

M E M O R A N D U M

DATE: July 8, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0246-A – Appeal Period Expired

The appeal period for the above-referenced case expired on July 7, 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

(1222 Riverside Avenue)

15th Election District

7th Council District

Michael W. & Maria J. Darby

Legal Owners

Petitioners

*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0246-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 Michael W. & Maria J. Darby, legal owners of the subject property ("Petitioners"). Petitioners requests Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §§1B02.3.C.1 and 301.1.A to permit side yard setbacks of 10 ft. with the sum of 20 ft. for a replacement dwelling and a side yard setback of 3 ft. for an open porch and stairs in lieu of the required 10 ft., 25 ft. and 7.5 ft., respectively. A site plan was marked as Petitioners' Exhibit 1.

Owners Michael & Maria Darby and David Billingsley appeared in support of the Petition. The Petition was advertised and posted as required by the B.C.Z.R. No Protestants or interested citizens attended the hearing. A Zoning Advisory Committee (ZAC) comment was submitted by the Department of Environmental Protection and Sustainability (DEPS), noting the property is within the Chesapeake Bay Critical Area (CBCA).

The subject property is approximately 15,900 square feet and is zoned DR 3.5. The property is improved with a single-family dwelling (SFD) constructed in 1929 and several outbuildings. Photos reveal these structures are in disrepair. Petitioners propose to raze the existing dwelling and outbuildings, and in their place construct a new SFD with a detached garage.

ORDER RECEIVED FOR FILING

Date 6-7-16

By Sen

To do so variance relief is required.

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

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

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

Petitioners have met this test. The property is narrow and extremely deep, and the existing improvements were constructed long before adoption of the B.C.Z.R. As such the property is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to construct a dwelling on the lot. 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 absence of County and community opposition.

THEREFORE, IT IS ORDERED, this 7th day of June, **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") §§1B02.3.C.1 and 301.1.A to permit side yard setbacks of 10 ft. with the sum of 20 ft. for a replacement dwelling and a side yard setback of 3 ft. for an open porch and stairs in lieu of the required 10 ft., 25 ft. and 7.5 ft., respectively, 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.

ORDER RECEIVED FOR FILING

Date 6-7-16

By sen

2. Prior to issuance of permits Petitioners must comply with the Chesapeake Bay Critical Area regulations.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 6-7-16

By sen



CBCA

F100D

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 1777 RIVERSIDE AVENUE which is presently zoned DR 3.5
 Deed References: L-37098 F. 324 10 Digit Tax Account # 1502650570
 Property Owner(s) Printed Name(s) MICHAEL W. & MARIA J. DARBY

(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 approve2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for3. ☒ a **Variance** from Section(s)

SEE ATTACHED

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)

TO BE PRESENTED AT HEARING

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:

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

Legal Owners (Petitioners):

MICHAEL W. DARBY, MARIA J. DARBY

Name #1 - Type or Print Name #2 - Type or Print

m. darby maria j. darby

Signature #1 Signature #2

611 HIGHWOOD RD. BALTO., MD.

Mailing Address City State

21212 (703) 216-3167 mdx.9595@gmail.com

Zip Code Telephone # Email Address

Representative to be contacted:

DAVID BILLINGSLEY

Name - Type or Print

David Billingsley

Signature

601 CHARWOOD CT EDENWOOD, MD

Mailing Address City State

21040 (410) 679-8719 dwb0709@yahoo.com

Zip Code Telephone # Email Address

CASE NUMBER 2016-0246-A Filing Date 4/14/2016

Do Not Schedule Dates:

Reviewer M

SECTIONS 1B02.3.C.1 AND 301.1.A (BCZR) TO PERMIT SIDE YARD SETBACKS OF 10 FEET WITH A SUM OF 20 FEET FOR A REPLACEMENT DWELLING AND A SIDE YARD SETBACK OF 3 FEET FOR AN OPEN PORCH AND STAIRS IN LIEU OF THE REQUIRED 10 FEET, 25 FEET AND 7.5 FEET RESPECTFULLY.

2016-0246-A

ZONING DESCRIPTION

1222 E. RIVERSIDE AVENUE

Beginning for the same at a point on the west side of E. Riverside Avenue (30 feet wide), distant 475 feet southerly from its intersection with the center of Bay Avenue, thence being all of Lot 40 as shown on the plat entitled Back River Neck Park recorded among the Baltimore County plat records in Plat Book 7 Folio 4.

Containing 15,900 square feet or 0.365 acre of land, more or less.

Being known as 1222 E. Riverside Avenue. Located in the 15TH Election District, 7TH Councilmanic District of Baltimore County, Md.

2016-0246-A



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 4177256

Sold To:

Michael Darby - CU00537545
611 Highwood Dr
Baltimore, MD 21212-2725

Bill To:

Michael Darby - CU00537545
611 Highwood Dr
Baltimore, MD 21212-2725

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

May 17, 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: # 2016-0246-A
1222 Riverside Avenue
W/s Riverside Avenue, 475 ft. s/of centerline of Bay Avenue
15th Election District - 7th Councilmanic District
Legal Owner(s) Michael & Maria Darby

Variance: to permit side yard setbacks of 10 ft. with a sum of 20 ft. for a replacement dwelling and a side yard setback of 3 ft. for an open porch and stairs in lieu of the required 10 ft. 25 ft., and 7.5 ft. respectfully.

