

M E M O R A N D U M

DATE: May 18, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0140-SPHA- Appeal Period Expired

The appeal period for the above-referenced case expired on May 16, 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



KEVIN KAMENETZ
County Executive

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

April 15, 2016

Matthew L. Kimball, Esq.
Niles, Barton & Wilmer, LLP
111 South Calvert Street
Baltimore, Maryland 21202

RE: Petitions for Special Hearing and Variance
Case No. 2016-0140-SPHA
Property: 2346 Schaffers Road

Dear Mr. Kimball:

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

(2346 Schaffers Road) *

15th Election District *

7th Council District *

High Tide, LLC *

Legal Owner *

Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2016-0140-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of High Tide, LLC, legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."); (1) to confirm the conversion of an existing accessory structure from an apartment to guest quarters. The proposed guest quarters will include three bathrooms and three bedrooms to be used by guests and will not include a kitchen. It is not the intent that the guest quarters will function as an apartment; and (2) request confirmation of the property line setbacks from the Department of Environmental Protection and Sustainability (DEPS). In addition, a Petition for Variance seeks to locate the proposed in-ground pool within the side yard of the principal dwelling. The Petition was amended at the hearing to add an additional variance request (pertaining to the side yard location of the "guest quarters" accessory building) as suggested by the Department of Planning. A site plan was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requests was Devin Leary, a registered landscape architect. Matthew L. Kimball, Esq., represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as

ORDER RECEIVED FOR FILING

Date 4-15-16

By SEN

required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), the Bureau of Development Plans Review (DPR) and the Department of Environmental Protection and Sustainability (DEPS).

The subject property is 3.5 acres and zoned RC 20, which is a "Critical Area" zoning designation. The property is improved with a single-family dwelling and an accessory building which was used historically as an apartment. Petitioner proposes to enlarge the principal dwelling to serve as a "main house," and would raze and rebuild the accessory building which would function as a guest quarters for family and friends. The units in the accessory building would not have kitchens, but would have sleeping accommodations and bathrooms. The units would not be occupied by tenants, and would therefore not be considered "apartments."

The special hearing requests essentially seek confirmation and documentation of the uses described above. In addition, since the regulations do not specify minimum lot size or setbacks in the RC 20 zone, the petition for special hearing also seeks confirmation of the setbacks approved by DEPS. It is worth noting both the single-family dwelling and accessory building were constructed in the 1950s, so those are long existing site conditions. The lot size is 3.5 acres, which exceeds the minimum lot size specified in other RC zoning categories. In addition, the setbacks approved by DEPS are substantial and also far exceed the minimum setbacks of other RC zoning categories. As such, the petition for special hearing will be granted.

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.

ORDER RECEIVED FOR FILING

Date

4-15-16

By

Sen

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

Petitioner has met this test. The waterfront property is essentially a peninsula, and is therefore unique. If the B.C.Z.R. were strictly interpreted, Petitioner would experience a practical difficulty, given it would be unable to construct the proposed improvements. 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 County and/or community opposition. The Bureau of DPR indicated a landscape plan would be required if the proposed improvements would constitute a 50% or larger increase in the square footage of the existing structures. Mr. Leary explained, and the plan confirms, the dwelling and accessory building will essentially occupy the same footprint as the existing structures, and thus a landscape plan is not required.

THEREFORE, IT IS ORDERED this 15th day of April, **2016**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."): (1) To confirm the conversion of an existing accessory structure from an apartment to guest quarters. The proposed guest quarters will include three bathrooms and three bedrooms to be used by guests and will not include a kitchen. It is not the intent that the guest quarters will function as an apartment; and (2) Request confirmation of the property line setbacks from the Department of Environmental Protection and Sustainability (DEPS), be and is hereby GRANTED;

IT IS FURTHER ORDERED that the Petition for Variance which seeks to locate the proposed in-ground pool within the side yard of the principal dwelling, and the accessory building (guest quarters) within the front and side yards of the principal dwelling, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 4-15-16
By Sen

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its 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, Petitioner would be required to return the subject property to its original condition.
2. Prior to issuance of permits Petitioner must comply with the Critical Area regulations.
3. Prior to building permit application, Petitioner must contact the Department of Public Works to determine the flood protection elevation for the property.

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

JEB/sln



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 4-15-16
By sln



CBCA

PETITION FOR ZONING HEARING(S)

F1001

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 2346 Schaffers Road

which is presently zoned RC-20

Deed References: 35546 / 00001

10 Digit Tax Account # 1 7 0 0 0 0 7 4 2 7

Property Owner(s) Printed Name(s) High Tide LLC C/O Sam Himmelrich

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

see attached

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 bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

High Tide LLC.

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1340 Smith Avenue

Baltimore

MD

Mailing Address

City

State

21209

410-258-1234

sam@mtwashingtonmill.com

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Mathew L. Kimball, Niles, Barton & Wilmer, LLP

Name- Type or Print

Signature

111 South Calvert Street

Baltimore

MD

Mailing Address

City

State

21202

410-783-6300

mlkimball@nilesbarton.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Devin Leary, ASLA, PLA

Name - Type or Print

Signature

512 Virginia Avenue

Towson

MD

Mailing Address

City

State

21286

410-825-3885

devin@humanandrohde.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2016-0140-SPHA

Filing Date 12/7/15

Do Not Schedule Dates:

Reviewer Bh

Zoning Relief Requested

2345 Schaffers Road

Baltimore County, Maryland

1. Special Hearing Request to confirm the conversion of an existing accessory structure from an apartment to guest quarters. The proposed guest quarters will include three *bathrooms and* ~~three~~ bedrooms to be used by guests and will not include a kitchen. It is not the intent that the guest quarters will function as an apartment.
2. Request confirmation of the property line setbacks from the Department of Environmental Protection and Sustainability (EPS). The site is zoned RC-20 and lot size and setbacks are determined by EPS.
3. Variance request to locate the proposed in-ground pool within the side yard of the principle dwelling. (Section 400.1)

December 2015

**Description of Schaffers Road Property to Accompany Petition for a Special Hearing and Variance,
15th Election District, 7th Councilmanic District**

BEGINNING FOR THE SAME at point 4000± feet southwest of Holly Neck Road from the east side of Schaffers Road.

Thence:

1. South 58 degrees 09 minutes 28 seconds East 33.55 feet, thence,
2. South 66 degrees 53 minutes 09 seconds East 29.35 feet, thence,
3. South 62 degrees 13 minutes 47 seconds East 262.69 feet, thence,
4. South 57 degrees 52 minutes 16 seconds East 5.81 feet, thence,
5. South 59 degrees 06 minutes 18 seconds East 3.69 feet, thence,
6. South 60 degrees 23 minutes 27 seconds East 12.07 feet, thence,
7. South 60 degrees 00 minutes 55 seconds East 11.43 feet, thence,
8. South 70 degrees 58 minutes 55 seconds East 1.81 feet, thence,
9. South 62 degrees 13 minutes 47 seconds East 84.30 feet, thence,
10. South 54 degrees 08 minutes 46 seconds East 14.11 feet, thence,
11. South 63 degrees 51 minutes 58 seconds East 69.47 feet, thence,
12. South 62 degrees 13 minutes 47 seconds East 201.41 feet, thence,
13. South 43 degrees 20 minutes 22 seconds East 169.38 feet, thence,
14. South 40 degrees 33 minutes 37 seconds West 167.24 feet, thence,
15. South 39 degrees 43 minutes 20 seconds West 20.73 feet, thence,
16. North 86 degrees 03 minutes 58 seconds West 82.21 feet, thence,
17. North 72 degrees 31 minutes 12 seconds West 80.52 feet, thence,
18. North 59 degrees 41 minutes 48 seconds West 199.98 feet, thence,
19. North 07 degrees 48 minutes 52 seconds West 234.95 feet, thence,
20. North 28 degrees 08 minutes 43 seconds East 3.97 feet, thence,
21. North 61 degrees 51 minutes 17 seconds West 357.84 feet, thence,
22. North 28 degrees 08 minutes 43 seconds East 79.59 feet, to the place of beginning.

Containing 3.50 acres of land more or less.

Note: This Description has been prepared for zoning purposes only.



#0140

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

No. **134177**

Date: **12/7/15**

PAID RECEIPT

BUSINESS ACTUAL TIME DWT
12/07/2015 12/07/2015 10:16:16 2

RE MS02 WALKIN JENA JEE
RECEIPT # 950227 12/07/2015 OFLH
Dept 5 520 ZONING VERIFICATION
CR NO. 134177

Receipt Tot \$150.00
\$150.00 CK \$0.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
0000	5000	0000		6150				\$ 150.00

Total: \$ 150.00

Rec From: Baltimore County Zoning Verification

For: Special Licensing and Verification

DISTRIBUTION

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

**CASHIER'S
VALIDATION**



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 4047683

Sold To:

Devin Leary - CU00526522
512 Virginia Ave
Towson, MD 21286-5361

Bill To:

Devin Leary - CU00526522
512 Virginia Ave
Towson, MD 21286-5361

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

Mar 24, 2016

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: # 2016-0140-SPHA

2346 Schaffers Road
E/s Schaffers Road, 4000 ft. +/- s/west of centerline of
Holly Neck Road
15th Election District - 7th Councilmanic District
Legal Owner(s) High Tide, LLC

SPECIAL HEARING: to confirm the conversion of an existing accessory structure from an apartment to guest quarters. The proposed guest quarters will include three bathrooms and three bedrooms to be used by guests and will not include a kitchen. It is not the intent that the guest quarters will function as an apartment. Request confirmation of the property line setbacks from the Department of Environmental Protection and Sustainability (DEPS). the site is zoned RC-20 and lot size and setbacks are determined by EPS. **VARIANCE:** to locate the proposed in-ground pool within the side yard of the principal dwelling.

Hearing: Thursday, April 14, 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.

3/236 March 24

4047683

The Baltimore Sun Media Group

By

S. Wilkinson

Legal Advertising

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

March 22, 2016

Re:
Zoning Case No. 2016-0140-SPHA
Petitioner: High Tide, LLC
Hearing date: April 14, 2016

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 **2346 Schaffers Road**.

The sign was posted on **March 21, 2016**.

Sincerely,

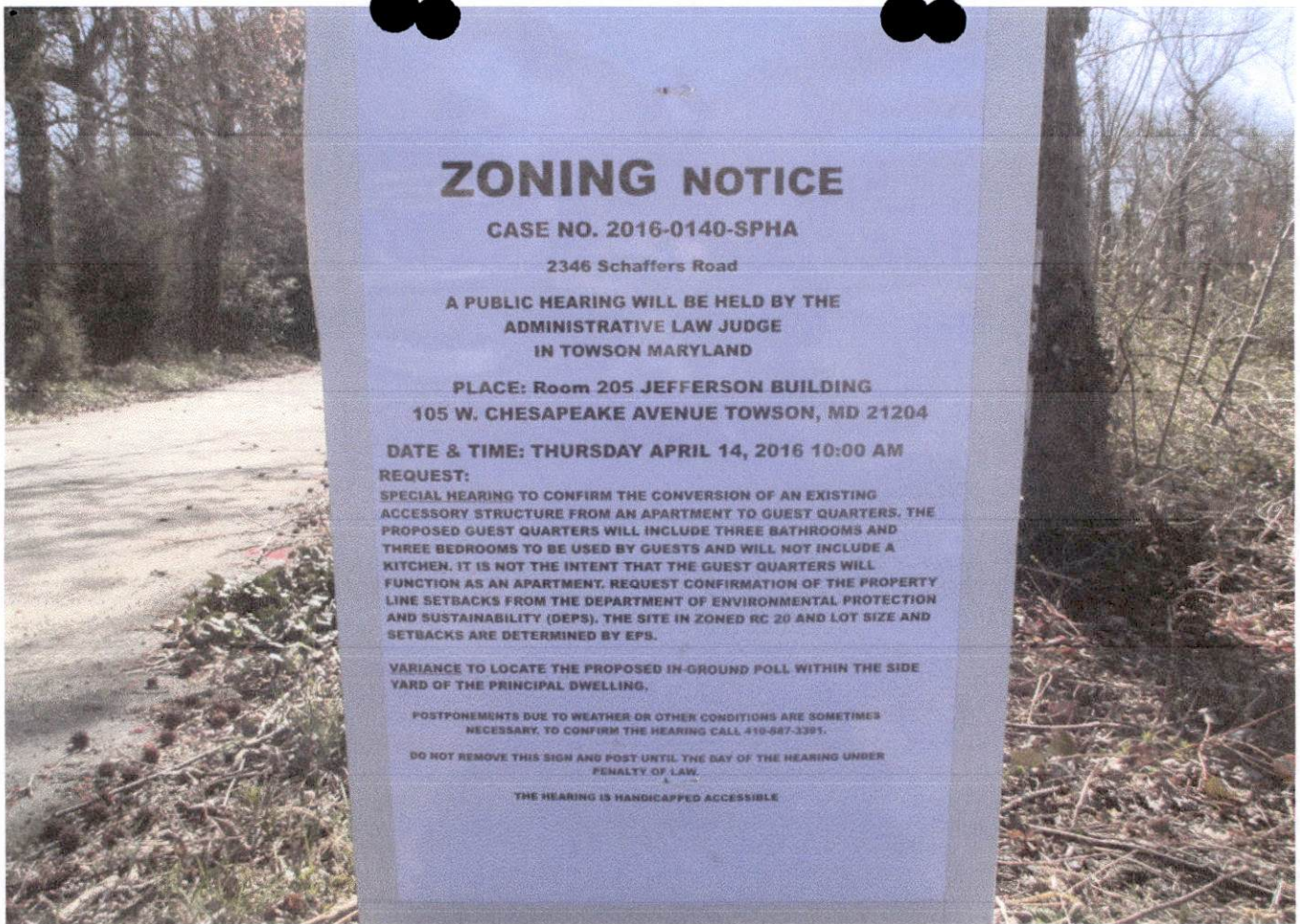


Bruce E. Doak
MD Property Line Surveyor #531

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



Land Use Expert and Surveyor





KEVIN KAMENETZ
County Executive

February 19, 2016

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

NEW 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: 2016-0140-SPHA

2346 Schaffers Road

E/s Schaffers Road, 4000 ft. +/- s/west of centerline of Holly Neck Road

15th Election District – 7th Councilmanic District

Legal Owners: High Tide, LLC

Special Hearing to confirm the conversion of an existing accessory structure from an apartment to guest quarters. The proposed guest quarters will include three bathrooms and three bedrooms to be used by guests and will not include a kitchen. It is not the intent that the guest quarters will function as an apartment. Request confirmation of the property line setbacks from the Department of Environmental Protection and Sustainability (DEPS). The site is zoned RC-20 and lot size and setbacks are determined by EPS. **Variance** to locate the proposed in-ground pool within the side yard of the principal dwelling.

Hearing: Thursday, April 14, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a printed name and title.

Arnold Jablon
Director

AJ:kl

C: Mathew Kimball, 111 South Calvert Street, Baltimore 21202
High Tide, LLC, 1340 Smith Avenue, Baltimore 21209
Devin Leary, ASLA, PLA, 512 Virginia Avenue, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MARCH 25, 2016**
- (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
Thursday, March 24, 2016 Issue - Jeffersonian

Please forward billing to:
Devin Leary
512 Virginia Avenue
Towson, MD 21286

410-825-3885

NOTICE OF ZONING HEARING

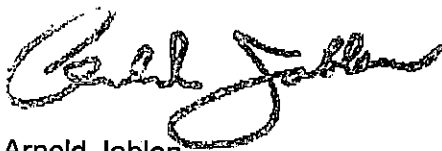
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2016-0140-SPHA

2346 Schaffers Road
E/s Schaffers Road, 4000 ft. +/- s/west of centerline of Holly Neck Road
15th Election District – 7th Councilmanic District
Legal Owners: High Tide, LLC

Special Hearing to confirm the conversion of an existing accessory structure from an apartment to guest quarters. The proposed guest quarters will include three bathrooms and three bedrooms to be used by guests and will not include a kitchen. It is not the intent that the guest quarters will function as an apartment. Request confirmation of the property line setbacks from the Department of Environmental Protection and Sustainability (DEPS). The site is zoned RC-20 and lot size and setbacks are determined by EPS. **Variance** to locate the proposed in-ground pool within the side yard of the principal dwelling.

Hearing: Thursday, April 14, 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.



KEVIN KAMENETZ
County Executive

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

December 15, 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: 2016-0140-SPHA

2346 Schaffers Road

E/s Schaffers Road, 4000 ft. +/- s/west of centerline of Holly Neck Road

15th Election District – 7th Councilmanic District

Legal Owners: High Tide, LLC

Special Hearing to confirm the conversion of an existing accessory structure from an apartment to guest quarters. The proposed guest quarters will include three bathrooms and three bedrooms to be used by guests and will not include a kitchen. It is not the intent that the guest quarters will function as an apartment. Request confirmation of the property line setbacks from the Department of Environmental Protection and Sustainability (DEPS). The site is zoned RC-20 and lot size and setbacks are determined by EPS. **Variance** to locate the proposed in-ground pool within the side yard of the principal dwelling.

Hearing: Monday, February 1, 2016 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Mathew Kimball, 111 South Calvert Street, Baltimore 21202
High Tide, LLC, 1340 Smith Avenue, Baltimore 21209
Devin Leary, ASLA, PLA, 512 Virginia Avenue, Towson 21286

"Continuance"
needs another
date
2/1/16

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 12, 2016**
- (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.



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 3879881

Sold To:

Devin Leary - CU00513102
512 Virginia Ave
Towson, MD 21286-5361

Bill To:

Devin Leary - CU00513102
512 Virginia Ave
Towson, MD 21286-5361

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

Jan 12, 2016

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: # 2016-0140-SPHA

2346 Schaffers Road
E/s Schaffers Road, 4000 ft. +/- s/west of centerline of
Holly Neck Road
15th Election District - 7th Councilmanic District
Legal Owner(s) High Tide, LLC

Special Hearing: to confirm the conversion of an existing accessory structure from an apartment to guest quarters. The proposed guest quarters will include three bathrooms and three bedrooms to be used by guests and will not include a kitchen. It is not the intent that the guest quarters will function as an apartment. Request confirmation of the property line setbacks from the Department of Environmental Protection and Sustainability (DEPS). The site is zoned RC-20 and lot size and setbacks are determined by EPS.

Variance: to locate the proposed in-ground pool within the side yard of the principal dwelling.

Hearing: Monday, February 1, 2016 at 11:00 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 1/7/16 January 12 3879881



KEVIN KAMENETZ
County Executive

December 15, 2015

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

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: 2016-0140-SPHA

2346 Schaffers Road

E/s Schaffers Road, 4000 ft. +/- s/west of centerline of Holly Neck Road

15th Election District – 7th Councilmanic District

Legal Owners: High Tide, LLC

Special Hearing to confirm the conversion of an existing accessory structure from an apartment to guest quarters. The proposed guest quarters will include three bathrooms and three bedrooms to be used by guests and will not include a kitchen. It is not the intent that the guest quarters will function as an apartment. Request confirmation of the property line setbacks from the Department of Environmental Protection and Sustainability (DEPS). The site is zoned RC-20 and lot size and setbacks are determined by EPS. **Variance** to locate the proposed in-ground pool within the side yard of the principal dwelling.

Hearing: Monday, February 1, 2016 at 11:00 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: Mathew Kimball, 111 South Calvert Street, Baltimore 21202
High Tide, LLC, 1340 Smith Avenue, Baltimore 21209
Devin Leary, ASLA, PLA, 512 Virginia Avenue, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 12, 2016**
- (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, January 12, 2016 Issue - Jeffersonian

Please forward billing to:
Devin Leary
512 Virginia Avenue
Towson, MD 21286

410-825-3885

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: 2016-0140-SPHA

2346 Schaffers Road

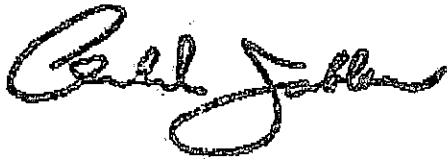
E/s Schaffers Road, 4000 ft. +/- s/west of centerline of Holly Neck Road

15th Election District – 7th Councilmanic District

Legal Owners: High Tide, LLC

Special Hearing to confirm the conversion of an existing accessory structure from an apartment to guest quarters. The proposed guest quarters will include three bathrooms and three bedrooms to be used by guests and will not include a kitchen. It is not the intent that the guest quarters will function as an apartment. Request confirmation of the property line setbacks from the Department of Environmental Protection and Sustainability (DEPS). The site is zoned RC-20 and lot size and setbacks are determined by EPS. **Variance** to locate the proposed in-ground pool within the side yard of the principal dwelling.

Hearing: Monday, February 1, 2016 at 11:00 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 SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
2346 Schaffers Road; E/S Schaffers Road;	*	OF ADMINISTRATIVE
4000' SW of c/line Holly Neck Road		
15 th Election & 7 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): High Tide LLC		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2016-140-SPHA

* * * * *

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

DEC 16 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 15th day of December, 2015, a copy of the foregoing Entry of Appearance was mailed to Devin Leary, ASLA, PLA, 512 Virginia Avenue, Towson, Maryland 21286 and Matthew Kimball, Esquire, 111 South Calvert Street, Baltimore, Maryland 21202, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

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

January 28, 2016

High Tide LLC
1340 Smith Avenue
Baltimore MD 21209

RE: Case Number: 2016-0140 SPHA, Address: 2346 Schaffers Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 7, 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
Matthew L Kimball, Esquire, 111 South Charles Street, Baltimore MD 21202
Devin Leary ASLA, PLA, 512 Virginia Avenue, Towson MD 21286

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



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

Date: 12/18/15

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

RE: Baltimore County
Item No. 2016-0140 SPHA
Special Hearing Variance
HighTide, LLC
2346 Schaffers 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. 2016-0140 - SPHA.

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,

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

DWP/RAZ

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 December 21, 2015
Item No. 2016-0140

DATE: December 18, 2015

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

Prior to building permit application, the petitioner must contact the office of the Director of Public Works to determine the flood protection elevation.

Confirm the square footages of the existing and the proposed structures. If proposed is equal to, or greater than 50% of existing, a Landscape Plan will be required.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0140-12212015.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

JAN 08 2016

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

DATE: January 6, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-140 SPHA

INFORMATION:

Property Address: 2346 Schaffers Road
Petitioner: High Tide LLC
Zoning: DR 5.5
Requested Action: Variance

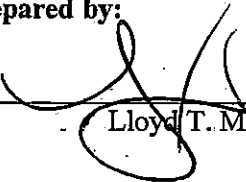
The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve the conversion of an existing accessory structure to guest quarters and the petition for variance to permit an accessory structure (in-ground pool) to be located in the side yard in lieu of the required rear yard.

The Department of Planning has no objection to granting the petitioned zoning relief.

Be advised the plan indicates no prior zoning cases. The Department recommends that the location of the proposed guest quarters, as an accessory structure, should also be considered and approved by the Administrative Law Judge. The Department has no objections to granting any necessary zoning relief addressing the location of the guest quarters that may be identified through the hearing process.

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
Devin Leary, ASLA, PLA
Office of the Administrative Hearings
People's Counsel for Baltimore County

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>12/18</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
<u>12/22</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
<u>1/6</u>	FIRE DEPARTMENT PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>12/18</u>	STATE HIGHWAY ADMINISTRATION TRAFFIC ENGINEERING	<u>No Obj</u>
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>3-24-16</u>	
SIGN POSTING	Date: <u>3-21-16</u> by <u>POOK</u>	
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 - 1700007427							
Owner Information											
Owner Name:				HIGH TIDE LLC				Use:		RESIDENTIAL	
Mailing Address:				STE 200 1340 SMITH AVE BALTIMORE MD 21209-				Principal Residence:		NO	
								Deed Reference:		/35546/ 00001	
Location & Structure Information											
Premises Address:				2346 SCHAFFERS RD 0-0000 Waterfront				Legal Description:		3.50 AC SER SCHAFFERS RD 4000FT SW HOLLY NCK RD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	
0105	0009	0002		0000				2015			
Special Tax Areas:						Town:		NONE			
						Ad Valorem:					
						Tax Class:					
Primary Structure Built			Above Grade Enclosed Area			Finished Basement Area			Property Land Area		County Use
1976			1,316 SF						3.5000 AC		34
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation					
1	YES	STANDARD UNIT	BRICK	1 full							
Value Information											
			Base Value		Value		Phase-in Assessments				
					As of		As of		As of		
					01/01/2015		07/01/2015		07/01/2016		
Land:			368,700		339,200						
Improvements			162,300		114,800						
Total:			531,000		454,000		454,000		454,000		
Preferential Land:			0						0		
Transfer Information											
Seller: BECK DANIEL FRANKLIN				Date: 11/07/2014				Price: \$455,000			
Type: ARMS LENGTH IMPROVED				Deed1: /35546/ 00001				Deed2:			
Seller: BECK DANIEL FRANKLIN				Date: 03/10/2011				Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /30597/ 00279				Deed2:			
Seller: VELTE CHARLES J,JR				Date: 11/10/1986				Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /05526/ 00020				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>)

A hand-drawn schematic diagram of a circuit. On the left, a battery is represented by two cells, one with a '+' sign and the other with a '-' sign. A wire connects the positive terminal to a switch, which is shown as two parallel lines that can open or close. After the switch, the circuit splits into two parallel branches. The upper branch contains a rectangular component labeled 'P2'. The lower branch contains a rectangular component labeled 'P1'. The two branches rejoin, and a single wire leads to a common output terminal on the right.

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>).

~~2/1 11AM~~
4-14
10AM

MEMORANDUM

DATE: February 1, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0140-SPHA

As you may be aware, the above-referenced case was scheduled for today, February 1, 2016 @ 11AM in Room 205.

This case was postponed due to sign posting not fulfilled.

Our office is returning the file to you for further processing.

c: Case File
Office of Administrative Hearings

Human & Rohde, Inc.
landscape architects/land planners

11/1
TR KL - no PP - as slow
up + request or
be prepared
to go forward
JOHN C. ROHDE, RLA
SALLY MALENA, RLA
LYNETTE PINHEY, RLA
DEVIN LEARY, RLA

512 VIRGINIA AVENUE
TOWSON, MD 21286
TEL: (410) 825-3885
FAX: (410) 825-3887

January 26, 2016

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

RE: 2346 Schaffers Road
Case: #2016-140 SPHA

Dear Mr. Jablon:

We are requesting to reschedule the Special Hearing and Variance public hearing currently scheduled for February 1st 2016. The property is required to be posted 15 days prior to the hearing and unfortunately this task was not completed. I understand that the hearing will need to be rescheduled in March and request one of the following dates if available:

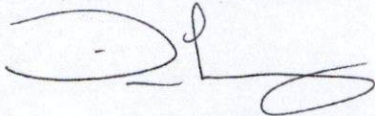
3/1 - 3/4
3/7 - 3/11

3/20 - 4/1 N/A

Please review our request at your earliest convenience.

Sincerely,

HUMAN & ROHDE, INC.



Devin M. Leary, ASLA, PLA

CC: Mr. Samuel Himmelrich, Jr.



KEVIN KAMENETZ
County Executive

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

January 28, 2016

High Tide LLC
1340 Smith Avenue
Baltimore MD 21209

RE: Case Number: 2016-0140 SPHA, Address: 2346 Schaffers Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 7, 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
Matthew L Kimball, Esquire, 111 South Charles Street, Baltimore MD 21202
Devin Leary ASLA, PLA, 512 Virginia Avenue, Towson MD 21286

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



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

Date: 12/18/15

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

RE: Baltimore County
Item No. 2016-0140 SP4A
Special Hearing Variance
HighTide, LLC
2346 Schaffers 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. 2016-0140 - SP4A.

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 "David W. Peake".

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

DWP/RAZ

YB 2-1-16
11 Am

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: January 6, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-140 SPHA

RECEIVED

JAN 08 2016

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 2346 Schaffers Road
Petitioner: High Tide LLC
Zoning: DR 5.5
Requested Action: Variance

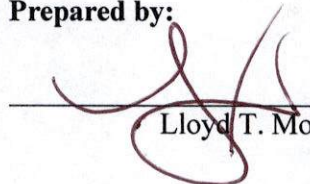
The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve the conversion of an existing accessory structure to guest quarters and the petition for variance to permit an accessory structure (in-ground pool) to be located in the side yard in lieu of the required rear yard.

The Department of Planning has no objection to granting the petitioned zoning relief.

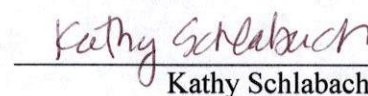
Be advised the plan indicates no prior zoning cases. The Department recommends that the location of the proposed guest quarters, as an accessory structure, should also be considered and approved by the Administrative Law Judge. The Department has no objections to granting any necessary zoning relief addressing the location of the guest quarters that may be identified through the hearing process.

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
Devin Leary, ASLA, PLA
Office of the Administrative Hearings
People's Counsel for Baltimore County

RECEIVED
DEC 22 2015
OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: December 22, 2015

SUBJECT: DEPS Comment for Zoning Item # 2016-0140-SPHA
Address 2346 Schaffers Road
(High Tide, LLC Property)

Zoning Advisory Committee Meeting of December 14, 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 zoned RC-20 and is located within a Resource Conservation Area (RCA) subject to Critical Area requirements. The applicant is proposing to construct a replacement dwelling, a pool, and convert an existing apartment to a guest quarters. This waterfront property must meet Critical Area buffer, forest, lot coverage requirements, and all conditions of the Chesapeake Bay Critical Area administrative variance granted by EPS on November 2, 2015. EPS approves the property line setbacks as proposed, and approves of the pool location outside of any required Critical Area buffer pursuant to lot coverage requirements. Environmental Impact Review has approved the location of the guest quarters and the dwelling, but the proposal must also meet all EPS-Groundwater Management requirements. If the proposed development meets these requirements, water quality impacts can be minimized.

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

This property has a developed waterfront area and is forested to the northwest. Redevelopment plans propose lot coverage reduction, recordation of Critical Area buffer areas and forest with protective covenants, and mitigation as required for

any buffer or forest impacts. Provided that all Critical Area requirements are met, including compliance with all the conditions of the Chesapeake Bay Critical Area administrative variance granted by EPS on November 2, 2015, and all EPS-Groundwater Management requirements, 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 as indicated can be consistent with this goal, and the relief requested will be consistent with established land-use policies provided that the development meets the requirements stated above.

Reviewer: Paul Dennis

Date: December 21, 2015

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: December 18, 2015

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

SUBJECT: Zoning Advisory Committee Meeting
For December 21, 2015
Item No. 2016-0140

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

Prior to building permit application, the petitioner must contact the office of the Director of Public Works to determine the flood protection elevation.

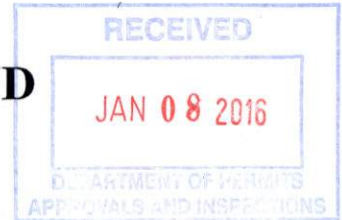
Confirm the square footages of the existing and the proposed structures. If proposed is equal to, or greater than 50% of existing, a Landscape Plan will be required.

* * * * *

DAK: CEN
cc: file

ZAC-ITEM NO 16-0140-12212015.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



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

DATE: January 6, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-140 SPHA

INFORMATION:

Property Address: 2346 Schaffers Road
Petitioner: High Tide LLC
Zoning: DR 5.5
Requested Action: Variance

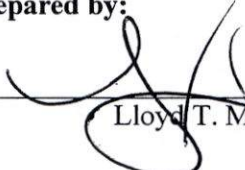
The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve the conversion of an existing accessory structure to guest quarters and the petition for variance to permit an accessory structure (in-ground pool) to be located in the side yard in lieu of the required rear yard.

The Department of Planning has no objection to granting the petitioned zoning relief.

Be advised the plan indicates no prior zoning cases. The Department recommends that the location of the proposed guest quarters, as an accessory structure, should also be considered and approved by the Administrative Law Judge. The Department has no objections to granting any necessary zoning relief addressing the location of the guest quarters that may be identified through the hearing process.

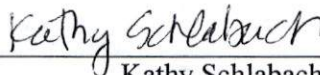
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
Devin Leary, ASLA, PLA
Office of the Administrative Hearings
People's Counsel for Baltimore County

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.

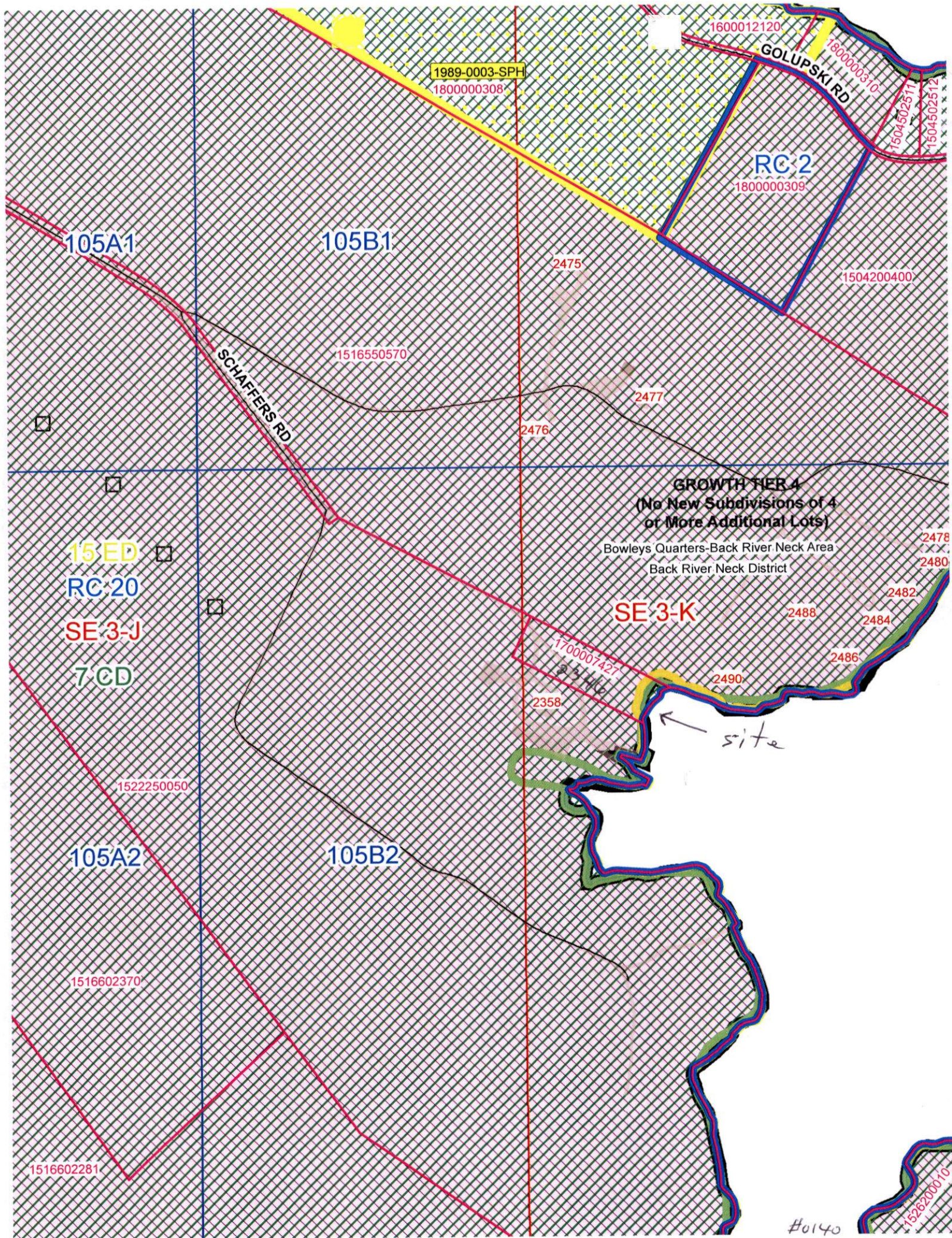
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2016-0140-SPHA
Petitioner: HIGH TIDE LLC.
Address or Location: 1340 SMITH AVE BALT MD 21209

PLEASE FORWARD ADVERTISING BILL TO:

Name: DEVIN LEATY
Address: 512 VIRGINIA AVE
TOWSON MD 21286
Telephone Number: 410 825-3885



1989-0003-SPH
1800000308

1600012120

GOLUPSKI RD

RC-2

1800000309

1504200400

105A1

105B1

2475

1516550570

2477

2476

SCHAFFERS RD

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

Bowleys Quarters-Back River Neck Area
Back River Neck District

15ED

RC-20

SE-3-J

7CD

2478

2480

2482

2486

2490

SE-3-K

1700007427

2358

site

1522250050

105A2

105B2

1516602370

1516602281

#0140

1526200010

06107



SCALE 1" = 150'

AERIAL MAP

