

M E M O R A N D U M

DATE: September 9, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0312-A – Appeal Period Expired

The appeal period for the above-referenced case expired on September 7, 2016. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(3942 New Section Road)

15th Election District

6th Council District

Chris Johnson

Legal Owner

Petitioner

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0312-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 Chris Johnson, owner of the subject property ("Petitioner"). Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §§1A04.3.A and 1A04.3.B.2.b to permit a building height of 53 ft. and side yard setbacks of 15 ft. and 15 ft. in lieu of the required 35 ft., 50 ft. and 50 ft., respectively for a replacement dwelling. A site plan was marked as Petitioner's Exhibit 1.

Owner Chris M. Johnson and David Billingsley from Central Drafting & Design, Inc., appeared in support of the Petition. Two community members attended the hearing to obtain additional information regarding the requests. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from Department of Planning (DOP), Department of Environmental Protection and Sustainability (DEPS) and the Bureau of Development Plans Review (DPR).

The subject property is approximately 0.331 acre and zoned RC 5. The waterfront property is improved with a single family dwelling, which Petitioner proposes to raze. In its place Petitioner would construct a larger and taller dwelling as shown on the elevation drawing (Exhibit 7) submitted at the hearing. To do so variance relief is required.

ORDER RECEIVED FOR FILING

Date

8-8-16

By

SEN

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 met this test. The property is narrow and deep and is therefore unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because he would be unable to construct a new dwelling on the lot. 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. This is demonstrated by the lack of Baltimore County and/or community opposition.

Alan Robertson, a resident of Bowley's Quarters, indicated the community association does not oppose a building height of 45' in lieu of 35'. The proposed dwelling includes a design feature which is similar to a cupola or "penthouse," which are excluded from the height calculation per B.C.Z.R. §300.1.A. The Petitioner stated there would not be living quarters or accommodations in this space, and I therefore believe it qualifies for the exception, provided of course it also does not have a horizontal area of more than 25% of the roof area of the building, as required by regulation. These elements can be verified by the DOP when it reviews more detailed drawings at the building permit phase of the project. Mr. Robertson testified the community does not oppose this design element, provided the space is not used for living quarters.

THEREFORE, IT IS ORDERED, this 8th day of August, 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.") §§1A04.3.A and 1A04.3.B.2.b to permit a building

ORDER RECEIVED FOR FILING

Date 8-8-16

By slh

height of 45 ft. and side yard setbacks of 15 ft. and 15 ft. in lieu of the required 35 ft., 50 ft. and 50 ft., respectively for a replacement dwelling, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the penthouse or cupola design element shown on Petitioner's Ex. 7 shall be excluded from the height calculation pursuant to B.C.Z.R. 300.1.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Prior to issuance of permits Petitioner must comply with the CBCA and flood protection regulations.
3. Petitioner must submit to the DOP detailed drawings of the proposed dwelling so that agency can ensure compliance with the RC 5 zone performance standards.
4. The fourth floor or "penthouse" of the dwelling shall not be used for living quarters.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JEB: sln



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date 8-8-16

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 3942 NEW SECTION ROAD which is presently zoned RC5
Deed References: L. 23102 F. 568 10 Digit Tax Account # 1900003510
Property Owner(s) Printed Name(s) CHRIS M. JOHNSON

(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) SEE ATTACHED

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)

TO BE PRESENTED AT HEARING

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):

CHRIS M. JOHNSON

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

3808 CHESTNUT RD BALTO MD

Mailing Address

City

State

21220 (410) 365-4111

Zip Code

Telephone #

Email Address

Representative to be contacted:

DAVID BILLINGSLEY

Name - Type or Print

Signature

601 CHARYWOOD CT. EDGEWOOD MD.

Mailing Address

City

State

21040 (410) 679-8719, dwb0203@yahoo.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2016-0312-A Filing Date 6/8/16

Do Not Schedule Dates: _____

Reviewer g



SECTIONS 1A04.3.A AND 1A04.3.B.2.b (BCZR) TO PERMIT A BUILDING
HEIGHT OF 53 FEET AND SIDE YARD SETBACKS OF 15 FEET AND 15 FEET
IN LIEU OF THE REQUIRED 35 FEET, 50 FEET AND 50 FEET RESPECTFULLY
FOR A REPLACEMENT DWELLING.

ZONING DESCRIPTION

3942 NEW SECTION ROAD

Beginning for the same at a point on the northeast side of New Section Road (30 feet wide) distant 947 feet northeasterly from its intersection with the centerline of Seneca Road (30 feet wide), thence being all of Lot 319 and the westernmost $\frac{1}{2}$ of Lot 320 as shown on the plat entitled Plat 2, Bowleys Quarters recorded among the Baltimore County plat records in Plat Book 10 Folio 64.

Containing 14,437 square feet or 0.331 acre of land, more or less.

Being known as 3942 New Section Road. Located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, Md.

2016-0312-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 4311406

Sold To:

Chris Johnson - CU00549158
3808 Chestnut Rd
Middle River, MD 21220-4023

Bill To:

Chris Johnson - CU00549158
3808 Chestnut Rd
Middle River, MD 21220-4023

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

Jul 14, 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: # 2016-0312-A
3942 New Section Road
NE/s of New Section Road, NE 947 ft. to the centerline of Seneca Road
15th Election District - 6th Councilmanic District
Legal Owner(s) Chris Johnson

Variance: to permit a building height of 53 ft. and side yard setbacks of 15 ft. and 15 ft. in lieu of the required 35 ft., 50 ft. and 50 ft. respectively for a replacement dwelling.

Hearing: Friday, August 5, 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.

7/085 July 14 4311406

CERTIFICATE OF POSTING

Date: JULY 13, 2016

RE: Project Name: 3942 NEW SECTION ROAD
Case Number /PAI Number: 2016-00312-A
Petitioner/Developer: CHRIS JOHNSON
Date of Hearing/Closing: AUGUST 5, 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 3942 NEW SECTION ROAD

The sign(s) were posted on JULY 13, 2016
(Month, Day, Year)

