

M E M O R A N D U M

DATE: November 3, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0226-A – Appeal Period Expired

The appeal period for the above-referenced case expired on November 2, 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

(3020 Willow Avenue)

15th Election District

7th Council District

Laurie M. Karll

Petitioner

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2016-0226-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Laurie M. Karll, owner of the subject property ("Petitioner"). The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) to approve an undersized lot of 4,776 sq. ft. in lieu of the required 6,000 sq. ft.; and (2) to allow a front yard width of 50 ft. in lieu of the required 55 ft. A site plan was marked as Petitioner's Exhibit 1.

Owner Laurie M Karll and surveyor Bruce Doak appeared in support of the petition. Two neighbors appeared and opposed the request. 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 Environmental Protection and Sustainability (DEPS), noting Petitioner must comply with the Critical Area Regulations and the Department of Planning (DOP), noting architectural elevations must be submitted to the DOP for review prior to building permit issuance.

The subject property is approximately 4,776 square feet and is zoned DR 5.5. The property is unimproved and Petitioner proposes to construct a single-family dwelling on the lot. To do so zoning relief is required.

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

ORDER RECEIVED FOR FILING

Date

10-3-16

By

Sen

- (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).

Petitioner contends the lot is unique because of its small size, but the adjacent lot (Lot 18 on the plat of "Triple Union Annex") is even smaller and many of the other lots in the subdivision are of a comparable size. Petitioner also notes that unlike her neighbors she will be required to comply with certain environmental regulations which were enacted after most of the other homes in the community were constructed. That may be the case, but it does not concern an inherent characteristic of the property itself; i.e., shape, size, natural features. As such, I do not believe this attribute makes the property unique. Based on the photographs (Exhibit 2) it appears this lot is roughly similar in shape, size and topography to other lots in the community. There is simply no defining characteristic that causes the regulations to have a disproportionate impact upon this property.

THEREFORE, IT IS ORDERED, this 3rd day of October, **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.") as follows: (1) to approve an undersized lot of 4,776 sq. ft. in lieu of the required 6,000 sq. ft.; and (2) to allow a front yard width of 50 ft. in lieu of the required 55 ft., be and is hereby DENIED.

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

JEB:slh



JOHNE BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date

10-3-16

By

slh

CBCA



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 3020 WILLOW AVENUE which is presently zoned DR5.5

Deed References: 24456 / 366 10 Digit Tax Account # 2100004831

Property Owner(s) Printed Name(s) LAURIE M. KARL, PERSONAL REPRESENTATIVE

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

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

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

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

3. X a Variance from Section(s)

TO BE PRESENTED AT THE HEARING

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 proscribed by the zoning regulations.

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2016-0226-A

Filing Date 3/22/2016

Legal Owners (Petitioners):

LAURIE M. KARL

Name #1- Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

6016 THE TERRACES BALTIMORE MD

Mailing Address

City

State

Zip Code

Telephone #

Email Address

LAURIESELLSMOHOMES.COM

Representative to be contacted:

BRUCE E. DEAN

BRUCE E. DEAN CONSULTING, LLC

Name - Type or Print

Signature

3801 BAKER SCHOOLHOUSE ROAD FREEMANO MD

Mailing Address

City

State

Zip Code

Telephone #

Email Address

BD@BRUCEDEANCONSULTING.COM

Do Not Schedule Dates:

Reviewer h

ORDER RECEIVED FOR FILING

Date

10-3-16

By

den

Zoning Petition Requests

Variance to approve an undersized lot of 4,776 square feet in lieu of the required 6,000 square feet per Section 304.2 BCZR

Variance to allow a front yard width of 50 feet in lieu of the required 55 feet per Section 1B02.3.C.1 BCZR

2016-0226-A

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

Zoning Description

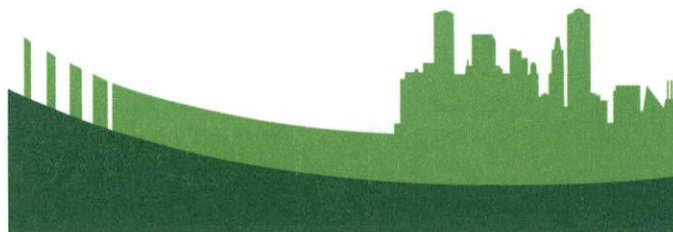
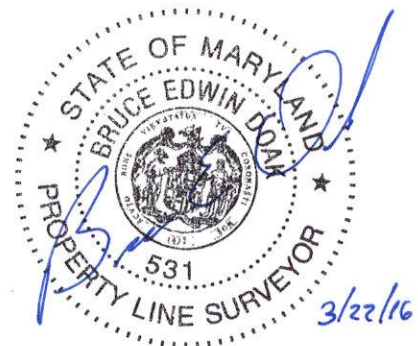
#3020 Willow Avenue- 4,776 Square Foot Parcel
Fifteenth Election District Seventh Councilmanic District
Baltimore County, Maryland

Beginning at a point at the intersection of Chesapeake Avenue, Willow Avenue and Burch Avenue as shown on the plat entitled "Triple Union Annex Waterfront" and recorded in the land records of Baltimore County in Plat Book CWB Jr. 12, page 23, thence running on the southeast side of Burch Avenue 1) South 66 degrees 04 minutes 00 minutes East 101.80 feet, thence leaving Burch Avenue and running on the outlines of the subject property, the three following courses and distances, viz. 2) South 23 degrees 56 minutes 00 minutes West 50.00 feet, 3) North 66 degrees 04 minutes 00 seconds West 89.30 feet and 4) North 09 degrees 56 minutes 00 seconds East 51.50 feet to the point of beginning.

Containing 4,776 square feet or 0.1096 of an acre of land, more or less.

Being all of Lot 17 as shown on the plat entitled "Triple Union Annex Waterfront" and recorded in the land records of Baltimore County in Plat Book CWB Jr. 12, page 23.

This description is part of a zoning petition and is not intended for any conveyance purposes.



Land Use Expert and Surveyor

2016 - 0226 - 4



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 4436031

Sold To:

Laurie Karll - CU00536425
6016 the Terraces
Baltimore, MD 21209-3645

Bill To:

Laurie Karll - CU00536425
6016 the Terraces
Baltimore, MD 21209-3645

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

Sep 08, 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: # 2016-0226-A

3020 Willow Avenue
SE corner of Willow Avenue and Chesapeake Avenue
(Burke Avenue per plat)
15th Election District - 7th Councilmanic District
Legal Owner(s) Laurie Karll

Variance: to approve an undersized lot of 4,776 sq. ft. in lieu of the required 6,000 sq. ft. To allow a front yard width of 50 ft. in lieu of the required 55 ft.

Hearing: Thursday, September 29, 2016 at 1:30 p.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.

9/075 September 8

4436031

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

September 7, 2016

Re:

Zoning Case No. 2016-0226- A

Petitioner: Laurie Karll

Hearing date: September 29, 2016

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 3020 Willow Avenue.

The sign was posted on September 5, 2016.

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

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



Land Use Expert and Surveyor

ZONING NOTICE

CASE NO. 2016-0226-A

3020 Willow Avenue

**A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204**

DATE & TIME: Thursday September 29, 2016 1:30 PM

REQUEST:

**VARIANCE TO APPROVE AN UNDERSIZED LOT OF 4,776
SQUARE FEET IN LIEU OF THE REQUIRED 6000 SQUARE
FEET. TO ALLOW A FRONT YARD WIDTH OF 50 FEET IN
LIEU OF THE REQUIRED 55 FEET.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE
SOMETIMES NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING
UNDER PENALTY OF LAW.**

THE HEARING IS HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE NO. 2016-0226-A
3620 Willow Avenue

A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Thursday September 29, 2016 1:30 PM

REQUEST:

VARIANCE TO APPROVE AN UNDERSIZED LOT OF 4,776
SQUARE FEET IN LIEU OF THE REQUIRED 5000 SQUARE
FEET TO ALLOW A FRONT YARD WIDTH OF 30 FEET IN
LIEU OF THE REQUIRED 55 FEET.

NOTICE: VARIANCES DUE TO WEATHER OR OTHER CONDITIONS ARE
SOMETIMES NECESSARY TO CONSIDER THE HEARING CALL 444-4071, 2016.
DO NOT HEAR THE HSA AND PAY UNTIL THE DAY OF THE HEARING.
UNDER PENALTY OF LAW.

