

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(1317 Wildwood Beach Road)		
15 th Election District	*	OFFICE OF ADMINISTRATIVE
6 th Council District		
Leo P. Callaghan (Trustee), <i>Legal Owner</i>	*	HEARINGS FOR
Doug Bernia, <i>Contract purchaser/lessee</i>	*	BALTIMORE COUNTY
Petitioners	*	
	*	CASE NO. 2014-0129-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Leo P. Callaghan (Trustee), Legal Owner, and Doug Bernia, Contract Purchaser/Lessee, ("Petitioners"). The Petitioners are requesting Variance relief from §§ 1A04.3.B.2.b, 1A04.3.B.3, and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed detached accessory structure (garage) with a front yard centerline of road setback of 51 ft., a building coverage of 24.41%, and a height of 27 ft. in lieu of the required 75 ft., 15%, and 15 ft. respectively. 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.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A ZAC comment was received from the Bureau of Development Plans Review (DRP) dated December 18, 2013, indicating that the base flood elevation for the site is 9.4 feet [NAVD 88], and the flood protection elevation is 10.4 feet. In addition, a ZAC comment was received from the Department of Environmental Protection and Sustainability (DEPS) dated January 8, 2014, indicating that Petitioners were obliged to comply with certain Critical Area regulations, as set forth in B.C.Z.R. Section 500.14.

ORDER RECEIVED FOR FILING

Date 1-9-14

By [Signature]

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 12, 2013, 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 (B.C.C.). 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 the public and should therefore be granted. In the opinion of the Administrative Law Judge, 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.

Although the Department of Planning did not make any recommendations related to the garage height and usage, I will impose conditions that the accessory structure (garage) 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.

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, this 9th day of January, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from the Baltimore County Zoning Regulations (B.C.Z.R.), §§ 1A04.3.B.2.b, 1A04.3.B.3, and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed detached accessory structure (garage) with a front yard centerline of road setback of 51 ft., a building coverage of 24.41%,

ORDER RECEIVED FOR FILING

Date 1-9-14

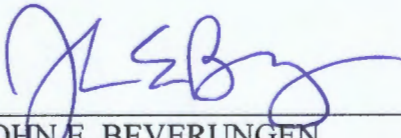
By DW

and a height of 27 ft. in lieu of the required 75 ft., 15%, and 15 ft. respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. The Petitioners may apply for their 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 (garage) into a dwelling unit or apartment. The garage shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The garage shall not be used for commercial purposes.
4. The Petitioners must comply with the ZAC comments received from the Bureau of Development Plans Review (DPR) dated December 18, 2013, and the Department of Environmental Protection and Sustainability (DEPS) dated January 8, 2014; copies of which are attached and made a part thereof.

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 RECEIVED FOR FILING

Date 1-9-14

By ew

KEVIN KAMENETZ
County Executive



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

January 9, 2014

Leo P. Callaghan (Trustee)
1317 Wildwood Beach Road
Baltimore, Maryland 21221

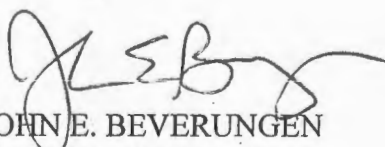
RE: Petition for Administrative Variance
Case No. 2014-0129-A
Property: 1317 Wildwood Beach Road

Dear Mr. Callaghan:

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

c: Doug Bernia, 30 Wilelinor Drive, Edgewater, MD 21037
William N. Bafitis, P.E., 1249 Engleberth Road, Baltimore, MD 21221

CBCA

Flood



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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 1317 Wildwood Beach Road which is presently zoned RC-5

Deed Reference 24463/653 10 Digit Tax Account # 1511672150

Property Owner(s) Printed Name(s) Leo P. Callaghan, Trustee

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

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

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

1. **X** **ADMINISTRATIVE VARIANCE** from section(s)

Sections 1A04.3.B.2.b, 1A04.3.B.3, and 400.3 – to permit a proposed detached accessory structure with a front yard centerline of road setback of 51 feet, a building coverage of 24.41%, and a height of 27 feet in lieu of the required 75 feet, 15%, and 15 feet, respectively.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4- 416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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:

Doug Bernia

Name Type or Print

Doug Bernia

Signature

30 Wilelinor Drive Edgewater, Maryland

Mailing Address

City

State

21037

1-202-874-2039

djbernia@comcast.net

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name Type or Print

William N. Bafitis

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners:

Leo P. Callaghan, Trustee

Name #1 Type or Print

Name #2 Type or Print

Leo P. Callaghan

Signature #1

Signature #2

1317 Wildwood Beach Road Baltimore MD

Mailing Address

City

State

21221

Zip Code

Telephone #

Email Address

Representative to be contacted:

William N. Bafitis. P.E.

Name Type or Print

William N. Bafitis, P.E.

Signature

1249 Engleberth Road

Mailing Address

City

State

21221

Zip Code

Telephone #

Email Address

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, this 12 day of 12, 2013 that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Administrative Law Judge of Baltimore County

CASE NUMBER

2014-0129-A

Filing Date

12/2/13

Estimated Posting Date

12/15/13

Reviewer

W. N. Bafitis

Rev 10/12/11

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

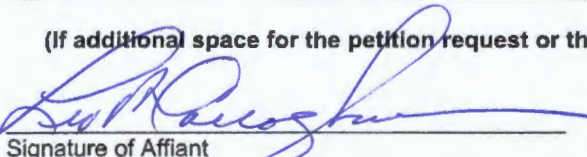
Address: 1317 Wildwood Beach Road Baltimore MD 21221
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

Our home is only 1, 375 Square Feet without a basement for storage. The garage we have planned is 27 feet high. It will have a 2nd story work shop and storage and the lower area would be for our cars to get them out of the elements.

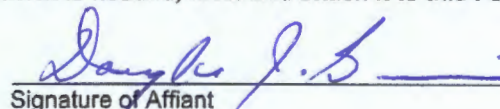
Lots in the neighborhood are not typical for RC5 zoning. We would be using over 15% of the allowable coverage area and stay within what is typical for the neighborhood. The setback from the road is 51 feet. which is typical for the neighborhood ** See Photos

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)


Signature of Affiant

Leo P. Callaghan, Trustee

Name- Print or Type


Signature of Affiant

Doug Bernia

Name- Print or Type

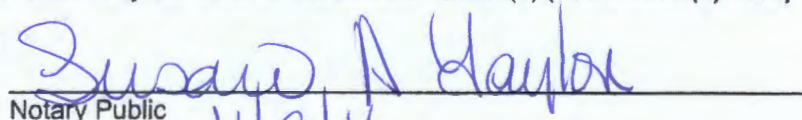
The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27 day of Nov., 2013, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Leo P. Callaghan and Doug Bernia
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)

AS WITNESS my hand and Notaries Seal


Notary Public

My Commission Expires 11/9/16

REV. 10/12/11

Item #0129



Bafitis & Associates, Inc.

**ZONING DESCRIPTION
FOR
1317 WILDWOOD BEACH ROAD
15TH ELECTION DISTRICT / 6th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

Beginning for the same at a point on the Southside of Wildwood Beach Road 20 feet wide, and 1,070 feet $\pm$ Northeastern to the centerline intersection of Riverview Road 20 feet wide.

1.) Thence leaving Wildwood Beach Road South $01^{\circ}-52'-30''$ East 214.00 feet to a point at the waters of Back River;

2.) Thence running along said waters North $86^{\circ}-00'-07''$ West 53.00 feet $\pm$ to a point;

Thence leaving said waters the two following courses:

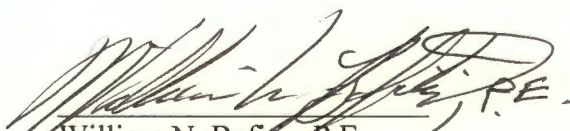
3.) North $02^{\circ}-12'-30''$ West 154.00 feet to a point; and

4.) North $00^{\circ}-45'-30''$ West 34.20 feet to a point on the Southside of Wildwood Beach Road;

5.) Thence running along said road North $67^{\circ}-03'-30''$ East 56.72' to the place of beginning.

Containing 10,622 S.F. or 0.243 Acres more or less.

Deed Reference: 24463/653


William N. Bafitis, P.E.



Seal

Item # 0129

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: 2014-0129-A

Petitioner: LEO P. CALLAGHAN

Address or Location: 1317 WILDWOOD BEACH Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: WILLIAM BAFITIS

Address: 1249 ENGLEBERTH Rd.
Essex Md., 21221

Telephone Number: 410-391-2336

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

No. **107005**

Date: **12/2/13**

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$ 75.00

Total: **\$ 75.00**

Rec

From:

For:

Zoning hearing - case # 2011-0129-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME NOW
 12/03/2013 12/02/2013 11:30:38 9
 REC 4504 WALKIN SNIL SAN
 RECEIPT # 604117 12/02/2013 OFLN
 Dept 5 528 ZONING VERIFICATION
 (CP 10) 107005
 Recpt Tot \$75.00
 \$75.00 CK \$1.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 12-12-2013

CASE NUMBER: 2014-0129A

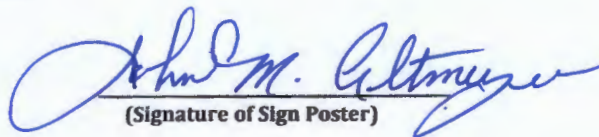
Petitioner/Developer: LEO P. CALLAGHAN

Date of Hearing (Closing): 12-30-2013

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

1317 WILLOWOOD BEACH RD.

The sign(s) were posted on: 12-12-2013



(Signature of Sign Poster)

John M. Altmeyer
(Printed Name of Sign Poster)

21722 Orwig Road
(Street Address of Sign Poster)

Freeland, Maryland 21053
(City, State, Zip of Sign Poster)

410-382-6580
(Telephone Number of Sign Poster)

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2014-0129-A
= 1317 WILLOWOOD BEACH RD =
TO PERMIT: A PROPOSED DETACHED
ACCESSORY STRUCTURE WITH A FRONT
YARD CENTERLINE OF ROAD SETBACK
OF 51 FEET, A BUILDING COVERAGE OF
24.41%, AND A HEIGHT OF 27 FEET IN LIEU OF
THE REQUIRED 75 FEET, 15% AND 15 FEET
RESPECTIVELY

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON 12-30-2013

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

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

HANDICAPPED ACCESSIBLE

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2014- 0129 -A Address 1317 Wildwood Beach Rd

Contact Person: David Duval Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 12/2/13 Posting Date: 12/15/13 Closing Date: 12/30/13

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
- POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2014- 0129 -A Address 1317 Wildwood Beach Rd

Petitioner's Name Leo P. Callaghan Telephone _____

Posting Date: 12/15/13 Closing Date: 12/30/13

Wording for Sign: To Permit a proposed detached accessory structure with a front yard centerline of road setback of 51 feet, a building coverage of 24.41 %, and a height of 27 feet in lieu of the required 75 feet, 15 %, and 15 feet, respectively

Revised 7/06/11

MEMORANDUM

DATE: February 14, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0129-A - Appeal Period Expired

The appeal period for the above-referenced case expired on February 10, 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

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>12-18</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
<u>1-8 Reid</u>	DEPS <u>Missing</u> (if not received, date e-mail sent <u>1-7</u>)	<u>C</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>12-12</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>12-12-13</u> by <u>Altmeier</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: <u>Photos ✓</u>	_____	

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2014- 0129 -A Address 1317 Wildwood Beach Rd

Contact Person: David Davell Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 12/2/13 Posting Date: 12/15/13 Closing Date: 12/30/13

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Case Number 2014- 0129 -A Address 1317 Wildwood Beach Rd

Petitioner's Name Leo P. Callaghan Telephone _____

Posting Date: 12/15/13 Closing Date: 12/30/13

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Revised 7/06/11



KEVIN KAMENETZ
County Executive

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

December 31, 2013

Leo P Callaghan, Trustee
1317 Wildwood Beach Road
Baltimore MD 21221

RE: Case Number: 2014-0129 A, Address: 1317 Wildwood Beach Road

Dear Mr. Callaghan:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 2, 2013. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Doug Bernia, 30 Wilelinor Drive, Edgewater MD 21037
William N. Bafitis, P.E., 1249 Engleberth Road, Baltimore MD 21221

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



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

Date: 12/12/13

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

RE: Baltimore County
Item No. 2014-0129-A
Administrative Variance
Leo Callaghan, Trustee
1317 Wildwood Beach 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. 2014-0129-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', 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

*crossing DEPS***Debra Wiley - Re: ZAC Comment for 2014-0129-A (Closing date: 12/30)**

From: Jeffrey Livingston
To: Wiley, Debra
Date: 1/7/2014 1:50 PM
Subject: Re: ZAC Comment for 2014-0129-A (Closing date: 12/30)

I'll have to get back to you tomorrow.

>>> Debra Wiley 1/7/2014 1:48 PM >>>
Hi Jeff,

The above referenced administrative file indicates that this is in CBCA. Is your department planning on submitting a ZAC comment?

Thanks.

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

*1-8
Rec'd call from
Mr. Bafitis.
advised him we're
waiting for ZAC comment
from DEPS since in
CBCA. → (Jeff
Livingston)*

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 November 16, 2013
Item No. 2014-0129

DATE: December 18, 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 9.4 feet [NAVD 83].

The flood protection elevation is 10.4 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 14-0129-12162013.doc

ORDER RECEIVED FOR FILING

Date 1-9-14

By DW

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

JAN 08 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
(DEPS) - Development Coordination

DATE: January 8, 2014

SUBJECT: DEPS Comment for Zoning Item # 2014-0129-A
Address 1317 Wildwood Beach Road
(Callaghan - Trustee)

Zoning Advisory Committee Meeting of December 9, 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 an addition to a single family dwelling, a 2-story garage, and a connecting breezeway with reduced street setbacks and greater lot building coverage and height than permitted. The lot is waterfront and is developed with a single family dwelling, driveway, two shed, and a pier. All construction will be beyond the 100-foot buffer on the street side of the dwelling. Lot coverage on the entirety of this property is limited to 31.25%; the proposed lot coverage is 31.1%. The 15% afforestation requirement must be met by the retention and/or planting of 3 trees. Therefore, if the afforestation requirement is met, 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. If the afforestation requirements are met it will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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1-9-14

Date

By

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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, if the applicants meet the afforestation requirement stated above, so the relief requested will be consistent with established land-use policies.

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

ORDER RECEIVED FOR FILING

Date 1-9-14

By DW

Real Property Data Search (w4)

[Search Help](#)

Search Result for ANNE ARUNDEL COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 02 Subdivision - 950 Account Number - 11026600		
Owner Information		
Owner Name:	RIKER STEVEN	Use: RESIDENTIAL
Mailing Address:	30 WILELINOR DR EDGEWATER MD 21037-1003	Principal Residence: YES Deed Reference: 1) /26929/ 00186 2)
Location & Structure Information		
Premises Address:	30 WILELINOR DR EDGEWATER 21037-0000 Waterfront	Legal Description: LT 35 30 WILELINOR DR WILELINOR ESTATES
Map: 051D	Grid: 0023	Parcel: 0142
Sub District:	Subdivision: 950	Section:
Block:	Lot: 35	Assessment Year: 2012
Plat No:	Plat Ref: 0028/ 0027	
Special Tax Areas:	Town: NONE	Ad Valorem:
	Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1960	1,885 SF	16,850 SF
Stories	Basement	Type
2.000000	NO	SPLIT LEVEL
Exterior	Full/Half Bath	Garage
FRAME	1 full/ 1 half	1 Attached
Last Major Renovation		
Value Information		
	Base Value	Value
		As of
		01/01/2012
Land:	548,430	536,800
Improvements	140,990	155,100
Total:	689,420	691,900
Preferential Land:	0	0
Transfer Information		
Seller: BERNIA TRUSTEE DOUGLAS J	Date: 12/20/2013	Price: \$570,000
Type: NON-ARMS LENGTH OTHER	Deed1: /26929/ 00186	Deed2:
Seller: SPRAGUE, BARBARA K	Date: 09/18/2009	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /21569/ 00197	Deed2:
Seller: BEARD, THOMAS R	Date: 08/15/2005	Price: \$778,900
Type: ARMS LENGTH IMPROVED	Deed1: /16706/ 00210	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: No Application		

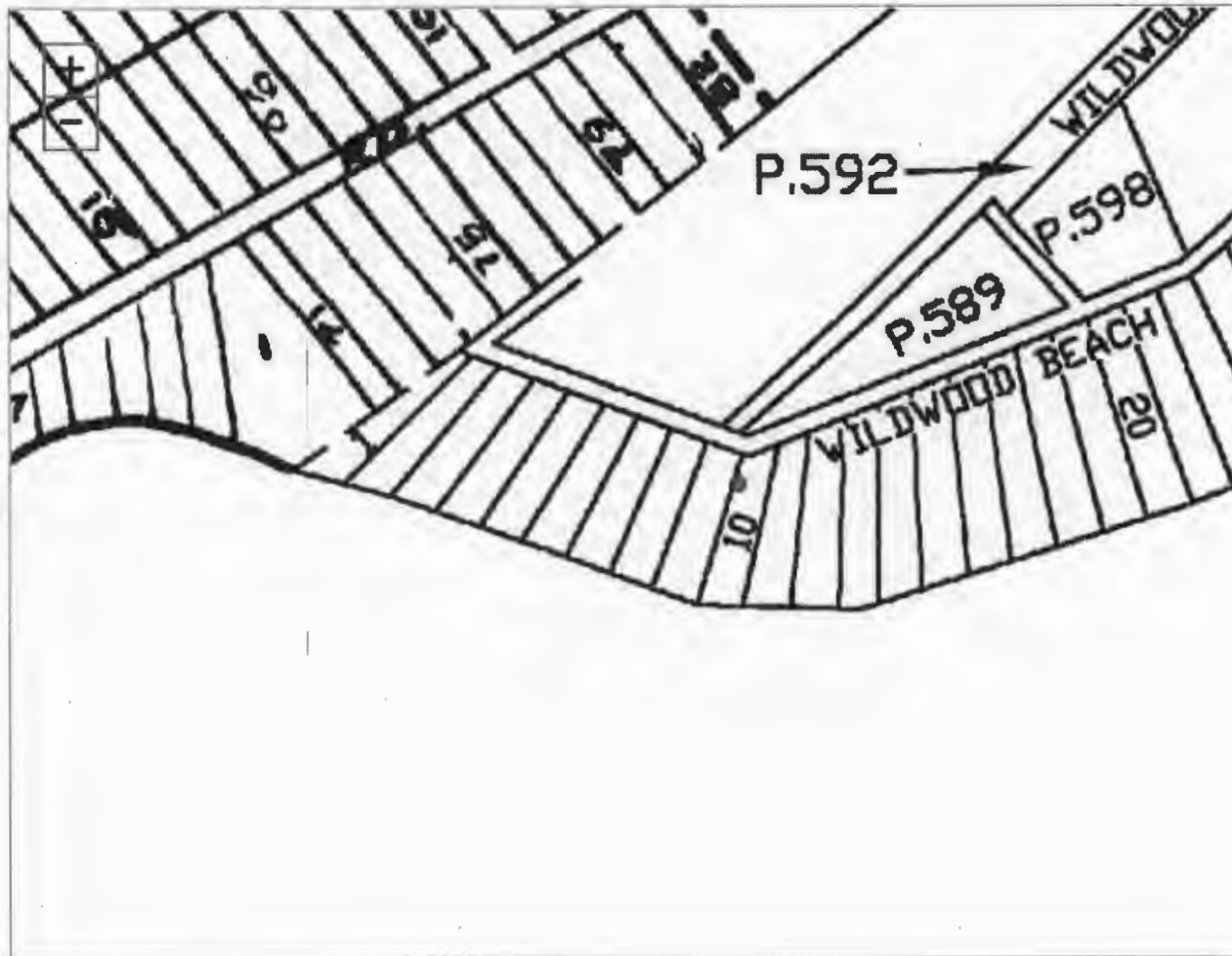
Real Property Data Search (w1)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 15 Account Number - 1511672150		
Owner Information		
Owner Name:	CALLAGHAN LEO P TRUSTEE	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	1317 WILDWOOD BEACH RD BALTIMORE MD 21221-6517	Deed Reference: 1) /24463/ 00653 2)
Location & Structure Information		
Premises Address:	1317 WILDWOOD BEACH RD 0-0000 Waterfront	Legal Description: 1317 WILDWOOD BEACH R SS WILDWOOD BEACH
Map: 0104	Grid: 0024	Parcel: 0169
Sub District:	Subdivision: 0000	Section:
Block: 5	Lot: 2012	Assessment Year:
Plat No:		Plat Ref: 0009/ 0030
Special Tax Areas:		
Town: NONE		
Ad Valorem:		
Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1939	2,080 SF	10,854 SF
County Use	34	
Stories	Basement	Type
2.000000	YES	STANDARD UNIT
Exterior	Full/Half Bath	Garage
SIDING	2 full	1 Detached
Last Major Renovation		
Value Information		
	Base Value	Value
		As of
		01/01/2012
Land:	202,200	202,200
Improvements	197,400	141,400
Total:	399,600	343,600
Preferential Land:	0	0
Transfer Information		
Seller: CALLAGHAN LEO P	Date: 09/14/2006	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /24463/ 00653	Deed2:
Seller: PARIS EDWARD A	Date: 06/25/1997	Price: \$202,500
Type: ARMS LENGTH IMPROVED	Deed1: /12248/ 00133	Deed2:
Seller: KOZLAKOWSKI L J,SR	Date: 12/21/1978	Price: \$56,750
Type: ARMS LENGTH IMPROVED	Deed1: /05972/ 00562	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 09/17/2013		

Baltimore County

[New Search](#)District: **15** Account Number: **1511672150**

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.

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.



☐ Loading... Please Wait. Loading... Please Wait.

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My Neighborhood Map

Created By
Baltimore County
My Neighborhood



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SITE PHOTO MAP

Printed 11/5/2013

*1317 WILDWOOD BEACH RD.
CASE NO. 2014-0129-A*

①



CASE No. 2014-0129-A

1317 WILLOW BEACH RD.

⑥



4

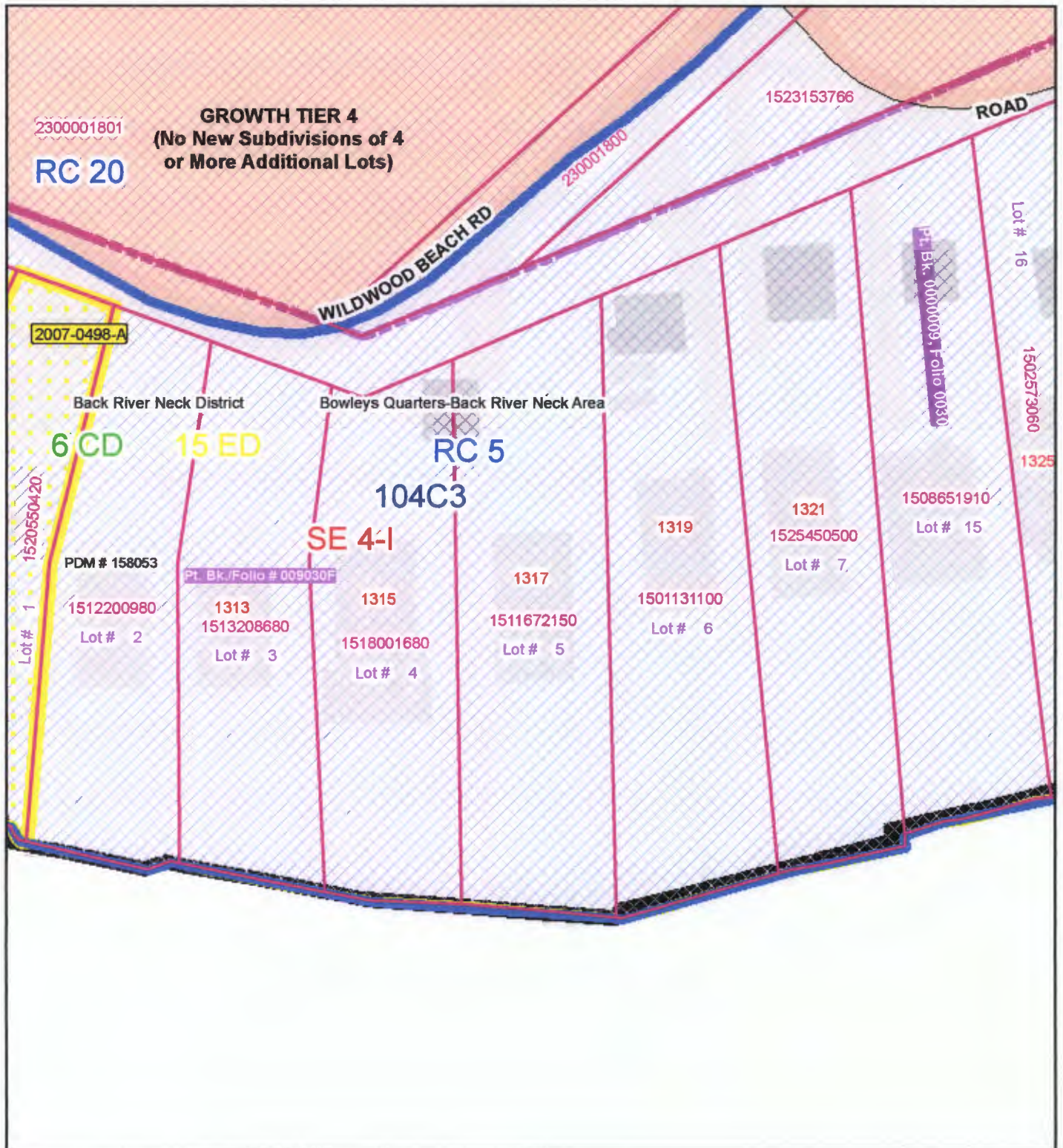


CASE No 2014-0129-A

5



1317 Wildwood Beach Road



Publication Date: 11/22/2013



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

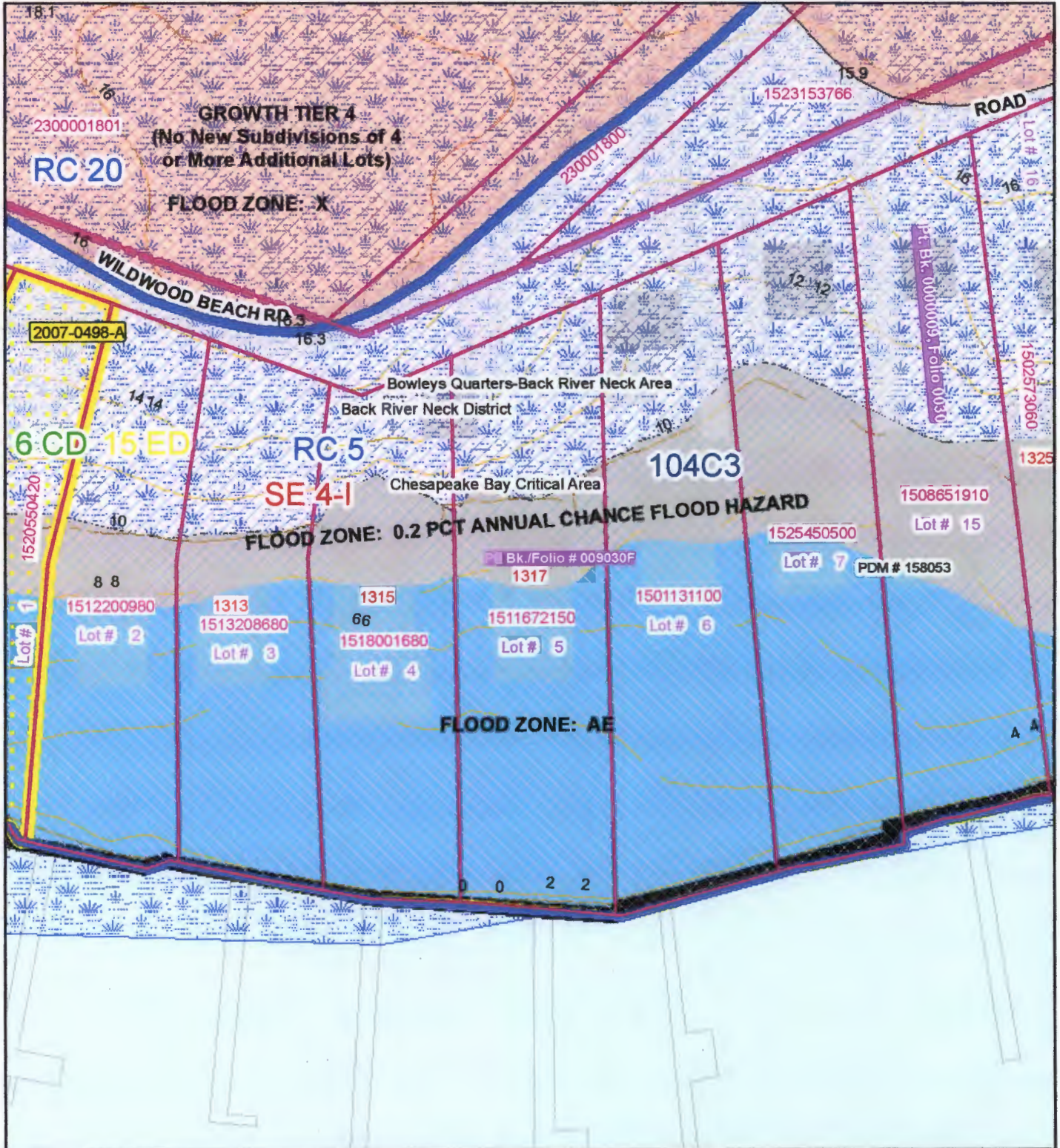


0 12.5 25 50 75 100 Feet

1 inch = 50 feet

Item #0129

Elevations and Flood Hazards



Publication Date: 11/22/2013



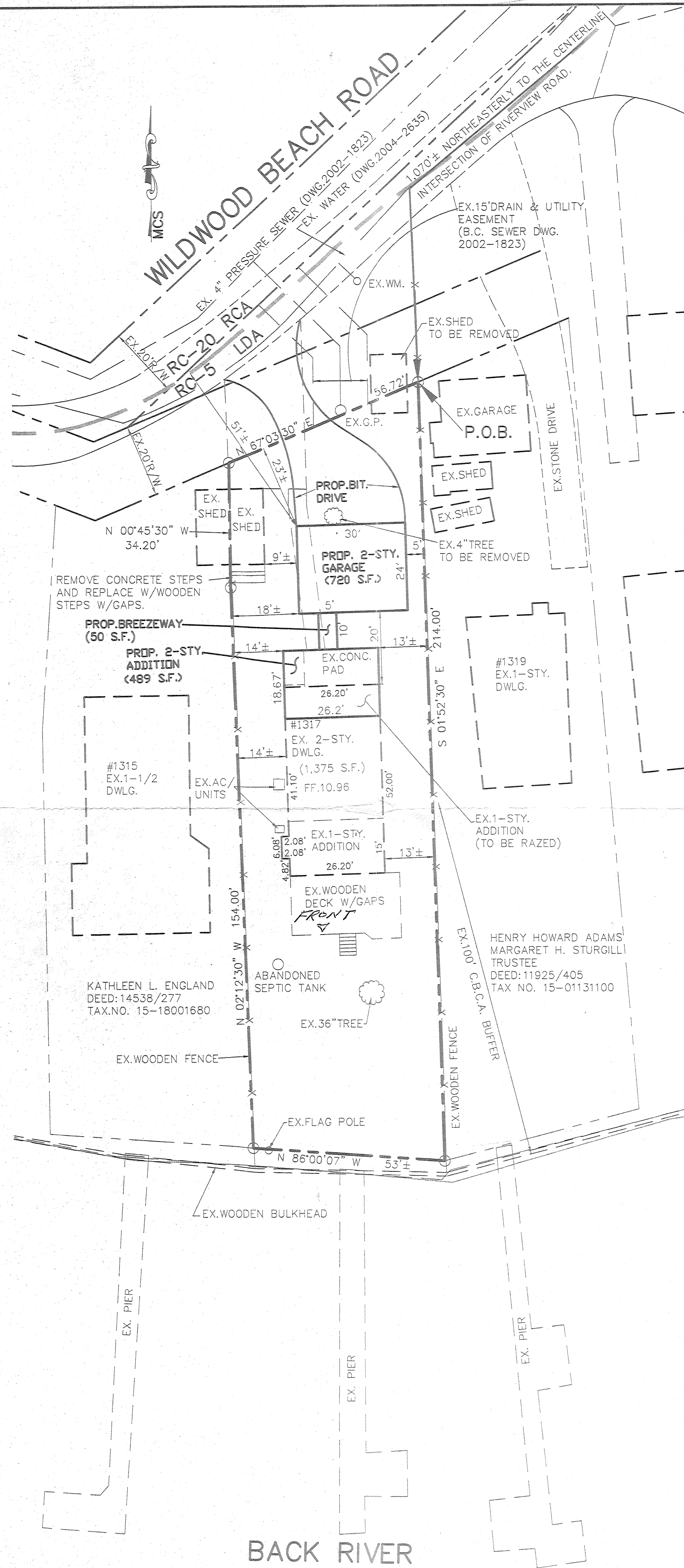
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 12.5 25 50 75 100 Feet

1 inch = 50 feet

Item # 0129



EXISTING LOT COVERAGE

HOUSE	1,375 S.F.
SHED	186 S.F.
SHED	51 S.F.
DRIVEWAY	245 S.F.
BRICKWALK & STEPS	266 S.F.
CONCRETE PAD	203 S.F.
CONCRETE STEP	7 S.F.
AC/PADS	15 S.F.
TOTAL	2,348 S.F./10,622 S.F. = 22.10%

PROPOSED LOT COVERAGE

HOUSE	1,148 S.F.
SHED	186 S.F.
ADDITION	489 S.F.
DRIVEWAY	703 S.F.
GARAGE	720 S.F.
BREEZEWAY	50 S.F.
AC/PADS	15 S.F.
TOTAL	3,311 S.F./10,622 S.F. = 31.17%

EXISTING BUILDING COVERAGE

1,612 S.F./10,622 S.F. = 15.17%

PROPOSED BUILDING COVERAGE

2,593 S.F./10,622 S.F. = 24.41%

ZONING HISTORY

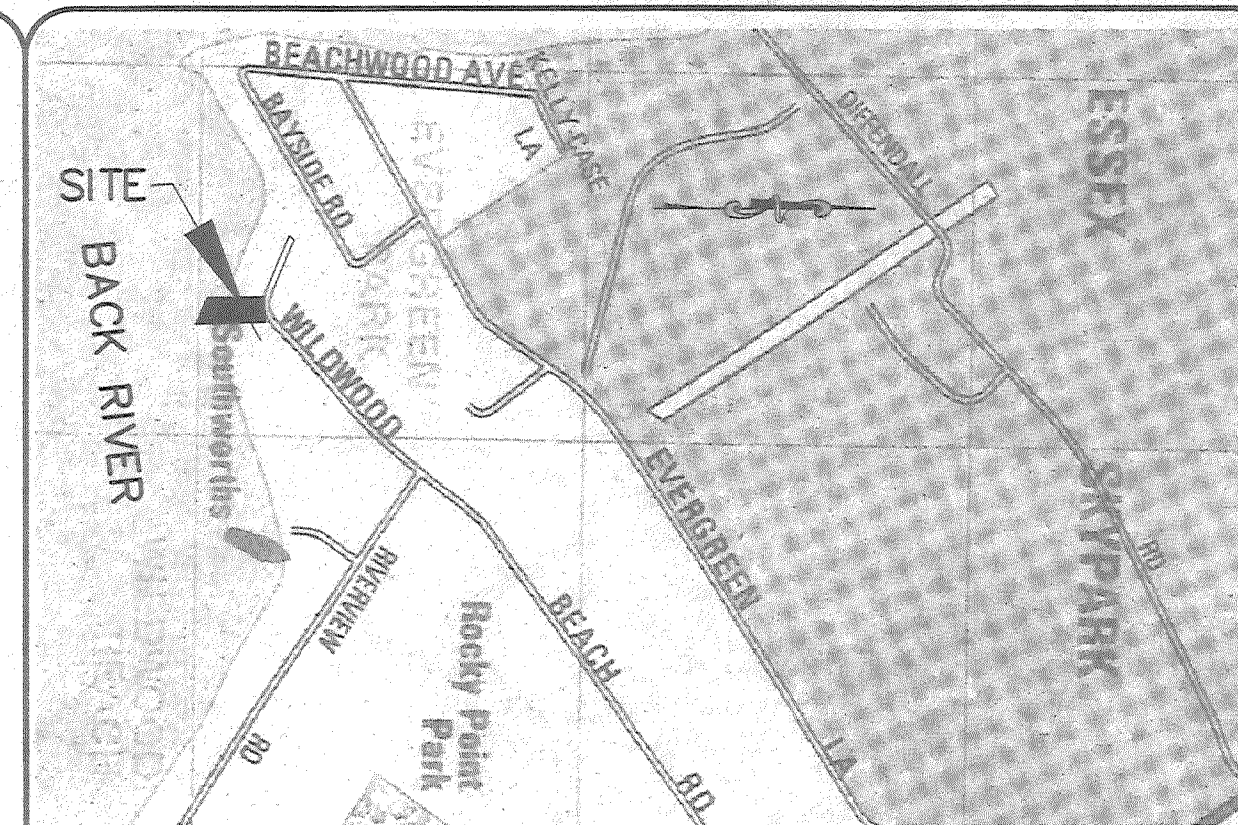
THERE ARE NO CASES FOR THIS SITE.

ZONING VARIANCE REQUEST

- TO ALLOW A FRONT YARD CENTERLINE SETBACK OF 51'± IN LIEU OF THE REQUIRED 75' FOR AN ACCESSORY STRUCTURE PER SECTION 1A04.3.B.2.b.(B.C.Z.R.).
- TO ALLOW BUILDING COVERAGE OF 24.41% IN LIEU OF THE REQUIRED 15% PER SECTION 1A04.3.B.3.(B.C.Z.R.).
- TO ALLOW A HEIGHT OF 27' IN LIEU OF THE REQUIRED 15' FOR AN ACCESSORY STRUCTURE PER SECTION 400.3(B.C.Z.R.).

NOTES

- Topography shown hereon was taken from Baltimore County GIS Topography & Updated by field survey. (NOV.2013)
- The Firm Insurance Rate Map, 240010-0445 F indicates this site is situated within flood Zone AE & X. F.E.M.A. indicates a Flood Elevation of 8.5 NAVD 88 based on a Flood Insurance Study Number 240010V000B. A minimum first floor elevation 10.5 NAVD 88.
- Property lines shown hereon were established by public information.
- This site is situated within the Chesapeake Bay Critical Areas and is classified by land use as Limited Development Area (LDA) (MAP 104).
- There shall be no clearing, grading, construction or disturbance of vegetation within the 100' Buffer Area except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.
- This site is situated within a Mapped Buffer Management Area of the Chesapeake Bay Critical Areas.
- There are no forest or developed woodlands on this site.
- There are no Tidal & Non-Tidal Wetlands shown on this site.
- There is no significant plant or animal habitat on this site.
- There are no slopes greater than 15% on this site.
- The well on this site was fill in.
- The septic system on this site was fill in.
- There are no known potentially hazardous materials on this site as defined by Title 7-Health and Environmental Article, Annotated Code of Maryland, except as noted.
- There are no buildings or property within this site that are included on the Maryland Historical Trust Inventory, The Baltimore County Landmarks List, the National Register of Historic Places, the Maryland Archeological Survey or is a Baltimore County Historical District.
- The site has 53'± of water frontage.
- Public Water and sewer serve this site.
- Caution underground utilities may exist in Wildwood Beach Road & onsite, contact Miss Utility (800-257-7777) prior to any construction.
- Proposed garage height is 27'.
- Proposed addition height is < 35'.



VICINITY MAP

(SCALE: 1" = 1000')

SITE DATA

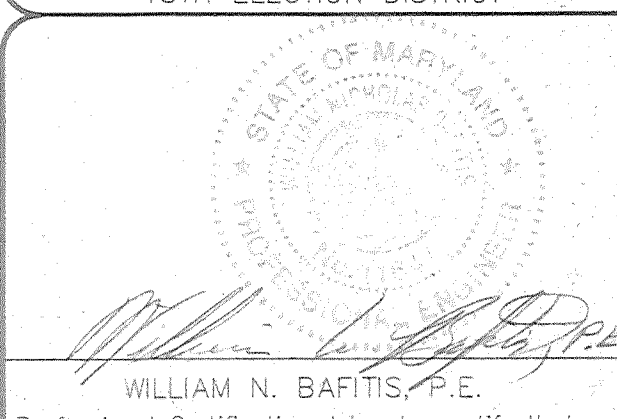
- OWNER: LEO P. CALLAGHAN TRUSTEE
#1317 WILDWOOD BEACH ROAD
BALTIMORE, MARYLAND 21221
- PURCHASER: DOUG BERNIE
#30 WALELINOR DRIVE
EDGEWATER, MARYLAND 21037
PHONE NO. 1-202-874-2039
- DEED REF: 24463/653
- TAX ACC. NO.: 15-11672150
- TAX MAP: 104 PARCEL: 24 LOT: 5
- PLAT REF: WILDWOOD BEACH BOOK 09 FOLIO 30
- ELECTION DISTRICT: 15TH
- COUNCILMANIC DISTRICT: 6TH
- REGIONAL PLANNING DISTRICT: 328
- CENSUS TRACT: 4510
- ZONING: RC-5
- ZONING MAP: 104CZ 104C3
- USE: EXISTING: RESIDENTIAL, SINGLE FAMILY DWELLING
PROPOSED: 2-STY.ADDITION W/BREEZEWAY TO 2-STY. GARAGE
- SITE AREA: 10,622 S.F. OR 0.243 AC.

#2014-0129-A

**Bafitis & Associates, Inc.**

William N. Bafitis, P.E.
PRESIDENT
Civil Engineers/Land Planners
SURVEYORS
1249 Engleberth Rd. Baltimore, MD 21221
(410) 391-2336

PLAN TO ACCOMPANY ADMINISTRATIVE ZONING PETITION FOR #1317 WILDWOOD BEACH ROAD

15TH ELECTION DISTRICT		BALTIMORE COUNTY, MARYLAND	
 WILLIAM N. BAFITIS, P.E. Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 11641 Expiration Date: 09/09/2015		SCALE: 1" = 20'	SHEET 1 OF 1
		JOB ORDER NO: 21306	
		DATE: 11/27/13	
		CHECKED: W.N.B.	
		DRAWN: W.N.B.	
NO.	REVISIONS	DATE	

Pet. Ex. 1