

IN RE: PETITION FOR SPECIAL HEARING *

E side of Engleberth Road, 450' SW of
the c/line of Cross Road
(1127 Engleberth Road)
15th Election District
6th Council District

Andrew R. Marani
Petitioner

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2012-0179-SPH

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Hearing and Variance filed by the legal owner of the property, Andrew R. Marani. The Petitioner is requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to determine whether or not the Administrative Law Judge should approve, pursuant to B.C.Z.R. Section 1A04.3.B.2b, a proposed single family dwelling on a lot zoned RC-5 containing 16,281 square feet in lieu of the required 1.5 acre.

The Petitioner seeks the following variance relief under B.C.Z.R. Section 307:

- (1) To permit a principal building setback of 45 feet to the centerline of a road that leads to a collector road in lieu of the required 100 feet setback, and
- (2) To permit side yard setbacks of 10 feet and 31.5 feet in lieu of the required 50 feet.

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing held for this case was Petitioner Andrew R. Marani and his wife, Martha. The file reveals that 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, and the file does not contain any letters of

ORDER RECEIVED FOR FILING

Date 3-7-12

By [Signature]

opposition or protest. Indeed, Petitioner's immediate neighbors both submitted letters expressing their support for the project. *See* Exhibit 5.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. A comment was received from the Department of Planning, dated February 23, 2012, indicating Petitioner must provide to that office certain documents and materials which will facilitate the review by that office mandated by B.C.Z.R. Section 1A04.4. These issues will be addressed when Petitioner makes application for a building permit, and the undersigned advised Mr. and Mrs. Marani that they would be required to provide these materials to the Department of Planning. The Petitioner indicated he has retained an architect, and in a January 26, 2012 comment, the Department of Planning noted the architect meets RC 5 performance standards. While it is not entirely clear what is meant by that notation, I am satisfied the Petitioner intends to construct a handsome and professionally designed dwelling on the site, and I am confident Petitioner will provide the Department of Planning with all materials and assistance needed for its review.

A comment was also received from the Department of Environmental Protection and Sustainability (DEPS), dated March 2, 2012, indicating the Petitioner must comply with certain Chesapeake Bay Critical Area (CBCA) regulations, given the property is located in a CBCA Limited Development Area. There were no other ZAC comments received from any of the County reviewing agencies.

Testimony and evidence revealed that the subject property is 16,281 square feet and is zoned RC 5. The Petitioner acquired the property from his parents, and razed an existing house on the site in or about 2001, since it had become dilapidated. *See* Exhibits 2 and 3. The Petitioner testified that most homes in the area are on lots sized similarly to his, and I therefore believe

ORDER RECEIVED FOR FILING

Date 3-7-12

By ew

special hearing relief is appropriate in this scenario.

Based on the evidence presented, I find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995). I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, 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 7 day of March, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit, pursuant to B.C.Z.R. Section 1A04.3.B.2b, the construction of a proposed single family dwelling on a lot zoned RC 5 containing 16,281 square feet in lieu of the required 1.5 acre, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance relief:

- (1) To permit a principal building setback of 45 feet to the centerline of a road that leads to a collector road in lieu of the required 100 feet setback, and
- (2) To permit side yard setbacks of 10 feet and 31.5 feet in lieu of the required 50 feet,

be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 3-7-12

By OW

The relief granted herein shall be conditioned upon the following:

1. The Petitioner may apply for his building permit and may be granted same upon receipt of this Order, however the Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioner will be required to return and be responsible for returning said property to its original condition.
2. The Petitioner must comply with the ZAC comments received from the Department of Planning, dated February 23, 2012, and the Department of Environmental Protection and Sustainability (DEPS), dated March 2, 2012.

JEB:dlw



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date 3-7-12

By dlw



PETITION FOR ZONING HEARING

2012-0179-SPH

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 1127 Englebert Rd which is presently zoned RC5
 Deed References: Plat 6937 folio 795 10 Digit Tax Account # 1526400260
 Property Owner(s) Printed Name(s) Andrew Marani

(SELECT THE HEARING(S) BY MARKING ☒ 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

1A04.3.B.2b

To permit a proposed single family dwelling on a lot zoned RC-5 containing 16,281 square feet in lieu of the required 1.5 AC. .

property for

To permit a principal building setback of 45feet to the center line of a road that leads to a collector road in lieu of the required 100feet set back.

