



KEVIN KAMENETZ
County Executive

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

October 3, 2012

Stephen E. Granger
Ellen A. Granger
1907 Cape May Road
Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE
(1907 Cape May Road)
Case No. 2013-0050-A

Dear Mr. and Mrs. Granger:

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.

Very truly yours,

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

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw
Enclosure

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

**IN RE: PETITION FOR ADMIN. VARIANCE
(1907 Cape May Road)**

Stephen E. and Ellen A. Granger
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2013-0050-A**

* * * * *

ORDER AND OPINION

This matter comes before the Administrative Law Judge as a Petition for Administrative Variance filed by the legal owners of the property, Stephen E. and Ellen A. Granger. The Petitioners are requesting Variance relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit accessory structures (shed and garage with second story) to be located in the front and side yards of the principal dwelling in lieu of the required rear, and to permit an accessory structure (garage with second story) to have a height of 24' in lieu of the permitted 15'. 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.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. ZAC comments were received from the Department of Environmental Protection and Sustainability (DEPS) dated October 2, 2012, indicating:

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

ORDER RECEIVED FOR FILING

Date 10-3-12

By gwr

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area and is subject to Critical Area lot coverage requirements. The applicant is proposing to construct a detached garage and a shed in the side yard. Because of the lot coverage proposed for removal, it appears that the lot coverage proposed can meet requirements with mitigation. By meeting the lot coverage requirements for the entire property, the relief requested by the applicant will result in minimal impacts to water quality. Lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17)

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

This waterfront property is located within a Buffer Management Area (BMA) in the Critical Area. The applicant's plan accompanying this zoning petition shows that the proposed garage, shed, and part of the driveway are located within the 100-foot tidal buffer. Provided that all Critical Area requirements, including mitigation, are met for this activity, existing buffer functions and fish habitat in Hogpen Creek and Middle River can be conserved.

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

The applicant's proposal to construct the proposed detached garage, and shed in the side yard is consistent with this goal. The relief requested will be consistent with established land-use policies provided that the applicants meet the requirements stated above.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 9, 2012, 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

Date 10-3-12

2

By [Signature]

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.

Although the Department of Planning did not make any recommendations related to the shed and garage height and usage, I will impose conditions that the accessory structure(s) not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and 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, this 3rd day of October, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit accessory structures (shed and garage with second story) to be located in the front and side yards of the principal dwelling in lieu of the required rear, and to permit an accessory structure (garage with second story) to have a height of 24' in lieu of the permitted 15', be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for their appropriate 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 such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners or subsequent owners shall not convert the subject shed and garage into a dwelling unit or apartment. The structures shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The shed and garage shall not be used for commercial purposes.

ORDER RECEIVED FOR FILING

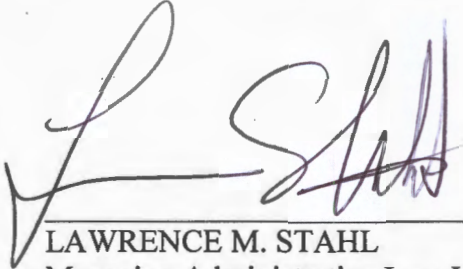
Date 10-3-12

3

By [Signature]

- Petitioners shall comply with the ZAC comment received from DEPS, dated October 2, 2012, as noted above.

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:dlw

ORDER RECEIVED FOR FILING

Date 10-3-12

By [Signature]

CENTRAL DRAFTING AND DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MARYLAND 21040
(410) 679-8719 FAX (410) 679-1298

October 10, 2012

Lawrence M. Stahl, Managing Administrative Law Judge
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204

RECEIVED

OCT 10 2012

OFFICE OF ADMINISTRATIVE HEARINGS

RE: 1907 CAPE MAY ROAD
CASE NO. 2013-0050-A

Dear Judge Stahl:

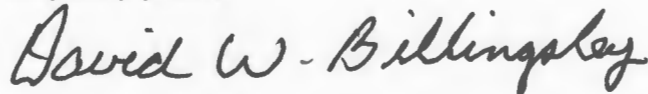
Your decision for the above mentioned case has been received. Condition number 2 of the order states that no bathroom facilities are permitted. As mentioned in the brief submitted with the petition, the second floor will be used for storage, sewing room and woodworking shop. The petitioners would like to include a powder room (sink and toilet only) for clean-up purposes.

The petitioners have no intention of using the shed or garage as an apartment or for commercial use and we believe the inclusion of the powder room would be within the spirit and intent of your order.

Based on the above, we are requesting that you reconsider your decision and revise condition number 2 of the order to permit a powder room in the proposed garage.

Thank you for your consideration in this matter.

Very truly yours,



David W. Billingsley

cc: Stephen and Ellen Granger



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

November 7, 2012

Stephen E. Granger
Ellen A. Granger
1907 Cape May Road
Baltimore, Maryland 21221

RE: **MOTION FOR RECONSIDERATION**
PETITION FOR ADMINISTRATIVE VARIANCE
(1907 Cape May Road)
Case No. 2013-0050-A

Dear Mr. and Mrs. Granger:

Enclosed please find a copy of the Motion for Reconsideration Opinion and Order 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.

Very truly yours,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over a horizontal line.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw
Enclosure

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

**IN RE: PETITION FOR ADMIN. VARIANCE
(1907 Cape May Road)**

Stephen E. and Ellen A. Granger
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2013-0050-A**

* * * * *

MOTION FOR RECONSIDERATION
ORDER AND OPINION

This matter comes before the Office of Administrative Hearings for Baltimore County as a Motion for Reconsideration filed by David W. Billingsley, on behalf of the legal owners of the property, Stephen E. and Ellen A. Granger. The Petitioners originally filed an Administrative Variance for property located at 1907 Cape May Road. The relief was requested from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit accessory structures (shed and garage with second story) to be located in the front and side yards of the principal dwelling in lieu of the required rear, and to permit an accessory structure (garage with second story) to have a height of 24' in lieu of the permitted 15'.

By Opinion and Order dated October 3, 2012, the undersigned granted the Administrative Variance request, with conditions, in accordance with the site plan and documentation within the case file.

On October 10, 2012, David W. Billingsley, Central Drafting and Design, Inc., filed a timely Motion for Reconsideration of my Order dated October 3, 2012. In the Motion, he raised concern about Condition No. 2, in particular not being able to have bathroom facilities. Mr. Billingsley explained the second floor of the garage will be used for storage, sewing room and woodworking

ORDER RECEIVED FOR FILING

Date 11-7-12

By DW

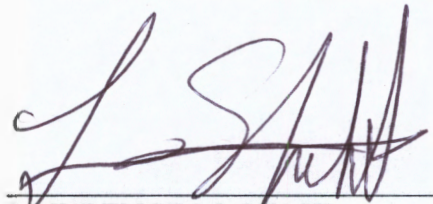
shop, and that the Petitioners now would like to include a powder room (sink and toilet only) for clean-up purposes. Mr. Billingsley advised that the Petitioners have no intention of using the shed or garage as an apartment or for commercial use.

After due consideration of the argument raised by Mr. Billingsley, I must deny the Motion. The petition in this case, as was proper, sought relief from the location and height restrictions set forth in B.C.Z.R. Sections 400.1 and 400.3. That is the extent of the relief permitted in a variance case. The decision to permit (or not) bathroom facilities must be made by the County's zoning, public works and (in the case of a property served by well and septic) environmental departments. While nothing in the October 3, 2012 Order prohibits the construction of bathroom facilities in the proposed garage, approval for same must be sought from the aforementioned agencies.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 7th day of November, 2012, that the Petitioners' Motion for Reconsideration, be and is hereby DENIED.

IT IS FURTHER ORDERED that all other terms and conditions of the Order granted on October 3, 2012 shall remain in full force and effect.

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:dlw

ORDER RECEIVED FOR FILING

Date 11-7-12

By DLW



CBOA

FLOOD PLAIN

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 1907 CAPE MAY ROAD which is presently zoned DR 3.5

Deed Reference L. 30924 F. 149 10 Digit Tax Account # 2400003466

Property Owner(s) Printed Name(s) STEPHEN F. & ELLEN A. GRANGER

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

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

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

1. X ADMINISTRATIVE VARIANCE from section(s)

SEE ATTACHED

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

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

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

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners:

STEPHEN E. GRANGER ELLEN A. GRANGER

Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING & DESIGN, INC.

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

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

Administrative Law Judge of Baltimore County

CASE NUMBER 2013-0050-A Filing Date 8/30/12 Estimated Posting Date 9/9/12 Reviewer [Signature]

Affidavit in Support of Administrative Variance

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

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

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

Address: 1907 CAPE MAY ROAD BALTO. MD. 21221
Print or Type Address of property City State Zip Code

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

SEE ATTACHED

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

Signature of Affiant

STEPHEN E. GRANGER

Name- Print or Type

Signature of Affiant

ELLEN A. GRANGER

Name- Print or Type

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

STATE OF MARYLAND, COUNTY OF HARFORD ~~BALTIMORE~~, to wit:

I HEREBY CERTIFY, this 27 day of August, 2012, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

STEPHEN E. GRANGER AND ELLEN A. GRANGER

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

AS WITNESS my hand and Notaries Seal

Notary Public

My Commission Expires

Item #0050

1907 Cape May Road

Sections 400.1 and 400.3 – to permit accessory structures (shed and garage with second story) to be located in the front and side yards of the principal dwelling in lieu of the required rear, and to permit an accessory structure (garage with second story) to have a height of 24 feet in lieu of the permitted 15.

Item #0050

1907 CAPE MAY ROAD

We purchased the subject property in June, 2011 with the intent of razing the existing one story building located in the middle of the property and constructing a garage with a second story shop and storage area attached to the existing dwelling with an enclosed breezeway. After having architectural plans prepared, we applied for a building permit to construct the addition. Comments were received from the Building Plans Review Section stating that the proposed improvements, which would have been located above the 100 year tidal flood zone, could not increase the value of the existing dwelling by more than fifty (50) percent because a portion of the existing dwelling was within the flood zone.

It became obvious that the only way the garage could be constructed would be to detach it from the existing dwelling. In doing so, the garage becomes an accessory structure requiring our request for the variance relief.

It is clear that the garage cannot be constructed in the rear yard (as defined by the BCZR) of the existing dwelling. The garage, as proposed, will be in approximately the same location as the existing one story accessory building being razed. The height variance is generated by the request for the second story shop and storage area. The area will be utilized for a woodworking shop and sewing room, neither of which will be used for commercial purposes, and a storage area for personal belongings. The basement area of the existing dwelling is below the 100 year flood zone and cannot be used for these purposes.

We feel the granting of the variance will not be detrimental to the health, safety or welfare of the neighborhood.

If the variance is granted, it is understood that the structure will not be used for residential or commercial purposes

Item #0050

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2013- 0050 -A Address 1907 Cape May Rd

Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/30/12 Posting Date: 9/9/12 Closing Date: 9/24/12

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

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

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2013 0050 -A Address 1907 Cape May Rd

Petitioner's Name Stephen Granger Telephone (540) 246-1074

Posting Date: 9/9/12 Closing Date: 9/24/12

Wording for Sign: To Permit accessory buildings (shed and garage) to be located in the front and side yards in lieu of the rear and an accessory building (garage with 2nd story) with a height of 24 feet in lieu of the permitted 15

Revised 7/06/11

ZONING DESCRIPTION

1907 CAPE MAY ROAD

Beginning at a point on the east side of Cape May Road (30 feet wide) distant 1510 feet easterly from its intersection with the center of Laske Avenue, thence being all of Lots 17, 18 and 19 as shown on the plat entitled Cape May Point recorded among the land records of Baltimore County in plat book 4 folio 125.

Containing 19,050 square feet or 0.437 acre of land, more or less

Being known as 1907 Cape May Road. Located in the 15th election district, 6th councilmanic district of Baltimore County, Md.

Item #0050

ZONING DESCRIPTION

1907 CAPE MAY ROAD

Beginning at a point on the east side of Cape May Road (30 feet wide) distant 1510 feet easterly from its intersection with the center of Laske Avenue, thence being all of Lots 17, 18 and 19 as shown on the plat entitled Cape May Point recorded among the land records of Baltimore County in plat book 4 folio 125.

Containing 19,050 square feet or 0.437 acre of land, more or less

Being known as 1907 Cape May Road. Located in the 15th election district, 6th councilmanic district of Baltimore County, Md.

Item #0050

**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: 2013-0050-A
Petitioner: STEPHEN GRANGER
Address or Location: 1907 CAPE MAY RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: STEPHEN GRANGER
Address: 1907 CAPE MAY RD.
BALTO, MO. 21221
Telephone Number: (540) 246-1074

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

No. **88937**

Date: **8/30/12**

PAID RECEIPT
 BUSINESS RECEIPT
 8/30/2012
 RECEIVED
 RECEIPT # 43122
 \$75.00
 BALTIMORE COUNTY, MARYLAND

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					1575

Total: **\$75.00**

Rec From: **CENTRAL DRAFTING & DESIGN**
 For: **Zoning hearing case # 2013-0050-A**

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

CASHIER'S
 VALIDATION

CERTIFICATE OF POSTING

RE: Case No 2013-0050-A

Petitioner/Developer DAVE
BILLINGSLEY

Date Of Hearing/Closing: 9/24/12

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 1907 CAPE MAY RD

This sign(s) were posted on September 9, 2012
Month, Day, Year

Sincerely,

Martin Ogle 9/9/12
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE 2013-0050-A

TO PERMIT ACCESSORY BUILDINGS (USED AND GARAGE) TO
BE LOCATED AT THE FRONT AND SIDE YARDS IN-LINE OF THE
FRONT AND ACCESSORY BUILDINGS (GARAGE WITH 2ND STORY)
WITH A WIDTH OF 20 FEET IN-LINE OF THE FRONT YARD
14'

PUBLIC HEARING ?

IT IS THE POLICY OF THE BOARD OF ZONING ADJUSTMENTS TO CONSIDER
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC
HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED
IT IS DONE IN THE ZONING OFFICE BEFORE 4:00 PM ON
Monday, September 24, 2013.

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT LOCATED
AT 22 W. CUMMINGS AVE., THURSDAY MD 20814
TEL. 410-487-1000

NO CITY RESOURCES ARE BEING EXPENDED TO CONDUCT THIS PUBLIC HEARING UNLESS
HEARING IS HELD AT AN ACCESSIBLE LOCATION

myalms 9/9/12



KEVIN KAMENETZ
County Executive

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

September 25, 2012

Stephen E. & Ellen A. Granger
1907 Cape May Road
Baltimore MD 21221

RE: Case Number: 2013-0050 A, Address: 1907 Cape May Road

Dear Mr. & Ms. Granger:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 30, 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 that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

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

Debra Wiley - ZAC Comments - Distribution Mtg. of 9/24

9/24

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 9/18/2012 9:45 AM
Subject: ZAC Comments - Distribution Mtg. of 9/24

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.

2013-0043-SPHA - (Floodplain)
1472 Martin Blvd.

2013-0048-A - Administrative Variance - Closing Date: 9/24
825 Queens Park Drive

2013-0049-SPHA
734 Essex Ave.

2013-0050-A - Administrative Variance - Closing Date: 9/24 (Critical Area & Floodplain)
1907 Cape May Road

2013-0051-A - Administrative Variance - Closing Date: 9/24
12220 Dover Rd.

2013-0052-A
15815 Falls Rd.

2013-0053-SPHA
9401, 9403, 9405, 9407, 9409, 9411 Silver Charm Dr.

2013-0055-A - Administrative Variance - Closing Date: 10/1
2909 Knoll Acres Dr.

2013-0056-A (Critical Area & Floodplain)
6920 River Drive Rd.

2013-0057-A - Administrative Variance - Closing Date: 10/1 (Critical Area & Floodplain)
3 Kingston Cove Rd.

2013-0058-A - Administrative Variance - Closing Date: 10/1
6523 Darnell Rd.

2013-0059-A - Administrative Variance - Closing Date: 10/1
119 Williams Ave.

2013-0060-SPH



State Highway Administration

MARYLAND DEPARTMENT OF TRANSPORTATION

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

Darrell B. Mobley, Acting Secretary | Melinda B. Peters, Administrator

Date: 9-11-12

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

RE: Baltimore County
Item No 2013-0050-A
Administrative Variance
Stephen E. & Ellen A. Granger
1907 Cape May 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. 2013-0050-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,

[Handwritten signature of Steven D. Foster]

Steven D. Foster, Chief
Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

OCT 02 2012



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: October 2, 2012

SUBJECT: DEPS Comment for Zoning Item # 2013-0050-A
Address 1907 Cape May Road
(Granger Property)

Zoning Advisory Committee Meeting of September 10, 2012.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area and is subject to Critical Area lot coverage requirements. The applicant is proposing to construct a detached garage and a shed in the side yard. Because of the lot coverage proposed for removal, it appears that the lot coverage proposed can meet requirements with mitigation. By meeting the lot coverage requirements for the entire property, the relief requested by the applicant will result in minimal impacts to water quality. Lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17)

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

This waterfront property is located within a Buffer Management Area (BMA) in the Critical Area. The applicant's plan accompanying this zoning petition shows that the proposed garage, shed, and part of the driveway are located within the 100-foot tidal buffer. Provided that all Critical Area requirements, including mitigation, are met for this activity, existing buffer functions and fish habitat in Hogpen Creek and Middle River can be conserved.

Page 2

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

The applicant's proposal to construct the proposed detached garage, and shed in the side yard is consistent with this goal. The relief requested will be consistent with established land-use policies provided that the applicants meet the requirements stated above.

Reviewer: *Paul Dennis – Environmental Impact Review*

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 17, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For September 24, 2012
Item Nos. 2013-0043, 0048,0049, 0050,0051,0052,0053,0055,0057, 0058,
0059 and 0060.

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN
cc: File
G:\DevPlanRev\ZAC -No Comments\ZAC-09242012-NO COMMENTS.doc

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

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

Account Identifier: District - 15 Account Number - 2400003466

Owner Information

Owner Name: GRANGER STEPHEN E **Use:** RESIDENTIAL
 GRANGER ELLEN A **Principal Residence:** YES
Mailing Address: 1907 CAPE MAY RD **Deed Reference:** 1) /30924/ 00149
 BALTIMORE MD 21221- 2)

Location & Structure Information

Premises Address **Legal Description**
 1907 CAPE MAY RD LTS 17,18,19
 0-0000 1907 CAPE MAY RD ES
 Waterfront CAPE MAY POINT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0098	0007	0187		0000			17	3	Plat Ref: 0004/0125

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1920	2,252 SF	21,756 SF	34

Stories	Basement	Type	Exterior
1.000000	NO	STANDARD UNIT BRICK	

Value Information

	Base Value	Value		Phase-in Assessments	
		As Of 01/01/2012	As Of 07/01/2012	As Of 07/01/2012	As Of 07/01/2013
Land	304,400	264,400			
Improvements:	195,500	164,200			
Total:	499,900	428,600	428,600	428,600	
Preferential Land:	0			0	

Transfer Information

Seller: MATTHEWS CAROLE S TRUSTEE **Date:** 06/17/2011 **Price:** \$430,000
Type: NON-ARMS LENGTH OTHER **Deed1:** /30924/ 00149 **Deed2:**
Seller: MATTHEWS CAROLE S, TRUSTEE **Date:** 09/12/2003 **Price:** \$0
Type: NON-ARMS LENGTH OTHER **Deed1:** /18774/ 00128 **Deed2:**
Seller: **Date:** **Price:**
Type: **Deed1:** **Deed2:**

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
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

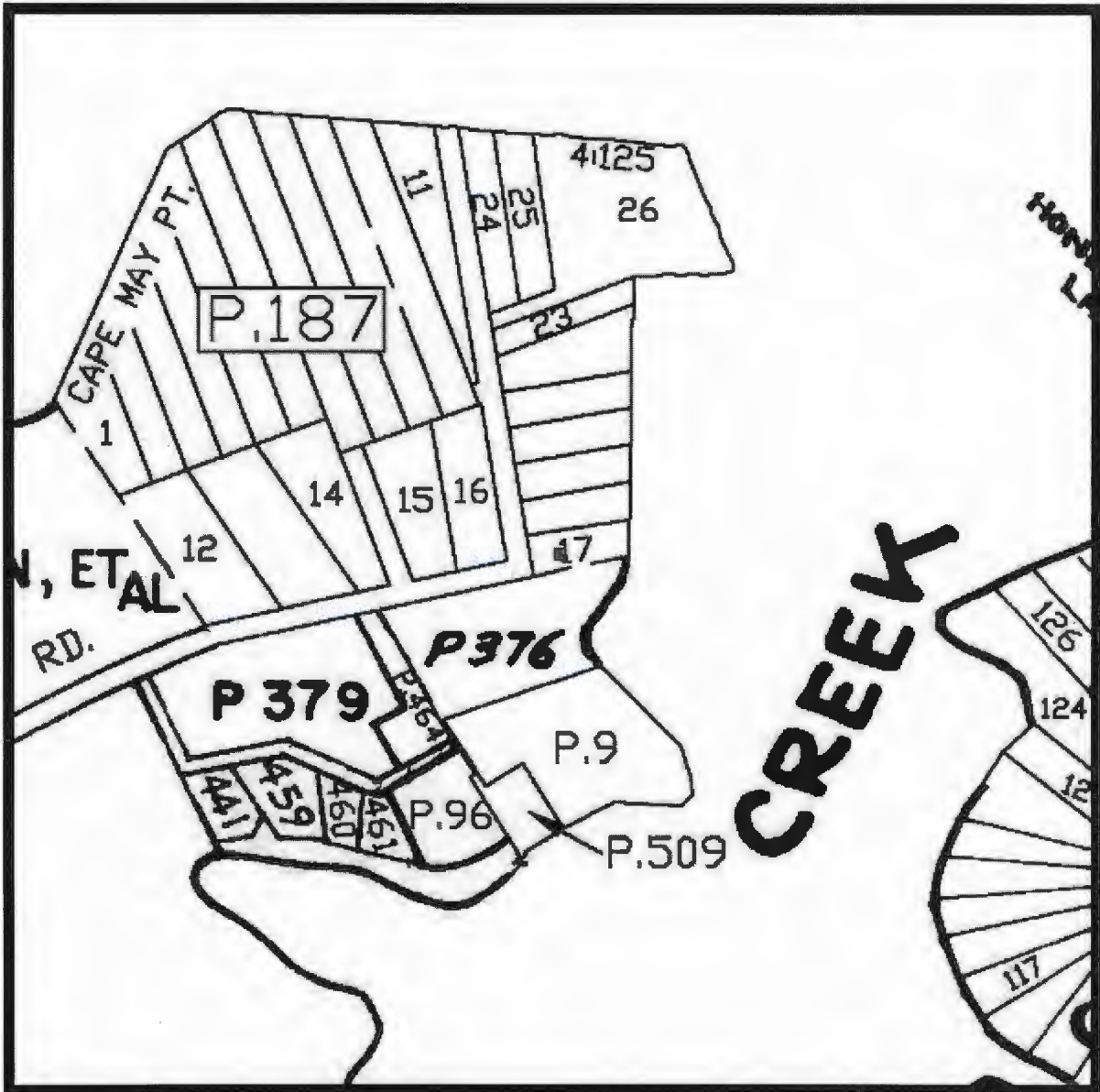
Homestead Application Status: Approved 01/03/2012



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

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District - 15 Account Number - 2400003466



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

M E M O R A N D U M

DATE: December 12, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0050-A - Appeal Period Expired

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

c: ✓ Case File
Office of Administrative Hearings

C H E C K L I S T

**Support/Oppose/
Conditions/
Comments/
No Comment**

**Comment
Received**

Department

9-17

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

NC

10-2

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

Comments (500.14)

FIRE DEPARTMENT

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

9-11

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: _____

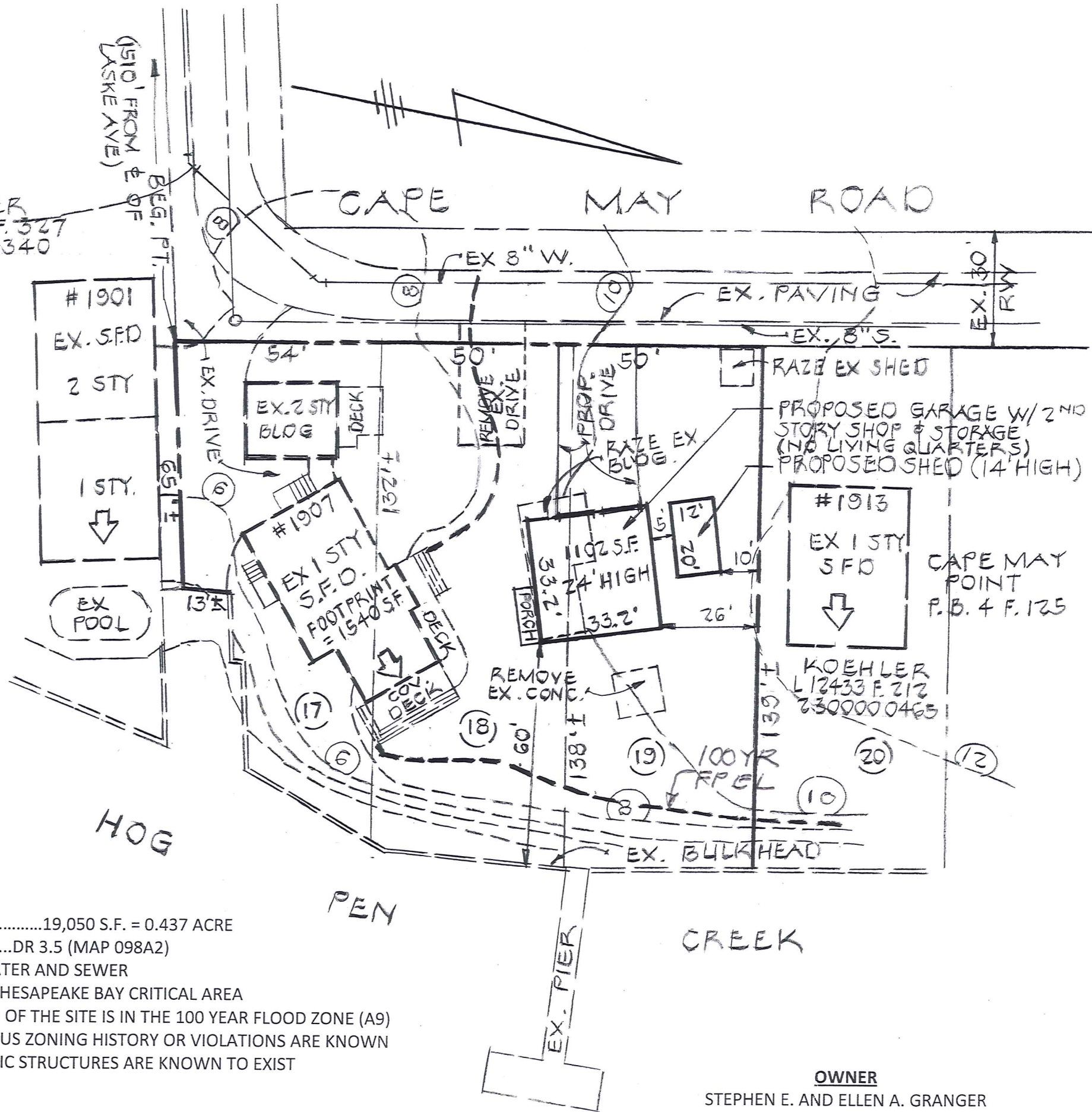
SIGN POSTING Date: 9-9-12 by Ogle 15 days

PEOPLE'S COUNSEL APPEARANCE Yes No

PEOPLE'S COUNSEL COMMENT LETTER Yes No

Comments, if any: _____

MINER
L. 4731 F. 327
1513554340



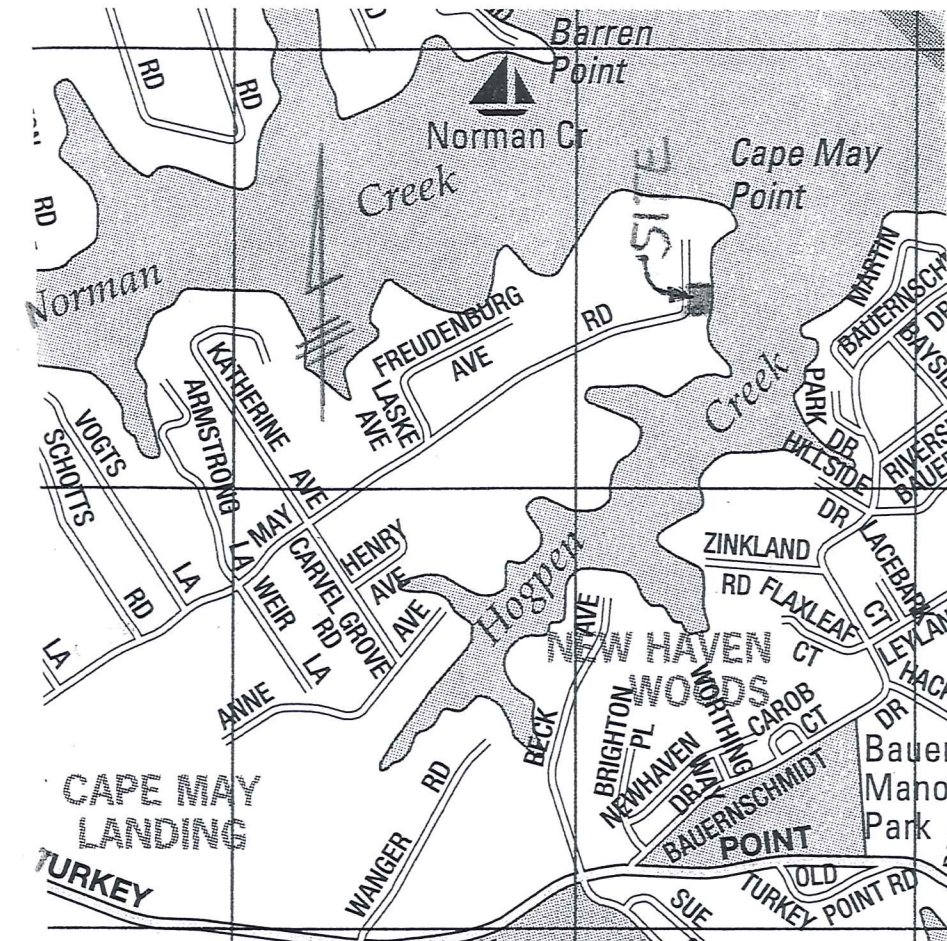
NOTES

1. LOT AREA.....19,050 S.F. = 0.437 ACRE
2. ZONING.....DR 3.5 (MAP 098A2)
3. PUBLIC WATER AND SEWER
4. SITE IS IN CHESAPEAKE BAY CRITICAL AREA
5. A PORTION OF THE SITE IS IN THE 100 YEAR FLOOD ZONE (A9)
6. NO PREVIOUS ZONING HISTORY OR VIOLATIONS ARE KNOWN
7. NO HISTORIC STRUCTURES ARE KNOWN TO EXIST

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

OWNER

STEPHEN E. AND ELLEN A. GRANGER
1907 CAPE MAY ROAD
BALTIMORE, MD. 21221
DEED REF: L.30924 F.149
ACCT. NO. 2400003466



VICINITY MAP
SCALE: 1" = 1000'

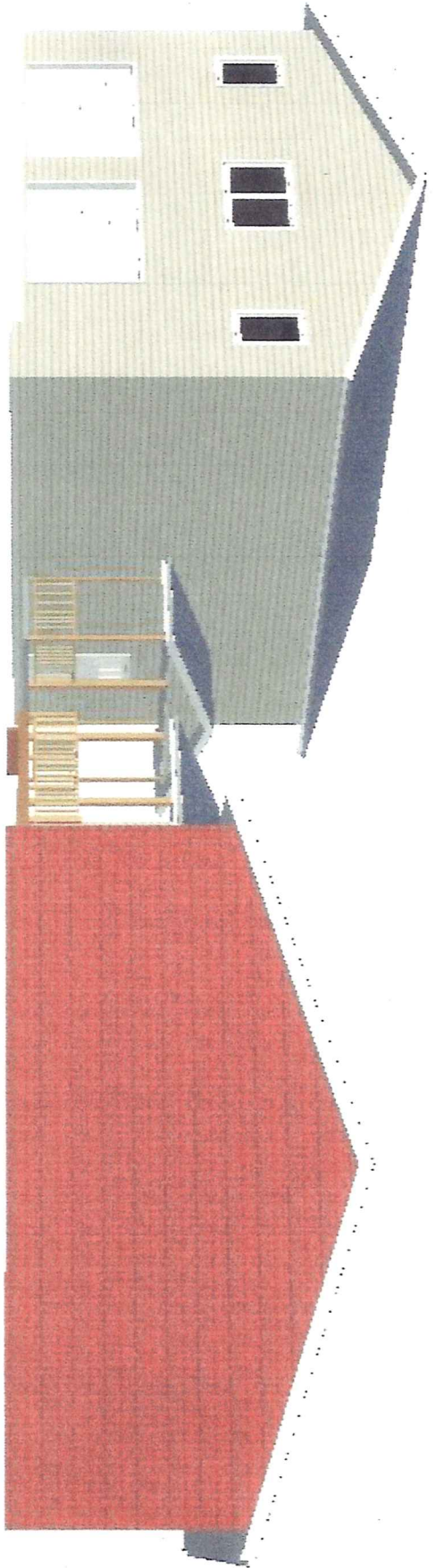
IMPERVIOUS AREA CALCULATIONS

EX. DWELLING.....	1540 SF
EX. COVERED DECK.....	176 SF
EX. 2 STORY BLDG.....	502 SF
EX. SOUTH DRIVE.....	1236 SF
PROP. GARAGE.....	1102 SF
PROP. SHED.....	240 SF
PROP. DRIVE.....	895 SF
TOTAL.....	5691 SF

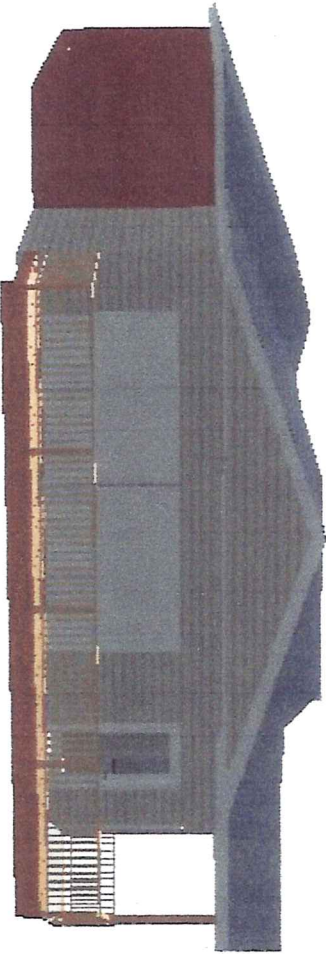
LOT AREA = 19,025 SF
 LOT COVERAGE PERMITTED = 19,025 SF X 31.25 % = 5945 SF
 LOT COVERAGE PROPOSED = 5691 SF
 ADDITIONAL LOT COVERAGE PERMITTED = 254 SF

#2013-0050-A *RD*

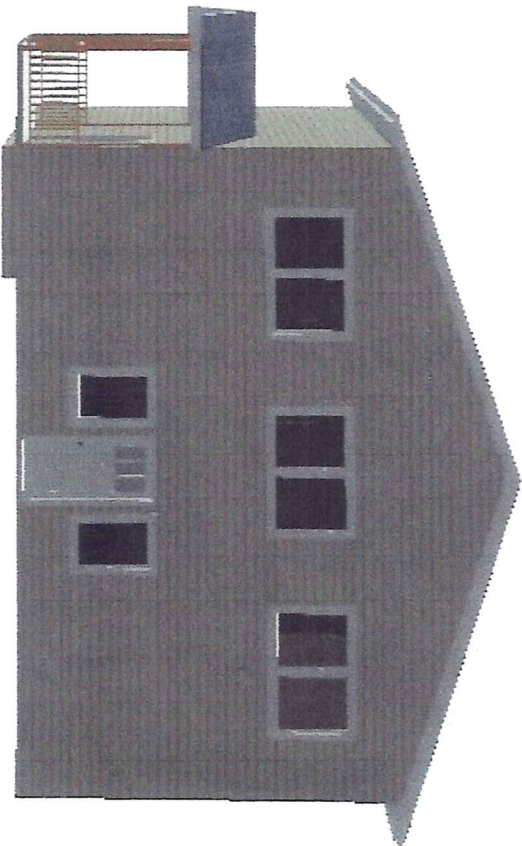
**PLAT TO ACCOMPANY PETITION
 FOR ADMINISTRATIVE ZONING VARIANCE
 1907 CAPE MAY ROAD
 ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD.
 SCALE: 1 INCH = 30 FEET AUGUST 20, 2012**



Street Side View



Water Side View



Item # 0050

①



④



②



Item #0050

③



5



8



6



Item # 0050

7



(9)



(12)



(10)

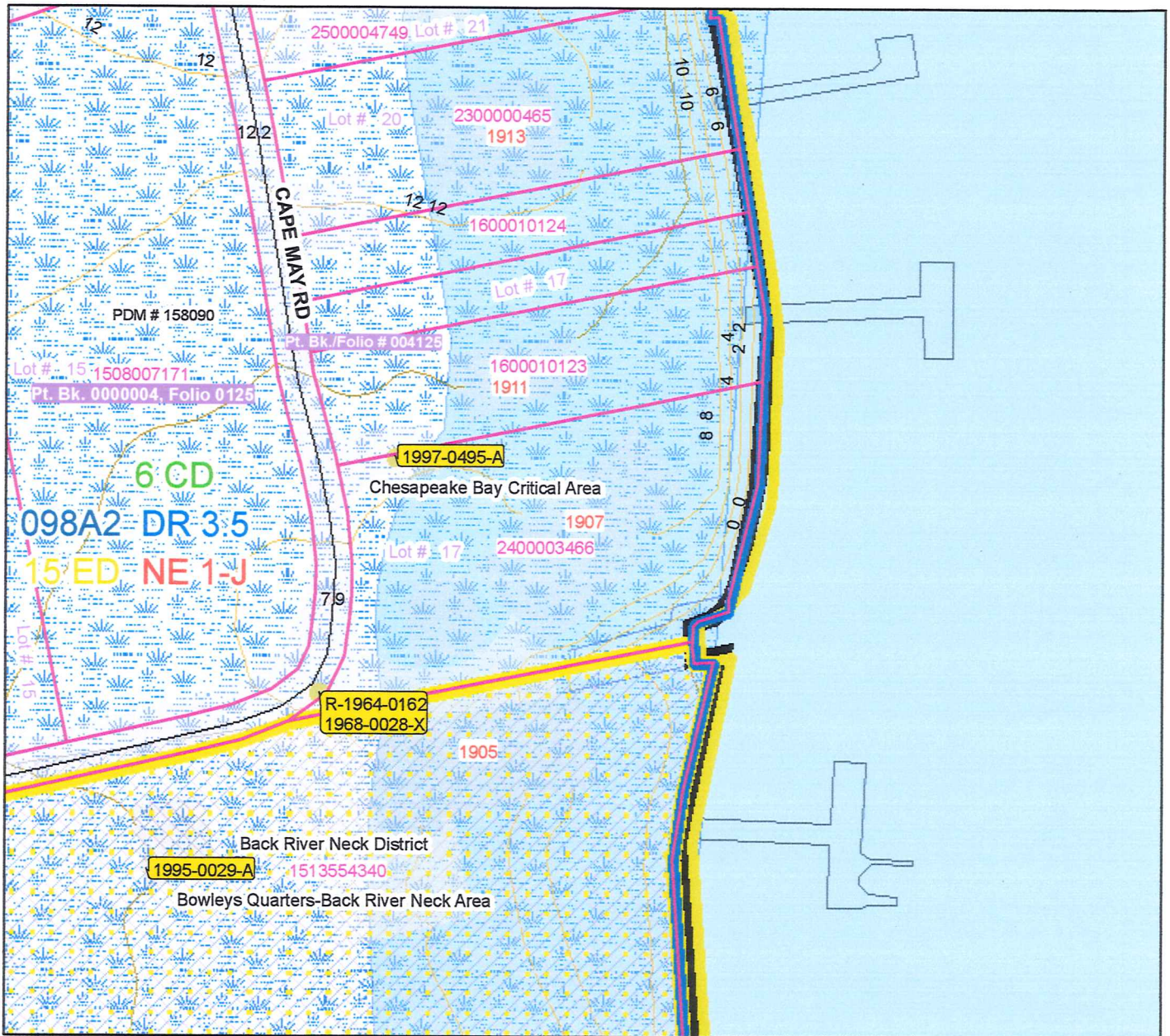


Item # 0050

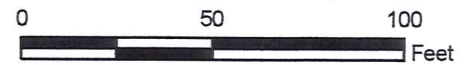
(11)



Elevations and Flood Hazards



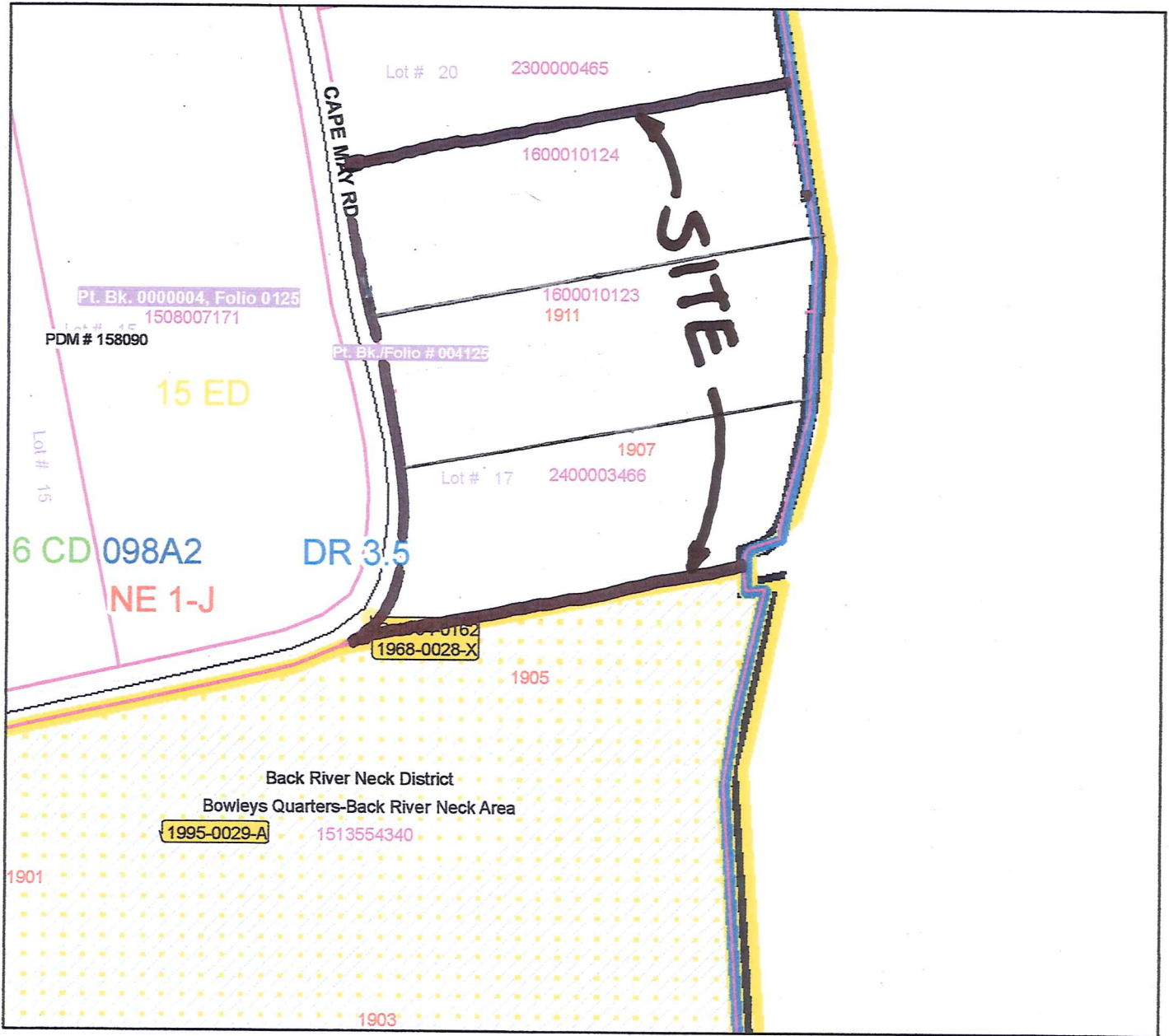
Publication Date: August 30, 2012
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



1 inch = 50 feet

Item # 0050

1907 Cape May Road



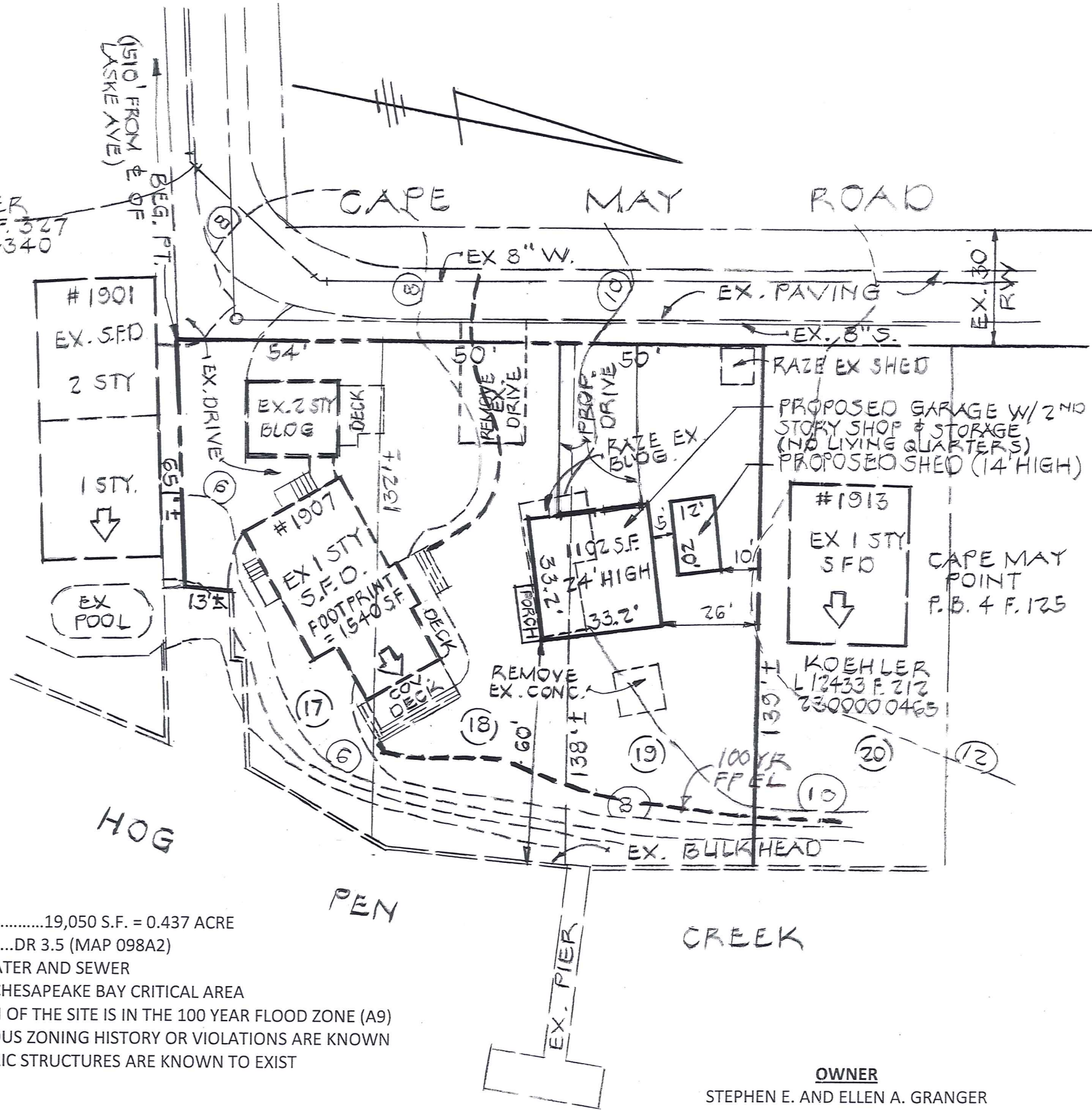
Publication Date: August 29, 2012
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



1 inch = 50 feet

Item # 0050

MINER
L. 4731 F. 327
1513554340



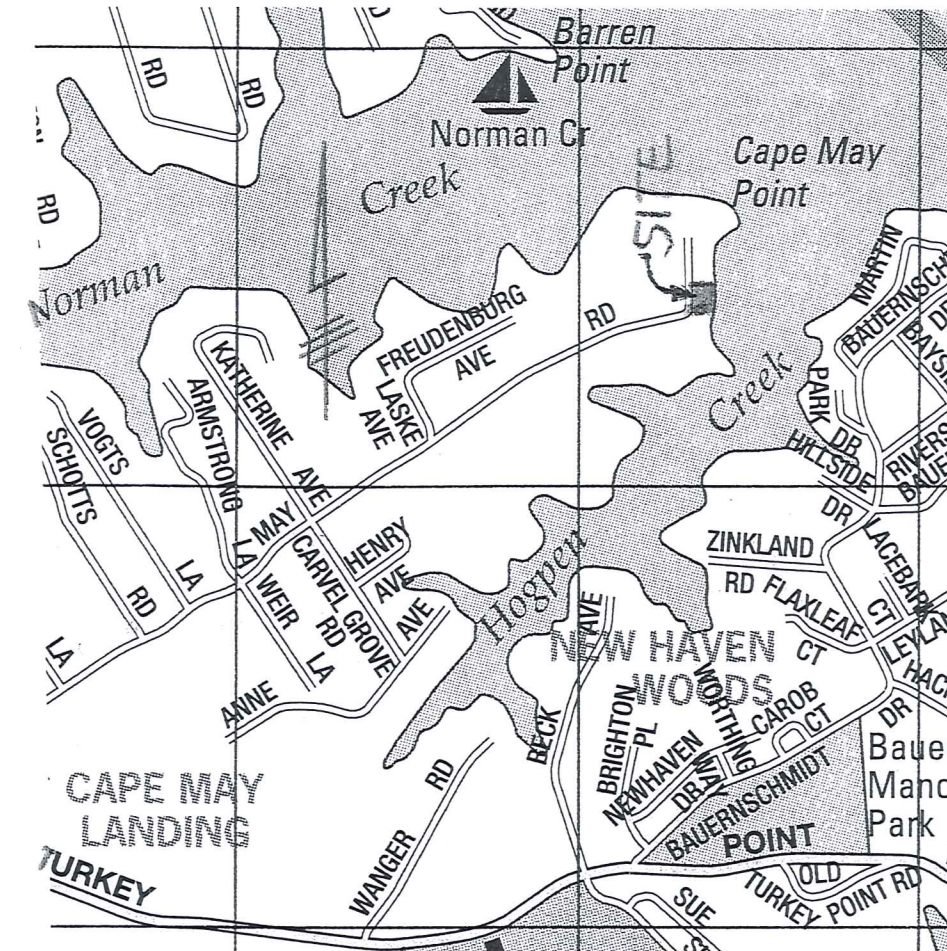
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FOR ADMINISTRATIVE ZONING VARIANCE
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