



KEVIN KAMENETZ  
*County Executive*

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

September 29, 2014

Martin and Sheila A. Beall  
3032 Arizona Avenue  
Baltimore, Maryland 21234

RE: Petition for Variance  
Property: 2126 Rosalie Avenue  
Case No. 2015-0038-A

Dear Mr. and Mrs. Beall:

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", with a long horizontal flourish extending to the right.

JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:dlw  
Enclosure

**IN RE: PETITION FOR VARIANCE**

**(2126 Rosalie Avenue)**

15<sup>th</sup> Election District

6<sup>th</sup> Councilman District

Martin & Sheila A. Beall

Petitioners

\*

\*

\*

\*

\*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

**CASE NO. 2015-0038-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 owners of the subject property. The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) § 1B02.3 to permit a 7 ft. side yard setback in lieu of the required 10 ft. minimum and a sum of side yards of 22 ft. in lieu of the 25 ft. minimum, for a replacement dwelling. 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 Martin & Sheila Beall. James Patton, Professional Engineer, whose firm prepared the site plan, assisted Petitioners. The Petition was advertised and posted as required by the B.C.Z.R. Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), the Bureau of Development Plans Review (DPR) and the Department of Environmental Protection and Sustainability (DEPS). The DOP did not oppose the request, DPR noted that flood elevations must be determined, while DEPS indicated Petitioners must comply with Critical Area regulations.

The subject property is approximately 0.212 acres and is zoned DR 3.5. The lot is

**ORDER RECEIVED FOR FILING**

Date 9-29-14

By [Signature]

narrow (50' wide) and deep, and is improved with a single family dwelling constructed in 1923. A building consultant hired by Petitioners opined that numerous structural deficiencies exist in the home, and that it "would be more economical to raze the existing structure and build a new home." Exhibit 2. Petitioners propose to construct a modest dwelling (approximately 28' x 49') on the lot, but require zoning 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 lot is narrow and was created by a plat recorded before the adoption of the B.C.Z.R. As such, the property is unique. If the B.C.Z.R. were strictly interpreted, the Petitioners would suffer a practical difficulty, given they would be unable to construct an appropriate dwelling on the lot to replace the existing home which has fallen into disrepair. I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of opposition from the county or the community.

THEREFORE, IT IS ORDERED, this 29<sup>th</sup> 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 to permit a 7 ft. side yard setback in lieu of the required 10 ft. minimum and a sum of side yards of 22 ft. in lieu of the 25 ft. minimum for a replacement dwelling, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

**ORDER RECEIVED FOR FILING**

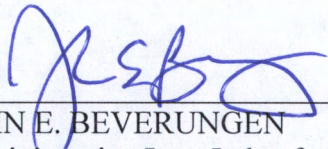
Date 9-29-14

By (signature)

1. 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.
2. Petitioners must comply with critical area and flood protection regulations prior to issuance of permits.

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 9-29-14

By [Signature]

CBCA



# 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 2126 ROSAUE AVE BALTIMORE MD 21221 which is presently zoned DR 3.5  
Deed References: LIBOR 32427 FOND 220 10 Digit Tax Account # 1507150630  
Property Owner(s) Printed Name(s) MARTIN & SHEILA A. BEALL

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made apart 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) 1B02.3 TO PERMIT A 7 FOOT SIDE YARD SETBACK IN LIEU OF THE REQUIRED 10 FOOT MINIMUM AND A SUM OF SIDE YARDS OF 22 FEET IN LIEU OF THE 25 FOOT MINIMUM. for a replacement dwelling

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)

THE EXISTING RESIDENCE WHICH WILL BE DEMOLISHED WITH A NEW RESIDENCE TO BE CONSTRUCTED IS CONSISTENT WITH THE SIDEYARDS WHICH HAVE EXISTED PRIOR TO ADOPTION OF THE BALTIMORE ZONING REGS. AS THE PRESENT DWELLING WAS CONSTRUCTED IN 1923. AND SUCH OTHER INFORMATION 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 N/A  
Signature \_\_\_\_\_  
Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
Zip Code \_\_\_\_\_ Telephone # \_\_\_\_\_ Email Address \_\_\_\_\_

### Attorney for Petitioner:

Name- Type or Print J. CARROLL HOLZER, Esq.  
Signature \_\_\_\_\_  
Mailing Address 508 FAIRMOUNT AVE, BALTIMORE MD  
Zip Code 21286 Telephone # 410-825-6961 Email Address Jcholzer@CANTEL.NET

### Legal Owners (Petitioners):

Name #1 - Type or Print MARTIN BEALL Name #2 - Type or Print SHEILA A. BEALL  
Signature #1 Martin Beall Signature #2 Sheila A Beall  
Mailing Address 3032 ARIZONA AVE, BALTIMORE, MD  
Zip Code 21234 Telephone # 410-294-0783 Email Address lilollic@hotmail.com

### Representative to be contacted:

Name - Type or Print SHEILA A. BEALL  
Signature Sheila A Beall  
Mailing Address 3032 ARIZONA AVE, BALTIMORE, MD  
Zip Code 21234 Telephone # 410-294-0783 Email Address lilollic@hotmail.com

CASE NUMBER 2015-0038-A Filing Date 8/14/14 Do Not Schedule Dates: 11 Reviewer Tu

**ZONING PROPERTY DESCRIPTION FOR 2126 ROSALIE AVENUE**

**Beginning** at a point on the north side of Rosalie Avenue which is 40 feet wide at the distance of 821 feet +/- east of the centerline of the nearest improved intersecting street Greyhound Avenue which is 40 feet wide.

Being Lot # 93, Block #15, Section #211 in the subdivision of Rockaway Beach as recorded in Baltimore County Plat Book #4, Folio #171, containing 9,250 gross square feet. Located in the 15th Election District and 6<sup>th</sup> Council District.

2015-00388-A

Petitioners would be required to return the subject property to its original condition.

\* 2. The Petitioners or subsequent owners shall not convert the garage into a dwelling unit or apartment. The garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

3. The garage shall not be used for commercial purposes.

4. Petitioners must comply with the ZAC comment from DPR, dated August 31, 2015; a copy of which is attached hereto and made a part thereof.

5. Petitioners must comply with Critical Area regulations prior to building permit application.

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

OK for Kitchenette +  
Bathroom -  
2015-0300 Order did  
not include  
this  
language!

JEB:dlw

JOHN E. BEVERUNGEN  
Administrative Law Judge for  
Baltimore County

JEB  
9-29-15  
x.6049

**M E M O R A N D U M**

DATE: October 30, 2014  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2015-0038-A – Appeal Period Expired

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The appeal period for the above-referenced case expired on October 29, 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



# 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.**

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**For Newspaper Advertising:**

Item Number or Case Number: 2015-0038-A  
Petitioner: MARTIN & SHEILA A. BEALL  
Address or Location: 2126 ROSALIE AVENUE, BALTIMORE, MD 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: SHEILA A. BEALL  
Address: 3032 ARIZONA AVENUE, BALTIMORE, MD 21234-18H

Telephone Number: 410-294-0783

TO: PATUXENT PUBLISHING COMPANY  
Thursday, September 4, 2014 Issue - Jeffersonian

Please forward billing to:

Sheila Beall  
3032 Arizona Avenue  
Baltimore, MD 21234

410-294-0783

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## NOTICE OF ZONING HEARING

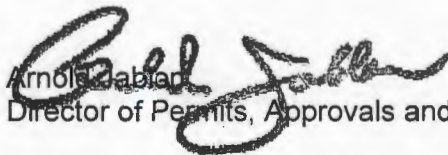
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

**CASE NUMBER: 2015-0038-A**

2126 Rosalie Avenue  
N/s Rosalie Avenue, 821 ft. E/of Greyhound Avenue  
15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District  
Legal Owners: Martin & Sheila Beall

Variance to permit a 7 foot side yard setback in lieu of the required 10 foot minimum and a sum of side yards of 22 feet in lieu of the 25 foot minimum for a replacement dwelling.

Hearing: Friday, September 26, 2014 at 1:30 p.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

  
Arnold Fabian

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.



KEVIN KAMENETZ  
*County Executive*

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

August 21, 2014

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Arnold Jablon  
Director

AJ:kl

C: J. Carroll Holzer, 508 Fairmount Avenue, Baltimore 21286  
Martin & Sheila Beall, 3032 Arizona Ave., Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., SEPTEMBER 6, 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.



KEVIN KAMENETZ  
County Executive

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

August 21, 2014

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

Arnold Jablon  
Director

AJ:kl

C: J. Carroll Holzer, 508 Fairmount Avenue, Baltimore 21286  
Martin & Sheila Beall, 3032 Arizona Ave., Baltimore 21234

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

**Bruce E. Doak Consulting, LLC**

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

**CERTIFICATE OF POSTING**

September 10, 2014

Re:

Case No. 2015-0038-A

Petitioner / Owner: Martin & Sheila Beall

Date of Hearing: September 26, 2014

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

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at **2126 Rosalie Avenue**.

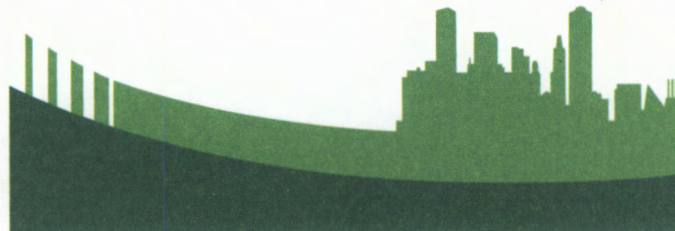
The sign(s) were posted on **September 6, 2014**.

Sincerely,

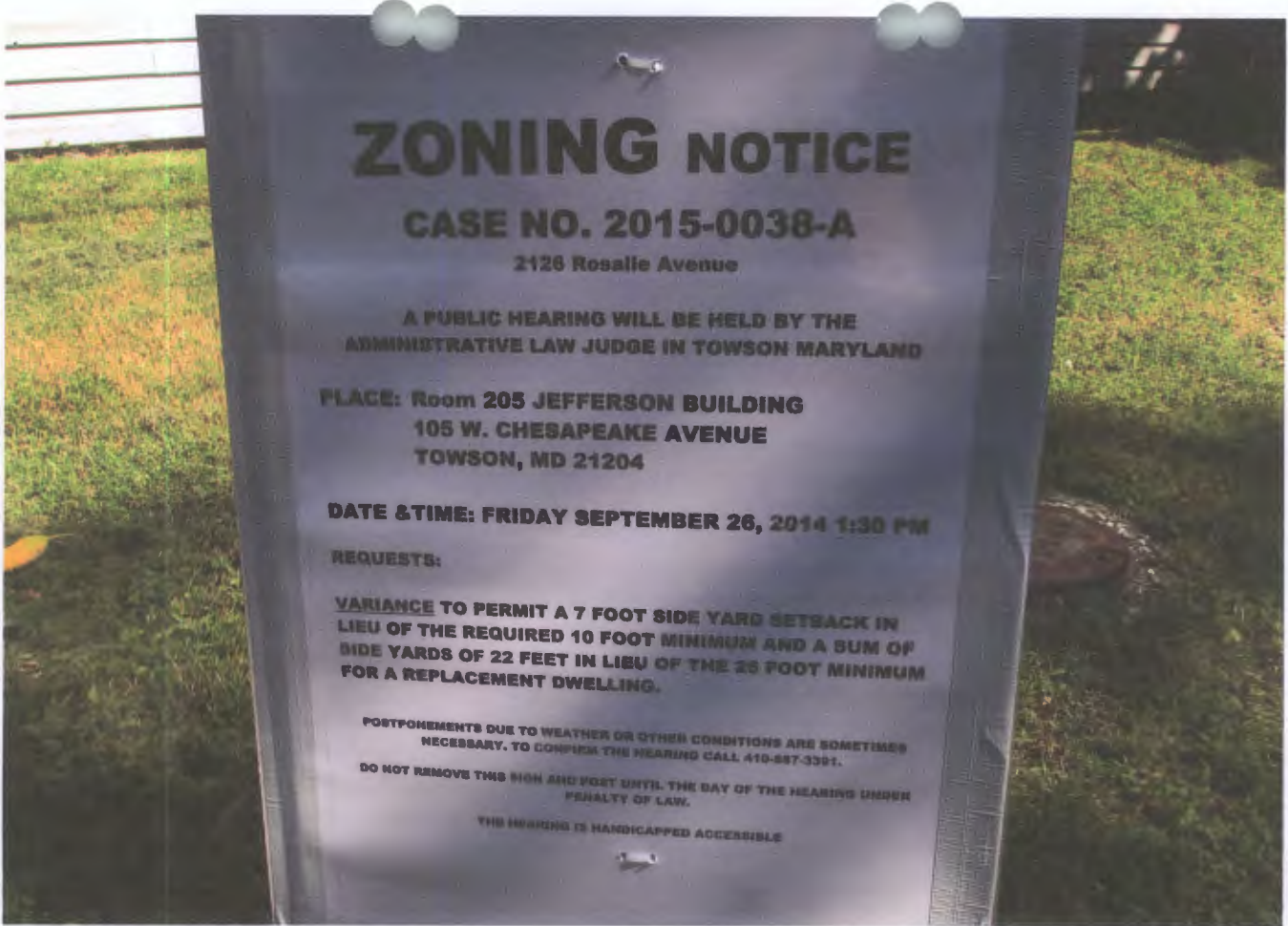


Bruce E. Doak  
MD Property Line Surveyor #531

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



Land Use Expert and Surveyor





**THE BALTIMORE SUN  
MEDIA GROUP**

Baltimore, Maryland 21278-0001

September 4, 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 September 4, 2014**

