

M E M O R A N D U M

DATE: June 7 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0196-A – Appeal Period Expired

The appeal period for the above-referenced case expired on June 6, 2016. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(2506 Holly Beach Avenue)

15th Election District

7th Council District

David Collignon

Legal Owner

David & Kimberly Collignon

Contract Purchasers

Petitioners

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0196-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of David Collignon, legal owner of the subject property and David & Kimberly Collignon, contract purchasers ("Petitioners"). Petitioners originally requested Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §1A04.3.B.2.b to permit a proposed replacement dwelling to have a street side setback from the centerline of a minor collector road as close as 30 ft. and side yard setbacks of 15 ft. and 22.5 ft. in lieu of the required 150 ft., 50 ft., and 50 ft., respectively. A revised site plan was submitted at the hearing (Exhibit 2) which increases by 11 feet the proposed street side setback. Petitioners explained that after discussions with their neighbors at 2502 Holly Beach Road, they agreed to reduce the size of the attached garage shown on the site plan. The neighbors were concerned the structure as originally proposed would block the view from the rear of their home. The revised site plan indicates the garage was reduced in length by 12 feet, and Petitioners indicated their neighbors had no objection to the amended request.

There were no protestants or interested citizens in attendance at the hearing. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DDP) and Department of

ORDER RECEIVED (DDP) and Department of
Date 5-6-16
By Sen

Environmental Protection and Sustainability (DEPS). Conditions will be included in the Order below to address those comments.

The subject property is 22,263 square feet and zoned RC 5. The property is improved with a modest single-family dwelling (SFD) used by Petitioners as a vacation home. Petitioners propose to raze the structure and in its place construct a new SFD.

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

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

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

Petitioners have met this test. The waterfront lot is narrow and deep and is therefore unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to build the proposed replacement dwelling. 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.

THEREFORE, IT IS ORDERED, this 6th day of **May, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") §1A04.3.B.2.b to permit a proposed replacement dwelling to have a street side setback from the centerline of a minor collector road as close as 41 ft. and side yard setbacks of 15 ft. and 22.5 ft. in lieu of the required 150 ft., 50 ft., and 50 ft., respectively, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date

5-6-16

By

Sen

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Prior to issuance of permits Petitioners must comply with the Critical Area Regulations.
3. Prior to issuance of permits Petitioners must submit such materials as are necessary to enable the DOP to make a positive recommendation that the proposal complies with the RC 5 performance standards.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 5-6-14

By sln



CBLA

F1001

PETITION FOR ZONING HEARING(S)

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 2506 HOLLY BEACH AVE which is presently zoned RC-5
 Deed References: 814/761 10 Digit Tax Account # 1503470980
 Property Owner(s) Printed Name(s) DAVID COLLIGNON

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

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

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

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

3. ☒ a **Variance** from Section(s)

Section 1A04.3.B.2.b – to permit a proposed replacement dwelling to have a street side setback from the centerline of a minor collector road as close as 30 feet, and side yard setbacks of 15 feet and 22½ feet in lieu of the required 150 feet, 50 feet and 50 feet, respectively.

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:

David & Kimberly Collignon
 Name- Type or Print

Kimberly Collignon
 Signature

2790 Crystal Woods Dr. Finksburg MD
 Mailing Address City State

21048 / 410 861 8908 / collignondk@comcast.net
 Zip Code Telephone # Email Address

Attorney for Petitioner:

 Name- Type or Print

 Signature

 Mailing Address City State

 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

David Collignon /
 Name #1 – Type or Print Name #2 – Type or Print

David Collignon /
 Signature #1 Signature #2

2790 Crystal Woods Drive Finksburg, MD
 Mailing Address City State

21048 / 410 861-8908 / collignondk@comcast.net
 Zip Code Telephone # Email Address

Representative to be contacted:

BRIAN DIETZ
 Name – Type or Print

Brian Dietz
 Signature

8119 OAKLEIGH AVE BALTO MD
 Mailing Address City State

21234 / 410-661-3160 /
 Zip Code Telephone # Email Address

CASE NUMBER 2016-0196-A Filing Date 2/29/16

Do Not Schedule Dates: Reviewer

Dietz Surveying
Professional Land Surveyor #21080
8119 Oakleigh Road, Parkville, MD 21234
Phone 410-661-3160 Fax 410-661-3163
www.dietzsurveying.net

February 29, 2016

Zoning Description

2506 Holley Beach Road

Being Lots 3 and 4, in the subdivision of, "Plat No. 1 Holly Beach", as recorded among the plat records of Baltimore County in Liber W.P.C. 4, folio 182. Containing 22,263 sq.ft or 0.511 of an acre of land more or less.

Located in the 15th Election District, 7th Councilmanic District.

Beginning at a point on the north side of Holly Beach
, which has a 40-foot right of way, at the distance
of 310 feet west of the centerline of the nearest improved
intersecting street Henrietta Avenue, which is 20 feet
wide

Item #0196



JOHN A. OLSZEWSKI, JR.
County Executive

April 29, 2020

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

David K. Collignon
2790 Crystal Woods Drive
Finksburg, MD 21048

RE: Spirit and Intent Request
Zoning Case 2016-0196-A
2506 Holly Beach Road

Dear Mr. Collignon,

This refers to your April 21, 2020 letter to Mr. Carl Richards, Chief of Zoning. You requested in your letter permission to decrease the approved setback of 22.5 feet down to 20 feet on the east side of your dwelling, and are asking that the proposed change be deemed to be within the S&I of the granted variance(s) in case 2016-0196-A.

Please be advised that based upon your ownership of the property to the east, this office finds that the request to change the approved setback of 22.5 feet to 20 feet has been determined to be within the Spirit & Intent of the original decision and has been APPROVED. We have also received the opinion of our current Administrative Law Judge, Paul Mayhew, and he concurs with our decision.

This letter is strictly limited to the application of the BCZR as applied to the S&I request presented in your letter, and does not represent verification or approvals for any other Local, State or other Regulations that may apply to this property.

Sincerely,

A handwritten signature in dark ink, appearing to be "JS", is written over the name Jason Seidelman.

Jason Seidelman
Planner II, Zoning Review

File: JSS/20-312
Enclosure

Jason Seidelman

From: Paul Mayhew
Sent: Tuesday, April 28, 2020 3:47 PM
To: Jason Seidelman
Subject: RE: Sprit & Intent Letter - 2506 Holly Beach Road

Jason,

You didn't attach the S&I letter itself, but if the only change they're making is the setback reduction from 22.5 to 20 feet then I would sign off on it as within the Spirit and Intent of John's Order – provided all John's conditions remain. I am familiar with that area and with the complications caused by the RC5 zoning in these older waterfront communities.

Paul M. Mayhew
Managing Administrative Law Judge
105 West Chesapeake Ave., Suite 103
Towson, Maryland 21204
410-887-3868
pmayhew@baltimorecountymd.gov

From: Jason Seidelman <jseidelman@baltimorecountymd.gov>
Sent: Tuesday, April 28, 2020 1:39 PM
To: Paul Mayhew <pmayhew@baltimorecountymd.gov>
Subject: Sprit & Intent Letter - 2506 Holly Beach Road

Good afternoon Mr. Mayhew,

Carl asked that I get your recommendation on an S&I request we received for Case # 2016-0196-A concerning the property at 2506 Holly Beach Road. I've attached scans of zoning maps that show the property and the surrounding neighborhood, the Final Order written by John Beverungen in 2016, and the new "redlined" plan.....

The property is zoned RC5 and requires 50 foot setbacks all the way around. In addition, the owners do not reside at this property. The request in 2016 was for a proposed replacement dwelling with side setbacks of 15' and 22.5' in lieu of 50' each. This request was granted. The work was never done. It sounds like they're now starting work and they've requested that the 22.5' side be reduced to 20', putting them closer to the property line. The adjoining lots on that side that would be encroached upon are also owned by the same couple, so no one would object (probably). I guess the concern is that the 2 additional lots are unimproved and could theoretically be built upon at some point. But your permission would be required for that as the 2 lots only total about 1/2 acre.

The only other thing I can add to this is that looking at the zoning maps, there's not 1 house in this entire neighborhood that meets the 50' setback requirements. As I'm sure you're aware, the Planning Department often puts RC5 designations on established neighborhoods that were developed with DR designations, after the fact, to prevent further development of the neighborhood.

Please feel free to contact me in the Zoning Office if you need more information.