THE HEARING IS HANDICAPPED ACCESSIBLE

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

June 17, 2016

Re:

Zoning **Case No. 2016-226-A**

Petitioner: Laurie Karl

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Dear Ms. Lewis,

Please accept this letter as the owner's request to re-schedule the hearing for the first available date in September.

The hearing for this case will be heard at the same time as Case #2016-236-A

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531



Land Use Expert and Surveyor



KEVIN KAMENETZ
County Executive

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

August 28, 2016

NEW NOTICE OF ZONING HEARING

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

CASE NUMBER: 2016-0226-A

3020 Willow Avenue

SE corner of Willow Avenue and Chesapeake Avenue (Burke Avenue per plat)

15th Election District – 7th Councilmanic District

Legal Owners: Laurie Karl

Variance to approve an undersized lot of 4, 776 sq. ft. in lieu of the required 6,000 sq. ft. To allow a front yard width of 50 ft. in lieu of the required 55 ft.

Hearing: Thursday, September 29, 2016 at 1:30 p.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: Laurie Karl, 6016 The Terraces, Baltimore 21209
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, SEPTEMBER 9, 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, September 8, 2016 Issue - Jeffersonian

Please forward billing to:
Laurie Karl
6016 The Terraces
Baltimore, MD 21209

410-984-8624

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: 2016-0226-A

3020 Willow Avenue

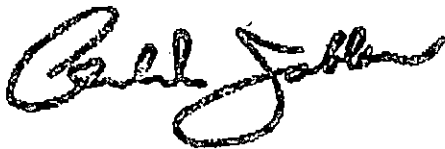
SE corner of Willow Avenue and Chesapeake Avenue (Burke Avenue per plat)

15th Election District – 7th Councilmanic District

Legal Owners: Laurie Karl

Variance to approve an undersized lot of 4, 776 sq. ft. in lieu of the required 6,000 sq. ft. To allow a front yard width of 50 ft. in lieu of the required 55 ft.

Hearing: Thursday, September 29, 2016 at 1:30 p.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
3020 Willow Avenue; S/E cor Willow Ave and *
Chesapeake Ave (Burke Ave per plat) * OF ADMINISTRATIVE
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Laurie M. Karll * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2016-226-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.

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

RECEIVED
MAR 31 2016

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of March, 2016, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
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 - 0226 - A

Petitioner: LAURIE M. KARL

Address or Location: 3020 WILLOW AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: LAURIE KARL

Address: 6016 TERRACES

BALTIMORE MD 21209

Telephone Number: 410 - 984 - 8624

Revised 2/20/98 - SCJ

Kristen L Lewis

From: Bruce Doak <bdoak@bruceedoakconsulting.com>
Sent: Tuesday, April 05, 2016 7:03 AM
To: Kristen L Lewis
Cc: June Wisnom
Subject: Scheduling of hearings

April 5, 2016

Good morning,

Please schedule case #2016-226-A & case 2016-236-A back to back. The cases concern lots very close to each other and for the same owner.

Thank you for this.

With regards,
Bruce Doak

Bruce E. Doak Consulting
410-419-4906
bdoak@bruceedoakconsulting.com
3801 Baker Schoolhouse Road
Freeland, MD 21053

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

No. **134718**

Date: **3/22/16**

PAID RECEIPT

BUSINESS AGENCY TEL. 410-326-1000
 3/23/2016 3:02 PM FAX 410-326-1000
 RE: MEDI. BUREAU LENT LCP
 RECEIPT # 045535 DATE 3/22/2016
 AMT \$ 500.00 DEDUCTIBLE 0.00
 CP NO. 134718
 Receipt Tot: \$500.00
 \$500.00 0.00 \$500.00
 Baltimore, Md 21201

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: _____

For: **3020 Willow Ave**

_____ **2016-0226-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*

May 25, 2016

Laurie M Karll
6016 The Terraces
Baltimore MD 21209

RE: Case Number: 2016-0226 A, Address: 3020 Willow Avenue

Dear Ms. Karll:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 22, 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." The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Bruce E Doak Consulting LLC, 3801 Baker Schoolhouse Road, Freeland MD 21053

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



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

Date: 3/28/10

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2016-0226-A

Variance
Larrie M. Karll
3020 Willow Avenue

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

Sincerely,

A handwritten signature in black ink, appearing to read "David W. Peake".

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

DWP/RAZ

5-51

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

APR 22 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: April 22, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0226-A
Address 3020 Willow Avenue
(Karl Property)

Zoning Advisory Committee Meeting of April 4, 2016.

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

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

The subject property is located within a Limited Development Area (LDA), and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

1. Occupied by a structure, parking area, driveway, walkway, or roadway; or
2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;
3. A wood mulch pathway; or
4. A deck with gaps to allow the water to pass freely.

The petitioner's requests are to allow for a front yard width of 50 feet in lieu of the required 55 feet, and to approve an undersized lot of 4,776 square feet (sf) in lieu of the required 6,000 sf. In order to minimize impacts on water quality, the applicant should comply with the LDA lot coverage limit, which, for a property this size, is 1,694 sf, with mitigation required for lot coverage between 1,194 sf and 1,694 sf. The LDA regulations also require 15% afforestation on the property, which equates to one tree for a property this size. According to the plan submitted for this review, proposed lot coverage is shown as approximately 1,050 sf, consisting of a proposed single-family dwelling, with no other residential features shown, e.g., driveway, walkways, shed, etc. Any plan or application that is received by this Department will be reviewed for compliance with the LDA lot coverage regulations, which may necessitate a smaller house than proposed, as well as the afforestation requirement. Therefore, by allowing the items requested by the petitioner, impacts on water quality will be minimized.

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

The current development proposal for the property will be reviewed for application of the LDA regulations, which will minimize impacts to any adjacent buffers, thereby will improve buffer functions, and conserve fish, wildlife and plant habitat in Back River.

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 petitioner's request, if granted, will be consistent with established land use policies and will minimize or avoid environmental impacts provided that the applicants meet any LDA requirements applicable to the proposal.

Reviewer: Thomas Panzarella; Environmental Impact Review

JB 5/31
10am

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: April 18, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-226

RECEIVED

APR 22 2016

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 3020 Willow Avenue
Petitioner: Laurie Karll
Zoning: DR 5.5
Requested Action: Variance

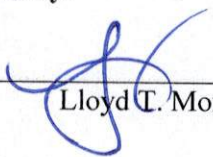
The Department of Planning has reviewed the petition for a variance to allow a lot width of 50 feet at the front building line in lieu of the required 55 foot lot width.

A site visit was conducted on April 6, 2016.

The Department has no objections to granting the petitioned zoning relief. Architectural elevations must be submitted to the Department to the attention of the contact listed below for review prior to building permit issuance.

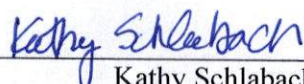
For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Bruce E. Doak, Bruce E. Doak Consulting, LLC
Josephine Selvakumar
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



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

DATE: April 18, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-226

INFORMATION:

Property Address: 3020 Willow Avenue
Petitioner: Laurie Karll
Zoning: DR 5.5
Requested Action: Variance

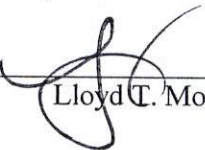
The Department of Planning has reviewed the petition for a variance to allow a lot width of 50 feet at the front building line in lieu of the required 55 foot lot width.

A site visit was conducted on April 6, 2016.

The Department has no objections to granting the petitioned zoning relief. Architectural elevations must be submitted to the Department to the attention of the contact listed below for review prior to building permit issuance.

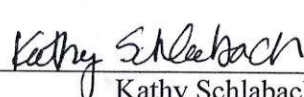
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AVA/KS/LTM/ka

c: Bruce E. Doak, Bruce E. Doak Consulting, LLC
Josephine Selvakumar
Office of the Administrative Hearings
People's Counsel for Baltimore County

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: April 22, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0226-A
Address 3020 Willow Avenue
(Karl Property)

Zoning Advisory Committee Meeting of April 4, 2016.

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

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

The subject property is located within a Limited Development Area (LDA), and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

- 1. Occupied by a structure, parking area, driveway, walkway, or roadway; or*
- 2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material*

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;
3. A wood mulch pathway; or
4. A deck with gaps to allow the water to pass freely.

