

IN RE: PETITIONS FOR SPECIAL HEARING *

AND VARIANCE

(12833 Dover Road) *

8th Election District *

2nd Council District *

Sunfire Homes, LLC, *Legal Owner* *

Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0010-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed by Neil J. Lanzi, Esquire, on behalf of Sunfire Homes, LLC, the legal owner. The Special Hearing was filed pursuant to §1A04.3.B.1. of the Baltimore County Zoning Regulations ("B.C.Z.R."), to allow a lot with an area of less than one and a half acres (1.282 acres) and a maximum gross density of less than .5 dwellings per acre. In addition, a Petition for Variance was filed pursuant to §1A04.3.B.2.b. to allow setbacks of 21 and 26 feet respectively, in lieu of the required 50 feet from any lot line other than a street line. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requests were Moe Krohn, Aaron Felvelson and Bruce E. Doak from Bruce E. Doak Consulting, LLC, the firm that prepared the site plan. Neil J. Lanzi, Esquire, appeared and represented the Petitioner. 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 in attendance, and the file does not contain any letters of protest or opposition.

A Zoning Advisory Committee (ZAC) comment was submitted by the Department of Planning (DOP), which indicated that it had no objections to the requests.

ORDER RECEIVED FOR FILING

Date

9/11/13

By

Sen

The subject property is approximately 1.28 acres in size and is zoned RC 5. The property is part of a larger parcel that was the subject of an approved minor subdivision of 3 lots. See Exhibit 6. Single family dwellings have been constructed on two (2) of those lots, and the Petitioner now proposes to construct a single family dwelling on the subject property, the third lot in the minor subdivision. The lot is currently improved with a single family dwelling which is in a state of disrepair. The Petitioner will raze this structure prior to constructing the new dwelling. Given the change in zoning regulations that occurred following the minor subdivision approval, the Petitioner requires zoning relief to build a home on the lot.

The Petition for Special Hearing seeks approval to construct a dwelling on an "undersized" lot. Current RC 5 regulations require 1.5 acres, while the Petitioner's lot is 1.28 acres in size. Just the same, and as noted by the DOP, most of the homes in the area are on lots smaller than 1.5 acres, so the proposed dwelling would not be incompatible with the community. As such, the petition for Special Hearing will be granted.

Based on the evidence presented, I also find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995). The property is of irregular dimensions and is therefore unique.

I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship, given that Petitioner 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 absence of opposition from the community and County reviewing agencies.

ORDER RECEIVED FOR FILING

Date

9/11/13

By

den

Pursuant to the advertisement, posting of the property, and public hearing, and after considering the testimony and evidence offered, I find that Petitioner's Special Hearing and Variance requests should be granted.

THEREFORE, IT IS ORDERED this 11th day of September, 2013, by this Administrative Law Judge, that Petitioner's request for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to allow a lot with an area of less than one and a half acres (1.282 acres) and a maximum gross density of less than .5 dwellings per acre, be and is hereby GRANTED.

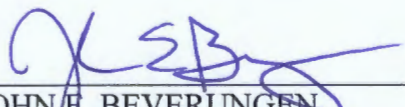
IT IS FURTHER ORDERED that Petitioner's Variance request pursuant to § 1A04.3.B.2.b to allow setbacks of 21 and 26 feet respectively, in lieu of the required 50 feet from any lot line other than a street line, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- Petitioner must prior to issuance of a building permit obtain from the DOP a finding that the Petitioner has satisfied the RC 5 zone performance standards.

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

JEB/sln



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 9/11/13

By sln



KEVIN KAMENETZ
County Executive

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

September 11, 2013

Neil J. Lanzi, Esquire
409 Washington Avenue, Suite 617
Towson, Maryland 21204

RE: Petitions for Special Hearing and Variance
Property: 12833 Dover Road
Case No.: 2014-0010-SPHA

Dear Mr. Lanzi:

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:sln
Enclosure



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 12833 DOVER ROAD which is presently zoned RCS
Deed References: SM 32728/492 10 Digit Tax Account # 2900000797
Property Owner(s) Printed Name(s) SUNFIRE HOMES, LLC

(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

(SEE ATTACHED SHEET)

2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a Variance from Section(s)

(SEE ATTACHED SHEET)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO 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:

ORDER RECEIVED FOR FILING
9/11/13
Name- Type or Print
Signature
Date
Mailing Address City State
By
Zip Code Telephone # Email Address

Attorney for Petitioner:

NEIL LANZI
Name- Type or Print
Signature
409 WASHINGTON AVE. SUITE 617 TOWSON MD
Mailing Address City State
NEILANZI@LANZILAW.COM
21204 / 410-296-0686 /
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

SUNFIRE HOMES, LLC
Name #1 - Type or Print Name #2 - Type or Print
Signature #1 Signature #2
3600 LABYRINTH ROAD SUITE 13 BALTIMORE MD
Mailing Address City State
AARON@SUNFIREPROPERTIES.COM
21215 / 443-759-6736 /
Zip Code Telephone # Email Address

Representative to be contacted:

BRUCE E. DOAK
BRUCE E DOAK CONSULTING, LLC
Name - Type or Print
Signature
3801 BAKER SCHOOLHOUSE ROAD FREELAND MD
Mailing Address City State
BDOAK@BRUCEEDOAKCONSULTING.COM
21053 / 410-919-9906 /
Zip Code Telephone # Email Address

CASE NUMBER 2014-0010-SPM Filing Date 7/10/13 Do Not Schedule Dates: 9/10/13 Reviewer JS

9/20/13

REV. 10/4/11

Sunfire Homes, LLC, property owner, hereby petitions the Administrative Law Judge for approval with regard to the property known as 12833 Dover Road:

1. Special hearing pursuant to 1A04.3B1 to allow a lot with an area of less than one and a half acres (1.282 acres) and a maximum gross density of less than .5 dwellings per acre.
2. Variance from Section 1A04.3B2(b) to allow setbacks of 21 and 26 feet respectively in lieu of the required 50 feet from any lot line other than a street line.
3. For any further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

The Administrative Law Judge has the power to grant special hearings and variances that will not be detrimental to the health, safety or general welfare of the locality involved. Petitioner will be providing additional reasons in support of the zoning relief requested at the hearing.

2014-0010-SPH4

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

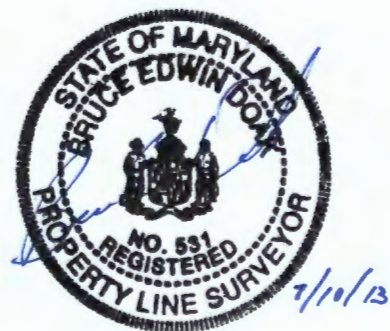
Zoning Description

Dover Road- 1.282 Acre Parcel
Eighth Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point in the bed of Dover Road, approximately 102 feet southeasterly of the centerline of Deer Meadow Court, thence leaving the bed of Dover Road and running with and binding on the outlines of the subject property, the four following course and distance, viz 1) North 85 degrees 30 minutes 21 seconds East 239.00 feet, 2) North 70 degrees 01 minute 58 seconds East 213.39 feet, 3) South 07 degrees 27 minutes 05 seconds West 188.00 feet and 4) South 85 degrees 30 minutes 21 seconds West 359.81 feet to a point in the bed of Dover Road, thence running in the bed of Dover Road and continuing to bind on the outlines of the subject property 5) North 24 degrees 22 minutes 37 seconds West 135.05 feet to the point of beginning.

Containing 1.282 acres of land, more or less.

This description is part of a zoning petition and is not intended for any conveyance purposes.



Land Use Expert and Surveyor

2014-0010-SP4A

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/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: 2014-0010-SPHA

Petitioner: SUNFIRE HOMES, LLC

Address or Location: 12833 DOVER ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: SUNFIRE HOMES, LLC

Address: 3600 LABYRINTH ROAD, SUITE J3

BALTIMORE MD 21215

Telephone Number: 443-759-6736

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

No. **101414**

Date: **7/10/13**

PAID RECEIPT

BUSINESS ACTUAL TIME BDN
 7/12/2013 7/11/2013 10:00:49 5

220 WSDS WALKIN RDOS LRB
 >>RECEIPT # 675303 7/11/2013 OFLH

Dept 5 520 ZONING VERIFICATION
 CR NO. 101414

Receipt Tot \$150.00
 \$150.00 CR \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$150.00

Total: **\$150.00**

Rec From: **2014-0010-SPHA**

For: **SUNFIRE HOMES LLC**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

August 21, 2013

Re:

Case Number: 2014- 0010-SPHA

Petitioner / Owner: Sunfire Homes, LLC

Date of Hearing: September 9, 2013

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

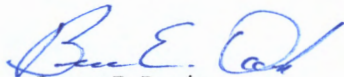
Attention: Kristen Lewis

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 **12833 Dover Road**.

The sign(s) were posted on **August 20, 2013**.

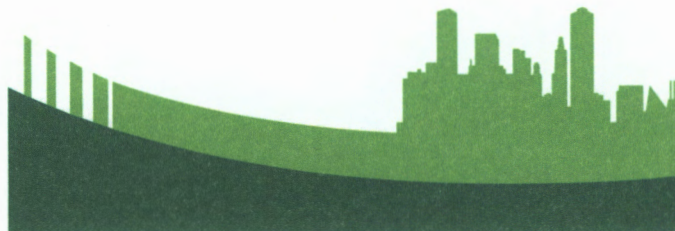
Sincerely,



Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor

ZONING NOTICE

CASE NO. 2014-0010-SPHA

**A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE IN TOWSON
MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MD 21204**

DATE&TIME: Monday September 9, 2013 1:30PM

**SPECIAL HEARING TO ALLOW A LOT WITH AN AREA OF LESS THAN
ONE AND A HALF ACRES (1.282 ACRES) AND A MAXIMUM GROSS
DENSITY OF LESS THAN 0.5 DWELLINGS PER ACRE.**

**VARIANCE TO ALLOW SETBACKS OF 21 AND 26 FEET RESPECTIVELY
IN LIEU OF THE REQUIRED 50 FEET FROM ANY LOT LINE OTHER
THAN A STREET LINE. FOR ANY FURTHER RELIEF AS MAY BE
DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE FOR
BALTIMORE COUNTY.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391. THE HEARING IS
HANDICAPPED ACCESSIBLE**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.**

ZONING NOTICE

CASE NO. 2014-0010-SPHA

A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE IN TOWSON
MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MD 21204

DATE & TIME: Monday September 8, 2013 1:30PM

SPECIAL VARIANCE TO ALLOW A LOT WITH AN AREA OF LESS THAN
ONE AND A HALF ACRES (1.5 ACRES) AND A MAXIMUM DENSITY
DENSITY OF LESS THAN 0.5 DWELLINGS PER ACRE.
VARIANCE TO ALLOW DETACHES OF 21 AND 30 FEET RESPECTIVELY
IN LIEU OF THE REQUIREMENT 30 FEET FROM ANY LOT LINE OTHER
THAN A STREET LINE, FOR ANY FURTHER RELIEF AS MAY BE
DETERMINED BY THE ADMINISTRATIVE LAW JUDGE FOR
BALTIMORE COUNTY.

POSTPONEMENTS DUE TO UNUSUAL CIRCUMSTANCES ARE PERMITTED
AND SHOULD BE REQUESTED BY THE APPLICANT. THE VARIANCE IS
NON-TRANSFERABLE.

DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

August 22, 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 August 20, 2013

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: # 2014-0010-SPHA

12833 Dover Road
NE/s Dover Road, 102 ft. SE of centerline of intersection with Deer Meadow Court
8th Election District - 2nd Councilmanic District
Legal Owner(s): Sunfire Homes, LLC

Special Hearing: to allow a lot with an area of less than one and a half acres (1.282 acres) and a maximum gross density of less than .5 dwellings per acre. **Variance:** to allow setbacks of 21 and 26 feet respectively in lieu of the required 50 feet from any lot line other than a street line. For any further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Monday, September 9, 2013 at 1:30 p.m. in Room 205, Jefferson Building, 111 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.

JT 8/796 Aug. 20

941612



KEVIN KAMENETZ
County Executive

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

August 2, 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: 2014-0010-SPHA

12833 Dover Road

NE/s Dover Road, 102 ft. SE of centerline of intersection with Deer Meadow Court

8th Election District – 2nd Councilmanic District

Legal Owners: Sunfire Homes, LLC

Special Hearing to allow a lot with an area of less than one and a half acres (1.282 acres) and a maximum gross density of less than .5 dwellings per acre. Variance to allow setbacks of 21 and 26 feet respectively in lieu of the required 50 feet from any lot line other than a street line. For any further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Monday, September 9, 2013 at 1:30 p.m. in Room 205, Jefferson Building,
111 West Chesapeake Avenue, Towson, MD 21204

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

Arnold Jablon
Director

AJ:kl

C: Neil Lanzi, 409 Washington Ave., Ste. 617, Towson 21204
Sunfire Homes, LLC, 3600 Labyrinth Road, Ste. J3, Baltimore 21215
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 20, 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
Tuesday, August 20, 2013 Issue - Jeffersonian

Please forward billing to:

Sunfire Homes, LLC
3600 Labyrinth Road, Ste. J3
Baltimore, MD 21215

443-759-6736

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: 2014-0010-SPHA

12833 Dover Road

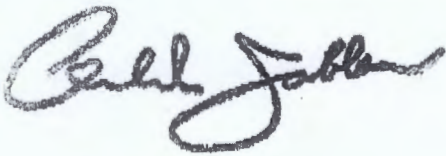
NE/s Dover Road, 102 ft. SE of centerline of intersection with Deer Meadow Court

8th Election District – 2nd Councilmanic District

Legal Owners: Sunfire Homes, LLC

Special Hearing to allow a lot with an area of less than one and a half acres (1.282 acres) and a maximum gross density of less than .5 dwellings per acre. Variance to allow setbacks of 21 and 26 feet respectively in lieu of the required 50 feet from any lot line other than a street line. For any further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Monday, September 9, 2013 at 1:30 p.m. in Room 205, Jefferson Building,
111 West Chesapeake Avenue, Towson, MD 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: October 15, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0010-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on October 11, 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 SPECIAL HEARING
AND VARIANCE
12833 Dover Road; NE/S Dover Road,
102' SE of c/line of Deer Meadow Court
8th Election & 2nd Councilmanic Districts
Legal Owner(s): Sunfire Homes LLC
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2014-010-SPHA

* * * * *

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

AUG 01 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 2nd day of August, 2013, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053 and J. Neil Lanzi, Esquire, 409 Washington Avenue, Suite 617, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>8/1/13</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
<u>8/27/13</u>	PLANNING (if not received, date e-mail sent _____)	<u>No Obj</u>
<u>7/30/13</u>	STATE HIGHWAY ADMINISTRATION	<u>No Obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>8/20/13</u>	
SIGN POSTING	Date: <u>8/20/13</u> by <u>Doak</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____



KEVIN KAMENETZ
County Executive

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

September 4, 2013

Sunfire Homes LLC
3600 Labyrinth Road
Suite J3
Baltimore MD 21215

RE: Case Number: 2014-0010 SPHA, Address: 12833 Dover Road

To Whom it May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAD) on July 10, 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
Neil Lanzi, 409 Washington Avenue, Suite 617, Towson MD 21204
Bruce E. Doak, Bruce E. Doak Consulting LLC, 3801 Schoolhouse Road, Freeland MD 21053

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 7-30-13

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

RE: Baltimore County
Item No 2014-0010-SPHA
Special Hearing Variance
Sunfire Homes LLC
12833 Dover 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. 2014-0010-SPHA.

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,

for Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 27, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 12833 Dover Road

INFORMATION:

Item Number: 14-010

Petitioner: Sunfire Homes, LLC

Zoning: RC 5

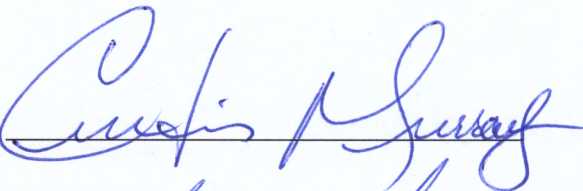
Requested Action: Special Hearing and Variance

SUMMARY OF RECOMMENDATIONS:

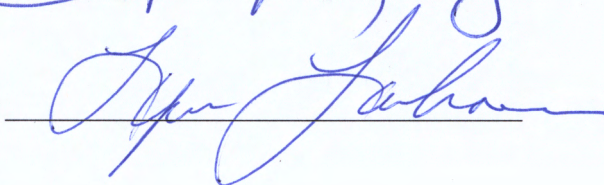
The Department of Planning has reviewed the petitioner's request and accompanying site plan. The subject property is similar in character as many of the surrounding properties. The majority of the surrounding properties in the area are also zoned RC 5 and have less than an acre and a half of lot area. As such, the Department of Planning has no objections to the petitioner's special hearing and variance requests.

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

Prepared By:



Division Chief:
AVA/LL:cjm



RECEIVED

AUG 28 2013

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 1, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For July 29, 2013
Item Nos. 2014-0010, 0011, 0012, 0013, 0015, 0016, 0017, 0018 and
0019.

