

M E M O R A N D U M

DATE: June 28, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0260-A – Appeal Period Expired

The appeal period for the above-referenced case expired on June 27, 2016. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: /Case File
Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE *
(3522 Louth Road)
12th Election District *
7th Council District *
Jane M. Ness *
Petitioner *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2016-0260-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the property, Jane M. Ness ("Petitioner"). The Petitioner is requesting Variance relief pursuant to § 1B01.2.3.C.1 of the Baltimore County Zoning Regulations, to permit an existing rear yard setback of 18 ft. and an existing side setback of 4.5 ft. in lieu of the required 30 ft. rear and 10 ft. side setbacks. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The property is located within the Chesapeake Bay Critical Area (CBCA) and is subject to Critical Area requirements as noted in the ZAC comment dated May 13, 2016 submitted by the Department of Environmental Protection and Sustainability (DEPS).

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on May 6, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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

ORDER RECEIVED FOR FILING

Date 5-27-16

By [Signature]

the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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

THEREFORE, IT IS ORDERED, this 27th day of **May, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1B01.2.3.C.1 of the Baltimore County Zoning Regulations, to permit an existing rear yard setback of 18 ft. and an existing side setback of 4.5 ft. in lieu of the required 30 ft. rear and 10 ft. side setbacks, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

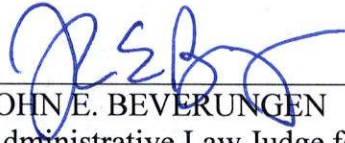
1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at her own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must comply with the ZAC comments from DEPS dated May 13, 2016; a copy of which is attached hereto and made a part hereof.

ORDER RECEIVED FOR FILING

Date 5-27-14

By [Signature]

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:dlw

ORDER RECEIVED FOR FILING

Date 5-27-16

By dlw

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

MAY 13 2016

OFFICE OF ADMINISTRATIVE HEARINGS



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: May 13, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0260-A
Address 3522 Louth Road
(Ness Property)

Zoning Advisory Committee Meeting of May 9, 2016.

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

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

The subject property is located within an Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area and is subject to practices that reduce water quality impacts associated with stormwater runoff, commonly referred to as the Critical Area 10% Rule. Since an addition to the dwelling has already been built, the petitioner seeks a reduced sideyard setback to an existing 4.5 feet, and a reduced rear yard setback to an existing 18 feet. According to the petitioner's plan, impervious surfaces have been increased by approximately 400 square feet. By meeting the IDA pollutant reduction requirements, allowing the side yard and rear yard setback reductions requested by the applicant will result in minimal impacts to water quality.

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

The subject property is not a waterfront property. There is not a tidal buffer projected onto the property. The sideyard and rear yard setback reductions requested, if granted, will have no impact on fish, wildlife and plant habitat, however, the completed, addition construction project should be reviewed for the application of the IDA 10%

ORDER RECEIVED FOR FILING

Date 5-27-16
By DW

pollutant reduction requirements, which will improve buffer functions and conserve fish and plant habitat in proximity to nearby Bullneck Creek.

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

The side yard and rear yard setbacks requested will be consistent with established land-use policies provided that the petitioner meets any applicable Critical Area IDA requirements.

Reviewer: Thomas Panzarella
Environmental Impact Review

Date: May 11, 2016

ORDER RECEIVED FOR FILING

Date 5-27-16

By DW



CBCA

ADMINISTRATIVE ZONING PETITION

F1001

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 3522 Louth Rd, Dundalk, MD Currently zoned O2 S.5
 Deed Reference 32650 / 265 10 Digit Tax Account # 1214000700
 Owner(s) Printed Name(s) Jane M Ness

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. X ADMINISTRATIVE VARIANCE from Section(s)Sections: 1B01.2.3.C.1

To permit an existing rear yard setback of 18ft. and an existing side setback of 4.5ft. in

lieu of the required 30ft. rear and 10ft. side setbacks.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. _____ ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

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

Owner(s)/Petitioner(s):

Jane M Ness

Name #1 – Type or Print

Name #2 – Type or Print

Jane M Ness

Signature #1

Signature #2

3522 Louth Rd Dundalk MD

Mailing Address

City

State

21222

Zip Code

3019104707

Telephone #

JANENESS@VERIZON.

Email Address

NET

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name – Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this 5 day of May that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2016-0260-A Filing Date 4/26/2016 Estimated Posting Date 5/8/16 Reviewer rw

Rev 5/8/2014

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 3522 Louth Rd Dundalk MD 21222
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

The addition was constructed over 20 years ago.
I am the fourth person to buy this house with
the addition on it. I was completely unaware at the
time of purchase that the addition was not permitted
and that it encroaches on the property line. I am
unable to sell my house without the variance due to
the FHA crack down on illegal additions.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Jane M Ness
Signature of Owner (Affiant)

Signature of Owner (Affiant)

Jane M Ness
Name- Print or Type

Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

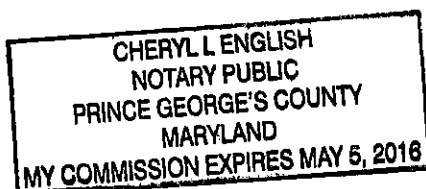
I HEREBY CERTIFY, this 25th day of April, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Jane M Ness

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

Cheryl L English
Notary Public
05/5/2016
My Commission Expires



Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 3522 Louth Rd Dundalk MD 21222
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

The addition was constructed over 20 years ago.
I am the fourth person to buy this house with
the addition on it. I was completely unaware at the
time of purchase that the addition was not permitted
and that it encroaches on the property line. I am
unable to sell my house without the variance due to
the FHA crack down on illegal additions.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Jane M. Ness
Signature of Owner (Affiant)

Signature of Owner (Affiant)

Jane M Ness
Name- Print or Type

Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25th day of April, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

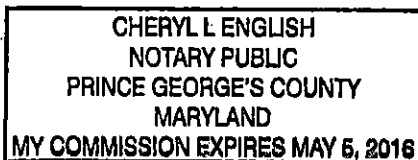
Print name(s) here: Jane M Ness

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

Cheryl L English
Notary Public

My Commission Expires 5/5/2016



REV. 5/8/2014



CBQ

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

FLOO

To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 3522 Louth Rd, Dundalk, MD Currently zoned DS.5
 Deed Reference 32650 / 265 10 Digit Tax Account # 1214000700
 Owner(s) Printed Name(s) Jane M Ness

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. X ADMINISTRATIVE VARIANCE from Section(s)
 Sections: 1B01.2.3.C.1

To permit an existing rear yard setback of 18ft. and an existing side setback of 4.5ft. in lieu of the required 30ft. rear and 10ft. side setbacks.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. _____ ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

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

Owner(s)/Petitioner(s):

Jane M Ness

Name #1 - Type or Print

Name #2 - Type or Print

Jane M Ness

Signature #1

Signature #2

3522 Louth Rd Dundalk MD

Mailing Address

City

State

21222

Zip Code

3019104707

Telephone #

JANENESS@VERIZON.

Email Address

NET

Attorney for Owner(s)/Petitioner(s):

Representative to be contacted:

Name- Type or Print

Name - Type or Print

Signature

Signature

Mailing Address

City

State

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Zip Code

Telephone #

Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this 4/26/2016 day of April, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2016-0260-AFiling Date 4/26/2016Estimated Posting Date 5/8/16Reviewer [Signature]

Rev 5/8/2014

ORDER RECEIVED FOR FILING
 5-27-16
 [Signature]

ZONING PROPERTY DESCRIPTION FOR 3522 Louth Rd, Dundalk, MD 21222

*Beginning at a point on the west side of Louth Road which is ~~40~~⁴⁰ feet wide at the distance of 559 feet east of the centerline of the nearest improved intersecting street Sollers Point Road which is ~~40~~⁵⁰ feet wide.

Being Lot # 12, Section # N/A in the subdivision of Dundalk as recorded in Baltimore County Plat Book # 13, Folio # 22, containing 5, 183 square feet. Located in the 12th Election District and 7th County Council.

2016-0760-A

CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

CASE NO: 2016-0260-1

PETITIONER/DEVELOPER

JANE M. NESS

DATE OF HEARING/CLOSING:

5/23/16

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

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 AT _____

3522 LOUTH RD

THIS SIGN(S) WERE POSTED ON May 6, 2016
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 5/6/16
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2016-0260-A
TO PERMIT AN EXISTING REAR YARD SETBACK OF 18 FT. AND
AN EXISTING SIDE SETBACK OF 4.5 FT. IN LIEU OF THE
REQUIRED 30 FT. REAR AND 10 FT. SIDE SETBACKS

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(h) (1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON MONDAY, MAY 23, 2016

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204

TEL. 410-887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE. UNDER PENALTY OF LAW.
MEETING IS HANDICAP ACCESSIBLE

myanmar gl 5/16/16

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2016- 0260 -A Address 3522 Louth Rd

Contact Person: LEONARD W. Wasielowski Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/26/16 Posting Date: 5/8/16 Closing Date: 5/23/16

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2016- 0260 -A Address 3522 Louth Road

Petitioner's Name JANE M. NESS Telephone 301 910 4707

Posting Date: 5/8/16 Closing Date: 5/23/16

Wording for Sign: To permit an existing rear yard setback of 18ft. and an existing side setback of 4.5ft. in lieu of the required 30ft. rear and 10ft. side setbacks.

Revised 7/21/15

**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: 2016-0260-A
Property Address: 3522 Louth Rd, Dundalk, MD 21222
Property Description: 2 story single family dwelling
Legal Owners (Petitioners): Jane M. Ness
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jane M Ness
Company/Firm (if applicable): _____
Address: 3522 Louth Rd
Baltimore, MD 21222
Telephone Number: 301-910-4707

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

No. 139232

Date: 4/26/16

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
4/26/2016 4/26/2016 09:54:23 2

R/G WS02 WALKIN JEVA JEE
X RECEIPT # 964240 4/26/2016 GFLN
Dpt S 528 ZONING VERIFICATION
CR NO. 139232

Receipt Tot \$75.00
\$75.00 CR \$1.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		615.						75.00

Total: 75.00

Rec From: Ness

For: 3522 Louth Rd

21222

2016-0260-A

DISTRIBUTION

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

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

May 24, 2016

Jane M Ness
3522 Louth Road
Dundalk MD 21222

RE: Case Number: 2016-0260 A, Address: 3522 Louth Road

Dear Ms. Ness:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 26, 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.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw'

Enclosures

c: People's Counsel

● ○ To wcn

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 19, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For May 9, 2016
Item No. 2016-0259, 0260, 0263, 0264, 0265, 0266 and 0268

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

RECEIVED

MAY 26 2016

OFFICE OF ADMINISTRATIVE HEARINGS

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC05092016.doc

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

MAY 13 2016

OFFICE OF ADMINISTRATIVE HEARINGS



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: May 13, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0260-A
Address 3522 Louth Road
(Ness Property)

Zoning Advisory Committee Meeting of May 9, 2016.

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

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

The subject property is located within an Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area and is subject to practices that reduce water quality impacts associated with stormwater runoff, commonly referred to as the Critical Area 10% Rule. Since an addition to the dwelling has already been built, the petitioner seeks a reduced sideyard setback to an existing 4.5 feet, and a reduced rear yard setback to an existing 18 feet. According to the petitioner's plan, impervious surfaces have been increased by approximately 400 square feet. By meeting the IDA pollutant reduction requirements, allowing the side yard and rear yard setback reductions requested by the applicant will result in minimal impacts to water quality.

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

The subject property is not a waterfront property. There is not a tidal buffer projected onto the property. The sideyard and rear yard setback reductions requested, if granted, will have no impact on fish, wildlife and plant habitat, however, the completed, addition construction project should be reviewed for the application of the IDA 10%

pollutant reduction requirements, which will improve buffer functions and conserve fish and plant habitat in proximity to nearby Bullneck Creek.

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

The side yard and rear yard setbacks requested will be consistent with established land-use policies provided that the petitioner meets any applicable Critical Area IDA requirements.

Reviewer: Thomas Panzarella
Environmental Impact Review

Date: May 11, 2016

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



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

Date: 5/5/16

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. 2016-0260-A

Administrative Variance
Jane M. Ness
3522 Louth Road.

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 "Richard Zeller".

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: May 13, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0260-A
Address 3522 Louth Road
(Ness Property)

Zoning Advisory Committee Meeting of May 9, 2016.

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

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

The subject property is located within an Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area and is subject to practices that reduce water quality impacts associated with stormwater runoff, commonly referred to as the Critical Area 10% Rule. Since an addition to the dwelling has already been built, the petitioner seeks a reduced sideyard setback to an existing 4.5 feet, and a reduced rear yard setback to an existing 18 feet. According to the petitioner's plan, impervious surfaces have been increased by approximately 400 square feet. By meeting the IDA pollutant reduction requirements, allowing the side yard and rear yard setback reductions requested by the applicant will result in minimal impacts to water quality.

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

The subject property is not a waterfront property. There is not a tidal buffer projected onto the property. The sideyard and rear yard setback reductions requested, if granted, will have no impact on fish, wildlife and plant habitat, however, the completed, addition construction project should be reviewed for the application of the IDA 10%

pollutant reduction requirements, which will improve buffer functions and conserve fish and plant habitat in proximity to nearby Bullneck Creek.

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

The side yard and rear yard setbacks requested will be consistent with established land-use policies provided that the petitioner meets any applicable Critical Area IDA requirements.

Reviewer: Thomas Panzarella
Environmental Impact Review

Date: May 11, 2016

C H E C K L I S TComment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment5-26

DEVELOPMENT PLANS REVIEW

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

NC5-13

DEPS

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

C

FIRE DEPARTMENT

PLANNING

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

5-5

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: _____

SIGN POSTING

Date: 5-6-16 by Ogle

PEOPLE'S COUNSEL APPEARANCE

Yes

☐

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

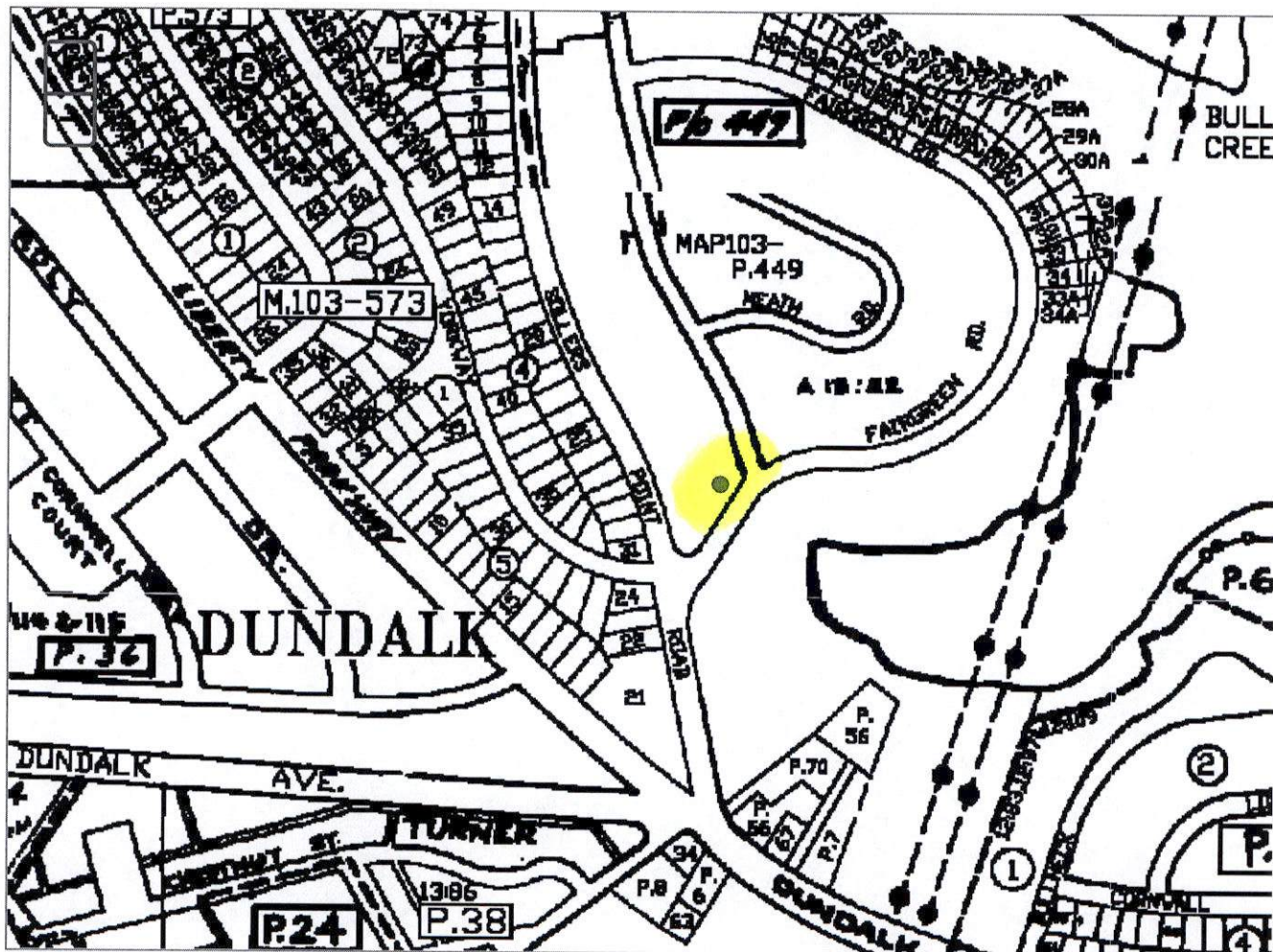
Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 12 Account Number - 1214000700			
Owner Information					
Owner Name:	NESS JANE M		Use:	RESIDENTIAL	
Mailing Address:	3522 LOUTH RD		Principal Residence:	YES	
	BALTIMORE MD 21222-5418		Deed Reference:	/36122/ 00270	
Location & Structure Information					
Premises Address:		3522 LOUTH RD BALTIMORE 21222-5418		Legal Description: 3522 LOUTH RD DUNDALK	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0103	0023	0449		0000	
Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	7
7	12	2015		0013/0022	
Special Tax Areas:			Town:		
			NONE		
Ad Valorem:					
Tax Class:					
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1943	952 SF		5,183 SF	04	
Stories	Basement	Type	Exterior SIDING	Full/Half Bath	Garage
1	NO	STANDARD UNIT		1 full	1 Carport
Value Information					
		Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		49,100	49,100		
Improvements		93,100	80,100		
Total:		142,200	129,200	129,200	129,200
Preferential Land:		0			0
Transfer Information					
Seller: TARWACKI JANE M		Date: 05/01/2015		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /36122/ 00270		Deed2:	
Seller: 3522 LOUTH ROAD LLC		Date: 10/11/2012		Price: \$160,000	
Type: ARMS LENGTH IMPROVED		Deed1: /32650/ 00265		Deed2:	
Seller: THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT		Date: 04/11/2012		Price: \$66,700	
Type: NON-ARMS LENGTH OTHER		Deed1: /31926/ 00370		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: Denied					

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)District: **12** Account Number: **1214000700**

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>).

2016-0260-A



4-0920





2016-0260-H



0260-A



0260-A

3522 South Road 2016# 260-A



Publication Date: 4/26/2016

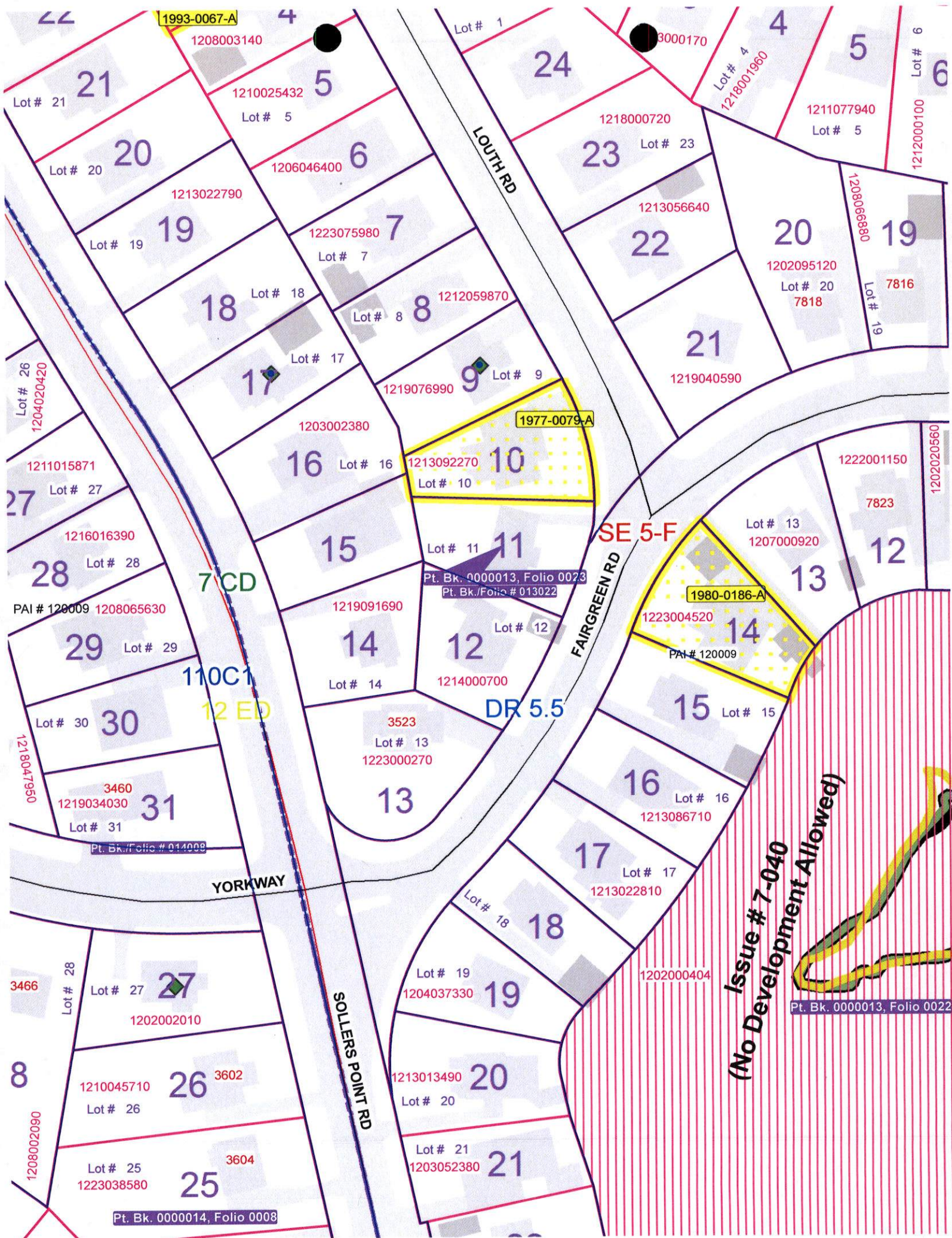


Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 5 10 20 30 40 Feet

1 inch = 30 feet



Issue # 7-040
(No Development Allowed)

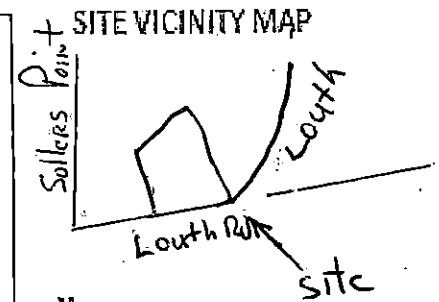
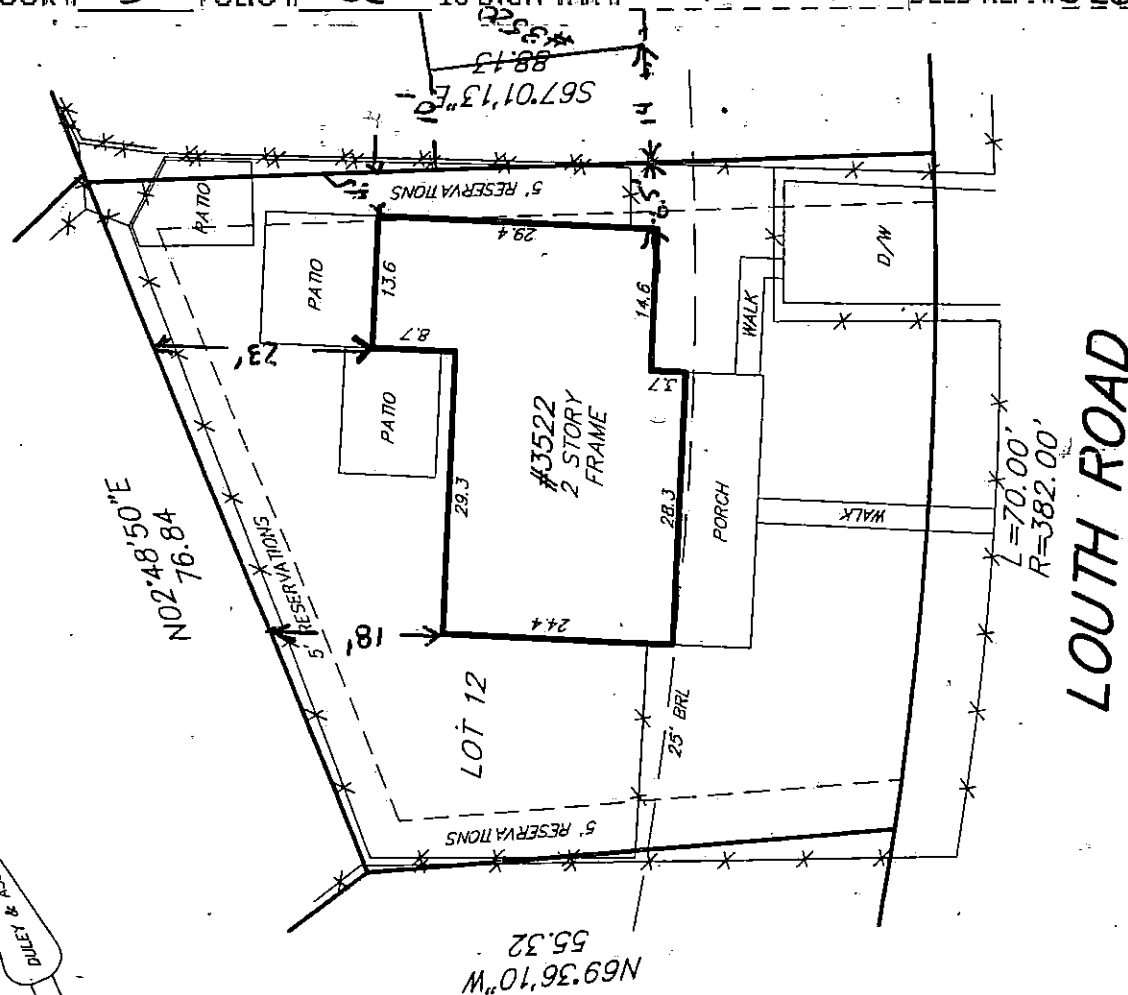
Pt. Bk. 0000013, Folio 0022

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 3522 Louth Road OWNER(S) NAME(S) JANE M. Ness

SUBDIVISION NAME Plat No. 7 Dundalk LOT # 12 BLOCK # 7 SECTION # _____

PLAT BOOK # 13 FOLIO # 22 10 DIGIT TAX # 1214 000 700 DEED REF. # 32650/265



N
MAP IS NOT TO SCALE

ZONING MAP# 110C1
SITE ZONED DR 5.5
ELECTION DISTRICT 12
COUNCIL DISTRICT 7
LOT AREA ACREAGE .12
OR SQUARE FEET 5,183
HISTORIC? No
IN CBCA? Yes
IN FLOOD PLAIN? Yes
UTILITIES? MARK WITH X
WATER IS:
PUBLIC X PRIVATE _____
SEWER IS:
PUBLIC X PRIVATE _____
PRIOR HEARING? No
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

2016-0260-A

PLAN DR.



JANE M. Ness

DATE 4/16/16 SCALE: 1 INCH = 20 FEET

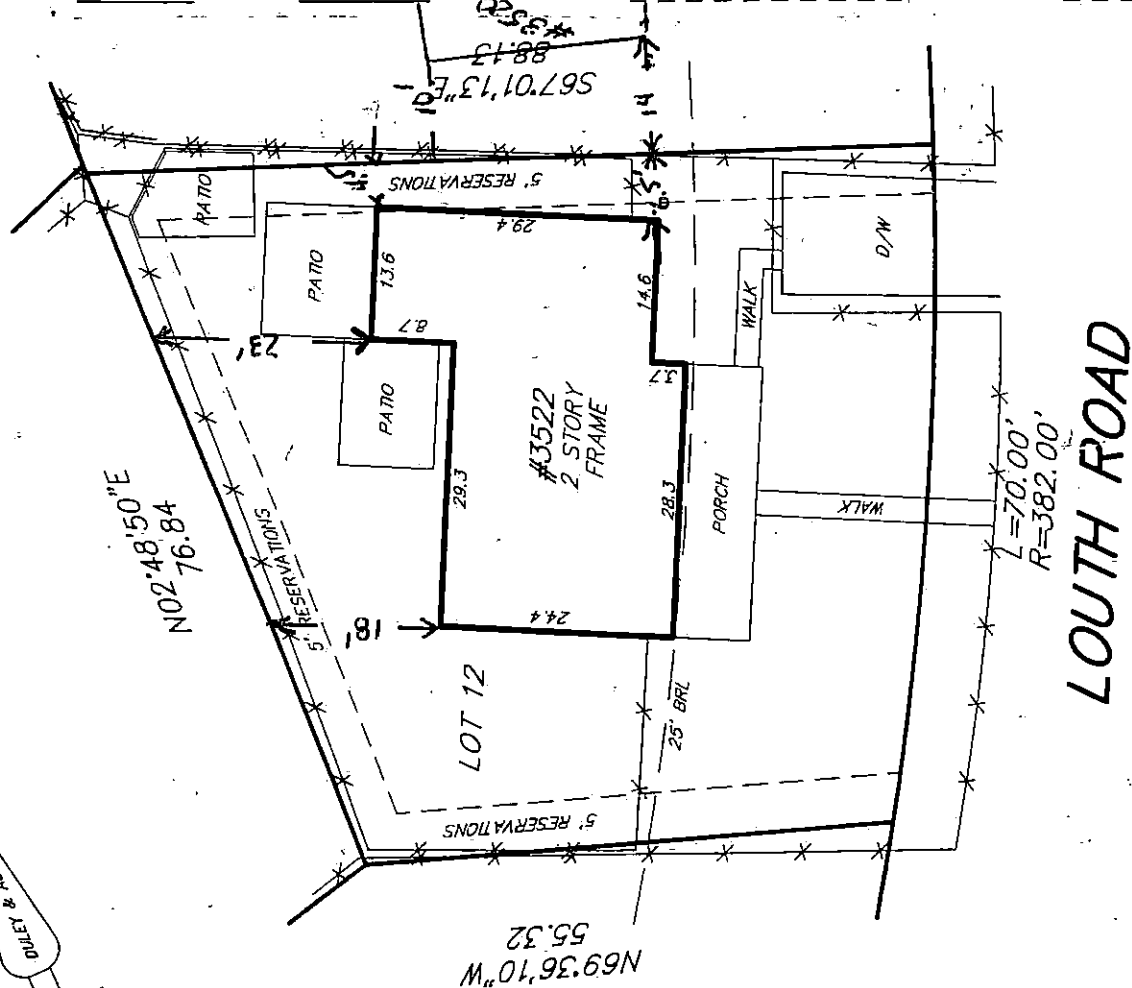
VIOLATION CASE INFO:

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 3522 Louth Road OWNER(S) NAME(S) JANE M. Ness

SUBDIVISION NAME Plat No. 7 Dundalk LOT # 12 BLOCK # 7 SECTION # _____

PLAT BOOK # 13 FOLIO # 22 10 DIGIT TAX # 1214 000 700 DEED REF. # 32650/265



PLAN DR.



JANE M. Ness

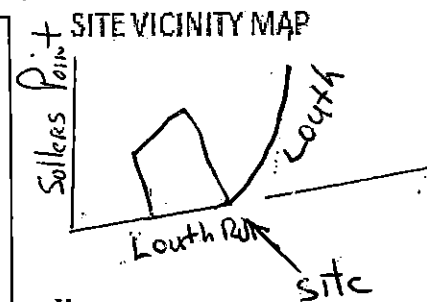
DATE

4/16/16

SCALE:

1 INCH = 20 FEET

2016-0260-A



N



MAP IS NOT TO SCALE

ZONING MAP# 110C1

SITE ZONED DR 5.5

ELECTION DISTRICT 12

COUNCIL DISTRICT 7

LOT AREA ACREAGE .12

OR SQUARE FEET 5,183

HISTORIC? No

IN CBCA? Yes

IN FLOOD PLAIN? Yes

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? No

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO: