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. 2016-0316-A – Appeal Period Expired

The appeal period for the above-referenced case expired on September 8, 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	*	BEFORE THE OFFICE
(3108 River Drive Road)		
15th Election District	*	OF ADMINISTRATIVE
7th Council District		
Ryan and Laura Williams	*	HEARINGS FOR
Legal Owners		
	*	BALTIMORE COUNTY
Petitioners		
	*	**CASE NO. 2016-0316-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 Ryan and Laura Williams, legal owners of the subject property ("Petitioners"). Petitioners request variance relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") §§ 1B02.3.C.1 and 400.1: (1) to permit an existing single-family dwelling with a side yard setback of 5 ft. and a lot width of 50 ft. in lieu of the required 10 ft. and 55 ft., respectively; and (2) to permit an existing detached accessory structure (garage) to be located in the front yard in lieu of the required rear yard. A site plan was marked as Petitioners' Exhibit 1.

Douglas L. Burgess, Esq. represented the Petitioners. No Protestants or interested citizens attended the hearing. 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 Planning (DOP) and the Department of Environmental Protection and Sustainability (DEPS). Neither agency opposed the requests.

The subject property is approximately 8,450 sq. ft. and is zoned DR 5.5. The property is improved with a single-family dwelling which was constructed in 1950. Newton Williams, an attorney with nearly 50 years' experience, provided testimony on behalf of Petitioners and opined

the house qualified as a nonconforming structure under B.C.Z.R. § 104 and as such variance relief was not required. I concur, but will also address the petition as drafted.

A variance request involves a two-step process, summarized as follows:

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The waterfront property is narrow and deep and is therefore unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be required to raze or relocate their home. 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 community opposition, and DEPS noted allowing the existing structures to remain would have no discernable impact on water quality and would be consistent with the Critical Area regulations.

THEREFORE, IT IS ORDERED, this 9th 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") §§ 1B02.3.C.1 and 400.1: (1) to permit an existing single- family dwelling with a side yard setback of 5 ft. and a lot width of 50 ft. in lieu of the required 10 ft. and 55 ft., respectively; and (2) to permit an existing detached accessory structure (garage) to be located in the front yard in lieu of the required rear yard, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 8-9-16

By

IT IS FURTHER ORDERED that 3108 River Drive Road, constructed in or about 1950, qualifies as a nonconforming use/structure under B.C.Z.R. § 104.

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 8-9-16
By DW

CBCA

FLOOD

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 3108 River Drive Road **which is presently zoned** D.R. 5.5

Deed References: 27452/178 10 Digit Tax Account # 1 5 0 7 8 3 1 1 5 0

Property Owner(s) Printed Name(s) Ryan and Laura Williams

(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.✓ **a Variance** from Section(s)

Sections 1B02.3.C.1 and 400.1 – to permit an existing single family dwelling with a side yard setback of 5 feet and a lot width of 50 feet in lieu of the required 10 feet and 55 feet, respectively; and to permit an existing detached accessory structure (garage) to be located in the front yard in lieu of the required rear yard.

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

Legal Owners (Petitioners):

Ryan Williams, Laura Williams
Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Signature # 2

3108 River Drive Road Baltimore MD
Mailing Address City State

21219, 410 952 0668, Ferngulli@AOL.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code / Telephone # / Email Address

ORDER RECEIVED FOR FILING
8-9-16
BY

Representative to be contacted:

Bernadette Moskunas Site Rite Surveying Inc.
Name – Type or Print

Bernadette Moskunas
Signature

200 E. Joppa Road, Room 101 Towson, MD
Mailing Address City State

21286, 410 828-9060, siteriteinc@aol.com
Zip Code Telephone # Email Address

FAX 410-828-9066

CASE NUMBER 2016-0316-A **Filing Date** 6/9/16 **Do Not Schedule Dates:** _____ **Reviewer** BD

REV. 10/4/11

ZONING PROPERTY DESCRIPTION
#3108 RIVER DRIVE ROAD

BEGINNING at a point on the west side of River Drive Road which is 40 feet wide at the distance of 393 feet northeast of North Point Road which is 50 feet wide. Being Lot No. 12, Block "A" in the subdivision of "LYNCH POINT" as recorded in Baltimore County Plat Book No. 8, folio No. 38, containing 8,450 square feet, more or less. Located in the 15th Election District, 7th Council District.

STATE OF MARYLAND
PROFESSIONAL LAND SURVEYOR

Michael V. Moskunas
Professional Land Surveyor
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 101
Towson MD 21286
(410) 828-9060

FILE: 3108 & 3108A RIVER DRIVE ROAD.DOC/2016 ZONING

Item #0316

THE BALTIMORE SUN MEDIA GROUP

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 4323693

Sold To:
Ryan & Laura Williams - CU00550265
3108 River Drive Rd
Sparrows Point,MD 21219-1106

Bill To:
Ryan & Laura Williams - CU00550265
3108 River Drive Rd
Sparrows Point,MD 21219-1106

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

Jul 19, 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: # 2016-0316-A
3108 River Drive Road
NW/s River Drive Road, 393 ft. NE of North Point Road
15th Election District - 7th Councilmanic District
Legal Owner(s) Ryan & Laura Williams

Variance: to permit an existing single familly dwelling with a side yard setback of 5 ft. and a lot width of 50 ft. in lieu of required 10 ft. and 55 ft. respectively; and to permit an existing detached accessory structure (garage) to be located in the front yard in lieu of the required rear yard.

Hearing: Monday, August 8, 2016 at 1:30 p.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.

JT 7/729 July 19 4323693

CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

CASE NO: 2016-0316-A

PETITIONER/DEVELOPER

SITE RITE SURVEYING INC

DATE OF HEARING/CLOSING:

8/8/2016

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

ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERITFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S)REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY AT

3108 RIVER DRIVE RD.

THIS SIGN(S)WERE POSTED ON July 19, 2016
(MONTH,DAY,YEAR)

SINCERELY,

7/19/16

SIGNATURE OF SIGN POSTER AND DATE:

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


ZONING NOTICE
CASE # 2016-0316-A
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD
PLACE: Room 205, Jefferson Building
105 W. Chesapeake Ave, Towson MD 21204
DATE AND TIME: MONDAY AUGUST 8, 2016 AT 1:30 P.M
REQUEST: VARIANCE TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH A SIDE YARD SETBACK OF 5 FT AND A LOT WIDTH OF 50 FT IN LIEU OF THE REQUIRED 10 FT. AND 55 FT. RESPECTIVELY; AND TO PERMIT AN EXISTING DETACHED ACCESSORY STRUCTURE (GARAGE) TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

7/19/16

KEVIN KAMENETZ
County Executive

July 13, 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: 2016-0316-A
3108 River Drive Road
NW/s River Drive Road, 393 ft. NE of North Point Road
15th Election District – 7th Councilmanic District
Legal Owners: Ryan & Laura Williams

Variance to permit an existing single family dwelling with a side yard setback of 5 ft. and a lot width of 50 ft. in lieu of required 10 ft. and 55 ft. respectively; and to permit an existing detached accessory structure (garage) to be located in the front yard in lieu of the required rear yard.

Hearing: Monday, August 8, 2016 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Williams, 3108 River Drive Road, Baltimore 21219
Bernadette Moskunas, 200 E. Joppa Road, Rm. 101, Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 19, 2016.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 19, 2016 Issue - Jeffersonian

Please forward billing to:
Ryan & Laura Williams
3108 River Drive Road
Baltimore, MD 21219

410-952-0668

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: 2016-0316-A
3108 River Drive Road
NW/s River Drive Road, 393 ft. NE of North Point Road
15th Election District – 7th Councilmanic District
Legal Owners: Ryan & Laura Williams

Variance to permit an existing single family dwelling with a side yard setback of 5 ft. and a lot width of 50 ft. in lieu of required 10 ft. and 55 ft. respectively; and to permit an existing detached accessory structure (garage) to be located in the front yard in lieu of the required rear yard.

Hearing: Monday, August 8, 2016 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE 3108 River Drive Road; NW/S River Drive Rd, 393' NW of c/line of North Point Road 15th Election & 7th Councilmanic Districts Legal Owner(s): Ryan & Laura Williams Petitioner(s)	* * * * *	BEFORE THE OFFICE OF ADMINSTRATIVE HEARINGS FOR BALTIMORE COUNTY 2016-316-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
JUN 22 2016

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of June, 2016, a copy of the foregoing Entry of Appearance was mailed to Bernadette Moskunas, Site Rite Surveying, Inc, 200 E. Joppa Road, Room 101, Towson, Maryland 21286, 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: 2016-0316-A

Property Address: 3108 River Drive Road

Property Description: Lot 12 "Lynch Pt." 8/38
West side of River Drive Rd., NE of North Point Rd.

Legal Owners (Petitioners): Ryan and Laura Williams

Contract Purchaser/Lessee: n/a

PLEASE FORWARD ADVERTISING BILL TO:

Name: Ryan and Laura Williams

Company/Firm (if applicable): n/a

Address: 3108 River Drive Road
Baltimore, MD 21219

Telephone Number: 410 952-0668

Revised 5/20/2014

JB 8-8-16
1:30 PM

PETITION FOR VARIANCE 3108 River Drive Road NW/s River Drive Road, 393 ft. NE of North Point Road Legal Owners: Ryan & Laura Williams	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR
Petitioner	*	BALTIMORE COUNTY
	*	2016-0316-A

RECEIVED
JUL 29 2016
OFFICE OF ADMINISTRATIVE HEARINGS

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of Douglas L. Burgess, Esq. for the Petitioner in the above matter.

Douglas L. Burgess
Burgess Law, LLC
8640 Ridgelys Choice Drive
Suite 201A
Nottingham, MD 21236
410-870-5200
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28 day of ~~August~~ July, 2016, I hand delivered/mailed a copy of the foregoing Entry of Appearance to:

Peter Max Zimmerman, People's Counsel
Jefferson Building
105 West Chesapeake Avenue
Suite 204
Towson, MD 21204

Douglas L. Burgess

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

No. 139300

Date: 6/9/16

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:

For: Zoning Hearing - case #2016-0316-A

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

PAID RECEIPT

BUSINESS	ACTUAL	TIME	ION
6/10/2016	6/09/2016	10:39:04	3

3 WS03 WALKIN CAM
>>RECEIPT # 680410 6/09/2016 CFLH
Dept 5 528 ZONING VERIFICATION
NO. 139300
Recpt Tot $75.00
$150.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

KEVIN KAMENETZ
County Executive

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

August 2, 2016

Ryan & Laura Williams
3108 River Drive Road
Baltimore MD 21219

RE: Case Number: 2016-0316 A, Address: 3108 River Drive Road

Dear Mr. & Ms. Williams:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 9, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Bernadette Moskunas, Site Rite Surveying, 200 E Joppa Road, Room 101, Towson MD 21286

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

State Highway Administration
Maryland Department of Transportation

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

Date: 6/20/16

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. 2016-0316-A
Variance
Ryan & Laura Williams
3108 River Drive 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,

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

WW/RAZ

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: July 7, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED
JUL 12 2016
OFFICE OF ADMINISTRATIVE HEARINGS

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 16-316

INFORMATION:
Property Address: 3108 River Drive Road
Petitioner: Ryan Williams, Laura Williams
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit an existing single family dwelling with a side yard setback of 5 feet and a lot width of 50 feet in lieu of the required 10 feet and 55 feet, respectively; and to permit an existing detached accessory structure (garage) to be located in the front yard in lieu of the required rear yard.

A site visit was conducted on June 24, 2016.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- Any principal or detached accessory structure proposed to be located in the newly established rear yard adjacent to River Drive Road must meet the 30' rear yard/street building line setback.

The Department recommends the petitioner address BCZR Section 304.1 to the satisfaction of the Administrative Law Judge.

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

Prepared by:

Lloyd T. Moxley

Division Chief:

Kathy Schlabach

AVA/KS/LTM/ka

c: Josephine Selvakumar
Bernadette Moskunas, Site Rite Surveying, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

s:\planning\dev rev\zac\zacs 2016\16-316x.docx

8-8

RECEIVED

JUN 29 2016

OFFICE OF ADMINISTRATIVE HEARINGS

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 29, 2016

SUBJECT: EPS Comment for Zoning Item # 2016-0316-A
Address 3108 River Drive Road
(Williams Property)

Zoning Advisory Committee Meeting of **June 27, 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) and Modified Buffer Area (MBA) of the Chesapeake Bay Critical Area and, if new impervious surfaces are proposed, would be subject to practices that reduce water quality impacts associated with stormwater runoff, commonly referred to as the Critical Area 10% Rule. In addition, the MBA regulations would further restrict impacts to the Critical Area buffer. The petitioner seeks to permit an existing single family dwelling with a sideyard setback of 5 feet and a lot width of 50 feet in lieu of the required 10 feet and 55 feet, respectively; and to permit an existing, detached accessory structure (garage) to be located in the front yard in lieu of the required rear yard. Since no new impervious surfaces or buffer impacts are proposed, allowing the existing structures and the setback reductions requested by the applicant will result in no impacts to water quality.

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

   Allowing the existing structures and setback reductions requested, if granted, will have no impact on wildlife and plant habitat, and will have no impact to buffer functions or fish populations in proximity to nearby Greenhill Cove and Back 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.

No new impervious surfaces are proposed, therefore, allowing the existing structures and the setback reductions requested will be consistent with established land-use policies.

Reviewer: Thomas Panzarella
Environmental Impact Review

Date: June 28, 2016

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 5, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For June 27, 2016
Item No. 2016-0313, 0315, 0316, 0318, 0319, 0320, 0321, 0323, 0326 and 0327

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\ZAC06272016.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: July 7, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 16-316

INFORMATION:
Property Address: 3108 River Drive Road
Petitioner: Ryan Williams, Laura Williams
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit an existing single family dwelling with a side yard setback of 5 feet and a lot width of 50 feet in lieu of the required 10 feet and 55 feet, respectively; and to permit an existing detached accessory structure (garage) to be located in the front yard in lieu of the required rear yard.

