

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

(3812 Chestnut Road) *

15th Election District *

6th Council District *

John and Elizabeth Johlitz, *Legal Owner* *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0061-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 John & Elizabeth Johlitz, the legal owners. The Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."): (1) for a waiver to expand an existing garage in the front yard (22 ft. x 24 ft.) with a 22 ft. x 24 ft. addition for a total of 1,056 sq. ft. in lieu of the maximum 900 sq. ft. in a tidal floodplain; (2) to approve a completed garage which will be larger than the principal dwelling, and to amend the previously approved site plans in Case Nos.: 2000-0344-A and 2010-0213-A. The Variance petition seeks relief from B.C.Z.R., §400.3 to permit an accessory structure (garage 22' x 24' existing in the front yard and a proposed 22' x 24' addition) with a height of 22 feet in lieu of the required 15 feet. 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 John & Elizabeth Johlitz. The file reveals that the Petition was advertised and the site was posted as required by the Baltimore County Zoning Regulations. There were no Protestants in attendance, and the file does not contain letters of protest or opposition.

ORDER RECEIVED FOR FILING

Date 11/18/13

By Ben

Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), the Department of Environmental Protection and Sustainability (DEPS) and the Bureau of Development Plans Review (DPR).

The subject property is 10,200 +/- square feet in size and is zoned RC-5. The property is improved with a small single family dwelling (828 SF) and a detached garage (22' x 48', or 1,056 SF). In 2010, former Deputy Zoning Commissioner Bostwick granted variance relief for the construction of the garage, with a height of 18' in lieu of the maximum 15'. Case No.: 2010-0213-A. It was later discovered the height of the garage is in fact 22', which necessitated the filing of another variance petition. The Petitioners were also instructed to seek Special Hearing relief given that the garage will be (slightly) larger than the single family dwelling, and will also exceed (by 150 SF) the 900 SF area limitation in a tidal floodplain.

As noted above, the garage is an existing condition, and I will therefore grant the Special Hearing relief. The Petitioners used siding on the garage to match their home, and they indicated their neighbors expressed support for the project, which (given the small dwelling) is used for family storage, yard equipment and a golf cart.

Based upon the testimony and evidence presented, I will also grant the petition for variance. To obtain variance relief a petitioner must show:

- (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).

The Petitioners have met this test. The lot is small and narrow and is therefore unique. The Petitioners would experience a practical difficulty if the regulations were strictly interpreted, since they would need to dismantle the existing garage. The grant of relief will not jeopardize the public's health, safety and welfare.

ORDER RECEIVED FOR FILING

Date

11/18/13

By

Sen

Pursuant to the advertisement, posting of the property, and public hearing, and after considering the testimony and evidence offered, I find that Petitioners' special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED this 18th day of November, 2013, by this Administrative Law Judge, that the request for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."): (1) for a waiver to expand an existing garage in the front yard (22 ft. x 24 ft.) with a 22 ft. x 24 ft. addition for a total of 1,056 sq. ft. in lieu of the maximum 900 sq. ft. in a tidal floodplain; (2) to approve a completed garage which will be larger than the principal dwelling, and to amend the previously approved site plans in Case Nos.: 2000-0344-A and 2010-0213-A, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance pursuant to B.C.Z.R. §400.3 to permit an accessory structure (garage 22' x 24' existing in the front yard and a proposed 22' x 24' addition) with a height of 22 feet in lieu of the required 15 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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.
2. The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. No commercial activities of any kind shall be permitted in the proposed accessory building.
4. Petitioners must comply with the ZAC comments of DPR (dated 9-23-13) and DEPS (dated 10-22-13).

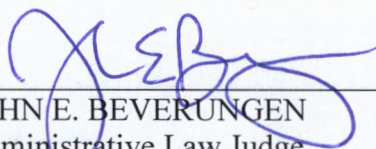
ORDER RECEIVED FOR FILING

Date 11/18/13

By Ben

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 11/18/13

By sln

KEVIN KAMENETZ
County Executive



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

November 18, 2013

John & Elizabeth Johlitz
3812 Chestnut Road
Baltimore, Maryland 21220

RE: Petitions for Special Hearing and Variance
Property: 3812 Chestnut Road
Case No.: 2014-0061-SPHA

Dear Mr. & Mrs. Johlitz:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

715
AV
/ 3-15-12

IN RE: PETITION FOR ADMIN. VARIANCE

NW side of Chestnut Road; 250 feet W
of the c/l of Seneca Road
15th Election District
6th Councilmanic District
(3812 Chestnut Road)

John Johlito, Jr. and Elizabeth Johlito
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 2010-0213-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, John Johlito, Jr. and Elizabeth Johlito for property located at 3812 Chestnut Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a shed to be located in the front yard in lieu of the required rear yard with a height of 18 feet in lieu of the permitted 15 feet (portion existing). The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to replace an existing shed for storage of lawn mowers, air compressor, grandchildren's bikes, camping equipment, lawn furniture and golf cart. These items cannot be adequately stored in the garage because it protects a 1967 restored Mustang and a 1997 Mustang. The existing garage and existing attached shed are already constructed and located in the front yard. Petitioners' site plan shows that the proposed replacement shed will be smaller than the existing shed. There is virtually no rear yard on this property. The existing dwelling was constructed approximately 125 feet from the front property line and the existing garage was constructed 87 feet from the road.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental

the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 14th day of April, 2010 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a shed to be located in the front yard in lieu of the required rear yard with a height of 18 feet in lieu of the permitted 15 feet (portion existing) is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).
3. The property is in a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. Lot coverage requirements and 15% afforestation requirements must be met.
4. The base flood elevation for this site is 10.2 feet Baltimore County Datum.
5. The flood protection elevation for this site is 11.2 feet.
6. In conformance with Federal Flood Insurance Requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

**CBCA****PETITION FOR ZONING HEARING(S)****FLOOD**

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

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

Address 3812 Chestnut Rd which is presently zoned RC5
Deed References: _____ 10 Digit Tax Account # 160001710
Property Owner(s) Printed Name(s) John Jahlitz Jr & Elizabeth Jahlitz(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*see attached*2. _____ **a Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for3. ☒ **a Variance** from Section(s)*see attached*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 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):John Jahlitz Jr, Elizabeth Jahlitz

Name #1 - Type or Print

Name #2 - Type or Print

John Jahlitz JrElizabeth Jahlitz

Signature #1

Signature #2

3812 Chestnut Rd Baltimore MD

Mailing Address City State

21220, 410-335-3835, betsyj11@verizon.net

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Date

Mailing Address City State

By _____
Zip Code Telephone # Email AddressCASE NUMBER 2014-0061-SPHA Filing Date 9/10/13 Do Not Schedule Dates: _____ Reviewer BK

Special Hearing for a waiver pursuant to Section 500.6, BCZR; Section 3112.0 Building Code; and Sections 32-4-107(a)(2) and 32-8-302, BCC to expand an existing garage in the front yard (22'x24') with a 22'x24' addition for a total of 1,056 sq. ft., in lieu of the maximum 900 sq. ft. in a tidal floodplain and a Special Hearing to approve a completed garage which will be larger than the principal dwelling and to amend the previously approved site plans in cases 2000-0344-A and 2010-0213-A.

Section 400.3, BCZR to permit an accessory structure (garage) (22'x24' existing in the front yard and a proposed 22'x24' addition) with a height of 22 ft. in lieu of the required 15 ft.

ZONING DESCRIPTION FOR 3812 Chestnut Rd.

Beginning at a point on the North West side of
Chestnut Rd. which is 20 Ft. Paving
wide at the distance 250 feet South West of the
centerline of the nearest improved intersecting street Seneca Rd.
which is 20 Ft. paving wide. *Being Lot # parts of 112 & 113
Block Section# in the subdivision of Bowleys Quarters
as recorded in Baltimore county Plat Book # 7, Folio # 13,
containing 10200 Square Feet. Also known as 3812 Chestnut Rd.
and located in the 15th Election District, 6th Councilmanic District.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2014-0061-SPHA
Petitioner: John Jahlitz Jr
Address or Location: 3812 Chestnut Rd Baltimore MD 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: John Jahlitz Jr
Address: 3812 Chestnut Rd
Baltimore MD 21220
Telephone Number: 410-335-3635

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

No. **102588**

Date: **9/10/13**

PAID RECEIPT

BUSINESS ACTUAL TIME IN
 9/11/2013 9/10/2013 10:27:40 2

REC 0002 WALSH JEW JEE
 >>RECEIPT # 045177 9/10/2013 (FL)

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	206	0000		6150					\$ 150.00

Dept 5 520 JEWELRY VERIFICATION

NO. 102588

Receipt Tot 1150.00
 \$150.00 CR 1.00 CR
 Baltimore County, Maryland

Total: **\$ 150.00**

Rec From: **Elizabeth Jahlitz**
 For: **Residential Verification - Sprinkler Training**

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

2014-0061

CERTIFICATE OF POSTING

RE: Case No. 2014-0061-SPHA

Petitioner/Developer JOHN &
ELIZABETH JOHLITZ, JR

Date Of Hearing/Closing: 11/15/13

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

Attention:

Ladies and Gentlemen

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

3812 CHESTNUT ROAD

This sign(s) were posted on October 26, 2013

Month, Day, Year

Sincerely,

Martin Ogle 10/26/13
Signature of Sign Poster and Date

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

ZONING NOTICE

CASE # 2014-DD61-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

ROOM 205 JEFFERSON BUILDING 105 WEST
PLACE, CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: FRIDAY, NOVEMBER 15, 2013
AT 11:00 A.M.

REQUEST: SPECIAL HEARING FOR A WAIVER TO EXPAND AN
EXISTING GARAGE IN FRONT YARD (22'x24') WITH
A 22'x24' ADDITION FOR A TOTAL OF 1,056 SQ. FT. IN LIEU OF THE
MAXIMUM 900 SQ. FT. IN A TIDAL FLOODPLAIN AND TO APPROVE A
COMPLETED GARAGE WHICH WILL BE LARGER THAN THE PRINCIPAL
DWELLING AND TO AMEND THE PREVIOUSLY APPROVED SITE PLANS IN
CASES 2000-0344-A AND 2010-0213-A. VARIANCE TO PERMIT
AN ACCESSORY STRUCTURE (GARAGE) (22'x24' EXISTING IN THE
FRONT YARD AND A PROPOSED 22'x24' ADDITION) WITH A HEIGHT
OF 22' IN LIEU OF THE REQUIRED 15'

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST WITHIN DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

madm8 10/26/13



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

October 24, 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 October 24, 2013

☐ The Jeffersonian

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: #2014-0061-SPHA

3812 Chestnut Road

NW/s Chestnut Road, 250 ft. SW of centerline of Seneca Road

15th Election District - 6th Councilmanic District

Legal Owner(s): John & Elizabeth Johlitz, Jr.

Special Hearing for a waiver to expand an existing garage in the front yard (22' x 24') with a 22' x 24' addition for a total of 1,056 sq. ft. in lieu of the maximum 900 sq. ft. in a tidal floodplain and to approve a completed garage which will be larger than the principal dwelling and to amend the previously approved site plans in cases 2000-0344-A and 2010-0213-A. **Variance** to permit an accessory structure (garage) (22' x 24' existing in the front yard and a proposed 22' x 24' addition) with a height of 22' in lieu of the required 15'.

Hearing: Friday, November 15, 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.
10/449 October 24 954067



KEVIN KAMENETZ
County Executive

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

September 30, 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: 2014-0061-SPHA

3812 Chestnut Road

NW/s Chestnut Road, 250 ft. SW of centerline of Seneca Road

15th Election District – 6th Councilmanic District

Legal Owners: John & Elizabeth Johlitz, Jr.

Special Hearing for a waiver to expand an existing garage in the front yard (22' x 24') with a 22' x 24' addition for a total of 1,056 sq. ft. in lieu of the maximum 900 sq. ft. in a tidal floodplain and to approve a completed garage which will be larger than the principal dwelling and to amend the previously approved site plans in cases 2000-0344-A and 2010-0213-A. Variance to permit an accessory structure (garage) (22' x 24' existing in the front yard and a proposed 22'x 24' addition) with a height of 22' in lieu of the required 15'.

Hearing: Friday, November 15, 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. Johlitz, Jr., 3812 Chestnut Road, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 26, 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, October 24, 2013 Issue - Jeffersonian

Please forward billing to:
John Johlitz, Jr.
3812 Chestnut Road
Baltimore, MD 21220

410-335-3835

NOTICE OF ZONING HEARING

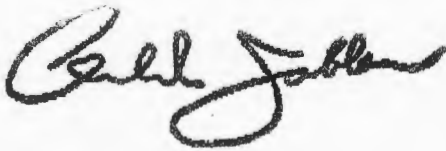
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2014-0061-SPHA

3812 Chestnut Road
NW/s Chestnut Road, 250 ft. SW of centerline of Seneca Road
15th Election District – 6th Councilmanic District
Legal Owners: John & Elizabeth Johlitz, Jr.

Special Hearing for a waiver to expand an existing garage in the front yard (22' x 24') with a 22' x 24' addition for a total of 1,056 sq. ft. in lieu of the maximum 900 sq. ft. in a tidal floodplain and to approve a completed garage which will be larger than the principal dwelling and to amend the previously approved site plans in cases 2000-0344-A and 2010-0213-A. Variance to permit an accessory structure (garage) (22' x 24' existing in the front yard and a proposed 22'x 24' addition) with a height of 22' in lieu of the required 15'.

Hearing: Friday, November 15, 2013 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



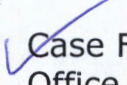
Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- 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: December 19, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0061-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on December 18, 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	*	BEFORE THE OFFICE
AND VARIANCE		
3812 Chestnut Road; NW/S Chestnut Road,	*	OF ADMINISTRATIVE
250' SW of c/line Seneca Road		
15 th Election & 6 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): John & Elizabeth Johlito, Jr.		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2014-061-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.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED

SEP 17 2013



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 17th day of September, 2013, a copy of the foregoing Entry of Appearance was mailed to John & Elizabeth Johlito, 3812 Chestnut Road, Baltimore, MD 21220, 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>9/23/13</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
<u>10/22/13</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
<u>10/3/13</u>	PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>9/16/13</u>	STATE HIGHWAY ADMINISTRATION	<u>no</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>2010-0213-A</u>)	
NEWSPAPER ADVERTISEMENT	Date: <u>10/24/13</u>	
SIGN POSTING	Date: <u>10/26/13</u> by <u>Cyle</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

IN RE: PETITION FOR VARIANCE
NW/S Chestnut Road, 250' SW of
Seneca Road
(3812 Chestnut Road)
15th Election District
5th Councilmanic District

John C. Johlitz, Jr., et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-344-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, John C. Johlitz, Jr., and his wife, Elizabeth V. Johlitz. The Petitioners request relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (carport with a second floor storage addition) to be located in the front yard with a height of 18 feet in lieu of the required rear yard location and maximum allowed 15-foot height. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing held in support of the request were John and Elizabeth Johlitz, property owners. There were no Protestants or other interested persons present; however, the Petition was filed in response to an anonymous complaint registered with the Code Enforcement Division of the Department of Permits and Development Management (PDM) relative to the construction of a garage on the subject property.

Testimony and evidence offered revealed that the subject property is located on the north side of Chestnut Road, just west of its intersection with Seneca Road in the Bowleys Quarters community of eastern Baltimore County. The property is a rectangular shaped parcel, approximately 60 feet wide by 170 feet deep, which was acquired by the Petitioners in 1980. The subject lot was apparently created as the result of a subdivision of a larger parcel into three lots.

ORDER RECEIVED FOR FILING

Date 4/27/00

By [Signature]

The two other lots front on Seneca Creek and are accessed from Chestnut Road via gravel driveways located on both sides of the subject lot. As shown on the site plan, the subject property consists of a gross area of 10,200 sq.ft., more or less, zoned R.C.5 and is improved with a single family dwelling, which is located just a few feet from the rear property line. Other improvements on the property include a wood shed, to which has been attached a wood patio, and a detached carport structure, above which a second floor storage room has been added. It is this carport structure that is the subject of the instant Petition. Photographs submitted at the hearing show that the second floor addition features a pitched roof.

Mr. Johlitz testified that the second floor addition was necessary to provide much needed storage space. He indicated that he stores pellets for a pellet stove and parts for a 1967 Mustang, which he is restoring, and that he does not use the building for any commercial or business purposes, nor as a dwelling. In an effort to construct the addition in an attractive manner and to retain a residential appearance of the structure, the addition was built with a pitched roof. The addition does not have electricity or water. Moreover, due to the location of the existing dwelling and accessory shed to the rear of the property, the Petitioner was forced to construct the carport/addition structure in the front yard.

In my view, these factors justify the variance relief. Surely the Petitioners could not construct any building in the rear yard in that the rear yard area is extremely narrow, given the location of the existing dwelling. Moreover, I find that substantial basis exists for a variance from the height limitation. As noted above, no one appeared at the hearing in opposition to the request. Additionally, the Petitioners submitted a Petition which had been signed by many of their neighbors indicating their support for the variance. For all of these reasons, I find that the Petitioners have complied with the requirements for variance relief as set out in Section 307 of the B.C.Z.R. and construed by the case law. Thus, relief shall be granted with appropriate restrictions.

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

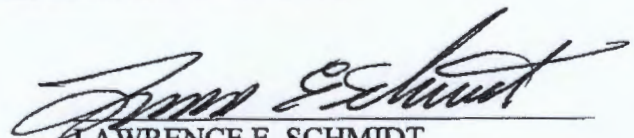
ORDER RECEIVED FOR FILING

Date

By

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of April, 2000 that the Petition for Variance seeking relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (carport with a second floor storage addition) to be located in the front yard in lieu of the required rear yard, with a height of 18 feet in lieu of the maximum allowed 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the Zoning Advisory Committee comments submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated March 2, 2000, a copy of which is attached hereto and made a part hereof.
- 3) The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The carport/addition shall contain no living or sleeping quarters, and no kitchen or bathroom facilities. Moreover, the carport/addition shall not be used for any business or commercial purposes.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date 4/27/00

By [Signature]

IN RE: PETITION FOR ADMIN. VARIANCE

NW side of Chestnut Road; 250 feet W
of the c/l of Seneca Road
15th Election District
6th Councilmanic District
(3812 Chestnut Road)

John Johlito, Jr. and Elizabeth Johlito
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0213-A**

* * * * *

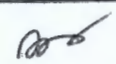
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, John Johlito, Jr. and Elizabeth Johlito for property located at 3812 Chestnut Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a shed to be located in the front yard in lieu of the required rear yard with a height of 18 feet in lieu of the permitted 15 feet (portion existing). The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to replace an existing shed for storage of lawn mowers, air compressor, grandchildren's bikes, camping equipment, lawn furniture and golf cart. These items cannot be adequately stored in the garage because it protects a 1967 restored Mustang and a 1997 Mustang. The existing garage and existing attached shed are already constructed and located in the front yard. Petitioners' site plan shows that the proposed replacement shed will be smaller than the existing shed. There is virtually no rear yard on this property. The existing dwelling was constructed approximately 125 feet from the front property line and the existing garage was constructed 87 feet from the road.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental

ORDER RECEIVED FOR FILING

Date 4.14.10



Protection and Resource Management dated April 12, 2010 which states that development of the property must comply with the Chesapeake Bay Critical Area Regulations. The property is in a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. Lot coverage requirements and 15% afforestation requirements must be met. Comments were received from the Bureau of Development Plans Review dated February 25, 2010. The comments indicate that the first floor or basement must be at least one foot above the flood plain elevation in all construction, the building should be designed and adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood damage. Flood-resistant construction should be in accordance with the Baltimore County Building Code which adopts the International Building Code. Although the Office of Planning did not make any recommendations related to the shed height and usage, I will impose conditions that the shed not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

Tom Cole residing at 3810 Chestnut Road, the most affected property owner, stated that he does not object to the demolition of the existing shed and the construction of a new addition to the two car garage. The dimensions of the new construction are 22 feet x 24 feet and 2.5 feet from the property line.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 28, 2010 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of

ORDER RECEIVED FOR FILING

Date 4.14.10

By [Signature] 2

the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 14th day of April, 2010 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a shed to be located in the front yard in lieu of the required rear yard with a height of 18 feet in lieu of the permitted 15 feet (portion existing) is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).
3. The property is in a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. Lot coverage requirements and 15% afforestation requirements must be met.
4. The base flood elevation for this site is 10.2 feet Baltimore County Datum.
5. The flood protection elevation for this site is 11.2 feet.
6. In conformance with Federal Flood Insurance Requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

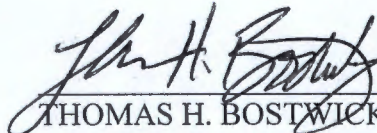
ORDER RECEIVED FOR FILING

Date 4.14.10 3

By PO

7. The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.
8. The building engineer shall require a permit for this project.
9. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
10. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.
11. The Petitioner or subsequent owners shall not convert the subject shed into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
12. The shed shall not be used for commercial purposes.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

Date 4.14.10

By PO

TIME: 11:43:55 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 08/16/2013
DATE: 09/09/2013 GENERAL PERMIT APPLICATION DATA PDM 09:34:19

PERMIT #: B797845 PROPERTY ADDRESS
RECEIPT #: A662950 3812 CHESTNUT RD
CONTROL #: MR SUBDIV: BOWLEYS QUARTERS
XREF #: B797845 TAX ACCOUNT #: 1600001710 DISTRICT/PRECINCT 15 01
OWNERS INFORMATION (LAST, FIRST)
FEE: 85.00 NAME: JOHLITZ, JOHN CALVIN AND ELIZABETH V
PAID: 85.00 ADDR: 3812 CHESTNUT RD 21220-4023
PAID BY: APPL

DATES APPLICANT INFORMATION
APPLIED: 09/14/2012 NAME: ELIZABETH JOHLITZ
ISSUED: 09/14/2012 COMPANY:
OCCPNY: ADDR1: 3812 CHESTNUT RD
FINAL INSPECT: ADDR2: BALTIMORE, MD 21220
INSPECTOR: 15R PHONE #: 410-335-3635 LICENSE #:
NOTES: AF 8/16/13 EXTEND PERMIT \$42.50 A677554 LK

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

TIME: 11:42:43 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 09/14/2012
DATE: 09/09/2013 BUILDING DETAIL 1 PDM 11:16:58

DRC#

PERMIT # B797845 PLANS: CONST 00 PLOT 0 PLAT 0 DATA 0 EL 1 PL 2

TENANT

BUILDING CODE: CONTR: OWNER

IMPRV 2 ENGR:

USE 06 SELLR: REFER BACK FOR PLANS & FLOOD DOCUMENTS

FOUNDATION BASE WORK: CBCA. CONST ADD'N 22'X24'X18'=528SF ON REAR OF
EX DETACHED GARAGE IN REAR PROPERTY OF SFD. ANY
CONSTRUC FUEL SEWAGE WATER SIDE CLOSER THAN 5' TO PROPERTY LINE REQUIRES
1E 1E ONE-HOUR FIRE RATED WALL ON THAT SIDE AND NO
CENTRAL AIR OPENINGS. PER VARIANCE 2010-0213-A. THIS PERMIT
ESTIMATED COST REPLACES EXPIRED B737409.

