

IN RE: PETITION FOR VARIANCE
(1822 Beechwood Avenue)
15th Election District
6th Councilman District
Kenneth & Susan Anderson
Petitioners

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BEFORE THE OFFICE
OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2014-0066-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Kenneth & Susan Anderson, the legal owners of the subject property. The Petitioners are requesting variance relief from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a principal residential building in an RC 5 zone with side yard setbacks of 19 ft. and 5 ft. respectively, in lieu of the required 50 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was Kenneth & Susan Anderson. Marc Johnston, a home builder, also attended the hearing. The file reveals that the Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants or interested citizens in attendance, and the file does not contain any letters of protest or opposition. In fact, the Petitioners submitted letters from the neighbors on both sides of their property expressing support for the petition. Exhibit 2.

The only substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability (DEPS) dated October 22, 2013 and the Bureau of Development Plans Review (DPR) dated September 24, 2013. These comments

ORDER RECEIVED FOR FILING

Date 12/5/13
By sen

noted that Petitioners must comply with critical area and flood protection regulations.

Testimony and evidence revealed that the subject property is approximately 11,354 square feet and is zoned RC 5. The Petitioners purchased the property in 2007, and would like to construct a new single family dwelling on the lot. At present, the site is improved with a shed (approximately 20' x 13') that will be razed, and also visible are the remnants of the foundation for a dwelling that according to state tax records was constructed in 1935. The lot, like all of those in the neighborhood, is 50' wide, which makes it impossible for the Petitioners to comply with the RC 5 zoning setbacks. As such, they seek variance relief.

Based upon the testimony and evidence presented, I will grant the petition for variance.

To obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioners have met this test. The lot is narrow and deep, and is within a subdivision approved long before the adoption of the B.C.Z.R. As such, the property is unique.

If the B.C.Z.R. were strictly interpreted, the Petitioners would indeed suffer a practical difficulty, given they would be unable to construct a single family 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. Indeed, as noted by the Department of Planning (DOP) in its revised ZAC comment, the proposed dwelling would be compatible with the surrounding community and satisfies the RC 5 zone performance standards.

ORDER RECEIVED FOR FILING

Date 12/5/13

By Sen

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

THEREFORE, IT IS ORDERED, this 5th day of December, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") to allow a principal residential building in an RC 5 zone with side yard setbacks of 19 ft. and 5 ft. respectively, in lieu of the required 50 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from 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.
- Petitioners must comply with the ZAC comments of DPR (dated September 24, 2013) and DEPS (dated October 22, 2013).

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date 12/5/13

By slh

KEVIN KAMENETZ
County Executive



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

December 5, 2013

Kenneth and Susan Anderson
12 Airway Circle, Apt. 1
Towson, Maryland 21286

RE: Petition for Variance
Property: 1822 Beechwood Road
Case No.: 2014-0066-A

Dear Mr. and Mrs. Anderson:

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:sln
Enclosure

C: Marc Johnston, 26 S. Main Street, Bel Air, Maryland 21204

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

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 1822 Beechwood Avenue which is presently zoned RCS
 Deed References: 2621/459 10 Digit Tax Account # 1519713850
 Property Owner(s) Printed Name(s) Kenneth E. Anderson, Jr., & Susan E. Anderson

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

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

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. **X** a **Variance** from Section(s) 1A04.3.B.2.b To allow a principal residential building in an RC-5 Zone with a side yard setback of 19 feet on the south elevation & 5 feet on the north elevation in lieu of 50 feet.

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

Due to the lot only being 50 feet wide in a pre-existing subdivision, sideyard setbacks cannot be met. Prior structure was compatible with the other structures in the subdivision as will be the new structure.

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:**Legal Owners (Petitioners):**Kenneth E. Anderson, Jr.Name - Type or Print Susan E. Anderson

Signature

Kenneth E. Anderson, Jr.

Name #1 - Type or Print

Name #2 - Type or Print

Susan E. Anderson

Signature #1

Signature #2

12 Airway Circle, Apt. 1A, Towson, MD

Mailing Address

City

State

12 Airway Circle, Apt. 1A, Towson, MD

Mailing Address

City

State

21286 410-686-5400 kander1102@aol.com 21286 410-585-5400 kander1102@aol.com

Zip Code

Telephone #

Email Address

Zip Code

Telephone #

Email Address

Attorney for Petitioner:**Representative to be contacted:**

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Marc Johnston

Name - Type or Print

Signature

26 S. Main St., Bel Air, MD

Mailing Address

City

State

21014 410-322-9298 marcjohnstonbuilders@yahoo.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2014-0066 - A Filing Date 11/6/13Do Not Schedule Dates: _____ Reviewer JS*** REVISED**

**ZONING PROPERTY DESCRIPTION FOR 1822
BEECHWOOD AVENUE:**

Beginning at a point on the west side of Beechwood Avenue which is 50 feet wide of right-of-way at the distance of 25 feet north of the centerline of the nearest improved intersecting street which is Bayside Road which is 30 feet wide.

Being Lot # 24, Block Not Applicable, Section # Not Applicable, in the subdivision of Evergreen Park as recorded in Baltimore County Plat Book # 7, Folio # 174, containing 12,400 square feet (.26 acres)

2014-0066-A

* REVISED

1822 Beechwood Road : Information for EPS

1. IMPERVIOUS SURFACE CALCULATION

2. Height of 1st floor

3. Tree replanting

1. Existing shed: To be removed resulting in zero impervious surface

New House: $26' \times 42' = 1,092 \text{ sq.ft.}$

New Deck: $26' \times 8' = 208 \text{ sq.ft.}$

New Driveway: $73' \times 15' = 1,095 \text{ sq.ft.}$

Total square ft. of impervious surface = 2,395 sq. ft.

