



KEVIN KAMENETZ
County Executive

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

July 8, 2013

Darryl and Sharon Hitt
1316 Cherry Garden Road
Baltimore, Maryland 21221

RE: Petitions for Variance
Case No.: 2013-0239-A
Property: 332 Miles Road

Dear Mr. and Mrs. Hitt

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", with a long horizontal line extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Rick Richardson, 30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

IN RE: PETITION FOR VARIANCE

(332 Miles Road)

15th Election District

6th Councilman District

Darryl R. & Sharon Hitt

Legal Owners

Petitioners

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2013-0239-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Darryl R. and Sharon Hitt, the legal owners of the subject property. The Petitioners are requesting Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard of 10 ft. and a sum of side yard setbacks of 20 ft. in lieu of the required 10 ft. minimum and 25 ft. total, and to allow a lot width of 50 ft. in lieu of the required 70 ft.

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 Darryl Hitt and Rick Richardson, the engineer that prepared the site plan. The file reveals that the Petition was properly advertised and 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), which noted Petitioners must comply with the Critical Area regulations.

Testimony and evidence revealed that the subject property is approximately 0.261 acres and is zoned DR 3.5. The site is improved with an existing single family dwelling (1,030 SF)

ORDER RECEIVED FOR FILING

Date

By

7/8/13

Den

originally constructed in 1929. Petitioners propose to raze that dwelling and construct in its place a two-story dwelling (1,260 SF). To do so requires variance relief.

Based upon the testimony and evidence presented, I will grant the Petition 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 Petitioners must contend with existing site conditions (i.e., deficient setbacks and lot width) which renders the property 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 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 County and/or community opposition.

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 8th day of July, 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 permit a side yard of 10 ft. and a sum of side yard setbacks of 20 ft. in lieu of the required 10 ft. minimum and 25 ft. total, and to allow a lot width of 50 ft. in lieu of the required 70 ft., be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date

7/8/13

By

sen

The relief granted herein shall be subject to the following:

- 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 their 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.
- Petitioners must comply with the ZAC comments submitted by DEPS (dated May 9, 2013), a copy of which is attached hereto.

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:slm

ORDER RECEIVED FOR FILING

Date

7/8/13

By

slm

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

MAY 09 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
(EPS) - Development Coordination

DATE: May 9, 2013

SUBJECT: EPS Comment for Zoning Item # 2013-0239-A
Address 332 Miles Road
(Hitt Property)

Zoning Advisory Committee Meeting of April 22, 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. 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;

This waterfront property is located in a Limited Development Area (LDA) and a Buffer Management Area (BMA) within the Chesapeake Bay Critical Area (CBCA). Development of this property must comply with maximum lot coverage limits, must meet BMA requirements for development within the 100-foot tidal buffer, and must meet a 15% tree cover requirement. Based on this, EPS has determined that adverse impacts on water quality from the pollutants discharged from the proposed development can be minimized with compliance and mitigation pursuant to Critical Area requirements. Mitigation requirements may include removal of existing lot coverage, and the planting of native trees and shrubs.

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

The proposed development must comply with all LDA and BMA requirements prior to building permit approval. This includes the 15% afforestation requirement and CBCA lot coverage requirements. Therefore, the subject zoning petition will conserve fish, wildlife, and plant habitat.

ORDER RECEIVED FOR FILING
Date 7/18/13
By SEN

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 proposed development is permitted under the State-mandated Critical Area regulations provided that development is in compliance with all Critical Area requirements. Lot coverage on the property is limited. Compliance with the Critical Area requirements, and mitigation can allow the subject development to be consistent with established land use policy for development in the CBCA 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.

