

M E M O R A N D U M

DATE: August 5, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0284-A – Appeal Period Expired

The appeal period for the above-referenced case expired on August 4, 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

(8203-A Gum Tree Dr.)

12th Election District

7th Council District

1735 Searles, LLC

Legal Owner

Petitioner

*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0284-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 1735 Searles, LLC, owner of the subject property ("Petitioner"). Petitioner requests variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) § 1B02.3.C.1 to allow a lot width of 50 ft. in lieu of the required 55 ft. A site plan was marked as Petitioner's Exhibit 1.

James & Jan Gay and surveyor J. Scott Dallas appeared in support of the Petition. Several neighbors attended the hearing and opposed the request. The Petition was advertised and posted as required by the B.C.Z.R. Substantive 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 8,250 square feet and is zoned DR 5.5. The property is unimproved and is comprised of Lot Nos. 242 & 243 as shown on the plat of Rosewald Beach. Petitioner proposes to construct a single-family dwelling on the lots, but requires zoning relief since the Regulations require a minimum lot width of 55 ft. in the DR 5.5 zone. The Petitioner also owns the adjoining property at 8203 Gum Tree Drive, which is improved with a single-family dwelling constructed in 1946. The adjoining property is comprised of Lot Nos. 240 & 241 as shown

ORDER RECEIVED FOR FILING

Date

7/5/16

By

Sen

on the plat of Rosewald Beach, and is the subject of Case No. 2016-0283-A, which was combined for hearing with the present matter.

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).

Petitioner has not met this test. No testimony or evidence was presented to show the subject property is unique or unlike surrounding properties. In fact, the unimproved lots are exactly the same size and shape of others in the community. As such variance relief cannot be granted. Under Maryland law, a variance request should be granted “sparingly” since it is “an authorization for [that] ...which is prohibited by a zoning ordinance.” *Cromwell*, 102 Md. App. at 699. This case does not present the compelling circumstances required under Maryland law for granting such relief.

Though not sought in the petition, Petitioner could have attempted to obtain approval using the “undersized lot” regulation in B.C.Z.R. §304. While at first glance it appears this provision may be applicable, there is a potential issue regarding whether Lot Nos. 242 & 243 (the unimproved subject property) have “merged” for zoning purposes with Lots 240 & 241, on which the existing dwelling is located. No testimony or evidence was presented concerning how these properties have been used throughout the years, and it is therefore unclear whether a merger would have occurred as discussed in *Friends of the Ridge v. BGE*, 352 Md. 645 (1999). According to state records in the file, all four lots owned by Petitioner were acquired at the same time (March, 2016) and in the same deed, and there is only one tax account for the four lots. These facts may

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Date

7/5/16

By

sen

have some bearing on whether or not a merger has occurred, but that issue cannot be resolved on the record in this case.

THEREFORE, IT IS ORDERED, **this 5th 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 allow a lot width of 50 ft. in lieu of the required 55 ft., be and is hereby DENIED.

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 7/5/16
By sln



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 8203A Gum Tree Dr. which is presently zoned DR5.5
Deed References: 37263-208 10 Digit Tax Account # 1206020350
Property Owner(s) Printed Name(s) James L. Gay III, Jan D. Gay

(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. X a **Variance** from Section(s)

BCZR: 1B02.3.C.1 → To allow a lot width of 50 feet in lieu of the required 55 feet.

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): (1735 Searles, LLC)

James L. Gay III / Jan D. Gay

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

Signature #1 Signature #2

9 Celtis Ct. Fork, MD

Mailing Address City State

21051 / 410-375-0588 / jimgay3@mrisc.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 2016-0784-A Filing Date 5/13/16 Do Not Schedule Dates: Reviewer JS

J.S. DALLAS, INC.

Surveying & Engineering

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

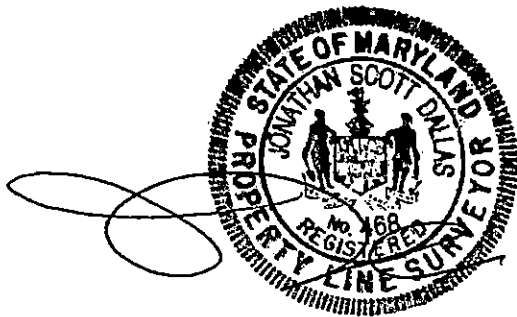
ZONING DESCRIPTION OF # 8203A GUM TREE DRIVE

BEGINNING at a point on the south side of Gum Tree Drive, 30 feet wide, at the distance of 150 feet east from the R/W line of Woodland Drive, 30 feet wide.

BEING Lots # 242 and #243 on the plat entitled "Rosewald Beach" as recorded in Baltimore County Plat Book Number 10 folio 88.

CONTAINING 7500 square feet or 0.172 acres of land, more or less.

LOCATED the 12th Election District, 7th Councilmanic District.



2016-0284-A



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4227556

Sold To:

Jim Gay, III - CU00541741
9 Celtis Ct
Fork, MD 21051-9730

Bill To:

Jim Gay, III - CU00541741
9 Celtis Ct
Fork, MD 21051-9730

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: # 2016-0284-A
8203A Gum Tree Drive
S/S Gum Tree Drive, 100 ft. e/of right of way line of Woodland Drive
12th Election District - 7th Councilmanic District
Legal Owner(s) James L. Gay, III, Jan Gay

Variance: to allow a lot width of 50 feet in lieu of the required 55 ft.

Hearing: Friday, July 1, 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.

6/048 June 9 4227556

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 6/12/2016

Case Number: 2016-0284-A

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

Date of Hearing (Closing): JULY 1, 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:
8203 A GUMTREE DRIVE

The sign(s) were posted on: JUNE 11, 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)

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

Please forward billing to:

Jim Gay, III

9 Celtis Court

Fork, MD 21051

410-375-0588

Corrected

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

→ **CASE NUMBER: 2016-0284-A**

8203A Gum Tree Drive

S/s Gum Tree Drive, 100 ft. e/of right of way line of Woodland Drive

12th Election District – 7th Councilmanic District

Legal Owners: James L. Gay, III, Jan Gay

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Hearing: Friday, July 1, 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.



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: 2016-0284-A

8203 Gum Tree Drive
S/s Gum Tree Drive, 100 ft. e/of right of way line of Woodland Drive
12th Election District – 7th Councilmanic District
Legal Owners: James L. Gay, III, Jan Gay

Variance : To allow a lot width of 50 feet in lieu of the required 55 feet.

Hearing: Friday, July 1, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Gay, 9 Celtis Court, Fork 21051
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 SATURDAY, JUNE 11, 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.

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
8203A Gum Tree Drive; S/S of Gum Tree Drive, *
150' E of right-of-way line of Woodland Drive* OF ADMINISTRATIVE
12th Election & 7th Councilmanic Districts
Legal Owner(s): James & Jan Gay, III * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2016-284-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 25 2016

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th 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: 2016-0284-A
Property Address: 8203 A GUM TREE DR.
Property Description: _____
Legal Owners (Petitioners): GAY
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jim Gay III
Company/Firm (if applicable): 1713 Searles LLC
Address: 9 Celtis Ct.
Fork MD. 21051
Telephone Number: 410 375 0588

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

No. **139263**

Date: **5/13/16**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 5/13/2016 5/13/2016 10:22:40 2

REG-0502 WALKIN JEE
 RECEIPT # 966201 5/13/2016 CFLH

Dept 5 520 ZONING VERIFICATION

CR NO. 139263

Receipt Tot: \$75.00
 \$150.00 CK \$1.00 CA
 Baltimore County, Maryland

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

Total: **\$ 75.00**

Rec From: **GAY**

For: **2016-0784-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 22, 2016

James L. & Jan D. Gay III
9 Celtis Court
Fork MD 21051

RE: Case Number: 2016-0284 A, Address: 8203 A Gun Tree Drive

Dear Mr. & Ms. Gay:

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 written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
J S Dallas, P O Box 26, Baldwin MD 21031

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



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

Date: 5/23/10

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. 2016-0284-A

Variance
James L. & Joan D. Gay III
8203 A Guntree 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, appearing to read 'Richard Zeller'.

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

WW/RAZ

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



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

Date: 6/13/16

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

Dear Ms. Lewis:

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8203-A Guntree Drive*

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Sincerely,

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

WW/RAZ

7-1

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: June 14, 2016

SUBJECT: EPS Comment for Zoning Item # 2016-0284-A
Address 8203-A Gum Tree Drive
(Gay Property)

Zoning Advisory Committee Meeting of May 30, 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 may be subject to practices that reduce water quality impacts associated with stormwater runoff, commonly referred to as the Critical Area 10% Rule. The petitioner's request to allow an existing lot width of 50 feet in lieu of the required 55 feet and to approve an undersized lot does not increase impervious surfaces. However, any future building permit applications and/or plans received by the Environmental Impact Review Section of EPS will be reviewed for the applicability of the 10% Rule regulations and any required mitigation. Allowing the request with this petition will result in no 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. Any development proposal for the property will be reviewed for application of the IDA 10% pollutant reduction requirements, which will improve buffer functions and conserve fish habitat in proximity to nearby Bear 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 applicant's request to allow an existing lot width of 50 feet in lieu of the required 55 feet and to approve an undersized lot is consistent with this goal. Any future development activities will be subject to review for application of the Critical Area IDA pollutant reduction requirements, thereby, maintaining compliance with these regulations. Allowing this request will be consistent with established land-use policies.

Reviewer: Thomas Panzarella
Environmental Impact Review

Date: June 14, 2016

7-1

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: June 10, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-284

RECEIVED

JUN 15 2016

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 8203A Gum Tree Drive
Petitioner: James L. Gay, III, Jan D. Gay
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit an existing lot width of 50 feet in lieu of the required 55 feet and to approve an undersized lot.

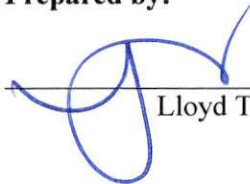
A site visit was conducted on May 31, 2016.

The Department of Planning has no objections granting the petitioned zoning relief conditioned upon the following:

- Prior to building permit approval, submit to the Baltimore County Landscape Architect for review and approval a landscape plan showing existing landscaping to remain. The plan shall also propose vegetative screening along the property line adjoining 8205 Gum Tree Drive sufficient to mitigate visual impacts generated by the new construction.

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

Prepared by:



Lloyd T. Moxley

Division Chief:

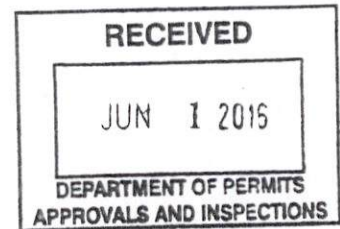


Kathy Schlabach

AVA/KS/LTM/ka

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE



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

DATE: May 31, 2016

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 30, 2016
Item No. 2016-0283, 0284, 0286, 0288, 0289 and 0291

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\ZAC05302016.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: June 10, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-284

INFORMATION:

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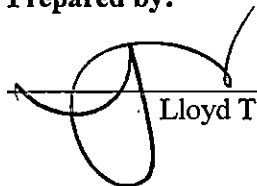
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For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Jeff Livingston, Department of Environmental Protection and
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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. Any development proposal for the property will be reviewed for application of the IDA 10% pollutant reduction requirements, which will improve buffer functions and conserve fish habitat in proximity to nearby Bear 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 applicant's request to allow an existing lot width of 50 feet in lieu of the required 55 feet and to approve an undersized lot is consistent with this goal. Any future development activities will be subject to review for application of the Critical Area IDA pollutant reduction requirements, thereby, maintaining compliance with these regulations. Allowing this request will be consistent with established land-use policies.

