

MEMORANDUM

DATE: November 27, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0077-A – Appeal Period Expired

The appeal period for the above-referenced case expired on November 25, 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 *
(3030 Sheppard Road)
10th Election District *
3rd Council District *
David A. and Julie L. DiAngelo *
Petitioners *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2016-0077-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, David A. and Julie L. DiAngelo ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 1A01.1.3.B.3 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit an attached garage with a side setback of 15 ft. in lieu of the required 35 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 State Highway Administration (SHA) dated October 5, 2015, indicating that a residential access permit is required, and that the applicant must contact Mr. Bill Balch to obtain said permit.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 2, 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 § 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in

ORDER RECEIVED FOR FILING

Date 10-26-15

By bw

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 § 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 26th day of **October, 2015** by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1A01.1.3.B.3 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit an attached garage with a side setback of 15 ft. in lieu of the required 35 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 comment from SHA, dated October 5, 2015; a copy of which is attached hereto and made a part thereof.

ORDER RECEIVED FOR FILING

Date 10-26-15

By [Signature]

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 10-26-15

By lw



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING
To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 3030 SHEPPERD ROAD MONKTON, MD 21111 Currently zoned RC2
Deed Reference 24819/0759 10 Digit Tax Account # 25 00001477
Owner(s) Printed Name(s) DAVID A. DIANGELO and JULIE L. DIANGELO

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. X **ADMINISTRATIVE VARIANCE** from Section(s)

BCZR: 1A01.1.3.B.3 → To permit an attached garage with a side set back of 15 feet in lieu of the required 35 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

I/we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

DAVID DIANGELO, JULIE DIANGELO

Name #1 – Type or Print

Name #2 – Type or Print

David A. DiAngelo
Signature #1

J. DiAngelo
Signature #2

3030 SHEPPERD ROAD MONKTON MD
Mailing Address City State

21111 / 410-804-7235 / davediangelo@yahoo.com
Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

DAVID SUTPHEN

Name – Type or Print

David Sutphen

Signature

2900 RUTLER RD PETERSTOWN MD

Mailing Address

City

State

21136

410 526 6008

david@southfen.com

Zip Code

Telephone #

Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this BY day of , that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2016-0077-4

Filing Date 9/24/15

Estimated Posting Date 10/4/15

Reviewer JS

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: 3030 SHEPPERD ROAD MONKTON MD 21111
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

The design and location of the proposed garage best suits our family needs and life style. If we were to extend the garage towards the back lawn vehicle entry into the two primary bays would be awkward, requiring a severe turn. Additionally, the architecture better fits our house.

I also own the adjoining lot in which we are encroaching.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

[Signature]
Signature of Owner (Affiant)

DAVID A. DIANGELO
Name- Print or Type

[Signature]
Signature of Owner (Affiant)
Julie DiAngelo
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15 day of SEPT, 2015, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: JULIE DIANGELO, DAVID DIANGELO

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public

5-15-16

My Commission Expires



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 520 E. Towson Boulevard • Towson, Maryland 21286
Phone (410) 825-4400 • Fax (410) 825-4473 • www.gcelimited.com

September 8, 2006

**LOT 2
DIANGELO PROPERTY
2.478 ACRES, MORE OR LESS
BALTIMORE COUNTY, MARYLAND**

All that lot of ground situate, lying and being in the Tenth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point at the center of Shepperd Road (MD Route 138) at the beginning of a parcel of land which by a deed dated March 10, 2004 and recorded among the Land Records of Baltimore County in Liber S.M. No. 19919 folio 359 was conveyed by Ethel E. Riess to David A. DiAngelo and running thence with and binding on the first or North 21 degrees West 18.1 foot line of said parcel of land, as the courses are now referred to the Maryland Coordinate System NAD 83/91, (1) North 29 degrees 13 minutes 17 seconds West 18.10 feet to an iron pipe, heretofore set, on the northwest side of said road, thence running with and binding on the second line and on a part of the third line of said parcel of land, the two following courses and distances, viz: (2) North 29 degrees 13 minutes 17 seconds West 431.48 feet to an iron bar and cap, now set, and (3) South 52 degrees 09 minutes 33 seconds West 235.85 feet to an iron bar and cap, now set, thence leaving said outlines and running for lines of division, now made, the three following courses and distances, viz: (4) South 35 degrees 00 minute 00 second East 264.56 feet to an iron bar and cap, now set, (5) South 54 degrees 59 minutes 10 seconds West 99.82 feet to an iron bar and cap, now set, and (6) South 42 degrees 42 minutes 24 seconds East, running parallel with and distant thirty feet northeasterly, measured at right angles from the fourth or South 34 1/2 degrees East 428.7 foot line of said parcel of land which was conveyed by Riess to DiAngelo, 168.86 feet to a magnetic nail, now set, in or near the center of Shepperd Road and in the last line of said parcel of land and thence binding in the center of Shepperd Road and on a part of said last line, the following line, viz: (7) Northeasterly by a line curve to the right having a radius of 3,000.00 feet, for an arc distance of 267.58 feet (the chord of said arc bearing North 55 degrees 47 minutes 22 seconds East 267.50 feet) to the place of beginning.

Containing 2.478 Acres of land, more or less.

Being part of a parcel of land which by a deed dated March 10, 2004 and recorded among the Land Records of Baltimore County in Liber S.M. No. 19919 folio 359 was conveyed by Ethel E. Riess to David A. DiAngelo.

The above described 2.478 Acres being known as Lot 2 and is shown on a plat titled "PDM #05-095M Minor Subdivision of 'The Lords Choice'" filed in the Office of Permits and Development Management of Baltimore County.

X:\DiAngelo\lot2descript.doc



2016-0077-A

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

No. **128763**

Date: **9/24/15**

PAID RECEIPT

BUSINESS ACTUAL TIME DAY
 9/24/2015 9/24/2015 10:21:11 1

REC HERE WALKIN LRA5 LIR
 RECEIPT N 413740 9/24/2015 0718
 5 520 JOURNAL VERIFICATION
 128763

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						\$ 75.00

Receipt Tot \$75.00
 \$75.00 OK \$1.00 CA
 Baltimore County, Maryland

Total: **\$ 75.00**

Rec From: **DIANGELO**

For: **3030 SHEPARD RD**

2016-0077-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2016-0077-1

Petitioner: DAVID + JULIE DIANGELO

Address or Location: 3030 SHEPPARD RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVID SUTPHEN

Address: 2900 BUTLER RD

REISTERSTOWN, MD

Telephone Number: 410-526-6008

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2016- 0077 -A Address 3030 SHEPPERS RD.
Contact Person: JASON SEIDELMAN Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9/24/15 Posting Date: 10/4/15 Closing Date: 10/19/15

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 2016- 0077 -A Address 3030 SHEPPERS RD
Petitioner's Name DIANGELO Telephone 410-804-7235
Posting Date: 10/04/15 Closing Date: 10/19/15
Wording for Sign: TO PERMIT AN ATTACHED GARAGE WITH A SIDE SETBACK OF
15 FEET IN LIEU OF THE REQUIRED SIDE SETBACK OF 35 FEET.

Revised 7/18/14

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

October 4, 2015

Re:

Zoning Case No. 2016-0077-A

Petitioner: Diangelo

Date of Closing: October 19, 2015

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

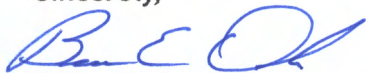
Attention: Kristen Lewis

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 3030 Shepherd Road.

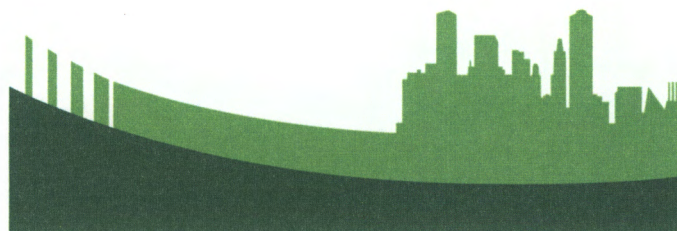
The sign was posted on October 02, 2015.

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

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE NO. 2016-0077-A

3030 Sheppard Road

**REQUEST: TO PERMIT AN ATTACHED
GARAGE WITH A SIDE SETBACK OF 15 FEET
IN LIEU OF THE REQUIRED SIDE SETBACK
OF 35 FEET.**

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(a)(1) BALTIMORE
COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP
MAY REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN
THE ZONING OFFICE BEFORE OCTOBER 10, 2016.

ADDITIONAL INFORMATION IS AVAILABLE BY ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT 1111 W.
CHESAPEAKE AVENUE TOWSON, MD 21204 410-887-1100



CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>10-5</u>	STATE HIGHWAY ADMINISTRATION	<u>C - Resident Access Permit is Reg'd</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING Date: 10-2-15 by Dook

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 - 10 Account Number - 2500001477			
Owner Information					
Owner Name:	DIANGELO DAVID A DIANGELO JULIE L		Use:	RESIDENTIAL	
Mailing Address:	3030 SHEPPERD RD MONKTON MD 21111-1729		Principal Residence:	YES	
			Deed Reference:	/24819/ 00759	
Location & Structure Information					
Premises Address:		3030 SHEPPERD RD 0-0000		Legal Description:	2.478AC 3030 SHEPPARD RD 425 FT W TROYER RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0023	0017	0281		0000	2
				Assessment Year:	Plat No: MS
				2014	Plat Ref:
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area		Property Land Area
2008	3,272 SF				2.5000 AC
County Use	04				
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	SIDING	2 full	
Value Information					
		Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		207,000	186,300		
Improvements		316,400	313,700		
Total:		523,400	500,000	500,000	500,000
Preferential Land:		0			0
Transfer Information					
Seller: DIANGELO DAVID A		Date: 11/28/2006		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /24819/ 00759		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class	07/01/2015		07/01/2016
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: Approved 04/02/2012					

Baltimore CountyNew Search (<http://sdatt.dat.maryland.gov/RealProperty/>)District: **10** Account Number: **2500001477**

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.

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>).

MORE COUNTY

View GroundRent Redemption

View GroundRent Registration

District - 10 Account Number - 2500010948

Owner Information

Use:
Principal Residence:
Deed Reference:

RESIDENTIAL
NO
/34583/ 00281

DIANGELO DAVID
DIANGELO JULIE
3030 SHEPPERD RD
MONKTON MD 21111-
1729

Location & Structure Information

Legal Description:

1.63 AC
3034 SHEPPERD RD NS
BOZMAN PROPERTY

3034 SHEPPERD RD
MONKTON 21111-

Assessment
Year:
2014

Plat
No:
79/
Plat
Ref: 404

Lot:
1

NONE

ises Address:

Grid: Parcel:
0017 0288

Sub
District:

Subdivision:
9404

Section: Block:

Town:
Ad Valorem:
Tax Class:

Property Land
Area
1.6300 AC

County
Use
04

ocial Tax Areas:

Primary Structure
uilt

Above Grade Enclosed
Area

Full/Half Bath

Garage

Last Major Renovation

Stories	Basement	Type	Exterior	Value Information	Phase-in Assessments	As of
				Base Value	As of	07/01/2016
				Value	As of	
				As of	07/01/2015	
				162,200		162,200
				0		0
				162,200		
				0		

Land:
Improvements
Total:
Preferential Land:

Transfer Information

Date: 01/07/2014
Deed1: /34583/ 00281

Price: \$170,000
Deed2:

Price:
Deed2:

Price:
Deed2:

Seller:
Type: ARMS LENGTH VACANT

Seller:

Type:

Seller:

Type:

Exemption Information

07/01/2015

0.00

0.00

0.00/0.00

07/01/2'

0.00'

Partial Exempt Assessments:
County:
State:
Municipal:

Class
000
000
000

Special Tax Recapture:
NONE

Tax Exempt:
Exempt Class:

Homestead Application Information

Homestead Application Status: No Application









KEVIN KAMENETZ
County Executive

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

October 20, 2015

David & Julie Diangelo
3030 Sheppard Road
Monkton MD 21111

RE: Case Number: 2016-0077 A, Address: 3030 Sheppard Road

Dear Mr. & Ms. Diangelo:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 24, 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 that reads "W. Carl Richards, Jr." The signature is written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
David Sutphen, 2900 Butler Road, Reisterstown MD 21136

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 10/5/15

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2016-0077-A
Administrative Variance
David & Julie DiAngelo
3020 Sheppard Road MD 138

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 10/5/15. A field inspection and internal review reveals that an entrance onto MD 138 consistent with current State Highway Administration guidelines is required. As a condition of approval for *Variance*, Case Number *2016-0077-A* the applicant must contact the State Highway Administration to obtain an entrance permit.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

David W. Peake
Metropolitan District Engineer
Baltimore & Harford Counties

DWP/RAZ

cc: ~~Mr. Michael Pasquaricello, Utility Engineer, SHA~~ *Mr. Bill Balch - RME - Heretford Shop.*

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll-Free

Street Address: 320 West Warren Road • Hunt Valley, Maryland 21030 • Phone 410-229-2300 or 1-866-998-0367 • Fax 301-527-4690

www.roads.maryland.gov

* *A residential access permit is required. The applicant must contact Mr. Bill Balch 443-829-5262 to obtain the permit.*

2400012375
Lot # 2

PAI # 107404

PAI # 107404

PAI # 107404

NE 28-C

Pt. Bk./Folio # MP03008
PAI # 107404

Lot # 1

2400005242

17122

Pt. Bk. 0000035, Folio 0138
Lot # 2 1600010183

Pt. Bk./Folio # 035138
PAI # 100084

PAI # 100084

TROYER RD

VANCE RD

PAI # 100464

Lot # 2

2500010949

Pt. Bk./Folio # 079404

Pt. Bk. 0000079, Folio 0404

17120

PAI # 100464

PAI # 100464

PAI # 100464

PAI # 100464

3 CD

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

10 ED

RC-2

2500010948

Lot # 1

3030

Lot # 2 2500001477

3032

Lot # 1

PAI # 100430

PAI # 100430

2500001476

PAI # 100430

Pt. Bk./Folio # MP05095

023C-2

1026040240

PAI PERMIT HOLD (See Carl Richards)

3028

Lot # 2

2300007310

PAI # 100372

PAI # 100372

PAI # 100372

PAI # 100372 Pt. Bk./Folio # MP99010

NE 27-C

Lot # 1

1011015075

3026

PAI # 100350

Pt. Bk./Folio # MP94145

2006-0633-A

1008065250

PAI # 100350

PAI # 100350

PAI # 100350

Lot # 1

3022

SHEPHERD RD

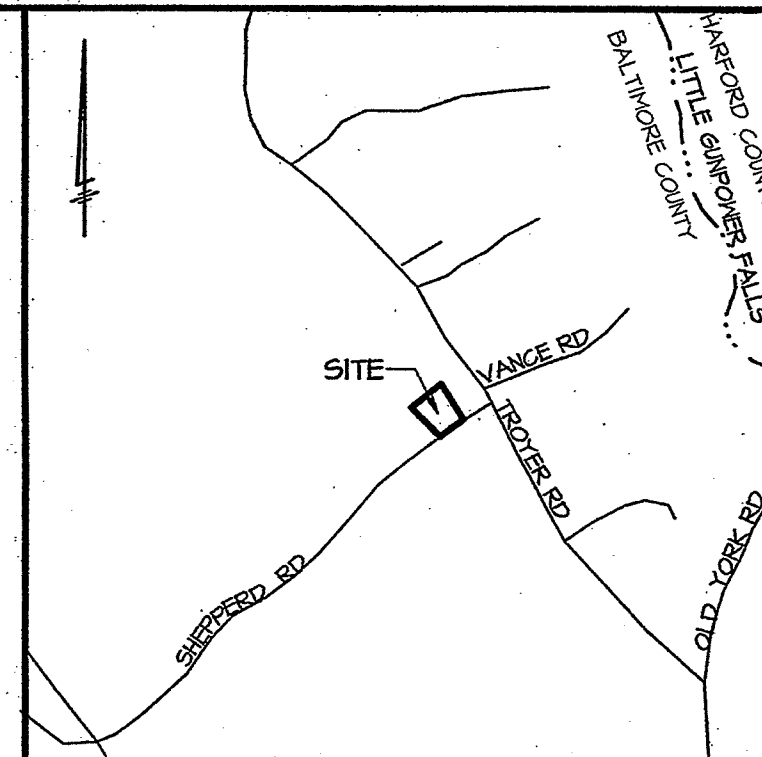
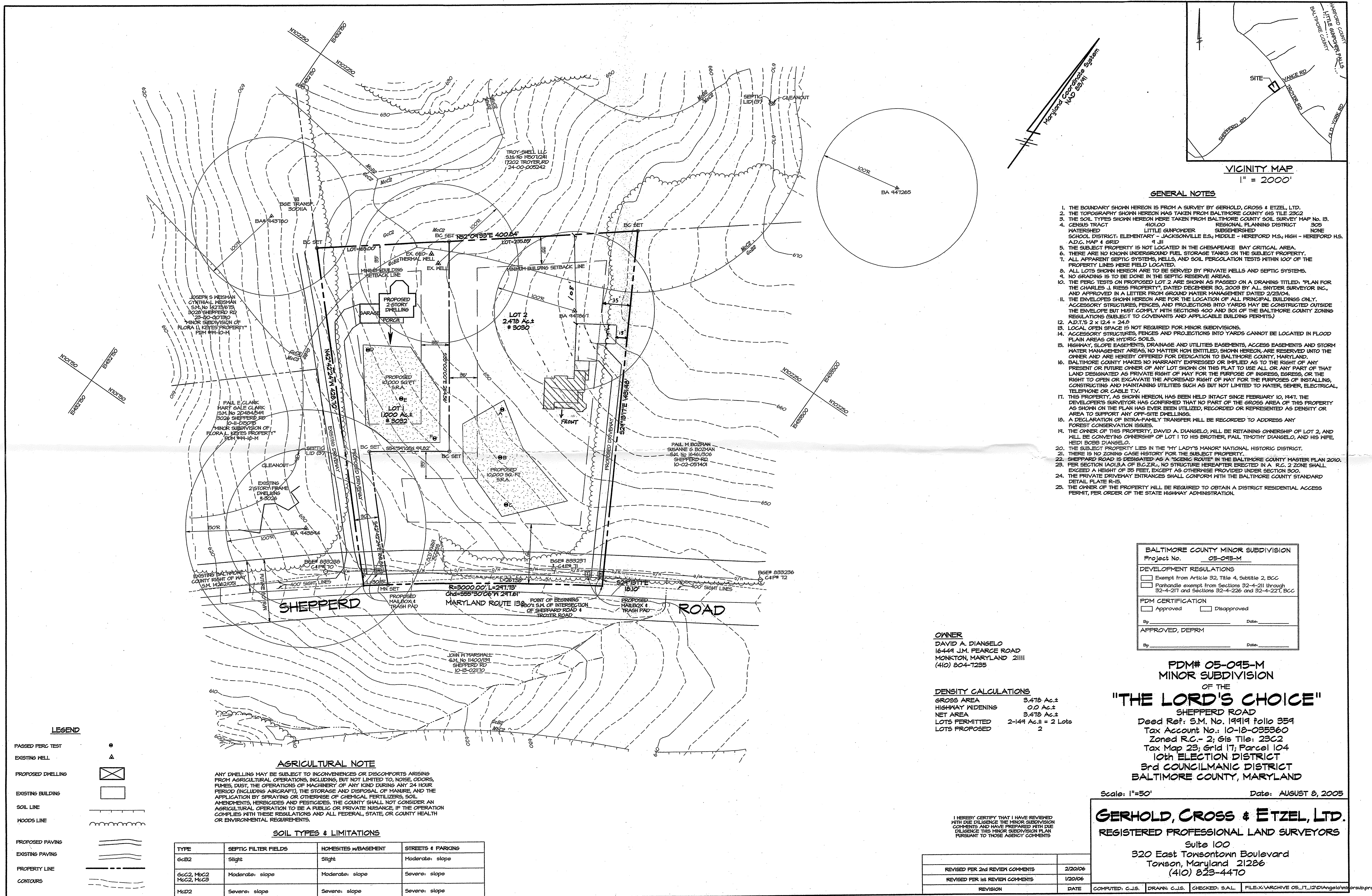
1013021170

PAI # 100423

PAI # 100423

PAI # 100423

PAI # 100423



VICINITY MAP
1" = 2000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A SURVEY BY GERHOLD, CROSS & ETZEL, LTD.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 23C2
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 13.
4. CENSUS TRACT 410100 REGIONAL PLANNING DISTRICT 305 WATERSHED LITTLE GUNPOWDER SUBWERSHED NONE SCHOOL DISTRICT: ELEMENTARY - JACKSONVILLE E.S.; MIDDLE - HEREFORD M.S.; HIGH - HEREFORD H.S. A.D.C. MAP 4 GRID 1 JII
5. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
6. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
7. ALL APPARENT SEPTIC SYSTEMS, WELLS, AND SOIL PERCOLATION TESTS WITHIN 100' OF THE PROPERTY LINES WERE FIELD LOCATED.
8. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
9. NO GRADING IS TO BE DONE IN THE SEPTIC RESERVE AREAS.
10. THE PERC TESTS ON PROPOSED LOT 2 ARE SHOWN AS PASSED ON A DRAWING TITLED: "PLAN FOR THE CHARLES J. RIESS PROPERTY", DATED DECEMBER 30, 2003 BY A.L. SNYDER SURVEYOR INC., AND APPROVED IN A LETTER FROM GROUND WATER MANAGEMENT DATED 2/23/04.
11. THE ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS.)
12. A.D.T.S 2 x 12.4 = 24.8
13. LOCAL OPEN SPACE IS NOT REQUIRED FOR MINOR SUBDIVISIONS.
14. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDROIC SOIL.
15. HIGHWAY, SLOPE EASEMENTS, DRAINAGE AND UTILITIES EASEMENTS, ACCESS EASEMENTS AND STORM WATER MANAGEMENT AREAS, NO MATTER HOW ENTITLED, SHOWN HEREON, ARE RESERVED UNTO THE OWNER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND.
16. BALTIMORE COUNTY MAKES NO WARRANTY EXPRESSED OR IMPLIED AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN ON THIS PLAT TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT OF WAY FOR THE PURPOSE OF INGRESS, EGRESS, OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID RIGHT OF WAY FOR THE PURPOSES OF INSTALLING, CONSTRUCTING AND MAINTAINING UTILITIES SUCH AS BUT NOT LIMITED TO WATER, SEWER, ELECTRICAL, TELEPHONE OR CABLE TV.
17. THIS PROPERTY, AS SHOWN HEREON, HAS BEEN HELD INTACT SINCE FEBRUARY 10, 1941. THE DEVELOPER'S SURVEYOR HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
18. A DECLARATION OF INTRA-FAMILY TRANSFER WILL BE RECORDED TO ADDRESS ANY FOREST CONSERVATION ISSUES.
19. THE OWNER OF THIS PROPERTY, DAVID A. DIANGELO, WILL BE RETAINING OWNERSHIP OF LOT 2, AND WILL BE CONVEYING OWNERSHIP OF LOT 1 TO HIS BROTHER, PAUL TIMOTHY DIANGELO, AND HIS WIFE, HEIDI BOBB DIANGELO.
20. THE SUBJECT PROPERTY LIES IN THE "MY LADY'S MANOR" NATIONAL HISTORIC DISTRICT.
21. THERE IS NO ZONING CASE HISTORY FOR THE SUBJECT PROPERTY.
22. SHEPPARD ROAD IS DESIGNATED AS A "SCENIC ROUTE" IN THE BALTIMORE COUNTY MASTER PLAN 2010.
23. PER SECTION 1A01.3.A OF B.C.Z.R., NO STRUCTURE HEREAFTER ERECTED IN A R.C. 2 ZONE SHALL EXCEED A HEIGHT OF 35 FEET, EXCEPT AS OTHERWISE PROVIDED UNDER SECTION 300.
24. THE PRIVATE DRIVEWAY ENTRANCES SHALL CONFORM WITH THE BALTIMORE COUNTY STANDARD DETAIL PLATE R-15.
25. THE OWNER OF THE PROPERTY WILL BE REQUIRED TO OBTAIN A DISTRICT RESIDENTIAL ACCESS PERMIT, PER ORDER OF THE STATE HIGHWAY ADMINISTRATION.

BALTIMORE COUNTY MINOR SUBDIVISION

Project No. 05-095-M

DEVELOPMENT REGULATIONS

- ☐ Exempt from Article 32, Title 4, Subtitle 2, BCC
- ☐ Paraphrase exempt from Sections 32-4-211 through 32-4-217 and Sections 32-4-226 and 32-4-227, BCC

PDM CERTIFICATION

- ☐ Approved ☐ Disapproved

By: _____ Date: _____

APPROVED, DEPRM

By: _____ Date: _____

PDM# 05-095-M
MINOR SUBDIVISION

OF THE

"THE LORD'S CHOICE"

SHEPPARD ROAD

Deed Ref: S.M. No. 19919 folio 359
Tax Account No.: 10-18-035360
Zoned R.C.- 2; Gis Tile: 23C2
Tax Map 23; Grid 17; Parcel 104
10th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=50'

Date: AUGUST 8, 2005

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

I HEREBY CERTIFY THAT I HAVE REVIEWED
WITH DUE DILIGENCE THE MINOR SUBDIVISION
COMMENTS AND HAVE PREPARED WITH DUE
DILIGENCE THIS MINOR SUBDIVISION PLAN
PURSUANT TO THOSE AGENCY COMMENTS

REVISION	DATE
REVISED PER 2nd REVIEW COMMENTS	2/20/06
REVISED PER 1st REVIEW COMMENTS	1/20/06

COMPUTED: C.J.S. DRAWN: C.J.S. CHECKED: S.A.L. FILE:X:\ARCHIVE 05_17_12\DiAngelo\morsubpro

LEGEND

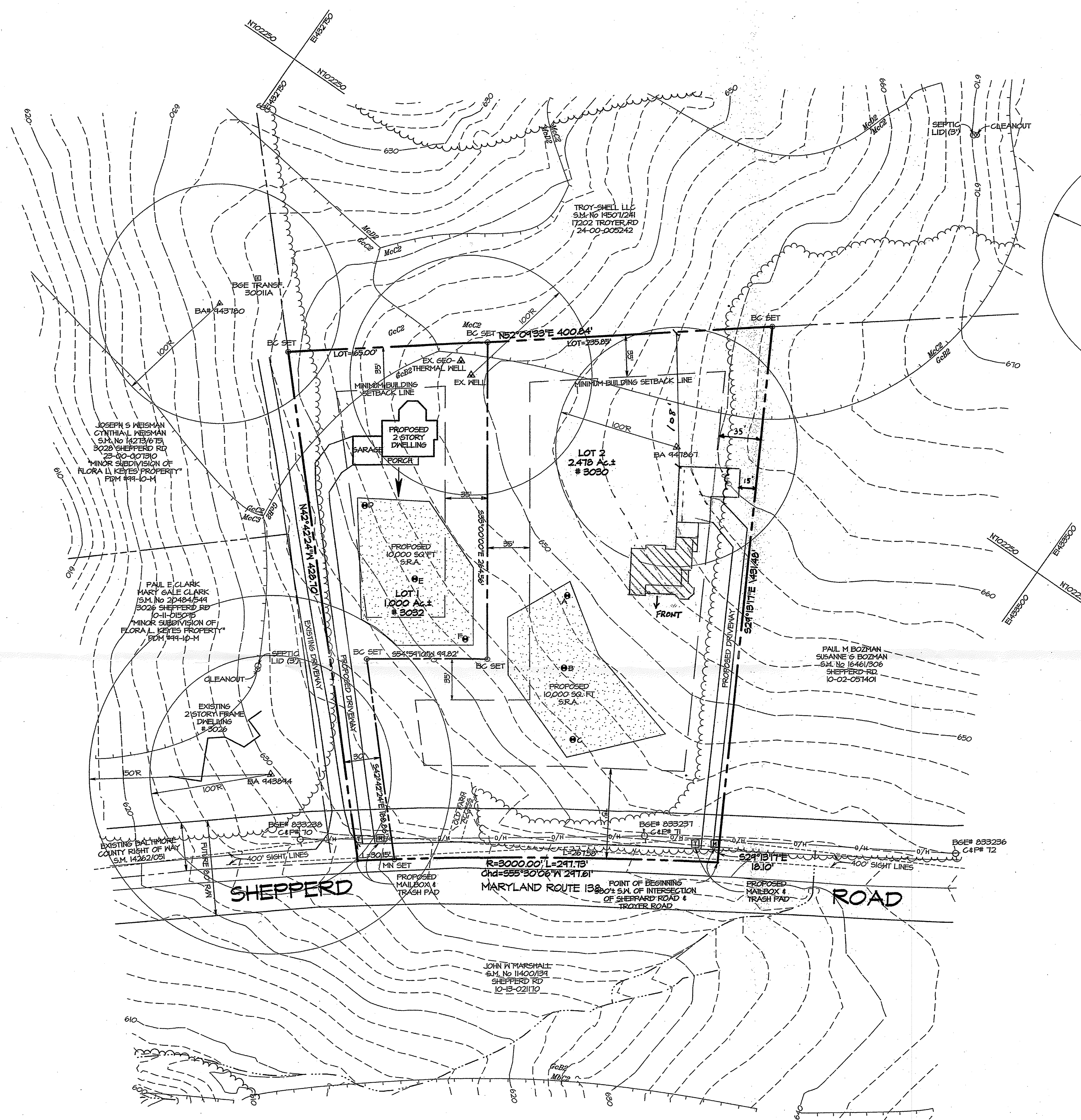
- PASSED PERC TEST
- EXISTING WELL
- PROPOSED DWELLING
- EXISTING BUILDING
- SOIL LINE
- WOODS LINE
- PROPOSED PAVING
- EXISTING PAVING
- PROPERTY LINE
- CONTOURS

AGRICULTURAL NOTE

ANY DWELLINGS MAY BE SUBJECT TO INCONVENIENCES OR DISCOMFORTS ARISING FROM AGRICULTURAL OPERATIONS, INCLUDING, BUT NOT LIMITED TO, NOISE, ODORS, FUMES, DUST, THE OPERATIONS OF MACHINERY OF ANY KIND DURING ANY 24 HOUR PERIOD (INCLUDING AIRCRAFT), THE STORAGE AND DISPOSAL OF MANURE, AND THE APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL FERTILIZERS, SOIL AMENDMENTS, HERBICIDES AND PESTICIDES. THE COUNTY SHALL NOT CONSIDER AN AGRICULTURAL OPERATION TO BE A PUBLIC OR PRIVATE NUISANCE, IF THE OPERATION COMPLIES WITH THESE REGULATIONS AND ALL FEDERAL, STATE, OR COUNTY HEALTH OR ENVIRONMENTAL REQUIREMENTS.

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES W/BASEMENT	STREETS & PARKING
GcB2	Slight	Slight	Moderate: slope
GcC2, McC2, McC3	Moderate: slope	Moderate: slope	Severe: slope
McD2	Severe: slope	Severe: slope	Severe: slope



- LEGEND**
- PASSED PERC TEST
 - EXISTING WELL
 - PROPOSED DWELLING
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McD2	Severe: slope	Severe: slope	Severe: slope

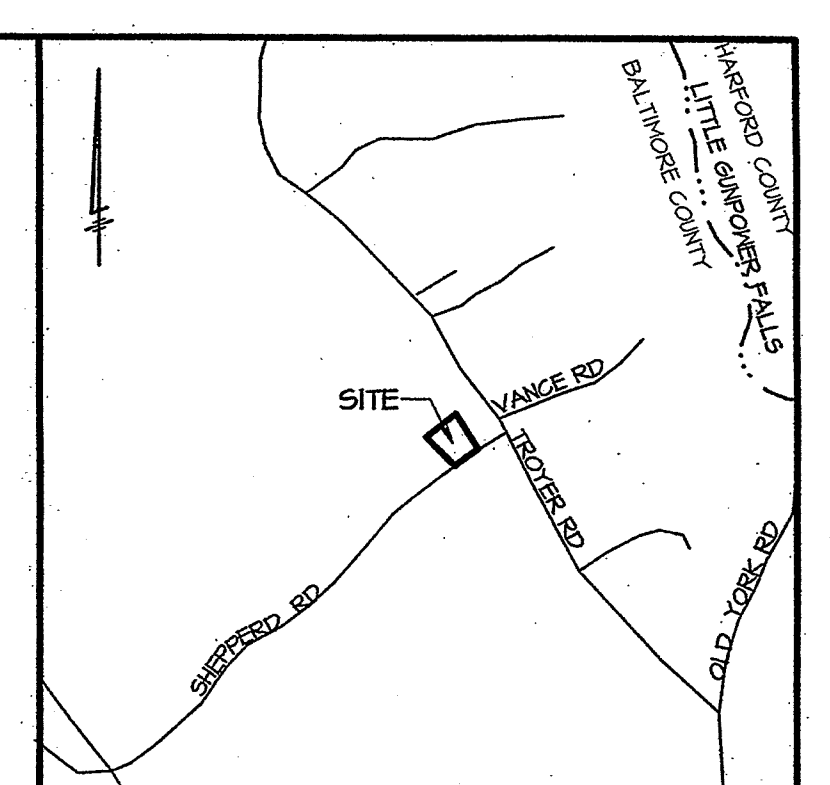
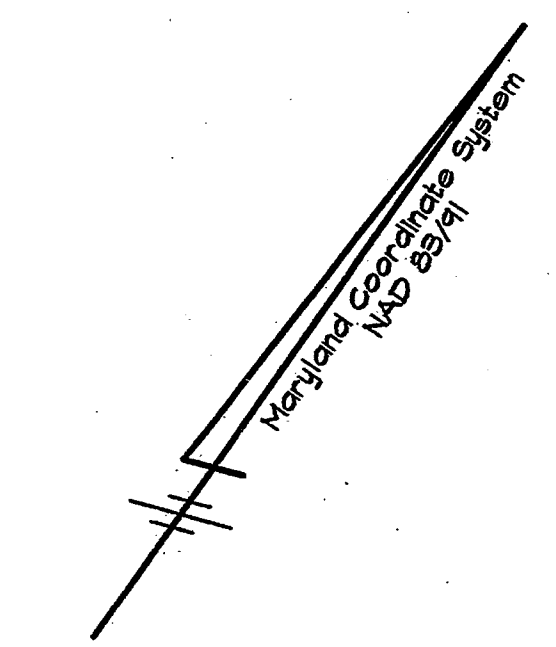
OWNER
DAVID A. DIANGELO
16444 J.M. FEARCE ROAD
MONKTON, MARYLAND 21111
(410) 804-7235

DENSITY CALCULATIONS

GROSS AREA	3.478 Ac. ±
HIGHWAY WIDENING	0.0 Ac. ±
NET AREA	3.478 Ac. ±
LOTS PERMITTED	2-149 Ac. ± = 2 Lots
LOTS PROPOSED	2

I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE MINOR SUBDIVISION COMMENTS AND HAVE PREPARED WITH DUE DILIGENCE THIS MINOR SUBDIVISION PLAN PURSUANT TO THOSE AGENCY COMMENTS

REVISION	DATE
REVISED PER 2nd REVIEW COMMENTS	2/20/06
REVISED PER 1st REVIEW COMMENTS	1/20/06



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 - THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 13
 - CEGIS TRACT 410.00 REGIONAL PLANNING DISTRICT 3025
 - WATERSHED LITTLE GUNPOUNDER SUBWATERSHED NONE
 - SCHOOL DISTRICT: ELEMENTARY - JACKSONVILLE ES; MIDDLE - HEREFORD MS; HIGH - HEREFORD HS. A.D.C. MAP # 6R11
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BALTIMORE COUNTY MINOR SUBDIVISION
Project No. 05-095-M

DEVELOPMENT REGULATIONS

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PDM CERTIFICATION

☐ Approved ☐ Disapproved

By: _____ Date: _____

APPROVED, DEPRM

By: _____ Date: _____

PDM# 05-095-M
MINOR SUBDIVISION
OF THE
"THE LORD'S CHOICE"
SHEPHERD ROAD
Deed Ref: S.M. No. 19919 folio 359
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REGISTERED PROFESSIONAL LAND SURVEYORS

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(410) 823-4470

COMPUTED: C.J.S. DRAWN: C.J.S. CHECKED: S.A.L. FILE:X:\ARCHIVE 05-17-12\Diangelo\minor\subpro

Per. ECR. 1