IN RE: PETITION FOR VARIANCE

(704 Riverside Dr.)

15<sup>th</sup> Election District

7<sup>th</sup> Councilman District
Lise E. Criswell & Jason J. Glanville
Petitioners

OF ADMINISTRATIVE

HEARINGS FOR

**BALTIMORE COUNTY** 

CASE NO. 2014-0076-A

#### **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by David Billingsley, on behalf of Lise Criswell and Jason Glanville, the legal owners of the subject property. The Petitioners are requesting variance relief from Section 417.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit two boat lifts with a setback of 3' and a platform and mooring pile with a setback of 2', all in lieu of the required 10' from a divisional property line. 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 Lise Criswell, Mona Dinsmore, and David Billingsley from Central Drafting & Design, who is assisting the Petitioners with the process. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants in attendance and the file does not contain any letters of opposition. A neighbor (Richard McNally) attended the hearing to obtain additional information regarding the Petitioners' request.

The only substantive Zoning Advisory Committee (ZAC) comments received were received from the Department of Environmental Protection and Sustainability (DEPS) dated ORDER RECEIVED FOR FILING

Date	3-26-14
Bv	

February 18, 2014 and the Department of Planning (DOP) dated February 26, 2014. DEPS noted Petitioners are obliged to comply with Critical Area regulations, the DOP indicated it supports Petitioners' request. Initially, the DOP and a neighbor objected to the proposal. To address those concerns, the Petitioners revised their plan and shortened the proposed pier from 150' to 120'. <u>See</u> Exhibits 1 and 7. As such, the proposed pier and boat lifts will not encroach beyond the divisional property line.

Testimony and evidence revealed that the subject property is approximately 16,950 square feet and is zoned DR 5.5. The Petitioners purchased the property in 2007, and would like to construct a pier for their boat, which is now stored in their yard. Exhibit 6B. As shown on the aerial photo in the file (Exhibit 5A), the waterfront property owned by Petitioners and one other neighbor are the only ones in the vicinity which are not improved with piers.

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 subject property is narrow and deep (50' x 340'), and is situated along a curved portion of Back River. 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 pier and boat lifts. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of community and/or county agency opposition.

#### ORDER RECEIVED FOR FILING

Date	5-26-14	
By		

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 <u>26<sup>th</sup></u> day of March, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Section 417.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit two boat lifts with a setback of 3 ft. and a platform and mooring pile with a setback of 2 ft., all in lieu of the required 10 ft. from a divisional property line, 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.

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:dlw

ORDER F	RECEIVED FOR FILING	
Date	3-26-14	
Bv	60	



KEVIN KAMENETZ County Executive

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

March 26, 2014

Lise E. Criswell Jason J. Glanville 704 Riverside Drive Baltimore, Maryland 21221

> RE: Petitions for Variance

> > Property: 704 Riverside Drive

Case No.: 2014-0076-A

Dear Ms. Criswell and Mr. Glanville:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

David Billingsley, Central Drafting & Design, 601 Charwood Ct., Edgewood, MD 21040 C: Mona Dinsmore, 7800 Ruxway Road, Towson, MD 21204 Richard E. McNally, 718 Riverside Drive, Essex, MD 21221



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 704 KIVERSIDE DRIVE which is presently zoned DR 5.5

Deed References: L.ZG/48 F. 504 10 Digit Tax; Account # / 5 / / 3 5 0 3 7 0

Property Owner(s) Printed Name(s) LISE E.CRISWELL \$ UASON J-GLANVILLE

(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:

	a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether 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) 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)

TO BE PRESENTED AT HEARING

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

CASE NUMBER 2014-0076-9 Filing Date 9,25,13

Contract Purchaser	Lessee:		Legal Owners (Petitioners):
			LISE E. CRISWELL JASON J. GLANVILLE
Name- Type or Print			Name #1 - Type or Print Name #2 - Type or Print
Signature			Signature #1 Signature #2 704 RIVERSIDE DR. BALTO. MO.
Mailing Address	City FILING	State	Mailing Address City State
Zip Code Telepi	With FOR A Ema	il Address	Z/27 / / / / Email Address
Attorney for Petition	HER FOR FILING		Representative to be contacted:  DAVID BILLINGSLEY CENTRAL DRAFTING & DESIGN
Name Print			Name - Type or Print Billingsley
Signature			Signature GOI CHURWOOD CT. EDGEWOOD MD
Mailing Address	City	State	Mailing Address City State 21040 (410) 679-8719 dwb0z09@yahoo. 0
Zin Code Telepi	hone# Fma	il Address	Zip Code Telephone # Email Address

Do Not Schedule Dates:

Reviewer CM

SECTION 417.4 (BCZR) TO PERMIT TWO BOAT LIFTS WITH A SETBACK OF 3 FEET AND A PLATFORM AND MOORING PILE WITH A SETBACK OF 2 FEET ALL IN LIEU OF THE REQUIRED 10 FEET FROM A DIVISIONAL PROPERTY LINE.

REV. 1/2/14

### **ZONING DESCRIPTION**

#### **704 RIVERSIDE DRIVE**

Beginning for the same at a point on the south side of Riverside Drive (50 feet wide), distant easterly 356 feet from its intersection with the center of Essexwood Court (50 feet wide), thence being all of Lot12, Section E, Block P as shown on the plat entitled Essex recorded among the plat records of Baltimore County in Plat Book9 Folio 74.

Containing 16,950 square feet or 0.389 acre of land, more or less.

Being known as 704 Riverside Drive and being located in the 15<sup>TH</sup> Election District, 7<sup>TH</sup> Councilmanic District of Baltimore County, Maryland

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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:
Petitioner:
PLEASE FORWARD ADVERTISING BILL TO:  Name: CENTRAL DRAFTING & DESIGN  Address: 601 CHARWOOD CT  60GEWOOD, MO 7104-0
Telephone Number: (410) 679 - 8719

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

#### CERTIFICATE OF POSTING

February 24, 2014

Re:

Case Number: 2014-0076-A

Petitioner / Developer: Lise Criswell & Jason Glanville

Date of Hearing: March 17, 2014

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

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at **704 Riverside Drive**.