Reviewer: Thomas Panzarella
Environmental Impact Review

Date: June 14, 2016

Case No.: 2016-0284-A

Exhibit Sheet

7-5-16
SEN

Petitioner/Developer

192-6-16
8-6-16

Protestant

No. 1	Site plan	Petition signed by neighbors opposing the request
No. 2		Photos
No. 3		Letter from P. Wehner dated 7-1-2016
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Protestant No. 1

6/29/16

Mary Helen Nichols
Frederick E. Gassaway, Jr.
8204 Gum Tree Drive
Baltimore, MD 21222

Case Number: 2016-0284-A

8203A Gum Tree Drive
Baltimore, MD 21222

To Whom It May Concern:

The following people have signed this paper as they do not want a house built on this small piece of property for the following reasons:

1.) There is not enough parking now.

2.) Will bring the value of our property down.

Name: Frederick E. Gassaway Jr. Address: 8204 Gumtree Drive
Reason:

1. Will B. B. B. 8205 Gum Tree Dr.
2. Patricia A. McKee 8205 Gumtree Dr.
3. AK 8213 Bear Creek drive
4. Car 8213 Bear Creek Dr.
5. My friend 8198 Gumtree Dr.
6. Quint? 8198 Gumtree Dr.
7. Paul Wills 8199 Gumtree Dr.
8. Paul Wills 8199 Gumtree Dr.
9. Paul Wills 8192 Gumtree Dr.
10. Paul Wills 8192 Gumtree Dr.
11. Ryan Weber 8205 Gumtree Dr.
12. Ryan McGrath 8217 Bear Creek Drive

13.) *Jennina M. Gintt*

8217 Bear Creek Rd

14.

15.)

16.)

