

MEMORANDUM

DATE: August 2, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0282-A – Appeal Period Expired

The appeal period for the above-referenced case expired on August 1, 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

(2512 Baurenschmidt Dr.)

15th Election District

7th Council District

Susanne McPherson Grice, et al

Legal Owners

Petitioners

*

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*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0282-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 Susanne McPherson Grice, et al, legal owners of the subject property ("Petitioners"). Petitioners request Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §1B02.3.C.1 to permit a rear yard setback of 17 ft. in lieu of the required 30 ft. and to approve an undersized lot. A site plan was marked as Petitioners' Exhibit 1.

Lance McPherson and surveyor J. Scott Dallas, whose firm prepared the plan, appeared in support of the Petition. No Protestants or interested citizens attended the hearing. The Petition was advertised and posted as required by the B.C.Z.R. Zoning Advisory Committee (ZAC) comments were submitted by the Department of Environmental Protection and Sustainability (DEPS) and the Bureau of Development Plans Review (DPR). Conditions are included in the Order below to address the concerns raised by these agencies.

The subject property is approximately 9,300 square feet and is zoned DR 3.5. The waterfront property is improved with a small (approximately 625 sq. ft.) single family dwelling constructed in 1949, although Mr. Dallas noted certain improvements have been made through the years. Petitioners use the home as a vacation property, mainly for storing and using their sailboat which is kept at the existing wood pier shown on the plan. Petitioners propose to raze the existing

ORDER RECEIVED FOR FILING

Date 7-1-16

By SW

dwelling and in its place construct a new single family dwelling. The proposed dwelling (and for that matter the existing home) would satisfy all bulk and area regulations except for the lot size and rear yard setback.

Given that the site improvements have existed for over 65 years and the lot was created in 1940 by the plat of Baurenschmidt Manor, I believe Petitioners are entitled to rebuild the nonconforming structure under B.C.Z.R. § 104 without the necessity of variance relief. As an alternative, Petitioners could rely upon the undersized lot provision found in B.C.Z.R. § 304, but that would require the proposed dwelling to observe a 30 ft. rear yard setback, which would move the home closer to the water raising potential flood and/or Chesapeake Bay Critical Area (CBCA) concerns. While I believe either of these options would be the more appropriate manner in which to resolve this case, the petition sought only variance relief and will be considered thusly.

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 waterfront property is narrow and deep, and the Petitioners are constrained by existing site improvements. 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 modern dwelling on the lot to replace the modest and dated existing home which is in need of repair. 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.

ORDER RECEIVED FOR FILING

Date 7-1-16

2

By DW

THEREFORE, IT IS ORDERED, this 1st day of **July, 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 to permit a rear yard setback of 17 ft. in lieu of the required 30 ft. and to approve an undersized lot (i.e., 9,300 sq. ft. in lieu of the required 10,000 sq. ft.), be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Prior to issuance of permits Petitioners must comply with the Chesapeake Bay Critical Area (CBCA) regulations.
3. Prior to issuance of permits Petitioners must contact the Department of Public Works (DPW) to determine the flood protection elevation for the property.

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 7-1-16

By 



A. CBCA

PETITION FOR ZONING HEARING(S)

F1001

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 2512 Bauernschmidt Drive which is presently zoned DR 3.5Deed References: 11337-287 10 Digit Tax Account # 1516750580Property Owner(s) Printed Name(s) Susanne McPherson Grice, Lance C. McPherson,Lois A. McPherson Shahidi and Edith R. McPherson
(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 approve2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for3. X a **Variance** from Section(s)1 B02.3.C.1; BCZR, TO PERMIT A REAR YARD SETBACK OF 17 FT, IN LIEU OF THE REQUIRED 30 FT. AND TO APPROVE AN UNDERSIZED LOT.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):

Lance C.
Susanne McPherson Grice / McPherson

Name #1 - Type or Print

Name #2 - Type or Print

Susanne McPherson Grice

Signature #1

Lance C. McPherson

Signature #2

1606 Thornwood Ct Fallston MD

Mailing Address City State

21047 / 410-320-9082 / LCMcPherson@Zip Code Telephone # Email Address
hotmail.com

Representative to be contacted:

J.S. Dallas

Name - Type or Print

Signature

P.O. Box 26 Baldwin, MD

Mailing Address City State

21013 / 410-817-4600 / Jsdinc@aol.com

Zip Code Telephone # Email Address

CASE NUMBER 2016-0282-A Filing Date 5/13/16Do Not Schedule Dates: Reviewer JCM



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 2512 Bauernschmidt Drive which is presently zoned DR 3.5

Deed References: 11337-287 10 Digit Tax Account # 1516750580

Property Owner(s) Printed Name(s) Susanne McPherson Grice, Lance C. McPherson,

Lois A. McPherson Shahidi and Edith R. McPherson
(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

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

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(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)

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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):

Lois A. McPherson Shahidi Edith R. McPherson

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

Lois A. McPherson Edith R. McPherson

Signature #1 Signature #2

1606 Thornwood Ct Fallston, MD

Mailing Address City State

21047 / 410-320-9082 / LcMcpherson@

Zip Code Telephone # Email Address

Representative to be contacted:

J.S. Dallas

Name - Type or Print

Signature

P.O. Box 26 Baldwin, MD

Mailing Address City State

21013 / 410-817-4600 / Jsdinc@aol.com

Zip Code Telephone # Email Address

CASE NUMBER 2016-0282-A

Filing Date 5/13/14

Do Not Schedule Dates:

Reviewer JCM

J.S. DALLAS, INC.

Surveying & Engineering

P.O. Box 26
Baldwin, MD 21013
(410)817-4600
FAX (410)817-4602

ZONING DESCRIPTION OF # 2512 BAUERNSCHMIDT DRIVE

BEGINNING at a point on the east side of Bauernschmidt Drive, 40 feet wide, at the distance of 384 feet, more or less south of the extension of the centerline of Riverside Drive.

BEING Lot # 16 on the plat entitled "Bauernschmidt Manor" as recorded in Baltimore County Plat Book Number 12 folio 81.

CONTAINING 9300 square feet or 0.213 acres of land, more or less.

LOCATED the 15th Election District, 7th Councilmanic District.





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 4227586

Sold To:

Lance McPherson - CU00541744
1606 Thornwood Ct
P.O. Box 588
Fallston, MD 21047-1611

Bill To:

Lance McPherson - CU00541744
1606 Thornwood Ct
P.O. Box 588
Fallston, MD 21047-1611

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

Jun 09, 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: # 2016-0282-A
2512 Bauernschmidt Drive
E/s Bauernschmidt Drive, 384 ft. +/- s/of centerline of
Riverside Drive
15th Election District - 7th Councilmanic District
Legal Owner(s) Susanne McPherson-Grice,
Lance McPherson

Variance: to permit a rear yard setback of 17 ft. in lieu of the required 30 ft. and to approve an undersized lot.

Hearing: Thursday, June 30, 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.

6/049 June 9 4227586

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 6/12/2016

Case Number: 2016-0282-A

Petitioner / Developer: J.S. DALLAS, INC. ~ McPHERSON

Date of Hearing (Closing): JUNE 30, 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:
2512 BAUERNSCHMIDT DRIVE

The sign(s) were posted on: JUNE 10, 2016



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



KEVIN KAMENETZ
County Executive

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

May 23, 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: 2016-0282-A

2512 Bauernschmidt Drive
E/s Bauernschmidt Drive, 384 ft. +/- s/of centerline of Riverside Drive
15th Election District – 7th Councilmanic District
Legal Owners: Susanne McPherson-Grice, Lance McPherson

Variance to permit a rear yard setback of 17 ft. in lieu of the required 30 ft. and to approve an undersized lot.

Hearing: Thursday, June 30, 2016 at 10:00 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: McPherson Residence, 1606 Thornwood Court, Fallston 21047
J.S. Dallas, P.O. Box 26, Baldwin 21013

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JUNE 10, 2016**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 9, 2016 Issue - Jeffersonian

Please forward billing to:
Lance McPherson
1606 Thornwood Court
P.O. Box 588
Fallston, MD 21047

410-817-4600

NOTICE OF ZONING HEARING

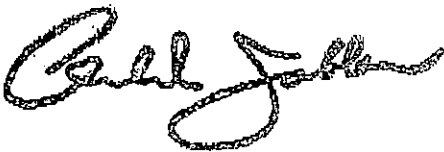
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E/s Bauernschmidt Drive, 384 ft. +/- s/of centerline of Riverside Drive
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Variance to permit a rear yard setback of 17 ft. in lieu of the required 30 ft. and to approve an undersized lot.

Hearing: Thursday, June 30, 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 * BEFORE THE OFFICE
2512 Baurenschmidt Drive; E/S Baurenschmidt *
Drive, 384' S of c/line Riverside Drive * OF ADMINISTRATIVE
15th Election & 7th Councilmanic Districts HEARINGS FOR
Legal Owners: Susanne McPherson Grice, Lois*
McPherson Shahidi, Lance & Edith McPherson * BALTIMORE COUNTY
Petitioner(s) *
* 2016-282-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
MAY 18 2016

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of May, 2016, a copy of the foregoing Entry of Appearance was mailed to J. Scott Dallas, P.O. Box 26, Baldwin, MD 21013, 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: 2016-0282-A
Property Address: 2512 Bauernschmidt Dr.
Property Description: _____

Legal Owners (Petitioners): Gru et al.
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Lance McPherson
Company/Firm (if applicable): _____
Address: 1606 Thornwood Ct.
P.O. Box 588
Fallston MD 21047
Telephone Number: 40 JS Dallas 410 8174622

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

No. **139266**
Date **5/13/16**

PAID RECEIPT

BUSINESS ACTUAL TDE DFD
5/13/2016 5/13/2016 07:59:26 1

DEB W001 WALMART LTR

RECEIPT # 652669 5/13/2016 DEB

Dept 5 528 ZEMING VERIFICATION

CR NO. 139266

Receipt Tot 175.00

175.00 CR 175.00

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00

Total **75.00**

Rec From: **J.S. DALLAS.**

For: **2016-0282-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 23, 2016

Susanne McPherson-Grice
Lane McPherson
1606 Thornwood Court
Fallston MD 21047

RE: Case Number: 2016-0282 A, Address: 2512 Baurenschmidt Drive

To Whom It May Concern

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 13, 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 fluid and cursive.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
J S Dallas, P O Box 26, Baldwin MD 21013

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



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

Date: 5/16/16

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. 2016-0282-A.

Variance
Susanne McPherson Grice & Lance C. McPherson
2512 Baurenschmidt Drive

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".

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

WW/RAZ

6-30

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: June 3, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-282

JUN 10 2016

INFORMATION:

OFFICE OF ADMINISTRATIVE HEARINGS

Property Address: 2512 Bauernschmidt Drive
Petitioner: Susanne McPherson, Lance C. McPherson
Zoning: DR 3.5
Requested Action: Variance

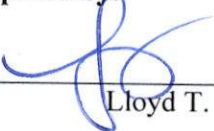
The Department of Planning has reviewed the petition for variance to permit a rear yard setback of 17 feet in lieu of the required 30 feet and to approve an undersized lot.

A site visit was conducted on May 23, 2016.

The Department of Planning has no objections to this request. The existing non-conforming structure currently sits at a 17' offset from the rear property line.

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
J.S. Dallas
Office of the Administrative Hearings
People's Counsel for Baltimore County

6-30

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

MAY 18 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 18, 2016

SUBJECT: EPS Comment for Zoning Item # 2016-0282-A
Address 2512 Baurenschmidt Drive
(Grice & McPherson Property)

Zoning Advisory Committee Meeting of May 23, 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 dwelling on an undersized lot with a 17-foot roadside setback in lieu of the required 30-foot setback. The proposed development must meet LDA and MBA requirements for lot coverage. The maximum lot coverage allowance for this property (31.25% with mitigation for any new amount over 25%), must be based only on the area of the property above mean high water. 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 Middle River with the required Critical Area buffer covering the entire property due to buffer expansion for greater than 5% slopes in an area of highly erodible soils. The proposed setback relief would allow the applicant to meet the MBA requirements for location of the dwelling. The new dwelling can extend no closer the mean high water than the existing

dwelling. Meeting the modified buffer area requirements, lot coverage requirements, tree requirements, and any mitigation requirements for buffer impacts will aid in the conservation of 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 dwelling 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: May 17, 2016

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For May 23, 2016
Item No. 2016-0282

DATE: May 20, 2016

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

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

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0282-05232016.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



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

DATE: June 3, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-282

INFORMATION:

Property Address: 2512 Bauernschmidt Drive
Petitioner: Susanne McPherson, Lance C. McPherson
Zoning: DR 3.5
Requested Action: Variance

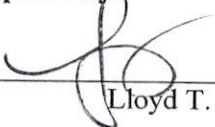
The Department of Planning has reviewed the petition for variance to permit a rear yard setback of 17 feet in lieu of the required 30 feet and to approve an undersized lot.

A site visit was conducted on May 23, 2016.

The Department of Planning has no objections to this request. The existing non-conforming structure currently sits at a 17' offset from the rear property line.

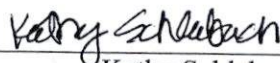
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
J.S. Dallas
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: May 18, 2016

SUBJECT: EPS Comment for Zoning Item # 2016-0282-A
Address 2512 Baurenschmidt Drive
(Grice & McPherson Property)

Zoning Advisory Committee Meeting of May 23, 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 dwelling on an undersized lot with a 17-foot roadside setback in lieu of the required 30-foot setback. The proposed development must meet LDA and MBA requirements for lot coverage. The maximum lot coverage allowance for this property (31.25% with mitigation for any new amount over 25%), must be based only on the area of the property above mean high water. 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 Middle River with the required Critical Area buffer covering the entire property due to buffer expansion for greater than 5% slopes in an area of highly erodible soils. The proposed setback relief would allow the applicant to meet the MBA requirements for location of the dwelling. The new dwelling can extend no closer the mean high water than the existing

CASE NAME Drice Anne Pearson
CASE NUMBER 2016-282-A
DATE 6-30-2016

[illegible]

From: Kevin McDonough <kevinmcdonough@comcast.net>
Sent: Wednesday, June 29, 2016 11:24 AM
To: Administrative Hearings
Subject: Re: Case #2016-0282-A 2513 Bauernschmidt Drive

No problem!

Thanks for your help.

Could you please include us to receive a copy of the order and opinion?

Rockaway Beach / Turkey Point Improvement Assoc. - 628 Rockaway Beach Ave - Essex, MD 21221

All the Best,

Kevin M. McDonough
Vice President

Sent from my iPhone

> On Jun 29, 2016, at 11:06 AM, Administrative Hearings <administrativehearings@baltimorecountymd.gov> wrote:
>
> Our apologizes. This case is to be heard tomorrow, 6/30 @ 10 AM. We are unable to make copies of the site plans as they're fairly large and our copier does not reduce them. You are more than welcome to stop in the office to review the contents of the file.
>
> Thank you.
>
> -----Original Message-----
> From: Kevin McDonough [mailto:kevinmcdonough@comcast.net]
> Sent: Wednesday, June 29, 2016 9:41 AM
> To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
> Subject: Re: Case #2016-0282-A 2513 Bauernschmidt Drive
>
> Good Morning!
>
> Thanks for the follow-up.
>
> It looks like this is a copy of the order and opinion but hasn't been filled in with any of the specifics.
>
> I was just curious about seeing s copy of the proposed site plan.
>
> Thanks so much!
>
>
>
> All the Best,

>

> Kevin M. McDonough

>

>

> Sent from my iPhone

>

>> On Jun 29, 2016, at 9:34 AM, Administrative Hearings <administrativehearings@baltimorecountymd.gov> wrote:

>>

>> Good Morning,

>>

>> Per your request, please find attached the requested variance.

>>

>> Have a great day.

>>

>> -----Original Message-----

>> From: Kevin Mcdonough [mailto:kevinmcdonough@comcast.net]

>> Sent: Tuesday, June 28, 2016 10:30 AM

>> To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>

>> Subject: Case #2016-0282-A 2513 Bauernschmidt Drive

>>

>>

>> Good Morning-

>>

>> Would you happen to have a PDF copy of the proposed site plan for case #2016-0282-A?

>>

>> The community association just likes to review all of the neighborhood variance requests to stay on top of what's happening.

>>

>> Thanks so much!

>>

>> All the Best,

>>

>> Kevin M. McDonough

>> Vice President

>> Rockaway Beach / Turkey Point Improvement Assoc.

>>

>> Sent from my iPhone

>> [http://www.baltimorecountymd.gov/sebin/n/n/county_seal.jpg]<<http://www.baltimorecountymd.gov>>

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>> Connect with Baltimore County

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>> [http://www.baltimorecountymd.gov/sebin/p/i/socialmedia_fb.jpg]<<https://www.facebook.com/baltcogov>>

>> [http://www.baltimorecountymd.gov/sebin/r/j/socialmedia_twitter.jpg] <<https://twitter.com/BaltCoGov>>

>> [http://www.baltimorecountymd.gov/sebin/b/f/socialmedia_BC_NOW.jpg]

>> <<http://www.baltimorecountymd.gov/News/BaltimoreCountyNow>>

>> [http://www.baltimorecountymd.gov/sebin/r/z/socialmedia_youtube.jpg]

>> <<https://www.youtube.com/user/BaltimoreCounty>>

>> [http://www.baltimorecountymd.gov/sebin/z/z/socialmedia_camera.jpg]

>> <<https://www.flickr.com/photos/baltimorecounty>>

[http://www.baltimorecountymd.gov/sevin/d/o/socialmedia_linkedin.jpg]

<https://www.linkedin.com/company/baltimore-county-government>

>>

>> www.baltimorecountymd.gov<http://www.baltimorecountymd.gov>

>>

>> <2016-0282-A.docx>

>

C H E C K L I S TSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment5/20DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)C5/18DEPS
(if not received, date e-mail sent _____)C

FIRE DEPARTMENT

6/3PLANNING
(if not received, date e-mail sent _____)no obj5/16

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 6/9/16SIGN POSTING Date: 6/10/16by O'KeefePEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

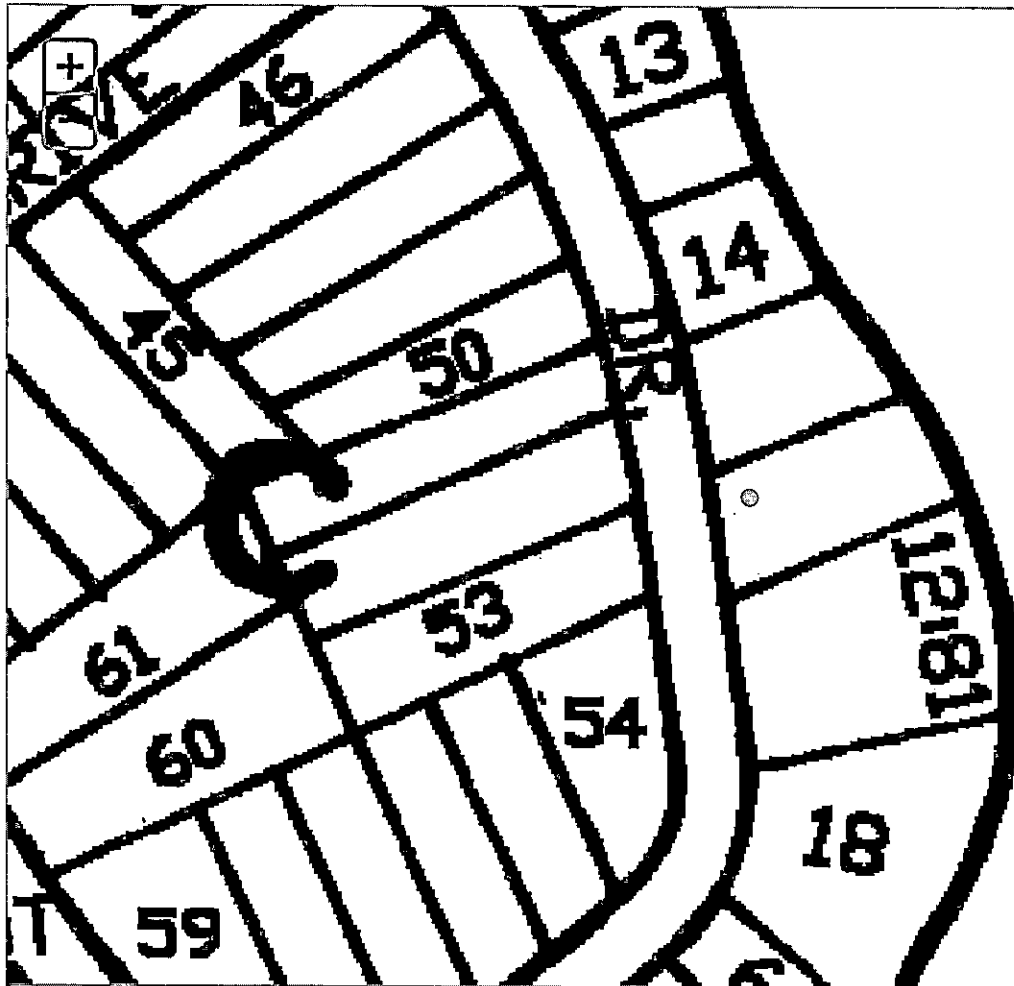
Comments, if any: _____

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption				View GroundRent Registration			
Account Identifier:			District - 15 Account Number - 1516750580							
Owner Information										
Owner Name:			GRICE SUSANNE MCPHERSON MCPHERSON LANCE C ETAL				Use: Principal Residence:		RESIDENTIAL NO	
Mailing Address:			1606 THORNWOOD CT PO BOX 588 FALLSTON MD 21047-0588				Deed Reference:		/11337/ 00287	
Location & Structure Information										
Premises Address:			2512 BAUERNSCHMIDT DR 0-0000 Waterfront			Legal Description: 2512 BAUERNSCHMIDT DR BAUERNSCHMIDT MANOR				
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0098	0008	0035		0000	A		16	2015		0012/0081
Special Tax Areas:					Town: Ad Valorem: Tax Class:		NONE			
Primary Structure Built			Above Grade Enclosed Area		Finished Basement Area		Property Land Area		County Use	
1949			627 SF				9,300 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:			259,500		259,500					
Improvements			47,600		46,600					
Total:			307,100		306,100		306,100		306,100	
Preferential Land:			0						0	
Transfer Information										
Seller: MCPHERSON DORIS C Type: NON-ARMS LENGTH OTHER				Date: 12/07/1995 Deed1: /11337/ 00287				Price: \$0 Deed2:		
Seller: PRIMUS MARIE A Type: NON-ARMS LENGTH OTHER				Date: 04/24/1990 Deed1: /08137/ 00345				Price: \$0 Deed2:		
Seller: Type:				Date: Deed1:				Price: 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: Exempt Class:				Special Tax Recapture: NONE						
Homestead Application Information										
Homestead Application Status: No Application										

Baltimore County[New Search \(http://sdat.dat.maryland.gov/RealProperty/\)](http://sdat.dat.maryland.gov/RealProperty/)District: **15** Account Number: **1516750580**

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.

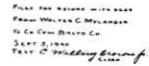
If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

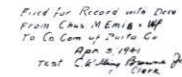
For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



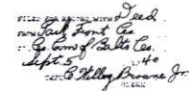
OTTO F UNGER OWNER & DEVELOPER
Scale 1 inch = 40 feet Date: August 1, 1940
W M LEE CIVIL ENGINEER & SURVEYOR
Plot of BOERHASCHMIDT MASON
RECORDED AUG 28, 1940
RST. C. W. HALLING GERMANY ST.
LUBA



PROPERTY OF WALTER C. MYLANDER ET AL
BALTIMORE COUNTY METROPOLITAN DISTRICT
J 20 3018 SCALE 1"=50' AUG 22 1940 40-51



PLAT SHOWING LOCATION
"STORM WATER SEWER"
Through Property of Miss Maurice Gay & H/o
SCHWARTZ AVENUE
9th DISTRICT Baltimore County
Scale: 1" = 40' Date Oct 4, 1990
Approved: *Herman J. [Signature]*



DATE 12/17/68 FROM BALTIMORE
TO 309. BALTIMORE 309 327 327 10-575
BALTIMORE COUNTY MEMPHIS DISTRICT

JB
6/30

Case No.: 2016-0282-A

Exhibit Sheet

DW 8-2-16

Petitioner/Developer

DW 7-1-16

Protestants

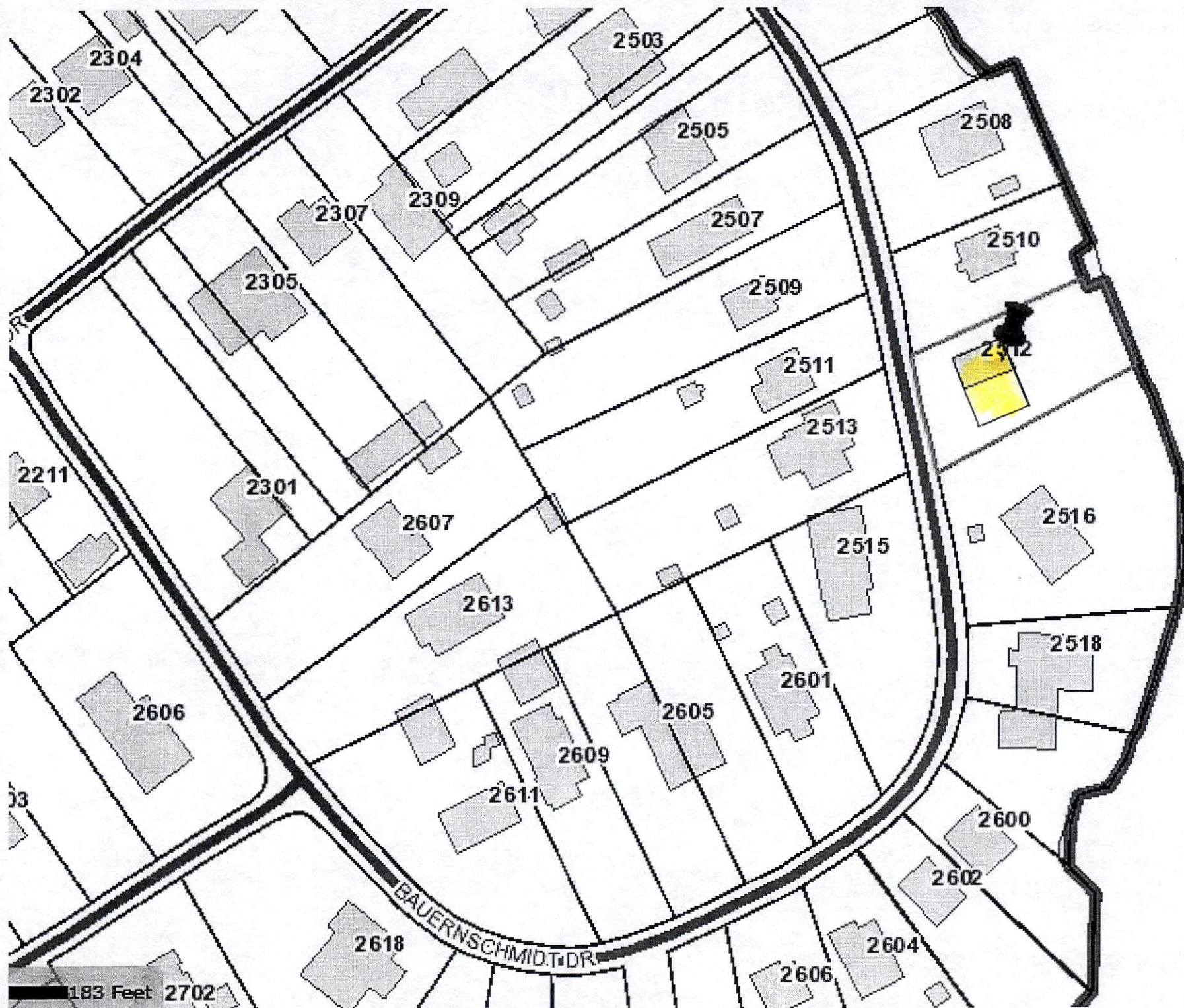
No. 1	site plan	
No. 2	aerial "my neighborhood" map	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PETITIONER'S

EXHIBIT NO.

2

7.08.11

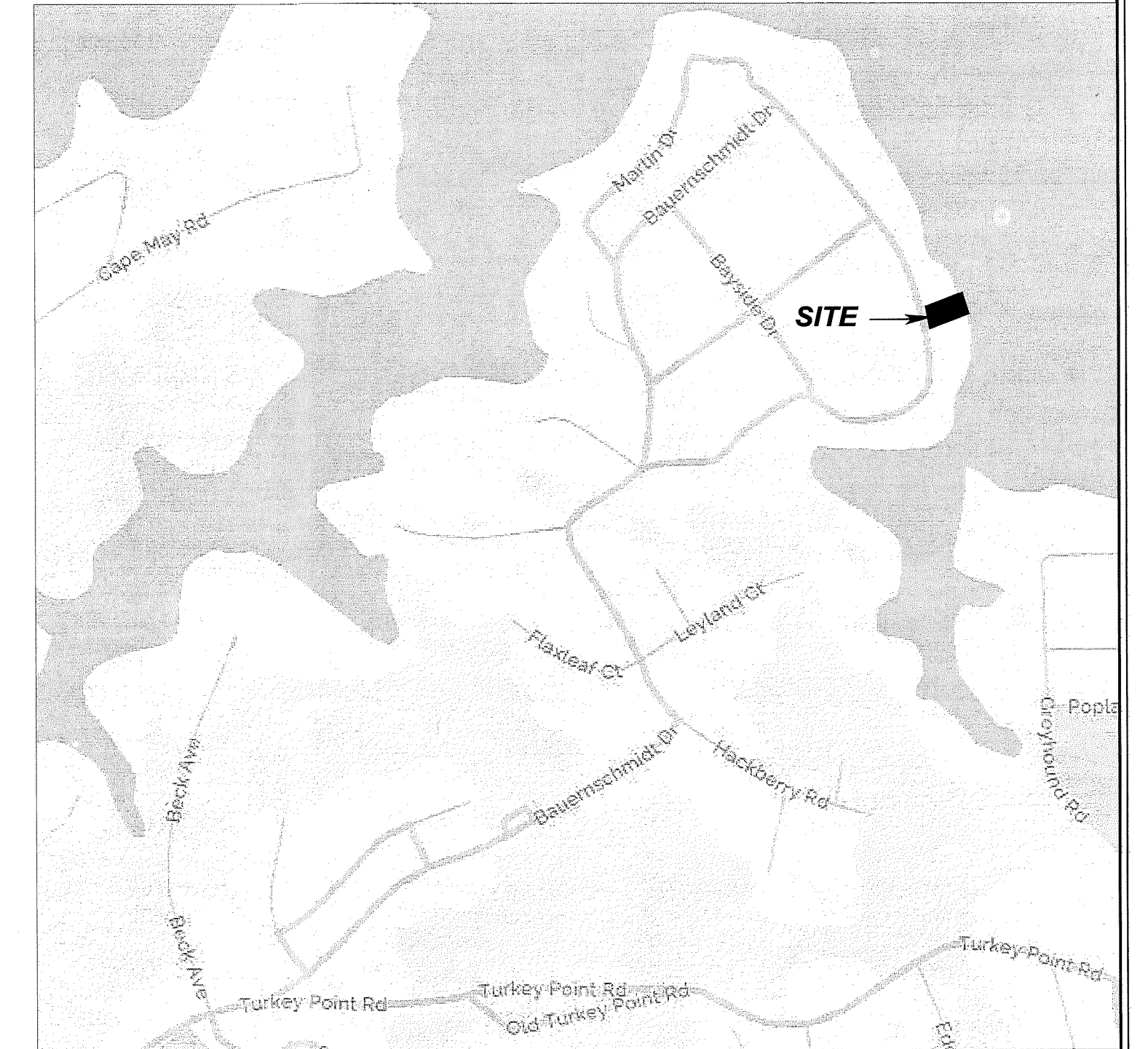
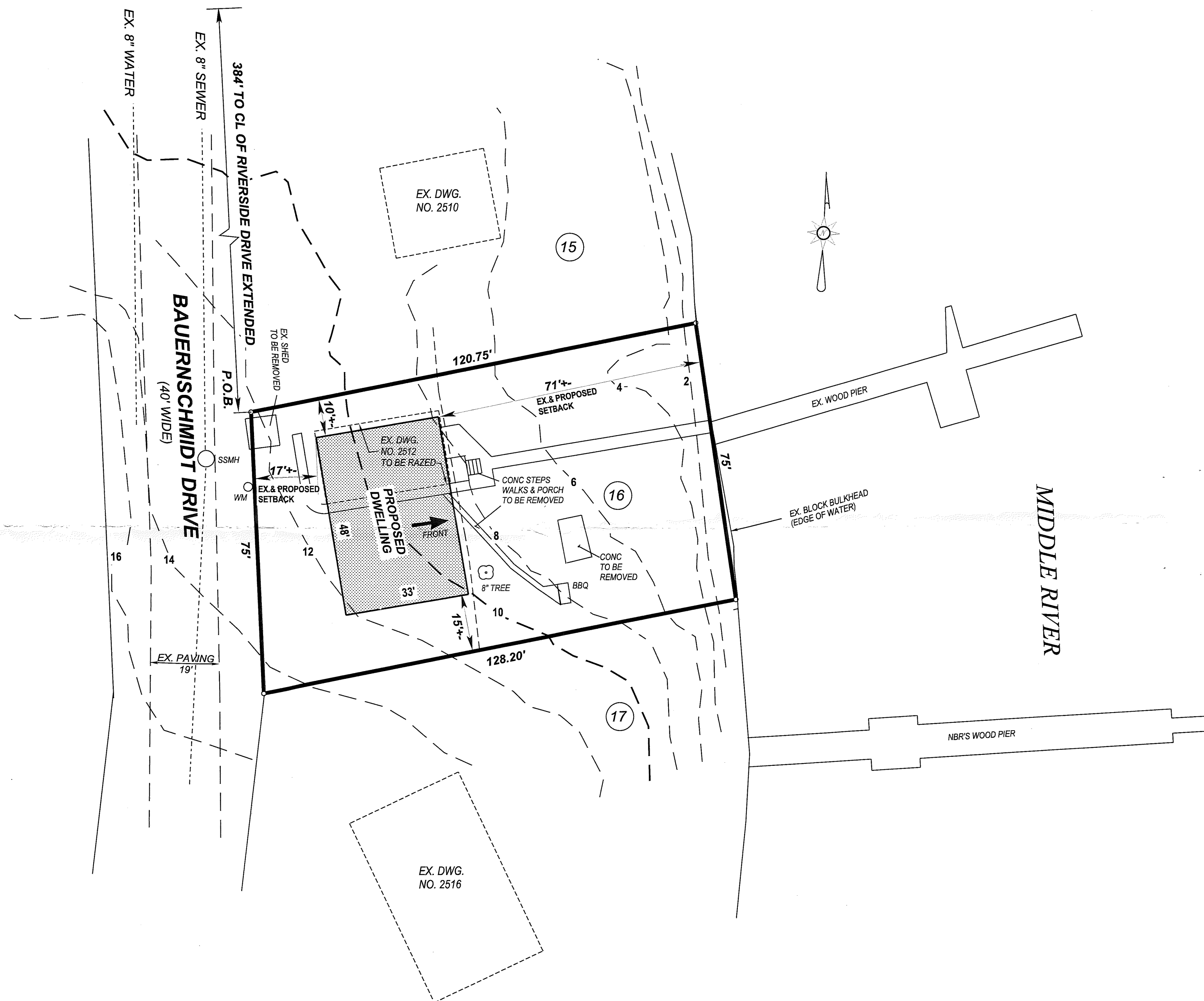


1. OWNER: SUSANNE MCPHERSON GRICE
LANCE C MCPHERSON ET AL
1606 THORNWOOD CT.
PO BOX 588
FALLSTON, MD. 21047
2. SITE AREA: 9300 Sq.Ft. (PER SDAT)
3. EX. BUILDING AREA: 660 SQ. FT.
4. UTILITIES:
PUBLIC SEWER
PUBLIC WATER
5. THE SITE LIES WITHIN ZONE "X" & "VE" AS SHOWN
ON F.I.R.M. 2400100445G DATED MAY 5, 2014
6. ZONING: DR 3.5
(PER BALT. COUNTY "MY NEIGHBORHOOD" WEBSITE)
30' FRONT (WATERSIDE)
10' SIDE (AGGREGATE 25')

7. EX. STRUCTURE = 15' HIGH
8. DEED REF.: SM 11337-287
9. TAX ACCOUNT: #1516750580
10. COUNCILMANIC DISTRICT: 7TH
11. CENSUS TRACT: 450900
12. WATERSHED: MIDDLE RIVER
13. TAX MAP: #0098, PARCEL 0035, LOT 16 SECTION A
14. NO KNOWN PREVIOUS ZONING CASES ON FILE.
15. NO KNOWN PERMITS ON FILE.
16. THE SITE LIES WITHIN THE CHESAPEAKE BAY
CRITICAL AREA. (LDA)
- 17.THERE ARE NO HISTORIC FEATURES ON THE SITE NOR
IS THE SITE ITSELF HISTORIC.
18. NO KNOWN PREVIOUS DRC MEETINGS

MAXIMUM IMPERVIOUS AREA=
9300 X 31.25% =2906 SQ. FT.

EXISTING IMPERVIOUS AREA	PROPOSED IMPERVIOUS AREA
EX. DWELLING 558 SQ. FT.	DWELLING 1584 SQ. FT.
EX. WALKS ETC 670 SQ. FT.	17% IMPERVIOUS
EX. SHED 67 SQ. FT.	
TOTAL 1295 SQ. FT.	
14% IMPERVIOUS	



VICINITY MAP 1" = 500'

**SITE PLAN TO ACCOMPANY
PETITION FOR ZONING VARIANCE
#2512 BAUERNSCHMIDT DRIVE**

DEED REFERENCE- SM 11337-287
LOT 16 SECTION "A"
MAP 0098 GRID 0008 PARCEL 0035

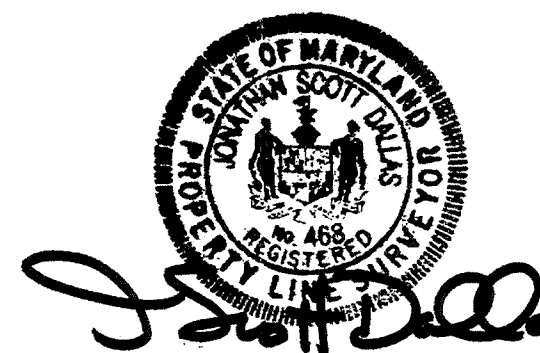
BAUERNSCHMIDT MANOR (12:81)
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.

PETITIONER'S

EXHIBIT NO.

FILE NAME		
BAUERNSCHMIDT.TRV		
SCALE	DATE	DRAWN BY
20 Ft/In	5-11-2016	R.N.G.
JOB	REVISION	SHEET
	1/1	1/1

J.S. DALLAS, INC.
SURVEYING & ENGINEERING
P.O. BOX 26
BALDWIN, MD. 21013
(410) 817-4600



05-11-2016

DATE _____

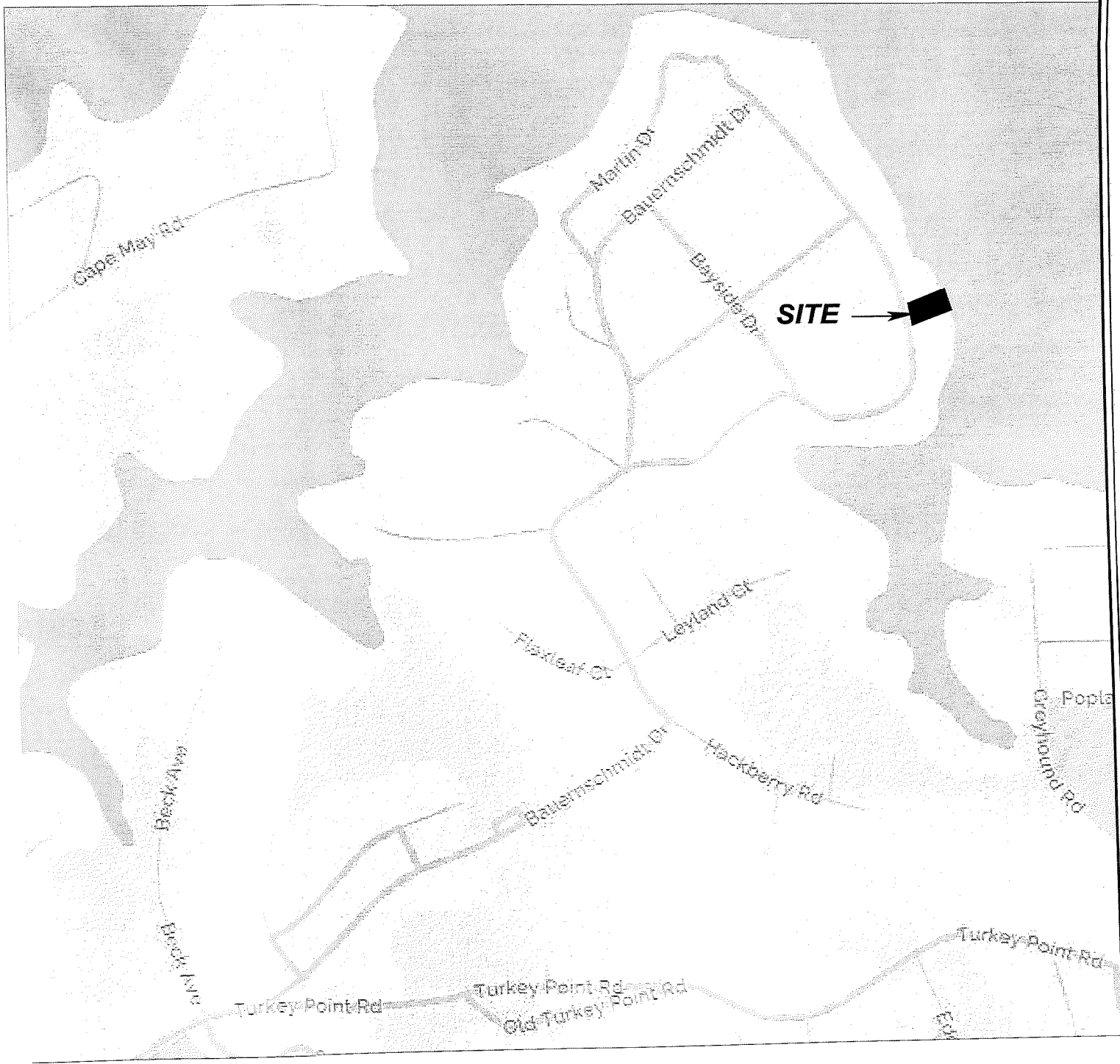
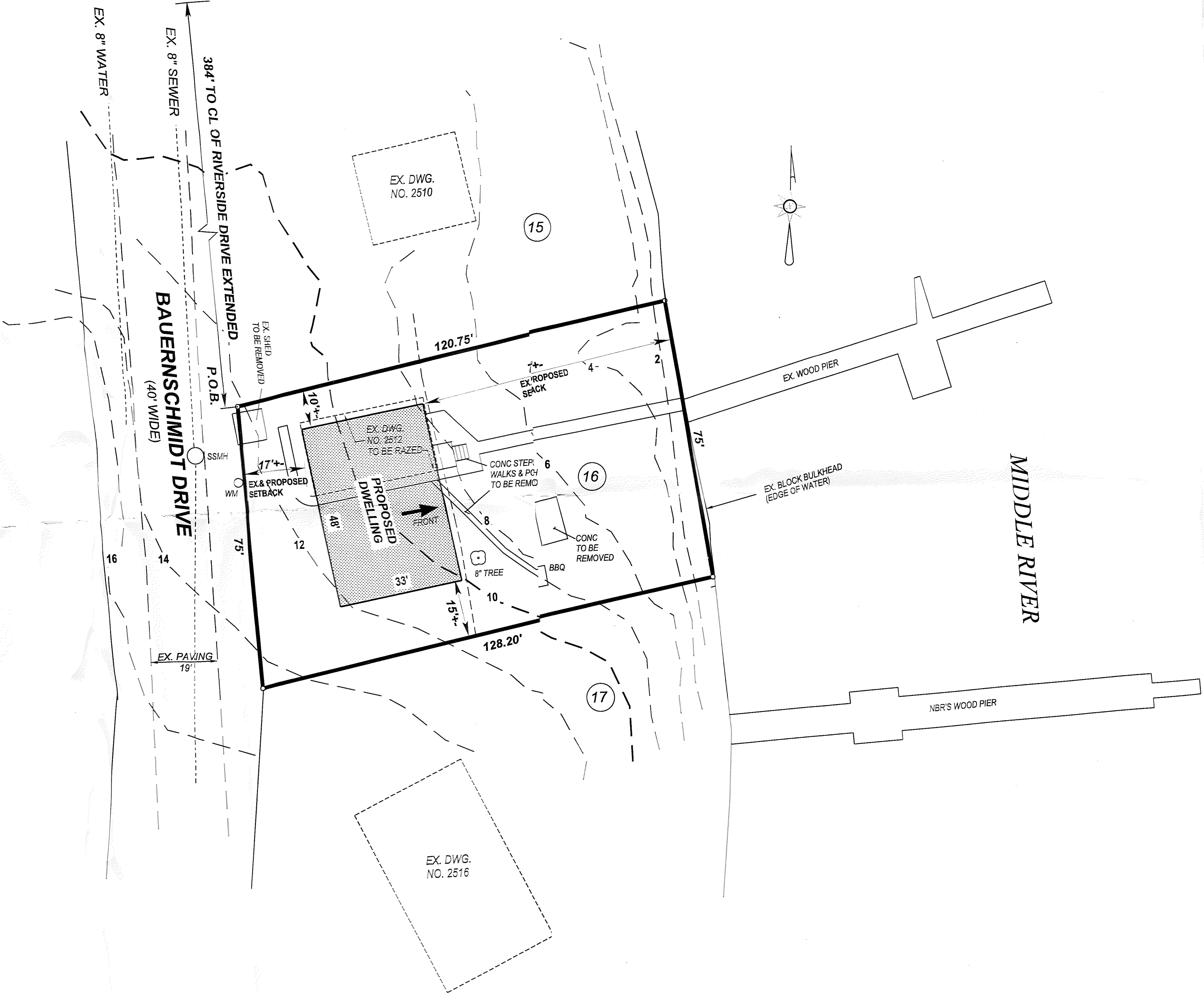
GENERAL NOTES:

1. OWNER: SUSANNE MCPHERSON GRICE
LANCE C MCPHERSON ET AL
1606 THORNWOOD CT.
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FALLSTON, MD. 21047
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IS THE SITE ITSELF HISTORIC.
18. NO KNOWN PREVIOUS DRC MEETINGS

IMPERVIOUS AREAS TABULATION

MAXIMUM IMPERVIOUS AREA=
9300 X 31.25% =2906 SQ. FT.

EXISTING IMPERVIOUS AREA		PROPOSED IMPERVIOUS AREA	
EX. DWELLING	558 SQ. FT.	DWELLING	1584 SQ. FT.
EX. WALKS ETC	670 SQ. FT.	17% IMPERVIOUS	
EX. SHED	67 SQ. FT.		
TOTAL	1295 SQ. FT.		
14% IMPERVIOUS			

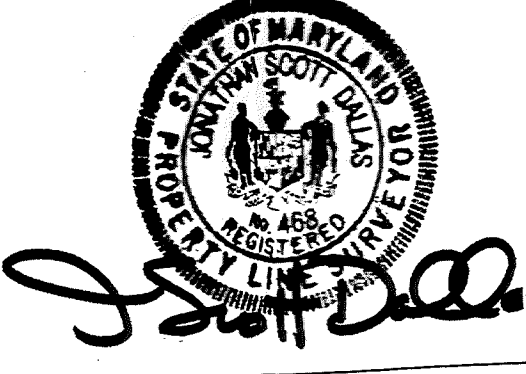


VICINITY MAP 1" = 500'

**SITE PLAN TO ACCOMPANY
PETITION FOR ZONING VARIANCE
#2512 BAUERNSCHMIDT DRIVE**

DEED REFERENCE- SM 11337-287
LOT 16 SECTION "A"
MAP 0098 GRID 0008 PARCEL 0035
BAUERNSCHMIDT MANOR (12:81)
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.

J.S. DALLAS, INC.
SURVEYING & ENGINEERING
P.O. BOX 26
BALDWIN, MD. 21013
(410) 817-4600



05-11-2016
DATE

FILE NAME		
BAUERNSCHMIDT TRV	DATE	DRAWN BY
SCALE	5-11-2016	R.N.G.
20 F/In	REVISION	SHEET
JOB	1/1	1/1