The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

*Susan Wilkinson*

**NOTICE OF ZONING HEARING**

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**Case: #2015-0038-A**

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N/s Rosalie Avenue, 821 ft. E/of Greyhound Ave

15th Election District - 6th Councilmanic District

Legal Owner(s): Martin & Sheila Beall

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**Hearing: Friday, September 26, 2014 at 1:30 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.  
9/010 September 4 992580

RE: PETITION FOR VARIANCE \* BEFORE THE OFFICE  
 2126 Rosalie Avenue; N/S of Rosalie Avenue, \* OF ADMINISTRATIVE  
 821' E of c/line Greyhound Avenue \* HEARINGS FOR  
 15<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts \* BALTIMORE COUNTY  
 Legal Owner(s): Martin & Sheila Beall \*  
 Petitioner(s) \*  
 \* 2015-038-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 18 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 18th day of August, 2014, a copy of the foregoing Entry of Appearance was mailed to J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, MD 21286, Attorney for Petitioner(s).

*Peter Max Zimmerman*  
 \_\_\_\_\_  
 PETER MAX ZIMMERMAN  
 People’s Counsel for Baltimore County



Case No.: 2015-0038-A

Exhibit Sheet

DW 9-29-14

Petitioner/Developer

Protestants

No. 1	Plan	
No. 2	Letter dated 7-24-14 Baldwin Building Consul.	
No. 3	Plat - Turkey Point Farm	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

## Baldwin Building Consultants, Inc.

14119 Blenheim Road  
Phoenix, Maryland 21131  
(410)-817-9700 fax (410)-817-9901

July 24, 2014

Mr. Arnold Jablon, Director  
Department of Permits, Approvals and Inspections  
County Office Building  
111 West Chesapeake Avenue, Suite 105  
Towson, Maryland 21204

Re: Structural Condition Survey  
Beall Residence  
2126 Rosalie Avenue  
Essex, Maryland 21221

Dear Mr. Jablon:

At the request of the owners, Martin and Sheila Beall, I visited the residence on Tuesday, July 22, to survey and evaluate the condition of the existing structure. The findings of the condition survey are as follows.

### **General Description:**

The house, constructed in 1923, is a one story, wood framed building with the partial basement below grade. There were additions and renovations made to the home over the years. The exterior dimensions are approximately 20 ft wide by 40 ft deep.

The basement floor consists of a concrete slab on grade. The basement foundation walls were constructed with a combination of concrete block and brick. The first floor framing consists of 2x6 wood joists spaced at 16" on center with 1x floor sheathing. The floor joists are supported on the side foundation walls and a center wood beam which consists of a 4x6 supported by interior columns. The exterior walls above the first floor are assumed to be 2x4 wood studs. The roof is a hip style roof framed with 2x4 rafters with 1x wood sheathing above.

### **Observations:**

#### Basement / Foundations

1. Evidence of water infiltration through the basement walls was observed
2. Foundation wall cracks were observed in several locations
3. The steel pipe columns have severe corrosion at the floor level
4. The center beam is supported by a log bearing at grade. This condition is a termite hazard.

#### First Floor Framing

1. Termite damage was noted in several locations including sill plates, joists and wood beams supporting a stud bearing wall.
2. The center wood beam is not adequately supported along its length.
3. The floor is excessively bouncy.
4. The exterior wall framing was removed from three walls to create large window openings on the end of the house facing the water. There is not adequate framing to properly support the roof framing.

# 2 Petitioners

5. There is an addition to the side of the house which extends 3 ft beyond the foundation wall. The addition is cantilevered off the first floor framing. The original exterior wall framing was removed and the support for the roof framing is suspect along the length of the addition.

Roof Framing

1. Water damage to the ceiling was observed.
2. The rafter framing appeared to be undersized. Deflection was observed in the roof planes and the hips.
3. As noted previously, bearing walls were removed in several locations. Adequate support for the roof framing is suspect in those locations.

**Conclusion/ Recommendations:**

Based on the observations noted above, there are numerous structural deficiencies in the house which require repair or replacement. Termite damage was observed, and the extent of the damage is unknown. Substantial remedial work is required to the foundation walls, first floor framing, exterior wall framing and roof framing to correct deficiencies and meet current building code requirements.

In my opinion, the cost of the necessary repairs is excessive to the value of the structure. This does not account for cost to upgrade mechanical, plumbing, and electrical systems which is a very probable requirement as well. It would be more economical to raze the existing structure and build a new home.

If you have any questions regarding this report, or if I may be of further assistance, please call.

Very truly yours,  
Baldwin Building Consultants, Inc.

