

M E M O R A N D U M

DATE: February 5, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0113-A- Appeal Period Expired

The appeal period for the above-referenced case expired on February 4, 2016. 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 VARIANCE

(2406 Holly Neck Road)

15th Election District

7th Council District

Wendy Zukerberg Mendelson

Legal Owner

Kristie Hausner

Contract Purchaser

Petitioners

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0113-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of Wendy Zukerberg Mendelson, owner of the subject property, and Kristie Hausner, contract purchaser ("Petitioners"). Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §§302.1, 1A04.3.B.1 and 1A04.3.B.2.6 to permit a proposed dwelling with a lot size of 1.34 acres in lieu of the required 1.5 acres and a front building line setback of 65 ft. to the center line of a collector road in lieu of the required 150 ft. A site plan was marked as Petitioners' Exhibit 1.

Kristie Hausner appeared in support of the petition. The Petition was advertised and posted as required by the B.C.Z.R. No Protestants or interested citizens attended the hearing. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Environmental Protection and Sustainability (DEPS). That agency noted Petitioners must comply with the Critical Area regulations prior to issuance of permits.

The subject property is approximately 51,748 square feet and is zoned RC 5/BL. The property is unimproved, and Ms. Hausner would like to construct a two-story single family dwelling on the lot, which is shown on the Plat of Cedar Grove. To do so requires variance relief.

ORDER RECEIVED FOR FILING

D 1-5-14

By DLH

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The lot has irregular dimensions and is therefore unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to construct the dwelling proposed. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of Baltimore County and/or community opposition.

THEREFORE, IT IS ORDERED, this 5th day of January, 2016, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") §§302.1, 1A04.3.B.1 and 1A04.3.B.2.6 to permit a proposed dwelling with a lot size of 1.34 acres in lieu of the required 1.5 acres and a front building line setback of 65 ft. to the center line of a collector road in lieu of the required 150 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.

ORDER RECEIVED FOR FILING

D

1-5-16

sen

2. Prior to issuance of permits Petitioners must comply with the Critical Area Regulations.

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:sln

ORDER RECEIVED FOR FILING

Date 1-5-16

By sln



KEVIN KAMENETZ
County Executive

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

January 5, 2016

Wendy Zukerberg Mendelson
6 Mansel Dr.
Reisterstown, Maryland 21136

Kristie Hausner
407 Wolf Street
Baltimore, Maryland 21221

RE: Petition for Variance
Case No. 2016-0113-A
Property: 2406 Holly Neck Road

Dear Petitioners:

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 County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure



CBCA

PETITION FOR ZONING HEARING

To be filed with the Department of Permits, Approvals and Inspections

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

Address Holly Neck Rd
Deed References: 13194/00186
Property Owner(s) Printed Name(s) Wendy Zuckenberg

which is presently zoned RC-5/BL
10 Digit Tax Account # 1523351341

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

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. **X** a Variance from Section(s)

SEE Attached

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

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

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

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Kristie Hausner

Name, Type or Print

Kristie A. Hausner

Signature

407 Wolf St Balt. MD

Mailing Address

City

State

21221 410 9138503 Kristie.Kos@comcast.net

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Wendy Zuckenberg Mendelson

Name #1 - Type or Print

Name #2 - Type or Print

Wendy Zuckenberg Mendelson

Signature #1

Signature #2

6 Mansel Dr. Reisterstown MD 21138

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Jason Hausner SR.

Name - Type or Print

Jason Hausner

Signature

407 Wolf St Balt MD

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2016-0113-A Filing Date 11.4.15

Do Not Schedule Dates:

Reviewer GA

ORDER RECEIVED FOR FILING

REV. 10/4/11

Date 1-5-16

By Den

November 4, 2015

Case # 2016-0113-A

Variance: Sections: 302.1; 1A04.3.B.1 & 1A04.3.B.2.6. To permit a proposed dwelling with a lot size of 1.34 acres in lieu of the required 1.5 acres, and a front building line set back of 65 feet to the center line of a collector road in lieu the required 150 feet.

ZONING PROPERTY DESCRIPTION FOR LOT# 18 OF CEDAR GROVE

HOLLY NECK ROAD

2406 Holly Neck Rd 21221

Beginning at a point on the northwest side of Holly Neck Road, which has a 30-foot right of way, at the distance of 40 feet east of the centerline of the nearest improved intersecting street Fantat Road, which has a 30-foot right of way. Being Lot #18 in the subdivision of Cedar Grove as recorded in Baltimore County Plat Book #12, Folio #122 containing 1.34 acres, 51,748 square feet. Located in the 15th Election District and 7th Councilmanic District.

2016-011B-A

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

No. **127348**

Date: **11/4/15**

PAID RECEIPT

BUSINESS ACTUAL TIME DRB

11/05/2015 11/04/2015 14:41:41 5

REC WROS WALKIN REOS LRB

RECEIPT # 826815 11/04/2015 CFL

Dept 3 526 BIRTHS/REIFICATION

127348

Receipt Tot 475.00

475.00 CN 4.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6151				75.00

Total: **75.00**

Rec From: **Jason Hauser**

For: **2406 Holly Neck Rd**

2016 0113 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/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: 2016-0113-A

Petitioner: Wendy Zuckerberg

Address or Location: 2406 Holly Neck Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Kristie Hawsner

Address: 407 Wolf St

Baltimore, MD 21221

Telephone Number: 410-913-8503



THE BALTIMORE SUN MEDIA GROUP

501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3811881

Sold To:

Kristie Hausner - CU00508683
407 Wolf St
Essex, MD 21221-4834

Bill To:

Kristie Hausner - CU00508683
407 Wolf St
Essex, MD 21221-4834

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Dec 15, 2015

The Baltimore Sun Media Group

By

S. Wilkinson

Legal Advertising

NOTICE OF ZONING HEARING

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

Case: # 2016-0113-A
2406 Holly Neck Road
NW/s Holly Neck Road, S/e of 40 ft. to the centerline of Fantat Road
15th Election District - 7th Councilmanic District
Legal Owner(s) Wendy Zukerberg Mendelson
Contract Purchaser(s): Kristie Hausner

Variance: to permit a proposed dwelling with a lot size of 1.34 acres in lieu of the required 1.5 acres and a front building line setback of 65 ft. to the centerline of a collector road in lieu of the required 150 ft.