To permit side yard setbacks of 10feet and 31.5feet in lieu of the required 50feet.

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)

See attached

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 (Petitioners):

Andrew Marani

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

117 Woodlawn Rd Balt. MD

Mailing Address

City

State

21210 1410 662 9908

Zip Code

Telephone #

Email Address

*andrew marani
@ar.marani.com*

Representative to be contacted:

See above

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2012-0179-SPH Filing Date 1/26/2012

Do Not Schedule Dates:

Reviewer *Th*

1127 Engleberth Road – Variance

It is a hardship to deny a building permit for this lot. When it was purchased, there was an existing house that had fallen into severe disrepair. We were assured that we would be able to replace the house when it became economically feasible to do so, and we tore the old house down because it had become a hazard to the community. Attached is the razing permit (B437207, dated 1/22/2001) and a plot plan that is dated 1989 that shows there was a house on the lot. We have also attached a copy of a photograph of the old house.

In addition, most of the houses in the area are on lots of equal or lesser size.

Zoning property description for 1127 Engleberth Road

Part A

Beginning at a point on the East side of Engleberth Road, which is 20 feet wide, at a the distance of 320 feet South of the centerline of the nearest improved intersecting street, Cross Street, which is 20 feet wide.

Part B

Thence the following courses and distances: 1st POC South 62 degrees 26 minutes East 204.5 feet, 2nd POC North 24 degrees 38 minutes East 82 feet, 3rd POC North 62 degrees 58 minutes West 199.2 feet and 4th POC South 28 degrees 22 minutes West 80 feet, back to the point of beginning as recorded in Deed Liber 9637, Folio 795, containing 16281 square feet. Located in the 15th Election District and 6th Council District.

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

No. **73628**

Date: 1/26/12

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 1/27/2012 1/26/2012 10:04:10 2
 REG NS02 MAIL JEVA JEE
 >>RECEIPT # 267155 1/26/2012 OFLN
 5 528 DURING VERIFICATION
 CR NO. 073628
 Recpt Tot \$75.00
 \$75.00 CA \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS Acct	Amount
001	806	2000		6150					75.00

Total: 75.00

Rec From: Andrew McLean
 For: 1177 Englebert Rd
21221 2012-0179-SPH

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

March 7, 2012

Andrew Marani
Martha Marani
117 Woodlawn Road
Baltimore, Maryland 21210

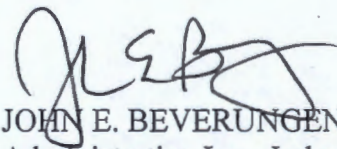
RE: Petition for Special Hearing
Case No.: 2012-0179-SPH
Property: 1127 Engleberth Road

Dear Mr. and Mrs. Marani:

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 Office of Administrative Hearings at 887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

CERTIFICATE OF POSTING

2012-0179-SPH

RE: Case No.: _____

Petitioner/Developer: _____

Andrew Marani

March 4, 2012

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

1127 Engleberth Road

February 17, 2012

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

February 17, 2012

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

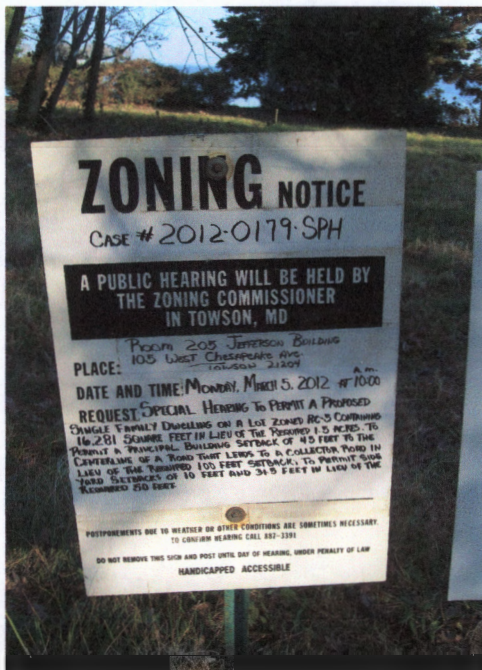
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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: 2012-0179-SPH
Petitioner: Andrew Marani
Address or Location: 1127 Engleberth Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Andrew Marani
Address: 117 Woodlawn Rd
Balto. MD 21210
Telephone Number: 410 662 9908