*John B. Wotell*

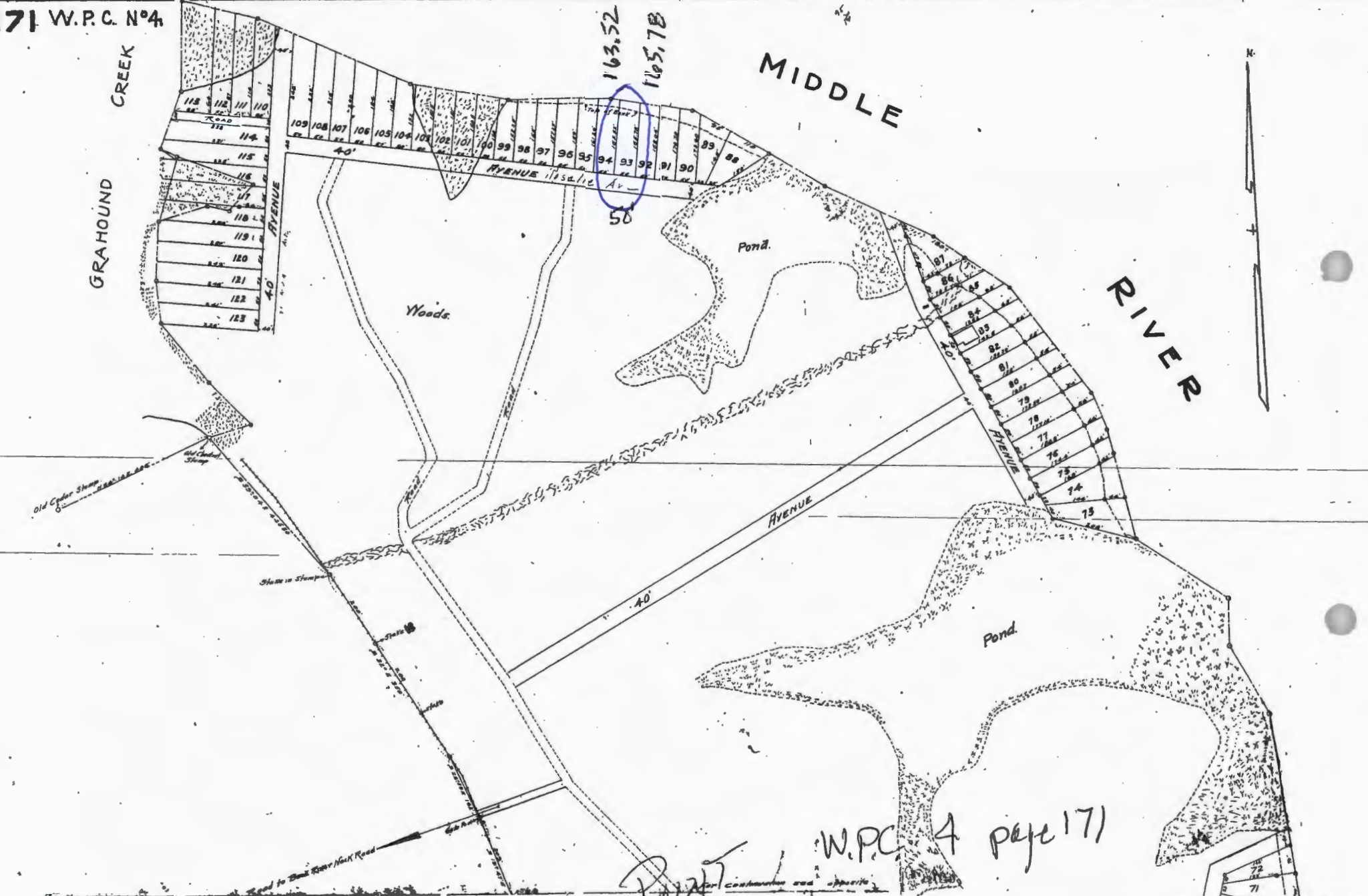
John B. Wotell, P.E.  
Structural Engineer



GRAHOUND CREEK

MIDDLE

RIVER



TURKEY FARM Page 2

W.P.C. 4 page 171

Petitioners #3



CHECKLIST

Comment Received

Department

Support/Oppose/ Conditions/ Comments/ No Comment

8/19/14

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

C

9/23/14

DEPS  
(if not received, date e-mail sent 9/18)

C

FIRE DEPARTMENT

C

9/2/14

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

STATE HIGHWAY ADMINISTRATION

No Obj

8/18/14

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. \_\_\_\_\_)

PRIOR ZONING (Case No. \_\_\_\_\_)

NEWSPAPER ADVERTISEMENT Date: 9/4/14

SIGN POSTING Date: 9/6/14 by DOCK

PEOPLE'S COUNSEL APPEARANCE Yes  No

PEOPLE'S COUNSEL COMMENT LETTER Yes  No

Comments, if any: \_\_\_\_\_

Real Property Data Search ( w3)