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

DAK
cc:file

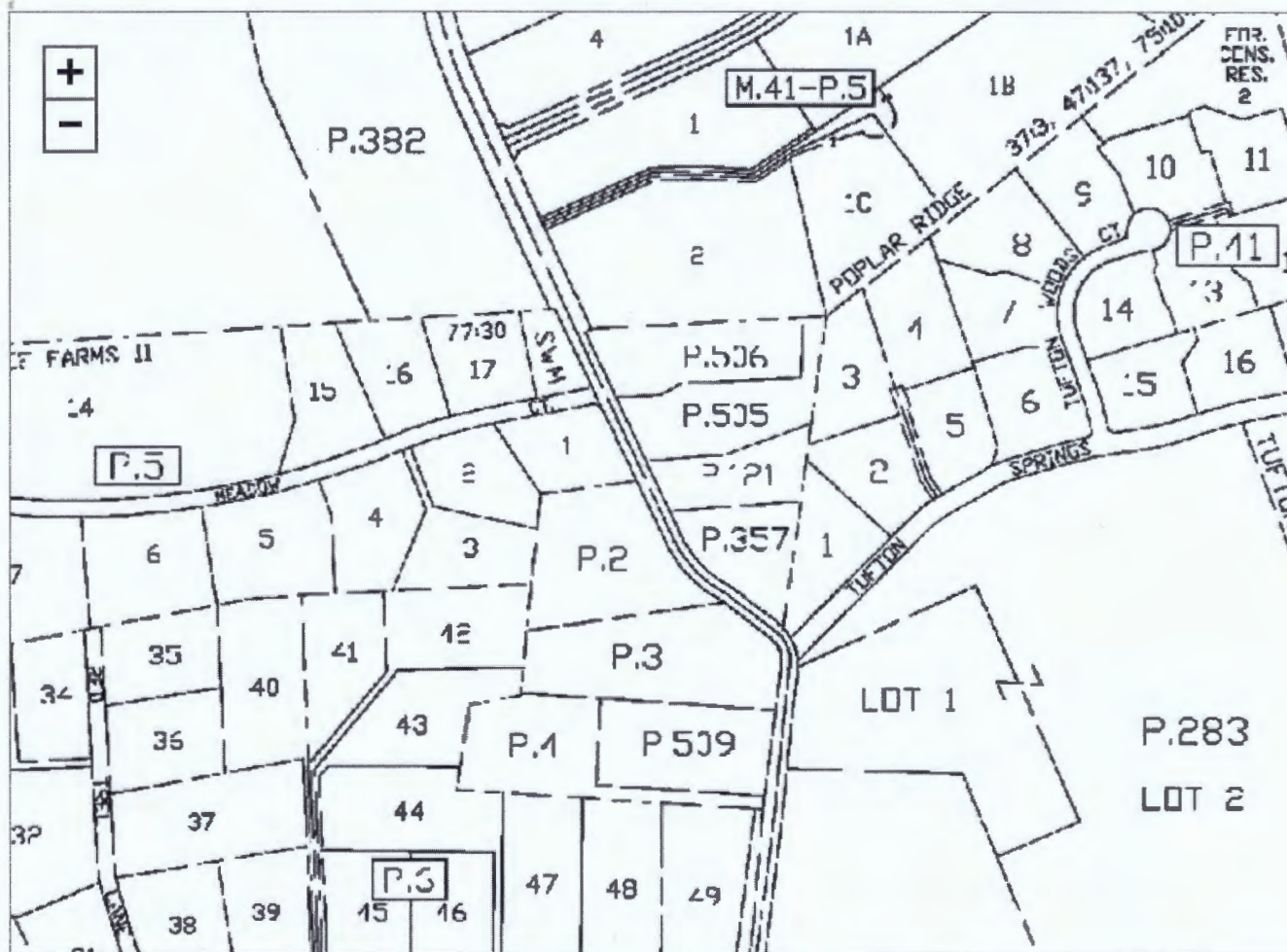
Real Property Data Search (w1)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 08 Account Number - 2400000747		
Owner Information		
Owner Name:	SUNFIRE HOMES LLC	Use: RESIDENTIAL
		Principal Residence: NO
Mailing Address:	UNIT J-3 3600 LABYRINTH RD BALTIMORE MD 21215-	Deed Reference: 1) /32728/ 00492 2)
Location & Structure Information		
Premises Address:	12833 DOVER RD 0-0000	Legal Description: 1.282 AC 12833 DOVER RD ES 1500FT NE CHSTNT WDS CT
Map: 0050	Grid: 0002	Parcel: 0121
Sub District:	Subdivision: 0000	Section:
Block:	Lot: 1	Assessment Year: 2014
Plat No:	Plat Ref:	MS
Special Tax Areas:		Town: NONE
Ad Valorem:		
Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1892	1,458 SF	1.2800 AC
County Use		04
Stories	Basement	Type
2.000000	YES	STANDARD UNIT
Exterior	Full/Half Bath	Garage
SIDING	1 full	
Last Major Renovation		
Value Information		
	Base Value	Value
		As of
		01/01/2011
Land:	179,900	179,900
Improvements	83,200	83,200
Total:	263,100	263,100
Preferential Land:	0	
Phase-in Assessments		
	As of	As of
	07/01/2013	07/01/2014
Transfer Information		
Seller: GENT MELVIN LEE	Date: 10/31/2012	Price: \$171,150
Type: ARMS LENGTH IMPROVED	Deed1: /32728/ 00492	Deed2:
Seller: GENT MELVIN LEE/HELEN J	Date: 04/15/2002	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /16701/ 00217	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty/>)District: **08** Account Number: **2400000747**

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 (<http://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 (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

☒ Loading... Please

Loading... Please Wait.

-->

CASE NAME SULFIRE
CASE NUMBER 2614-0010-SP4A
DATE 9/09/13

[illegible]

Case No.:

2014-0010 - SPHA

Exhibit Sheet

EW
10-15-13

Aln
9-11-13

Petitioner/Developer

Protestant

No. 1	Site plan	
No. 2	"Key Sheet" + color photos	
No. 3	My Neighborhood Aerial Photo	
No. 4	Elevations + floor plan of proposed dwelling	
No. 5	Petitioner's Exhibit Plan	
No. 6	Minor Subdivision plan of Gent Property	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



**Key Sheet of Site
Photos**

Created By
Baltimore County
My Neighborhood



This data is for informational purposes only and does not constitute a warranty or representation of any kind. It is provided as is, with all faults. The user assumes all liability for any use of this information.

PETITIONER'S

EXHIBIT NO. 2



 <i>1" = 80'</i> My Neighborhood Map	Created By Baltimore County My Neighborhood 	PETITIONER'S EXHIBIT NO. 3 This map is provided for informational purposes only. It does not constitute a warranty or guarantee of any kind. The user assumes all responsibility for the use of or reliance upon this data.
---	--	---



PETITIONER' S

EXHIBIT NO. 4



MARK F.
CUSTOM HOMES

12803 Dover Road Reisterstown, Maryland
Style: Traditional Colonial

The exterior elevation is designed to conform to the surrounding homes throughout the neighborhood and the neighboring developments. To that end we have compiled a short list of materials that we will use for a four exterior elevations.

Exterior Specifications:

- **Front Elevation:** Stucco Stone Façade as indicated in the plans.
- **Front door:** Craftsmen style door with side light panels
- **Garage Doors:** Barn Style Garage Doors
- **Foundation:** Stone clad foundation all 4 sides.
- **Siding for both sides and rear:** Beaded Vinyl siding
- **Windows:** Gridded Windows as indicated on the plans
- **Roof:** 30 year GAF Slate Line asphalt shingle roof with varying roof lines

CLARK, D.
DEPT. 397
TAX ACC.

MARY BREWSTER SINGLAR TRU
JAMES L. SINGLAR TRUST
DEED: 14740/358
TAX ACC. 18-00011867

- 1) Owner: Micky Lee, Gerald & Helen A. Gust
13377 Deane Road
Baldwin, Maryland 21158-0008
(410) 281-6555
- 2) Date Recd: 6/31/2006 (9/19, 1983)
1631/2565, 1631/2561 & 1631/2566
- 3) Tax Acc.: DB-16102050
- 4) Tax Steps: 50 Parcel: 121 Date: 2
- 5) Comm. Div. Account: 200,500.00 S.F. & 4,803 AC

[illegible]

212

THE HARTLAND COORDINATE SYSTEM (N.C.A.)
SUBDIVISION #01-060-M

William H. Baettig, P.E.
PRESIDENT
Oak Engineering/Land Planners

BAITING, MD 21221 (410) 296-2236

HONOR SUBDIVISION
 OF
 GENT PROPERTY
 3033 DOVER ROAD

2035 DOWN ROAD
COUNCLIFFE DISTRICT, BALTIMORE COUNTY, MARYLAND
DATE: 07-17-02
BALTIMORE COUNTY MINOR SUBDIVISION
PROJECT NO. 01-060 w

DEVELOPMENT REGULATIONS
☒ EXEMPT FROM DIVISION 2
☐ PARAGRAPHS, EXEMPT FROM SECTIONS
 26-202 & 26-205
 FOR CERTIFICATION

BY [Signature] APPROVED ☐ DISAPPROVED ☐
DATE 7/23/02

ひ

10

EXHIBIT NO.



1

1

1



PDM # 080174

Lot # 2

Pt. Bk. 0000037, Folio 0003

1600011967

Pt. Bk./Folio # 037003

Pt. Bk. 0000075, Folio 0104

Lot # 3

2400001617

12845

2400007060

Lot # 0

PDM # 080778

Pt. Bk./Folio # MP01060

2400001616

Lot # 2

DEER MEADOW

PDM # 040533

R-2001-0437

Pt. Bk./Folio # 077030

8 ED

Lot # 1 2400007042

Pt. Bk. 0000077, Folio 0030

2 CD 050A1

NW 17-F

Lot # 1

Rural Side of URDL
RC 5

2400000747

SUBJECT
PROPERTY

DOVER RD

TUFTON SPRINGS II (PDM File/Project # 8-608)

4 ED

0407015425

12827

1600002452

PDM # 080608

12826

0418048101

2400001992

Lot # 1

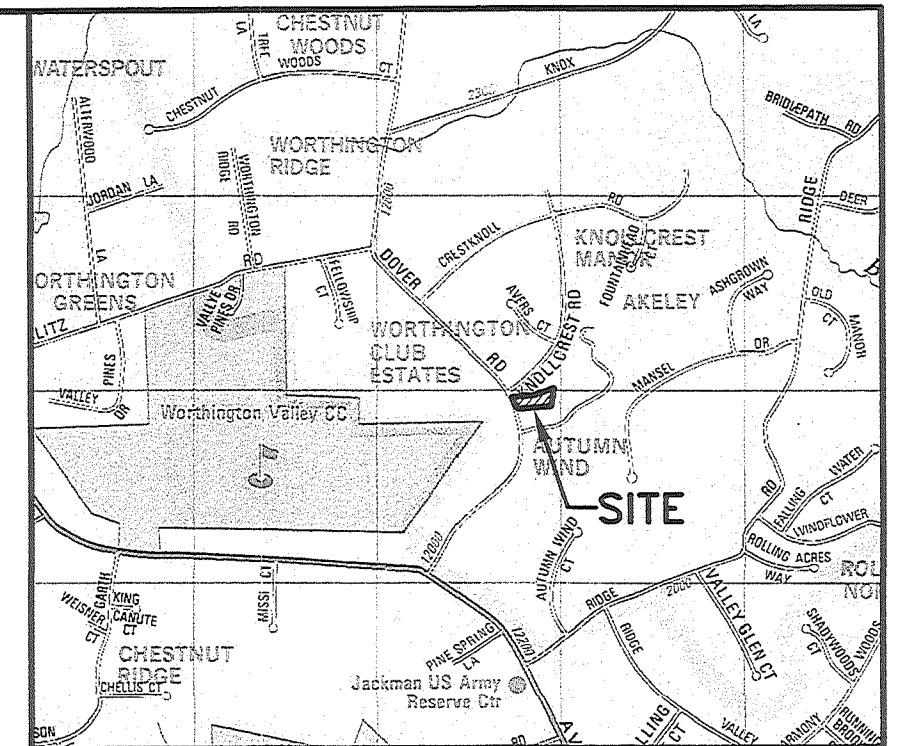
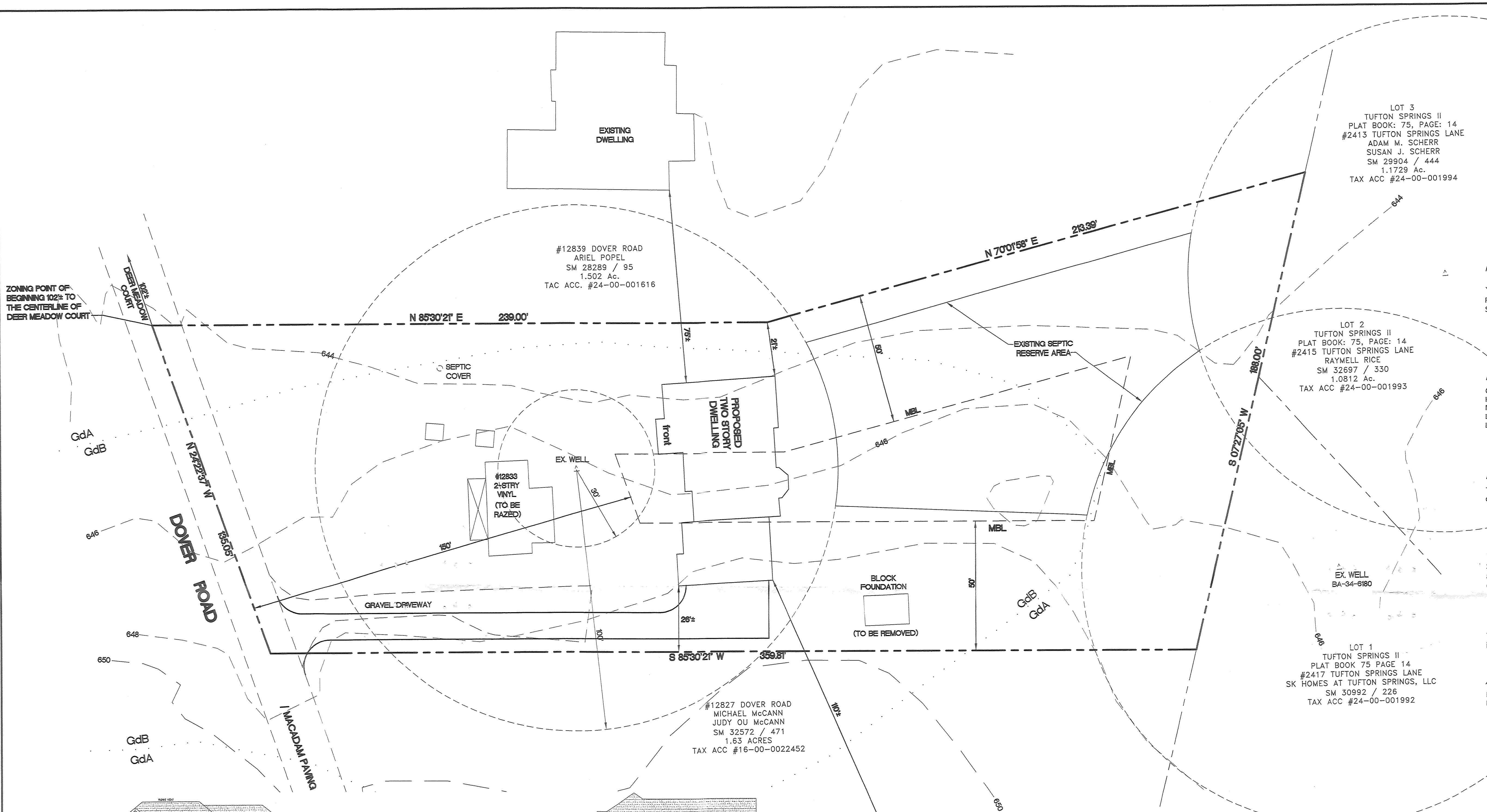
Pt. Bk. 0000075, Folio 0014

TUFTON SPRINGS LN

Pt. Bk. # MP01342
11275

0403002101

2014-0010-SPH A



R.C. 5 SETBACKS FOR RESIDENTIAL SINGLE FAMILY DWELLINGS

Front: 75 feet from the centerline of any non-collector street or road
Side / Rear: 50 feet from any lot line other than a street line

DENSITY CALCULATIONS FOR R.C. 5

Gross area:	1.282 acres (calculated)
Highway widening:	0 acres
Net area:	1.282 acres
Lots permitted:	1 (per Special Hearing approval)
Lots proposed:	1

PROPOSED DEVELOPEMENT

The construction of one single family dwelling at this time. Accessory structures may be constructed in the future and will meet the applicable zoning regulations.

SPECIAL HEARING REQUESTED

Special hearing pursuant to 1A04.3B1 to allow a lot with an area of less than one and a half acres (1.282 acres) and a maximum gross density of less than .5 dwellings per acre.

VARIANCE REQUESTED

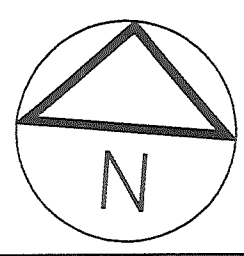
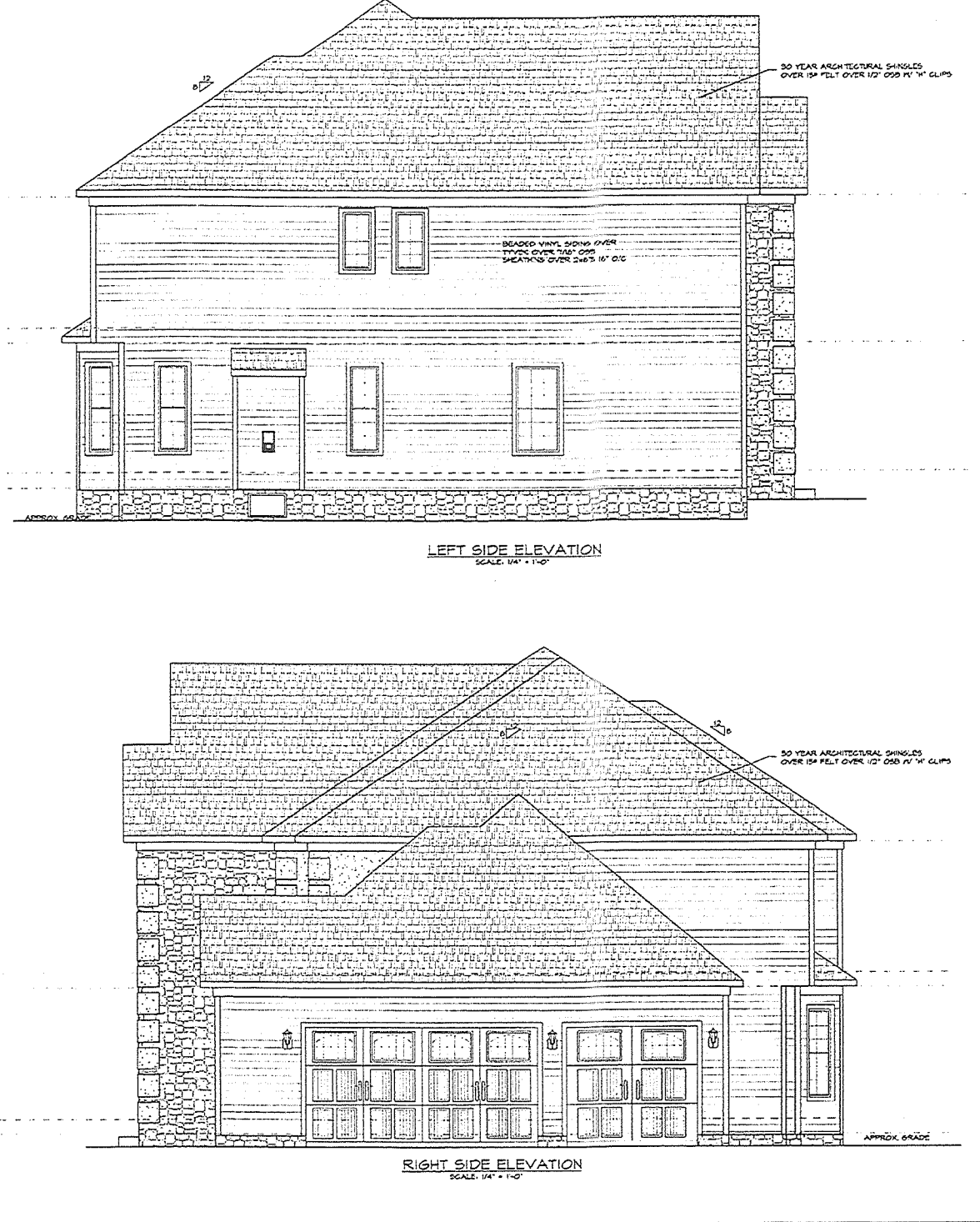
Variance from Section 1A04.3B2(b) to allow setbacks of 21 and 26 feet respectively in lieu of the required 50 feet from any lot line other than a street line.

ADDITIONAL REQUEST

For any further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

GENERAL NOTES

- Ownership: Sunfire Homes, LLC
- Address: 12833 Dover Road
- Deed references: SM 32728 / 492
- Tax Map / Parcel / Tax account #: 50 / 002 / 24-00-000747 (1.282 acres)
- Zoning: RC 5. There are no previous zoning cases on the subject property
- The boundary shown hereon is from deeds recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS files 050A1 and the information provided by Baltimore County on the internet.
- The subject property is Lot 1 "Refinement of Minor Subdivision of Gent Property" approved by Baltimore County in 2002.
- Improvements: Single family dwelling (vacant).
- The existing dwelling will be razed.
- The existing dwelling is not historic. The subject property is not historic or in a historic district.
- The existing dwelling is currently serviced by private well and septic.
- The septic reserve area shown was approved by Baltimore County.
- There are no underground storage tanks on the subject property.
- The subject property is not in the Chesapeake Bay Critical Area.
- The subject property is not located within a 100 year flood plain.



PLAN
SCALE: 1"=20'



2014-0010-SPHA

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

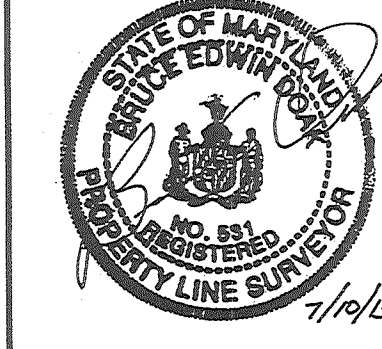
DRAFTED BY: **Tesseract**
Tesseract Sites, Inc.
400 Worthington Ave., Suite 100
Towson, Maryland, 21204

PLAN TO ACCOMPANY A PETITION

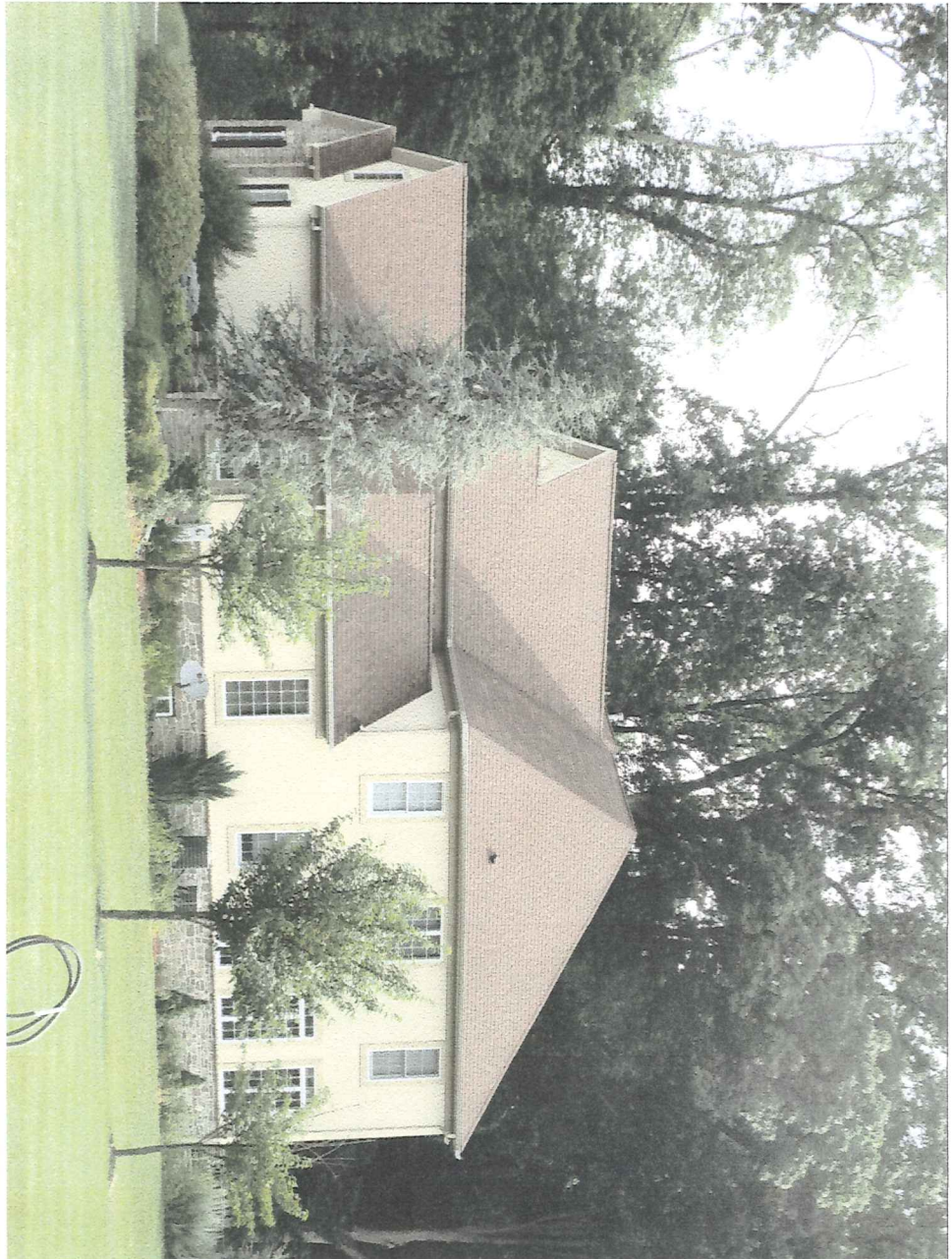
12833 DOVER ROAD

8th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Date: 7/10/2013
Scale: AS SHOWN



PETITIONER'S
EXHIBIT NO. 1



(A)



(B)



(C)



(D)

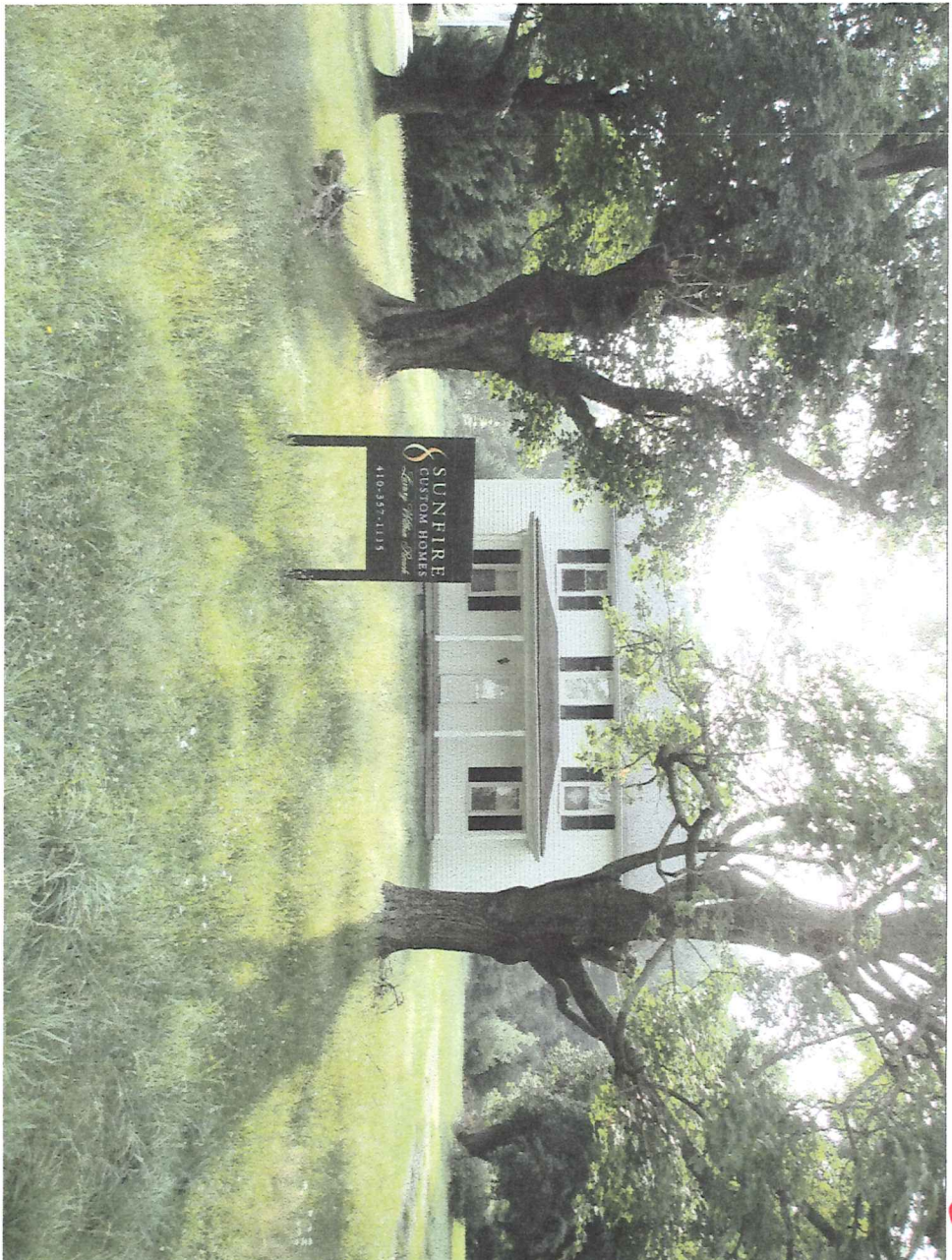
PETITIONER'S
EXHIBIT NO. 2



(E)



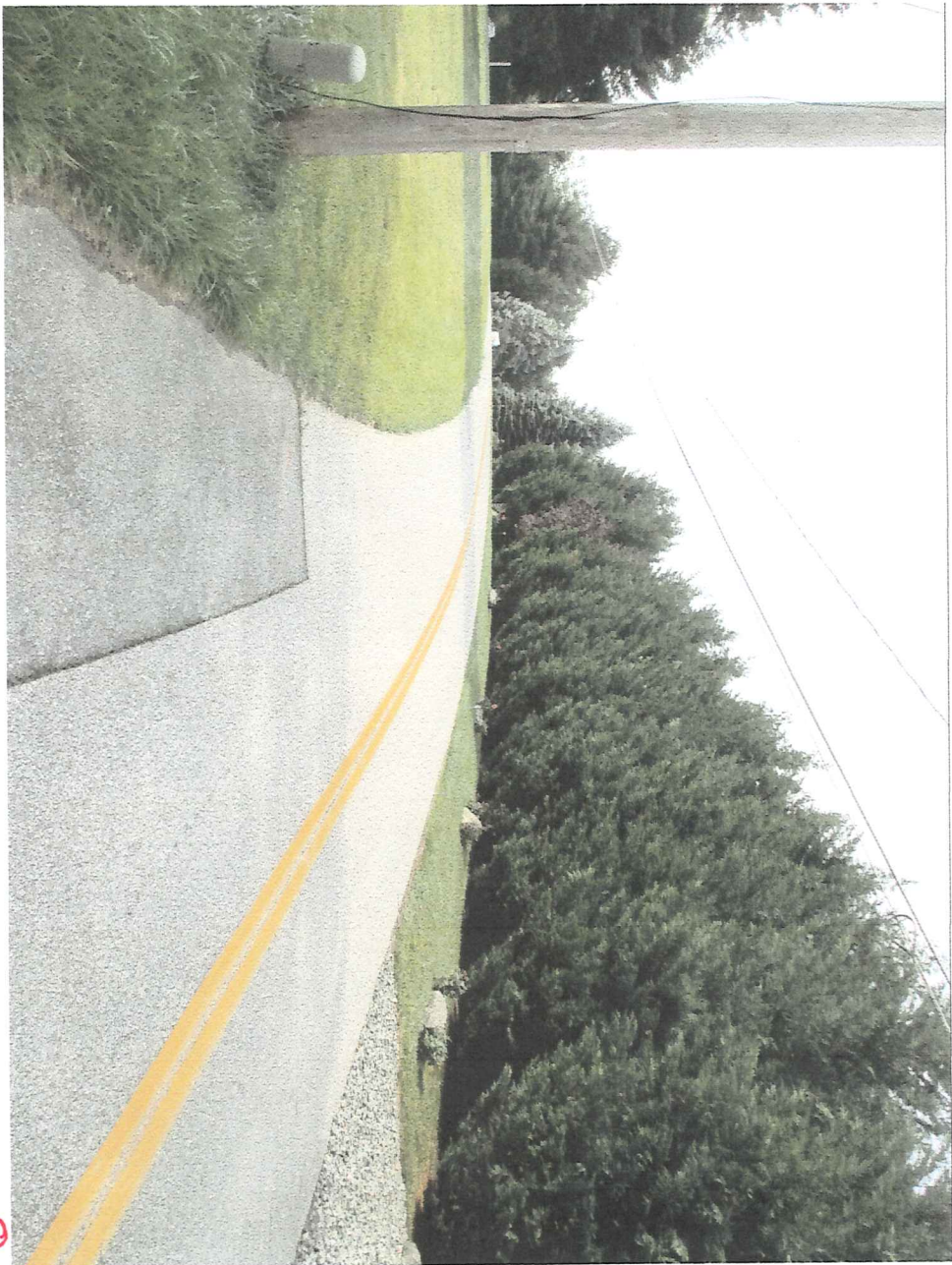
(F)



(G)



(H)



2



3



4



5

6



7



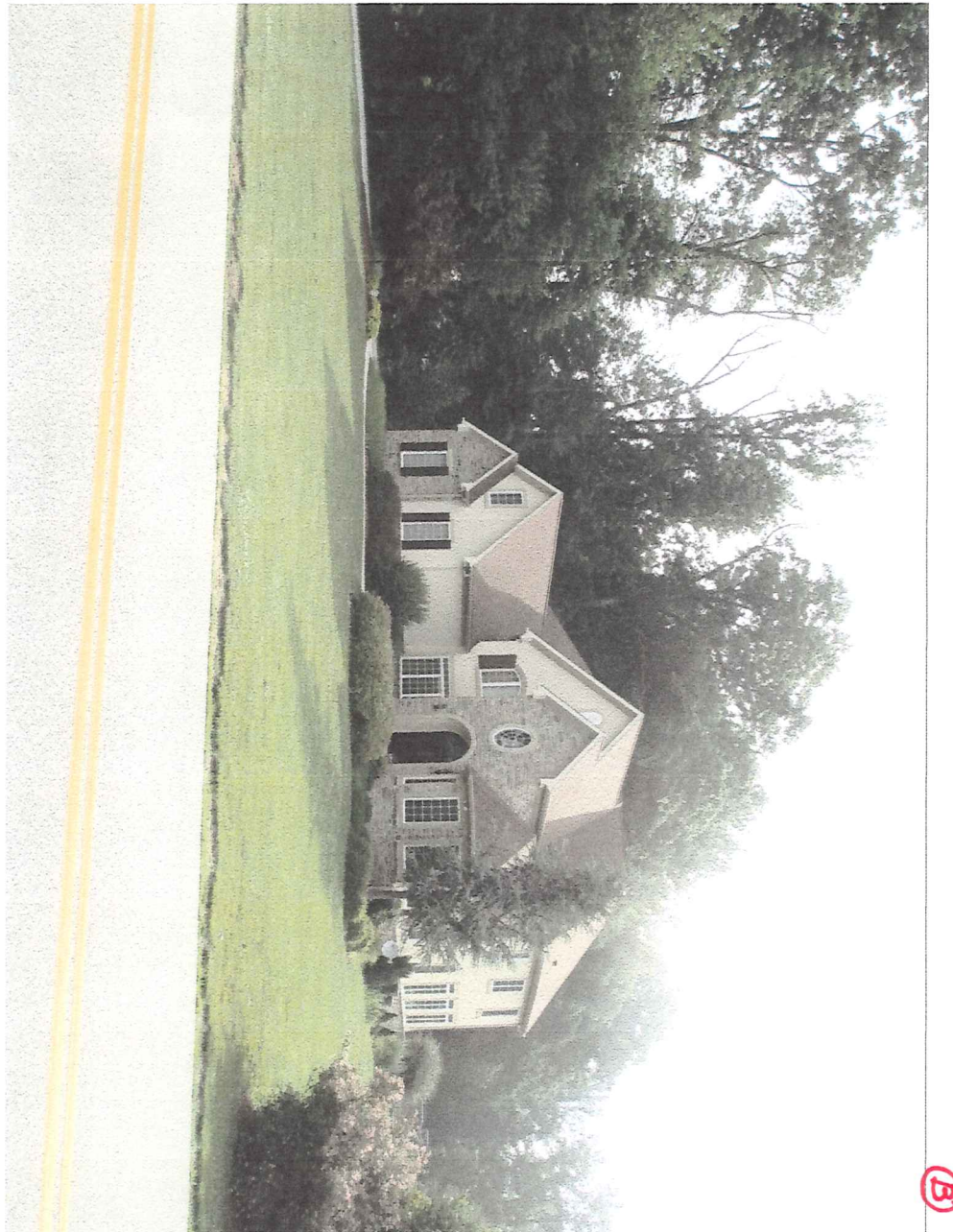
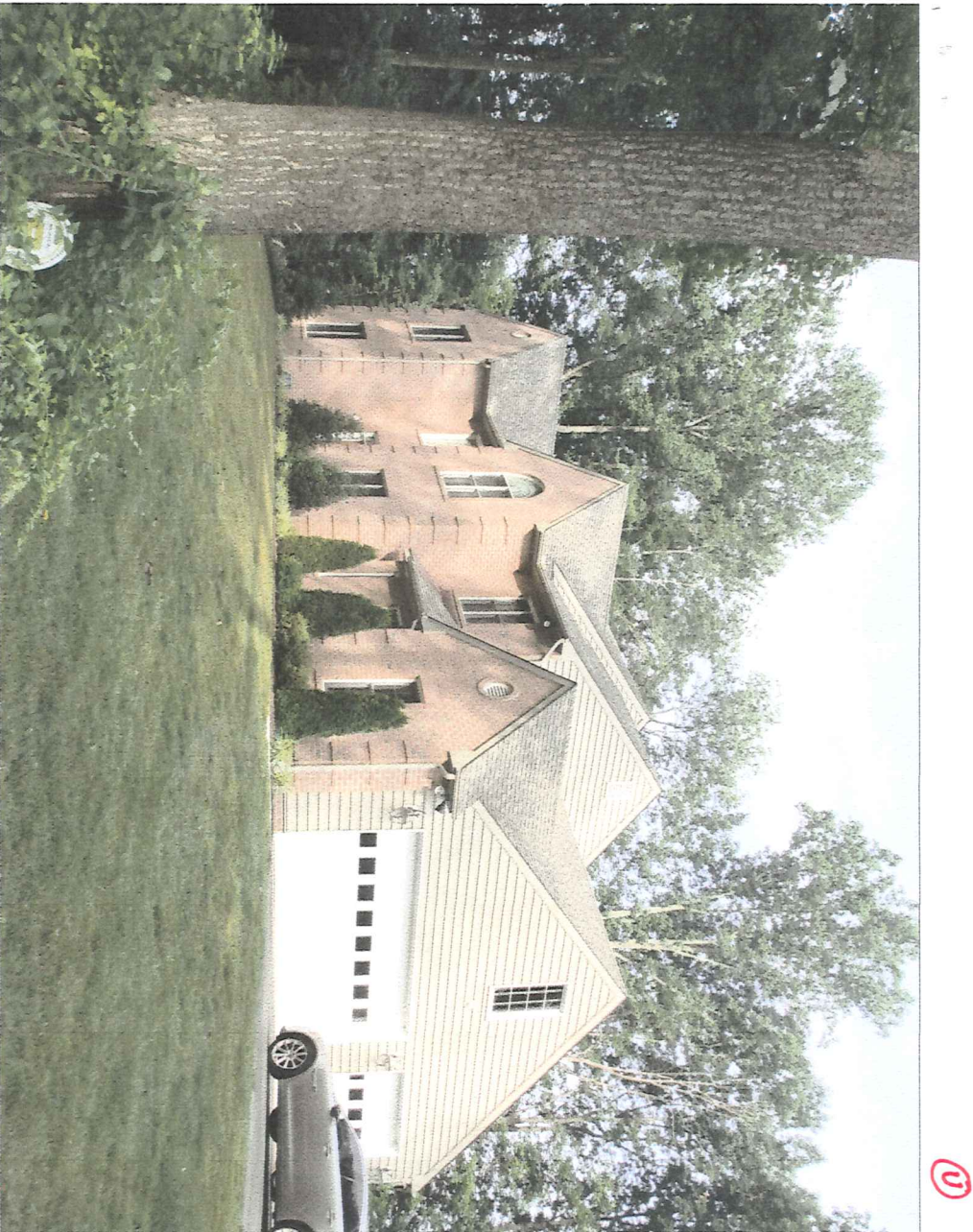
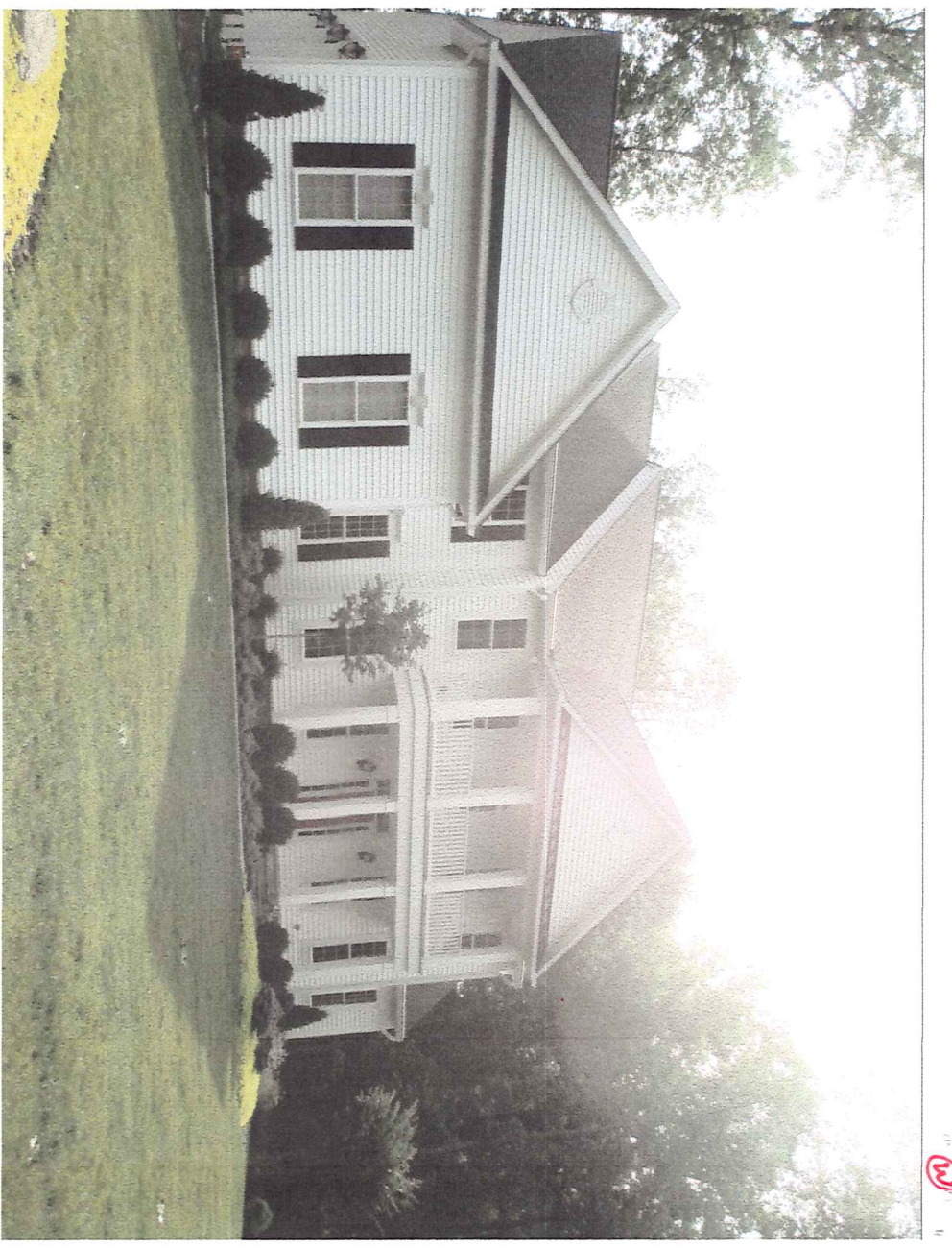
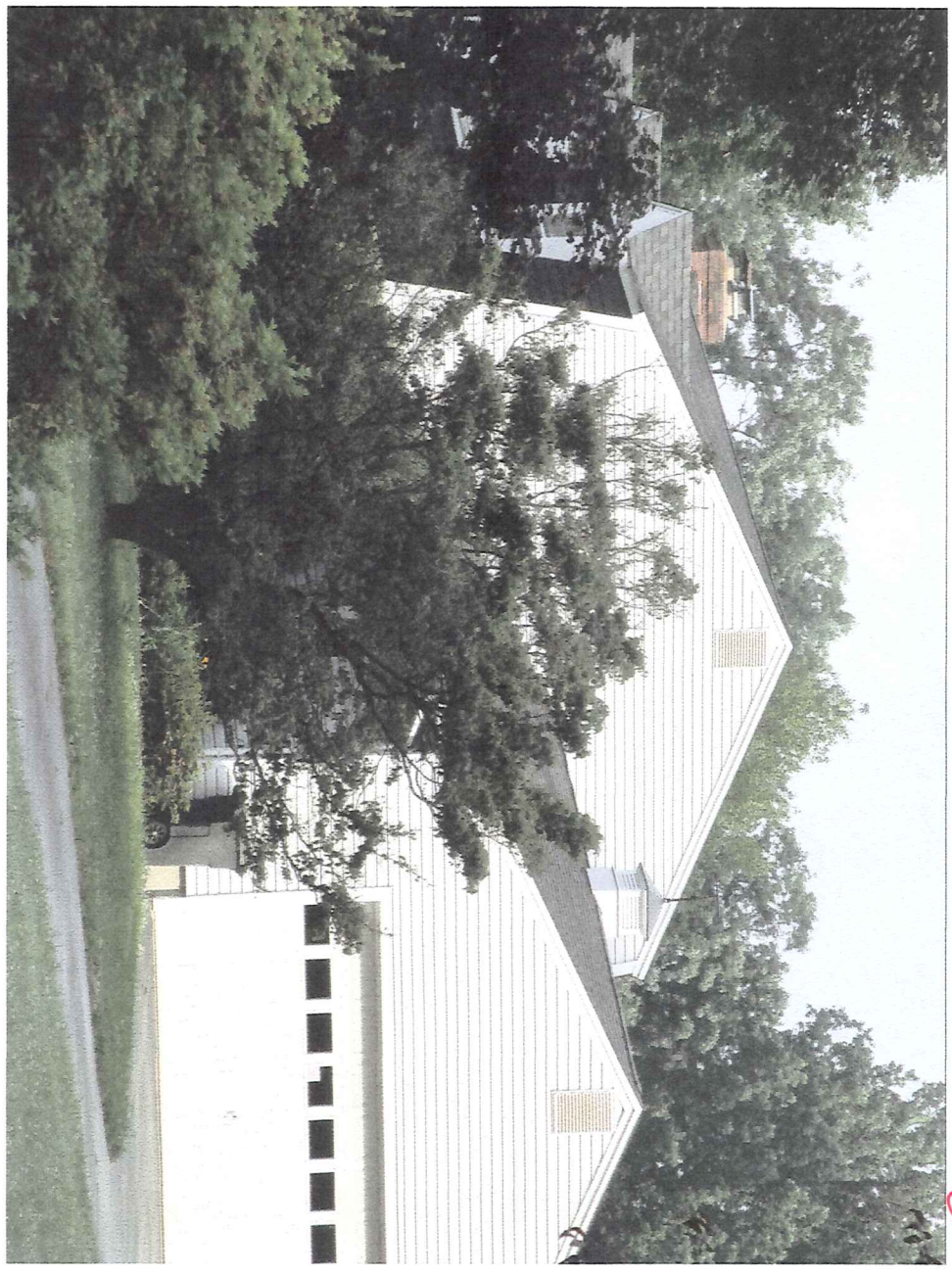
8

