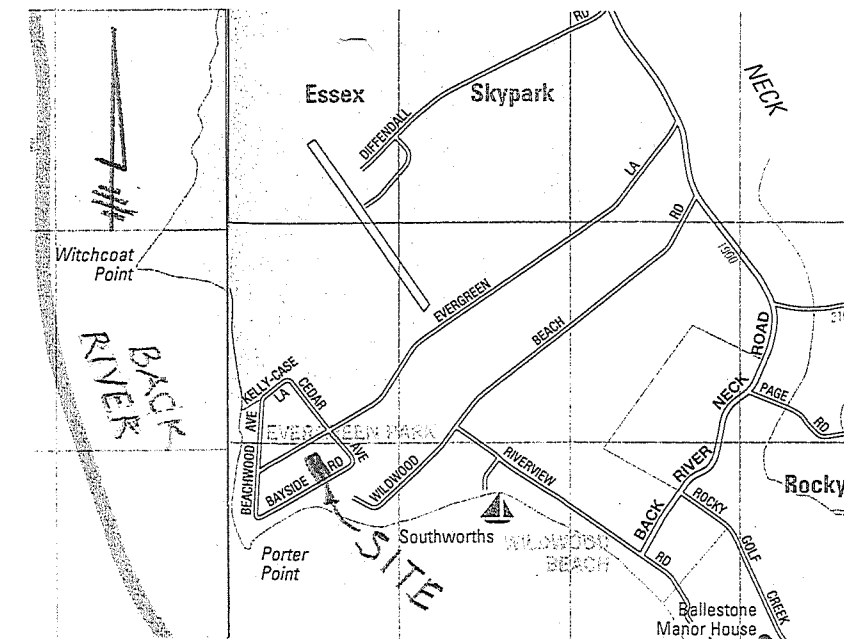


ZONING MAP# 10403
 SITE ZONED RC5
 ELECTION DISTRICT 15
 COUNCIL DISTRICT 6
 LOT AREA ACREAGE 0.463
 OR SQUARE FEET 20,175
 HISTORIC NO
 IN CBCA YES
 IN FLOOD PLAIN NO
 UTILITIES
 WATER IS:
 PUBLIC X PRIVATE
 SEWER IS:
 PUBLIC X PRIVATE

PREVIOUS ZONING HEARING

CASE NO. 1987-0221-A - ORDER DATED DECEMBER 9, 1986 GRANTING SIDE YARD SETBACKS OF 25 FEET IN LIEU OF THE REQUIRED 50 FEET

NO VIOLATIONS



VICINITY MAP
 SCALE: 1" = 1000'

