

IN RE: **PETITION FOR VARIANCE**

NW side of Bauernschmidt Drive, 150'
W of Martin Drive (Lot 136)
15th Election District
6th Council District
(2315 Martin Drive)

David Bimestefer, *Legal Owner*
David and Cheryl Dansberger,
Contract Purchaser/Lessee
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR
* BALTIMORE COUNTY
* CASE NO. 2012-0205-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Variance filed by the legal owner, David Bimestefer, and the contract purchaser/lessee, David and Cheryl Dansberger, the ("Petitioners"). The Petition for Variance seeks variance relief from Sections 1B02.3.C.1, 303.1 and 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") and Section 1B02.3.C.2.c of the Zoning Commissioner's Policy Manual (ZCPM), to permit a proposed dwelling with a lot area of 7,125 square feet, a lot width of 57 feet and an averaged street setback of 30 feet (Bauernschmidt Drive) in lieu of the minimum required 10,000 square feet, 70 feet and averaged 39.5 feet, respectively, and to permit an existing accessory building (garage) to be located in the front yard in lieu of the permitted rear yard only. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 2.

Appearing at the public hearing in support of the requested relief was Scott Chilton, builder, on behalf of the Petitioners. The file reveals that the Petition was properly advertised and the property was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other persons in attendance.

ORDER RECEIVED FOR FILING

Date 5-8-12

By PS

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A comment was received from the Department of Environmental Protection and Sustainability (DEPS), dated March 30, 2012, which indicated the following:

"EPS 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 non-waterfront property is located in a Limited Development Area within the Chesapeake Bay Critical Area. Development of this property with a dwelling with less setbacks must comply with a maximum lot coverage limit of 2,281 square feet with mitigation for the lot coverage amount over 1,781 square feet and must meet a 15% tree cover requirement. There is currently a parking area and garage on the property; if these features are to remain they must be included in the lot coverage calculations. Based on this, EPS has determined that adverse impacts on water quality from the pollutants discharged from the proposed development can be minimized pursuant to Critical Area requirements.
2. The proposed development must comply with all LDA 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. Compliance with the Critical Area requirements can allow the subject development to be consistent with established land use policy 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."

In addition, a comment was received from the Department of Planning, dated March 21, 2012, which stated the following:

"The Department of Planning has reviewed the petitioner's request and accompanying site plan. This department does not oppose the petitioner's request or site configuration as shown on the petition and subject site plan. However, the proposed dwelling shall be architecturally finished as if the front and the rear of the dwelling were both "front" sides of the structure. It is understood that functionally and for address purposes only one side will be the front. Additionally, there shall be no accessory structures erected or placed in the rear yard (Bauernschmidt Road side) of the proposed lot."

ORDER RECEIVED FOR FILING

Date 5-8-12 2

By PS

Scott Chilton testified on behalf of the Petitioners. He stated that the subject property consists of 7,125 square feet of an unimproved lot zoned DR 3.5. He acknowledged that the site does not contain the minimum required 10,000 square feet required under the regulations; but noted for the record that no single lot in the immediate area has the required minimum square footage. The Petitioner lives directly across Martin Drive from the subject lot, which has an accessory garage on it which Petitioner would like to remain and be used in conjunction with the proposed new structure. He further stated that there is public water and sewage coming from Martin Drive. Therefore, to retain the accessory structure and still connect the sewer system to the proposed house, the net would result place the said existing garage in the front of the subject lot. Without the requested variance, the existing accessory structure would have to be removed.

Mr. Chilton further stated that the front setback of the adjacent structures is measured from Bauernschmidt Drive at 47 feet, to which they agree. Since the County measured from Martin Drive the 47 feet setback will result in the front of the proposed new structure lining up with the rear of its adjacent neighbors. There is no difficulty concerning the rear setback. He notes that his neighbor at 2226 Bauernschmidt Drive is connected to the Martin Drive sewer system.

Turning to the lot size, the witness noted that the various lots in the area were drawn in the 1900s, long before the DR 3.5 zone was imposed on the area. The subject site is the only undeveloped lot in the immediate area. The Petitioner wishes to construct a 28 feet x 40 feet two story rancher with no basement, slab on grade. Further, he noted that the elevation is higher than needed and far enough away that grading will present no difficulty and will aesthetically fit into the immediate area.

In sum, the witness opined that the physical position of the subject lot in reference to its neighbors, the already existing structure on site, and the already existing septic system render it

ORDER RECEIVED FOR FILING

Date 5-8-12 3

By PM

unique. Without the requested variance, the project cannot go forward.

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 based on the testimony presented that the property is unique. I also find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioners.

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 held, and after considering the testimony and evidence offered, I find that Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County this 8th day of May, 2012 that the Petition for Variance relief from Sections 1B02.3.C.1, 303.1 and 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") and Section 1B02.3.C.2.c of the Zoning Commissioner's Policy Manual (ZCPM), to permit a proposed dwelling with a lot area of 7,125 square feet, a lot width of 57 feet and an averaged street setback of 30 feet (Bauernschmidt Drive) in lieu of the minimum required 10,000 square feet, 70 feet and averaged 39.5 feet, respectively, and to permit an existing accessory building (garage) to be located in the front yard in lieu of the permitted rear yard only, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 5-8-12

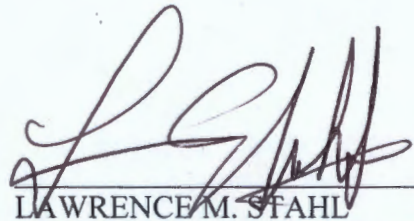
4

By pm

The relief granted herein is subject to the following conditions:

1. Petitioners are advised that they may apply for any required building permits 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 the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioners shall comply with the ZAC comment received from the Department of Environmental Protection and Sustainability dated March 30, 2012, a copy of which is attached hereto and made a part hereof.
3. Petitioners shall comply with the ZAC comment received from the Department of Planning dated March 21, 2012, 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.



LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz

ORDER RECEIVED FOR FILING

Date 5-8-12

By pm

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAR 30 2012

OFFICE OF ADMINISTRATIVE LAW JUDICATIVE 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 30, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0205-A
Address 2315 Martin Drive
(Bimestefer Property)

Zoning Advisory Committee Meeting of March 5, 2012.

EPS 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 non-waterfront property is located in a Limited Development Area within the Chesapeake Bay Critical Area. Development of this property with a dwelling with less setbacks must comply with a maximum lot coverage limit of 2,281 square feet with mitigation for the lot coverage amount over 1,781 square feet and must meet a 15% tree cover requirement. There is currently a parking area and garage on the property; if these features are to remain they must be included in the lot coverage calculations. Based on this, EPS has determined that adverse impacts on water quality from the pollutants discharged from the proposed development can be minimized pursuant to Critical Area requirements.
2. The proposed development must comply with all LDA 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. Compliance with the Critical Area requirements can allow the subject development to be consistent with established land use policy for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is

ORDER RECEIVED FOR FILING

Date

5-8-12

By

PJ

controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

Reviewer: *Regina Esslinger; Environmental Impact Review*

ORDER RECEIVED FOR FILING

Date 5-8-12

By pm



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 2315 MARTIN DRIVE (LOT 136) which is presently zoned DR 3.5
 Deed References: 27412/586 10 Digit Tax Account # 15 0237 0091
 Property Owner(s) Printed Name(s) David Bimesteffer

(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

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

3. ☒ a Variance from Section(s) 1802.3.C.1, 303.1 and 400.1, BCZR and Section 1802.3.C.2.c, 2C.P.M., to permit a proposed dwelling with a lot area of 7,125 square feet, a lot width of 57 feet, and an averaged street setback of 30 feet (Bauernschmidt Drive) in lieu of the minimum required 10,000 square feet, 70 feet and averaged 39.5 feet, respectively, and to permit an existing accessory building (garage) to be located in the front yard in lieu of the permitted rear yard only.
 of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print David B Dansberger / Cheryl L Dansberger
 Signature [Signature]
 Mailing Address 416 Waters Watch Court City Middle River State MD
 Zip Code 21220 Telephone # 410-918-1222 Email Address cdansb@phos.com

Attorney for Petitioner:

Name- Type or Print _____
 Signature _____
 Mailing Address _____ City _____ State _____
 Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

Name #1 - Type or Print DAVID BIMESTEPPER Name #2 - Type or Print _____
 Signature #1 [Signature] Signature #2 _____
 Mailing Address 2316 Martin Dr. City Essex State MD
 Zip Code 21221 Telephone # 410-686-0538 Email Address _____

Representative to be contacted:

Name - Type or Print SCOTT CHILTON
 Signature [Signature]
 Mailing Address 27 NEPTUNE DR. City JOPPA State MD
 Zip Code 21085 Telephone # 443-220-6585 Email Address C.B. HANNA @ VISA 2011. NIST

CASE NUMBER 2012-0205-A Filing Date 2/28/2012 Do Not Schedule Dates: _____ Reviewer JNP

REV. 10/4/11

ORDER RECEIVED FOR FILING

Date 5-8-12

By [Signature]

ZONING DESCRIPTION

Zoning description for: 2315 MARTIN DRIVE
Beginning at a point on the ~~SOUTH~~^{NORTHWEST} side of BAURENSCHMIDT DRIVE
which is 40' wide at the distance of 150' WEST
of the centerline of the nearest improved intersecting street MARTIN DRIVE
which is 25' wide. *Being Lot # 136.
Block _____, Section # _____ in the subdivision of BAURENSCHMIDT MANOR
as recorded in Baltimore County Plat Book # 12:81. Folio # _____,
containing 71253F. Also known as 2315 MARTIN DRIVE
and located in the 15TH Election District, 6TH Councilmanic District.

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

No.

81381

Date

2/26/82

Fund Dept Unit Sub Unit Obj Sub Obj Dept Obj BS Acct Amount

001 806 0000 053 750.00

Total

750.00

From: David & Cheryl Hansberger
To: Variance - 2315 Martin Drive (lot 136)
2012-0205-A (Pineapple for - Dinner)

CASHIER'S
VALIDATION

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!