The sign(s) were posted on February 24, 2014.

Sincerely,

Bruce E. Doak

MD Property Line Surveyor #531

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



Land Use Expert and Surveyor







Baltimore, Maryland 21278-0001

February 27, 2014

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 February 25, 2014

The Jeffersonian 

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Sugan Wilkinst

#### 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: #2014-0076-A
704 Riverside Drive

S/s Riverside Drive, 356 ft. +/- east of centerline of

15th Election District - 7th Councilmanic District

Legal Owner(s): Lise Criswell & Jason Glanville
Variance: to permit two boat lifts with a setback of 3 feet and a platform and mooring pile with a setback of 2 feet all in lieu of the required 10 feet from a divisional property line. Hearing: Monday, March 17, 2014at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204 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.

969843 JT 2/844 February 25



KEVIN KAMENETZ County Executive

February 18, 2014

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

#### 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: 2014-0076-A

704 Riverside Drive

S/s Riverside Drive, 356 ft. +/- east of centerline of Essexwood Court

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: Lise Criswell & Jason Glanville

Variance to permit two boat lifts with a setback of 3 feet and a platform and mooring pile with a setback of 2 feet all in lieu of the required 10 feet from a divisional property line.

Hearing: Monday, March 17, 2014 at 11:00 a.m. in Room 205, Jefferson Building,

105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director

AJ:kl

C: Lise Criswell, Jason Glanville, 704 Riverside Dr., Baltimore 21221 David Billingsley, 601 Charwood Ct., Edgewood 21040

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 25, 2014

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, February 25, 2014 Issue - Jeffersonian

Please forward billing to:

Central Drafting & Design Attn: David Billingsley 601 Charwood Court Edgewood, MD 21040 410-679-8719

#### 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:

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15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

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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:

April 28, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0076-A - Appeal Period Expired

The appeal period for the above-referenced case expired on April 25, 2014. There being no appeal filed, the subject file is ready for return to the Zoring Review Office and is placed in the 'pick up box.'

c: Case File

Office of Administrative Hearings

**RE: PETITION FOR VARIANCE** 

704 Riverside Drive; S/S Riverside Drive,

356' E c/line Essexwood Court

15th Election & 7th Councilmanic Districts

Legal Owner(s): Lisa Criswell & Jason Glanville\*

Petitioner(s)

BEFORE THE OFFICE

OF ADMINSTRATIVE

HEARINGS FOR

**BALTIMORE COUNTY** 

2014-076-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 Zummerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

RECEIVED

OCT 03 2013

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 3<sup>rd</sup> day of October, 2013, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, Maryland 21040, Representative for Petitioner(s).

Peter Max Zummerman

PETER MAY ZIMMERMAN People's Counsel for Baltimore County

Support/Oppose/

## CHECKLIST

Comment Received	<u>Department</u>	Conditions/ Comments/ No Comment
3/10/14	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NC
3/18/14	DEPS (if not received, date e-mail sent)	
2/26/14	FIRE DEPARTMENT  PLANNING  (if not received, date e-mail sent)	
45/14	STATE HIGHWAY ADMINISTRATION	NO OPT
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
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PEOPLE'S COUNSE	EL APPEARANCE Yes No C	into,
Comments, if any:		



KEVIN KAMENETZ County Executive

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

March 13, 2014

Lise E. Criswell Jason J. Glanville 704 Riverside Drive Baltimore MD 21221

RE: Case Number: 2014-0076 A, Address: 704 Riverside Drive

Dear Ms. Criswell & Mr. Glanville:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 25, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

**Enclosures** 

c: People's Counsel
Bavid Billingsley, Central Drafting & Design, 601 Charwood Court, Edgewood MD 21040

Maryland Department of Transportation

Martin O'Malley, Governor Anthony G. Brown, Lt. Governor James T. Smith, Jr., Secretary Melinda B. Peters, Administrator

Date: 2-5-14

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

RE: **Baltimore County** 

Item No 2014-0076-A Variance. Lise E. Criswell & Jason J. Glanville 704 Riverside Drive

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. 2014-0076-A.

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

Sincerely,

Steven D. Foster, Chief

Development Manager Access Management Division

SDF/raz



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor James T. Smith, Jr., Secretary Melinda B. Peters, Administrator

Date: 10-1-13

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 - 0076-A

Varionce

Lise E. Criswell & Joson J. Glouville

704 Riverside Drive

Dear Ms. Lewis:

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Sincerely,

Steven D. Foster, Chief/

Development Manager

Access Management Division

SDF/raz

# CENTRAL DRAFTING AND DESIGN, INC. 601 CHARWOOD COURT EDGEWOOD, MARYLAND 21040 (410) 679-8719 FAX (410) 679-1298

January 21, 2014

MEMO TO: KRISTEN LEWIS ZONING REVIEW

RE: 704 RIVERSIDE DRIVE CASE NO. 2014-0076-A

We held off scheduling this case because of some adverse comments from the Planning Office and an adjacent neighbor. I have worked out a request that is acceptable to both and would now like to proceed with setting a hearing date.

I have enclosed 12 copies of the revised plan and three copies of the description of the section from which the variance is being requested.

Please let me know if you need any additional information.

**Thanks** 

Dave Billingsley

#### Administrative Hearings - Re: Internet Inquiry Case # 2014-0076-A

From:

Administrative Hearings

To:

McNally, Richard

Date:

3/19/2014 10:06 AM

Subject: Re: Internet Inquiry Case # 2014-0076-A

#### Good Morning,

The above-referenced case was originally scheduled for Monday, March 17th however you are correct in your assumption that it was postponed due to the weather. The representative listed on the zoning petition has been notified of the rescheduled date, which is Wednesday, March 26th @ 11 AM, in Room 104, Jefferson Building, 105 W. Chesapeake Ave., Towson. He has also been instructed to post on the sign the new hearing date information over the old one.

I hope this information has been helpful to you, and thanks for contacting our office.

>>> "Richard McNally" <mcnallyr76@gmail.com> 3/18/2014 11:16 PM >>> To Whom It May Concern:

I was interested in attending the hearing for 704 Riverside Dr, Essex, MD looking for a variance in the setback for boat lifts and mooring poles. The hearing was originally scheduled for Monday, 17 March 2014 and I have assumed that it was postponed because of the weather on Monday - but I do not actually know if my assumption is correct.

The case # is 2014-0076-A.

I appreciate your response.

Regards, Rich McNally (443) 231-7923

718 Riverside Dr Essex, MD 21221

#### Debra Wiley - Re: Rescheduling of Case 2014-0076-A - 704 Riverside Ave.

From: David Billingsley <a href="mailto:dwb0209@yahoo.com">dwb0209@yahoo.com</a>>

To: Debra Wiley <a href="mailto:dwiley@baltimorecountymd.gov">dwiley@baltimorecountymd.gov</a>

Date: 3/19/2014 6:28 AM

Re: Rescheduling of Case 2014-0076-A - 704 Riverside Ave. Subject:

Attachments: Scan0106.pdf

Hi Debbie

The sign was changed yesterday afternoon. Photo is attached

Thanks for your help

Dave Billingsley Central Drafting and Design (410) 679-8719 Office (410) 458-1401 Cell

On Tuesday, March 18, 2014 12:35 PM, Debra Wiley <dwiley@baltimorecountymd.gov> wrote: Good Afternoon.

This is to confirm that the above case has been rescheduled for Wednesday, March 26, 2014 @ 11 AM, in the Jefferson Building, 105 W. Chesapeake Ave., 1st Floor, Room 104, Towson, Md. Please have the sign poster place this new hearing information on the sign over the old one and provide proof of same to this office before the hearing. A voice mail was left today on phone #410-679-8719 with the above information @12:16 PM.

Please contact me if you have any questions or concerns. Thanks in advance.

Debbie Wiley Legal Administrative Secretary Office of Administrative Hearings 105 West Chesapeake Avenue, Suite 103 Towson, Md. 21204 410-887-3868 410-887-3468 (fax) dwiley@baltimorecountymd.gov

CONNECT WITH BALTIMORE COUNTY











www.baltimorecountymd.gov

# ZONING NOTICE CASE NO. 2014-0076-A

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

CE: Room 21045 JEFFERSON BUILDING 105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATESTIME: WEDNESDAY, MARCH'26, 2014 11:00 AM

REQUEST: VARIANCE TO PERMIT TWO BOAT LIFTS
WITH A SETBACK OF 3 FEET AND A PLATFORM AND
MOORING PILE WITH A SETBACK OF 2 FEET ALL IN
LIEU OF THE REQUIRED 10 FEET FROM A
DIVISIONAL PROPERTY LINE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOME.

#### Debra Wiley - Rescheduling of Case 2014-0076-A - 704 Riverside Ave.

From:

Debra Wiley

To:

dwb0209@yahoo.com

Date:

3/18/2014 12:34 PM

Subject: Rescheduling of Case 2014-0076-A - 704 Riverside Ave.

#### Good Afternoon,

This is to confirm that the above case has been rescheduled for Wednesday, March 26, 2014 @ 11 AM, in the Jefferson Building, 105 W. Chesapeake Ave., 1st Floor, Room 104, Towson, Md. Please have the sign poster place this new hearing information on the sign over the old one and provide proof of same to this office before the hearing. A voice mail was left today on phone # 410-679-8719 with the above information @ 12:16 PM.

Please contact me if you have any questions or concerns. Thanks in advance.

Debbie Wiley Legal Administrative Secretary Office of Administrative Hearings 105 West Chesapeake Avenue, Suite 103 Towson, Md. 21204 410-887-3868 410-887-3468 (fax) dwiley@baltimorecountymd.gov

Message Id:

532875A9.754:38:53259

Subject:

Rescheduling of Case 2014-0076-A - 704 Riverside Ave.

Created By:

dwiley@baltimorecountymd.gov

Scheduled Date:

**Creation Date:** 

3/18/2014 12:34 PM

From:

Debra Wiley

Recipients:

Recipient

Action

Date & Time

Comment

yahoo.com

Transferred

3/18/2014 12:35 PM

To: dwb0209@yahoo.com (dwb0209@yahoo.com)

**Post Offices** 

Post Office yahoo.com

Delivered

Route

yahoo.com

**Files** 

File

Size

Date & Time

MESSAGE TEXT.htm 1337

3/18/2014 12:34 PM

1197

3/18/2014 12:34 PM

**Options** 

**Auto Delete:** 

No

Concealed Subject: Expiration Date: No None

Notify Recipients:

Yes Standard

Priority: Reply requested by

None

Security:

Standard

To Be Delivered:

Immediate

Record Id

Record Id: Common Record Id: 53283D69.NCH\_DOM.NCH\_PO.100.1687076.1.1B58A.1

53283D69.NCH\_DOM.NCH\_PO.200.2000026.1.485F2.1

#### **BALTIMORE COUNTY, MARYLAND**

#### **Inter-Office Correspondence**

RECEIVED



FEB 2 0 2014

OFFICE OF ADMINISTRATIVE HEARINGS

TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

David Lykens, Department of Environmental Protection and Sustainability

(EPS) - Development Coordination

DATE:

February 18, 2014

SUBJECT:

**DEPS** Comment for Zoning Item

Address

# 2014-0076-A, Revised

704 Riverside Drive

(Criswell/ Glanville Property)

Zoning Advisory Committee Meeting of September 30, 2013.

EPS has reviewed the subject zoning petition for compliance with the goals of the Statemandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

 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 proposed project can minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands provided that all requirements concerning construction of water dependent facilities are met. It is the construction process, and size and type of the structures that is of concern in minimizing water quality impacts. Meeting these requirements with the proposed setbacks off division lines can result in minimal impacts to the substrate, any submerged aquatic vegetation, and the fishery.

2. Conserve fish, wildlife, and plant habitat;

The current proposal will be reviewed for compliance with the Chesapeake Bay Critical Area (CBCA) regulations, and must be reviewed by the appropriate State/Federal agencies for compliance with their water dependent facility requirements. No information was provided with respect to submerged aquatic vegetation (SAV), but minimizing impacts to the substrate, including SAV's, by meeting requirements, can conserve fish, wildlife and plant habitat in Back River.

Hon. Lawrence M. Stahr, Managing Administrative Law Judge EPS Comments, Zoning Item # 2014-0076-A, Revised 704 Riverside Drive 21221 Page 2

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.

Should the petitioner's request be granted, it will be consistent with established land use policies provided that the applicant meets all Chesapeake Bay Critical Area requirements applicable to the proposal. Therefore, the request, if granted, can minimize environmental impacts.

Reviewer:

Paul Dennis

Date: February 18, 2014

S:\Devcoord ZAC-Zoning Petitions\ZAC 2014\ ZAC 14-0076-A Revised 704 Riverside Drive.doc

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon

DATE: February 26, 2014

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

**SUBJECT:** 

704 Riverside Drive

Item Number:

14-076 (revised comment)

Petitioner:

Lise E. Criswell

Zoning:

DR 5.5

**Requested Action:** 

Variance

#### SUMMARY OF RECOMMENDATIONS:

The petitioner has submitted an amended petition and a revised site plan with a reduced pier length. The revised plan still calls for an open access strip (pier) with two boat lifts, one of which will be within 10' of the divisional property line, the other of which will now NOT encroach 12' beyond the established divisional property line (previous plan had one of the lifts encroaching over the divisional property line).

The Department of Planning supports the petitioner's request for the following reasons:

- 1. The new layout of the proposed pier does not present the same issues as the previous layout. The proposed length is more compatible with the surrounding piers and does not present the same traffic issues for the adjacent piers.
- 2. The revised layout will not prevent or impair the neighbors from expanding or improving a pier on neighboring properties.
- 3. The visual impact on the surrounding houses will be reduced.

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

Prepared By

**Division Chief:** 

AVA/LL:cim

RECEIVED

FFB 26 2014

OFFICE OF ADMINISTRATIVE HEARINGS

## BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 10, 2014

Department of Permits, Approvals And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

**Zoning Advisory Committee Meeting** 

For February 10, 2014

Item No. 2014-0076, 0103, 0157, 0158, 0160, 0161 and 0164

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

DAK:CEN. Cc: file

G:\DevPlanRev\ZAC -No Comments\ZAC02102014 -.doc

Real Property Data Search (w2)

Search Result for BALTIMORE COUNTY

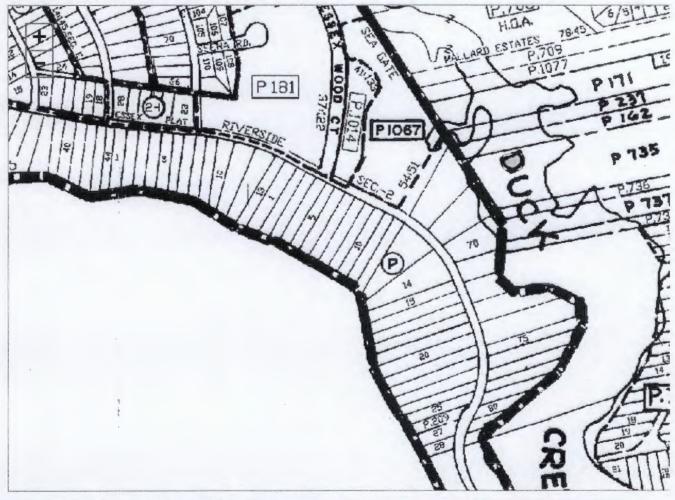
Search Help

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#### **Baltimore County**

New Search (http://sdat.resiusa.org/RealProperty)

District: 15 Account Number: 1511350370



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.

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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/QurProducts/OurProducts.shtml).



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

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Loading... Please Wait.

### PLEASE PRINT CLEARLY

CASE NAME 704 RIVERSIDE DRIVE CASE NUMBER ZO14-0076 ->
DATE 3/26/14

## PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
DAVID BILLIHGSLEY	GOI CHARWOOD CT	EDGEWOOD, MO. 71040	dubozog cyahoo, com
LISE CRISWELL	704 RIVERSIDE DRIVE	BALTO, MD ZIZZI	Icrismalle yerizon. net
MONA DINSMORE	7800 RUX WAY ROAD	TOWSON, MD 21204	monacker@aol.com
		·	
• 1			
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			•

CASE NAME	704 Riverside Mr	_
CASE NUMBER	2014-0076 A	
DATE 26	March 2014	

# CITIZEN'S SIGN - IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
Richard F McNally	718 Riverside Pr	Esse, MD 21221	menally 176 @gmail.com
· · · · · · · · · · · · · · · · · · ·			
1			
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## **PETITIONER'S EXHIBITS**

Q 2-28-14 Q 3-20-14

## 704 RIVERSIDE DRIVE CASE NO. 2014-0076-A



- 1. PLAT TO ACCOMPANY PETITION DATED REVISED 1-2-14
- 2. SDAT REAL PROPERTY DATA SEARCH
- 3. TAX MAP 0097 PARCEL 0371
- 4. DEED OF RECORD

5a - 5b. AERIAL PHOTOS

6a - 6f. PHOTOS

7. Earlier version of plan

Real Property Data Search (w1)

Search Result for BALTIMORE COUNTY

Search Help

View Map	View GroundRent Redemption View GroundRent Registration			
Account Identifier:	District - 15 Acc	ount Number - 1511	350370	
		Owner Information	n	
Owner Name:  Mailing Address:	CRISWELL LIS GLANVILLE J 704 RIVERSIDI BALTIMORE M	ASON JAMES E DR MD 21221-6838	Use: Principal Residence Deed Reference:	RESIDENTIAL  e: YES 1) /26148/ 00504 2)
	Locati	ion & Structure Info	rmation	
Premises Address:	704 RIVERSIDI 0-0000 Waterfront	E DR	Legal Description:	704 RIVERSIDE DR ESSEX
Map: Grid: Parcel: Su 0097 0002 0371	b District: Subdivision: 0000	Section: Block: P	Lot: Assessment Ye	Plat Ref: 0009/0074
Special Tax Areas:		Town: Ad Valore Tax Class:		NONE
Primary Structure Built 1955	Above Grade Enclosed A 1,260 SF	540 SF	16,9	perty Land Area County Use 50 SF 34
<u>Stories</u> <u>Basement</u> <u>1</u> 1.000000 <u>YES</u> S		xterior Full/Half I RICK 2 full	Bath Garage 1 Attached	Last Major Renovation
		Value Information		
	Base Value	<u>Value</u> As of 01/01/2012	Phase-in A As of 07/01/2012	As of 07/01/2013
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Seller: KIRSCH EMMA ( Type: NON-ARMS LENG Seller:	TH OTHER D	eate: 10/25/1989 eed1: /08307/ 00114 eate:		Price: \$0 Deed2: Price:
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	tatus: Approved 01/13/200			

1. This screen allows you to search the Real Property database and display property records.

2. Click here for a glossary of terms.

3. Deleted accounts can only be selected by Property Account Identifier.

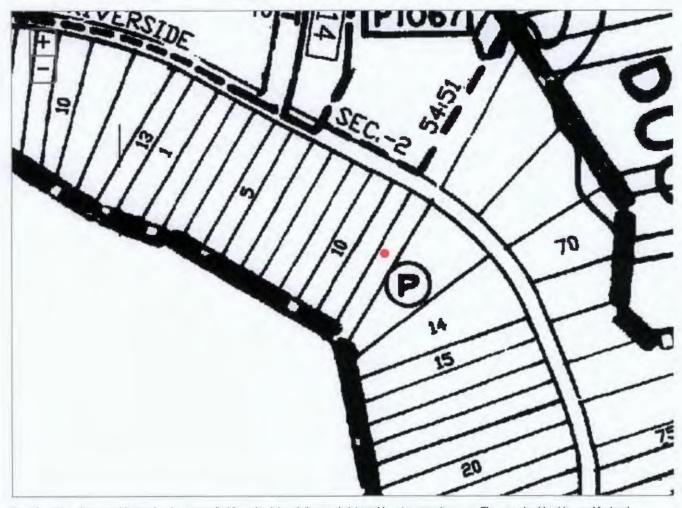
4. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

PETITIONER'S Z

**Baltimore County** 

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

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PETITIONER'S EXHIBIT NO.

THIS DEED, Made this 31st day of August, in the year two thousand seven, by and between Gordon J. Kirsch, Sr. and Mary Odend'hal, residents of the State of Maryland, parties of the first part, Grantors, and Lise Ellen Criswell and Jason James Glanville, parties of the second part, Grantees.

WITNESSETH, That in consideration of the sum of \$450,000.00 and other valuable considerations, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant, convey, and assign unto the said Grantees, as joint tenants and not as tenants in common, their assigns and unto the survivor of them, his or her personal representatives and assigns, in fee simple, all that lot of ground situate in Baltimore County, in the State of Maryland, and described as follows, that is to say:

**BEING KNOWN AND DESIGNATED** as Lot No. 12 of Block P Section F of Essex as shown on the Plat entitled, "Revised Plat of the Property of The Taylor Land Company", and recorded among the Land Records of Baltimore County in Plat Book W.H.M. No. 9, folio 74. The improvements thereon being known as **No. 704 Riverside Drive.** 

BEING the property which by Deed dated October 17, 1989, and recorded among the Land Records of Baltimore County in Liber S.M. No. 8307, folio 114, was conveyed by Emma C. Stackowski (formerly known as Emma C. Kirsch) to Emma C. Stackowski, Gordon J. Kirsch, Sr. And Mary O'Dend'Hal. The said Emma C. Stackowski has since departed this life on 18<sup>th</sup> of October, 2006.

We, the Grantees in the within Deed, hereby certify under the penalties of perjury, that the land conveyed in said Deed is residentially improved, owner-occupied, real property and that the property will be occupied by us.

Lise Ellen Criswell

Jason James Glanville

**TOGETHER** with the buildings and improvements thereupon erected, made or being, and all and every the rights, alleys, ways, waters, privileges, appurtenances, and advantages to the same belonging or anywise appertaining.

TO HAVE AND TO HOLD the said lot of ground and premises unto and to the use of the said Grantees, as joint tenants and not as tenants in common, their assigns and unto the survivor of them, his or her personal representatives and assigns, in fee simple.

AND the said Grantors hereby covenant that the Grantors have not done or suffered to be done any act, matter or thing whatever to encumber the property hereby conveyed; and to warrant specially the property hereby granted and to execute such further assurances of the same PETITIONER'S requisite.





704 RIVERSIDE DRIVE

Created By Baltimore County My Neighborhood



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704 RIVERSIDE DRIVE

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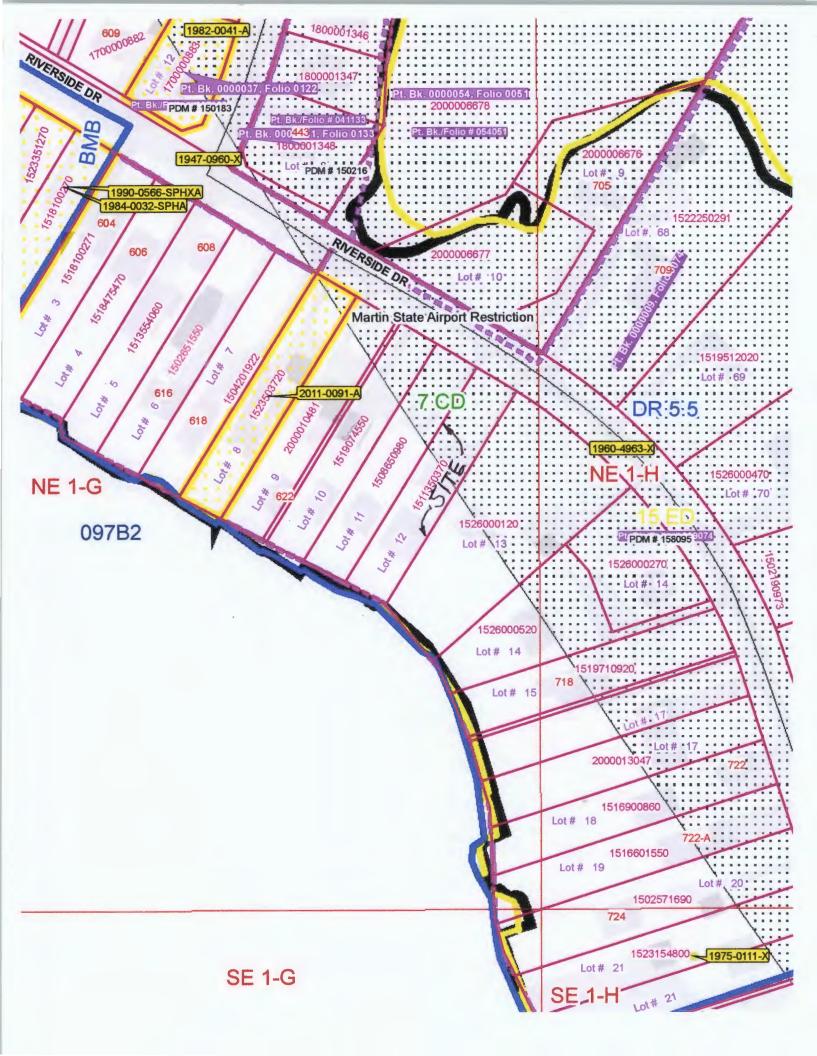


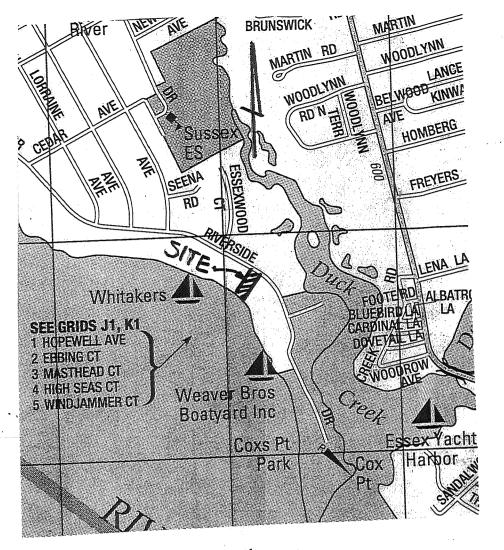












#### OWNER

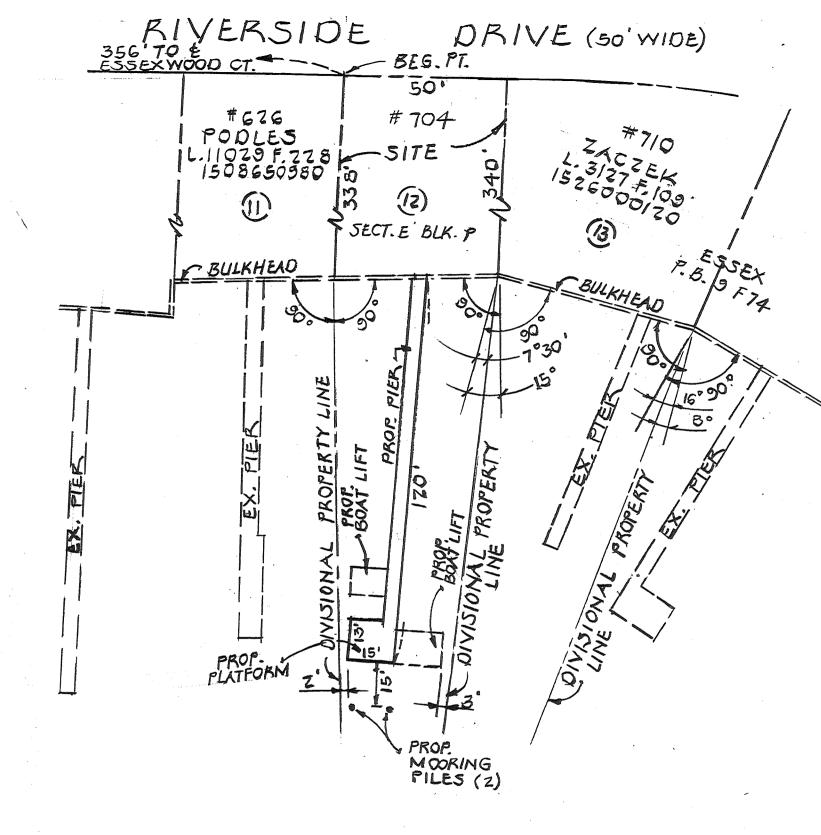
LISE E. CRISWELL & JASON J. GLANVILLE
704 RIVERSIDE DRIVE
BALTIMORE, MD. 21221
L.26148 F.504
ACCT. NO. 1511350370

### **NOTES**

- 1. ZONING......DR 5.5 (MAP 097B2)
- 2. LOT AREA.....16,950 S.F. = 0.389 ACRE
- 3. A PORTION OF THE SITE IS LOCATED IN THE 100 ZONE FLOOD ZONE
- 4. SITE IS LOCATED IN THE CBCA
- 5. NO PREVIOUS ZONING HISTORY, VIOLATIONS OR HISTORIC STRUCTURES EXIST
- 6. PUBLIC WATER AND SEWER

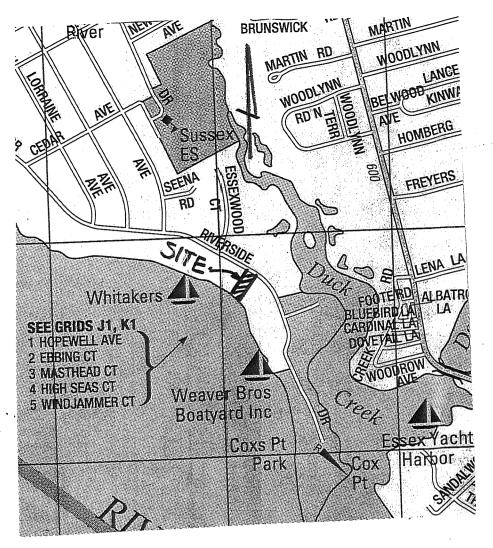
PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE 704 RIVERSIDE DRIVE

ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MD. SCALE: 1 INCH = 30 FEET SEPTEMBER 23, 2013 REV = 1-2-14



BACK RIVER

CENTRAL DRAFTING & DESIGN, INC 601 CHARWOOD COURT EDGEWOOD, MD 21040 (410) 679-8719



#### **OWNER**

LISE E. CRISWELL & JASON J. GLANVILLE
704 RIVERSIDE DRIVE
BALTIMORE, MD. 21221
L.26148 F.504
ACCT. NO. 1511350370

## NOTES

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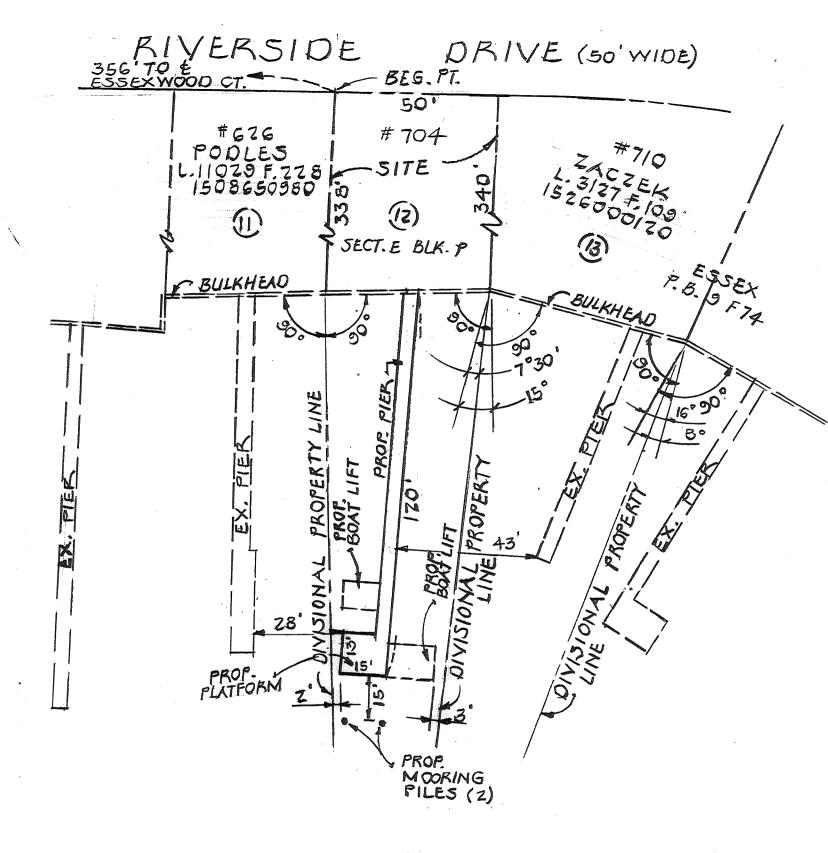
PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE 704 RIVERSIDE DRIVE

ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MD.