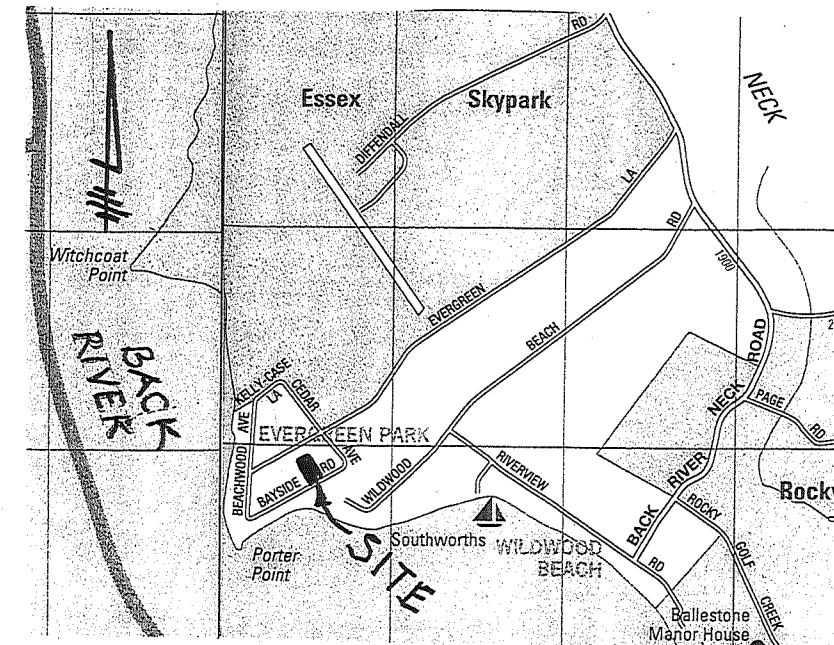
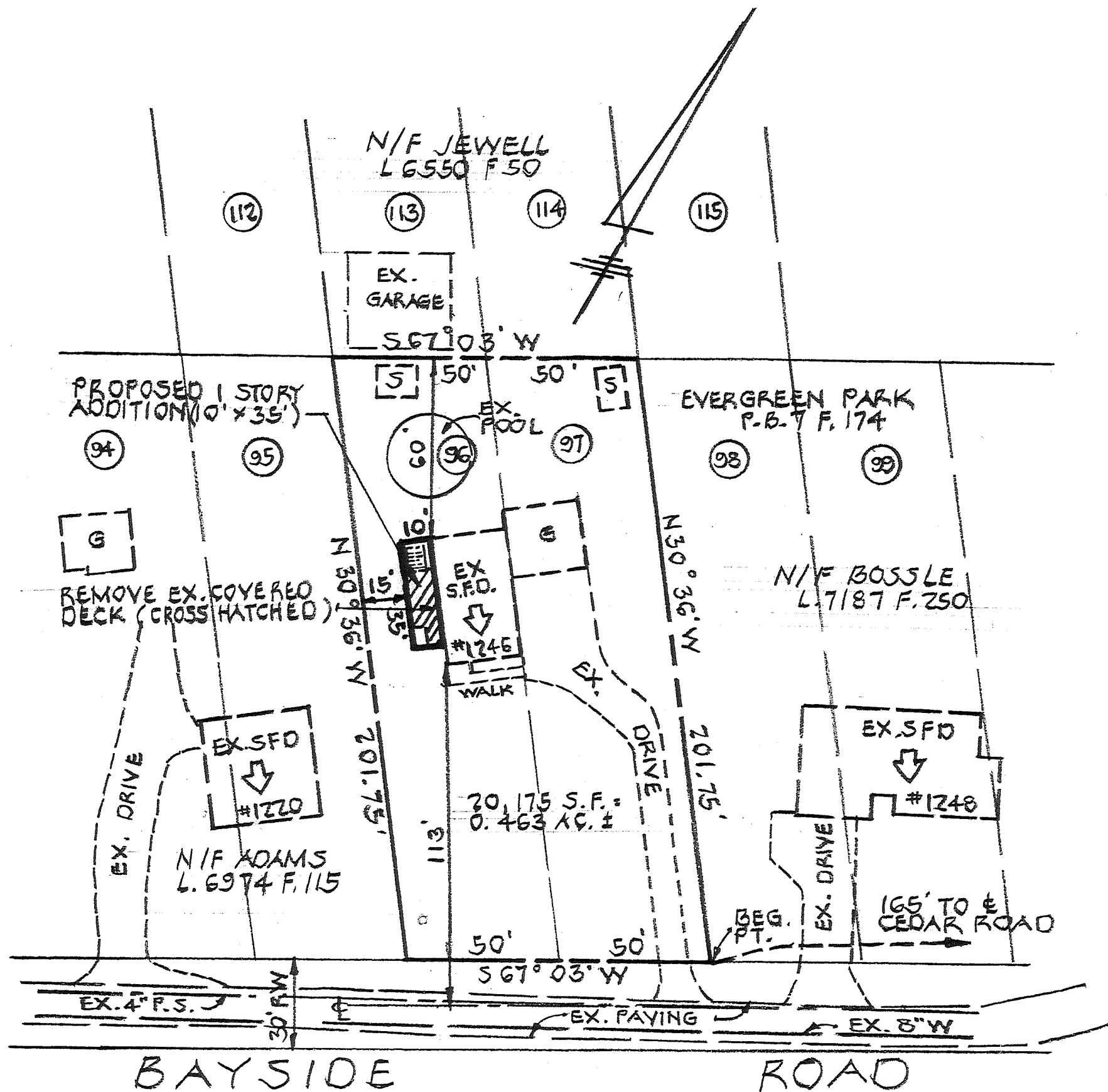
PHOTO
 EXHIBIT
 1 SET
 0133

PHOTOS
 PLAT TO ACCOMPANY PETITION
 FOR ADMINISTRATIVE VARIANCE

CENTRAL DRAFTING & DESIGN, INC.
 601 CHARWOOD COURT
 EDGEWOOD, MD 21040
 (410) 679-8719

OWNER
 WILLIAM M. AND KAREN M. KOLB
 1246 BAYSIDE ROAD
 BALTIMORE, MD. 21221
 DEED REF: L.8347 F.342
 ACCT. NO. 1519712798 & 99

1246 BAYSIDE ROAD
LOTS 96 AND 97 EVERGREEN PARK P.B. 7 F. 174
ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 40 FEET NOVEMBER 7, 2011



VICINITY MAP
SCALE: 1" = 1000'

0133

ZONING MAP# 104C3
 SITE ZONED RC5
 ELECTION DISTRICT 15
 COUNCIL DISTRICT 6
 LOT AREA ACREAGE 0.463
 OR SQUARE FEET 20,175
 HISTORIC NO
 IN CBCA. YES
 IN FLOOD PLAIN NO
 UTILITIES
 WATER IS:
 PUBLIC X PRIVATE
 SEWER IS:
 PUBLIC X PRIVATE

PREVIOUS ZONING HEARING
 CASE NO. 1987-0221-A – ORDER DATED DECEMBER 9, 1986 GRANTING SIDE YARD SETBACKS OF 25 FEET IN LIEU OF THE REQUIRED 50 FEET

NO VIOLATIONS
 BUILDING COVERAGE = 9.8%

**PLAT TO ACCOMPANY PETITION
 FOR ADMINISTRATIVE VARIANCE**

OWNER
 WILLIAM M. AND KAREN M. KOLB
 1246 BAYSIDE ROAD
 BALTIMORE, MD. 21221
 DEED REF: L.8347 F.342
 ACCT. NO. 1519712798 & 99

**1246 BAYSIDE ROAD
 LOTS 96 AND 97 EVERGREEN PARK P.B. 7 F. 174
 ELECTION DISTRICT 15C6
 BALTIMORE COUNTY, MD.
 SCALE: 1 INCH = 40 FEET NOVEMBER 7, 2011**