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 16, 2012 Issue - Jeffersonian

Please forward billing to:
Andrew Marani
117 Woodlawn Road
Baltimore, MD 21210

410-662-9908

NOTICE OF ZONING HEARING

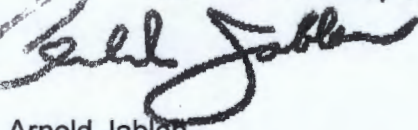
The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0179-SPH

1127 Engleberth Road
E/side of Engleberth Road, 450 feet s/west of the centerline of Cross Road
15th Election District – 6th Councilmanic District
Legal Owners: Andrew Marani

Special Hearing to permit a proposed single family dwelling on a lot zoned RC-5 containing 16,281 square feet in lieu of the required 1.5 acres. To permit a principal building setback of 45 feet to the centerline of a road that leads to a collector road in lieu of the required 100 feet setback; to permit side yard setbacks of 10 feet and 31.5 feet in lieu of the required 50 feet.

Hearing: Monday, March 5, 2012 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.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections
February 13, 2012

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:

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1127 Engleberth Road

E/side of Engleberth Road, 450 feet s/west of the centerline of Cross Road

15th Election District – 6th Councilmanic District

Legal Owners: Andrew Marani

Special Hearing to permit a proposed single family dwelling on a lot zoned RC-5 containing 16, 281 square feet in lieu of the required 1.5 acres. To permit a principal building setback of 45 feet to the centerline of a road that leads to a collector road in lieu of the required 100 feet setback; to permit side yard setbacks of 10 feet and 31.5 feet in lieu of the required 50 feet.

Hearing: Monday, March 5, 2012 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: Andrew Marani, 117 Woodlawn Road, Baltimore 21210

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., FEBRUARY 18, 2012.**
- (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.**

M E M O R A N D U M

DATE: April 09, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0179-SPH - Appeal Period Expired

The appeal period for the above-referenced case expired on April 6, 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

JB 3-5-12
10am

Case No.: 2012-0179-SPH

Exhibit Sheet

Petitioner/Developer

4/9/12
P

Protestants

DW 3-7-12

No. 1	Site Plan	
No. 2	Razing Permit	
No. 3	Photo	
No. 4	Plot Plan (1989)	
No. 5	Letters from Neighbors	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

[Signature]
DIRECTOR

BUILDING PERMIT

[Signature]
BUILDINGS ENGINEER

PERMIT #: B437207 CONTROL #: RA DIST: 15 PREC: 19
DATE ISSUED: 01/22/2001 TAX ACCOUNT #: 1526400260 CLASS: 34

PLANS: CONST 0 PLOT 0 R PLAT 0 DATA 0 ELEC NO PLUM YES
LOCATION: 1127 ENGLEBERTH RD
SUBDIVISION: 370FT S OF CROSS RD

OWNERS INFORMATION

NAME: MARANI, ANDREW R
ADDR: 117 WOODLAWN RD 21210

TENANT:

CONTR: OWNER
ENGR:
SELLR:

WORK: RAZE SFD & GARAGE. TO BE TORN DOWN & DEBRIS
HAULED TO APPROVED SANITARY LANDFILL IN
ACCORDANCE W/CO SITE RECS. PERMIT EXPIRES 90
DAYS FROM DATE OF ISSUE. SFD=1225SF. GARAGE=
400SF. SEPTIC TO BE BACKFILLED

BLDG. CODE: BOCA CODE

RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: VACANT
8000.00 EXISTING USE: SFD & GARAGE

TYPE OF IMPRV: WRECKING

USE: ONE FAMILY

FOUNDATION:

BASEMENT:

SEWAGE: PRIV. EXISTS

WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 0080.00 X 0000.00

FRONT STREET:

SIDE STREET:

FRONT SETB: NC

SIDE SETB: NC

SIDE STR SETB:

REAR SETB: NC

PETITIONER'S

EXHIBIT NO. 2

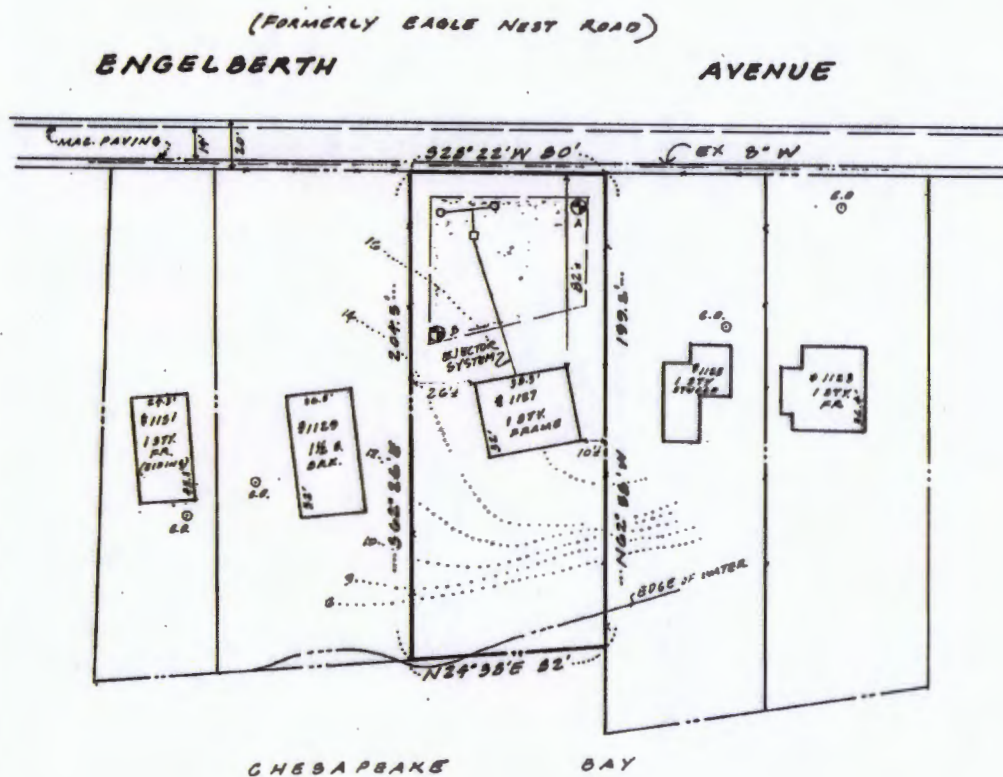


LOCATION : 1127 ENGLEBERTH ROAD
ESSEX, MD 21221-2009

PETITIONER'S

EXHIBIT NO.

3



NOTES

1. SUBJECT PROPERTY HAS PUBLIC WATER
2. SUBJECT PROPERTY WAS SUBDIVIDED BEFORE MARCH 1972.
3. AREA AVAILABLE FOR SEWAGE DISPOSAL 3100 SF ±
4. ADJACENT HOUSES AND CLEAN OUT / SEPTICS FIELD LOCATED OCT. 1989.

LEGEND

- ⊕ A = HIGH HOLE
 ⊙ B = LOW HOLE
 C.O. = CLEAN OUT / SEPTIC

PLOT PLAN SHOWING EXISTING HOUSES & SEPTIC #1127 ENGELBERTH AVENUE 13TH ELECTION DISTRICT BALTIMORE COUNTY, MD

SCALE: 1" = 50' DATE: NOV. 19, 1989

OWNER: ALAN R. MARANI

PETITIONER'S

EXHIBIT NO. 4

PREPARED BY:
 H. MALMUD & ASSOCIATES
 100 CHURCH LANE
 BALTIMORE, MARYLAND 21206
 TELEPHONE (301) 653-9511

1/12/12

Dear Mr. Lonscak
1125 Engleberth Road

I am requesting an administrative variance to build the new house at 1127 Engleberth Rd. Current Baltimore County code requires new houses in this area to be built on lots that are much larger than my lot. It would help my request for a variance if you would note your agreement with the following items by signing at the bottom of this letter.

I have reviewed the site plan and architectural drawings with you.

I've shown you the height of the proposed house, its distance to your property line, and its relationship to your house in terms of sunlight and air movement.

You've noted and are happy that I have set the house behind the waterfront face of your house because it will not interfere with your views of the water.

