

M E M O R A N D U M

DATE: July 29, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0296-A – Appeal Period Expired

The appeal period for the above-referenced case expired on July 28, 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 * BEFORE THE
(5839 Loreley Beach Road) *
11th Election District * OFFICE OF ADMINISTRATIVE
6th Council District * HEARINGS FOR
Scott A. and Helen S. Walper *
Petitioners * BALTIMORE COUNTY
* CASE NO. 2016-0296-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Scott A. and Helen S. Walper. The Petitioners are requesting Variance relief from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows: (1) To permit a proposed accessory building (detached garage with a carport) to be located in the front yard of the dwelling in lieu of the required in the rear yard; and (2) To permit the proposed accessory building with a height of 22 ft. 8 in. in lieu of the maximum allowed height of 15 ft. respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' 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 June 23, 2016 submitted by the Department of Environmental Protection and Sustainability (DEPS).

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 5, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 6-28-16

By SW

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

Although the Department of Planning did not make any recommendations related to the proposed accessory building (detached garage with a carport) height and usage, I will impose conditions that the accessory building shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

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 28th day of **June, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking Variance relief from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows: (1) To permit a proposed accessory building (detached garage with a carport) to be located in the front yard of the dwelling in lieu of the required in the rear yard; and (2) To permit the proposed accessory building with a height of 22 ft. 8 in. in lieu of the maximum allowed height of 15 ft. respectively, be and are hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 6-28-16

By [Signature]

The relief granted herein shall be subject to the following:

- 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.
- The Petitioners must comply with the ZAC comments from DEPS dated June 23, 2016; a copy of which is attached hereto and made a part hereof.
- The Petitioners or subsequent owners shall not convert the garage into a dwelling unit or apartment. The garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
- The garage shall not be used for commercial purposes.
- Building materials for the carport addition shall be consistent with those of the existing principal dwelling.
- The carport shall remain open on the three exposed sides and shall not be enclosed at any time.

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 6-28-16

By BSW

6-20-16
closing
date

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

JUN 24 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: June 23, 2016

SUBJECT: EPS Comment for Zoning Item: # 2016-0296-A
Address: 5839 Loreley Beach Road
(Walper Property)

Zoning Advisory Committee Meeting of **June 3, 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 a Limited Development Area (LDA), and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

- 1. Occupied by a structure, parking area, driveway, walkway, or roadway; or*
- 2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material*

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

ORDER RECEIVED FOR FILING

C:\Users\snuffer\AppData\Local\Microsoft\Windows\Temporary Internet
Files\Content.Outlook\WPHS9SSK\ZAC 16-0296-A 5839 Loreley Beach Road.doc

Date 6-28-16

By SW

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;
3. A wood mulch pathway; or
4. A deck with gaps to allow the water to pass freely.

The subject property comprises 33,000 square feet (sf). In order to minimize impacts to water quality, the applicant must comply with the LDA lot coverage requirements, which, for a property this size, is a maximum of 5,445 sf, with mitigation for lot coverage between 15% (4,950) and 5,445 sf. The petitioners are requesting to permit a proposed, detached garage and carport to be located in the front yard of the dwelling in lieu of the rear yard, and to permit the proposed garage with a height of 22'8" in lieu of the maximum height of 15'.

By examining recent aerial photographs, it appears that the existing lot coverage is near the lot coverage limit of 5,445 sf. The plan with this petition does not show complete lot coverage, only a portion of the dwelling. The proposed 24'X30' detached garage and 12'X24' carport would increase the existing lot coverage by 1,008 sf. It is noted that the plan with this petition is unclear with respect to a proposed access driveway from the street to the proposed garage/carport. The new driveway would further increase the proposed total lot coverage, although a portion of the new driveway shown on the plan may be part of the existing driveway. Any amount of proposed lot coverage that would exceed the limit of 5,445 sf must be removed from elsewhere on the property to maintain compliance with the maximum lot coverage allowance. The property is also located within a Modified Buffer Area (BMA), which further restricts lot coverage and structures within 100 feet landward of mean high water (100 foot buffer). According to the plan submitted for this review, there are no proposed impacts within the 100 foot buffer. The LDA regulations also require 15% afforestation, which equates to 10 trees for a property this size. Existing trees will be counted toward this requirement. By allowing the items requested by the petitioner, impacts on water quality will be minimized, provided that the LDA lot coverage limits are addressed, the proposed structures are constructed outside of the buffer, as shown on the plan, and the 15% afforestation requirement is met, all of which will be addressed during review of a building permit.

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

The current development proposal for the property will be reviewed for application of the LDA and BMA requirements, which will improve buffer functions, and conserve fish, wildlife and plant habitat in Bird River.

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.

ORDER RECEIVED FOR FILING

The requested items by the petitioners will be consistent with established land use policies, provided that the applicants meet all LDA and BMA requirements applicable to the proposal. The request, if granted, will minimize environmental impacts.

Reviewer: Thomas Panzarella

Environmental Impact Review

ORDER RECEIVED FOR FILING

Date 6-28-16

By EW

CBCA



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property

located at 5839 LORELEY BEACH RD

which is presently zoned RC2

Deed Reference: 1227510068 Tax Account # 220000692062

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.1 of BCZR to permit a proposed accessory building (detached garage with carport) to be located in the front yard of the dwelling in lieu of the required in the rear yard, and from Section 400.3 of BCZR to permit the proposed accessory building with a height of 22'8" in lieu of the maximum allowed height of 15 feet respectively.

