



KEVIN KAMENETZ
County Executive

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

May 4, 2015

Charles C. and Mary Formby
2408 Bauernschmidt Drive
Baltimore, Maryland 21221

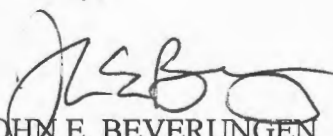
RE: Petition for Administrative Variance
Case No. 2015-0210-A
Property: 2408 Bauernschmidt Drive

Dear Mr. and Mrs. Formby:

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

c: Austin Childs, 16850 Gerting Road, Monkton, MD 21111

IN RE: PETITION FOR ADMIN. VARIANCE *
(2408 Bauernschmidt Drive)
15th Election District *
7th Council District *
Charles C. and Mary Formby *
Petitioners *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2015-0210-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, Charles C. and Mary Formby. The Petitioners are requesting Variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed addition with a side yard setback of 9 ft. and a combination of side yard setbacks of 20 ft. in lieu of the minimum required 10 ft. and a sum of 25 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. A ZAC comment was received from the Bureau of Development Plans Review (DPR) dated March 31, 2015 indicating that prior to building permit application, the petitioner must contact the Office of the Director of the Department of Public Works to determine the flood protection elevation, so that the floor elevation can be set. It is to be noted that a letter of support was signed by adjacent neighbor H. Duane Steelberg who resides at 2406 Bauernschmidt Drive.

In addition, Mary Formby submitted (at the request of the OAH) a signed and notarized Affidavit indicating that the residence is owned by Charles C. and Mary Formby, that no other person or entity has an interest in the operation and/or affairs of 2408 Bauernschmidt Drive, and that she resides year round and actually occupies the property known as 2408 Bauernschmidt Drive and considers it to be her principal residence.

ORDER RECEIVED FOR FILING

Date 5-4-15

102

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 1, 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 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 4th day of **May, 2015**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking Variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed addition with a side yard setback of 9 ft. and a combination of side yard setbacks of 20 ft. in lieu of the minimum required 10 ft. and a sum of 25 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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.
2. Petitioners must comply with the ZAC comments from DPR; a copy of which is attached and made a part hereof.

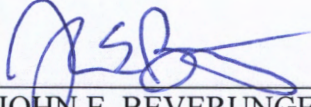
ORDER RECEIVED FOR FILING

Date 5-4-15 ²

By 102

3. 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.



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 5-4-15 3

By [Signature]

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 April 6, 2015
Item No. 2015-0210

DATE: March 31, 2015

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 15-0210-04062015.doc

ORDER RECEIVED FOR FILING

Date 5-4-15

By low



CBGA

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2408 Bauernschmidt Drive
which is presently zoned DR-3.5

Floor

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Section 1B02.3.C.1 - to permit a proposed addition with a side yard setback of 9 feet and a combination of side yard setbacks of 20 feet in lieu of the minimum required 10 feet and sum of 25 feet

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

I, or we, agree to pay expenses of above Variance, 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.

I/We do 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 Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Craig Formby
Name - Type or Print _____
Signature *Craig Formby* _____
Name - Type or Print _____
Signature *Mary Formby* _____
2408 Bauernschmidt Dr. 410-804-5130
Address _____ Telephone No. _____
Baltimore, Maryland 21221
City _____ State _____ Zip Code _____

Representative to be Contacted:

Austin Childs
Name _____
16850 Gerting Road 410-472-9290
Address _____ Telephone No. _____
Monkton MD 21111
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

CASE NO. 2015-0210-A

REV 10/25/01

ORDER RECEIVED FOR FILING

Date 5-4-15

By RW

Zoning Commissioner of Baltimore County
Reviewed By DDD Date 3/26/15
Estimated Posting Date 4/5/15

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 2408 Bauernschmidt Drive
Address
Baltimore, MD 21221
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

The existing house does not provide adequate, functional living space for the Formby family.

After conducting extensive site analysis and evaluation of existing conditions, we have designed a solution that is architecturally appropriate, and results in the least amount of impact on the site.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Charles Craig Formby
Signature
Charles Craig Formby
Name - Type or Print

Mary Formby
Signature
Mary Formby
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7 day of MARCH, 2015, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Charles Formby and Mary Formby
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s)

AS WITNESS my hand and Notarial Seal

Thomas J. [Signature]
Notary Public
My Commission Expires 5-10-2015

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/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2015-0210-A

Petitioner: CRAIG FORMBY

Address or Location: 2400 BRAUNSCHMIDT DR.

PLEASE FORWARD ADVERTISING BILL TO:

Name: CRAIG FORMBY

Address: 2400 BRAUNSCHMIDT DR.

BALTIMORE MD. 21221

Telephone Number: _____

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2015- 0210 -A Address 2408 Bauernschmidt Dr
Contact Person: David Puva II Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 3/26/15 Posting Date: 4/5/15 Closing Date: 4/20/15

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. **DEADLINE:** 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.
3. **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- 0210 -A Address 2408 Bauernschmidt Dr
Petitioner's Name Craig Formby Telephone 410 804 5130
Posting Date: 4/5/15 Closing Date: 4/20/15

Wording for Sign: To Permit a proposed addition with a side yard setback
of 9 feet and a combination of side yard setbacks of 20 feet
in lieu of the minimum required 10 feet and a sum of 25 feet

Revised 7/18/14

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 6, 2015
Item No. 2015-0210

DATE: March 31, 2015

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 15-0210-04062015.doc

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 4/2/2015

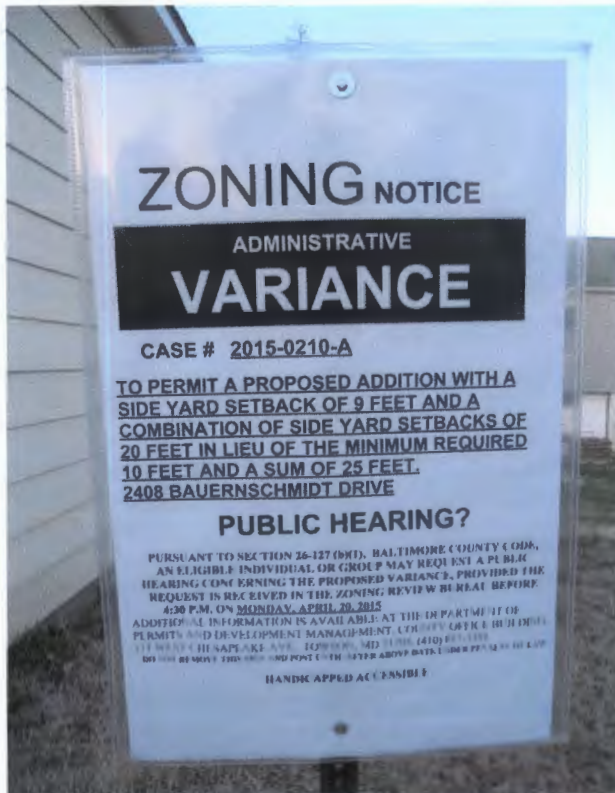
Case Number: 2015-0210-A

Petitioner / Developer: AUSTIN B. CHILDS ~ CRAIG FORMBY

Date of Hearing (Closing): APRIL 20, 2015

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:
2408 BAUERNSCHMIDT DRIVE

The sign(s) were posted on: APRIL 1, 2015



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>3-31</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
_____	DEPS <u>CBCA</u> <u>missing</u> (if not received, date e-mail sent <u>4-24-15</u>)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>3-30</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	<u>* No objection from</u>
_____	ADJACENT PROPERTY OWNERS <u>Steelberg, 2406</u> <u>Baerschmidt</u>	_____
ZONING VIOLATION	(Case No. _____)	_____
PRIOR ZONING	(Case No. _____)	_____
NEWSPAPER ADVERTISEMENT	Date: _____	_____
SIGN POSTING	Date: <u>4-1-15</u> by: <u>O'Keefe</u>	_____
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	_____
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	_____

Comments, if any: _____

Real Property Data Search (w4)

Guide to searching the database

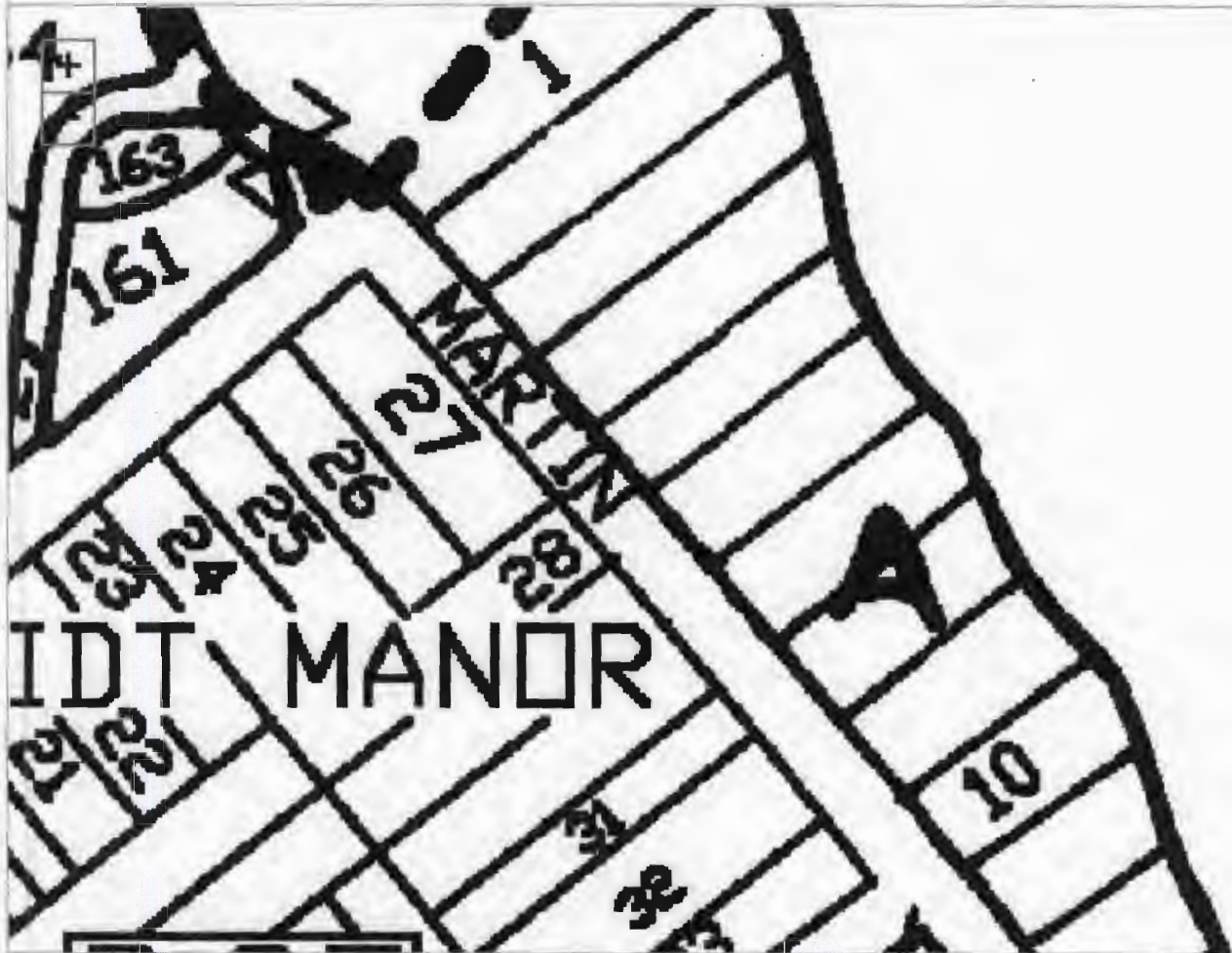
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 15 Account Number - 1502651680		
Owner Information		
Owner Name:	FORMBY CHARLES CRAIG FORMBY MARY	Use: RESIDENTIAL Principal Residence: NO Deed Reference: /23061/ 00553
Mailing Address:	APT 317 601 5TH AVE TUSCALOOSA AL 35401-7442	
Location & Structure Information		
Premises Address: 2408 BAUERNSCHMIDT DR BALTIMORE 21221-1714 Waterfront		Legal Description: 2408 BAUERNSCHMIDT DR BAUERNSCHMIDT MANOR
Map:	Grid:	Parcel:
0098	0008	0035
Sub District:	Subdivision:	Section:
	0000	A
Block:	Lot:	Assessment Year:
	6	2015
Plat No:	Plat Ref:	
	0012/0081	
Special Tax Areas:		
Town: NONE		
Ad Valorem:		
Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1949	1,080 SF	
Property Land Area	County Use	
9,853 SF	34	
Stories	Basement	Type
1 1/2	YES	STANDARD UNIT
Exterior	Full/Half Bath	Garage
ASBESTOS SHINGLE	1 full	
Last Major Renovation		
Value Information		
Base Value	Value As of 01/01/2015	Phase-In Assessments As of 07/01/2014
		As of 07/01/2015
Land:	259,500	259,500
Improvements	68,400	66,800
Total:	327,900	326,300
Preferential Land:	0	0
Transfer Information		
Seller: BRODT MARGARET L	Date: 12/14/2005	Price: \$550,000
Type: ARMS LENGTH IMPROVED	Deed1: /23061/ 00553	Deed2:
Seller: BRODT HENRY P	Date: 11/15/2000	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /14811/ 00723	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2014
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:		0.00 0.00
Exempt Class:		
Special Tax Recapture: NONE		
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

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

District: 15 Account Number: 1502651680



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

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

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

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



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

☒ Loading... Please

Loading... Please Wait.

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Debra Wiley

From: Debra Wiley
Sent: Friday, April 24, 2015 8:57 AM
To: Jeffery Livingston
Subject: ZAC CBCA Comment - Case No. 2015-0210-A

Jeff,

File is missing CBCA ZAC comment for the above-referenced matter. I have attached a case description for your convenience.

Thanks.

CASE NUMBER: 2015-0210-A

2408 BAUERNSCHMIDT DR.

Location: NE/S Bauernschmidt Drive, 209 ft. N of the c/line of Riverside Drive
15th Election District, 7th Council District

Legal owners: Craig & Mary Formby

ADMINISTRATIVE VARIANCE To permit a proposed addition with a side yard setback of 9 ft. and a combination of side yard setbacks of 20 ft. in lieu of the minimum required 10 ft. and a sum of 25 ft.

Debra Wiley
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

I do not object to the changes
proposed for 2408 Bauernschmidt Dr.

Ph.D. Hatter 2/27/15



Item #0210

Charlotte A. Still

Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 15 Account Number - 1519321041		
Owner Information		
Owner Name:	STEELBERG H DUANE STEELBERG IRENE W	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	2406 BAUERNSCHMIDT DR BALTIMORE MD 21221-1714	Deed Reference: /08964/ 00699
Location & Structure Information		
Premises Address:	2406 BAUERNSCHMIDT DR 0-0000 Waterfront	Legal Description: BAUERNSCHMIDT MANOR
Map:	Grid:	Parcel:
0098	0003	0035
Sub District:	Subdivision:	Section:
0000	0000	A
Block:	Lot:	Assessment Year:
	5	2015
Plat No:	Plat Ref:	
	0012/0081	
Special Tax Areas:		
Town: NONE		
Ad Valorem:		
Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1947	1,390 SF	520 SF
Property Land Area	County Use	
10,070 SF	34	
Stories	Basement	Type
1	YES	STANDARD UNIT
Exterior Siding	Full/Half Bath	Garage
	1 full	
Last Major Renovation		
Value Information		
	Base Value	Value As of 01/01/2015
Land:	260,000	260,000
Improvements	132,300	130,000
Total:	392,300	390,000
Preferential Land:	0	0
Phase-in Assessments		
	As of 07/01/2014	As of 07/01/2015
	392,300	390,000
Transfer Information		
Seller: HALE LEROY A	Date: 11/06/1991	Price: \$257,000
Type: ARMS LENGTH IMPROVED	Deed1: /08964/ 00699	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2014
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: Approved 11/15/2010		



KEVIN KAMENETZ
County Executive

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

April 20, 2015

Craig & Mary Formby
2408 Bauernschmidt Drive
Baltimore MD 21221

RE: Case Number: 2015-0210 A, Address: 2408 Bauernschmidt Drive

Dear Mr. & Ms. Formby:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 26, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Austin Childs, 16850 Gerting Road, Monkton MD 21111

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor



Maryland Department of Transportation

Pete K. Rahn, Secretary
Melinda Peters, Administrator

Date: 3/30/15

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

RE: Baltimore County
Item No 2015-0210-A
Administrative Variance
Craig & Mary Formby
2408 Bauernschmidt Drive

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. 2015-0210-A.

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,

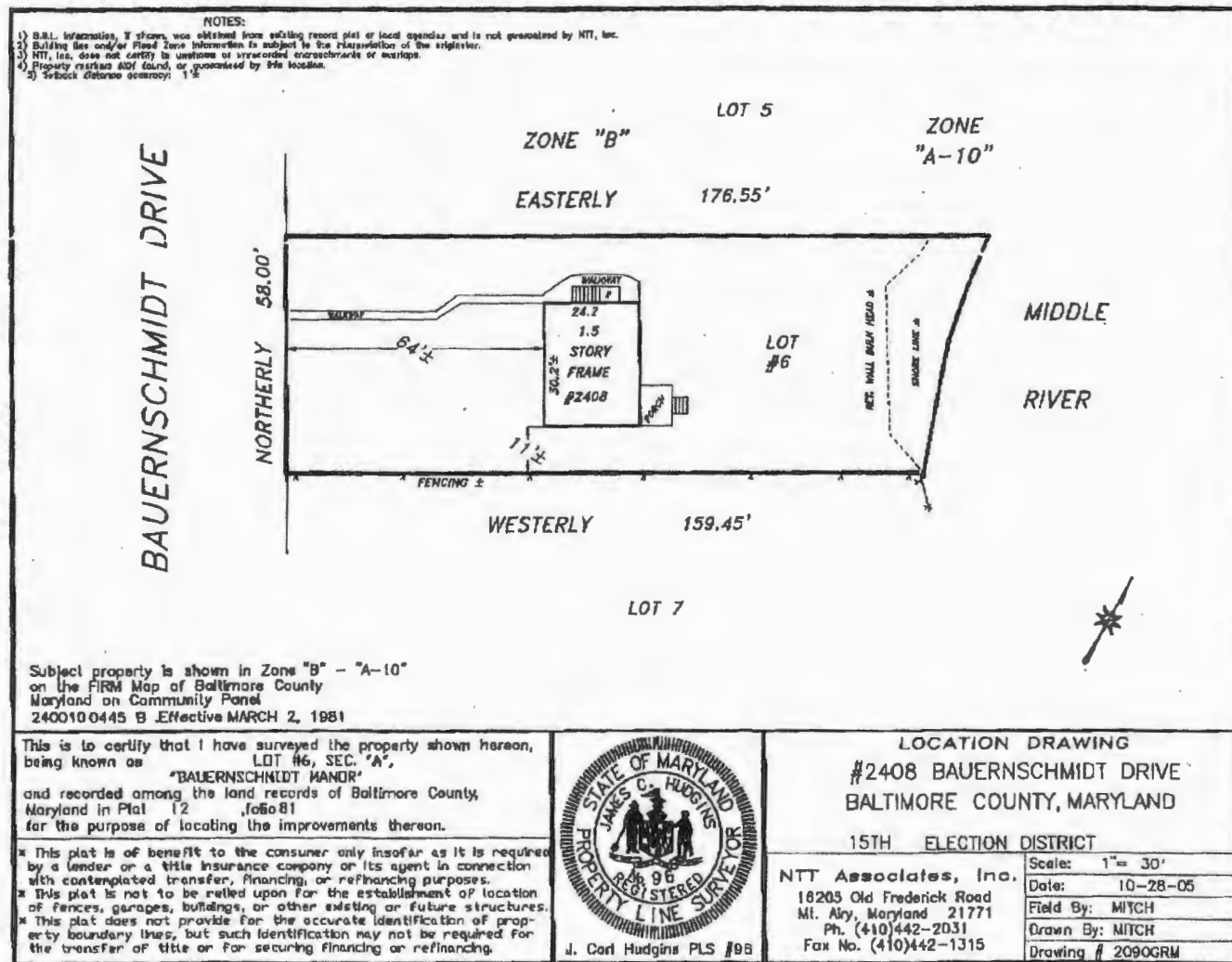
A handwritten signature in dark ink, appearing to read "Steven D. Foster".

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

SDF/raz

T-080 P.011/014 F-211

NOV-15-06 11:38AM FROM-



58.0
 41.2
 119.8
 7.0
 9.8

Item #0210

MEMORANDUM

DATE: June 10, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0210-A – Appeal Period Expired

The appeal period for the above-referenced case expired on June 3, 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

Debra Wiley

From: Jeffery Livingston
Sent: Wednesday, May 06, 2015 3:19 PM
To: Sherry Nuffer; Debra Wiley
Subject: Zoning Variance comments EPS - 15-0210,
Attachments: ZAC 15-0210-A 2408 Bauernschmidt Drive.doc

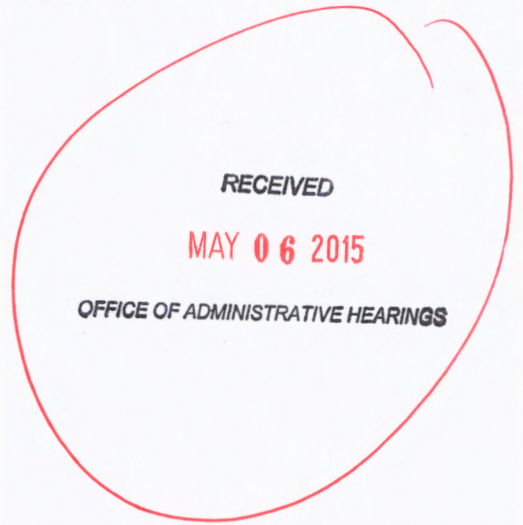
Here's a comment that's for a CBCA property.

I'm hoping to get the zoning variance comments back up to full speed with Mary back now.

Feel free to beat on me for any comments! I know that I've got 218 and 221 pending.

Thanks,

Jeff Livingston
Baltimore County
Department of Environmental Protection and Sustainability
111 West Chesapeake Ave, Suite 319
Towson, MD 21204
(410) 887-5859
Fax (410) 887-4804



BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

MAY 06 2015

OFFICE OF ADMINISTRATIVE HEARINGS



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (DEPS) - Development Coordination

DATE: May 6, 2015

SUBJECT: DEPS Comment for Zoning Item # 2015-0210-A
Address 2408 Bauernschmidt Drive
(Formby, Craig 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 waterfront addition, and an addition on the north side of the dwelling with a side yard setback of 9-feet in lieu of the required setback requirements. The proposed development must meet LDA and BMA requirements for lot coverage in the LDA. The plan submitted does not appear to include all existing lot coverage. The lot coverage allowance must be based on the area of the property above mean high water and back to the actual road right-of-way. Lot coverage must include driveways, and any stone areas. If the applicant can meet these requirements, the relief requested will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront. If lot coverage and mitigation requirements can be met, this will help conserve fish, plant, and wildlife habitat in Middle River.

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

Reviewer: *Paul Dennis – Environmental Impact Review (EIR)*

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAY 06 2015

OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (DEPS) - Development Coordination

DATE: May 6, 2015

SUBJECT: DEPS Comment for Zoning Item # 2015-0210-A
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Reviewer: *Paul Dennis – Environmental Impact Review (EIR)*

IN RE: PETITION FOR ADMIN. VARIANCE *
(2408 Bauernschmidt Drive) *
15th Election District *
7th Council District *

Charles C. & Mary Formby
Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR
BALTIMORE COUNTY
Case No. 2015-0210-A

RECEIVED

MAY 04 2015

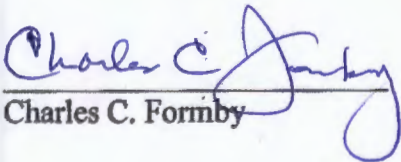
OFFICE OF ADMINISTRATIVE HEARINGS

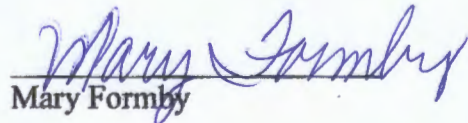
AFFIDAVIT

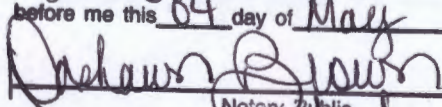
I, Charles C. & Mary Formby, are over the age of 18 and have personal knowledge of and am competent to testify to the following:

1. The residence at 2408 Bauernschmidt Drive is owned by Charles C. & Mary Formby. No other person or entity has an interest in the operation and/or affairs of 2408 Bauernschmidt Drive.
2. I, Mary Formby, reside year round and actually occupy property known as 2408 Bauernschmidt Drive, and I consider this to be my principal residence.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.


Charles C. Formby


Mary Formby

State of Maryland
County of Baltimore
Mary Formby And Charles Formby personally appeared
before me this 04 day of May, 2015

Notary Public
My commission expires 11/16/2015

DASHAWN BROWN
NOTARY PUBLIC
BALTIMORE CITY
MARYLAND

IN RE: PETITION FOR ADMIN. VARIANCE *

(2408 Bauernschmidt Drive)

15th Election District *

7th Council District *

Charles C. & Mary Formby

Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR

BALTIMORE COUNTY

RECEIVED

MAY 01 2015

OFFICE OF ADMINISTRATIVE HEARINGS Case No. 2015-0210-A

* * * * *

AFFIDAVIT

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I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Charles C. Formby

Mary Formby

Mary Formby

WELLS
FARGO

Acknowledgment by Individual

State of

Maryland

City
County of

Baltimore

On this

29

day of

April

, 20

15

before me,

Amanda Caughie

Name of Notary Public

the undersigned Notary Public, personally appeared

Mary Formby

Name of Signer(s)

☐ Proved to me on the oath of _____

☐ Personally known to me

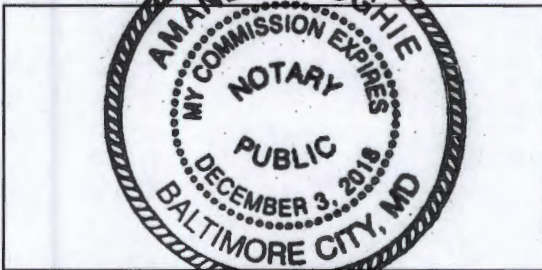
☒ Proved to me on the basis of satisfactory evidence

MD Driver's License F-651-587-214-893

(Description of ID)

to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged that he/she/they executed it.

WITNESS my hand and official seal



Notary Seal

Amanda Caughie

(Signature of Notary Public)

My commission expires

12/3/2018

Description of Attached Document

Type or Title of Document

Petition for Admin. Variance Affidavit

Document Date

April 24, 2015

Number of Pages

1

Signer(s) Other Than Named Above

Charles C. Formby - not in attendance for signature

Optional: A thumbprint is only needed if state statutes require a thumbprint.

Right Thumbprint
of Signer

Top of thumb here

Scanner Enabled Stores should scan this form
Manual Submission Route to Deposit Operations

DSG5350 (Rev01-01/15)



FO01-00000DSG5350-01



KEVIN KAMENETZ
County Executive

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

April 24, 2015

Charles C. Formby
Mary Formby
2408 Bauernschmidt Drive
Baltimore, Maryland 21221-1714

Re: Petition for Administrative Variance
Case No. 2015-0210-A
Property: 2408 Bauernschmidt Drive

Dear Mr. and Mrs. Formby:

I am writing in regard to the captioned matter, wherein an administrative variance has been requested. The Baltimore County Code (B.C.C.) requires that a property be owner occupied in order to qualify for administrative hearing relief. State records in this case show the property is not your principal residence. As such, a public hearing is usually required in this scenario.

Please respond to the undersigned in writing regarding the above. Once I received your information, I can then make my decision and prepare an Order or set the matter in for a public hearing.

Sincerely,

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Attachment

Real Property Data Search (w4)				Guide to searching the database			
Search Result for BALTIMORE COUNTY							
View Map		View GroundRent Redemption			View GroundRent Registration		
Account Identifier:		District - 15 Account Number - 1502651680					
Owner Information							
Owner Name:		FORMBY CHARLES CRAIG FORMBY MARY			Use: Principal Residence:		RESIDENTIAL NO
Mailing Address:		APT 317 601 5TH AVE TUSCALOOSA AL 35401-7442			Deed Reference:		/23061/ 00553
Location & Structure Information							
Premises Address:		2408 BAUERNSCHMIDT DR BALTIMORE 21221-1714 Waterfront			Legal Description: 2408 BAUERNSCHMIDT DR BAUERNSCHMIDT MANOR		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:
0098	0008	0035		0000	A		6
Assessment Year:		Plat No:		Plat Ref:			
2015						0012/ 0081	
Special Tax Areas:				Town: Ad Valorem: Tax Class:			
				NONE			
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area		Property Land Area	
1949		1,080 SF				9,853 SF	
County Use							
34							
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation	
1 1/2	YES	STANDARD UNIT	ASBESTOS SHINGLE	1 full			
Value Information							
Base Value		Value As of 01/01/2015		Phase-in Assessments As of 07/01/2014		As of 07/01/2015	
Land:		259,500		259,500			
Improvements		68,400		66,800			
Total:		327,900		326,300		327,900	
Preferential Land:		0				326,300	
Transfer Information							
Seller: BRODT MARGARET L		Date: 12/14/2005		Price: \$550,000			
Type: ARMS LENGTH IMPROVED		Deed1: /23061/ 00553		Deed2:			
Seller: BRODT HENRY P		Date: 11/15/2000		Price: \$0			
Type: NON-ARMS LENGTH OTHER		Deed1: /14811/ 00723		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		0.00 0.00	
Tax Exempt:		Special Tax Recapture:					
Exempt Class:		NONE					
Homestead Application Information							
Homestead Application Status: No Application							



FORMER PROPERTY

VIEW 'A'

Item # 0210



VIEW 2
Item # 0210

FAMILY PROPERTY



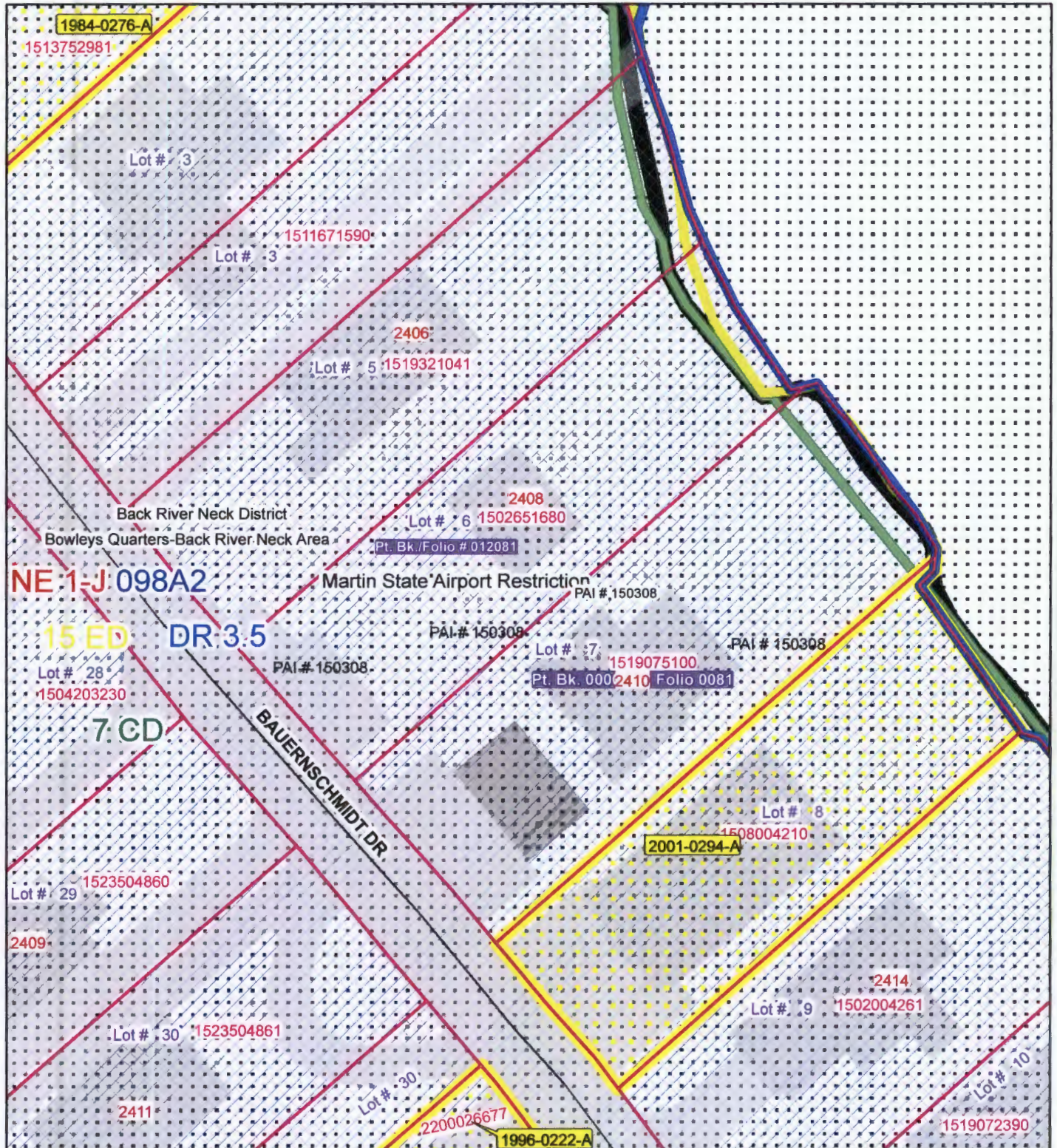


Former Port

View

Item #0210

2408 Bauernschmidt Drive



Publication Date: 3/26/2015



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

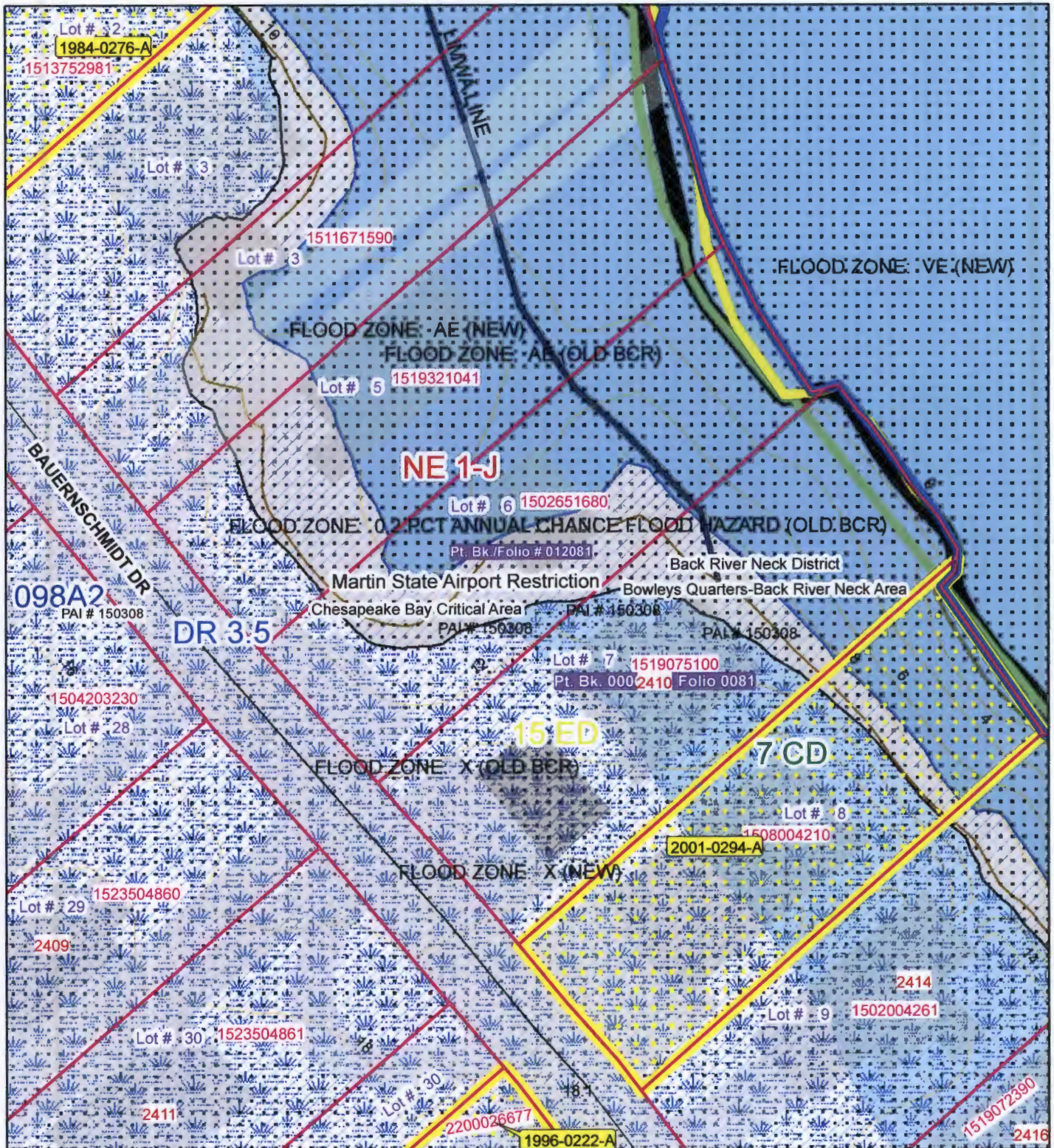


0 10 20 40 60 80 Feet

1 inch = 40 feet

Item # 0210

Elevations and Flood Hazards



Publication Date: 3/26/2015



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



0 10 20 40 60 80 Feet

1 inch = 40 feet

Item # 0210



SITE VICINITY MAP
N.T.S.

PROJECT DATA

PROPERTY ADDRESS:	2408 BAUERNSCHMIDT DR.
OWNER:	CHARLES & MARY FORMBY
LOCATION INFORMATION	
ELECTION DISTRICT:	15
COUNCILMANIC DISTRICT:	7
GIS TILE NUMBER (1"=200' SCALE):	098A2
ZONING:	DR-3.5
LOT COVERAGE	
LOT SIZE:	9,853 SQ. FT.
EXISTING BUILDING:	774 SQ. FT.
EXISTING WALKS:	206 SQ. FT.
TOTAL:	980 SQ. FT.
CURRENT LOT COVERAGE:	10%
PROPOSED ADDITION:	566 SQ. FT.
PROPOSED LOT COVERAGE:	16%
SEWER:	
PUBLIC	
WATER:	
PUBLIC	
CHES. BAY CRITICAL AREA:	NO YES
100 YEAR FLOOD PLAIN:	FLOOD ZONE AE
HISTORIC PROPERTY:	NO
PRIOR ZONING HEARING:	NO

#2015-0210-A
R.D.

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

MARY & CRAIG FORMBY HOUSE

RENOVATIONS & ADDITIONS

2408 BAUERNSCHMIDT DRIVE
ESSEX, MARYLAND 21221



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strictly prohibited.

No.	Date	Item

REVISIONS

Drawn _____

Checked _____

Approved _____



chickenranch design studio

16850 gerting road
monkton, maryland 21111
410.472.2488
achildsaia@msn.com

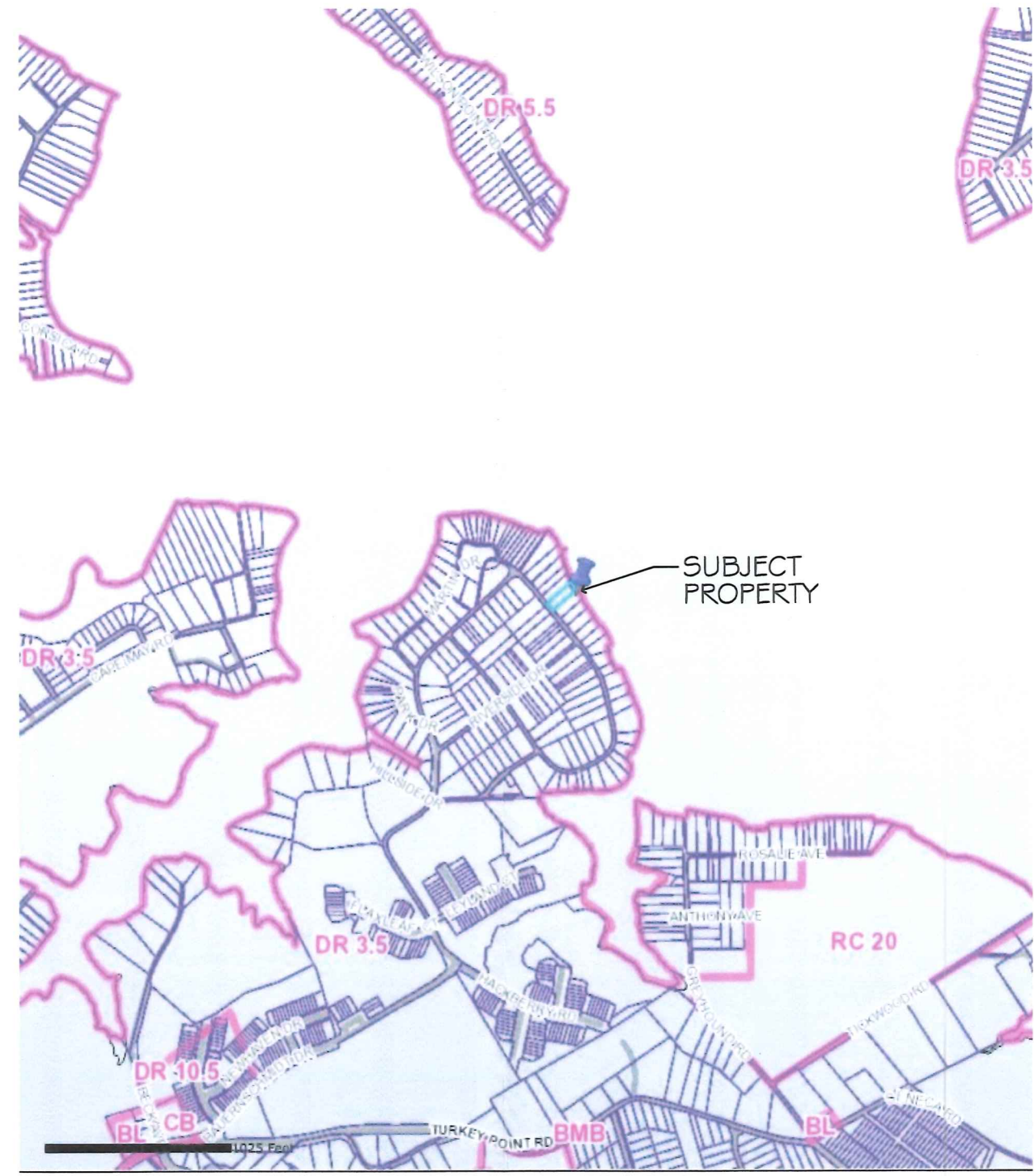
SITE PLAN

CONTRACT NO. _____

SCALE 1"=10'

DATE March 7, 2015

SP



SITE VICINITY MAP
N.T.S.

PROJECT DATA

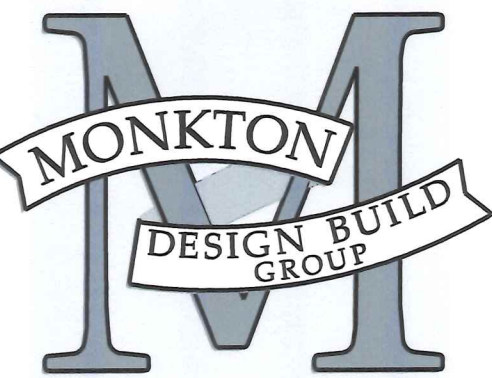
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HISTORIC PROPERTY:	NO
PRIOR ZONING HEARING:	NO

#2015-0210-A
R3

MARY & CRAIG
FORMBY
HOUSE

RENOVATIONS & ADDITIONS

2408 BAUERNSCHMIDT DRIVE
ESSEX, MARYLAND 21221



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No.	Date	Item
REVISIONS		

Drawn

Checked

Approved



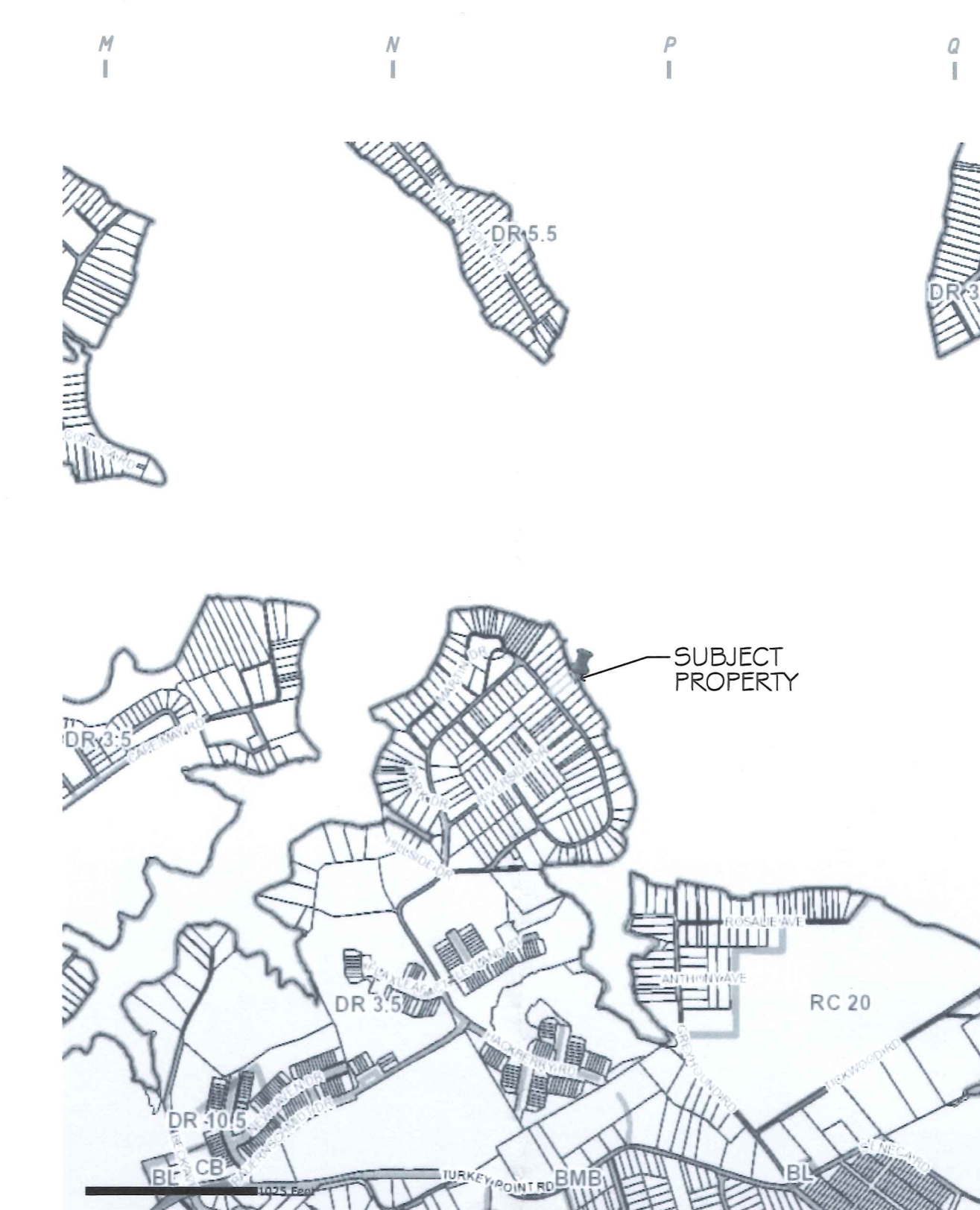
chickenranch design studio
16850 gerting road
monkton, maryland 21111
410.472.2488
achildsaia@msn.com

SITE PLAN

CONTRACT NO.	
SCALE	1"=10'
DATE	March 7, 2015

SP

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE



Pet. Exh. 1