Thank You,
Andrew Marani



Paul Lonscak


JAN. 15 2012

1/12/12

Dear Mr. Lipsky
1129 Engleberth Road

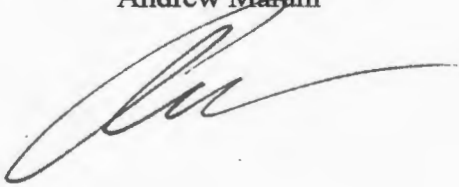
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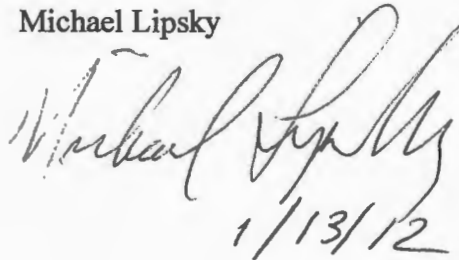
I've shown you the height of the proposed house, its distance to your property line, and its relationship to your house in terms of sunlight and air movement.

You've noted and are happy that I have set the house behind the waterfront face of your house because it will not interfere with your views of the water.

Thank You,
Andrew Marani



Michael Lipsky


1/13/12

CASE NAME 1127 Englebert Rd.
CASE NUMBER 2062-0179-SPH
DATE 3-5-62

[illegible]

Debra Wiley - CBCA Comment for 2012-0179-SPH

From: Debra Wiley
To: Livingston, Jeffrey; Lykens, David
Date: 3/2/2012 1:18 PM
Subject: CBCA Comment for 2012-0179-SPH

Hi,

Do you have a CBCA comment for the above referenced. It is scheduled for first thing Monday morning.

Address: 1127 Engleberth Road.

Thanks.

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

MAR 02 2012

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: March 2, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0179-SPH
Address 1127 Engleberth Road
(Marani Property)

Zoning Advisory Committee Meeting of February 6, 2012.

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

1. This waterfront property is located in a Limited Development Area and a Buffer Management Area within the Chesapeake Bay Critical Area. Development of this property must comply with a maximum lot coverage limit of 31.25% (4,784 square feet) with mitigation for any lot coverage amount over 25% (3,828 square feet), must meet BMA requirements for development within the 100-foot tidal buffer, and must meet a 15% tree cover requirement. Based on this, EPS has determined that adverse impacts on water quality from the pollutants discharged from the proposed development can be minimized with compliance and mitigation pursuant to Critical Area requirements. Mitigation requirements may include the planting of native trees and shrubs.
2. The proposed development must comply with all LDA and BMA requirements, including the 15% afforestation requirement and CBCA lot coverage requirements, prior to building permit approval. Therefore, the subject zoning petition will conserve fish, wildlife, and plant habitat.
3. The proposed development is permitted under the State-mandated Critical Area regulations provided that development is in compliance with all Critical Area requirements. Lot coverage on the property is limited. Compliance with the Critical Area requirements, and mitigation can allow the subject development to be consistent with established land use policy for development in the Chesapeake

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1127 Engleberth Road

E/side of Engleberth Road, 450 feet s/west of the centerline of Cross Road

15th Election District 6th Councilmanic District

Legal Owner(s): Andrew Marani

Special Hearing: to permit a proposed single family dwelling on a lot zoned RC-5 containing 16, 281 square feet in lieu of the required 1.5 acres. To permit a principal building setback of 45 feet to the centerline of a road that leads to a collector road in lieu of the required 100 feet setback; to permit side yard setbacks of 10 feet and 31.5 feet in lieu of the required 50 feet.

Hearing: Monday, March 5, 2012 at 10:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

02/287 February 16

297325

CERTIFICATE OF PUBLICATION

2/16/, 2012

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 2/16/, 2012.

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

J. Wilkinson

LEGAL ADVERTISING

JB
3/5/12

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 23, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 1127 Engleberth Road

INFORMATION:

Item Number: 12-179

Petitioner: Andrew Marani

Zoning: RC 5

Requested Action: Special Hearing

RECEIVED
FEB 27 2012
OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

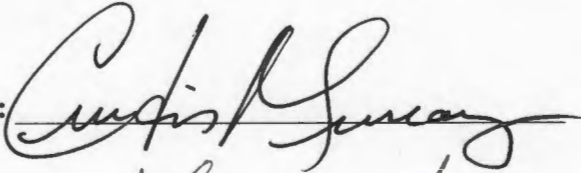
The Department of Planning does not oppose the petitioner's request. However, this department is required to provide a statement of finding to the Administrative Law Judge indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of existing adjacent dwellings.
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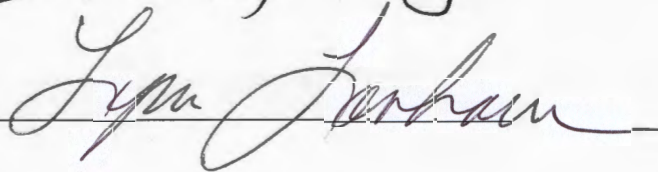
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5. Provide landscaping along the public road, if consistent with the existing streetscape.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay with the Department of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

Debra Wiley - ZAC Comments - Distribution Mtg. of 2/6/12

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 2/6/2012 11:55 AM
Subject: ZAC Comments - Distribution Mtg. of 2/6/12

Good Morning,

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.