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

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

I, or we, agree to pay expenses of above Administrative Variance, 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.

I/We do 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 Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Scott A. Walper

Name - Type or Print

Signature

HELEN WALPER

Name - Type or Print

Signature

5839 LORELEY BEACH RD. 410-335-1221

Address

Telephone No.

WHITE MARSH

MD

21162

City

State

Zip Code

Representative to be Contacted:

CARL DYHRBERG

Name

1019 MUSCULA RD 443 465689

Address

Telephone No.

TOWSON

MD

21286

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of , that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

Case No. 2016-0296-A

Reviewed By AT Date 5/24/16

Estimated Posting Date 6/5/16 - 6/20/16

FRM476_09

Rev 3/09

ORDER RECEIVED FOR FILING

Date 6-28-16

By [Signature]

4080

UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF PLANT INDUSTRY
WASHINGTON, D. C.



For the purpose of this report, the following information was obtained from the records of the Bureau of Plant Industry:

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Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently own and reside at 5839 LORELEY BEACH Rd.
Address number Road or Street name

and that this address is the subject of this variance request as required by law.

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate the hardship or practical difficulty; attach an additional sheet if needed) We wish to construct a 30' x 24' Garage with an attached 12' x 24' Carport with storage over the garage in the front yard our existing residence. At present we have no garage accommodation and because of the storage component, the proposed height of the garage from grade to ridge of 22'-8" exceeds the 15'-0" height restriction in the code. This hardship is peculiar to our property in contrast with other properties in the zoning district and is not the result of our own actions. Failure to grant this request for a variance would also result in the failure of our ability to make a reasonable use of our property.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

[Signature]
Signature

Scott A. Walper
Name- print or type

[Signature]
Signature

HELEN WALPER
Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

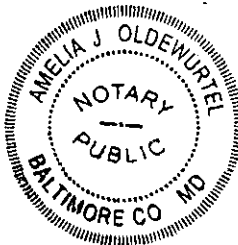
I HEREBY CERTIFY, this 9 day of May 2016, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): Scott A. Walper Helen Walper
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature] 2/17/17
Name of Notary Public Commission expires

PLACE SEAL HERE:



FRM476_09

Rev 3/09

2016-0296-A

May 8, 2016

**ZONING PROPERTY DESCRIPTION FOR
5839 LORELEY BEACH ROAD**

Beginning at a point on the south side of Loreley Beach Road, which is 30 feet wide, at the distance of 1200 feet, more or less, east of the centerline of Opie Road, which is 40 feet wide, being Lots 13 ½, 14 & 15 in the subdivision of "Plat No. 1, Lorely Beach" as recorded in Baltimore County Plat Book L.McL.M. No. 10, folio 8, containing 33,000 square feet or 0.758 acres of land, more or less, located in the 11th Election District and ~~5th~~ Council District.

6th

2016-0296-A



KEVIN KAMENETZ
County Executive

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

June 20, 2016

Scott A Walper
5839 Loreley Beach Road
White Marsh MD 21162

RE: Case Number: 2016-0296 A, Address: 5839 Loreley Beach Road

Dear Mr. Walper:

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

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Carl Dyhrberg, 1619 Mussula Road, Towson MD 21286

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



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

Date: 6/1/16

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. 2016-0296-A

*Administrative Variance
Scott A. & Helen Walper
5839 Loreley Beach 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 'Wendy Wolcott'.

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

WW/RAZ

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 6/5/2016

Case Number: 2016-0296-A

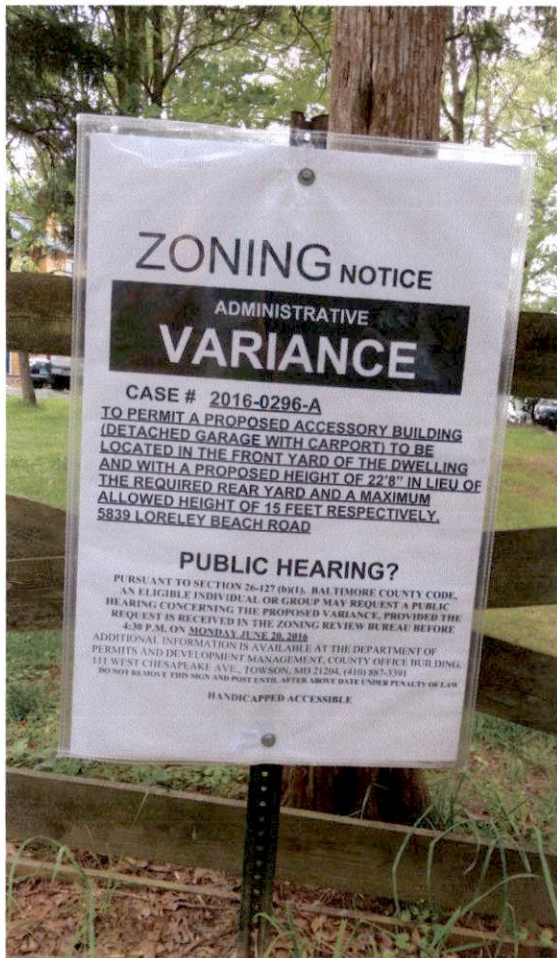
Petitioner / Developer: SCOTT WALPER ~

CARL DYHRBERG of C.D. DESIGN CONSULTANTS

Date of Hearing (Closing) : JUNE 20, 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:
5839 LORELEY BEACH ROAD

