

IN RE: PETITION FOR VARIANCE
(1132 Susquehanna Avenue)
15th Election District
6th Council District
Paul Crist
Petitioner

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2014-0248-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Paul Crist, the legal owner of the subject property. The Petitioner is requesting variance relief from §1B02.3.C.1 of Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling with a side yard setback of 4.7 ft. with a sum of 10.7 ft. in lieu of the minimum side yard setback of 10 ft. and a sum of 25 ft. respectively; and (2) to amend the site plan in case # 2013-0296-A. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the request was Paul Crist and Bernadette Moskunos, whose firm prepared the site plan. The Petition was advertised and posted as required by the B.C.Z.R. There were no Protestants in attendance, and the file does not contain any letters of opposition. In fact, the adjoining neighbor at 1130 Susquehanna submitted a letter expressing support for the request. Exhibit 2.

Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) dated June 11, 2014, and Department of Environmental Protection and Sustainability (DEPS) dated July 8, 2014. DEPS noted Petitioner must comply

ORDER RECEIVED FOR FILING

Date

By

7/16/14
Sen

with the critical area regulations, while the DOP suggested that landscaping be required.

The property is approximately 16,818 square feet and is zoned DR 3.5. The property is unimproved; Petitioner razed an older single family dwelling that was previously on the site. Petitioner now plans to construct a new single family dwelling, and has received a building permit to do so. However, a question arose concerning how to measure a side yard setback for a cantilevered portion of the new home. In an abundance of caution, Petitioner decided to seek variance relief. In case No. 2013-0296-A, Petitioner was granted variance relief permitting side yard setbacks of 6 feet, in lieu of the 10 feet (25' sum of side yards) required in the DR 3.5 zone. This case seeks to reduce to 4.7' the side yard setback on the northern property boundary, adjoining the property at 1130 Susquehanna Avenue. The setback on the southern boundary (adjoining 1134 Susquehanna Avenue) would remain 6', and the sum of setbacks would be 10.7'.

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).

Petitioner has met this test. As noted in the earlier case, the waterfront property is narrow and deep, and is therefore unique. Petitioner would experience a practical difficulty if the regulations were strictly interpreted, because he would be unable to construct his home as designed. The variance can be granted in harmony with the B.C.Z.R. and without negatively impacting the health, safety and welfare of the community. This is demonstrated by the lack of County and/or community opposition. As noted above the Petitioner has already received a building permit, and the County's landscape architect did not require any vegetative buffer or fencing prior to permit issuance. The Petitioner has agreed to plant five (5) trees prior to the issuance of a use

ORDER RECEIVED FOR FILING

Date

7/16/14

By

sen

and occupancy permit, as noted in the ZAC comment of DEPS. As such, I will not impose any further requirements regarding landscaping and/or fencing.

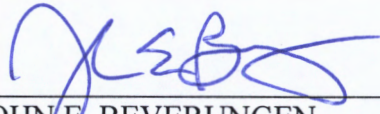
THEREFORE, IT IS ORDERED, this 16th day of July, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Baltimore County Zoning Regulation (B.C.Z.R.) §1B02.3.C.1 to permit a proposed dwelling with a side yard setback of 4.7 ft. with a sum of 10.7 ft. in lieu of the minimum side yard setback of 10 ft. and a sum of 25 ft. respectively; and (2) to amend the site plan in case # 2013-0296-A, in accordance with the terms of this Order, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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

JEB:slh



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date 7/16/14

By slh

KEVIN KAMENETZ
County Executive



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

July 16, 2014

Paul Crist
12 Shrewsbury Ct.
Perry Hall, Maryland 21228

RE: Petition for Variance
Property: 1132 Susquehanna Avenue
Case No. 2014-0248-A

Dear Mr. Crist:

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,

A handwritten signature in black ink, appearing to read "JEB", is written over the typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Bernadette Moskunus, 200 E. Joppa Road, Room 101, Towson, Maryland 21286

- JB 8-19-13

IN RE: PETITION FOR VARIANCE
(1132 Susquehanna Avenue)
15th Election District
6th Councilman District
Paul Crist
Petitioner

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2013-0296-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Bernadette Moskunas, on behalf of the legal owner, Paul Crist. The Variance was filed pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") Section 1B02.3.C.1 to permit a side yard setback of 6' with a sum of 12' in lieu of the minimum setback of 10' with a sum of 25', respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requests was Paul Crist. Bernadette Moskunas from Site Rite Surveying, also appeared in support of the Petition. An adjoining neighbor (Michelle LaScola) attended the hearing and expressed certain concerns, which will be discussed below. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability (DEPS) dated July 1, 2013 and the Bureau of Development Plans Review (DPR) dated June 17, 2013. DEPS indicated that the property is located within a Limited Development Area (LDA) and a Buffer Management Area (BMA) and is

JB 8-19-13

IN RE: PETITION FOR VARIANCE
(1132 Susquehanna Avenue)
15th Election District
6th Councilman District
Paul Crist
Petitioner

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2013-0296-A

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

Now pending is Petitioner's motion for reconsideration, concerning a condition that was imposed upon the relief granted in the Order dated September 3, 2013. The Petitioner was granted relief from the side yard setback requirements in order to construct a replacement dwelling on the property. The Petitioner seeks reconsideration to have removed from that Order a condition requiring the deck shown on the plan to remain unenclosed and uncovered.

The subject property is narrow and deep, and that was why the variance for the side yard setbacks was granted. But at the same time, the lot is small (0.386 Acres) and the setbacks will be just 6 feet on each side of the new dwelling, instead of the 10 feet/25 feet sum required by the Regulations. The existing home being razed had 858 SF of enclosed area, and the home proposed will be over twice that size. Finally, the site plan submitted with the petition shows a "deck" (8 feet deep x 30 feet wide).

In these circumstances, I believe the restriction was a reasonable one, and I will therefore deny the motion. The property is located in the Critical Area, and those regulations seek to limit the amount of impervious surfaces on building lots. The addition of a roof over the deck would cause there to be an additional 240 SF of impervious surface. Although "deck" is not defined in the Regulations, the common meaning and understanding is that such a structure is uncovered.

Indeed, BCZR § 260.2 refers to “unroofed additions, including patios and decks.”

WHEREFORE, for the foregoing reasons, it is this 26th day of September 2013 Ordered the Motion for Reconsideration, be and is hereby, DENIED.

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

JEB:slm



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County



ORCA

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 1132 Sinsquehanna Ave. which is presently zoned D.R.3.5
Deed References: 33602/214 10 Digit Tax Account # 1518102410
Property Owner(s) Printed Name(s) Paul Crist

(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) 1B02.3.C.1 To permit a proposed dwelling with a side yard set back of 4.7 feet with a sum of 10.7 feet in lieu of the minimum side yard set back of 10 feet and a sum of 25 feet respectively, and to amend site plan on case number 2013-0296A

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.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Paul Crist

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

12 Shrewsbury Court Perry Hall, MD

Mailing Address

City

State

21228

Zip Code

Telephone #

Email Address

Representative to be contacted:

Bernadette Moskunias Site Rite Surveying

Name - Type or Print

Signature

200 E. Joppa Road Pm 101 Towson, MD

Mailing Address

City

State

21286, 410 828 9060, sitekntic@aol.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2014-0246-A Filing Date 5/21/14

Do Not Schedule Dates: _____

Reviewer G.H

ZONING DESCRIPTION
#1132 SUSQUEHANNA AVENUE

BEGINNING at a point on the west side of Susquehanna Avenue which is 40 feet wide at the distance of 65 feet north of the center line of Chesapeake Avenue which is 40 feet wide. Being part of Lots 34 and 35 in the subdivision of "Long Beach Estates" as recorded in Baltimore County Plat Book No. 3 Folio 178, containing 16,818 square feet. Located in the 15th Election District, 6th Councilmanic District.



Michael V. Moskunas

Michael V. Moskunas
Professional Land Surveyor
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 101
Towson MD 21286
(410) 828-9060

FILE: 1132 SUSQUEHANNA AVE.DOC\2013 ZONING DESC

2014-0248-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/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: 2014-0248-A

Petitioner: Paul Crist

Address or Location: 1132 Snsquehanna Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Site Rite Surveying

Address: 200 E. Joppa Road Rm 101

Towson, MD 21206

Telephone Number: 410 828 9060

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

No. **112203**

Date: **5/21/14**

PAID RECEIPT

BUSINESS ACTUAL TIME
 5/21/2014 5/21/2014 09:18:31

REG 0005 WALKIN RBOG LRD

RECEIPT # 738017 5/21/2014 OFLW

Det 5 528 ZONING VERIFICATION

CR NO. 112203

Recpt Tot \$75.00

\$1.00 CK \$100.00 CA

\$25.00- CB

Baltimore County, Maryland

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:

Cash

For:

Variance 1132 Susquehanna Ave

2014-0248-A

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

CASE NO: 2014-0248-A

PETITIONER/DEVELOPER
SITE RITE SURVEYING INC

DATE OF HEARING/CLOSING:

July 11, 2014

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE**

ATTENTION:

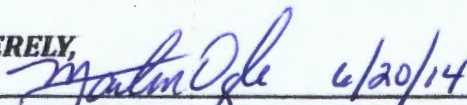
LADIES AND GENTLEMEN:

**THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT** _____

1132 SUSQUEHANNA AVENUE

THIS SIGN(S) WERE POSTED ON JUNE 20, 2014
(MONTH, DAY, YEAR)

SINCERELY,

 6/20/14
SIGNATURE OF SIGN POSTER AND DATE:

**MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411**

ZONING NOTICE

A PUBLIC HEARING WILL BE HELD
BY THE ZONING COMMISSIONER
10 THOUSON, MD

CASE # 2014-0248-A

PLACE: ROOM 205 STEPHENSON BUILDING 105 WEST
CHESAPEAKE AVENUE, THOUSON 21204

DATE/TIME: FRIDAY, JULY 11, 2014 AT 10:00 A.M.