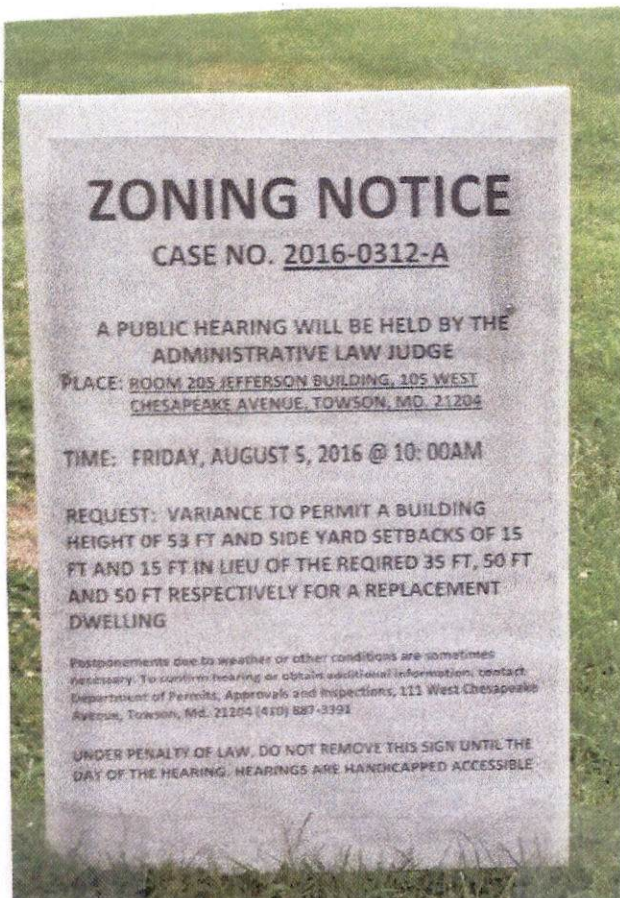

(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)



TO: PATUXENT PUBLISHING COMPANY
Thursday, July 14, 2016 Issue - Jeffersonian

Please forward billing to:
Chris Johnson
3808 Chestnut Road
Baltimore, MD 21220

410-365-4111

NOTICE OF ZONING HEARING

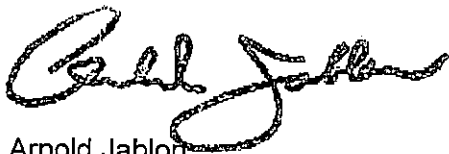
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CASE NUMBER: 2016-0312-A

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NE/s of New Section Road, NE 947 ft. to the centerline of Seneca Road
15th Election District – 6th Councilmanic District
Legal Owners: Chris Johnson

Variance to permit a building height of 53 ft. and side yard setbacks of 15 ft. and 15 ft. in lieu of the required 35 ft., 50 ft. and 50 ft. respectively for a replacement dwelling.

Hearing: Friday, August 5, 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
July 7, 2016

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

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: 2016-0312-A

3942 New Section Road
NE/s of New Section Road, NE 947 ft. to the centerline of Seneca Road
15th Election District – 6th Councilmanic District
Legal Owners: Chris Johnson

Variance to permit a building height of 53 ft. and side yard setbacks of 15 ft. and 15 ft. in lieu of the required 35 ft., 50 ft. and 50 ft. respectively for a replacement dwelling.

Hearing: Friday, August 5, 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", is written over a horizontal line.

Arnold Jablon
Director

AJ:kl

C: Chris Johnson, 3808 Chestnut Road, Baltimore 21220
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 16, 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
3942 New Section Road; NE/S New Section
Road, NE 947' to c/line Seneca Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Chris M. Johnson
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2016-312-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.

RECEIVED

JUN 14 2016

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of June, 2016, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, 601 Charwood Court, Edgewood, MD 21040, 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: 2016-0312-A
Property Address: 3942 NEW SECTION ROAD
Property Description: NE SIDE NEW SECTION ROAD
947' NE'LY FROM SENECA RD
Legal Owners (Petitioners): CHRIS JOHNSON
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: CHRIS JOHNSON
Company/Firm (if applicable): _____
Address: 3808 CHESTNUT RD
BALTO MD. 21220
Telephone Number: (410) 365-4111

Revised 5/20/2014

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

No. **139298**

Date: **6/8/16**

PAID RECEIPT

BUSINESS ACTUAL TIME OFN
6/08/2016 6/08/2016 09:39:17 5

REC 14505 WALKIN LRD
>> RECEIPT # 852237 6/08/2016 OFLN
Dept 5 528 ZONING VERIFICATION
NO. 139298

Receipt Tot \$75.00
\$179.00 07
Baltimore County, Maryland

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

Total: **75.00**

Rec From: Dave Billingsley
For: 3942 New Section Rd
2016-0312-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

July 27, 2016

Chris M Johnson
3808 Chestnut Road
Baltimore MD 21220

RE: Case Number: 2016-0312 A, Address: 3942 New Section Road

Dear Mr. Johnson:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 8, 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
David Billingsley, 601 Charwood Road, Edgewood MD 21040

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:

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. 2016-0312-A

Varianco
Chris M. Johnson
3442 New Section 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 black ink, appearing to read "Wendy Wolcott".

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

WW/RAZ

8-5-16
10AM

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM**

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

DATE: June 29, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-312

JUL 06 2016

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 3942 New Section Road
Petitioner: Chris M. Johnson
Zoning: RC 5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit a single family dwelling with a height of 53 feet and side yard setbacks of 15 feet and 15 feet in lieu of the required 35 feet and 50 feet respectively.

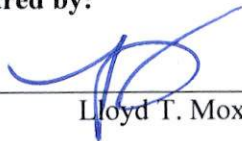
A site visit was conducted on June 20, 2016.

The Department of Planning has no objections to granting the petitioned zoning relief.

Be advised that the requirements of BCZR Section 1A04.4 apply. Architectural elevations must be submitted to the Department of Planning for review and prior to building permit approval.

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
David Billingsley, Central Drafting & Design, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



8-5-16
10 AM

RECEIVED

JUN 22 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 22, 2016

SUBJECT: EPS Comment for Zoning Item # 2016-0312-A
Address 3942 New Section Road
(Johnson Property)

Zoning Advisory Committee Meeting of **June 13, 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 replacement dwelling with two porches with less side yard setbacks and greater height than permitted. The lot is waterfront, and the proposed dwelling must meet all LDA and MBA requirements, including lot coverage limits, afforestation, and mitigation. The dwelling will be within the 100-foot buffer. Lot coverage is limited to a maximum of 31.25% (4,512 square feet) with mitigation required for any lot coverage between 25% (3,609 square feet) and 31.25%. Existing and proposed lot coverage information was not provided. 4 trees are required to meet the afforestation requirement. At this time we cannot determine if the proposal can meet all LDA and MBA requirements and therefore we cannot determine if the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront. As there is incomplete information regarding lot coverage, afforestation, and mitigation, at this time we cannot determine if lot coverage, MBA, afforestation and mitigation requirements will be met and therefore help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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;

As submitted, the Critical Area information is incomplete, and therefore we cannot say the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: June 21, 2016

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For June 13, 2016
Item No. 2016-0312

DATE: June 15, 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 16-0312-06132016.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



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

DATE: June 29, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-312

INFORMATION:

Property Address: 3942 New Section Road
Petitioner: Chris M. Johnson
Zoning: RC 5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit a single family dwelling with a height of 53 feet and side yard setbacks of 15 feet and 15 feet in lieu of the required 35 feet and 50 feet respectively.

A site visit was conducted on June 20, 2016.