The sign(s) were posted on: JUNE 5, 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)

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2016- 0296 -A Address 5839 Loreley Beach Road

Contact Person: Aaron Tsui Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 05/24/2016 Posting Date: 06/5/16 Closing Date: 06/20/16

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- 0296 -A Address 5839 Loreley Beach Road

Petitioner's Name Scott Walper Telephone 443-564-9160

Posting Date: 6/5/16 Closing Date: 06/20/16

Wording for Sign: To permit a proposed accessory building (detached garage with carport) to be located in the front yard of the dwelling and with a proposed height of 22'8" in lieu of the required in the rear yard and a maximum allowed height of 15 feet respectively.

Revised 3/01/16

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

No. 139278

Date: 5/24/16

PAID RECEIPT

BUSINESS ACTUAL TIME DRH
5/25/2016 5/24/2016 09:31:27 2

REG #502 MAIL JEE
RECEIPT # 968920 5/24/2016
Dept 5 528 ZONING VERIFICATION
C.R. NO. 139278

Recpt Tot \$150.00
\$150.00 CR 1.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
601	806	0000		6150				150.00

Total: 150.00

Rec From:

For: 0347 Tall, Ho Rd
21093

5839 Loreley Beach Rd 2016-0295-A
2016-0296-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

6-20-16
Closing
date

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

JUN 24 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: June 23, 2016

SUBJECT: EPS Comment for Zoning Item: # 2016-0296-A
Address: 5839 Loreley Beach Road
(Walper Property)

Zoning Advisory Committee Meeting of **June 3, 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 a Limited Development Area (LDA), and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

1. Occupied by a structure, parking area, driveway, walkway, or roadway; or
2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;
3. A wood mulch pathway; or
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The subject property comprises 33,000 square feet (sf). In order to minimize impacts to water quality, the applicant must comply with the LDA lot coverage requirements, which, for a property this size, is a maximum of 5,445 sf, with mitigation for lot coverage between 15% (4,950) and 5,445 sf. The petitioners are requesting to permit a proposed, detached garage and carport to be located in the front yard of the dwelling in lieu of the rear yard, and to permit the proposed garage with a height of 22'8" in lieu of the maximum height of 15'.

By examining recent aerial photographs, it appears that the existing lot coverage is near the lot coverage limit of 5,445 sf. The plan with this petition does not show complete lot coverage, only a portion of the dwelling. The proposed 24'X30' detached garage and 12'X24' carport would increase the existing lot coverage by 1,008 sf. It is noted that the plan with this petition is unclear with respect to a proposed access driveway from the street to the proposed garage/carport. The new driveway would further increase the proposed total lot coverage, although a portion of the new driveway shown on the plan may be part of the existing driveway. Any amount of proposed lot coverage that would exceed the limit of 5,445 sf must be removed from elsewhere on the property to maintain compliance with the maximum lot coverage allowance. The property is also located within a Modified Buffer Area (BMA), which further restricts lot coverage and structures within 100 feet landward of mean high water (100 foot buffer). According to the plan submitted for this review, there are no proposed impacts within the 100 foot buffer. The LDA regulations also require 15% afforestation, which equates to 10 trees for a property this size. Existing trees will be counted toward this requirement. By allowing the items requested by the petitioner, impacts on water quality will be minimized, provided that the LDA lot coverage limits are addressed, the proposed structures are constructed outside of the buffer, as shown on the plan, and the 15% afforestation requirement is met, all of which will be addressed during review of a building permit.

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

The current development proposal for the property will be reviewed for application of the LDA and BMA requirements, which will improve buffer functions, and conserve fish, wildlife and plant habitat in Bird River.

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 requested items by the petitioners will be consistent with established land use policies, provided that the applicants meet all LDA and BMA requirements applicable to the proposal. The request, if granted, will minimize environmental impacts.

Reviewer: *Thomas Panzarella*

Environmental Impact Review

Debra Wiley

From: Jeffery Livingston
Sent: Thursday, June 23, 2016 11:59 AM
To: Debra Wiley
Subject: RE: Zoning Petition Comments
Attachments: ZAC 16-0296-A 5839 Loreley Beach Road.doc

Debbie,

Here's the comment for 2016-296-A.

Jeff

From: Debra Wiley
Sent: Wednesday, June 22, 2016 3:15 PM
To: Stephen Ford <sford@baltimorecountymd.gov>; June Wisnom <jwisnom@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>; Sherry Nuffer <snuffer@baltimorecountymd.gov>
Cc: Jeffery Livingston <jlivingston@baltimorecountymd.gov>
Subject: RE: Zoning Petition Comments

Steve,

Do we anticipate how long this will take? Once the closing date passes, the files are delivered to OAH, the Judge prepares an Order quickly since the Petitioners will start calling shortly thereafter.

FYI: The 2016-0293 Order has already been completed; file folder did not indicate anything DEPS-related so we were not aware your department was planning on issuing a comment.

Thanks.

From: Stephen Ford
Sent: Wednesday, June 22, 2016 3:08 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: RE: Zoning Petition Comments

Debra,
Yes I have that holding for comments from EIR. Also, Holding is 0293-A for the same reason.
Thanks

From: Debra Wiley
Sent: Wednesday, June 22, 2016 3:04 PM
To: Stephen Ford <sford@baltimorecountymd.gov>; June Wisnom <jwisnom@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>; Sherry Nuffer <snuffer@baltimorecountymd.gov>
Cc: Jeffery Livingston <jlivingston@baltimorecountymd.gov>
Subject: RE: Zoning Petition Comments

Hi Steve,

Do you have a ZAC comment for 2016-0296-A (Admin. Variance with closing date of 6/20); file folder indicates it's in CBCA.

Thanks.

From: Stephen Ford

Sent: Wednesday, June 22, 2016 1:24 PM

To: Debra Wiley <dwiley@baltimorecountymd.gov>; June Wisnom <jwisnom@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>; Sherry Nuffer <snuffer@baltimorecountymd.gov>

Cc: Jeffery Livingston <jlivingston@baltimorecountymd.gov>

Subject: Zoning Petition Comments

For your files.

Thanks,

Stephen A. Ford

Engineering Associate III

Department of Environmental Protection

And Sustainability

Development Coordination

111 West Chesapeake Avenue, Room 319

Towson, Maryland 21204

sford@baltimorecountymd.gov

410-887-5859

410-887-4804 fax

Debra Wiley

From: Stephen Ford
Sent: Wednesday, June 22, 2016 3:32 PM
To: Debra Wiley
Cc: Regina A. Esslinger
Subject: RE: Zoning Petition Comments

I've been trying to get them to expedite. The reviewer was out today, but I'm told he will be in tomorrow. I'll keep you posted.

Thanks,
Steve

From: Debra Wiley
Sent: Wednesday, June 22, 2016 3:15 PM
To: Stephen Ford <sford@baltimorecountymd.gov>; June Wisnom <jwisnom@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>; Sherry Nuffer <snuffer@baltimorecountymd.gov>
Cc: Jeffery Livingston <jlivingston@baltimorecountymd.gov>
Subject: RE: Zoning Petition Comments

Steve,

Do we anticipate how long this will take? Once the closing date passes, the files are delivered to OAH, the Judge prepares an Order quickly since the Petitioners will start calling shortly thereafter.

FYI: The 2016-0293 Order has already been completed; file folder did not indicate anything DEPS-related so we were not aware your department was planning on issuing a comment.

Thanks.

From: Stephen Ford
Sent: Wednesday, June 22, 2016 3:08 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: RE: Zoning Petition Comments

Debra,
Yes I have that holding for comments from EIR. Also, Holding is 0293-A for the same reason.
Thanks

From: Debra Wiley
Sent: Wednesday, June 22, 2016 3:04 PM
To: Stephen Ford <sford@baltimorecountymd.gov>; June Wisnom <jwisnom@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>; Sherry Nuffer <snuffer@baltimorecountymd.gov>
Cc: Jeffery Livingston <jlivingston@baltimorecountymd.gov>
Subject: RE: Zoning Petition Comments

Hi Steve,

Do you have a ZAC comment for 2016-0296-A (Admin. Variance with closing date of 6/20); file folder indicates it's in CBCA.

Thanks.

From: Stephen Ford

Sent: Wednesday, June 22, 2016 1:24 PM

To: Debra Wiley <dwiley@baltimorecountymd.gov>; June Wisnom <jwisnom@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>; Sherry Nuffer <snuffer@baltimorecountymd.gov>

Cc: Jeffery Livingston <jlivingston@baltimorecountymd.gov>

Subject: Zoning Petition Comments

For your files.

Thanks,

Stephen A. Ford

Engineering Associate III

Department of Environmental Protection

And Sustainability

Development Coordination

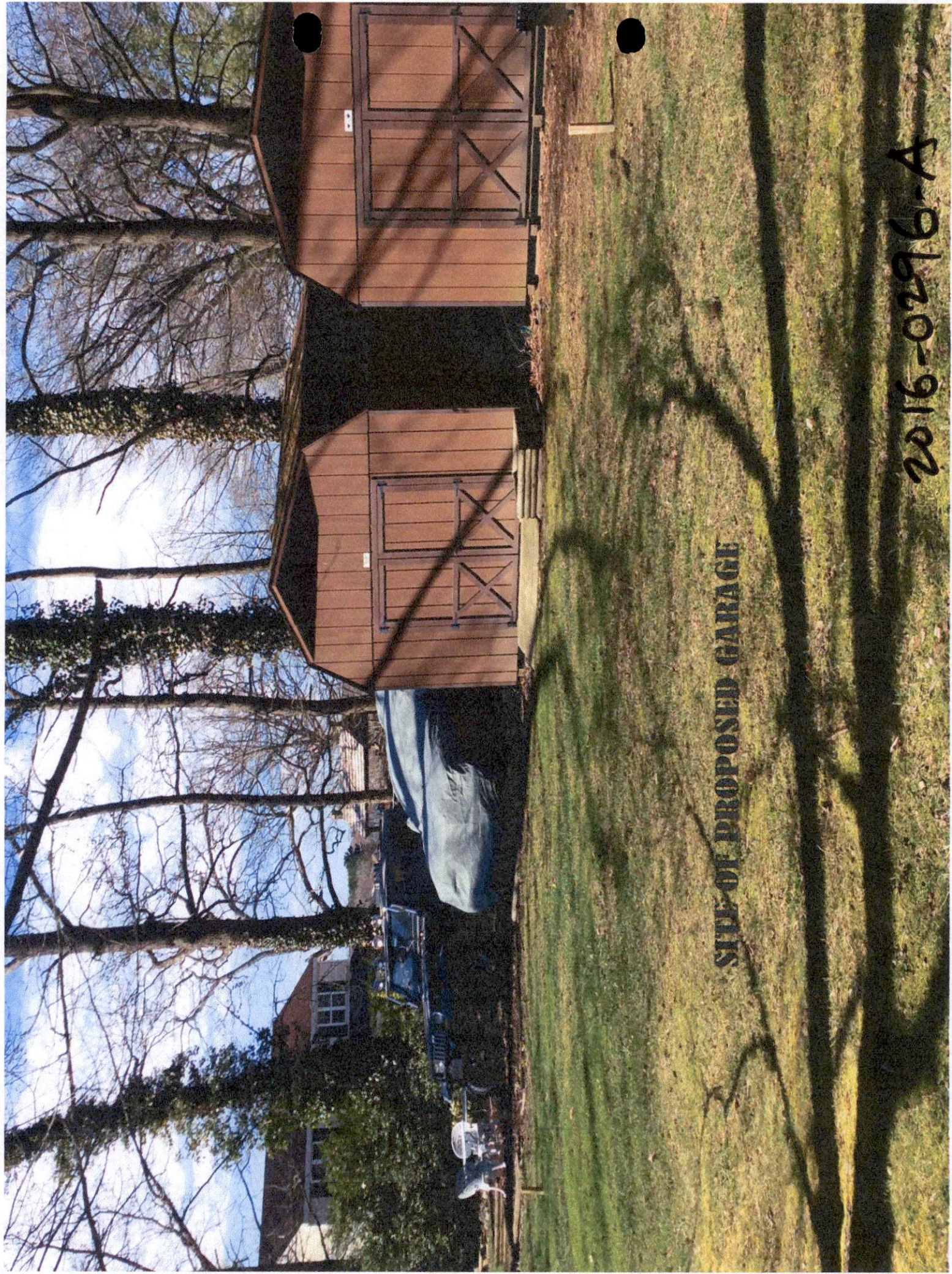
111 West Chesapeake Avenue, Room 319

Towson, Maryland 21204

sford@baltimorecountymd.gov

410-887-5859

410-887-4804 fax



SITE OF PROPOSED GARAGE

2016-0296-A

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>6-24</u>	DEPS (if not received, date e-mail sent _____)	<u>c</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>6-1</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>6-5-16</u>	by <u>O'Keefe</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		

Real Property Data Search (w3)

Guide to searching the database

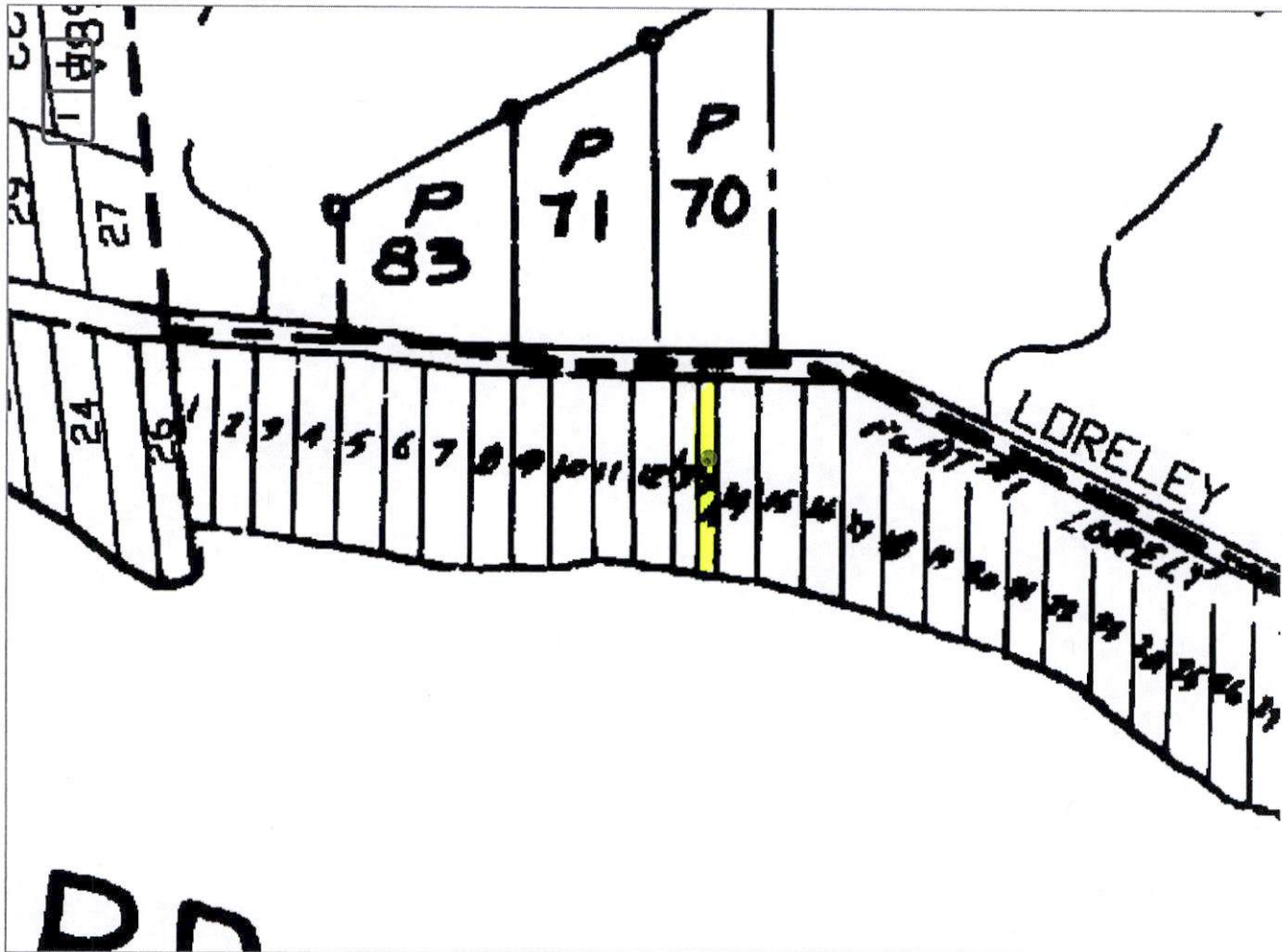
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 11 Account Number - 2200002062			
Owner Information					
Owner Name:		WALPER SCOTT A WALPER HELEN S		Use: Principal Residence: RESIDENTIAL YES	
Mailing Address:		5839 LORELY BEACH RD WHITE MARSH MD 21162-1609		Deed Reference: /12275/ 00608	
Location & Structure Information					
Premises Address:		5839 LORELEY BEACH RD 0-0000 Waterfront		Legal Description: LTS 13H-14-15 5839 LORELY BEACH RD LORELY BEACH	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0073	0021	0348		0000	13H 2015 1 0010/0008
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	
1931		2,736 SF		33,000 SF	
Property Land Area		County Use			
33,000 SF		04			
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1 1/2	YES	STANDARD UNIT	FRAME	2 full	1 Attached
Value Information					
		Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		107,200	107,200		
Improvements		82,200	198,600		
Total:		189,400	305,800	228,200	267,000
Preferential Land:		0			0
Transfer Information					
Seller:		Date:		Price:	
FRANTZ DUANE R		06/25/1997		\$112,900	
Type:		Deed1:		Deed2:	
ARMS LENGTH IMPROVED		/12275/ 00608			
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class	07/01/2015		07/01/2016
County:		000	0.00		
State:		000	0.00		
Municipal:		000	0.00 0.00		0.00 0.00
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 11/10/2010					

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

District: 11 Account Number: 2200002062



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>).



RC 50

1113086051

5836

1103020150

1106082252

1968-0214

LORELEY BEACH RD

11 ED

NE 9-J

6 CD

Lot # 10

1112021420
Pt. Bk. 0000010, Folio 0081

5835

1987-0028-A

RC 2

Lot # 10

1108068950

Lot # 12

1989-0353-A

PAI # 118043

5837

2015-0066-A

PAI # 118043

073A3

Lot # 13H

2200002062

5839

Pt. Bk. 0000010, Folio 0008

1103049125

Lot # 16

5841

2005-0150-A

073B3

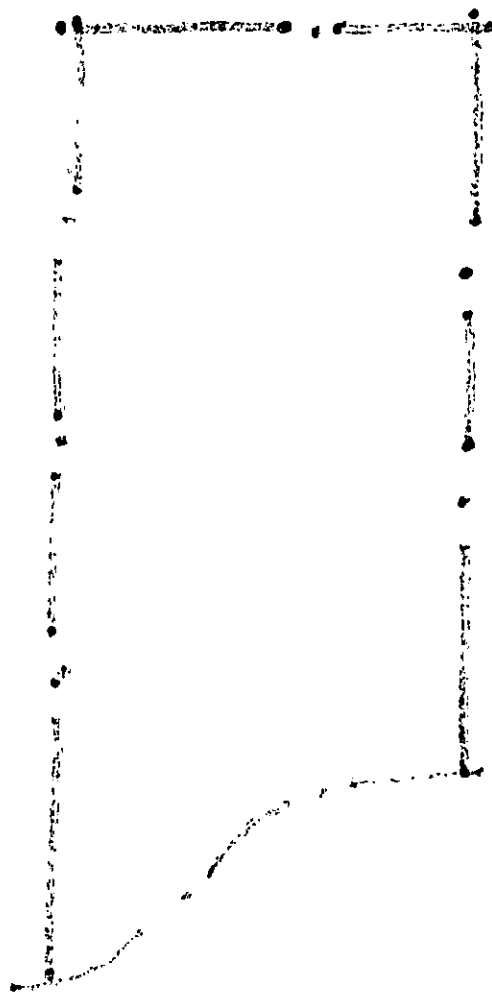
Lot # 16

Pt. Bk./Folio # 010008

1104035800

NE 8-J

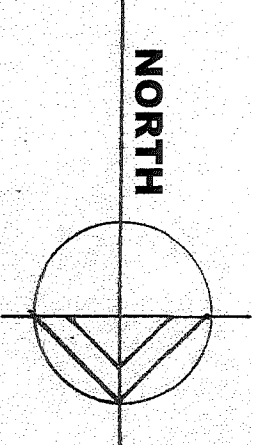
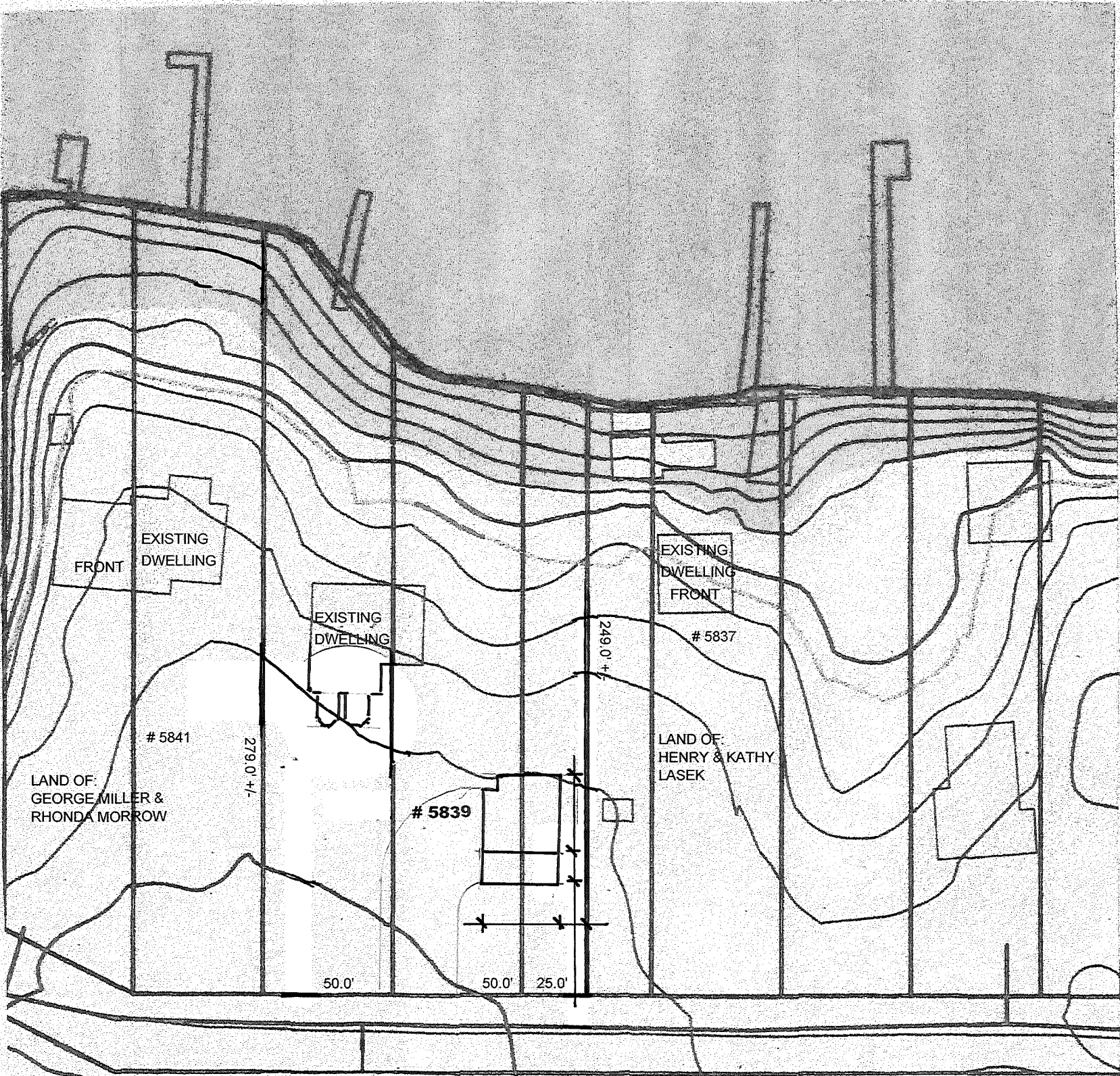
2016-0296-A



A-4P50-6103

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

5839 LORELEY BEACH ROAD, WHITE MARSH, 21162. PLAT REF : 0010 / 0008, LOTS 13H, LOT 14 & LOT 15. TAX MAP 0073
GRID 0021, PARCEL 0348
OWNERS : SCOTT A & HELEN S WALPER



LORELEY BEACH ROAD

30' WIDE R / W
SCALE ~ 1 : 50

PREPARED BY CARL DYHRBERG



VICINTY MAP - NOT TO SCALE

LOCATION INFORMATION

ELECTION DISTRICT 11
COUNCILMANIC *5 6*
GIS TITLE 1"=200' SCALE MAP # 073A3
ZONING - RC 2
LOT SIZE 0.75 33,000
ACRES SQUARE FEET
SITE COVERGE EXISTING PRPOPOSED
8.7% 8.9%
PUBLIC SEWER
PUBLIC WATER
CHESAPEAKE BAY CRITICAL AREA - *NO YES*
100-YEAR FLOOD PLAIN - NO
HISTORIC PROPERTY - NO
PRIOR ZONING HEARING - CASE # 2015-0066-A

