

MEMORANDUM

DATE: April 5, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0180-A- Appeal Period Expired

The appeal period for the above-referenced case expired on April 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 ADMIN. VARIANCE	*	BEFORE THE
(404 Katherine Avenue)		
15 th Election District	*	OFFICE OF
7 th Council District		
Daniel D. Goral & Kimberly R. Bleakley	*	ADMINISTRATIVE HEARINGS
Petitioners		
	*	FOR BALTIMORE COUNTY
	*	Case No. 2016-0180-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Daniel D. Goral & Kimberly R. Bleakley ("Petitioners"). The variance request is from § 400.2 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a shed in the rear yard (street side) of a waterfront existing single family dwelling with a 10 ft. setback in lieu of the required 30 ft. rear yard setback. The subject property and requested relief are more particularly described on Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments submitted from any of the County reviewing agencies. The property is located within the Chesapeake Bay Critical Area (CBCA), Limited Development Area (LDA) and Modified Buffer area (MBA), and is subject to Critical Area requirements as noted in the ZAC comment dated February 24, 2016 submitted by the Department of Environmental Protection and Sustainability (DEPS). In addition, a ZAC comment was received from the Bureau of Development Plans Review (DPR) dated February 18, 2016, indicating that to the extent possible, planting between the shed and road should be added to screen the building.

ORDER RECEIVED FOR FILING

Date 3-3-16

By BW

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 14, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners has filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 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, by the Administrative Law Judge for Baltimore County, this 3rd day of **March, 2016**, that the Petition for Variance seeking relief from § 400.2 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a shed in the rear yard (street side) of a waterfront existing single family dwelling with a 10 ft. setback in lieu of the required 30 ft. rear yard setback, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for any appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

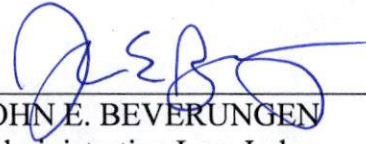
ORDER RECEIVED FOR FILING

Date 3-3-16

By [Signature]

- Petitioners shall comply with the ZAC comments submitted from DEPS and DPR; copies of which are attached and made a part hereof.

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 3-3-16

By EW



CBCA

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 404 Katherine Ave., Baltimore, MD 21221

Currently zoned DR 3.5

Deed Reference 006 / 177

10 Digit Tax Account # 1513400000

Owner(s) Printed Name(s) Daniel D. Goral & Kimberly R. Bleakley

(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)

Section 400.2

To permit a **SHED** in the rear yard (street side) of a waterfront existing single family dwelling with a 10ft setback in lieu of the required 30' rear yard setback.

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):

Daniel D. Goral / Kimberly R. Bleakley

Name #1 – Type or Print

Name #2 – Type or Print

*D.D. Goral**Kimberly R. Bleakley*

Signature #1

Signature #2

404 Katherine Ave. Baltimore Maryland

Mailing Address City State

21221 / 443-562-6682 / dgoral@verizon.net

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:

Daniel D. Goral

Name – Type or Print

D.D. Goral

Signature

404 Katherine Ave. Baltimore Maryland

Mailing Address City State

21221 / 443-562-6682 / dgoral@verizon.net

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 15 day of February, 2016 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 2016-0180-A Filing Date 2/8/2016 Estimated Posting Date 2/14/16 Reviewer WJ

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: 404 Katherine Ave. Baltimore Maryland 21221
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 property where the proposed 10'x12' shed is to be placed is unique because of being waterfront property. The street-side orientation of the house is considered by the owner (and other residents) to be the rear of the house (where the shed will be located), while the water-side of the house is considered to be the front. Maintaining front-yard setbacks in this zoning district creates an undue hardship for the owner. If relief is given to the petitioner, increased reasonable use of the property will be gained by providing secure and protected storage.

Lastly, and as seen in the photographic support documentation, there are numerous examples at neighboring properties where similar structures have been placed without recognition or adherence to minimum front-yard setbacks. The petitioner believes that denial of this variance will create a substantial injustice when compared to other property owners on Katherine Ave.

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

D. D. Goral

Signature of Owner (Affiant)

Daniel D. Goral

Name- Print or Type

Kimberly R. Bleakley

Signature of Owner (Affiant)

Kimberly R. Bleakley

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 4th day of February, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Daniel Goral + Kimberly Bleakley

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

AS WITNESS my hand and Notaries Seal

Kathleen R. Graves
Notary Public

7/25/19
My Commission Expires

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.

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Print or Type Address of property City State Zip Code

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Lastly, and as seen in the photographic support documentation, there are numerous examples at neighboring properties where similar structures have been placed without recognition or adherence to minimum front-yard setbacks. The petitioner believes that denial of this variance will create a substantial injustice when compared to other property owners on Katherine Ave.

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

D.D. Goral
Signature of Owner (Affiant)
Daniel D. Goral
Name- Print or Type

Kimberly R. Bleakley
Signature of Owner (Affiant)
Kimberly R. Bleakley
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 4th day of February, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Daniel Goral Kimberly Bleakley

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

AS WITNESS my hand and Notaries Seal

Kathleen R. Shaved
Notary Public
7/25/19
My Commission Expires



CBLA

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 404 Katherine Ave., Baltimore, MD 21221

Currently zoned DR 3.5

Deed Reference 006 P-177

10 Digit Tax Account # 1513400000

Owner(s) Printed Name(s) Daniel D. Goral & Kimberly R. Bleakley

(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)

Section 400.2

To permit a SIDE in the rear yard (street side) of a waterfront existing single family dwelling with a 10ft setback in lieu of the required 30' rear yard setback.

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):

Daniel D. Goral

Kimberly R. Bleakley

Name #1 – Type or Print

Name #2 – Type or Print

D. D. GoralKimberly R. Bleakley

Signature #1

Signature #2

404 Katherine Ave.

Baltimore

Maryland

Mailing Address

City

State

21221

443-562-6682

dgoral@verizon.net

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

ORDER RECEIVED FOR FILING
3-3-16

Date

Representative to be contacted:

Daniel D. Goral

Name – Type or Print

D. D. Goral

Signature

404 Katherine Ave.

Baltimore

Maryland

Mailing Address

City

State

21221

443-562-6682

dgoral@verizon.net

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 _____ 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 2016-0180-A Filing Date 2/5/2016 Estimated Posting Date 2/14/16 Reviewer TM

Rev 5/8/2014

**ZONING DESCRIPTION FOR 404 Katherine Avenue,
Baltimore, MD 21221**

Beginning at a point on the Southeast side of Katherine Avenue which is 19 feet wide and a distance of 1,000 feet Northwest of the centerline of the nearest improved intersecting street Cape May Road and at the intersection of lots number fifteen and sixteen and running thence Southwesterly of said avenue fifty feet to the division of lots sixteen and seventeen being lot 16 as recorded in Baltimore County Plat Book #6, Folio #177, containing approximately 11,250 square feet or .26 acres. Also known as 404 Katherine Avenue and located in the 15th Election District, 5th Councilmanic District.

2016-0180-A

CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

CASE NO: 2016-0180-A

PETITIONER/DEVELOPER
DANIEL D. GORAL & LEMBERLY
BEARLEY

DATE OF HEARING/CLOSING:
2/29/16

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

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 AT _____

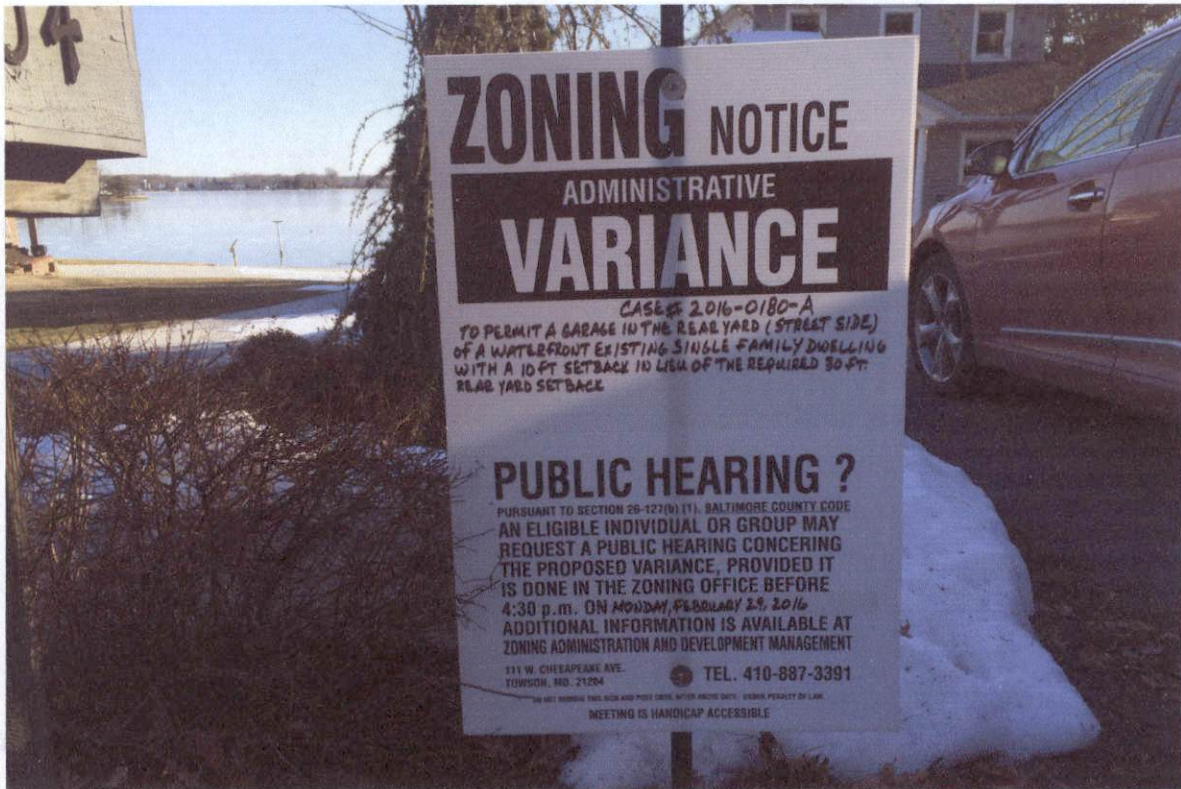
404 KATHERINE AVENUE

THIS SIGN(S) WERE POSTED ON February 14, 2016
(MONTH, DAY, YEAR)

SINCERELY, M. Ogle 2/14/16
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

THE WORD GARAGE WAS
CHANGED TO SHED



Walter G. 2/14/16

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2016- 0180 -A Address 404 Katherine Avenue
Contact Person: LEONARD WASILEWSKI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2/5/16 Posting Date: 2/14/16 Closing Date: 2/29/16

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- 0180 -A Address 404 Katherine Avenue
Petitioner's Name Daniel D. Goral & Kimberly Blackley Telephone 443-562-6682
Posting Date: 2/14/16 Closing Date: 2/29/16
Wording for Sign: To permit a garage in the rear yard (street side) of a waterfront existing single family dwelling with a 10ft setback in lieu of the required 30' rear yard setback.

Revised 7/21/15

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

No. **134781**

Date: **2/5/16**

PAID RECEIPT

BUSINESS ACTUAL TIME
 2/05/2016 2:05:01 PM
 RECEIPT & DEBIT 2/05/2016
 5 503 CASHING REGISTRATION
 134781
 Receipt Tot 75.00
 1.00 CA
 15.00 CB
 Baltimore County, Maryland

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

Total: **75.00**

Rec From: **DAN GORAL**

For: **404 Katherine Ave**

2016-0180-A

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

March 1, 2016

Daniel D Goral
Kimberly R Bleakley
404 Katherine Avenue
Baltimore MD 21221

RE: Case Number: 2016-0180 A, Address: 404 Katherine Avenue

Dear Mr. Goral & Ms. Bleakley:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 5, 2016. 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

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



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

Date: 2/29/16

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

RE: Baltimore County
Item No. 2016-0180-A -
Administrative/Variances
Daniel D. Goral & Kimberly R. Bleakley
404 Katherine Avenue.

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. 2016-0180-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 blue ink, appearing to read "David W. Peake".

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

DWP/RAZ

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



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

Date: 2/17/16

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

RE: Baltimore County

Item No. 2016-0180-A

Administrative Variance
Daniel D. Goral & Kimberly R. Bleakley
404 Katherine Avenue.

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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 dark ink, appearing to read 'Richard A. Zeller'.

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

DWP/RAZ

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

2/29

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: February 24, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0180-A
Address 404 Katherine Avenue
(Goral & Bleakley Property)

Zoning Advisory Committee Meeting of February 22, 2016.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is proposing to place a 10-foot by 12-foot shed outside the required Critical Area buffer on the road-side of the property with a front yard setback of 10-feet in lieu of the required setback requirement. The proposed development must meet LDA and MBA requirements for lot coverage in the LDA. The plan submitted shows that the shed is to be placed over existing lot coverage (the driveway area). With no proposed increase in lot coverage and no buffer impacts, if the entire property is in compliance with lot coverage requirements, the relief requested will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront and the majority of the property is within the required Critical Area buffer. With the structure proposed outside the buffer over existing lot coverage, conservation of fish, plant, and wildlife habitat in and near Norman Creek can be helped with the entire property meeting lot coverage and tree requirements.

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

If the shed is placed over existing lot coverage and outside the buffer as proposed, and the entire property is in compliance with all Critical Area requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Paul Dennis

Date: February 19, 2016

2/29

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAR 07 2016

OFFICE OF ADMINISTRATIVE HEARINGS

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

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

DATE: February 24, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0180-A
Address 404 Katherine Avenue
(Goral & Bleakley Property)

Zoning Advisory Committee Meeting of February 22, 2016.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

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2. Conserve fish, plant, and wildlife habitat;

This property is waterfront and the majority of the property is within the required Critical Area buffer. With the structure proposed outside the buffer over existing lot coverage, conservation of fish, plant, and wildlife habitat in and near Norman Creek can be helped with the entire property meeting lot coverage and tree requirements.

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

If the shed is placed over existing lot coverage and outside the buffer as proposed, and the entire property is in compliance with all Critical Area requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Paul Dennis

Date: February 19, 2016

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For February 22, 2016
Item No. 2016-0180

DATE: February 18, 2016

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

To the extent possible, planting between the shed and road should be added to screen the building.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0180- 02222016.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

FEB 24 2016



OFFICE OF ADMINISTRATIVE HEARINGS

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

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

DATE: February 24, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0180-A
Address 404 Katherine Avenue
(Goral & Bleakley Property)

Zoning Advisory Committee Meeting of February 22, 2016.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is proposing to place a 10-foot by 12-foot shed outside the required Critical Area buffer on the road-side of the property with a front yard setback of 10-feet in lieu of the required setback requirement. The proposed development must meet LDA and MBA requirements for lot coverage in the LDA. The plan submitted shows that the shed is to be placed over existing lot coverage (the driveway area). With no proposed increase in lot coverage and no buffer impacts, if the entire property is in compliance with lot coverage requirements, the relief requested will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront and the majority of the property is within the required Critical Area buffer. With the structure proposed outside the buffer over existing lot coverage, conservation of fish, plant, and wildlife habitat in and near Norman Creek can be helped with the entire property meeting lot coverage and tree requirements.

ORDER RECEIVED FOR FILING

Date 3-3-16

By [Signature]

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

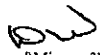
If the shed is placed over existing lot coverage and outside the buffer as proposed, and the entire property is in compliance with all Critical Area requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Paul Dennis

Date: February 19, 2016

ORDER RECEIVED FOR FILING

Date 3-3-16

By 
C:\Users\snuffr\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\WPHS9SSK\ZAC 16-0180-A 404 Katherine Avenue.doc

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 February 22, 2016
Item No. 2016-0180

DATE: February 18, 2016

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

To the extent possible, planting between the shed and road should be added to screen the building.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0180-0225 FOR FILING

DATE 3-3-16

By DAK

SUPPORTING PHOTOGRAPHS TO ACCOMPANY PETITION FOR VARIANCE - 02/2016



404 Katherine Ave.



404 Katherine Ave. - Proposed Location of 10'x12' Redi-Built Shed

20 16-0180-A



Detached Garage

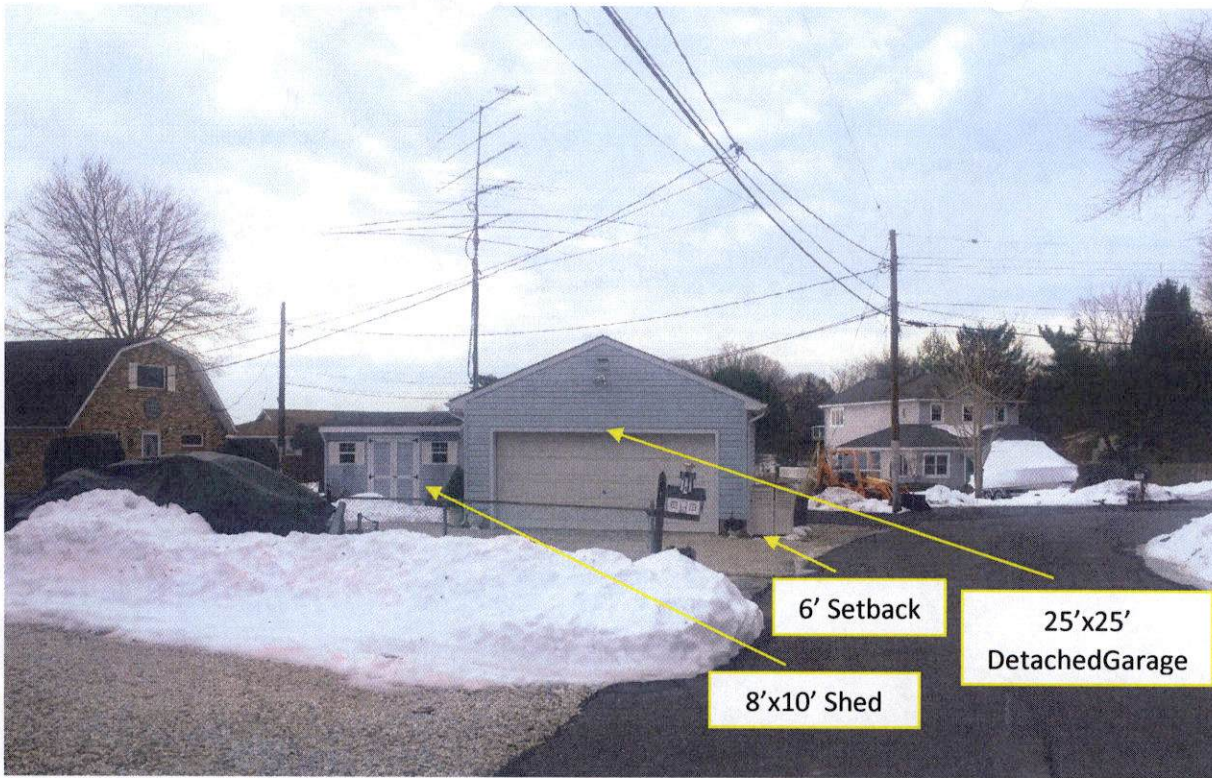
400 Katherine Ave.



6'x8' Shed

408 Katherine Ave. - 6'x8' shed

0180-A



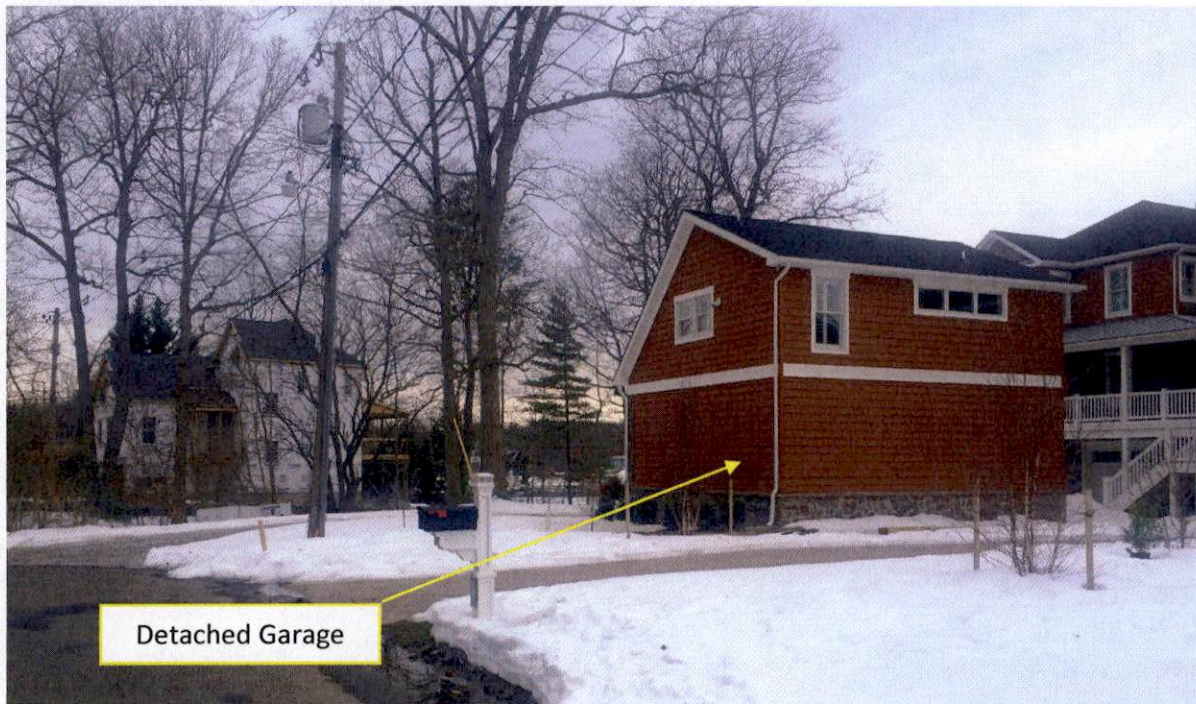
410 Katherine Ave. - 25'x25' detached garage and 8'x10' shed



412 & 416 Katherine Ave.



418 Katherine Ave. - 10'x10' shed – 15' setback from P.L.



426 Katherine Ave.

0180-4

* Prior Zoning

for
8/24

IN RE: PETITION FOR VARIANCE
S/S Katherine Avenue, W. of
Cape May Road
(404 Katherine Avenue)
15th Election District
5th Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-23-A

Daniel D. Goral and
Kimberly R. Bleakley -
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 404 Katherine Avenue, located northeast of the intersection of Back River Neck Road and Cape May Road in Essex. The Petition was filed by the owners of the property, Daniel D. Goral and Kimberly R. Bleakley, in response to a complaint filed by an adjoining property owner as to the number of recreational vehicles stored on their property. The Petitioners seek relief from Sections 415.A.1, 2 and 3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two (2) boats with trailers and one (1) catamaran, all over 16 feet in length, and one (1) Pop-up camper, to be stored in the rear yard of the subject property in lieu of the one (1) recreational vehicle permitted. The subject property and relief sought are more particularly described on the site plan which was submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Daniel Goral and Kimberly Bleakley, property owners. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of .25 acres, more or less, zoned D.R. 3.5 and is improved with a single family dwelling. The property is located within the Chesapeake Bay Critical Areas with frontage on Norman Creek. As indicated above, the Petitioners seek relief to store four (4) recreational vehicles on the

subject property. Specifically, the Petitioners presently store two boats on their property (one 25 feet in length and the other, a 21-foot Wellcraft), a Catamaran Day-Sailer, and a pop-up camper in the rear yard. The 25-foot boat is stored on a lift at the pier during the summer months and then stored on a trailer in the rear yard during the winter. The Petitioners seek approval to continue storing the subject recreational vehicles on their property, in view of the waterfront nature of this lot. Testimony indicated that the storage of watercraft and/or trailers is typical with properties located on or near the water and that strict compliance with the zoning regulations would create an unduly restrict the use of their property. In support of their request, the Petitioners submitted photographs of their property depicting a well-maintained residence and grounds on which the recreational vehicles are stored. Furthermore, the Petitioners submitted a Petition which had been signed by several of their neighbors indicating they have no objections to the Petitioners' storage of more than one recreational vehicle on their property.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28
(1974).

Inasmuch as the neighbors who filed the initial complaint failed to appear at the hearing to voice their opposition, and in view of the Petition of support which was signed by the Petitioners' other neighbors, including the adjoining property owners, I am persuaded to grant the relief requested. It was clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public health, safety or general welfare. Furthermore, the Office of Planning and Zoning submitted favorable comments in which they indicated their support of the Petitioners' request for variance. However, I will restrict the relief granted to those recreational vehicles presently owned by the Petitioners and described herein. In the event the Petitioners wish to replace any of those recreational vehicles with one larger than that presently permitted, then a Petition for Special Hearing must be filed to determine its appropriateness.

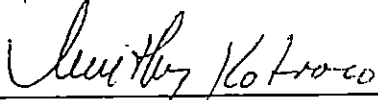
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 7th day of September, 1995 that the Petition for Variance seeking relief from Sections 415.A.1, 2 and 3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two (2) boats with trailers and one (1) catamaran, all over 16 feet in length, and one (1) Pop-up camper, to be stored in the rear yard of the subject property in lieu of the one (1) recreational vehicle permitted, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If and appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) The relief granted herein is limited to the four recreational vehicles described herein. In the event the Petitioners wish to replace any of those recreational vehicles with one larger than that permitted, then a Petition for Special Hearing must be filed to determine its appropriateness.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Trior Zoning
9/21

IN RE: PETITION FOR ADMINISTRATIVE * BEFORE THE
ZONING VARIANCE
SS Katherine Avenue, 1000 ft. * ZONING COMMISSIONER
NW of c/l of Cape May Road
404 Katherine Avenue * OF BALTIMORE COUNTY
15th Election District
5th Councilmanic District * Case No. 99-85-A
Daniel D. Goral, et al , Petitioners
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Daniel D. Goral and Kimberly R. Bleakley, property owners, for the property located at 404 Katherine Avenue in the Cape May Manor subdivision of eastern Baltimore County. The Petitioners herein seek a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 12 inches, in lieu of the required 10 ft., and to permit sum of both sides width of 16 ft. in lieu of the required 25 ft., for an addition, in a D.R.3.5 zone. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

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

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

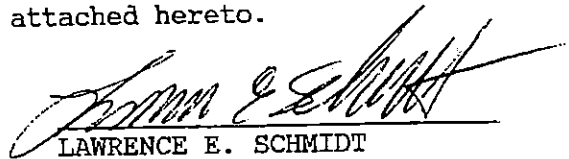
This property is located within the Chesapeake Bay Critical Area and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the BCZR upon completion of their findings. The relief granted shall be conditioned upon compliance with said findings.

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 by the Zoning Commissioner for Baltimore County this 23rd day of September 1998 that the Petition for a Zoning Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 12 inches, in lieu of the required 10 ft., and to permit sum of both sides width of 16 ft., in lieu of the required 25 ft., for an addition, in a D.R.3.5 zone, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall comply with all requirements of DEPRM, as set forth in their comment dated Sept. 17, 1998, attached hereto.


LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
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>2-18</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
<u>2-24</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>2-29 + 2-17</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>2-14-16</u> by <u>Ogle</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

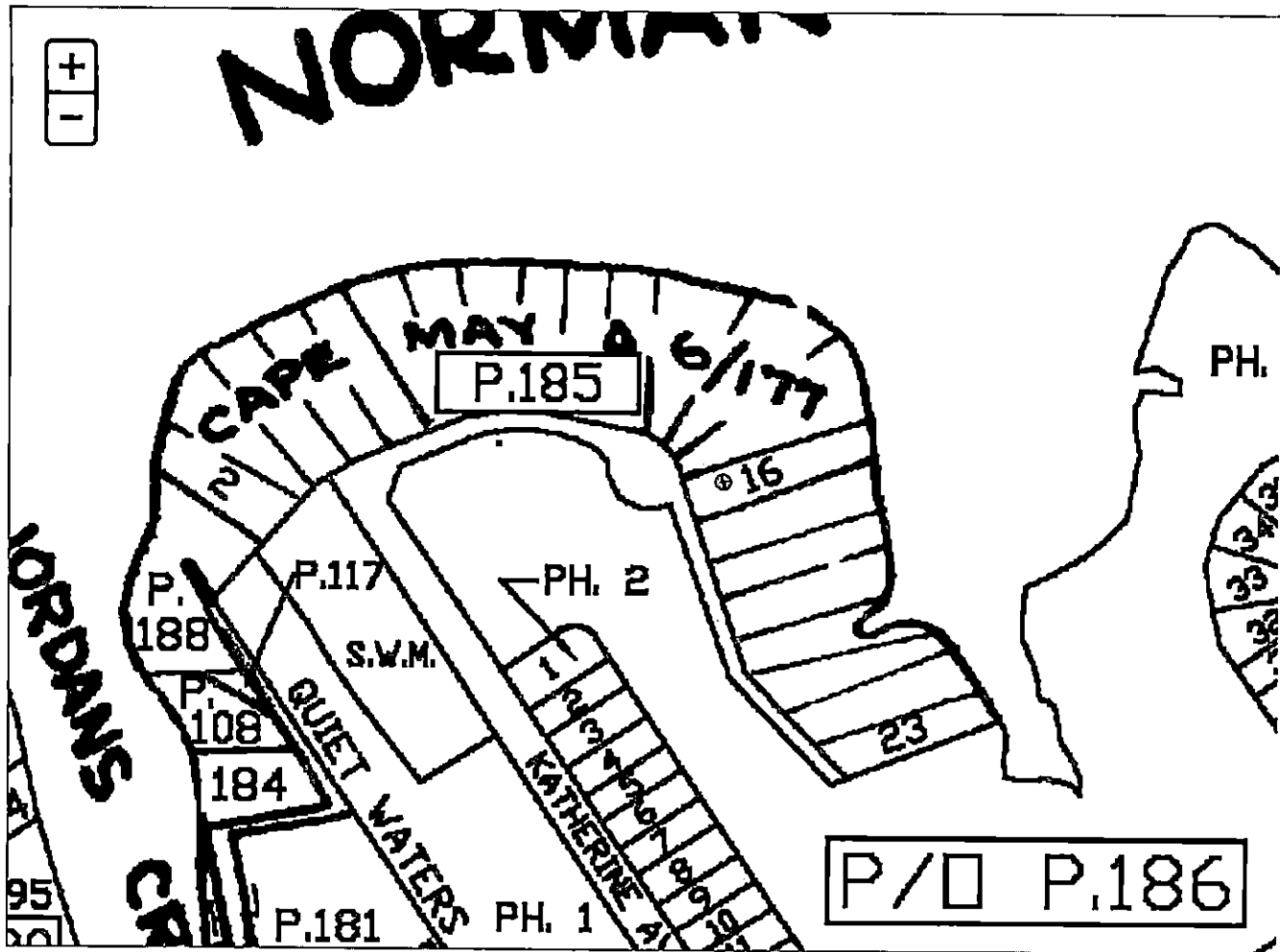
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1513400000			
Owner Information					
Owner Name:	GORAL DANIEL DUNIVANT BLEAKLEY KIMBERLY R		Use:	RESIDENTIAL YES	
Mailing Address:	404 KATHERINE AVE BALTIMORE MD 21221-1628		Principal Residence:		
			Deed Reference:	/10757/ 00665	
Location & Structure Information					
Premises Address:		404 KATHERINE AVE 0-0000 Waterfront		Legal Description: 404 KATHERINE AVE CAPE MAY MANOR	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0098	0007	0185		0000	16 2015 0006/0177
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1926	2,429 SF	400 SF	11,250 SF	34	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	YES	STANDARD UNIT	SIDING	2 full	2000
Value Information					
	Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2015 As of 07/01/2016		
Land:	261,200	261,200			
Improvements	161,200	163,300			
Total:	422,400	424,500	423,100	423,800	
Preferential Land:	0			0	
Transfer Information					
Seller: THOMPSON PAUL W		Date: 09/20/1994		Price: \$175,000	
Type: ARMS LENGTH IMPROVED		Deed1: /10757/ 00665		Deed2:	
Seller: SPRING JOHN N		Date: 04/13/1992		Price: \$169,000	
Type: ARMS LENGTH IMPROVED		Deed1: /09181/ 00589		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 01/27/2009					

Baltimore County

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

District: 15 Account Number: 1513400000



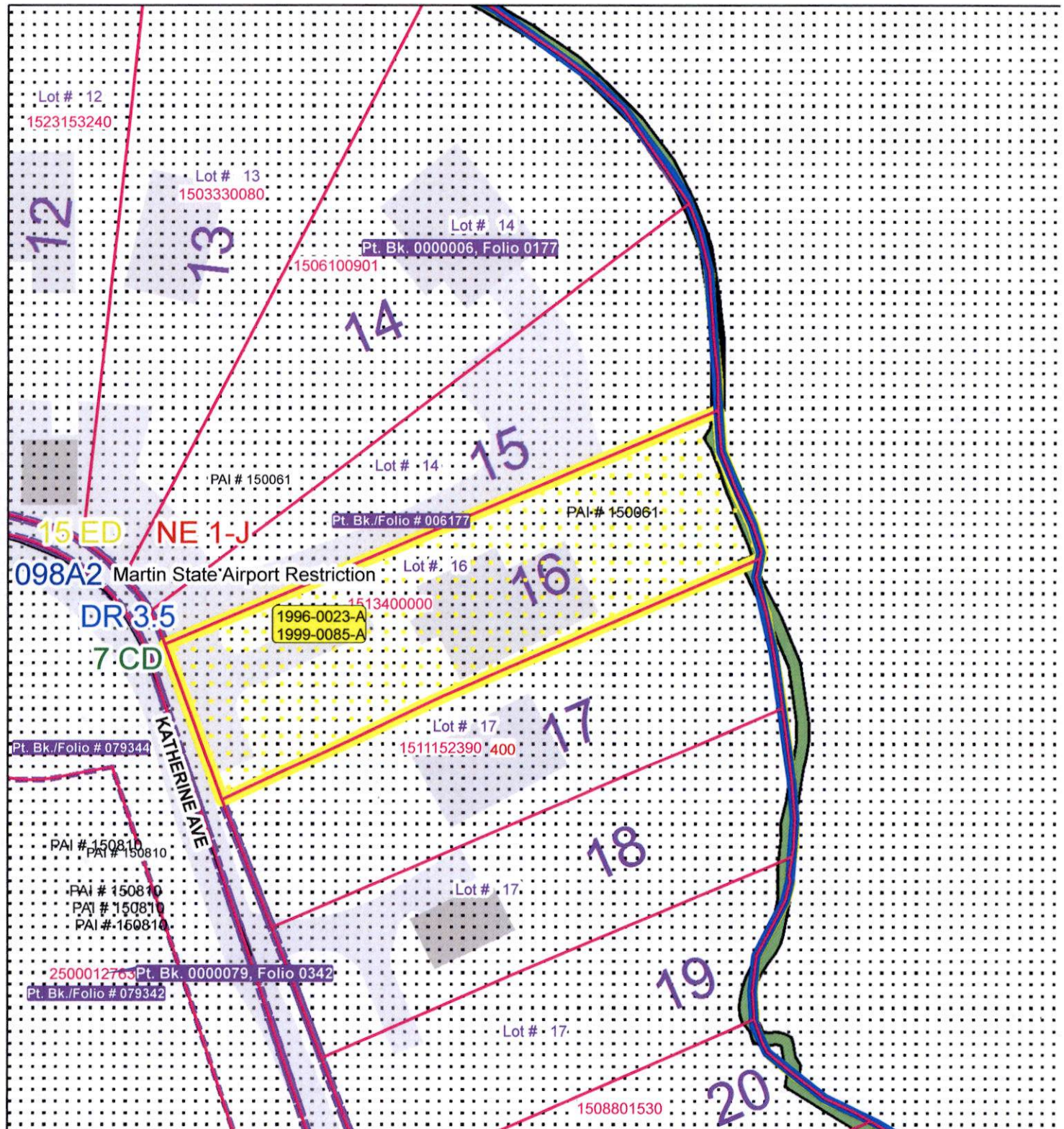
The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

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>).

404 Katherine Avenue 2016-0180-A



Publication Date: 2/5/2016



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



0 12.525 50 75 100 Feet

1 inch = 50 feet



Lot # 13
1503330080

Lot # 14
Pt. Bk. 0000006, Folio 0177
1506100901

2000-0174-A

1520661360
Lot # 11

1523153240
Lot # 12

KATHERINE AVE

098A2 Martin State Airport Restriction

NE 1-J

PAI # 150061

1513400000
1996-0023-A
1999-0085-A

PAI # 150061 # 006177

Pt. Bk./Folio # 079344

1511152390
Lot # 17

15 ED 7 CD DR 3.5

Pt. Bk. 0000079, Folio 0342

PAI # 150810 2500012763

PAI # 150810 PAI # 150810

Pt. Bk./Folio # 079342

PAI # 150810

Lot # 1
2500010329
Pt. Bk. 0000079, Folio 0344

Lot # 17

Lot # 17

Lot # 20

Lot # 20
1508801530

Lot # 20

1506570849

Lot # 23

Lot # 2
2500010331

Lot # 3
2500010332

Lot # 4

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 404 KATHERINE AVE

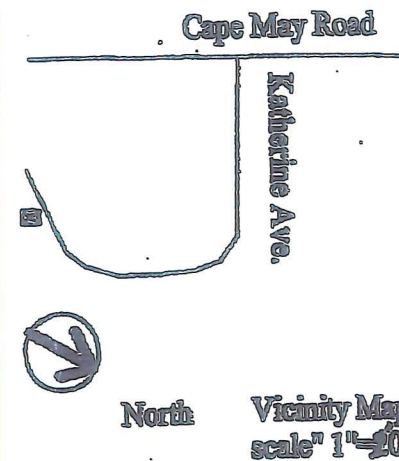
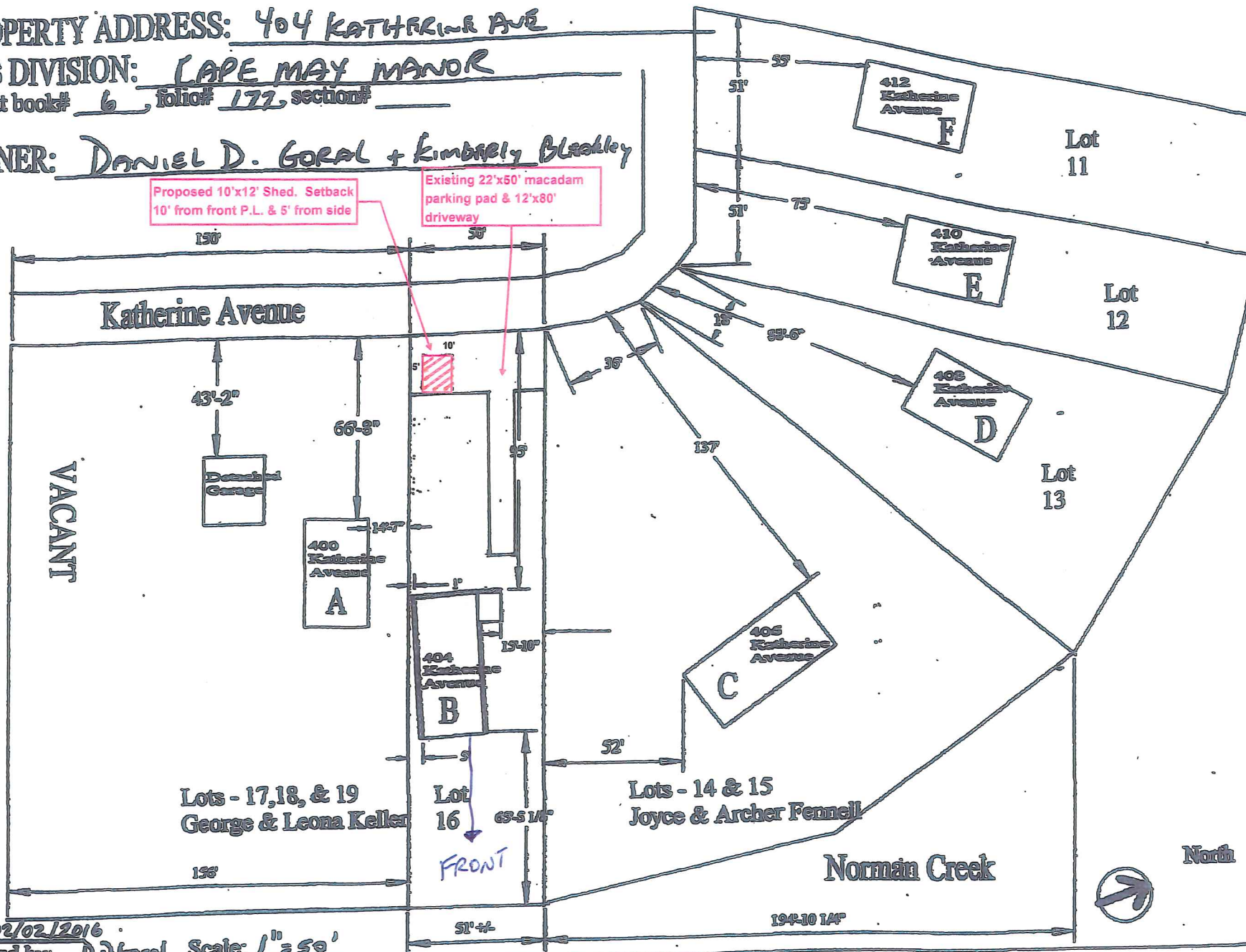
SUB DIVISION: CAPE MAY MANOR

plat book# 6 folio# 172 section#

OWNER: DANIEL D. GORAL + Kimberly Bleakley

Proposed 10'x12' Shed. Setback
10' from front P.L. & 5' from side

Existing 22'x50' macadam
parking pad & 12'x80'
driveway



LOCATION INFORMATION

Councilmanic District: 7

Election District: 15th

1"=200' scale map# N.E. 7

Zoning: D.R. 3.5

Lot Size: .26 acreage 11.2 square feet

Chesapeake Bay Critical Area
Prior Zoning Hearings: 1996-002
1999-008

Zoning Office Use Only
reviewed by: Item #:

Date: 02/02/2016
prepared by: D.D. Goral Scale: 1"=50'

2016-0180

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 404 KATHERINE AVE

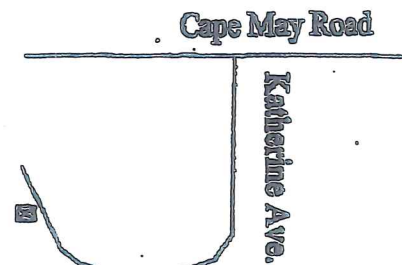
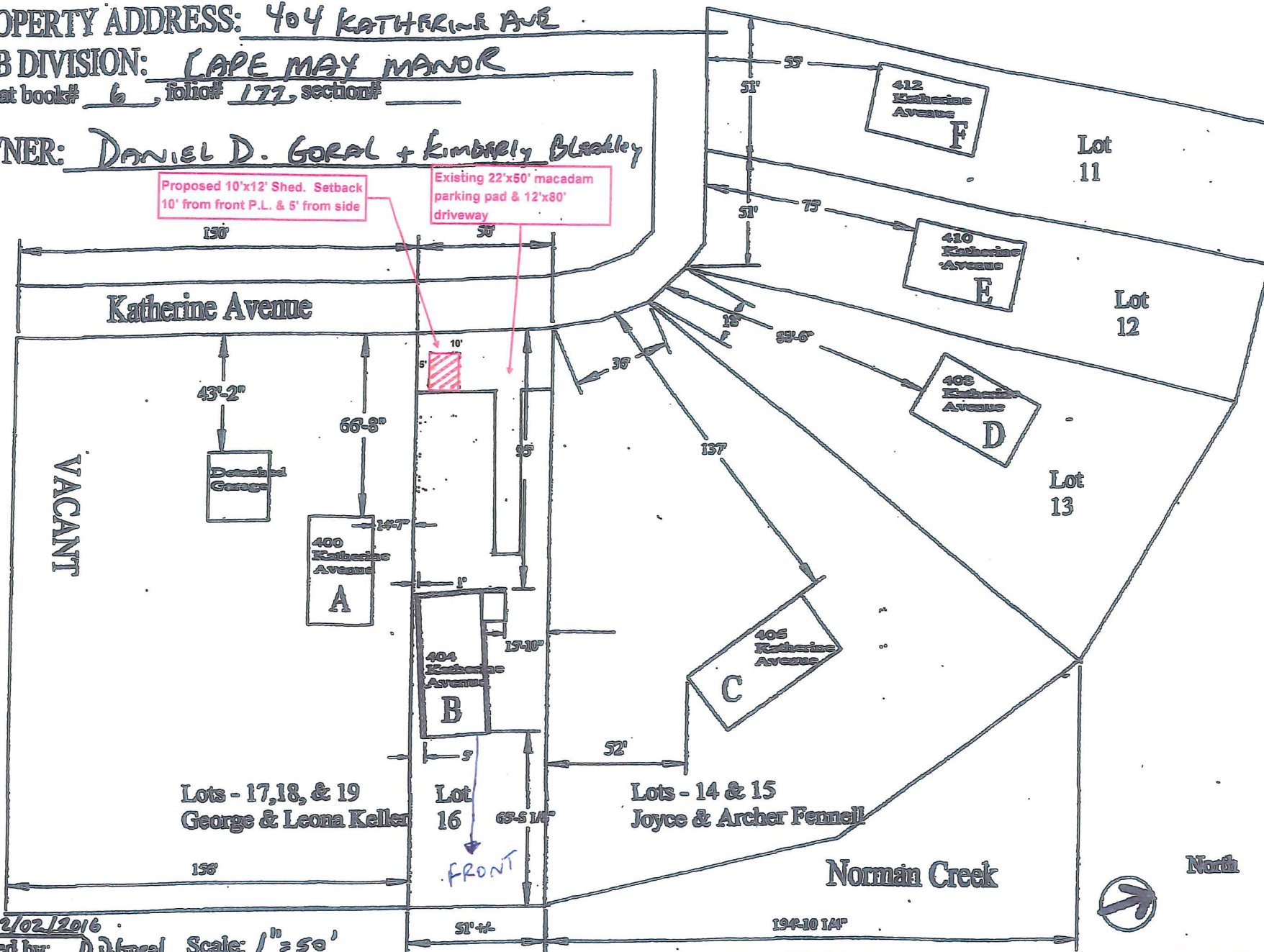
SUB DIVISION: CAPE MAY MANOR

plat book# 6 folio# 177 section#

OWNER: DANIEL D. GORAL + Kimberly Blackley

Proposed 10'x12' Shed. Setback
10' from front P.L. & 5' from side

Existing 22'x50' macadam
parking pad & 12'x80'
driveway



North Vicinity Map
scale" 1"=200'

LOCATION INFORMATION

Councilmanic District: 7th

Election District: 15th

1"=200' scale map# N.E. I

Zoning: D.R.3.5

Lot Size: .26 11,25
acreage square feet

Chesapeake Bay Critical Area: 1996-0023
Prior Zoning Hearings: 1999-0085

Zoning Office Use Only
reviewed by: Item #:

Date: 02/02/2016
prepared by: D.D. Goral Scale: 1"=50'

Pet. Exp. 1

2016-018