



KEVIN KAMENETZ
County Executive

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

June 3, 2013

Norbert and Sandra Porter
1999 Rocky Point Road
Baltimore, Maryland 21221

RE: Petitions for Variance
Case No. 2013-0218-A
Property: 1999 Rocky Point Road

Dear Mr. and Mrs. Porter:

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:slm
Enclosure

IN RE: PETITION FOR VARIANCE

(1999 Rocky Point Road)

15th Election District

6th Councilman District

Norbert Michael & Sandra Ann Porter

Legal Owners

Petitioners

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2013-0218-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Norbert Michael & Sandra Ann Porter, the legal owners of the subject property. The Petitioners are requesting Variance relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure to be placed in the side yard with a height of 23 ft. in lieu of the required rear yard placement and 15 ft. height maximum.

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 in support of the requests was Norbert Michael and Sandra Ann Porter. There were no interested citizens or Protestants in attendance, and the file does not contain any letters of protest or opposition. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

The only substantive Zoning Advisory Committee (ZAC) comment was received from Department of Environmental Protection and Sustainability (DEPS) dated April 12, 2013. That agency believed the request was "consistent with established land use policies."

ORDER RECEIVED FOR FILING

Date

6-3-13

By

Den

Testimony and evidence revealed that the subject property is approximately 6.25 acres and is zoned RC 5. The Petitioners propose to construct a 30' x 50' pole barn, to store vehicles and other household items. To do so requires 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).

Petitioners have met this test. The lot is large and irregularly shaped; in essence, a "flag lot." The site is also constrained by an environmental easement and wetlands. Thus, it is unique for zoning purposes.

If the B.C.Z.R. were strictly enforced, the Petitioners would indeed suffer a practical difficulty, given they would be unable to construct the proposed garage. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

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

THEREFORE, IT IS ORDERED, this 3rd day of June, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") to allow an accessory structure to be placed in the side yard with a height of 23 ft. in lieu of the required rear yard placement and 15 ft. height maximum, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

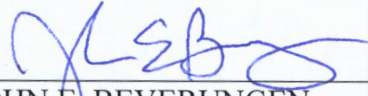
ORDER RECEIVED FOR FILING

Date 6-3-13

By den

- Petitioners may apply for 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.

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:sln

ORDER RECEIVED FOR FILING

Date 6-3-13

By sln



CBGA

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 1999 Rocky Point Rd. which is presently zoned RC5
Deed References: 51959/924 10 Digit Tax Account # 1516601765
Property Owner(s) Printed Name(s) Norbert Michael Porter & Sandra Ann Porter

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

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

1. ☐ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☒ a **Variance** from Section(s)

BCZR: 400.1 & 400.3 → To allow an accessory structure to be placed in the side yard with a height a 23 feet in lieu of the required rear yard placement and 15 feet height maximum.

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:

Name- Type or Print

Signature

Mailing Address

Zip Code

BY

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Norbert Michael Porter Sandra Ann Brt
Name #1 - Type or Print Name #2 - Type or Print

[Signature]
Signature #1

[Signature]
Signature #2

1999 Rocky Point Rd Balto Md
Mailing Address City State

21221 / 410 682 9032 / smp613@aol.com
Zip Code Telephone # Email Address

Representative to be contacted:

Norbert Porter / Redhead Const.
Name - Type or Print

[Signature]
Signature

1999 Rocky Point Rd Balto Md.
Mailing Address City State

21221 / 410 682 9032 / Redhead Const. @ aol. com.
Zip Code Telephone # Email Address

CASE NUMBER 2013-0218-A Filing Date 3/29/13 Do Not Schedule Dates: _____ Reviewer JS

ZONING PROPERTY DESCRIPTION FOR

1999 ROCKY POINT ROAD

BALTIMORE, MARYLAND 21221

15TH 6CD

ALL THAT PIECE, PARCEL OR TRACT OF LAND SITUATE ON THE NORTHEAST SIDE OF ROCKY POINT ROAD APPROXIMATELY 1083 FEET SOUTHEAST OF BARRISTION ROAD IN THE FIFTEENTH ELECTION DISTRICT OF BALTIMORE COUNTY, MARYLAND AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR THE SAME AT A POINT IN THE CENTER OF ROCKYPOINT ROAD AT THE BEGINNING OF THE FIRST OR SOUTH 10*58' EAST, 327 FOOT LINE OF THE LAND DESCRIBED IN A DEED FROM PORTER BROS.,INC.TO NORBERT J. PORTER AND ORIOLE M. PORTER DATED JUNE 24,1971 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBERO.T.G.NO. 5195, FOLIO 924; THENCE , WITH BEARING AND DISTANCES REFERRED TO A SUBDIVISION PLAT ENTITLED, " AMENDED SUBDIVISION PLAT OF PORTION OF NORBERT J. PORTER AND HIS WIFE PROPERTY",RECORDED MARCH 28,1983 AMONG THE LAND RECORDEDSD OF BALTIMORE COUNTY, MARYLAND IN PLAT BOOK E.H.K,JR.NO.49,FOLIO 146,BINDING ON PART OF THE CENTER OF ROCKY POINT ROAD,

