

KEVIN KAMENETZ
County Executive



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

September 11, 2014

David Billingsley
Central Drafting & Design, Inc.
601 Charwood Court
Edgewood, MD 21040

RE: Petition for Variance
Property: 2110 Rosalie Avenue
Case No. 2015-0018-A

Dear Mr. Billingsley:

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", followed by a long horizontal flourish.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

C: John Bronushas, 2104 Rosalie Avenue, Baltimore, MD 21221
Steve Weber, 2114 Rosalie Avenue, Baltimore, MD 21221
Paul January and Alison Collins, 2111 Rosalie Avenue, Baltimore, MD 21221
Fred & Cheryl Kuhrmann, 2109 Rosalie Avenue, Baltimore, MD 21221
Betty Spealman, 304 Greyhound Road
Ed & Dot Sonberg, 2118 Rosalie Avenue, Baltimore, MD 21221
Philip Misey, 2401 Beach Avenue, Baltimore, MD 21221
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468
www.baltimorecountymd.gov

IN RE: PETITION FOR VARIANCE
(2110 Rosalie Avenue)
15th Election District
6th Council District
Mary Gast
Petitioner

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2015-0018-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of the legal owner of the subject property. The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §§ 1B02.3.C.1 and 301.1.A to permit a dwelling with a rear yard setback of 18 feet and an open deck with a setback of 10 feet in lieu of the required 30 feet and 22.5 feet, 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 request was Mary Gast. David Billingsley, whose firm prepared the site plan, appeared on behalf of the Petitioner. Several neighbors attended the hearing and opposed the requests, and the file also contains several letters of opposition from the community. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR) concerning the flood protection elevation and from the Department of Environmental Protection and Sustainability (DEPS), which noted Petitioner would need a critical area variance.

The subject property is approximately 0.48 acres and is zoned DR 3.5. The property is

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Date 9/12/14

By Sen

unimproved, and the Petitioner proposes to construct a single family dwelling on the site, which would require variance relief.

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 not met this test. The reality in Baltimore County is that variance relief can be easily obtained or nearly impossible to obtain, depending on the circumstances. The great majority of the variances granted concern mundane matters, like the setback required for a backyard deck. In most cases, such requests are unopposed and are routinely granted. In fact, the Baltimore County Code contains an administrative procedure whereby an owner can obtain variance relief without a public hearing. Baltimore County Code (B.C.C.) §32-3-303. In either of these scenarios, the petitioner is granted relief without a searching or rigorous analysis of zoning law.

But when, as here, a variance request is opposed, the practice has been to require the petitioner to demonstrate the uniqueness of the property and that she would experience a practical difficulty if the regulations were strictly interpreted. This is a burden that few litigants can satisfy. Maryland courts hold that "variances are rarely appropriate," and the Cromwell court noted that since 1927 only five reported cases have affirmed the grant (or reversed the initial denial) of a petition for variance. Cromwell v. Ward, 102 Md. App. 691, 711 (1995).

Here, the site plan shows the property is nearly square, and thus I do not believe that aspect is unique. There are no significant topographical changes throughout the site, and that also cannot serve as a unique characteristic. The majority of the lot would be subject to a critical

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Date

9/12/14

By

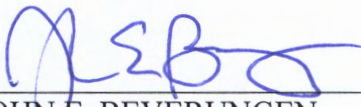
Sen

area easement, and the Petitioner is left with just a small building envelope for the dwelling. In these circumstances, I believe the house would need to be shoe-horned onto the lot, and the grant of relief would be detrimental to the welfare of the community.

THEREFORE, IT IS ORDERED, this 12th day of September, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") §§ 1B02.3.C.1 and 301.1.A to permit a dwelling with a rear yard setback of 18 feet and an open deck with a setback of 10 feet in lieu of the required 30 feet and 22.5 feet, respectively, be and is hereby DENIED.

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

9/12/14

By

sln



CBCA

Floor

PETITION FOR ZONING HEARING(S)

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 2110 ROSALIE AVENUE which is presently zoned DR 3.5Deed References: L.28342 F.227 10 Digit Tax Account # 1502851006Property Owner(s) Printed Name(s) ANNA M. MUELLER, TRUSTEE FOR THE MUELLER ESTATE(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 approve2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for3. ☒ a **Variance** from Section(s)

SEE ATTACHED

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

TO BE PRESENTED AT HEARING

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

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):

MARY GAST POA FOR ANNA M. MUELLER

Name #1 - Type or Print

Signature #1

Signature #2

2912 CHARLES ST. FALLSTON, MD

Mailing Address City State

21047 (410) 335-4200 meccygast@gmail.com

Zip Code Telephone # Email Address

Representative to be contacted:

DAVID BILLINGSLEY

Name - Type or Print

Signature

601 CHARWOOD CT. EDGEWOOD, MD.

Mailing Address City State

21040 (410) 679-8719 dwb0209@yahoo.com

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING

CASE NUMBER 2015-0018-A Filing Date 7/22/14Do Not Schedule Dates: 9/12/14 Reviewer BKDate 9/12/14 REV. 10/4/11By Sen

Section 1B02.3.C.1 and 301.1.A (BCZR) to permit a dwelling with a rear yard setback of 18 feet and an open deck with a setback of 10 feet in lieu of the required 30 feet and 22.5 feet respectfully.

ZONING DESCRIPTION

2110 ROSALIE AVENUE

Beginning at a point on the north side of Rosalie Avenue (40 feet wide) distant 317 feet easterly from its intersection with the center of Greyhound Road, thence being all of Lots 101, 102 and 103 and the easternmost 10 feet of Lot 104 as shown on the plat entitled Rockaway Beach recorded among the Baltimore County Plat Records in Plat Book 4 Folio 17.

Containing 20,700 square feet or 0.48 acre of land, more or less.

Located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, Maryland

CERTIFICATE OF POSTING

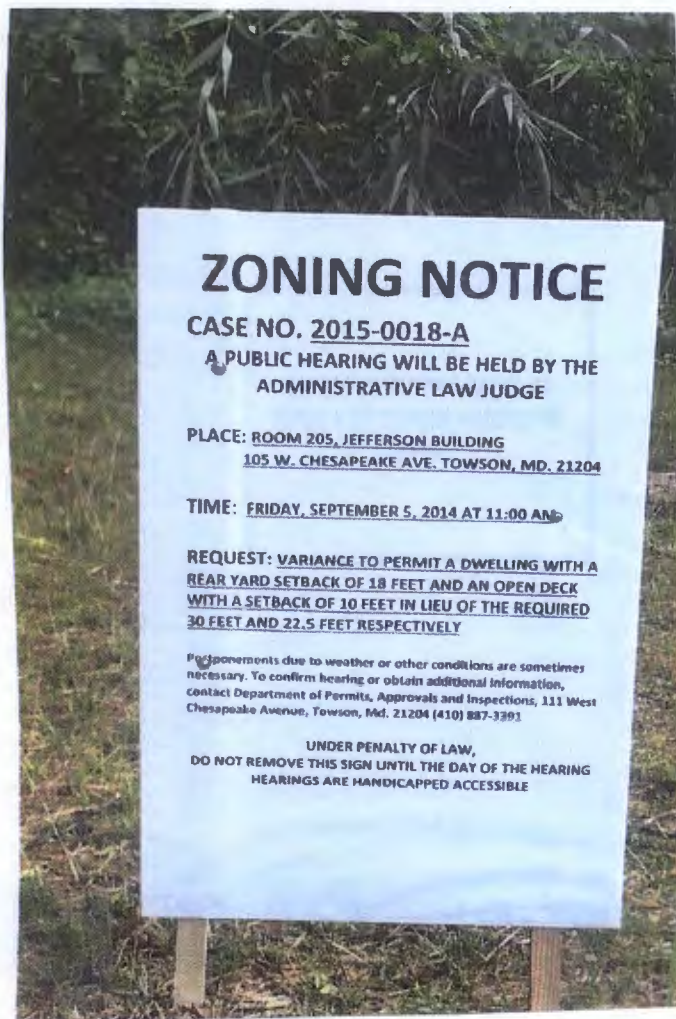
Date: August 13, 2014

RE: Project Name: 2110 Rosalie Avenue
Case Number /PAI Number: 2015-0018-A
Petitioner/Developer: Mary Gast, POA for Anna Mueller
Date of Hearing/Closing: September 5, 2014

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 2110 Rosalie Avenue

The sign(s) were posted on August 13, 2014

(Month, Day, Year)



David W. Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)



KEVIN KAMENETZ
County Executive

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

July 30, 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: 2015-0018-A

2110 Rosalie Avenue

N/s Rosalie Avenue, 317 ft. E/of centerline of Greyhound Road

15th Election District – 6th Councilmanic District

Legal Owners: Mary Gast, POA for Anna Mueller

Variance to permit a dwelling with a rear yard setback of 18 feet and an open deck with a setback of 10 feet in lieu of the required 30 feet and 22.5 feet respectively.

Hearing: Friday, September 5, 2014 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Mary Gast, 2912 Charles Street, Fallston 21047
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 16, 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, August 14, 2014 Issue - Jeffersonian

Please forward billing to:

Mary Gast
2912 Charles Street
Fallston, MD 21047

410-335-4200

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: 2015-0018-A

2110 Rosalie Avenue

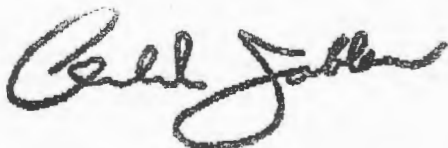
N/s Rosalie Avenue, 317 ft. E/of centerline of Greyhound Road

15th Election District – 6th Councilmanic District

Legal Owners: Mary Gast, POA for Anna Mueller

Variance to permit a dwelling with a rear yard setback of 18 feet and an open deck with a setback of 10 feet in lieu of the required 30 feet and 22.5 feet respectively.

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Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/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 legal owner/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:

Case Number: 2015-0018-A
Property Address: 2110 ROSALIE AVE
Property Description: N/S ROSALIE AVE, 317' E. OF E
GREYHOUND RD.
Legal Owners (Petitioners): MARY GAST P.O.A. FOR ANNA M. MUELLER
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: MARY GAST
Company/Firm (if applicable): _____
Address: 2912 CHARLES ST.
FALLSTON, MD. 21047
Telephone Number: (410) 335-4200

Revised 5/20/2014

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
2110 Rosalie Avenue; N/S Rosalie Avenue, *
317' E of c/line Greyhound Road * OF ADMINISTRATIVE
15th Election & 6th Councilmanic Districts *
Legal Owners: Mary Gast POA for Anna Mueller* HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2015-018-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

AUG 06 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 6th day of August, 2014, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, 601 Charwood Court, Edgewood, Maryland 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMORANDUM

DATE: October 15, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0018-A – Appeal Period Expired

The appeal period for the above-referenced case expired on October 14, 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

From: Arnold Jablon <ajablon@baltimorecountymd.gov>
To: CRichards@baltimorecountymd.gov
Date: 8/14/2014 9:37 AM
Subject: Fwd: Rosalie Avenue Zoning Hearing - Document Request

Sent from my iPad

Begin forwarded message:

> From: "County Council District 6" <council6@baltimorecountymd.gov>
> Date: August 14, 2014 at 8:17:50 AM EDT
> To: "Arnold Jablon" <ajablon@baltimorecountymd.gov>
> Cc: "Kevin McDonough" <kevinmcdonough@comcast.net>
> Subject:
=?utf-8?B?RndkOiBSb3NhbGllIEF2ZW51ZSBab25pbmcgSGVhcmluZyAtIERvY3VtZW50IFJlcXVlc3Q===
?>

> Good morning Arnold,

> The Rockaway Beach Improvement Association contacted Councilwoman Bevins regarding a zoning hearing for a property on Rosalie Avenue scheduled for September 5th.