PAID RECEIPT

RECEIVED BY: [Signature]

DATE: 2/26/82

AMOUNT: \$750.00

RECEIVED BY: [Signature]

DATE: 2/26/82

AMOUNT: \$750.00

RECEIVED BY: [Signature]

DATE: 2/26/82

AMOUNT: \$750.00

RECEIVED BY: [Signature]

DATE: 2/26/82

AMOUNT: \$750.00

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DATE: 2/26/82

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DATE: 2/26/82

AMOUNT: \$750.00

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AMOUNT: \$750.00

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RECEIVED BY: [Signature]

DATE: 2/26/82

AMOUNT: \$750.00

RECEIVED BY: [Signature]

DATE: 2/26/82

AMOUNT: \$750.00

RECEIVED BY: [Signature]

La 4-12, 11am, 205

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 21, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 2315 Martin Drive

INFORMATION:

Item Number: 12-205

Petitioner: David Bimestefer

Zoning: DR 3.5

Requested Action: Variance

RECEIVED

MAR 22 2012

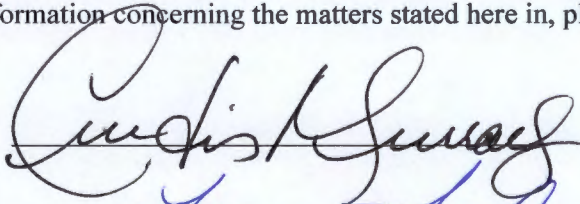
OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

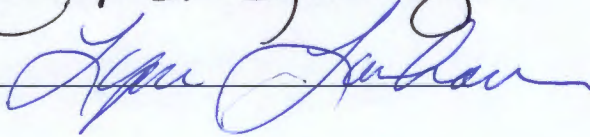
The Department of Planning has reviewed the petitioner's request and accompanying site plan. This department does not oppose the petitioner's request or site configuration as shown on the petition and subject site plan. However, the proposed dwelling shall be architecturally finished as if the front and the rear of the dwelling were both "front" sides of the structure. It is understood that functionally and for address purposes only one side will be the front. Additionally, there shall be no accessory structures erected or placed in the rear yard (Bauernschmidt Road side) of the proposed lot.

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

Prepared by:



Division Chief:
AVA/LL: CM



ORDER RECEIVED FOR FILING

Date 5-8-12

By pm



KEVIN KAMENETZ
County Executive

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

May 8, 2012

DAVID BIMESTEFER
2316 MARTIN DRIVE
ESSEX MD 21221

Re: Petition for Variance
Case No. 2012-0205-A
Property: 2315 Martin Drive

Dear Mr. Bimestefer:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the word "Sincerely,".

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz

Enclosure

c: David and Cheryl Dansberger, 416 Waters Watch Court, Middle River MD 21220
Scott Chilton, 27 Neptune Drive, Joppa MD 21085

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: 2012-0205-A
Petitioner: David Bimestefer (owner)
Address or Location: 2315 Martin Drive (Lot 136)

PLEASE FORWARD ADVERTISING BILL TO:

Name: David Dansberger
Address: 416 Waters Watch St.
Middle River, MD 21220

Telephone Number: 410-918-1222 443-615-4577

CERTIFICATE OF POSTING

2012-0205-A

RE: Case No.: _____

Petitioner/Developer: _____

David and Cheryl Dansberger

April 12, 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: _____

2315 Martin Drive (Lot 136)

March 28, 2012

The sign(s) were posted on _____

(Month, Day, Year)

Sincerely,

March 28, 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)



NOTICE OF ZONING HEARING

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

Case: # 2012-0205-A

2315 Martin Drive (lot 136)

NW side of Baurenschmidt Drive, 150 feet west of Martin Drive

15th Election District - 6th Councilmanic District

Legal Owner(s): David Bimestefer

Contract Purchaser: David & Cheryl Dansberger

Variance: to permit a proposed dwelling with a lot area of 7,125 sq. ft., a lot width of 57 ft., and an averaged street setback of 30 feet. (Baurenschmidt Drive) in lieu of the minimum required 10,000 sq. ft., 70 ft. and averaged 39.5 ft., respectively, and to permit an existing accessory building (garage) to be located in the front yard in lieu of the permitted rear yard only.

Hearing: Thursday, April 12, 2012 at 11:00 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 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.

JT/3/702 Mar. 27

300243

CERTIFICATE OF PUBLICATION

3/29/ 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 3/27/ 2012.

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

J. Wilkinson

LEGAL ADVERTISING

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 27, 2012 Issue - Jeffersonian

Please forward billing to:
David Dansberger
416 Waters Watch Court
Middle River, MD 21220

410-918-1222

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: 2012-0205-A

2315 Martin Drive (lot 136)

NW side of Baurenschmidt Drive, 150 feet west of Martin Drive

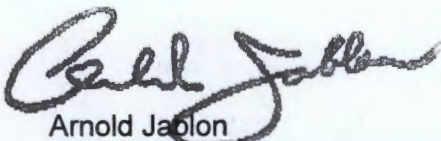
15th Election District – 6th Councilmanic District

Legal Owners: David Bimestefer

Contract Purchaser: David & Cheryl Dansberger

Variance to permit a proposed dwelling with a lot area of 7,125 sq. ft., a lot width of 57 ft., and an averaged street setback of 30 ft. (Baurenschmidt Drive) in lieu of the minimum required 10,000 sq. ft., 70 ft. and averaged 39.5 ft., respectively, and to permit an existing accessory building (garage) to be located in the front yard in lieu of the permitted rear yard only.