Lot size = 12,400 sq. ft.

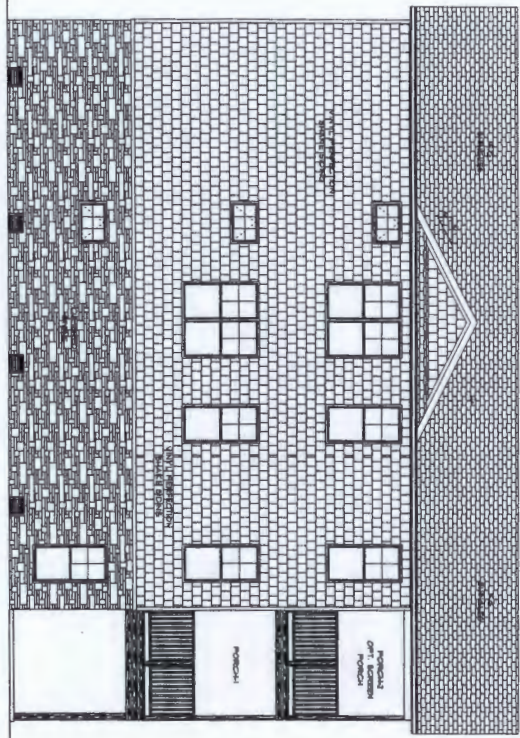
Impervious surfaces will be 19% of lot size meeting the requirement to be less than 25%.

2. The House 1st floor will be 9ft 11inches above grade.

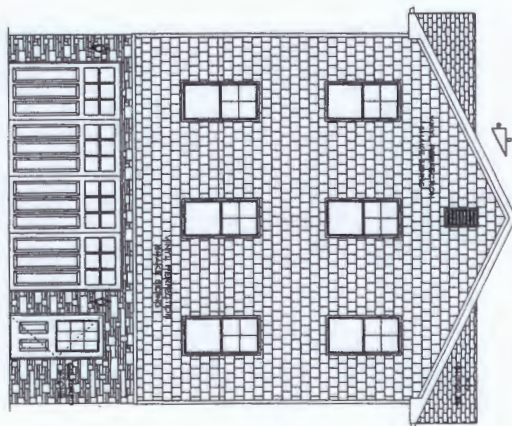
3. A Minimum of 4 trees of the required species and size will be planted.

2014-0066-A

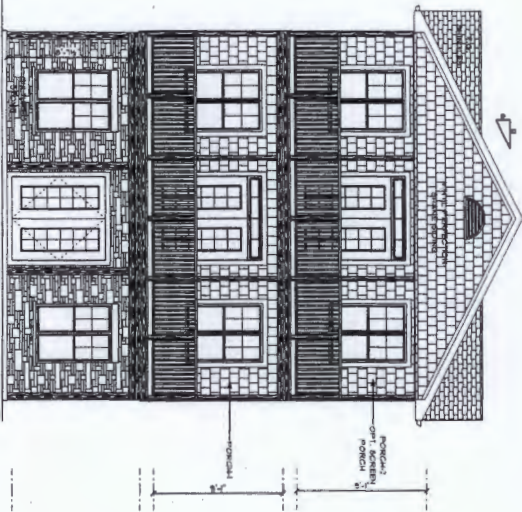
* REVISED



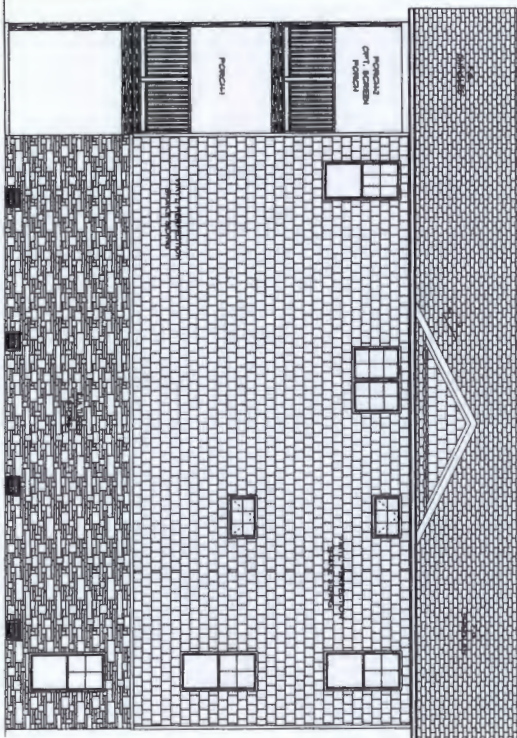
LEFT SIDE ELEVATION - 1/4" = 1'-0"



ROAD FRONT ELEVATION - 1/4" = 1'-0"



WATER FRONT ELEVATION - 1/4" = 1'-0"

