

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. 2016-0253-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

(160 Kingston Park Ln.)

15th Election District

6th Council District

Robert S. Frederick

Legal Owner

Petitioner

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0253-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 Robert S. Frederick, legal owner of the subject property ("Petitioner"). Petitioner requests Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §§1B02.3.C.1 and 301.1 to permit a carport with a side setback of 5 ft. in lieu of the 7.5 ft. minimum. A site plan was marked as Petitioner's Exhibit 1.

Robert S. Frederick 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. Zoning Advisory Committee (ZAC) comments were submitted by the Department of Environmental Protection and Sustainability (DEPS) and the Department of Planning (DOP).

The subject property is approximately 9,434 square feet and is zoned DR 5.5. The property is improved with a single-family dwelling constructed in 1924. Petitioner proposes to construct a carport but requires variance relief to do so. Petitioner submitted a letter from his neighbor (Exhibit 2) Patricia Belcastro at 162 Kingston Park Lane, which indicates she has no objection to the request.

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

ORDER RECEIVED FOR FILING
Date 6-7-14

By den

- 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 has met this test. The waterfront lot is narrow and deep and the existing improvements were constructed long before the adoption of the B.C.Z.R. As such the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because he would be unable to construct the carport. 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.

The DOP noted in its ZAC comment the property had been the subject of prior code enforcement complaints. Petitioner stated there are no violations on the property, and the file does not contain any information or documents from the code enforcement bureau, which are typically provided in cases where an open violation exists. As such, I believe the Petition can be granted and violations of the County Code and/or zoning regulations (to the extent they exist) should be prosecuted in the normal course.

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 to permit a carport with a side setback of 5 ft. in lieu of the 7.5 ft. minimum, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his 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, Petitioner would be required to return the subject property to its original condition.

ORDER RECEIVED FOR FILING

Date 6-7-16
By slr

2. Prior to issuance of permits Petitioner must comply with the Chesapeake Bay Critical Area (CBCA) regulations.
3. The carport shall remain open on three sides and may not be enclosed.

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 6-7-14

By Den



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 160 Kingstown PK LA which is presently zoned _____
Deed References: 29496 00405 10 Digit Tax Account # 1519391030
Property Owner(s) Printed Name(s) Robert S Frederick

(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. ☒ a **Variance** from Section(s) To permit a carport with a side set back of 1802.3.c.1 & 301.1 BCZL 5 feet in lieu of 7.5 feet minimum

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:

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):

Robert S Frederick

Name #1 - Type or Print

Name #2 - Type or Print

Robert S Frederick

Signature #1

Signature #2

160 Kingstown PK LA BALTO MD

Mailing Address

City

State

21220 443-250-2254

Zip Code

Telephone #

Email Address

Representative to be contacted:

Robert S Frederick

Name - Type or Print

Robert S Frederick

Signature

160 Kingstown PK LA BALTO MD

Mailing Address

City

State

21220 443-250-2254

Zip Code

Telephone #

Email Address

CASE NUMBER 2016-0253A

Filing Date 4/30/16

Do Not Schedule Dates: _____

Reviewer GA



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 160 KINGSTON PK LA which is presently zoned _____
Deed References: 29496 00405 10 Digit Tax Account # 1519391030
Property Owner(s) Printed Name(s) Robert S Frederick

(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. ☒ a **Variance** from Section(s) 1602.3.C.1 & 306.1 To permit a carport with a side set back of 5 feet in lieu of the required 7.5 feet minimum

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:

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):

Robert S Frederick
Name #1 - Type or Print Name #2 - Type or Print
Robert S Frederick
Signature #1 Signature #2
160 Kingston PK LA BALTO MD
Mailing Address City State
21220 / 443-250-2254
Zip Code Telephone # Email Address

Representative to be contacted:

Robert S Frederick
Name - Type or Print
Robert S Frederick
Signature
160 Kingston PK LA BALTO MD
Mailing Address City State
21220 / 443-250-2254
Zip Code Telephone # Email Address

CASE NUMBER 2016 0253-A Filing Date 4/20/16 Do Not Schedule Dates: _____ Reviewer G #



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 160 Kingston PKLA which is presently zoned
 Deed References: 29496 00405 10 Digit Tax Account # 1519391030
 Property Owner(s) Printed Name(s) Robert S Frederick

(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. a **Variance** from Section(s) To permit a carport with a side set back of 1302.3 ft & 301.1 ft 5 feet in lieu of the 7.5 ft minimum

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:

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):

Robert S Frederick

Name #1 - Type or Print

Name #2 - Type or Print

Robert S Frederick

Signature #1

Signature #2

160 Kingston PKLA BALTO MD

Mailing Address

City

State

21220, 443-250-2254

Zip Code

Telephone #

Email Address

Representative to be contacted:

Robert S Frederick

Name - Type or Print

Robert S Frederick

Signature

160 Kingston PKLA BALTO MD

Mailing Address

City

State

21220, 443-250-2254

Zip Code

Telephone #

Email Address

CASE NUMBER 2016-0253-A Filing Date 1/20/16

Do Not Schedule Dates: _____

Reviewer GA

**ZONING DESCRIPTION
FOR
160 EAST KINGSTON PARK LANE
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND**

Beginning for the same near the center of East Kingston Park Lane, said point being situated 154 feet $\pm$. Westerly from the centerline of Left Way, 30 feet wide. Thence binding near the center of East Kingston Park Lane the following two courses and distances;

- 1) North 58°-20'-03" West, 31.15 feet,
- 2) North 46°-49'-04" West, 35.85 feet,

thence leaving East Kingston Park Lane, North 42°-46'-58" East, 178.00 feet, South 52°-18'-49" East 37.03 feet, South 33°-13'-58" West, 178.00 feet, to the point of beginning.

Containing 9,308 Square Feet, or 0.213 acres which includes 8,391 square feet $\pm$ or 0.192 acres of land area more or less.

Being that same lot of ground described in deed liber 18590, folio 212 recorded among the land records of Baltimore County, Maryland.

.....

2016-0253-A

~~16080175-A~~

**ZONING DESCRIPTION
FOR
160 EAST KINGSTON PARK LANE
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND**

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- 1) North 58°-20'-03" West, 31.15 feet,
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Containing 9,308 Square Feet, or 0.213 acres which includes 8,391 square feet $\pm$ or 0.192 acres of land area more or less.

Being that same lot of ground described in deed liber 18590, folio 212 recorded among the land records of Baltimore County, Maryland.



2016-0253-A

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

No.

138192

Date:

4/20/16

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 4/20/2016 4/20/2016 09:26:49 2

R/G 0902 WALKIN JEVA JEE
 > RECEIPT # 963783 4/20/2016 OFL
 Bpt. 5 528 ZONING VERIFICATION
 CR NO. 138192

Receipt Tot \$75.00
 \$1.00 CK \$100.00 CA
 \$25.00- CG
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		0150				75.00

Total: **75.00**

Rec From:

Robert Frederick

For:

Administrative Variance

160 Kingston Park Lane

2016-0253 A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



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 4177300

Sold To:

Robert Frederick - CU00537549
160 Kingston Park Ln
Middle River, MD 21220-4903

Bill To:

Robert Frederick - CU00537549
160 Kingston Park Ln
Middle River, MD 21220-4903

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: # 2016-0253-A
160 Kingston Place
NW of Kingston Place Lane, 186 ft. NE to the centerline of East Kingston Park lane
15th Election District - 6th Councilmanic District
Legal Owner(s) Robert Frederick

Variance: to permit a carport with a side setback of 5 ft. in lieu of the 7.5 ft. minimum.

Hearing: Monday, June 6, 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.

JT 5/706 May 17 4177300

CERTIFICATE OF POSTING

2016-0253-A

RE: Case No.: _____

Petitioner/Developer: _____

Robert Frederick

June 6, 2016

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

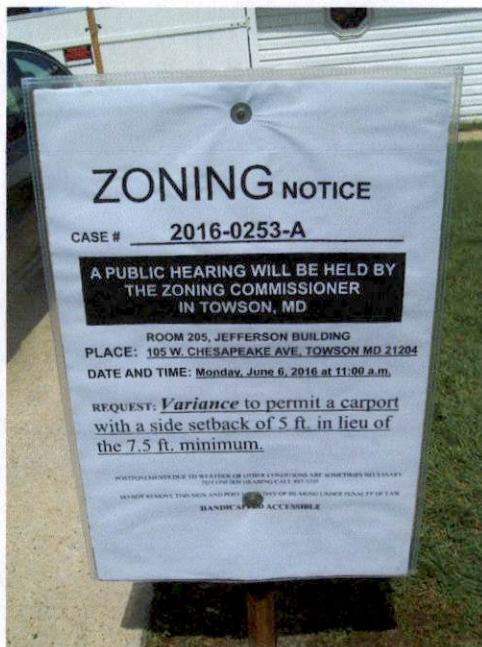
Ladies and Gentlemen:

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: _____

160 Kingston Place (160 Kingston Park Lane)

May 15, 2016

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

May 15, 2016

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



KEVIN KAMENETZ
County Executive

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

April 26, 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: 2016-0253-A

160 Kingston Place
NW of Kingston Place Lane, 186 ft. NE to the centerline of East Kingston Park Lane
15th Election District – 6th Councilmanic District
Legal Owners: Robert Frederick

Variance to permit a carport with a side setback of 5 ft. in lieu of the 7.5 ft. minimum.

Hearing: Monday, June 6, 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: Robert Frederick, 160 Kingston Park Lane, Baltimore 21220

- 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:
Robert Frederick
160 Kingston Park Lane
Baltimore, MD 21220

443-250-2254

NOTICE OF ZONING HEARING

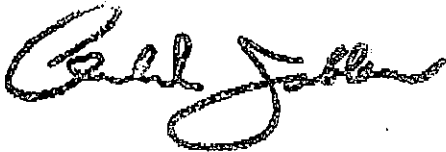
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160 Kingston Place
NW of Kingston Place Lane, 186 ft. NE to the centerline of East Kingston Park Lane
15th Election District – 6th Councilmanic District
Legal Owners: Robert Frederick

Variance to permit a carport with a side setback of 5 ft. in lieu of the 7.5 ft. minimum.

Hearing: Monday, June 6, 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
160 Kingston Park Lane; NW of Kingston Park *
Lane, 186' NE c/line E Kingston Park Lane * OF ADMINISTRATIVE
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Robert S. Frederick * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2016-253-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 29 2016

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of April, 2016, a copy of the foregoing Entry of Appearance was mailed to Robert Frederick, 160 Kingston Park Lane, Baltimore, Maryland 21220, 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: 2016-0253-A
Property Address: 160 Kingston Park Lane
Property Description: East Kingston Park Ln
Westerly to East Kingston Park Ln
Legal Owners (Petitioners): Robert Frederick
Contract Purchaser/Lessee: SAME

PLEASE FORWARD ADVERTISING BILL TO:

Name: Robert Frederick
Company/Firm (if applicable): N/A
Address: 160 Kingston Park Lane
Middle River, MD 21220
Telephone Number: 443-250-2254



KEVIN KAMENETZ
County Executive

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

June 2, 2016

Robert S Frederick
160 Kingston Park Lane
Baltimore MD 21220

RE: Case Number: 2016-0253 SPHA, Address: 160 Kingston Park Lane

Dear Mr. Frederick:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 20, 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 that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

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



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

Date: 4/27/16

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. 2016-0253-A

Variance
Robert S. Frederick
160 Kingston Park Lane

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 that reads 'Richard A. Zeller'.

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

DWP/RAZ

6-6

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: 16-253

RECEIVED

MAY 12 2016

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 160 Kingston Park Lane
Petitioner: Robert S. Frederick
Zoning: DR 5.5
Requested Action: Variance

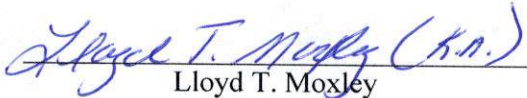
The Department of Planning has reviewed the petition variance to permit a carport with a side setback of 5 feet in lieu of the 7.5 foot minimum.

A site visit was conducted on May 4, 2016. There have been numerous complaints on the property regarding debris in the yard as well as the carport being constructed without the benefit of a building permit. The Department recommends the Administrative Law Judge instruct Baltimore County Code Enforcement to conduct a site inspection prior to issuance of the final order in this case.

The Department has no objection to granting the petitioned zoning relief provided no code violations exist.

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
Robert S. Frederick
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

DATE: May 2, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For April 25, 2016
Item No. 2016-0242, 0249, 0250, 0251, 0253, 0254, 0257 and 0258

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

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC05022016.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: 16-253

INFORMATION:

Property Address: 160 Kingston Park Lane
Petitioner: Robert S. Frederick
Zoning: DR 5.5
Requested Action: Variance

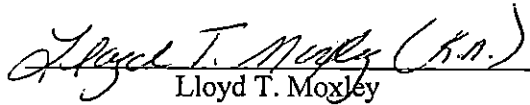
The Department of Planning has reviewed the petition variance to permit a carport with a side setback of 5 feet in lieu of the 7.5 foot minimum.

A site visit was conducted on May 4, 2016. There have been numerous complaints on the property regarding debris in the yard as well as the carport being constructed without the benefit of a building permit. The Department recommends the Administrative Law Judge instruct Baltimore County Code Enforcement to conduct a site inspection prior to issuance of the final order in this case.

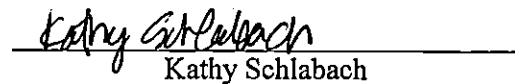
The Department has no objection to granting the petitioned zoning relief provided no code violations exist.

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
Robert S. Frederick
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 28, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0253-A
160 Kingston Park Lane
(Frederick Property)

Zoning Advisory Committee Meeting of **May 2, 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 carport with a 5-foot sideyard setback in lieu of the required side setback. The proposed development must meet LDA and MBA requirements for lot coverage in the LDA. The plan does not show all lot coverage currently on-site. 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. 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 waterfront property located on Dark Head Creek in Middle River. 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 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 construction of the carport 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 27, 2016

CASE NAME Sleepy Hollow
CASE NUMBER 2016-252
DATE 6-2-16

CASE NAME Sleepy Hollow
CASE NUMBER 2016-252
DATE 6-2-16

[illegible]

PLEASE PRINT CLEARLY

CASE NAME SLEEPY Hollow
CASE NUMBER 2016-0252-SPHXA
DATE 6-2-16

CITIZEN'S SIGN - IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>5/2</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
<u>4/28</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
<u>5/11</u>	PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>4/27</u>	STATE HIGHWAY ADMINISTRATION	<u>no obj</u>
_____	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

SSG Black

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

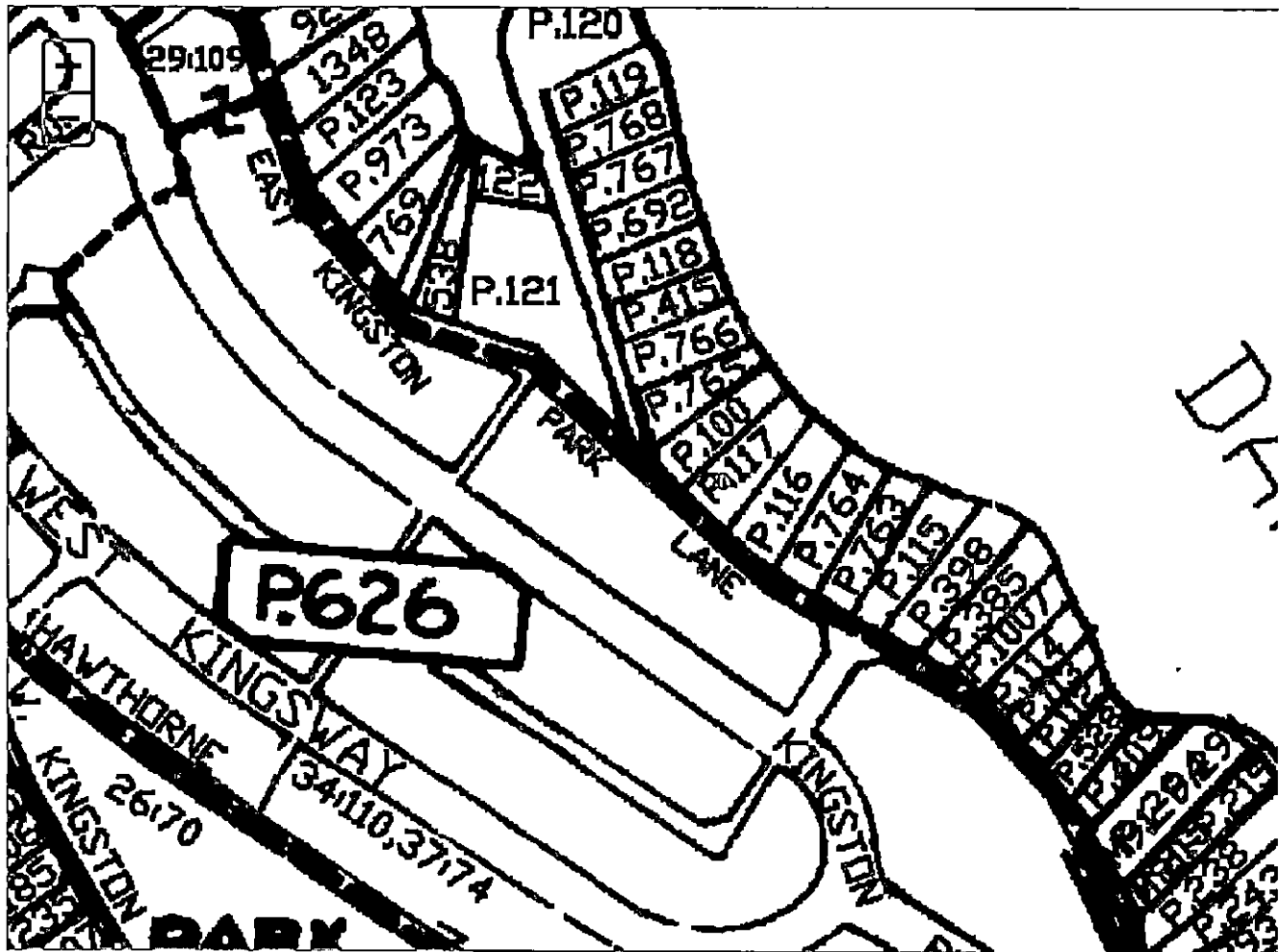
Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1519391030			
Owner Information					
Owner Name:	FEDERAL NATIONAL MORTGAGE ASSOCIATION		Use:	RESIDENTIAL NO	
Mailing Address:	PO BOX 650043 DALLAS TX 75265-0043		Deed Reference:	/29496/ 00405	
Location & Structure Information					
Premises Address:	160 KINGSTON PARK LN 0-0000 Waterfront		Legal Description:	.145 AC 160 KINGSTON PARK LN KINGSTON PARK	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0090	.0024	0117		0000	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	
1924	1,081 SF		9,434 SF	34	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1	NO	STANDARD UNIT	SIDING	1 full	
Value Information					
	Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2015 As of 07/01/2016		
Land:	181,400	181,400			
Improvements	44,700	33,100			
Total:	226,100	214,500	214,500	214,500	
Preferential Land:	0			0	
Transfer Information					
Seller: FREDERICK ROBERT SCOTT		Date: 05/24/2010		Price: \$172,113	
Type: ARMS LENGTH IMPROVED		Deed1: /29496/ 00405		Deed2:	
Seller: FREDERICK JEAN WATSON		Date: 08/15/2003		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /18590/ 00212		Deed2:	
Seller: FREDERICK ROBERT SCOTT		Date: 01/30/2001		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /14946/ 00459		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: **1519391030**

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>).

April 18, 2016

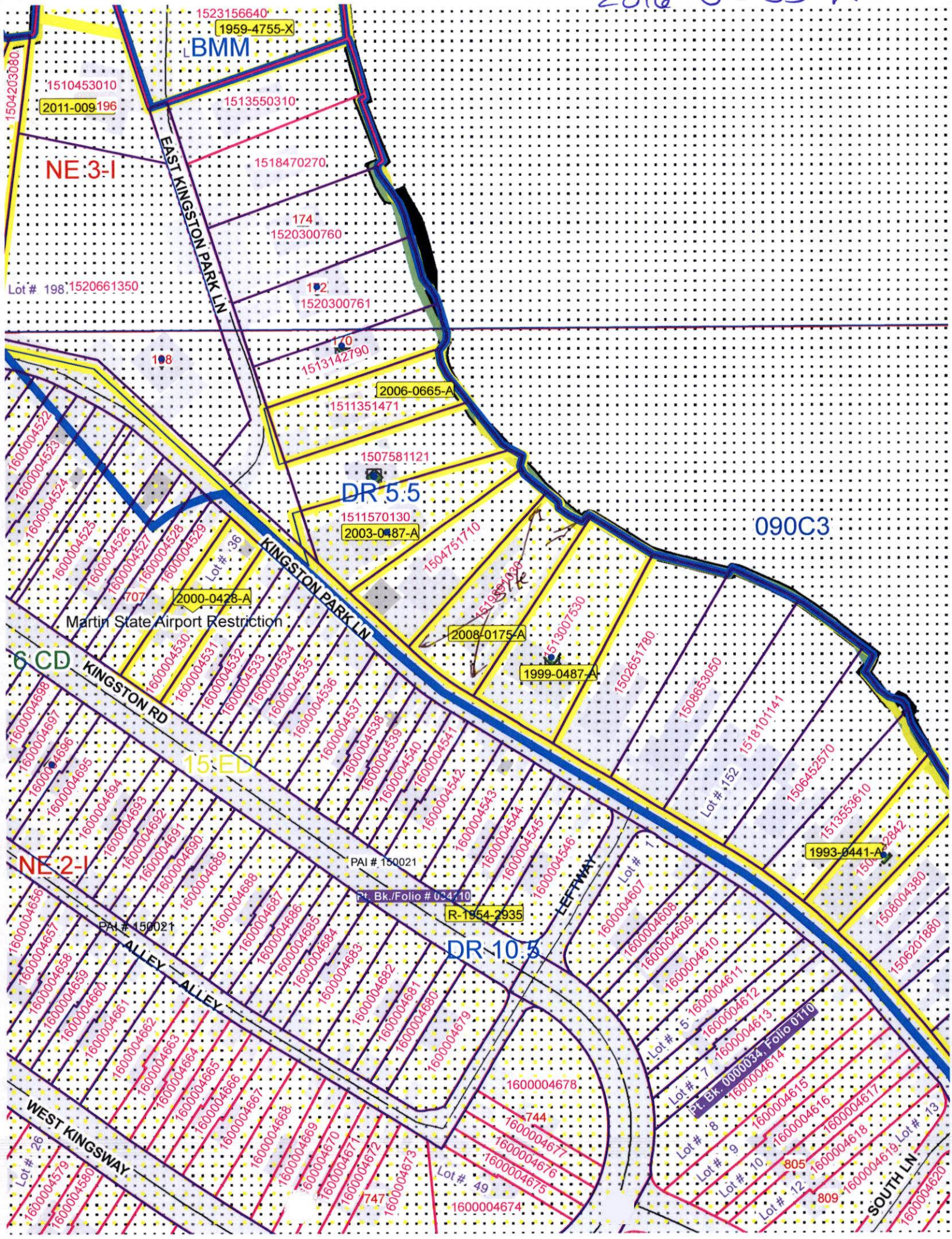
To whom It May Concern:

My name is Patricia J Belcastro. I live at 162 Kingston Park Lane. I am the Neighbor of Robert S. Frederick who lives at 160 Kingston Park Lane . I am aware that Scott will be building a carport next to my property line and fence and will need to Get a variance in order to complete this project. I attest I have no objection for this to be built in any way

Thank you,

A handwritten signature in cursive script, appearing to read "Patricia J Belcastro". The signature is written in dark ink and is positioned below the "Thank you," text.

2016-0253-A Pet. Ex. 2



1523156640
1959-4755-X
BMM

1510453010
2011-009196

NE 3-I

Lot # 198 1520661350

108

DR 5.5

090C3

6 CD

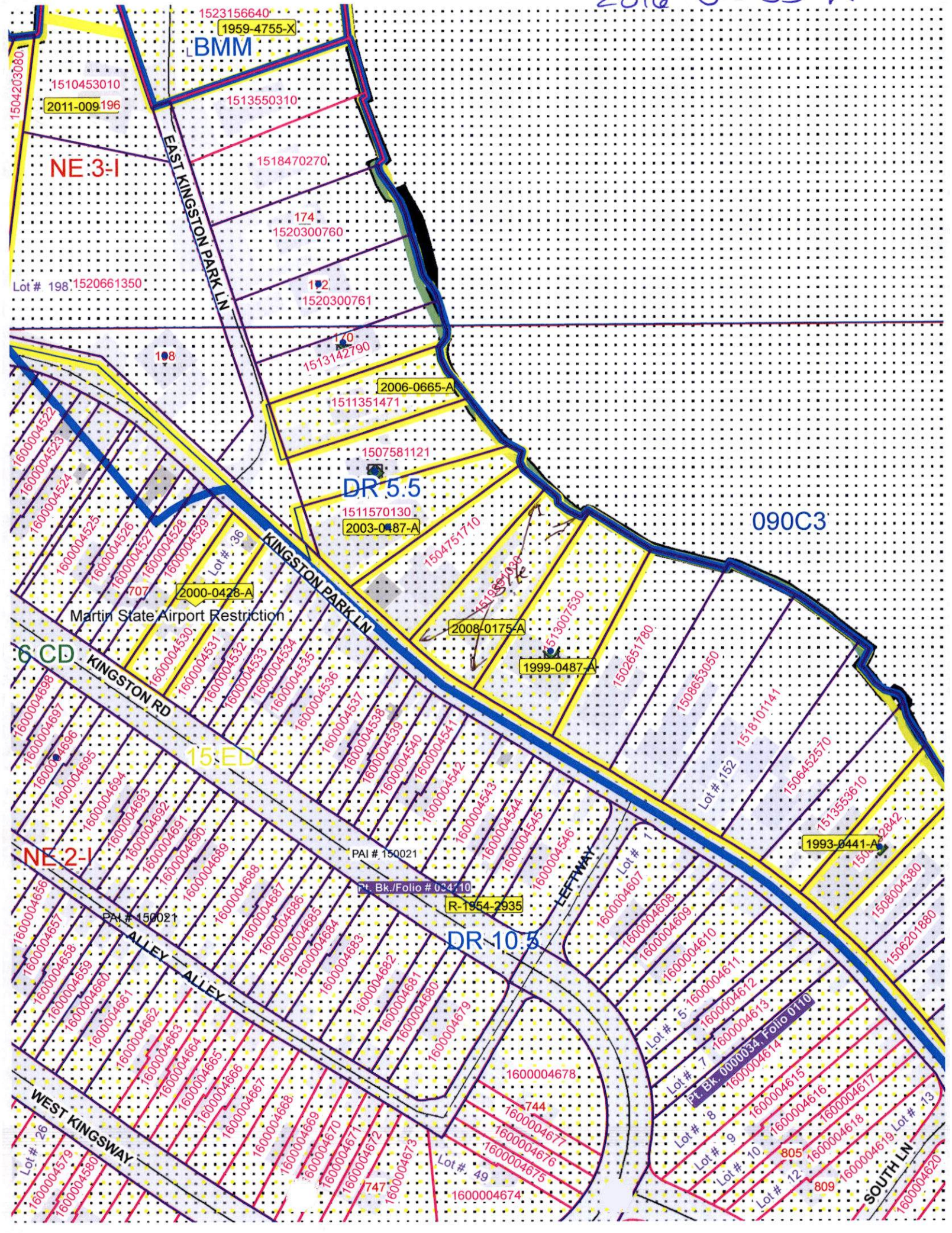
15 ED

NE 2-I

DR 10.5

WEST KINGSWAY

SOUTH LN



1523156640
1959-4755-X
BMM

1510453010
2011-009196

NE 3-I

Lot # 198 1520661350

108

DR 5.5

090C3

6 CD

15 ED

NE 2-I

DR 10.5

WEST KINGSWAY

SOUTH LN

APPLICATION FOR PERMIT
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS, APPROVALS & INSPECTION
TOWSON, MARYLAND 21204

Date 9/13/15
E.D.W.
OE A E.D.W.

Permit # B
Control # MR
XRef # _____
Receipt # A
Fee 75.10
Total Paid 85
Paid By _____
Inspector _____

Property Address 160 KINGSTON PK LA
Suite/Space/Floor _____
Subdivision _____
Tax Account # 1519391030
Will this building have sprinklers? ☐ Yes ☐ No
Is this property located in a floodplain? ☐ Yes ☐ No

Historic District/Building
☐ Yes ☒ No
District / Precinct
15 01

OWNER'S INFORMATION

First & Last Name (Individual) ROBERT S FREDERICK
Corporation Name _____
Address 160 KINGSTON PK LA
City, State, Zip BALTO. MD. 21220
Seller FEDERAL NATIONAL MORTGAGE ASSOCIATION

APPLICANT INFORMATION

Name Robert S Frederick Phone Number 443-250-2254
Company (if applicable) _____
Address 160 KINGSTON PK LA
City, State, Zip BALTO. MD. 21220
Applicant Signature Robert S Frederick E-Mail _____
Business/Tenant Name _____ MHIC # _____ MHBR # _____
Contractor ☒ Engineer _____
PLANS: CONST 4 PLOT 4 PLAT _____ DATA _____ EL 2 PL 2 DRC # _____

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT, AND WILL REQUEST ALL REQUIRED INSPECTIONS.

TYPE OF IMPROVEMENT

1. ☐ New Bldg Construction
2. ☒ Addition
3. ☐ Alteration
4. ☐ Repair
5. ☐ Wrecking
6. ☐ Moving
7. ☐ Other _____

DESCRIBE PROPOSED WORK:

CBCA. Construct car port
10'x20'x12'=200sf with one-hour fire rated wall per residential building code R302, attached to side of an existing single family dwelling.

TYPE OF USE

RESIDENTIAL

01. ☒ One Family
02. ☐ Two Family
03. ☐ Three and Four Family
04. ☐ Five or More Family
(enter no. units) _____
05. ☒ Swimming Pool
06. ☐ Garage
07. ☐ Other _____

NON-RESIDENTIAL

08. ☐ Amusement, Recreation, Place of Assembly
09. ☐ Church, Other Religious Building
10. ☐ Deleted
11. ☐ Industrial, Storage Building
12. ☐ Parking Garage
13. ☐ Service Station, Repair Garage
14. ☐ Hospital, Institutional, Nursing Home
15. ☐ Office, Bank, Professional
16. ☐ Public Utility
17. ☐ School, College, Other Educational
18. ☐ Deleted
19. ☐ Store Mercantile Restaurant (specify type) _____

Foundation Type _____ Basement _____

NOT IN FLOODPLAIN
FIRM
04356
S.S. 14
2nd & 4th Street
AE7
R. H. H. 9-13-16
D.C.F.P.
04356
9-26-8
2nd & 4th Street / Unshaded
AE9 (8.5)

2016-0253-A



2016-0253-A



2016-0253-A





Real Property Data Search (w3)

Guide to searching the database

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Mailing Address:	PO BOX 650043 DALLAS TX 75265-0043		Deed Reference:	/29496/ 00405	
Location & Structure Information					
Premises Address:		160 KINGSTON PARK LN 0-0000 Waterfront		Legal Description:	.145 AC 160 KINGSTON PARK LN KINGSTON PARK
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0090	0024	0117		0000	
				Block:	Lot:
				Assessment Year:	Plat No:
				2015	Plat Ref:
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1924	1,081 SF		9,434 SF	34	
Stories	Basement	Type	Exterior SIDING	Full/Half Bath	Garage
1	NO	STANDARD UNIT		1 full	
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Improvements		44,700	33,100		
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Preferential Land:		0			0
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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					

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

2/20/16-0115-A
2016-0253-A

