#### MEMORANDUM

DATE:

May 18, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0204-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 15, 2015. 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

IN RE: PETITION FOR ADMIN. VARIANCE

(65 Belmore Road)

9<sup>th</sup> Election District 3<sup>rd</sup> Council District

Joseph P. III & Kristi L. Hepp

Petitioners

**BEFORE THE** 

OFFICE OF ADMINISTRATIVE

\* HEARINGS FOR

\* BALTIMORE COUNTY

CASE NO. 2015-0204-A

#### **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Joseph P. III & Kristi L. Hepp. The Petitioners are requesting Variance relief from §§ 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), and 211.4 and 301.1 of the 1958 Zoning Regulations, to permit a proposed open projection (screened porch addition) with a rear yard setback of 15 ft. in lieu of the minimum required 22.5 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 28, 2015, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law ORDER RECEIVED FOR FILING

Date 4-15-15

Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this <u>15<sup>th</sup></u> day of April, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §§ 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), and 211.4 and 301.1 of the 1958 Zoning Regulations, to permit a proposed open projection (screened porch addition) with a rear yard setback of 15 ft. in lieu of the minimum required 22.5 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

Petitioners may apply for necessary permits and/or licenses upon receipt of
this Order. However, Petitioners are hereby made aware that proceeding at
this time is at their own risk until 30 days from the date hereof, during which
time an appeal can be filed by any party. If for whatever reason this Order
is reversed, Petitioners would be required to return the subject property to
its original condition.

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

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER	RECEIVED FOR FILING	
Date	4-15-15	2
Ву	(90)	



KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

April 15, 2015

Joseph P. III & Kristi L. Hepp 65 Belmore Road Lutherville, Maryland 21093

RE: Petition for Administrative Variance

Case No. 2015-0204-A Property: 65 Belmore Road

Dear Mr. and Mrs. Hepp:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure



To be filed with the Department	
	s for Baltimore County for the property located at:
Address 65 Belmore Road Lutherville, MD 2109	3 Currently zoned DR 5.5 (vested )
Deed Reference 34309 / 00115	3 Currently zoned DR 5.5 (vested ) 10 Digit Tax Account # 0 9 1 1 6 7 1 2 7 0
Owner(s) Printed Name(s) Joseph Paul Hepp III, Kri	sti Lauren Hepp
(SELECT THE HEADING (S) BY MADINING Y AT THE ADD	ROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavit on the	e reverse of this Petition form must be completed and notarized.
attached hereto and made a part hereof, hereby petition for	
1. X ADMINISTRATIVE VARIANCE from Section(s)   1958 2 oning Regulations) to permit ap with a rear yard setback of 15 feet i	BOZ, 3, B, BCZR (Section 211, 4 & 301, 1 of the roposed open projection (screened porchaddition) in lieu of the minimum required 22½ feet.
of the zoning regulations of Baltimore County, to the zonin	
	prove a waiver pursuant to Section 32-4-107(b) of the Baltimo
County Code: (indicate type of work in this space: i.e., to re	aze, alter or construct addition to building)
of the Baltimore County Code, to the development law of F	Saltimore County
Property is to be posted and advertised as prescribed by the zoning regu	lations.
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Property is to be posted and advertised as prescribed by the zoning regu	lations. c. and further agree to be bound by the zoning regulations and restrictions of
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Property is to be posted and advertised as prescribed by the zoning regular way agree to pay expenses of above petition(s), advertising, posting, etc.	Owner(s)/Petitioner(s):  Joseph Paul Hepp III / Kristi Lauren Hepp Name #1 – Type or Print  Name #2 – Type or Print  Signature #1  65 Belmore Road  Mailing Address  City  State
Property is to be posted and advertised as prescribed by the zoning regular we agree to pay expenses of above petition(s), advertising, posting, etc.	Owner(s)/Petitioner(s):  Joseph Paul Hepp III / Kristi Lauren Hepp Name #1 - Type or Print Name #2 - Type or Print Signature #1  65 Belmore Road State  Lutherville MD Mailing Address City State  21093 / 443-621-5704 / jphepp3@gmail.com
Property is to be posted and advertised as prescribed by the zoning regul/ we agree to pay expenses of above petition(s), advertising, posting, etc.  Baltimore County adopted pursuant to the zoning law for Baltimore Coun	Owner(s)/Petitioner(s):  Joseph Paul Hepp III / Kristi Lauren Hepp Name #1 – Type or Print Name #2 – Type or Print Signature #1  65 Belmore Road Lutherville MD Mailing Address City State  21093 / 443-621-5704 / jphepp3@gmail.com Zip Code Telephone # Email Address
Property is to be posted and advertised as prescribed by the zoning regul/ we agree to pay expenses of above petition(s), advertising, posting, etc.  Baltimore County adopted pursuant to the zoning law for Baltimore County.  Attorney for Owner(s)/Petitioner(s):	Owner(s)/Petitioner(s):  Joseph Paul Hepp III / Kristi Lauren Hepp Name #1 - Type or Print Name #2 - Type or Print Signature #1  65 Belmore Road State  Lutherville MD Mailing Address City State  21093 / 443-621-5704 / jphepp3@gmail.com
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Property is to be posted and advertised as prescribed by the zoning regul/ we agree to pay expenses of above petition(s), advertising, posting, etc.  Baltimore County adopted pursuant to the zoning law for Baltimore County.  Attorney for Owner(s)/Petitioner(s):  Name-Type or Print  Signature  City State	Owner(s)/Petitioner(s):  Joseph Paul Hepp III , Kristi Lauren Hepp Name #1 - Type or Print Nignature #1  65 Belmore Road Lutherville MD Mailing Address Zip Code Zip Code Telephone #  Representative to be contacted:  Name - Type or Print  Name regulations and restrictions of regulations.  Kristi Lauren Hepp Name #2 - Type or Print Name #2 - Type or Print  Name #2 - Type or Print  Name #3 - Type or Print  Name #4 - Type or Print
Property is to be posted and advertised as prescribed by the zoning regul/ we agree to pay expenses of above petition(s), advertising, posting, etc.  Baltimore County adopted pursuant to the zoning law for Baltimore County.  Attorney for Owner(s)/Petitioner(s):	Owner(s)/Petitioner(s):  Joseph Paul Hepp III / Kristi Lauren Hepp Name #1 – Type or Print  Name #2 – Type or Print  Signature #1  65 Belmore Road  Lutherville  MD  Mailing Address  City  State  21093 / 443-621-5704 / jphepp3@gmail.com  Zip Code  Telephone #  Email Address  Representative to be contacted:  Name – Type or Print  Signature