Hearing: Monday, June 6, 2016 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 5/705 May 17 4177256

CERTIFICATE OF POSTING

Date: MAY 15, 2016

RE: Project Name: 1222 E. RIVERSIDE AVENUE
Case Number /PAI Number: 2016-0246-A
Petitioner/Developer: MICHEAL AND MARIA DARBY
Date of Hearing/Closing: JUNE 6, 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 1222 E. RIVERSIDE AVENUE

The sign(s) were posted on MAY 15, 2016
(Month, Day, Year)

ZONING NOTICE

CASE NO. 2016-0246-A

A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE

PLACE: ROOM 205 JEFFERSON BUILDING, 105 WEST
CHESAPEAKE AVENUE, TOWSON, MD. 21204

TIME: MONDAY, JUNE 6, 2016 @ 10: 00AM

REQUEST: VARIANCE TO PERMIT SIDE YARD
SETBACKS OF 10 FT WITH A SUM OF 20 FT FOR A
REPLACEMENT DWELLING AND A SIDE YARD
SETBACK OF 3 FT FOR AN OPEN PORCH AND STAIRS
IN LIEU OF THE REQUIRED 10 FT, 25 FT AND 7.5 FT
RESPECTFULLY

Postponements due to weather or other conditions are sometimes
necessary. To confirm hearing or obtain additional information, contact
Department of Permits, Approvals and Inspections, 111 West Chesapeake
Avenue, Towson, Md. 21204 (410) 887-3391

UNDER PENALTY OF LAW, DO NOT REMOVE THIS SIGN UNTIL THE
DAY OF THE HEARING. HEARINGS ARE HANDICAPPED ACCESSIBLE

David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)



KEVIN KAMENETZ
County Executive

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

April 21, 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: 2016-0246-A

1222 Riverside Avenue

W/s Riverside Avenue, 475 ft. s/of centerline of Bay Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Michael & Maria Darby

Variance to permit side yard setbacks of 10 ft. with a sum of 20 ft. for a replacement dwelling and a side yard setback of 3 ft. for an open porch and stairs in lieu of the required 10 ft., 25 ft. and 7.5 ft. respectfully.

Hearing: Monday, June 6, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a horizontal line.

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Darby, 611 Highwood Road, Baltimore 21212
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 17, 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
Tuesday, May 17, 2016 Issue - Jeffersonian

Please forward billing to:
Michael Darby
611 Highwood Road
Baltimore, MD 21212

703-216-3167

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: 2016-0246-A

1222 Riverside Avenue

W/s Riverside Avenue, 475 ft. s/of centerline of Bay Avenue

.15th Election District – 7th Councilmanic District

Legal Owners: Michael & Maria Darby

Variance to permit side yard setbacks of 10 ft. with a sum of 20 ft. for a replacement dwelling and a side yard setback of 3 ft. for an open porch and stairs in lieu of the required 10 ft., 25 ft. and 7.5 ft. respectfully.

Hearing: Monday, June 6, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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

RE: PETITION FOR VARIANCE
1222 Riverside Avenue; W/S Riverside
Avenue, 475' S of c/line of Bay Avenue
15th Election & 7th Councilmanic Districts
Legal Owner(s): Michael & Maria Darby
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2016-246-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

APR 21 2016

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of April, 2016, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, 601 Charwood Court, Edgewood, MD 21040, Representative for 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: 2016-0246-A
Property Address: 1222 E RIVERSIDE AVE.
Property Description: W.S. E. RIVERSIDE AVE. 475 S. OF
BAY AVE.
Legal Owners (Petitioners): MICHAEL W & MARIA J. DARBY
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: MICHAEL W. DARBY
Company/Firm (if applicable): _____
Address: 611 HIGHWOOD RD.
BALTO MD 21212

Telephone Number: (703) 216-3167

No.

134794

Date:

4/14/16

Rev	Sub
Source/	Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
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901	806	1000		6150				75.09

Total:

77.03

From:

For:

Control Drafting
1222 Riverside Ave

2016-0246-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*

June 2, 2016

Michael W. & Maria J Darby
611 Highwood Road
Baltimore MD 21212

RE: Case Number: 2016-0246 A, Address: 1222 Riverside Avenue

Dear Mr. & Ms. Darby:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 14, 2016. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
David Billingsley, 601 Charwood Court, Edgewood MD 21040

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



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

Date: 4/21/16

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. 2016-0246-A

Variance
Michael W. & Maria J. Darby
1222 Riverside 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 blue 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 Correspondence

RECEIVED

MAY 16 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: May 13, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0246-A
Address 1222 Riverside Avenue
(Darby Property)

Zoning Advisory Committee Meeting of April 25, 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 and an open porch with stairs with reduced side yard setbacks. The proposed development must meet LDA and MBA requirements for lot coverage in the LDA. 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. Any current lot coverage that existed prior to the Critical Area law will be evaluated at the time of permit application. If the applicant can meet these requirements, and meet all mitigation requirements for lot coverage and buffer impacts, the setback relief requested can result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This is a Back River waterfront property. If modified buffer area requirements, lot coverage requirements, tree requirements, and any mitigation requirements for

buffer impacts can be met, this will help conserve fish, plant, and wildlife habitat in the Back River watershed.

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

If the development can meet all modified buffer area, lot coverage, tree, and mitigation requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Paul Dennis

Date: April 18, 2016

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: May 11, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-246

RECEIVED

MAY 12 2016

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 1222 Riverside Avenue
Petitioner: Michael W. Darby, Maria J. Darby
Zoning: DR 3.5
Requested Action: Variance

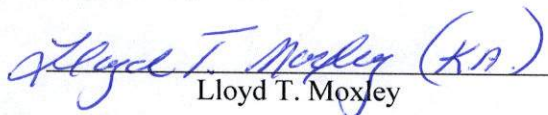
The Department of Planning has reviewed the petition for variance to permit a dwelling with side yard setbacks of 10 feet with a sum of 20 feet and a side yard setback of 3 feet for an open projection (porch with stairs) in lieu of the required 10 feet, 25 feet and 7.5 feet respectively.

A site visit was conducted on April 25, 2016.

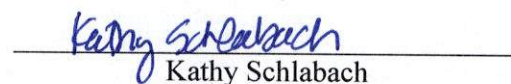
The Department has no objections to granting the petitioned zoning relief.

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
David Billingsley, Central Drafting & Design, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

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 25, 2016
Item No. 2016-0246

DATE: April 20, 2016

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

Although the tidal flood plain touches the property, the building site is not within it

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0246- 04252016.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: May 11, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-246

INFORMATION:

Property Address: 1222 Riverside Avenue
Petitioner: Michael W. Darby, Maria J. Darby
Zoning: DR 3.5
Requested Action: Variance

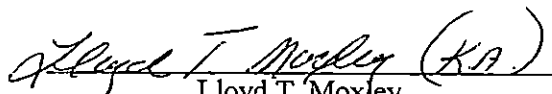
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For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
David Billingsley, Central Drafting & Design, Inc.
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: May 13, 2016

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

If the development can meet all modified buffer area, lot coverage, tree, and mitigation requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Paul Dennis

Date: April 18, 2016

CASE NAME 1222 RIVERSIDE AVE.
CASE NUMBER 2016-0746-A
DATE 6/6/16

[illegible]

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
4/20	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	C
5/13	DEPS (if not received, date e-mail sent _____)	C
5/11	FIRE DEPARTMENT PLANNING (if not received, date e-mail sent _____)	no Obj
4/21	STATE HIGHWAY ADMINISTRATION	no Obj
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 5/17/16

SIGN POSTING Date: 5/15/16 by Beltingley

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

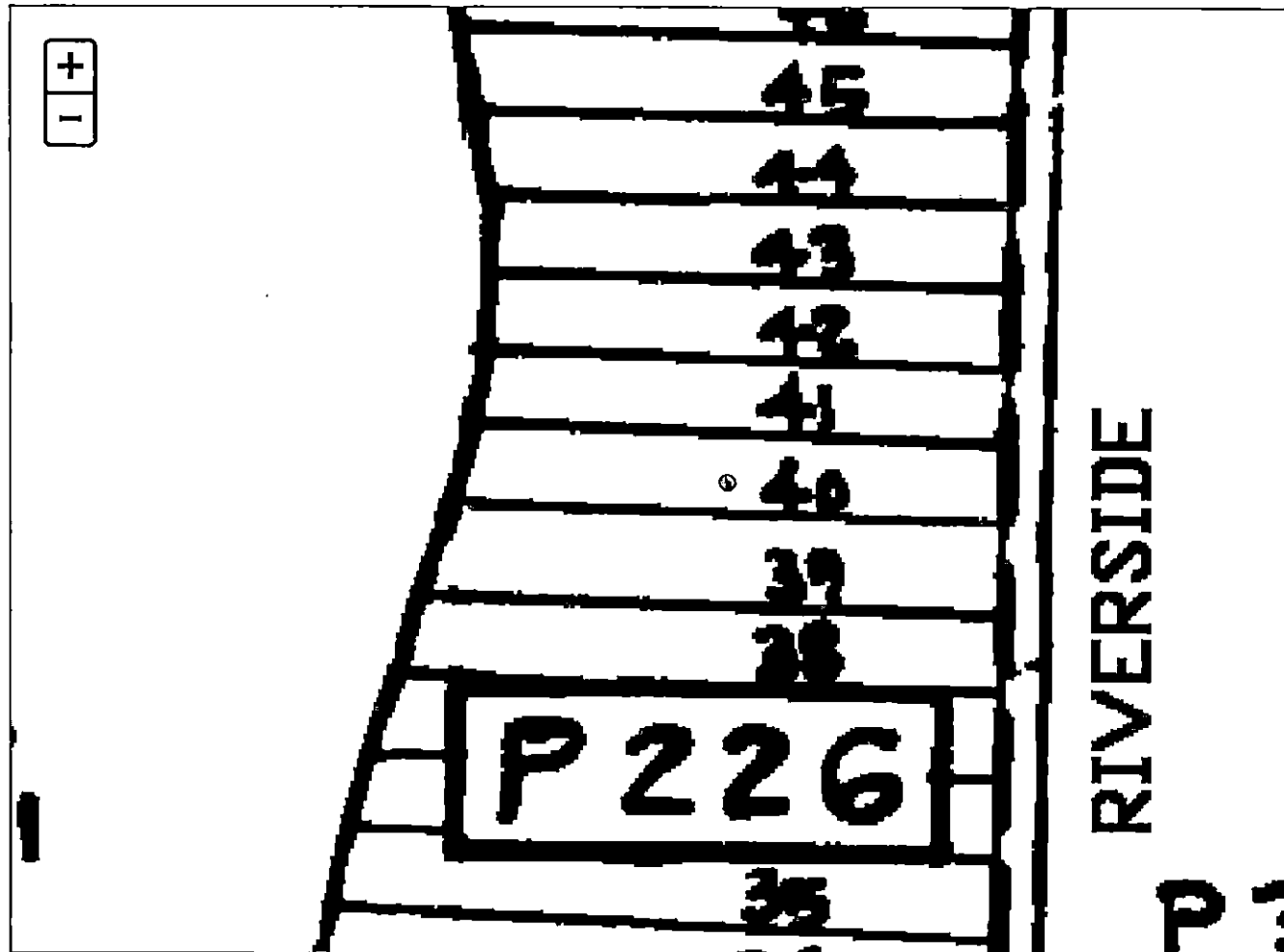
Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1502650570			
Owner Information					
Owner Name:		DARBY MICHAEL W DARBY MARIA J		Use: Principal Residence: RESIDENTIAL NO	
Mailing Address:		611 HIGHWOOD RD BALTIMORE MD 21212-		Deed Reference: /37098/ 00324	
Location & Structure Information					
Premises Address:		1222 RIVERSIDE AVE 0-0000 Waterfront		Legal Description: BACK RIVER NECK PARK	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref: 0007/0004
0104	0006	0226		0000	40 2015
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:		
Primary Structure Built 1929		Above Grade Enclosed Area 1,344 SF		Finished Basement Area	
				Property Land Area 17,150 SF County Use 34	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1	NO	STANDARD UNIT	ASBESTOS SHINGLE	1 full	1 Detached
Value Information					
		Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		203,200	203,200		
Improvements		49,600	51,500		
Total:		252,800	254,700	253,433	254,067
Preferential Land:		0			0
Transfer Information					
Seller: BROOKS WILLIAM L Type: ARMS LENGTH IMPROVED		Date: 01/21/2016 Deed1: /37098/ 00324		Price: \$130,000 Deed2:	
Seller: BROOKS GLADYS M Type: NON-ARMS LENGTH OTHER		Date: 04/27/1988 Deed1: /07846/ 00454		Price: \$0 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: **1502650570**

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>).

PETITIONERS EXHIBITS

**1222 E. RIVERSIDE AVENUE
CASE NO. 2016-0246-A**

192
7-8-16

Slr
6-7-16

1. PLAT TO ACCOMPANY PETITION DATED MARCH 19, 2016 (NO CHANGES)
2. SDAT REAL PROPERTY DATA SEARCH
3. PORTION OF TAX MAP NO. 0104
4. DEED OF RECORD L.37098 F.324
5. AERIAL PHOTO
- 6a thru 6f. PHOTOS

Real Property Data Search (w1)

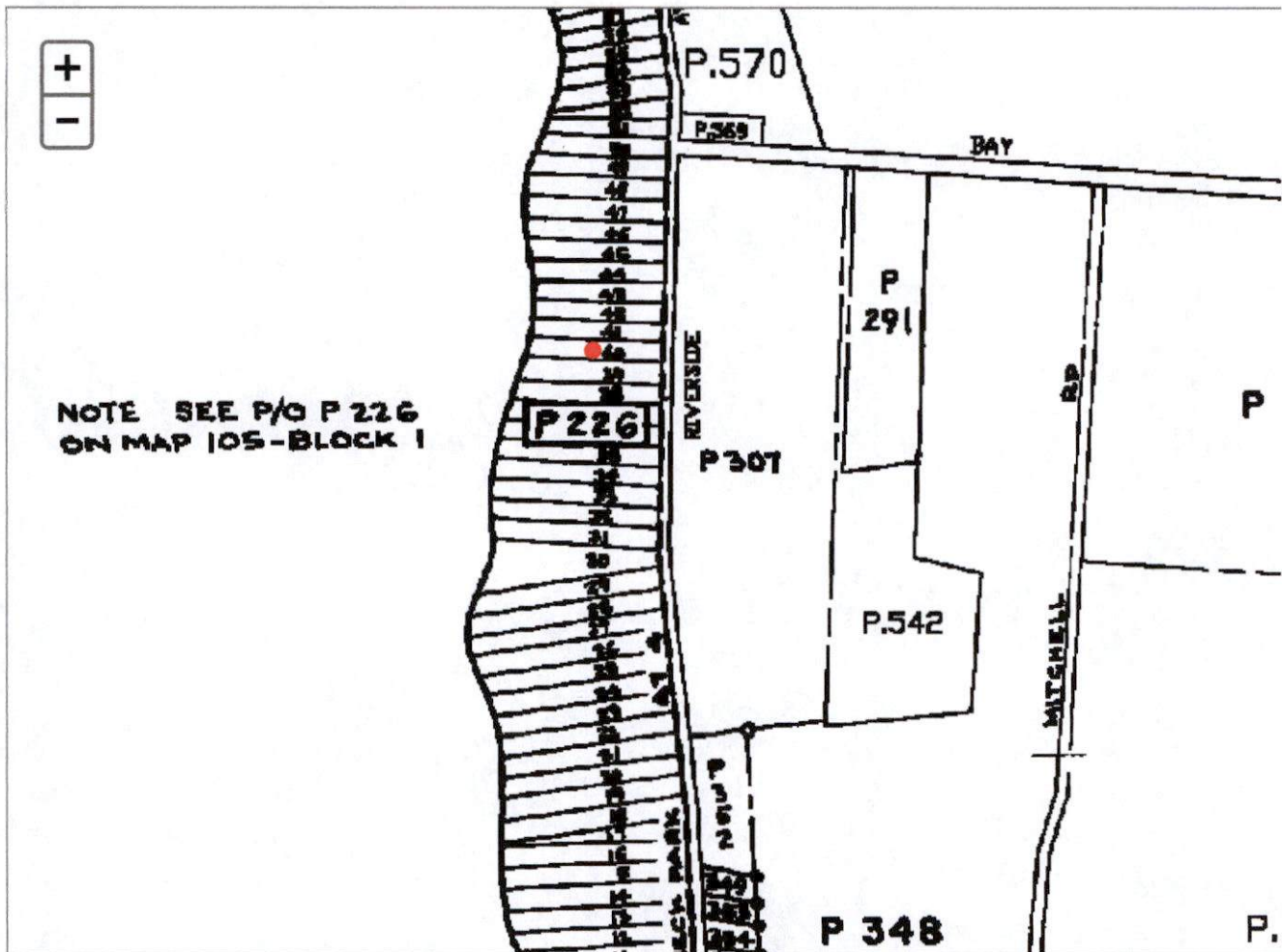
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Seller: BROOKS WILLIAM L		Date: 01/21/2016		Price: \$130,000	
Type: ARMS LENGTH IMPROVED		Deed1: /37098/ 00324		Deed2:	
Seller: BROOKS GLADYS M		Date: 04/27/1988		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /07846/ 00454		Deed2:	
Seller:		Date:		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					

PETITIONER'S
EXHIBIT NO. 2

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)District: **15** Account Number: **1502650570**

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TAX MAP 0104

PETITIONER'S
EXHIBIT NO. 3



PETITIONER'S
EXHIBIT NO. 5

Imagery Date: 1

G
W



a



b



c



p

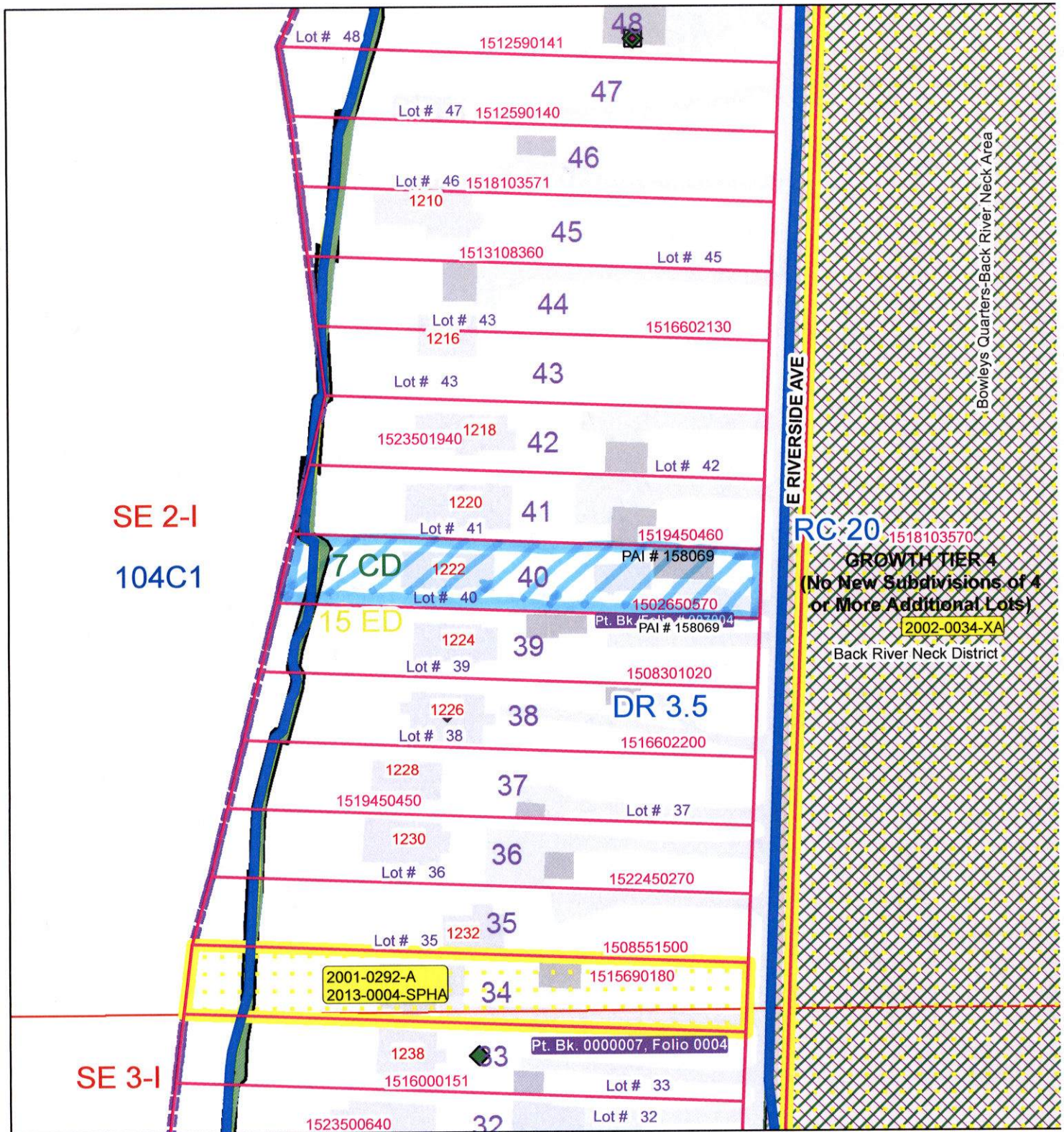


f



g

1222 Riverside Avenue 2C13-0246-A



Publication Date: 4/14/2016



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

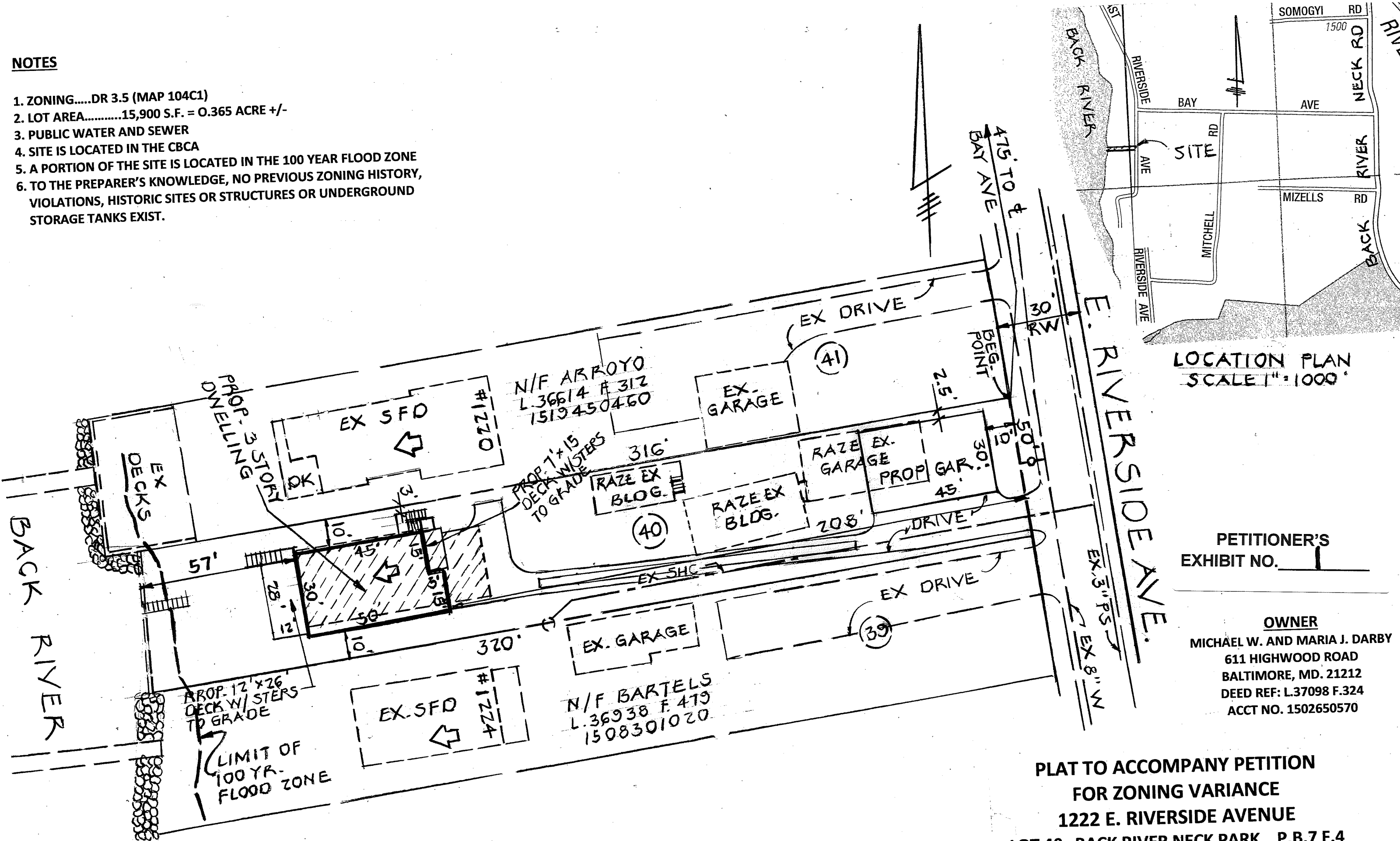


0 25 50 100 150 200 Feet

1 inch = 100 feet

NOTES

- 1. ZONING.....DR 3.5 (MAP 104C1)
- 2. LOT AREA.....15,900 S.F. = 0.365 ACRE +/-
- 3. PUBLIC WATER AND SEWER
- 4. SITE IS LOCATED IN THE CBCA
- 5. A PORTION OF THE SITE IS LOCATED IN THE 100 YEAR FLOOD ZONE
- 6. TO THE PREPARER'S KNOWLEDGE, NO PREVIOUS ZONING HISTORY, VIOLATIONS, HISTORIC SITES OR STRUCTURES OR UNDERGROUND STORAGE TANKS EXIST.



LOCATION PLAN
SCALE 1" = 1000'

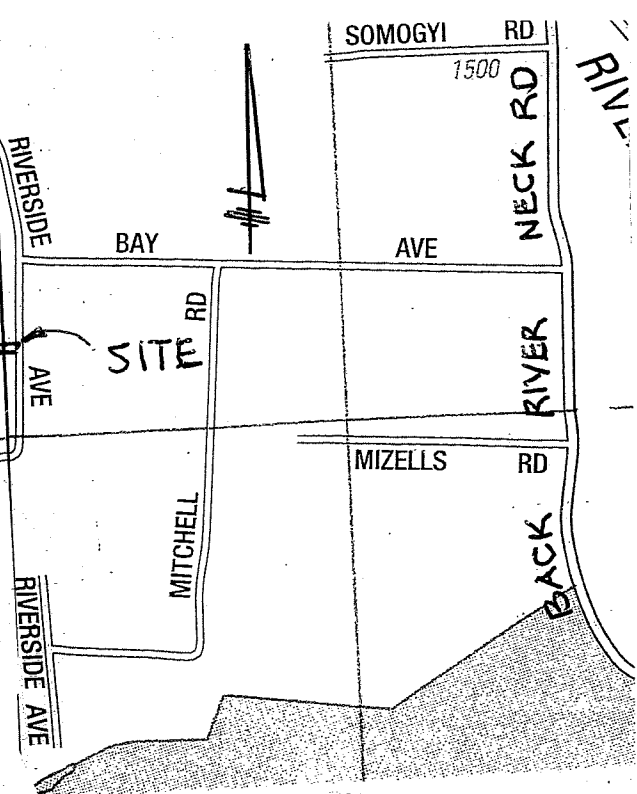
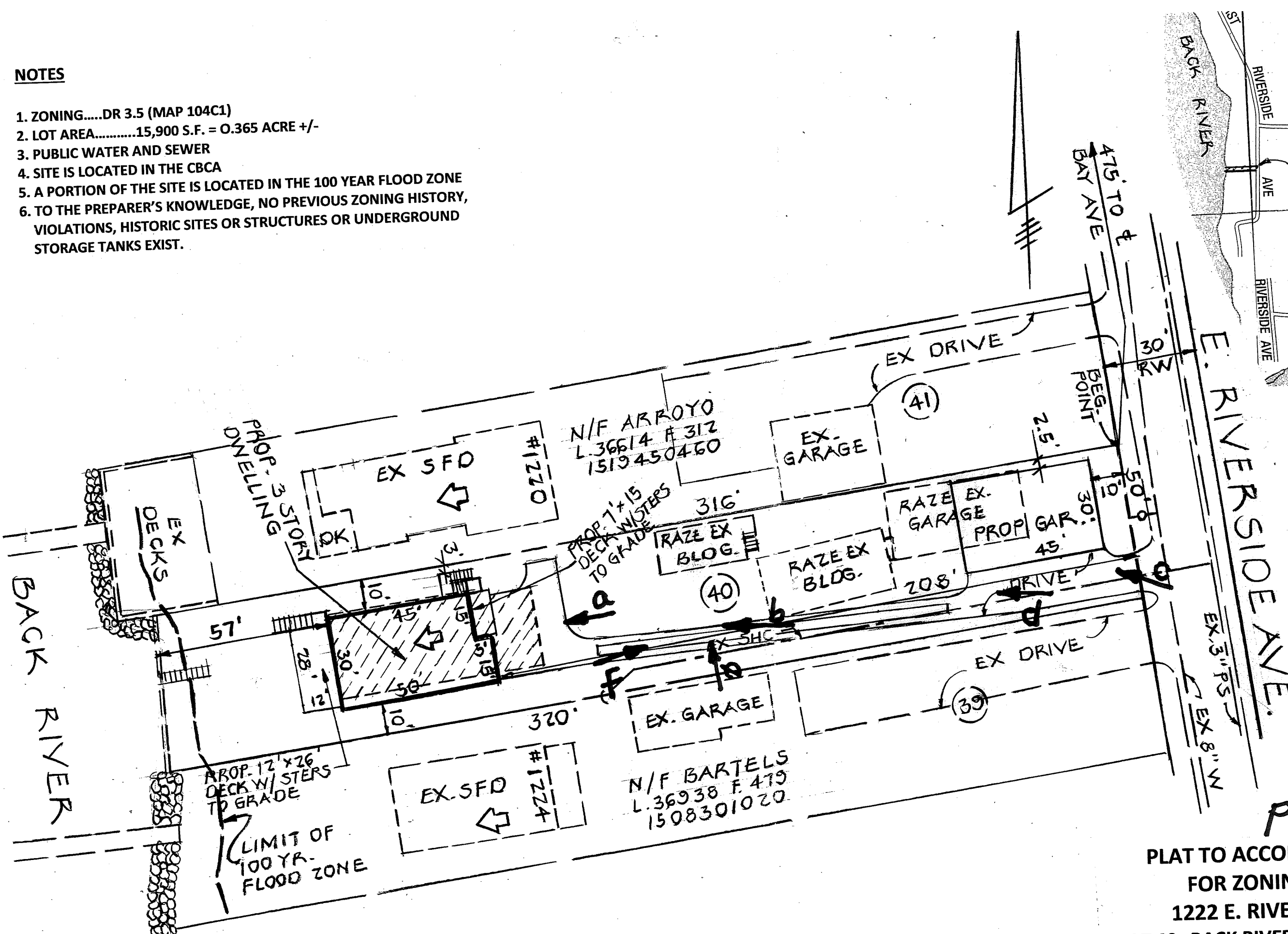
PETITIONER'S
EXHIBIT NO. 1

OWNER
MICHAEL W. AND MARIA J. DARBY
611 HIGHWOOD ROAD
BALTIMORE, MD. 21212
DEED REF: L.37098 F.324
ACCT NO. 1502650570

**PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE
1222 E. RIVERSIDE AVENUE
LOT 40 BACK RIVER NECK PARK P.B.7 F.4
ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 30 FEET MARCH 19, 2016**

NOTES

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3. PUBLIC WATER AND SEWER
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LOCATION PLAN
SCALE 1" = 1000'

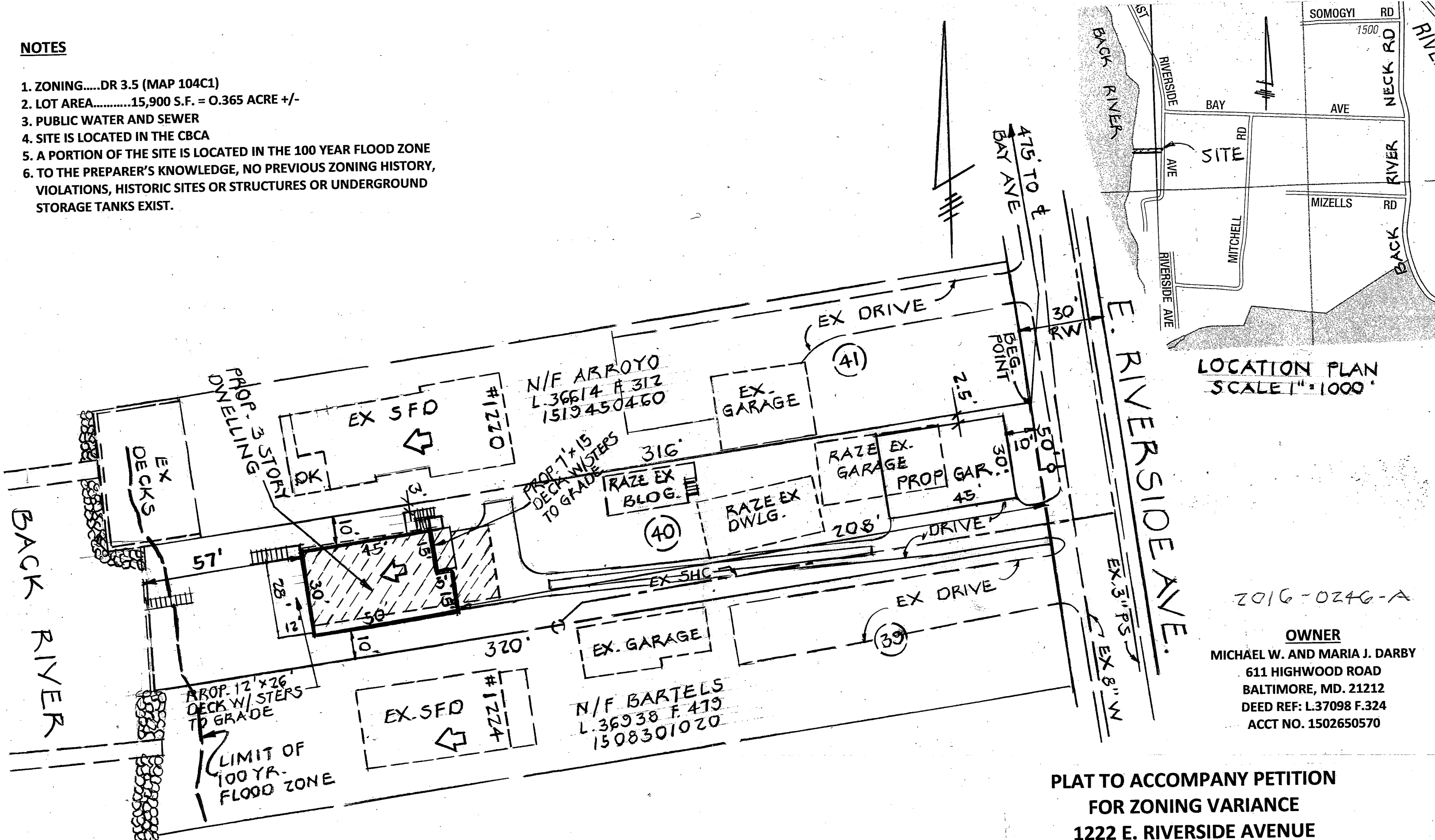
PETITIONER'S
EXHIBIT NO. **6a-f**

OWNER
MICHAEL W. AND MARIA J. DARBY
611 HIGHWOOD ROAD
BALTIMORE, MD. 21212
DEED REF: L.37098 F.324
ACCT NO. 1502650570

PHOTOS
PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE
1222 E. RIVERSIDE AVENUE
LOT 40 BACK RIVER NECK PARK P.B.7 F.4
ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 30 FEET MARCH 19, 2016

NOTES

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LOCATION PLAN
SCALE 1" = 1000'

2016-0246-A

OWNER
MICHAEL W. AND MARIA J. DARBY
611 HIGHWOOD ROAD
BALTIMORE, MD. 21212
DEED REF: L.37098 F.324
ACCT NO. 1502650570

**PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE
1222 E. RIVERSIDE AVENUE
LOT 40 BACK RIVER NECK PARK P.B.7 F.4
ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 30 FEET MARCH 19, 2016**