Guide to searching the database

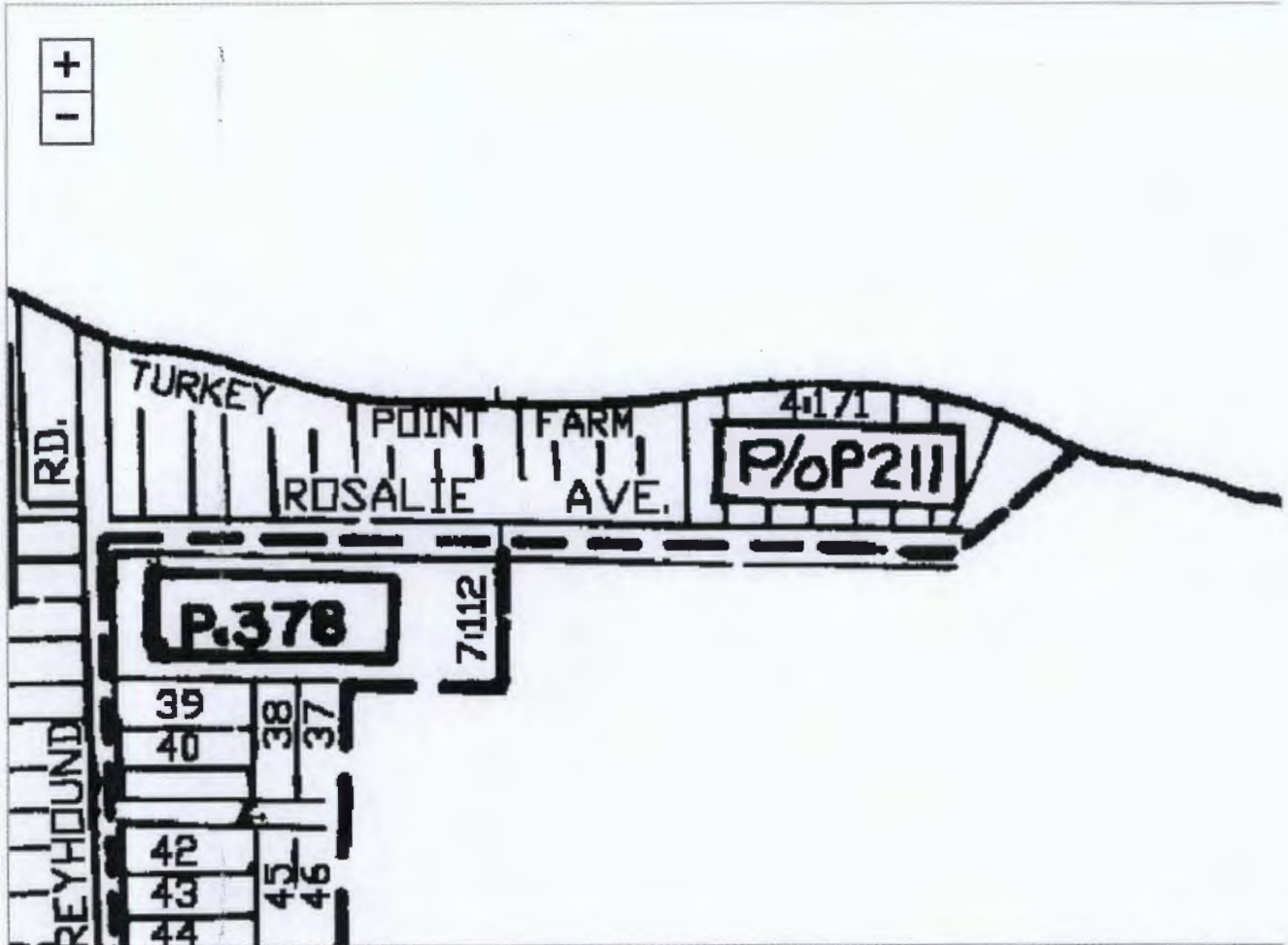
Search Result for BALTIMORE COUNTY

<a href="#">View Map</a>		<a href="#">View GroundRent Redemption</a>			<a href="#">View GroundRent Registration</a>					
<b>Account Identifier:</b>		<b>District - 15 Account Number - 1507180630</b>								
<b>Owner Information</b>										
<b>Owner Name:</b>	BEALL MARTIN T BEALL SHEILA A			<b>Use:</b>	RESIDENTIAL NO					
<b>Mailing Address:</b>	3032 ARIZONA AVE BALTIMORE MD 21234-4102			<b>Principal Residence:</b>						
				<b>Deed Reference:</b>	/32427/ 00220					
<b>Location &amp; Structure Information</b>										
<b>Premises Address:</b>		2126 ROSALIE AVE BALTIMORE 21221-1814 Waterfront			<b>Legal Description:</b>		ROCKAWAY BEACH			
<b>Map:</b>	<b>Grid:</b>	<b>Parcel:</b>	<b>Sub District:</b>	<b>Subdivision:</b>	<b>Section:</b>	<b>Block:</b>	<b>Lot:</b>	<b>Assessment Year:</b>	<b>Plat No:</b>	<b>Plat Ref:</b>
0098	0015	0211		0000			93	2015		0004/ 0171
<b>Special Tax Areas:</b>				<b>Town:</b>		NONE				
				<b>Ad Valorem:</b>						
				<b>Tax Class:</b>						
<b>Primary Structure Built</b>	<b>Above Grade Enclosed Area</b>		<b>Finished Basement Area</b>		<b>Property Land Area</b>	<b>County Use</b>				
1923	688 SF				8,150 SF	34				
<b>Stories</b>	<b>Basement</b>	<b>Type</b>	<b>Exterior</b>		<b>Full/Half Bath</b>	<b>Garage</b>	<b>Last Major Renovation</b>			
1	YES	STANDARD UNIT	ASBESTOS SHINGLE		1 full	1 Detached				
<b>Value Information</b>										
			<b>Base Value</b>	<b>Value As of</b>	<b>Phase-in Assessments</b>					
				01/01/2012	<b>As of</b>	<b>As of</b>				
					07/01/2014	07/01/2015				
<b>Land:</b>			200,100	200,100						
<b>Improvements</b>			44,100	44,100						
<b>Total:</b>			244,200	244,200	244,200					
<b>Preferential Land:</b>			0							
<b>Transfer Information</b>										
<b>Seller:</b> MORIN PAUL GEORGE JR			<b>Date:</b> 08/16/2012			<b>Price:</b> \$0				
<b>Type:</b> NON-ARMS LENGTH OTHER			<b>Deed1:</b> /32427/ 00220			<b>Deed2:</b>				
<b>Seller:</b> GEMMILL MELVIN E			<b>Date:</b> 10/29/1991			<b>Price:</b> \$125,000				
<b>Type:</b> ARMS LENGTH IMPROVED			<b>Deed1:</b> /08955/ 00201			<b>Deed2:</b>				
<b>Seller:</b>			<b>Date:</b>			<b>Price:</b>				
<b>Type:</b>			<b>Deed1:</b>			<b>Deed2:</b>				
<b>Exemption Information</b>										
<b>Partial Exempt Assessments:</b>		<b>Class</b>			<b>07/01/2014</b>	<b>07/01/2015</b>				
<b>County:</b>		000			0.00					
<b>State:</b>		000			0.00					
<b>Municipal:</b>		000			0.00	0.00				
<b>Tax Exempt:</b>				<b>Special Tax Recapture:</b>		NONE				
<b>Exempt Class:</b>										
<b>Homestead Application Information</b>										
<b>Homestead Application Status: Denied</b>										

Baltimore County

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

District: **15** Account Number: **1507150630**



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) (<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://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



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

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





**Sherry Nuffer - Re: I received files for case No.: 2015-0031-A and 2015-0038-A that are scheduled for a hearings on Friday September 26, 2014 @ 11am and 1:30pm. They are located in CBCA area and there are no DEPS ZAC comment. Please advised**

---

**From:** Jeffrey Livingston  
**To:** Nuffer, Sherry  
**Date:** 9/22/2014 3:20 PM  
**Subject:** Re: I received files for case No.: 2015-0031-A and 2015-0038-A that are scheduled for a hearings on Friday September 26, 2014 @ 11am and 1:30pm. They are located in CBCA area and there are no DEPS ZAC comment. Please advised

---

Just letting you know that we're working on it. You should have comments prior to Friday.