- 1) SOUTH 17* 24' 55" EAST, 153.47 FEET; THENCE LEAVING SAID ROAD AND RUNNING INTO AND THOROUGH PART OF THE LAND DESIGNATED AS LOT 2 AS SHOWN ON THE AFOREMENTIONED SUBDIVISION PLAT,PARALLEL TO AND DISTANT 10.00 FEET SOUTHERLY FROM THE NORTHERN OUTLINE OF SAID LOT 2 FOR A NEW LINE OF DIVISION,
- 2) NORTH 76* 54' 05" EAST, 744.93 FEET TO THE NORTHEASTERLY OUTLINE OF SAID LOT 2; THENCE LEAVING SAID DIVISION LINE AND RUNNING WIT HAND BINDING ON PART OF THE AFOREMENTIONED NORTHEASTERLY OUTLINE OF SAID LOT 2,
- 3) SOUTH 17* 24' 55" EAST, 173.53 FEET TO THE SECOND OR NORTH 83*21' EAST, 1323 FOOT 7 INCH LINE OF THE FIRST MENTIONED DEED HEREIN; THENCE RUNNING WITH AND BINDING ON PART OF SAID LINE,AND THE THIRD AND FOURTH LINES OF SAID DEED,
- 4) NORTH 76* 54' 05" EAST, 578.65 FEET;
- 5) NORTH 45* 08' 55" WEST, 389.00 FEET; AND
- 6) SOUTH 75* 54' 05" WEST, 1136.00 FEET TO THE PLACE OF BEGINNING.

CONTAINING 6.2463 ACRES OF LAND, MORE OR LESS.

2013-0218-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/neighborhood 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: 2013-0218-A
Petitioner: Norbert M Porter
Address or Location: 1999 Rocky Point Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Norbert Porter
Address: 1999 Rocky Point Rd.
Baltimore Md 21221

Telephone Number: 410-682-9032 / 443-834-4814

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

No.

96212

Date:

3/29/13

PAID RECEIPT

ISSUES: ACTUAL TIME: REM:
 3/29/2013 3:29:343 10:41:35 2

REQ 1602 WALTON JOHN REP
 >RECEIPT # 819737 3/29/2013 UFLA

Dept 5 525 JUDICIAL REFORMATION
 TX NO. 096212

Receipt Tot 175.00
 175.00 CR 1.00 CR
 Baltimore County, Maryland

Rev Sub
 Source/ Rev/

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

6000	506	0000		650						975.00

Total: **975.00**

Rec From: **PORTER**

For: **2013-02-8-A**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

May 9, 2013

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 May 9, 2013

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

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: #2013-0218-A

1999 Rocky Point Road

NE/s Rocky Point Road, 1082 ft. s/of centerline of the

intersection with Barrison Point Road

.15th Election District - 6th Councilmanic District

Legal Owner(s): Norbert & Sandra Porter

Variance: to allow an accessory structure to be placed in the side yard with a height of 23 feet in lieu of the required rear yard placement and 15 feet height maximum.

Hearing: Thursday, May 30, 2013 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
05/139 May 9

920448

CERTIFICATE OF POSTING

2013-0218-A

RE: Case No.: _____

Petitioner/Developer: _____

Norbert & Sandra Porter

May 30, 2013

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: _____

1999 Rocky Point Rd

May 10, 2013

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

Sincerely,

May 10, 2013

(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

April 17, 2013

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: 2013-0218-A

1999 Rocky Point Road

NE/s Rocky Point Road, 1083 ft. s/of centerline of the intersection with Barrison Point Road

15th Election District – 6th Councilmanic District

Legal Owners: Norbert & Sandra Porter

Variance to allow an accessory structure to be placed in the side yard with a height of 23 feet in lieu of the required rear yard placement and 15 feet height maximum.

Hearing: Thursday, May 30, 2013 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Porter, 1999 Rocky Point Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MAY 10, 2013.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 9, 2013 Issue - Jeffersonian

Please forward billing to:
Norbert M. Porter
1999 Rocky Point Road
Baltimore, MD 21221

410-682-9032

NOTICE OF ZONING HEARING

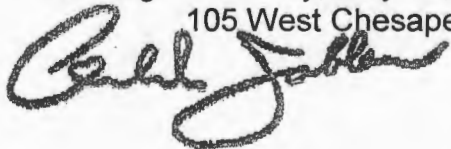
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2013-0218-A

1999 Rocky Point Road
NE/s Rocky Point Road, 1083 ft. s/of centerline of the intersection with Barrison Point Road
15th Election District – 6th Councilmanic District
Legal Owners: Norbert & Sandra Porter

Variance to allow an accessory structure to be placed in the side yard with a height of 23 feet in lieu of the required rear yard placement and 15 feet height maximum.

