MEMORANDUM

DATE:

May 24, 2016

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2016-0214-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 23, 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 (8641 Park Heights Avenue)

BEFORE THE

3rd Election District 2nd Council District

OFFICE OF ADMINISTRATIVE

Ross and Emily Taylor

HEARINGS FOR

Petitioners

* BALTIMORE COUNTY

* CASE NO. 2016-0214-A

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Ross and Emily Taylor ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a proposed single family dwelling with a principal building setback of 80 ft. in lieu of the required 150 ft. from a RC-2 zone which is contiguous to a RC-5 zone and amend the Final Development Plan (FDP) of Garden View for Lot 9 only. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. ZAC comments were received on March 25, 2016 from the Department of Environmental Protection and Sustainability (DEPS), indicating that the ground water management section must review any proposed building permit for a replacement house, since it is served by private septic, and from the Bureau of Development Plans Review (DPR) dated March 28, 2016, indicating that screening should be installed along the northeast property line to complement existing vegetation. In addition, a ZAC comment was received from the ORDER RECEIVED FOR FILING:

Date	4-21-16
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Department of Planning (DOP) on April 15, 2016, indicating they had no objections to the zoning request provided certain conditions were met.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 19, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented. Although the OAH does not usually entertain Administrative Variance petitions filed by contract purchasers or owners not residing at the subject property, an exception is warranted here. Mr. Matz, the professional engineer assisting Petitioners, provided a copy of an Administrative Variance application checklist supplied to him by the Office of Zoning Review. That form indicates a petition for Administrative Variance can be filed by petitioners who "reside or, upon purchase, will reside" at the property. This would appear to be an outdated form, since the law requires the property to be "an owner-occupied lot" (B.C.C. § 32-3-303) and the affidavit submitted with a petition for Administrative Variance was revised in 2014 and specifies the property is "owned and occupied" by the affiant.

The Petitioners have filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in 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 Petitioner.

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Date	4-21-16	_
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Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this <u>21st</u> day of **April**, **2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a proposed single family dwelling with a principal building setback of 80 ft. in lieu of the required 150 ft. from a RC-2 zone which is contiguous to a RC-5 zone and amend the Final Development Plan (FDP) of Garden View for Lot 9 only, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
- 2. Petitioners must comply with the ZAC comments submitted by DEPS, dated March 25, 2016, DPR dated March 28, 2016, and DOP dated April 14, 2016; 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

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JEB:dlw

ORDER	RECEIVED	FOR	FILING	
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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 8641 Park Heights Avenue Currently zoned R.C.-5 & R.C.-2 35081 / 00244 Deed Reference 10 Digit Tax Account # 1 9 0 0 0 0 3 7 2 0 Owner(s) Printed Name(s) Ross Taylor & Emily Taylor (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: ADMINISTRATIVE VARIANCE from Section(s) INDA . 3.B. 2. C TO PERMIT APROPOSED SINGLE FAMILY DWBLING WITH A PRINCIPAL BUILDING SETDECK OF BO'IN LIGO OF THE RECOIRED 150 FROM A R.C. 2 ZONE WHICH 13 CONTIGUOUS TOA R.C. 5 ZONE AND AMEND THE FHAL DEVELOPMENT PLAN OF GARDEN VIEW FOR LOTA OHLY of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. 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, eiter 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): Ross Taylor **Emily Taylor** Name #1 - Type or Print Name #2 - Type or Print Signature #1 Signature #2 8641 Park Heights Ave. STEVIEN SON Maryland Mailing Address State City 21153 410-465-3333 ROSSITAYLORMGMAILCOM Zip Code Telephone # Email Address Attorney for Owner(s)/Petitioner(s): Representative to be contacted: Richard E. Matz r received for filing Name-Type or Print Name Typé or Print Signature Signature 2635 Smith Avenue, Sulte G Baltimore Maryland Mailing Address Mailing Address City State State 21209 410-653-3838 MATZINCHRENGINEERS,COM Zip Cold 216 Telephone # Email Address 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, the 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 -0214-A Filing Date 3, 11, 2016 Estimated Posting Date 3, 20, 16

Rev 5/8/2014

Affidavit in Support c dministrative 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: 8641 Park Heights Avenue	Baltimore	Maryland	21224
Print or Type Address of property	City	State	Zip Code
Based upon personal knowledge, the Administrative Variance at the above a			
SEE ATTACHED	7:		
		1	
(If additional space for the petition requ	est or the above statement	is needed, label and	attach it to this Form)
fry			
Signature of Owner (Affiant)	Sign	ature of Owner (Affia	nt)
Ross Taylor		Emily Taylo	X
Name- Print or Type	Nam	e-Print or Type	
The following information is t	to be completed by a Notary	y Public of the State	of Maryland
STATE OF MARYLAND, COUNTY O	F BALTIMORE, to wit:		
I HEREBY CERTIFY, this of and for the County aforesaid, personally a	day of <u>MARCL</u> , <u>30</u> ppeared:	//o, before me a	Notary of Maryland, in
Print name(s) here: ROS TAYLOR AND			
the Affiant(s) herein, personally known or	satisfactorily identified to n	ne as such Affiant(s	AHA SETTA PROPERTY
the Affiant(s) herein, personally known or AS WITNESS my hand and Notaries Sea	Notary Public	- Netz	B PUBLIC 2
	My Commission Expires	1/31/017	MORE COUNTRIBUTE

BLIY-A

REV. 5/8/2014

Requested Zoning Relief Attachment 8641 Park Heights Avenue Baltimore County, Maryland

Variances Requested: Section (1A04.3.B.2.c)

1. To permit a proposed single family dwelling with a principal building setback of 80 feet in lieu of the required 150 feet from a R.C.-2 zone which is contiguous to a R.C.-5 zone and amend the Final Development Plan of Garden View for lot 9 only.

Affidavit in Support of Administrative Variance

Based upon personal knowledge, the following are the facts upon which we base the request for an Administrative Variance at the above address:

This site is located in the Pikesville area of Baltimore County. The petitioner's property is located off of Park Heights Avenue, and is currently improved with an existing two story single family dwelling which was constructed approximately 35 years ago. The surrounding neighborhood is residential in nature and comprised of similarly sized dwellings. The petitioners purchased the property at #8641 Park Heights Avenue approximately 1 year ago.

The petitioners are requesting variance relief from the Baltimore County Zoning Regulations (BCZR) for the construction of a two story family dwelling as the existing dwelling needs to be razed because of mold and the location makes it very difficult to access because of steep slopes. The turning radius to the existing house makes the present access hazardous.

Colbert Matz Hosenfelt, Inc.

Civil Engineers . Surveyors . Planners



ZONING DESCRIPTION 8641 Park Heights Avenue Baltimore County, Maryland

Beginning at a point 1,670 feet, more or less, Northeast of the East side of Park Heights Avenue, which is of variable width, located 2,150 feet, more or less, South of the centerline of Greenspring Valley Road, which is 30 feet wide.

Being Lot #9 in the Resubdivision of Lot 9 Garden View as recorded in Baltimore County Plat Book E.H.K. Jr. #48, Folio 99, containing 3.307 Acres of land, more or less.

Located in the 3rd Election District and 2nd Councilmanic District. Known as 8641 Park Heights Avenue.



Professional Certification

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.

License No. 13203

Expiration Date: 11/02/2016



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ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 2016- 0214 -A Address 8641 Tark Heights Avenue Contact Person: Leonari Wasiewski Phone Number: 410-887-3391 Filing Date: 3 11 16 Posting Date: 3 2016 Closing Date: 44/16
Phone Number: 410-887-3391
Contact Person:
Filing Date: 3 11 16 Posting Date: 3 2016 Closing Date: 44/16
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. <u>POSTING/COST:</u> 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. <u>DEADLINE:</u> 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.
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- 0214 -A Address 8641 Park Heights Avenue
Petitioner's Name Ross & Enrice Taylon Telephone 410-465-3333
Posting Date: 3/20/16 Closing Date: 4/4/16
Wording for Sign: To permit a proposed single family dwelling with a principal building setback of 80 feet in lieu of the required 150 feet from a R.C. 2 zone which is contiguous to a R.C.5 zone and amend the Final Development Plan of Garden View for lot 9 only.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 3/21/2016

