

M E M O R A N D U M

DATE: July 5, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0240-A – Appeal Period Expired

The appeal period for the above-referenced case expired on June 30, 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

(1826 Beechwood Avenue)

15th Election District

7th Council District

Kathlene Aylor-Loomis,

Legal Owner

William Hearn, *Contract Purchaser*

Petitioners

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0240-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 Kathlene Aylor-Loomis, owner of the subject property, and William Hearn, contact purchaser ("Petitioners"). Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) § 1A04.3.B.2.b to permit a replacement single family dwelling (SFD) with side yard setbacks of 10 ft. each in lieu of the minimum required 50 ft. each. A site plan was marked as Petitioners' Exhibit 1.

Kathleen Aylor-Loomis and William Hearn appeared in support of the petition. The Petition was advertised and posted as required by the B.C.Z.R. There were no protestants or interested citizens in attendance. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability (DEPS) and the Bureau of Development Plans Review (DPR).

The subject property is approximately .411 acres and is zoned RC 5. The property is improved with a small dwelling constructed in 1930. The contract purchasers propose to raze that structure and in its place construct a new single-family dwelling. To do so requires variance relief.

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

ORDER RECEIVED FOR FILING
Date 5/31/16

By Den

- (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 was created long before adoption of the B.C.Z.R. As such it is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to construct the proposed 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 Baltimore County and/or community opposition. In fact, Petitioners submitted signatures from ten neighbors in the immediate vicinity, all of whom indicated they "are in favor of Baltimore County zoning approval of the variance." Petitioners' Exhibit 2.

THEREFORE, IT IS ORDERED, this 31st 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 replacement single-family dwelling with side yard setbacks of 10 ft. each in lieu of the minimum required 50 ft. each, be and is hereby GRANTED.

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 contact the Department of Public Works to determine the flood plain elevation.
3. Prior to issuance of permits Petitioners must comply with the Critical Area regulations.

ORDER RECEIVED FOR FILING

Date

5/31/16

By

Sen

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:slh

ORDER RECEIVED FOR FILING

Date 5/31/16
By slh



CBCA

PETITION FOR ZONING HEARING(S)

F100D

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 1826 + 1828 Berchmond Ave which is presently zoned RC5
 Deed References: 12272 / 00683 10 Digit Tax Account # 1505150230
 Property Owner(s) Printed Name(s) Kathleen Aylor Loomis

(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 replacement single family dwelling with side yard setbacks of 10 feet each in lieu of the minimum required 50 feet each

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:

William Hearn
 Name- Type or Print

[Signature]
 Signature

12004 Boxerhill RD Cockeysville MD
 Mailing Address City State

21030, 443-829-4104, Thehearnfamily1@
 Zip Code Telephone # Email Address
verizon.net

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Kathlene Aylor-loomis
 Name #1 - Type or Print Name #2 - Type or Print

Kathlene Aylor Loomis
 Signature #1 Signature #2

1012 Downingtown Cir Burton MD
 Mailing Address City State

21204 410 337 5145
 Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2016-0240-A Filing Date 4/1/16

Do Not Schedule Dates: Reviewer RJD

PART A

1. ZONING PROPERTY DESCRIPTION FOR 1826 Beechwood Avenue
Essex, Maryland 21221

*Beginning at a point on the west side of Beechwood Avenue which has 30' right of way at the distance of 35' south of the centerline of the nearest improved intersecting street- Bayside Rd. which has a 30' right of way.

PART B

Option 2

Being lots 20 & 21 in the subdivision of Evergreen Park as recorded in Baltimore County Plat Book #7, Folio #174, containing 17,928 Square feet or .411 acres.

Located in the 15th Election District and 7th Council District.

Item #0240



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 4151578

Sold To:

William Hearn - CU00535216
12004 Boxer Hill Rd
Cockeysville, MD 21030-1737

Bill To:

William Hearn - CU00535216
12004 Boxer Hill Rd
Cockeysville, MD 21030-1737

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

May 05, 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: # 2016-0240-A	
1826 & 1828 Beechwood Avenue	
W/s Beechwood Avenue, 35 ft. s/of centerline of Bayside Road	
15th Election District - 7th Councilmanic District	
Legal Owner(s) Kathlene Aybr-hoomis	
Contract Purchaser(s): William Hearn	
Variance: to permit a replacement single family dwelling with side yard setbacks of 10 ft. each in lieu of the minimum required 50 ft. each.	
Hearing: Friday, May 27, 2016 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.	
ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY	
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.	
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.	
5/031 May 5	4151578

CERTIFICATE OF POSTING

RE: Case No. 2016-0240-A

Petitioner: William Hearn

Hearing / Closing Date: 5/27/16

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 _____

1826 & 1828 Beechwood Avenue

_____ on 5/7/16

Sincerely,

 5/2/16

Richard E. Hoffman

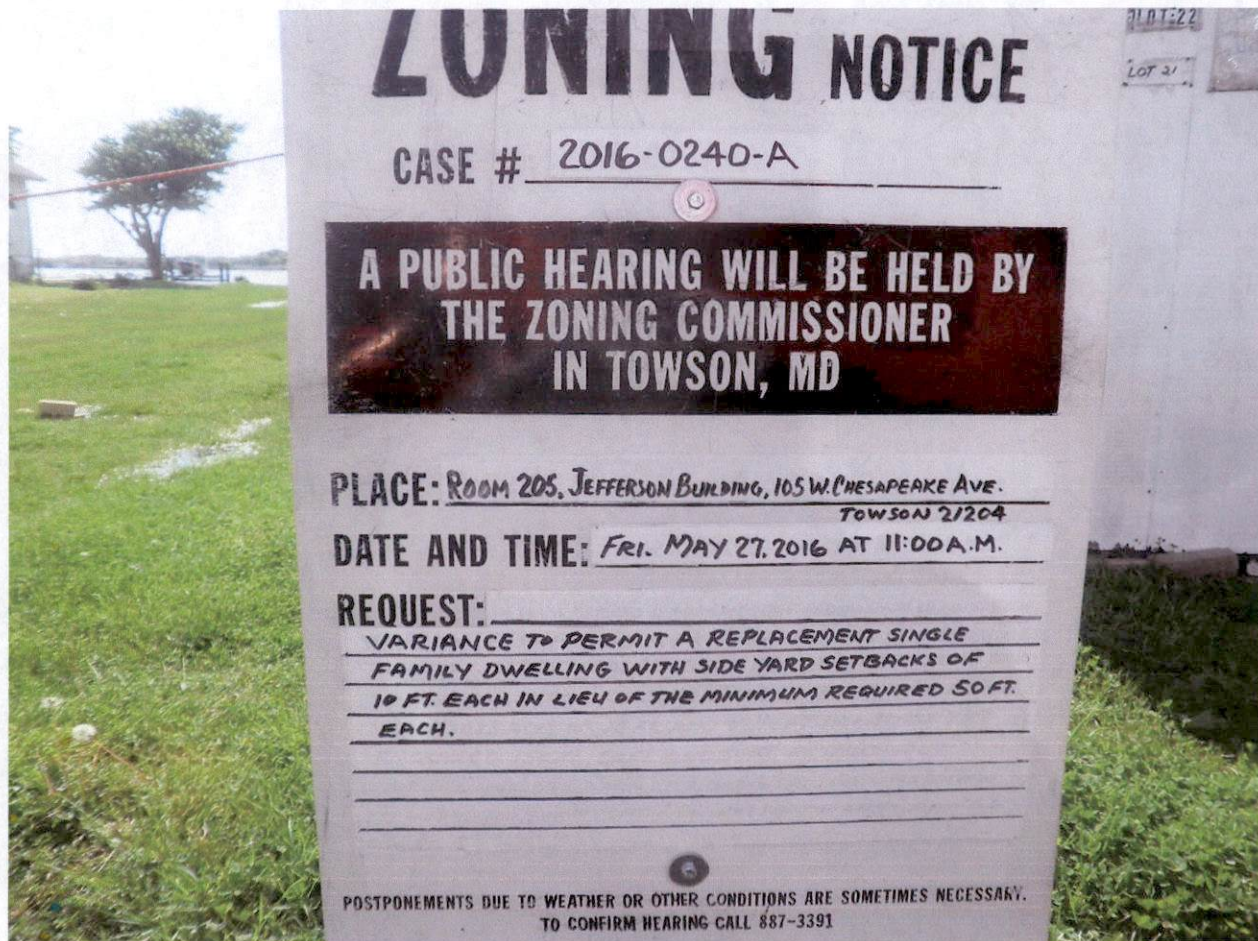
904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

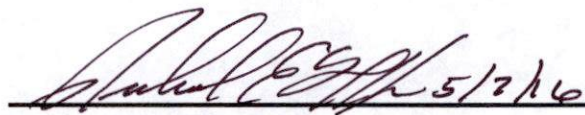
Certificate of Posting

Case No. 2016-0240-A



1826 & 1828 Beechwood Avenue

(Posted 5/7/16)

 5/7/16

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

April 14, 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: 2016-0240-A

1826 & 1828 Beechwood Avenue

W/s Beechwood Avenue, 35 ft. s/of centerline of Bayside Road

15th Election District – 7th Councilmanic District

Legal Owners: Kathlene Aybr-hoomis

Contract Purchaser: William Hearn

Variance to permit a replacement single family dwelling with side yard setbacks of 10 ft. each in lieu of the minimum required 50 ft. each.

Hearing: Friday, May 27, 2016 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: William Hearn, 12004 Boxer Hill Road, Cockeysville 21030
Kathlene Aybr-hoomis, 1012 Donnington Circle, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 7, 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, May 5, 2016 Issue - Jeffersonian

Please forward billing to:
William Hearn
12004 Boxer Hill Road
Cockeysville, MD 21030

443-829-4104

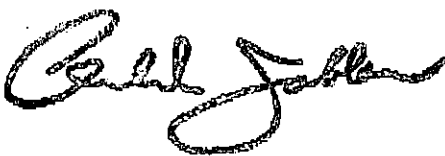
NOTICE OF ZONING HEARING

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: 2016-0240-A
1826 & 1828 Beechwood Avenue
W/s Beechwood Avenue, 35 ft. s/of centerline of Bayside Road
15th Election District – 7th Councilmanic District
Legal Owners: Kathlene Aybr-hoomis
Contract Purchaser: William Hearn

Variance to permit a replacement single family dwelling with side yard setbacks of 10 ft. each in lieu of the minimum required 50 ft. each.

Hearing: Friday, May 27, 2016 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
1826 & 1828 Beechwood Ave; W/S Beechwood *
Avenue, 35' S of c/line Bayside Road * OF ADMINISTRATIVE
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Kathlene Aylor-Loomis * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2016-240-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

APR 11 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 11th day of May, 2016, a copy of the foregoing Entry of Appearance was mailed to Kathlene Aylor-Loomis, 1012 Donnington Circle, Towson, Maryland 21204 and William Hearn, 12004 Boxer Hill Road, Cockeysville, Maryland 21030, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/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 legal owner/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:

Case Number: 2016-0240-A
Property Address: 1816 Beechwood Ave. Essex MD 21221
Property Description: _____

Legal Owners (Petitioners): Kathlene Aylor Harris
Contract Purchaser/Lessee: William and Kelly Hearn

PLEASE FORWARD ADVERTISING BILL TO:

Name: William Hearn
Company/Firm (if applicable): _____
Address: 12004 Boxer Hill RD Lodeysville MD 21030

Telephone Number: 410-829-4104

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

No. **134730**

Date: **4/1/16**

PAID RECEIPT

BUSINESS ACTUAL TIME 600

4/01/2016 4/01/2016 12:17:32 1

RE WSDI WALNUT LEAS LTR 0

RECEIPT # 134730 4/01/2016 0000

RE S 520 ZONING VERIFICATION

NO. 134730

Receipt Tot \$75.00

\$75.00 0 \$00 00

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
000	306	0000		6150				\$75.00

Total: **\$75.00**

Rec From: **K Aylor - 5000's**

For: **Zoning hearing - case # 2016-0240 +**

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 18, 2016

Kathlene Aylor Loomis
1012 Donnington Circle
Towson MD 21204

RE: Case Number, Address: 2016-0240 A, Address: 1826 & 1828 Beechwood Avenue

Dear Ms. Loomis:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 1, 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 script.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
William Hearn, 12004 Boxerhill Road, Cockeysville MD 21030

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



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

Date: 4/11/16

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. 2016-0240-A

Variance
Kathlene Aylor-Loomis
1826 1/2 1828 Beechwood 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

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: May 5, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-240

INFORMATION:

Property Address: 1826 & 1828 Beechwood Avenue
Petitioner: Kathleen Aylor Loomis
Zoning: RC 5
Requested Action: Variance

RECEIVED

MAY 11 2016

OFFICE OF ADMINISTRATIVE HEARINGS

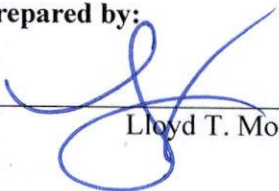
The Department of Planning has reviewed the petition for variance to permit a single family dwelling with a property line setback (side yards) of 10' in lieu of the required 50'.

A site visit was conducted on April 8, 2016.

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

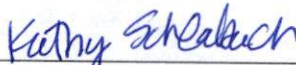
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
William Hearn
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence**

RECEIVED
APR 14 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 (DEPS) - Development Coordination

DATE: April 14, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0240-A
Address 1826-1828 Beechwood Avenue
(Aylor-Loomis Property)

Zoning Advisory Committee Meeting of April 18, 2016.

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

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

The subject property is located within a Limited Development Area (LDA) and a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is proposing to construct a replacement dwelling with side yard setbacks of 10-feet in lieu of the required setback requirements. The proposed development must meet LDA and MBA requirements for lot coverage in the LDA. The plan submitted does not appear to include all existing lot coverage. The maximum lot coverage allowance for this property (31.25% with mitigation for any new amount over 25%), must be based only on the area of the property above mean high water (the bulkhead) and back to the actual road right-of-way. When sizing the dwelling, all other lot coverage including but not limited to driveways, walks, sheds, stone areas, patios, and porches must be considered. If the applicant can meet these requirements, and meet all mitigation requirements for lot coverage and buffer impacts, the relief requested can result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront. If modified buffer area requirements, lot coverage requirements, tree requirements, and mitigation requirements for buffer impacts can be met, this will help conserve fish, plant, and wildlife habitat in Middle 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;

If modified buffer area, lot coverage, tree, and any mitigation requirements are met, the relief requested will be consistent with established land-use policies.

Reviewer: Paul Dennis

Date: April 13, 2016

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For April 18, 2016
Item No. 2016-0240

DATE: April 14, 2016

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

Prior to building permit application, the petitioner must contact the Office of the Director of Public Works to determine the flood plain elevation, so that the lowest floor elevation can be set.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0242- 04182016.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



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

DATE: May 5, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-240

INFORMATION:

Property Address: 1826 & 1828 Beechwood Avenue
Petitioner: Kathleen Aylor Loomis
Zoning: RC 5
Requested Action: Variance

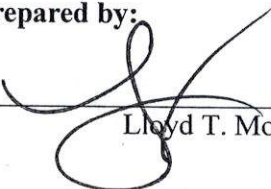
The Department of Planning has reviewed the petition for variance to permit a single family dwelling with a property line setback (side yards) of 10' in lieu of the required 50'.

A site visit was conducted on April 8, 2016.

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

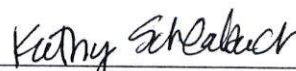
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
William Hearn
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 (DEPS) - Development Coordination

DATE: April 14, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0240-A
Address 1826-1828 Beechwood Avenue
(Aylor-Loomis Property)

Zoning Advisory Committee Meeting of April 18, 2016.

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

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

The subject property is located within a Limited Development Area (LDA) and a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is proposing to construct a replacement dwelling with side yard setbacks of 10-feet in lieu of the required setback requirements. The proposed development must meet LDA and MBA requirements for lot coverage in the LDA. The plan submitted does not appear to include all existing lot coverage. The maximum lot coverage allowance for this property (31.25% with mitigation for any new amount over 25%), must be based only on the area of the property above mean high water (the bulkhead) and back to the actual road right-of-way. When sizing the dwelling, all other lot coverage including but not limited to driveways, walks, sheds, stone areas, patios, and porches must be considered. If the applicant can meet these requirements, and meet all mitigation requirements for lot coverage and buffer impacts, the relief requested can result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront. If modified buffer area requirements, lot coverage requirements, tree requirements, and mitigation requirements for buffer impacts can be met, this will help conserve fish, plant, and wildlife habitat in Middle 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;

If modified buffer area, lot coverage, tree, and any mitigation requirements are met, the relief requested will be consistent with established land-use policies.

Reviewer: Paul Dennis

Date: April 13, 2016

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

4/14

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

C

4/14

DEPS
(if not received, date e-mail sent _____)

C

FIRE DEPARTMENT

5/5

PLANNING
(if not received, date e-mail sent _____)

no obj

4/11

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

5/5/16

SIGN POSTING

Date:

5/7/16

by

Hoffman

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

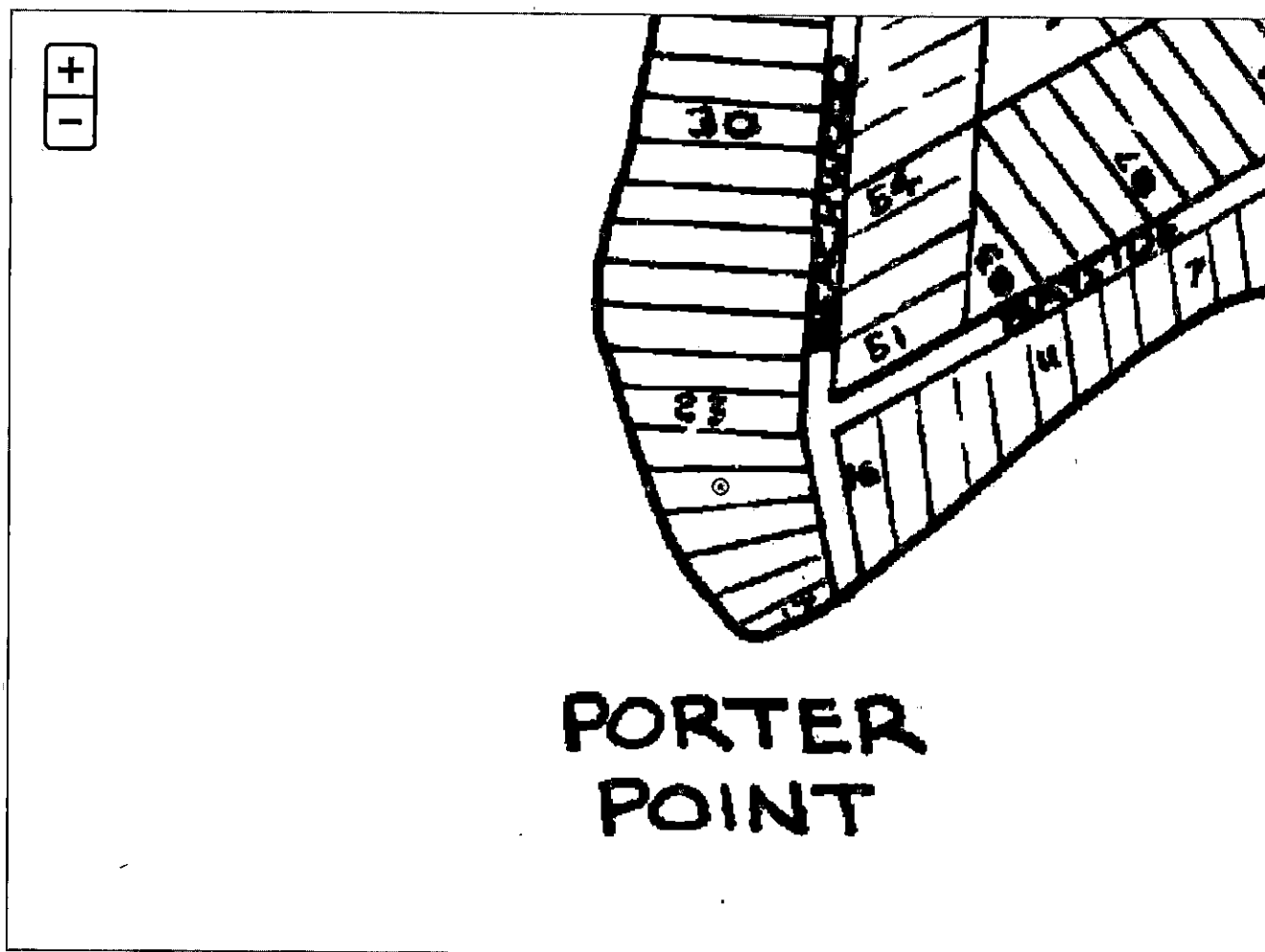
Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1505150230			
Owner Information					
Owner Name:		AYLOR ROBERT G SR AYLOR-LOOMIS KATHLENE D		Use:	RESIDENTIAL NO
Mailing Address:		1012 DONINGTON CIR BALTIMORE MD 21204-2219		Deed Reference:	/12272/ 00683
Location & Structure Information					
Premises Address:		1826 BEECHWOOD AVE BALTIMORE 21221-0000 Waterfront		Legal Description:	LT 21,22 1826 BEECHWOOD AVE EVERGREEN PARK
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0104	0024	0268		0000	21 2015 0007/0174
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1930	880 SF		17,928 SF	34	
Stories	Basement	Type	Exterior SIDING	Full/Half Bath	Garage Last Major Renovation
1	NO	STANDARD UNIT		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:		203,900	203,900		
Improvements		38,300	35,200		
Total:		242,200	239,100	239,100	239,100
Preferential Land:		0			0
Transfer Information					
Seller: AYLOR ROBERT G,SR		Date: 07/09/1997		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /12272/ 00683		Deed2:	
Seller: ECKHARDT JOHN A		Date: 03/17/1987		Price: \$55,000	
Type: ARMS LENGTH IMPROVED		Deed1: /07450/ 00075		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>)District: **15** Account Number: **1505150230**

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.:

2016-0240-A

Exhibit Sheet

7-5-16
DW

Aln
5/31/16

Petitioner/Developer

Protestant

No. 1	Site plan	
No. 2	petition signed by neighbors	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

April 15th 2016

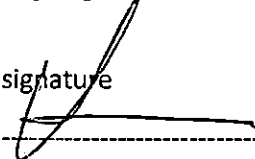
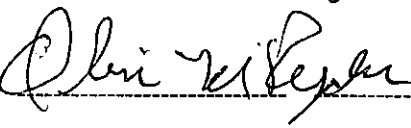
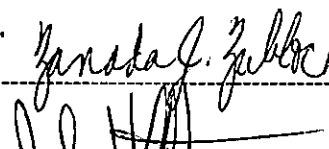
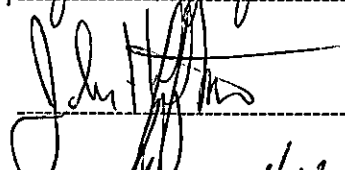
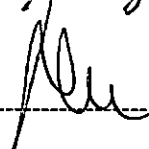
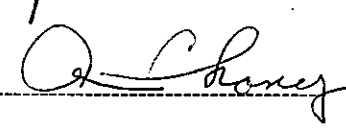
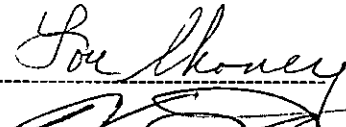
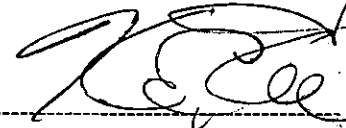
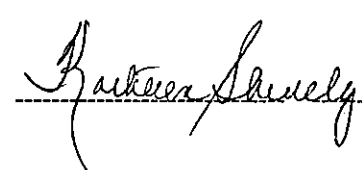
To: Baltimore county variance

From: William and Kelly Hearn

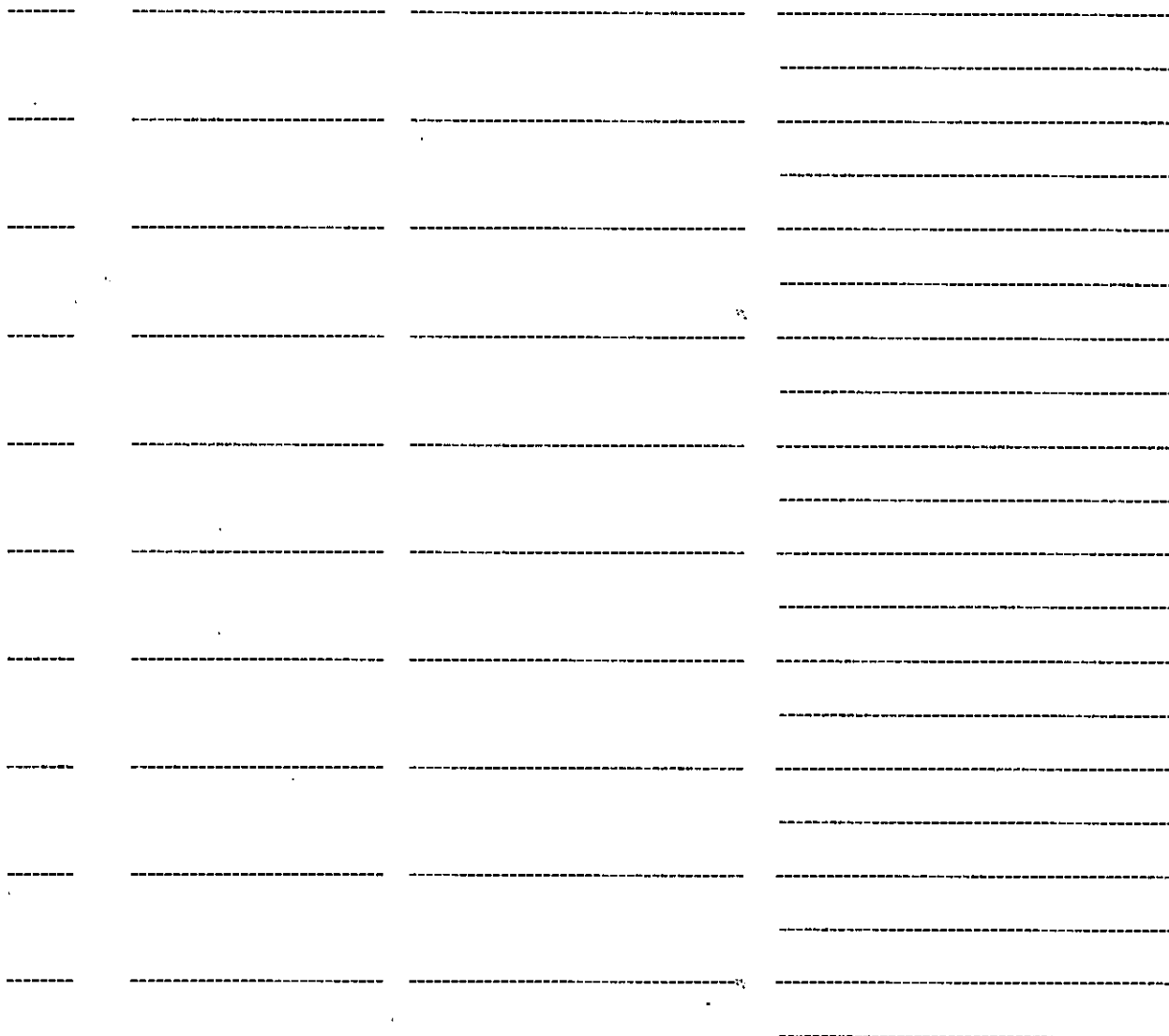
Subject: Case 2016-240

1826 Beechwood Avenue Essex, MD 21221

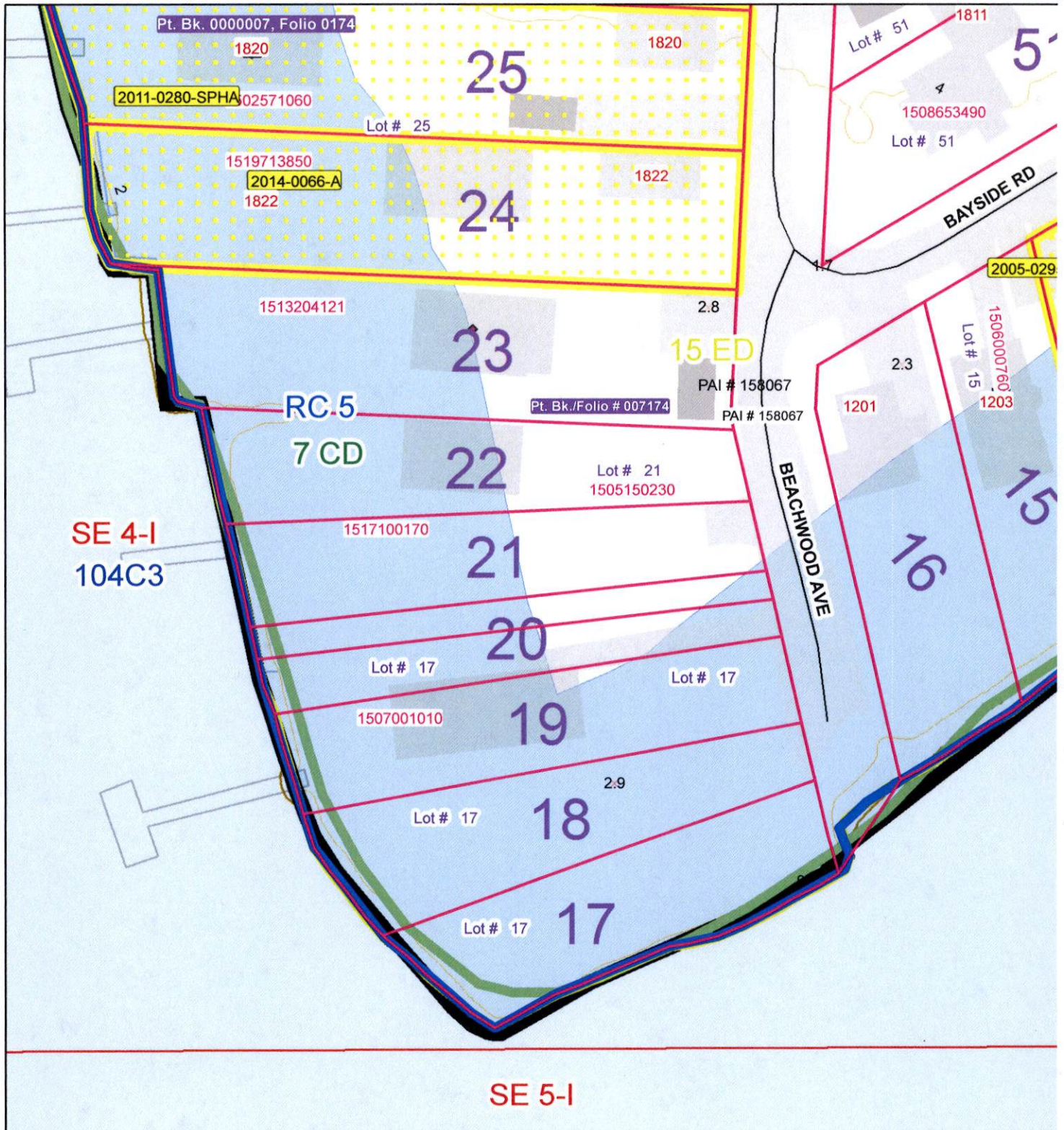
Below are signatures of surrounding neighbors who have no objections to the 10' setbacks in lieu of the 50' required at the above location. The neighbors also know the owners William and Kelly Hearn have applied for a zoning variance and by signing below are in favor of Baltimore County zoning approval of the variance.

Date	print name	signature	address
4/15/16	VINCENT BORDIS		1820 BEECHWOOD AVE ESSEX, MD 21221
4/15/16	Chris Kasper		1203 Bayside Rd - Essex, Md. 21221
4/15/16	Zanada Zablocki		1205 Bayside Rd Balto, Md 21221
4/15/16	John Hoffmeyer		1207 Bayside Rd Essex, MD 21221
4/15/16	George Hoffmeyer		1811 Beechwood Ave ESSEX MD 21221
4/15/16	Daryl Baker		1816 Beechwood Essex MD 21221
4/15/16	ANN Chaney		1209 Bayside Rd 21221
4/15/16	LOO CHANEY		1208 BAYSIDE RD. BALTO. MD 21221
4/15/16	Ken Brown		1822 Beechwood Ave 21221
4/17/16	Barker Samuel		1824 Beechwood Ave 21221

Petitioners' No. 2



Elevations and Flood Hazards



Publication Date: 3/31/2016



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

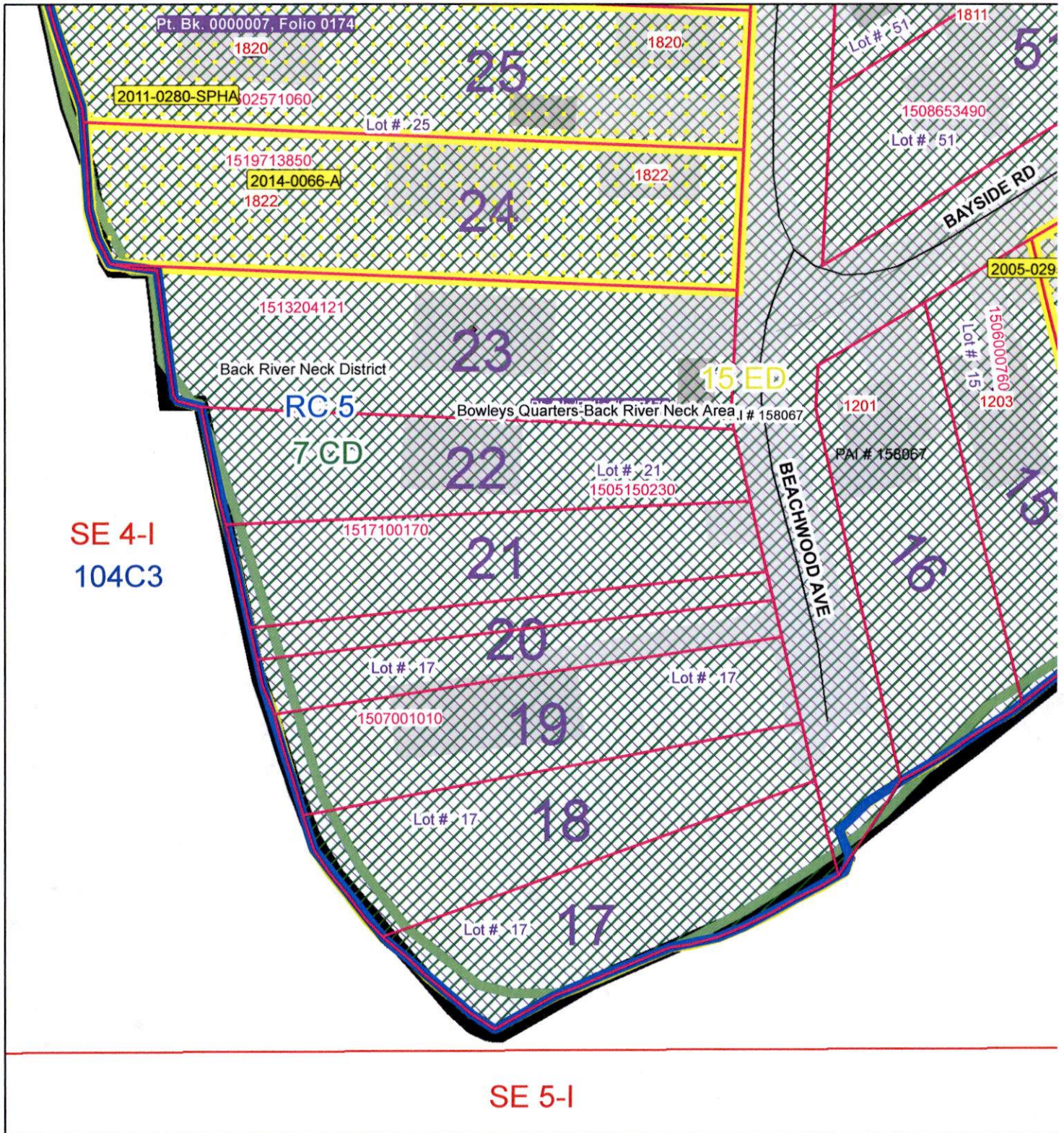


0 12.525 50 75 100 Feet

1 inch = 50 feet

Item #0240

1823 Beachwood Avenue



Publication Date: 3/31/2016



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

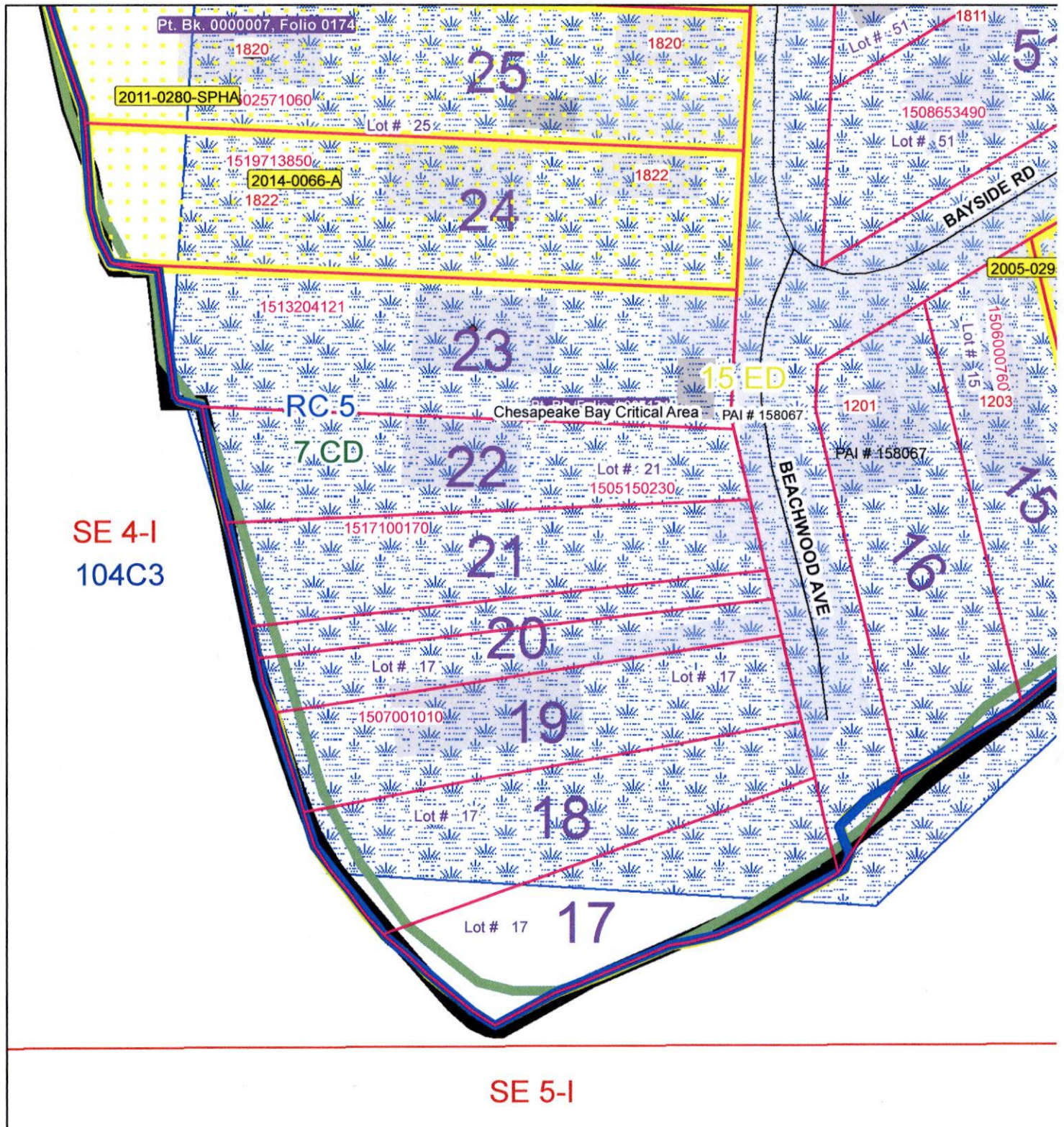


0 12.525 50 75 100 Feet

1 inch = 50 feet

Item #0240

Chesapeake Bay Critical Area



Publication Date: 3/31/2016



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

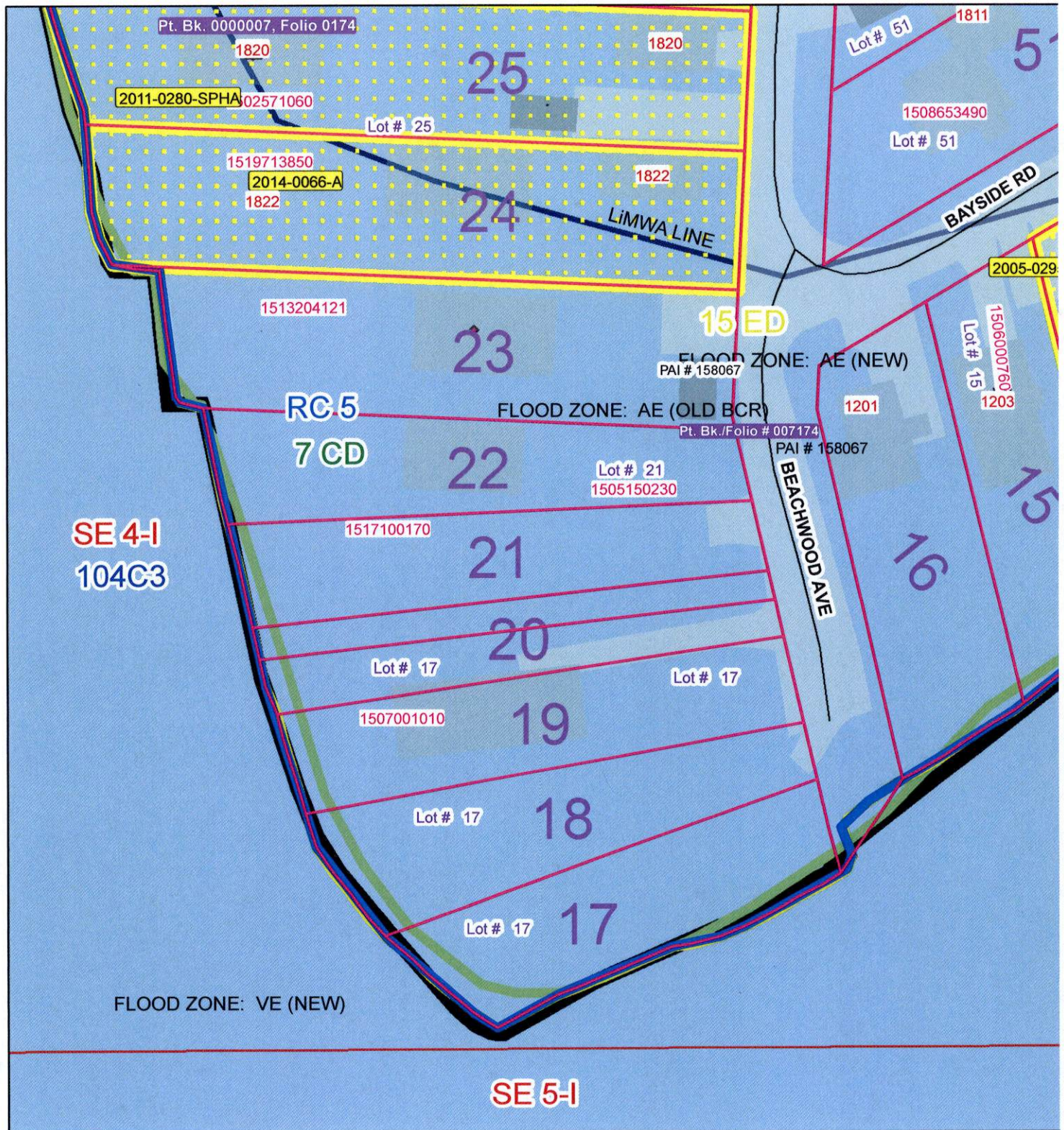


0 12.525 50 75 100 Feet

1 inch = 50 feet

Item #0240

Flood Hazard Area (FEI...A)



Publication Date: 3/31/2016



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

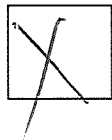


0 12.525 50 75 100 Feet

1 inch = 50 feet

Item #0246

PLAT TO ACCOMPANY PETITION FOR ZONING



VARIANCE

SPECIAL HEARING

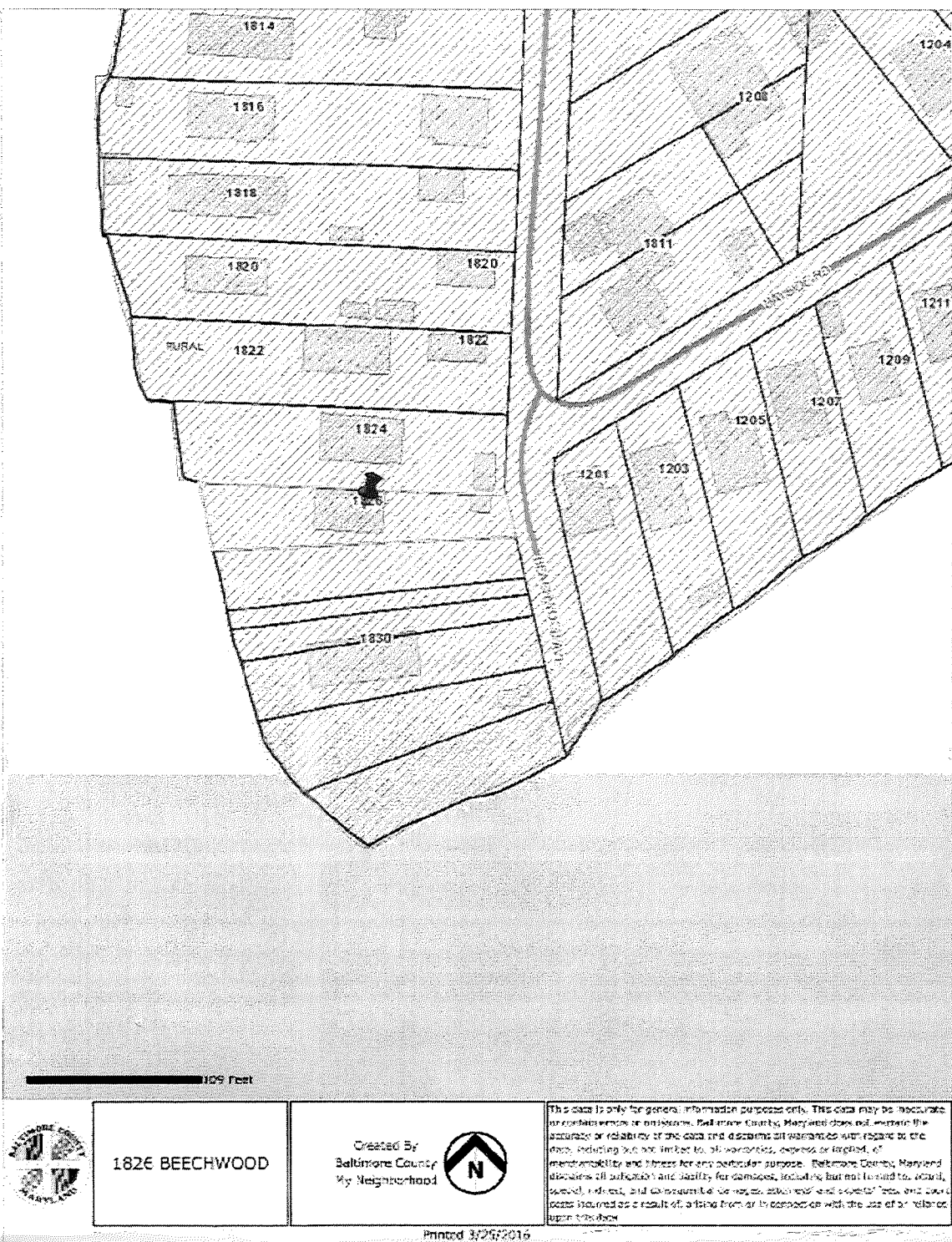
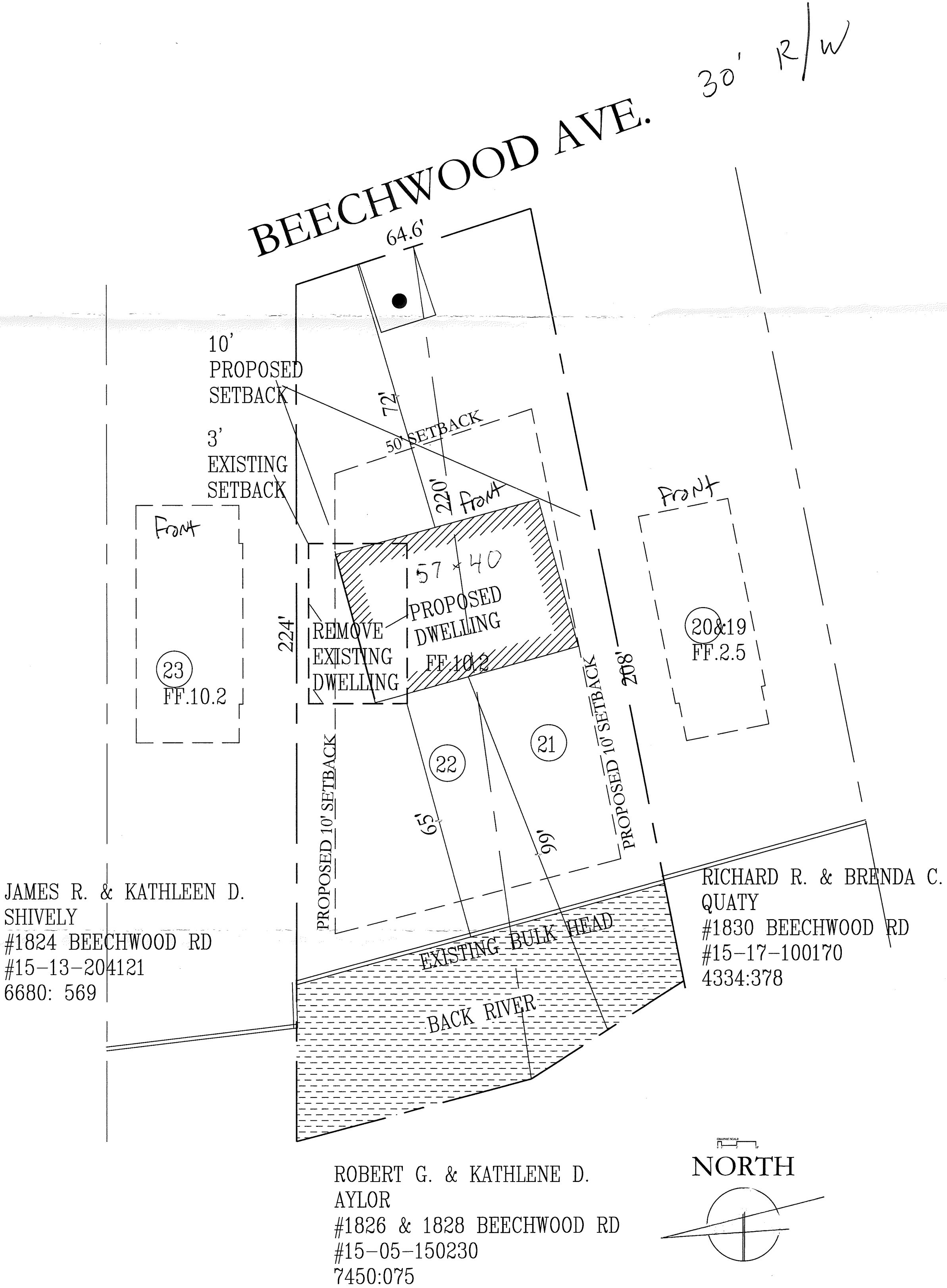
PROPERTY ADDRESS- 1826 & 1828 BEECHWOOD AVENUE

SUBDIVISION NAME: EVERGREEN PARK

PLAT BOOK: WPC No.7 FOLIO: 174 LOTS # 21 & 22

OWNER: ROBERT G. & KATHLENE D. AYLOR

CONTRACT PURCHASER : WILLIAM AND KELLY HEARN



DANIELS & ASSOCIATES
ARCHITECTS, Ltd.
1113 Ivy Hill Road
Hunt Valley, MD 21030
Suite #100
(410) 560-3588

Councilmanic District : 7
Election District: 15
1" = 200' scale map: 104C3
Zoning: RC5
Lot Size: .411 AC
Sewer : PUBLIC
Water: PUBLIC
Chesapeake Bay Critical Area: YES
100 Year Flood Plain : YES
FEMA MAP: 2400100445G
ZONE AE ELEV. 8'
WITH MODERATE WAVE ACTION
Historic Property: No
Prior Zoning Hearings: None

SINGLE FAMILY DWELLING
1826 BEECHWOOD AVENUE
BALTIMORE COUNTY, MARYLAND

Zoning Office Use Only		
reviewed by: 	item #:	case #: #2016-0240-A

Date: 3/25/16		
Revisions		
No. Date Reference		
Drawing Title		
SITE PLAN		
Scale 1" =20'-0"		
Drawing Number		
SITE		