PROPOSED USE: SFD AND GARAGE ADD'N

OWNERSHIP: 1 EXISTING USE: SFD AND DETACHED GARAGE

RESIDENTIAL CAT: 1

#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:

1 FAMILY BEDROOMS: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

TIME: 11:43:47 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 09/14/2012
DATE: 09/09/2013 BUILDING DETAIL 2 PDM 11:16:58

PERMIT #: B797845	BUILDING SIZE	LOT SIZE AND SETBACKS
	FLOOR: 528SF	SIZE: 10200SF
	WIDTH: 22'	FRONT STREET:
GARBAGE DISP:	DEPTH: 24'	SIDE STREET:
POWDER ROOMS:	HEIGHT: 18'	FRONT SETB: NC
BATHROOMS:	STORIES:	SIDE SETB: 2.5'/NC
KITCHENS:		SIDE STR SETB:
	LOT NOS:	REAR SETB: 31'
	CORNER LOT:	
ZONING INFORMATION		ASSESSMENTS
DISTRICT:	BLOCK:	LAND: 0120200.00
PETITION:	SECTION:	IMPROVEMENTS: 0078200.00
DATE:	LIBER:	TOTAL ASS.:
MAP:	FOLIO:	
	CLASS: 04	

PLANNING INFORMATION

MSTR PLAN AREA: SUBSEWER: CRIT AREA: PASSWORD:

ENTER - NEXT DETAIL	PF2 - APPROVALS	PF7 - PREV. SCREEN	PF9 - SAVE
PF1 - GENERAL PERMIT	PF3 - INSPECTIONS	PF8 - NEXT SCREEN	CLEAR - MENU

TIME: 11:05:03 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 09/14/2012
DATE: 09/10/2013 APPROVALS DETAIL SCREEN PDM 11:17:20

PERMIT #: B797845

PASSWORD :

AGENCY	DATE	CODE	COMMENTS
-----	-----	----	-----
BLD PLAN	09/14/2012	01	PH/AF
ZONING	09/14/2012	01	GH/AF
PUB SERV	09/14/2012	01	DAK/AF
ENVRMNT	09/14/2012	01	GS/AF
PERMITS	09/14/2012	01	AF-P

01 THRU 09 INDICATES AN "APPROVAL" ** 10 THRU 99 INDICATES A "DISAPPROVAL"

ENTER - NEXT APPROVAL

PF4 - ISSUE PERMIT

PF9 - SAVE

CLEAR - MENU

TIME: 11:10:13 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 10/04/2010
DATE: 09/10/2013 GENERAL PERMIT APPLICATION DATA VLC 14:35:19

PERMIT #: B743431 PROPERTY ADDRESS
RECEIPT #: A626303 3812 CHESTNUT RD
CONTROL #: MRFP SUBDIV: BOWLEYS QUARTERS
XREF #: B743431 TAX ACCOUNT #: 1600001710 DISTRICT/PRECINCT 15 01

OWNERS INFORMATION (LAST, FIRST)

FEE: 100.00 NAME: JOHLITZ, CALVIN AND ELIZABETH
PAID: 100.00 ADDR: 3812 CHESTNUT RD., 21220
PAID BY: APPL

DATES

APPLICANT INFORMATION

APPLIED: 07/16/2010 NAME: CALVIN JOHLITZ

ISSUED: 07/16/2010 COMPANY:

OCCPNY: ADDR1: 3812 CHESTNUT RD

FINAL INSPECT: ADDR2: BALTIMORE MD 21220

INSPECTOR: 15R PHONE #: 410-335-3635 LICENSE #:

NOTES: VLC

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

TIME: 11:10:21 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 07/19/2010
DATE: 09/10/2013 BUILDING DETAIL 1 DAS 08:16:03

DRC#

PERMIT # B743431 PLANS: CONST 00 PLOT 0 PLAT 0 DATA 0 EL 1 PL 2

TENANT

BUILDING CODE: CONTR: OWNER

IMPRV 3 ENGNR:

USE 01 SELLR:

FOUNDATION BASE WORK: ENCLOSE LOWER LEVEL CARPORT OF 2 STY ACCESSORY
BUILDING.CHGE OF OCC FROM STORAGE/CARPORT TO
CONSTRUC FUEL SEWAGE WATER LIVING QUARTERS/STORAGE.WORK ALREADY DONE.REFER
1E 1E TO VAR CASE #00-344-A. REFER TO B737409 FOR
CENTRAL AIR CARPORT. NO PLUMBING ALLOWED PER ZONING ORDER.
ESTIMATED COST

PROPOSED USE: SFD AND ALTERATION AND CHGE OF OCC

OWNERSHIP: 1 EXISTING USE: SFD AND ADDITION (REFER TO B737409)

RESIDENTIAL CAT:

#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:

1 FAMILY BEDROOMS: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

TIME: 11:10:28 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 07/19/2010
DATE: 09/10/2013 BUILDING DETAIL 2 DAS 08:16:03

PERMIT #: B743431

BUILDING SIZE

LOT SIZE AND SETBACKS

FLOOR: 520

SIZE: 0060.00 X 0100.00

WIDTH:

FRONT STREET:

GARBAGE DISP:

DEPTH:

SIDE STREET:

POWDER ROOMS:

HEIGHT:

FRONT SETB:

BATHROOMS:

STORIES:

SIDE SETB:

KITCHENS:

SIDE STR SETB:

LOT NOS:

REAR SETB:

CORNER LOT:

ZONING INFORMATION

ASSESSMENTS

DISTRICT:

BLOCK:

LAND: 0120200.00

PETITION:

SECTION:

IMPROVEMENTS: 0111280.00

DATE:

LIBER: 000

TOTAL ASS.:

MAP:

FOLIO: 013

CLASS: 04

PLANNING INFORMATION

MSTR PLAN AREA:

SUBSEWER:

CRIT AREA:

PASSWORD:

ENTER - NEXT DETAIL

PF2 - APPROVALS

PF7 - PREV. SCREEN

PF9 - SAVE

PF1 - GENERAL PERMIT

PF3 - INSPECTIONS

PF8 - NEXT SCREEN

CLEAR - MENU

TIME: 11:05:31 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 07/16/2010
DATE: 09/10/2013 APPROVALS DETAIL SCREEN VLC 12:14:49

PERMIT #: B743431

PASSWORD :

AGENCY	DATE	CODE	COMMENTS
-----	-----	----	-----
BLD PLAN	07/16/2010	01	PH/VLC
BLD INSP	07/16/2010	01	GB/VLC
ZONING	07/16/2010	01	JLL/VLC
ENVRMNT	07/16/2010	01	BL/VLC
PERMITS	07/16/2010	01	VLC

01 THRU 09 INDICATES AN "APPROVAL" ** 10 THRU 99 INDICATES A "DISAPPROVAL"

ENTER - NEXT APPROVAL

PF4 - ISSUE PERMIT

PF9 - SAVE

CLEAR - MENU

TIME: 11:10:46 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 07/16/2010
DATE: 09/10/2013 GENERAL PERMIT APPLICATION DATA EDW 11:23:12

PERMIT #: B737409 PROPERTY ADDRESS
RECEIPT #: A621812 3812 CHESTNUT RD
CONTROL #: MRFP SUBDIV: BOWLEYS QUARTERS
XREF #: B737409 TAX ACCOUNT #: 1600001710 DISTRICT/PRECINCT 15 26

OWNERS INFORMATION (LAST, FIRST)

FEE: 65.00 NAME: JOHLITZ JOHN & ELIZABETH
PAID: 65.00 ADDR: 3812 CHESTNUT RD MD 21220-4023
PAID BY: APPL

DATES

APPLICANT INFORMATION

APPLIED: 04/23/2010 NAME: JOHN JOHLITZ

ISSUED: 10/15/2010 COMPANY:

OCCPNY: ADDR1: 3812 CHESTNUT RD

FINAL INSPECT: ADDR2: BOWLEYS QUARTERS MD 21220-4023

INSPECTOR: 15R PHONE #: 410-335-3635 LICENSE #:

NOTES: CPC/EDW..WORDING CHGE PER DAS

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

TIME: 11:10:53 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 07/16/2010
DATE: 09/10/2013 BUILDING DETAIL 1 DAS 13:10:59

DRC#

PERMIT # B737409 PLANS: CONST 00 PLOT 2 PLAT 0 DATA 0 EL 1 PL 2

TENANT

BUILDING CODE: CONTR: JOHLITZ JOHN & ELIZABETH

IMPRV 2 ENGNR:

USE 06 SELLR:

FOUNDATION BASE WORK: CONSTRUCT ADDITION 22'X24'X18'=528SF WITH 1HOUR
3 3 FIRE RATED WALL PER RESIDENTIAL BUILDING CODE
CONSTRUC FUEL SEWAGE WATER R302, TO REAR OF AN EXISTING DETACHED CARPORT
2 1E 1E PER VARIANCE CASE #2010-0213-A. ACC. STRUCTURE
CENTRAL AIR LETTER ATTACHED. SEE B737408 RA OF EX. SHED.
ESTIMATED COST SEE B743431 FOR ADDITIONAL WORK.

PROPOSED USE: SFD & DETACHED GARAGE ADD. FLOOD ZONE AE

OWNERSHIP: 1 EXISTING USE: SFD & DETACHED GARAGE

RESIDENTIAL CAT: 1

#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:

1 FAMILY BEDROOMS: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

*TIME: 11:11:00 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 07/16/2010
DATE: 09/10/2013 BUILDING DETAIL 2 DAS 13:10:59

PERMIT #: B737409	BUILDING SIZE	LOT SIZE AND SETBACKS
	FLOOR: 528	SIZE: 10200SF
	WIDTH:	FRONT STREET:
GARBAGE DISP:	DEPTH:	SIDE STREET:
POWDER ROOMS:	HEIGHT:	FRONT SETB: NC
BATHROOMS:	STORIES:	SIDE SETB: 2.5'/NC
KITCHENS:		SIDE STR SETB:
	LOT NOS:	REAR SETB: 31'
	CORNER LOT:	

ZONING INFORMATION

DISTRICT:	BLOCK:	ASSESSMENTS
PETITION:	SECTION:	LAND: 0120200.00
DATE:	LIBER: 000	IMPROVEMENTS: 0111280.00
MAP:	FOLIO: 013	TOTAL ASS.:
	CLASS: 04	

PLANNING INFORMATION

MSTR PLAN AREA: SUBSEWER: CRIT AREA: PASSWORD:

ENTER - NEXT DETAIL	PF2 - APPROVALS	PF7 - PREV. SCREEN	PF9 - SAVE
PF1 - GENERAL PERMIT	PF3 - INSPECTIONS	PF8 - NEXT SCREEN	CLEAR - MENU

TIME: 11:05:59 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 10/15/2010
DATE: 09/10/2013 APPROVALS DETAIL SCREEN PLM 12:40:15

PERMIT #: B737409

PASSWORD :

AGENCY	DATE	CODE	COMMENTS
-----	-----	----	-----
BLD PLAN	10/15/2010	01	MS
ZONING	04/23/2010	01	JP/EDW
PUB SERV	04/27/2010	01	RBH/MUST COMPLY W/FLOODPLAIN ORDINANCE.
ENVRMNT	05/27/2010	01	EIR-5/27/10 TCP/MB
PLANNING	05/28/2010	01	DAS PER PHONE CALL
AIRPORT	05/28/2010	01	DAS
PERMITS	10/15/2010	01	DS/RSD B737408 RA ISSUED 6/10

01 THRU 09 INDICATES AN "APPROVAL" ** 10 THRU 99 INDICATES A "DISAPPROVAL"

ENTER - NEXT APPROVAL

PF4 - ISSUE PERMIT

PF9 - SAVE

CLEAR - MENU



KEVIN KAMENETZ
County Executive

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

November 6, 2013

John Jr. & Elizabeth Schlitz
3812 Chestnut Road
Baltimore MD 21220

RE: Case Number: 2014-0061 SPHA, Address: 3812 Chestnut Road

Dear Mr. & Ms. Schlitz:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 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 that reads "W. Carl Richards, Jr." The signature is stylized with a large, flowing "W" and "C".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

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



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

Date: 9-16-13

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

RE: Baltimore County
Item No. 2014-0061-SPHA
Special Hearing Variance
John & Elizabeth Jolito Jr.
3812 Chestnut 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. 2014-0061-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,

A handwritten signature in dark ink, appearing to read 'Richard Zeller', is written over a horizontal line.

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: October 3, 2013

RECEIVED

OCT 08 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

OFFICE OF ADMINISTRATIVE HEARINGS

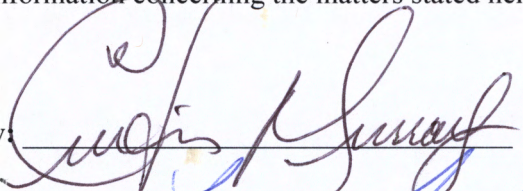
SUBJECT: 14-061 –Variance and Special Hearing

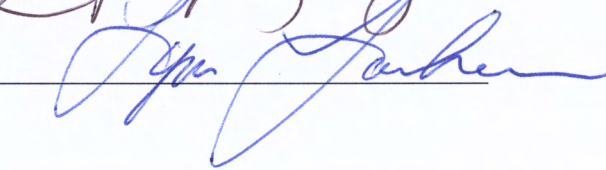
The Department of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 22 feet in lieu of the maximum permitted 15 feet and be larger than the principal dwelling provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

Furthermore, the Department of Planning does not oppose the petitioner request for special hearing and the relief requested therein provided the aforementioned conditions are adhered to.

For further information concerning the matters stated herein, please contact matt Diana at 410-887-3480.

Prepared by: 

Division Chief: 

JM/LL: CM

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For September 23, 2013
Item No. 2014-0061

DATE: September 23, 2013

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comments.

The base flood elevation for this site is 10.2 feet [NAVD 88].

The flood protection elevation is 11.2 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK: CEN.
Cc: file.
ZAC-ITEM NO 14-0061-09232013.doc

ORDER RECEIVED FOR FILING

Date

By

11/18/13
DKN

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

OCT 23 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: October 22, 2013

SUBJECT: DEPS Comment for Zoning Item # 2014-061-SPHA
Address 3812 Chestnut Road
(Johlitz Property)

Zoning Advisory Committee Meeting of September 16, 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 allow an addition to an existing garage in the front yard with greater height and reduced side yard setbacks. The lot is developed with a dwelling, a gazebo, a detached garage, and sidewalks. Lot coverage on the entirety of this property is limited to a maximum of 31.25%, with mitigation required for lot coverage over 25%. Lot coverage information was not provided, but based on the 2010 building permit B737409 lot coverage was below the 25% limit. 15% afforestation (3 trees) is also required. Any trees existing on site can count towards the afforestation requirement. If the applicant can meet the lot coverage and afforestation requirements, the relief requested by the applicant will result in minimal adverse impacts to water quality.

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2. Conserve fish, plant, and wildlife habitat;

Date 11/18/13

By Den

This property is not waterfront. 3 trees must be existing or planted on site to meet the 15% afforestation requirement. Provided the lot coverage and afforestation

requirements are met, 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;

Information was not provided as to whether the proposal will meet lot coverage limits and afforestation requirements. If so, the proposal will be consistent with the Critical Area requirements, and therefore the relief requested will be consistent with established land-use policies.

Reviewer: *Regina Esslinger – Environmental Impact Review (EIR)*

ORDER RECEIVED FOR FILING

Date 11/18/13

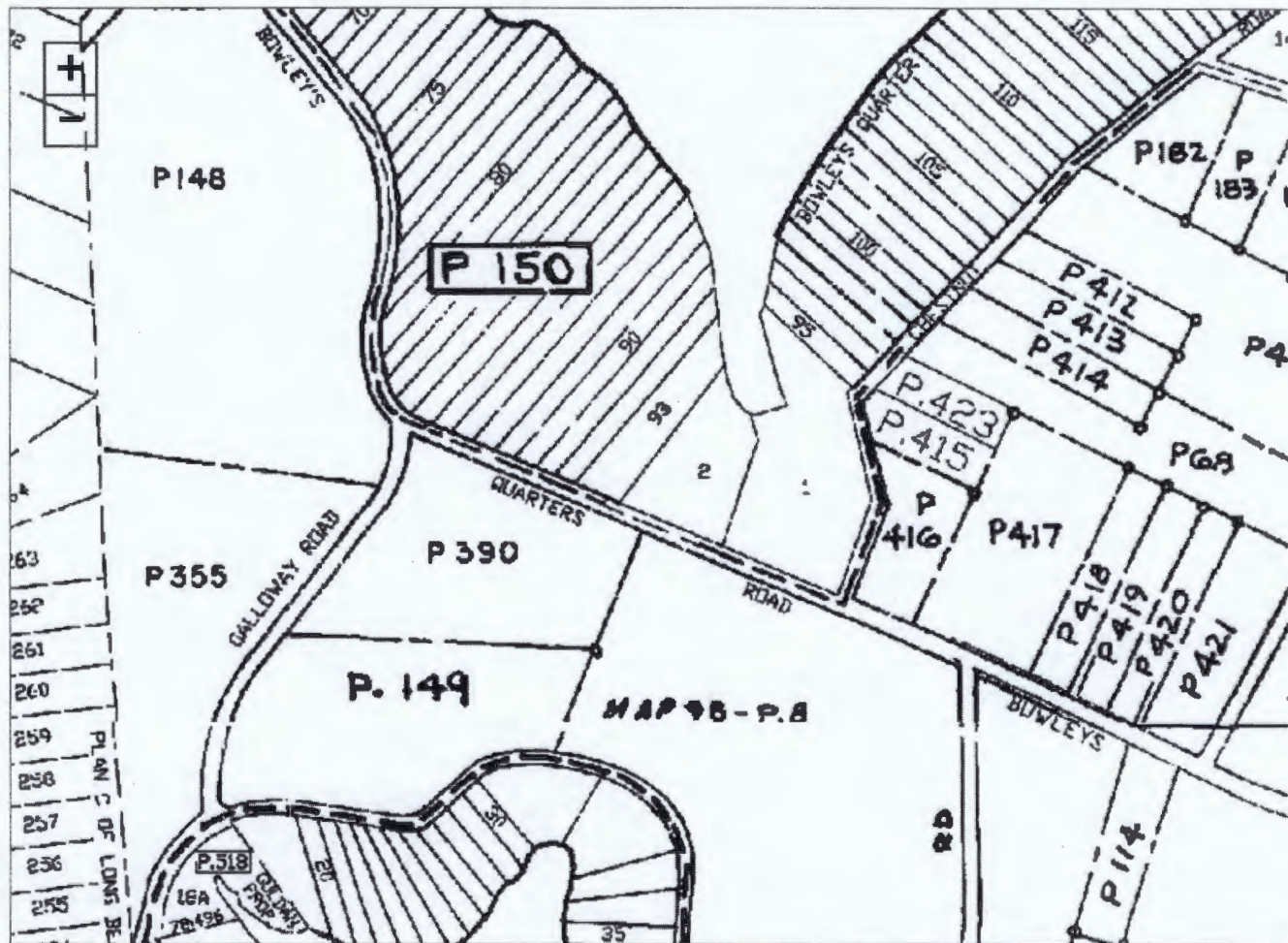
By Den

Real Property Data Search (w2)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registrations
Account Identifier: District - 15 Account Number - 1600001710		
Owner Information		
Owner Name:	JOHLITZ JOHN CALVIN JOHLITZ ELIZABETH V 3812 CHESTNUT RD BALTIMORE MD 21220-4023	Use: RESIDENTIAL Principal Residence: YES Deed Reference: 1) /31515/ 0032 2)
Mailing Address:		
Location & Structure Information		
Premises Address:	3812 CHESTNUT RD 0-0000	Legal Description: CHESTNUT F BOWLEYS Q
Map: 0091	Grid: 0022	Parcel: 0150
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2012
Plat No:	Plat Ref: NONE	
Special Tax Areas:		
Town:		
Ad Valorem:		
Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1940	828 SF	10,200 SF
Stories	Basement	Type
1.000000	NO	STANDARD UNIT
Exterior	Full/Half Bath	Garage
SIDING	1 full	1 Detached
Last Major Re		
Value Information		
Base Value	Value	Phase-in Assessments
	As of	As of
	01/01/2012	07/01/2013
Land:	120,200	120,200
Improvements	106,980	78,200
Total:	227,180	198,400
Preferential Land:	0	198,400
Transfer Information		
Seller: FOARD MARY JANE	Date: 01/07/1981	Price: \$36,000
Type: ARMS LENGTH IMPROVED	Deed1: /31515/ 00325	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: Approved 07/08/2009		

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **15** Account Number: **1600001710**

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 Chestnut Rd
CASE NUMBER 2014-006
DATE 11-15-2013

[illegible]

Case No.:

2014-~~016~~ 0061-SPHA

Exhibit Sheet

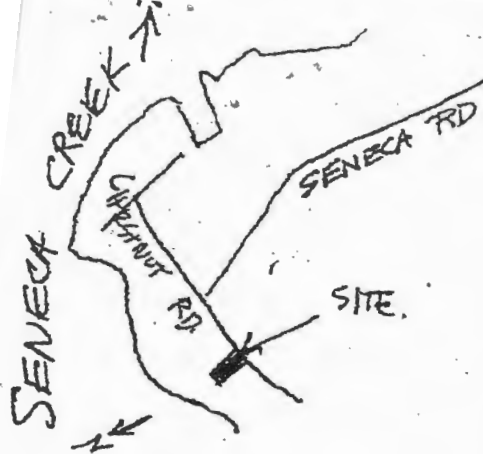
Petitioner/Developer

PW
12-19-13

Protestants

SLW
11-18-13

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		



Plat to accompany petition for Zoning VARIANCE

PROPERTY ADDRESS: 3812 Chestnut Rd

Subdivision name: BOWLEYS QUARTERS

[plat book # 7], folio # 13, lot # 112, section # 2

OWNER: John Calvin & Elizabeth Virginia Johnitz

LOCATION INFORMATION

Election District: 15

Councilmanic District: 6

1"=200 scale map #: 09103

Zoning: RC-5

Lot size: 10,200 square feet

acreage NOT IN 100YR FLOOD PLAIN

SEWER: ☒ public ☐ private

WATER: ☒ public ☐ private

Chesapeake Bay Critical Area: ☒ yes ☐ no

Prior Zoning Hearings: 00-344-A
2010-0213A

Red lines represent existing Shed and patio to be razed.

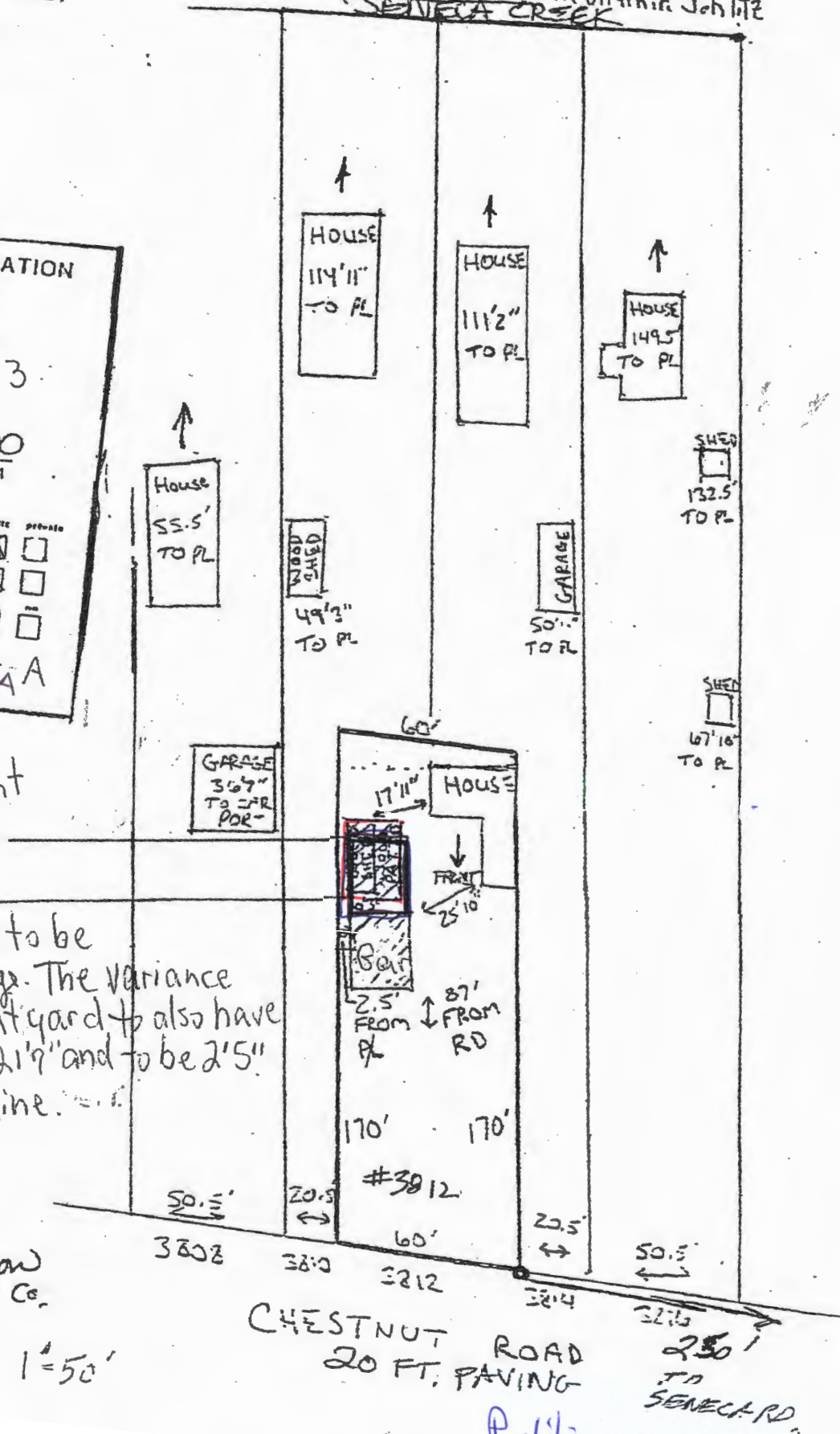
Blue lines present new Structure to be attached to existing garage. The variance allow structure in front yard to also have 1st floor with a height of 21'7" and to be 2'5" from property line.

THE UNDERSIGNED IS RESPONSIBLE FOR THE ACCURACY OF ALL PETITION INFORMATION AS DRAWN BY BALTO CO.

[Signature]

1/14/2000

SCALE: 1"=50'