> The community association would like to see a copy of the plans, and their e-mail request is below.

> Please investigate this request and forward the information to the association at:

> rbiatpia@gmail.com

> Thank you so much,

> Doris

> Doris Franz-Poling

> Legislative Aide

> Sixth District Baltimore County Council

> 400 Washington Avenue, 2nd floor

> Towson, Maryland 21204

> Telephone: 410-887-3388

> Facsimile: 410-887-5791

> District Office Phone: 410-887-5223

> Email:

> dfranz-poling@baltimorecountymd.gov

> >>> "RBIA / TPIA " <rbiatpia@gmail.com> 8/13/2014 5:53 PM >>>

> Good Morning Doris!

> A sign recently went up regarding a zoning hearing for a property on Rosalie Avenue. The Rockaway Beach Improvement Association would like to request a copy of the plans that have been submitted for consideration by the Administrative Law Judge. Before taking a stance, we would like to know what's being proposed and see the "drawing". Could you please help us obtain a PDF copy of the plans and have them e-mailed over to us?

> The case number is: 2015-0018-A

- >
- > The scheduled date of the hearing is September 5th at 11:00am out in Towson.
- >
- > Thanks for your assistance!
- >
- >
- > -The Rockaway Beach Improvement Association.
- >
- >

Kim Goodwin-Malgetter, President 410.598.3666
Bob Schweitzer, Vice President



Chip Miller, Sergeant at Arms
Jaulce Miley, Treasurer
Kevin McDonough, Secretary 443.768.0221

c/o 2023 Newhaven Drive
Baltimore, Maryland 21221

August 28, 2014

Re: Zoning Variance Case #: 2015-0018-A

To Whom It May Concern,

The Rockaway Beach Improvement Association Inc., / Turkey Point Improvement Association represents the collective interests of the residents and property owners of the Turkey Point Peninsula in Baltimore County. On behalf of the community, the association wishes to make known our strong OPPOSITION to the proposed variance referenced in Zoning Case # 2015-0018-A (2110 Rosalie Avenue).

The property in question is predominantly wetlands, is considered Chesapeake Bay Critical Area and sits within the FEMA 100 year flood zone. It has remained undeveloped since the 1920's mainly because of its history of flooding during significant high tides and the majority of storms. The 1920's subdivision plat recorded in Land Records actually shows that roughly $\frac{3}{4}$ of the site is considered wetlands and actually slightly contradicts the proposed site plan as to the delineation of the wetland line.

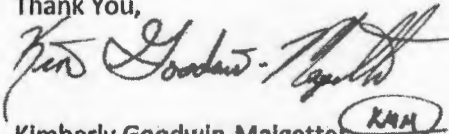
The community vehemently opposes this variance request for numerous reasons:

- a.) The proposed 10ft front yard setback is a violation of Baltimore County Zoning Law. Setbacks for DR 3.5 zoned properties in the front of the dwelling should be 25 feet from the edge of the roadway/ highway right-of-way. The petitioner has exhibited disregard and negligence for the zoning regulations by not requesting this in their request. Further, a 10ft front yard setback would not be in keeping with setbacks of the majority of homes within our community.
- b.) Absolutely no home within the confines of this peninsula has a rear yard setback that is below 30 feet. Great efforts are being made to improve water quality and reduce pollution and run-off into the Middle River Watershed. Strict adherence to this policy for this property would help to ensure that the most is done possible to protect our waterways.
- c.) The 10ft proposed "Beach Access Walkway" would compromise the integrity of the critical area buffers and should not be allowed. That area should be required to be contiguous to protect the environment and ensure maximum protection.

- d.) The granting of this variance would cause a practical hardship on the nearby property owners in the form of reduced property values. Having a home that is sandwiched on such a small lot and that does not adhere to zoning standards would stick out like a sore thumb and would be the "red headed step-child" of the neighborhood.

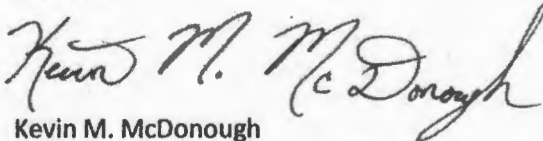
The community at large has grave concern that granting this variance could set a dangerous precedent for lots similar to this, which are shallow and covered with large portions of protected areas. We firmly believe as a community that strict adherence to the Baltimore County zoning Regulations is required in order to protect our property values, our environment and the integrity of our community. **Thus, we would respectfully request that the request for variance in this referenced case be DENIED in its entirety.**

Thank You,



Kimberly Goodwin-Malgette

President



Kevin M. McDonough

Secretary

Kim Goodwin-Maigetter, President 410.598.3666
Bob Schweitzer, Vice President



c/o 2023 Newhaven Drive
Baltimore, Maryland 21221

Chip Miller, Sergeant at Arms
Janice Misesy, Treasurer
Kevin McDonough, Secretary 443.768.0221

August 28, 2014

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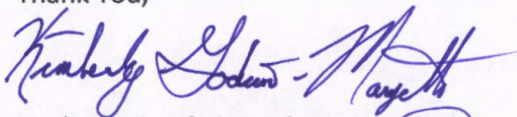
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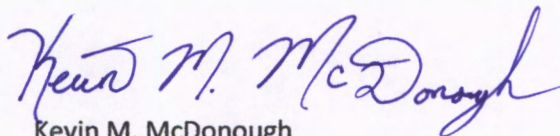
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Thank You,



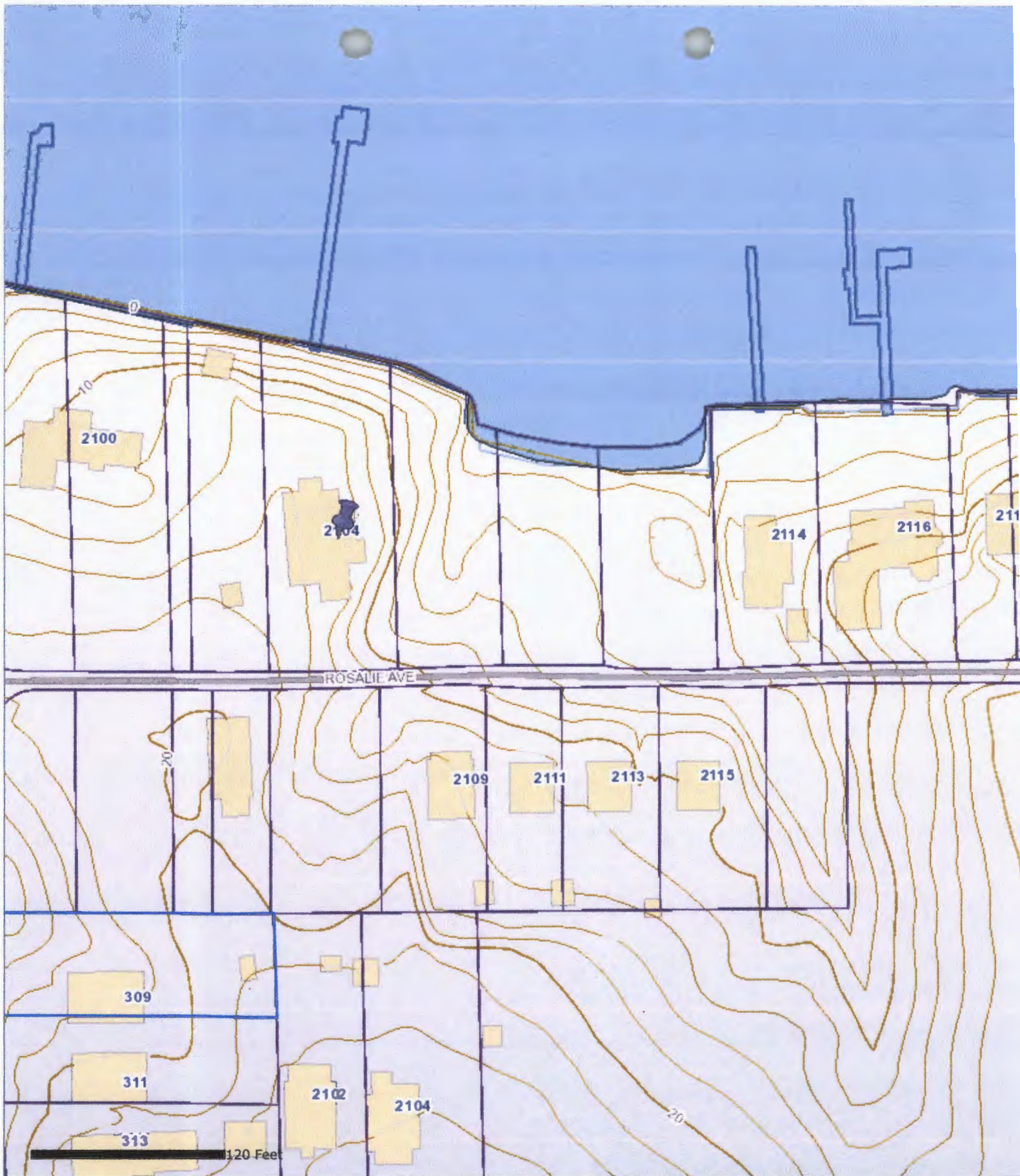
Kimberly Goodwin-Maigetter

President



Kevin M. McDonough

Secretary



Environmental Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

PLEASE PRINT CLEARLY

CASE NAME 2110 ROSALIE AVE
CASE NUMBER 2015-0018-A
DATE 9/5/14

PETITIONER'S SIGN-IN SHEET

[illegible]

PLEASE PRINT CLEARLY

CASE NAME 2110 ROSALIE AVE

CASE NUMBER 2015-0018-A

DATE 9/5/14

CITIZEN'S SIGN - IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

SEP 05 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: 9/3/14

SUBJECT: DEPS Comment for Zoning Item Address # 2015-0018-A
2110 Rosalie Avenue
(Mueller Property)

Zoning Advisory Committee Meeting of July 28, 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) Buffer Management Area (BMA) and is subject to Critical Area requirements. The applicant is proposing to allow a single family dwelling and attached garage with reduced setbacks. The lot is waterfront and no structure exists on the lot. A proposed dwelling is entirely within the 100-foot buffer. It appears that a variance will be necessary as the proposed deck is within 25 feet of wetlands. Clarification on lot acreage is needed, as the plan shows a correct lot coverage on the entirety of this property is limited to 20,700 square feet. 15% afforestation, or 6 trees, is required in the LDA. If the applicant meets all LDA, lot coverage and afforestation requirements, then the relief requested by the applicant will not be necessary to water quality.

2. Conserve fish, plant, and wildlife habitat;

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence



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: 9/3/14

SUBJECT: DEPS Comment for Zoning Item Address # 2015-0018-A
2110 Rosalie Avenue
(Mueller Property)

Re

Zoning Advisory Committee Meeting of July 28, 2014.