Hearing: Thursday, April 12, 2012 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jaelon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARNGS 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

March 20, 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:

CASE NUMBER: 2012-0205-A

2315 Martin Drive (lot 136)

NW side of Baurenschmidt Drive, 150 feet west of Martin Drive

15th Election District – 6th Councilmanic District

Legal Owners: David Bimestefer

Contract Purchaser: David & Cheryl Dansberger

Variance to permit a proposed dwelling with a lot area of 7,125 sq. ft., a lot width of 57 ft., and an averaged street setback of 30 ft. (Baurenschmidt Drive) in lieu of the minimum required 10,000 sq. ft., 70 ft. and averaged 39.5 ft., respectively, and to permit an existing accessory building (garage) to be located in the front yard in lieu of the permitted rear yard only.

Hearing: Thursday, April 12, 2012 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Danberger, 416 Waters Watch Ct., Middle River 21220
David Bimestefer, 2316 Martin Drive, Essex 21221
Scott Chilton, 27 Neptune Drive, Joppa 21085

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MARCH 28, 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.

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
2315 Martin Drive (Lot 136); NW/S of *
Bauernschmidt Drive, 150' W of Martin Drive* OF ADMINISTRATIVE
15th Election & 6th Councilmanic Districts
Legal Owner(s): David Bimestefer * HEARINGS FOR
Contract Purchasers: David & Cheryl Dansberger *
Petitioner(s) * BALTIMORE COUNTY
* 2012-205-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

MAR 09 2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of March, 2012, a copy of the foregoing Entry of Appearance was mailed to Scott Chilton 27 Neptune Drive, Joppa, MD 21085, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

M E M O R A N D U M

DATE: June 11, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0205-A - Appeal Period Expired

The appeal period for the above-referenced case expired on June 7, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

Case No.:

2012-0205A

Exhibit Sheet

5/8/12 PC
DW 6/1/12

Petitioner/Developer

Protestant

No. 1	BAL TO. OR AERIAL OF SITE	
No. 2	Site plan	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



2228 Bauernschmidt Drive

Acct# 15-02-370091

District 15 C 6

Firm Panel - 240010 0445F (Preliminary 9-30-2009)

Flood Hazard Areas BFE = 8.5 feet

100 Year Flood Plain (Zone A)

0.2 % Annual Chance Flood Hazard (Zone X Shaded)

Not In A Flood Plain (Zone X Unshaded)

This floodplain drawing is based on the best information made available to Baltimore County. This drawing does not imply that property will or will not be free from flooding or damage. A property not in a flood zone may be damaged by a flood greater than that predicted on the FIRMA or from a local drainage problem not shown on the map. This drawing does not create liability on the part of the County, or any officer or employees thereof, for any damage that results from reliance on this information.

Coordinate System:

Maryland State Plane: NAD83/91 Horizontal Datum

Elevations in Feet: NAVD88 Vertical Datum

Date of Data Capture: March 2005

Scale of Data Capture: 1" = 100'

Date of Aerial Photography: March 2008

For internal use only.

The cadastral information on this plot was compiled from existing deed information.

This information is not to be considered authoritative.

This survey information was not field checked and certified by a licensed land surveyor.

Baltimore County, MD
Department of Public Works
GIS Services

Map Produced By
Linda Leake
DPW Director's Office
2-14-2011



PETITIONER'S

EXHIBIT NO. 1

CASE NAME 2012-0209
CASE NUMBER _____
DATE April 12, 2012

[illegible]

25 A-12 11am
205

CASE NO. 2012- 0205-A

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>3-8</u> <i>feosplan</i>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NU</u>
<u>3-30</u> <i>CSA</i>	DEPS (if not received, date e-mail sent _____)	<u>Comments</u>
_____	FIRE DEPARTMENT	_____
<u>3-22</u>	PLANNING (if not received, date e-mail sent _____)	<u>Comments</u>
<u>3-5</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION (Case No. _____)		
PRIOR ZONING (Case No. _____)		
NEWSPAPER ADVERTISEMENT	Date: <u>3-27-12</u>	
SIGN POSTING	Date: <u>3-28-12</u> by <u>Block</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: Please see SDAT reflecting different address (2228) in place of 2315

SDAT: Real Property Search

Maryland Department of Planning and Taxation
Real Property Data System (4.2A)
BALTIMORE COUNTY

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[View Map](#)
[New Search](#)
[Ground Rent](#)
[Redemption](#)
[Ground Rent](#)
[Registration](#)

District - 15 Account Number - 1502370091

RESIDENTIAL
NO
1) /27412/ 00586
2)

Use:
Principal Residence:
Deed Reference:

BIMESTEFER J DAVID
2316 BAUERNSCHMIDT DR
BALTIMORE MD 21221-1713

Location & Structure Information
Legal Description
2228 BAUERNSCHMIDT DR
BAUERNSCHMIDT MANOR

Plat No: 0012/
0081
Plat Ref:

Address
BAUERNSCHMIDT DR

Map Grid Parcel
0098 0008 0035

Sub District

Subdivision

Section

Block

Lot 136

Assessment Area

Town Ad Valorem Tax Class

Enclosed Area

Property Land Area
7,125 SF

County Use
04

Special Tax Areas

Primary Structure Built

Stories Basement Type Exterior

Base Value

Value
As Of 01/01/2012
58,200
11,800
70,000
0

Value Information
Phase-in Assessments
As Of 07/01/2011
70,100
66,900
0

Transfer Information
Date: 10/24/2008
Deed1: /27412/ 00586

Land Improvements:
Total:
Preferential Land:

Seller: BIMESTEFER LAWRENCE W
Type: NON-ARMS LENGTH OTHER

Date: 10/24/2008
Deed1: /27412/ 00586

Date: 10/24/2008
Deed1: /27412/ 00586

Exemption Information
Class
000
000
000

Partial Exempt Assessments
County
State
Municipal

Tax Exempt:
Exempt Class:

Homestead Application Information
No Application

Homestead Application Status:

CREP

The information shown on this map survey. The map should not be used for Maryland Department of Planning Map

/rp_rewrite/details.aspx?County=048

Debra Wiley - ZAC Comments - Distribution Mtg. of 3/5/12

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 3/5/2012 10:50 AM
Subject: ZAC Comments - Distribution Mtg. of 3/5/12

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.

2012-0198-A (4315 Notchcliff Rd.)
Administrative Variance - Closing Date: 3/19/12

2012-0199-A (5309 Forge Rd.)
No hearing date assigned as of 3/5/12

2012-0200-A (8624 Wise Ave.)
Administrative Variance - Closing Date: 3/19/12

2012-0201-A (8112 Anita Rd.)
No hearing date assigned as of 3/5/12

2012-0202-A (755 Seawall Rd.) - **CRITICAL AREA**
Administrative Variance - Closing Date: 3/26/12

2012-0203-A (219 Gateswood Rd.)
Administrative Variance - Closing Date: 3/26/12

2012-0204-A (8257 Bull Neck Rd.) - **CRITICAL AREA & FLOODPLAIN**
Administrative Variance - Closing Date: 3/26/12

2012-0205-A (2315 Martin Dr. (Lot 136)) - **CRITICAL AREA & FLOODPLAIN**
No hearing date assigned as of 3/5/12

2012-0206-A (8808 Harkate Way)
Administrative Variance - Closing Date: 3/26/12

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



KEVIN KAMENETZ
County Executive

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

April 4, 2012

David Bimestefer
2316 Martin Drive
Essex MD 21221

RE: Case Number: 2012-0205 A, Address: 2315 Martin Drive, Lot 136.

Dear Mr. Bimestefer:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 28, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Scott Chilton, 27 Neptune Drive, Joppa, MD 21085
David & Cheryl Dansberger, 416 Waters Watch Court, Middle River, MD 21220



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

Maryland Department of Transportation

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

Date: 3-5-12

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

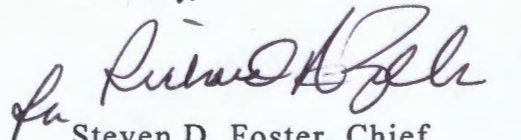
RE: Baltimore County
Item No 2012-0205-A
Variance
David & Cheryl Dausberger
2315 Martin Drive Lot 136

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. 2012-0205-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).

Sincerely,


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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 08, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For March 19, 2012
Item Nos. 2012-198,199,200, 201,202,203,205
And 206

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-03192012-NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 21, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 2315 Martin Drive

INFORMATION:

Item Number: 12-205

Petitioner: David Bimestefer

Zoning: DR 3.5

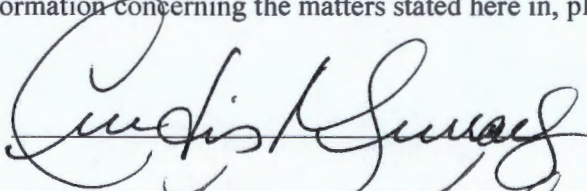
Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. This department does not oppose the petitioner's request or site configuration as shown on the petition and subject site plan. However, the proposed dwelling shall be architecturally finished as if the front and the rear of the dwelling were both "front" sides of the structure. It is understood that functionally and for address purposes only one side will be the front. Additionally, there shall be no accessory structures erected or placed in the rear yard (Bauernschmidt Road side) of the proposed lot.

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

Prepared by:



Division Chief:

AVA/LL: CM



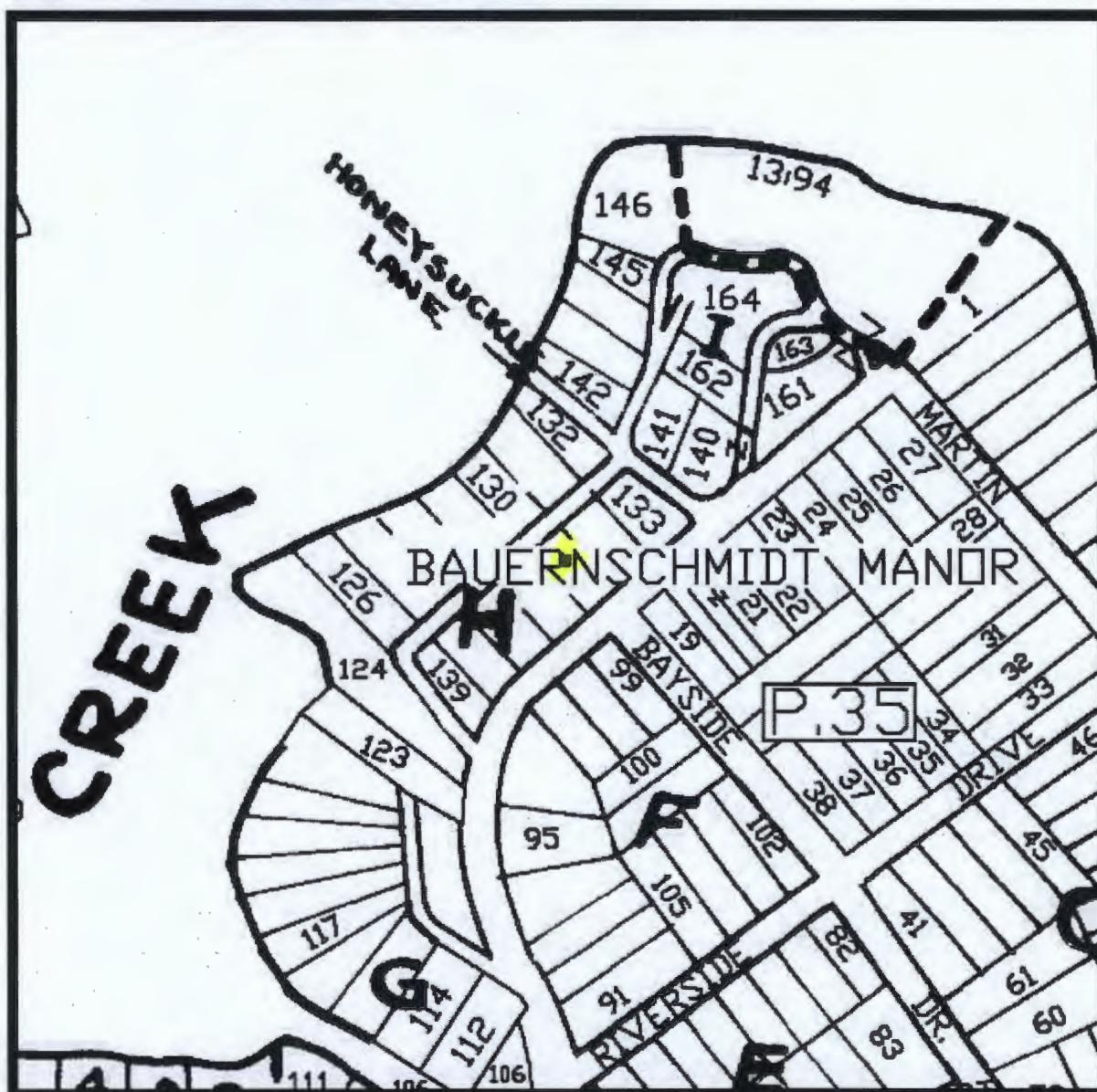




Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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District - 15 **Account Number - 1502370091**

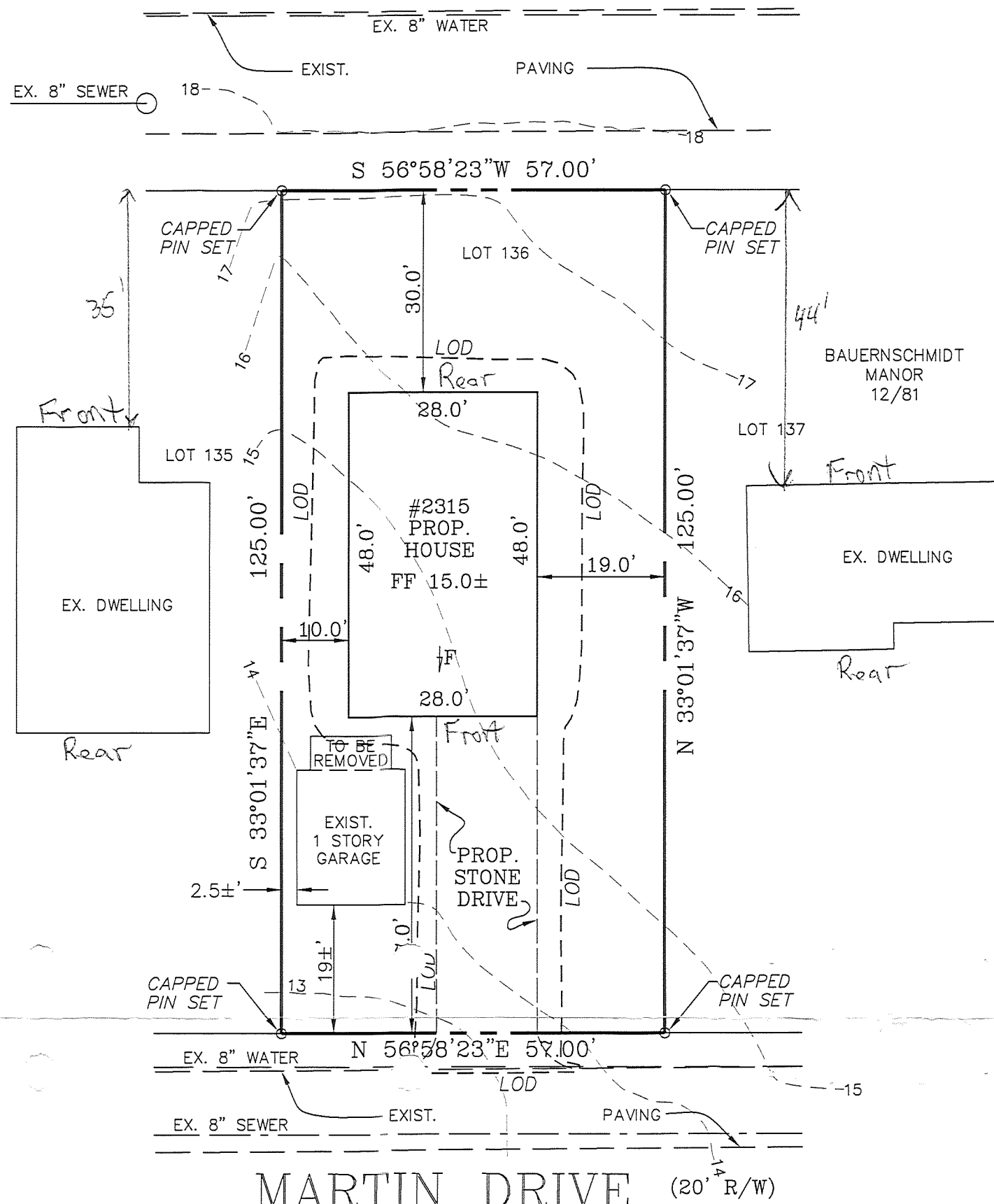


The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

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

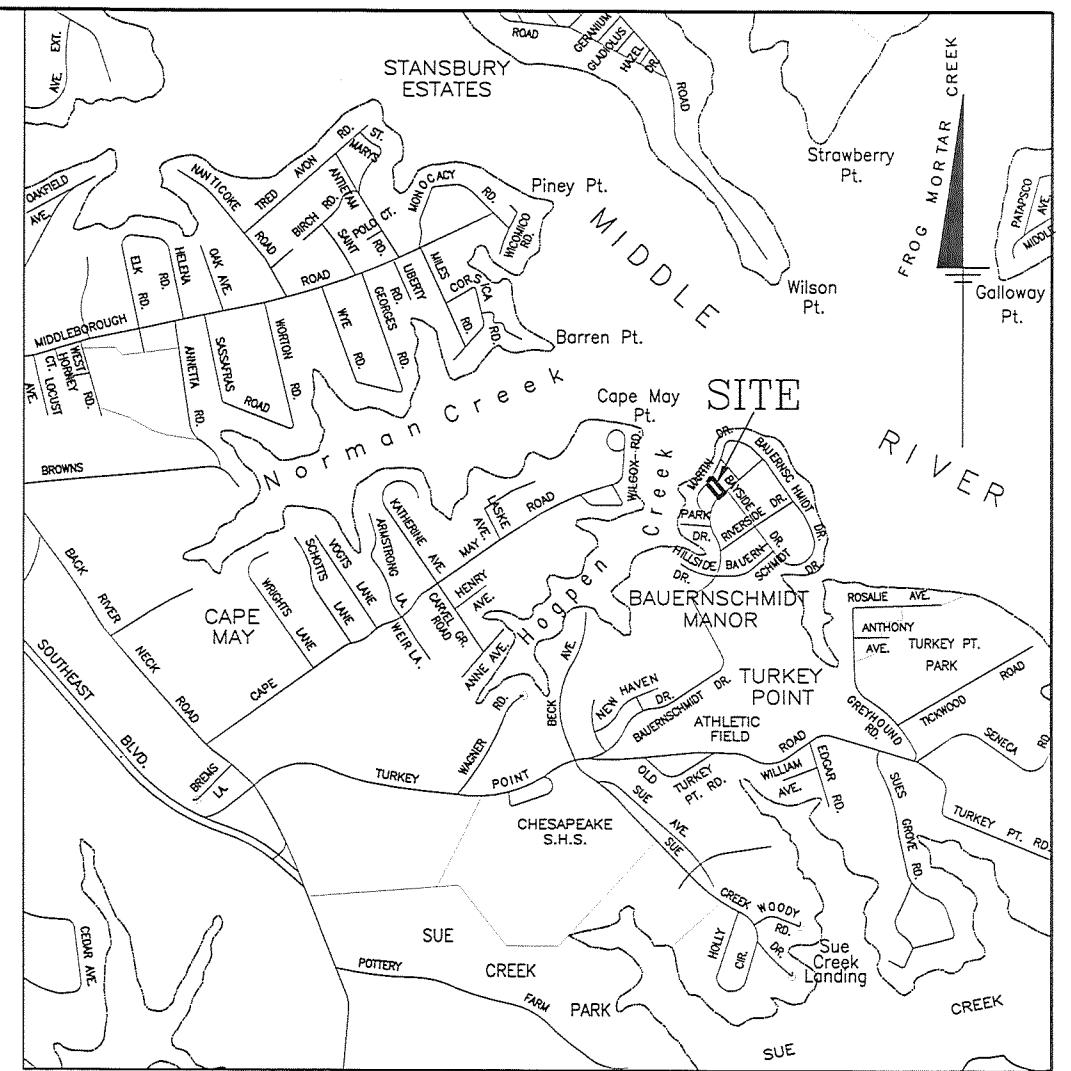
Property maps provided courtesy of the Maryland Department of Planning ©2010.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