Hearing: Monday, January 4, 2016 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 12/7/17 Dec. 15

3811881

CERTIFICATE OF POSTING

RE: Case No. 2016-0113-A

Petitioner: Kristie Hausner

Hearing / Closing Date: 1/4/16

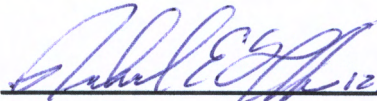
Baltimore County Department of
Permits and Development Management
Room 111, County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

This letter is to confirm, under penalties of perjury, that the necessary sign(s)
were posted conspicuously, on the property located at _____

2406 Holly Neck Road

on 12/15/15

Sincerely,

 12/15/15

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

Certificate of Posting

Case No. 2016-0113-A



2406 Holly Neck Road (1 of 2)

(posted 12/15/15)

Richard E. Hoffman 12/15/15

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(443-243-7360)

Certificate of Posting

Case No. 2016-0113-A

CASE # 2016-0113-A

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

PLACE: ROOM 205, JEFFERSON BUILDING, 105 W. CHESAPEAKE AVE.
TOWSON 21204

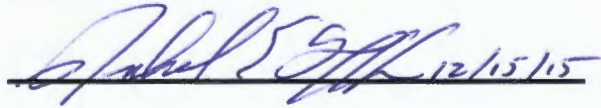
DATE AND TIME: MON., JAN. 4, 2016 AT 10:00 A.M.

REQUEST:

VARIANCE TO PERMIT A PROPOSED DWELLING WITH A LOT
SIZE OF 1.34 ACRES IN LIEU OF THE REQUIRED 1.5 ACRES AND A
FRONT BUILDING LINE SETBACK OF 65 FT. TO THE CENTERLINE
OF A COLLECTOR ROAD IN LIEU OF THE REQUIRED 150 FT.

2406 Holly Neck Road (2 of 2)

(posted 12/15/15)

 12/15/15

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(443-243-7360)



KEVIN KAMENETZ
County Executive

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

November 17, 2015

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2016-0113-A

2406 Holly Neck Road
NW/s Holly Neck Road, S/e of 40 ft. to the centerline of Fantat Road
15th Election District – 7th Councilmanic District
Legal Owners: Wendy Zukerberg Mendelson
Contract Purchaser: Kristie Hausner

Variance to permit a proposed dwelling with a lot size of 1.34 acres in lieu of the required 1.5 acres and a front building line setback of 65 ft. to the centerline of a collector road in lieu of the required 150 ft.

Hearing: Monday, January 4, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Hausner, 407 Wolf Street, Baltimore 21221
Wendy Zukerberg Mendelson, 6 Mansel Drive, Reisterstown 21136

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 15, 2015.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 15, 2015 Issue - Jeffersonian

Please forward billing to:
Kristie Hausner
407 Wolf Street
Baltimore, MD 21221

410-913-8503

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2016-0113-A

2406 Holly Neck Road

NW/s Holly Neck Road, S/e of 40 ft. to the centerline of Fantat Road

15th Election District – 7th Councilmanic District

Legal Owners: Wendy Zukerberg Mendelson

Contract Purchaser: Kristie Hausner

Variance to permit a proposed dwelling with a lot size of 1.34 acres in lieu of the required 1.5 acres and a front building line setback of 65 ft. to the centerline of a collector road in lieu of the required 150 ft.

Hearing: Monday, January 4, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
2406 Holly Neck Road; NW/S Holly Neck Road,		
SE 40' to c/line Fantat Road	*	OF ADMINSTRATIVE
15 th Election & 7 th Councilmanic Districts		
Legal Owner(s): Wendy Zukerberg Mendelson*		HEARINGS FOR
Contract Puchaser(s): Kristie Hausner		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2016-113-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED
NOV 10 2015

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of November, 2015, a copy of the foregoing Entry of Appearance was mailed to Jason Hausner, 407 Wolf Street, Baltimore, Maryland 21221, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

C H E C K L I S TSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment11/14DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)N/C11/18DEPS
(if not received, date e-mail sent _____)C

FIRE DEPARTMENT

11/24PLANNING
(if not received, date e-mail sent _____)no obj11/12

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

12/15/15

SIGN POSTING

Date:

12/15/15

by

Hoffman

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1523351341			
Owner Information					
Owner Name:	ZUKERBERG WENDY		Use:	RESIDENTIAL	
Mailing Address:	6 MANSEL DR REISTERSTOWN MD 21136-5661		Principal Residence:	NO	
			Deed Reference:	/13194/ 00126	
Location & Structure Information					
Premises Address:		HOLLY NECK RD 0-0000		Legal Description:	
				CEDAR GROVE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0098	0021	0001		0000	
					Block:
					18
					Assessment Year:
					2015
					Plat No:
					0012/
					Plat Ref:
					0122
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			NONE		
			Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
			1.3400 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
		Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2015	
				As of 07/01/2016	
Land:		74,400	74,400		
Improvements		0	0		
Total:		74,400	74,400	74,400	74,400
Preferential Land:		0			0
Transfer Information					
Seller:		Date:		Price:	
WHITACRE JAMES A		10/06/1998		\$60,000	
Type:		Deed1:		Deed2:	
ARMS LENGTH VACANT		/13194/ 00126			
Seller:		Date:		Price:	
WHITACRE JAMES A		05/01/1984		\$0	
Type:		Deed1:		Deed2:	
NON-ARMS LENGTH OTHER		/06703/ 00699			
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: No Application					

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

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



KEVIN KAMENETZ
County Executive

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

December 23, 2015

Wendy Zukerberg Mendelson
6 Mansel Drive
Reisterstown MD 21136

RE: Case Number: 2016-0113 A, Address: 2406 Holly Neck Road

Dear Ms. Mendelson:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 4, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Jason Hausner Sr., Kristie Hausner, 407 Wolf Street, Baltimore MD 21221

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



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

Date: 11/12/15

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

RE: Baltimore County
Item No. 2016-0113-A
Variance
Wendy Zuckerberg Mendelson
2406 Holly Neck 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. 2016-0113-A.

Should you have any questions regarding this matter, please contact Mr. 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,

A handwritten signature in black ink, appearing to read 'Richard A. Zeller'.

David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM**

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

DATE: November 24, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-113

RECEIVED

DEC 03 2015

INFORMATION:

Property Address: 2406 Holly Neck Road
Petitioner: Wendy Zuckerberg
Zoning: RC 5, BL
Requested Action: Variance

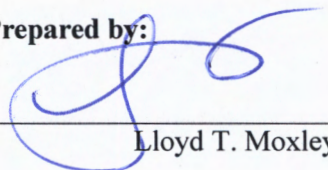
OFFICE OF ADMINISTRATIVE HEARINGS

The Department of Planning has reviewed the petition for variance to permit a proposed single family dwelling with a lot size of 1.34 acres and a front building line setback of 65 feet to the center line of a collector road in lieu of the required 1.5 acres and 150 feet respectively.

The Department has no objections to granting the petitioned zoning relief.

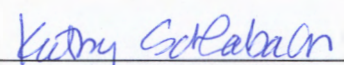
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
Jason Hausner
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: November 24, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-113

INFORMATION:

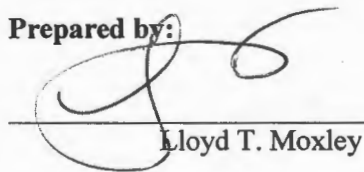
Property Address: 2406 Holly Neck Road
Petitioner: Wendy Zuckerberg
Zoning: RC 5, BL
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit a proposed single family dwelling with a lot size of 1.34 acres and a front building line setback of 65 feet to the center line of a collector road in lieu of the required 1.5 acres and 150 feet respectively.

The Department has no objections to granting the petitioned zoning relief.

For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlach

AVA/KS/LTM/ka

c: Krystle Patchak
Jason Hausner
Office of the Administrative Hearings
People's Counsel for Baltimore County

1-4-16

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

NOV 18 2015

OFFICE OF ADMINISTRATIVE HEARINGS

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

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

DATE: November 18, 2015

SUBJECT: EPS Comment for Zoning Item # 2016-0113-A
Address 2406 Holly Neck Road 21221
(Mendelson Property)

Zoning Advisory Committee Meeting of November 9, 2015.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

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 is subject to Critical Area requirements. The applicant is proposing to construct a dwelling on a lot that is 1.34 acres in lieu of the required 1.5 acres, and is proposing a front building setback of 65-feet in lieu of the required 150-feet. This is not a waterfront property, but does need to be evaluated to determine if there are any non-tidal wetlands present, and if Critical Area buffers are required. Lot coverage information was not provided except for a proposed home size. Total lot coverage is limited to a maximum of 15% (7,762 square feet based on the indicated lot size). It should be noted that the proposed dwelling shown is 4,266 square feet leaving only 3,496 square feet for driveway, walks, and any other lot coverage. In addition, the site must meet the 15% forest requirement, and any required forest mitigation requirements. It appears that scattered trees, forests, and developed woodland exists on the site. If the proposed development meets LDA lot coverage requirements, all forest requirements, and complies with any buffer requirements, water quality impacts will be minimized. Lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17). The plans need to show all existing and proposed lot coverage, trees and forest, and any wetlands and buffers.

2. Conserve fish, wildlife, and plant habitat; and

This property is open field with scattered trees, and possible forest and developed woodland areas. The presence of any non-tidal wetlands or buffers is unknown at this time. The applicant's plan accompanying this zoning petition shows that the proposed dwelling and the limits of disturbance may impact one tree, but is outside any forest or developed woodland. Provided that all Critical Area requirements are met, including replacement of any impacted trees, avoidance of any wetlands and required buffers, and any other required mitigation is provided as determined by EPS, water quality impacts can be minimized and fish, wildlife, and plant habitat can be conserved.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The applicant's proposal to construct the proposed dwelling as indicated can be consistent with this goal, and the relief requested will be consistent with established land-use policies provided that the applicants meet the requirements stated above including avoidance of any wetlands or required buffers.

Reviewer: Paul Dennis

Date: November 16, 2015

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 16, 2015

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

SUBJECT: Zoning Advisory Committee Meeting
For November 9, 2015
Item No. 2016-0111, 0113, 0114, 0115, 0118 and 0120

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

DAK
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC11092015.doc

Real Property Data Search (w3)

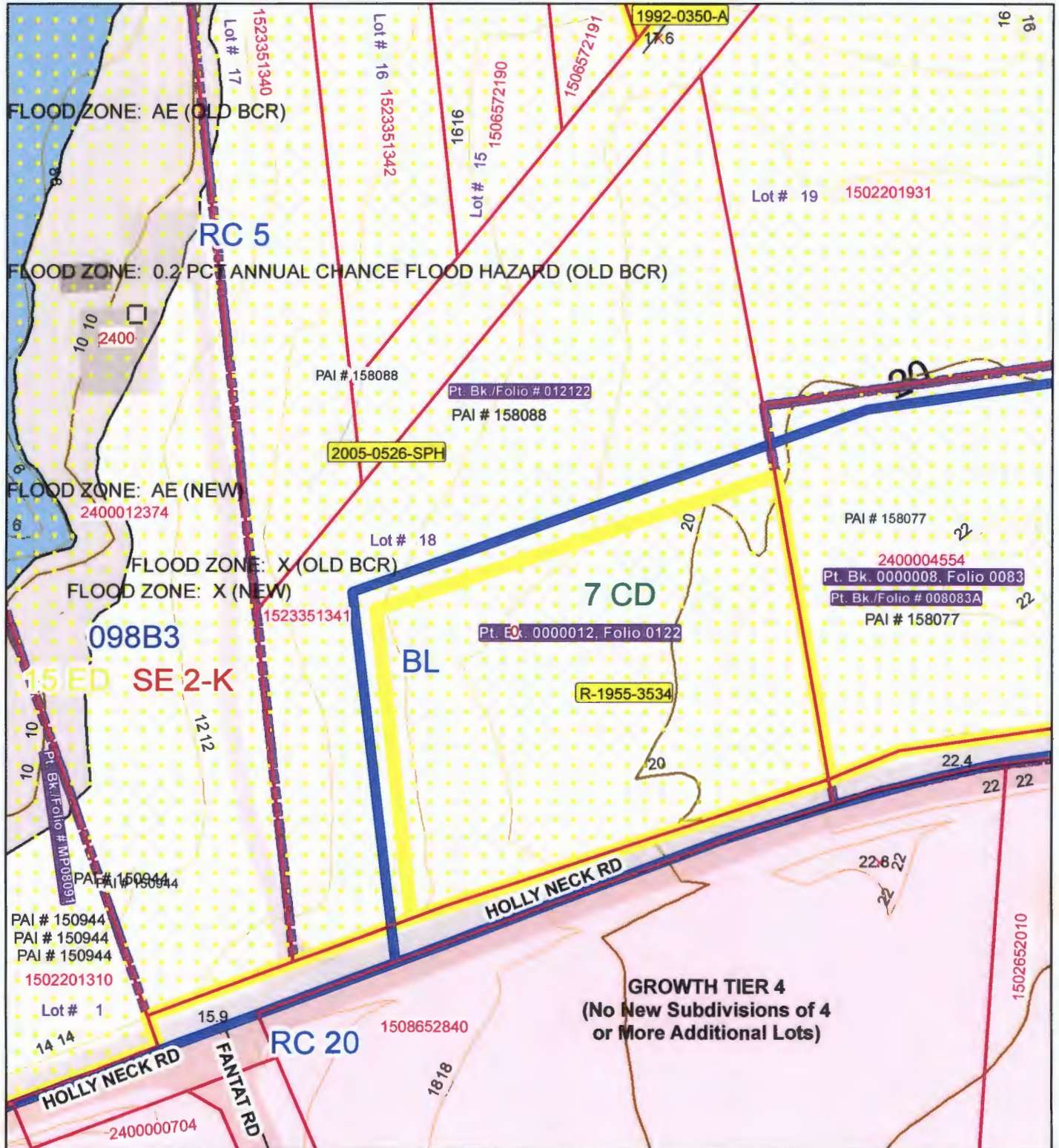
Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1523351341			
Owner Information					
Owner Name:		ZUKERBERG WENDY		Use:	RESIDENTIAL
Mailing Address:		6 MANSEL DR REISTERSTOWN MD 21136-5661		Principal Residence:	NO
				Deed Reference:	/13194/ 00126
Location & Structure Information					
Premises Address:		HOLLY NECK RD 0-0000		Legal Description:	
				CEDAR GROVE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0098	0021	0001		0000	
					Block:
					18
					Lot:
					18
					Assessment Year:
					2015
					Plat No:
					0012/
					Plat Ref:
					0122
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
			1.3400 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2015	07/01/2015	07/01/2016
Land:		74,400	74,400		
Improvements		0	0		
Total:		74,400	74,400	74,400	74,400
Preferential Land:		0			0
Transfer Information					
Seller: WHITACRE JAMES A		Date: 10/06/1998		Price: \$60,000	
Type: ARMS LENGTH VACANT		Deed1: /13194/ 00126		Deed2:	
Seller: WHITACRE JAMES A		Date: 05/01/1984		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /06703/ 00699		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: No Application					