Reviewer: *Paul Dennis – Environmental Impact Review (EIR)*

ORDER RECEIVED FOR FILING

Date 7/8/13

By Sen

C B C A

FLOOD



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 332 Miles Road which is presently zoned DR 3.5

Deed References: 33204/ 87 10 Digit Tax Account # 1511771590

Property Owner(s) Printed Name(s) Darryl R. & Sharon L. Hitt

(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) 1B02.3.C.1 to permit a side yard of 10 feet and a total of 20' in lieu of the required 10' minimum and 25' total, and to allow a lot width of 50 feet in lieu of the required 70 feet

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)

The subdivision of the lot was done in 1916, and the location of the existing dwelling constructed in approximately 1929 does not conform to the existing zoning requirements and other information that will be presented at the hearing.

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

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

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

Contract Purchaser/Lessee:

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 (Petitioners):

Darryl R. Hitt / Sharon L. Hitt

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

Signature #1 _____ Signature #2 _____

1316 CHERRY GARDEN ROAD Baltimore MD
Mailing Address _____ City _____ State _____

21221 / 4435707688 / randomundo@comcast.net
Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Richardson Engineering, LLC

Name - Type or Print _____

Signature _____

30 E. Padonia Road, Suite 500 Timonium, Maryland
Mailing Address _____ City _____ State _____

21093 / 410-560-1502 / Rick@RichardsonEngineering.net
Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2013-0239-A Filing Date 4/18/2013

Do Not Schedule Dates: _____ Reviewer

CPCA

FLOOD



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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 (Petitioners):

Darryl R. Hitt / Sharon L. Hitt
 Name #1 - Type or Print / Name #2 - Type or Print

Signature #1 / Signature #2

1316 CHERRY GARDEN ROAD / Baltimore / MD
 Mailing Address / City / State

21221 / 4435707688 / randomundo@comcast.net
 Zip Code / Telephone # / Email Address

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 Name - Type or Print

Signature _____

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21093 / 410-560-1502 / Rick@RichardsonEngineering.net
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Do Not Schedule Dates: _____ Reviewer W



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Name- Type or Print _____

Signature _____

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Darryl R. Hitt / Sharon L. Hitt
 Name #1 - Type or Print Name #2 - Type or Print

Signature #1 _____ Signature #2 _____

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CASE NUMBER 2013-0239 Filing Date 4/18/2013

Do Not Schedule Dates: _____ Reviewer tu

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

410-560-1502, fax 443-901-1208

**ZONING DESCRIPTION FOR
332 MILES ROAD
15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the west side right-of-way of **Miles Road** (30 feet) wide at a distance of **245** feet south of the nearest improved intersecting street **Corsica Road** which is (30 feet) wide.

Being lot #192 in the subdivision of **MIDDLEBOROUGH** as recorded in Baltimore County Plat Book #4, Folio #191, containing a net area of **10,598** square feet. Located in the 15th Election District and 6th Councilmanic District.

2013-0239-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/neighbor 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: 2013-0239-A
Petitioner: DARRYL & SHARON HITT
Address or Location: 332 MILES RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: DARRYL HITT
Address: 1316 CHERRY GARDEN RD
BALT. MD 21221-6383
Telephone Number: 443-570-7688

CERTIFICATE OF POSTING

2013-0239-A

RE: Case No.: _____

Petitioner/Developer: _____

Darryl & Sharon Hitt

July 8, 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: _____

332 Miles Ave

June 18, 2013

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



Sincerely,

June 18, 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)



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

May 16, 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 16, 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: #2013-0239-A

332 Miles Avenue

W/s Miles Avenue, 245 ft. S/of centerline of Corsica Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Darryl & Sharon Hitt

Variance: to permit a side yard of 10 feet and a total of 20 feet in lieu of the required 10 feet minimum and 25 feet total, and to allow a lot width of 50 feet in lieu of the required 70 feet.

Hearing: Friday, June 7, 2013 at 10:00 a.m. In Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

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

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

5/283 May 16

922072



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

June 20, 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 June 18, 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

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15th Election District - 6th Councilmanic District
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ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

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JT 6/730 June 18

928652



KEVIN KAMENETZ
County Executive

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

June 6, 2013

NEW 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: 2013-0239-A

332 Miles Avenue

W/s Miles Avenue, 245 ft. S/of centerline of Corsica Road

15th Election District – 6th Councilmanic District

Legal Owners: Darryl & Sharon Hitt

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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. Hitt, 1316 Cherry Garden Road, Baltimore 21221
Richardson Engineering, 30 E. Padonia Road, Ste. 500, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 18, 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.



KEVIN KAMENETZ
County Executive

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

May 3, 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: 2013-0239-A

332 Miles Avenue

W/s Miles Avenue, 245 ft. S/of centerline of Corsica Road

15th Election District – 6th Councilmanic District

Legal Owners: Darryl & Sharon Hitt

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Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Hitt, 1316 Cherry Garden Road, Baltimore 21221
Richardson Engineering, 30 E. Padonia Road, Ste. 500, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 18, 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 16, 2013 Issue - Jeffersonian

Please forward billing to:

Darryl Hitt
1316 Cherry Garden Road
Baltimore, MD 21221

443-570-7688

NOTICE OF ZONING HEARING

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CASE NUMBER: 2013-0239-A

332 Miles Avenue

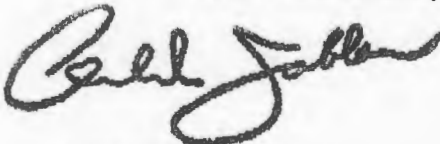
W/s Miles Avenue, 245 ft. S/of centerline of Corsica Road

15th Election District – 6th Councilmanic District

Legal Owners: Darryl & Sharon Hitt

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Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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MEMORANDUM

DATE: August 8, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0239-A Appeal Period Expired

The appeal period for the above-referenced case expired on August 7, 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
332 Miles Road; W/S Miles Road, 245' S
of c/line of Corsica Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Darryl & Sharon Hitt
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2013-239-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.

RECEIVED

APR 30 2013

.....

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of April, 2013, a copy of the foregoing Entry of Appearance was mailed to Richardson Engineering, LLC, 30 E. Padonia Road, Suite 500, Timonium, Maryland 21093, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NO. 2013-0239-A

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
4/25/13	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	C
5/9/13	DEPS (if not received, date e-mail sent _____)	C
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
4/29/13	STATE HIGHWAY ADMINISTRATION	No Obj
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 6/18/13	
SIGN POSTING	Date: 6/18/13 by Black	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 25, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For April 29, 2013
Item Nos. 2013-0211,0224, 0233,0234,0235,0237,0238,0239 and 0240.

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

DAK:CEN
Cc: file

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

MAY 09 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
(EPS) - Development Coordination

DATE: May 9, 2013

SUBJECT: EPS Comment for Zoning Item # 2013-0239-A
Address 332 Miles Road
(Hitt Property)

Zoning Advisory Committee Meeting of April 22, 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. 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;

This waterfront property is located in a Limited Development Area (LDA) and a Buffer Management Area (BMA) within the Chesapeake Bay Critical Area (CBCA). Development of this property must comply with maximum lot coverage limits, must meet BMA requirements for development within the 100-foot tidal buffer, and must meet a 15% tree cover requirement. Based on this, EPS has determined that adverse impacts on water quality from the pollutants discharged from the proposed development can be minimized with compliance and mitigation pursuant to Critical Area requirements. Mitigation requirements may include removal of existing lot coverage, and the planting of native trees and shrubs.

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

The proposed development must comply with all LDA and BMA requirements prior to building permit approval. This includes the 15% afforestation requirement and CBCA lot coverage requirements. Therefore, the subject zoning petition will conserve fish, wildlife, and plant habitat.

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 proposed development is permitted under the State-mandated Critical Area regulations provided that development is in compliance with all Critical Area requirements. Lot coverage on the property is limited. Compliance with the Critical Area requirements, and mitigation can allow the subject development to be consistent with established land use policy for development in the CBCA 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.

Reviewer: *Paul Dennis – Environmental Impact Review (EIR)*

BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence**

TO: Kristen Lewis
Office of Zoning Review

DATE: June 6, 2013

FROM: Sherry Nuffer
Office of Administrative Hearings

SUBJECT: Case No. 2013-0239-A
332 Miles Road (Hitt Property)

As you are aware, the above referenced case was scheduled before Judge Beverungen on June 7, 2013 at 10:00 AM in Room 205 of the Jefferson Building. Unfortunately, the sign posting requirement was not fulfilled.

This matter is now being returned to you for rescheduling and processing. Thanks

C: File



KEVIN KAMENETZ
County Executive

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

July 2, 2013

Darryl R. & Sharon Hitt
1316 Cherry Garden Road
Baltimore MD 21221

RE: Case Number: 2013-0239 A, Address 332 Miles Road:

Dear Mr. & Ms. Hitt:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 18, 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 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
Richardson Engineering LLC, 30 E Padonia Road, Suite 500, Timonium MD 21093

Richardson Engineering, LLC

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

Tel: 410-560-1502
Fax 443-901-1208

May 22, 2013

Attn: Mr. Mr. Arnold Jablon
Director of Permits, Approval and Inspections
111 W. Chesapeake Avenue
Towson, MD 21204

Subject: Hitt Property, 2013-0239-A
332 Miles Avenue

Dear Mr. Jablon:

I am requesting a postponement of the above referenced case because the sign was not posted in the allotted time frame. Please reschedule the case for the next available time.

If you have any questions, please feel free to contact me at any time.

Very truly yours,



Patrick C. Richardson, Jr. PE



KEVIN KAMENETZ
County Executive

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

May 30, 2013

Darryl R. & Sharon Hitt
1316 Cherry Garden Road
Baltimore MD 21221

RE: Case Number: 2013-0239 A, Address: 332 Miles Road

Dear Mr. & Ms. Hitt:

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Richardson Engineering LLC, 30 E Padonia Road, Timonium MD 21093



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4-29-13

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

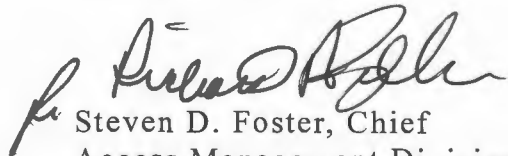
RE: Baltimore County
Item No 2013-0239-A
Variance
Darryl R. & Sharon Hitt
332 Miles Road

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. 2013-0239-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

CASE NAME HITT RESIDENCE
CASE NUMBER 2013-0239-A
DATE 7/8/13

[illegible]

Maryland Department of Assessments and Taxation
Real Property Data Search (vw3.1A)
BALTIMORE COUNTY

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

Account Identifier: District - 15 Account Number - 1511771590

Owner Information

Owner Name: HITT SHARON L
HITT DARRYL R
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 1316 CHERRY GARDEN RD
BALTIMORE MD 21221-
Deed Reference: 1) /33204/ 00087
2)

Location & Structure Information

Premises Address

332 MILES RD
0-0000

Legal Description

Waterfront MIDDLEBOROUGH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0097	0012	0373		0000			192	3	Plat Ref: 0004/ 0191

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1929	912 SF	10,000 SF	34

Stories	Basement	Type	Exterior
1.000000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Phase-in Assessments		
		Value	As Of	As Of
Land	200,000	200,000	01/01/2012	07/01/2013
Improvements:	94,300	49,500		
Total:	294,300	249,500	249,500	249,500
Preferential Land:	0			0

Transfer Information

Seller: KRECHER RUSSELL J	Date: 02/21/2013	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /33204/ 00087	Deed2:
Seller: STIRN ROLAND S & CATHERI	Date: 06/23/1966	Price: \$6,500
Type: ARMS LENGTH IMPROVED	Deed1: /04634/ 00464	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

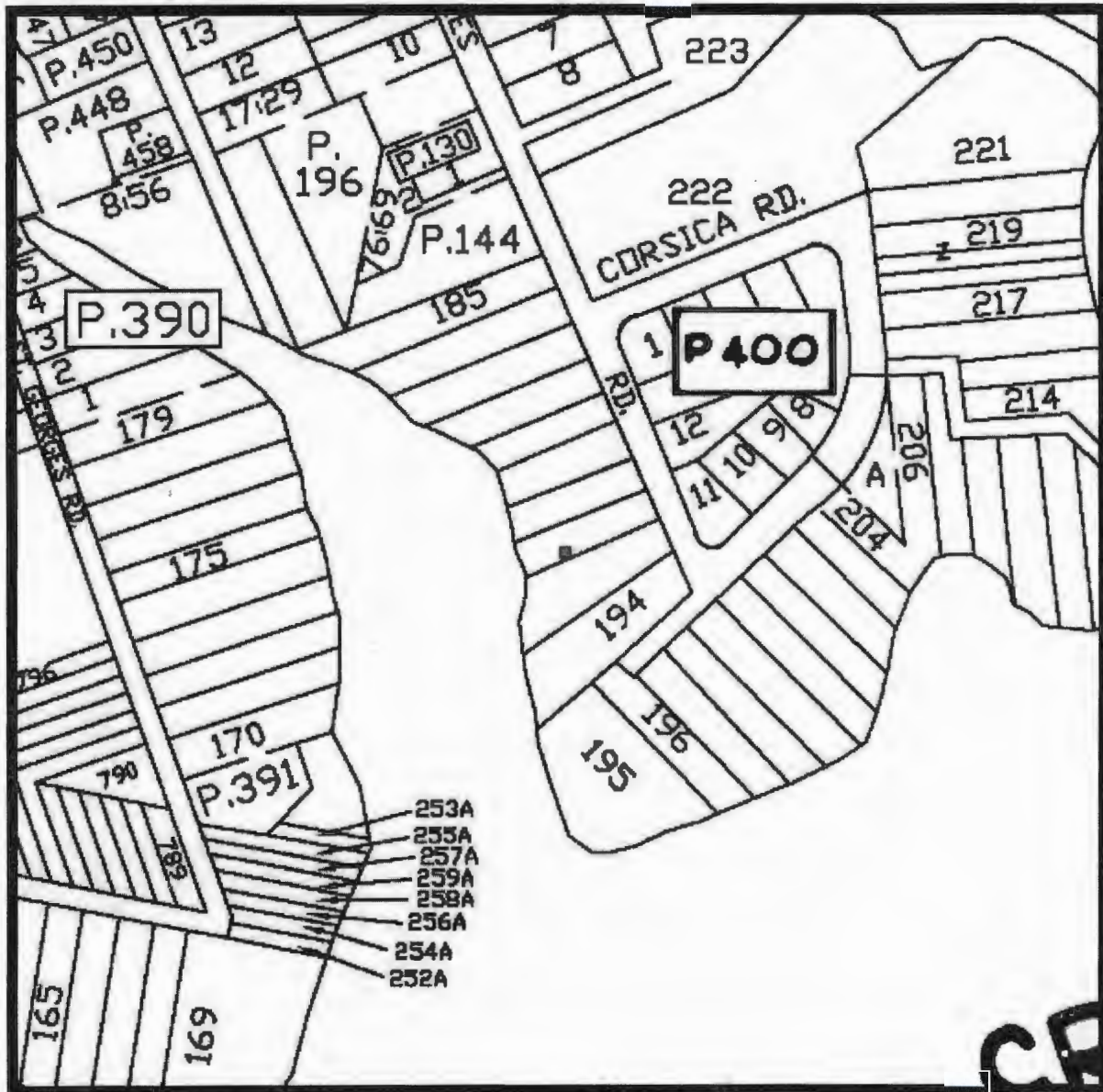
Homestead Application Status: Approved 10/14/2009



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

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

District - 15 Account Number - 1511771590



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.

7-8-13

Case No.: 2013-239-A

Exhibit Sheet

8-8-13

Protestant

Alu
7-8-13

Petitioner/Developer

No. 1	Site plan	
No. 2	photos	
No. 3	tax map/my neighborhood	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		









#3

My Neighborhood Map

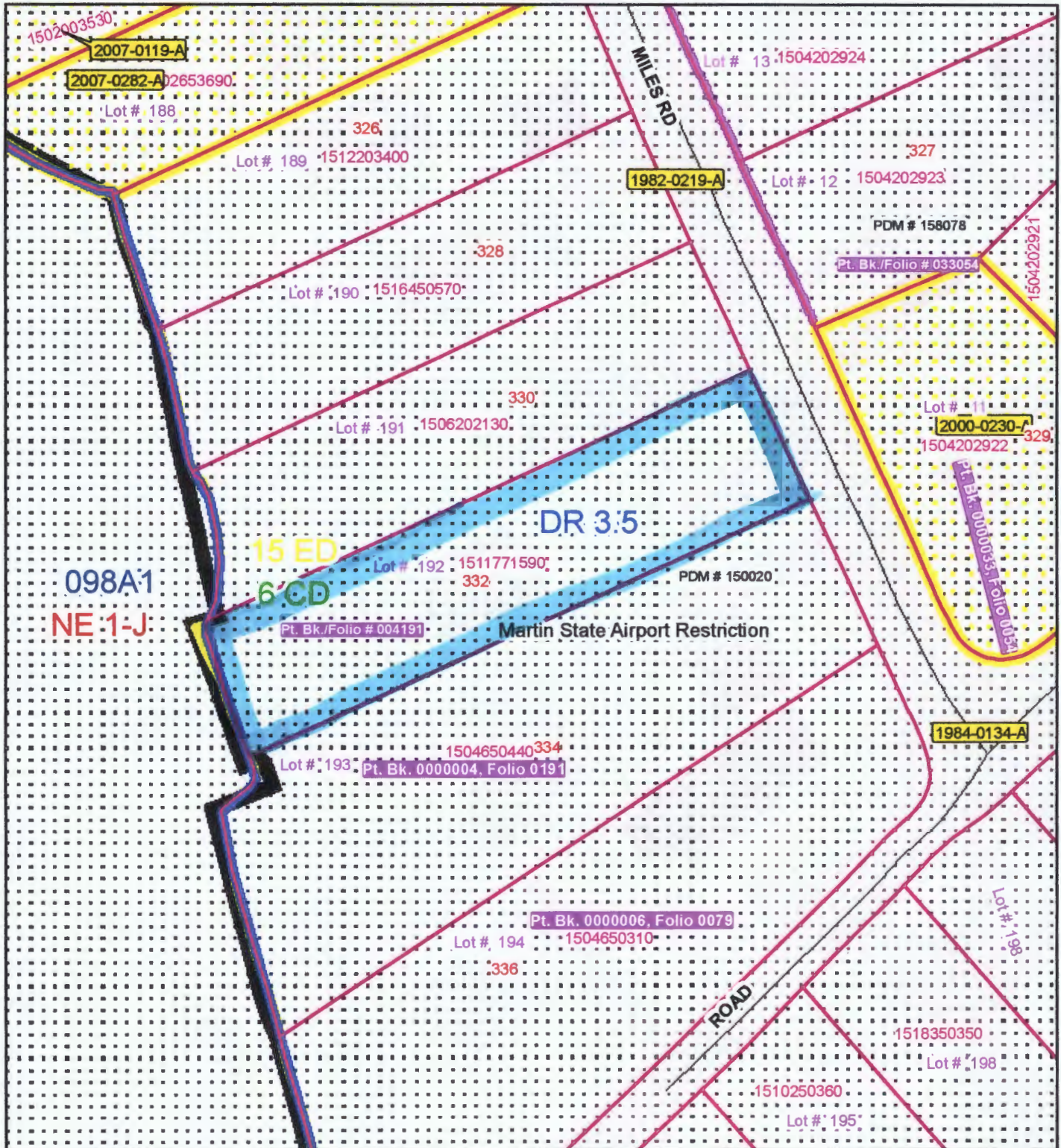
Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 7/7/2013

332 Miles Road 2013-0239-A



Publication Date: 4/18/2013

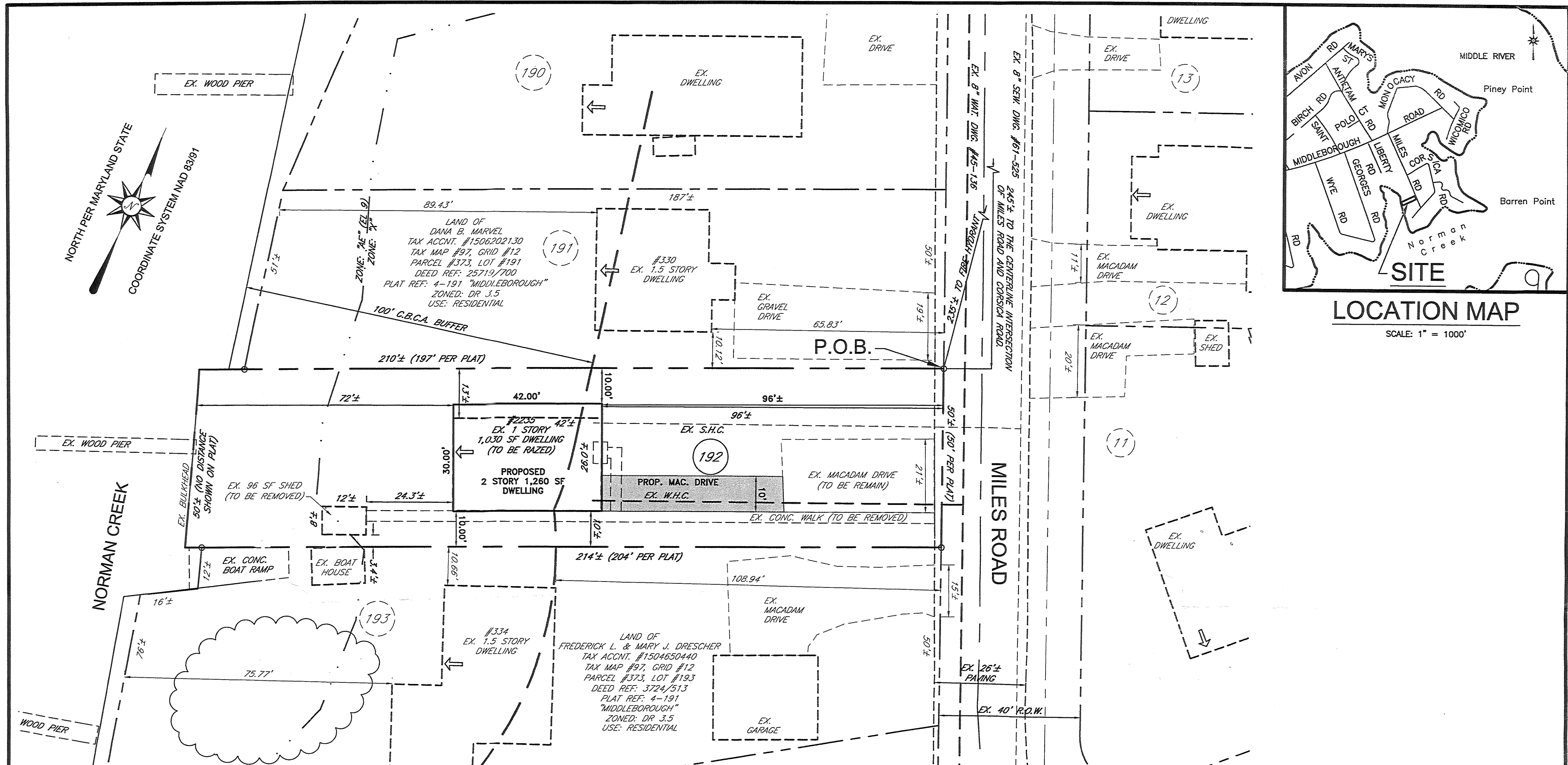


Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 12.5 25 50 75 100 Feet

1 inch = 50 feet



GENERAL NOTES:

- OWNER: SHARON L. & DARRYL R. HITT
1316 CHERRY GARDEN ROAD
BALTIMORE, MARYLAND 21221
- SITE AREA:
GROSS: 11,348 SF or 0.261 Ac.±
NET: 10,598 SF or 0.243 Ac.±
- USES:
EXISTING: ONE STORY RESIDENTIAL DWELLING. (TO BE RAZED)
PROPOSED: ONE STORY RESIDENTIAL DWELLING.
- UTILITIES:
WATER: EXISTING PUBLIC
SEWER: EXISTING PUBLIC
(EXISTING SERVICES SHOWN ARE APPROXIMATE AND MUST BE FIELD LOCATED PRIOR TO BUILDING CONSTRUCTION)
- DEED REF: 33204/ 87
- TAX ACCOUNT: #1511771590
- COUNCILMANIC DISTRICT: 6TH
- ZONING: DR 3.5
(PER 1"=200' ZONING MAP 098A1)
- TAX MAP #98, GRID #12, PARCEL #373, LOT #192.
- PLAT REFERENCE: 4-191 "MIDDLEBOROUGH"
- SITE LIES WITHIN ZONE "X" & "AE" EL 9 OF FLOOD INSURANCE RATE MAP (FIRM) PANEL #2400100445 F PANEL 445 OF 580 DATED SEPT. 26, 2008. ZONE "X" IS AREAS OF 0.2% ANNUAL CHANCE FLOOD & ZONE "AE" IS BASE FLOOD ELEVATIONS DETERMINED.
- NO PREVIOUS ZONING CASES OR VIOLATIONS ON FILE.
- NO PREVIOUS PERMITS ON FILE.
- THE SITE LIES ENTIRELY WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE PROPERTY AND THE STRUCTURES ARE NOT HISTORIC.
- BUILDING FLOOR AREAS:
EXISTING: 1,133 SF
PROPOSED: 1,260 SF
TOTAL: 1,260 SF / 11,348 = 0.11 FAR
- WATERSHED: MIDDLE RIVER
- SETBACKS:
YARD
FRONT: 30' REQUIRED 72'± PROVIDED
SIDE: 10' (SUM OF 25') 10'± SUM OF 20'
REAR: 50' 96'±
- MINIMUM LOT AREA:
REQUIRED: 10,000 SF
PROVIDED: 10,598 SF
- MINIMUM LOT WIDTH:
REQUIRED: 70'
PROVIDED: 50'
- ALL CONSTRUCTION WILL BE PER FLOOD PLAIN REGULATIONS.
- SITE LIES WITHIN THE BUFFER MANAGEMENT AREA (BMA) (226 SF DECREASE IN IMPERVIOUS AREA WITHIN THE 100' CRITICAL BUFFER MANAGEMENT AREA.)
- IMPERVIOUS AREAS:
EXISTING:
DWELLING = 1,030 SF (T.B.R.)
WALK = 562 SF (T.B.R.)
DRIVE = 877 SF (TO REMAIN)
SHED = 98 SF (T.B.R.)
TOTAL = 2,567 SF (877 TO REMAIN)
PROPOSED:
DWELLING = 1,260 SF
DRIVE = 513 SF
TOTAL = 1,773 SF
ULTIMATE IMPERVIOUS AREAS: 1,773+877 = 2,650 SF
2,650 SF ÷ 10,598 = 25.0%
- THE SITE LIES WITHIN THE 3 MILE PROXIMITY RADIUS OF MARTIN STATE AIRPORT.

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION FOR THE

HITT RESIDENCE

332 MILES ROAD
BALTIMORE, MARYLAND 21221

15TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

REVISIONS

DRAWN BY:

CND

DESIGNED BY:

PCR

SCALE:

1" = 20'

DATE:

04-05-13

JOB NO.:

13033

SHEET NO.:

1 OF 1

Petitioners No. 1 2013-0239-A