The Department of Planning has no objections to granting the petitioned zoning relief.

Be advised that the requirements of BCZR Section 1A04.4 apply. Architectural elevations must be submitted to the Department of Planning for review and prior to building permit approval.

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

Prepared by:

A handwritten signature in black ink, appearing to be "Lloyd T. Moxley", written over a horizontal line.

Lloyd T. Moxley

Division Chief:

A handwritten signature in black ink, appearing to be "Kathy Schlabach", written over a horizontal line.

Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
David Billingsley, Central Drafting & Design, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

8-8-16

PETITIONER'S EXHIBITS

Aln 8-8-16

**3942 NEW SECTION ROAD
CASE NO. 2016-0312-A**

- 1. PLAT TO ACCOMPANY PETITION DATED MAY 31, 2016 (NO CHANGES)**
- 2. SDAT REAL PROPERTY DATA SEARCH**
- 3. DEED OF RECORD L.23102 F.568 DATED NOVEMBER 1, 2005** *7*
- 4. PLAT OF SECOND ADDITION TO PLAT NO. 2 BOWLEYS QUARTERS
P.B. 10 F. 64 JUNE 6, 1931**
- 5. AERIAL PHOTO**
- 6A-F. PHOTOS**
- 7. BUILDING ELEVATION RENDERING**

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 - 1900003510			
Owner Information					
Owner Name:		JOHNSON CHRIS M		Use: RESIDENTIAL	
Mailing Address:		3808 CHESTNUT RD BALTIMORE MD 21220-4023		Principal Residence: NO Deed Reference: /23102/ 00568	
Location & Structure Information					
Premises Address:		3942 NEW SECTION RD 0-0000 Waterfront		Legal Description: LT 319 PT LT 320 3942 NEW SECTION RD BOWLEYS QUARTERS	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: 2
0091	0024	0099		0000	319 2015 Plat Ref: 0010/0064
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	
1937		1,203 SF		16,875 SF	
Property Land Area		County Use			
16,875 SF		04			
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1 1/2	YES	STANDARD UNIT	SIDING	1 full	1 Detached
Last Major Renovation					
Value Information					
Base Value		Value As of 01/01/2015		Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land: 263,200		263,200			
Improvements 61,600		64,600			
Total: 324,800		327,800		325,800 326,800	
Preferential Land: 0				0	
Transfer Information					
Seller: WAGNER WILLIAM D		Date: 12/21/2005		Price: \$425,000	
Type: ARMS LENGTH IMPROVED		Deed1: /23102/ 00568		Deed2:	
Seller: ROSE THOMAS A		Date: 11/07/1984		Price: \$55,000	
Type: ARMS LENGTH IMPROVED		Deed1: /06822/ 00642		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: No Application					

PETITIONER'S
EXHIBIT NO. 2

0023102 568

Case No.: 11002507DPA
Title Insurer: Chicago Title Insurance Company
Tax Account No.: 15-1900003510

AFTER RECORDING, REMIT TO:
Universal Title, LLC
1104 Kenilworth Drive
Suite 400
Towson, MD 21204

THIS DEED

This Deed, made this 1st day of November, 2005, by and between **Maxine W. Wagner**, party of the first part, and **Chris M. Johnson**, party of the second part:

WITNESSETH, that in consideration of the sum of \$ **425,000.00**, receipt of which is hereby acknowledged, and which the party of the first part certifies under the penalties of perjury as the actual consideration paid or to be paid, including the amount of any mortgage or deed of trust outstanding, the said party of the first part does grant and convey unto the party of the second part, in fee simple all that property situate in Baltimore County, State of Maryland, and described as follows:

BEING known and designated as Lot Numbered 319 and the West one-half of Lot Numbered 320 as shown on the Plat of Second Addition to Plat No. 2 Bowley's Quarters, which Plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book LMCLM No. 10 at folio 64. The improvements thereon being known as **3942 New Section Road**.

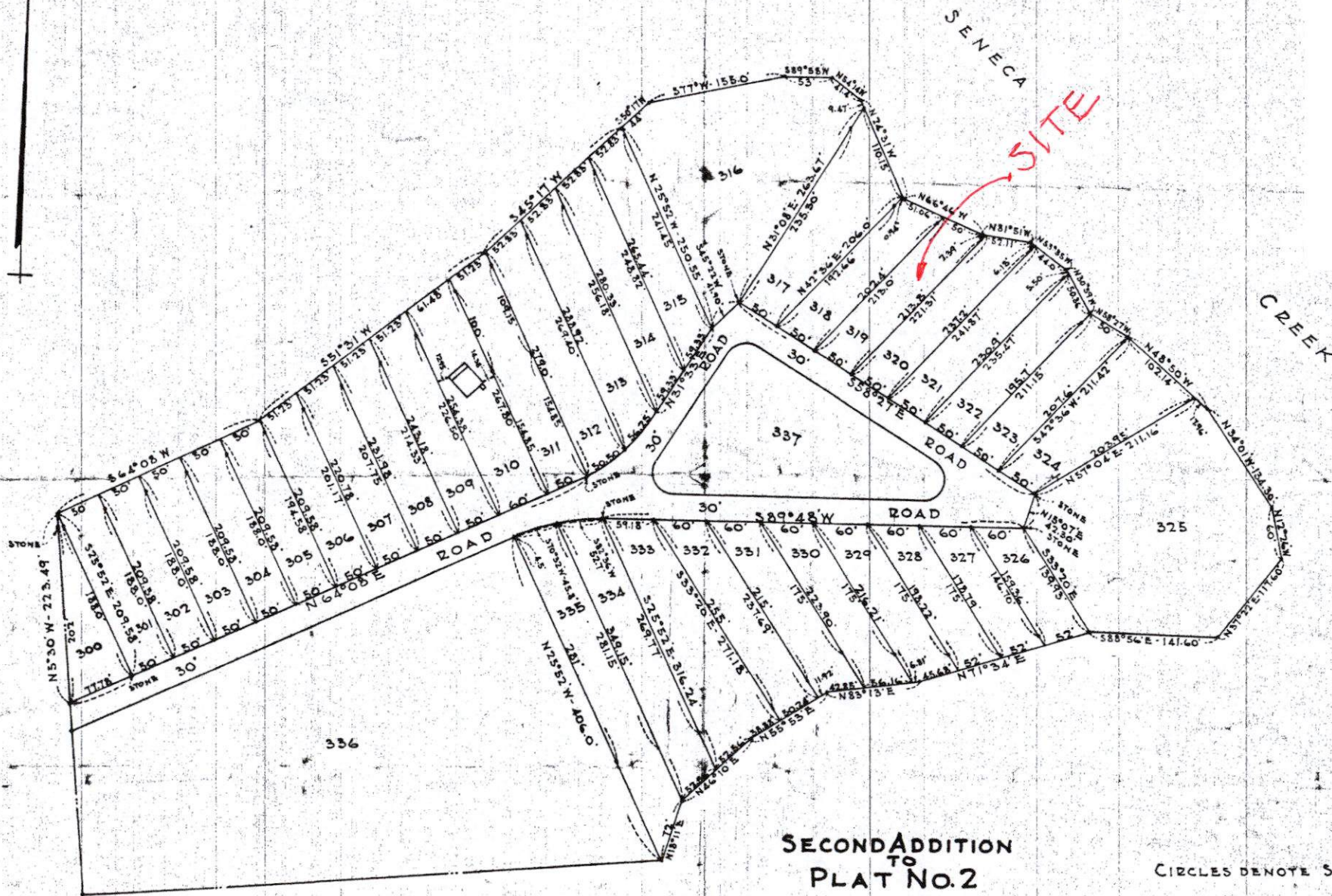
BEING the same property granted and conveyed unto William D. Wagner and Maxine W. Wagner, his wife, by Deed dated October 17, 1984 and recorded among the Land Records of Baltimore County in Liber EHK Jr. No. 6822, folio 642. The said William D. Wagner having died December 18, 1998 thereby vesting title unto Maxine W. Wagner as the surviving tenant by the entirety.

