

IN RE: PETITION FOR VARIANCE
NW corner of Chestnut Road and
Chestnut Road extended
15th Election District
6th Council District
(3916 Chestnut Road)

Harry and Joanna L. McGowan,
Legal Owners
Kevin and Dawn Harris,
Contract Purchasers
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
*
* **CASE NO. 2012-0323-A**
*

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Variance filed by the legal owners, Harry and Joanna L. McGowan, and Kevin and Dawn Harris, contract purchasers (the "Petitioners"). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows:

- Section 1A04.3.B.1.a, to permit the alteration of the lot size requirement of 1 ½ acres to an area of 0.80 acres;
- Section 1A04.3.B.2.b, to permit a setback of 42' from the centerline of a road in lieu of the required 75';
- Section 1A04.3.B.2.b, to permit a setback of 27' in lieu of the required 50';
- Section 1A04.3.B.2.b, to permit a setback of 23' in lieu of the required 37.5' (porch);
- Section 1A04.3.A, to permit a height of 42' in lieu of the required 35', and
- Any relief deemed necessary for the Administrative Law Judge.

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

ORDER RECEIVED FOR FILING

Date 8-1-12

By 122

Appearing at the public hearing in support for this case was Kevin and Dawn Harris, and Scott Lindgren with Gerhold, Cross & Etzel, Ltd., the consulting firm that prepared the site plan. 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 interested citizens in attendance at the hearing, nor does the file contain any letters of opposition or protest.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. A ZAC comment was received from the Department of Planning on July 16, 2012, indicating that it did not oppose the relief, provided the Petitioners satisfy the RC 5 performance standards.

Testimony and evidence revealed that the subject property is 34,660 square feet and is zoned RC 5. The property is unimproved, though it had a dwelling on the site that was razed several years ago after being damaged in Hurricane Isabel. The subject property is somewhat large (0.8 acres) compared to adjacent lots, most of which are 50' wide, as is common in the area. The property is served by public water and sewer (via grinder pumps) which is also unique for an RC zoned property. Petitioners submitted an exhibit showing that their immediate neighbor, as well as several other owners in the vicinity, obtained zoning relief to build or reconstruct homes on undersized parcels in this vicinity. Exhibit 2.

Based upon the testimony and evidence presented, I will grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

ORDER RECEIVED FOR FILING

Date 8-1-12

By [Signature]

Petitioners have met this test. The property is on a corner lot and is pie shaped, which makes it difficult for Petitioners to comply with the setback requirements. In addition, the 1.5 acre lot size requirement for RC 5 zones is designed to accommodate a well and septic system (and septic reserve area), while this property is served by public water and sewer.

The Petitioners would experience a practical difficulty if the regulations were strictly enforced, since they would be unable to construct a home on this lot. Finally, I do not believe the zoning relief will be detrimental to the community's health, safety and welfare, as demonstrated by the lack of opposition and the support of Petitioners' neighbors (Exhibit 4).

Pursuant to the advertisement, posting of the property, and public hearing on this petition, and after considering the testimony and evidence, I find that Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED, this 1st day of August, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows:

- Section 1A04.3.B.1.a, to permit the alteration of the lot size requirement of 1 ½ acres to an area of 0.80 acres;
- Section 1A04.3.B.2.b, to permit a setback of 42' from the centerline of a road in lieu of the required 75';
- Section 1A04.3.B.2.b, to permit a setback of 27' in lieu of the required 50';
- Section 1A04.3.B.2.b, to permit a setback of 23' in lieu of the required 37.5' (porch), and
- Section 1A04.3.A, to permit a height of 42' in lieu of the required 35',

be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 8-1-12

By [Signature]

The relief granted herein shall be subject to and conditioned upon the following:

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

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:dlw

ORDER RECEIVED FOR FILING

Date 8-1-12

By 19W

**CBCA****FLOODPLAIN****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 3916 CHESTNUT ROAD which is presently zoned RC5
 Deed References: SM 28664/189 10 Digit Tax Account # 1523002280
 Property Owner(s) Printed Name(s) HARRY MCGOWAN & JOANNA L. MCGOWAN

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. 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. X a **Variance** from Section(s)

SEE ATTACHED SHEET

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 SHEET
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:

KEVIN & DAWN HARRIS
 Name- Type or Print

Signature

3902 TIDEWOOD ROAD MIDDLE RIVER MO
 Mailing Address City State

21220 / 410-688-0036
 Zip Code Telephone # Email Address

Attorney for Petitioner:

BRUCE E. DOAK
GERHOLD CROSS
 Name- Type or Print

Bruce E. Doak
 Signature

320 E. TOWSON TOWSON MD
 Mailing Address City State

21286 / 410-823-4470 / BD00AK@GCELIMITED.COM
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

HARRY MCGOWAN JOANNA MCGOWAN
 Name #1 - Type or Print Name #2 - Type or Print

[Signature] [Signature]
 Signature #1 Signature #2

Chestnut Rd 21220
 Mailing Address City State

443-271-0464 / JMCGOWAN@wmtransport
 Zip Code Telephone # Email Address

Representative to be contacted:

Kimberly Johnson
 Name - Type or Print

[Signature]
 Signature

1850 York Rd Suite K
 Mailing Address City State

21053 / 443-629-1208 / KAT59526@msn.com
 Zip Code Telephone # Email Address

CASE NUMBER 2012-0323-A Filing Date 6/19/12 Do Not Schedule Dates: _____ Reviewer JF

VARIANCES REQUESTED

TO PERMIT THE ALTERATION OF THE LOT SIZE REQUIREMENT
OF 1½ ACRES TO AN AREA OF 0.80 ACRES PER SECTION
IA04.3B1a BCZR

TO PERMIT A SETBACK OF 42 FEET FROM THE CENTERLINE OF
A ROAD IN LIEU OF THE REQUIRED 75 FEET PER SECTION
IA04.3B2b BCZR

TO PERMIT A SETBACK OF 27 FEET IN LIEU OF THE REQUIRED
50 FEET PER SECTION IA04.3B2b BCZR (HOUSE)

TO PERMIT A SETBACK OF 23 FEET IN LIEU OF THE REQUIRED
37.5 FEET PER SECTION IA04.3B2b BCZR (PORCH)

TO PERMIT A HEIGHT OF 42 FEET IN LIEU OF THE REQUIRED
35 FEET PER SECTION IA04.3.A BCZR

AND ANY RELIEF DEEMED NECESSARY BY THE ADMINISTRATIVE
LAW JUDGE



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

June 19, 2012

ZONING DESCRIPTION

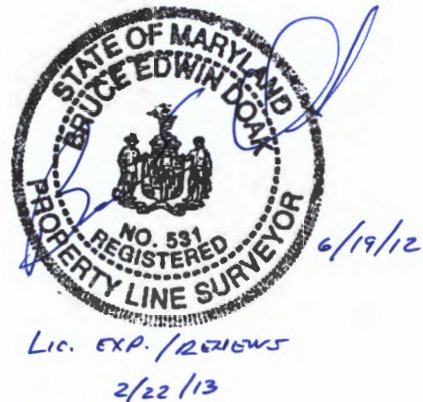
3916 Chestnut Road
15th Election District, 6th Councilmanic District
Baltimore County, Maryland

Beginning for the same at the northwest corner of Chestnut Road and Chestnut Road Extended.

Being Lot 123 of the plat entitled "Bowleys Quarter Plat 2" dated April 16, 1921 and recorded among the Land Records of Baltimore County in Plat Book WPC 7 page 13.

CONTAINING 0.80 OF AN ACRE (COMPUTED)

This description only satisfies the requirements of the Office of Zoning and should not be used for conveyance purposes.



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

No. **83498**

Date: **6-19-12**

PAID RECEIPT

BUSINESS: ACTUAL TIME DEM
 6/20/2012 6/19/2012 09:52:54 2

REG 4502 MAIN JEWEL
 RECEIPT # 702221 6/19/2012 09:52
 Dept 5 520 ZONING VERIFICATION
 CN NO. 003498

Receipt Tot 475.00
 475.00 4.00 CA
 Baltimore County, Maryland

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

Total: **75.00**

Rec From: **GERHOLD, CROSS & ETZEL**

For: **3916 CHESTNUT RD**
Petition for Variance
CASE # 2012-0323-A

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

August 1, 2012

Scott Lindgren
Gerhold, Cross & Etzel
320 East Towsontown Boulevard
Towson, Maryland 21286

RE: Petition for Variance
Case No.: 2012-0323-A
Property: 3916 Chestnut Road

Dear Mr. Lindgren:

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 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Harry and Joanna L. McGowan, 3916 Chestnut Road, Baltimore, Maryland 21220
Kevin and Dawn Harris, 3902 Tidewood Road, Middle River, Maryland 21220

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
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: 2012-0323-A

Petitioner: HARRY M^CGOWAN & JOANNA L. M^CGOWAN

Address or Location: 3916 CHESTNUT ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: KEVIN & DAWN HARRIS

Address: 3902 ^{TIDEWATER} TIDEWATER ROAD
MIDDLE RIVER, MD 21220

Telephone Number: 410-688-0036

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2012-0323-A

3916 Chestnut Road

NW Corner of Chestnut Road and Chestnut Road extended

15th Election District — 6th Councilmanic District

Legal Owner(s): Harry and Joanna McGowan

Contract Purchaser: Kevin and Dawn Harris

Variance: to permit the alteration of the lot size requirement of 1.5 acres to an area of 0.80 acres; to permit a setback of 42 ft. from the centerline of a road in lieu of the required 75 ft.; to permit a setback of 27 ft. in lieu of the required 50 ft. in any lot line; to permit a setback of 23 ft. in lieu of the required 37.5 ft. in any lot line; to permit a height of 42 ft. in lieu of the required 35 ft. Any relief deemed necessary by the Administrative Law Judge.

Hearing: Wednesday, August 1, 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 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.
7/119 July 12 304958

CERTIFICATE OF PUBLICATION

7/12/, 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 7/12/, 2012.

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

S. Wilkinson

LEGAL ADVERTISING



ZONING NOTICE

CASE #:2012-0323-A

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

PLACE: Room 205 Jefferson Building
TIME & 105 West Chesapeake Avenue, Towson, MD

DATE : 10:00 am Wednesday Aug. 1, 2012

Variance to permit the alteration of the lot size requirement of 1.5 acres to an area of 0.80 acres; to permit a setback of 42 ft. from the centerline of a road in lieu of the required 75 ft.; to permit a setback of 27 ft. in lieu of the required 50 ft. in any lot line; to permit a setback of 23 ft. in lieu of the required 37.5 ft. in any lot line; to permit a height of 42 ft. in lieu of the required 35 ft.; Any relief deemed necessary by the Administrative Law Judge.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING.
CALL 410-887 3391 THE DAY BEFORE THE SCHEDULED HEARING DATE

DO NOT REMOVE THIS SIGN AND POST THE DAY OF HEARING UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE



KEVIN KAMENETZ
County Executive

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

July 2, 2012

NOTICE OF ZONING HEARING

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CASE NUMBER: 2012-0323-A

3916 Chestnut Road

NW corner of Chestnut Road and Chestnut Road extended

15th Election District – 6th Councilmanic District

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105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Bruce Doak, 320 E. Towsontown Blvd., Towson 21286
Mr. & Mrs. Harris, 3902 Tidewood Road, Middle River 21220
Mr. & Mrs. McGowan, 3916 Chestnut Road, Baltimore 21220
Kimberly Johnson, 1850 York Road, Ste. K, 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JULY 12, 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.



KEVIN KAMENETZ
County Executive

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

July 2, 2012

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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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3916 Chestnut Road

NW corner of Chestnut Road and Chestnut Road extended

15th Election District – 6th Councilmanic District

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TO: PATUXENT PUBLISHING COMPANY
Thursday, July 12, 2012 Issue - Jeffersonian

Please forward billing to:

Mr. & Mrs. Kevin Harris
3902 Tidewood Road
Middle River, MD 21220

410-688-0036

NOTICE OF ZONING HEARING

The Administrative Law Judge 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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3916 Chestnut Road

NW corner of Chestnut Road and Chestnut Road extended

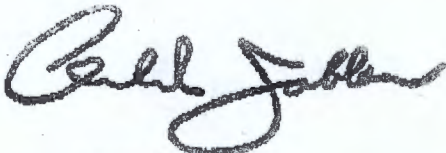
15th Election District – 6th Councilmanic District

Legal Owners: Harry and Joanna McGowan

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Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
3916 Chestnut Road; NW corner of Chestnut		
Road & Chestnut Road extended	*	OF ADMINISTRATIVE
15 th Election & 6 th Councilmanic Districts		
Legal Owner(s): Harry & Joanna McGowan	*	HEARINGS FOR
Contract Purchaser(s): Kevin & Dawn Harris		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2012-323-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

JUN 27 2012

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 2012, a copy of the foregoing Entry of Appearance was mailed to Kimberly Johnson, 1850 York Road, Suite K, Timonium, MD 21093 and Bruce Doak, Gerhold Cross & Etzel, 320 E. Towsontown Boulevard, Towson, Maryland 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMORANDUM

DATE: September 4, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0323-A - Appeal Period Expired

The appeal period for the above-referenced case expired on August 31, 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



KEVIN KAMENETZ
County Executive

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

August 1, 2012

Scott Lindgren
Gerhold, Cross & Etzel
320 East Towsontown Boulevard
Towson, Maryland 21286

RE: Petition for Variance
Case No.: 2012-0323-A
Property: 3916 Chestnut Road

Dear Mr. Lindgren:

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 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the name John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: ✓ Harry and Joanna L. McGowan, 3916 Chestnut Road, Baltimore, Maryland 21220
Kevin and Dawn Harris, 3902 Tidewood Road, Middle River, Maryland 21220

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* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
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* CASE NO. 2012-0323-A
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ORDER AND OPINION

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- Any relief deemed necessary for the Administrative Law Judge.

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

Petitioners have met this test. The property is on a corner lot and is pie shaped, which makes it difficult for Petitioners to comply with the setback requirements. In addition, the 1.5 acre lot size requirement for RC 5 zones is designed to accommodate a well and septic system (and septic reserve area), while this property is served by public water and sewer.

The Petitioners would experience a practical difficulty if the regulations were strictly enforced, since they would be unable to construct a home on this lot. Finally, I do not believe the zoning relief will be detrimental to the community's health, safety and welfare, as demonstrated by the lack of opposition and the support of Petitioners' neighbors (Exhibit 4).

Pursuant to the advertisement, posting of the property, and public hearing on this petition, and after considering the testimony and evidence, I find that Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED, this 1st day of August, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows:

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- Section 1A04.3.B.2.b, to permit a setback of 27' in lieu of the required 50';
- Section 1A04.3.B.2.b, to permit a setback of 23' in lieu of the required 37.5' (porch), and
- Section 1A04.3.A, to permit a height of 42' in lieu of the required 35',

be and is hereby GRANTED.

Your Honor -

WE THANK YOU FOR REVIEWING
AND LISTENING TO OUR PLANS FOR 3916
CHESTNUT RD.

WE HAVE A 60 DAY FEASIBILITY
STUDY PERIOD THAT EXPIRES ON AUG. 7, 2012.

WE ASK IF YOU WOULD CONSIDER
MAKING A RULING BEFORE THAT DATE ON
WHETHER OUR VARIANCE REQUEST WOULD BE
APPROVED OR DENIED (SO THAT WE WOULD KNOW
HOW TO PROCEED.)

THANK YOU AGAIN -

KEVIN + SAUND HARRIS

CASE NAME 3916 CHESTNUT ROAD?
CASE NUMBER 2012-0323-A
DATE AUGUST 1, 2012

[illegible]

CHECKLISTSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment6-29

DEVELOPMENT PLANS REVIEW

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

C

DEPS

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

FIRE DEPARTMENT

7-10

PLANNING

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

S w/ cond.6-21

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. 2001-0215-A)

NEWSPAPER ADVERTISEMENT

Date:

7-12-12

SIGN POSTING

Date:

7-11-12

by

Dook21 days

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

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

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

Account Identifier:**District - 15 Account Number - 1523002280****Owner Information**

Owner Name: MCGOWAN HARRY
MCGOWAN JOANNA L
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 8609 WINDING WAY
PERRY HALL MD 21128-9012
Deed Reference: 1) /28664/ 00189
2)

Location & Structure Information**Premises Address**

3916 CHESTNUT RD
BALTIMORE 21220-4024

Legal Description

3916 CHESTNUT RD
Waterfront BOWLEYS QUARTERS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	2
0091	0022	0150		0000			123	3	Plat Ref:	0007/0013

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		36,576 SF	34

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

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2011	07/01/2012
Land	328,100	268,100		
Improvements:	600	400		
Total:	328,700	268,500	328,700	268,500
Preferential Land:	0			0

Transfer Information

Seller: PEREGOY MICHAEL L	Date: 09/22/2009	Price: \$286,200
Type: ARMS LENGTH IMPROVED	Deed1: /28664/ 00189	Deed2:
Seller: WALTER WILLIAM E	Date: 07/19/1999	Price: \$165,000
Type: ARMS LENGTH IMPROVED	Deed1: /13902/ 00574	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:		Special Tax Recapture:	
Exempt Class:		NONE	

Homestead Application Information

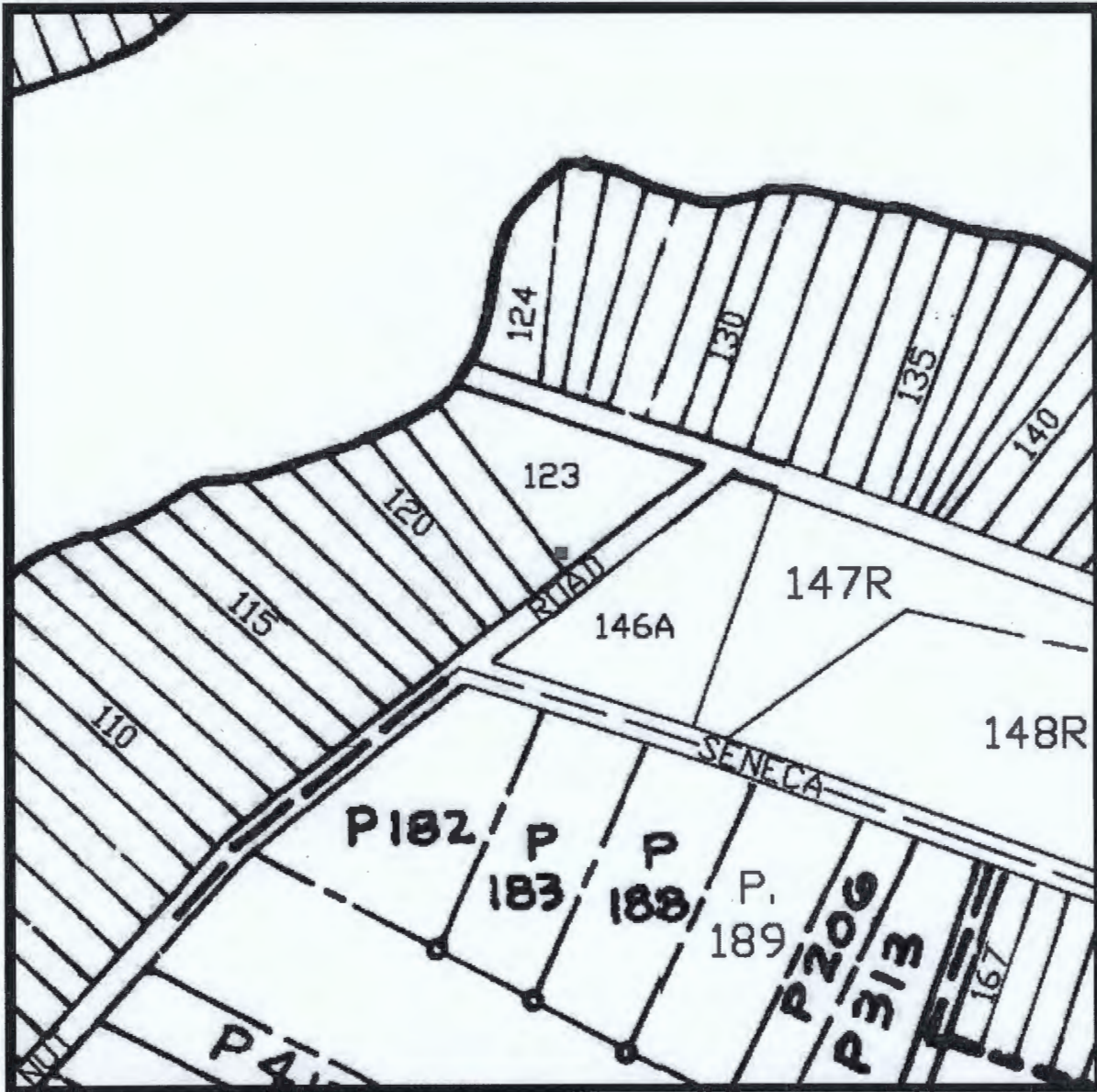
Homestead Application Status: No Application



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

[Go Back](#)
[View Map](#)
[New Search](#)

District - 15 Account Number - 1523002280



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 ©2011.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

IN RE: PETITION FOR VARIANCE
NW/S Chestnut Road, 200' NE
centerline of Seneca Road
15th Election District
5th Councilmanic District
(3916 Chestnut Road)

Michael and Sandra Peregoy
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-215-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Michael and Sandra Peregoy. The Petitioners are requesting a variance for property they own at 3916 Chestnut Road. The variance request is from Section 417.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow the construction of a pier within 0 ft. of the divisional lines in lieu of the minimum required 10 ft. each. In addition, the Petitioners are requesting approval to allow the pier to extend 15 ft. beyond the divisional line on the northeast side of the property.

Appearing at the hearing on behalf of the variance request were Michael and Sandra Peregoy, owners of the property and Joseph McGraw, the property line surveyor who prepared the site plan of the property. Appearing in opposition to the Petitioners' request were several residents of the surrounding community, namely Dennis Farnol, Jerry Wisner, Bill Lagna and William Lagna.

Testimony and evidence indicated that the property, which is the subject of this variance request, is a triangularly shaped parcel of property located on the north side of Chestnut Road in Bowleys Quarters. The subject property is a waterfront lot situated on Seneca Creek. It is improved with a small residential dwelling which is used as a summer home by the Peregoy's.

They currently reside in Havre De Grace, Maryland. However, they wish to construct a new single family dwelling on the property, at some point in the future. At this time, they are desirous of constructing a pier on their property out into Seneca Creek. The property itself is pie shaped which causes the divisional lines to make it all but impossible for the Peregoy's to extend the pier out into Seneca Creek. They submitted into evidence as Petitioners' Exhibit No. 1, the site plan showing the type of pier they wish to construct on the property. The pier itself extends 74 ft. beyond what they consider to be the shoreline of the property and would contain a boat lift on the northeast side of the pier extension. In order to proceed with their plans, the variance request is necessary.

As stated previously, several residents from the surrounding community appeared in opposition to the Petitioners' request. The property owners on both sides of the Petitioners object to the pier that Mr. Peregoy proposes to construct on his property. Mr. Wisner, according to the testimony, is perhaps the most affected neighbor, by virtue of the construction of this pier. Mr. Wisner testified that the type and location of this pier that the Petitioners propose to construct would extend at an angle and in front of his existing pier, thereby blocking his ability to move boats in and out of his property. He, therefore, strongly objects to the type of pier as shown on the Petitioners' site plan. In addition, Mr. Lagna, who resides on the east side of the Petitioners' property, is also concerned that the boat lift at the end of the pier would impede his ability to use the boat ramp that he recently installed on his property.

After considering all of the testimony and evidence offered at the hearing, I find that the Petitioners' request for variance should be denied. The Petitioners have chosen to construct a pier on their property that would impede with Mr. Wisner's use of his own pier, as well as the boat ramp which was recently installed by Mr. Lagna. Therefore, I do not believe it is possible

to grant a variance in this case that would not cause a detrimental affect on the adjacent neighbors. Accordingly, the variance should be denied.

THEREFORE, IT IS ORDERED this ____ day of January, 2001, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 417.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow the construction of a pier within 0 ft. of the divisional lines in lieu of the minimum required 10 ft. each and to allow the pier to extend 15 ft. beyond the divisional line on the northeast side of the property, be and is hereby DENIED.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

Debra Wiley - ZAC Comments - Distribution Mtg. of June 25, 2012

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 6/25/2012 10:15 AM
Subject: ZAC Comments - Distribution Mtg. of June 25, 2012

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.

2012-0285-A - 8700-8830 Belair Road
No hearing date in data base as of 6/25

2012-0317-SPH - 8510 Philadelphia Road
No hearing date in data base as of 6/25

2012-0323-A - 3916 Chestnut Road - CRITICAL AREA
No hearing date in data base as of 6/25

2012-0324-SPH - 12400 Owings Mills Blvd.
No hearing date in data base as of 6/25

2012-0325-SPHA - 11424 Pulaski Highway
No hearing date in data base as of 6/25

2012-0326-A - 13 S. Beaumont Ave.
(Administrative Variance - Closing Date: 7/16/12)

2012-0276-SPHA - 3914 Glenhurst Road - CRITICAL AREA & FLOOD PLAIN
Hearing Date: 6/25/12, 10:00 AM

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

July 24, 2012

Harry & Joanna McGowan
3916 Chestnut Road
Baltimore MD 21220

RE: Case Number: 2012-0323 A, Address: 3916 Chestnut Road

Dear Mr. & Ms. McGowan:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 19, 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
Kimberly Johnson, 1850 York Road, Lutherville MD 21093
Kevin & Dawn Harris, 3902 Tidewood Road, Middle River, MD 21220
Bruce Doak, 320 E Towsontown Boulevard, Towson, MD 21286

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



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

Date: 6-27-12

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

RE: Baltimore County
Item No 2012-0323-A
Variance
Harry & Joanna McGowan
3916 Chestnut 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. 2012-0323-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

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

SUBJECT: Zoning Advisory Committee Meeting
For July 09, 2012
Item No. 2012-0323

DATE: June 29, 2012

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The base flood elevation for this site is 8.5 feet [NAVD 88].

The flood protection elevation is 9.5feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN
cc: File
ZAC-ITEM NO 12-0323-07092012.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 10, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 3916 Chestnut Road

Item Number: 12-323

Petitioner: Harry and Joanna McGowan

Zoning: RC 5

Requested Action: Variance

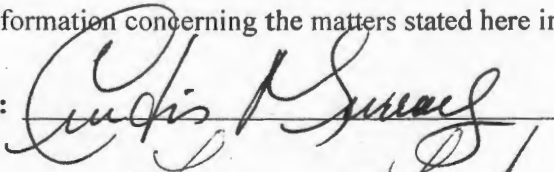
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. This department does not oppose the petitioner's request. 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 performance standard requirements. To prepare the statement of finding, the following information must be submitted to this office:

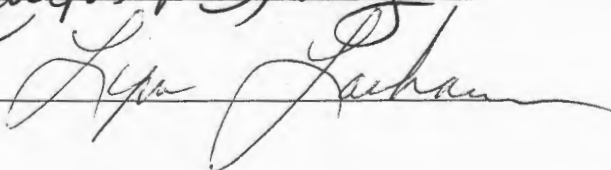
1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this department for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the existing streetscape.

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

Prepared by:



Division Chief:
AVA/LL: CM





KEVIN KAMENETZ
County Executive

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

July 2, 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: 2012-0323-A

3916 Chestnut Road

NW corner of Chestnut Road and Chestnut Road extended

15th Election District – 6th Councilmanic District

Legal Owners: Harry and Joanna McGowan

Contract Purchaser: Kevin and Dawn Harris

Variance to permit the alteration of the lot size requirement of 1.5 acres to an area of 0.80 acres; to permit a setback of 42 ft. from the centerline of a road in lieu of the required 75 ft; to permit a setback of 27 ft. in lieu of the required 50 ft. in any lot line; to permit a setback of 23 ft. in lieu of the required 37.5 ft. in any lot line; to permit a height of 42 ft. in lieu of the required 35 ft. Any relief deemed necessary by the Administrative Law Judge.

Hearing: Wednesday, August 1, 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: Bruce Doak, 320 E. Towsontown Blvd., Towson 21286

Mr. & Mrs. Harris, 3902 Tidewood Road, Middle River 21220

Mr. & Mrs. McGowan, 3916 Chestnut Road, Baltimore 21220

Kimberly Johnson, 1850 York Road, Ste. K, 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JULY 12, 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.

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



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

Date: 6-27-12

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

RE: Baltimore County
Item No 2012-0323-A
Variance
Harry & Joanna McGowan
3916 Chestnut 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. 2012-0323-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

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

SUBJECT: Zoning Advisory Committee Meeting
For July 09, 2012
Item No. 2012-0323

DATE: June 29, 2012

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The base flood elevation for this site is 8.5 feet [NAVD 88].

The flood protection elevation is 9.5feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN
cc: File
ZAC-ITEM NO 12-0323-07092012.doc

8/1 10 Am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 10, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

JUL 16 2012

SUBJECT: 3916 Chestnut Road

Item Number: 12-323

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner: Harry and Joanna McGowan

Zoning: RC 5

Requested Action: Variance

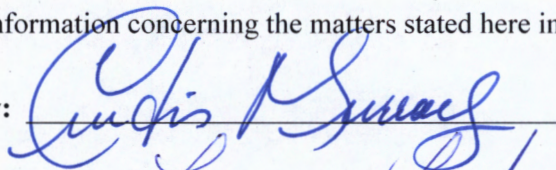
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. This department does not oppose the petitioner's request. 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 performance standard requirements. To prepare the statement of finding, the following information must be submitted to this office:

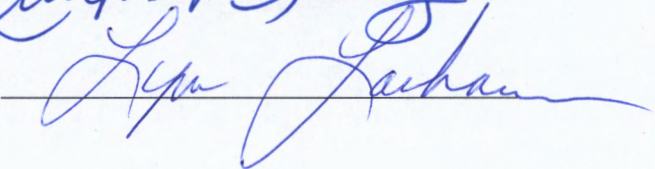
1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this department for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the existing streetscape.

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

Prepared by:



Division Chief:
AVA/LL: CM



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 10, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 3916 Chestnut Road

Item Number: 12-323

Petitioner: Harry and Joanna McGowan

Zoning: RC 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. 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 performance standard requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this department for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
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5. Provide landscaping along the public road, if consistent with the existing streetscape.

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

Prepared by:

Division Chief:
AVA/LL: CM

④



PETITIONER' S

EXHIBIT NO.

3



5



























2















Subject:

3916 Chestnut Road

Petition Approval

We have prepared this to confirm that we have reviewed all plans and variance requests needed for the property located at 3916 Chestnut Road with the following residents of the community:

Name _____ Address _____

Name Kenny Brickett
Address 3227 CHESTNUT
Name _____
Address _____

Name TRICIA BAYNES + Charles Baynes
Address 4006 Chestnut Rd. 21220

Name David B. Borden
Address 4022 Chestnut Rd

Name Wyneth Montgomery
Address 13900 CHESTNUT RD.

Name RICK SUDBROK
Address 3128 CHESTNUT Rd

Name DAN MCCORMICK
Address 3814 CHESTNUT ROAD

Name Jim Fortner
Address 2996 Chestnut

Name Wing Fuller
Address 3222 Chestnut Rd

Name Jerry Wime
Address 3910 CHESTNUT RD

Name Fred Hann
Address 4614 CHESTNUT RD.

Name Kendra Pina
Address 4016 CHESTNUT

Name _____
Address _____

Name _____
Address _____

Name _____
Address _____

THANK YOU-
Kevin & Dawn Harris

PETITIONER'S

EXHIBIT NO. 4



IN RE: PETITION FOR VARIANCE

NW side of Chestnut Road, 170 feet
E of Seneca Road
15th Election District
6th Councilmanic District
(3910 Chestnut Road)

Jerry William Wisner
Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2011-0172-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Variance filed by the legal owner of the subject waterfront property, Jerry William Wisner. Petitioner is requesting Variance relief from Sections 1A04.3.B.2.b, 1A04.3.B.3 and 303.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a new dwelling and open projection (deck) with side lot line setbacks of 10 feet each in lieu of the required 50 feet and 37.5 feet, respectively, and to allow 16.02% building coverage in lieu of the maximum allowed 15%. 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 requisite public hearing in support of the variance request was Petitioner Jerry William Wisner and Jeff Geddes with Paragon Custom Homes LLC, builder.

Testimony and evidence offered revealed that the subject property is rectangular in shape, contains approximately 13,050 square feet or 0.3 acre, more or less, zoned RC 5. The property is approximately 50 feet wide by 279.40 feet deep and is located on the northwest side of Chestnut Road, 170 feet east of Seneca Road. The property has water frontage on Seneca Creek in the Bowleys Quarters area of Baltimore County. The subject property is improved with an existing

ORDER RECEIVED FOR FILING

Date 1-24-11

By [Signature]

one story dwelling of 480 square feet and an existing wood shed and is served by public water and sewer.

Further evidence revealed that the existing structure which is to be removed, was built in 1922 and that the family has utilized the property as a vacation home for almost 90 years. Additionally, testimony established that the subject lot occupies high topographical land in the area relative to the other lots in the immediate area and is adjacent to an exceedingly larger triangular piece of undeveloped property.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Bureau of Development Plans Review dated November 29, 2010. The comments indicate that the first floor or basement must be at least one foot above the flood plain elevation in all construction, the building should be designed and adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood damage. Flood-resistant construction should be in accordance with the Baltimore County Building Code which adopts the International Building Code. Comments were received from the Department of Environmental Protection and Resource Management (DEPRM) dated December 22, 2010 which states that DEPRM 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 and offered the following comments:

1. This lot is located within a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area (CBCA). The proposed dwelling will be farther from the water than the existing dwelling. Lot coverage is limited to 25%, with a maximum of 31.25% with mitigation for amount over 25%. The CBCA lot coverage limit and the BMA requirements will minimize adverse impacts on water quality that result from development activities.
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

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permit approval. Therefore the subject zoning petition will conserve fish, wildlife, and plant habitat.

3. The proposed development will be required to meet all LDA and BMA requirements and therefore will be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

The comment received from the Office of Planning dated December 10, 2010 likewise does not oppose Petitioner's request, provided the construction complies with the current R.C.5 requirements. In order to make this determination, the Office of Planning will require the submission of additional information sufficient to establish the applicable performance standards for a building permit in an R.C. 5 zone.

Considering all of the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The subject site is, to my mind, unique by virtue of its topography in relation to the other properties in the area, its drainage as the high property in the immediate vicinity, and its location relative to the undeveloped triangular shaped property. I further find that, having established the unique nature of the subject site in relation to its immediate neighbors, there is certainly practical difficulty required under the law by virtue of the fact that the 50 foot width disproportionately impacts the property from being utilized for an approved residential purpose, and therefore, the granting of the variance is clearly consistent with the purpose of the R.C. 5 zoning classification, and therefore meets the spirit and intent of the Zoning Regulations. I further find that the granting of the relief as set forth herein can be accomplished without injury to the public health, safety, and general welfare. Therefore, in all manner and form, I find that the variance requested 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).

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Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 24th day of January, 2011 by this Administrative Law Judge that Petitioner's Variance requests from Sections 1A04.3.B.2.b, 1A04.3.B.3 and 303.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a new dwelling and open projection (deck) with side lot line setbacks of 10 feet each in lieu of the required 50 feet and 37.5 feet, respectively, and to allow 16.02% building coverage in lieu of the maximum allowed 15% be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Prior to obtaining a building permit, the Petitioner shall submit the following information to the Office of Planning for their determination that the proposed structure meets the RC 5 Performance Standards.
 - a. Submit photographs of existing adjacent dwellings to the Office of Planning.
 - b. Submit building elevations (all sides) of the proposed dwelling to the Office of Planning for review and approval. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) use the same finish materials and architectural details on the front, side and rear elevations. Use of quality material such as brick, stone or cedar is encouraged.
 - c. Design all decks, balconies, windows, dormers, chimneys and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
 - d. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building, on the site, providing consistency in materials, colors, roof pitch and style.
 - e. Provide landscaping along the public road, if it is consistent with the existing streetscape.

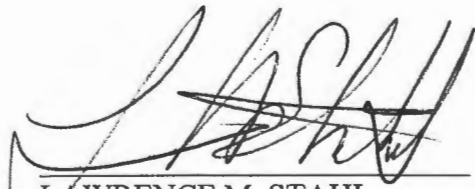
ORDER RECEIVED FOR FILING

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3. The proposed development must comply with all Limited Development Area (LDA) and Buffer Management Area (BMA) requirements, including the 15% afforestation requirement and CBCA lot coverage requirements, prior to building permit approval.
4. The base flood elevation for this site is 8.5 feet [NAVD 88].
5. The flood protection elevation for this site is 9.5 feet.
6. In conformance with Federal Flood Insurance Requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.
7. The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.
8. The building engineer shall require a permit for this project.
9. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
10. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.
11. When applying for a building permit, the site plan filed must reference this case and set forth and address the conditions and restrictions of this Order.

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 1-24-11

By 

IN RE: PETITION FOR ADMIN. VARIANCE *
N/S of Chestnut Road, 75 ft. NW of a (less *
than 90°) intersection with Chestnut Road *
15th Election District *
6th Councilmanic District *
(4006 Chestnut Road) *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 06-060-A

Patricia W. Baynes, Trustee
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Patricia W. Baynes. The administrative variance is requested for property located at 4006 Chestnut Road in the eastern area of Baltimore County. The administrative variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yards of 7 ft. +/- in lieu of the required 50 ft. and from Section 301.1 of the B.C.Z.R., to permit open decks with a 7 ft. +/- setback in lieu of 37.5 ft. +/- for a Hurricane Isabel damage replacement dwelling. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 7, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was submitted by the Bureau of Development Plans Review dated August 10, 2005, a copy of which is attached hereto and made a part hereof. In addition, a ZAC comment was submitted by the Office of Planning dated August 12, 2005, a copy of which is attached hereto and made a part hereof. Finally, this office

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is still waiting to receive a ZAC comment from the Department of Environmental Protection & Resource Management (DEPRM). Once this ZAC comment is received a copy will be attached hereto and made a part hereof.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

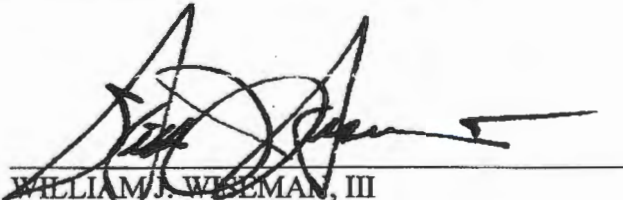
The Petitioner has filed the supporting affidavits as required by Section 32-3-303(a)(2) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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, I find that the requested variance should be GRANTED.

THEREFORE, IT IS ORDERED, this 31st day of August, 2005, by this Zoning Commissioner, that the Petitioner's request for variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yards of 7 ft. +/- in lieu of the required 50 ft. and from Section 301.1 of the B.C.Z.R., to permit open decks with a 7 ft. +/- setback in lieu of 37.5 ft. +/- for a Hurricane Isabel damage replacement dwelling, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition;
2. Compliance with the ZAC comments received from the Bureau of Development Plans Review dated August 10, 2005, a copy of which is attached hereto and made a part hereof;
3. Compliance with the ZAC comments received from the Office of Planning dated August 12, 2005, a copy of which is attached hereto and made a part hereof;
4. Compliance with any recommendations, if any, made by the Department of Environmental Protection & Resource Management (DEPRM).
5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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


WILLIAM J. WEEMAN, III
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

WJW,III:raj

ORDER RECEIVED FOR FILING
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IN RE: PETITION FOR ADMIN. VARIANCE

N side Chestnut Road, 540 feet NE
of the c/l of Seneca Road
15th Election District
6th Councilmanic District
(4020 Chestnut Road)

David L. and Marie I. Burford
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2011-0265-A

* * * * *

OPINION AND ORDER

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, David L. and Marie I. Burford for property located at 4020 Chestnut Road. The variance request is from Sections 400.1, 400.3, 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R.") and Section 400.1.d(2) of the Zoning Commissioner's Policy Manual to permit an accessory structure (garage) with a height of 24 feet and setback of 29 feet to the centerline of a street and 1 foot from the side property line in lieu of the required 15 feet, 75 feet and 2.5 feet, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a new modern detached garage as replacement for an old block garage. The existing garage was constructed in 1946 and contains 294 square feet. The new garage measures 24 feet x 33 feet and contains 840 square feet with a second floor to be a playroom for the Petitioners' three children. The existing garage has a sink and electric and the proposed new garage will have a sink, toilet and electric. The accompanying site plan illustrates that a block shed located close to the dwelling, a 2.5 feet wide concrete walkway between the garage and the dwelling, and walkways around the house to be removed.

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Date 4-11-11

By [Signature]

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Sustainability dated March 31, 2011. DEPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, they 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% with mitigation for the lot coverage amount over 25%, must meet restrictions on development within the 100-foot tidal buffer, and must meet a 15% tree cover requirement. Based on this, DEPS 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 removal of lot coverage and 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 and within the tidal buffer 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 Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 20, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the

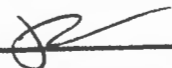
ORDER RECEIVED FOR FILING

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information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

I will permit the Petitioners to have a sink and toilet in the new detached garage as the second floor of the garage will be used as a playroom for the Petitioners' children. The new garage is approximately 120 feet from the dwelling. I will require conditions that the garage shall not be converted into a dwelling unit or apartment, not contain living quarters and shall not be used for commercial purposes.

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

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 11th day of April, 2011 that a variance from Sections 400.1, 400.3, 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R.") and Section 400.1.d(2) of the Zoning Commissioner's Policy Manual to permit an accessory structure (garage) with a height of 24 feet and setback of 29 feet to the centerline of a street and 1 foot from the side property line in lieu of the required 15 feet, 75 feet and 2.5 feet, respectively is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters or kitchen facilities.

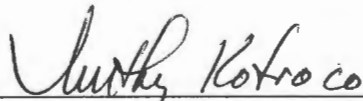
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3. The accessory structure shall not be used for commercial purposes.
4. This waterfront property is located in a Limited Development Area and a Buffer Management Area within the Chesapeake Bay Critical Area. Development of this property must comply with a maximum lot coverage limit of 31.25% with mitigation for the lot coverage amount over 25%, must meet restrictions on development within the 100-foot tidal buffer, and must meet a 15% tree cover requirement.
5. The proposed development must comply with all Limited Development Area and Buffer Management Area requirements, including the 15% afforestation requirement and Chesapeake Bay Critical Area lot coverage requirements, prior to building permit approval.
6. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

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Date 4-11-11

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**IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE**

N/Side of Chestnut Road, 600' NE from *
Seneca Road *
15th Election District *
6th Councilmanic District *
(4022 Chestnut Road) *

Judith Ann Pierce and *
Gregory and Barbara Maliszewski *
Legal Owners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY

CASE NO. 2011-0225-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of Petitions for Special Hearing and Variance filed by the legal property owners, Judith Ann Pierce and Barbara A. & Gregory J. Maliszewski. The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve a lot area of 28,688 square feet or 0.65 9 acre in lieu of the required 1 1/2 acre for a single-family dwelling. The Variance is to permit side yards of 10 feet and 10 feet in lieu of the required 50 feet for a replacement dwelling and to permit an accessory use (swimming pool) in the front yard in lieu of the required rear yard pursuant to Sections 1A04.3.B.2 b and 400.1 of the B.C.Z.R. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evdience as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the Special Hearing and Variance requests was Barbara and Gregory Maliszewski, property owners, and David Billingsley with Central Drafting & Design, Inc., the consultant who prepared the site plan and is assisting the Petitioners in the permitting process. There were no Protestants or other interested persons at the hearing.

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By [Signature]

Testimony and evidence offered revealed that the subject property is located at the north side of Chestnut Road, just northeast from Seneca Road, in the Bowleys Quarters area of Baltimore County.

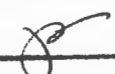
The subject property comprises 0.659 acre more or less and is zoned RC 5. The property is a waterfront lot located along Seneca Creek in Bowleys Quarters. At the present time, the property is improved with an existing temporary double wide trailer whereupon the property owners have been residing for some time. In addition to the manufactured home, there is also an old single family dwelling which was constructed in 1921 that is located on the waterfront portion of the lot. The property owners are desirous of tearing down the old single family dwelling which has been abandoned some years ago due to its uninhabitability. The owners are now desirous of moving forward with the construction of their new three story dwelling on the property as is depicted on Petitioners' Exhibit 1, the site plan submitted into evidence. They intend to obtain a razing permit to tear down the 90 year old abandoned dwelling and a new building permit to construct their new home. They will continue to reside in the manufactured house until such time as a use and occupancy permit is obtained for their new home.

Discussions ensued with the property owners regarding the removal of the manufactured house from the property once a use and occupancy permit is issued for their new home. The owners intend to move into this new home and will have 60 days within which to have the old manufactured house removed from the property. It is not permissible to maintain two dwelling units on the same property. Therefore, as a condition of approval of the special hearing and variance relief the property owners will be required to remove the manufactured house from the site.

In addition to the construction of the new home, the Petitioners are also requesting to locate a new swimming pool which will be located in the front yard of their property. Testimony

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revealed that the front of the house will face toward Seneca Creek thereby causing the swimming pool to be located in the front yard and additional variance relief being necessary.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated February 7, 2011, which indicates that it does not oppose the request, provided information being submitted to the Office as follows:

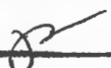
1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the existing streetscape.

Also, comments were received from the Department of Environmental Protection and Sustainability (DEPS) dated February 15, 2011. DEPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, they 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 5,445 square feet with mitigation for the lot coverage amount over 25%, must meet restrictions on development within the 100-foot tidal buffer, and must meet a 15% tree cover requirement. Based on this, DEPS 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

ORDER RECEIVED FOR FILING

Date 3-17-11 3

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Critical Area requirements. Mitigation requirements may include removal of lot coverage and 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 and within the tidal buffer 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 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.
4. There needs to be verification that the old well and septic have been properly abandoned/back-filled, at least prior to approval of the razing permit.

In addition, comments were received from the Bureau of Development Plans Review, dated February 2, 2011, comments indicate that the first floor or basement must be at least one foot above the flood plain elevation in all construction, the building should be designed and adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood damage. Flood-resistant construction should be in accordance with the Baltimore County Building Code which adopts the International Building Code.

Having considered the testimony and evidenced offered at the hearing, there is no reason not to approve the special hearing and variance requests made by the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered by the parties, I find that Petitioner's requests for special hearing and variance should be granted.

THEREFORE, IT IS ORDERED this 17th day of March, 2011, by the Administrative Law Judge, that Petitioners request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve a lot area of

ORDER RECEIVED FOR FILING

Date 3-17-11

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28,688 square feet or 0.659 acre in lieu of the required 1 1/2 acre for a single-family dwelling, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Variance request to permit side yards of 10 feet and 10 feet in lieu of the required 50 feet for a replacement dwelling and to permit an accessory use (swimming pool) in the front yard in lieu of the required rear yard pursuant to Sections 1A04.3.B.2 b and 400.1 of the B.C.Z.R., be and is hereby GRANTED in accordance with the variance area shown on the approved site plan.

The relief granted is subject to the following conditions:

1. Petitioners may apply for their 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 an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. Petitioners must comply with the ZAC comments submitted by the Office of Planning, dated February 7, 2011, the Department of Environmental Protection and Sustainability (DEPS), dated February 15, 2011, and the Bureau of Development Plans Review, dated February 2, 2011. Copies of these comments are attached and made a part hereof.
3. Petitioners shall be required to remove the manufactured house (trailer) within which they are living at this time, within 60 days from the date of their use and occupancy permit for their new home.

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



TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

Attachments

ORDER RECEIVED FOR FILING

Date 3-17-11

5

By [Signature]

JOB 8/1
10 AM

Case No.: 2012-0323-A

Exhibit Sheet

BW 8/1/12
195 8/1/12

Petitioner/Developer

Protestants

No. 1	Site Plan	
No. 2	List of Other Variances Granted in Vicinity	
No. 3	Color Photos w/ Map	
No. 4	Petition w/ Neighbors' Signatures	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

20070514

091C3

6 CD RC 5

NE 3-L

PDM # 150010

Lot # 147R

Bowleys Quarters-Back River Neck Area

15 ED

Pt. Bk./Folio # 078245

Lot # 148R

Pt. Bk. 0000078, Folio 0245

19830181

NE 2-K

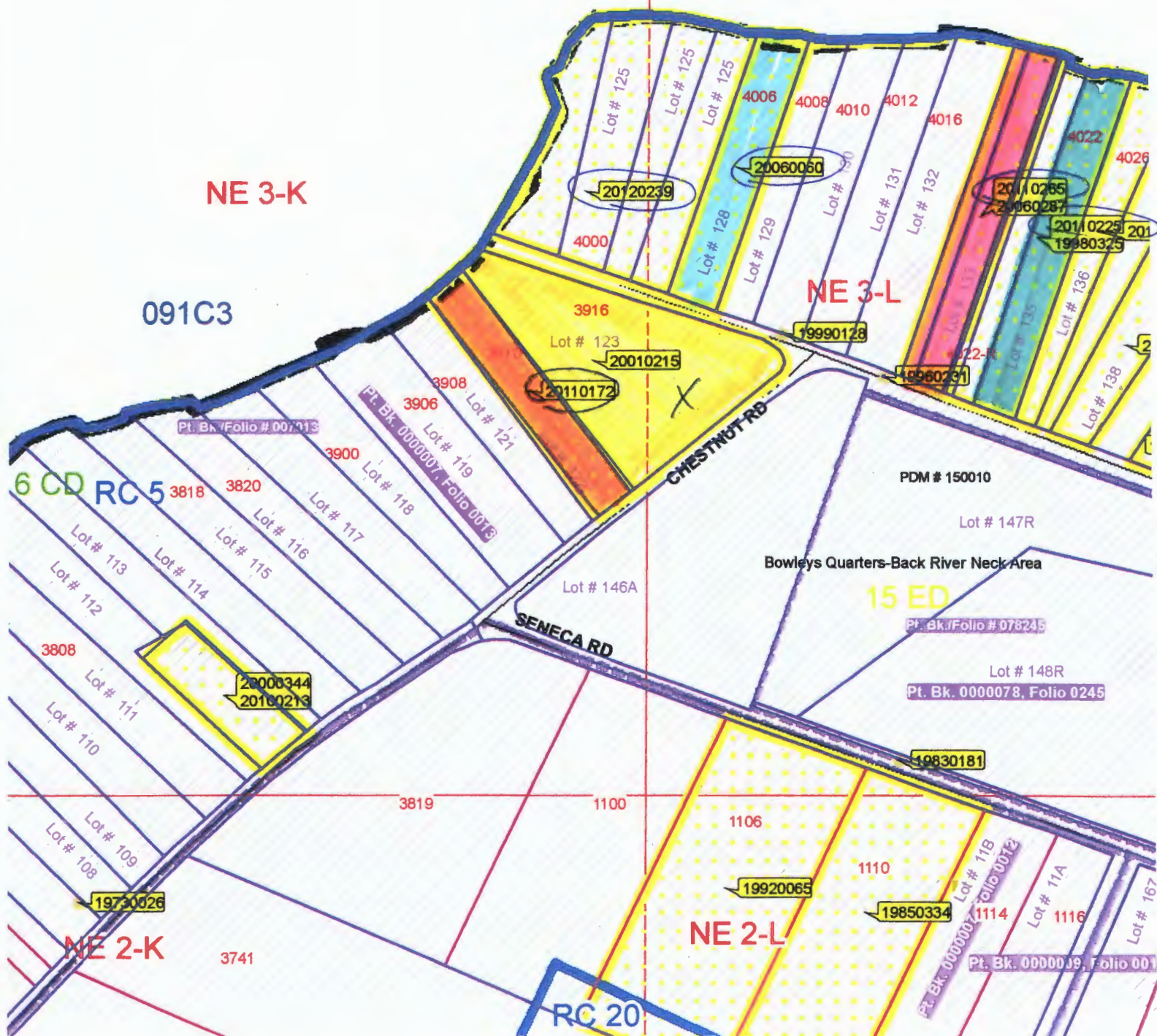
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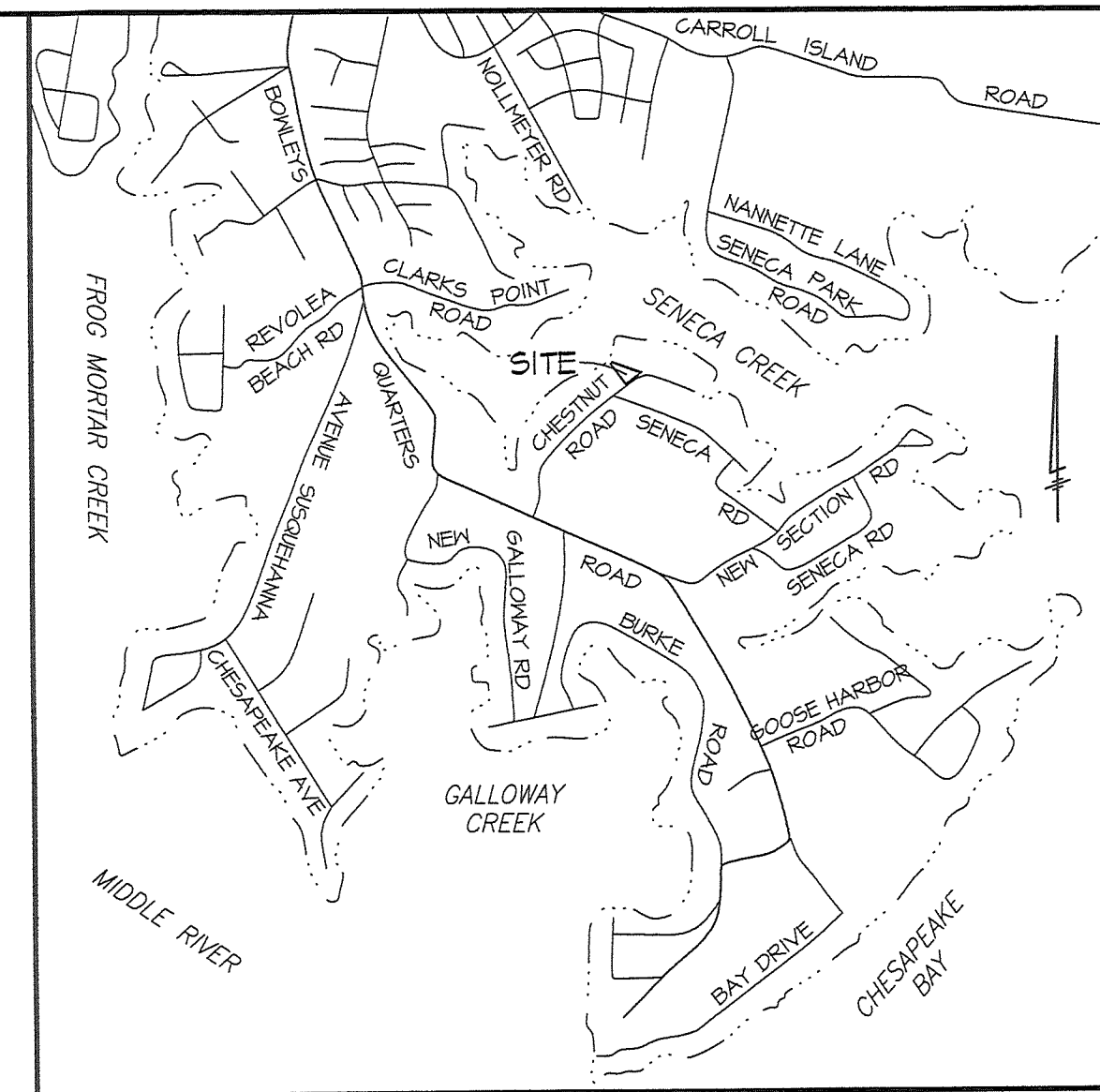
RC 20





PETITIONER'S
EXHIBIT NO. 2





VICINITY MAP
1" = 2000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM 'PLAT No. 2, BOWLEYS QUARTER'.
2. THE TOPOGRAPHY AND ZONING SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 091C3.
3. CENSUS TRACT: 451802 REGIONAL PLANNING DISTRICT: 322
4. WATERSHED: GUNPOWDER RIVER SUBWATER: SENECA CREEK
5. OLD A.D.C. MAP: 1 GRID: 38 F-8 NEW A.D.C. MAP: 4 GRID: 4102 J-4
6. SCHOOL DISTRICT: ELEMENTARY - SENECA; MIDDLE - MIDDLE RIVER; HIGH - KENWOOD
7. THE SUBJECT PROPERTY WAS THE SUBJECT OF ZONING CASE 2001-0215-A.
8. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
9. THE SUBJECT PROPERTY IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
10. ALL LOTS SHOWN HEREON ARE SERVED BY PUBLIC WATER AND SEWER.
11. THE SUBJECT PROPERTY IS LOCATED IN FEMA FLOOD ZONES 'AE(EL9)' AND 'X-SHADED' AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP #240010-0485F, DATED SEPTEMBER 26, 2008.
12. THE SUBJECT PROPERTY WAS CREATED AS LOT 123 AS SHOWN ON THE RECORD PLAT 'BOWLEYS QUARTER, PLAT No. 2', DATED APRIL 16, 1921.
13. THE SUBJECT PROPERTY IS LOCATED IN A LIMITED DEVELOPMENT AREA IN THE CHESAPEAKE BAY CRITICAL AREA. ELEVEN TREES WILL BE PLANTED AS MITIGATION.

LOT COVERAGE CALCULATIONS

SITE AREA:	34,660 SQ.FT.±
PROPOSED DWELLING FOOTPRINT:	1,604 SQ.FT.±
PROPOSED DRIVEWAY:	1,385 SQ.FT.±
TOTAL LOT COVERAGE:	29,894 SQ.FT.±
LOT COVERAGE:	8.6%

FLOOD ZONE DESIGNATIONS

- ZONE AE (EL9): SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD; BASE FLOOD ELEVATIONS DETERMINED, EL. 9.
- ZONE X-SHADED: AREAS OF 0.2% ANNUAL CHANCE FLOOD.
- ZONE X-UNSHADED: AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD.

OWNERS

HARRY MCGOWAN
JOANNA L. MCGOWAN
8609 WINDING WAY
PERRY HALL, MD 21128

CONTRACT PURCHASERS

KEVIN HARRIS
DAWN HARRIS
3902 TIDEWOOD ROAD
MIDDLE RIVER, MD 21220
410-688-0036

CASE No. 2012-0323-A PLAT TO ACCOMPANY A PETITION FOR VARIANCES 3916 CHESTNUT ROAD

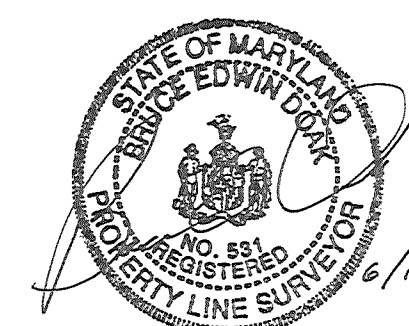
Deed Ref: S.M. No. 28664 folio 189
Lot 123 "PLAT No. 2, BOWLEYS QUARTER"
Platbook W.P.C. No. 7 folio 13
Tax Account No.: 15-23-002280
Zoned R.C.-5; GIS Tile 091C3
Tax Map 0091; Grid 0022; Parcel 0150; Lot 123
15th ELECTION DISTRICT
6th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=50'

Date: JUNE 15, 2012

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470



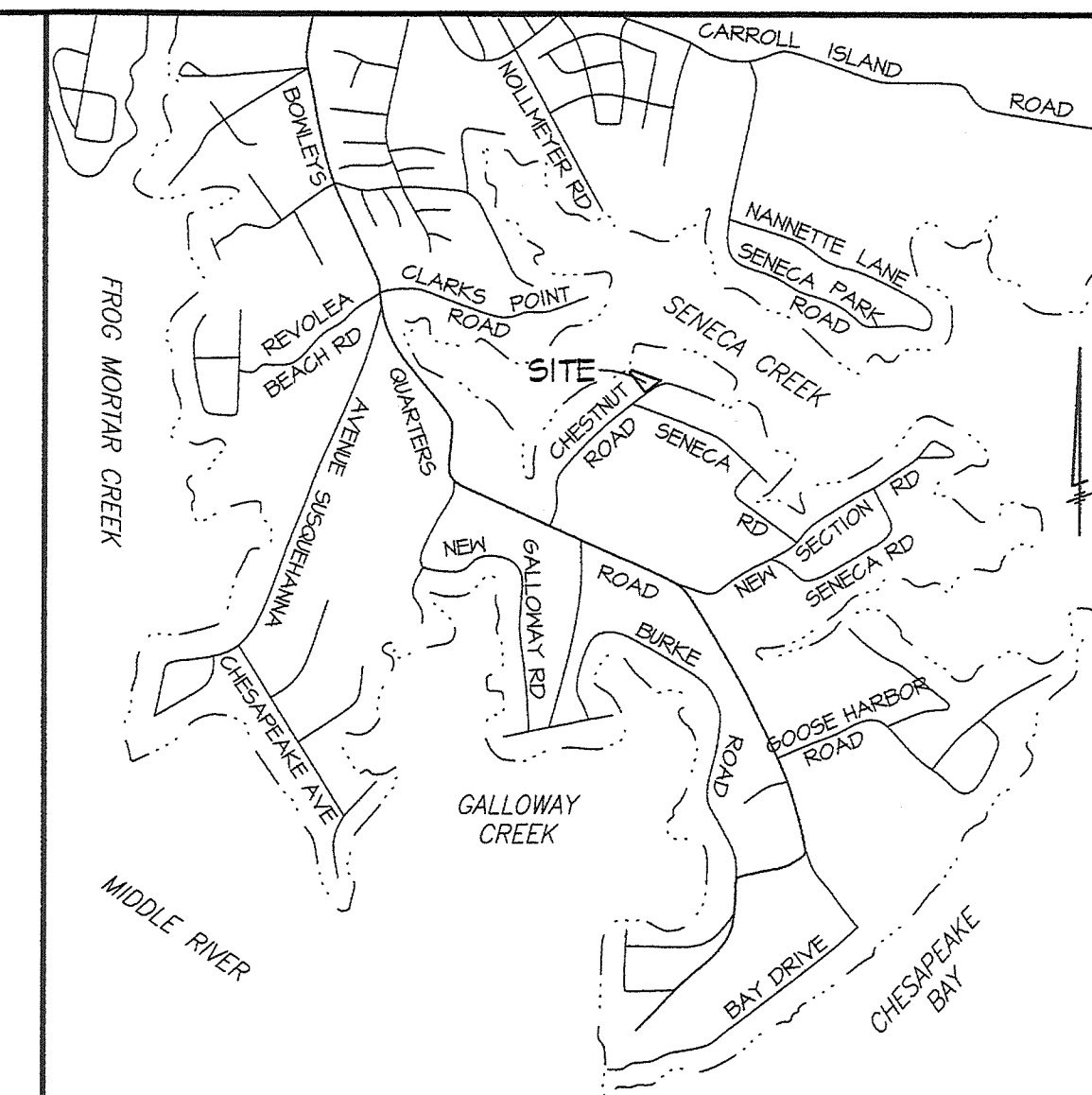
LICENSE EXPIRES/RENEWS 2/22/13

REVISION	DATE	COMPUTED	DRAWN	CHECKED	FILE: X:\VHarris Chestnut\zoning.pro

PRIOR ZONING CASE

CASE #2001-215-A
A VARIANCE REQUEST FROM SECTION 417.4 BCZR
TO ALLOW THE CONSTRUCTION OF A PIER WITHIN
0 FEET OF DIVISIONAL LINES IN LIEU OF 10' AND THE
EXTENSION OF THE PIER 15 FEET BEYOND THE
DIVISIONAL LINE.
THE REQUEST WAS DENIED.

PETITIONER'S
EXHIBIT NO. 1



VICINITY MAP
1" = 2000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM "PLAT No. 2, BOWLEY'S QUARTER".
2. THE TOPOGRAPHY AND ZONING SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 091C3.
3. CENSUS TRACT: 451802 REGIONAL PLANNING DISTRICT: 522 WATERSHED: GUNPOUNDER RIVER SUBWASHED: SENECA CREEK OLD A.D.C. MAP & GRID: 38 F-8 NEW A.D.C. MAP & GRID: 4102 J-1 SCHOOL DISTRICT: ELEMENTARY - SENECA; MIDDLE - MIDDLE RIVER; HIGH - KENWOOD
4. THE SUBJECT PROPERTY WAS THE SUBJECT OF ZONING CASE 2001-0218-A.
5. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
6. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
7. THE SUBJECT PROPERTY IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
8. ALL LOTS SHOWN HEREON ARE SERVED BY PUBLIC WATER AND SEWER.
9. THE SUBJECT PROPERTY IS LOCATED IN FEMA FLOOD ZONES "AE(EL9)" AND "X-SHADED" AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP #240010-0435F, DATED SEPTEMBER 26, 2008.
10. THE SUBJECT PROPERTY WAS CREATED AS LOT 123 AS SHOWN ON THE RECORD PLAT "BOWLEY'S QUARTER, PLAT No. 2", DATED APRIL 16, 1921.
11. THE SUBJECT PROPERTY IS LOCATED IN A LIMITED DEVELOPMENT AREA IN THE CHESAPEAKE BAY CRITICAL AREA. ELEVEN TREES WILL BE PLANTED AS MITIGATION.

LOT COVERAGE CALCULATIONS

SITE AREA:	34,660 SQ.FT.±
PROPOSED DWELLING FOOTPRINT:	1,804 SQ.FT.±
PROPOSED DRIVEWAY:	1,395 SQ.FT.±
TOTAL LOT COVERAGE:	2,489 SQ.FT.±
LOT COVERAGE:	0.68%

FLOOD ZONE DESIGNATIONS

ZONE AE (EL9): SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD; BASE FLOOD ELEVATIONS DETERMINED, EL. 9.

ZONE X-SHADED: AREAS OF 0.2% ANNUAL CHANCE FLOOD.

ZONE X-UNSHADED: AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD.

OWNERS

HARRY MCGOWAN
JOANNA L. MCGOWAN
8609 WINDING WAY
PERRY HALL, MD 21128

CONTRACT PURCHASERS

KEVIN HARRIS
DANN HARRIS
3402 TIDEWOOD ROAD
MIDDLE RIVER, MD 21220
410-688-0036

PLAN TO ACCOMPANY PHOTOS

CASE No. 2012-0323-A PLAT TO ACCOMPANY A PETITION FOR VARIANCES 3916 CHESTNUT ROAD

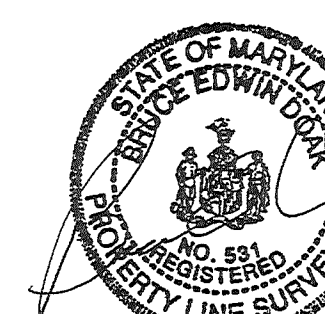
Deed Ref: S.M. No. 28664 folio 189
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Platbook W.P.C. No. 7 folio 13
Tax Account No.: 15-23-002280
Zoned R.C.-5; GIS Tile 091C3
Tax Map 0091; Grid 0022; Parcel 0150; Lot 123
15th ELECTION DISTRICT
6th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=30'

Date: JUNE 15, 2012

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470



LICENSE EXPIRES/RENEWS 2/22/18

REVISION	DATE	COMPUTED	DRAWN	CHECKED	FILE: X:\Harris Chestnut\zoning.pro

PRIOR ZONING CASE

CASE #2001-215-A
A VARIANCE REQUEST FROM SECTION 411.4 BCZR
TO ALLOW THE CONSTRUCTION OF A PIER WITHIN
0 FEET OF DIVISIONAL LINES IN LIEU OF 10' AND THE
EXTENSION OF THE PIER 15 FEET BEYOND THE
DIVISIONAL LINE.

THE REQUEST WAS DENIED.