Administrative Law Judge for Baltimore County

CASE NUMBER 2015-0204-A Filing Date 3,17, 2015 Estimated Posting Date 3,29, 2015 Reviewer JNP

#### **Affidavit in Support of Administrative Variance**

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

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address:	65 Belmore Road	Lutherville	MD	21093
Audiess.	Print or Type Address of property	City	State	Zip Code
	oon personal knowledge, the rative Variance at the above			se the request for an
Our hou	se is on a corner lot and wa	as built to face the corner	r; therefore, the setba	acks can be easily
crossec	with any rear modification	to our home. Our family	has a history of skin	cancer and we would
	outside space that is covere			
	the beautiful weather withou			
	dded rear/side additions to			
	neighborhood and would als	so allow us the ability to e	enjoy our neighborho	od without fearing
health i	ssues later in life.			
	e e e e e e e e e e e e e e e e e e e			
(If addi	itional space for the petition re	quest or the above stateme	ent is needed, label and	attach it to this Form)
One	al Acorte		Knion Laur	in them
Signature	of Owner (Affiant)	Si	gnature of Owner (Affian	t) (7)
Joseph I	Paul Hepp III		Kristi Lauren Hepp	
Name- Prir	nt or Type	Na	ame- Print or Type	
	The following information	is to be completed by a Not	ary Public of the State	of Maryland
STATE C	OF MARYLAND, COUNTY	OF BALTIMORE, to wit	<b>t:</b>	
I HEREB	SY CERTIFY, this	day of Macks, 2	before me a	Notary of Maryland, in
	(		KRISTI LASI	een Hepp
the Affiant	t(s) herein, personally known			
AS WITN	ESS my hand and Notaries So	eal Carle	ROS	
		Notary Public		
			L. TAYLOR  ry Public  ore County	REV 5/8/2014

Maryland
My Commission Expires Aug. 01, 2016

#### ZONING PROPERTY DESCRIPTION FOR 65 Belmore Road Lutherville, MD 21093

Beginning at a point on the north side of Greenridge Road which is 50 feet wide at the distance of 41.25 feet east of the centerline of the nearest improved intersecting street Belmore Road which is 50 feet wide.

Being Lot #21, Block C, in the subdivision of Plat One of Waterford as recorded in Baltimore County Plat Book #25, Folio #28, containing 10,696 Square Feet. Located in the 9<sup>th</sup> Election District and 3<sup>rd</sup> Council District.

# BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

#### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2015- 0204 -A Address 65 Belmore Road
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Filing Date: 3 17 2015 Posting Date: 3 29 2015 Closing Date: 4/13/20
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <b>DEADLINE:</b> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 2015- 0204 -A Address 65 Relmore Road
Petitioner's Name Joseph Paul Hepp III & Kristi Lauran Hepp Telephone 443-621-5.704
Posting Date: 3/29/2015 Closing Date: 4/13/2015
Wording for Sign: To Permit a proposed open projection (screened porch addition) with a rear yard setback of 15 feet in lieu of the minimum required 22's feet.

OFFICE	OF BUD	GET AND	ARYLANI FINANC RECEIPT	Ę	Y	No.	1960 . 177	23010		PATE PETERIN
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## **CERTIFICATE OF POSTING**

Date: 03/28/2015

RE:	Project Name:	Administrative Variance	
	Case Number /PAI Num	nber: 2015-0204-A	
	Petitioner/Developer: _J		
	Date of Hearing/Closing	g: 04/13/2015	
were		the property located at 65 Belmore Rd.	by lav



(Signature of Sign Poster)

John M. Altmeyer

(Month, Day, Year)

(Printed Name of Sign Poster)

21722 Orwig Rd

(Street Address of Sign Poster)

Freeland, MD. 21053

(City, State, Zip Code of Sign Poster)

410-382-6580

(Telephone Number of Sign Poster)

CASE NO. 2015- 204 - A

# CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
3-25	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	-KC
	DEPS (if not received, date e-mail sent)	•
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
3-23	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	No objection
	COMMUNITY ASSOCIATION  ADJACENT PROPERTY OWNERS	
ZONING VIOLA	TION (Case No	
PRIOR ZONING	(Case No.	
NEWSPAPER AI	OVERTISEMENT Date:	
SIGN POSTING	Date: 3-28-15	by. Oltmerger
	ISEL APPEARANCE Yes No DISEL COMMENT LETTER Yes No D	
Comments, if any:	•	

Guide to searching the database Real Property Data Search (w2) Search Result for BALTIMORE COUNTY View GroundRent Registration View Map View GroundRent Redemption District - 09 Account Number - 0911671270 Account identifier: Owner Information RESIDENTIAL YES HEPP JOSEPH P III HEPP KRISTI LAUREN Owner Name: Principal Residence: 65 BELMORE RD LUTH-TIMONIUM MD 21093-6109 Deed Reference: /34309/ 00115 Mailing Address: Location & Structure Information 65 BELMORE RD 0-0000 Premises Address: Legal Description: 65 BELMORE RD WATERFORD Assessment Grid: Parcel: Sub District: Subdivision: Section: Block: Lot: Plat No: C 2014 Plat Ref: 0025/ 0028 0268 0000 21 0061 0019 Town: NONE Special Tax Areas: Ad Valorem: Tax Class: Property Land Area Above Grade Enclosed Area County **Finished Basement** Primary Structure Built 1959 2,068 SF 10,815 SF 04 Full/Half Bath Exterior Garage **Last Major Renovation Stories Basement** Type SIDING 2 NO SPLIT LEVEL 3 full Value Information Base Value Value **Phase-in Assessments** As of 01/01/2014 As of 07/01/2014 As of 07/01/2015 122,700 104,700 Land: 158,300 148,300 Improvements 271,000 263,000 263,000 263,000 Total: **Preferential Land:** 0 Transfer Information Seller: HEPP JOSEPH P 3RD Date: 10/07/2013 Price: \$0 Type: NON-ARMS LENGTH OTHER Deed1: /34309/ 00115 Deed2: Seller: KOUSOURIS ALICIA D Date: 11/08/2010 Price: \$308,000 Type: ARMS LENGTH IMPROVED Deed1: /30097/ 00329 Deed2: Seller: KOUSOURIS LOUIS J Date: 10/19/1990 Price: \$0 Type: NON-ARMS LENGTH OTHER Deed1: /08626/ 00783 Deed2: **Exemption Information** 07/01/2014 07/01/2015 Partial Exempt Assessments: Class County: 000 0.00 State: 000 0.00 000 0.00|0.00 Municipal: 0.00|0.00 **Special Tax Recapture:** Tax Exempt: **Exempt Class:** 

Homestead Application information

Homestead Application Status: Approved 03/15/2011

**Baltimore County** 

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

District: 09 Account Number: 0911671270



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.

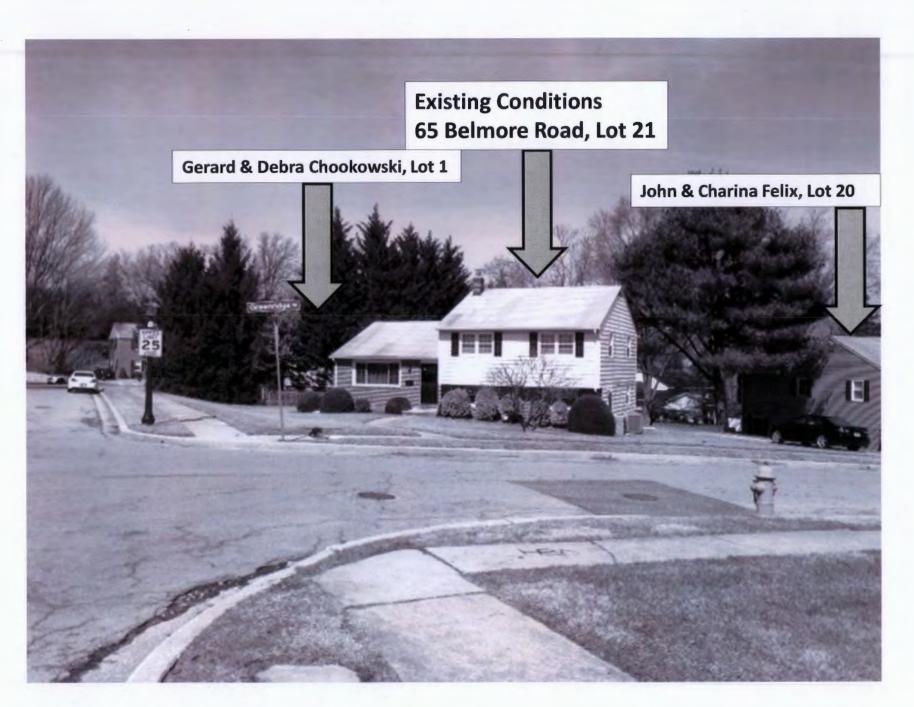
For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (http://www.mdp.state.md.us/OurProducts/OurProducts.shtml).

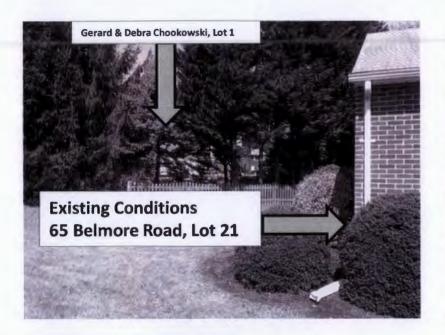


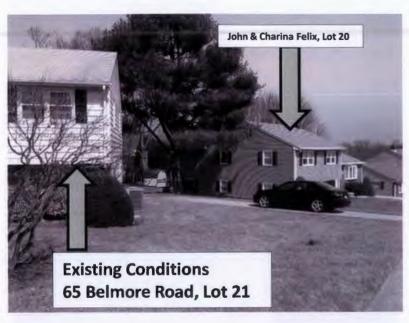
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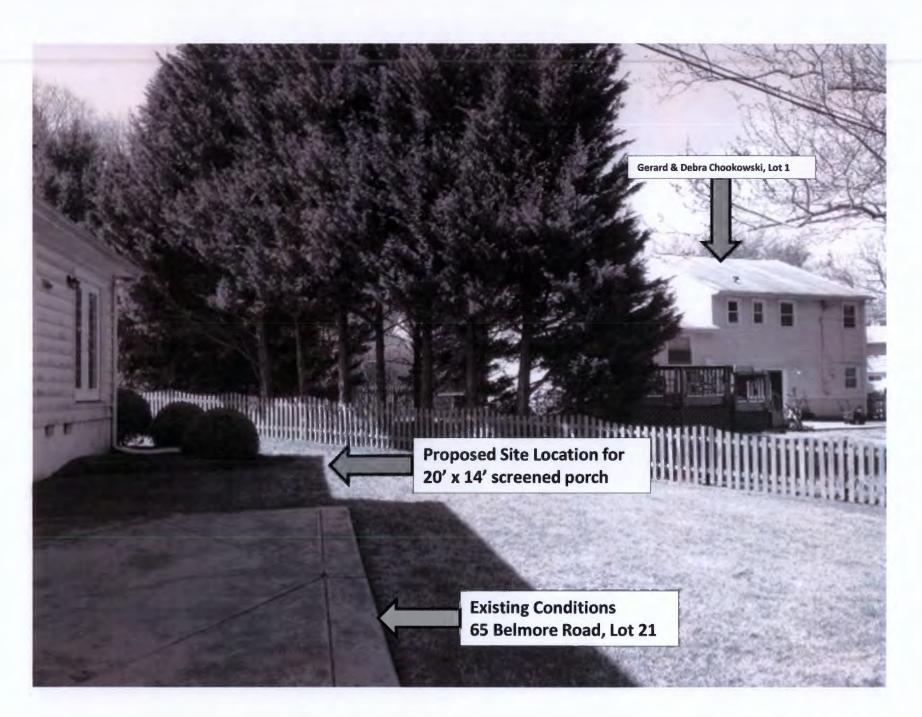


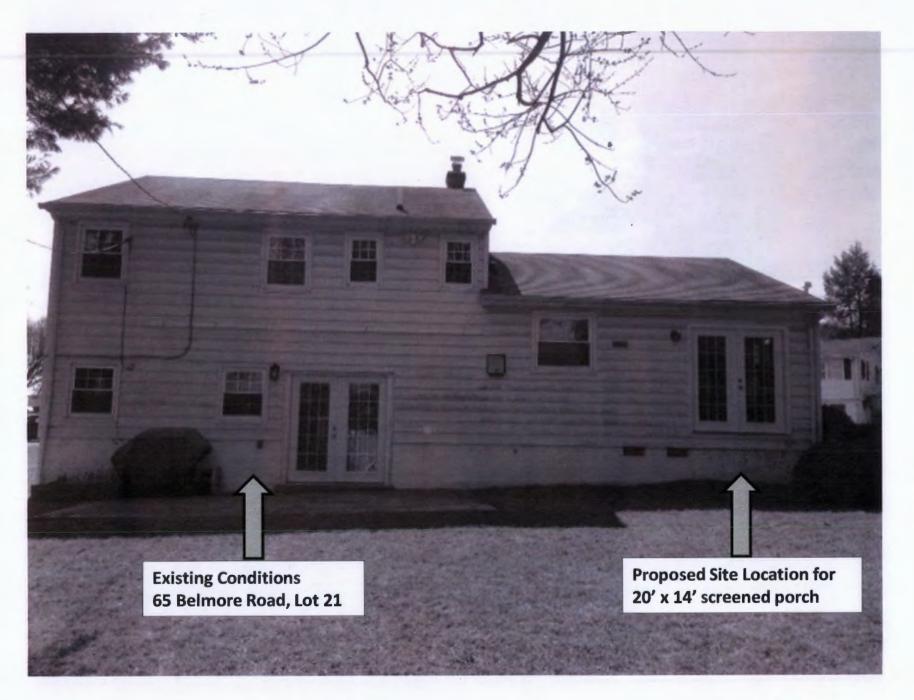














KEVIN KAMENETZ County Executive

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

April 13, 2015

Joseph Paul III & Kristi Lauren Hepp 65 Belmore Road Lutherville MD 21093

RE: Case Number: 2015-0204 A, Address: 65 Belmore Road

Dear Mr. & Ms. Hepp:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 17, 2015. 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,

U. Cal Richal &

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

**Enclosures** 

c: People's Counsel



Larry Hogan, Governor Boyd Rutherford, Lt. Governor

Pete K. Rahn, Secretary Melinda Peters, Administrator

Date: 3/23/15

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

RE: **Baltimore County** 

Item No 2015-0204-A Administrativo Variance Joseph Paul III = Kristi Lauren Hopp 45 Bellmore Road.

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2015-0204-4.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email at (rzeller@sha.state.md.us).

Sincerely.

Steven D. Foster, Chief/ Development Manager

Access Management Division

SDF/raz

# BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** March 25, 2015

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 30, 2015

Item No. 2015-0203, 0204 and 0205

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

DAK:CEN cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC03302015.doc

### 65 Belmore Road



Publication Date: 3/17/2015



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



0 12.5 25 50 75 100 Feet

1 inch = 50 feet

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	SITE VICINITY MAP
	200
ADDRESS 65 Belmore Rd. OWNER(S) NAME(S) Joseph P. & Kristi L. Hepp	Relmore Rd
SUBDIVISION NAME Plat One of Waterford LOT# 21 BLOCK # C SECTION # N/A	300
PLAT BOOK # 25 FOLIO # 28 10 DIGIT TAX # 09 1 1 6 7 1 2 7 0 DEED REF. # 3 4 309 1 00 1 1 5	Alston Rd Rsite
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Concrete volt	IF SO GIVE CASE NUMBER
Wilson Bout aid & Gidge Roll W	AND ORDER RESULT BELOW
N Political of Besinning of Besinning Green de Pol. (50'R/W) (30' Poving)	
Carrie S.	
PLAN DRAWN BY JOSEPH 7, Hepp III DATE 03-13-2015 SCALE: 1 INCH = 30 FEET	
	Anna Astronia da Santa da A

Pet. Eph 1