SUBJECT to covenants, easements and restrictions of record.

TO HAVE AND TO HOLD said land and premises above described or mentioned and hereby intended to be conveyed, together with the buildings and improvements thereupon erected, made or being, and all and every title, right, privileges, appurtenances and advantages thereunto belonging, or in anywise appertaining, unto and for the proper use only and benefit forever of said party of the second, as sole owner, his personal representatives and assigns, in fee simple.

AND said party of the first part does hereby covenant to warrant specially the property hereby conveyed; and to execute such further assurances of said land as it may be requisite or necessary.

PETITIONER'S
EXHIBIT NO. 3



SECOND ADDITION
TO
PLAT NO. 2
BOWLEY'S QUARTERS

PB 10 F 64

CIRCLES DENOTE STAKES
SCALE 1"=100' JUNE 6 1931.
E. Y. COONAN & CO.
SURVEYORS & CIVIL ENGINEERS
231 ST. PAUL PLACE
BALTO., MD.

-115-1056 2136-2467

PETITIONER'S
EXHIBIT NO. 4

2014



Imagery Date: 10/23/2014 39°19'04.83" N 76°22'13.63" W

PETITIONER'S
EXHIBIT NO. 5

213

100



B



A



D



C



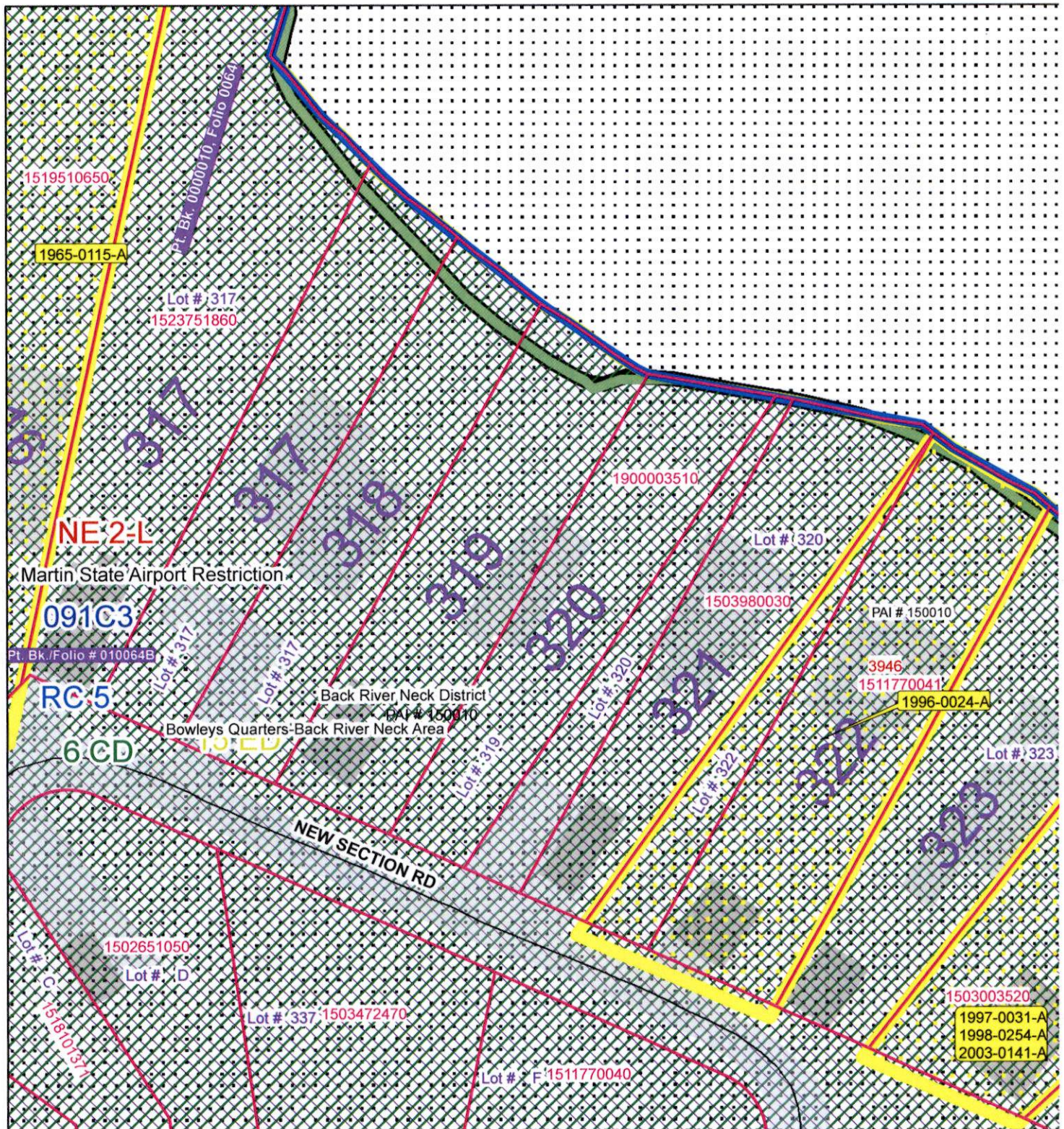
F



E



PETITIONER'S
EXHIBIT NO. 7



Publication Date: 6/8/2016



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



0 12.525 50 75 100 Feet

1 inch = 50 feet

CASE NUMBER 2016-0312-A

DATE _____

PETITIONER'S SIGN-IN SHEET

[illegible]

CASE NAME _____
CASE NUMBER _____
DATE 8/5/16

[illegible]

C H E C K L I S TSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment

6/15

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

C

6/22

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

C

6/29

FIRE DEPARTMENT

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

C

6/13

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 7/14/16

SIGN POSTING Date: 7/13/16

by Buelingsley

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

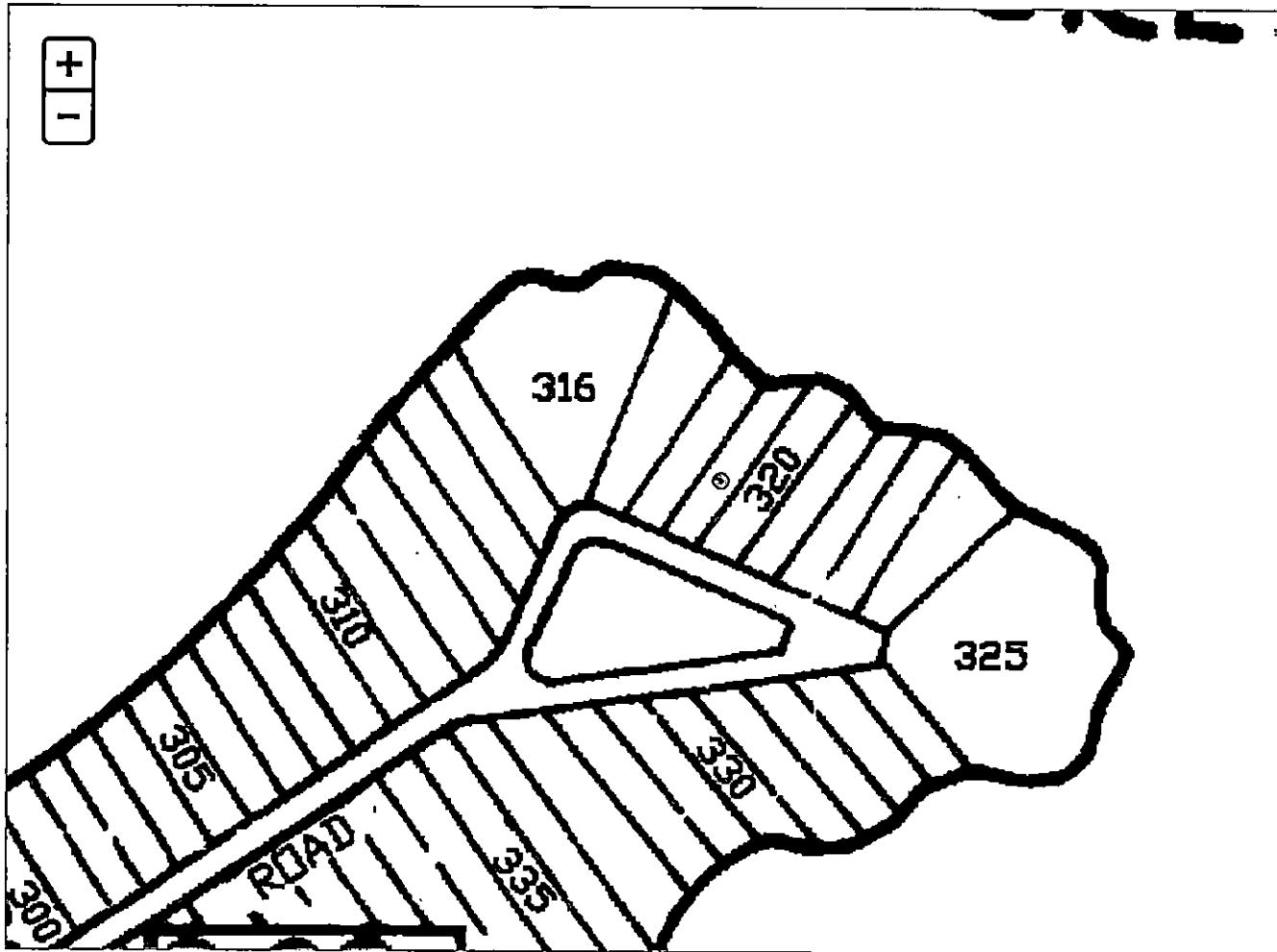
Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1900003510			
Owner Information					
Owner Name:		JOHNSON CHRIS M		Use:	RESIDENTIAL
Mailing Address:		3808 CHESTNUT RD BALTIMORE MD 21220-4023		Principal Residence:	NO
				Deed Reference:	/23102/ 00568
Location & Structure Information					
Premises Address:		3942 NEW SECTION RD 0-0000 Waterfront		Legal Description:	LT 319 PT LT 320 3942 NEW SECTION RD BOWLEYS QUARTERS
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: 2
0091	0024	0099		0000	319 2015 Plat Ref: 0010/0064
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area		Property Land Area
1937	1,203 SF				16,875 SF
County Use					
04					
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1 1/2	YES	STANDARD UNIT	SIDING	1 full	1 Detached
Last Major Renovation					
Value Information					
		Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		263,200	263,200		
Improvements		61,600	64,600		
Total:		324,800	327,800	325,800	326,800
Preferential Land:		0			0
Transfer Information					
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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: No Application					