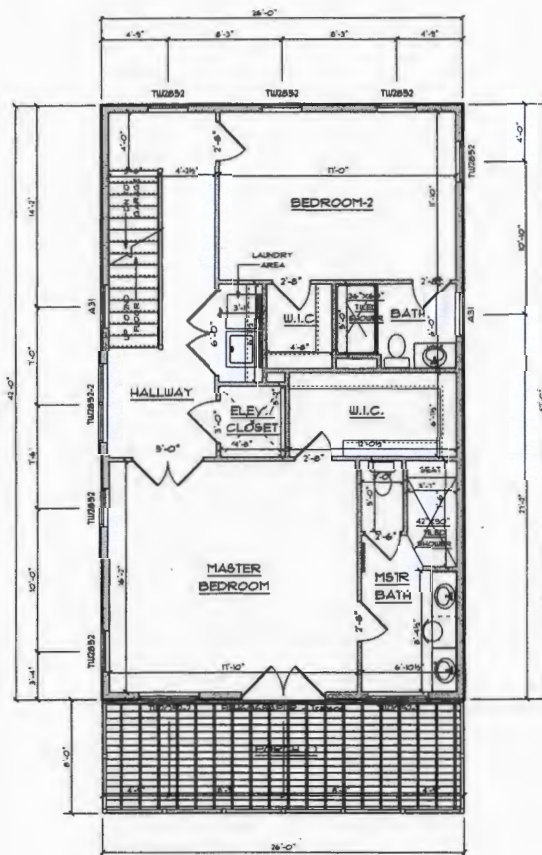


RIGHT SIDE ELEVATION - 1/4" = 1'-0"

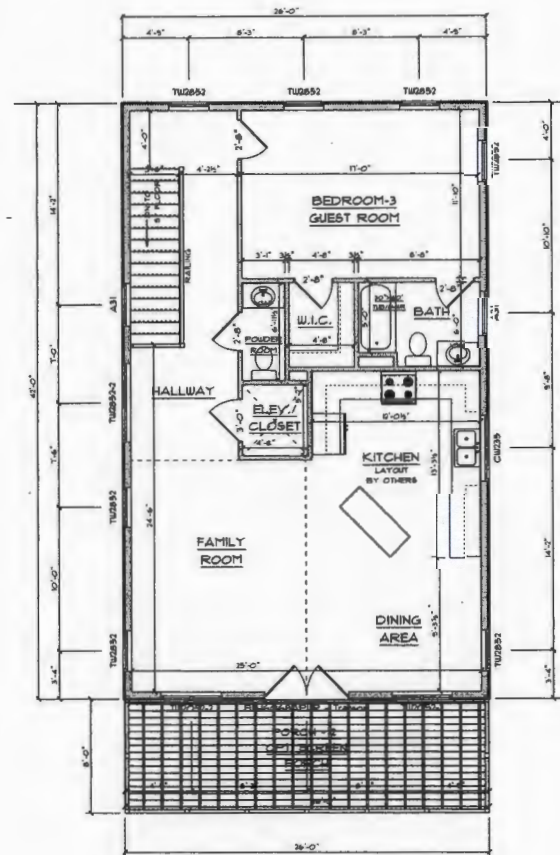
PROPOSED:
ANDERSON RESIDENCE

THESE PLANS ARE THE PROPERTY OF:
JOHNSTON BUILDERS, LLC
26 SOUTH MAIN STREET
BEL AIR, MARYLAND 21014
PH. 410-322-3238 / 410-893-5810

PROGRESS	PRELIMINARY
DRAWING#	D-24
DATE	August 9, 2013
DESIGN	BY
DWG	A-1
SHEET NO.	ELEVATIONS



FIRST FLOOR PLAN - 1/4" = 1'-0"
 1092 SQUARE FEET
 9'-0" CEILINGS

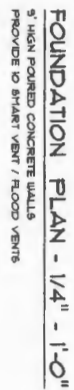


SECOND FLOOR PLAN - 1/4" = 1'-0"
 1092 SQUARE FEET
 9'-0" CEILINGS

THESE PLANS ARE THE PROPERTY OF:
JOHNSTON BUILDERS, LLC
 26 SOUTH MAIN STREET
 BEL AIR, MARYLAND 21014
 PH. 410-322-5259 / 410-693-9810

**PROPOSED:
 ANDERSON RESIDENCE**

PROGRESS	
PRELIMINARY PLANS	
DRAWING# 13-24	
DATE	
AUGUST 18, 2013	
DRAWN BY	DATE
DYC	A-2
SHEET TITLE	
FLOOR PLANS	



THESE PLANS ARE THE PROPERTY OF:
JOHNSTON BUILDERS, LLC
26 SOUTH MAIN STREET
BEL AIR, MARYLAND 21014
PH. 410-322-9258 / 410-893-5810

**ZONING PROPERTY DESCRIPTION FOR 1822
BEECHWOOD AVENUE:**

Beginning at a point on the west side of Beechwood Avenue which is 50 feet wide of right-of-way at the distance of 25 feet north of the centerline of the nearest improved intersecting street which is Bayside Road which is 30 feet wide.

Being Lot # 24, Block Not Applicable, Section # Not Applicable, in the subdivision of Evergreen Park as recorded in Baltimore County Plat Book # 7, Folio # 174, containing 12,400 square feet (.26 acres)

2014-0066-A

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2014-0066-A

Petitioner: KENNETH + SUSAN ANDERSON

Address or Location: 1822 BEECHWOOD AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: MARC JOHNSTON

Address: 26 SOUTH MAIN ST.

BEL AIR, MD 21014

Telephone Number: 410-322-9298

**CASHIER'S
VALIDATION**

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

No. **102593**

Date: **9/13/13**

PAID RECEIPT

BUSINESS RETURN TIME REF
 9/14/2013 9/13/2013 11:03:50 5

REC 4505 WALKIN HOME LAB
 >>RECEIPT # 493920 9/13/2013 OFLA

Dept 5 528 ZONING VERIFICATION
 CR NO. 102593

Recpt Tot \$75.00
 \$75.00 CR
 Baltimore County, Maryland CA

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	306	0000		6150						\$ 75.00
				1						
Total:										\$ 75.00

Rec From: **ANDERSON**

For: **2014-0066-A**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No 2014-0066-A

Petitioner/Developer
MARC JOHNSON

Date Of Hearing/Closing: 12/2/13

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

1822 BEECHWOOD AVENUE

This sign(s) were posted on November 10, 2013
Month, Day, Year

Sincerely,

Martin Ogle 11/10/13
Signature of Sign Poster and Date

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

ZONING NOTICE

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

CASE # 2014-0066-A

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

DATE/TIME: MONDAY, DECEMBER 2, 2013
AT 11:00 A.M.

REQUEST: VARIANCE TO ALLOW A PRINCIPAL
RESIDENTIAL BUILDING IN AN RC-5 ZONE WITH
A SIDE YARD SETBACKS OF 19 FEET AND 5
FEET IN LIEU OF 50 FEET

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT LOCATED
AT 111 W. CHESAPEAKE AVE, TOWSON MD 21204
TEL. 410-887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER THE DATE UNDER PENALTY OF LAW

MEETING IS HANDICAP ACCESSIBLE

M. M. Ogle 11/10/13



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

November 14, 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 November 12, 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: #2014-0066-A

1822 Beechwood Avenue

W/3 Beechwood Avenue, 25 ft. N/of centerline of

Intersection with Bayside Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Kenneth and Susan Anderson

Variance: to allow a principal residential building in an RC-5 zone with side yard setbacks of 19 feet and 5 feet in lieu of 50 feet.

Hearing: Monday, December 2, 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.

JT 11/666 November 12

957506

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 12, 2013 Issue - Jeffersonian

Please forward billing to:
Marc Johnston
26 South Main Street
Bel Air, MD 21014

410-322-9298

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: 2014-0066-A

1822 Beechwood Avenue

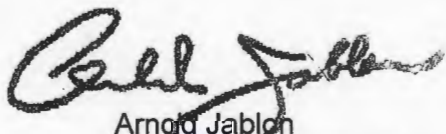
W/s Beechwood Avenue, 25 ft. N/of centerline of intersection with Bayside Road

15th Election District – 6th Councilmanic District

Legal Owners: Kenneth & Susan Anderson

Variance to allow a principal residential building in an RC-5 zone with a side yard setback of 12 feet in lieu of 50 feet.

Hearing: Monday, December 2, 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.



KEVIN KAMENETZ
County Executive

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

November 6, 2013

CORRECTED 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: 2014-0066-A

1822 Beechwood Avenue

W/s Beechwood Avenue, 25 ft. N/of centerline of intersection with Bayside Road

15th Election District – 6th Councilmanic District

Legal Owners: Kenneth & Susan Anderson

Variance to allow a principal residential building in an RC-5 zone with side yard setbacks of 19 feet and 5 feet in lieu of 50 feet.

Hearing: Monday, December 2, 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. Anderson, 12 Airway Circle, Apt. 1A, Towson 21286
Marc Johnston, 26 South Main Street, Bel Air 21014

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 12, 2013.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

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

October 16, 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: 2014-0066-A

1822 Beechwood Avenue

W/s Beechwood Avenue, 25 ft. N/of centerline of intersection with Bayside Road

15th Election District – 6th Councilmanic District

Legal Owners: Kenneth & Susan Anderson

Variance to allow a principal residential building in an RC-5 zone with a side yard setback of ~~12~~ ¹⁹ ~~feet in lieu of 50 feet.~~ ^{5 ft in lieu of 50 feet}

Hearing: Monday, December 2, 2013 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Anderson, 12 Airway Circle, Apt. 1A, Towson 21286
Marc Johnston, 26 South Main Street, Bel Air 21014

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 12, 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.

MEMORANDUM

DATE: January 7, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0066-A – Appeal Period Expired

The appeal period for the above-referenced case expired on January 6, 2014. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
1822 Beechwood Avenue; W/S Beechwood	*	OF ADMINSTRATIVE
Avenue, 25' N of Bayside Road	*	HEARINGS FOR
15 th Election & 6 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Kenneth & Susan Anderson	*	
Petitioner(s)	*	2014-066-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

SEP 27 2013

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of September, 2013, a copy of the foregoing Entry of Appearance was mailed to Marc Johnston. 26 South Main Street, Bel Air, MD 21014, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

9/24/13

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

C

10/24/13

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

C

FIRE DEPARTMENT

10/10/13

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

Not Opposed

11/15/13

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

11/12/13

SIGN POSTING

Date:

11/10/13

by

Cagle

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

November 26, 2013

Kenneth E Anderson Jr.
12 Airway Circle
Apartment 1A
Towson MD 21286

RE: Case Number: 2014-0066 A, Address: 1822 Beechwood Avenue

Dear Mr. Anderson:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 6, 2013. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Marc Johnston, 26 S. Main Street, Bel Air MD 21014

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



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

Date: 11-15-13

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

RE: Baltimore County
Item No 2014-0066-A
Variance
Kenneth & Susan Anderson
1822 Beechwood Avenue

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. 2014-0066-A

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven D. Foster".

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

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



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

Date: 9-24-13

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

RE: Baltimore County
Item No 2014-0066-A
Variance
Kenneth E. & Susan Anderson
1822 Beechwood Avenue

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. 2014-0066-A.