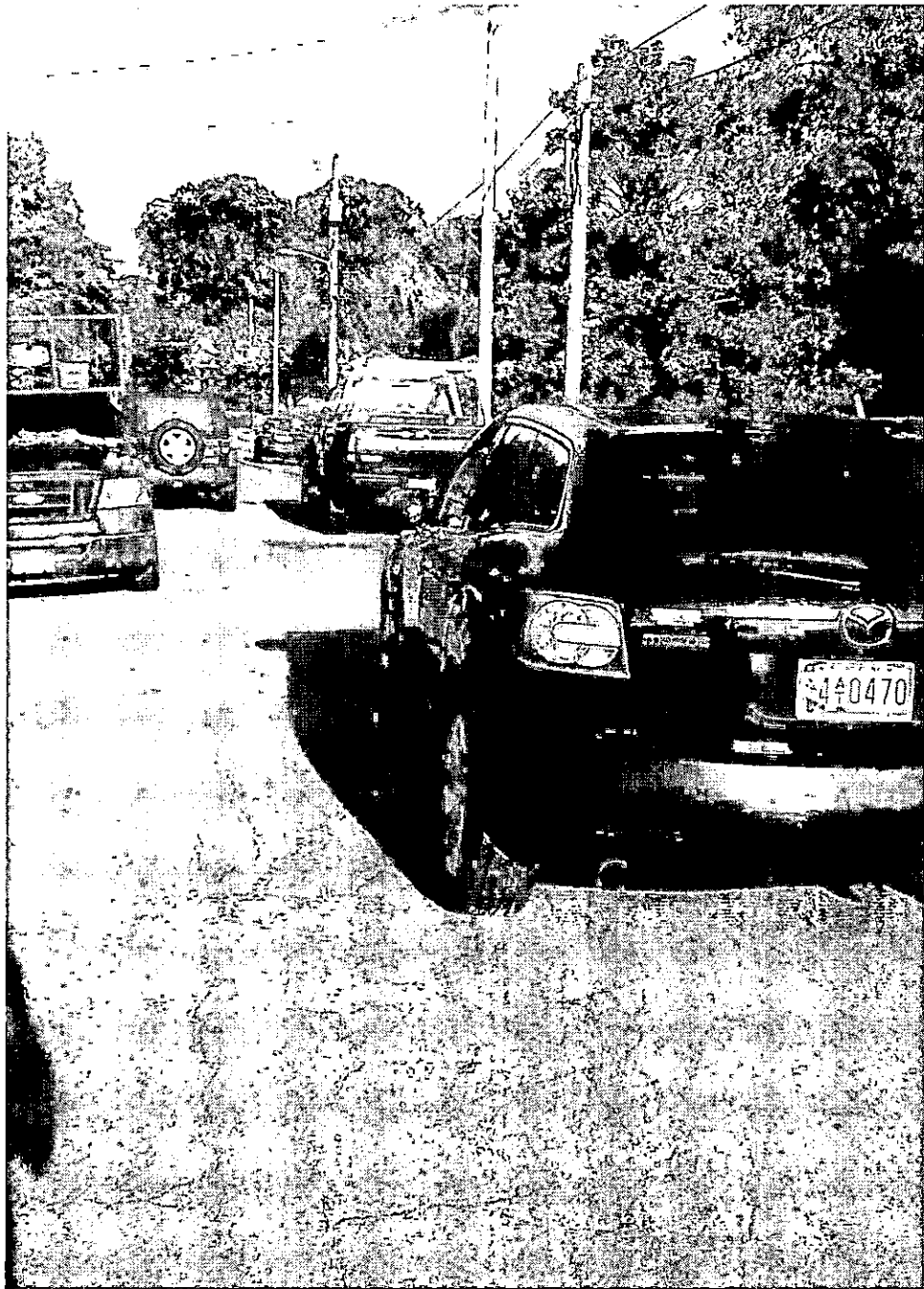
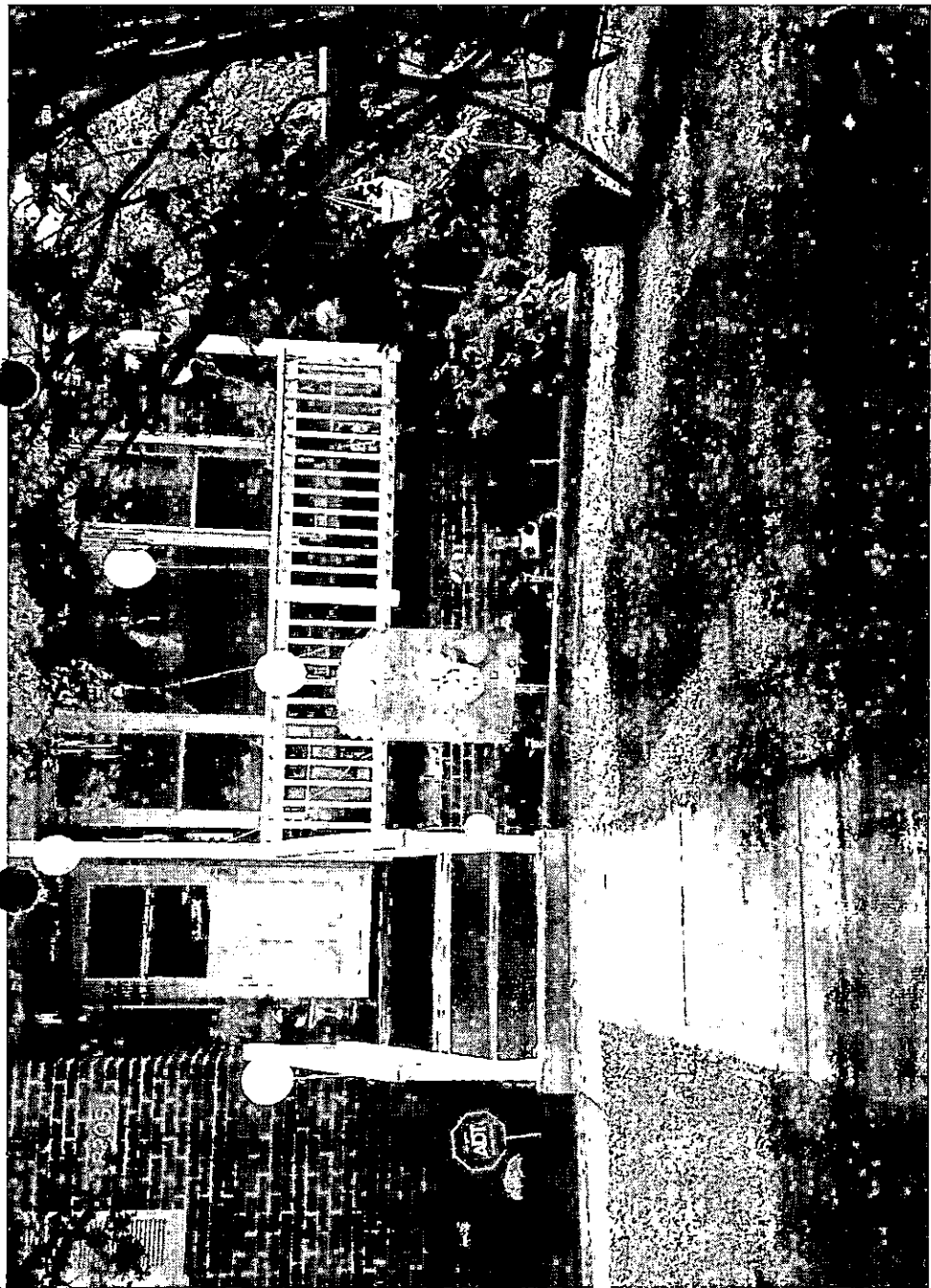
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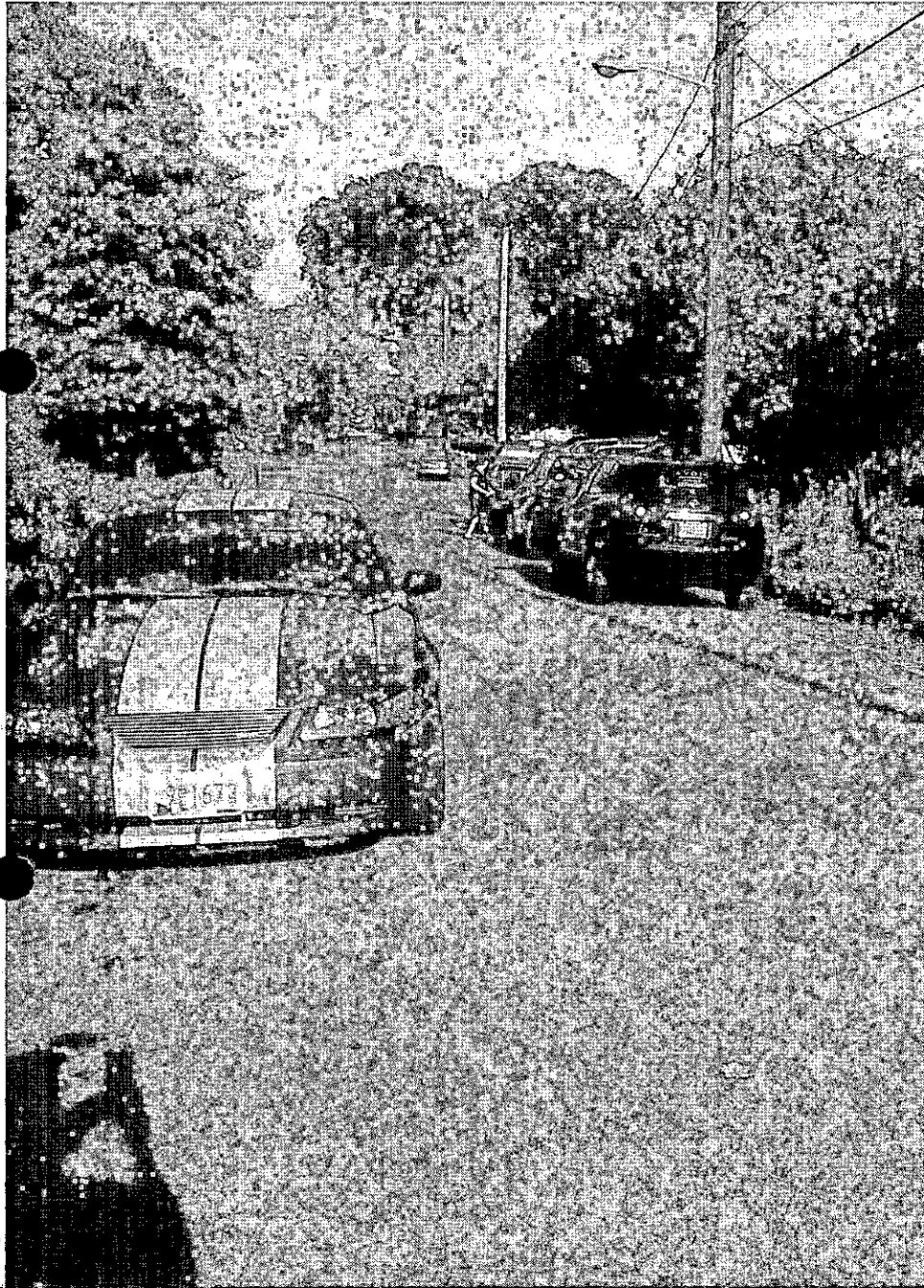
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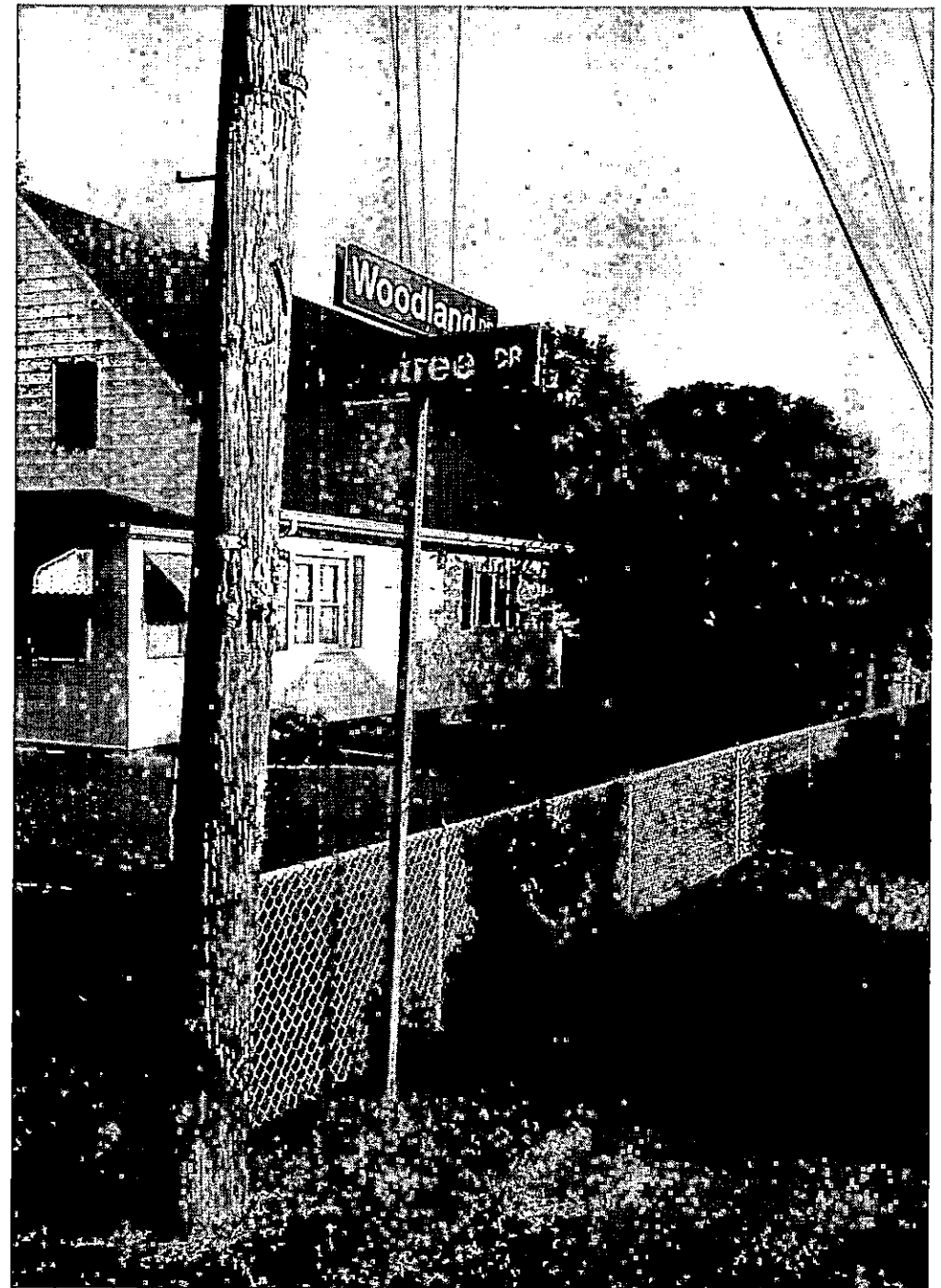