Jeff

>>> Sherry Nuffer 9/18/2014 3:31 PM >>>

I received files for case No.: 2015-0031-A and 2015-0038-A that are scheduled for a hearings on Friday September 26, 2014 @ 11am and 1:30pm. They are located in CBCA area and there are no DEPS ZAC comment. Please advised

Thank you,

Sherry

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

**Sherry Nuffer - I received files for case No.: 2015-0031-A and 2015-0038-A that are scheduled for a hearings on Friday September 26, 2014 @ 11am and 1:30pm. They are located in CBCA area and there are no DEPS ZAC comment. Please advised**

---

**From:** Sherry Nuffer  
**To:** Livingston, Jeffrey; Lykens, David  
**Date:** 9/18/2014 3:31 PM  
**Subject:** I received files for case No.: 2015-0031-A and 2015-0038-A that are scheduled for a hearings on Friday September 26, 2014 @ 11am and 1:30pm. They are located in CBCA area and there are no DEPS ZAC comment. Please advised

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Thank you,

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

**Message Id:** 541B331F.1F7 : 210 : 21833  
**Subject:** I received files for case No.: 2015-0031-A and 2015-0038-A that are scheduled for a hearings on Friday September 26, 2014 @ 11am and 1:30pm. They are located in CBCA area and there are no DEPS ZAC comment. Please advised  
**Created By:** snuffer@baltimorecountymd.gov  
**Scheduled Date:**  
**Creation Date:** 9/18/2014 3:31 PM  
**From:** Sherry Nuffer

**Recipients:**

Recipient	Action	Date & Time	Comment
 NCH_PO.NCH_DOM	Delivered	9/18/2014 3:31 PM	
To: David Lykens (dlykens@baltimorecountymd.gov)			
To: Jeffrey Livingston (jlivingston@baltimorecountymd.gov)			

**Post Offices**

Post Office	Delivered	Route
NCH_PO.NCH_DOM	9/18/2014 3:31 PM	baltimorecountymd.gov

**Files**

File	Size	Date & Time
MESSAGE	1331	9/18/2014 3:31 PM
TEXT.htm	1381	9/18/2014 3:31 PM

**Options**

**Auto Delete:** No  
**Concealed Subject:** No  
**Expiration Date:** None  
**Notify Recipients:** Yes  
**Priority:** Standard  
**Reply requested by:** None  
**Security:** Standard  
**To Be Delivered:** Immediate

**Record Id**

Record Id:	541AFADF.NCH_DOM.NCH_PO.100.1696736.1.33D9.1
Common Record Id:	541AFADF.NCH_DOM.NCH_PO.200.20000D2.1.31DFB.1



KEVIN KAMENETZ  
County Executive

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

September 17, 2014

Martin & Sheila A Beall  
30323 Arizona Avenue  
Baltimore MD 21234

RE: Case Number: 2015-0038 A, Address: 2126 Rosalie Avenue

Dear Mr. & Ms. Beall:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 14, 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  
J Carroll Holzer, Esquire, 508 Fairmount Avenue, Baltimore MD 21286



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

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

Maryland Department of Transportation

Date: 8/18/14

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

RE: Baltimore County  
Item No 2015-0038-A.  
Variance  
Martin & Sheila A. Beall  
2126 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. 2015-0038 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

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**

**RECEIVED**

**SEP 23 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:** September 23, 2014

**SUBJECT:** DEPS Comment for Zoning Item # 2015-0038-A  
Address 2126 Rosalie Avenue 21221  
(Beall 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. Development of this property must comply with maximum lot coverage limits, must meet BMA requirements for development within the 100-foot tidal buffer, and must meet a 15% tree cover requirement. Based on this, EPS has determined that adverse impacts on water quality from the pollutants discharged from the proposed development can be minimized with compliance and mitigation pursuant to Critical Area requirements. Mitigation requirements may include removal of existing lot coverage, and the planting of native trees and shrubs. Therefore, the relief requested by the applicant can result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

The property is waterfront, and the 100-foot tidal buffer covers a little more than half the property. The proposed development must comply with all LDA and BMA requirements prior to building permit approval. The proposed structure, as shown, is no closer to the water than the existing dwelling and meets that BMA requirement. A minimum 15% afforestation requirement, and CBCA lot coverage requirements must also be met. Therefore, the subject zoning petition will conserve fish, wildlife, and plant habitat provided that all Critical Area requirements are met.

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;

The proposed development is permitted under the State-mandated Critical Area regulations provided that development is in compliance with all Critical Area requirements. Lot coverage on the property is limited. Compliance with the Critical Area requirements, and mitigation can allow the subject development to be consistent with established land use policy for development in the CBCA 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.

Reviewer: Paul Dennis

Date: September 23, 2014

9/26  
130

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

**DATE:** September 2, 2014

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT:** 2126 Rosalie Avenue

OFFICE OF ADMINISTRATIVE HEARINGS

**INFORMATION:**

**Item Number:** 15-038

RECEIVED SEP 05 2014

**Petitioner:** Martin Beall

RECEIVED SEP 08 2014

**Zoning:** DR 3.5

OFFICE OF ADMINISTRATIVE HEARINGS

**Requested Action:** Variance

**SUMMARY OF RECOMMENDATIONS:**

The Department of Planning has reviewed the petitioner's request and accompanying site plan.

Rosalie Avenue has a mix of old and new dwellings. According to the petitioner's structural engineer, the existing dwelling that will be demolished has numerous structural deficiencies. The proposed side setbacks for the new dwelling are reasonable for this narrow lot. Staff received via email front elevation drawing and floor plans from the petitioner that appears to be appropriate in relation to the existing dwellings on Rosalie Avenue.

According to the petitioner, the site plan will be revised to show that the existing driveway will remain. With this revision, the Department of Planning has no objections to this request.

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

**Division Chief:**  
AVA/LL



**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**FROM:** Dennis A. Kennedy, <sup>DAK</sup>Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For August 25, 2014  
Item No. 2015-0038

**DATE:** August 19, 2014

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

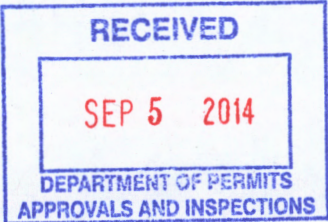
Prior to building permit application the petitioner must contact the office of the Director of Public Works to determine the flood protection elevation so that the floor elevation can be set.