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

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 # 2014-0066-A
Address 1822 Beechwood Avenue
(Anderson Property)

Zoning Advisory Committee Meeting of September 23, 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 a Buffer Management Area (BMA) and is subject to Critical Area requirements. The applicant is proposing to allow a replacement single family dwelling with reduced side yard setbacks. The lot is waterfront and is was previously developed with a single family dwelling that has been removed. The proposed dwelling does not encroach into the 100-foot buffer. Lot coverage on the entirety of this property is limited to 31.25%; the proposed lot coverage is 20.5%. The 15% afforestation requirement will be met by the planting of 4 trees. Therefore, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront. As proposed, the BMA and afforestation requirements will be met, which will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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;

Based on the information provided, the applicants will meet the requirements stated above, so the relief requested will be consistent with established land-use policies.

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

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 30, 2013
Item No. 2014-0066

DATE: September 24, 2013

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

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

The flood protection elevation is 11.2 feet.

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

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

The building engineer shall require a permit for this project.

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

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

DAK: CEN.

Cc: file.

ZAC-ITEM NO 14-0066-09242013.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 10, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 1822 Beechwood Avenue

INFORMATION:

RECEIVED

Item Number: 14-066

OCT 11 2013

Petitioner: Kenneth E. Anderson / Susan E. Anderson

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: RC 5

Requested Action: Variance

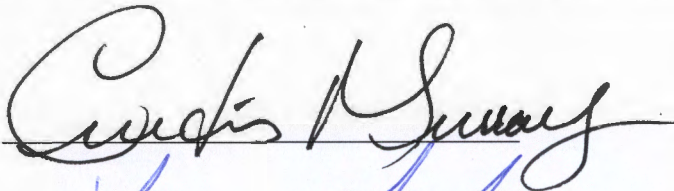
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan and does not oppose the requested variance.

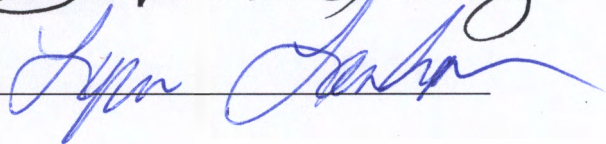
Additionally, the Department of Planning has reviewed typical elevation drawings of the proposed dwelling and photographs of the surrounding community and finds the proposal to be in accordance with the spirit and intent of the performance standards listed within Section 1A04.4 of the Baltimore County Zoning Regulations.

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

Prepared By:



Division Chief:
AVA/LL:cjm



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 2, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 1822 Beechwood

INFORMATION:

Item Number: 14-066 (*revised comment*)

Petitioner: Kenneth E. Anderson, Jr.

Zoning: RC 5

Requested Action: Variance

RECEIVED

DEC 04 2013

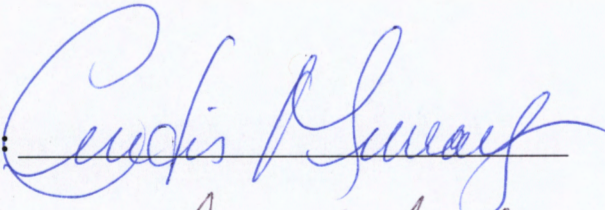
OFFICE OF ADMINISTRATIVE HEARINGS

The Department of Planning reviewed the petitioner's request, accompanying site plan and provides this recommendation not opposing the petitioner's request. The petitioner has demonstrated how the subject proposal will meet the performance standards set forth in Section 1A04.4 of the Baltimore County Zoning Regulations.

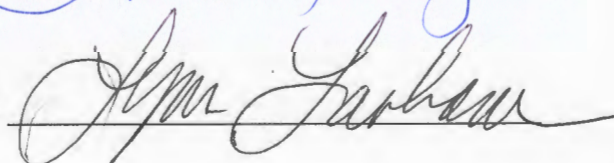
This department has reviewed typical elevation drawings of the proposed dwelling and photographs of the surrounding community and finds the proposal to be in accordance with the spirit and intent of the performance standards listed within Section 1A04.4 of the Baltimore County Zoning Regulations.

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

Prepared By:



Division Chief:



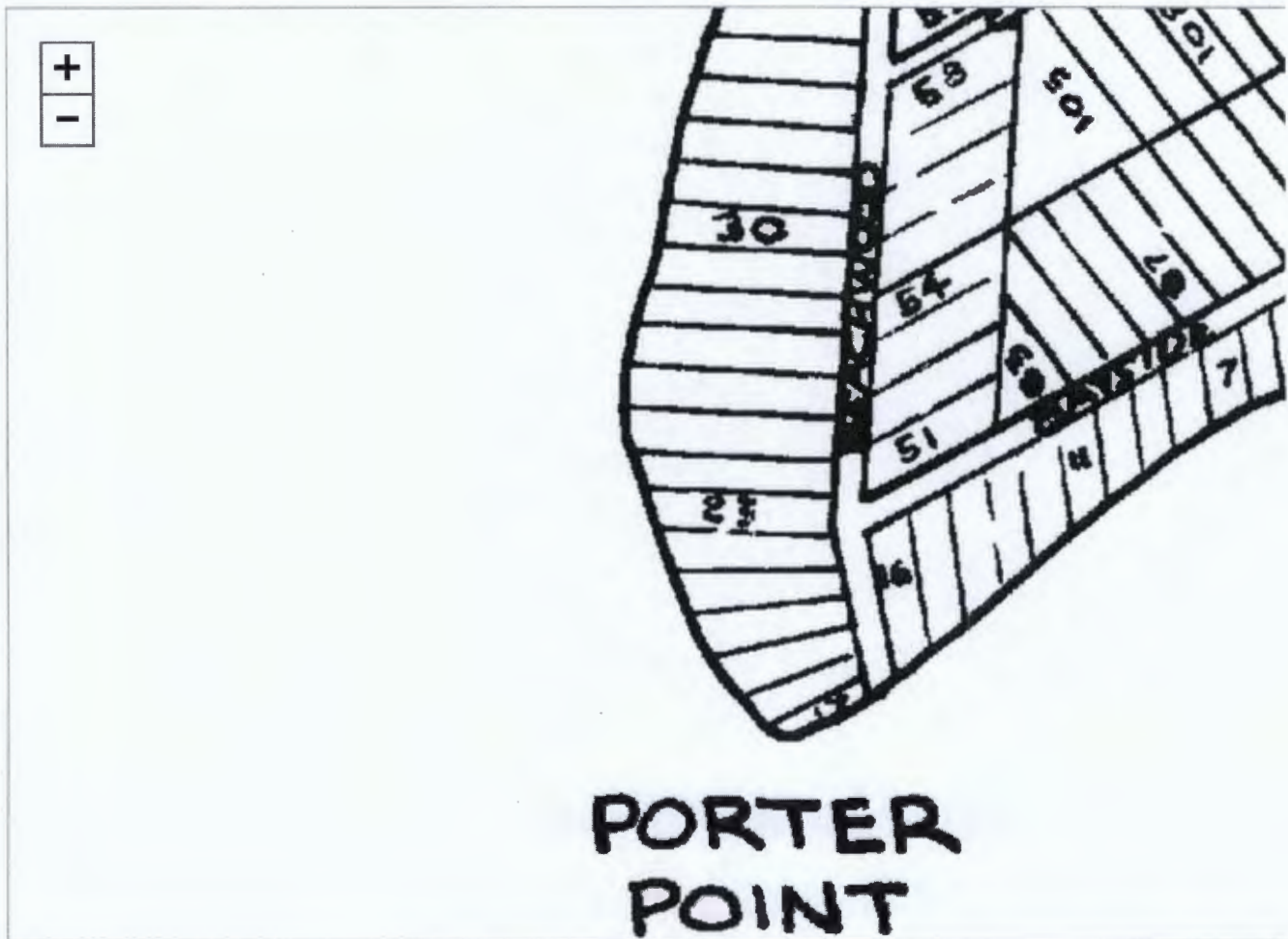
CM/LL

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registr
Account Identifier:	District - 15 Account Number - 1519713850	
Owner Information		
Owner Name:	ANDERSON SUSAN E ANDERSON KENNETH E JR	Use: RESIDENTIAL
Mailing Address:	823 EASTERN BLVD BALTIMORE MD 21221-	Principal Residence: NO
		Deed Reference: 1) /26261/ 00459 2)
Location & Structure Information		
Premises Address:	1822 BEECHWOOD AVE BALTIMORE 21221-0000 Waterfront	Legal Description: 1822 BEECHW EVERGREEN
Map: 0104	Grid: 0024	Parcel: 0268
Sub District:	Subdivision: 0000	Section:
Block:	Lot: 24	Assessment Year: 2012
Plat No:	Plat Ref:	NONE
Special Tax Areas:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1935	480 SF	12,400 SF
Stories	Basement	Type
1.000000	NO	STANDARD UNIT
Exterior	Full/Half Bath	Garage
FRAME	1 full	
Value Information		
Base Value	Value	Phase-in Assessments
	As of	As of
	01/01/2012	07/01/2013
Land:	202,600	202,600
Improvements	2,500	2,500
Total:	205,100	205,100
Preferential Land:	0	0
Transfer Information		
Seller: VAETH GEORGE FRANCIS/MARY JANE	Date: 10/11/2007	Price: \$295,000
Type: NON-ARMS LENGTH OTHER	Deed1: /26261/ 00459	Deed2:
Seller: VAETH GEORGE FRANCIS	Date: 04/04/1997	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /12114/ 00099	Deed2:
Seller: VAETH JOSEPH	Date: 12/20/1996	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /11950/ 00736	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

[New Search \(http://sdat.resiusa.org/RealProperty\)](http://sdat.resiusa.org/RealProperty)District: **15** Account Number: **1519713850**

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>).

[\(http://imsweb05.mdp.state.md.us/website/mosp/\)](http://imsweb05.mdp.state.md.us/website/mosp/)

Loading... Please Wait.

-->

DATE 12-2-2013

100

[illegible]

Case No.:

2014-0066-A

Exhibit Sheet

Petitioner/Developer

Protestants

DW
1-7-14

slw
12-5-13

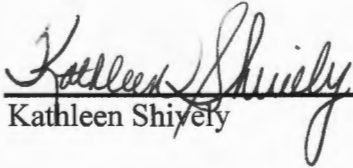
No. 1	Site plan	
No. 2	Letters from neighbors	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

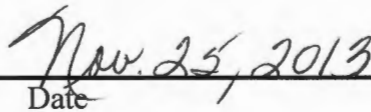
November 26, 2013

Kathleen Shively
1824 Beechwood Ave
Baltimore, Maryland 21221

To Whom It May Concern

I have no objection to Kenneth E. & Susan E. Anderson building a house on 1822 Beechwood Ave Essex, Maryland 21221. Furthermore I have no objection to the variance that has been requested .


Kathleen Shively


Date

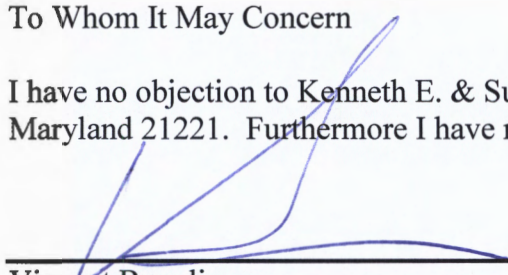
Petitioners No. 2

November 26, 2013

Vincent Bonolis
1820 Beechwood Ave
Baltimore, Maryland 21221

To Whom It May Concern

I have no objection to Kenneth E. & Susan E. Anderson building a house on 1822 Beechwood Ave Essex, Maryland 21221. Furthermore I have no objection to the variance that has been requested .



Vincent Bonolis

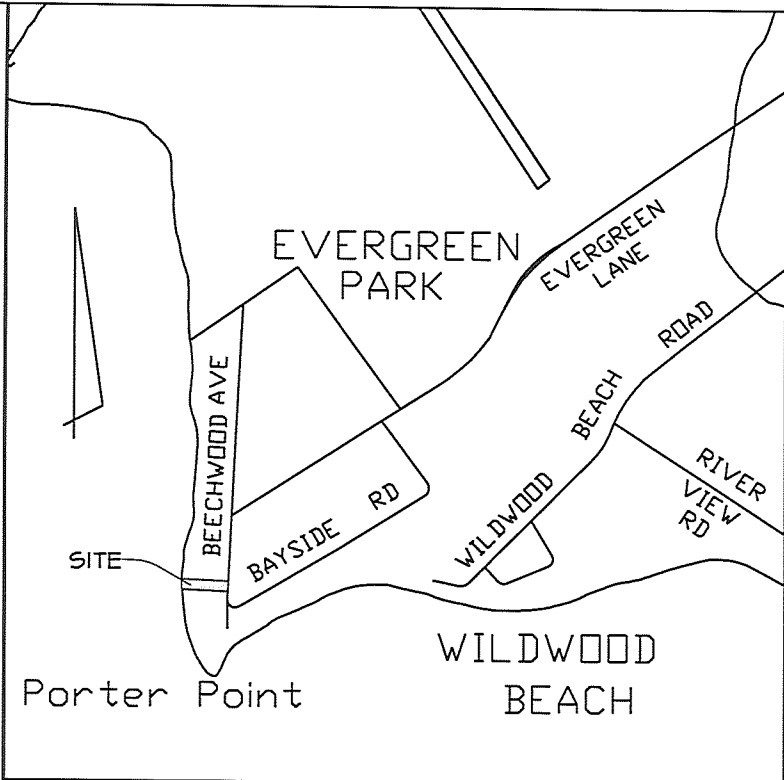
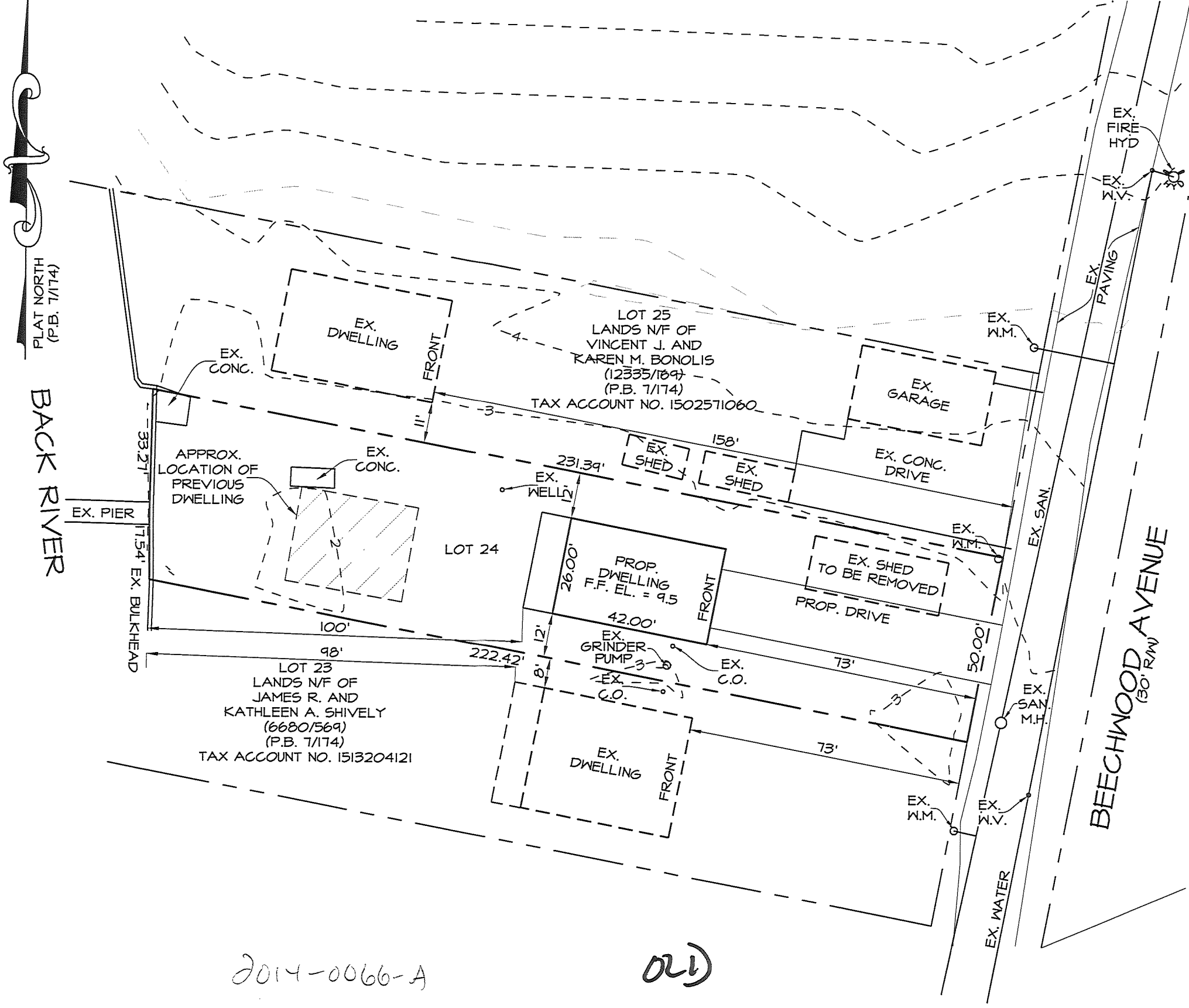
Date

11/25/2013



SE 5-I

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)
ADDRESS: 1822 BEECHWOOD AVE. OWNER NAME: KENNETH E. ANDERSON, Jr. AND SUSAN E. ANDERSON
SUBDIVISION NAME: EVERGREEN PARK LOT #: 24 BLOCK #: NA SECTION #: NA
PLAT BOOK #: 1 FOLIO #: 174 10 DIGIT TAX #: 15-19713850 DEED REF.: 26261/459



VICINITY MAP
SCALE: 1" = 1000'

ZONING MAP # 0104
SITE ZONED RC 5
ELECTION DISTRICT 15TH
COUNCIL DISTRICT 6
CENSUS TRACT 451000
WATERSHED BACK RIVER
LOT AREA ACREAGE 0.26 AC.
OR SQUARE FEET 11,354 S.F.
HISTORIC ? NO
IN CBCA ? YES
IN FLOOD PLAIN ? YES
GIS MAP # 104G3
UTILITIES ? MARK WITH X

WATER IS:
PUBLIC X PRIVATE ___
SEWER IS:
PUBLIC X PRIVATE ___

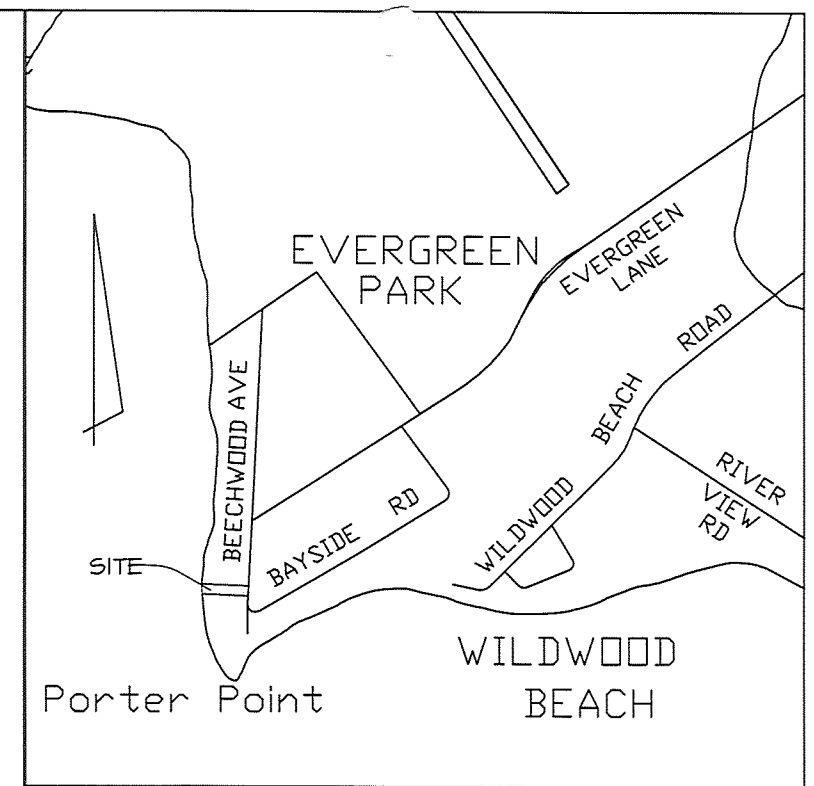
TAX MAP 104 BLOCK 24 PARCEL 268
PROPERTY USE: EXISTING USE: VACANT RESIDENTIAL LOT
PROPOSED USE: SINGLE FAMILY RESIDENTIAL LOT

THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS, CRITICAL AREAS, STREAMS OR OTHER BODIES OF WATER, ENDANGERED SPECIES HABITATS, OR HAZARDOUS WASTE, ARCHEOLOGICAL OR HISTORIC SITES ON THIS PROPERTY. THIS SITE IS NOT LOCATED IN ANY DEFICIENT AREAS ON THE COUNTY'S BASIC SERVICES MAPS.

PRIOR HEARING ? NO
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:

PLAT BOOK #: 7 FOLIO #: 174 10 DIGIT TAX #: 15-19713850 DEED REF.: 26261/459



SCALE: 1" = 1000'

EXHIBIT NO.

SCALE: 1 INCH = 30 FEET