Hearing: Thursday, May 30, 2013 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.

MEMORANDUM

DATE: July 10, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0218-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 3, 2013. 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

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
1999 Rocky Point Road; NE/S Rocky Point Rd, *
1083' S of c/line of Barrison Point Road * OF ADMINISTRATIVE
15th Election & 6th Councilmanic Districts
Legal Owner(s): Norbert M. & Sandra A. Porter* HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2013-218-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

APR 10 2013

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of April, 2013, a copy of the foregoing Entry of Appearance was mailed to Norbert & Sandra Porter, 1999 Rocky Point Road, Baltimore, MD 21221, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NO. 2013-0218-A

CHECKLIST

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

4/9/13

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

N/C

4/12/13

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

C

FIRE DEPARTMENT

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

4/8/13

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

5/9/13

SIGN POSTING

Date:

5/10/13

by

Black

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

ZONING VARIANCE CASES

<u>N</u> J. Garland	<u>No</u> B. Peters
<u>Y</u> L. Mayer	<u>N</u> J. Kemp
1999 Rocky Point Rd <u>Y</u> T. Kidd	<u>NO</u> R. Rohlf
<u>N</u> R. Larrick	<u>No</u> H. Rowe

Please check over the following zoning hearings to let me know if there are any outstanding violations. Please put the address of the violation in the space next to your name.

I need copies of everything in the file, or corrections notices (if there is no file), to send to the Zoning Commissioner, along with the form filled out (found on my desk).

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 09, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For April 15, 2013
Item Nos. 2013-0217, 0218, 0219, and 0221.

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

DAK:CEN
Cc: file

5/30 11Am

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

APR 12 2013



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: April 12, 2013

SUBJECT: DEPS Comment for Zoning Item # 2013-0218-A
Address 1999 Rocky Point Road
(Porter Property)

Zoning Advisory Committee Meeting of April 8, 2013.

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. 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 (LDA) and is subject to Critical Area requirements. The applicant is requesting to place a 1500 square foot pole barn directly behind the dwelling on the waterside of the property. The lot is developed with a dwelling, a garage, and a driveway. Lot coverage on the entirety of this property is limited to 40,772 square feet. No clearing of forest is proposed, and lot coverage is within allowable limits. The pole barn is not within the Critical Area buffer. Therefore, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront, but the pole barn is not proposed within the Critical Area buffer. No trees will be removed as the pole barn will be placed on grass. Therefore, fish, plant, and wildlife habitat in the Chesapeake Bay will 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;

Lot coverage limits will be met, and no clearing is proposed. The pole barn will not be placed in the Critical Area buffer. The proposal is consistent with the Critical Area requirements, and therefore the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: April 12, 2013

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: , 2000

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 2013-0218-A
Legal Owner/Petitioner: NORBERT MICHAEL & SANDRA ANN PORTER
Contract Purchaser:
Property Address: 1999 ROCKY POINT RD
Location Description: NE/S ROCKY POINT RD, 1003 FT. S OF THE CENTER
LINE OF THE INTERSECTION WITH BARRISON POINT RD.
VIOLATION INFORMATION: Case No. 000125315
Defendants:

Please be advised that the aforementioned petition is the subject of an active violation case.
When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME Tim Kidd inspections ADDRESS
Ext. 3953

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- ☒ 1. Complaint letter/memo/email/fax (if applicable)
- ☒ 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- ☒ 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- ☐ 8. Photographs including dates taken
- ☐ 9. Correction Notice/Code Violation Notice
- ☐ 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt(s) if applicable
- ☐ 12. Final Order of the Code Official/Hearing Officer (if applicable)
- ☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- ☐ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/
C: Code Enforcement Officer

CODE ENFORCEMENT REPORT

FA 0355604

DATE: 3/14/03 INTAKE BY: CB CASE #: C00125315 INSPEC: _____

COMPLAINT LOCATION: 1999 Rocky Point Rd.

H 415-682-9032 - cell 443-834-4814 ZIP CODE: _____ DIST: _____

COMPLAINANT NAME: ADD'N. WALK IN PHONE #: (H) _____ (W) _____

ADDRESS: _____ ZIP CODE: _____

PROBLEM: GARAGE BEING BUILT - NO PERMITS

IS THIS A RENTAL UNIT? YES _____ NO _____
IF YES, IS THIS SECTION 8? YES _____ NO _____
OWNER/TENANT INFORMATION: _____

TAX ACCOUNT #: _____ ZONING: _____

INSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

DATE: 04/11/2013

STANDARD ASSESSMENT INQUIRY (1)

TIME: 08:23:43

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 16 601765	15	3-0	04-00	H	NO		04/03/13

PORTER NORBERT MICHAEL

DESC-1.. 6.246 AC ES

PORTER SANDRA ANN

DESC-2.. 1085 S BARRISON POINT R

1999 ROCKY POINT RD

PREMISE. 01999 ROCKY POINT

RD

00000-0000

BALTIMORE

MD 21221-6417 FORMER OWNER: PORTER NORBERT J

----- FCV -----		----- PHASED IN -----				
	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	58,600	58,600		FCV	ASSESS	ASSESS
IMPV:	310,700	266,200	TOTAL..	324,800	324,800	324,800
TOTL:	369,300	324,800	PREF...	0	0	0
PREF:	0	0	CURT...	324,800	324,800	324,800
CURT:	369,300	324,800	EXEMPT.		0	0
DATE:	07/08	07/08				

----	TAXABLE BASIS	----	FM DATE
	ASSESS:	324,800	09/15/12
	ASSESS:	324,800	
	ASSESS:	0	

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF



Department of Permits, Approvals & Inspections Complaint Report

Report Criteria:

Employee(s): EE0000000 to EE9999999

Scheduled Date(s): 4/9/2013 to 4/9/2013

PE Range: BI01 to bi06

ID	AS/400 Case	Assigned To	Assigned Date	Scheduled Time	Received By	Received Date	Status	Hearing Date	ADC Grid
5315		Glenn Berry	04/09/2013		Glenn Berry	03/14/2013	Open - Normal		46C6

nt Description: Garage being built - no permits.

604 16601765 OCKY POINT RD MD, 21221	<u>Owner :</u> PORTER NORBERT MICHAEL PORTER SANDRA ANN 1999 ROCKY POINT RD BALTIMORE MD 21221	<u>Complainant:</u> Anonymous
---	--	----------------------------------

Activity Details

Number	Inspector	Activity Date	Service	Result	Action
9246	Tim Kidd	04/08/2013	IN-OFFICE ADMINISTRATIVE WORK	FACT FINDING	MONITOR

tor Notes: 4/8/13 Called and left message for owner to call me. 4/9/13 Owner called to inform county has his forms for variance case. Called Zoning to verify they said he has started process. Will follow up 5/16/13 TK/lk

Violation Details

Violation Record ID: IV0088990 Comply By: 05/16/2013 Complied On: Status: NOT IN COMPLIANCE

Program Category/Section Source: Building Inspection/IBC Violation Description IBC Violation

Correction Text:

Violation Text:

Violation Comment:

Number	Inspector	Activity Date	Service	Result	Action
7345	Tim Kidd	03/15/2013	INITIAL INSPECTION	NOT IN COMPLIANCE	MONITOR

tor Notes: 3/15/13 Gave verbal stop work. Needs permit. Owner to secure permit 3/18/13. Will follow up 3/25/13. TK/lk

Violation Details

Violation Record ID: IV0087972 Comply By: 03/25/2013 Complied On: Status: NOT IN COMPLIANCE

Program Category/Section Source: Building Inspection/IBC Violation Description IBC Violation

Correction Text:

Violation Text:

Violation Comment:

ent Details - No Comments**formation - None**

Page:

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: , 2000

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.:
Legal Owner/Petitioner: FRANK + JOYCE HABICHT
Contract Purchaser:
Property Address: 5809 HAZELWOOD AVE
Location Description:

VIOLATION INFORMATION: Case No. 2013-0217-A
Defendants:

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME Lew Mayer

ADDRESS Bldg. Inspr. X3953

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- ☒ 1. Complaint letter/memo/email/fax (if applicable)
- ☒ 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- ☒ 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- ☐ 8. Photographs including dates taken
- ☒ 9. Correction Notice/Code Violation Notice
- ☐ 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt(s) if applicable)
- ☐ 12. Final Order of the Code Official/Hearing Officer (if applicable)
- ☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- ☐ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/
C: Code Enforcement Officer

CODE ENFORCEMENT REPORT

FA0112917

DATE: 1/28/13 INTAKE BY: GB CASE #: 000123322 INSPEC: _____

COMPLAINT

LOCATION: 5809 ^{NORTH} A HAZELWOOD AVE

ZIP CODE: _____ DIST: _____

COMPLAINANT

NAME: BILL BACZYNSKYJ PHONE #: (H) _____ (W) _____

ADDRESS: _____ ZIP CODE: _____

PROBLEM: CARPORT BEING INSTALLED IN
FRONT YARD NO PERMITS.

IS THIS A RENTAL UNIT? YES _____ NO _____

IF YES, IS THIS SECTION 8? YES _____ NO _____

OWNER/TENANT

INFORMATION: _____

TAX ACCOUNT #: _____ ZONING: _____

INSPECTION: 1/29/13 - VISITED SITE. OBSERVED NEW METAL CARPORT INSIDE YARD.
NO BUILDING PERMIT ON RECORD. ISSUED CORR. NOTICE TO OBTAIN A BUILDING
PERMIT. RLC 2/12/13 Jam JK2/19/13 - OWNER IS APPLYING FOR VARIANCE RLC 3/19/13 Jam JKREINSPECTION: RLC 4/15/13 Jam

REINSPECTION: _____

REINSPECTION: _____



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

14

OFFICE HOURS 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No. C0123322	Property No. 1418053150	Seal FA0112917
-------------------------------	----------------------------	-------------------

Name(s): LEONARD F. HAAICHT
Joyce M. HAAICHT

Address: 5809 N HAZELWOOD

Violation Location: 5809 N. HAZELWOOD AVE

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BALTIMORE COUNTY CODE 2003 Sect 35-2-301, 304

Code 304

FAILURE TO OBTAIN BUILDING PERMIT
FOR CARPORT INSIDE YARD

OBTAIN BUILDING PERMIT FOR
CARPORT INSIDE YARD

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE: 2/12/13	DATE ISSUED: 1/29/13
--------------------------	-------------------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name LEWIS MAYER

INSPECTOR: Lewis Mayer

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE:	DATE ISSUED:
---------------	--------------

INSPECTOR: _____

DATE: 04/17/2013

STANDARD ASSESSMENT INQUIRY (1)

TIME: 08:18:58

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
14 18 053150	14	3-0	04-00	H	NO		04/03/13

HABICHT F LEONARD JR DESC-1.. LT 148-151

HABICHT JOYCE M DESC-2.. COUNTY SIDE

5809 N HAZELWOOD AVE PREMISE. 05809 HAZELWOOD AVE N

00000-0000

BALTIMORE

MD 21206-2133 FORMER OWNER: RODE WILLIAM F

----- FCV -----			----- PHASED IN -----			
	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	78,300	78,300		FCV	ASSESS	ASSESS
IMPV:	192,600	133,100	TOTAL..	211,400	211,400	211,400
TOTL:	270,900	211,400	PREF...	0	0	0
PREF:	0	0	CURT...	211,400	211,400	211,400
CURT:	270,900	211,400	EXEMPT.		0	0
DATE:	09/08	09/08				

----	TAXABLE BASIS	----	FM DATE
	ASSESS:	211,400	09/21/12
	ASSESS:	211,400	
	ASSESS:	0	

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4-8-13

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

RE: Baltimore County
Item No 2013-0218-A
Variance
Norbert Michael &
Sandra Ann Porter
1999 Rocky Point 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. 2013-0218-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



KEVIN KAMENETZ
County Executive

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

May 22, 2013

Norbert Michael & Sandra Ann Porter
1999 Rocky Point Road
Baltimore MD 21221

RE: Case Number: 2013-0218 A, Address: 1999 Rocky Point Road, 21221

Dear Mr. & Ms. Porter:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 29, 2013. 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

CASE NAME 2013-0218A
CASE NUMBER _____
DATE 5/30/2013

[illegible]

Maryland Department of Assessments and Taxation
Real Property Data Search (vw6.1A)
BALTIMORE COUNTY

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

Account Identifier:

District - 15 Account Number - 1516601765

Owner Information

Owner Name:	PORTER NORBERT MICHAEL PORTER SANDRA ANN	Use:	RESIDENTIAL
Mailing Address:	1999 ROCKY POINT RD BALTIMORE MD 21221-6417	Principal Residence:	YES
		Deed Reference:	1) /21263/ 00238 2)

Location & Structure Information

Premises Address
1999 ROCKY POINT RD
0-0000

Legal Description
6.246 AC ES
ROCKY POINT RD
1085 S BARRISON POINT RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0105	0015	0072		0000				3	
									Plat Ref:

Special Tax Areas

Town	NONE
Ad Valorem	
Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2005	2,308 SF	6.3000 AC	04

Stories	Basement	Type	Exterior
1.000000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	58,600	58,600		
Improvements:	310,700	266,200		
Total:	369,300	324,800	324,800	324,800
Preferential Land:	0			0

Transfer Information

Seller:	PORTER NORBERT J	Date:	10/22/2004	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/21263/ 00238	Deed2:	
Seller:	PORTER BROTHERS INC	Date:	06/24/1971	Price:	\$13,804
Type:		Deed1:	/05195/ 00924	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

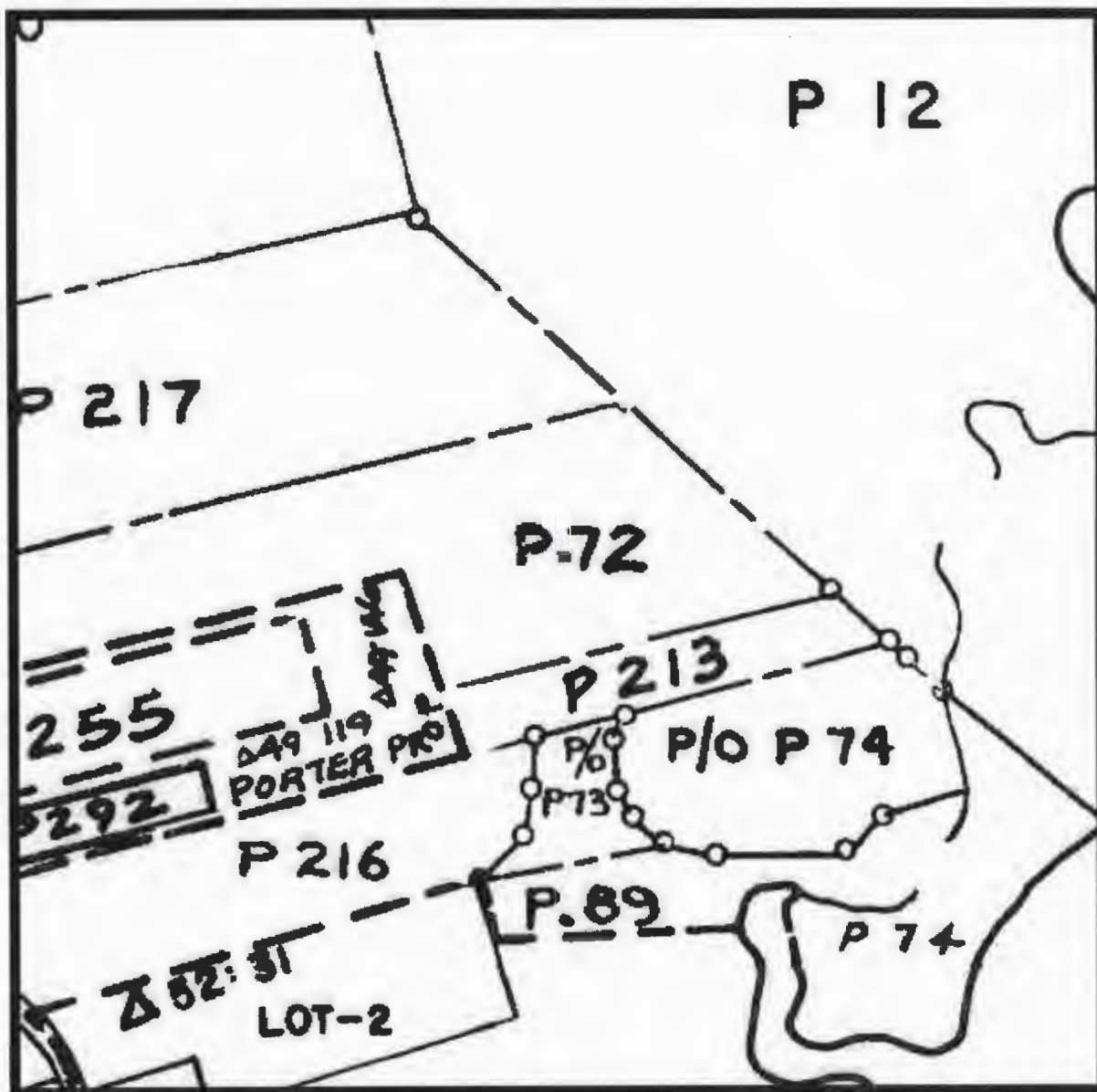
Tax Exempt:	Special Tax Recapture:
Exempt Class:	NONE

Homestead Application Information

Homestead Application Status:	Approved 05/04/2009
--------------------------------------	---------------------

	Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search	Go Back View Map New Search
---	---	---

District - 15 Account Number - 1516601765



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.

Case No.: 2013-218A

Exhibit Sheet

Sen
6-3-13

Petitioner/Developer

Protestant

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		

Field next to
garage.



Closest Neighbor
2001 Rocky Point Rd
Daniel Portell





Garage
pole building



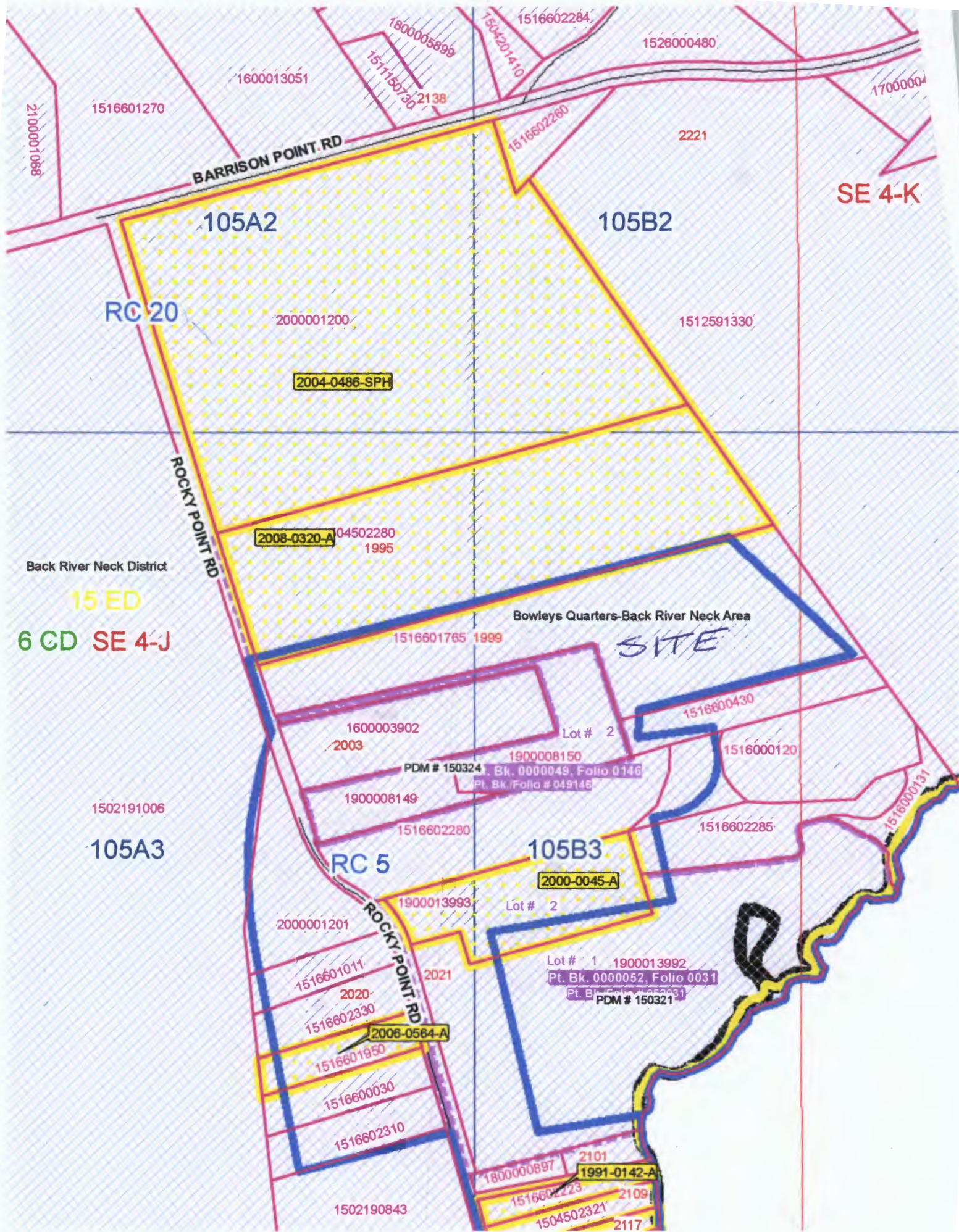
House at
1999 Rocky
point rd.



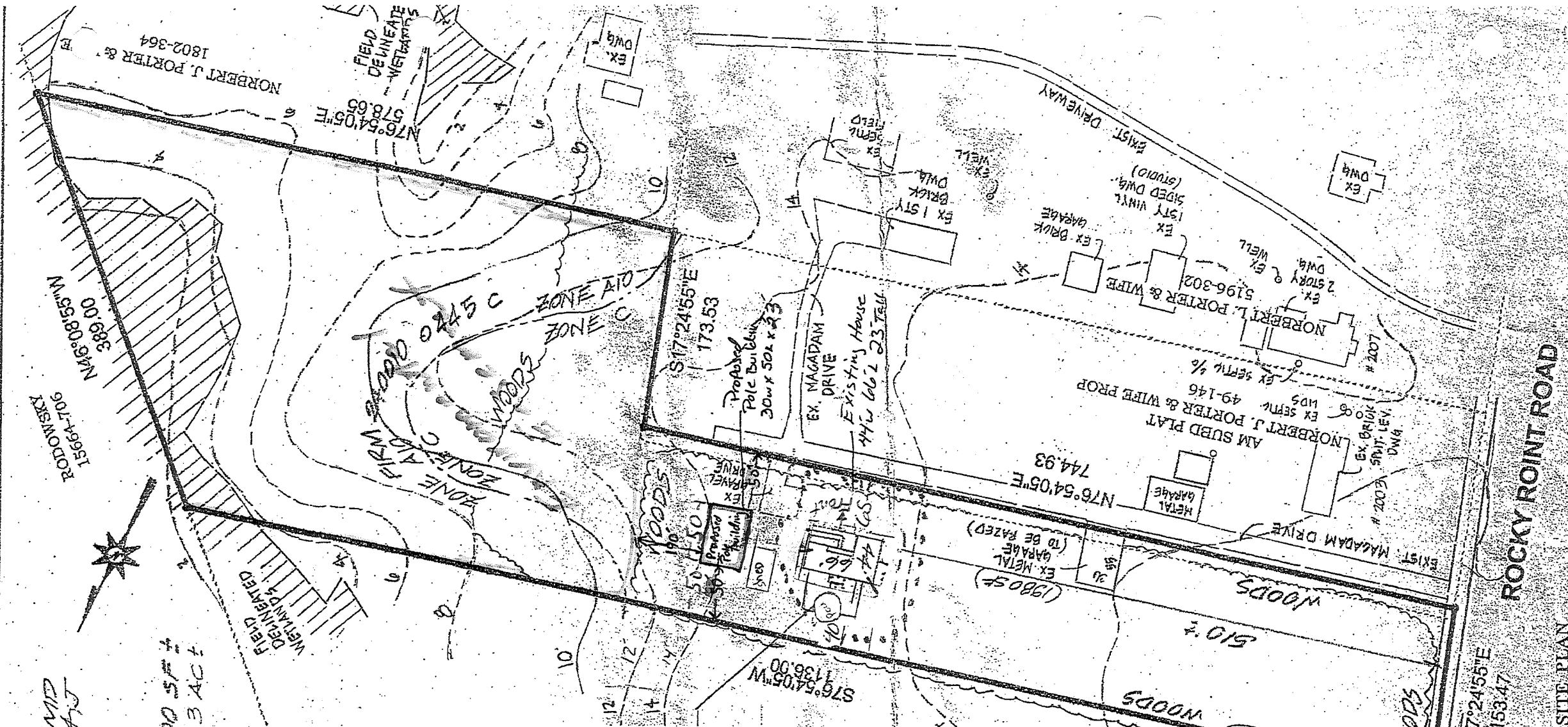
2013-0218-A



2013-0218-A



2013-0218-1



EX. SITE ZONING RC5
TOPOGRAPHY PER BALTO CO. BE MID
3E 4J
CBCA MAP NO 105
SITE AREA = 6.25 AC. ±

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
ADDRESS 1999 Rocky Point Road OWNER(S) NAME(S) Norbert Michael Porter & Sandra Ann Porter
SUBDIVISION NAME N/A LOT # N/A BLOCK # N/A SECTION # N/A
PLAT BOOK # _____ FOLIO # 146 10 DIGIT TAX # 1516601745 DEED REF. # 51951-904
E.H.K., JR. NO. 49

SITE VICINITY MAP

N
MAP IS NOT TO SCALE
ZONING MAP# CBCA #105
SITE ZONED RC5
ELECTION DISTRICT 15
COUNCIL DISTRICT 6
LOT AREA ACREAGE 6.24
OR SQUARE FEET _____
HISTORIC? NO
IN CBCA? YES
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS: _____
PUBLIC ☒ PRIVATE _____
SEWER IS: _____
PUBLIC ☒ PRIVATE _____
PRIOR HEARING? NO
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

CO6125315
VIOLATION CASE INFO:

ROCKY POINT ROAD

CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE
AWAY FROM FOUNDATION AT ALL TIMES

SITE PLAN

Date: 12/16/04
Scale: 1"=100'
Job Number: 01905
Drawn By: JSD
Checked By: JSD

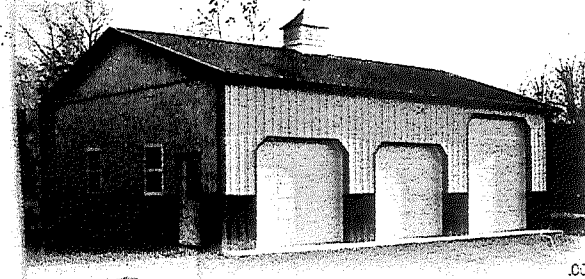
NORBERT MICHAEL PORTER PROPERTY
ROCKY POINT ROAD

J.S. DALLAS, INC.
Surveying & Engineering
13523 Long Green Pike
Baltimore, MD 21013
(410) 817-4600



Master Drawing by J.S. Dallas
Pole Building added by
Norbert Porter 3/13/13

PLAN DRAWN BY _____ DATE _____ SCALE: 1 INCH = 100 FEET



Petitioners' No. 1