Jason Seidelman
Zoning Review
Baltimore County, MD
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 4102106

Sold To:

David Collignon - CU00530922
2790 Crystal Woods Dr
Finksburg, MD 21048-3000

Bill To:

David Collignon - CU00530922
2790 Crystal Woods Dr
Finksburg, MD 21048-3000

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

Apr 14, 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: # 2016-0196-A	
2506 Holly Beach Road N/s Holly Beach Road, 310 ft. w/of centerline of Henrietta Avenue 15th Election District - 7th Councilmanic District Legal Owner(s) David Collignon	
Variance: to permit a proposed replacement dwelling to have a street side setback from the centerline of a minor collector road as close as 30 ft., and side yard setback of 15 ft. and 22 1/2 ft. in lieu of the required 150 ft., 50 ft. and 50 ft. respectively.	
Hearing: Thursday, May 5, 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.	
4/069 April 14	4102106

CERTIFICATE OF POSTING

RE: Case No. 2016-0196-A

Petitioner: David & Kimberly Collignon

Hearing / Closing Date: 5/5/16

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

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

2506 Holly Beach Road

on 4/15/16

Sincerely,

 4/15/16

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

Certificate of Posting

Case No. 2016-0196-A



2506 Holly Beach Road

(Posted 4/15/16)

Richard E. Hoffman 4/15/16

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360



KEVIN KAMENETZ
County Executive

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

March 18, 2016

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: 2016-0196-A

2506 Holly Beach Road

N/s Holly Beach Road, 310 ft. w/of centerline of Henrietta Avenue

15th Election District – 7th Councilmanic District

Legal Owners: David Collignon

Variance to permit a proposed replacement dwelling to have a street side setback from the centerline of a minor collector road as close as 30 ft., and side yard setbacks of 15 ft. and 22 ½ ft. in lieu of the required 150 ft., 50 ft. and 50 ft. respectively.

Hearing: Thursday, May 5, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: David & Kimberly Collignon, 2790 Crystal Woods Drive, Finksburg 21048
Brian Dietz, 8119 Oakleigh Avenue, Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, APRIL 15, 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, April 14, 2016 Issue - Jeffersonian

Please forward billing to:
David Collignon
2790 Crystal Woods Drive
Finksburg, MD 21048

410-861-8908

NOTICE OF ZONING HEARING

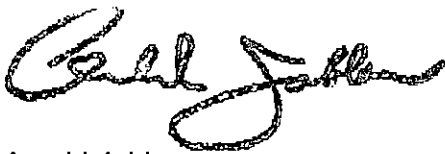
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2016-0196-A

2506 Holly Beach Road
N/s Holly Beach Road, 310 ft. w/of centerline of Henrietta Avenue
15th Election District – 7th Councilmanic District
Legal Owners: David Collignon

Variance to permit a proposed replacement dwelling to have a street side setback from the centerline of a minor collector road as close as 30 ft., and side yard setbacks of 15 ft. and 22 ½ ft. in lieu of the required 150 ft., 50 ft. and 50 ft. respectively.

Hearing: Thursday, May 5, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
2506 Holly Beach Avenue; N/S Holly Beach
Avenue, 310' W of c/line of Henrietta Avenue * OF ADMINISTRATIVE
15th Election & 7th Councilmanic Districts
Legal Owner(s): David Collignon * HEARINGS FOR
Contract Purchasers: David & Kimberly Collignon
Petitioner(s) * BALTIMORE COUNTY
* 2016-196-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

MAR 09 2016

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 9th day of March, 2016, a copy of the foregoing Entry of Appearance was mailed to Brian Dietz, 8119 Oakleigh Road, Parkville, Maryland 21234, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
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: 2016-0196-A

Petitioner: David & Kim Collignon 21221

Address or Location: 2506 Holly Beach Rd, Essex, MD

PLEASE FORWARD ADVERTISING BILL TO:

Name: David Collignon

Address: 2790 Crystal Woods Drive
Finksburg, MD 21048

Telephone Number: 410 861-8908 /cell 443-255-4882

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

No. **135715**

Date: **2/29/16**

PAID RECEIPT

BUSINESS ACTUAL TIME INH
 2/29/2016 2/29/2016 09:53:49 2

REG MS02 WALXIN JENA JEE
 >> RECEIPT # 955588 2/29/2016 CFLH
 DEPT 5 528 ZONING VERIFICATION
 CN NO. 135715

Receipt Tot \$75.00
 \$75.00 CK \$5.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				575.00

Total: **575.00**

Rec From:

For:

Zoning Hearing - case # 2016-0196-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

April 27, 2016

David Collignon
2790 Crystal Woods Drive
Finksburg MD 21048

RE: Case Number: 2016-0196 A, Address: 2506 Holly Beach Avenue

Dear Mr. Collignon:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 29, 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
Brian Dietz, 8119 Oakleigh Avenue, Baltimore MD 21234

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



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

Date: 3/7/16

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

RE: Baltimore County
Item No. 2016-0196-A
Variance
David Collignon
2506 Holly Beach 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. 2016-0196-A.

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

Sincerely,

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

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

DWP/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: March 24, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-196

INFORMATION:

Property Address: 2506 Holly Beach Avenue
Petitioner: David Collignon
Zoning: RC 5
Requested Action: Variance

RECEIVED
MAR 25 2016
OFFICE OF ADMINISTRATIVE HEARINGS

The Department of Planning has reviewed the petition for a variance to permit a street line setback from the centerline of a minor collector road as close as 30 feet, and property line (side) setbacks of 15 feet and 22.5 feet in lieu of the required 150 feet and 50 feet respectively.

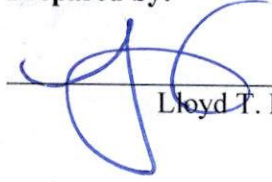
A site visit was conducted on March 16, 2016.

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

Please be aware this site is subject to the RC 5 Performance Standards pursuant to BCZR § 1A04. Architectural elevations must be submitted to this Department for review at the time of building permit application.

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: Brian Dietz, Dietz Surveying Company
- Krystle Patchak
- Office of the Administrative Hearings
- People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

MAR 15 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: LEAVE BLANK

SUBJECT: DEPS Comment for Zoning Item # 2016-0196-A
Address 2506 Holly Beach Avenue
(Collignon Property)

Zoning Advisory Committee Meeting of March 14, 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 Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is requesting to allow a reduced street side setback and side yard setback for the construction of a replacement dwelling. It is waterfront, but the dwelling is not proposed within the 100-foot Buffer. The lot is grandfathered and currently contains a dwelling, shed, walkways, pier, and driveway. Complete lot coverage information was not provided. Lot coverage is limited to a maximum of 5,445 square feet, with mitigation required for lot coverage between 3,339 square feet and 5,445 square feet. As shown, the house and driveway lot coverage are within 58 square feet of the maximum allowed. 7 trees are required on site to meet the 15% afforestation requirement. If the proposed development can meet LDA lot coverage requirements and 15% afforestation requirements, water quality impacts will be minimized.

2. Conserve fish, plant, and wildlife habitat;

No development is proposed within the 100-foot Buffer and there are no other habitat protection areas on site. If lot coverage and afforestation requirements can be met, then fish, plant, and wildlife habitat in the Chesapeake Bay will 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 lot is waterfront, but there is no development proposed within the 100-foot Buffer. If the lot coverage and 15% afforestation requirements can be met, the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: March 14, 2016

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 14, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For March 14, 2016
Item No. 2016-0193, 0194, 0195, 0196, 0197 and 0198

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

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC03142016.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



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

DATE: March 24, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-196

INFORMATION:

Property Address: 2506 Holly Beach Avenue
Petitioner: David Collignon
Zoning: RC 5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit a street line setback from the centerline of a minor collector road as close as 30 feet, and property line (side) setbacks of 15 feet and 22.5 feet in lieu of the required 150 feet and 50 feet respectively.

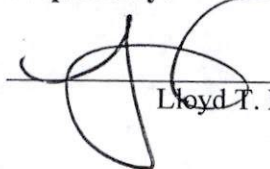
A site visit was conducted on March 16, 2016.

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

Please be aware this site is subject to the RC 5 Performance Standards pursuant to BCZR § 1A04. Architectural elevations must be submitted to this Department for review at the time of building permit application.

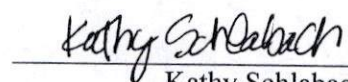
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Brian Dietz, Dietz Surveying Company
Krystle Patchak
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>3/14</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
<u>3/15</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
<u>3/24</u>	FIRE DEPARTMENT PLANNING (if not received, date e-mail sent _____)	<u>no obj</u>
<u>3/7</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>4/14/16</u>	
SIGN POSTING	Date: <u>4/15/16</u> by <u>Hoffman</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

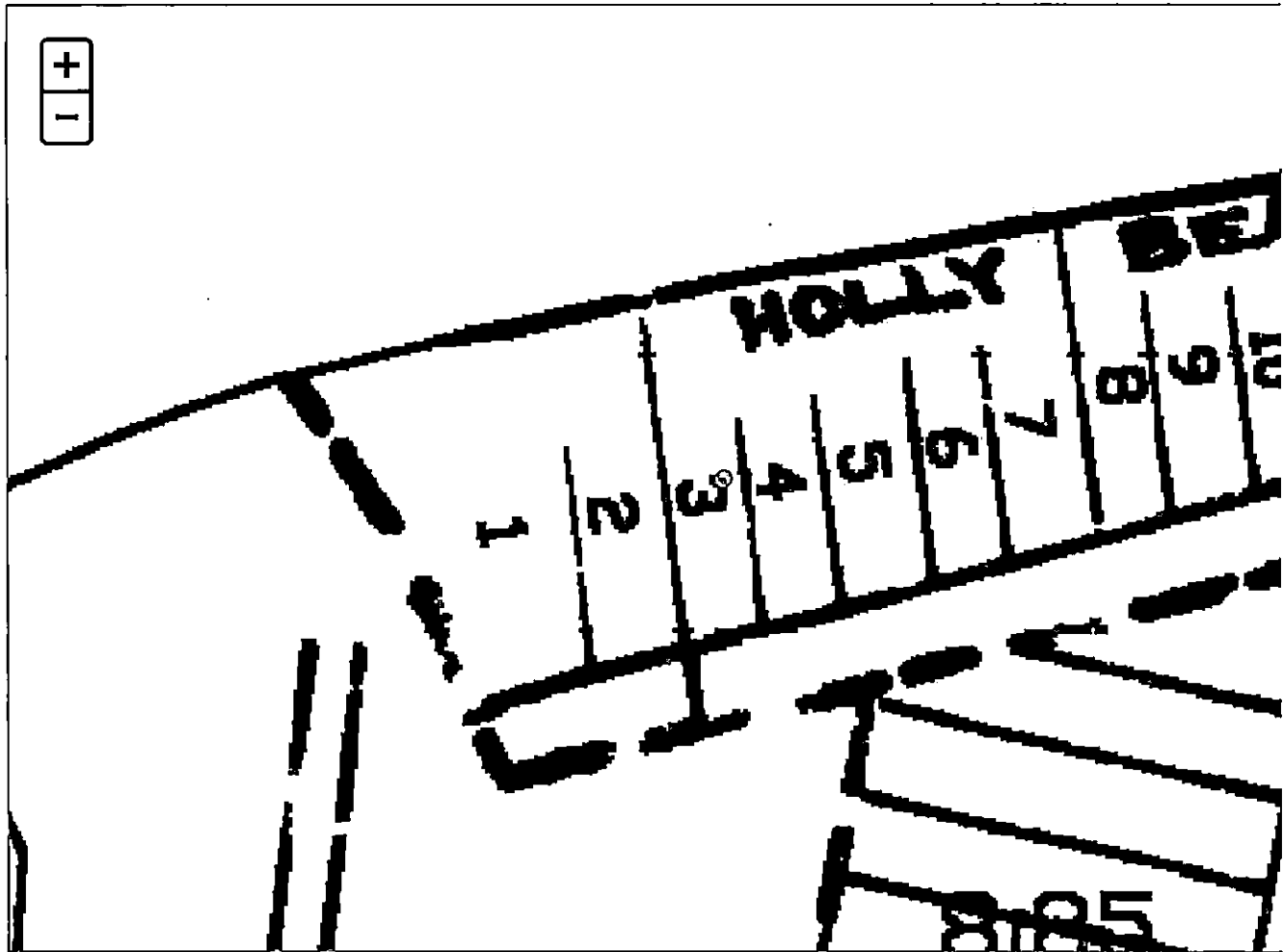
Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1503470980			
Owner Information					
Owner Name:		COLLIGNON DAVID H J COLLIGNON FREDERICK CONRAD JR		Use:	RESIDENTIAL NO
Mailing Address:		3 MANOR BROOK RD MONKTON MD 21111-1606		Deed Reference:	/08114/ 00761
Location & Structure Information					
Premises Address:		2506 HOLLY BEACH AVE 0-0000 Waterfront		Legal Description:	LT 3,4 HOLLY BEACH
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0098	0022	0205		0000	
Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	1
	3	2015		0004/ 0182	
Special Tax Areas:			Town:		
			NONE		
Ad Valorem:					
Tax Class:					
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1914	1,312 SF		25,048 SF	34	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	YES	STANDARD UNIT	SIDING	1 full	
Value Information					
Base Value		Value As of 01/01/2015	Phase-in Assessments As of 07/01/2015 As of 07/01/2016		
Land:		265,200	265,200		
Improvements		125,900	123,400		
Total:		391,100	388,600		
Preferential Land:		0	388,600		
Transfer Information					
Seller:		Date:		Price:	
COLLIGNON FREDERICK C		03/01/1989		\$0	
Type:		Deed1:		Deed2:	
NON-ARMS LENGTH OTHER		/08114/ 00761			
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

New Search (<http://sd.dat.maryland.gov/RealProperty/>)District: **15** Account Number: **1503470980**

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>).

Case No.: 2016-0196-A

Exhibit Sheet

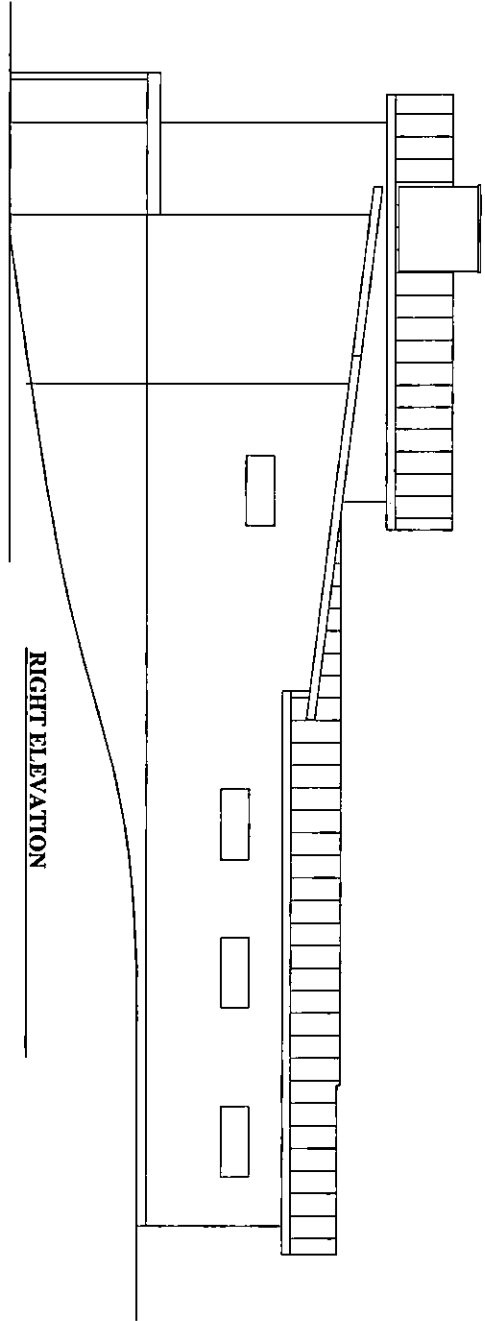
Petitioner/Developer

Protestant

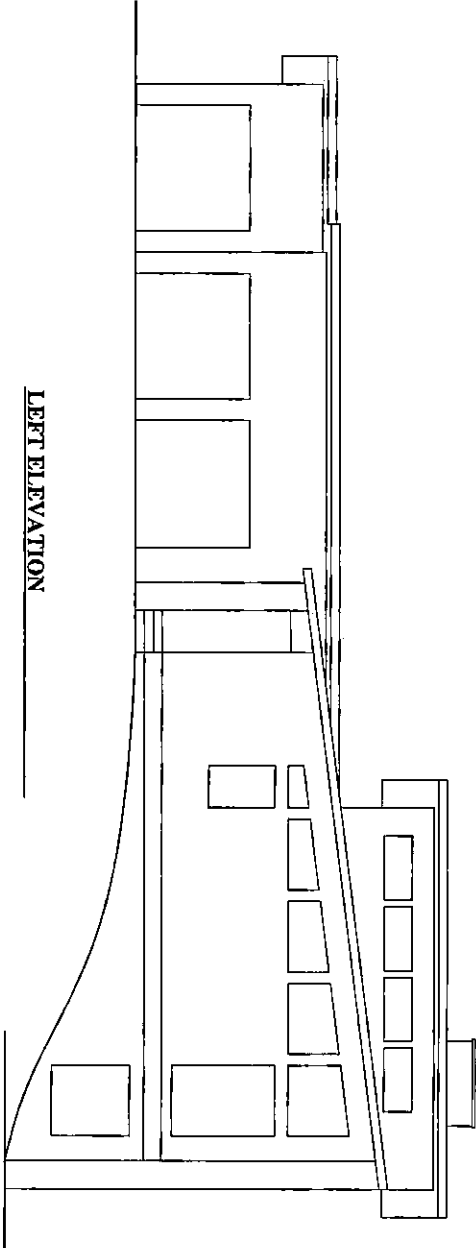
153
6-7-16

ALN
5-6-16

No. 1	site plan (filed)	
No. 2	site plan (revised)	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



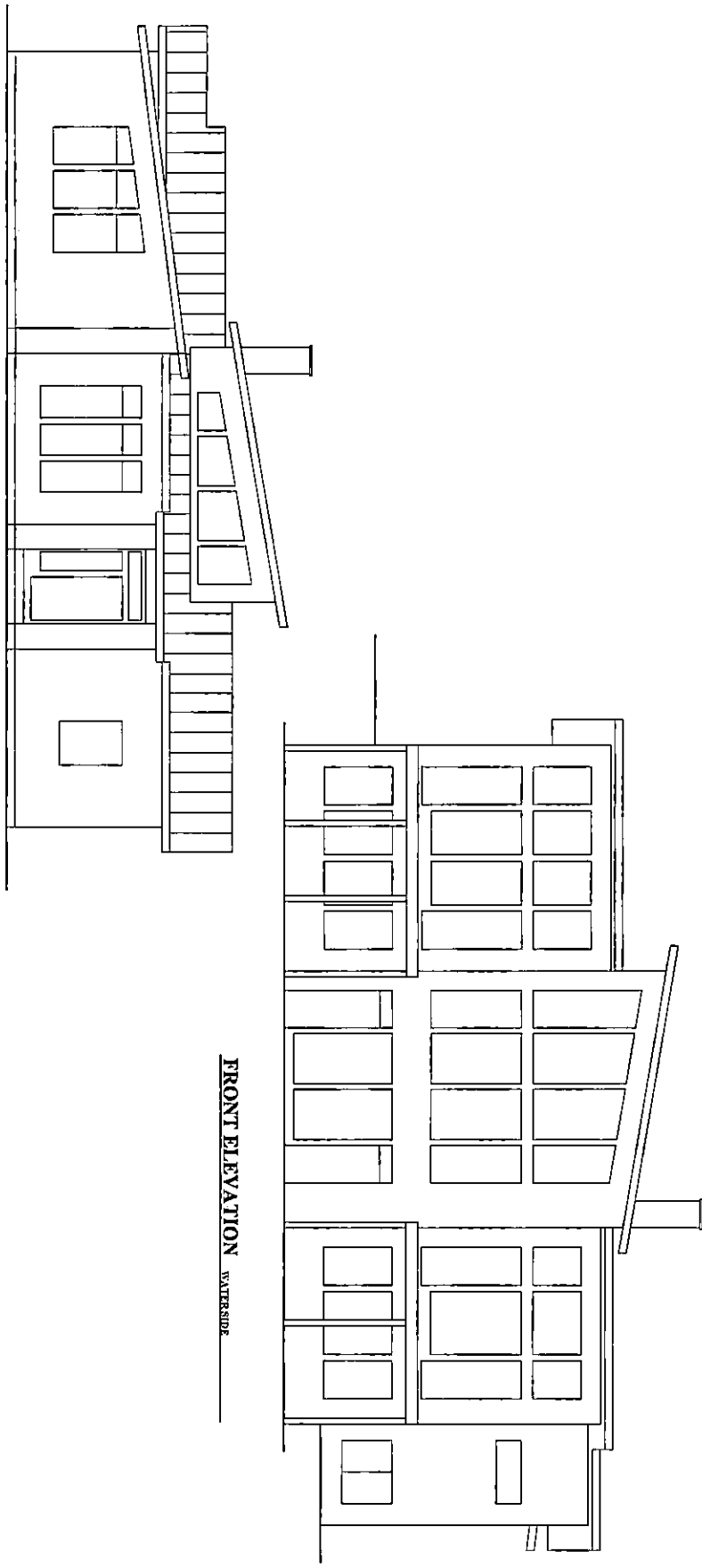
RIGHT ELEVATION



LEFT ELEVATION

CONCEPT PLANS NOT FOR CONSTRUCTION

A-2 SHEET NO.	DRAWN: R. BREDLOW	SCALE: 1/4" = 1' DATE: 1/28/16	RB HOME DESIGNS 2061 D MOUNT HOREB RD STREET MD 21154 RBHOMEDSIGN@GMAIL.COM	THE COLLIGNON RES. HOLLY BEACH RD ESSEX MD	THE CONTRACTOR IS RESPONSIBLE FOR DIMENSIONS TO BE CORRELATED AND CORRELATED AT SITE FOR INFORMATION THAT PERTAINS SOLELY TO THE FABRICATION TECHNIQUES OR TO THE MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES OF CONSTRUCTION OF THE WORK.	REVISIONS BY	
						1/20/16 RB 1/28/16 RB	115



FRONT ELEVATION
WATERSIDE

REAR ELEVATION
STREET SIDE

CONCEPT PLANS NOT FOR CONSTRUCTION

A-1 SHEET NO.	DRAWN: R. BREDLOW FRONT / REAR ELEVATIONS	SCALE: 1/4" = 1' DATE: 1/28/16 RB HOME DESIGNS	THE CONTRACTOR IS RESPONSIBLE FOR DIMENSIONS TO BE CONTROLLED AND CORRELATED AT SITE FOR INFORMATION THAT PERTAINS SOLELY TO THE FABRICATION PROCESS OR TO THE MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES OF CONSTRUCTION OF THE WORK. DES	THE COLLIGNON RES. HOLLY BEACH RD ESSEX MD	RB HOME DESIGN L.L.C 2061 D MOUNT MOREB RD STREET MD 21154 RBHOMEDESIGN@1107MAIL.COM 443 115	REVISIONS BY	
						1/20/16 RB	
						1/28/16 RB	

新編 漢書 卷一百一十五 地理志第五十五

新編 漢書 卷一百一十五 地理志第五十五

新編 漢書 卷一百一十五 地理志第五十五

新編 漢書 卷一百一十五 地理志第五十五







































Section 1A04.3.B.2.b. - to permit a proposed replacement dwelling to have a street side setback from the center line of a minor collector road as close as 30 feet, and side yard setbacks of 15 feet and $22\frac{1}{2}$ feet in lieu of the required 150 feet, 50 feet and 50 feet, respectively

N/S ~~300~~ (+/-) w of Henrietta Ave
(310)

As to the relief requested, Mr. Hoff noted that the special hearing is necessary to upgrade the special exception plat which was previously approved. As described above, the new plat shows areas of proposed expansion. It is to be further noted that this expansion will occur on an ongoing basis and that no definitive timetable has been established. For example, the bunk houses may not be added for some time. Mr. Hoff also explained that the setback variances requested relate to internal structures. That is, the site will continue to observe all proper setback distances from the property line. The structures within the camp are grouped in a small area of the property so as to preserve the woods and open space which occupy the balance of the tract. These setbacks are necessary so that these buildings can be grouped in this manner.

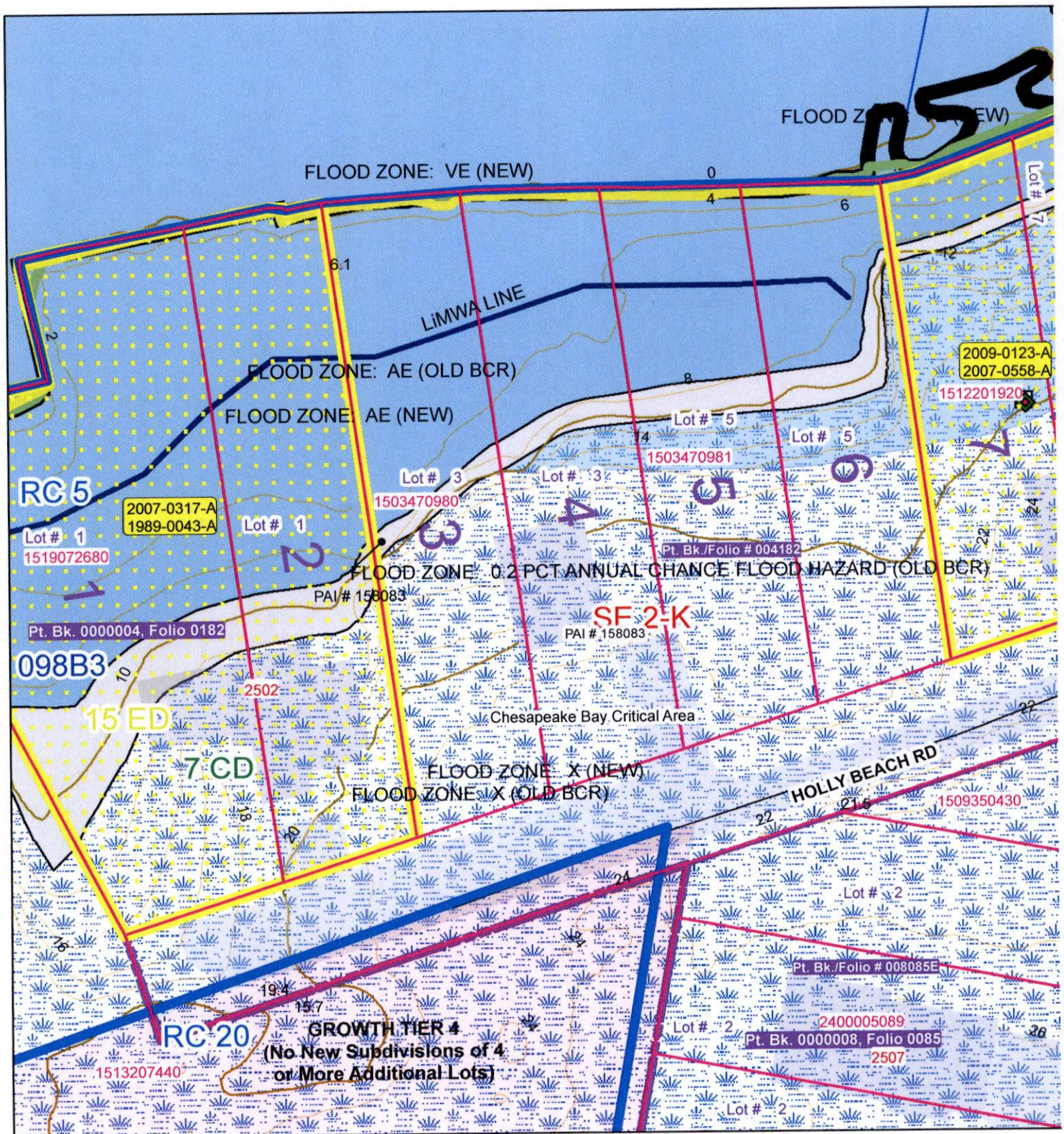
Also testifying was Bill G. Baxter, Executive Vice-President of the Maryland Diabetes Association, Inc. Mr. Baxter has overall responsibilities for this organization. As one would expect from the name, this association is a non-profit organization geared toward assisting in the prevention and cure of diabetes and to improve the life of diabetics. He noted that Camp Glyndon was purchased by his organization in 1958 and has been used as a summer camp since the mid 1960s. The property serves as a place where educational meetings and seminars are conducted. Moreover, he noted that the primary use of the camp was to provide a recreational area for diabetic children. He admitted that the camp was rented on occasion to other users. He identified these users as primarily similar types of organizations such as the American Cancer Society, certain churches, etc. Further, he observes that generally his camp has had an excellent relationship with the community. In his view, the camp can accommodate 170 people maximum overnight. However, typically, only approximately 110 are overnight campers at any one time. He further corroborated Mr. Hoff's testimony that

ORDER RECEIVED FOR FILING

Date

By

Elevations and Flood Hazards



Publication Date: 2/29/2016



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

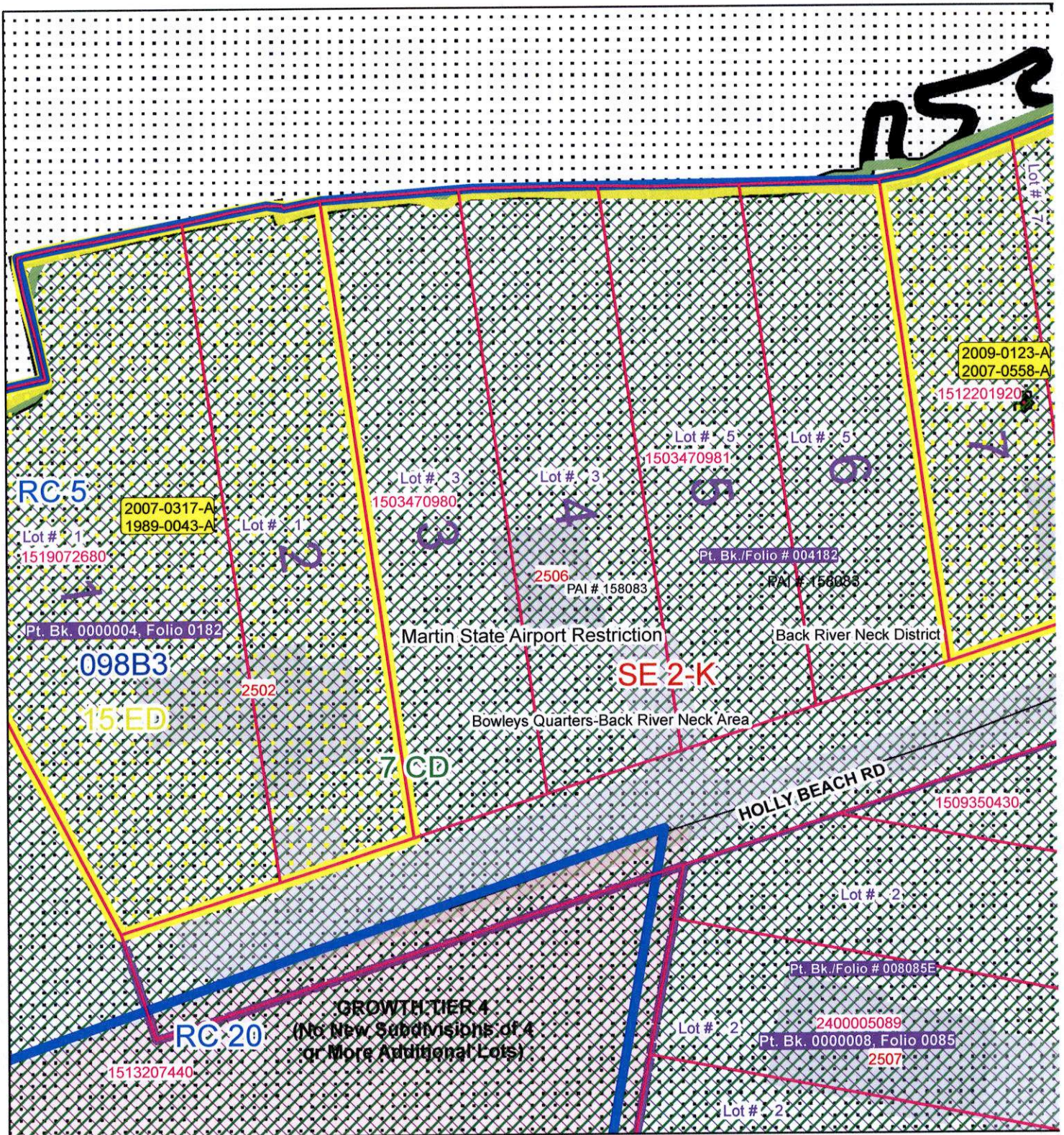


0 12.525 50 75 100 Feet

1 inch = 50 feet

Item #0190

2506 Holly Beach Road



Publication Date: 2/29/2016



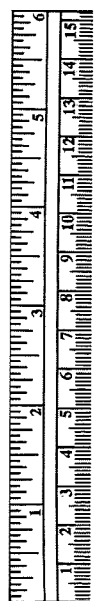
Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 12.525 50 75 100 Feet

1 inch = 50 feet

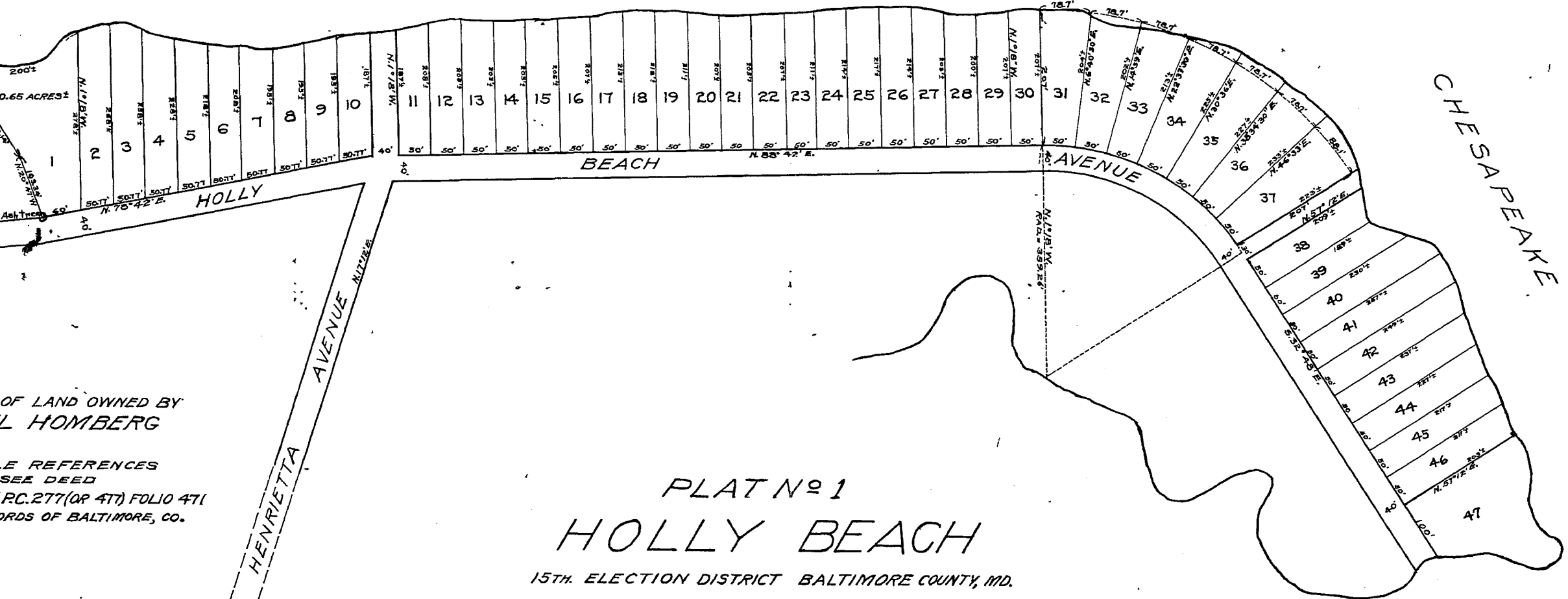
Item #0190



MIDDLE RIVER

Filed for record
February 14th 1916.
Test: Wm. P. Cole
Clerk

JOHN E. O'CONNOR
1.95 ACRE LOT.



SUBDIVISION OF LAND OWNED BY
DANIEL HOMBERG

FORTITLE REFERENCES
SEE DEED
LIBER W.P.C. 277 (OR 471) FOLIO 471
LAND RECORDS OF BALTIMORE, CO.

← TO BACK RIVER NECK ROAD

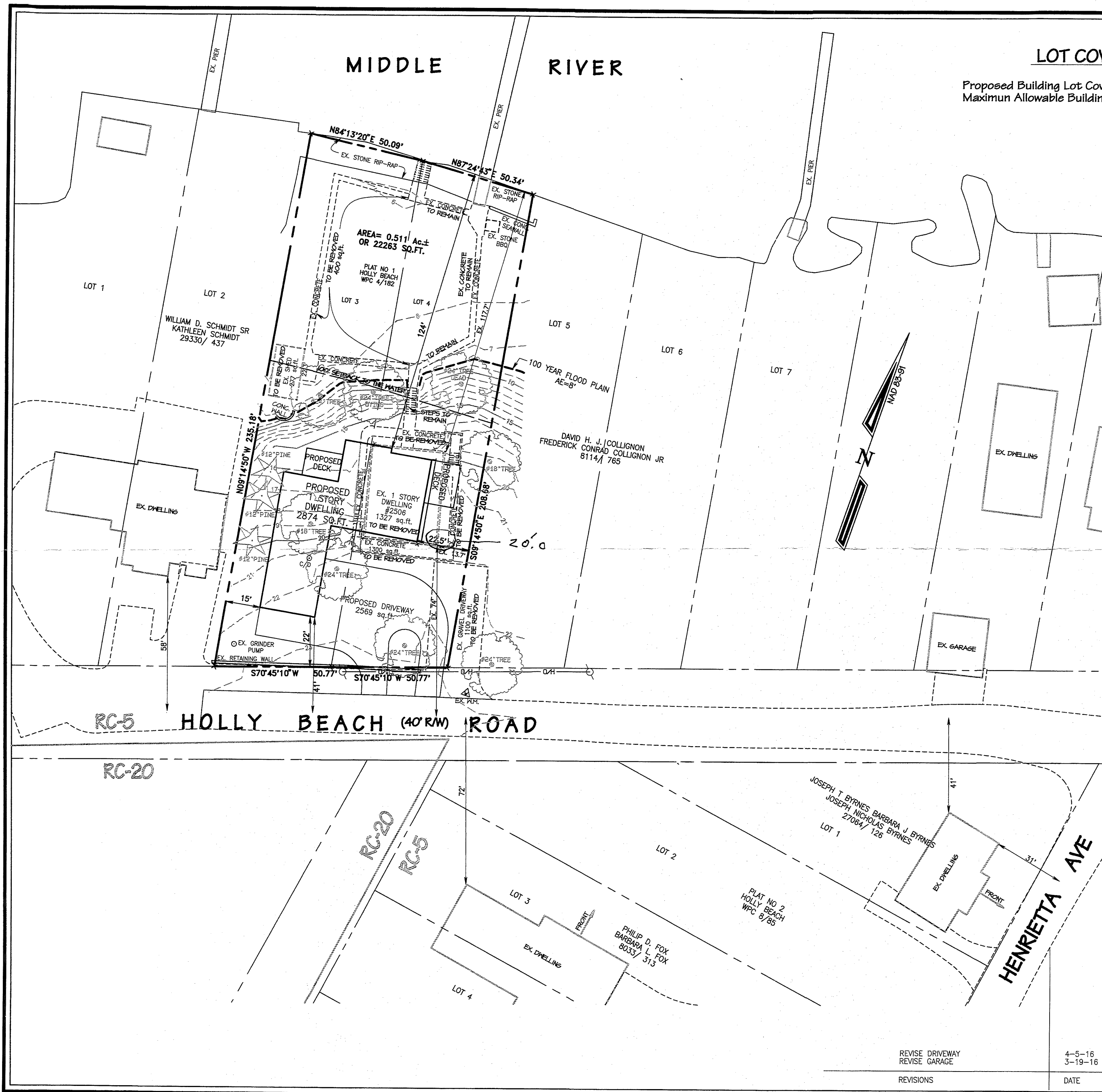
PLAT No 1
HOLLY BEACH
15TH. ELECTION DISTRICT BALTIMORE COUNTY, MD.

SURVEYED & PLATTED BY
Spencer Howard
CIVIL & LANDSCAPE ENGINEER BALTIMORE, MD.
SCALE 1"=100' DECEMBER, 1913.

56-48

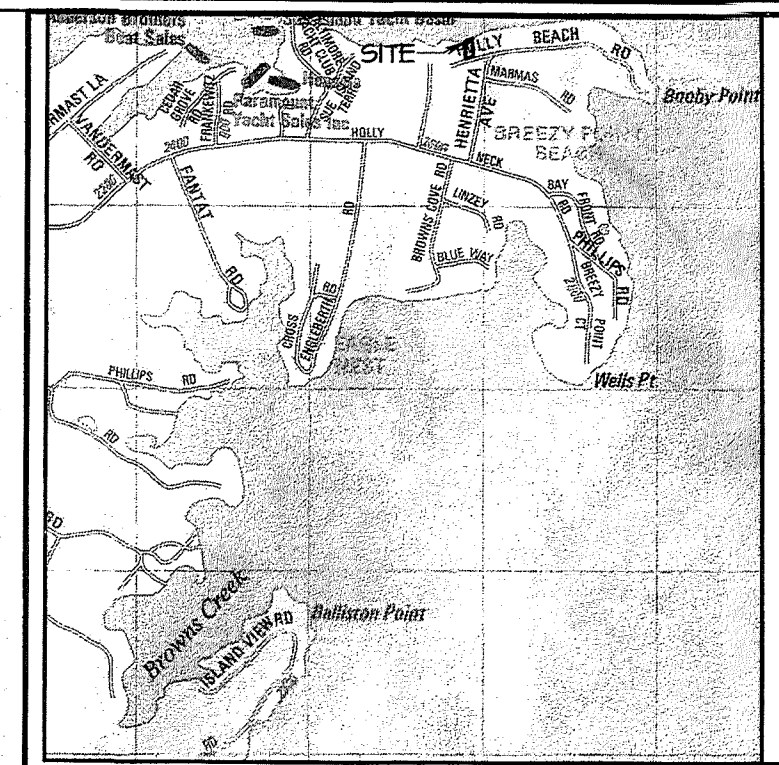
MSA CSU 2136-4748

Item # 0196



LOT COVERAGE

Proposed Building Lot Coverage = 2,874 sq. ft.
Maximum Allowable Building Lot Coverage = 3,339 sq. ft.

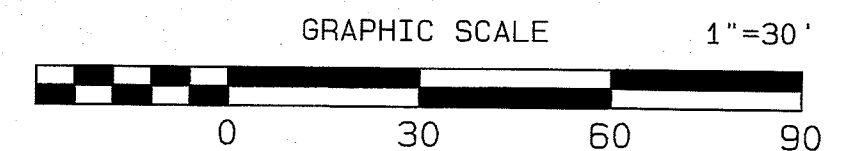


Vicinity Map

Scale: 1" = 2000'

Notes

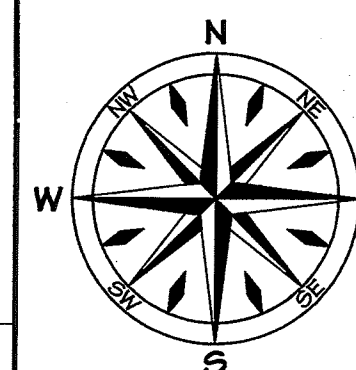
1. Owner: DAVID COLLIGNON
FREDERICK CONRAD COLLIGNON JR
3 MANOR BROOK RD
MONKTON MD 21111
2. Tax # 1503470980
3. Zoned: RC-5
MAP 97-B-1
4. Area = 22,263 sq. ft or 0.511 Ac.±
5. This is not a historic property/building.
6. This site is serviced by public water and sewer.
7. This site is in the Chesapeake Bay Critical LDA Area.
8. No Prior Zoning Cases.
9. This site is partially in the 100 year flood plain.



PLAT TO ACCOMPANY A ZONING VARIANCE PETITION

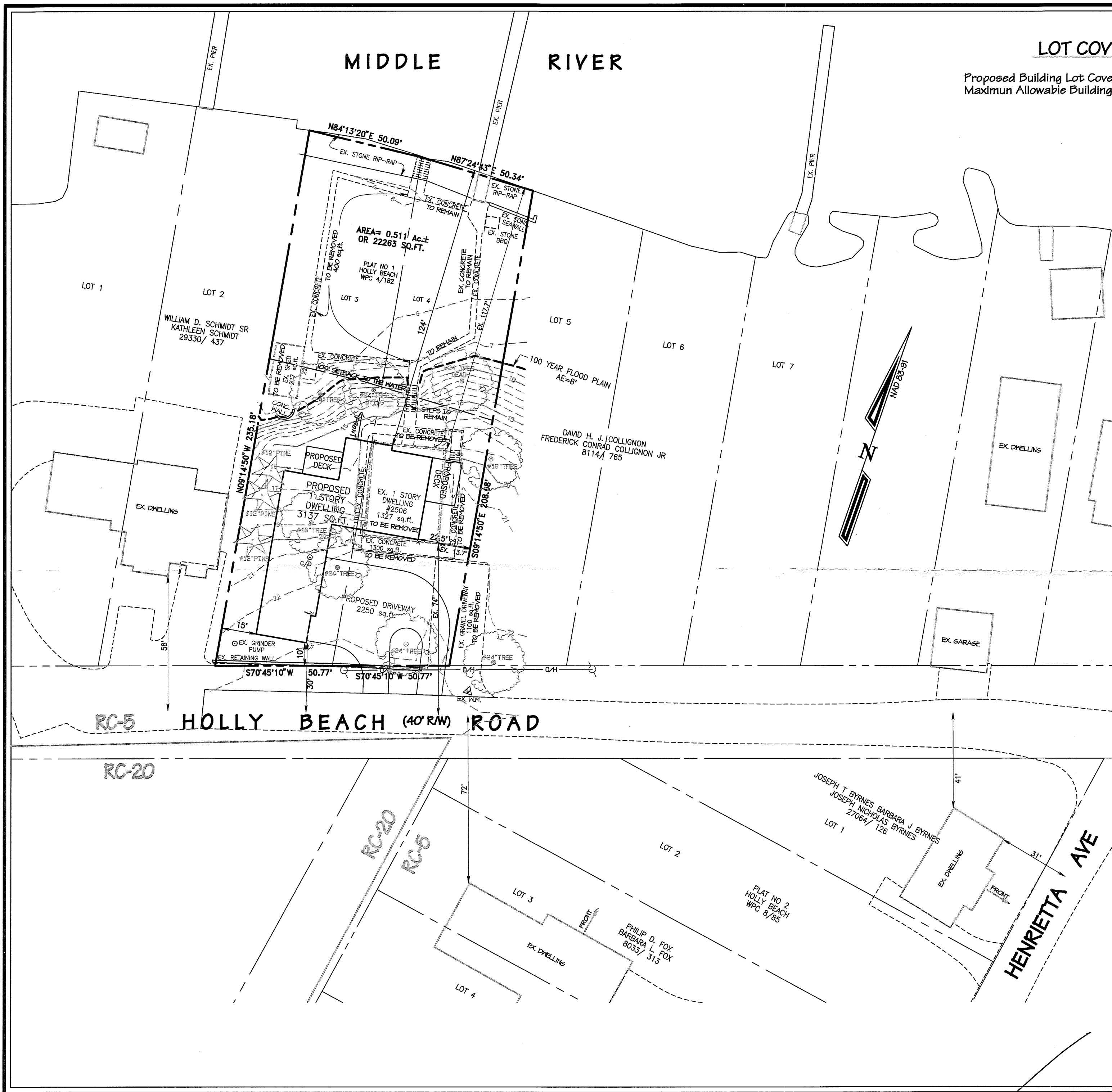
of the
Collignon Property
2506 Holly Beach Road
Baltimore County, Maryland
Tax Acc. #1503470980

15th Election District, 7th Councilmanic District
Scale: 1"=30' Date: February 15, 2016



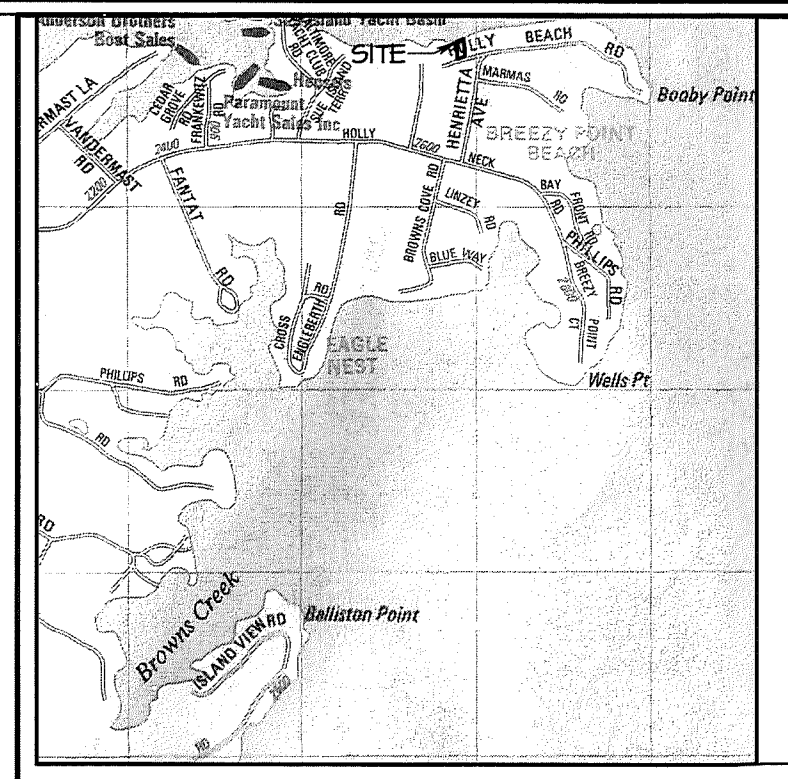
Dietz Surveying Co.
Land Surveying and Land Planning
8119 Oakleigh Road Baltimore MD 21234
Ph 410-661-3160, Fax 410-661-3163
www.dietzsveying.net

REVISE DRIVEWAY
REVISE GARAGE
REVISIONS
DATE
4-5-16
3-19-16



LOT COVERAGE

Proposed Building Lot Coverage = 3,137 sq.ft.
Maximum Allowable Building Lot Coverage = 3,339 sq.ft.

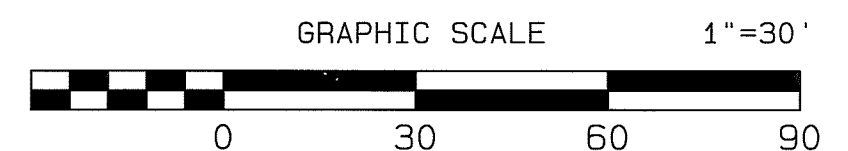


Vicinity Map

Scale: 1" = 2000'

Notes

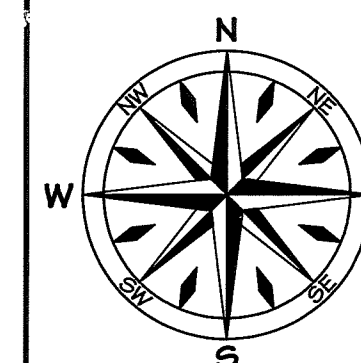
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PLAT TO ACCOMPANY A ZONING VARIANCE PETITION

of the
Collignon Property
2506 Holly Beach Road
Baltimore County, Maryland
Tax Acc. #1503470980

15th Election District, 7th Councilmanic District
Scale: 1"=30' Date: February 15, 2016



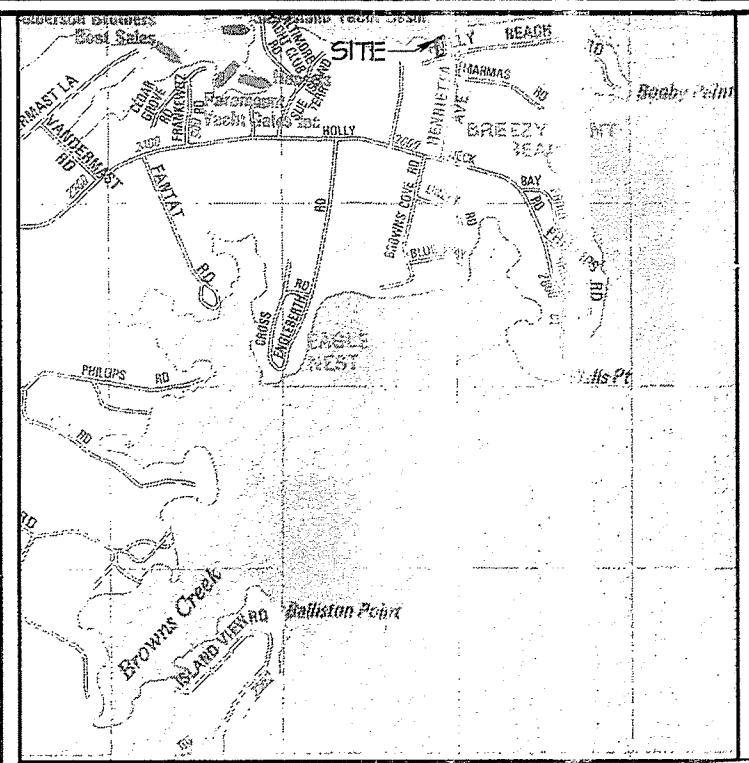
Dietz Surveying Co.
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8119 Oakleigh Road Baltimore MD 21234
Ph 410-661-3160, Fax 410-661-3163
www.dietzsveying.net

#2016-0196-A Pet. #1 R.D.

RIVER

LOT COVERAGE

Proposed Building Lot Coverage = 2,874 sq.ft.
Maximum Allowable Building Lot Coverage = 3,339 sq.ft.



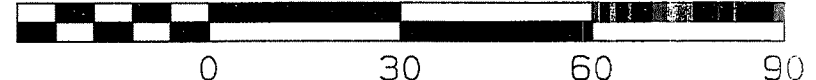
Vicinity Map

Scale: 1" = 2000'

Notes

1. Owner: DAVID COLLIGNON
FREDERICK CONRAD COLLIGNON JR
3 MANOR BROOK RD
MONKTON MD 21111
2. Tax # 1503470980
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GRAPHIC SCALE 1"=30'

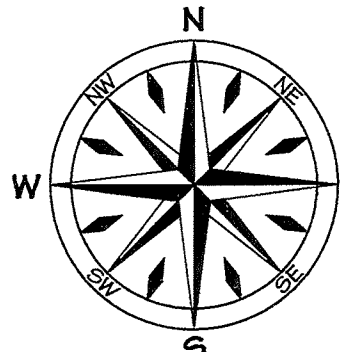


PLAT TO ACCOMPANY A ZONING VARIANCE PETITION

of the

Collignon Property
2506 Holly Beach Road
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Tax Acc. #1503470980

15th Election District, 7th Councilmanic District
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PETITIONER' S

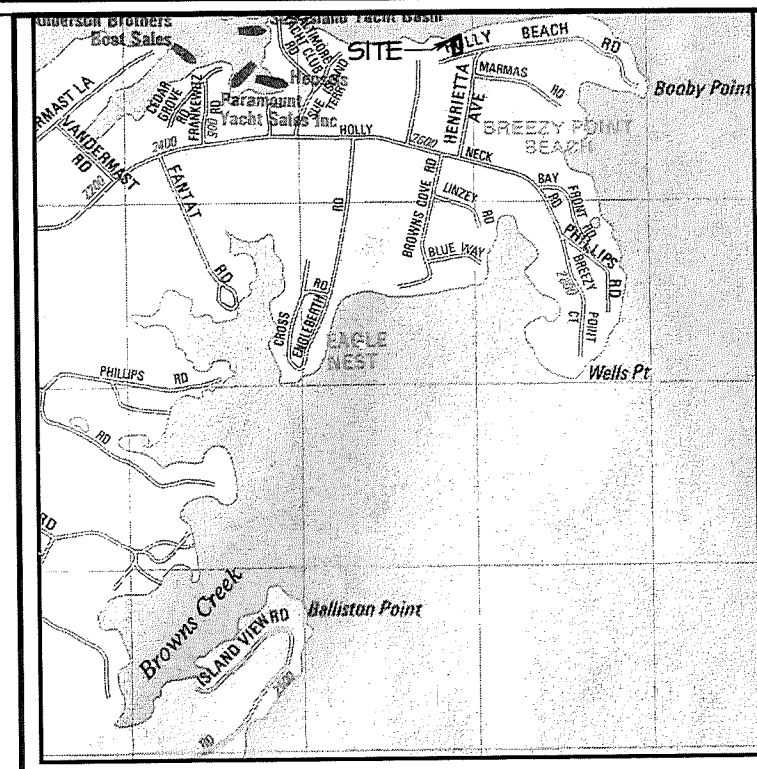
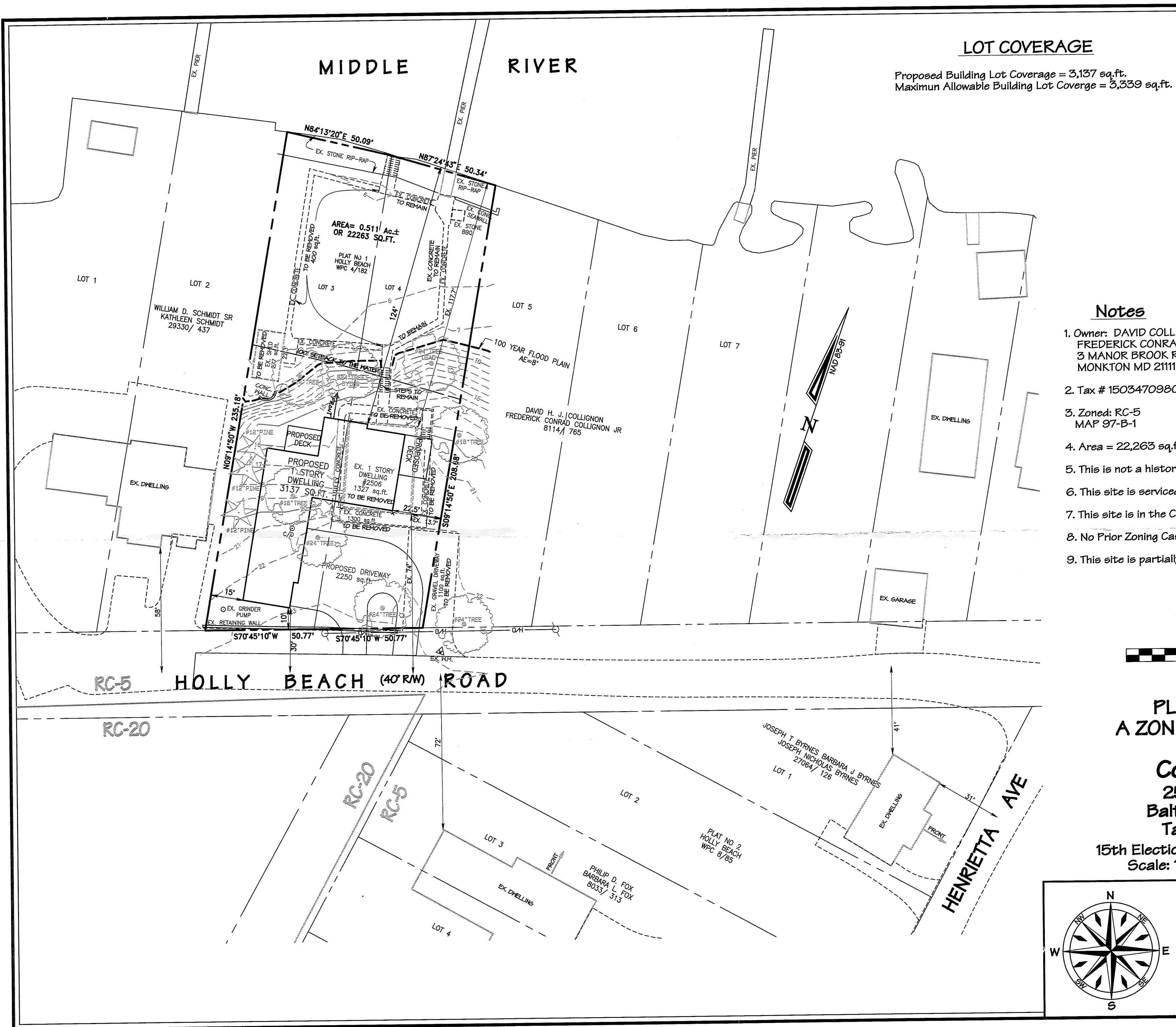
EXHIBIT NO. 2

REVISE DRIVEWAY
REVISE GARAGE

REVISIONS

4-5-16
3-19-16

DATE _____



#2016-0196-A

RD