Baltimore County

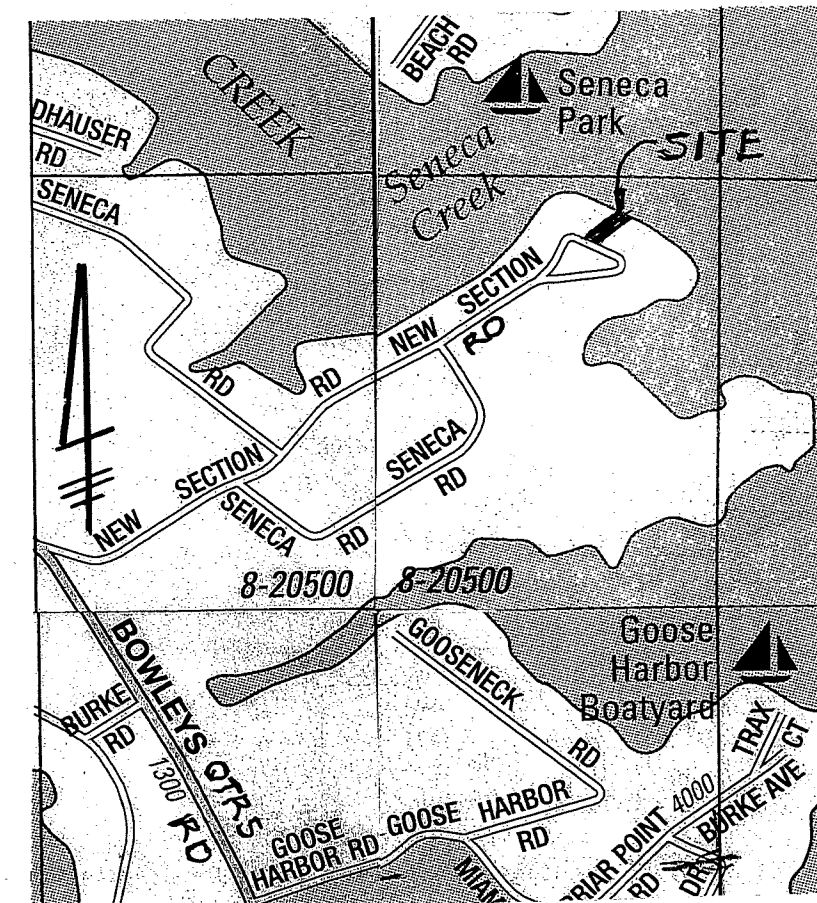
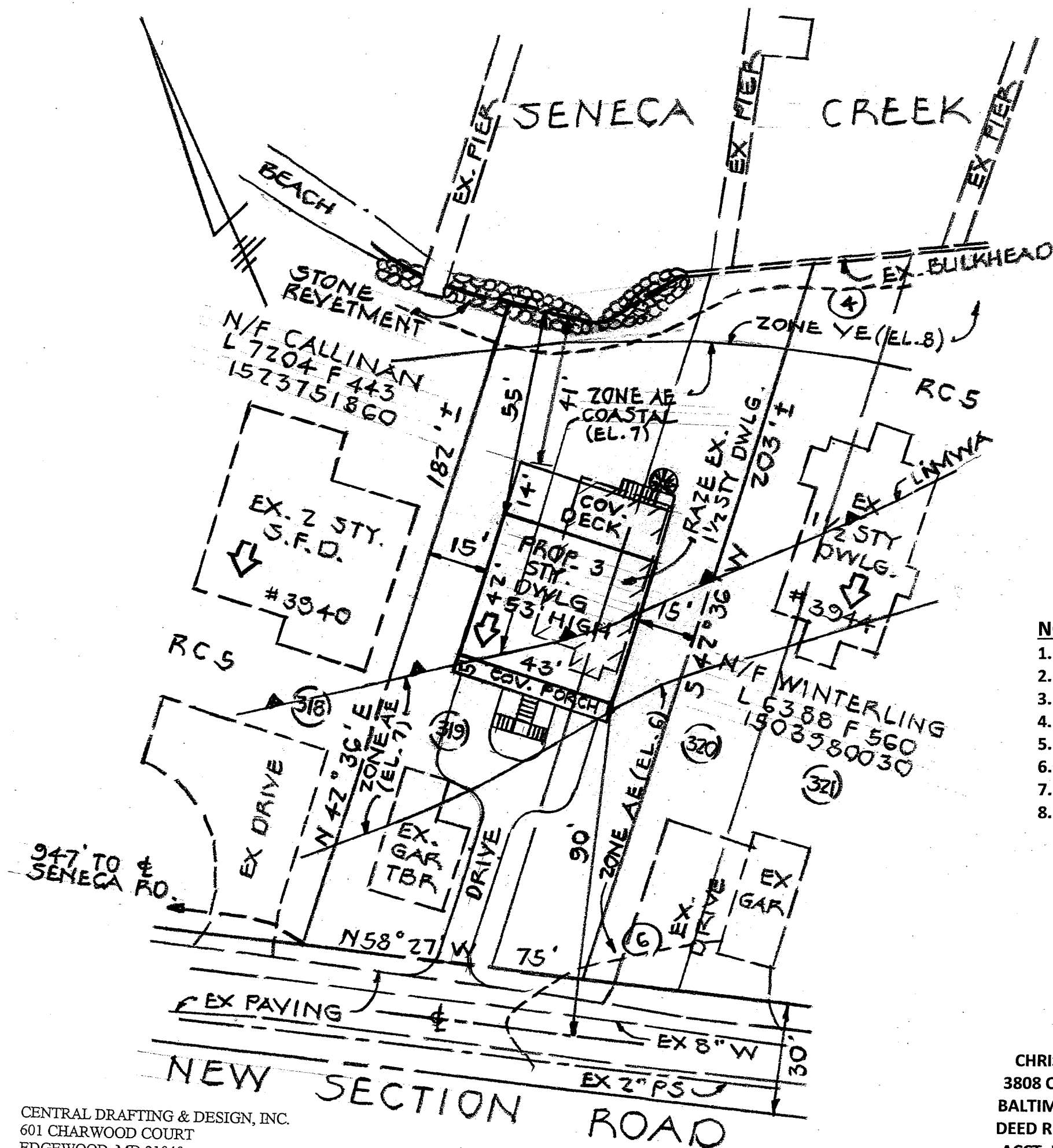
New Search (<http://sdat.dat.maryland.gov/RealProperty>)District: **15** Account Number: **1900003510**

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>).



VICINITY MAP
SCALE: 1" = 1000'

NOTES

1. ZONING.....RC5 (MAP NO. 091C3)
2. LOT AREA.....14,437 S.F. = 0.331 ACRE
3. SITE IS LOCATED IN A 100 YEAR FLOOD ZONE
4. SITE IS LOCATED IN THE CBCA
5. NO PREVIOUS ZONING HISTORY OR VIOLATIONS KNOWN
6. NO HISTORIC SITES OR STRUCTURES OR UNDERGROUND STORAGE TANKS ARE KNOWN TO EXIST
7. PUBLIC WATER AND SEWER IS EXISTING
8. BUILDING AREA = 1806 S.F. BUILDING COVERAGE = 15.5 %

PETITIONER'S
EXHIBIT NO. 1

PLAT TO ACCOMPANY ZONING PETITION FOR VARIANCE

3942 NEW SECTION ROAD

LOT 319 & 1/2 OF LOT 320

PLAT 2 BOWLEYS QUARTERS 10/64

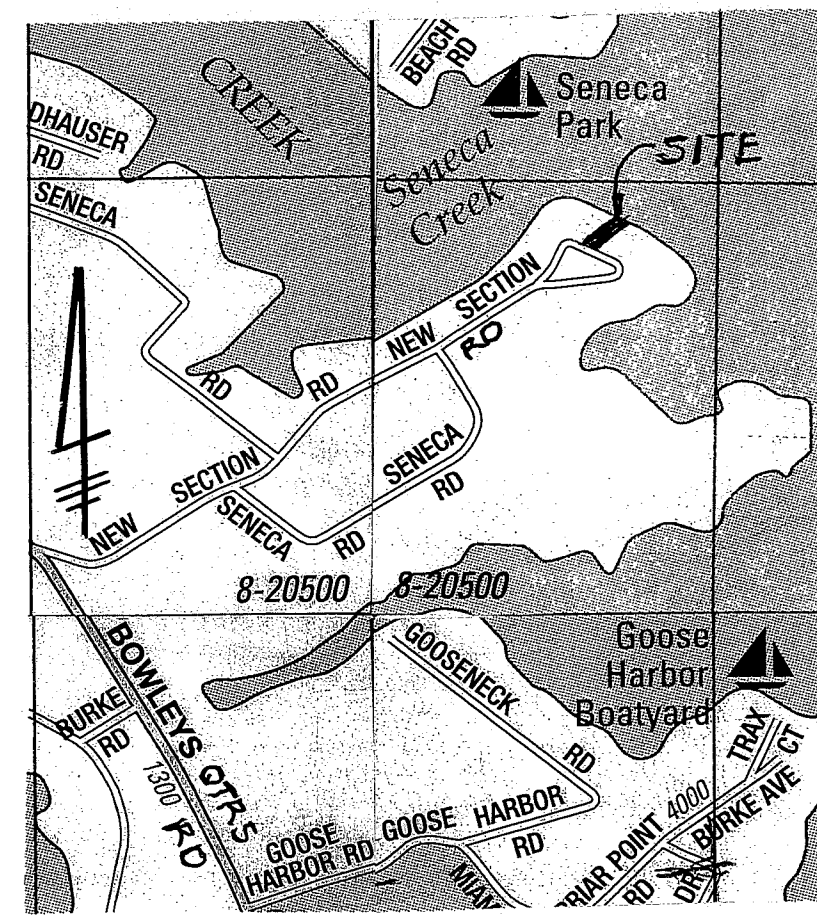
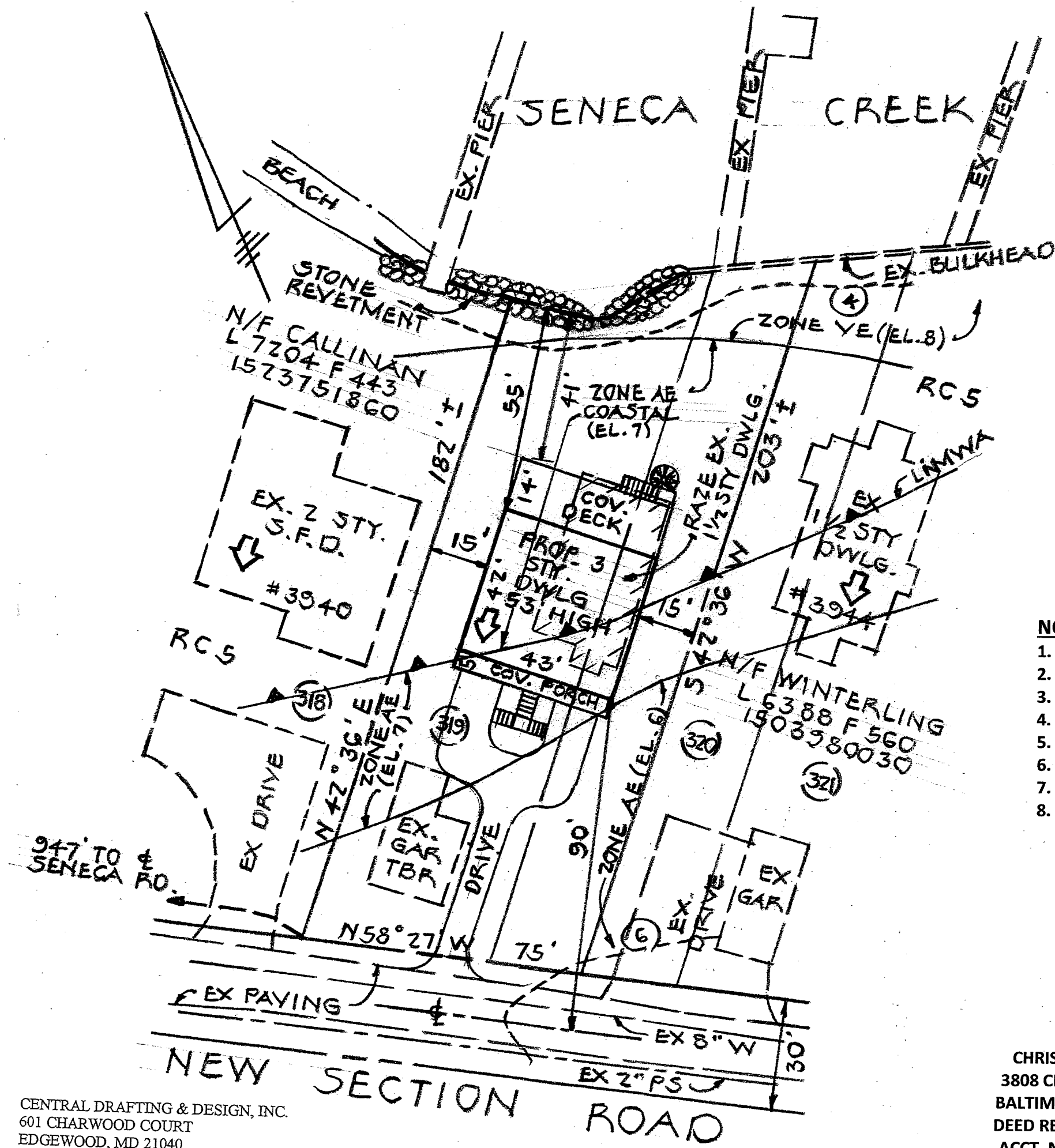
ELECTION DISTRICT 15C6

BALTIMORE COUNTY, MD.

SCALE: 1 INCH = 30 FEET MAY 31, 2016

OWNER

CHRIS M. JOHNSON
3808 CHESTNUT ROAD
BALTIMORE, MD. 21220
DEED REF: L.23102 F.568
ACCT. NO. 1900003510



VICINITY MAP
SCALE: 1" = 1000'

- NOTES**
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 8. BUILDING AREA = 1806 S.F. BUILDING COVERAGE = 12.5 %

**PLAT TO ACCOMPANY ZONING PETITION FOR
VARIANCE**

3942 NEW SECTION ROAD

LOT 319 & 1/2 OF LOT 320

PLAT 2 BOWLEYS QUARTERS 10/64

ELECTION DISTRICT 15C6

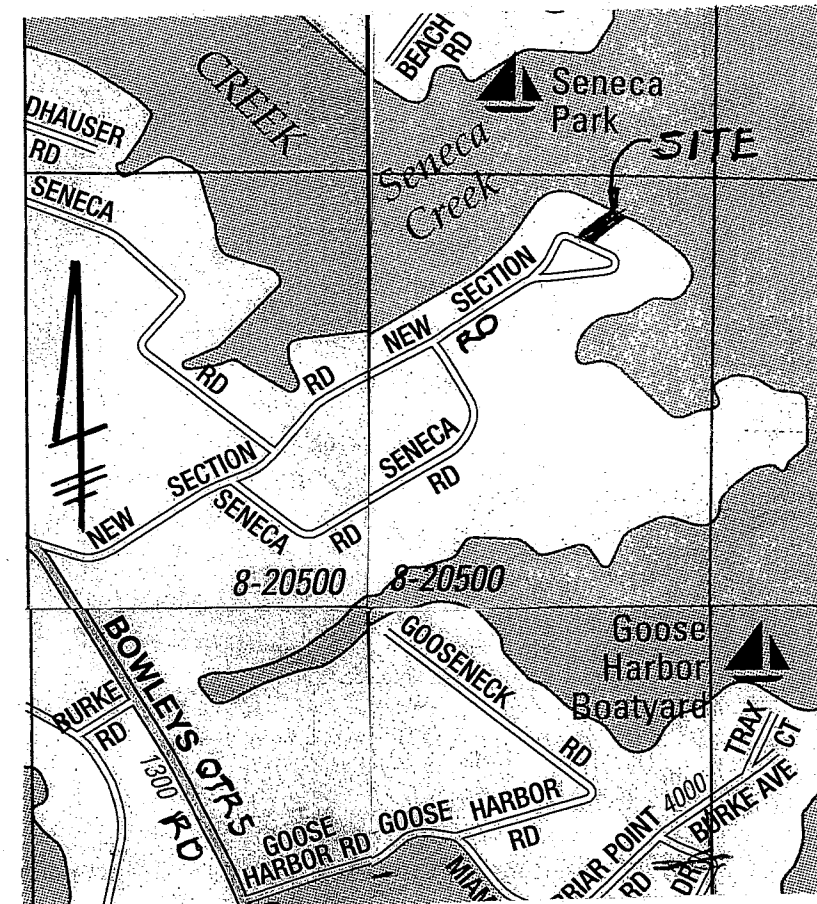
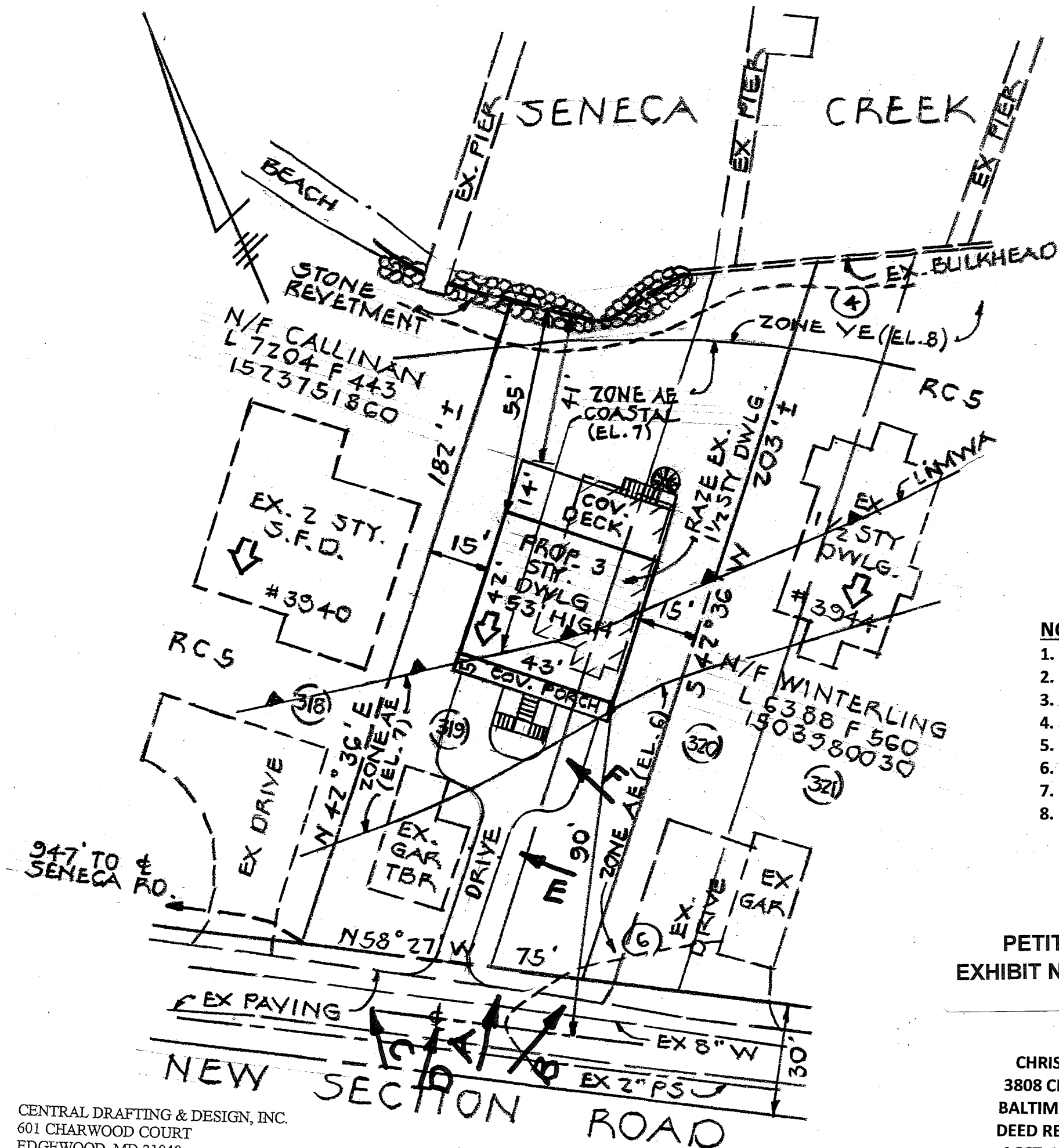
BALTIMORE COUNTY, MD.

SCALE: 1 INCH = 30 FEET MAY 31, 2016

2016-0312-A

OWNER
CHRIS M. JOHNSON
3808 CHESTNUT ROAD
BALTIMORE, MD. 21220
DEED REF: L.23102 F.568
ACCT. NO. 1900003510

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719



VICINITY MAP
SCALE: 1"=1000'

NOTES

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7. PUBLIC WATER AND SEWER IS EXISTING
8. BUILDING AREA = 1806 S.F. BUILDING COVERAGE = 15.5 %

PETITIONER'S
EXHIBIT NO. **G A-F**

OWNER

CHRIS M. JOHNSON
3808 CHESTNUT ROAD
BALTIMORE, MD. 21220
DEED REF: L.23102 F.568
ACCT. NO. 1900003510

PHOTOS

PLAT TO ACCOMPANY ZONING PETITION FOR
VARIANCE

3942 NEW SECTION ROAD

LOT 319 & 1/2 OF LOT 320

PLAT 2 BOWLEYS QUARTERS 10/64

ELECTION DISTRICT 15C6

BALTIMORE COUNTY, MD.

SCALE: 1 INCH = 30 FEET MAY 31, 2016