SCALE: 1 INCH = 30 FEET SEPTEMBER 23, 2013

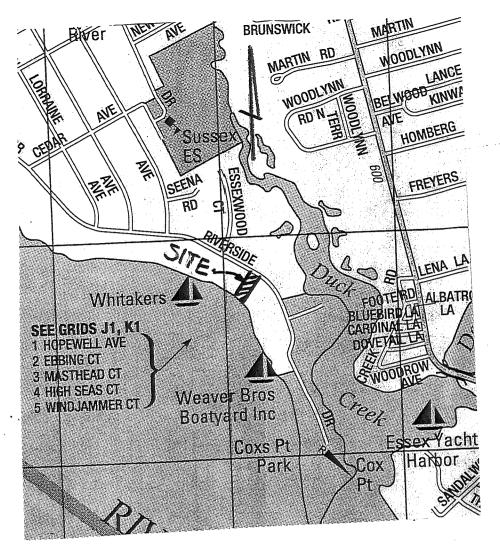
REV = 1-7-14

PET	ITIONEF	R'S
<b>EXHIBIT</b>	NO	



BACK RIVER

CENTRAL DRAFTING & DESIGN, INC. 601 CHARWOOD COURT EDGEWOOD, MD 21040 (410) 679-8719



#### **OWNER**

LISE E. CRISWELL & JASON J. GLANVILLE
704 RIVERSIDE DRIVE
BALTIMORE, MD. 21221
L.26148 F.504
ACCT. NO. 1511350370

## <u>NOTES</u>

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# PHOTOS

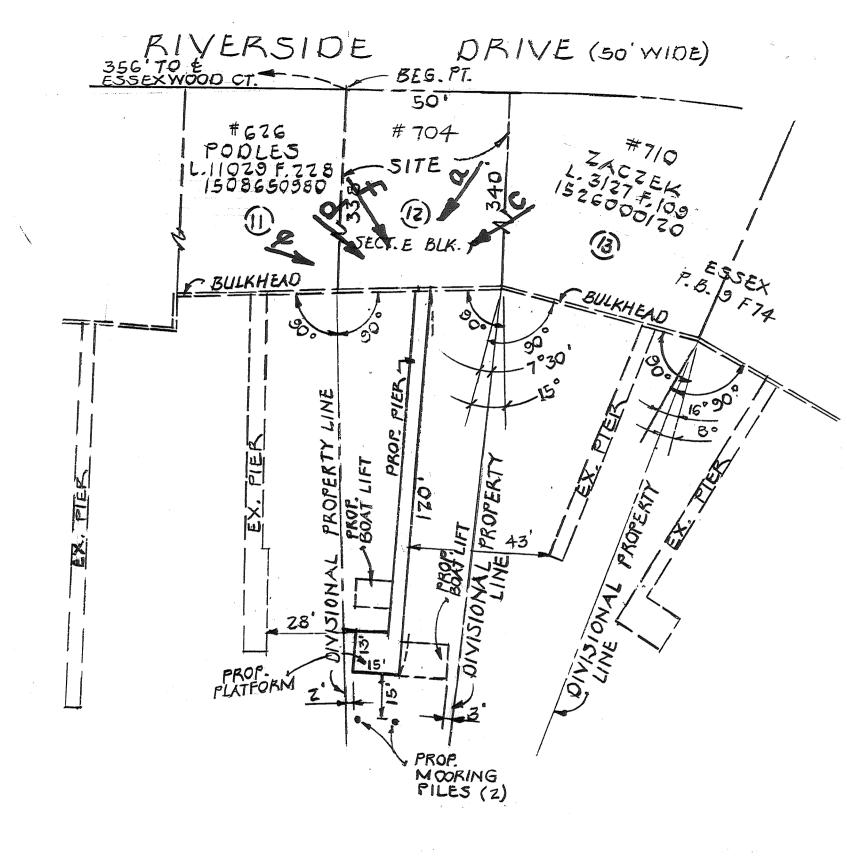
PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE 704 RIVERSIDE DRIVE

ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MD.

SCALE: 1 INCH = 30 FEET SEPTEMBER 23, 2013

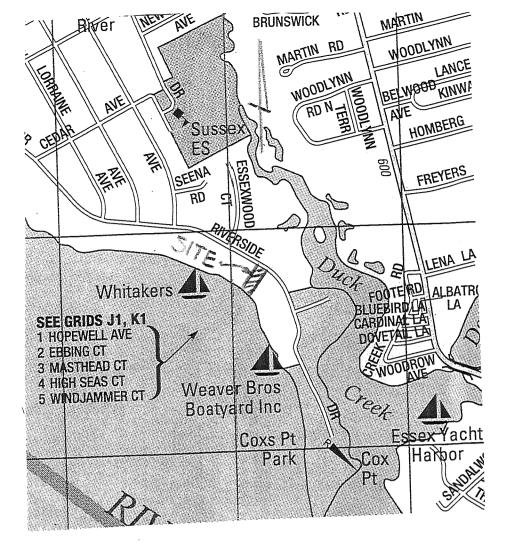
REV=1-7-14

PETITIONER'S EXHIBIT NO. 64-67



BACK RIVER

CENTRAL DRAFTING & DESIGN, INC. 601 CHARWOOD COURT EDGEWOOD, MD 21040 (410) 679-8719



#### **OWNER**

LISE E. CRISWELL & JASON J. GLANVILLE
704 RIVERSIDE DRIVE
BALTIMORE, MD. 21221
L.26148 F.504
ACCT. NO. 1511350370

## **NOTES**

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## PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE 704 RIVERSIDE DRIVE

ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MD. SCALE: 1 INCH = 30 FEET SEPTEMBER 23, 2013



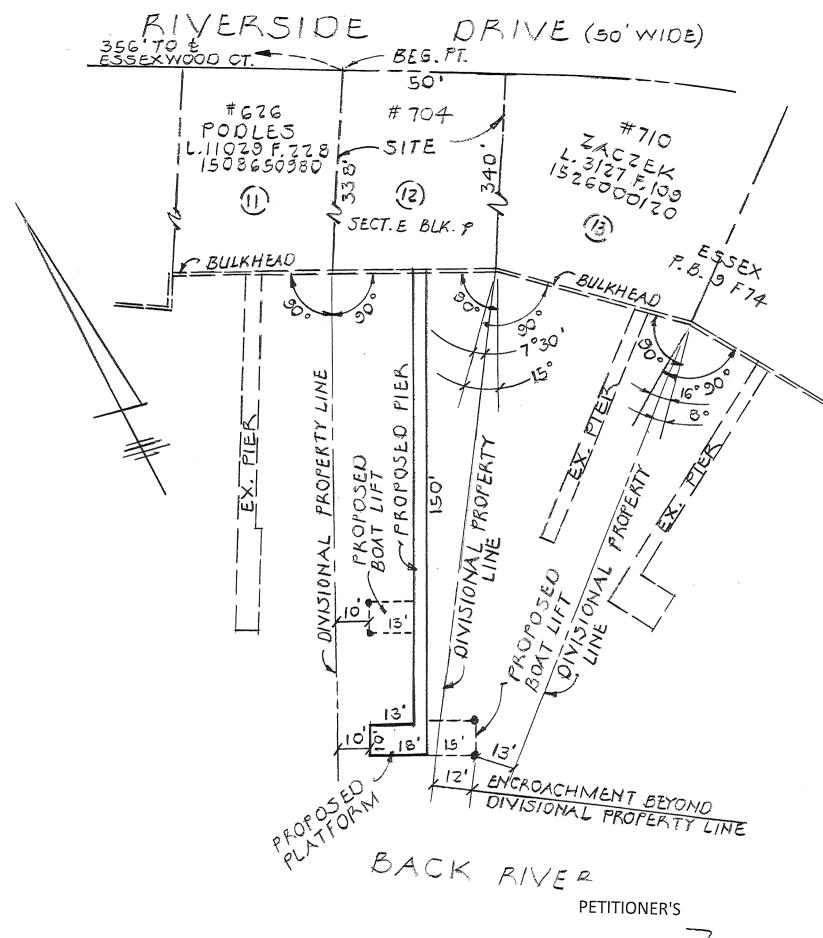


EXHIBIT NO.\_\_\_\_

CENTRAL DRAFTING & DESIGN, INC. 601 CHARWOOD COURT EDGEWOOD, MD 21040 (410) 679-8719