Case Number: 2016-0214-A

Petitioner / Developer: COLBERT, MATZ & ROSENFELT, INC. ~

ROSS & EMILY TAYLOR

Date of Hearing (Closing): APRIL 4, 2016

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 8641 PARK HEIGHTS AVENUE

The sign(s) were posted on: MARCH 19, 2016



Linda O Keefe
(Signature of Sign Poster)

(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)

ZONING COMMISSIONER'S ADMINISTRATIVE VARIANCE SCHEDULE

Updated and Distributed 4/5/2016

CLOSING DATE: 04/04/2016

CASE NUMBER: 2016-0204-A

303 BLOOMSBURY AVE.

Location: E/S Bloomsbury Avenue, 25 ft. S of the c/line of Holmes Avenue, (SE corner

of the intersection)

1st Election District, 1st Council District

Legal owner:

Vincent A. Geppi

ADMINISTRATIVE VARIANCE To permit proposed additions to have side yard setbacks as close as 8 ft. and 2 ft. in lieu of the required 40 ft. and 15 ft. respectively.

CASE NUMBER: 2016-0213-A

9508 DUNDAWAN RD.

Location: N/S of Dundawan Road, SE 465 ft. +/- to the c/line of Breen Place

11th Election District, 5th Council District

Legal owner:

Michael P. Stambaugh

ADMINISTRATIVE VARIANCE To permit a proposed detached carport located in the front yard in lieu of the required rear yard and to amend the Final Development Plan (FDP) for (Silvergate Village) Lot #19.

CASE NUMBER: 2016-0214-A

8641 PARK HEIGHTS AVE.

Location: S/S of Eccleston Station Road, 1670 ft. E of Park Heights Avenue

3rd Election District, 2nd Council District Legal owners: Ross and Emily Taylor

ADMINISTRATIVE VARIANCE To permit a proposed single family dwelling with a principal building setback of 80 ft. in lieu of the required 150 ft. from a RC-2 zone which is contiguous to a RC-5 zone and amend the Final Development Plan (FDP) of Garden View for Lot 9 only.

CASE NUMBER: 2016-0215-A

19 CLIPPER RD.

Location: NE corner of the intersection of Clipper Road and Candry Terrace

15th Election District, 7th Council District

Legal owner: Timothy M. Costin

ADMINISTRATIVE VARIANCE To permit a proposed garage to be located in the portion of the rear yard closest to the side street in lieu of the required placement in the portion of the rear yard farthest from the side street.

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

Arnold Jablon

DATE: April 14, 2016

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

RECEIVED

Case Number: 16-214

APR 1 5 2016

INFORMATION:

Property Address:

8641 Park Heights Avenue

Petitioner:

Richard E. Matz RC 5, RC 2

Zoning: Requested Action:

Administrative Variance

OFFICE OF ADMINISTRATIVE HEARINGS

The Department of Planning has reviewed the petition for an administrative variance to permit a setback of 80' in lieu of the required 150' from a R.C. 2 zone which is contiguous to a R.C. 5 zone.

A site visit was conducted on March 24, 2016. A Screening Exhibit was received by the Department on 4/12/2016. The following recommendations are in reference to that plan.

Greenspring Valley Road is a scenic road. The subject site may be viewed from that road across intervening active farm fields that are now under a Maryland Environmental Trust easement. It is the retention of the forested land that the Department is most concerned with. Density and lot size are not an issue.

The Petitioner has worked with the Department to produce the exhibit referenced above addressing those concerns and that supports the goals of the renowned Plan for the Valleys which states "Valley Walls in Forest Cover. Valley walls in forest cover, exclusive of slopes of 25% or greater, should be developed at such a density and in such a manner as to perpetuate their present wooded aspect." The Department further applies the standards for scenic roads found in the Comprehensive Manual of Development Policies which gives the following guidance, "minimize tree and vegetation removal" (Page 178), "Site new buildings behind natural screening or beyond primary views" and "Use berms and vegetated buffers to screen distracting development from the scenic road" (Page 182).

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- All development of the property shall be in accordance with the Screening Exhibit submitted to the Department of Planning on April 12, 2016.
- Provide an at-scale copy of the Screening Exhibit to the Department for inclusion in its files and a copy to the Office of Administrative Hearings to be included in the case file.

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KEVIN KAMENETZ County Executive

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

April 5, 2016

Ross & Emily Taylor 8641 Park Heights Avenue Stevenson MD 21153

RE: Case Number: 2016-0214 A, Address: 8641 Park Heights Avenue

Dear Mr. & Ms. Taylor:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 11, 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,

U. Carl Robal

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

Richard E Matz, 2835 Smith Avenue, Suite G, Baltimore MD 21209

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

10:	Arnold Ja
	Danie audieni

Arnold Jablon, Director

DATE: March 28, 2016

Department of Permits, Approvals And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 28, 2016 Item No. 2016-0214

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

Screening should be installed along the northeast property line to complement existing vegetation.

DAK:CEN cc:file

ZAC-ITEM NO 16-0214- 03282016.doc

order received for filing

Date	4-21-16	
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BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

Arnold Jablon

DATE: April 14, 2016

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

RECEIVED

Case Number: 16-214

APR 1 5 2016

INFORMATION:

Property Address: 8641 Park Heights Avenue

Petitioner: Zoning:

Richard E. Matz RC 5, RC 2

Requested Action: Administrative Variance

OFFICE OF ADMINISTRATIVE HEARINGS

The Department of Planning has reviewed the petition for an administrative variance to permit a setback of 80' in lieu of the required 150' from a R.C. 2 zone which is contiguous to a R.C. 5 zone.

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The Petitioner has worked with the Department to produce the exhibit referenced above addressing those concerns and that supports the goals of the renowned Plan for the Valleys which states "Valley Walls in Forest Cover. Valley walls in forest cover, exclusive of slopes of 25% or greater, should be developed at such a density and in such a manner as to perpetuate their present wooded aspect." The Department further applies the standards for scenic roads found in the Comprehensive Manual of Development Policies which gives the following guidance, "minimize tree and vegetation removal" (Page 178), "Site new buildings behind natural screening or beyond primary views" and "Use berms and vegetated buffers to screen distracting development from the scenic road" (Page 182).

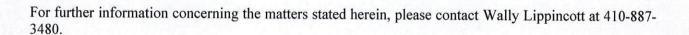
The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- All development of the property shall be in accordance with the Screening Exhibit submitted to the Department of Planning on April 12, 2016.
- Provide an at-scale copy of the Screening Exhibit to the Department for inclusion in its files and a copy to the Office of Administrative Hearings to be included in the case file.

order	RECEIVED FOR FILING
Date	4-21-16
By	
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Date: April 14, 2016 Subject: ZAC #16-214

Page 2



Prepared by:

Division Chief:

Kathy Schlabach

AVA/KS/LTM/ka

Lloyd T. Moxley

c: Wally Lippincott
Jeanette M. S. Tansey, R.L.A., Permits, Approvals and Inspections
Richard E. Matz
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

MAR **25** 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:

March 25, 2016

SUBJECT:

DEPS Comment for Zoning Item

2016-0214-A

Address

8641 Park Heights Avenue

(Taylor Property)

Zoning Advisory Committee Meeting of March 28, 2016.

- X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:
 - 1. Ground Water Management must review any proposed building permit for a replacement house there, since it is served by private septic.

Reviewer:

Dan

Date: 3/24/16

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Date 4-2(-16

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: March 28, 2016

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 28, 2016 Item No. 2016-0214

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

Screening should be installed along the northeast property line to complement existing vegetation.

DAK:CEN cc:file

ZAC-ITEM NO 16-0214- 03282016.doc

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

Arnold Jablon

DATE: April 14, 2016

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 16-214

RECEIVED

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 8641 Park Heights Avenue

Petitioner:

Richard E. Matz

Zoning:

RC 5, RC 2

Requested Action:

Administrative Variance

The Department of Planning has reviewed the petition for an administrative variance to permit a setback of 80' in lieu of the required 150' from a R.C. 2 zone which is contiguous to a R.C. 5 zone.

A site visit was conducted on March 24, 2016. A Screening Exhibit was received by the Department on 4/12/2016. The following recommendations are in reference to that plan.

Greenspring Valley Road is a scenic road. The subject site may be viewed from that road across intervening active farm fields that are now under a Maryland Environmental Trust easement. It is the retention of the forested land that the Department is most concerned with. Density and lot size are not an issue.

The Petitioner has worked with the Department to produce the exhibit referenced above addressing those concerns and that supports the goals of the renowned Plan for the Valleys which states "Valley Walls in Forest Cover. Valley walls in forest cover, exclusive of slopes of 25% or greater, should be developed at such a density and in such a manner as to perpetuate their present wooded aspect." The Department further applies the standards for scenic roads found in the Comprehensive Manual of Development Policies which gives the following guidance, "minimize tree and vegetation removal" (Page 178), "Site new buildings behind natural screening or beyond primary views" and "Use berms and vegetated buffers to screen distracting development from the scenic road" (Page 182).

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- All development of the property shall be in accordance with the Screening Exhibit submitted to the Department of Planning on April 12, 2016.
- Provide an at-scale copy of the Screening Exhibit to the Department for inclusion in its files and a copy to the Office of Administrative Hearings to be included in the case file.



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

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

Date: 3/21/16

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

RE: Baltimore County

Item No. 2016-0214-A Administrative Vavionce Ross à Emily Taylor 8641 Park Heights 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. 2016-0214-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,

David W. Peake

Metropolitan District Engineer - District 4

Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: March 28, 2016

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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Date: April 14, 2016 Subject: ZAC #16-214 Page 2

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DATE: April 14, 2016

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By	(DW)	<u>.</u> .
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epared by:	Division Chief:
	Kilhy Goldshach
Lloyd T. Moxley	Kathy Schlabach
/A/KS/LTM/ka	
Wally Lippincott Jeanette M. S. Tansey, R.L.A., Permits, Approv Richard E. Matz Office of the Administrative Hearings People's Counsel for Baltimore County	als and Inspections
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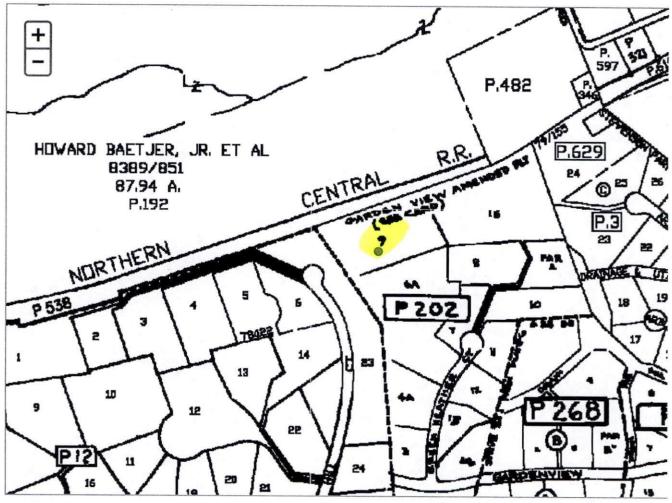
Date: April 14, 2016. Subject: ZAC #16-214 Page 2

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Baltimore County

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

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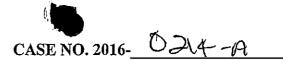


The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

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).

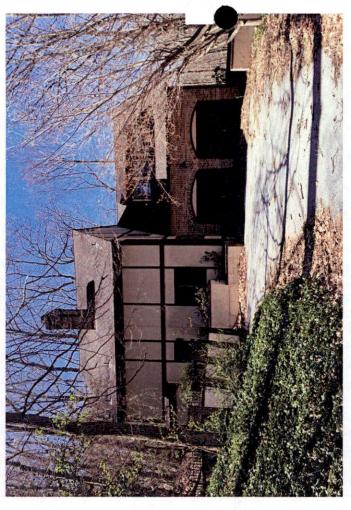
Property maps provided courtesy of the Maryland Department of Planning.

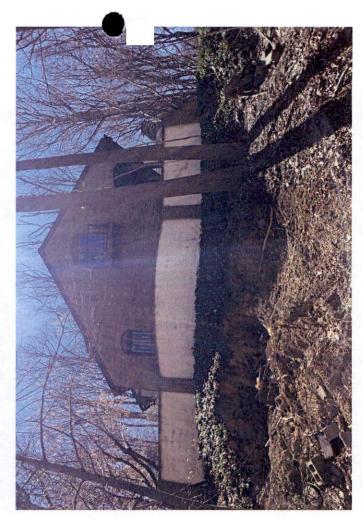
For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml) (http://www.mdp.state.md.us/OurProducts/OurProducts.shtml).

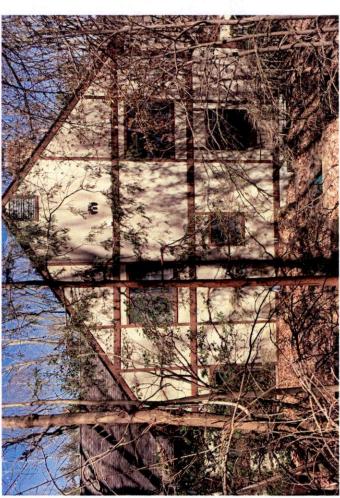


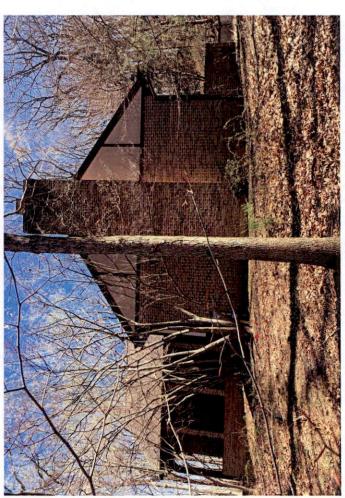
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Debra Wiley

From:

Wallace S. Lippincott

Sent:

Tuesday, April 05, 2016 11:58 AM

To:

Debra Wiley

Cc:

Lloyd Moxley

Subject:

RE: 2016-214 8641 Park Heights Avenue

rolly-A

Debra, Thanks

From: Debra Wiley

Sent: Tuesday, April 05, 2016 11:53 AM

To: Wallace S. Lippincott <wlippincott@baltimorecountymd.gov>

Subject: RE: 2016-214 8641 Park Heights Avenue

Hi Wally,

I've shared your email with Judge Beverungen and he asked that this not be held any longer than 2 weeks (by April 19th).

Thank you.

From: Wallace S. Lippincott

Sent: Tuesday, April 05, 2016 11:31 AM

To: Debra Wiley < <u>dwiley@baltimorecountymd.gov</u>> **Cc:** Lloyd Moxley < <u>lmoxley@baltimorecountymd.gov</u>>

Subject: 2016-214 8641 Park Heights Avenue

Hey Debra,

We would like for you to put a hold on this Administrative Variance. In addition to the variance they are requesting for 150 feet there is 170 setback line on the approved plan. We have concerns about the potential impact of construction and tree clearing on the adjacent agricultural use on the adjacent easement property and the impact on the viewshed from Greenspring Valley Road — a scenic road. We are working with the petitioner's engineer Dick Matz and he indicated he would call us to arrange a meeting with a landscape architect. For those reasons we are asking if your office can hold off on a decision. Thank you.