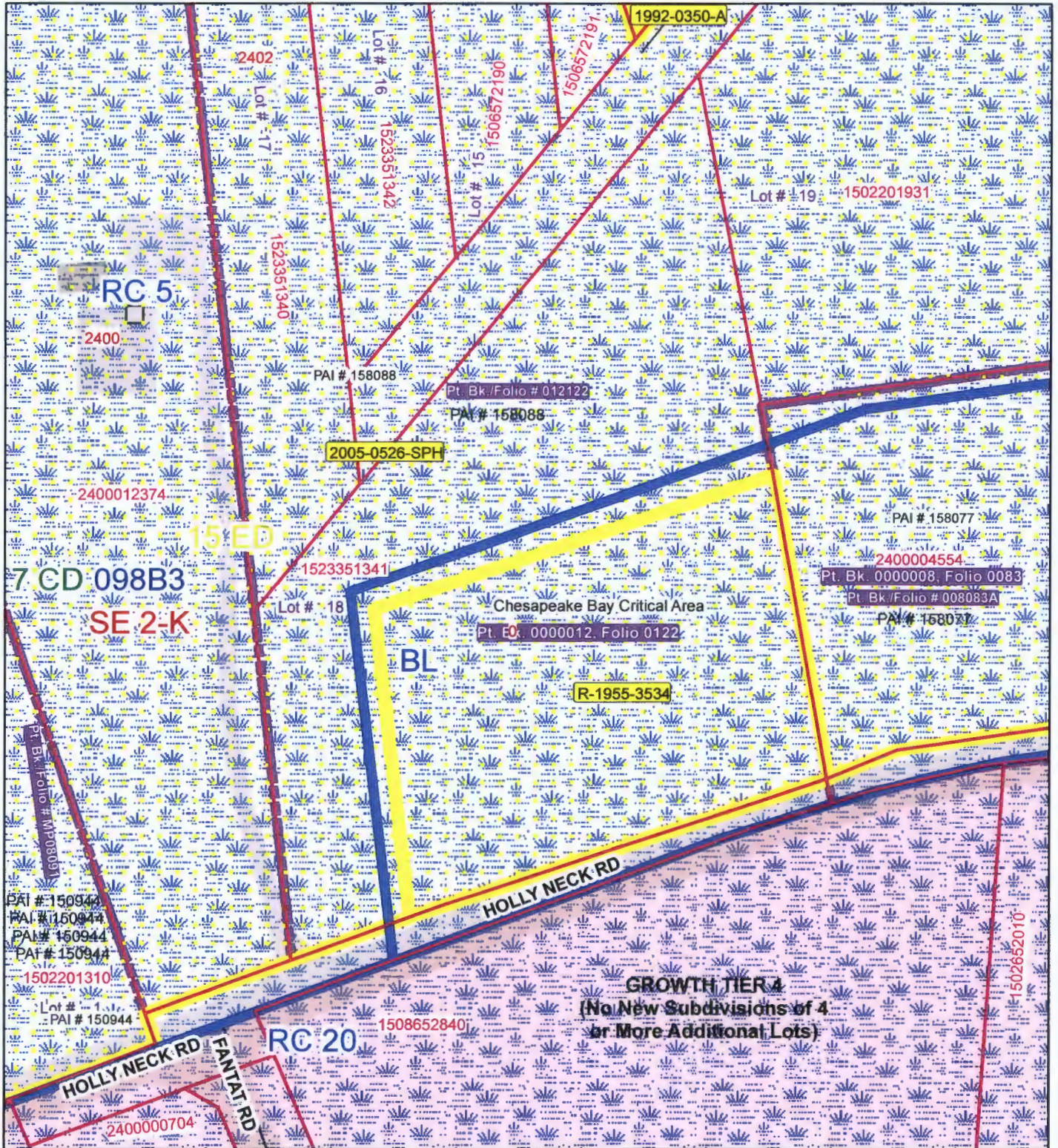
1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

Elevations and Flood Hazards



2016-0113-A

Chesapeake Bay Critical Area



Publication Date: 11/2/2015



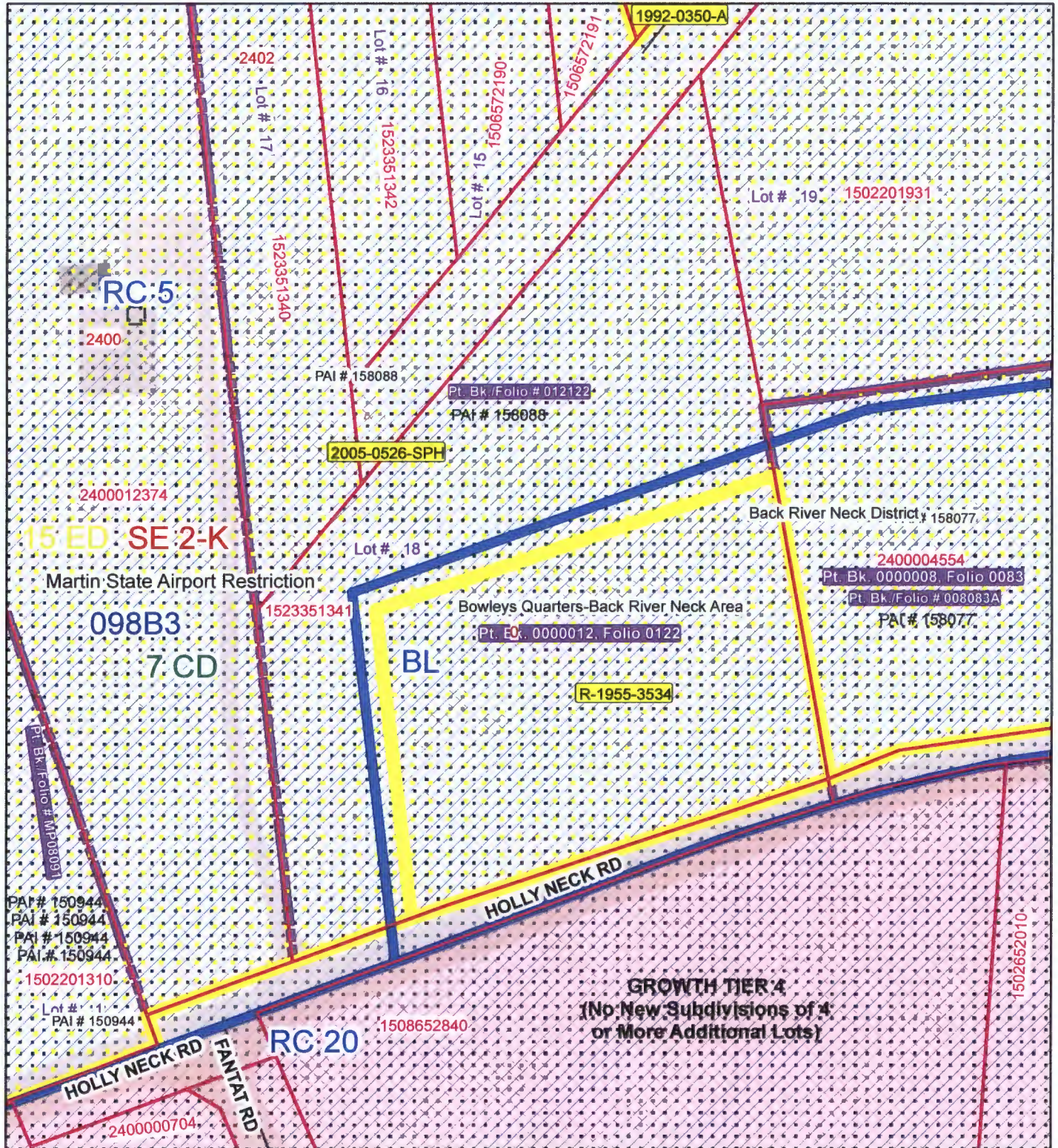
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



1 inch = 60 feet

2016-0113-A

Lot #18, Cedar Grove



Publication Date: 11/2/2015



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



0 15 30 60 90 120 Feet

1 inch = 60 feet

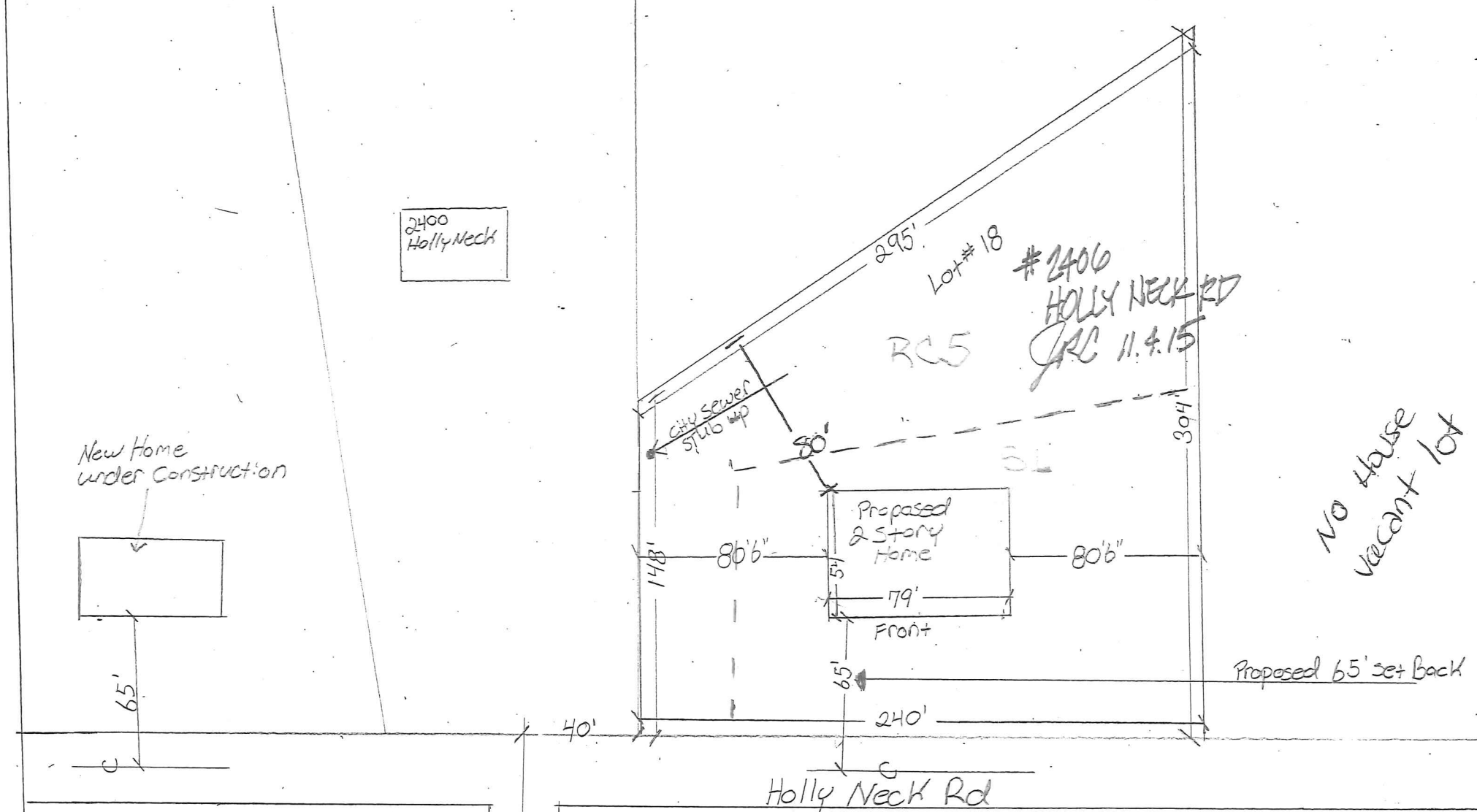
2016-0113-A

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS Holly Neck Rd OWNER(S) NAME(S) Jason Hausner SR.

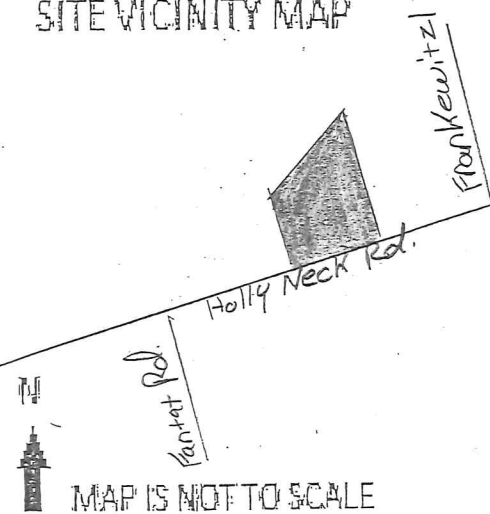
SUBDIVISION NAME Cedar Grove LOT # 18 BLOCK # N/A SECTION # N/A

PLAT BOOK # 12 FOLIO # 122 10 DIGIT TAX # 1523351341 DEED REF. # 13194100126



PLAN DRAWN BY Jason Hausner DATE Nov 1 2015 SCALE: 1 INCH = 60' FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE
ZONING MAP# 098B3
SITE ZONED RC5/BL
ELECTION DISTRICT 15
COUNCIL DISTRICT 7th
LOT AREA ACREAGE 1.34
OR SQUARE FEET 51,748
HISTORIC? NO
IN CBCA? Yes
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS: PUBLIC X PRIVATE _____
SEWER IS: PUBLIC X PRIVATE _____
PRIOR HEARING? _____
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW
R-1955-3534

VIOLATION CASE INFO:

None

Petitioners' No. 1

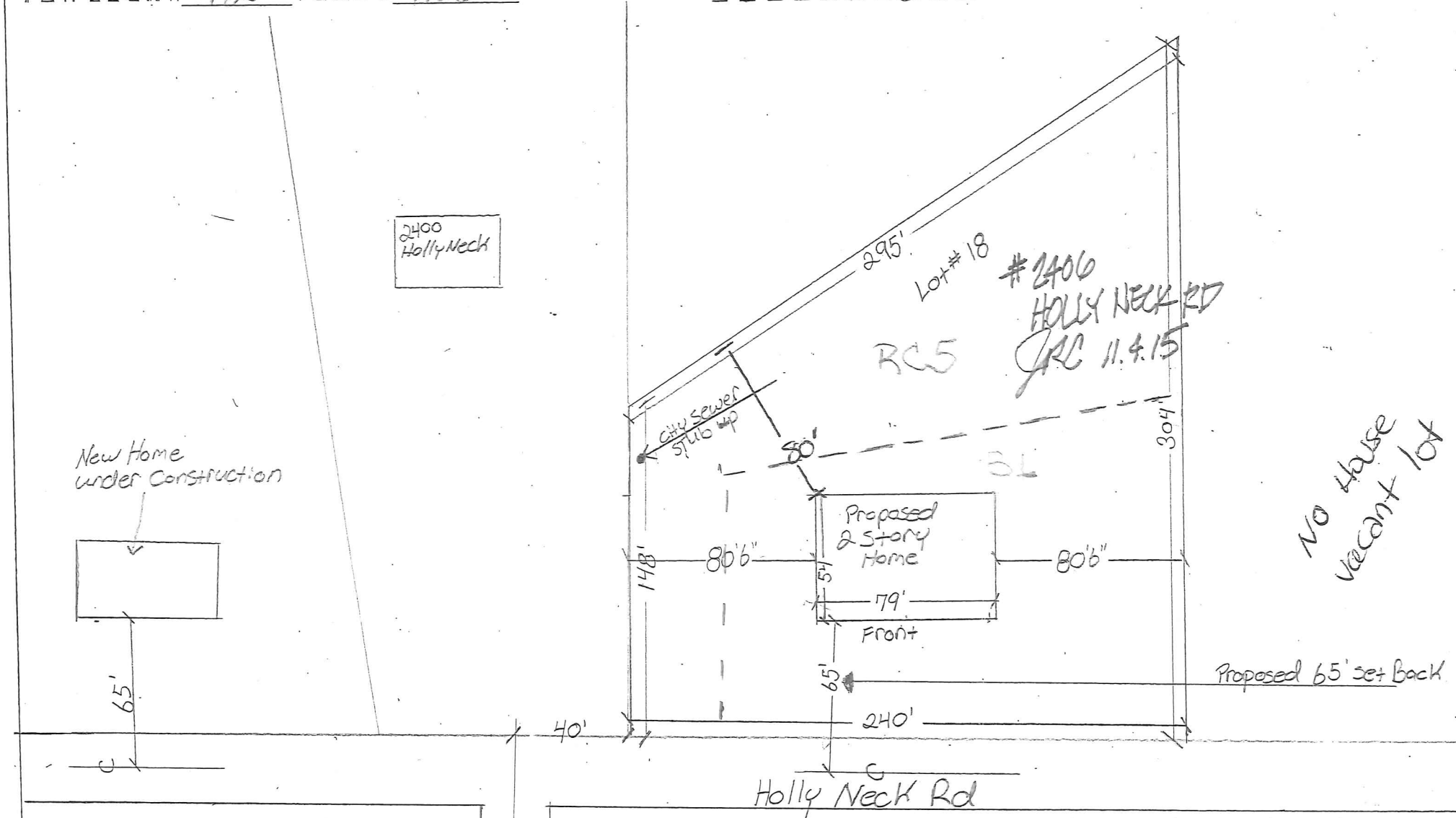
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VIOLATION CASE INFO:

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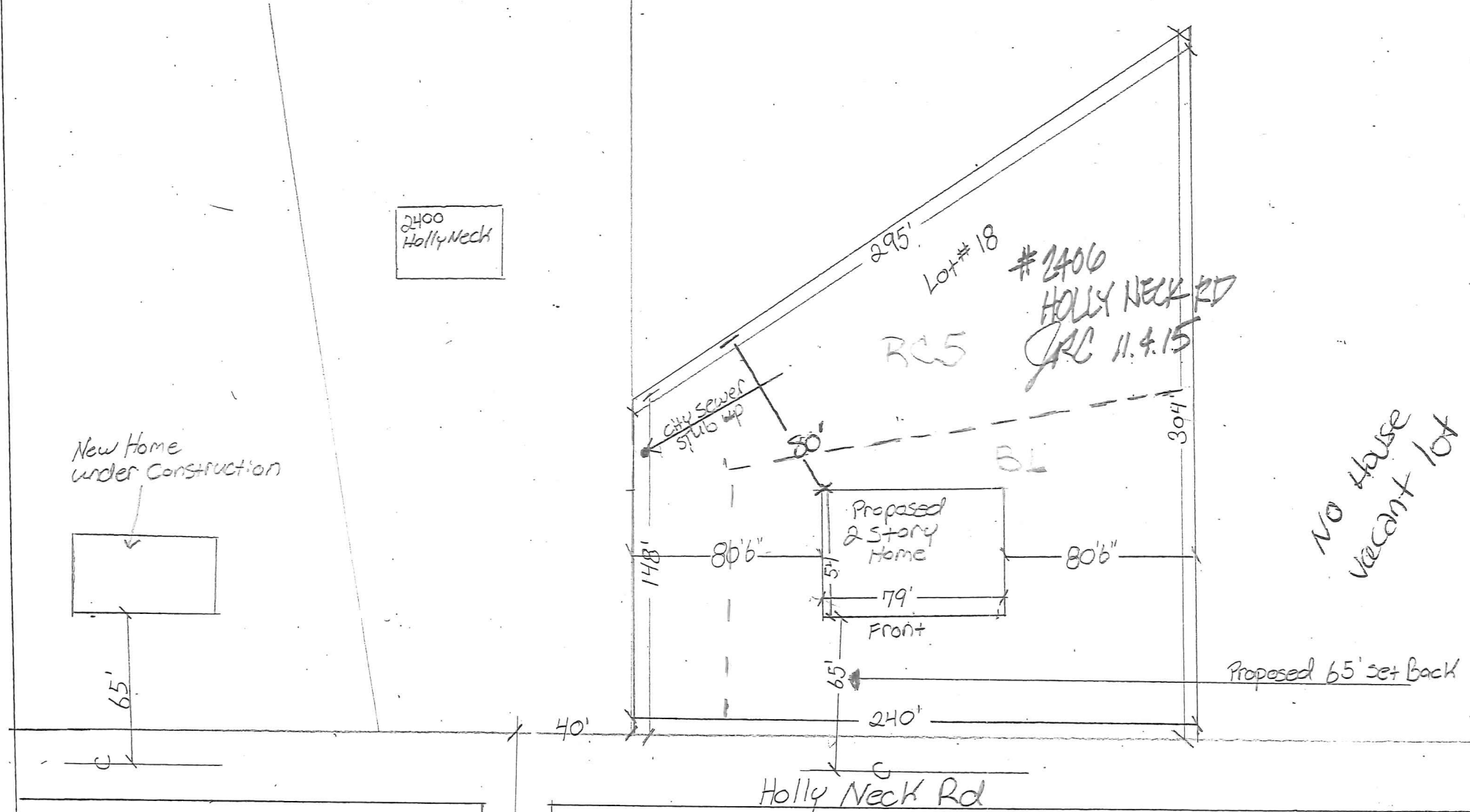
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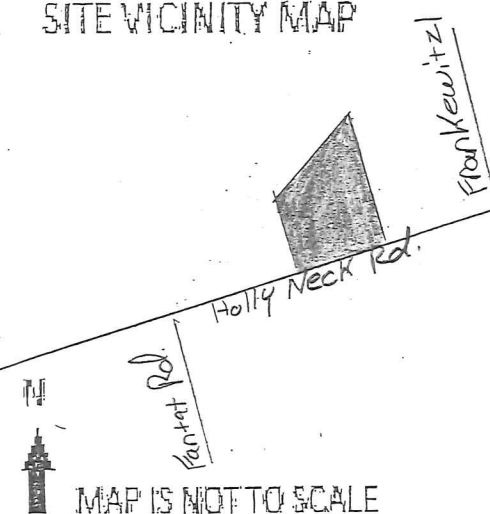
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