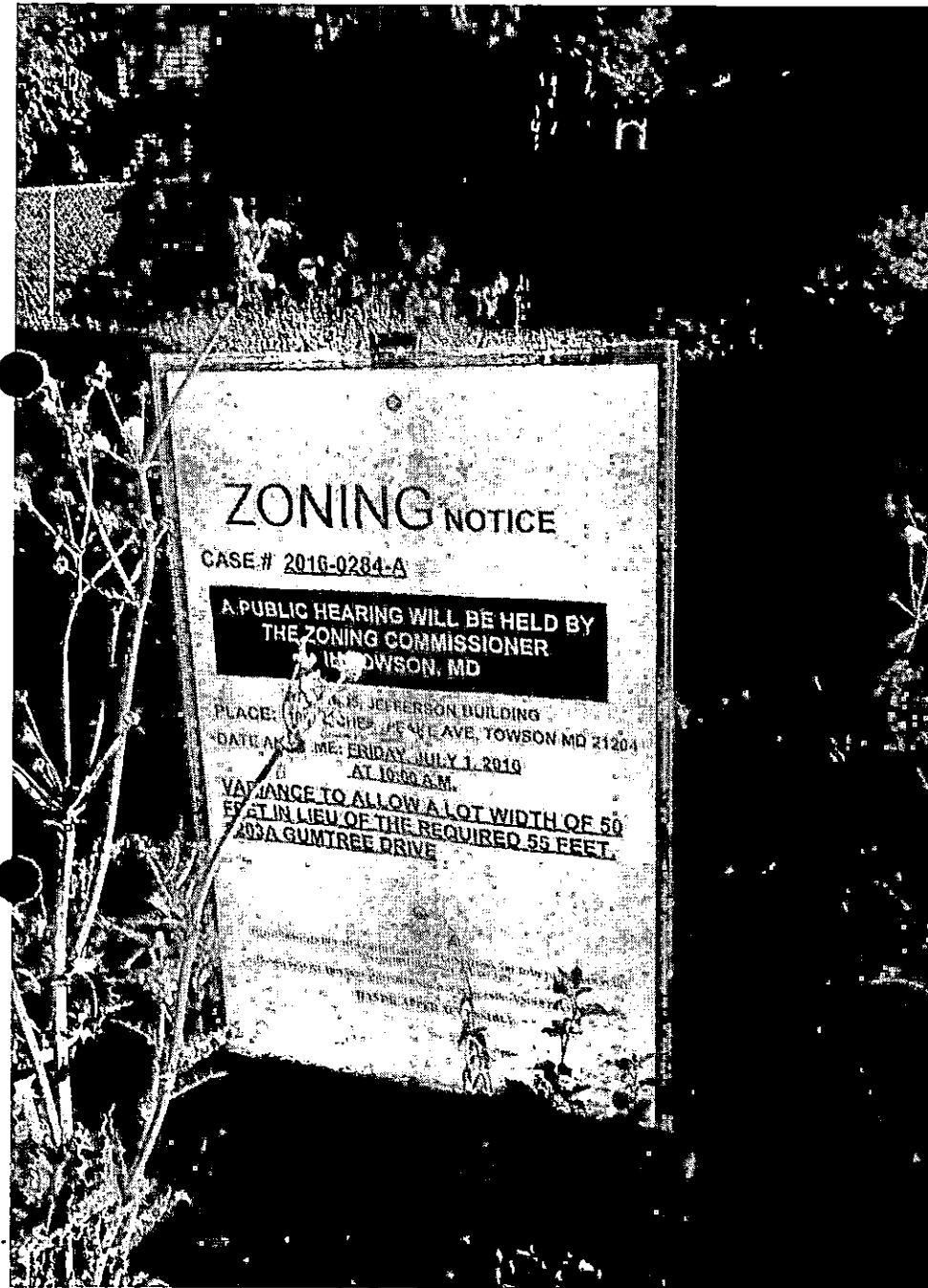
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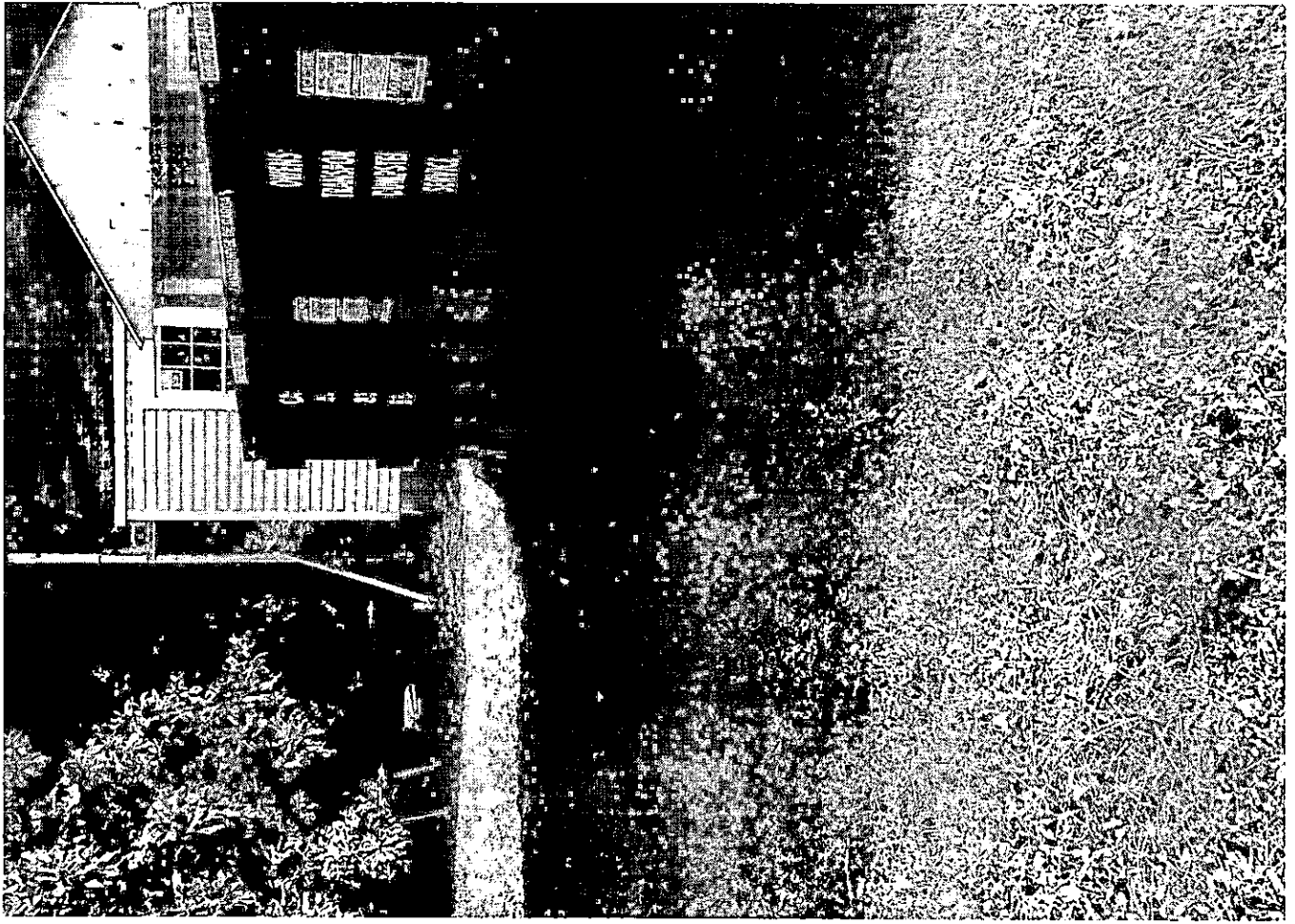
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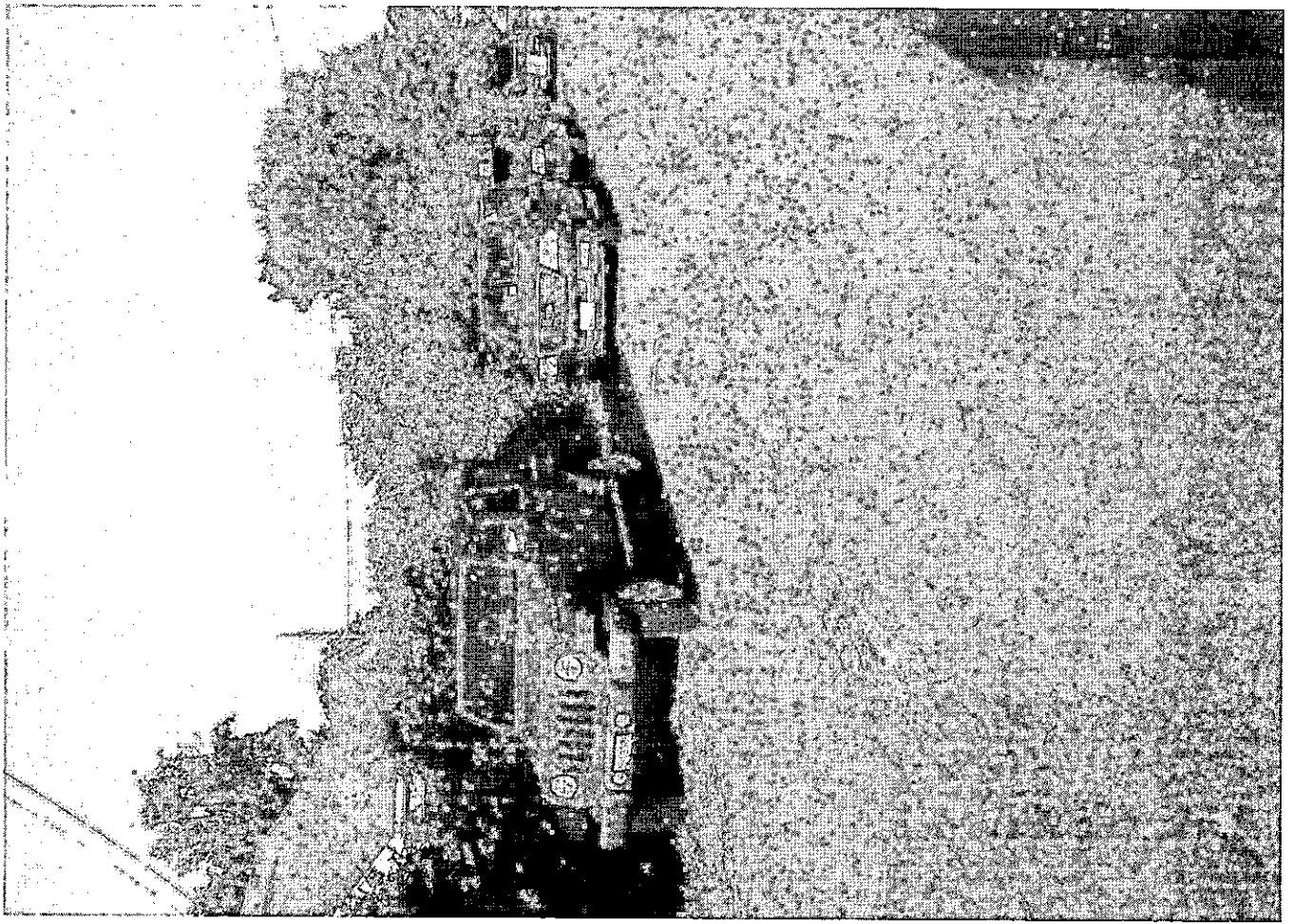
Protestant No. 2