The petitioner's requests are to allow for a front yard width of 50 feet in lieu of the required 55 feet, and to approve an undersized lot of 4,776 square feet (sf) in lieu of the required 6,000 sf. In order to minimize impacts on water quality, the applicant should comply with the LDA lot coverage limit, which, for a property this size, is 1,694 sf, with mitigation required for lot coverage between 1,194 sf and 1,694 sf. 31 ¼%. The LDA regulations also require 15% afforestation on the property, which equates to one tree for a property this size. According to the plan submitted for this review, proposed lot coverage is shown as approximately 1,050 sf, consisting of a proposed single-family dwelling, with no other residential features shown, e.g., driveway, walkways, shed, etc. Any plan or application that is received by this Department will be reviewed for compliance with the LDA lot coverage regulations, which may necessitate a smaller house than proposed, as well as the afforestation requirement. Therefore, by allowing the items requested by the petitioner, impacts on water quality will be minimized.

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

The current development proposal for the property will be reviewed for application of the LDA regulations, which will minimize impacts to any adjacent buffers, thereby will improve buffer functions, and conserve fish, wildlife and plant habitat in Back River.

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 petitioner's request, if granted, will be consistent with established land use policies and will minimize or avoid environmental impacts provided that the applicants meet any LDA requirements applicable to the proposal.

Reviewer: Thomas Panzarella; Environmental Impact Review

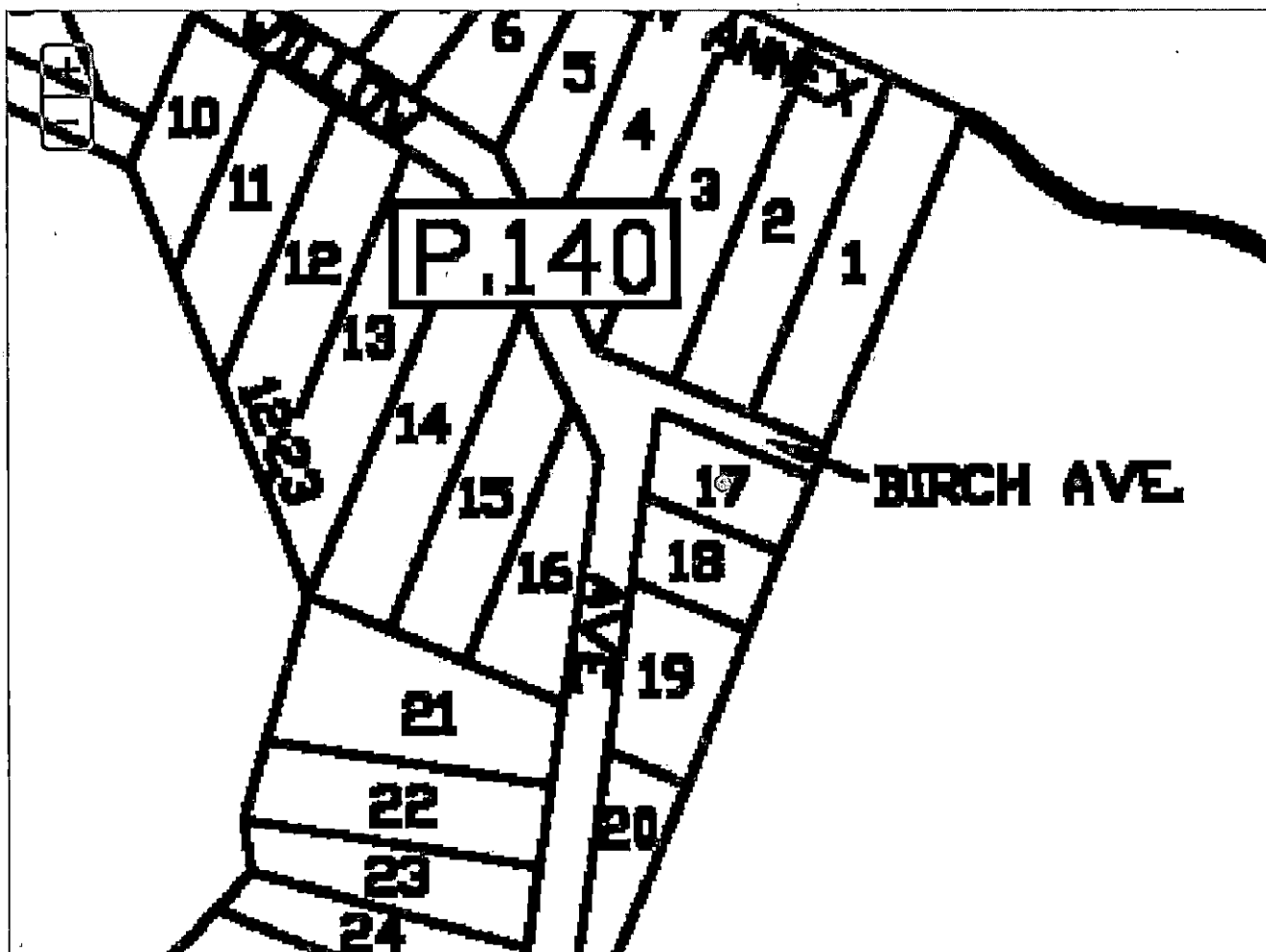
Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 2100004831			
Owner Information					
Owner Name:	KARLL LAURIE M	Use:	Principal Residence:	RESIDENTIAL NO	
Mailing Address:	C/O LAURIE KARLL 6016 THE TERRACES BALTIMORE MD 21209-3645	Deed Reference:	/24456/ 03661		
Location & Structure Information					
Premises Address:		WILLOW AVE 0-0000		Legal Description: .305 AC LTS 17 & 28 WS WILLOW AVE TRIPLE UNION ANNEX	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref: 0012/0023
0111	0012	0140		0000	17 2015
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
			0.3100 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		300	300		
Improvements		0	0		
Total:		300	300	300	300
Preferential Land:		0			0
Transfer Information					
Seller: WILLIAM R KARLL TRUST		Date: 09/13/2006		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /24456/ 03661		Deed2:	
Seller: CHESAPEAKE VILLA GE INC		Date: 05/02/1988		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /07849/ 00663		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 \(http://sdat.dat.maryland.gov/RealProperty\)](http://sdat.dat.maryland.gov/RealProperty)District: **15** Account Number: **2100004831**

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>).

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
4/22	DEPS (if not received, date e-mail sent _____)	C
_____	FIRE DEPARTMENT	_____
4/18/	PLANNING (if not received, date e-mail sent _____)	no obj w/ comment
3/28	STATE HIGHWAY ADMINISTRATION	no obj
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 5/10/16	9/8/15
SIGN POSTING	Date: 9/5/16	by DCAK
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Case No.: 2016-0226-A

Exhibit Sheet

Petitioner/Developer

11-3-16
PW

Protestant

slw
10-3-16

No. 1	Plan	
No. 2	Plan to accompany photographs	
No. 3	Photos (A-L)	
No. 4	Plat "Triple Union Annex"	
No. 5	Plat - lot highlighted	
No. 6	Aerial photo	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER' S

EXHIBIT NO. *PHOTOS*
3A-L

ZONING NOTICE

CASE NO. 2016-0226-A

3020 Willow Avenue

A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Thursday September 29, 2016 1:30 PM

REQUEST:

VARIANCE TO APPROVE AN UNDERSIZED LOT OF 6,776
SQUARE FEET IN LIEU OF THE REQUIRED 1000 SQUARE
FEET TO ALLOW A FRONT YARD WIDTH OF 50 FEET IN
LIEU OF THE REQUIRED 55 FEET.

DISPENSATIONS DUE TO WEATHER OR OTHER CONDITIONS ARE
SOMETIMES ALLOWED TO COMPLY THE HEARING CALL NUMBER 2016-0226-A
DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING
UNDER PENALTY OF LAW
THE HEARING IS HANDICAPPED ACCESSIBLE











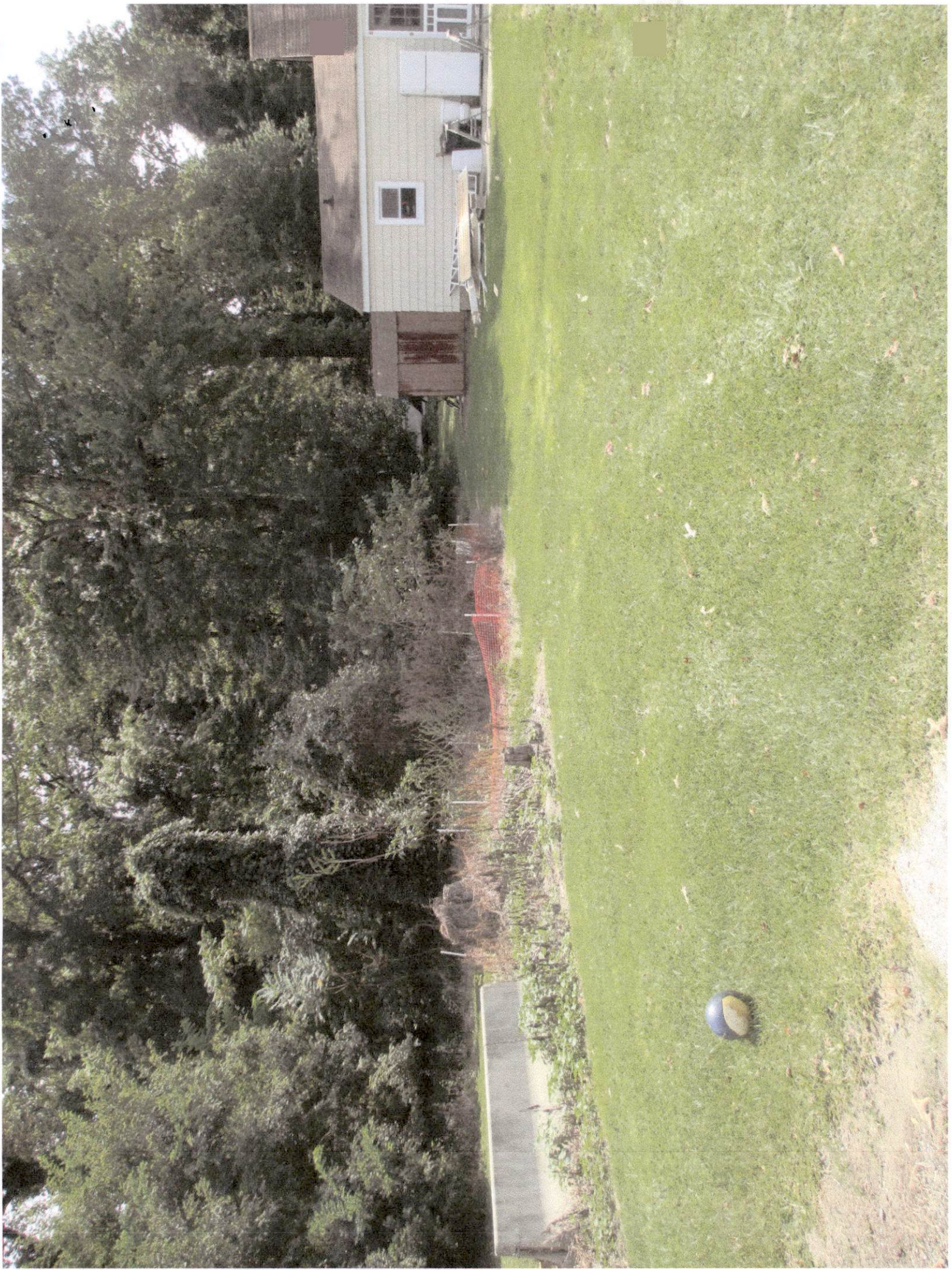








PEVIN ☺ ☺ sensation
WASHBURN



L



CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

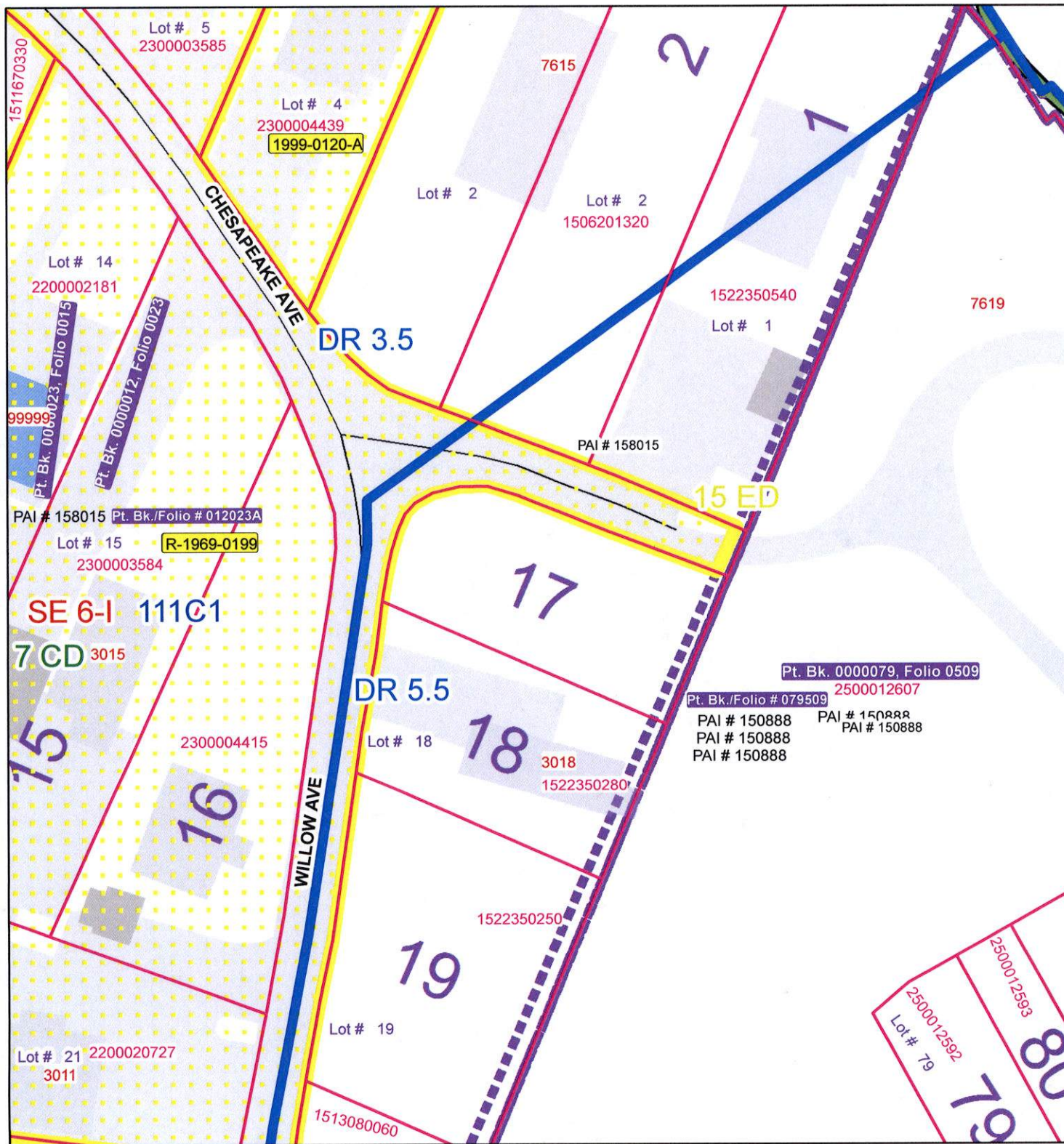


CASE NAME Kraus
CASE NUMBER 2016-0226-A
DATE 9/29/16

PETITIONER'S SIGN-IN SHEET

[illegible]

3020 Willow Avenue 2010 0226-A



Publication Date: 3/22/2016



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



0 10 20 40 60 80 Feet

1 inch = 44.054677 feet

- SITE INFORMATION**
- Ownership: Laurie M. Karl, Personal Representative of the Estate of Laura H. Karl
6016 The Terraces Baltimore, MD 21209
 - Address: 3020 Willow Avenue
 - Deed references: SM 24456/366 Lot 17 "Triple Union Annex Waterfront" PB 12/23
 - Area: 4,776 sq. ft. / 0.1096 acre (per PB 12/23)
 - Tax Map / Parcel / Lot / Tax account #: 111 / 140 / 17 / 21-00-004831
 - Election District: 15 Councilmanic District: 7
ADC Map: 4942A2 GIS tile: 111C1 Position sheet: 22SE35
Census tract: 451900 Census block: 240054519001
Schools: Chesapeake Terrace ES Sparrows Point MS Sparrows Point HS
 - The boundary shown hereon is from the recorded subdivision plat found in the Land Records of Baltimore County at PB 12/23.. All other information shown hereon was taken from Baltimore County GIS tiles 111C1 and the information provided by Baltimore County on the internet.
 - Improvements: Vacant

ZONING

Zoning: D.R. 5.5 There are no previous zoning cases on the subject lot.

D.R.5.5 Setbacks

Front: 25 feet from the street right of way
Side: 20 feet if the dwelling will be over 20' high
Rear: 30 feet from the rear property line

PLANNING

Regional Planning District: Edgemere District Code: 331

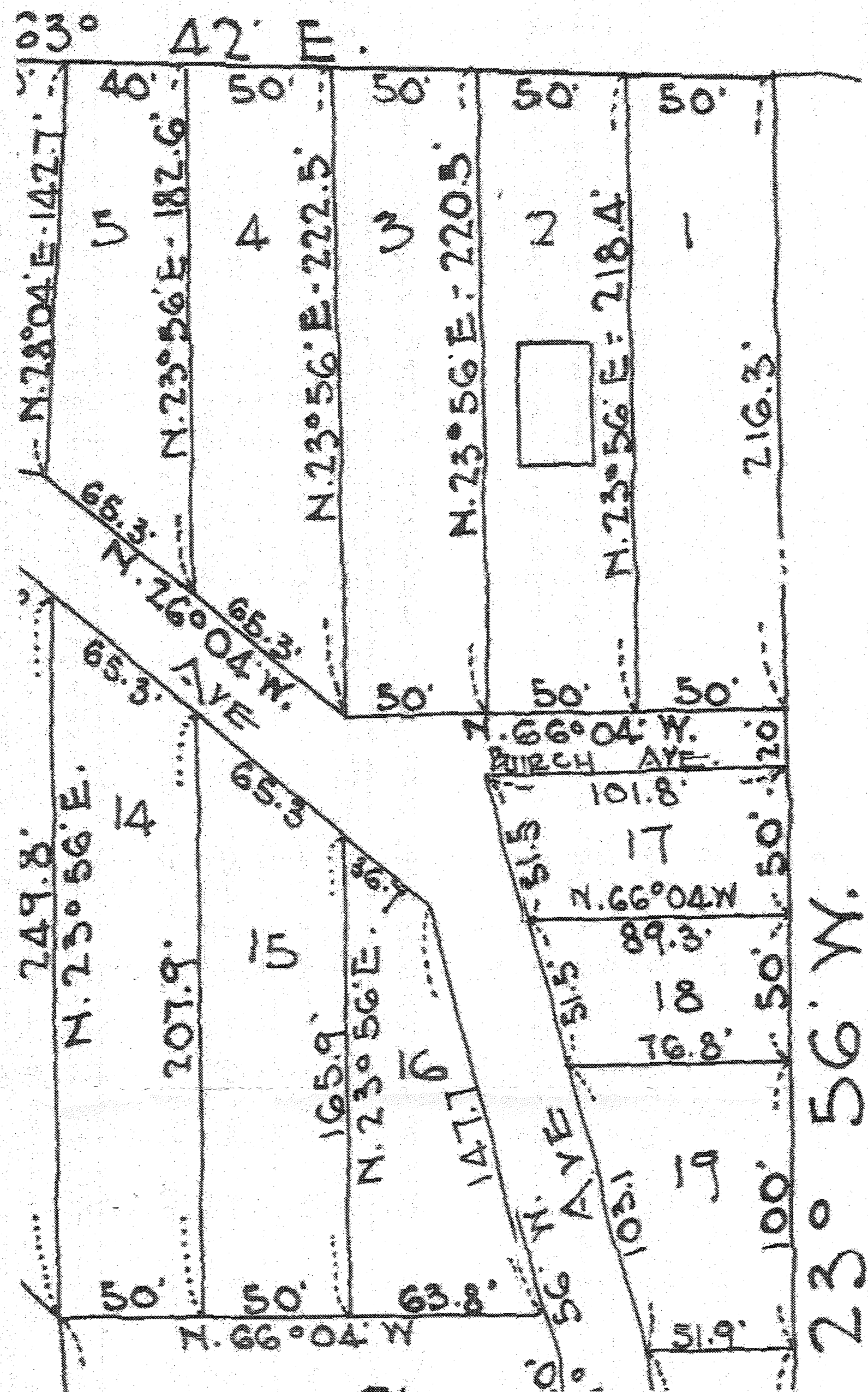
1. The subject property is not in a historic district.

Growth Tier: 1 served by public sewer and inside URDL

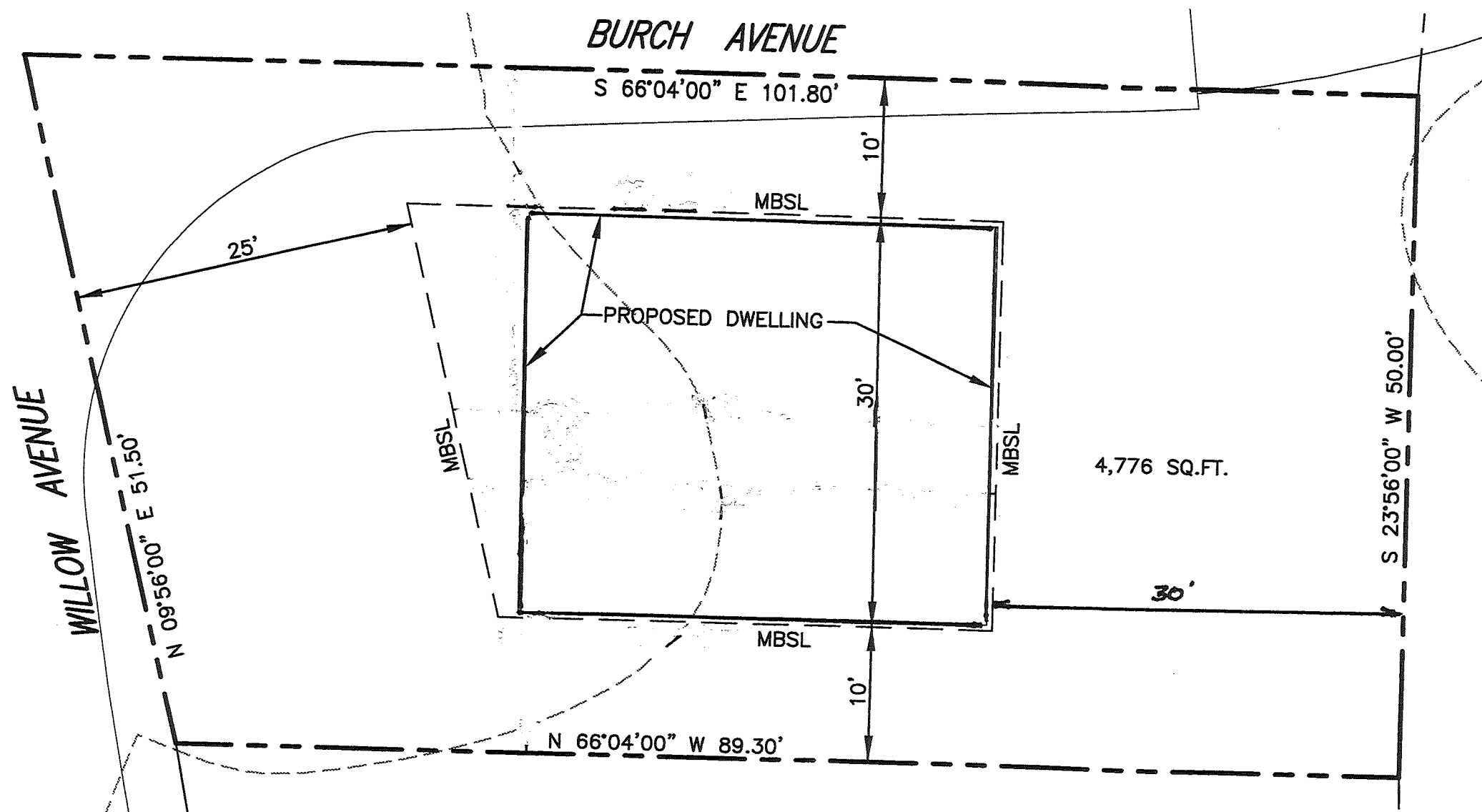
PROPOSED DEVELOPMENT

To construct a single family dwelling

OWNERSHIP OF PROPERTY			
Willow Avenue	Lot 14	Baltimore County Maryland	SM 8455/359
3015 Willow Avenue	Lot 15	James Pakacki & Edith Pakacki	SM 12940/597
3016 Willow Avenue	Lot 16	Kathy L. Garrison	SM 15141/ 282
3018 Willow Avenue	Lot 18	Louis J. Vicari, Jr. & Patricia Vicari	SM 23797/620
Willow Avenue	Lot 19	Kenneth M. Vicari	SM 14402/179
7609 Chesapeake Avenue	Lot 5	John Bahel	SM 21457/326
7611 Chesapeake Avenue	Lot 4	David D. Paugh	SM 28086/393
7615 Chesapeake Avenue	Lots 2 & 3	Kimberly A. Miller & Michael T. Miller	SM 28772/220
7617 Chesapeake Avenue	Lot 1	Louis J. Vicari & Patricia L. Vicari	EHK Jr 4857/510
"Shaws Discovery"	PB 79/509 HOA	MCS Edgemere LLC	



SCALE: NTS
PORTION OF
"TRIPLE UNION ANNEX WATERFRONT"
CWB JR 12/23



REVISIONS
3/22/16 REVISIONS PER ZONING REVIEWER

2016-0226-A

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21063
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

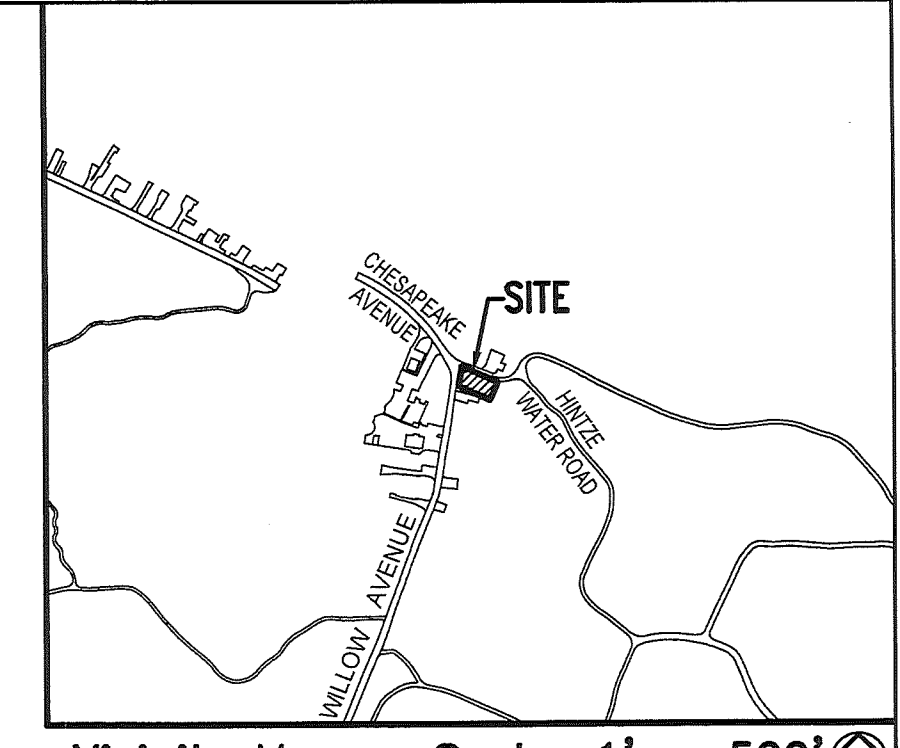
**PLAN TO ACCOMPANY
A ZONING PETITION**

3020 WILLOW AVENUE

BALTIMORE COUNTY, MARYLAND
15th ELECTION DISTRICT 7th COUNCILMANIC DISTRICT

Date: 2/1/2016
Scale: 1"=30'

STATE OF MARYLAND
BRUCE E. DOAK
REGISTERED
PROFESSIONAL SURVEYOR
NO. 531
2/22/16



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PLANNING

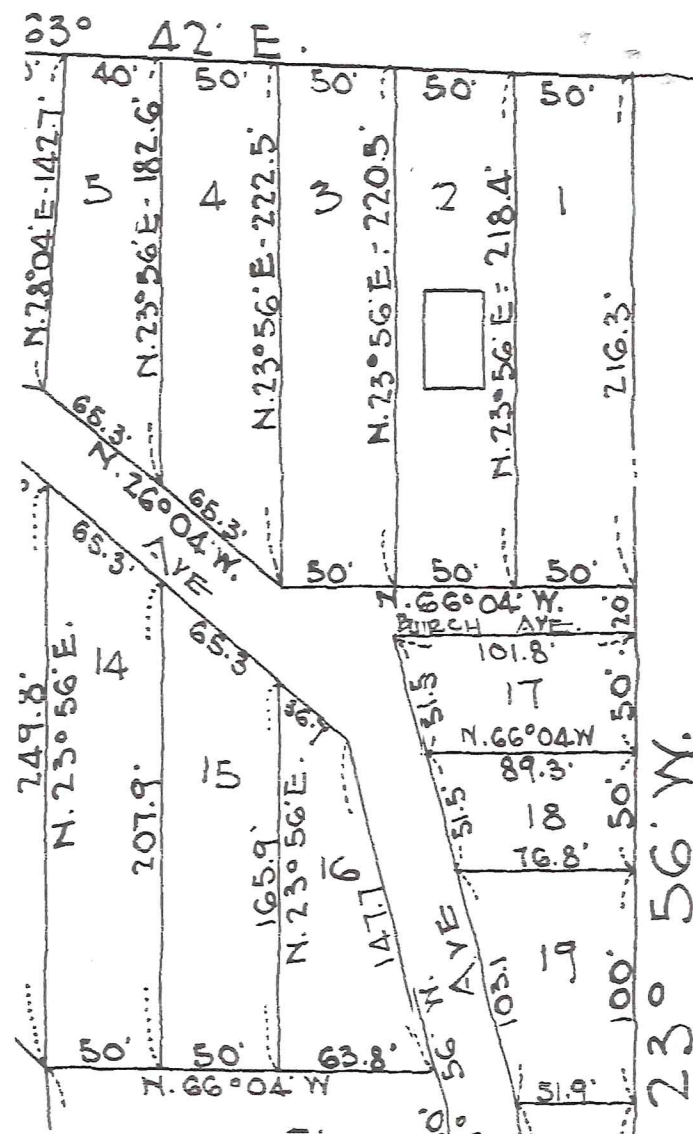
Regional Planning District: Edgemere District Code: 331

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Growth Tier: 1 served by public sewer and inside URDL