\* \* \* \* \*

DAK:CEN  
cc:file

ZAC-ITEM NO 15-0038-08252014.doc

9/1/14  
JER



BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

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

**DATE:** September 2, 2014

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT:** 2126 Rosalie Avenue

**INFORMATION:**

**Item Number:** 15-038

**Petitioner:** Martin Beall

**Zoning:** DR 3.5

**Requested Action:** Variance

**SUMMARY OF RECOMMENDATIONS:**

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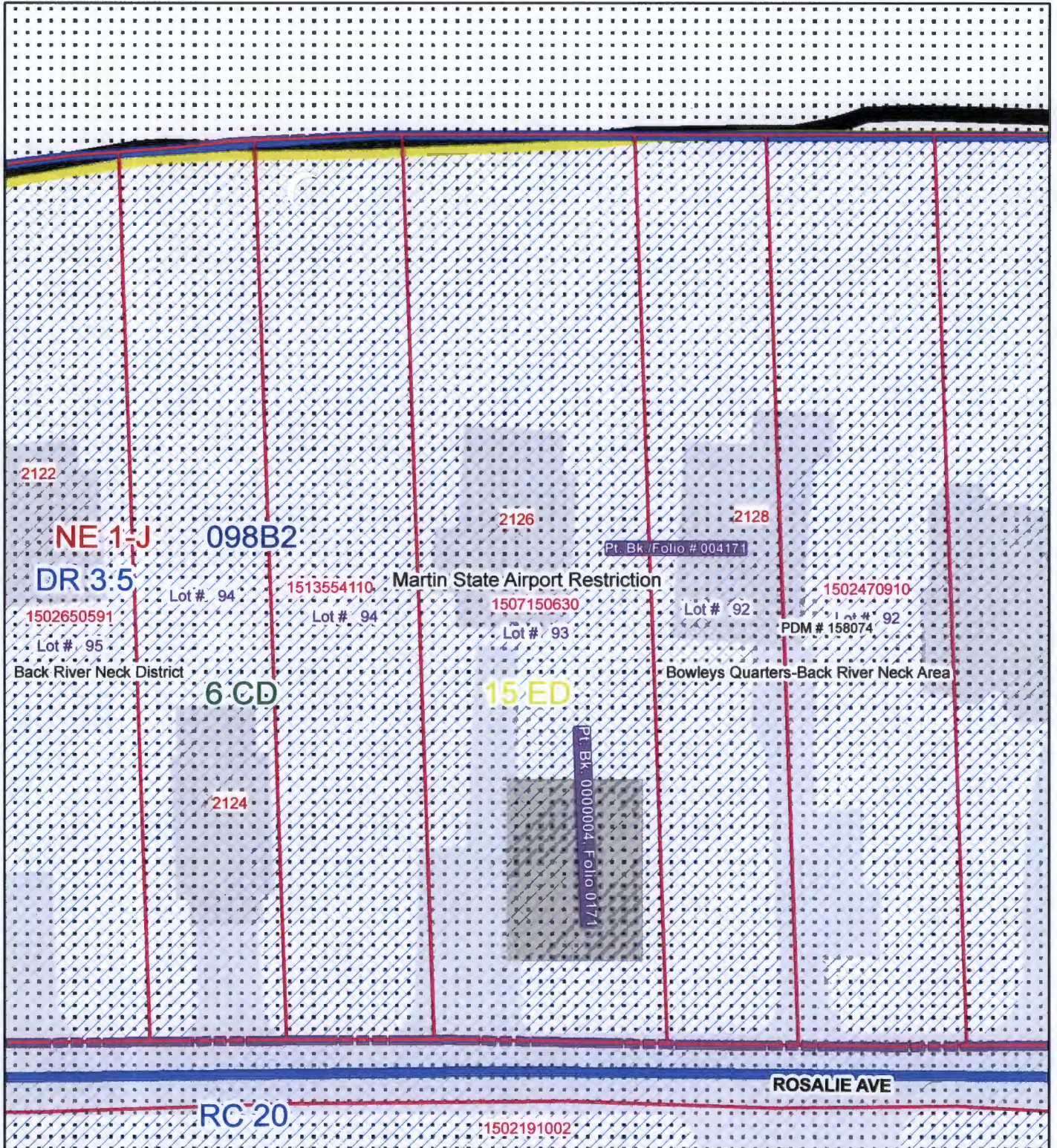
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**Division Chief:**  
AVA/LL

# 2126 Rosalie Avenue 2015-0038-A



Publication Date: 8/14/2014



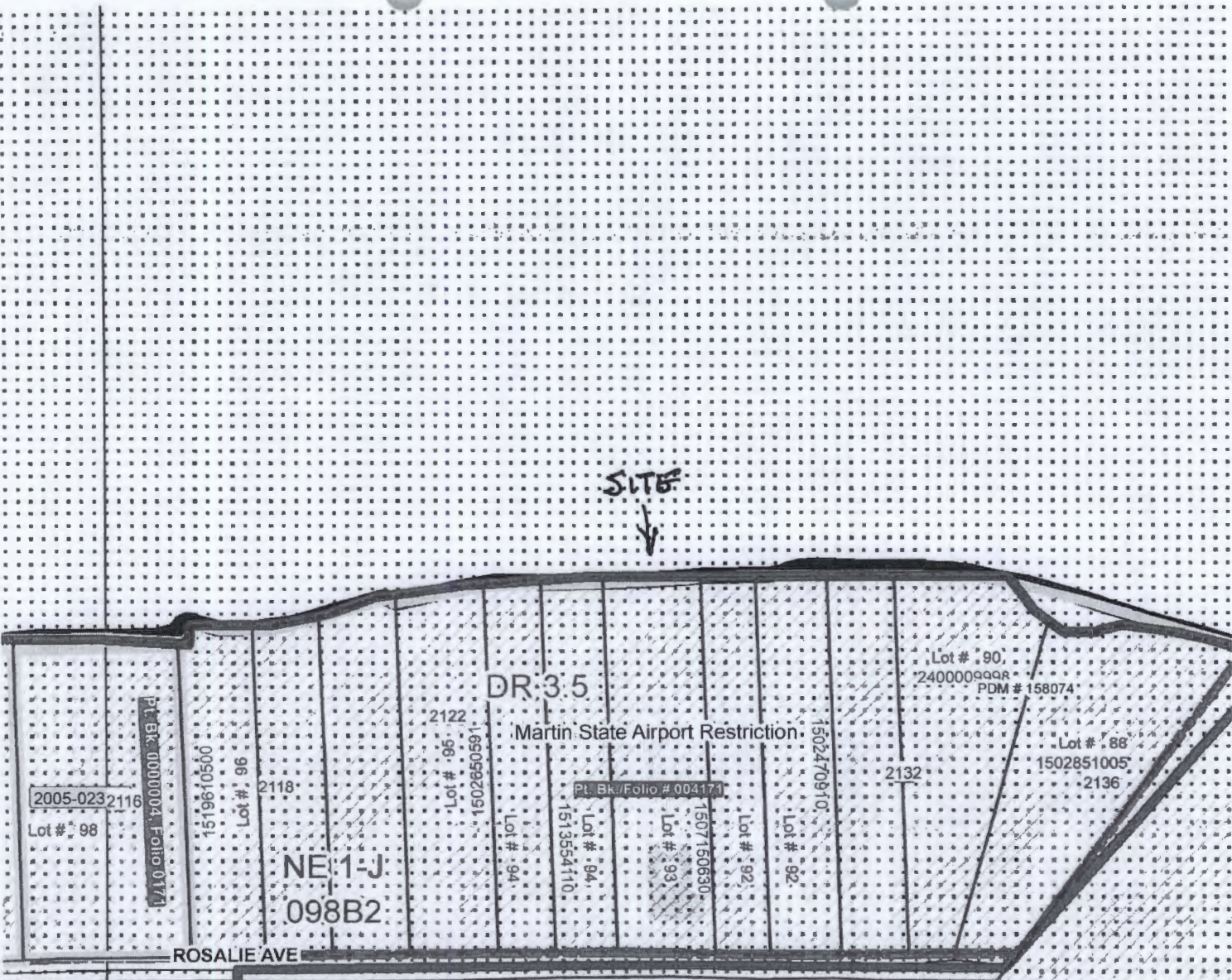
Publication Agency: Permits, Approvals & Inspections  
Projection/Datum: Maryland State Plane,  
FIPS 1900, NAD 1983/91 HARN, US Foot



0 5 10 20 30 40  
Feet

1 inch = 30 feet

SITE  
↓



ROSALIE AVE

Bowleys Quarters-Back River Neck Area  
Back River Neck District

RC 20

6 CD

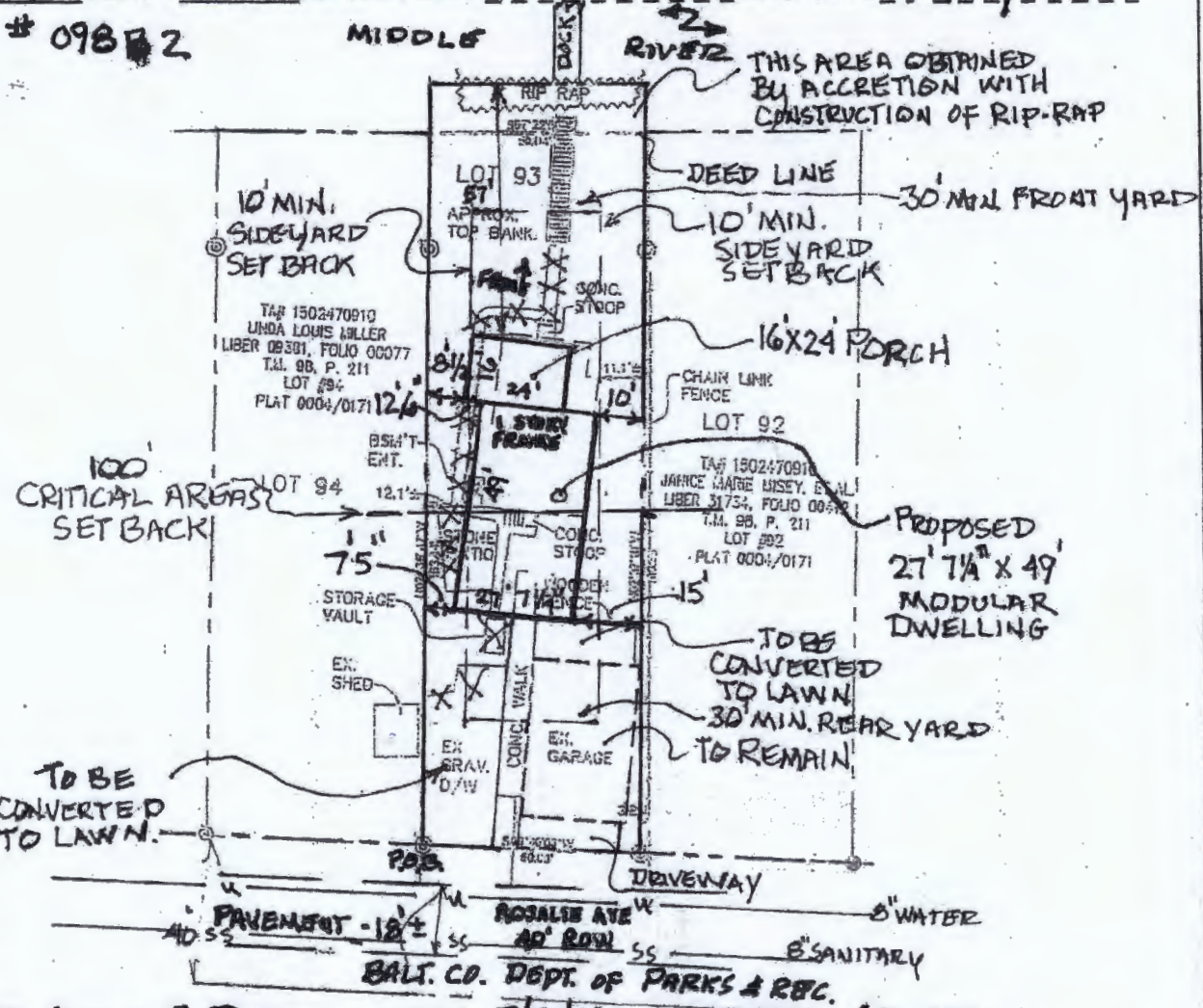
098A2

MAP TO ACCOMPANY  
VARIANCE PETITION FOR 2126 ROSALIE AVE

ZONING MAP  
NE 1-J

2015-0038-A

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)  
 ADDRESS 2126 ROSALIE AVENUE OWNER(S) NAME(S) MARTIN & SHEILA A. BEALL  
 SUBDIVISION NAME ROCKAWAY BEACH TM 98 LOT # 93 BLOCK # 15 SECTION # 211  
 PLAT BOOK # 4 FOLIO # 171 10 DIGIT TAX # 1507150430 DEED REF. # 329271-220  
 GIS TILE # 098B2



ZONING MAP: 098B2  
 SITE ZONED DR-3.5  
 ELECTION DISTRICT 15  
 COUNCIL DISTRICT 6  
 LOT AREA ACREAGE 0.212 AC.  
 OR SQUARE FEET 9,250 S.F.  
 HISTORIC? NO  
 IN CBCA? YES  
 IN FLOOD PLAIN? NO  
 UTILITIES? MARK WITH X  
 WATER IS: PUBLIC X PRIVATE \_\_\_\_\_  
 SEWER IS: PUBLIC X PRIVATE \_\_\_\_\_  
 PRIOR HEARING? NO  
 IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW  
(NONE OF RECORD)

PLAN DRAWN BY JAMES S. PATTON DATE 7/6/14 SCALE: 1 INCH = 40 FEET

2015-0038-A

VIOLETION CASE INFO:  
NONE OF RECORD

#1 Petitioners