ZONING OFFICE USE ONLY

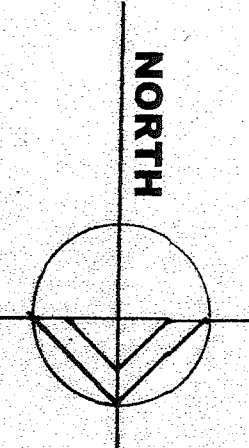
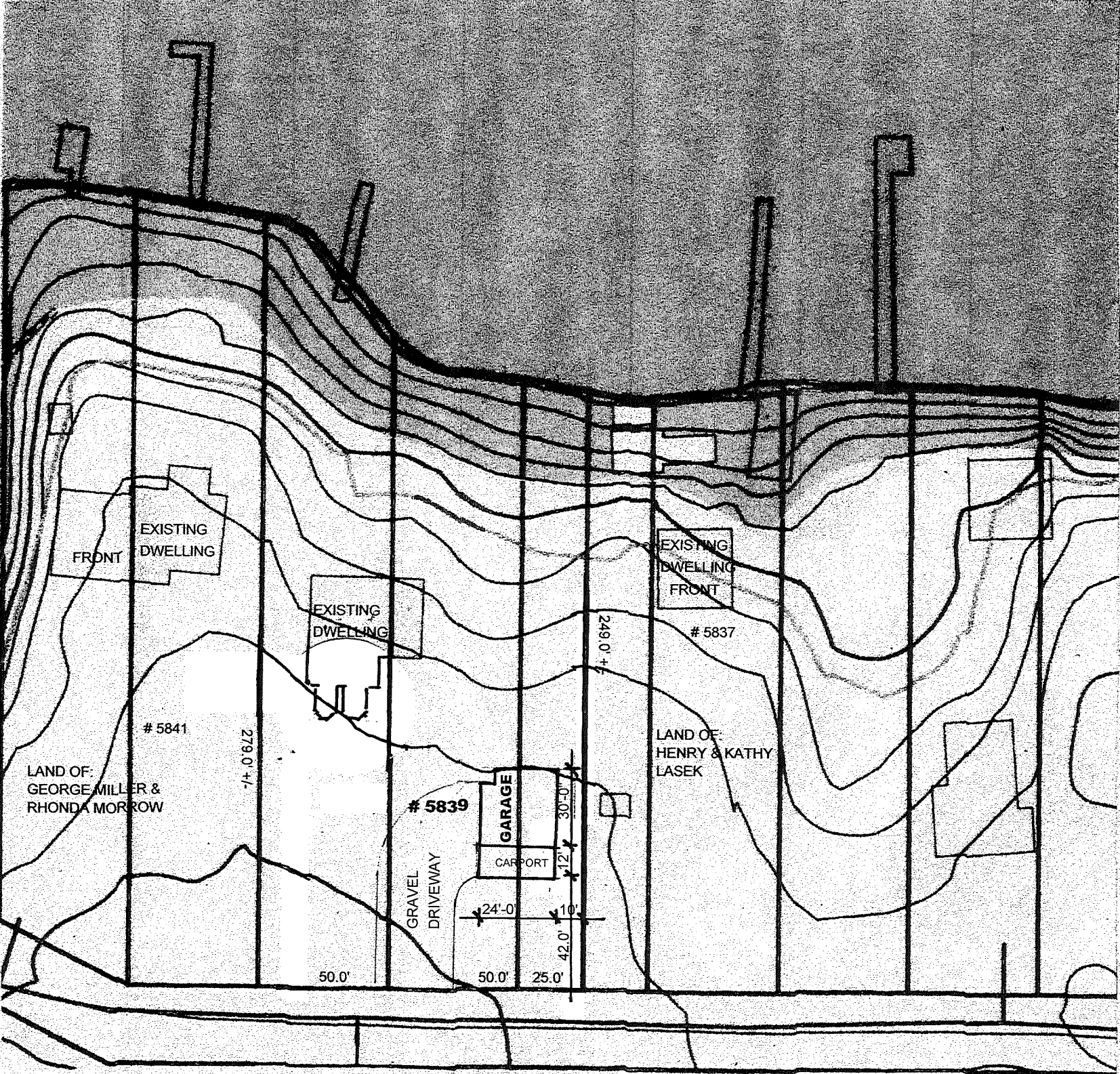
REVIEWED BY ITEM # CASE #

2016-0296-A

Per. Encl. 1

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

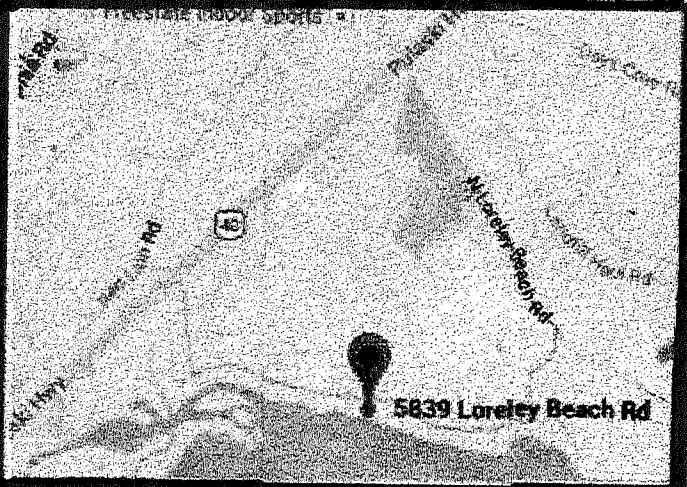
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100-YEAR FLOOD PLAIN - NO
HISTORIC PROPERTY - NO
PRIOR ZONING HEARING - CASE # 2015-0066-A

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

2016 0296-A