BAUERNSCHMIDT DRIVE (40' R/W)



MARTIN DRIVE (20' R/W)

Lot 129



LOCATION MAP
SCALE: 1"=2000'

LOCATION INFORMATION

ELECTION DISTRICT	15 th
COUNCILMANIC DISTRICT	6 th
1"=200 SCALE MAP #	098A2
ZONING	DR-3.5
LOT SIZE	0.16± ACREAGE
LOT 137	
SEWER	☒ PUBLIC ☐ PRIVATE
WATER	☒ PUBLIC ☐ PRIVATE
CHESAPEAKE BAY CRITICAL AREA	☒ YES ☐ NO
100 YEAR FLOOD PLAIN	☒ YES ☐ NO
HISTORIC PROPERTY/BUILDING	☐ YES ☒ NO
ZONING HISTORY	NONE

- DEED REFERENCE: 27412/586 PLATBOOK 12:81 LOT 136
- TAX ACCOUNT NO. 15-02-370091
- TAX MAP 98 PA 1 035
- ELECTION DISTRICT: 15 COUNCILMANIC DISTRICT 6
- TOTAL LAND AREA OF PROPERTY: 0.16 AC.±
- OWNER: DAVID & CHERYL DANSBERGER

ENVIRONMENTAL:

- THERE ARE NO CRITICAL AREA, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITATS OR HISTORICAL BUILDINGS WITHIN THE LIMITS OF CONSTRUCTION SHOWN ON THIS PLAN, TO THE BEST OF OUR KNOWLEDGE.
- THERE ARE NO CRITICAL EXISTING SLOPES OF 25% OR GREATER.
- THERE ARE NO EXISTING WELL, SEPTIC SYSTEM OR ABANDONED UNDERGROUND TANKS ON SITE.
- PUBLIC WATER AND SEWER SERVE THIS SITE.
- THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE CHESAPEAKE BAY CRITICAL AREA EASEMENT EXCEPT AS PERMITTED BY BALTIMORE COUNTY DEPT. OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT.
- THE ENTIRE SITE IS LOCATED WITHIN A 100 YEAR FLOODPLAIN AND AND THE CHESAPEAKE BAY CRITICAL AREA - LIMITED DEVELOPMENT AREA (LDA).
- DISTURBED AREA = 3330 sf

ZONING:

- EXISTING ZONING OF SUBJECT PROPERTY: DR-3.5
- EXISTING USE: VACANT
PROPOSED USE: RESIDENTIAL
- THE SITE IS LOCATED ON 1"=200' SCALE ZONING MAP 098A2
- ZONING HISTORY - NONE
- THE SITE IS NOT ON THE MARYLAND HISTORIC TRUST INVENTORY.
- FRONT OF PROPOSED DWELLING 1/2" SYMBOL. (STREET ENTANCE)
- PROPOSED CONSTRUCTION MUST COMPLY WITH COUNTY FLOOD PLAIN REGULATIONS.
- HOUSE CONSTRUCTION WITHIN THE 100-YEAR FLOOD PLAIN AREA REQUIRES ELEVATION CERTIFICATE PRIOR TO FINAL OCCUPANCY.
- "CERTIFICATE OF ACKNOWLEDGMENT" WILL BE REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMIT
- NEW CONSTRUCTION, INCLUDING ALL ENCLOSED ACCESSORY STRUCTURES AND GARAGES, MUST COMPLY WITH SECTION 517.1.3A OF THE BOCA CODE.
- THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND/OR COVENANTS OF RECORD AND LAW.

LOT COVERAGE

PROPERTY AREA = 7125 S.F.
MAX. ALLOWABLE LOT COVERAGE = 1781 S.F. (25% of property area)

PRESENT COVERAGE

FROM EX. GARAGE 380 S.F.
GARAGE TO BE REMOVED 60 S.F.
TOTAL COVERAGE 320 S.F.

ADDITIONAL COVERAGE

FROM PROP. HOUSE 1344 S.F.

PROPOSED COVERAGE 1664 S.F. (23% of property area)

I, LEONARD G. BUERHAUS, THE SURVEYOR WHOSE SEAL AND SIGNATURE IS FIXED ON THIS SURVEY PLAT EITHER PERSONALLY PREPARED THE BOUNDARY SURVEY OR WAS IN RESPONSIBLE CHARGE OVER ITS PRODUCTION AND THE SURVEYING WORK REFLECTED IN IT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN REGULATION 09.13.06 OF THE ANNOTATED CODE OF MARYLAND. THIS SURVEY IS FOR THE EXCLUSIVE USE OF DAVID & CHERYL DANSBERGER. THERE ARE NO VISIBLE ENCROACHMENTS ACROSS PROPERTY LINES EXCEPT WHERE SHOWN.

LEONARD G. BUERHAUS, REGISTERED PROPERTY LINE SURVEYOR #349

LGB SURVEYS LLC
9432 BELLHALL DRIVE
NOTTINGHAM MD. 21236
410-256-3135

Reliance Co. #2

SITE PLAN FOR #2315 MARTIN DRIVE

15TH. ELECTION DIST.
6TH. COUNCILMANIC DISTRICT
BALTIMORE COUNTY MARYLAND

SCALE: 1"=20' - DATE: APRIL 26, 2011
REV: FEBRUARY 15, 2012