REQUEST: VARIANCE TO REZONE A PROPOSED BUILDING
WITH A SIDE YARD SETBACK OF 47 FT. WITH A SUM OF
10 FT. FULL OF THE MINIMUM SIDE YARD SETBACK OF
10 FT. AND A SUM OF 25 FT. RESPECTIVELY AND TO
AMEND SITE PLAN ON CASE NUMBER 1013-0296-A

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT 100 FTED
AT 111 W. CHESAPEAKE AVE. THOUSON MD 21204
TEL. 410-321-1300

THE ZONING COMMISSIONER'S OFFICE IS OPEN FOR THE PUBLIC TO VIEW THE
MEETING RECORDS AT ANY TIME.

Handwritten signature
6/20/14



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

June 19, 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 June 19, 2014

☐ 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: #2014-0248-A

1132 Susquehanna Avenue
W/s Susquehanna Avenue, 65 ft. n/of centerline of
Chesapeake Avenue
15th Election District - 6th Councilmanic District
Legal Owner(s): Paul Crist

Variance to permit a proposed dwelling with a side yard setback of 4.7 ft. with a sum of 10.7 ft. in lieu of the minimum side yard setback of 10 ft. and a sum of 25 ft. respectively, and to amend site plan on case number 2013-0296-A.
Hearing: Friday, July 11, 2014 at 10:00 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.
6/300 June 19 983554



KEVIN KAMENETZ
County Executive

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

June 5, 2014

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: 2014-0248-A

1132 Susquehanna Avenue

W/s Susquehanna Avenue, 65 ft. n/of centerline of Chesapeake Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Paul Crist

Variance to permit a proposed dwelling with a side yard setback of 4.7 ft. with a sum of 10.7 ft. in lieu of the minimum side yard setback of 10 ft. and a sum of 25 ft. respectively, and to amend site plan on case number 2013-0296-A.

Hearing: Friday, July 11, 2014 at 10:00 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: Paul Crist, 12 Shrewsbury Court, Perry Hall 21228
Bernadette Moskunas, 200 E. Joppa Rd., Rm. 101, Baltimore 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JUNE 21, 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
Thursday, June 19, 2014 Issue - Jeffersonian

Please forward billing to:

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: 2014-0248-A

1132 Susquehanna Avenue

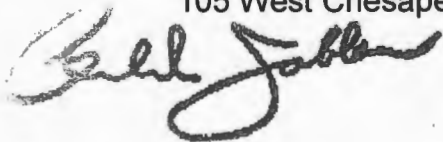
W/s Susquehanna Avenue, 65 ft. n/of centerline of Chesapeake Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Paul Crist

Variance to permit a proposed dwelling with a side yard setback of 4.7 ft. with a sum of 10.7 ft. in lieu of the minimum side yard setback of 10 ft. and a sum of 25 ft. respectively, and to amend site plan on case number 2013-0296-A.

Hearing: Friday, July 11, 2014 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

MEMORANDUM

DATE: August 18, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0248-A – Appeal Period Expired

The appeal period for the above-referenced case expired on August 15, 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
1132 Susquehanna Avenue; W/S Susquehanna	*	
Avenue, 65' N of c/line Chesapeake Avenue	*	OF ADMINSTRATIVE
15 th Election & 6 th Councilmanic Districts	*	
Legal Owner(s): Paul Crist	*	HEARINGS FOR
Petitioner(s)	*	BALTIMORE COUNTY
	*	2014-248-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

MAY 30 2014

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of May, 2014 a copy of the foregoing Entry of Appearance was mailed to Bernadette Moskunas, Site Rite Surveying, 200 East Joppa Road, Room 101, Towson, MD 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NO. 2014-0248-A

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
6/2/14	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	N/C
7/8/14	DEPS (if not received, date e-mail sent _____)	C
	FIRE DEPARTMENT	
6/11/14	PLANNING (if not received, date e-mail sent _____)	C
5/2/14	STATE HIGHWAY ADMINISTRATION	NO Obj
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. 2013-0296-A)	
NEWSPAPER ADVERTISEMENT	Date: 6/19/14	
SIGN POSTING	Date: 6/20/14 by Ogle	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any:

~~Approval letter from Dennis Robinson of Ogle Community Association dated 6/30/14~~



KEVIN KAMENETZ
County Executive

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

July 3, 2014

Paul Crist
12 Shrewsbury Court
Perry Hall MD 21228

RE: Case Number: 2014-0248 A, Address: 1132 Susquehanna Avenue

Dear Mr. Crist:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 21, 2014. 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Bernadette Moskunus, Site Rite Surveying, 200 E. Joppa Road, Rm. 101, Towson MD 21286

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



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

Date: 5/2/14

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

RE: Baltimore County
Item No 2014-0248-A
Variance
Paul Crist
1132 Susquehanna 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. 2014-0248-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 "Richard Zeller".

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

SDF/raz

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

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: June 2, 2014

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

SUBJECT: Zoning Advisory Committee Meeting
For June 2, 2014
Item Nos. 2014-0240, 0241, 0242, 0243, 0244, 0246, 0247, 0248
and 0249

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\ZAC-06022014-NO COMMENTS.doc

7-11
10:00

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 11, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 1132 Susquehanna Avenue

INFORMATION:

Item Number: 14-248

Petitioner: Paul Crist

Zoning: DR 3.5

Requested Action: Variance

RECEIVED
JUN 26 2014
OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

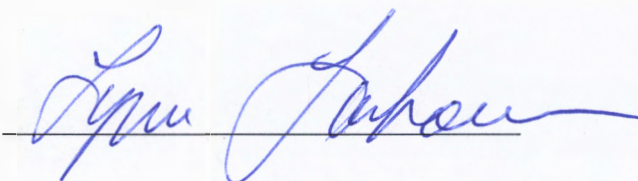
The Department of Planning has reviewed the petitioner's request and accompanying site plan. The requests are to permit a proposed dwelling with a side yard setback of 4.7 feet with a sum of 10.7 feet in lieu of the minimum side yard setback of 10 feet and sum of 25 feet, and to amend the site plan on case number 2013-0296 A.

This department does not oppose the requests. However, approval will not be given unless the following conditions are met.

1. The petitioner must properly landscape and/or screen the proposed dwelling so as not to create a visual impact on the adjacent neighbors. Some form of landscaping treatment, as deemed appropriate by the Baltimore County Landscape Architect, or board on board fencing will be necessary for approval.

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

Division Chief:
AVA/LL



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUL 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: July 8, 2014

SUBJECT: DEPS Comment for Zoning Item # 2014-0248-A
Address 1132 Susquehanna Avenue
(Crist Property)

Zoning Advisory Committee Meeting of May 26, 2014.

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 the prior dwelling has been razed. The proposed dwelling is outside of the 100-foot buffer. Lot coverage on the entirety of this property is limited to 31.25% (5,256 square feet), with mitigation required for lot coverage above 25% (4,024 square feet). 15% afforestation, or 5 trees, is required in the LDA. A permit was approved in 2013 for a dwelling on this lot that showed lot coverage below the limits. As a condition of approval, the owners agreed to plant 5 trees prior to release of the Use & Occupancy permit. The current proposal does not materially affect the prior approval and 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. Lot coverage 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;

Afforestation and lot coverage requirements will be met, therefore, the relief requested will be consistent with established land-use policies.

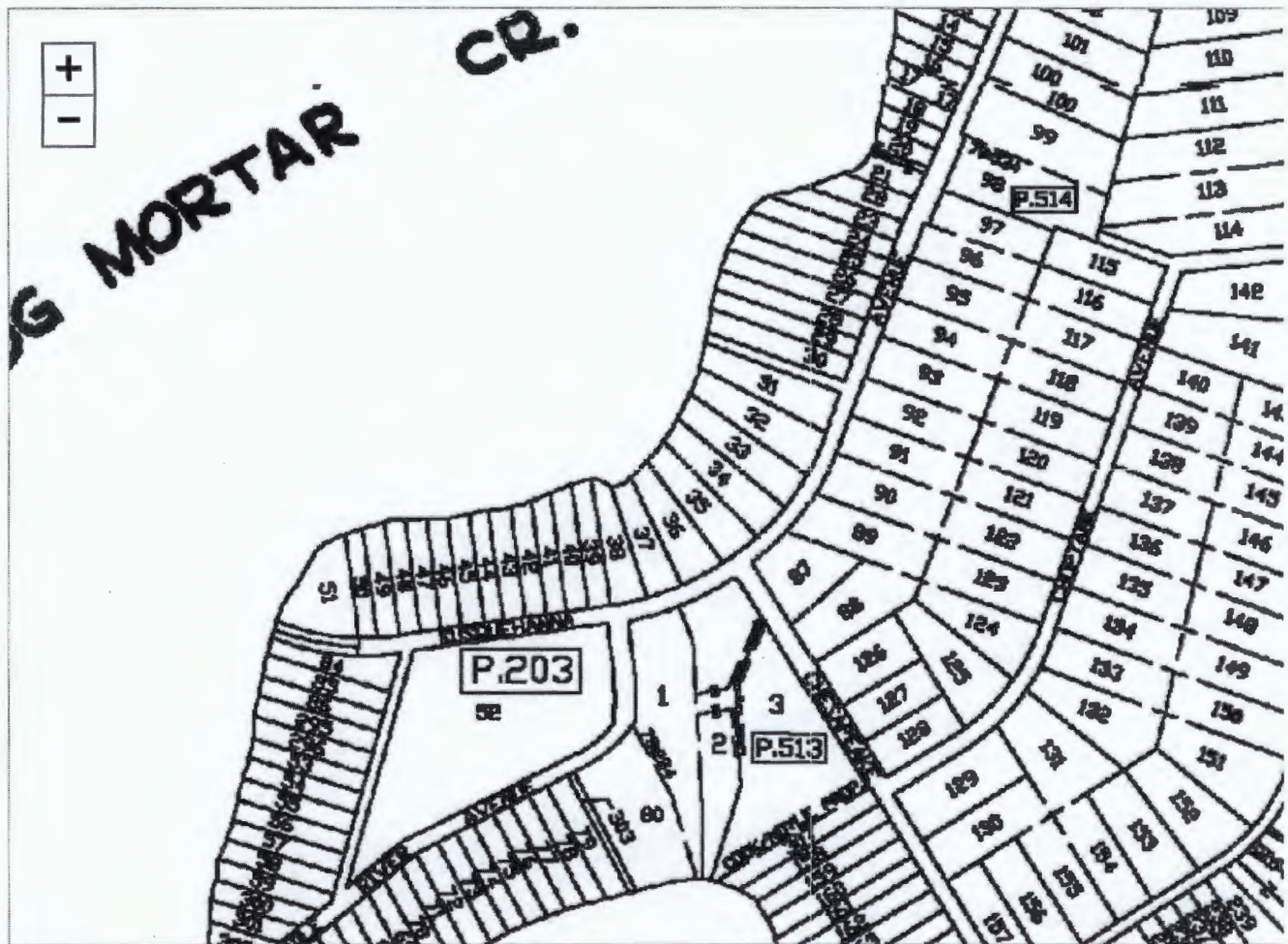
Reviewer: *Regina Esslinger – Environmental Impact Review (EIR)*

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registr
Account Identifier:	District - 15 Account Number - 1518102410	
Owner Information		
Owner Name:	CRIST PAUL MICHAEL	Use: RESIDENTIAL
		Principal Residence: NO
Mailing Address:	12 SHREWSBURY CT PERRY HALL MD 21128-	Deed Reference: 1) /33662/ 00314 2)
Location & Structure Information		
Premises Address:	1132 SUSQUEHANNA AVE BALTIMORE 21220-4339	Legal Description: PT LT 34-35
	Waterfront	LONG BEACH
Map: 0098	Grid: 0004	Parcel: 0203
Sub District:	Subdivision: 0000	Section:
Block:	Lot: 34	Assessment Year: 2012
Plat No:	Plat Ref:	
	NONE	
Special Tax Areas:	Town:	
	Ad Valorem:	
	Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
		Property Land Area
		16,818 SF
Stories	Basement	Type
Exterior	Full/Half Bath	Garage
Last Major Renovation		
Value Information		
	Base Value	Value
		As of
		01/01/2012
Land:	323,200	263,200
Improvements	0	0
Total:	323,200	263,200
Phase-in Assessments		As of
		07/01/2013
Preferential Land:	0	263,200
		263,200
Transfer Information		
Seller:	Date: 05/23/2013	Price: \$175,000
Type: ARMS LENGTH IMPROVED	Deed1: /33662/ 00314	Deed2:
Seller:	Date:	Price: \$0
Type:	Deed1: /07217/ 00293	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	0.00 0.00
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **15** Account Number: **1518102410**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



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

☒ Loading... Please

Loading... Please Wait.

CASE NAME #1132 Susquehanna Ave.
CASE NUMBER 2014-0248-A
DATE July 11, 2014

[illegible]

Case No.: 2014-0248-A

Exhibit Sheet

Petitioner/Developer

193
8-18-14

Protestants

Sen
7/16/14

No. 1	Plan	
No. 2	Letter from Neighbor	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

William Fell
1130 Susquehanna Avenue
Baltimore, MD 21220

April 21, 2014

Zoning Review
County Office Building
Mr. Carl Richards, Chief
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

RE: #1132 Susquehanna Avenue
Paul Crist Property/Case No. 2013-0296-A

Mr. Richards,

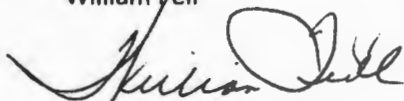
I am the owner of the property located at #1130 Susquehanna Avenue and bind on the northern property line of #1132 Susquehanna Avenue, Paul Crist Property. Mr. Crist sought and received approval for side yard setback relief of 6 feet, per the above referenced case. At that time, I signed the plan submitted for review and public hearing, that I was not opposed to his proposed house location or requested relief. Since that time he has razed the existing dwelling and applied for and received a building permit for the new dwelling.

Per the sketch provided, the proposed dwelling foundation has a side yard setback of 6 feet; however, the 2 foot overhang on the first floor has a side yard setback of 4.77 feet. Please accept this letter as confirmation that I have no opposition to this distance.

I appreciate your time and attention to this matter and hope that this meets with your satisfaction in order for Mr. Crist to move forward with the construction of his home.

Best regards,

William Fell



Enclosure

City/County of Baltimore
State of Maryland
The foregoing instrument was acknowledged before me
this 21st day of April, 2014
by William Fell
H. Renee Osborn Notary Public
My commission expires 7/23/14



H. Renee Osborn
NOTARY PUBLIC
Baltimore County
State of Maryland
My Commission Expires
July 23, 2014

PETITIONER'S

EXHIBIT NO. 2

338

338.80

#1130
WILLIAM
FELL

N51°53'48"W 338.46'

S 48°14'27" E 311.80'

~~145~~ 5.77
FLUSH

-6.00

4.77

5.42.

79.38

#1132

6.00

~~8.83~~

PAUL
CRIST

187.1

143

7.29
MAY

126 7.80
158 ✓

149
9.59
0.00

149
959
CE 50

140

8.43

141

87

148
95

50

147
9.7

75 .

$$\begin{array}{r} 142 \\ \times 8.83 \\ \hline \end{array}$$

33

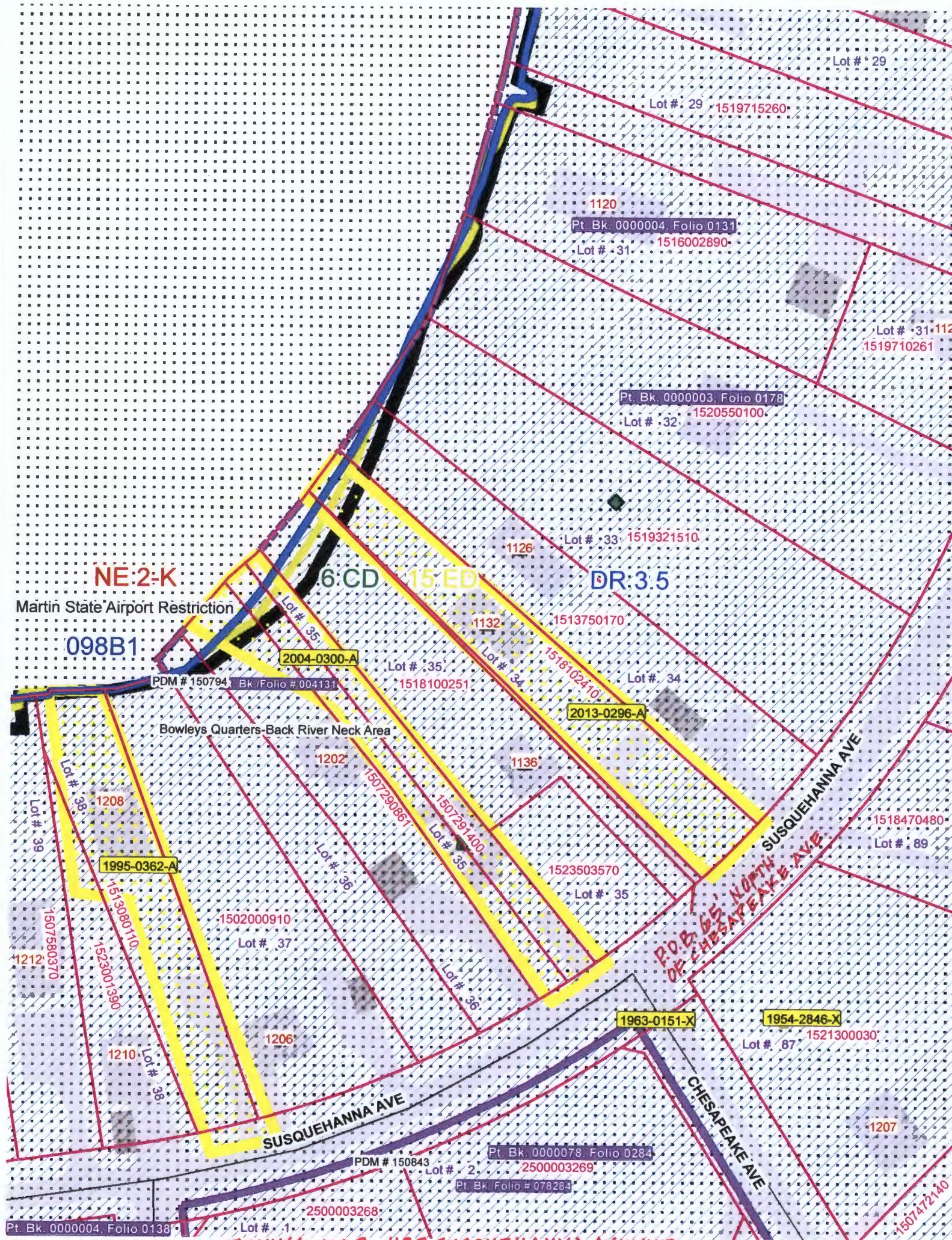
5

9.63

City/County of Baltimore
State of Maryland
The foregoing instrument was acknowledged before me
this 21st day of April, 2014
by William F. Ell
H. Renee Notary Public
My commission expires 7/23/14



M. Renee Osborn
Notary Public
Baltimore County
State of Maryland
My Commission Expires
July 23, 2014



- GENERAL NOTES:**
1. EXISTING ZONE: D.R. 3.5 (09881)
 2. LOT AREA: 16,818 S.F. or 0.386 Ac +/-
 3. EXISTING USE: ~~SINGLE-FAMILY DWELLING TO BE RAZED (DWLG PERMIT B024446)~~
 4. PROPOSED USE: ~~REPLACEMENT SINGLE FAMILY DWELLING (BLDG PERMIT B031281)~~
 5. LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA (CBA)
 6. COMMUNITY PANEL NO. 240010045F ZONE: "AE" (EL9)
 7. NOT LOCATED IN AN HISTORIC DISTRICT
 8. PROPERTY IS SERVICED BY PUBLIC WATER AND SEWER
 9. THERE IS NO PRIOR ZONING HISTORY. ~~CASE NO. 2013-0246-A ORDER ATTACHED~~
 10. LOTS ON A RECORD PLAT DATED 1910 - BEFORE THE ADOPTION OF THE 1945 ZONING REGULATIONS
 11. THERE ARE NO CURRENT OR OUTSTANDING ZONING VIOLATIONS

CASE NO. 2013-0246-A

THEREFORE, IT IS ORDERED, this 3rd day of September, 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.") Section 1B02.3.C.1 to permit a side yard setback of 6' with a sum of 12' in lieu of the minimum setback of 10' with a sum of 25', respectively (as depicted on the site plan marked as Exhibit 1), be and is hereby GRANTED.

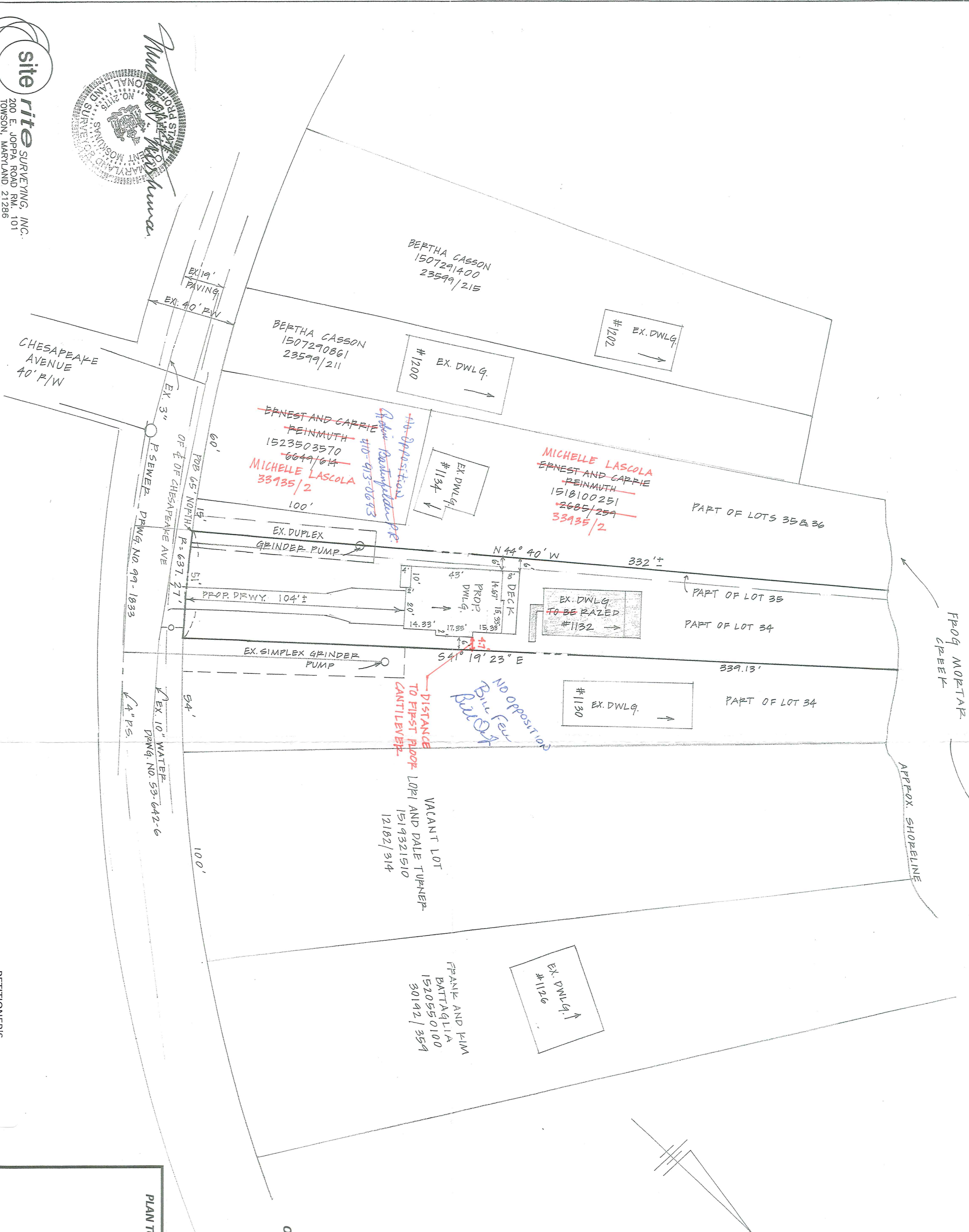
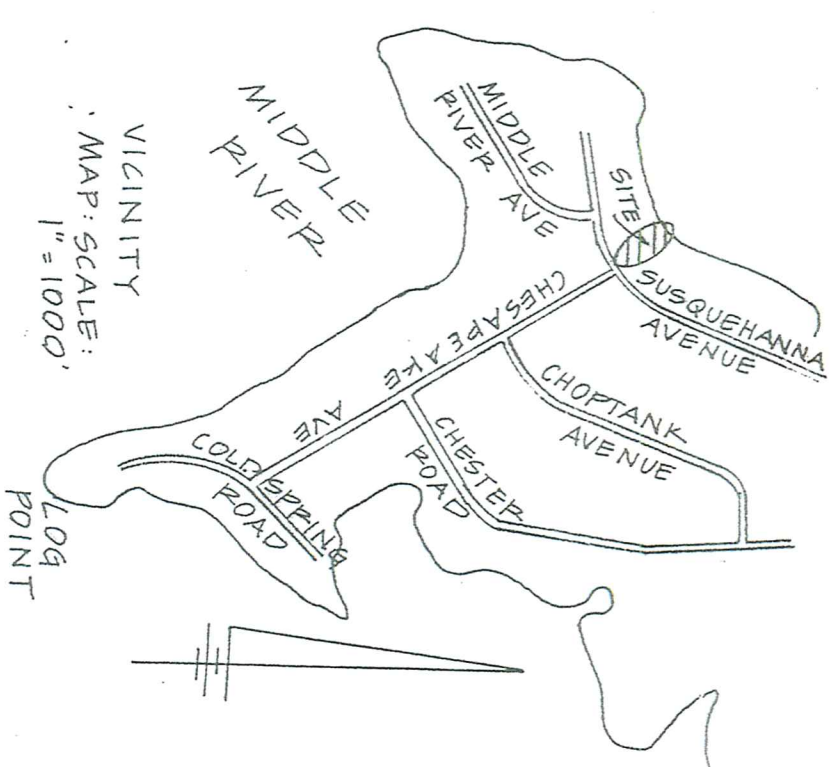
The relief granted herein shall be subject to the following:

- Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk, until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- The deck shown on the plan shall be open, i.e., it shall not be enclosed or covered with a roof.
- Any HVAC, propane tanks or other mechanical equipment shall not be installed or located in the side yard adjoining 1134 Susquehanna Avenue.

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

JEB:dlw

JOHN BEVERIDGEN
Administrative Law Judge for
Baltimore County



OWNER:

PAUL CRIST
12 SHREWSBURY COURT
PERRY HALL MD 21228
443-564-0955
TAX MAP: 98 GRID: 4 PARCEL: 203
TAX ACT: NO. 1518102410
DEED REF: 33662/314

PLAN TO ACCOMPANY PETITION FOR VARIANCE

"CRIST PROPERTY"

#1132 SUSQUEHANNA AVENUE
PART OF LOTS 34 AND 35
"LONG BEACH ESTATES" 3 / 178
ELECTION DISTRICT NO. 15
COUNCILMANIC DISTRICT NO. 6
BALTIMORE COUNTY, MD

SCALE: 1" = 30'

MAY 20, 2013 MAY 15, 2014
JOB #10183

site
rite SURVEYING, INC.

200 E. JOPPA ROAD R.M. 101
TOWSON, MARYLAND 21286
PHONE: 410-828-9060
FAX: 410-828-9086



PETITIONERS
EXHIBIT NO. 1

2014-0248-A