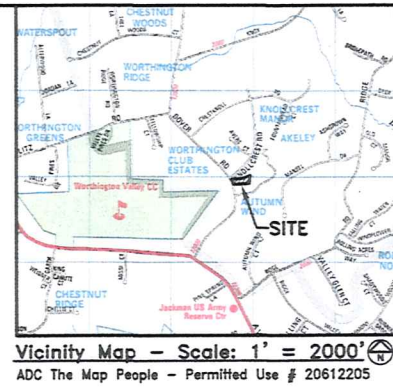
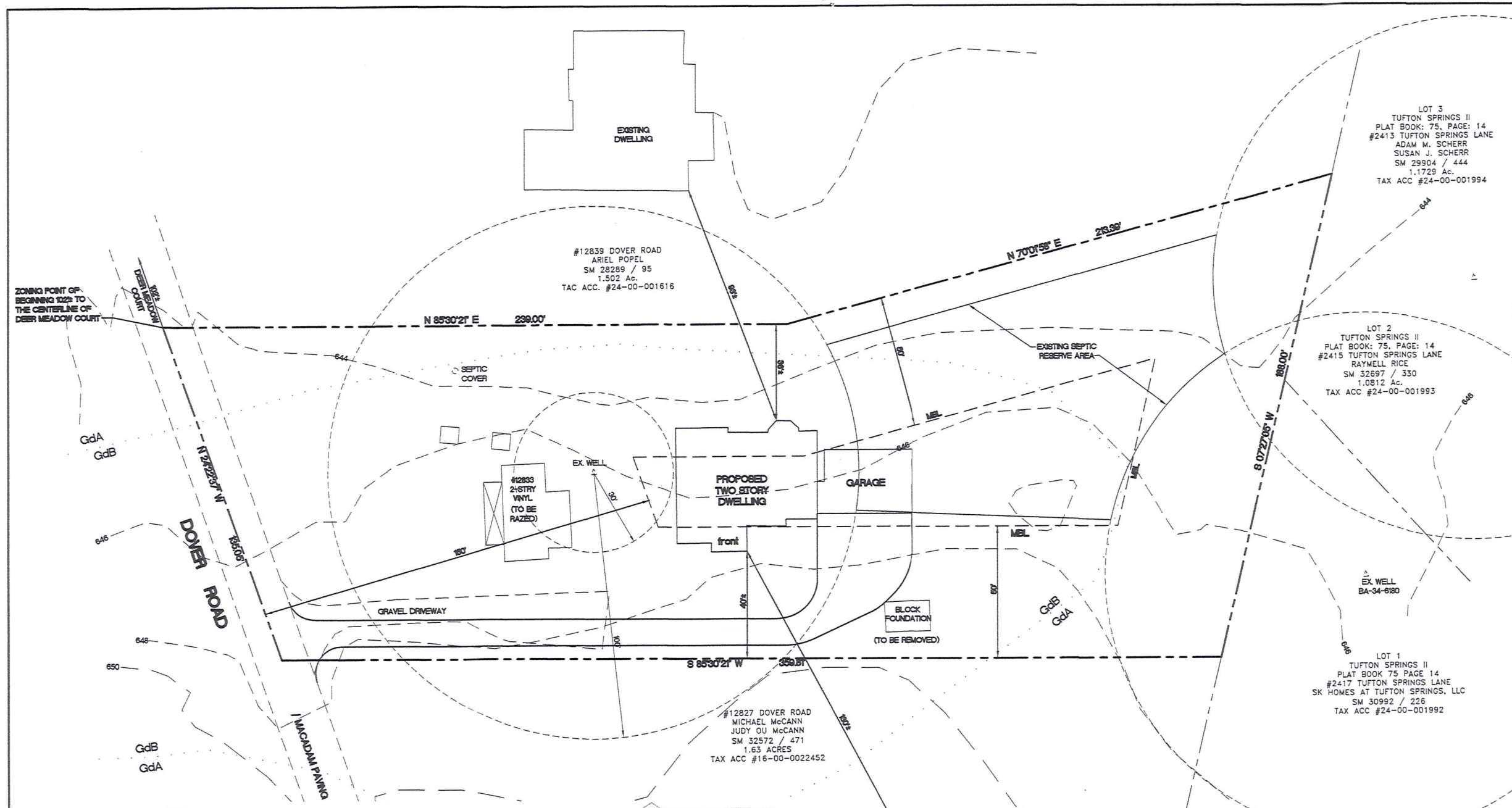


9



10





R.C. 5 SETBACKS FOR RESIDENTIAL SINGLE FAMILY DWELLINGS
Front: 75 feet from the centerline of any non-collector street or road
Side / Rear: 50 feet from any lot line other than a street line

DENSITY CALCULATIONS FOR R.C. 5
Gross area: 1.282 acres (calculated)
Highway widening: 0 acres
Net area: 1.282 acres
Lots permitted: 1 (per Special Hearing approval)
Lots proposed: 1

PROPOSED DEVELOPEMENT
The construction of one single family dwelling at this time. Accessory structures may be constructed in the future and will meet the applicable zoning regulations.

SPECIAL HEARING REQUESTED
Special hearing pursuant to 1A04.3B1 to allow a lot with an area of less than one and a half acres (1.282 acres) and a maximum gross density of less than .5 dwellings per acre.

VARIANCE REQUESTED
Variance from Section 1A04.3B2(b) to allow setbacks of 21 and 26 feet respectively in lieu of the required 50 feet from any lot line other than a street line.

ADDITIONAL REQUEST
For any further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

GENERAL NOTES

1. Ownership: Sunfire Homes, LLC
2. Address: 12833 Dover Road
3. Deed references: SM 32728 / 492
4. Tax Map / Parcel / Tax account #: 50 / 002 / 24-00-000747 (1.282 acres)
5. Zoning: RC 5. There are no previous zoning cases on the subject property
6. The boundary shown hereon is from deeds recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS files 050A1 and the information provided by Baltimore County on the internet.
7. The subject property is Lot 1 "Refinement of Minor Subdivision of Gent Property" approved by Baltimore County in 2002.
8. Improvements: Single family dwelling (vacant).
9. The existing dwelling will be razed.
10. The existing dwelling is not historic. The subject property is not historic or in a historic district.
11. The existing dwelling is currently serviced by private well and septic.
12. The septic reserve area shown was approved by Baltimore County.
13. There are no underground storage tanks on the subject property.
14. The subject property is not in the Chesapeake Bay Critical Area.
15. The subject property is not located within a 100 year flood plain.



PLAN
SCALE: 1"=20'



Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

DRAFTED BY: **Tesseract**
Tesseract Sites, Inc.
200 Washington Ave. Suite 200
Baltimore, MD 21201
o 410-528-1100

PETITIONER'S EXHIBIT PLAN
12833 DOVER ROAD
8th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
Date: 7/10/2013

PETITIONER'S
EXHIBIT NO. 5