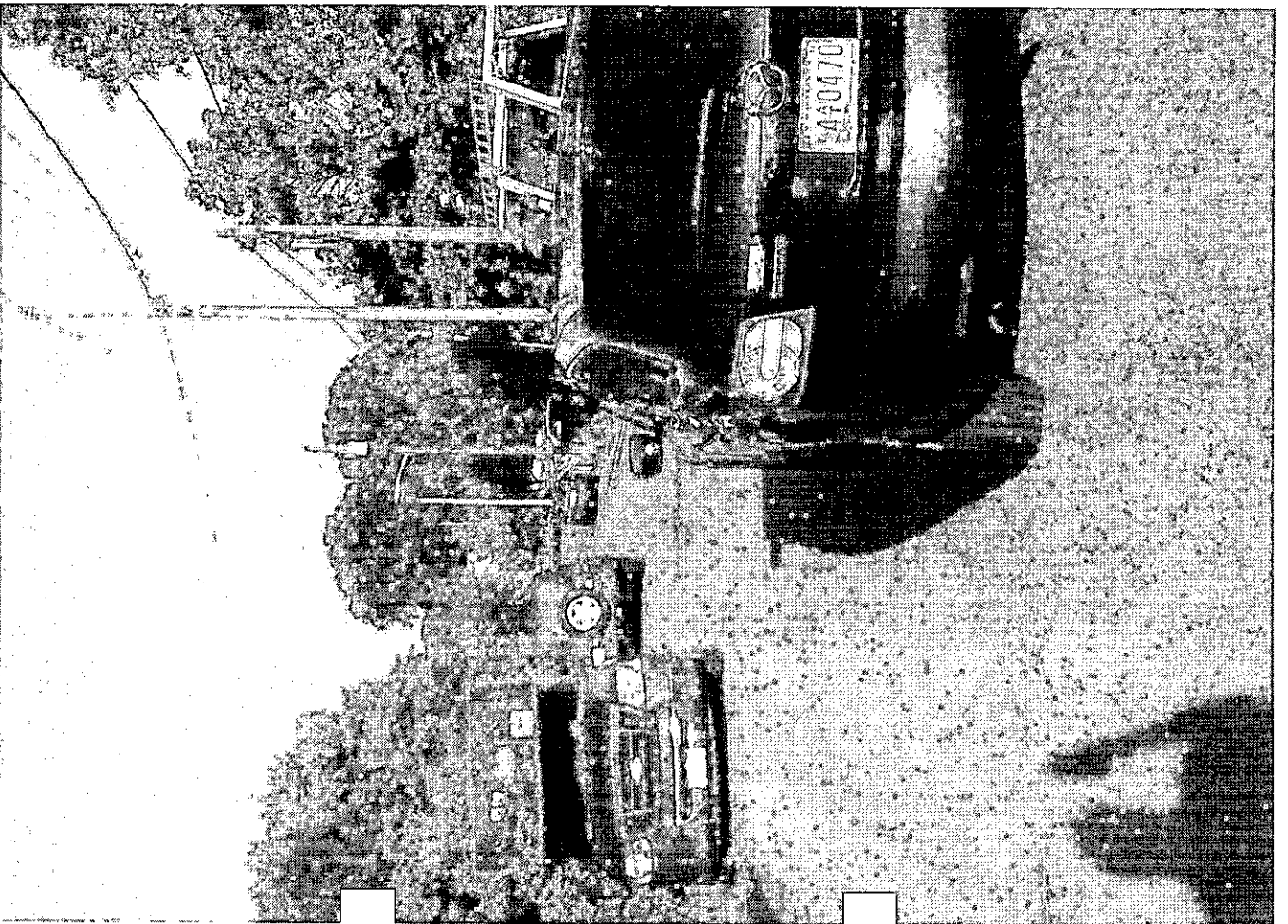
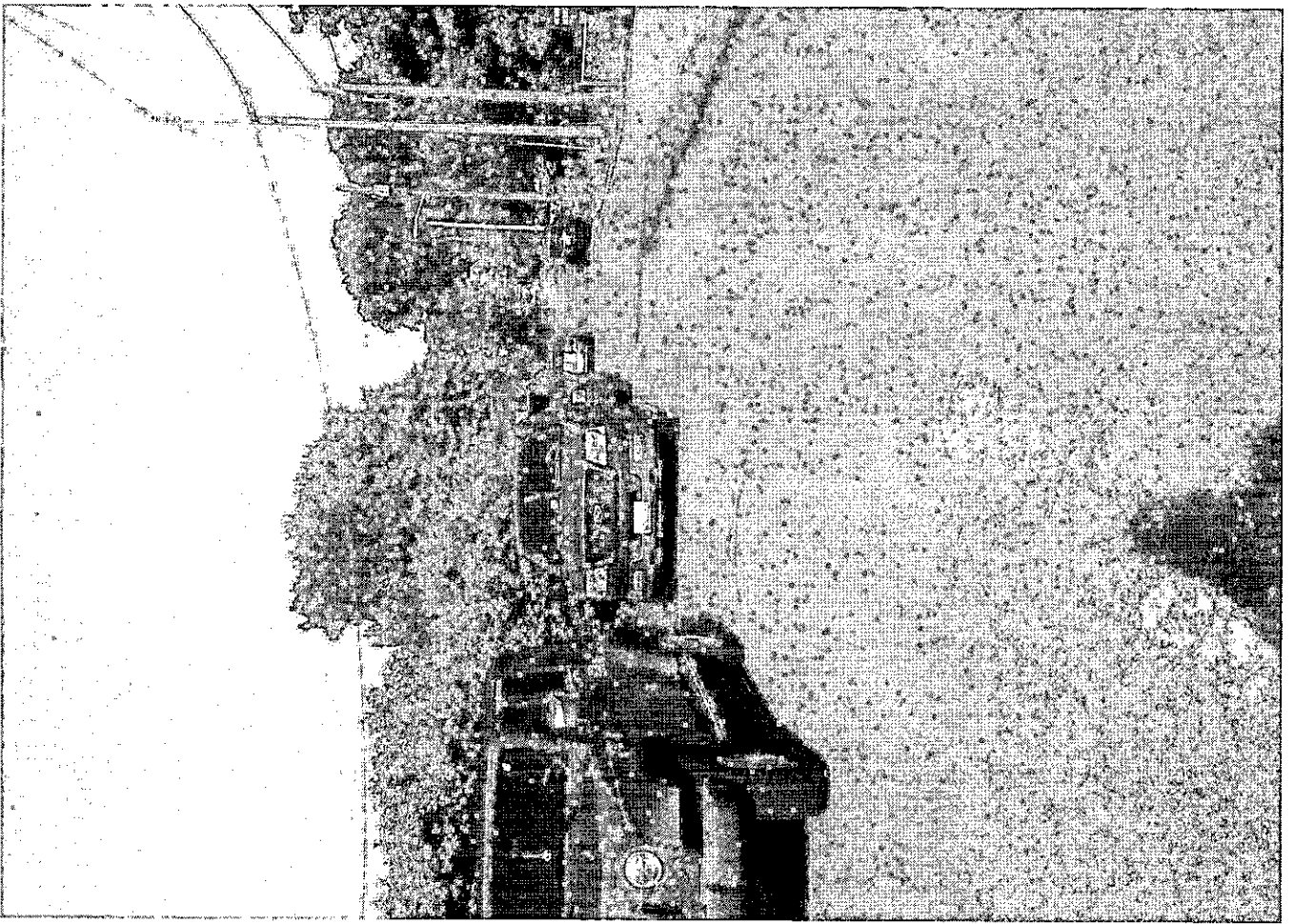


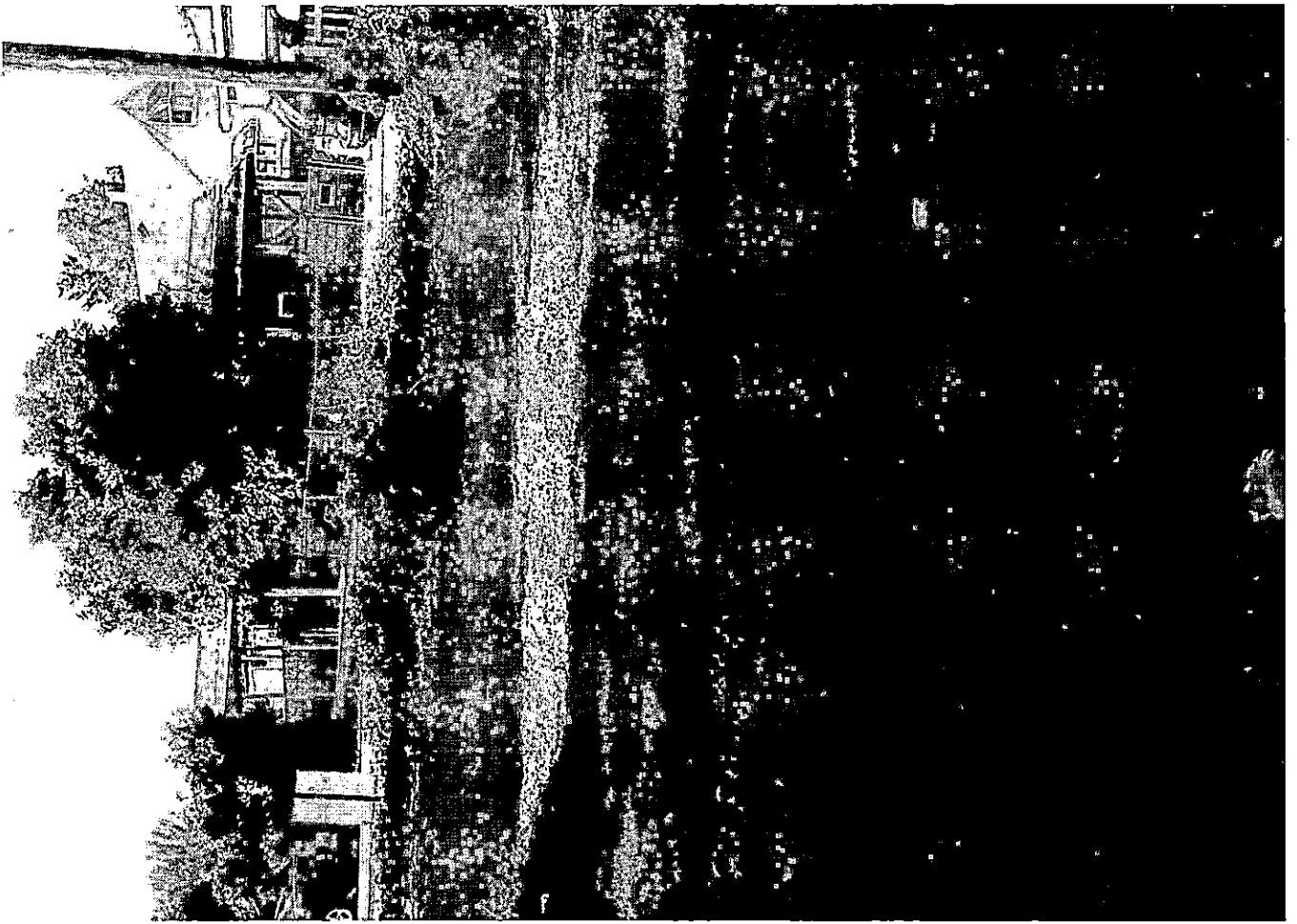


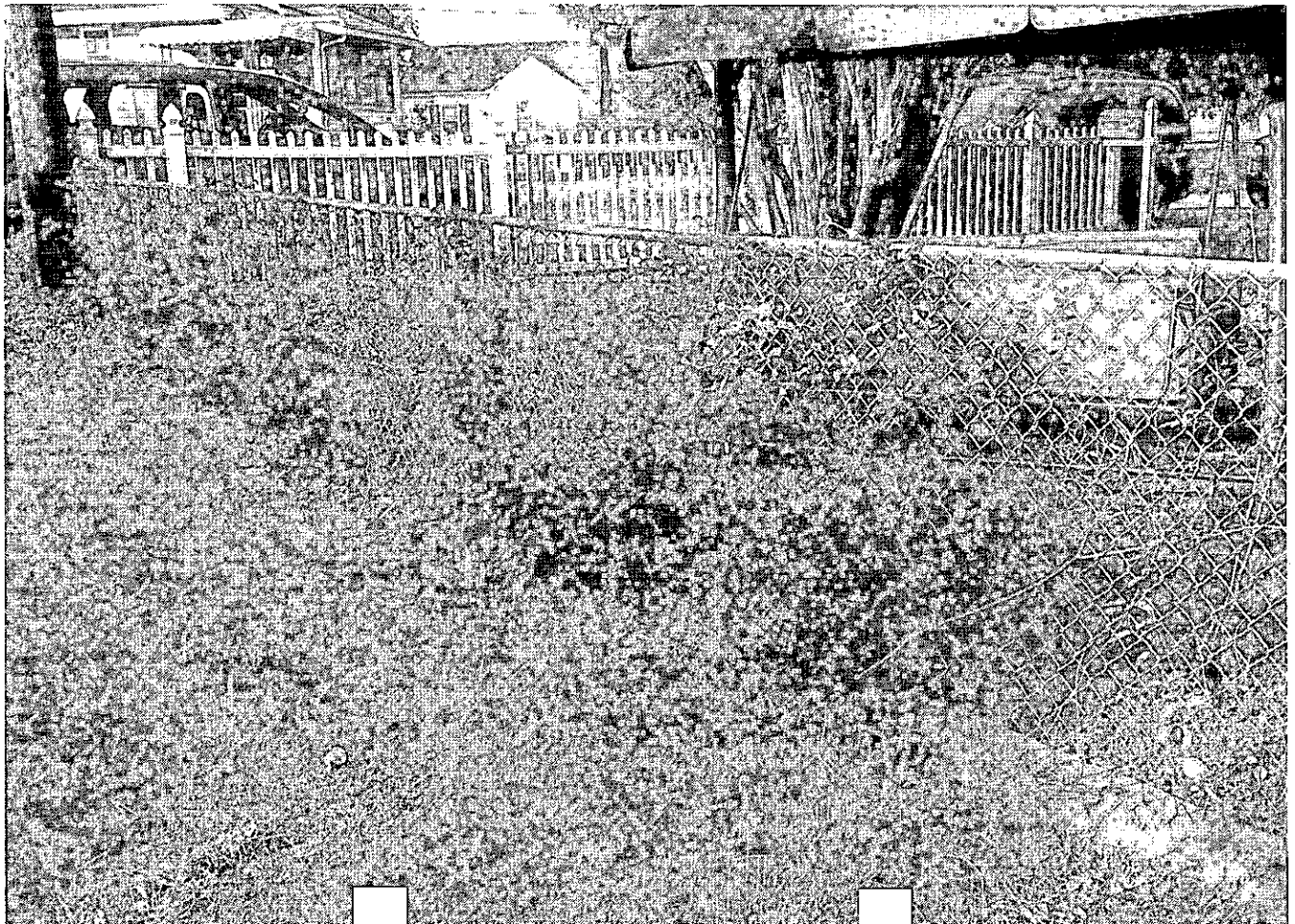


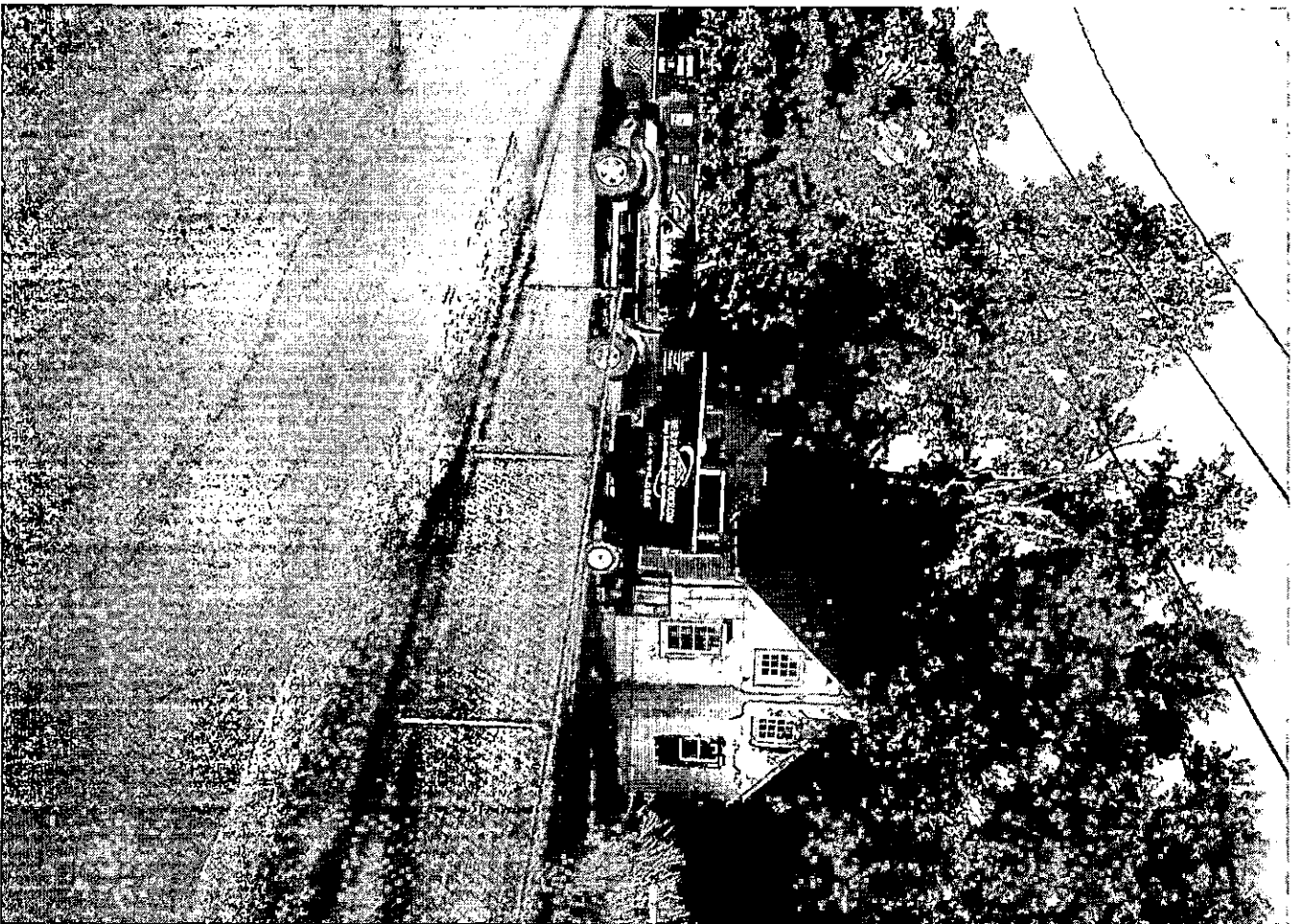
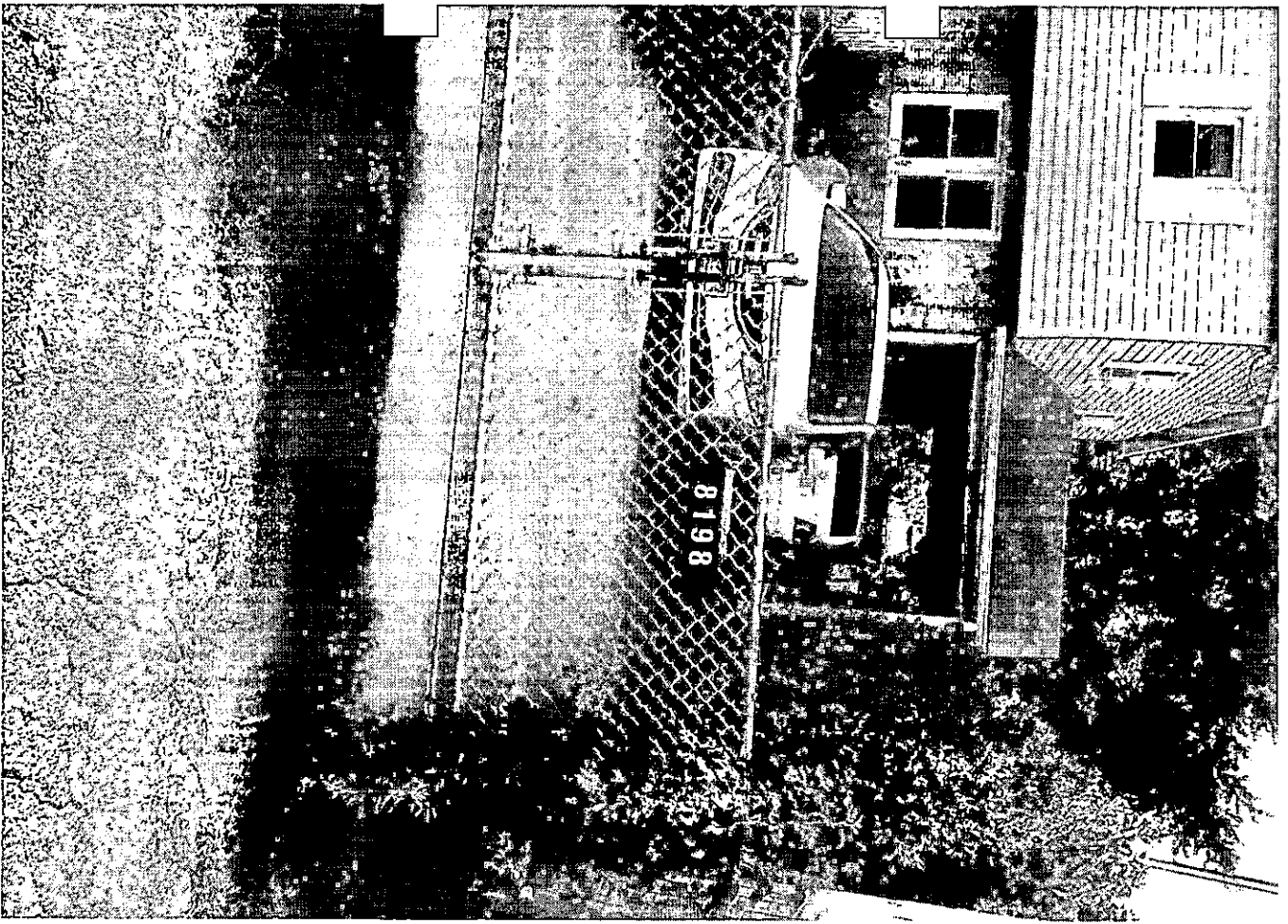


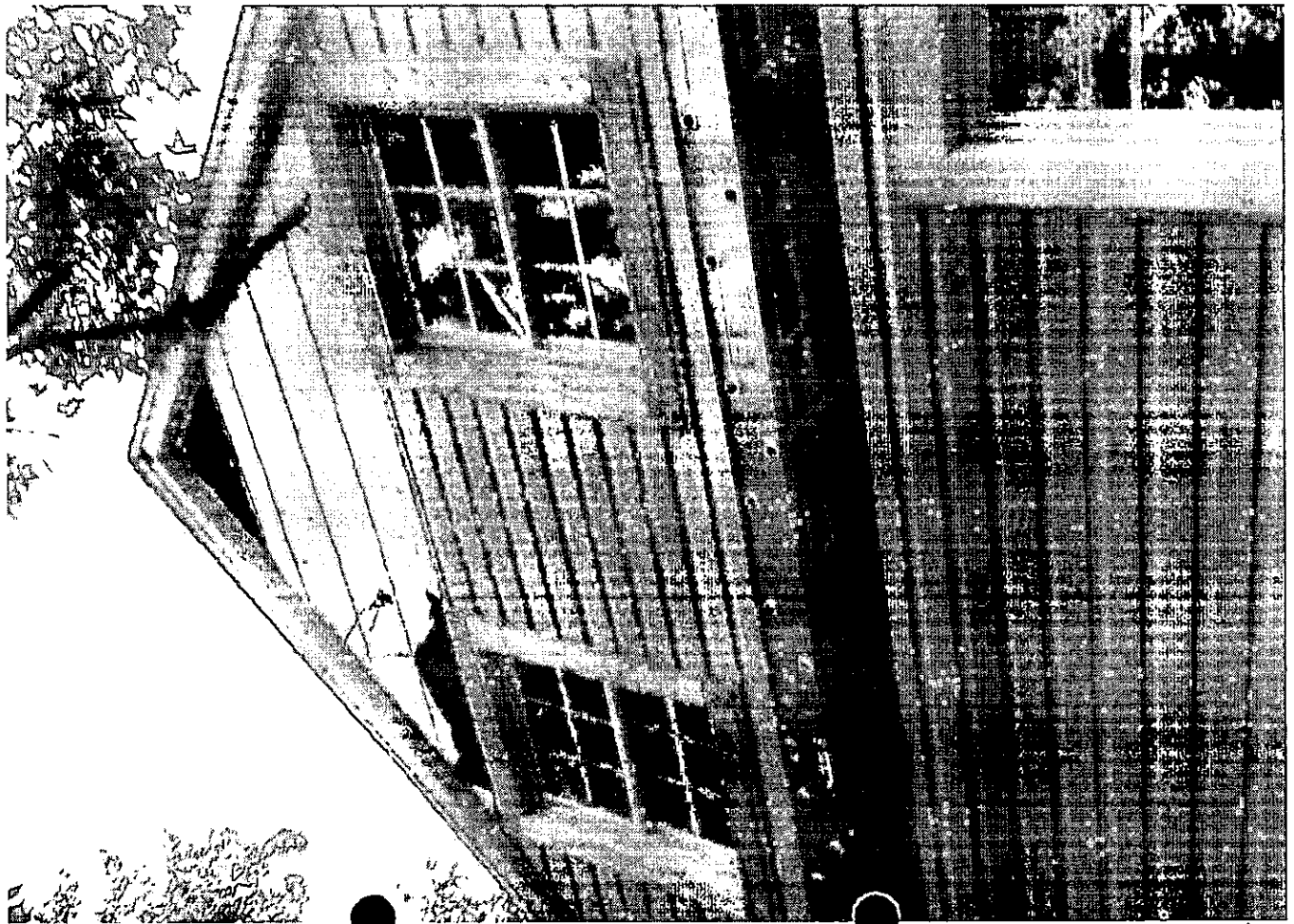












To whom it may concern:

July 1, 2016

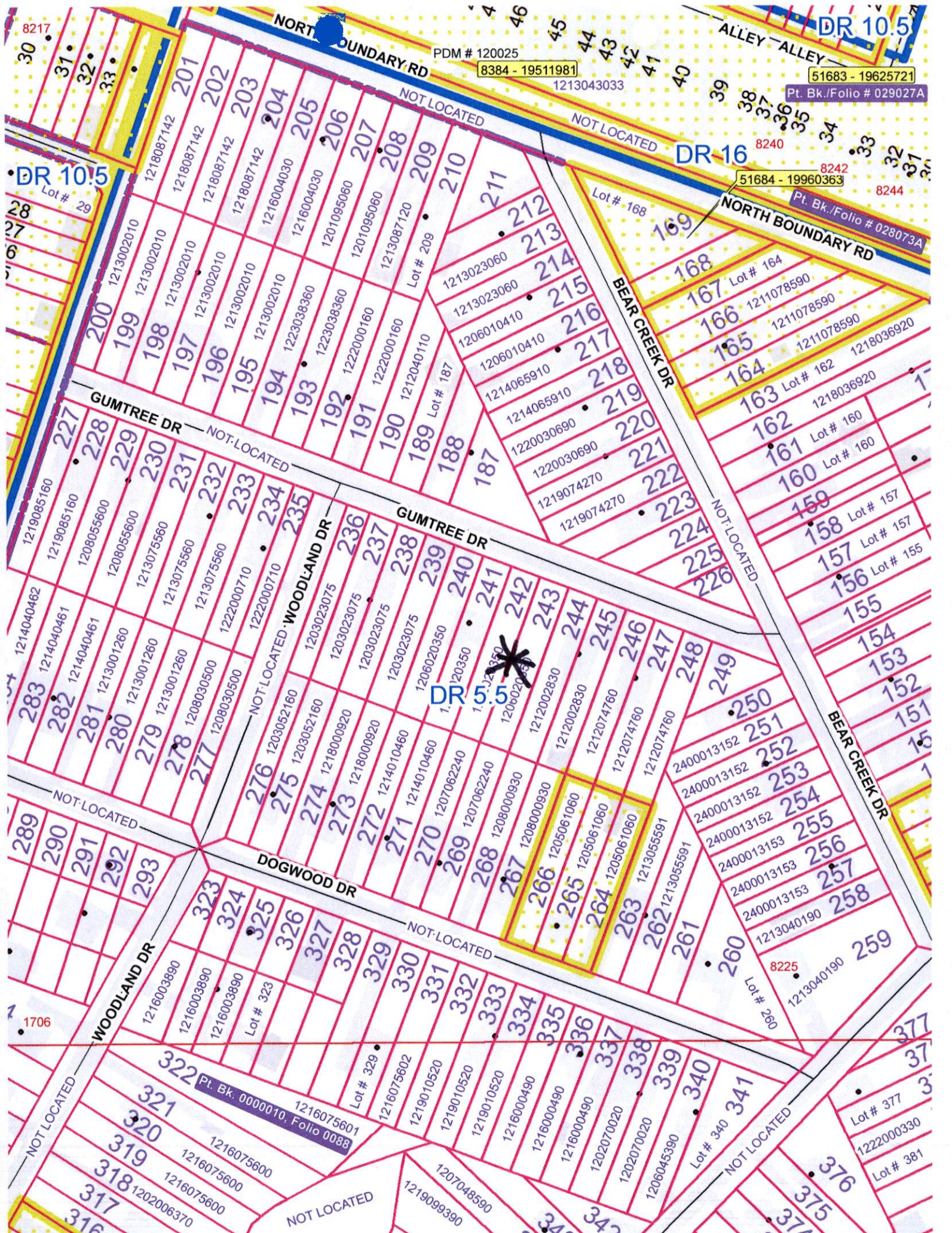
This letter is being written in lieu of being able to attend the scheduled hearing concerning the property located at 8203 Gumtree Drive and the proposed property at 8203 A Gumtree Drive. As a resident of Gumtree Drive continual calls since 2002 to the present became a nightmare and a commitment to Code Enforcement in trying to have the property mentioned above which was deplorable both inside and out — a constant fight every month for years as well as an embarrassment to live in the close proximity maintained to at least somewhat acceptable. He dealt with extremely tall grass, overgrown high weeds and hedges, rodents burrowing in the yard and delapidation of the house itself inside and out, fallen trees and limbs that broke over fence several times, knocked over our a/c unit, debris damaging our cars, tree limbs almost coming through a bedroom window, and damage to our existing pool as well. Through years of notices and fines, many calls and hard work of not giving up — the house became a haze and repair leaving all of us neighbors with much hopefulness and almost the same

Protestant No. 3

pride we had when purchasing our homes. Although the house is now being repaired cosmetically - the grounds still remains unkempt and seems to be re done in hurriedness and lack of permits. The neighbors are quite dismayed to learn of an additional house to be located on the same property after years of upset over the property and the area surrounding the house. When we purchased our single home we were delighted how much space and openness this house had between them. Having an additional house so close to our property and fence takes that beauty away as well as the privacy we so enjoyed. It will also add to an existing parking problem as well as some great maneuvering to make it past already parked vehicles ^{including emergency vehicles.} It will as well add congestion in the immediate area. We are very disheartened as homeowners to learn of the quick purchase, a quick fix up, a re-build and an add-on property with buyers that won't be the homeowners addressing or living with what this added property will do in the future. We hope as homeowners of a street we have come to gain pride in and love that you consider our feelings on this matter. The existing residents deserve what they thought they purchased on a beautiful street. Thanks for your consideration.

Sincerely,
Patricia Weber, M. J. Weber
Residents of
Countryside Drive





8217

DR 10.5

NORTH BOUNDARY RD

PDM # 120025

8384 - 19511981

1213043033

DR 10.5

51683 - 19625721

Pt. Bk./Folio # 029027A

DR 16

51684 - 19960363

Pt. Bk./Folio # 028073A

GUMTREE DR

NOT LOCATED

WOODLAND DR

GUMTREE DR

BEAR CREEK DR

NORTH BOUNDARY RD

NOT LOCATED

WOODLAND DR

DOGWOOD DR

NOT LOCATED

BEAR CREEK DR

Pt. Bk. 0000010, Folio 0088

1706

8225

DR 5.5

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 - 12 Account Number - 1206020350							
Owner Information											
Owner Name:				1735 SEARLES LLC				Use:		RESIDENTIAL	
Mailing Address:				9 CELTIS CT FORK MD 21051-0000				Principal Residence:		NO	
								Deed Reference:		/37263/ 00208	
Location & Structure Information											
Premises Address:				8203 GUM TREE DR BALTIMORE 21222-4820				Legal Description:		LT 240-243 8203 GUM TREE DR SS ROSEWALD BEACH	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:		
0104	0013	0196		0000			240	2015		Plat Ref:	0010/0088
Special Tax Areas:						Town:		NONE			
						Ad Valorem:					
						Tax Class:					
Primary Structure Built			Above Grade Enclosed Area			Finished Basement Area			Property Land Area		County Use
1946			1,008 SF						12,500 SF		04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation					
1 1/2	NO	STANDARD UNIT	SIDING	1 full							
Value Information											
			Base Value		Value		Phase-in Assessments				
					As of		As of		As of		
					01/01/2015		07/01/2015		07/01/2016		
Land:			48,300		48,300						
Improvements			61,900		60,400						
Total:			110,200		108,700		108,700		108,700		
Preferential Land:			0						0		
Transfer Information											
Seller: FITZGERALD ROBERT E				Date: 03/09/2016				Price: \$30,000			
Type: ARMS LENGTH IMPROVED				Deed1: /37263/ 00208				Deed2:			
Seller: FITZGERALD ROBERT E				Date: 05/06/1994				Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /10512/ 00493				Deed2:			
Seller:				Date:				Price:			
Type:				Deed1:				Deed2:			
Exemption Information											
Partial Exempt Assessments:			Class		07/01/2015			07/01/2016			
County:			000		15,000.00						
State:			000		15,000.00						
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: **12** Account Number: **1206020350**

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>).

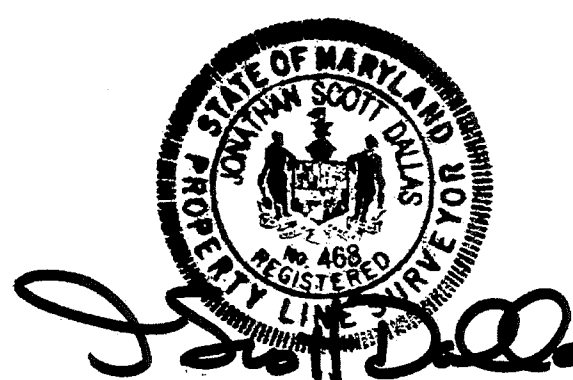
Property maps provided courtesy of the Maryland Department of Planning.

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>).

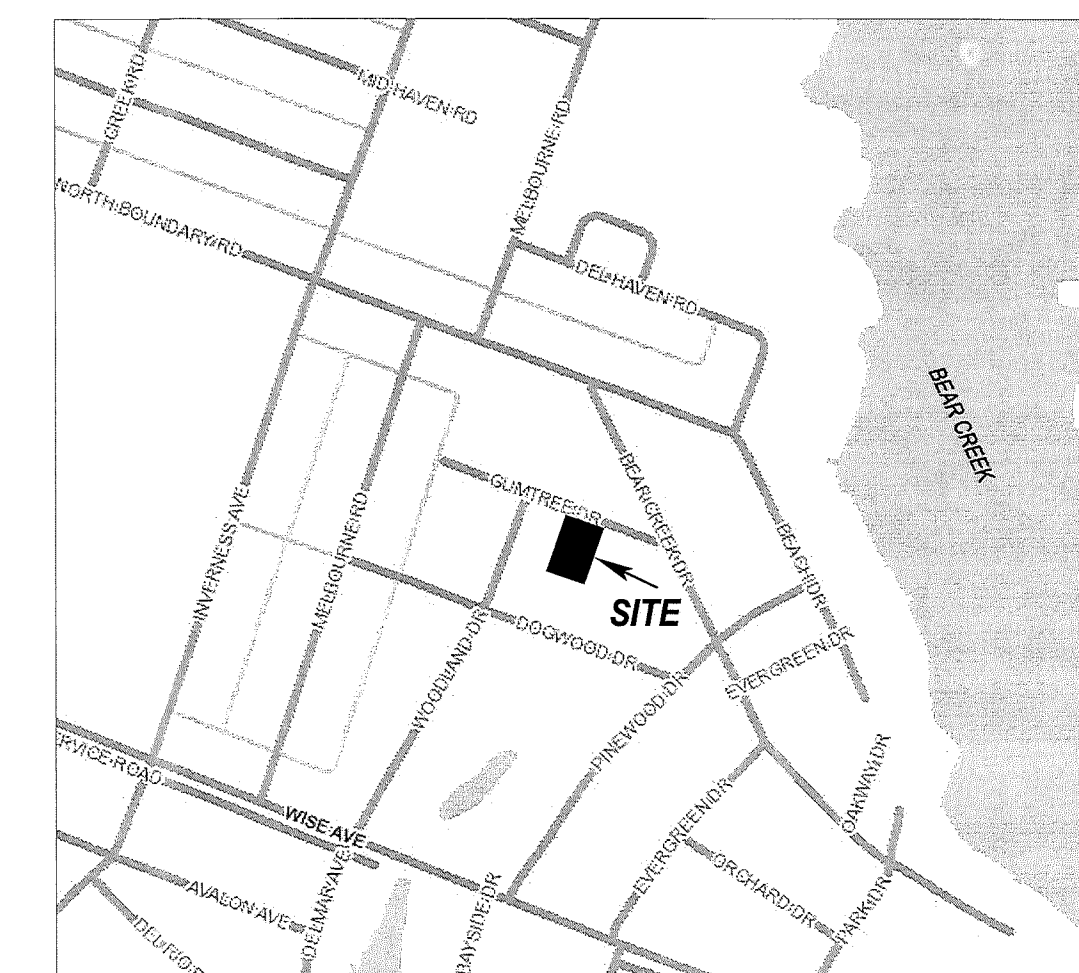
GENERAL NOTES:

1. OWNER: 1713 SEARLES, L.L.C.
9 CELTIS COURT
FORK, MD. 21051
ACTING AGENT: JIM GAY
PHONE 410-375-0588
2. SITE AREA:
GROSS: 8,250 Sq.Ft. OR 0.189 Ac.+-
NET: 7,500 Sq. Ft. OR 0.172 Ac.+-
3. PROPOSED BUILDING AREA: 672 SQ. FT.
4. UTILITIES:
PUBLIC SEWER
PUBLIC WATER
5. THE SITE LIES WITHIN ZONE "X" AS SHOWN
ON F.I.R.M. 2400100440G DATED MAY 5, 2014.
6. SETBACKS: (DR 5.5)
FRONT- 25' REAR- 30' SIDE - 10'
7. EX. STRUCTURE = NONE
8. DEED REF.: JLE 37263-208
9. TAX ACCOUNT: #1206020350
10. COUNCILMANIC DISTRICT: 7TH
11. CENSUS TRACT: 420303
12. WATERSHED: BALTIMORE HARBOR
13. ZONING: DR 5.5
(PER BALT. CO "MY NEIGHBORHOOD" WEBSITE)
14. TAX MAP: #0104, PARCEL 0196, LOTS 240, 241, 242, 243 (10/88)
15. NO KNOWN PREVIOUS ZONING CASES ON FILE.
16. NO KNOWN PERMITS ON FILE.
17. THE SITE LIES WITHIN THE CHESAPEAKE BAY
CRITICAL AREA. (IDA)
18. THERE ARE NO HISTORIC FEATURES ON THE SITE NOR
IS THE SITE ITSELF HISTORIC.
19. EXISTING USE OF PROPERTY: VACANT
PROPOSED USE OF PROPERTY: SINGLE FAMILY DWELLING
20. NO KNOWN PREVIOUS DRC MEETINGS

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



05-10-2016
DATE:



VICINITY MAP 1" = 500'

**SITE PLAN TO ACCOMPANY
APPLICATION FOR
ZONING HEARING
#8203A GUM TREE DRIVE**

DEED REFERENCE - JLE 37263-208

LOTS 242 & 243
MAP 0104 PARCEL 0196

ROSEWALD BEACH (10:88)

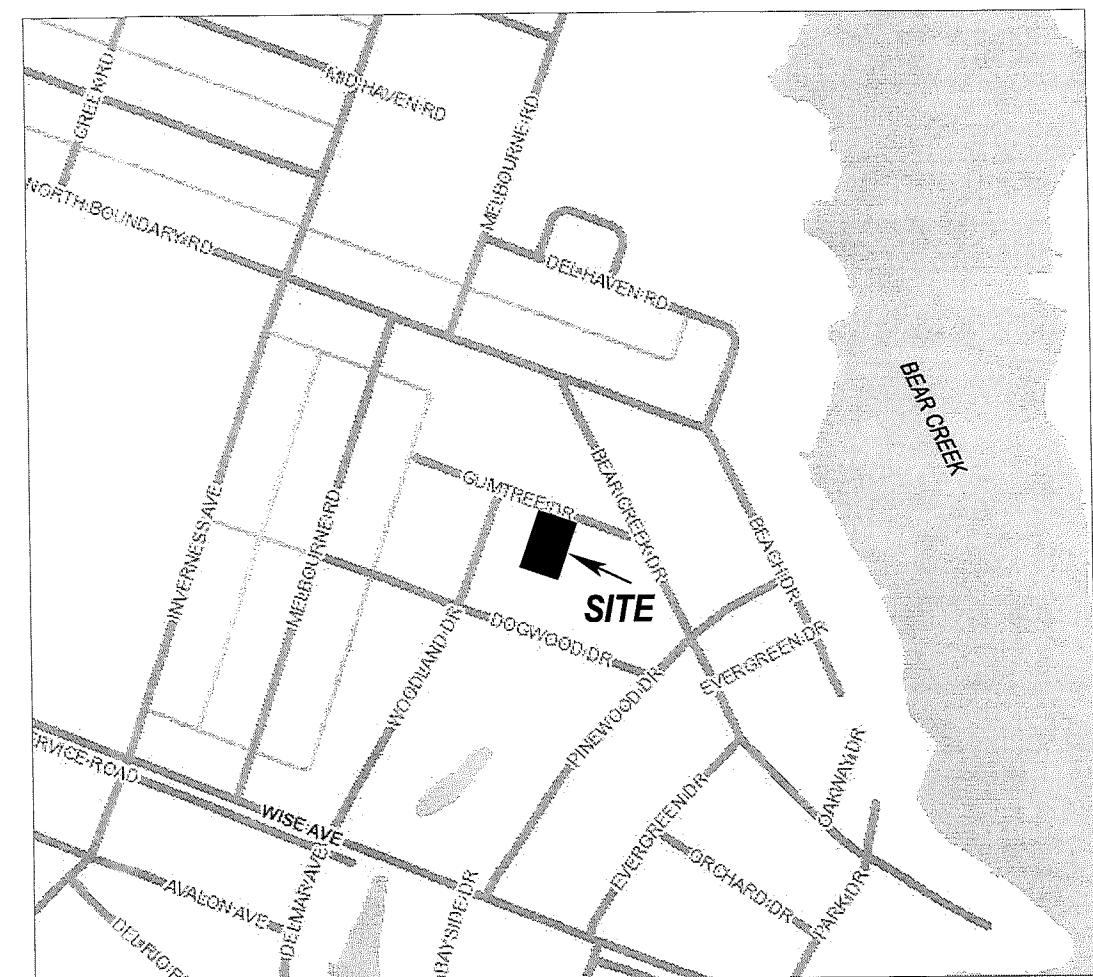
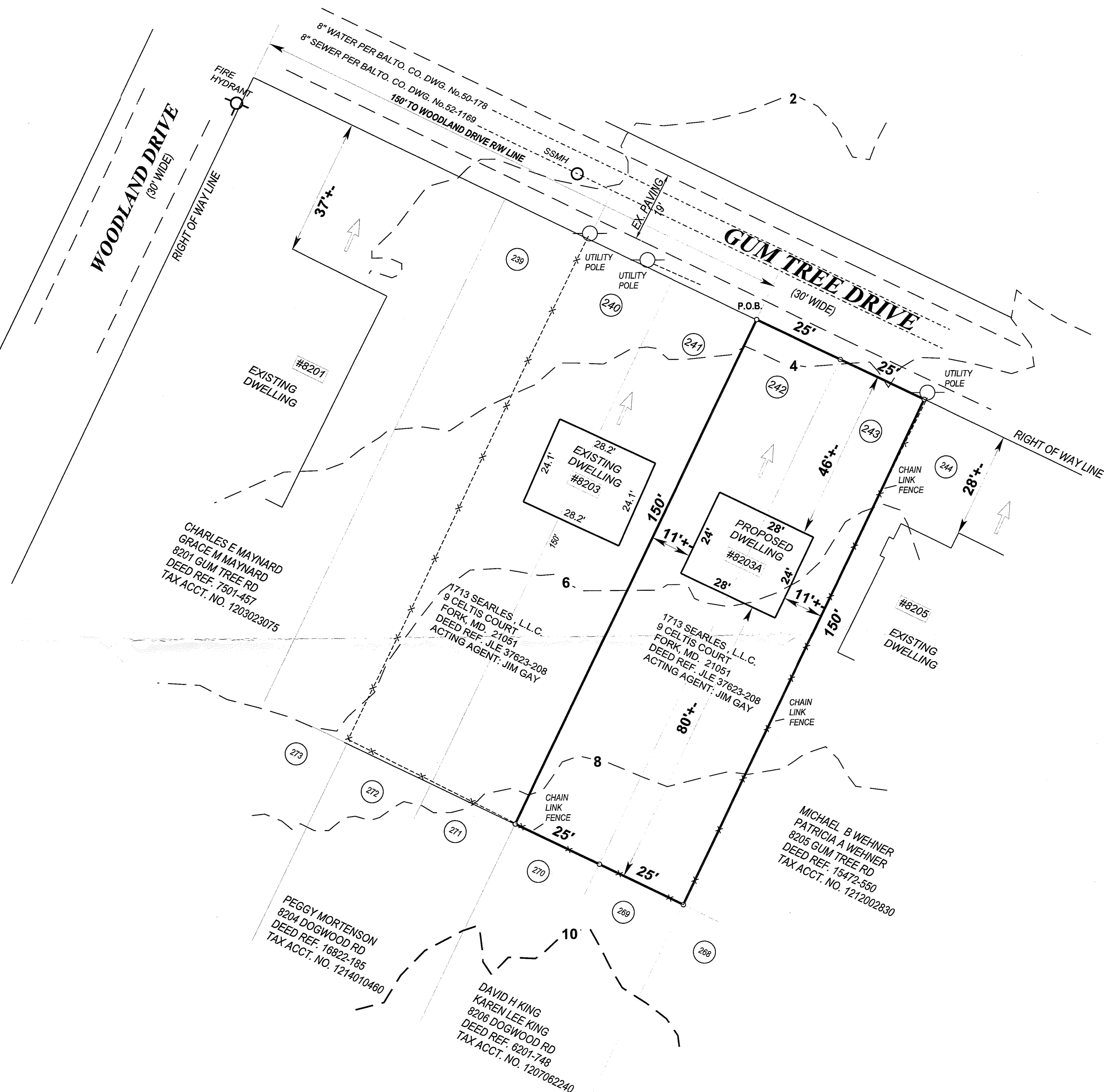
12TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.

2016-0284-A

Petitioner's No. 1

GENERAL NOTES:

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FORK, MD. 21051
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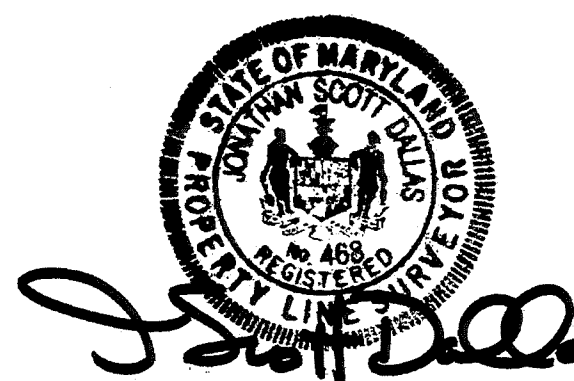


VICINITY MAP 1" = 500'

SITE PLAN TO ACCOMPANY APPLICATION FOR ZONING HEARING #8203A GUM TREE DRIVE

DEED REFERENCE - JLE 37263-208
LOTS 242 & 243
MAP 0104 PARCEL 0196
ROSEWALD BEACH (10:88)
12TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.

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05-10-2016
DATE: