



KEVIN KAMENETZ
County Executive

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

November 19, 2012

Edward S. and Mary E. Wasilewski
11220 Bird River Grove Road
White Marsh, Maryland 21162

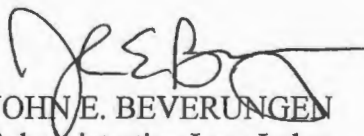
RE: Petition for Variance
Case No.: 2013-0069-A
Property: 11216 Bird River Grove Road

Dear Mr. and Mrs. Wasilewski:

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,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Casey Weikle & Stephanie Montalvo, 9107 Lincolnshire Court, Apt. E,
Parkville, MD 21234
Douglas E. Fangmann, 11214 Bird River Grove Road, White Marsh, MD 21162

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
11216 Bird River Grove Road; N/S Bird River	*	
Grove Road, 3345' E c/line Ebenezer Road	*	OF ADMINISTRATIVE
15 th Election & 6 th Councilmanic Districts	*	
Legal Owner(s): Edward & Mary Wasilewski	*	HEARINGS FOR
Contract Purchaser(s): Casey Weikle &	*	
Stephanie Montalvo	*	BALTIMORE COUNTY
Petitioner(s)	*	
	*	2013-069-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

OCT 03 2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of October, 2012, a copy of the foregoing Entry of Appearance was mailed to Edward & Mary Wasilewski, 11220 Bird River Grove Road, White Marsh, MD 21162 and Casey Weikle and Stephanie Montalvo, 9107 Lincolnshire Court, Apt. E, Parkville, MD 21234, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

IN RE: PETITION FOR VARIANCE

(11216 Bird River Grove Road)

15th Election District

6th Councilmanic District

Edward S. and Mary E. Wasilewski,

Legal Owners

Casey Weikle & Stephanie Montalvo,

Contract Purchaser/Lessee

Petitioners

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2013-0069-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by the legal owners of the subject property, Edward S. and Mary E. Wasilewski, and the contract purchasers, Casey Weikle & Stephanie Montalvo, ("Petitioners"). The Petitioners are requesting Variance relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 10' on both sides and a front yard setback of 62.5' in lieu of the required 35' and 75' respectively, and to approve a lot area of 0.22 acres in lieu of the required 1 acre. 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.

Appearing at the public hearing held for this case was Edward and Mary Wasilewski, Casey Weikle, Stephanie Montalvo, and Douglas E. Fangmann. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons in attendance, and the file does not contain any letters of protest or opposition.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. ZAC comments were received from the Department of Planning (DOP) on October 15,

ORDER RECEIVED FOR FILING

Date 11-19-12

By [Signature]

2012, indicating their department does not oppose the request. However, the DOP recommended conditions apply to the proposed dwelling, as follows:

1. Submit building elevations to DOP for review and approval prior to the issuance of any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Provide landscaping along the public road, if applicable.

ZAC comments were also received from the Department of Environmental Protection and Sustainability (DEPS) on October 3, 2012, indicating that Petitioners were obliged to comply with certain Critical Area regulations, as set forth in B.C.Z.R. § 500.14. In addition, a ZAC comment was received from the Bureau of Development Plans Review (DPR) on September 25, 2012, indicating that Petitioners must comply with Baltimore County's various floodplain regulations and building code requirements.

Testimony and evidence revealed that the subject property is 9,570 square feet and is zoned RC 2. The lot is currently vacant, and the Petitioners propose to construct a single-family dwelling (60' x 30') on the lot. The property is served by public water and sewer, and the lot is 50' wide, as is common in waterfront parcels in eastern Baltimore County. Given the relatively large side yard setback requirements in the RC 2 zone, it would be impossible to construct a dwelling without variance relief.

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 11-19-12

By PW

Petitioners have met this test. As shown on the site plan (Exhibit 1), the Bird River shoreline (on which the property fronts) is angled along the northern property boundary, which makes the property "unique" for zoning purposes. In addition, the RC 2 zoning imposes stringent setback requirements, which also makes the property unique.

If the B.C.Z.R. were strictly enforced, the Petitioners would indeed suffer a practical difficulty and/or hardship, given that they would be unable to construct a dwelling on the lot. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of opposition from the community and the lack of negative comments from Baltimore County reviewing agencies. As noted in the DOP's comments, many homes in the area are situated on undersized lots, and thus the relief granted herein will not alter the pattern or appearance of the neighborhood.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 19th day of November, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 10' on both sides and a front yard setback of 62.5' in lieu of the required 35' and 75' respectively, and to approve a lot area of 0.22 acres in lieu of the required 1 acre, be and is hereby GRANTED.

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

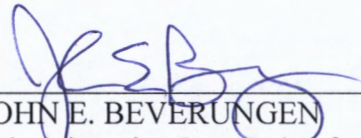
ORDER RECEIVED FOR FILING

Date 11-19-12

By DW

1. The Petitioners may apply for any required permits 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.
2. The Petitioners must comply with the ZAC comments submitted by the DOP, DEPS, and DPR; copies of which are attached hereto and made a part hereof.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 11-19-12

By [Signature]



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 11216 Bird River Grove Rd which is presently zoned RC 2

Deed References: 31203-0099 10 Digit Tax Account # 1508303681

Property Owner(s) Printed Name(s) Edward Wasilewski & Mary Wasilewski

(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) 1A0.1.3.B.3 of the BCZR For a side yard setback of 10 feet on both sides and a front yard set back of 62.5 feet in lieu of the required 35 feet and 75 feet respectively, and to approve a lot area of 0.22 acres in lieu of the required 1 acre. 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)

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:

Cossey Winkle / Stephanie Montalvo

Name- Type or Print

Cossey Winkle / Stephanie Montalvo

Signature

9107 Lincolnshire Ct. Apt E Parkville MD

Mailing Address

City

State

21234 / 410-428-5791 / Cweinkle@hotmail.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Edward Wasilewski

Name #1 - Type or Print

Edward Wasilewski

Signature #1

Mary S. Wasilewski

Name #2 - Type or Print

Mary S. Wasilewski

Signature #2

11250 Bird River Grove Rd White Marsh, MD

Mailing Address

City

State

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 293-0069-4 Filing Date 9/18/12

Do Not Schedule Dates: Reviewer GH

**ZONING PROPERTY DESCRIPTION FOR
11216 Bird River Grove Rd. White Marsh, MD 21162**

Beginning at a point on the north side of Bird River Grove Rd. which is 25 feet wide at the distance of east 3345 feet of the centerline of the nearest improved intersecting street Ebenezer Road which is 50 feet wide.

Being Lot #28, Section A in the subdivision of Bird River Grove as recorded in Baltimore County Plat Book # 7, Folio #189, containing 0.22 acres located in the 15 Election District and 6 Council District.

2013-0569-A

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2013-0069-1A
Petitioner: Casey Weikle
Address or Location: 11216 Bird River Grove Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Casey Weikle
Address: 9109 E Lincolnshire CT
Parkville MD 21234
Telephone Number: 410-428-5791

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

No. **90151**

Date **9/18/12**

PAID RECEIPT

BUSINESS ACTUAL TIME DEB

9/19/2012 9:10:20 10:24:30 1

REC 4505 M0110 001 000

RECEIPT # 4505 9/18/2012 001

Dept 5 500 BOUND VERIFICATION

CR NO. 090151

Receipt For \$75.00

\$75.00 11 1.00 Ch

Baltimore County, Maryland

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

001	800	000		6150						75.00

Total: **75.00**

Rec From: **Casey Weikle**

For: **Variance Case # 2013-0069A**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

2013-0069-A

RE: Case No.: _____

Petitioner/Developer: _____

Casey Weikle & Stephanie Montalvo

November 14, 2012

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

11216 Bird River Grove Rd

October 25, 2012

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

Sincerely,

October 25, 2012

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





KEVIN KAMENETZ
County Executive

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

October 12, 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: 2013-0069-A

11216 Bird River Grove Road

N/S Bird River Grove Road, 3345 ft. E to the centerline of Ebenezer Road

15th Election District – 6th Councilmanic District

Legal Owners: Edward & Mary Wasilewski

Contract Purchaser: Casey Weikle & Stephanie Montalvo

Variance to permit side yard setback of 10 ft. on both sides and front yard setback of 62.5 ft. in lieu of the required 35 ft. and 75 ft. respectively, and to approve a lot area of 0.22 acres in lieu of the required 1 acre.

Hearing: Wednesday, November 14, 2012 at 11:00 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: Mr. & Mrs. Wasilewski, 11220 Bird River Grove Road, White Marsh 21162
Casey Weikle, Stephanie Montalvo, 9107 Lincolnshire Ct., Apt. E., Parkville 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, OCTOBER 25, 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.

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: # 2013-0069-A

11216 Bird River Grove Road
N/S Bird River Grove Road, 3345 ft. E to the centerline
of Ebenezer Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Edward & Mary Wasilewski

Contract Purchaser: Casey Weikle & Stephanie Montalvo

Variance: to permit side yard setback of 10 ft. on both sides
and front yard setback of 62.5 ft. in lieu of the required 35 ft.
and 75 ft. respectively, and to approve a lot area of 0.22
acres in lieu of the required 1 acre.

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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 spe-
cial 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.
10/29/3 Oct. 25 883424



501 N. Calvert Street, Baltimore, MD 21278

October 25, 2012

THIS IS TO CERTIFY, that the annexed advertisement
was published in the following newspaper published in
Baltimore County, Maryland, ONE TIME, said publication
appearing on October 25, 2012.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 25, 2012 Issue - Jeffersonian

Please forward billing to:

Casey Weikle
9107 E. Lincolnshire Court
Parkville, MD 21234

410-428-5791

NOTICE OF ZONING HEARING

The Administrative Law Judge Commissioner 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: 2013-0069-A

11216 Bird River Grove Road

N/S Bird River Grove Road, 3345 ft. E to the centerline of Ebenezer Road

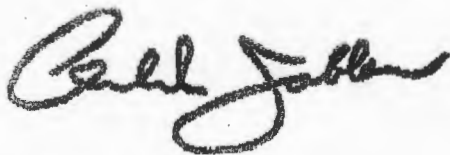
15th Election District – 6th Councilmanic District

Legal Owners: Edward & Mary Wasilewski

Contract Purchaser: Casey Weikle & Stephanie Montalvo

Variance to permit side yard setback of 10 ft. on both sides and front yard setback of 62.5 ft. in lieu of the required 35 ft. and 75 ft. respectively, and to approve a lot area of 0.22 acres in lieu of the required 1 acre.

Hearing: Wednesday, November 14, 2012 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

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

November 8, 2012

Edward & Mary Wasilewski
11220 Bird Grove Road
White Marsh MD 21162

RE: Case Number: 2013-0069 A Address: 11216 Bird River Grove Road

Dear Mr. & Ms. Wasilewski:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 18, 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." The signature is written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Casey Weikle & Stephanie Montalvo, 9107 Lincolnshire Court Apt. E, Parkville MD 21234

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

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

Good Afternoon,

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.

2013-0064-A - 9535 Gunhill Circle
Administrative Variance - Closing Date: 10/8

2013-0066-A - 10904 Liberty Road
Administrative Variance - Closing Date: 10/8

2013-0067-A - 7312 Wenig Avenue
No hearing date as of 9/24

2013-0068-A - 10515 Vincent Road
Administrative Variance - Closing Date: 10/15

2013-0069-A - 11216 Bird River Grove Road
No hearing date as of 9/24

2013-0070-A - 307 Lantana Drive
Administrative Variance - Closing Date: 10/15

2013-0071-SPH - 1600 Frederick Road
No hearing date as of 9/24

Thanks !



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

State Highway
Administration

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 9-27-12

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

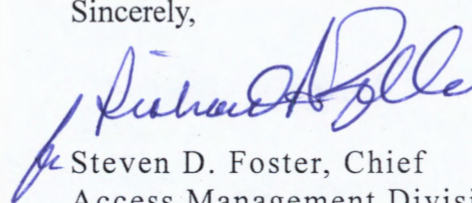
RE: Baltimore County
Item No. 2013-0069-A
Variance
Edward & Mary Wasilewski
11216 Bird River Grove Road

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. 2013-0069-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

11-14
11am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 11, 2012

RECEIVED

OCT 15 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

OFFICE OF ADMINISTRATIVE HEARINGS

SUBJECT: Zoning Advisory Petition(s): **Case(s) 13-069** (11216 Bird River Grove Road)

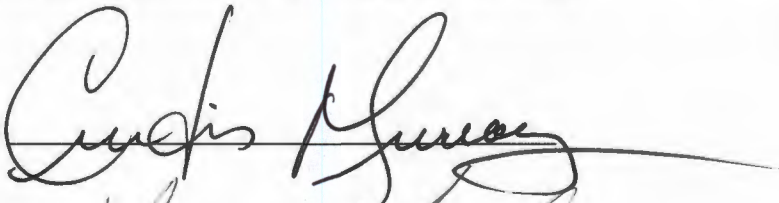
The Department of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there appears to be several existing undersized lots in the neighborhood. As such, this department does not oppose the petitioner's request.

If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling:

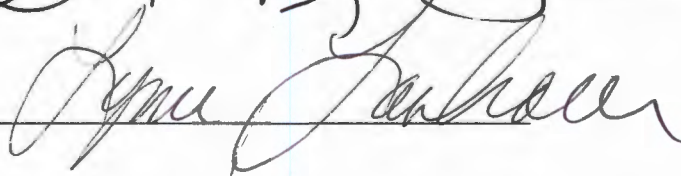
1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Provide landscaping along the public road, if applicable.

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

Prepared By:



Division Chief:



CM/LL

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

OCT 03 2012

OFFICE OF ADMINISTRATIVE HEARINGS



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

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

DATE: October 3, 2012

SUBJECT: DEPS Comment for Zoning Item # 2013-0069-A
Address 11216 Bird River Grove Road
(Wasilewski Property)

Zoning Advisory Committee Meeting of September 24, 2012.

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

1. The subject property is located within a Limited Development Area (LDA) and a Buffer Management Area (BMA) and is subject to Critical Area requirements. The applicant is proposing to place a single family dwelling on an undersized lot with reduced setbacks. The lot is waterfront and is not developed. The proposed dwelling is within the 100-foot buffer. Lot coverage on the entirety of this property is limited to 31.25% (2,995 square feet), with mitigation required for new lot coverage over 25% (2,396 square feet). The proposed house and driveway totals 2,300 square feet of lot coverage; no sidewalks, patios, sheds, or other structures are shown as proposed. If the applicant can meet the lot coverage requirements, the BMA requirements, and the 15% afforestation requirements, the relief requested by the applicant will result in minimal impacts to water quality.
2. This property is waterfront. It appears lot coverage, BMA, and afforestation requirements can be met, which will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.
3. Based on the limited information provided, it appears the applicants can meet the lot coverage, BMA, and 15% afforestation requirements with mitigation and planting. The plan is consistent with this goal, and therefore the relief requested will be consistent with established land-use policies.

Reviewer: *Regina Esslinger – Environmental Impact Review*

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 8, 2012
Item No. 2013-0069

DATE: September 25, 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 10.2 feet [NAVD 88].

The flood protection elevation is 11.2 feet.

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
cc: File
ZAC-ITEM NO 13-0069-09252012.doc

10/24/12

BALTIMORE COUNTY, MARYLAND



INTER-OFFICE CORRESPONDENCE

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

DATE: October 11, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 13-069** (11216 Bird River Grove Road)

The Department of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there appears to be several existing undersized lots in the neighborhood. As such, this department does not oppose the petitioner's request.

If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling:

1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Provide landscaping along the public road, if applicable.

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

Prepared By:

A handwritten signature in black ink, appearing to read "Cynthia Hume".

Division Chief:

A handwritten signature in black ink, appearing to read "Dennis Wertz".

CM/LL

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

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

Account Identifier: District - 15 Account Number - 1508303681

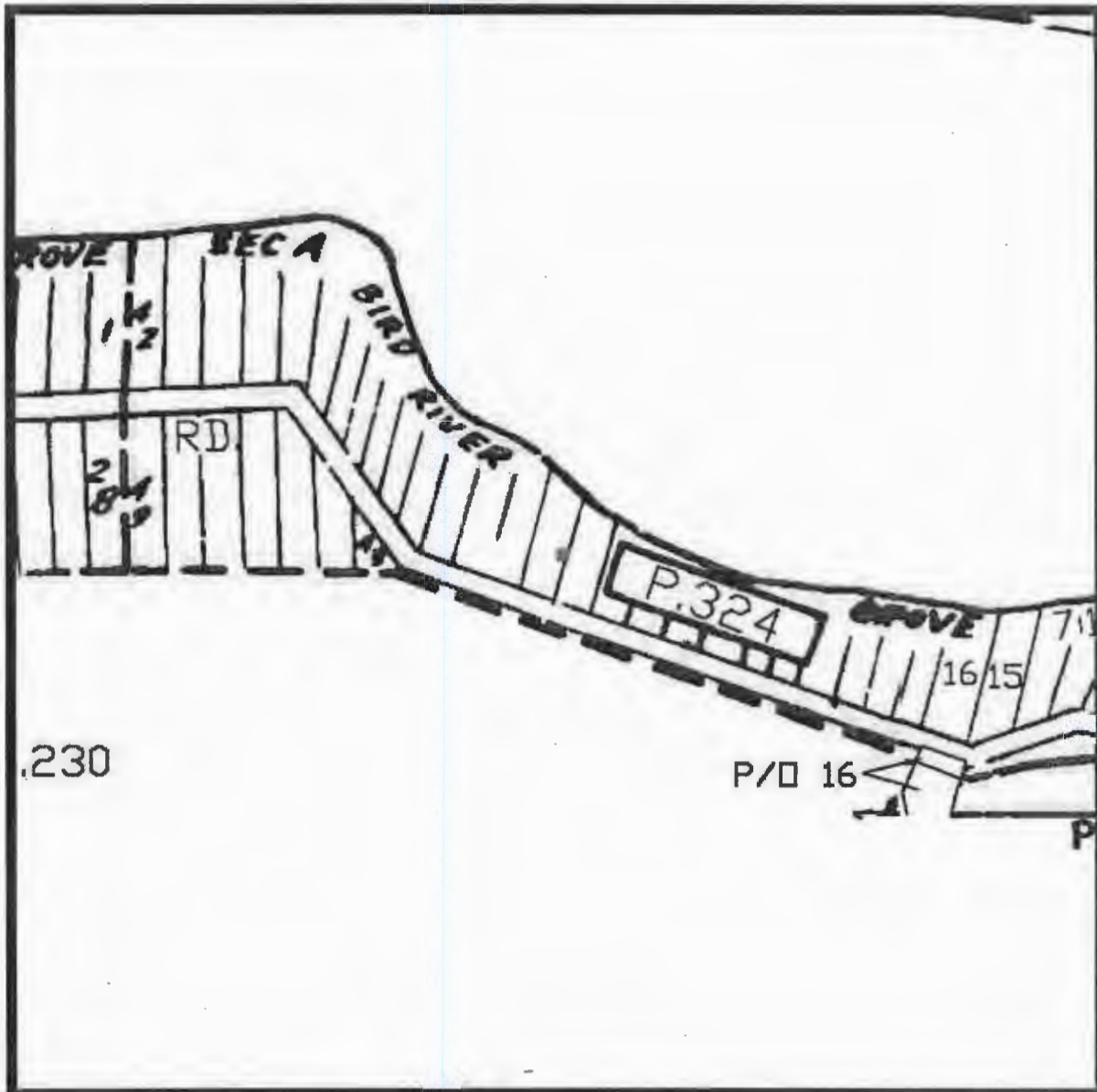
Owner Information										
Owner Name:	WASILEWSKI EDWARD STANLEY JR WASILEWSKI MARY ELAINE					Use:	RESIDENTIAL			
Mailing Address:	11220 BIRD RIVER GROVE RD WHITE MARSH MD 21162-1804					Principal Residence:	NO			
						Deed Reference:	1) /31203/ 00099 2)			
Location & Structure Information										
Premises Address	11216 BIRD RIVER GROVE 0-0000					Legal Description	ALSO FRTS 50 FT NS B 3345 FROM EBENEZER RD Waterfront BIRD RIVER GROVE			
Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	
0073	0020	0324		0000	A		28	3	Plat Ref:	0007/ 0189
Special Tax Areas			Town	NONE						
			Ad Valorem							
			Tax Class							
Primary Structure Built		Enclosed Area		Property Land Area		County Use				
				9,570 SF		34				
Stories	Basement	Type	Exterior							
Value Information										
	Base Value	Value	Phase-in Assessments							
		As Of	As Of		As Of					
		01/01/2012	07/01/2012		07/01/2013					
Land	89,600	89,600								
Improvements:	0	0								
Total:	89,600	89,600	89,600		89,600					
Preferential Land:	0				0					
Transfer Information										
Seller:	MASON ELIZABETH D/AUDREY G					Date:	07/19/1995		Price:	\$125,000
Type:	ARMS LENGTH MULTIPLE					Deed1:	/31203/ 00099		Deed2:	
Seller:	PERSINGER GARY C					Date:	06/27/1972		Price:	\$0
Type:	NON-ARMS LENGTH OTHER					Deed1:	/05278/ 00544		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:		No Application								



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

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District - 15 Account Number - 1508303681



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

MEMORANDUM

DATE: December 20, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0069-A - Appeal Period Expired

The appeal period for the above-referenced case expired on December 19, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

Case No.: 2013-0069 A

Exhibit Sheet

Petitioner/Developer

Protestant

12-20-12 BW
11-19-12 BW

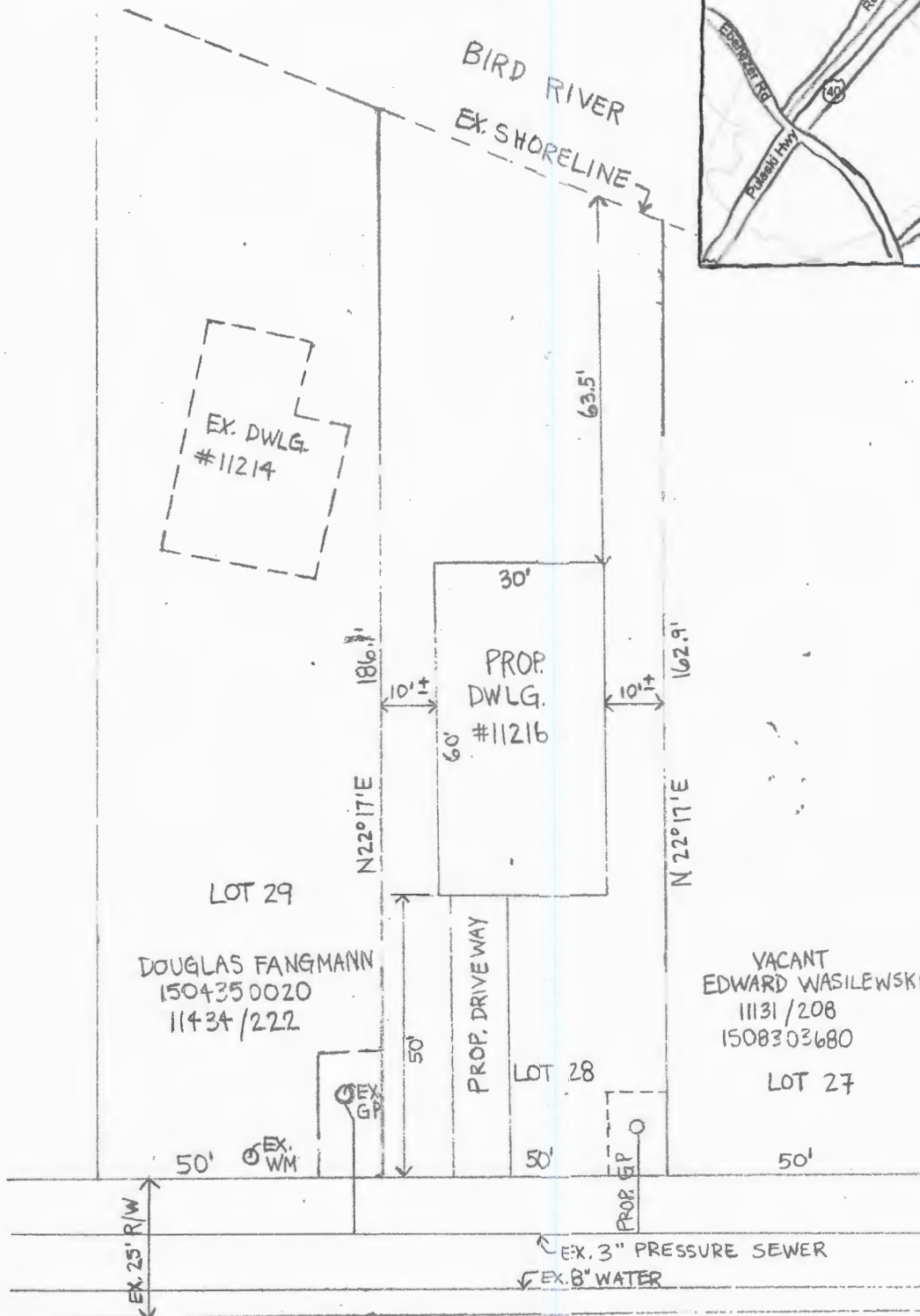
No. 1	Site Plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PETITIONER'S

EXHIBIT NO. 1



Site Vacinity Map



Zoning Map # 073A3

Site Zoned: RC2

Election District: 15

Council District: 6

Lot Area Acreage: 0.22

Historic? No

In CBCA? Yes

In Flood Plain? Yes

Water & Sewer : Public

Prior Hearing? No

*no zoning hearing
no violations*

SCALE: 1" = 30'
Plan drawn by: Jern Muti
Date: 9/16/12

BIRD RIVER GROVE ROAD

2013-0069-A

Zoning Hearing Plan for Variance X For Special Hearing X (undersize lot)

Address: 11216 Bird River Grove Rd. Owner(s) Name(s): Edward & Mary Wasilewski

Subdivision Name: Bird River Grove Lot # 28, Section A, Plat Book # 7, Folio # 189

10 Digit Tax # 1508303681, Deed Ref # 11131/208

CASE NAME 11216 Bird River Grove
CASE NUMBER 2013-0069A
DATE 11-14-2012

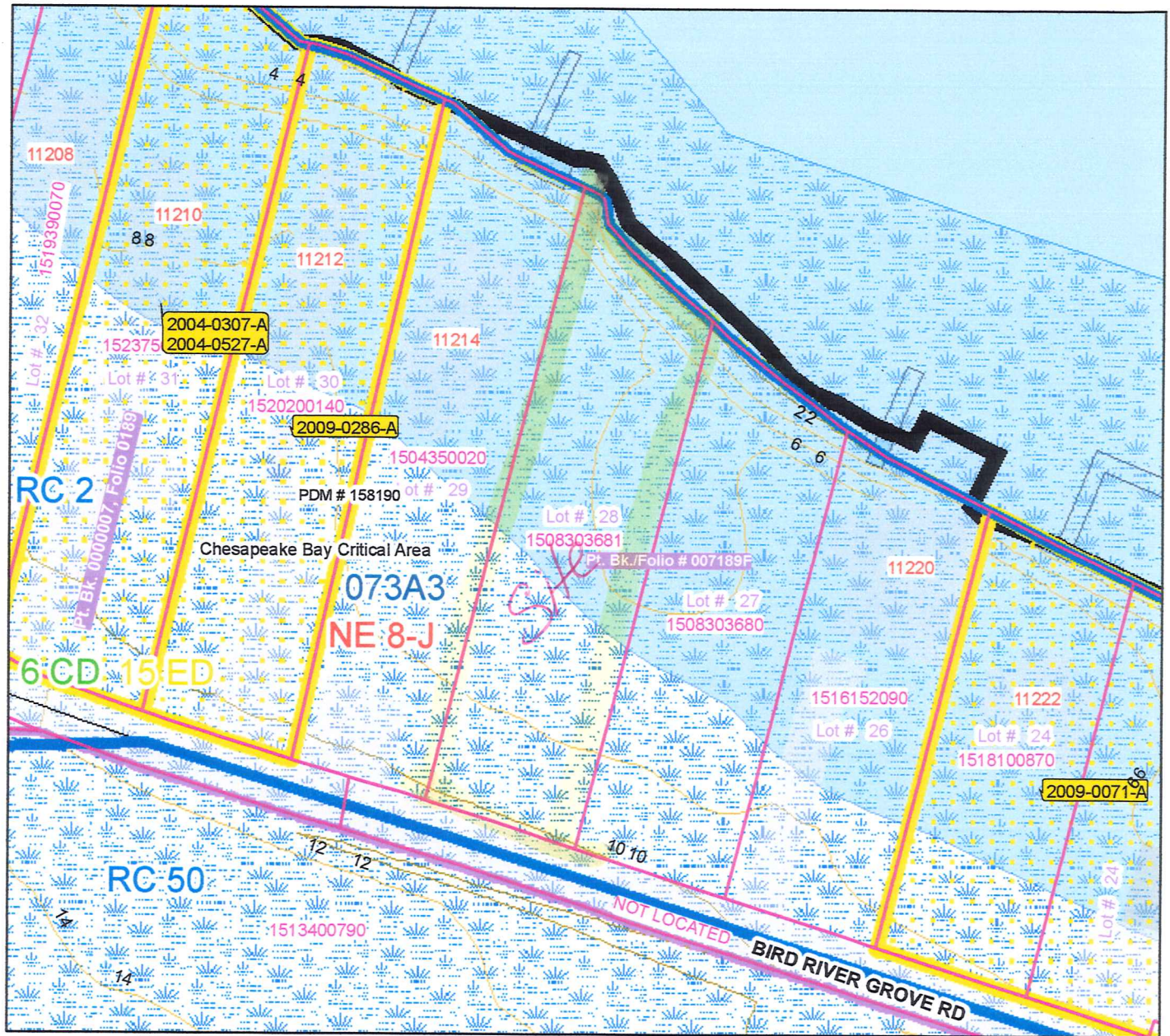
[illegible]

CASE NO. 2013- 0069-AC H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>9-25</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
<u>10-3</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
	FIRE DEPARTMENT	
<u>10-15</u>	PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>9-27</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>10-25-12</u>	
SIGN POSTING	Date: <u>10-25-12</u> by <u>Black</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Elevations and Flood Hazards



Publication Date: September 18, 2012
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot

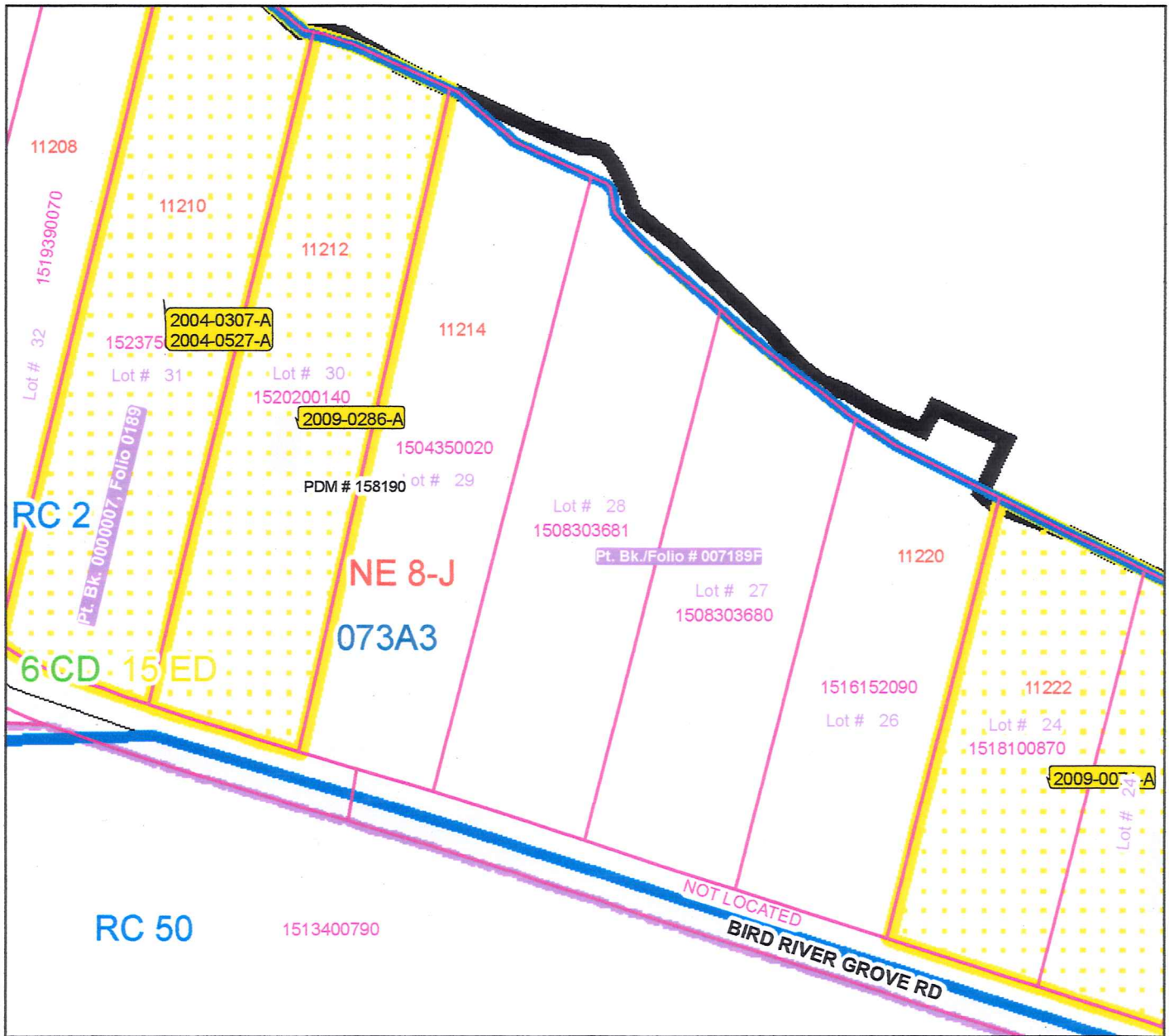


0 50 100 Feet

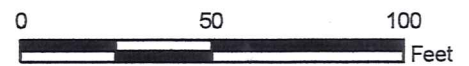
1 inch = 50 feet

2013-0069-A

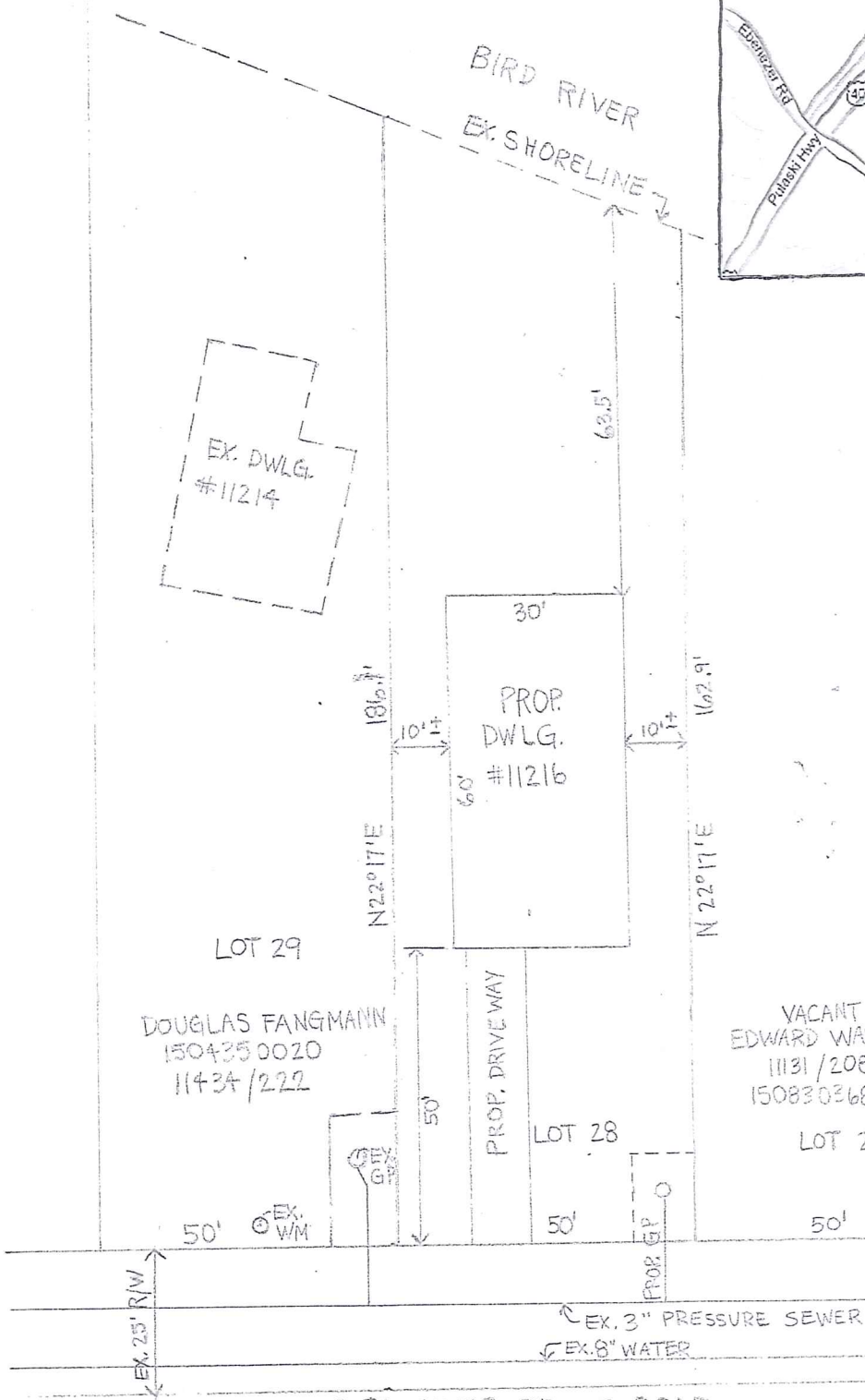
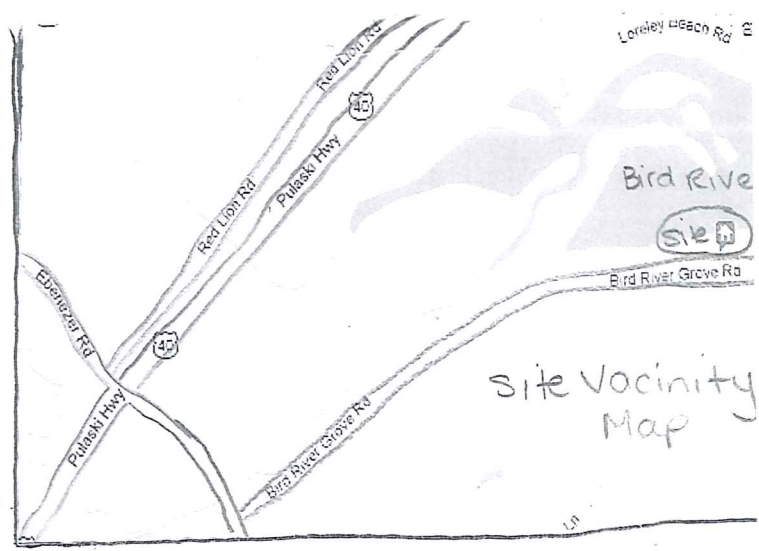
11216 Bird River Grove Road



Publication Date: September 11, 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



Zoning Map # 073A3

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2013-0069-A

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