

IN RE: PETITION FOR ADMIN. VARIANCE

E side of Weatherbee Road; 36.2 feet N
of the c/l of Stevenson Lane
9th Election District
5th Councilmanic District
(702 Stevenson Lane)

Michael and Mary Ellen DeLuca
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2012-0212-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, Michael and Mary Ellen DeLuca. The variance request is from Section 1B02.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed dwelling addition with a rear yard setback of 26 feet in lieu of the minimum required 30 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

While the relief requested seems modest, there are other concerns that prevent the granting of this Administrative Variance. Specifically, both People's Counsel for Baltimore County (by letter dated March 30, 2012) and the Director of the Baltimore County Department of Public Works (by memorandum dated March 27, 2012) have identified that the proposed addition will protrude into the 100-year riverine floodplain. County law (Bill 47-10) prohibits construction of buildings or improvements within the 100-year floodplain.

Petitioners submitted with their application a plat prepared by APR Associates, Inc., land surveyors. That plat does depict a "drainage ditch," but does not show the limits of the 100-year floodplain. As such, at this juncture, I am inclined to rely upon the opinion and recommendation of the Department of Public Works Director, and cannot grant variance relief for a project that would impact or intrude upon the 100-year floodplain.

ORDER RECEIVED FOR FILING

Date 4-5-12

By PS

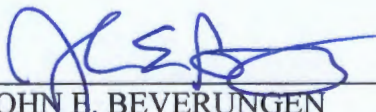
Petitioners are advised that the Baltimore County Zoning Regulations provide for the filing of Motion for Reconsideration within 30 days of the date of this Order. See B.C.Z.R., Apx. G, Rule 4K. To the extent Petitioners have an opinion from a professional engineer licensed in Maryland that the Department of Public Works erroneously determined the location of the 100-year floodplain, or that the Petitioners' proposal complies in all respects with Baltimore County Bill 47-10, I would be willing to reconsider the merits of the Petition.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 18, 2012, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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 denied.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 5 day of April, 2012 that the Variance request from Section 1B02.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed dwelling addition with a rear yard setback of 26 feet in lieu of the minimum required 30 feet, be and is hereby DENIED.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

ORDER RECEIVED FOR FILING

Date 4-5-12

By pm



KEVIN KAMENETZ
County Executive

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

April 6, 2012

MICHAEL AND MARY ELLEN DELUCA
702 STEVENSON LANE
TOWSON MD 21286

Re: Petition for Administrative Variance
Case No. 2012-0212-A
Property: 702 Stevenson Lane

Dear Mr. and Mrs. DeLuca:

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. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure



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 702 Stevenson Lane Towson, MD 21286 which is presently zoned DR 5.5

Deed Reference 26993 1408

10 Digit Tax Account # 09 08 656330/22000331

Property Owner(s) Printed Name(s) Michael DeLuca Maryellen DeLuca

(SELECT THE HEARING(S) BY MARKING X 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

- X **ADMINISTRATIVE VARIANCE** from section(s) 1B02.C.1, BC2R, to permit a proposed dwelling addition with a rear yard setback of 26 feet in lieu of the minimum required 30 feet.

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

- 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:

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:

Michael DeLuca

Name #1 – Type or Print

Signature #1

Mailing Address

Zip Code

Representative to be contacted:

Name – Type or Print

Signature

Mailing Address

Zip Code

Maryellen DeLuca

Name #2 – Type or Print

Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

(C) 410-800-7190

ORDER RECEIVED FOR FILING
4-5-12

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 day of , 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

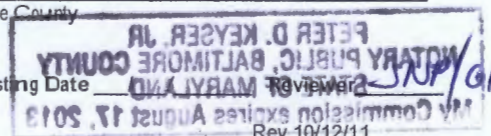
CASE NUMBER

2012-0212-A

Filing Date

3/6/2012

Estimated Posting Date



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: 702 Stevenson Lane Towson MD 21286
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)

We request an administrative variance for the purpose of constructing a single story master bedroom / kitchen addition on the rear of the existing structure. Specifically the rear set back in the northeast corner of the proposed addition encroaches on the existing 30' set back by 4' at its furthest point. Only a small portion approx 20 sq ft exceeds the existing building restriction line. The remaining 700 sq ft lies within the existing BRLD. There are no existing utilities or easements in close proximity to the proposed structure. There are no existing structures or neighbors to the north or west of the property. The lot shape is unique in the sense that it is surrounded by Weatherbe Rd + Worthington Rd on the rear and side and Stevenson Lane to the front. Moving the addition to the East is not a viable solution as we would have to move the root line of an existing tree that we do not want to remove. (If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Michael V. DeLuca
Signature of Affiant

Michael V DeLuca
Name- Print or Type

Maryellen DeLuca
Signature of Affiant

Maryellen DeLuca
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 6th day of March, 2012, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

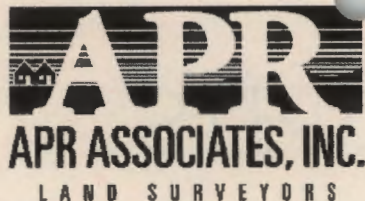
Michael V. DeLuca
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)

AS WITNESS my hand and Notaries Seal

Peter D. Keyser, Jr.
Notary Public
August 17, 2013
My Commission Expires

PETER D. KEYSER, JR
NOTARY PUBLIC, BALTIMORE COUNTY
STATE OF MARYLAND
My Commission expires August 17, 2013

REV. 10/12/11



DESCRIPTION OF PROPERTY
702 STEVENSON LANE
9TH ELECTION DISTRICT
BALTIMORE COUNTY, MD

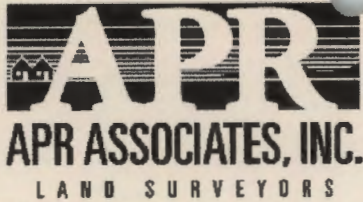
BEGINNING FOR THE SAME at a point on the East side of Weatherbee Road, which is 50 feet wide, at a distance of 36.2 feet North of the centerline of the nearest improved intersecting street, Stevenson Lane which is 50 feet wide, thence, the following courses and distances: 1) North 46 degrees 52 minutes East 50.05 feet, 2) North 77 degrees 03 minutes East 83.44 feet, 3) North 77 degrees 03 minutes East 44.60 feet, 4) South 03 degrees 27 minutes West 13.87 feet 5) South 03 degrees 27 minutes West 100.82 feet, 6) by a curve to the Right with a radius of 1188.0 feet for an arc length of 85.00 feet, 7) by a curve to the Right with a radius of 359.84 feet and an arc length of 70.00 feet, 8) by a curve to the Right with a radius of 11.20 feet and an arc length of 22.44 feet to the point of beginning, as recorded in Deed Liber 26993, Folio 408.

CONTAINING 12,556 square feet or 0.2882 acres more or less. Located in the 9th Election District and 5th Councilmatic District. Also know as Lot 1, Lot 2, part of Lot 3, and part of Lot 31 as shown on the "Plat No. 2 of Overbrook" recorded among the Land Records of Baltimore County in Plat Book CWB Jr. 12, Folio 76.



7427 Harford Road
Baltimore, MD 21234
Phone (410) 444-4312
Fax (410) 444-1647

2012-0212A



DESCRIPTION OF PROPERTY
702 STEVENSON LANE
9TH ELECTION DISTRICT
BALTIMORE COUNTY, MD

BEGINNING FOR THE SAME at a point on the East side of Weatherbee Road, which is 50 feet wide, at a distance of 36.2 feet North of the centerline of the nearest improved intersecting street, Stevenson Lane which is 50 feet wide, thence, the following courses and distances: 1) North 46 degrees 52 minutes East 50.05 feet, 2) North 77 degrees 03 minutes East 83.44 feet, 3) North 77 degrees 03 minutes East 44.60 feet, 4) South 03 degrees 27 minutes West 13.87 feet 5) South 03 degrees 27 minutes West 100.82 feet, 6) by a curve to the Right with a radius of 1188.0 feet for an arc length of 85.00 feet, 7) by a curve to the Right with a radius of 359.84 feet and an arc length of 70.00 feet, 8) by a curve to the Right with a radius of 11.20 feet and an arc length of 22.44 feet to the point of beginning, as recorded in Deed Liber 26993, Folio 408.

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Paul A. Ratych 2-19-12

7427 Harford Road
Baltimore, MD 21234
Phone (410) 444-4312
Fax (410) 444-1647

2012-0212-A

No. 81363

Date: 5/6/2012

Fund	Dept	Unit	Sub Unit	Obj	Source	Rev	Sub Obj	Dept Obj	BS Acct	Amount
------	------	------	----------	-----	--------	-----	---------	----------	---------	--------

001	206	0000	610			75.00
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Rec
From: Michael DeLoach

Adm. Vendor - 702 Stevenson Lane
2012-0212-A (Delucia)

Total	75.00
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DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!

**CASHIER'S
VALIDATION**

VALIDATION

1930

DATE	6/10/12	11:29
TIME	3:06:39	11:52:14

E. Hells
Mallin (1994)

RECEIVED 11/13/2012

2005-05-15

Principles, Part

3.00 欧

Fullerton, Calif., N.Y. and

M E M O R A N D U M

DATE: May 8, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0212-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2012- 0212 -A Address 702 Stevenson Lane
Contact Person: Jeffrey Perlow / Gary Hucik Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 3/6/2012 Posting Date: 3/18/2012 Closing Date: 4/2/2012

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- 0212 -A Address 702 Stevenson Lane
Petitioner's Name Michael & Maryellen DeLuca Telephone 410-337-4986
Posting Date: 3/18/2012 Closing Date: 4/2/2012
Wording for Sign: To Permit a proposed dwelling addition with a rear yard setback of 26 feet in lieu of the minimum required 30 feet.

Revised 7/06/11

RE: PETITION FOR ADMINSTRATIVE * BEFORE THE OFFICE
VARIANCE *
702 Stevenson Lane; E/S of Weatherbee * OF ADMINSTRATIVE
Road, 36.2' N. of c/line of Stevenson Lane *
9th Election & 5th Councilmanic Districts * HEARINGS FOR
Legal Owners: Michael & Mary Ellen DeLuca * BALTIMORE COUNTY
Petitioner(s) *
* 2012-212-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 28 2012

[Signature]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of March, 2012, a copy of the foregoing Entry of Appearance was mailed to Michael & Mary Ellen DeLuca, 702 Stevenson Lane, Towson, Maryland 21286, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CERTIFICATE OF POSTING

RE: CASE NO: 2012-0012-A

PETITIONER/DEVELOPER _____

MICHAEL: MARY ELLEN DELLORA

DATE OF HEARING/CLOSING: _____

4/2/12

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

ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT 702 STEVENSON LANE

THIS SIGN(S) WERE POSTED ON _____

March 18, 2012
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 3/18/12
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 # 2012-0212-A

TO PERMIT A PROPOSED DWELLING ADDITION WITH
A REAR YARD SETBACK OF 26 FEET IN LIEU OF THE
MINIMUM REQUIRED 30 FEET

PUBLIC HEARING ?

PURSUANT TO SECTION 26-100PK (1) ESTATE, ETC. ETC. 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 APRIL 2, 2012.
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 URGENT AFTER THE DATE UNDER PENALTY OF LAW
MEETING IS HANDICAP ACCESSIBLE

03/18/2012

Maureen G. 3/18/12



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

March 30, 2012

HAND DELIVERED

Lawrence M. Stahl, Managing Administrative Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: PETITION FOR ADMINISTRATIVE VARIANCE
Michael & Mary Ellen DeLuca
702 Stevenson Lane
Case No: 2012-212-A

Dear Mr. Stahl,

As is customary, pursuant to the Baltimore County Charter, our office reviews each zoning petition in order to perform our responsibility to defend the comprehensive zoning maps. The present zoning petition for administrative variance is for an addition to a dwelling in the Towson area. Our review includes environmental impacts, such as those associated with floods.

It has come to this office's attention that there is unfortunately a floodplain problem. The law has evolved over the years to prevent or minimize the disasters which occasionally occur from 100-year storms. Edward Adams, the Director of Public Works, has submitted to Arnold Jablon, the Director of Permits, Approvals, and Inspections the enclosed correspondence dated March 27, 2012, citing the law, Bill 47-10, that no new buildings or additions shall be constructed in any riverine floodplain. As Director Adams observes,

"There exists a 100-year floodplain associated with the existing drainage ditch shown on the plan. This floodplain must be delineated on the plan. The subject addition must not be located within the 100-year riverine floodplain, and

March 30, 2012

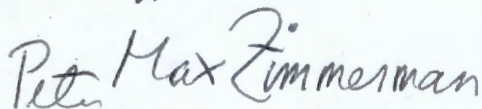
Page 2

must observe all setback requirements of the Baltimore County Department of Public Works Design Manual, Plate DF.”

If the Director is correct, and our experience is that the Director’s descriptions of the floodplain are consistently accurate, then it would be inappropriate to grant the zoning variance. Indeed, even apart from the zoning setback issue, the cited 2010 law prohibits the construction of an addition in the riverine floodplain. In this context, moreover, it would not appear feasible that there be any waiver to the floodplain law.

Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink that reads "Peter Max Zimmerman". The signature is written in a cursive, flowing style.

Peter Max Zimmerman
People’s Counsel for Baltimore County

PMZ/rmw

Enclosure

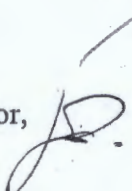
cc: Michael & Mary Ellen DeLuca, Petitioners
Paul A. Ratych, APR Associates, Inc., Petitioners’ Surveyor & Site Plan Preparer
Edward Adams, Director of Public Works
David L. Thomas, Assistant to Director of Public Works
Donald Brand, Buildings Engineer
Carl Richards, Zoning Supervisor
Dennis Kennedy, Chief Development Plan & Building Plans Review

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

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

ATTN: Kristen Matthews
MS 1105

FROM: Edward Adams, Director,
Public Works 

DATE: March 27, 2012

SUBJECT: Case No. 2012-0212-A
702 Stevenson Lane, Towson, Maryland 21286
Administrative Variance from sections 1B02.C.1, BC2R, to permit a
proposed dwelling addition with a rear yard setback of 26 feet in lieu of the
minimum required 30 feet.

Baltimore County Council Bill 47-10 dated 6/7/2010 Section 4 Part 125.1 of the Baltimore County Code concerning areas subject to inundation by riverine surface waters within the 100-year floodplain regulations says, "No new buildings or additions shall be constructed in any riverine floodplain. The 100-year floodplain shall be based upon the Federal Flood Insurance Study or as established by the Director of Public Works, whichever is the more restrictive. This determination shall include planned future development of the watershed area." In addition, the Baltimore County Department of Public Works Design Manual adopted by County Council Resolution 63-10 on August 2, 2010, Plate DF has setbacks required. This memo is the comment from the Department of Public Works for the subject Administrative Variance.

The Administrative Variance involves an addition to an existing dwelling, which is located approximate to a 100-year riverine floodplain. There exists a 100-year riverine floodplain associated with the existing drainage ditch shown on the plan. This floodplain must be delineated on the plan. The subject addition must not be located within the 100-year riverine floodplain and must observe all setback requirements of the Baltimore County Department of Public Works Design Manual, Plate DF.

This office does not recommend approval of the Administrative Variance.

ECA/TWC/s

CC: Paul A. Ratych, APR Associates, Inc.; Dennis Kennedy, Chief, Development Plan Review & Building Plans Review; Peter M. Zimmerman, Peoples' Counsel

Case No.: 2012-0212-A

Exhibit Sheet

4/3/12



Petitioner/Developer

Protestant

5-8-12
aw

No. 1	site plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

DEVELOPMENT PLANS REVIEW

(if not received, date e-mail sent 4-3)

DEPS

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

FIRE DEPARTMENT

PLANNING

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

3-13

STATE HIGHWAY ADMINISTRATION

nc

TRAFFIC ENGINEERING

3-27-12Public Worksdenial

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: _____

SIGN POSTING

Date: 3-18by Ogle* PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any:

see Peoples Counsel 3-30-12
letter recommends denial



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

AV
close
4-2-12

March 30, 2012

HAND DELIVERED

Lawrence M. Stahl, Managing Administrative Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RECEIVED
MAR 30 2012
OFFICE OF ADMINISTRATIVE HEARINGS

Re: PETITION FOR ADMINISTRATIVE VARIANCE
Michael & Mary Ellen DeLuca
702 Stevenson Lane
Case No: 2012-212-A

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March 30, 2012

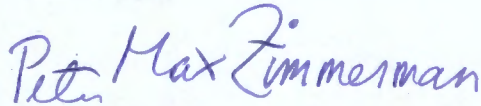
Page 2

must observe all setback requirements of the Baltimore County Department of Public Works Design Manual, Plate DF."

If the Director is correct, and our experience is that the Director's descriptions of the floodplain are consistently accurate, then it would be inappropriate to grant the zoning variance. Indeed, even apart from the zoning setback issue, the cited 2010 law prohibits the construction of an addition in the riverine floodplain. In this context, moreover, it would not appear feasible that there be any waiver to the floodplain law.

Thank you for your consideration.

Sincerely,



Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/rmw

Enclosure

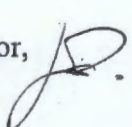
cc: Michael & Mary Ellen DeLuca, Petitioners
Paul A. Ratych, APR Associates, Inc., Petitioners' Surveyor & Site Plan Preparer
Edward Adams, Director of Public Works
David L. Thomas, Assistant to Director of Public Works
Donald Brand, Buildings Engineer
Carl Richards, Zoning Supervisor
Dennis Kennedy, Chief Development Plan & Building Plans Review

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

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

ATTN: Kristen Matthews
MS 1105

FROM: Edward Adams, Director,
Public Works 

DATE: March 27, 2012

SUBJECT: Case No. 2012-0212-A
702 Stevenson Lane, Towson, Maryland 21286
Administrative Variance from sections 1B02.C.1, BC2R, to permit a
proposed dwelling addition with a rear yard setback of 26 feet in lieu of the
minimum required 30 feet.

Baltimore County Council Bill 47-10 dated 6/7/2010 Section 4 Part 125.1 of the Baltimore County Code concerning areas subject to inundation by riverine surface waters within the 100-year floodplain regulations says, "No new buildings or additions shall be constructed in any riverine floodplain. The 100-year floodplain shall be based upon the Federal Flood Insurance Study or as established by the Director of Public Works, whichever is the more restrictive. This determination shall include planned future development of the watershed area." In addition, the Baltimore County Department of Public Works Design Manual adopted by County Council Resolution 63-10 on August 2, 2010, Plate DF has setbacks required. This memo is the comment from the Department of Public Works for the subject Administrative Variance.

The Administrative Variance involves an addition to an existing dwelling, which is located approximate to a 100-year riverine floodplain. There exists a 100-year riverine floodplain associated with the existing drainage ditch shown on the plan. This floodplain must be delineated on the plan. The subject addition must not be located within the 100-year riverine floodplain and must observe all setback requirements of the Baltimore County Department of Public Works Design Manual, Plate DF.

This office does not recommend approval of the Administrative Variance.

ECA/TWC/s

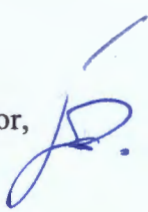
CC: Paul A. Ratych, APR Associates, Inc.; Dennis Kennedy, Chief, Development Plan Review & Building Plans Review; Peter M. Zimmerman, Peoples' Counsel

BALTIMORE COUNTY, MARYLAND

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This office does not recommend approval of the Administrative Variance.

ECA/TWC/s

CC: Paul A. Ratych, APR Associates, Inc.; Dennis Kennedy, Chief, Development Plan Review & Building Plans Review; Peter M. Zimmerman, Peoples' Counsel

Patricia Zook - Re: Case 2012-0212-A at 702 Stevenson Lane

From: Dennis Kennedy
To: Zook, Patricia
Date: 4/3/2012 3:22 PM
Subject: Re: Case 2012-0212-A at 702 Stevenson Lane

Patti:

The comment from the Director of Public Works is the official comment. They make the comments for residential property in the riverine flood plain, which this one is. I did talk to them to be sure that they were going to comment, and I agree with their comment.

Dennis Kennedy

>>> Patricia Zook 4/3/2012 11:07 AM >>>
Good morning Dennis -

I am in receipt of the administrative case file for this matter. The file is missing a comment from your office. Both Public Works and People's Counsel recommend denial of the Petitioners' request. Per the comments from both of those offices, there are floodplain issues on the property and I thought a comment should come from your office.

As always, thanks for your help.

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



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Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1A)
BALTIMORE COUNTY

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[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

2012-0212-A

Account Identifier:

District - 09 Account Number - 0908656330

Owner Information

Owner Name:	DELUCA MARYELLEN DELUCA MICHAEL	Use:	RESIDENTIAL
Mailing Address:	702 STEVENSON LN TOWSON MD 21286-7912	Principal Residence:	YES
		Deed Reference:	1) /26993/ 00408 2)

Location & Structure Information

Premises Address	Legal Description
702 STEVENSON LN 0-0000	LTS 1,2 PT LT 3 702 STEVENSON LN OVERBROOK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	2
0070	0020	0823		0000	1		1	2	Plat Ref:	0012/ 0076

Special Tax Areas

Town	NONE
Ad Valorem	
Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1942	1,540 SF	11,400 SF	04

Stories	Basement	Type	Exterior
2.000000	YES	STANDARD UNIT 1/2 STONE FRAME	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2011	07/01/2012
Land	113,100	113,100		
Improvements:	311,640	218,700		
Total:	424,740	331,800	331,800	331,800
Preferential Land:	0			0

Transfer Information

Seller:	DELUCA MARYELLEN	Date:	05/13/2008	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/26993/ 00408	Deed2:	
Seller:	DELUCA MARYELLEN	Date:	04/02/2007	Price:	\$405,000
Type:	ARMS LENGTH MULTIPLE	Deed1:	/25436/ 00136	Deed2:	
Seller:	OMALLEY OWEN	Date:	11/22/2004	Price:	\$339,900
Type:	ARMS LENGTH MULTIPLE	Deed1:	/00000/ 00000	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:

Patricia Zook - Case 2012-0212-A at 702 Stevenson Lane

From: Patricia Zook
To: Kennedy, Dennis
Date: 4/3/2012 11:07 AM
Subject: Case 2012-0212-A at 702 Stevenson Lane

Good morning Dennis -

I am in receipt of the administrative case file for this matter. The file is missing a comment from your office. Both Public Works and People's Counsel recommend denial of the Petitioners' request. Per the comments from both of those offices, there are floodplain issues on the property and I thought a comment should come from your office.

As always, thanks for your help.

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



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

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 3/9/2012 11:02 AM
Subject: ZAC Comments - Distribution Mtg. of 3/12

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 assigned as of today

2012-0207-SPHA - 18827 Spooks Hill Road
No hearing date assigned as of today

2012-0208-A - 12519 Falls Road
Administrative Variance - Closing Date: 3/26/12

2012-0209-SPH - 508 Warren Road
No hearing date assigned as of today

2012-0210-A - 7731 North Cove Road - **CRITICAL AREA & FLOODPLAIN**
No hearing date assigned as of today

2012-0211-A - 19007 Hopkins / 605 Calder Castle Court
No hearing date assigned as of today

2012-0212-A - 702 Stevenson Lane
Administrative Variance - Closing Date: 4/2/12

*flood plain
problem*

2012-0213-A - 7418 Eastern Avenue
No hearing date assigned as of today

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

ZAC AGENDA

Case Number: 2012-0212-A

Primary Use: Residential

Reviewer: JNP/GH

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Michael & Mary Ellen DeLuca

Contract Purchaser:

Critical Area: NO **Flood Plain:** NO **Historic:** NO **Election Dist:** 9th **Councilmanic Dist:** 5th

Property Address: 702 Stevenson Ln

Location: E/S of Weatherbee Rd, 36.2 ft. North of centerline of Stevenson Lane.

Existing Zoning: DR 5.5

Area: 12,560 sq ft

Proposed Zoning: ADMINISTRATIVE VARIANCE to permit a proposed dwelling addition with a rear yard setback of 26 ft. in lieu of the minimum required 30 ft.

Attorney:

Prior Zoning Cases:

Concurrent Cases:

Violation Cases:

Closing Date: 4/2/2012

Miscellaneous:

Case Number: 2012-0213-A

Primary Use: Commercial

Reviewer: JRF

Type: VARIANCE

Legal Owner: Robert F Zgorski, Zgorski Family At Eastpoint LLC

Contract Purchaser: Essex Moose Lodge, Chuck Neal, Admin, P o Box 7738, Essex MD 21221, 410-598-3955

Critical Area: NO **Flood Plain:** NO **Historic:** NO **Election Dist:** 12th **Councilmanic Dist:** 7th

Property Address: 7418 Eastern Ave

Location: North side of Eastern Ave at a distance of 436' +/- east from the centerline of Westham Rd.

Existing Zoning: BR-AS

Area: 0.376

Proposed Zoning: VARIANCE to permit 19 parking spaces in lieu of the required 33 parking spaces (a variance of 14 ps) and to allow 8 ft. setback and 3 ft. setback from the road right-of-way in lieu of the required 10 ft. respectively and any variances deemed necessary by the Administrative Law Judge of Baltimore County.

Attorney: Lawrence E Schmidt, 600 Washington Ave, Towson MD 21204, 410-821-0700

Prior Zoning Cases:

Concurrent Cases:

Violation Cases:

Closing Date:

Miscellaneous: The addresses on the original petition are 7418 A & 7418 B Eastern Avenue

No hearing set



KEVIN KAMENETZ
County Executive

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

April 3, 2012

Michael & Mary Ellen DeLuca
702 Stevenson Lane
Towson MD 21286

RE: Case Number: 2012-0212A, Address: 702 Stevenson Lane, 21286

Dear Mr. & Ms. DeLuca:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 6, 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

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



Maryland Department of Transportation

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

Date: 3-13-12

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

RE: Baltimore County
Item No 2012-0212-A
Administrative Variance
Michael & Mary Ellen DeLuca
702 Stevenson Lane

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. 2012-0212-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,

A handwritten signature in blue ink, appearing to read "Steven D. Foster".
Steven D. Foster, Chief
Access Management Division

SDF/raz

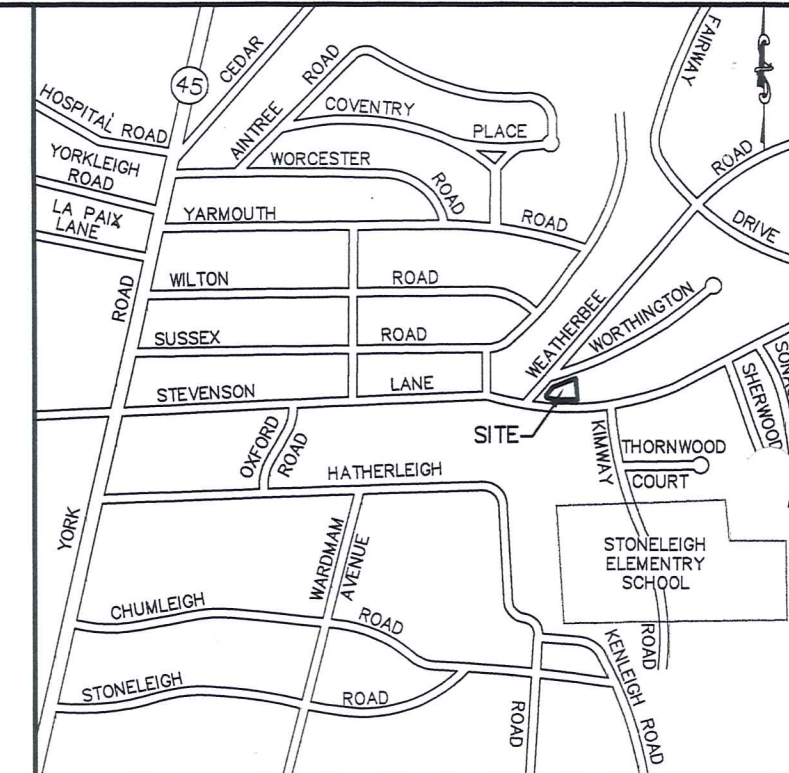
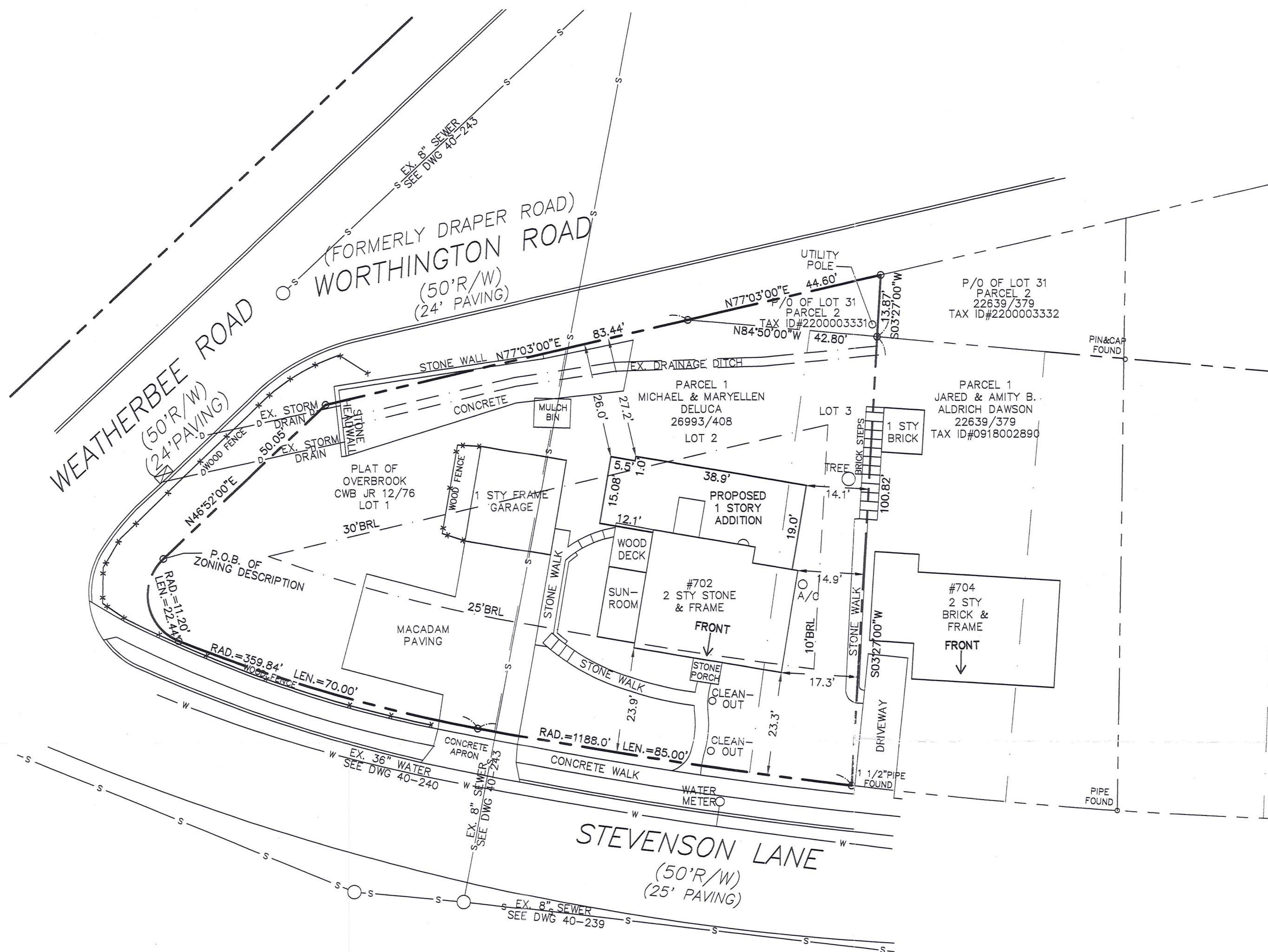
My telephone number/toll-free number is _____

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



PLAT 12/76



LOCATION MAP

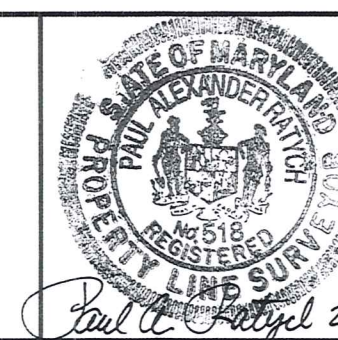
SCALE: 1"=1,000'

#706
JOHN B. & KATHERINE Z.
LACKOVIC
28906/30
TAX ID#090257210

GENERAL NOTES:

1. OWNER: MICHAEL AND MARYELLEN DELUCA
702 STEVENSON LANE
BALTIMORE, MD 21286-7912
2. DEED REFERENCE: 26993/408
3. TAX ACCOUNT #: 0908656330 & #2200003331
4. MAP 70, GRID 20, PARCEL 823
5. AREA OF PROPERTY: 12,556 SQ.FT± OR 0.2882 ACRES±
6. 9TH ELECTION DISTRICT
7. 5TH COUNCILMANIC DISTRICT
8. PUBLIC SEWER AND WATER
9. PRIOR ZONING HISTORY: NONE
10. EXISTING ZONING: DR 5.5
11. EXISTING ZONING REQUIREMENTS
MINIMUM FRONT YARD: 25'
MINIMUM SIDE YARD: 10'
MINIMUM REAR YARD: 30'
12. SUBJECT PROPERTY LINES WITHIN ZONE "X" OF FLOOD RATE
MAP NO. 2400100265F DATED SEPTEMBER 26, 2008
13. SUBJECT PROPERTY DOES NOT LIE WITHIN THE CHESAPEAKE
BAY CRITICAL AREA
14. SITE IS NOT A HISTORIC PROPERTY NOR ARE THERE HISTORIC
BUILDINGS ON SITE
15. 1"=200' SCALE MAP# NE 8A
16. UTILITIES SHOWN HEREON ARE NOT GUARANTEED TO BE
CORRECT OR ACCURATE
17. SUBJECT SITES BEING LOTS #1, 2, PART OF LOT 3 AND PART OF LOT
31 BLOCK #1 OF PLAT TWO OF "OVERBROOK" AS RECORDED IN
PLAT BOOK CWB JR. 12, FOLIO 76.

APR ASSOCIATES, INC.
LAND SURVEYORS
7427 Harford Road Baltimore, Maryland 21234-7160
(410) 444-4312 FAX: (410) 444-1647
E mail : apr444@verizon.net



PLAT TO ACCOMPANY PETITION FOR ADMINISTRATIVE ZONING VARIANCE

702 STEVENSON LANE
9th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE: FEBRUARY 19, 2012 SCALE: 1"=20'

12007

2012-0212-A