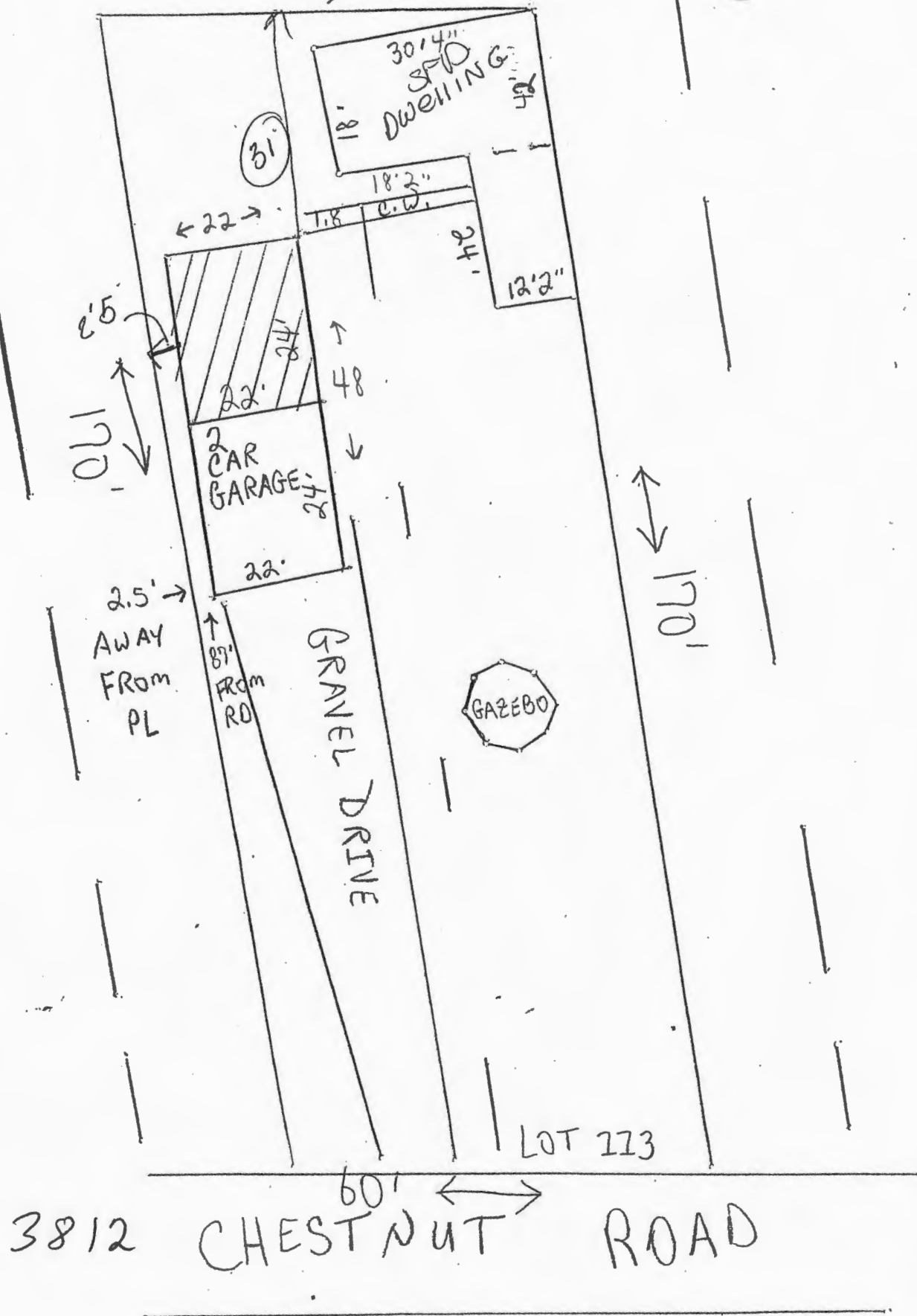


3812

CHESTNUT

ROAD

1" = 20'



091B3

NE 3-K

Lot # 121
1506202180

1514650470
Lot # 119 3906

Lot # 118
1513750750

Lot # 116

Lot # 117
1508550040

1506450950

1508302490

Lot # 115

1502651490

1512570080

3810

1600001711

Lot # 112

3808

1502851990

Lot # 111

3806

1518721260

Lot # 110

1519271290

1519271170

1502005810

1973-0026-A
2013-0150-SPHA

Lot # 106

Lot # 105

1508651320

Martin State Airport Restriction

6 CD

Bowleys Quarters-Back River Neck Area

1600001710

2000-0344-A
2010-0213-A

Pl. Bk. 0000007, Folio 0073

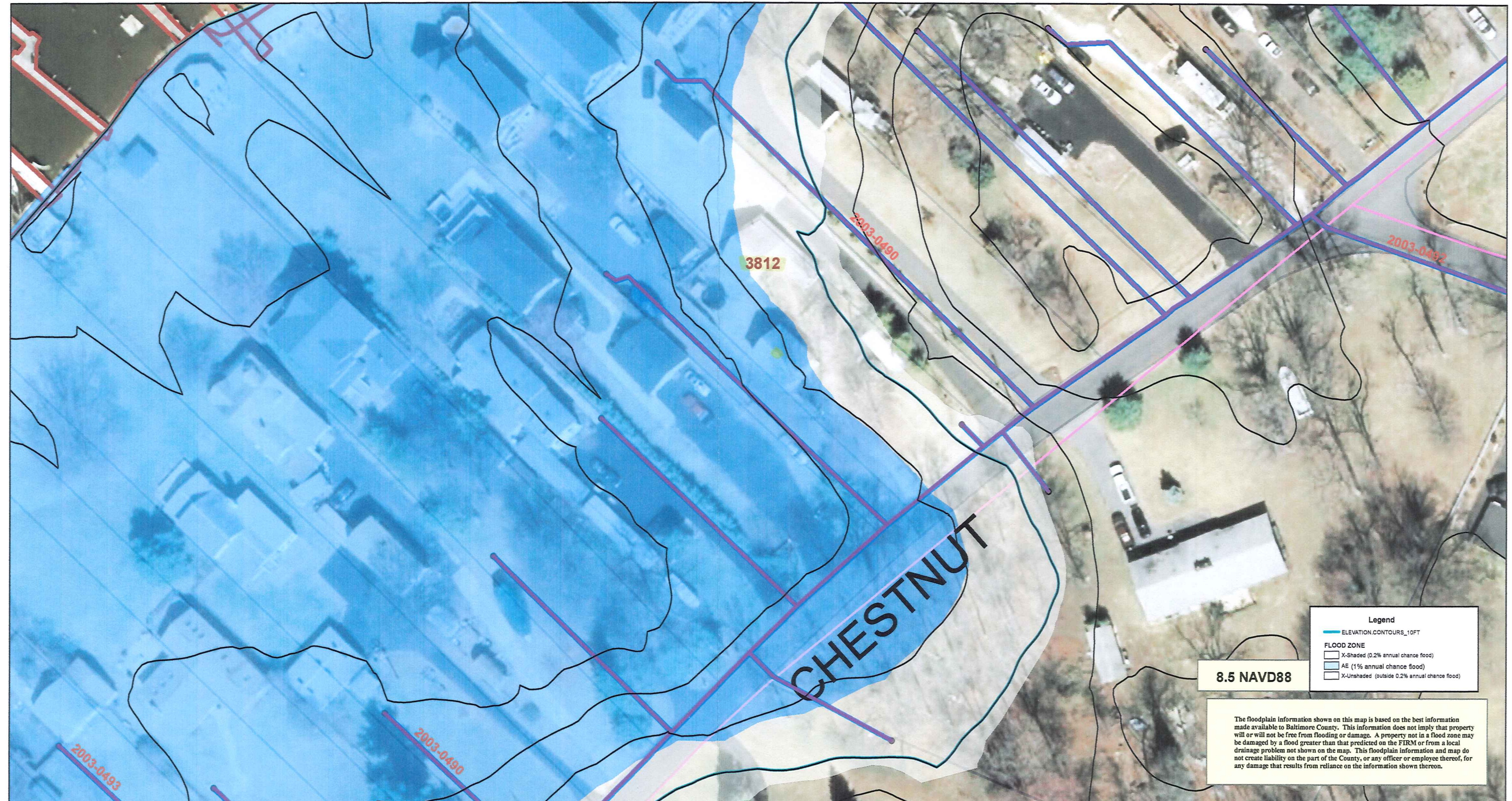
3819

1507580450

1600014063

3741

FLOODPLAIN INQUIRY FOR 3812 CHESTNUT ROAD



Coordinate System:
Maryland State Plane: NAD83/91 Horizontal Datum
Elevations in Feet: NAVD88 Vertical Datum

Date of Data Capture: March 2008
Scale of Date Capture: 1" = 100'

Date of Aerial Photography: March 2008

For internal use only.
The cadastral information on this plot was compiled from existing deed information. This information is not to be considered authoritative. This survey information was not field checked and certified by a licensed land surveyor.

Baltimore County, MD
Department of Public Works
GIS Services

The utility (sanitary sewer and/or storm drain) location information shown is not guaranteed correct and should only be used as a reference. Locations of appurtenances should be verified using construction drawings, which are available in room 206 of the Baltimore County Office Building, or, through actual field investigations.

1 inch = 50 feet

Note:
Floodplain elevation data from
FEMA Flood Insurance Rate Map
240100435F is based on
NAVD 88.

Prepared By:
Robin Hurley, EA III
PAI, Dev. Plans Review
Sept. 9, 2013