PROPOSED DEVELOPMENT

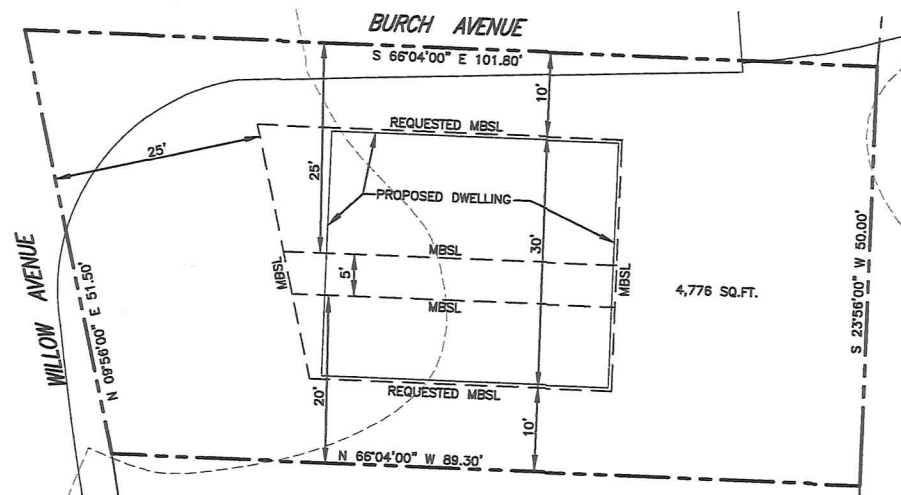
To construct a single family dwelling



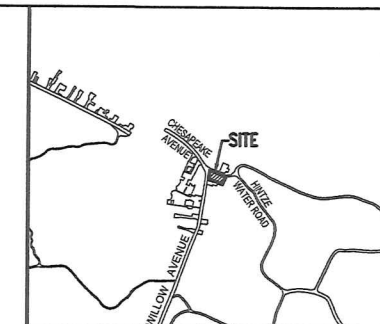
SCALE: NTS
PORTION OF
"TRIPLE UNION ANNEX WATERFRONT"
CWB JR 12/23

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7617 Chesapeake Avenue	Lot 1	Louis J. Vicari & Patricia L. Vicari	EHK Jr 4857/510
"Shaws Discovery"	PB 79/509 HOA	MCS Edgemere LLC	



DETAIL SCALE: 1"=10'



Vicinity Map - Scale: 1" = 500'

PLAN TO ACCOMPANY
PHOTOGRAPHS

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY
A ZONING PETITION

3020 WILLOW AVENUE

BALTIMORE COUNTY, MARYLAND
15th ELECTION DISTRICT 7th COUNCILMANIC DISTRICT

Date: 2/1/2016

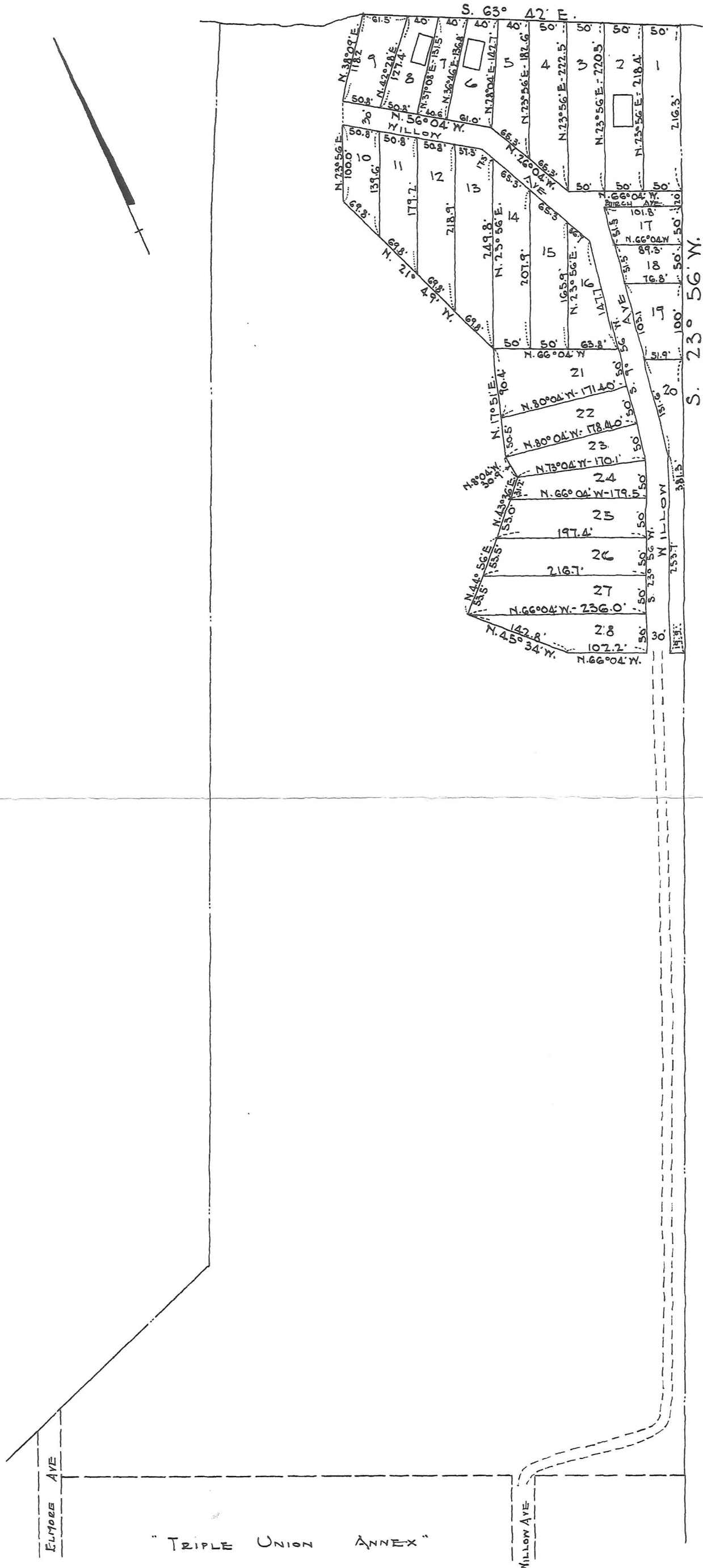
Scale: 1"=30'

PETITIONER'S

EXHIBIT NO. 2

BACK

RIVER



"TRIPLE UNION ANNEX
WATERFRONT"
C.W.B JR N°12 Folio 23

SCALE, 1"=100'. JAN 11, 1938.
E.V. COONAN & CO.
SURVEYORS & CIVIL ENG
231 ST. PAUL PLACE
BALTO, MD.

PETITIONER'S

EXHIBIT NO. 4



	My Neighborhood Map	Created By Baltimore County My Neighborhood 	This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.
--	----------------------------	---	--

Printed 1/6/16

PETITIONER' S

EXHIBIT NO. 6

SITE INFORMATION

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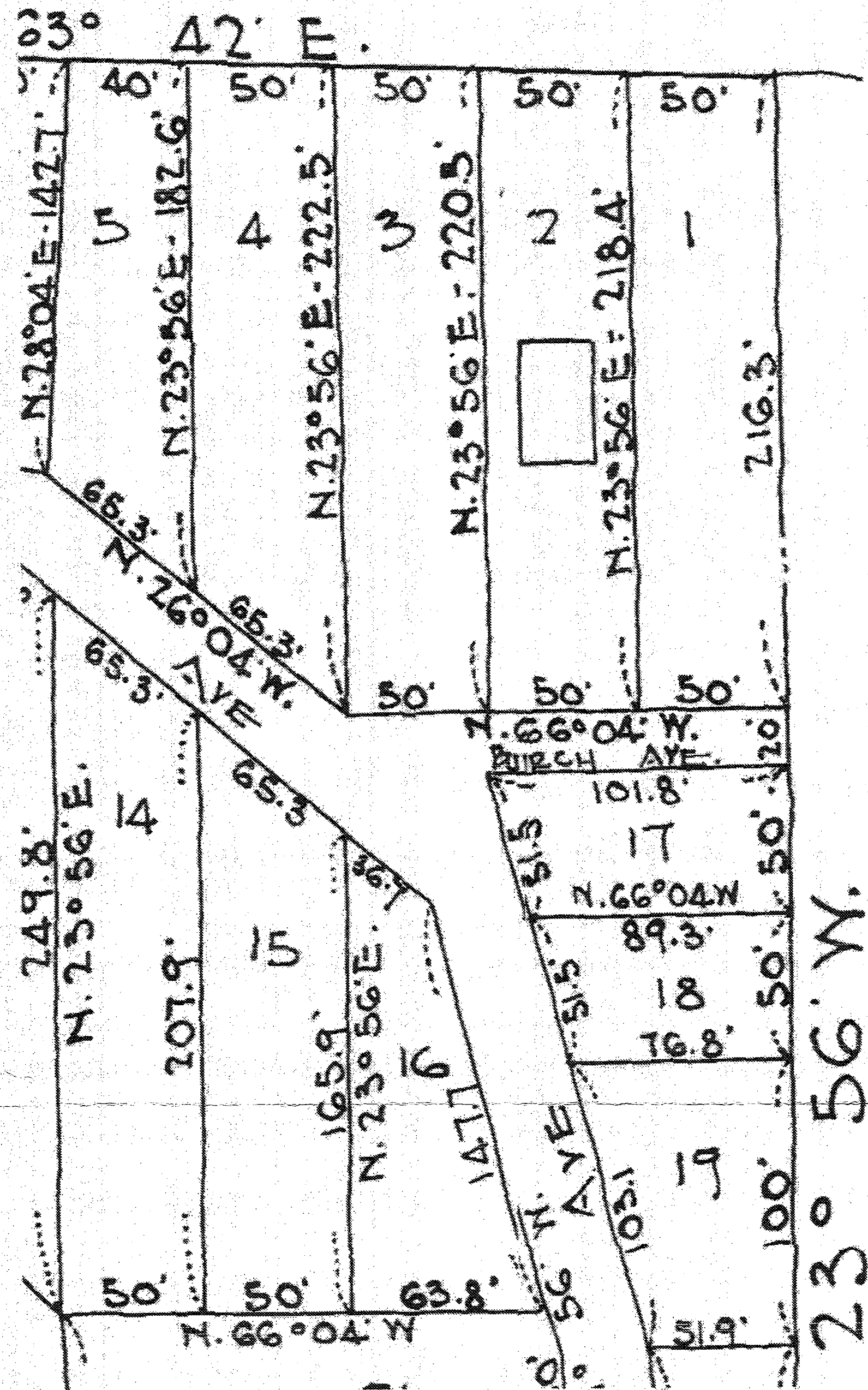
Regional Planning District: Edgemere District Code: 331

1. The subject property is not in a historic district.

Growth Tier: 1 served by public sewer and inside URDL

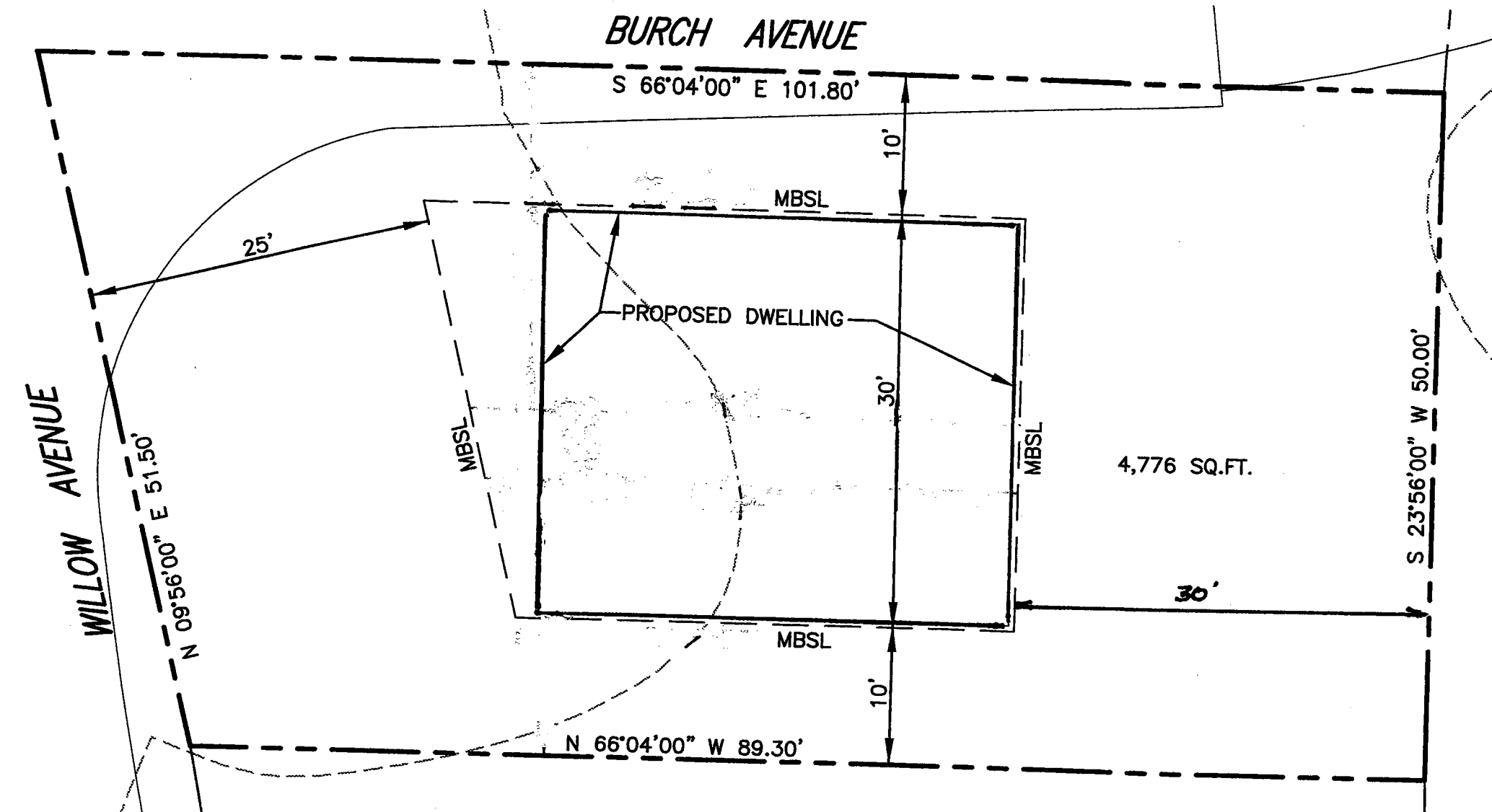
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To construct a single family dwelling

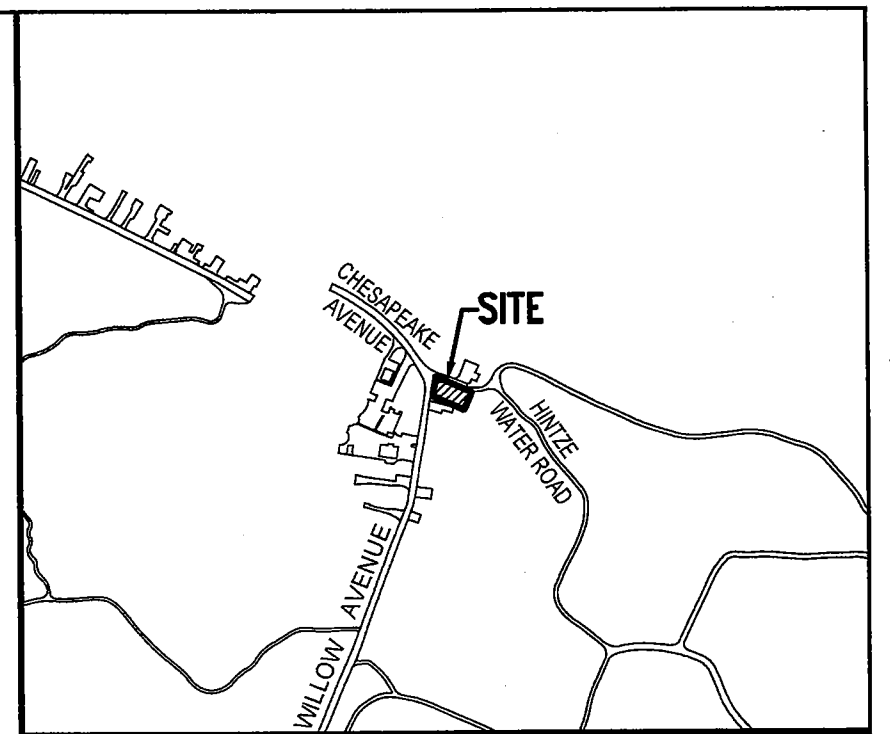


SCALE: NTS

PORTION OF
"TRIPLE UNION ANNEX WATERFRONT"
CWB JR 12/23



DETAIL SCALE: 1"=10'



Vicinity Map - Scale: 1" = 500'

OWNERSHIP OF PROPERTY

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"Shaws Discovery"	PB 79/509 HOA	MCS Edgemere LLC	

2016-0226-A

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PLAN TO ACCOMPANY
A ZONING PETITION

3020 WILLOW AVENUE

BALTIMORE COUNTY, MARYLAND
15th ELECTION DISTRICT 7th COUNCILMANIC DISTRICT

Date: 2/1/2016

Scale: 1"=30'

