

KEVIN KAMENETZ
County Executive



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

August 25, 2014

Marc Johnston
26 South Main Street
Bel Air, Maryland 21014

RE: Petition for Variance
Property: 426 Katherine Avenue
Case No. 2014-0287-A

Dear Mr. Johnston:

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: William and Diane K. Smittinger, 2634 Hudson Street, Baltimore, Maryland 21224

IN RE: PETITION FOR VARIANCE

(426 Katherine Avenue)

15th Election District

6th Council District

William J. & Diane K. Schmittinger

Petitioners

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2014-0287-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed on behalf of the legal owners of the subject property. The Petition seeks variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §§ 1B02.3.C.1 & 400.3 and § 400.1.d.(2)(A) of the Zoning Commissioner's Policy Manual (Z.C.P.M.) as follows: to permit a proposed dwelling with a side yard setback of 10 ft. and a sum of side yard setbacks of 20 ft. in lieu of the required 10 ft. and a sum of 25 ft.; a lot width of 56.6 ft. in lieu of the minimum required 70 ft.; and to permit a detached accessory structure (garage) to have a height of 22 ft. in lieu of the maximum allowed 15 ft. with a front yard setback of 25 ft. in lieu of the required 30 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the request was William and Dianne Schmittinger. Marc Johnston, a home builder, appeared with the Petitioners. There were no Protestants in attendance, and the file does not contain any letters of opposition. The Petition was advertised and posted as required by the B.C.Z.R. A Zoning Advisory Committee (ZAC) comment was received from the Department of Environmental Protection and Sustainability (DEPS) dated August 18, 2014, indicating Petitioners must comply with the Critical Area

ORDER RECEIVED FOR FILING

Date

8/25/14

By

pen

Regulations.

The property is approximately 0.239± acres and is zoned DR 3.5. The property is now unimproved, but originally had a small dwelling that was razed several years ago. Petitioners propose to construct a new single family dwelling on the lot, but require variance relief to do so.

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 waterfront property is narrow and deep, and is therefore unique. The Petitioners would experience a practical difficulty if the regulations were strictly interpreted, since they would be unable to construct an appropriate dwelling on the lot. 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 absence of County and/or community opposition. In fact, the neighbors on either side of Petitioners' lot attended the hearing and indicated they were supportive of the requests.

One final point merits attention. As filed, the Petition seeks relief from the Z.C.P.M. for the detached accessory structure to have a 25 ft. "front yard setback." But as shown on the site plan, the garage is in fact going to be in the rear of the dwelling, and if it were not, the Petitioners would also require variance relief for the front yard placement. Waterfront properties, such as this, frequently cause some confusion as to the respective positions of the front and rear yards. Here, the Petitioners indicate on the site plan (Ex. No. 1) that their front yard faces the water (Norman Creek), which is the more common designation for waterfront lots.

ORDER RECEIVED FOR FILING

Date

8/25/14

By

Sen

The section of the Z.C.P.M. referenced in the Petition concerns "double frontage" lots, depicted in the Manual as those bounded on two sides by roadways. That is not the case here, but it is true that the "rear yard" in fact faces the roadway, and thus I believe that it makes sense to apply, by analogy, the rule from § 400.1.d.(2)(A) of the Manual, which requires that an accessory structure have the same setback from the street as a principal structure would require. In this case, that is 30 ft., and the Order which follows will not reference this as a "front yard setback," for the reasons noted.

THEREFORE, IT IS ORDERED, this 25th day of August, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from B.C.Z.R. §§ 1B02.3.C.1 & 400.3 and § 400.1.d.(2)(A) of the Z.C.P.M., as follows: to permit a proposed dwelling with a side yard setback of 10 ft. and a sum of side yard setbacks of 20 ft. in lieu of the required 10 ft. and a sum of 25 ft.; a lot width of 56.6 ft. in lieu of the minimum required 70 ft.; and to permit a detached accessory structure (garage) to have a height of 22 ft. in lieu of the maximum allowed 15 ft., with a setback of 25 ft. from the street right-of-way in lieu of the required 30 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Petitioners must comply with the Critical Area Regulations, pursuant to B.C.Z.R. §500.14.

ORDER RECEIVED FOR FILING

Date

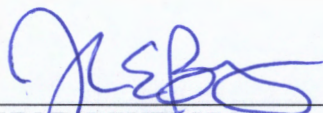
8/25/14

By

Den

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

JEB:sln



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date 8/25/14
By Den



OBCA

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 426 Katherine Avenue which is presently zoned DR 3.5
Deed References: 128342/00242 10 Digit Tax Account # 1506570844
Property Owner(s) Printed Name(s) William J. Schmittinger, Diane K. Schmittinger

(SELECT THE HEARING(S) BY MARKING ☒ 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. ☒ a Variance from Section(s) 1B01.2.C.1.b To allow a principal residential building in a DR2 zone with a side yard setback of 10 feet on the east and west elevations and a detached garage with a side yard setback of 5 feet on the east elevation in lieu of 20 feet.

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)
Due to the lot only being 50 feet wide in a pre-existing subdivision, side yard set back cannot be met. The new structures will be compatible with the other structures in the subdivision.

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

Date

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

William J. Schmittinger Diane K. Schmittinger

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address
schmittinger1@comcast.net

Representative to be contacted:

Marc Johnston

Name - Type or Print

Signature

26 South Main Street Bel Air, Maryland 2101

Mailing Address

City

State

Zip Code

Telephone #

Email Address
marcjohnstonbuilders@yahoo.com

CASE NUMBER 2014-0287-A Filing Date 6/26/14

Do Not Schedule Dates:

Reviewer RJD

Sections 1B02.3.C.1, 400.3 [BCZR], and 400.1.d.(2)(A) [Policy Manual] – to permit a proposed dwelling with a side yard setback of 10 feet and a sum of side yard setbacks of 20 feet in lieu of the required 10 feet and a sum of 25 feet, a lot width of 56.6 feet in lieu of the minimum required 70 feet, and to permit a detached accessory structure (garage) to have a height of 22 feet in lieu of the maximum allowed 15 feet with a front yard setback of 25 feet in lieu of the required 30 feet.

Item #0287

ZONING PROPERTY DESCRIPTION FOR:

426 KATHERINE AVENUE

Beginning at a point on the North side of Katherine Avenue which is 50 feet wide of right of way at the distance of 1,313 feet North of the center line of the nearest improved intersecting street which is Cape May Road which is 30 feet wide.

Being Lot # 4, Block not applicable, Section not applicable, in the subdivision of Cape May as recorded in Baltimore County Plat Book # 6, Folio # 177, containing 10,419 square feet (.239 acres)

*15th Election District
6th Councilmanic District*

Item #0287

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

No. **113822**

Date: **6/26/14**

PAID RECEIPT

BUSINESS ACTUAL TIME
6/27/2014 6/26/2014 13:45:20

REG WSDT JSH LRG LJR

RECEIPT # 517047 6/26/2014 OFLH

5 528 ZONING VERIFICATION

CR 11/022

Recpt Tot \$75.00

175.00 CR \$1.00 EA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						575.00

Total: **\$75.00**

Rec

From:

For:

Zoning Hearing - case # 2014-0287-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

July 31, 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 July 31, 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: #2014-0287-A

426 Katherine Avenue

NW/s of Katherine Avenue, 1313 ft. n/of centerline of Cape May Road

15th Election District - 6th Councilmanic District

Legal Owner(s): William & Diane Schmittinger

Variance: to permit a proposed dwelling with a side yard setback of 10 feet and a sum of side yard setbacks of 20 feet in lieu of the required 10 feet and a sum of 25 feet, a lot width of 56.6 feet in lieu of the minimum required 70 feet, and to permit a detached accessory structure (garage) to have a height of 22 feet in lieu of the maximum allowed 15 feet with a front yard setback of 25 feet in lieu of the required 30 feet.

Hearing: Thursday, August 21, 2014 at 2:30 p.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.

7/578 July 31

988509

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: 2014-0287-A

Petitioner: Bill & Dianne Schmittinger C/o Marc Johnston

Address or Location: 26 South Main Street Bel Air, Md 21014

PLEASE FORWARD ADVERTISING BILL TO:

Name: Johnston Builders

Address: 26 South Main Street
Bel Air, MD 21014

Telephone Number: 410 322 9298

RE:CASE NO: 2014-0287-A

PETITIONER/DEVELOPER

MARC JOHNSTON

DATE OF HEARING/CLOSING:

8/21/14

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 _____

426 KATHERINE AVENUE

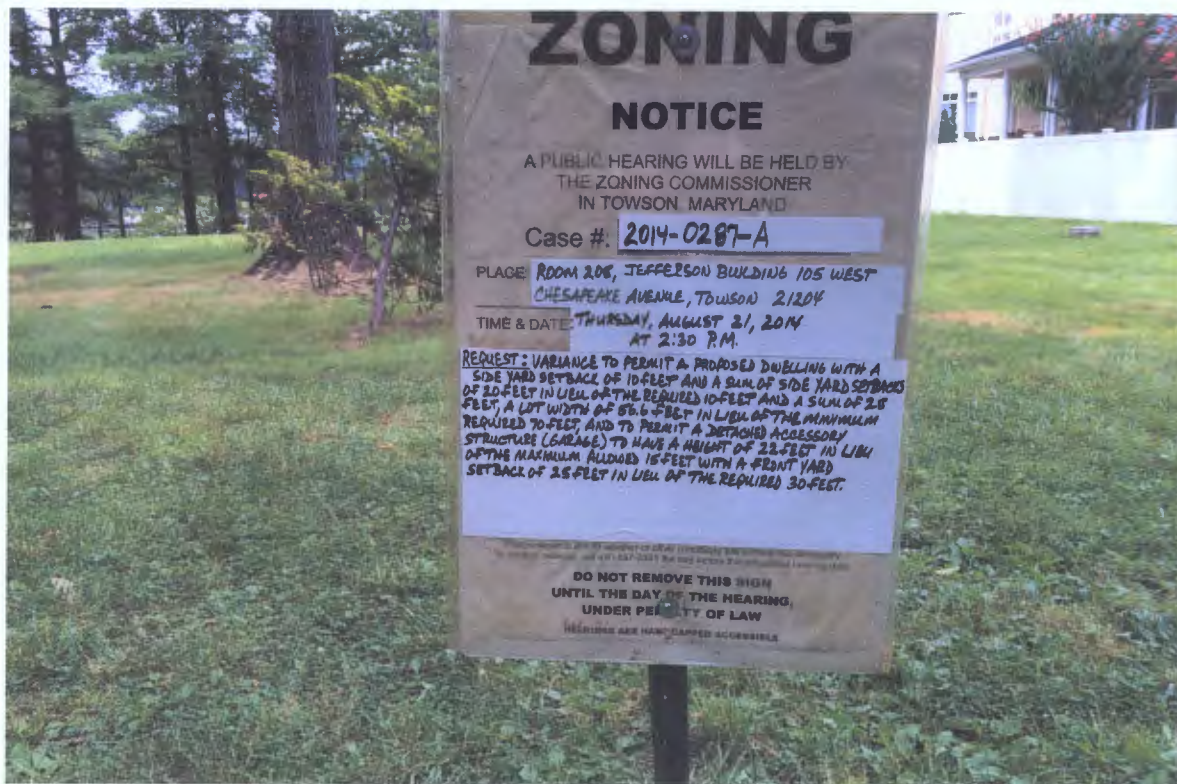
THIS SIGN(S) WERE POSTED ON August 1, 2014
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 8/1/14

SIGNATURE OF SIGN POSTER AND DATE:

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



made 8/1/14



KEVIN KAMENETZ
County Executive

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

July 22, 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: 2014-0287-A

426 Katherine Avenue

NW/s of Katherine Avenue, 1313 ft. n/of centerline of Cape May Road

15th Election District – 6th Councilmanic District

Legal Owners: William & Diane Schmittinger

Variance to permit a proposed dwelling with a side yard setback of 10 feet and a sum of side yard setbacks of 20 feet in lieu of the required 10 feet and a sum of 25 feet, a lot width of 56.6 feet in lieu of the minimum required 70 feet, and to permit a detached accessory structure (garage) to have a height of 22 feet in lieu of the maximum allowed 15 feet with a front yard setback of 25 feet in lieu of the required 30 feet.

Hearing: Thursday, August 21, 2014 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Schmittinger, 426 Katherine Avenue, Bel Air 21014
Marc Johnston, 26 South Main Street, Bel Air 21014

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, AUGUST 1, 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, July 31, 2014 Issue - Jeffersonian

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

410-322-9298

NOTICE OF ZONING HEARING

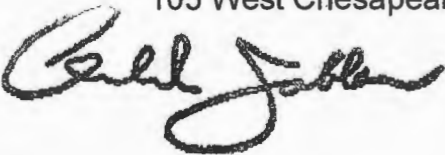
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2014-0287-A

426 Katherine Avenue
NW/s of Katherine Avenue, 1313 ft. n/of centerline of Cape May Road
15th Election District – 6th Councilmanic District
Legal Owners: William & Diane Schmittinger

Variance to permit a proposed dwelling with a side yard setback of 10 feet and a sum of side yard setbacks of 20 feet in lieu of the required 10 feet and a sum of 25 feet, a lot width of 56.6 feet in lieu of the minimum required 70 feet, and to permit a detached accessory structure (garage) to have a height of 22 feet in lieu of the maximum allowed 15 feet with a front yard setback of 25 feet in lieu of the required 30 feet.

Hearing: Thursday, August 21, 2014 at 2:30 p.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.

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
426 Katherine Avenue; NW/S Katherine *
Avenue, 1313' N of c/line Cape May Road * OF ADMINISTRATIVE
15th Election & 6th Councilmanic Districts HEARINGS FOR
Legal Owner(s): William & Diane Schmittinger*
Petitioner(s) * BALTIMORE COUNTY
* 2014-287-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.

RECEIVED

JUL 02 2014



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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of July, 2014, a copy of the foregoing Entry of Appearance was mailed to Marc Johnston, 26 South Main Street, Bel Air, Maryland 21014, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Case No.: 2014-287-A

Exhibit Sheet

Petitioner/Developer

DW
9-26-14

Protestants

ser
8/25/14

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

MEMORANDUM

DATE: September 26, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0287-A - Appeal Period Expired

The appeal period for the above-referenced case expired on September 24, 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

CASE NAME

CASE NUMBER 2014-287-A

DATE 8-~~22~~-14

8-21-14

PETITIONER'S SIGN-IN SHEET

[illegible]

CASE NO. 2014- 0287-A

CHECKLIST

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

7/7/14

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

N/C

8/19/14

DEPS
(if not received, date e-mail sent 8/15/14)

C

7/17/14

FIRE DEPARTMENT

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

N/C

6/30/14

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

NO Obj

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 7/31/14

SIGN POSTING Date: 8/1/14 by Ogle

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Recipients: 1 Acknowledged: 1

David Lykens

Read

Attachments: User: 0, System: 2

Send Options:

Sherry Nuffer - I just received the files for scheduled hearings on Thursday August 21, 2014. Case No.: 2014-0283-SPH and 2014-0287-A are in CBCA and there are no DEPS ZAC comment. Please advise.

From: Sherry Nuffer

To: Lykens, David

Date: 8/15/2014 3:25 PM

Subject: I just received the files for scheduled hearings on Thursday August 21, 2014. Case No.: 2014-0283-SPH and 2014-0287-A are in CBCA and there are no DEPS ZAC comment. Please advise.

I just received the files for scheduled hearings on Thursday August 21, 2014. Case No.: 2014-0283-SPH and 2014-0287-A are in CBCA and there are no DEPS ZAC comment. Please advise.

Thank you,

Sherry Nuffer
Legal Assistant
Office of Administrative Hearings
105 W. Chesapeake Avenue
Room 103
Towson, Maryland 21204
410-887-3868
Fax: 410-877-3468

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1506570844			
Owner Information					
Owner Name:	SCHMITTINGER WILLIAM JOSEPH SCHMITTINGER DIANE K		Use:	RESIDENTIAL NO	
Mailing Address:	2634 HUDSON ST BALTIMORE MD 21224-		Deed Reference:	/35114/ 00445	
Location & Structure Information					
Premises Address:		426 KATHERINE AVE 0-0000 Waterfront		Legal Description: 426 KATHERINE AVE CAPE MAY	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0098	0007	0185		0000	4 2015 0006/0177
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
			11,165 SF	34	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
	Base Value	Value As of 01/01/2012	Phase-In Assessments As of 07/01/2014 As of 07/01/2015		
Land:	261,100	261,100			
Improvements	0	0			
Total:	261,100	261,100	261,100		
Preferential Land:	0				
Transfer Information					
Seller: LAUENSTEIN CARVILLE H		Date: 06/26/2014		Price: \$262,000	
Type: ARMS LENGTH VACANT		Deed1: /35114/ 00445		Deed2:	
Seller: LAUENSTEIN CARVILLE H		Date: 04/10/2009		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /28342/ 00242		Deed2:	
Seller: LAUENSTEIN MARY E/CARVILLE H,TRTS		Date: 04/10/2009		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /27914/ 00039		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2014		07/01/2015	
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					



KEVIN KAMENETZ
County Executive

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

August 14, 2014

William J & Diane K Schmittinger
2634 Hudson Street
Baltimore MD 21224

RE: Case Number: 2014-0287 A, Address: 426 Katherine Avenue

Dear Mr. & Ms. Schmittinger:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 26, 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." The signature is written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

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

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



Maryland Department of Transportation

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

Date: 6/30/14

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

RE: Baltimore County
Item No 2014-0287-A
Variance
William J. & Diane K. Schmittinger
426 Katherine 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. 2014-0287-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 dark ink, appearing to read "Richard D. Zeller". The signature is written in a cursive, flowing style.

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

SDF/raz

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

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED



AUG 20 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: 8/19/14

SUBJECT: DEPS Comment for Zoning Item # 2014-0287-A
Address 426 Katherine Avenue
(Schmittinger Property)

Zoning Advisory Committee Meeting

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 construct a single family dwelling with reduced side yard setbacks, and a detached garage to have a height of 22 feet with a front yard setback of 25-feet off Katherine Ave. The lot is waterfront, and the proposed dwelling and garage as shown on the plan have been reviewed and approved by this office. The proposed development meets LDA and BMA requirements for lot coverage in the LDA. As a condition of approval, the owners agreed to provide mitigation by planting native trees/shrubs on-site, and pay a fee-in-lieu, if necessary, to meet any mitigation that cannot be met on-site prior to release of the Use & Occupancy permit. Therefore, the relief requested by the applicant will result in minimal adverse impacts to water quality.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 17, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

JUL 17 2014

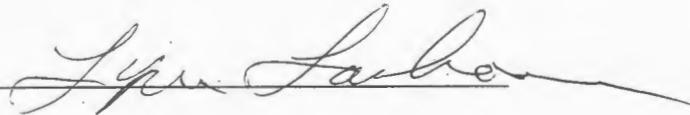
SUBJECT: Zoning Advisory Petition(s) for
Item No: 2014-225, 2014-280 and 2014-287

OFFICE OF ADMINISTRATIVE HEARINGS

The Department of Planning has reviewed the above referenced zoning items and has no comments.

For further questions or additional information concerning the matters stated herein, please contact Lynn Lanham at 410-887-3480.

Prepared By: _____



LL/ka

c: John Beverungen, ALJ
Peter Max Zimmerman

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For July 7, 2014
Item No. 2014-0272, 0273, 0274, 0281, 0282, 0284, 0285 and 0287

DATE: July 7, 2014

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\ZAC07072014 -.doc

7/21/14
WCR

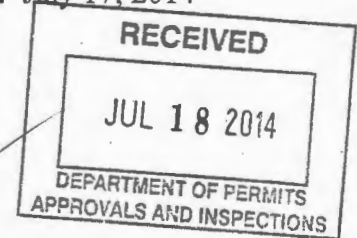
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 17, 2014

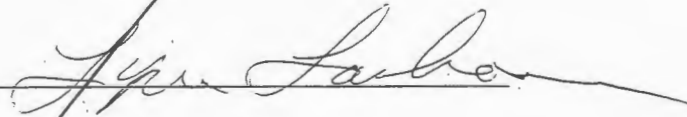
FROM: Andrea Van Arsdale
Director, Department of Planning



SUBJECT: Zoning Advisory Petition(s) for
Item No: 2014-225, 2014-280 and 2014-287

The Department of Planning has reviewed the above referenced zoning items and has no comments.

For further questions or additional information concerning the matters stated herein, please contact Lynn Lanham at 410-887-3480.

Prepared By: 

LL/ka

c: John Beyerungen, ALJ
Peter Max Zimmerman

7/21/14
wcf

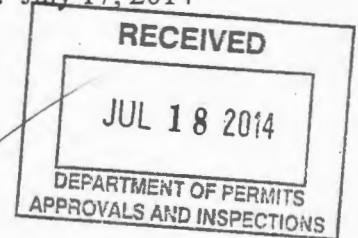
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 17, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning



SUBJECT: Zoning Advisory Petition(s) for
Item No: 2014-225, 2014-280 and 2014-287

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For further questions or additional information concerning the matters stated herein, please contact Lynn Lanham at 410-887-3480.

Prepared By: Lynn Lanham

LL/ka

c: John Beverungen, ALJ
Peter Max Zimmerman



KEVIN KAMENETZ
County Executive

VINCENT J. GARDINA, *Director*
Department of Environmental Protection
and Sustainability

May 30, 2014

Mr. Marc Johnston
Johnston Builders, LLC
26 South Main St.
Bel Air MD 21014

Re: Permit Application: Pending
426 Katherine Ave. 21221
Construct Dwelling, Garage, Porches, Deck, Driveway
(Existing: Site is Vacant))

Dear Mr. Johnston:

Environmental Impact Review (EIR) has completed an evaluation of the above referenced permit application. The 10,419 square foot property (area above mean high water) is located within a Limited Development Area (LDA) and a Buffer Management Area (BMA) in the Chesapeake Bay Critical Area (CBCA) and must comply with all requirements of Baltimore County Code Article 33, Title 2 Chesapeake Bay Critical Areas Protection.

The lot coverage area on this property is limited to 25% (2,605 square feet) or a maximum of 31.25% (3,256 square feet), if approved, and with mitigation for the amount over 25%. In addition, a 15% forest cover (a minimum of 3 trees) must exist on the property at all times. Mitigation requirements and existing trees or forest can increase the number of trees required on the site. A 100-foot tidal buffer measured off mean high water covers almost 60% of the site. BMA requirements restrict the location and area of structures allowed within this buffer. Any impacts allowed within the buffer must be mitigated.

The following table summarizes the lot coverage area and forest/tree cover requirements based on the property area above mean high water. The BMA information and any mitigation required are also shown. Please read all information carefully. A summary of mitigation requirements is presented on the next page.

Lot Coverage
Existing Lot Coverage = 0 ft ² . Proposed Lot Coverage = 3,154 ft ² , 30.3% of the site. Only 102 ft ² of lot coverage allowance remains.
The proposed lot coverage is within the maximum lot coverage allowed (3,256 ft ²), but is 549 ft ² over 25% so mitigation is required for the 549 ft ² . Mitigation must be provided by 1. Planting 5 native deciduous trees at least 5-feet tall on the property prior to use and occupancy approval, or by 2. Payment of a fee-in-lieu of \$1.50 per square foot (\$823.50) prior to permit approval. If another planting/fee option is desired, please contact EIR to discuss as the actual fee amount will be based on the number of additional trees that will be planted on-site. (see <u>Trees/Forest, Buffer Mitigation & Total Mitigation Requirements</u> below).
**Contact EIR to discuss any revisions to what is being constructed on-site whether it requires a permit or does not require a permit so that compliance with Critical Area requirements can be reviewed/ determined. This includes, but is not limited to, any structures, stone areas, walks, stairs, decking, driveways, parking, etc. (Lot Coverage Guidance Attached)

Mr. Marc Johnston
Permit Application: Pending
426 Katherine Ave. 21221
May 30, 2014
Page 2

Trees/Forest: 15% minimum forest requirement: A minimum of 3 trees must be on-site at all times. 7 trees and multiple shrubs exist, most by the waterfront. The site currently meets this requirement. 2 of the trees (1 in deteriorating condition) will be removed for the dwelling construction. The trees within the buffer near the water must remain. EIR must be contacted to discuss any proposed future impact of trees/shrubs on the site. Other mitigation requirements may increase the minimum number of trees required on-site (see Total Mitigation Requirements below).

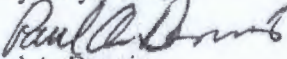
Buffer Management Area (BMA): There is 1,654 ft² of new lot coverage proposed within the 100-foot tidal buffer, and 104 ft² of a pervious gapped board deck (no roof above/mulch or earth below) proposed within the tidal buffer. Mitigation is required as follows: 1. Pay a fee-in-lieu of planting (\$2,192.10) to Baltimore County MD prior to permit approval, or plant native trees/shrubs on the property prior to use & occupancy and pay the remaining in a fee due prior to permit approval. EIR can advise of the fee-in-lieu required when the number of trees/shrubs to be planted is known.

Total Mitigation Requirements: Notify EIR of the number of native trees/native shrubs proposed to be planted on-site prior to use & occupancy approval, and EIR will determine the required fee-in-lieu that must be paid prior to permit approval to meet the remaining mitigation requirements. If all mitigation is by fee-in-lieu, the total fee would be \$3,015.60 based on current information. (Three native shrubs may be substituted for each required deciduous tree) (See Native Tree/Shrub List Attached).

The property owner(s) must sign the statement at the end of this letter to acknowledge these requirements, and return the signed letter to EIR. At that time, EIR can approve this permit application provided that the above requirements are met. Inspections will be conducted to determine compliance with all Critical Area requirements that pertain to this property. Any revisions to the proposed construction will require additional review by this office prior to any additional work on the site.

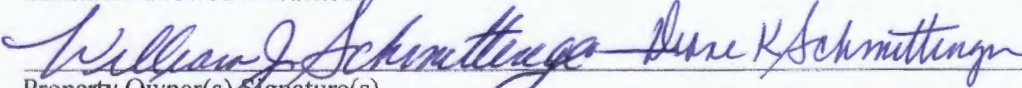
If there are any questions concerning this project, please contact me at 410-887-3980.

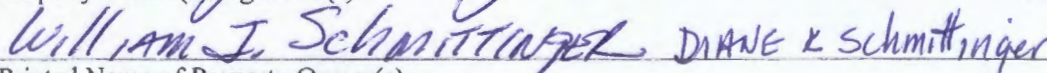
Very truly yours,


Paul A. Dennis
Natural Resource Specialist
Environmental Impact Review

PAD; pad

I/We have read the information above and do hereby agree to adhere to all requirements to bring the referenced property into compliance with Baltimore County Code Article 33, Title 2, Chesapeake Bay Critical Areas Protection. I/We will contact EIR to discuss any changes to what is proposed on-site before implementing any of those changes so that Critical Area requirements can be determined. For mitigation, I/We will plant _____ native deciduous trees and _____ native shrubs on the property prior to use and occupancy approval, and pay a fee-in-lieu of \$ _____ to Baltimore County to meet the remaining mitigation requirement. We understand that the current plan only allows an additional 102 ft² of lot coverage on the property before the maximum allowed is reached.


Property Owner(s) Signature(s) _____ Date _____


Printed Name of Property Owner(s) _____

Botanical Name	Common Name
Woody Trees & Shrubs (shrubs in bold) <u>3 shrubs required for each native deciduous required, or 2 native evergreens required for each native deciduous required if substitution is approved by Baltimore County Dept. of Environmental Protection & Sustainability</u>	
Acer negundo	Boxelder
Acer pensylvanicum	Striped Maple
Acer rubrum	Red Maple
Acer saccharinum	Silver Maple
Acer saccharum	Sugar Maple
Aesculus pavia	Red Buckeye
Aesculus parviflora	Bottlebrush Buckeye
Alnus rugosa	Speckled Alder
Alnus serrulata	Tag Alder
Amelanchier canadensis	Serviceberry
Amelanchier laevis	Allegheny Serviceberry
Amorpha fruticosa	False Indigo
Arctostaphylos uva-ursi	Bearberry
Aronia arbutifolia	Red Chokeberry
Aronia melanocarpa	Black Chokeberry
Asimina triloba	Pawpaw
Baccharis halimifolia	Groundsel Bush
Betula alleghaniensis	Yellow Birch
Betula lenta	Sweet Birch
Betula nigra	River Birch
Betula papyrifera	Paper Birch
Betula populifolia	Gray Birch
Callicarpa americana	American Beautyberry
Calycanthus floridus	Eastern Sweetshrub
Carpinus caroliniana	Hornbeam
Carya glabra	Pignut Hickory
Carya ovata	Shagbark Hickory
Carya tomentosa	Mockernut Hickory
Ceanothus americanus	New Jersey Tea
Celtis occidentalis	Hackberry
Cephalanthus occidentalis	Buttonbush
Cercis canadensis	Eastern Redbud
Chamaecyparis thyoides	Atlantic White Cedar
Chionanthus virginicus	Fringetree
Cladrastis kentukea	Kentucky Yellowwood
Clethra alnifolia	Sweet Pepperbush
Comptonia peregrina	Sweetfern
Cornus alternifolia	Alternate Leaf Dogwood
Cornus amomum	Silky Dogwood
Cornus canadensis	Bunchberry Dogwood
Cornus florida	Flowering Dogwood

Botanical Name	Common Name
Cornus racemosa	Gray Dogwood
Cornus sericea	Redosier Dogwood
Corylus americana	Hazelnut
Cotinus obovatus	American Smoketree
Crataegus crusgalli	Cockspur Hawthorn
Diospyros virginiana	Persimmon
Fagus grandifolia	American Beech
Fraxinus americana	White Ash
Fraxinus pennsylvanica	Green Ash
Gaultheria procumbens	Wintergreen
Gaylussacia baccata	Black Huckleberry
Hamamelis virginiana	Witchhazel
Hydrangea arborescens	Wild Hydrangea
Ilex laevigata	Smooth Winterberry
Ilex glabra	Inkberry
Ilex opaca	American Holly
Ilex verticillata	Winterberry
Itea virginica	Sweetspire
Iva frutescens	Marsh Elder
Juglans cinerea	Butternut
Juglans nigra	Black Walnut
Juniperus virginiana	Eastern Red Cedar
Kalmia angustifolia	Sheep Laurel
Kalmia latifolia	Mountain Laurel
Larix laricina	American Larch
Lindera benzoin	Spicebush
Lyonia ligustrina	Male-berry
Lyonia mariana	Stagger-Bush
Liquidambar styraciflua	Sweetgum
Liriodendron tulipifera	Tulip poplar
Magnolia virginiana	Sweetbay Magnolia
Malus coronaria	Native Sweet Crabapple
Morella caroliniensis	Southern Bayberry
Morella cerifera	Waxmyrtle
Morella pensylvanica	Northern Bayberry
Nyssa sylvatica	Black Gum
Ostrya virginiana	Hophornbeam
Oxydendrum arboreum	Sourwood
Photinia melanocarpa	Black Chokeberry
Photinia pyrifolia	Red Chokeberry
Physocarpus opulifolius	Eastern Ninebark
Pinus rigida	Pitch Pine
Pinus strobus	Eastern White Pine
Pinus taeda	Loblolly Pine
Pinus virginiana	Virginia Pine
Platanus occidentalis	Sycamore

Botanical Name	Common Name
<i>Populus deltoides</i>	Eastern Cottonwood
<i>Populus tremuloides</i>	Trembling Aspen
<i>Potentilla fruticosa</i>	Shrubby Cinquefoil
<i>Prunus americana</i>	Native American Plum
<u>Prunus maritima</u>	<u>Beach Plum</u>
<i>Prunus pensylvanica</i>	Pin Cherry
<i>Prunus serotina</i>	Black Cherry
<i>Prunus virginiana</i>	Choke Cherry
<i>Pseudotsuga menziesii</i>	Douglas-fir
<i>Quercus alba</i>	White Oak
<i>Quercus bicolor</i>	Swamp White Oak
<i>Quercus coccinea</i>	Scarlet Oak
<i>Quercus lyrata</i>	Overcup Oak
<i>Quercus marilandica</i>	Blackjack Oak
<i>Quercus michauxii</i>	Swamp Chestnut Oak
<i>Quercus palustris</i>	Pin Oak
<i>Quercus phellos</i>	Willow Oak
<i>Quercus prinus</i>	Chestnut Oak
<i>Quercus rubra</i>	Northern Red Oak
<i>Quercus velutina</i>	Black Oak
<u>Rhododendron atlanticum</u>	<u>Coast Azalea</u>
<u>Rhododendron calendulaceum</u>	<u>Flame Azalea</u>
<u>Rhododendron canescens</u>	<u>Sweet Azalea</u>
<u>Rhododendron maximum</u>	<u>Rosebay Rhododendron</u>
<u>Rhododendron periclymenoides</u>	<u>Pinxter Azalea</u>
<u>Rhododendron prinophyllum</u>	<u>Early Azalea</u>
<u>Rhododendron viscosum</u>	<u>Swamp Azalea</u>
<u>Rhus aromatica</u>	<u>Fragrant Sumac</u>
<i>Rhus copallina</i>	Winged/Flameleaf Sumac
<u>Rhus glabra</u>	<u>Smooth Sumac</u>
<i>Rhus typhina</i>	Staghorn Sumac
<i>Robinia pseudoacacia</i>	Black Locust
<u>Rosa carolina</u>	<u>Pasture Rose</u>
<u>Rosa palustris</u>	<u>Swamp Rose</u>
<u>Rosa virginiana</u>	<u>Virginia Rose</u>
<u>Rubus alleghaniensis</u>	<u>Allegheny Blackberry</u>
<u>Rubus occidentalis</u>	<u>Black Raspberry</u>
<u>Rubus odoratus</u>	<u>Flowering Raspberry</u>
<u>Salix humilis</u>	<u>Prairie Willow</u>
<i>Salix nigra</i>	Black Willow
<u>Sambucus canadensis</u>	<u>Elderberry</u>
<i>Sassafras albidum</i>	Sassafras
<u>Spiraea latifolia</u>	<u>Meadowsweet</u>
<u>Spiraea tomentosa</u>	<u>Steeplebush</u>
<u>Symphoricarpos orbiculatus</u>	<u>Coralberry</u>
<i>Taxodium distichum</i>	Baldcypress

Botanical Name	Common Name
<i>Thuja occidentalis</i>	Northern White Cedar
<i>Tsuga canadensis</i>	Eastern Hemlock
<i>Ulmus americana</i>	American Elm
<i>Ulmus rubra</i>	Slippery Elm
<u>Vaccinium angustifolium</u>	<u>Lowbush Blueberry</u>
<u>Vaccinium corymbosum</u>	<u>Highbush Blueberry</u>
<u>Vaccinium macrocarpon</u>	<u>American Cranberry</u>
<u>Viburnum acerifolium</u>	<u>Maple Leaf Viburnum</u>
<u>Viburnum cassinoides</u>	<u>Wild Raisin</u>
<u>Viburnum dentatum</u>	<u>Arrowwood Viburnum</u>
<u>Viburnum lentago</u>	<u>Nannyberry Viburnum</u>
<u>Viburnum nudum</u>	<u>Possumhaw Viburnum</u>
<u>Viburnum prunifolium</u>	<u>Blackhaw Viburnum</u>
<u>Viburnum trilobum</u>	<u>Cranberry Viburnum</u>
<u>Xanthoxia simplicissima</u>	<u>Yellowroot</u>

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH

ADDRESS: 426 KATHERINE AVENUE OWNER NAME: CARVILLE H. AND ROBERT MICHAEL LAUENSTEIN, ET AL

SUBDIVISION NAME: CAPE MAY LOT #: 14 BLOCK #: NA SECTION #: NA

PLAT BOOK #: 6 FOLIO #: 177 10 DIGIT TAX #: 15-06570844 DEED REF.: 28342/242

For 1/2

2 trees to be removed (12' and 10')
> 5' min. in trunk

in time for required

Plot coverage over 25% but within 50% allowed = 60%

mitigate by planting 5' radii or

deciduous trees on site by 1/2

Occupancy by 1/2

\$1.50/ft² = \$823.50

8' Buffer = 165' - 1654'

13' Buffer = 130' - 1304'

13' Buffer = 130' - 1304'

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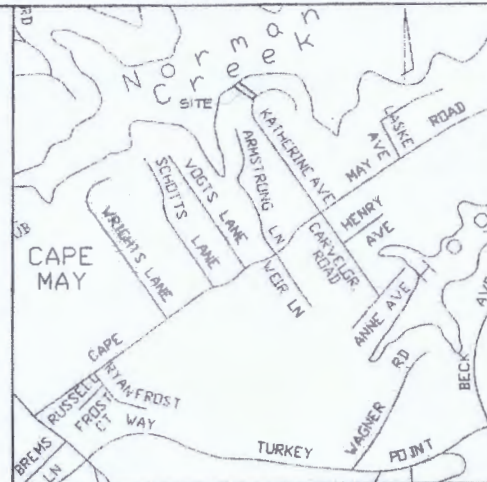
13' Buffer = 130' - 1304'

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13' Buffer = 130' - 1304'

13' Buffer = 130' - 1304'

13' Buffer = 130' - 1304'



VICINITY MAP
SCALE: 1" = 1000'

yellow = lot coverage in buffer
red = previous structure in buffer

ZONING MAP # 0096
SITE ZONED DR 33
ELECTION DISTRICT 15TH
COUNCIL DISTRICT 6
CENSUS TRACT 450400
WATERSHED MIDDLE RIVER
LOT AREA ACREAGE 0.289 AC.
OR SQUARE FEET 10,419 SF.
HISTORIC? NO
IN CBGA? YES
IN FLOOD PLAIN? YES
GIS MAP # 098A2

UTILITIES? MARK WITH X
WATER IS:
PUBLIC ☒ PRIVATE ☐
SEWER IS:
PUBLIC ☒ PRIVATE ☐

TAX MAP 98 BLOCK 7 PARCEL 105
PROPERTY USE: EXISTING USE: VACANT RESIDENTIAL LOT
PROPOSED USE: SINGLE FAMILY RESIDENTIAL LOT

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

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

VIOLATION CASE INFO.

NORMAN CREEK

N40°55'52"E 11.88'
N53°02'01"E 10.01'
N55°46'15"E 2.70'

LOT 4

LOT 5
LANDS OF
CARVILLE H.
ROBERT MICHAEL LAUENSTEIN
ET AL
(28342/242)
(P.B. 6/177)
TAX ACCOUNT #1506570845

LOT 3
LANDS OF
PATRICK M. AND
JESSICA M. MAHER
(34225/1)
(P.B. 6/177)
TAX ACCOUNT #1506570843

KATHERINE AVENUE

REVISED:

PLAN DRAWN BY: N. STIFLER (WILSON DEEGAN AND ASSOCIATES)

DATE: 4/10/2014

SCALE: 1 INCH = 30 FEET



KEVIN KAMENETZ
County Executive

EDWARD C. ADAMS, JR. *Director*
Department of Public Works

May 28, 2014

Carville H. & Robert M. Lauenstein
426 Katherine Avenue
Baltimore, MD 21221-3538

Subject: 426 Katherine Avenue
Tax Account No. 15-06-570844
Floodplain Determination

Dear Mr. Lauenstein:

Our office is the repository of FIRM Maps and this information is being provided from our records.

Pursuant to an inquiry regarding the above-referenced property, this office has found that the property known as 426 Katherine Avenue is located within a flood hazard area as shown on Flood Insurance Rate Map No. 445G, Community Panel No. 240010-0445G, dated May 5, 2014. The property, as shown on this map, is located in Zone AE (1% Annual Chance Flood Hazard) and Zone X un-shaded (Areas determined to be outside the 0.2% annual chance floodplain).

Attached is a portion of the FIRM¹ showing the vicinity of the dwelling. Our office has prepared a GIS² map showing the subject property and surrounding vicinity. The limit of the 100-year floodplain (Zone AE, Elevation 7.0, on the seaward side of the green line) is on the property but does not contact the dwelling. This means that the dwelling, based on the FIRM, is not in the floodplain and a mortgage company, if any, should not ask the owner to buy flood insurance coverage. This office does recommend the purchase of flood insurance for the protection of the homeowner.

You may need to hire a Licensed Land Surveyor to complete a FEMA Elevation Certificate for this property. This will determine for certain whether the dwelling is in the AE Zone (floodplain) or not by comparing the elevation of the lowest adjacent grade to the base flood elevation. If it is, you will need the elevation certificate to apply for flood insurance. If the elevation certificate shows that the house is not in the floodplain you should submit a LOMA³ request using this letter and the attached material. An approved LOMA should clarify the status of the dwelling as

¹ Flood Insurance Rate Map

² Baltimore County's Geographic Information System

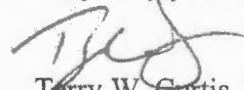
³ Residential Letter of Map Amendment, FEMA application form, attached.

inside or outside of the 100-year floodplain for insurance and mortgage purposes. If the dwelling is outside, you could then buy flood insurance at a much lower rate.

This determination is based on the best information made available to Baltimore County. This letter does not imply that the referenced property will or will not be free from flooding or damage. A property not in a flood zone may be damaged by a flood greater than that predicted on the FIRM or from a local drainage problem not shown on the map. This letter and its attachments do not create liability on the part of the County, or any officer or employee thereof, for any damage that results from reliance on this determination.

If you have any questions or need further information, please feel free to contact me anytime at (410) 887-3117.

Very truly yours,



Terry W. Curtis, Jr.
Engineer III

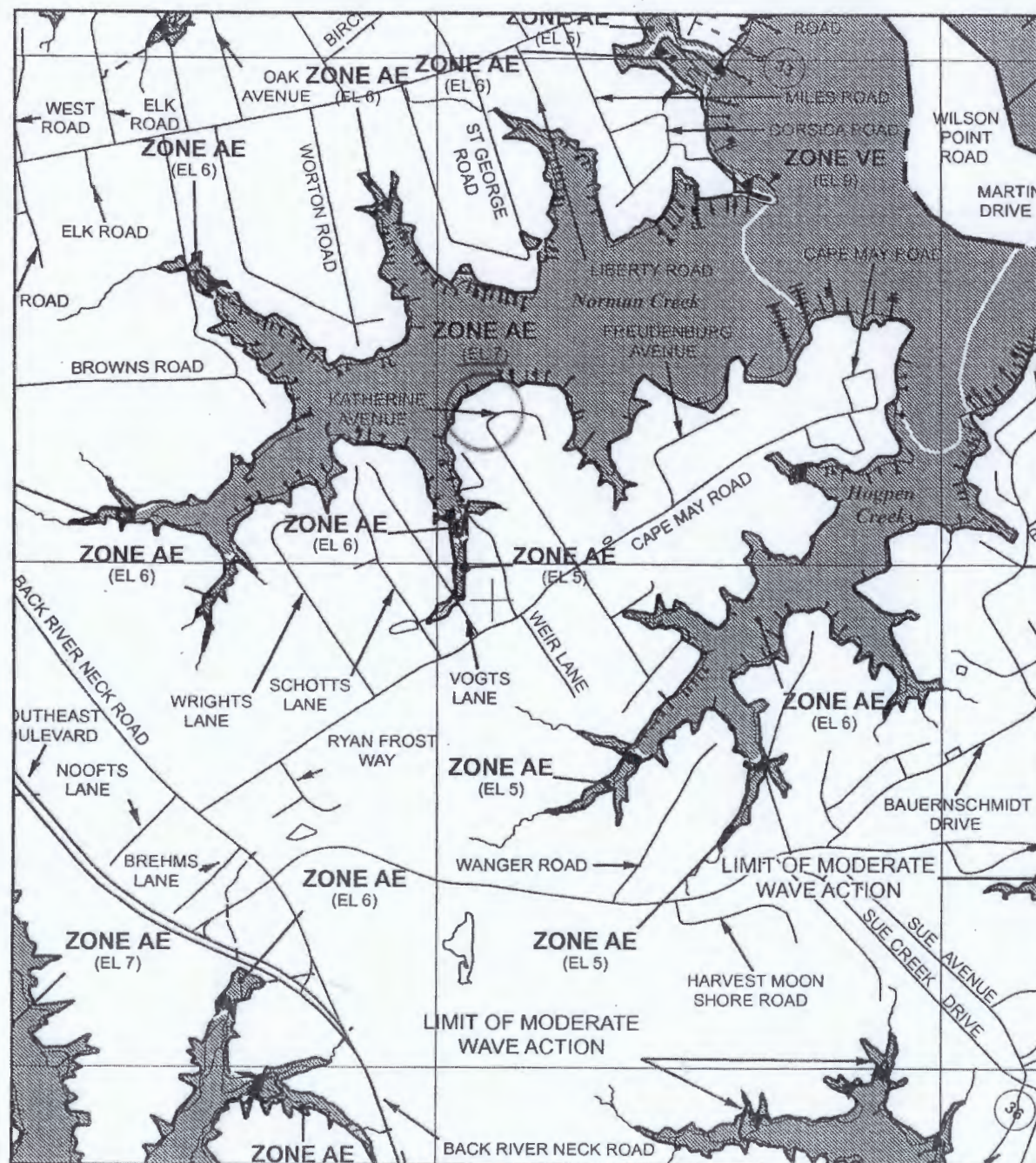
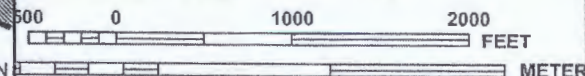
Attachments: Portion of FIRM map; GIS plot, LOMA application form.

TWC/twc

National Flood Insurance Program at 1-800-638-6620.



MAP SCALE 1" = 1000'



NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0445G

FIRM

FLOOD INSURANCE RATE MAP

BALTIMORE COUNTY,
MARYLAND
(UNINCORPORATED AREAS)

PANEL 445 OF 580

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS

COMMUNITY	NUMBER	PANEL	SUFFIX
BALTIMORE COUNTY	240010	0445	G

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER
2400100445G

MAP REVISED
MAY 5, 2014

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

Flood Plain Determination for 426 Katherine Avenue



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

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

Date of Aerial Photography: March 2008

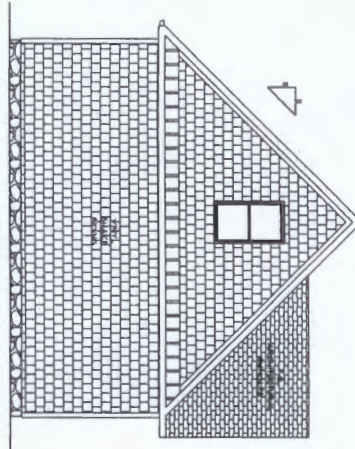
For internal use only.
The cadastral information on this plot was compiled from existing deed information.
This information is not to be considered authoritative.
This survey information was not field checked and certified by a licensed land surveyor.


Baltimore County, MD
Department of Public Works
GIS Services
Date of Map Production: 5/27/14

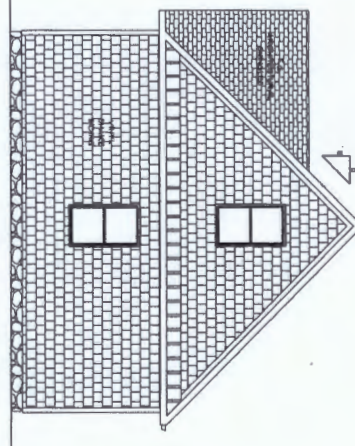
Note:
Floodplain Elevation data shown from FEMA Flood Insurance Rate Map 2400100445G, dated May 5, 2014, is based on the Maryland Coordinate System, NAVD88. Add 1.7 feet vertically to NAVD88 elevation to approximate BCD elevation.

0 12.5 25 50 75 100 Feet
1 inch = 50 feet

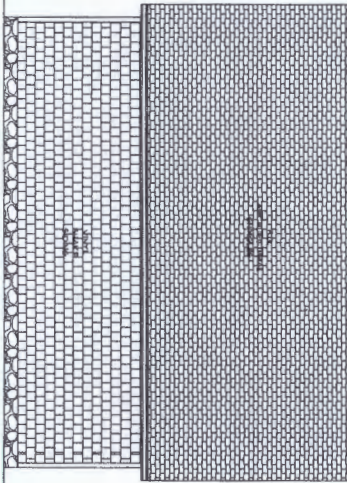

Prepared By:
Terry Curtis, Jr.
DPW Directors Office



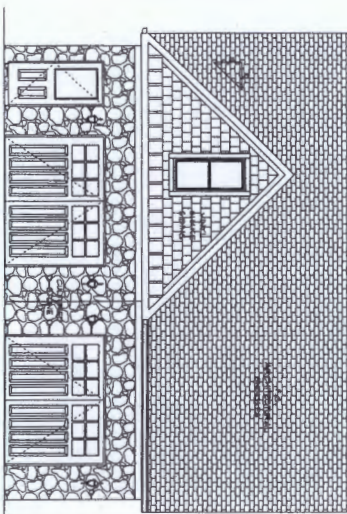
LEFT ELEVATION - 1/4" = 1'-0"



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



REAR ELEVATION - 1/4" = 1'-0"



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

PROPOSED:	PRELIMINARY
NOT FOR CONSTRUCTION	PLANS
DRAWING* 14-11	
DATE	APRIL 02, 2014
DRAWN BY	DNC
CHECKED BY	A-19
ELEVATIONS	

PROPOSED:
SCHMITTINGER RESIDENCE
 426 KATHERINE AVENUE
 ESSEX, MARYLAND 21221



DAVID M. CROSS, A.I.B.D.
 PROFESSIONAL BUILDING DESIGNER
 1937-B GLEN COVE ROAD
 DARLINGTON, MARYLAND 21034

Item #0287

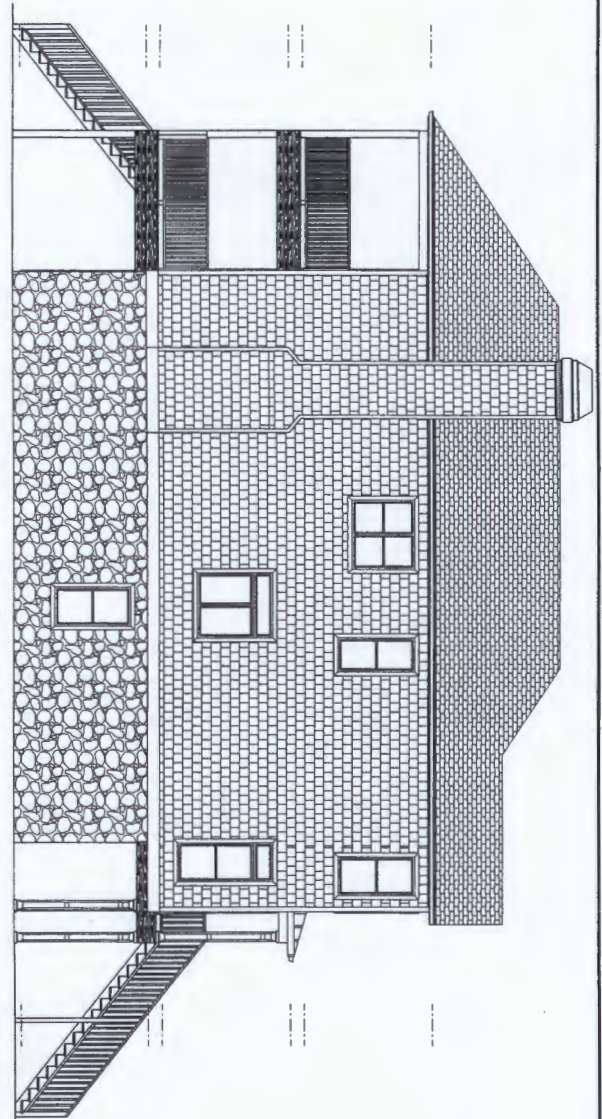
This architectural drawing shows a three-story building facade with a gabled roof. The exterior is finished with stone masonry. The facade features several windows: a large four-pane window on the second floor, a smaller four-pane window on the third floor, and a single-pane window on the first floor. A central entrance door is located on the ground floor, flanked by a small porch area. The roof is gabled, and a chimney is visible on the right side. The drawing is a black and white line art illustration.

SCHMITTINGER RESIDENCE
426 KATHERINE AVENUE
ESSEX, MARYLAND 21221

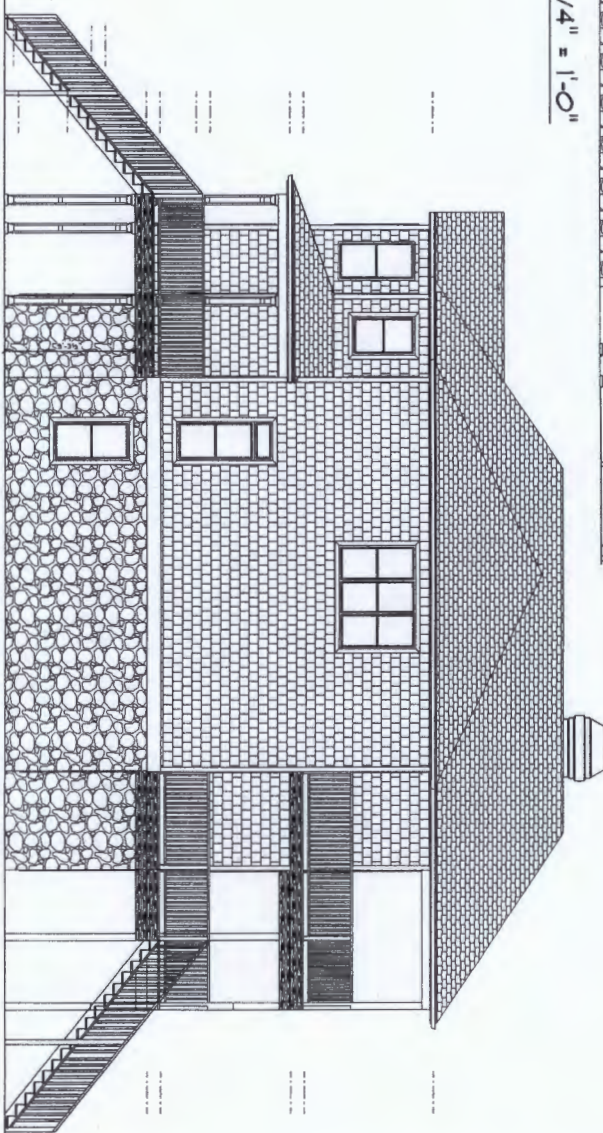


DAVID M. CROSS, A.I.B.D.
PROFESSIONAL BUILDING DESIGNER
1937-B GLEN COVE ROAD
DARLINGTON, MARYLAND 21034

PROGRESS PRELIMINARY PLANS -NOT FOR CONSTRUCTION	DRAWINGS* 14-11	DATE April 01, 2014	DRAWN BY DHC	SHEET A-1	SHEET TOTAL ELEVATIONS
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LEFT SIDE ELEVATION - 1/4" = 1'-0"



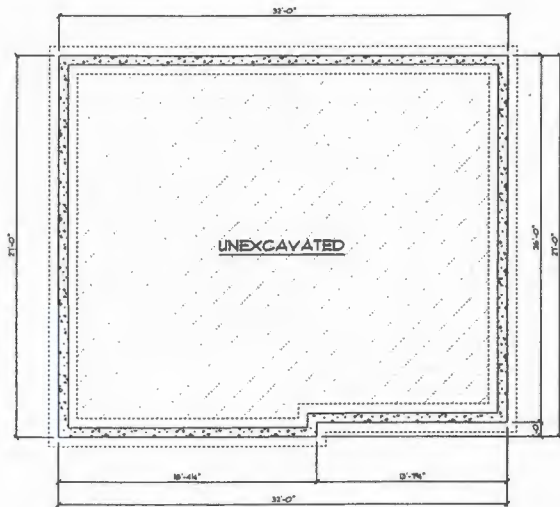
RIGHT SIDE ELEVATION - 1/4" = 1'-0"

PROGRESS	DATE
PRELIMINARY	APRIL 01, 2014
NOT FOR CONSTRUCTION	BY
DRAWING	DWC
ELEVATIONS	A-1-A

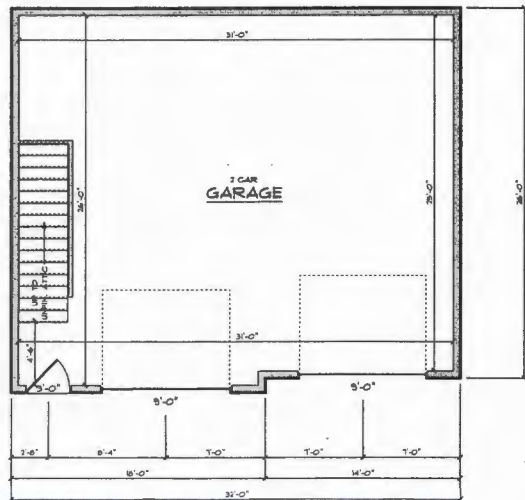
PROPOSED:
SCHMITTINGER RESIDENCE
 426 KATHERINE AVENUE
 ESSEX, MARYLAND 21221



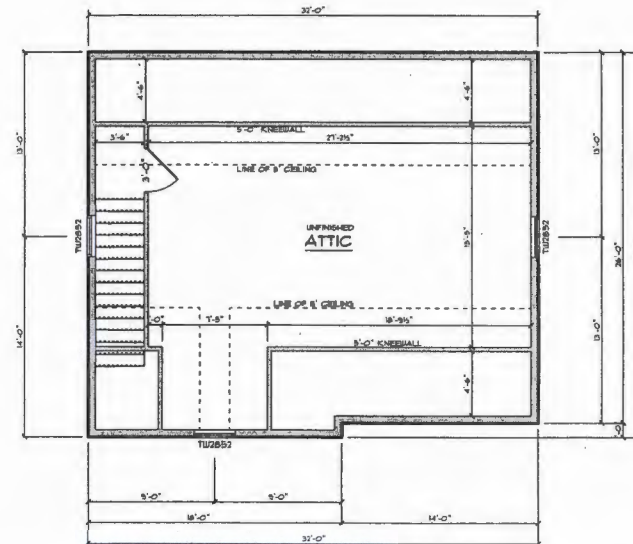
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 PROFESSIONAL BUILDING DESIGNER
 1937-B GLEN COVE ROAD
 DARLINGTON, MARYLAND 21034



FOUNDATION PLAN - 1/4" = 1'-0"



GARAGE 1ST FLOOR PLAN - 1/4" = 1'-0"



GARAGE 2ND FLOOR PLAN - 1/4" = 1'-0"

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1931-B GLEN COVE ROAD
DARLINGTON, MARYLAND 21034



PROPOSED:
SCHMITTINGER RESIDENCE
426 KATHERINE AVENUE
ESSEX, MARYLAND 21221

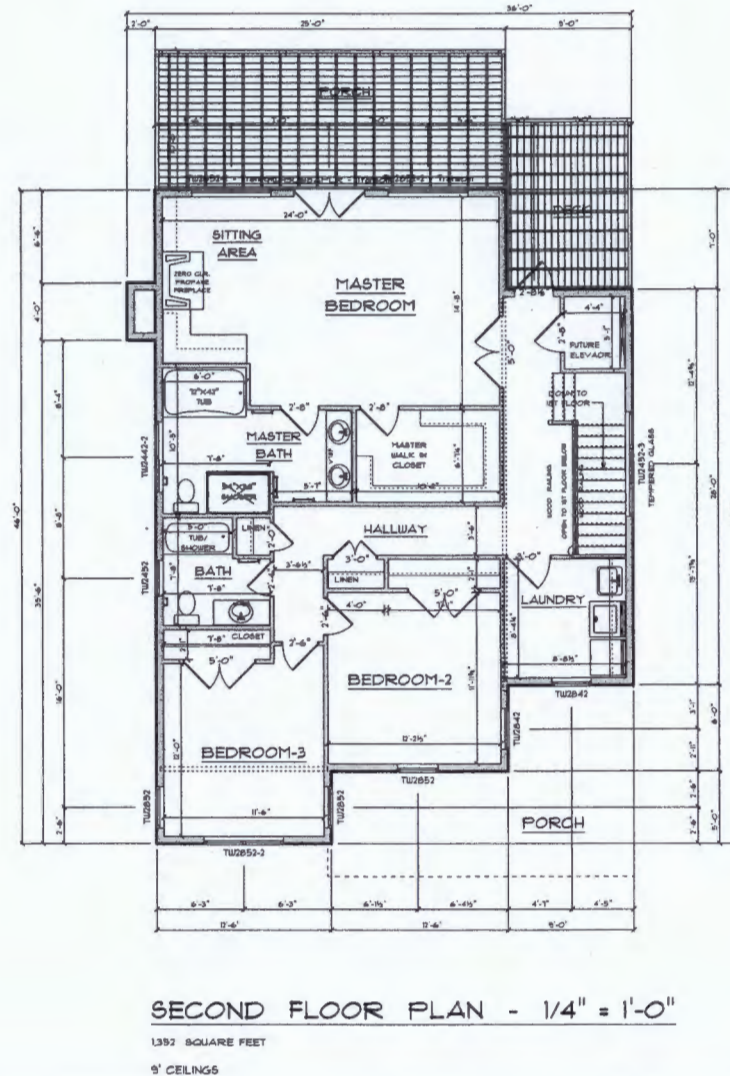
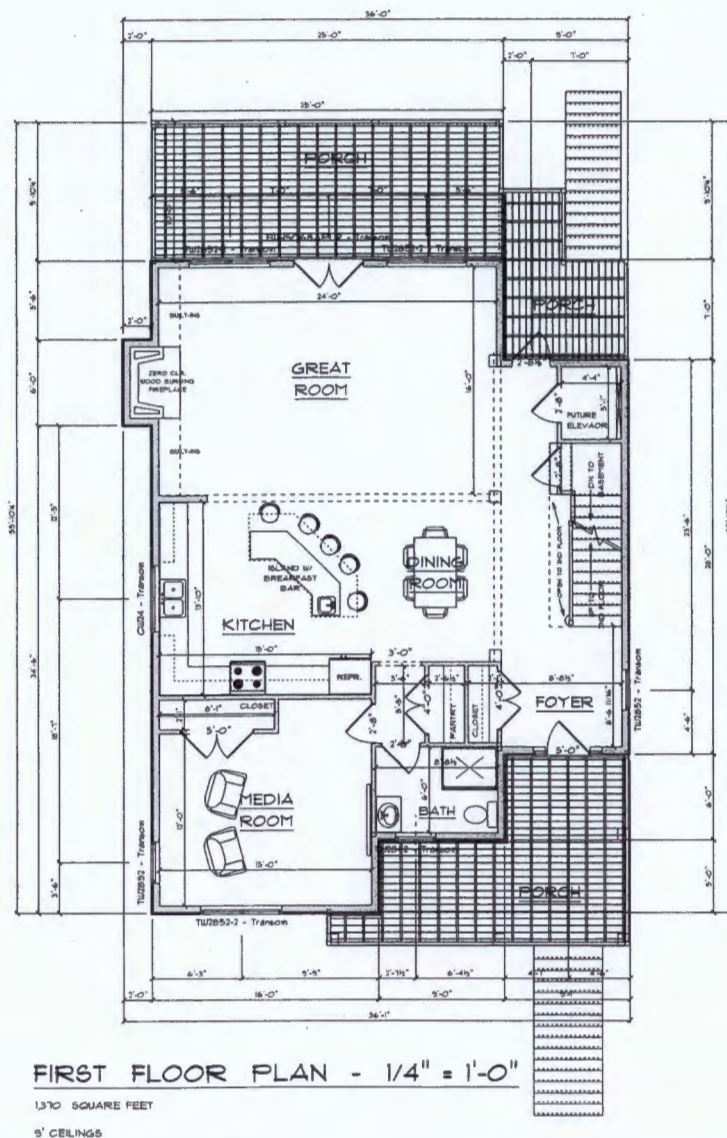
PROGRESS
PRELIMINARY
PLANS
NOT FOR CONSTRUCTION

DRAWING# 14-11

DATE
April 02, 2014

DRAWN BY
DHC
A-2g

SHEET TITLE
FLOOR PLANS



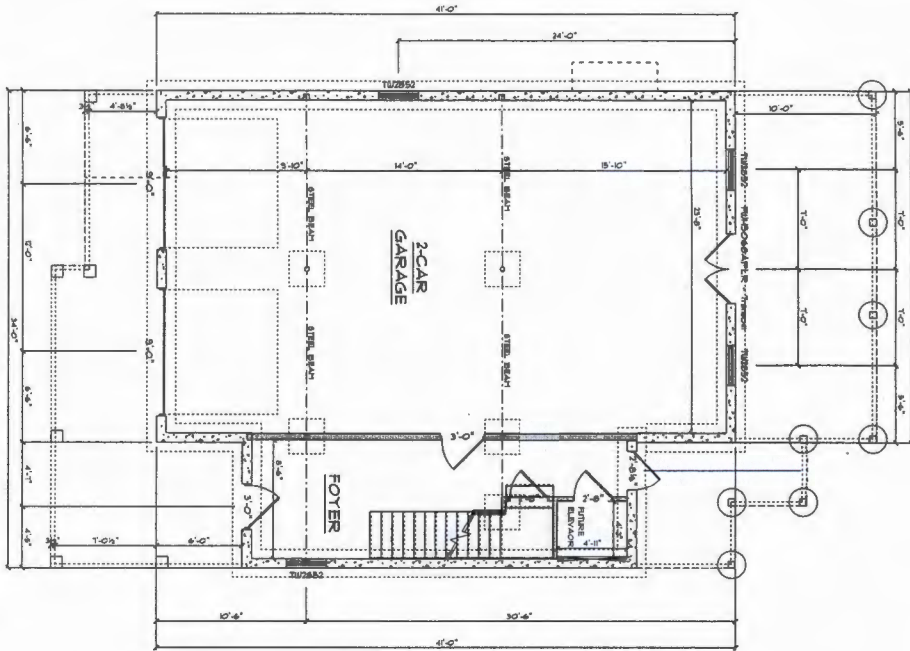
DAVID M. CROSS, A.I.B.D.
PROFESSIONAL BUILDING DESIGNER
1931-B GLEN COVE ROAD
DARLINGTON, MARYLAND 21034



PROPOSED:
SCHMITTINGER RESIDENCE
426 KATHERINE AVENUE
ESSEX, MARYLAND 21221

PROGRESS	TU2855-3
PRELIMINARY PLANS	TU2855-3
NOT FOR CONSTRUCTION	TU2855-3
DRAWING #	14-11
DATE	March 31, 2014
DRAWN BY	DHC
CHECKED BY	A-2
SHEET TITLE	FLOOR PLANS

FOUNDATION / GARAGE PLAN - 1/4" = 1'-0"



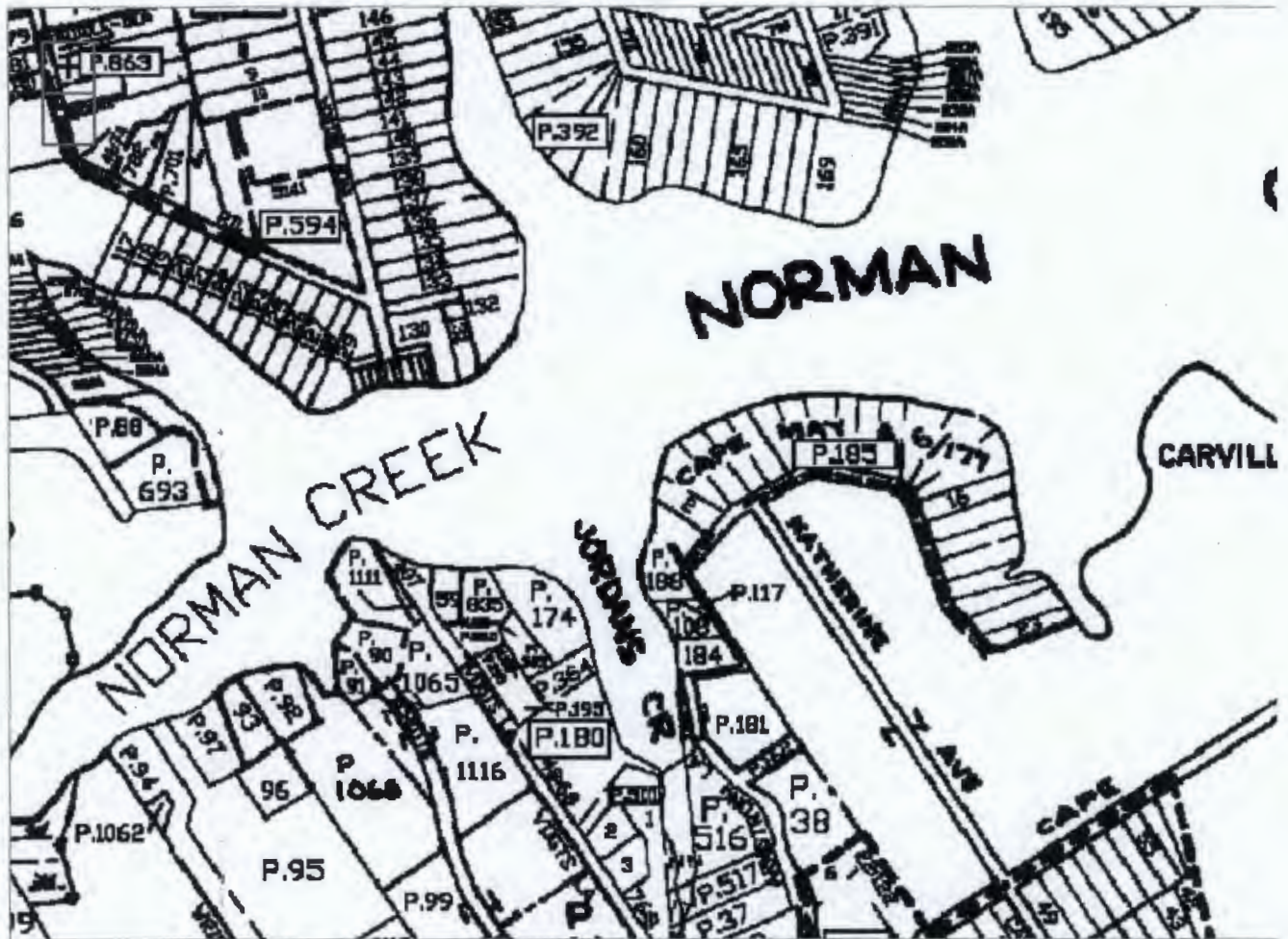
PROPOSED:	DATE	THRESHOLD	FOUNDATION
SCHMITTINGER RESIDENCE	1/23/24	1/23/24	1/23/24
426 KATHERINE AVENUE	BY	BY	BY
ESSEX, MARYLAND 21221	DVC	DVC	DVC
	A-3	A-3	A-3

PROPOSED:
SCHMITTINGER RESIDENCE
 426 KATHERINE AVENUE
 ESSEX, MARYLAND 21221



DAVID M. CROSS, A.I.B.D.
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 DARLINGTON, MARYLAND 21034

Baltimore County

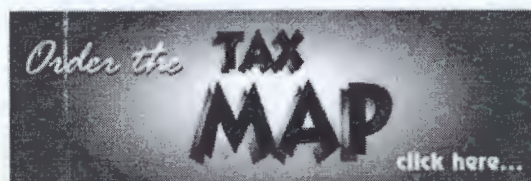
New Search (<http://sdat.resiusa.org/RealProperty/>)District: **15** Account Number: **1506570844**

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.

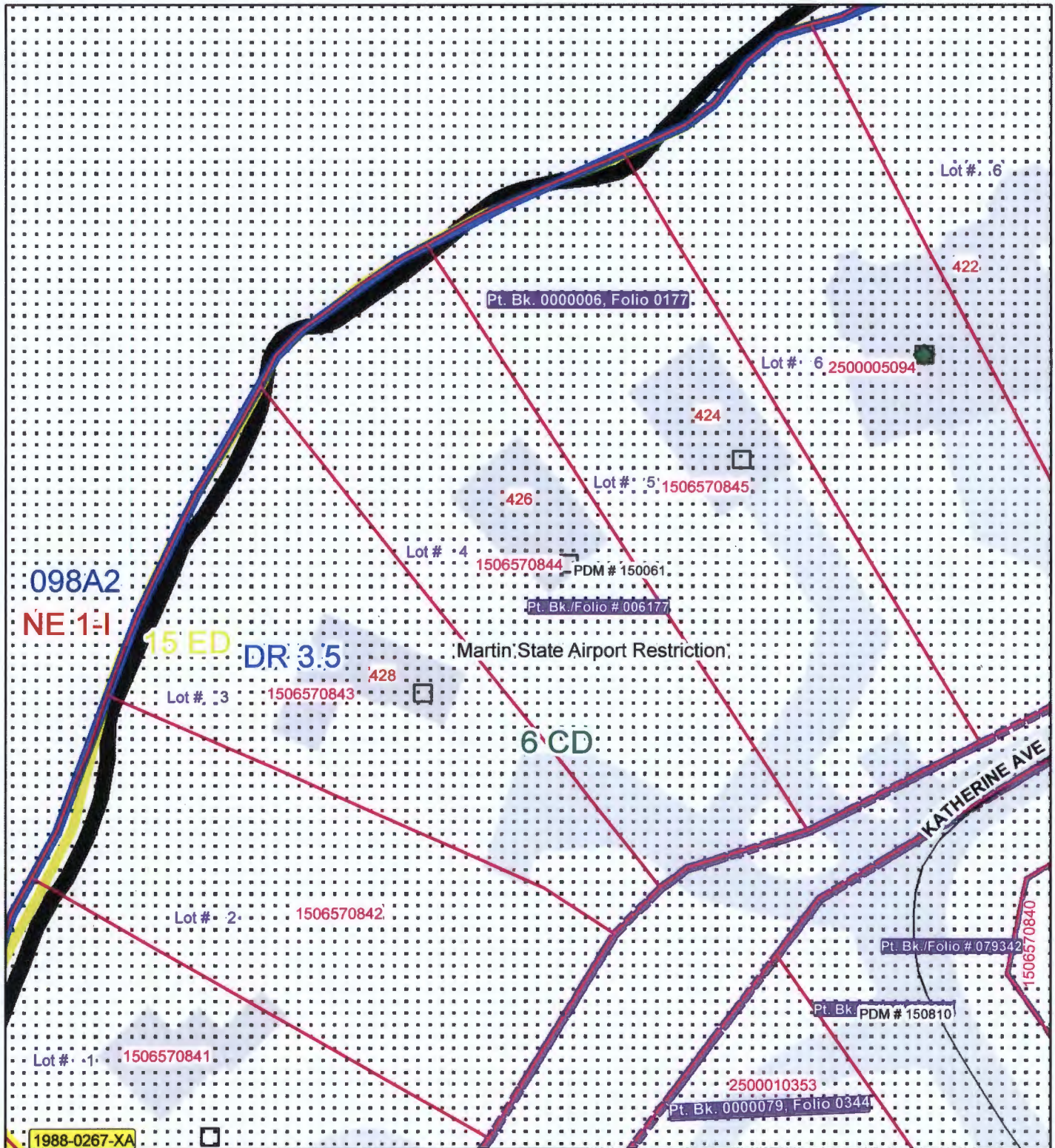
For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://msweb05.mdp.state.md.us/website/mosp/>)

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

426 Katherine Avenue



Publication Date: 6/26/2014



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

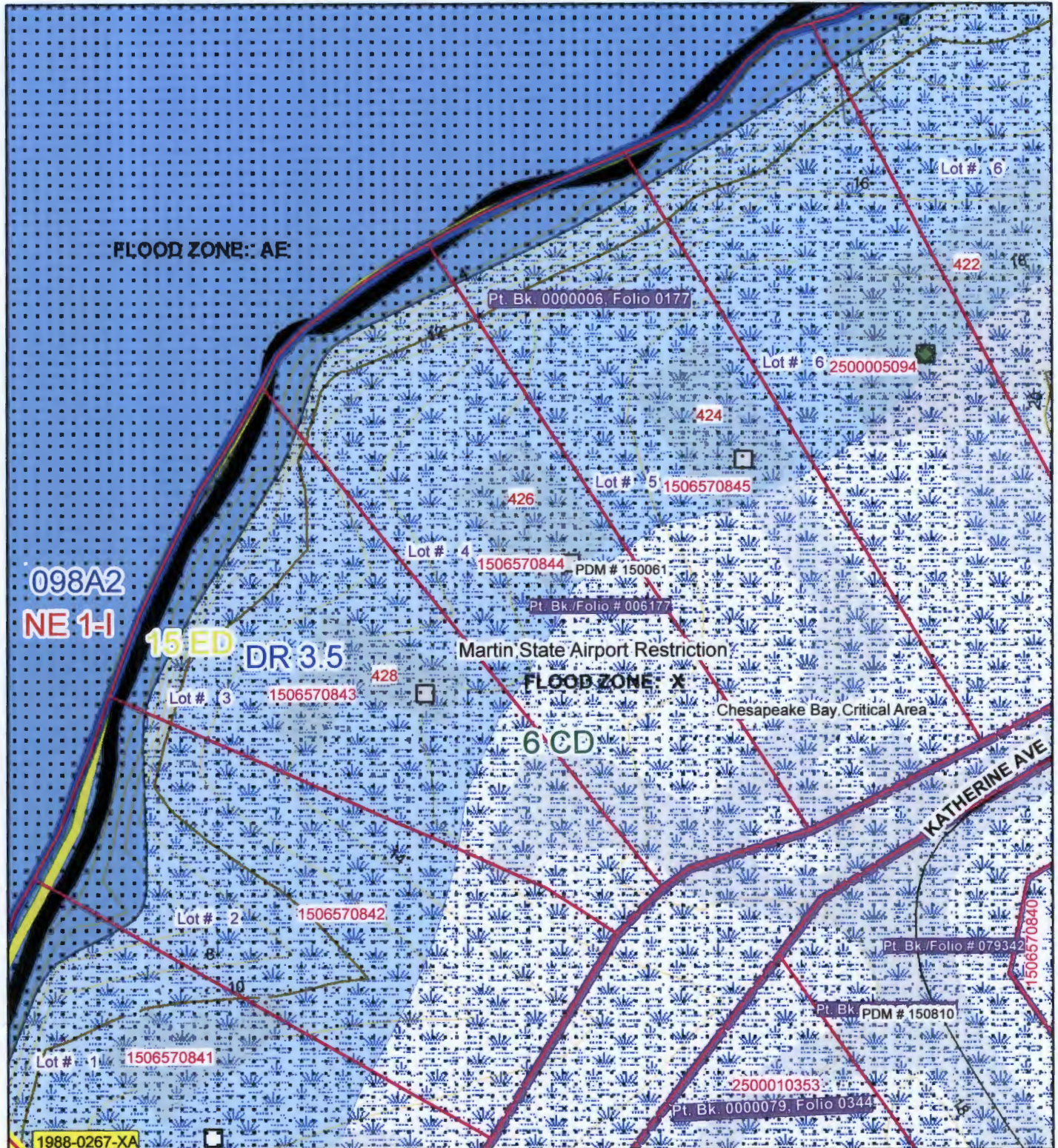


0 10 20 40 60 80 Feet

1 inch = 40 feet

Item #0287

Elevations and Flood Hazards



Publication Date: 6/26/2014



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

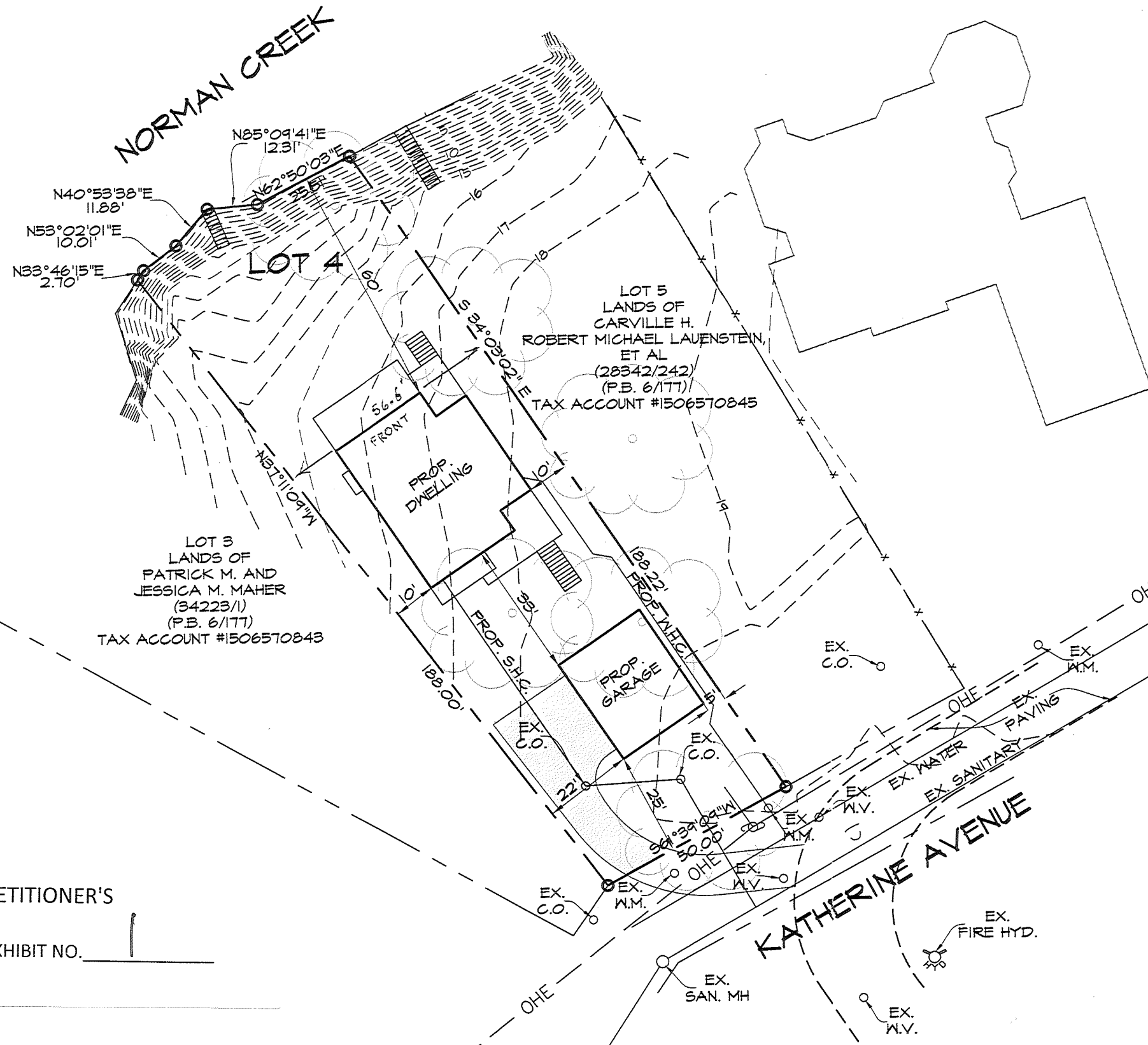


0 10 20 40 60 80 Feet

1 inch = 40 feet

Item # 0287

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING___ (MARK TYPE REQUESTED WITH
ADDRESS: 426 KATHERINE AVENUE OWNER NAME: CARVILLE H. AND ROBERT MICHAEL LAUENSTEIN, ET AL
SUBDIVISION NAME: CAPE MAY LOT #: 14 BLOCK #: NA SECTION #: NA
PLAT BOOK #: 6 FOLIO #: 177 10 DIGIT TAX #: 15-06570844 DEED REF.: 28342/242



PETITIONER'S

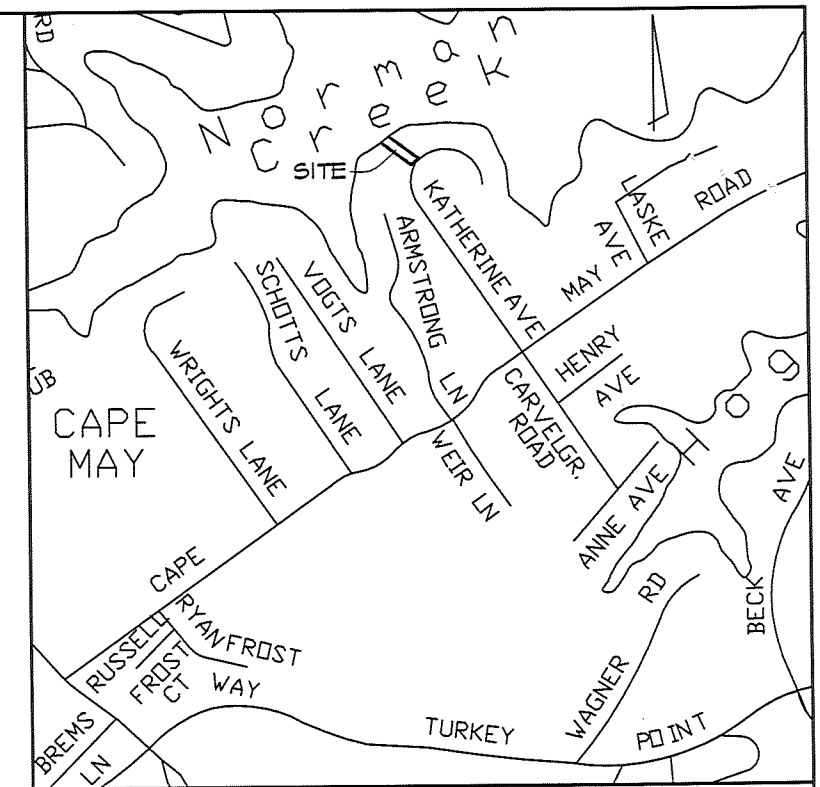
EXHIBIT NO. 1

REVISED:

PLAN DRAWN BY: W. STIFLER (WILSON DEEGAN AND ASSOCIATES)

DATE: 4/10/2014

SCALE: 1 INCH = 30 FEET



VICINITY MAP
SCALE: 1" = 1000'

ZONING MAP # 0098 A2
SITE ZONED DR 3.5
ELECTION DISTRICT 15TH
COUNCIL DISTRICT 6
CENSUS TRACT 450900
WATERSHED MIDDLE RIVER
LOT AREA ACREAGE 0.239 AC.
OR SQUARE FEET 10,419 S.F.
HISTORIC ? NO
IN CBCA ? YES
IN FLOOD PLAIN ? YES
GIS MAP # 098A2
UTILITIES ? MARK WITH X

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

TAX MAP 98 BLOCK 7 PARCEL 185

PROPERTY USE: EXISTING USE: VACANT RESIDENTIAL LOT
PROPOSED USE: SINGLE FAMILY RESIDENTIAL LOT

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

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

VIOLATION CASE INFO:

#2014-0287-A

RJD