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

1. Minimize adverse impacts on water quality that result from pollutants that discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area Buffer Management Area (BMA) and is subject to Critical Area regulations. The applicant is proposing to allow a single family dwelling and a proposed deck with reduced setbacks. The lot is waterfront and no structure exists within the proposed dwelling is entirely within the 100-foot buffer. It appears a variance will be necessary as the proposed deck is within wetlands. Clarification on lot acreage is needed, as the plan shows correct, lot coverage on the entirety of this property is limited (20,700 square feet), with mitigation required for lot coverage above 15% (15,000 square feet). 15% afforestation, or 6 trees, is required in the LDA Area variance, then the relief requested by the applicant to meet adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>8/1</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
_____	DEPS (if not received, date e-mail sent <u>8/28/14</u>)	_____
_____	FIRE DEPARTMENT	_____
<u>8/8</u>	PLANNING (if not received, date e-mail sent _____)	<u>N/C NO Obj</u>
<u>7/31</u>	STATE HIGHWAY ADMINISTRATION	<u>NO Obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
<u>9-3</u>	ADJACENT PROPERTY OWNERS <u>"Opposed"</u> <u>Roadway Beach Improvement + Turkey Point</u>	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>8/14/14</u>	
SIGN POSTING	Date: <u>8/13/14</u> by <u>Bellingsley</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

9/5

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

SEP 05 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: 9/3/14

SUBJECT: DEPS Comment for Zoning Item # 2015-0018-A
Address 2110 Rosalie Avenue
(Mueller Property)

Zoning Advisory Committee Meeting of July 28, 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 single family dwelling and attached deck with reduced setbacks. The lot is waterfront and no structure exists on site. The proposed dwelling is entirely within the 100-foot buffer. It appears a Critical Area variance will be necessary as the proposed deck is within 25 feet of the tidal wetlands. Clarification on lot acreage is needed, as the plan shows tidal wetlands landward of mean high water. If the acreage provided (20,700 square feet) is correct, lot coverage on the entirety of this property is limited to 31.25% (6,468 square feet), with mitigation required for lot coverage above 25% (5,175 square feet). 15% afforestation, or 6 trees, is required in the LDA. If the proposal can meet all LDA, lot coverage and afforestation requirements and obtain a Critical Area variance, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront. If BMA requirements can be met through a Critical Area variance and lot coverage and afforestation requirements will be met, it 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;

If all Critical Area requirements can be met, including through a Critical Area variance, then the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: August 25, 2014

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: 9/3/14

SUBJECT: DEPS Comment for Zoning Item # 2015-0018-A
Address 2110 Rosalie Avenue
(Mueller Property)

Zoning Advisory Committee Meeting of July 28, 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 single family dwelling and attached deck with reduced setbacks. The lot is waterfront and no structure exists on site. The proposed dwelling is entirely within the 100-foot buffer. It appears a Critical Area variance will be necessary as the proposed deck is within 25 feet of the tidal wetlands. Clarification on lot acreage is needed, as the plan shows tidal wetlands landward of mean high water. If the acreage provided (20,700 square feet) is correct, lot coverage on the entirety of this property is limited to 31.25% (6,468 square feet), with mitigation required for lot coverage above 25% (5,175 square feet). 15% afforestation, or 6 trees, is required in the LDA. If the proposal can meet all LDA, lot coverage and afforestation requirements and obtain a Critical Area variance, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

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This property is waterfront. If BMA requirements can be met through a Critical Area variance and lot coverage and afforestation requirements will be met, it 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;

If all Critical Area requirements can be met, including through a Critical Area variance, then the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: August 25, 2014

Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1502851006			
Owner Information					
Owner Name:	MUELLER J CARROLL MUELLER ANNA M TRUSTEES		Use:	RESIDENTIAL NO	
Mailing Address:	C/O MARY FRANCES GAST 2912 CHARLES ST FALLSTON MD 21047-1344		Deed Reference:	/28342/ 00227	
Location & Structure Information					
Premises Address:		ROSALIE AVE 0-0000 Waterfront		Legal Description:	LT 101,102,103 PT 10 ROCKAWAY BEACH
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref: 0004/ 0171
0098	0015	0211		0000	101 2015
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
			24,160 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:		24,100	24,100		
Improvements		0	0		
Total:		24,100	24,100	24,100	
Preferential Land:		0			
Transfer Information					
Seller: BUEDEL JOSEPH,ET AL		Date: 06/30/2009		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /28342/ 00227		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		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					

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

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 Wait. Loading... Please Wait.



KEVIN KAMENETZ
County Executive

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

August 27, 2014

Mary Gast
2912 Charles Street
Fallston MD 21047

RE: Case Number: 2015-0018 A, Address: 2110 Rosalie Avenue

Dear Ms. Gast:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 23, 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
David Billingsley, 601 Charwood Court, Edgewood MD 21040

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



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

Date: 7/31/14

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

RE: Baltimore County
Item No. 2015-0018-A
Variance
Mary Galt POA for
Anna M. Mueller
2110 Rosalie 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. 2015-0018-A.

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

Sincerely,

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

SDF/raz

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

9/5

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 8, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 2110 Rosalie Avenue

INFORMATION:

Item Number: 15-018

Petitioner: Mary Gast POA for Anna M. Mueller

Zoning: DR 3.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan and has no objection to the requested relief.

RECEIVED
RECEIVED
AUG 12 2014
AUG 13 2014
OFFICE OF ADMINISTRATIVE HEARINGS
OFFICE OF ADMINISTRATIVE HEARINGS

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

Prepared by: _____
AVA/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For August 4, 2014
Item No. 2015-0018

DATE: August 1, 2014

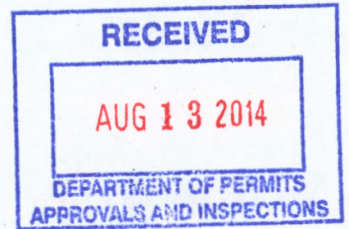
The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

Prior to building permit application the petitioner must contact the office of the Director of Public Works to determine the flood protection elevation so that the floor elevation can be set.

* * * * *

DAK:CEN
cc:file

8/18/14
AS



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

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

DATE: August 8, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 2110 Rosalie Avenue

INFORMATION:

Item Number: 15-018

Petitioner: Mary Gast POA for Anna M. Mueller

Zoning: DR 3.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan and has no objection to the requested relief.

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

Prepared by: _____
AVA/LL

A handwritten signature in black ink, consisting of stylized, overlapping loops and curves, positioned over a horizontal line.

August 16, 2014

Mr. Carl Richards
County Office Building
Zoning Review Office
Baltimore County Department of Zoning
111 West Chesapeake Ave., Suite 111
Towson, MD 21204

Re: Zoning Case # 2015-0018-A

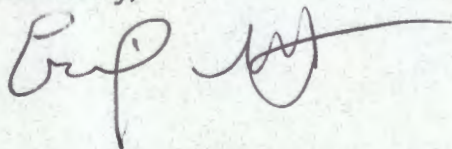
Dear Mr. Richards,

We are residents of 2113 Rosalie Ave., across the street from the plot of land that your office is holding a hearing for on September 5th. We are writing to register our opposition to construction on this plot of land.

Environmentally, the northern border of the lot upon which the home is to be built is shoreline and remains intact due to the vegetation (about two-thirds Phragmites) that grows there. The existing plans call for a significant amount of this vegetation to be removed for the construction of the proposed home. This will lead to an increased rate of erosion and release of more sediment into Middle River. The Middle River watershed is already rated as one of the worst areas in terms of water quality by 'Clear Creeks', a non-profit funded in part by Baltimore County. Clear Creeks cited agricultural, industrial and sediment run off as the factors that are complicit in the current state of Middle River. Baltimore County has already issued construction permits for: a marina and condominium development just north of our location that is now under construction and a Ryland Community, also under construction. Both of these projects are adding increased construction run off into Middle River.

While it is certainly understandable that Gast Construction Inc. would want to develop this plot, I am not convinced that granting the variance to do so would be in keeping with the County's environmental policies and desire to improve its watershed's water quality. In fact, the granting of this variance would only worsen a troubled waterway. Please consider these facts as you make your decision and thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Evan & Michelle Darling', with a stylized flourish at the end.

Evan & Michelle Darling

Paul E January
Alison Collins
2111 Rosalie Ave
Essex, MD 21221

Opposition to Variance Case No. 2015-0018-A

September 1, 2014

We express our opposition to the above referenced variance for the following reasons:

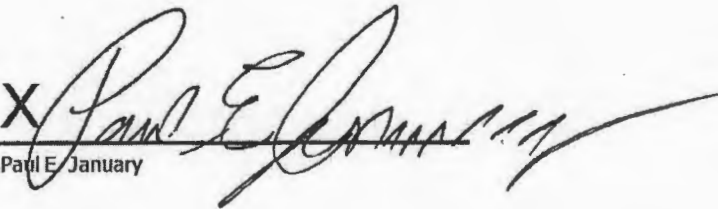
1. The main reason that the builder is asking for the setback variance from 30' feet to 18' for the house and 18' to 10' for the deck, is that they can build a bigger house. The larger amount of square footage, the bigger the profit. This variance does not take into consideration the neighbors, the neighborhood or the environment; it is all about a bigger payday.
2. We believe these offsets will directly affect the real property value of the 4 houses on the opposite side of the street (address 2109 to 2115). 3 of these houses were built by Gast Construction less than a year ago and were advertised as waterview property. The building of this house will greatly reduce or eliminate the waterview for the 4 houses on the opposite side of the street. Gast Construction stated that they did not think they would be able to obtain a variance to build on Lot 101-103 because they previously have tried before and were denied. We were informed during construction that if a house was built on the lot it would be a small cottage and would be located in the middle of lot 103. (This was based on the attached email received from Gast Construction on April 11, 2013). The house that they are proposing is much larger than we were informed of.
3. Our road is currently only 17' wide making it difficult for two vehicles to pass each other. Their proposed driveway is 10 feet long which makes the majority of their driveway to be in the county ROW. Due to the proximity of the proposed driveway and the width of the road it will make it very difficult for vehicles to enter and exit our driveway. No other houses on Rosalie Avenue have driveways directly across from each other.
4. Lots 101-103 are 75% covered in bay grasses (sea oates) and a large portion of it is considered wetlands and some tidal wetlands. These 3 lots are also the home for wildlife such as turtles, blue herons, bald eagles and osprey just to name a few. The community recently attended a meeting with Clear Creeks, a Baltimore County sponsored program to educate homeowners and empower neighborhoods in taking steps to clean up their properties and make them "bay friendly" by reducing runoff and chemical use. We learned that Middle River is a "hot spot" and has a very low score. A big part of this is reducing impervious surfaces which this variance would not accomplish.
5. These lots have never been developed. It is a low area and is susceptible to flooding. During Hurricane Isabel, it was completely under water. Based on long time residents of the Rockaway Beach community, the beach area extended out to where the current bulkheads on the neighboring property which is approximately 25' past the current water line. This is evidence that the shoreline is slowly eroding away. I believe that the Mean High Water Line on the plat drawing is incorrect and that the MHW is closer to Tidal Wetlands.

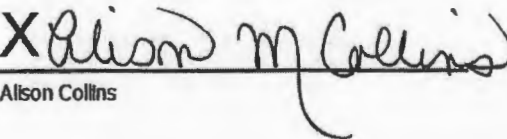
Paul E January
Alison Collins
2111 Rosalie Ave
Essex, MD 21221

Opposition to Variance Case No. 2015-0018-A

September 1, 2014

In conclusion: this variance is not beneficial to resident of Rosalie Avenue and the Rockaway Beach Community. It also does not take into consideration the local homeowners or the environment. The only benefit is for the builder .

X 
Paul E. January

X 
Alison Collins

Attachments: Email April 11, 2013

Layout plan

Layout plan w/ scale.

Collins, Alison

From: Paul January <PJanuary@schnabel-eng.com>
Sent: Monday, September 01, 2014 1:55 PM
To: Collins, Alison
Subject: FW: rosalie avenue
Attachments: Scan0049.pdf

Paul January / Project Manager

Schnabel ENGINEERING

Build Better. Together.

T/ 410-944-6170 F/ 410-944-1162 C/ 410-598-9998 schnabel-eng.com
1504 Woodlawn Drive / Baltimore, MD / 21207

From: cheryl4gast@aol.com [mailto:cheryl4gast@aol.com]
Sent: Thursday, April 11, 2013 2:01 PM
To: Paul January
Subject: Fwd: rosalie avenue

-----Original Message-----

From: David Billingsley <dwb0209@yahoo.com>
To: cheryl4gast <cheryl4gast@aol.com>
Sent: Wed, Apr 10, 2013 12:01 pm
Subject: Re: rosalie avenue

Probably right across the street as shown in red

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

From: "cheryl4gast@aol.com" <cheryl4gast@aol.com>
To: dwb0209@yahoo.com
Sent: Wednesday, April 10, 2013 10:16 AM
Subject: rosalie avenue

I asked Charlie if he were to get a house on the water on Rosalie where would it sit? I would want any prospective buyer to know that there is a possibility.

BULKHEAD

MIDDLE RIVER

EXIST.
DWLG.
2104

HOUSE

TIDAL WETLAND LINE

ROSALIE

EX. W

EXIST. PAVING

EX. SAN.

BUFFER IMPACT
AREA = 350 SF

2109

EXIST.
DWLG.

EXPANDED
CBCA BUFFER

PORCH

2111

DWLG

PORCH

2113

DWLG

PRIMARY
STRUCTURE
AT BACK

EX
SHED

32" WHITE
OAK

1"=30'

Layout Plans with Scale.

MIDDLE RIVER

EXIST. DWLG.
2104

BULKHEAD

TIDAL WETLAND LIM.

HOUSE

ROSALIE

40' RW

EX. W

EXIST. PAVING

EX. SAN.

12
BUFFER IMPACT
AREA = 350 SF

2109

EXIST. DWLG.

EXPANDED
CBCA BUFFER

PORCH

2111

DWLG

PORCH

2113

DWLG

PRIMARY
STRUCTURE
BACK

EX
SHED

32" WHITE
OAK

Petition in Opposition of Zoning Variance for 2110 Rosalie Avenue

We, the undersigned, are residents of Baltimore County, and owners of real property situated within close proximity of lots numbered 101, 102 and 103 along Rosalie Avenue, referred to in the submitted site plan as 2110 Rosalie Avenue. We wish to make known our strong opposition of the Zoning Variance requested in Zoning Case #2015-0018-A. Granting this variance would not be in keeping with the character of the community, would set an unfair precedent for undersized infill lots within the community, and would cause practical hardship for nearby property owners. We respectfully request that the request for variance be denied in its entirety.

Name: SHEILA BEALL

Address: 2126 ROSALIE AVE 21221

Signature: Sheila Beall

Name: MARGY BEALL

Address: 2126 Rosalie Ave 21221

Signature: Margy Beall

Name: BEVERLY KINSEY

Address: 219 GREYHOUND RD 21221

Signature: Beverly Kinsey

Name: Marlene Myers

Address: 317 Greyhound Rd 21221

Signature: Marlene E. Myers

Name: Alison Collins / Paul Tansky

Address: 2111 Rosalie Avenue 21221

Signature: Alison M Collins

Petition In Opposition of Zoning Variance for 2110 Rosalie Avenue

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Name: Anne S'Ellis
Address: 2105 ANTHONY Ave.
Signature: Anne S'Ellis

Name: Marlene Hicks
Address: 2104 Anthony Ave.
Signature: Marlene Hicks

Name: Linda Neal
Address: 2103 Anthony Ave
Signature: Linda Neal

Name: Kimberly Goodwin-Maigetter
Address: 1917 Old Turkey Point Rd. 21221
Signature: Kimberly Goodwin-Maigetter

Name: Debra Ann Hoehn
Address: 2227 Turkey Pt. Rd. 21221
Signature: Debra Ann Hoehn

Petition in Opposition of Zoning Variance for 2110 Rosalie Avenue

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Name: Carol Qiu (Carol Qiu)

Address: 1701 Turkey Pt. Rd. 21221

Signature: Carol Qiu

Name: Ric Metzgar

Address: 532 Dorsey Ave. 21221

Signature: Ric Metzgar

Name: Heather H. Johnson (Power of Attorney for Katherine S. Nelson)

Address: 2100 Rosalie Ave.

Signature: Baltimore, MD 21221

Name: Sharon McElfish

Address: 318 Greyhound Rd

Signature: Sharon McElfish

Name: HOWARD V. FRENCH

Address: 320 GREY HOUND RD 21221

Signature: Howard V. French

Petition in Opposition of Zoning Variance for 2110 Rosalie Avenue

We, the undersigned, are residents of Baltimore County, and owners of real property situated within close proximity of lots numbered 101, 102 and 103 along Rosalie Avenue, referred to in the submitted site plan as 2110 Rosalie Avenue. We wish to make known our strong opposition of the Zoning Variance requested in Zoning Case #2015-0018-A. Granting this variance would not be in keeping with the character of the community, would set an unfair precedent for undersized infill lots within the community, and would cause practical hardship for nearby property owners. We respectfully request that the request for variance be denied in its entirety.

Name: Steve Weber
Address: 2117 Rosalie Ave
Signature: Steve Weber

Name: Deb Wolf
Address: 2116 Rosalie Ave
Signature: Deb Wolf

Name: Fred Kuhrmann
Address: 2109 Rosalie Ave
Signature: FRED KUHRMANN

Name: John W Browushas
Address: 2104 Rosalie Ave
Signature: John Browushas

Name: Marge Schweiger
Address: 311 Brykwood Rd
Signature: 410-238-7121

Petition in Opposition of Zoning Variance for 2110 Rosalie Avenue

We, the undersigned, are residents of Baltimore County, and owners of real property situated within close proximity of lots numbered 101, 102 and 103 along Rosalie Avenue, referred to in the submitted site plan as 2110 Rosalie Avenue. We wish to make known our strong opposition of the Zoning Variance requested in Zoning Case #2015-0018-A. Granting this variance would not be in keeping with the character of the community, would set an unfair precedent for undersized Infill lots within the community, and would cause practical hardship for nearby property owners. We respectfully request that the request for variance be denied in its entirety.

Name: Eliza A. Burkett

Address: 438 Rosalie Ave. Balto. MD 21221

Signature: Eliza A. Burkett

Name: Pat Lonberg

Address: 218 Rosalie Ave

Signature: Pat Lonberg

Name: Roy Jones

Address: 300 Greyhound Rd.

Signature: Roy Jones

Name: Betty Jo H. Speckmann

Address: 304 Greyhound Rd

Signature: BETTY JO H. SPECKMANN

Name: Tason Wjthowiah

Address: 2115 Rosalie Avenue

Signature: Tason Wjthowiah

Petition in Opposition of Zoning Variance for 2110 Rosalie Avenue

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Name: William R. Wautika
Address: 711 Rockaway Beach Ave
Signature: William R. Wautika

Name: Carole L. Ledley
Address: 2304 Turkey Point Rd.
Signature: Carole L. Ledley

Name: Jim High
Address: 2103 Cocksport Rd
Signature: Middle River MD 21220

Name: Charles Gresko
Address: 2214 Seneca Rd
Signature: Essex MD 21221

Name: Nicole French
Address: 316 Greyhound Rd
Signature: Baltimore MD 21221

Case No.: 2015-0018-A

Exhibit Sheet

9-12-14

Petitioner/Developer

DW
10-15-14

Protestant

Sen

No. 1	Plan	FEMA-Aerial photos
No. 2	SDAT record	Photos-Hurricane Isabel
No. 3	Tax map	
No. 4	Rockaway Beach Plat	
No. 5	Deed	
No. 6	Aerial photo	
No. 7	7A-7F photos of site	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PETITIONER'S EXHIBITS

**2110 ROSALIE AVENUE
CASE NO. 2015-0018-A**

- 1. SITE PLAN DATED JULY 17, 2014 (NO CHANGES)**
- 2. SDAT REAL PROPERTY DATA SEARCH**
- 3. TAX MAP 0098 PARCEL 211 (PROPERTY SHOWN IN RED)**
- 4. PLAT OF ROCKAWAY BEACH P.B. 4 F. 171 RECORDED 9 – 9 – 1915**
- 5. DEED OF RECORD L. 28342 F. 227**
- 6. AERIAL PHOTO**
- 7a – 7f. PHOTOS**

Real Property Data Search (w2)

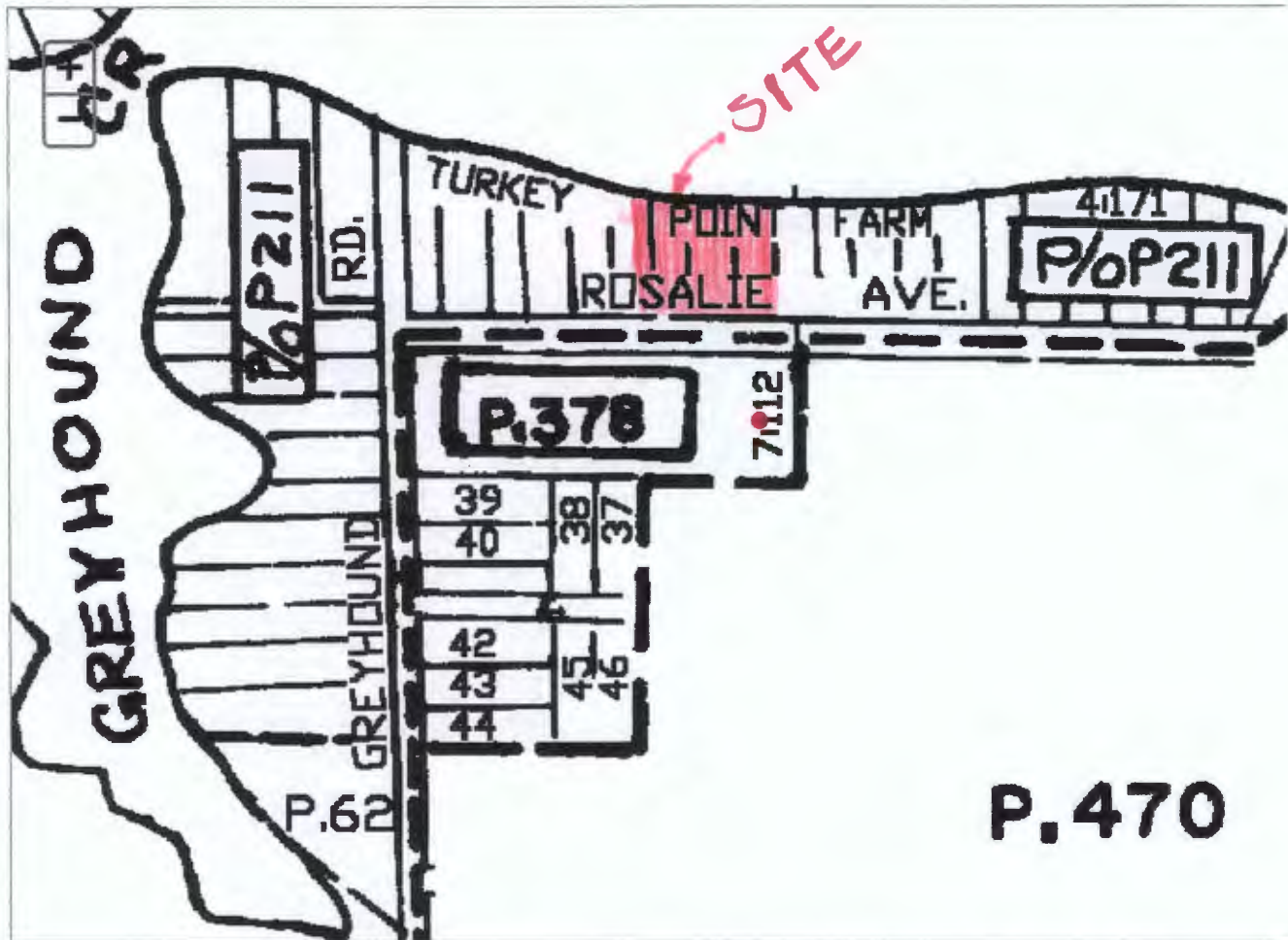
Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1502851006			
Owner Information					
Owner Name:		MUELLER J CARROLL MUELLER ANNA M TRUSTEES		Use:	RESIDENTIAL
Mailing Address:		2936 CHARLES ST FALLSTON MD 21047-1344		Principal Residence:	NO
				Deed Reference:	/28342/ 00227
Location & Structure Information					
Premises Address:		ROSALIE AVE 0-0000		Legal Description:	LT 101,102,103 PT 18 ROCKAWAY BEACH
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0098	0015	0211		0000	101 2012 0004/0171
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	Property Land Area
					24,160 SF
					County Use 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 07/01/2013 As of 07/01/2014
Land:		24,100		24,100	
Improvements		0		0	
Total:		24,100		24,100	24,100
Preferential Land:		0			0
Transfer Information					
Seller: BUEDEL JOSEPH,ET AL		Date: 06/30/2009		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /28342/ 00227		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2013	07/01/2014
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00 0.00	0.00 0.00
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

PETITIONER'S
EXHIBIT NO. 2

Baltimore, County

New Search (<http://sdat.resiusa.org/RealProperty/>)District: **15** Account Number: **1502851000**

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 Wait. Loading... Please Wait. -->

PETITIONER'S
EXHIBIT NO. **3**

ROCKAWAY DEATH
P.B. 4 FOLIO 171

RECORDED 9/9/1915

171 W.P.C. N°4

CREEK

GRAHOUND

MIDDLE

RIVER

SITE

PETITIONER'S
EXHIBIT NO. 4



FEMA

BALTIMORE COUNTY

The flood map for the selected area is number 2400100435G, effective on 05/05/2014 ?



VIEW



DOWNLOAD

View NFHL data on FEMA GeoPlatform ?

Letters of Map Change ?



Revisions (0)

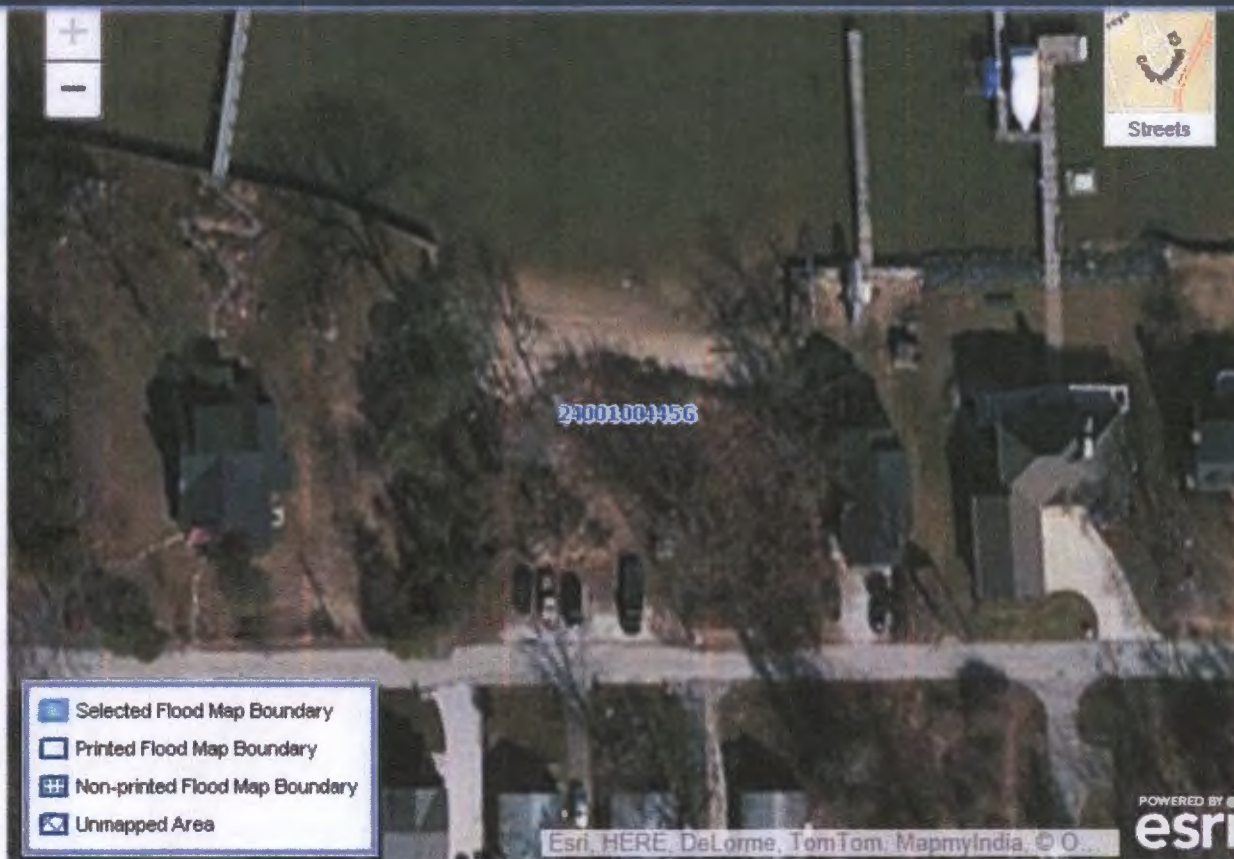


Amendments (0)



Revalidations (1)

Get additional products for
BALTIMORE COUNTY ?



Streets

POWERED BY esri

Prot. 1

Details

Basemap

Share

Print

Measure

Find address or place



About

Content

Legend

Legend

NFHL (click to expand)

LOMRs

Effective

LOMAs

FIRM Panels



Cross-Sections

Base Flood Elevations

Flood Hazard Boundaries

Other Boundaries

Limit Lines

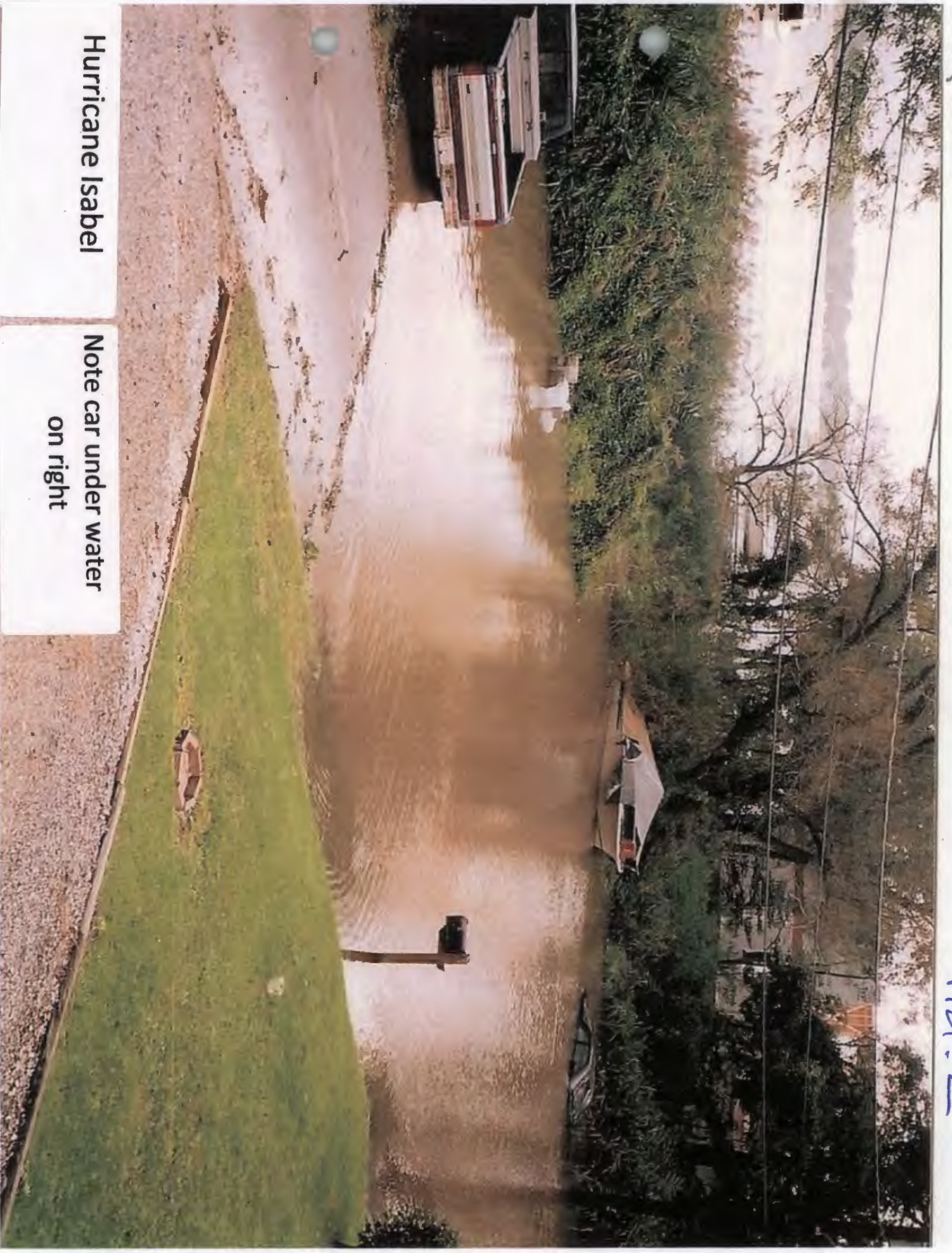
SFHA / Flood Zone Boundary

Flood Hazard Zones

[Esri.com](#) [Help](#) [Terms of Use](#) [Privacy](#) [Contact Esri](#)
[Report Abuse](#)

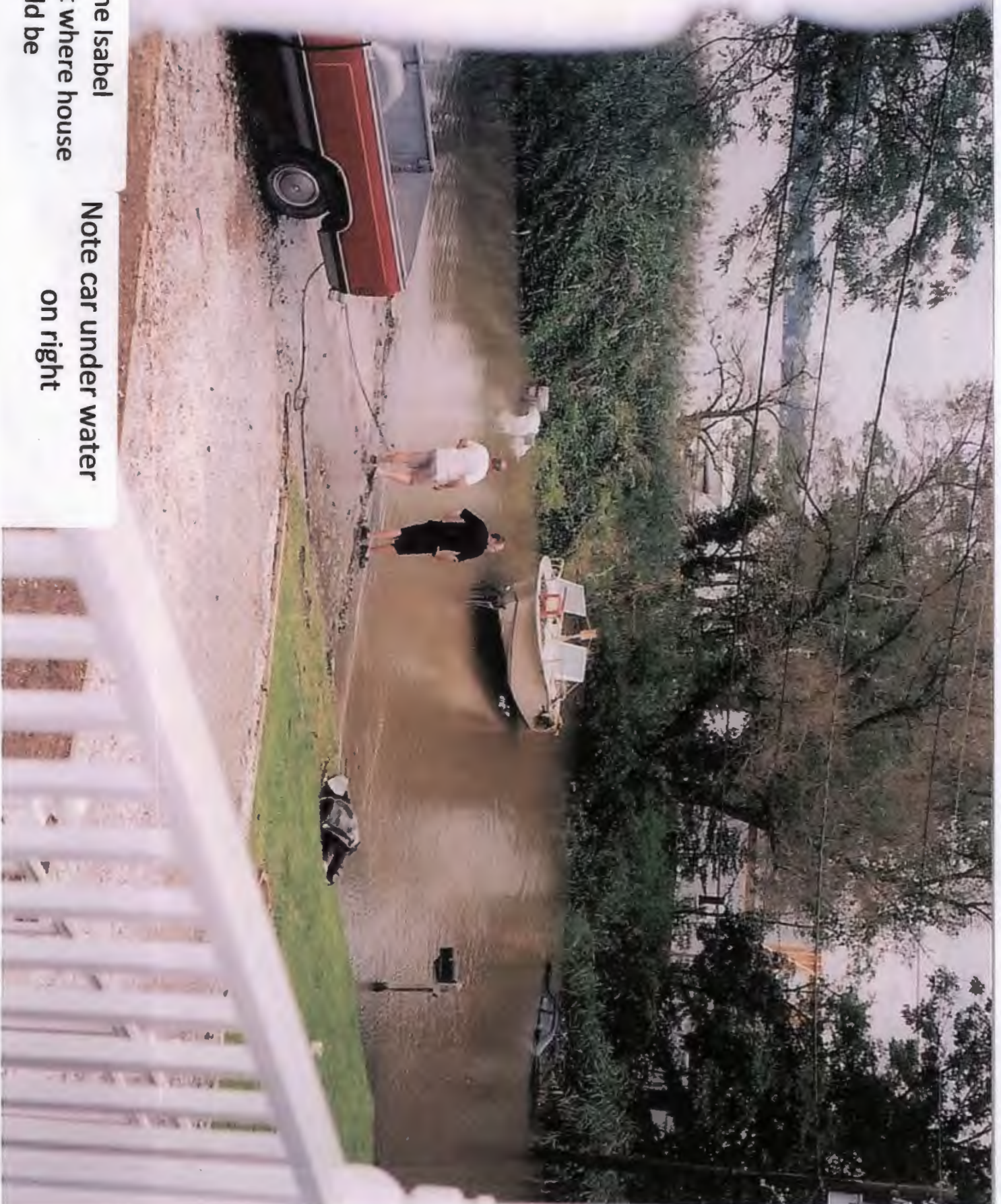


Prof. 2



Hurricane Isabel

Note car under water
on right



Hurricane Isabel
boat is about where house
would be

Note car under water
on right





#2115

#2113

2



#2112

#2109

f



PETITIONER'S
EXHIBIT NO. 6



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 9/3/2014

0028342 227

3

NO CONSIDERATION/NO TITLE EXAMINATION

THIS DEED, made this 25th day of April, 2008, by and between **Anna M. Mueller and J. Carroll Mueller**, of the State of Maryland, County of Baltimore, party of the first part, and **J. Carroll Mueller and Anna M. Mueller, Trustees, or their successors in trust, under The Mueller Trust dated April 25, 2008**, party of the second part.

WITNESSETH, that in consideration of their mutual love and affections and the terms provided in the Trust, the said parties of the first part doth grant and convey to the said party of the second part, its successors and/or assigns, in fee simple, all that parcel of ground situate in the State of Maryland, County of Baltimore and described as follows, that is to say:

SEE SCHEDULE A - DESCRIPTIONS ATTACHED.

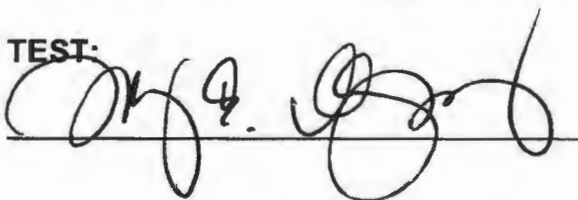
MEB **Said transfer between the grantor & grantee trust is for the benefit of grantor and not a business trust**
TOGETHER with the building thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises to the said party of the second part, its successor and/or assigns, in fee simple.

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

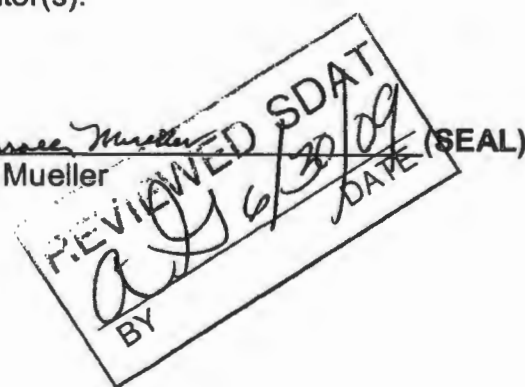
WITNESS the hand(s) and seal(s) of the said grantor(s).

TEST:



J. Carroll Mueller
J. Carroll Mueller

PETITIONER'S
EXHIBIT NO. 5



Being one of the lots of ground which by deed dated August 22, 1957 and recorded among the Land Records of Baltimore County in Liber GLB No. 3218. Folio 485 was granted and conveyed from Hampton, Incorporated unto Joseph Buedel. The said Joseph Buedel having departed this life testate on or about December 25, 1966 vesting title in his sister, Theresa B. Marschall and niece, Anna Marschall Mueller, as tenants in common. The said Theresa B. Marschall having departed this life on or about June 20, 2003 testate. For additional information see Estate No. 126307 filed in the Baltimore County Register of Wills/Orphans Court for Baltimore County.

District 15, Account Nos. 15-13-203811 containing 5.731 acres, more or less and 15-13-3203810 containing 5.762 acres, more or less.

Beginning for the same at a point on the first line of the land described in a deed from Benjamin F. Edwards to the Baltimore Pleasure Club of Baltimore city, dated December 24, 1885 and recorded among the Land Records of Baltimore County in Liber J.W.S. No. 149, folio 147, etc., where said line is intersected by the center line of the Middle River Road; and running thence binding on said line as now surveyed, south 77 degrees 45 minutes east 25 and 6/10 perches to a stone heretofore planted at the end of said line, thence binding on the lines of said conveyance as now surveyed north 81 degrees 55 minutes east 24 and 2/10 perches to a stone, thence north 79 degrees east 32 and 2/10 perches to a chestnut tree, still continuing the same course north 79 degrees east 3 and 7/10 perches to the waters of Middle River; then running and binding on the waters of said River the seven following courses and distances; north 65 degrees west 9 and 6/10 perches; north 14 and 1/4 degrees west 5 perches; north 40 degrees, west 8 and 9/10 perches; North 70 degrees west 3 and 4/10 perches; North 40 degrees west 6 perches and north 65 1/2 degrees west 10 perches to a pine stump, the remains of the pine trees referred to in the before mentioned conveyance as a corner of the land claimed by Abraham Williams, thence binding on said land the two following courses as now surveyed, south 45 degrees west 12 and 9/10 perches to a stone, and north 61 1/4 degrees west 19 and 3/10 perches to the center of the Middle River Road, thence binding on the centre of said road the two following courses and distance, south 41 1/2 degrees west 14 perches and south 29 degrees west 26 and 2/10 perches to the place of beginning.

Being the secondly described parcel of ground which by deed dated September 28, 1950 and recorded among the Land Records of Baltimore County in Liber GLB No. 1907, folio 525 was granted and conveyed from E. Ramona Talbott unto Theresa B. Marschall and Anna Theresa Marschall and Joseph Buedel, as joint tenants and not as tenants in common. The said Joseph Buedel having departed this life on or about December 25, 1966 vesting title in his sister, Theresa B. Marschall and niece, Anna Marschall Mueller. The said Theresa B. Marschall having departed this life on or about June 20, 2003 vesting title in her daughter, Anna Theresa Marschall Mueller.

District 15, Account No. 15-02-851006 – Vacant lots Rosalie Avenue

Being Lots Numbered One Hundred and One (No. 101), One Hundred and Two (No. 102), One Hundred and Three (No. 103) and the easternmost ten feet of Lot No. 104 as laid out and shown on the Plat of Turkey Point Farm, now known as Rockaway Beach, which plat is recorded among the Plat Records of Baltimore County in Plat Book WPC No. 4, folio 171.



For additional reference see deed dated November 21, 1951 and recorded among the Land Records of Baltimore County in Liber GLB No. 2057, folio 454 from Thelma V. Francis unto Joseph Buedel, Theresa Buedel Marschall and Anna Theresa Marschall, as joint tenants and not as tenants in common, with rights of survivorship. See also deed dated November 21, 1951 and recorded among the Land Records of Baltimore County in Liber GLB No. 2057, folio 456 was granted and conveyed from The Canton National Bank, a body corporate unto Joseph Buedel, Theresa Buedel Marschall and Anna Theresa Marschall, as joint tenants with rights of survivorship. The said Joseph Buedel having departed this life on or about December 25, 1966 vesting title in his sister, Theresa B. Marschall and niece, Anna Marschall Mueller. The said Theresa B. Marschall having departed this life on or about June 20, 2003 vesting title in Anna Marschall Mueller.

District 15, Account No. 15-02-851007 – 2111 Rosalie Avenue

Being known and designated as Lot No. 7, as shown on the Plat of the property of Vincent L. O'Connor, recorded among the Plat Records of Baltimore County in Plat Book W.P. C. No. 7, folio 112.

The improvements thereon being known as No. 2111 Rosalie Avenue.

Being one of those lots of ground described in deed dated April 24, 1951 and recorded among the Land Records of Baltimore County in Liber GLB No. 2012, folio 301 was granted and conveyed from E. Ramona Talbott, widow unto Joseph Buedel, Theresa Buedel Marschall and Anna Theresa Marschall, as joint tenants and not as tenants in common. The said Joseph Buedel having departed this life on or about December 25, 1966 vesting title in his sister, Theresa B. Marschall and niece, Anna Marschall Mueller. The said Theresa B. Marschall having departed this life on or about June 20, 2003 vesting title in Anna Marschall Mueller.

District 15, Account No. 15-13-207273 – 2113 Rosalie Avenue

Being known and designated as Lot No. 8, as shown on the Plat of the property of Vincent L. O'Connor, recorded among the Plat Records of Baltimore County in Plat Book W.P. C. No. 7, folio 112.