2012-0178-SPHA - 2301 York Road
(No hearing date per database 2/6/12)

2012-0179-SPH - 1127 Engleberth Road - CBCA / Floodplain
(No hearing date per database 2/6/12)

2012-0180-A - 6408 Baltimore National Pike
(No hearing date per database 2/6/12)

2012-0181-A - 4030 Chestnut Road - **CBCA**
(Administrative Variance - Closing Date: 2/27/12)

2012-0182-A - 100 Grist Stone Way
(Administrative Variance - Closing Date: 2/27/12)

2012-0183-SPHX - 2029 2019 Monkton Road
(No hearing date per database 2/6/12)

Thanks.

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

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 - 15 Account Number - 1526400260

Owner Information

Owner Name: MARANI ANDREW R **Use:** RESIDENTIAL
Mailing Address: 117 WOODLAWN RD **Principal Residence:** NO
BALTIMORE MD 21210-2544 **Deed Reference:** 1) /09637/ 00795
2)

Location & Structure Information

Premises Address
1127 ENGLEBERTH RD
0-0000

Legal Description
1127 ENGLEBERTH RD SES
Waterfront 370FT S OF CROSS RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
0105	0004	0062		0000				3	

Town NONE

Special Tax Areas

Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		16,281 SF	34

Stories **Basement** **Type** **Exterior**

Value Information

	Base Value	Value As Of 01/01/2012	Phase-in Assessments As Of 07/01/2011	As Of 07/01/2012
Land	153,500	153,500		
Improvements:	0	0		
Total:	153,500	153,500	153,500	153,500
Preferential Land:	0			0

Transfer Information

Seller: MARANI ALBERT R	Date: 03/03/1993	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /09637/ 00795	Deed2:
Seller: RAUSCH ELLA V R AUSCH THEODORE H	Date: 11/08/1985	Price: \$60,000
Type: ARMS LENGTH IMPROVED	Deed1: /07031/ 00099	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	0.00

Tax Exempt:
Exempt Class:

Special Tax Recapture:

2012-0119-SPH



KEVIN KAMENETZ
County Executive

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

March 1, 2012

Andrew Marani
117 Woodlawn Road
Baltimore MD 21210

RE: Case Number: 2012-0179 SPH, Address: 1127 Engleberth Road

Dear Mr. Marani:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 26, 2012. 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 a circular embossed seal.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 7, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For February 20, 2012
Item Nos. 2012-178, 179, 180, 181, 182,
And 183

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-02202012-NO COMMENTS.doc

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



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 2-6-12

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No 2012-0179-SPA
Special Hearing
Andrew Marani
1127 Engleberth Road.

Dear Ms. Lewis:

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. 2012-0179-SPA.

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).

Sincerely,

A handwritten signature in dark ink, appearing to read 'Steven D. Foster', is written over a horizontal line.

Steven D. Foster, Chief
Access Management Division

SDF/raz

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
1127 Engleberth Road; E.S Engleberth Road,
450' SW of c/line Cross Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Andrew Marani
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2012-179-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
FEB 14 2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of February, 2012, a copy of the foregoing Entry of Appearance was mailed to Andrew Marani, 117 Woodlawn Road, Baltimore, Maryland 21210, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 23, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 1127 Engleberth Road

INFORMATION:

Item Number: 12-179

Petitioner: Andrew Marani

Zoning: RC 5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

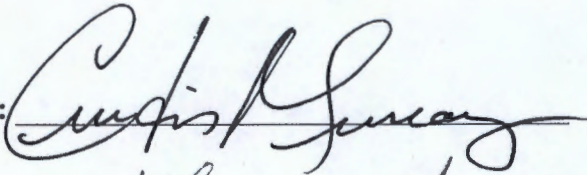
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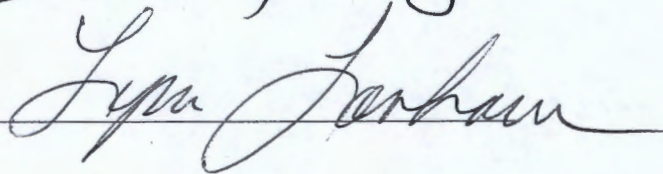
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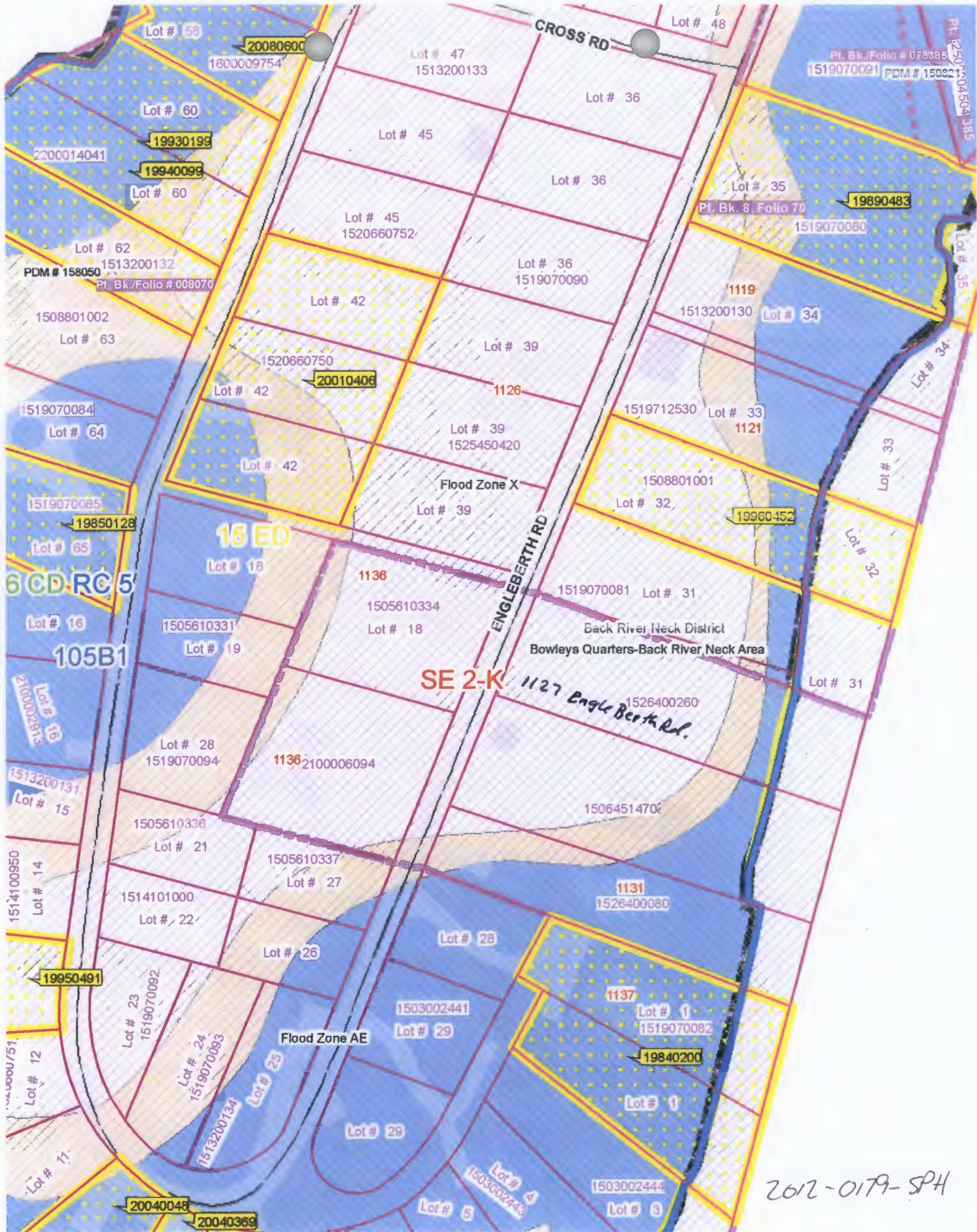
Prepared By:



Division Chief:



CM/LL



2012-0179-SPH



0179-SPH