The improvements thereon being known as No. 2113 Rosalie Avenue.

2110 Rosalie Avenue



Publication Date: 7/23/2014



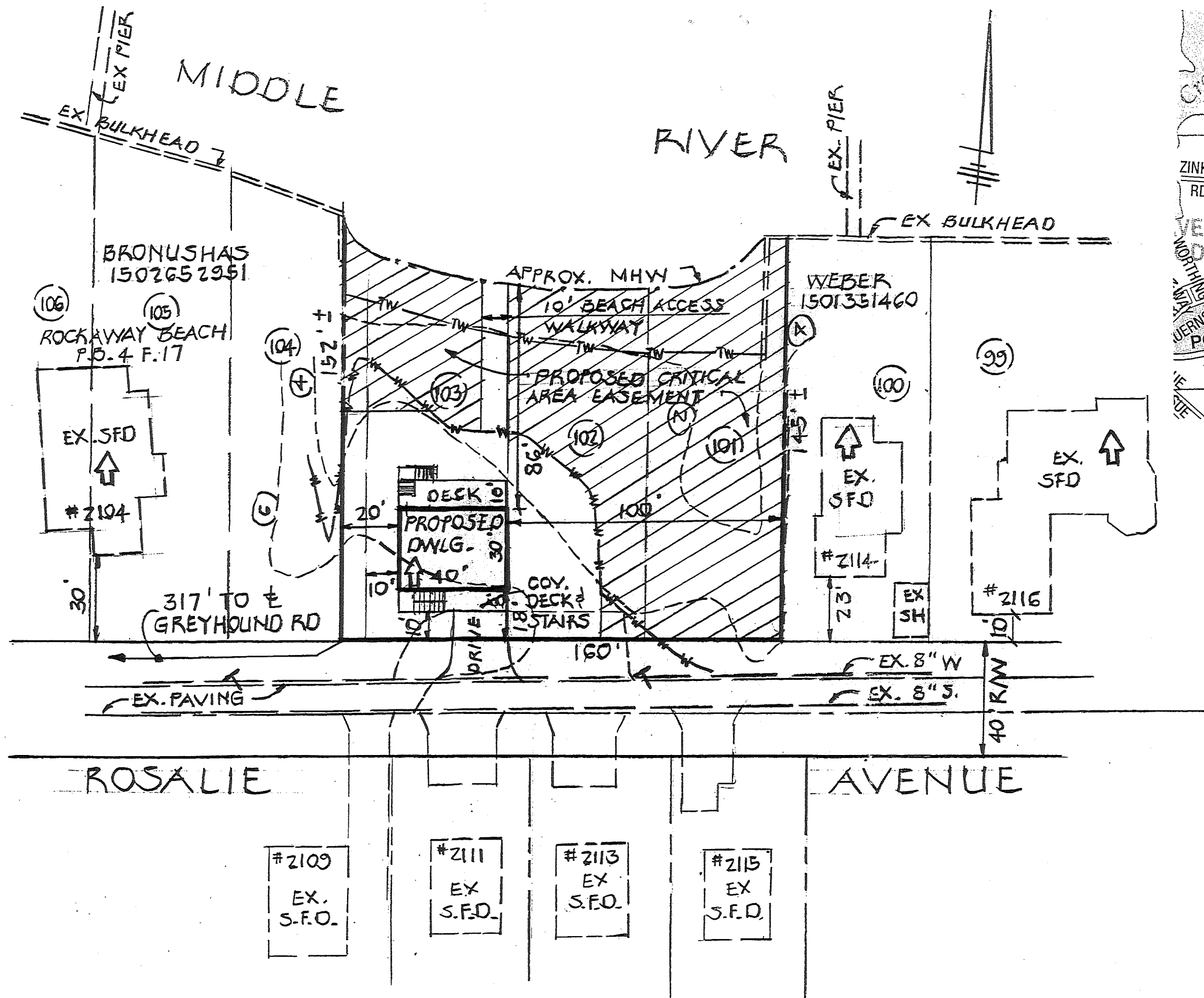
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 25 50 100 150 200 Feet

1 inch = 100 feet

#0018



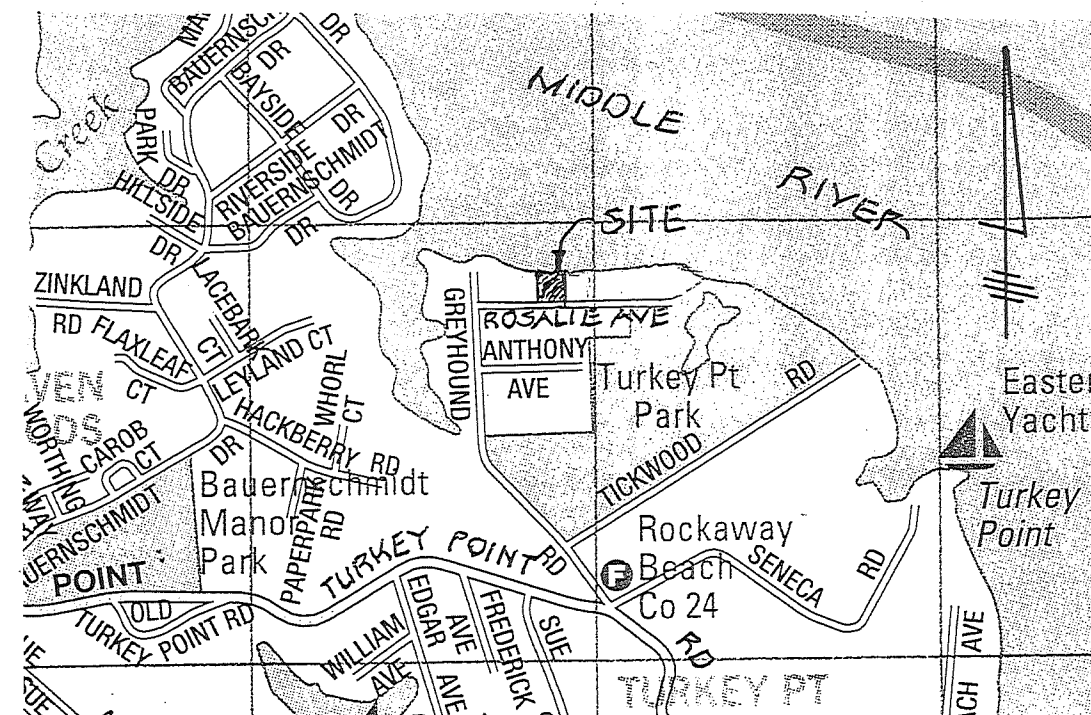
LOT COVERAGES

DWELLING.....	1200 S.F.
ROADSIDE DECK AND STAIR.....	320 S.F.
WATERSIDE DECK AND STAIR.....	460 S.F.
DRIVE.....	200 S.F.
TOTAL.....	2180 S.F.

LOT COVERAGE CHART

LOT AREA.....	20,700 S.F.
LOT COVERAGE PERMITTED (25 %).....	5175 S.F.
LOT COVERAGE PROPOSED.....	2180 S.F.
ADDITIONAL COVERAGE PERMITTED.....	2995 S.F.

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



VICINITY MAP
SCALE: 1" = 1000

NOTES

1. ZONING.....DR 3.5 (MAP NO. 098A2)
2. AREA.....20,700 S.F. = 0.48 ACRE +/-
3. PUBLIC WATER AND SEWER
4. SITE IS LOCATED IN THE CBCA AND 100 YEAR FLOOD ZONE
5. NO PREVIOUS ZONING HEARINGS OR HISTORY
6. NO HISTORIC STRUCTURES, ARCHEOLOGICAL SITES OR UNDERGROUND STORAGE TANKS EXIST
7. THIS SITE IS LOCATED IN A LDA WITHIN THE CBCA. THE ENTIRE SITE IS LOCATED WITHIN THE CBCA BUFFER. APPROVAL OF A CBCA CRITICAL AREA VARIANCE WILL BE REQUIRED PRIOR TO ISSUANCE OF ANY BUILDING PERMIT.

OWNER

ANNA M. MUELLER, TRUSTEE FOR
THE MUELLER ESTATE
c/o MARY GAST P.O.A.
2912 CHARLES STREET
FALLSTON, MD. 21047
(410) 335-4200
DEED REF: L.28342 F.227
ACCT. NO. 1502851006

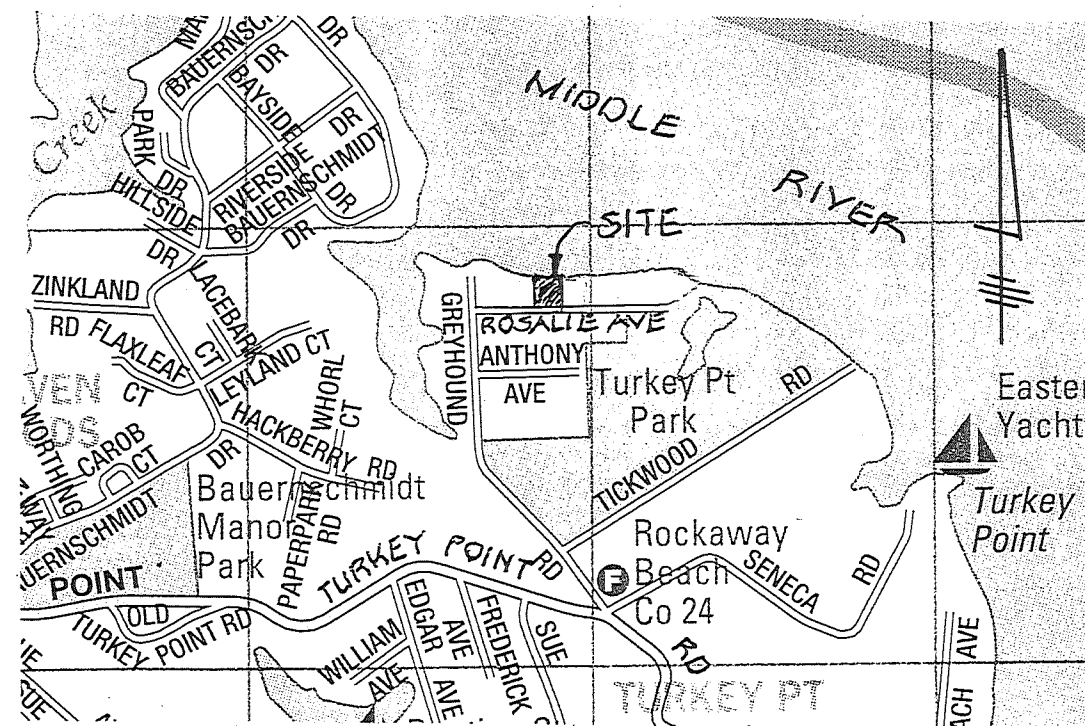
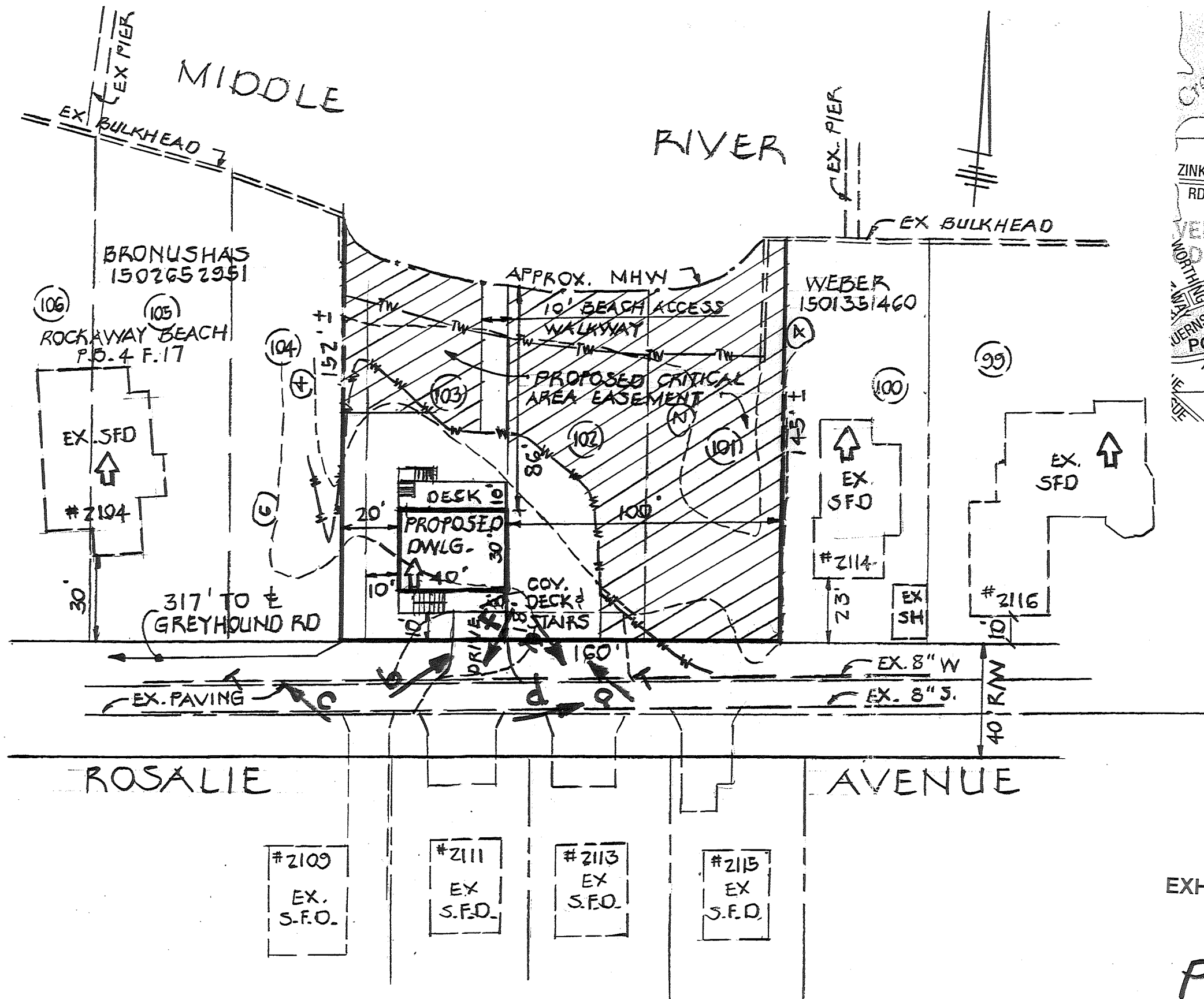
PETITIONER'S
EXHIBIT NO. 1

PLAT TO ACCOMPANY VARIANCE PETITION

2110 ROSALIE AVENUE

ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD

SCALE: 1 INCH = 40 FEET JULY 17, 2014



VICINITY MAP
SCALE: 1" = 1000

NOTES

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(410) 335-4200
DEED REF: L.28342 F.227
ACCT. NO. 1502851006

PETITIONER'S
EXHIBIT NO. 7a-e

PHOTOS

PLAT TO ACCOMPANY VARIANCE PETITION

2110 ROSALIE AVENUE

ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD

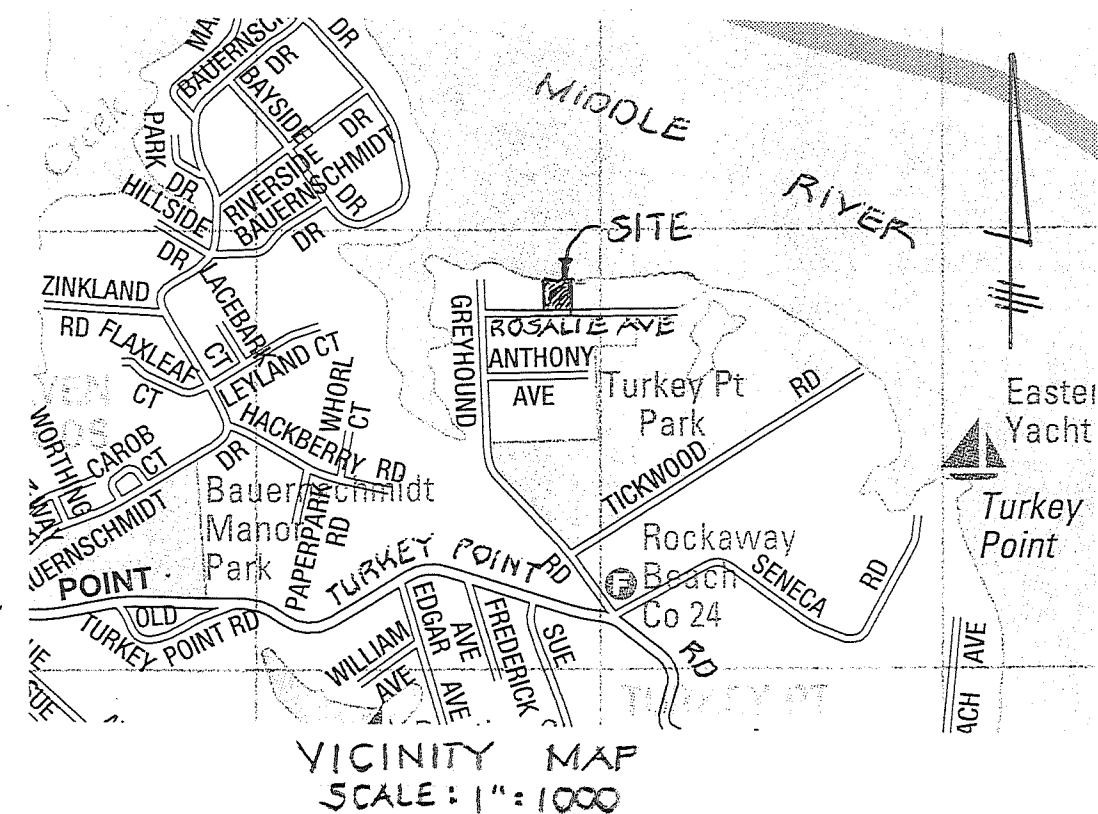
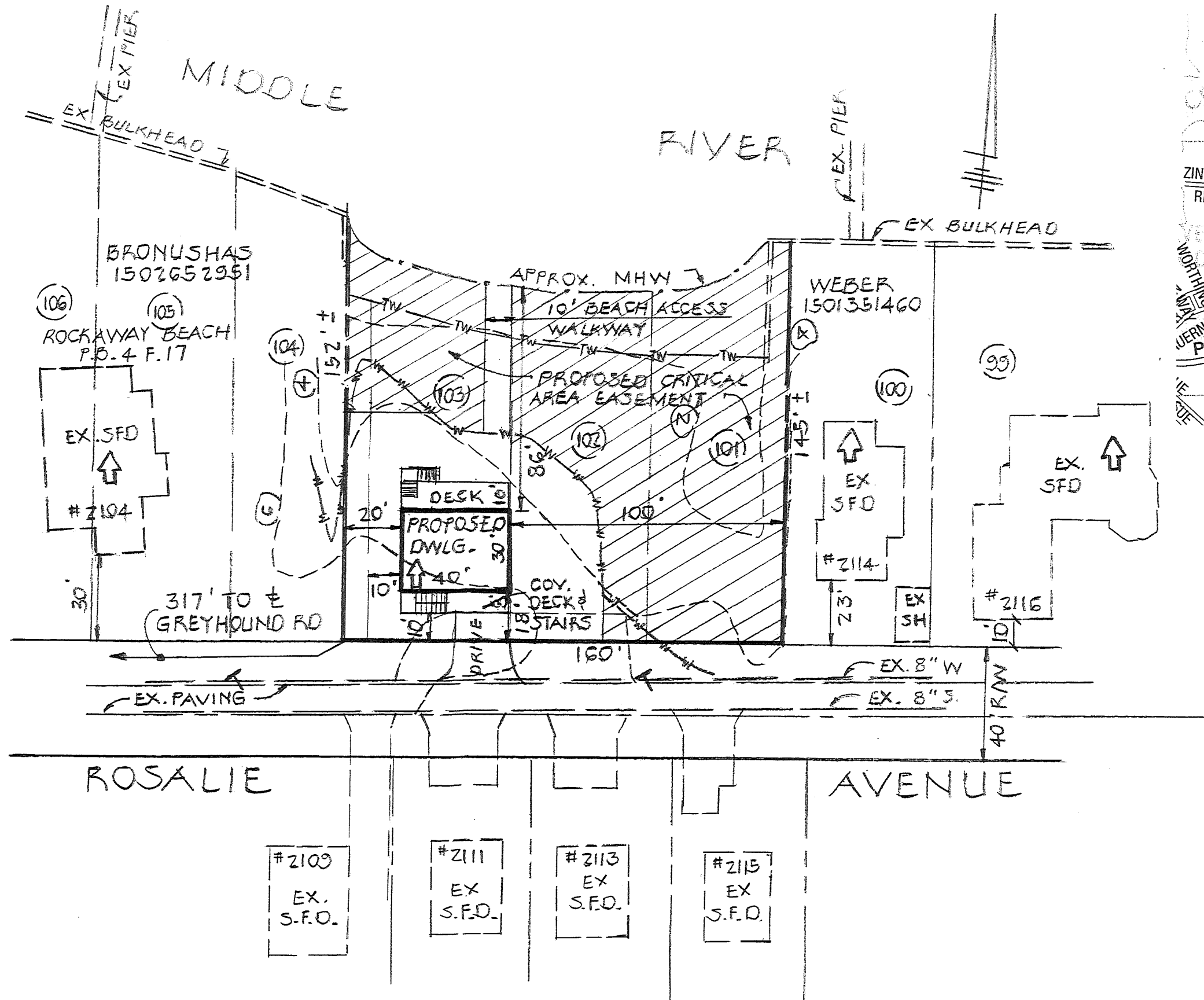
SCALE: 1 INCH = 40 FEET JULY 17, 2014

LOT COVERAGES

DWELLING.....1200 S.F.
ROADSIDE DECK AND STAIR.....320 S.F.
WATERSIDE DECK AND STAIR.....460 S.F.
DRIVE.....200 S.F.
TOTAL.....2180 S.F.

LOT COVERAGE CHART

LOT AREA.....20,700 S.F.
LOT COVERAGE PERMITTED (25 %).....5175 S.F.
LOT COVERAGE PROPOSED.....2180 S.F.
ADDITIONAL COVERAGE PERMITTED.....2995 S.F.



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PLAT TO ACCOMPANY VARIANCE PETITION

2110 ROSALIE AVENUE

ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD

SCALE: 1 INCH = 40 FEET JULY 17, 2014