A site visit was conducted on June 24, 2016.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- Any principal or detached accessory structure proposed to be located in the newly established rear yard adjacent to River Drive Road must meet the 30' rear yard/street building line setback.

The Department recommends the petitioner address BCZR Section 304.1 to the satisfaction of the Administrative Law Judge.

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

Prepared by:

Lloyd T. Moxley

Division Chief:

Kathy Schlabach

AVA/KS/LTM/ka

c: Josephine Selvakumar
Bernadette Moskunas, Site Rite Surveying, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

s:\planning\dev rev\zac\zacs 2016\16-316x.docx

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 29, 2016

SUBJECT: EPS Comment for Zoning Item # 2016-0316-A
Address 3108 River Drive Road
(Williams Property)

Zoning Advisory Committee Meeting of **June 27, 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) and Modified Buffer Area (MBA) of the Chesapeake Bay Critical Area and, if new impervious surfaces are proposed, would be subject to practices that reduce water quality impacts associated with stormwater runoff, commonly referred to as the Critical Area 10% Rule. In addition, the MBA regulations would further restrict impacts to the Critical Area buffer. The petitioner seeks to permit an existing single family dwelling with a sideyard setback of 5 feet and a lot width of 50 feet in lieu of the required 10 feet and 55 feet, respectively; and to permit an existing, detached accessory structure (garage) to be located in the front yard in lieu of the required rear yard. Since no new impervious surfaces or buffer impacts are proposed, allowing the existing structures and the setback reductions requested by the applicant will result in no impacts to water quality.

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

   Allowing the existing structures and setback reductions requested, if granted, will have no impact on wildlife and plant habitat, and will have no impact to buffer functions or fish populations in proximity to nearby Greenhill Cove and Back 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.

No new impervious surfaces are proposed, therefore, allowing the existing structures and the setback reductions requested will be consistent with established land-use policies.

Reviewer: Thomas Panzarella
Environmental Impact Review

Date: June 28, 2016

Case No.: 2016-0316-A

Exhibit Sheet

Petitioner/Developer 9-9-16 DW

Protestant DW 8-9-16

No. 1	site plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PLEASE PRINT CLEARLY

CASE NAME 3108 + 3108A River Dr. Rd.
CASE NUMBER 2016-0316-A & 2016-0317-A
DATE 08-08-2016

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
DOUGLAS L. BURGESS	8640 RIDGELYS CHOICE DR. STE 201A, NOTTINGHAM, MD 21236	NOTTINGHAM, MD 21236	DOUG@BURGESSLAWLLC.COM
Barry Koluch	6920 River Drive Rd	Balto, MD 21219	bKoluch@gmail.com
Newton Williams	2110 Rogers Ave. 21209	Balto, Md. 21209	none
Bernadette Moskunas	200 E. Joppa Road. Rm 101	Towson, MD 21286	siteriteinc@aol.com

CASE NO. 2016- 0316-A

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
7/5	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	N/C
6/29	DEPS (if not received, date e-mail sent _____)	C
	FIRE DEPARTMENT	
7/7	PLANNING (if not received, date e-mail sent _____)	no obj w/condition
6/28	STATE HIGHWAY ADMINISTRATION	no obj
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 7/19/16

SIGN POSTING Date: 7/19/16 by Ogle

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search (w4) | Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Account Identifier: **District - 15 Account Number - 1507831150**

Owner Information

Owner Name:	WILLIAMS RYAN WILLIAMS LAURA	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	3108 RIVER DRIVE RD BALTIMORE MD 21219-1106	**Deed Reference:**	/27452/ 00178

Location & Structure Information

Premises Address:	3108 RIVER DRIVE RD BALTIMORE 21219-1106 Waterfront	**Legal Description:**	3108 RIVER DRIVE RD LYNCH POINT

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0111	0005	0141		0000		A	12	2015	Plat Ref:	0008/ 0038

Special Tax Areas:		**Town:**	NONE
		Ad Valorem:	
		Tax Class:	

Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use
1950	1,236 SF		8,450 SF	34

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
1	YES	STANDARD UNIT	SIDING	1 full	1 Detached	

Value Information

	Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2015	As of 07/01/2016
Land:	200,400	200,400		
Improvements	110,400	119,100		
Total:	310,800	319,500	313,700	316,600
Preferential Land:	0			0

Transfer Information

Seller: HARMON ISETTA	Date: 11/13/2008	Price: $360,000
Type: ARMS LENGTH MULTIPLE	Deed1: /27452/ 00178	Deed2:
Seller: PUGH DAVID JACK	Date: 05/24/2004	Price: $318,800
Type: ARMS LENGTH MULTIPLE	Deed1: /20111/ 00615	Deed2:
Seller: GUIDI DIONISIS J	Date: 03/26/1970	Price: $5,300
Type: ARMS LENGTH IMPROVED	Deed1: /05080/ 00144	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

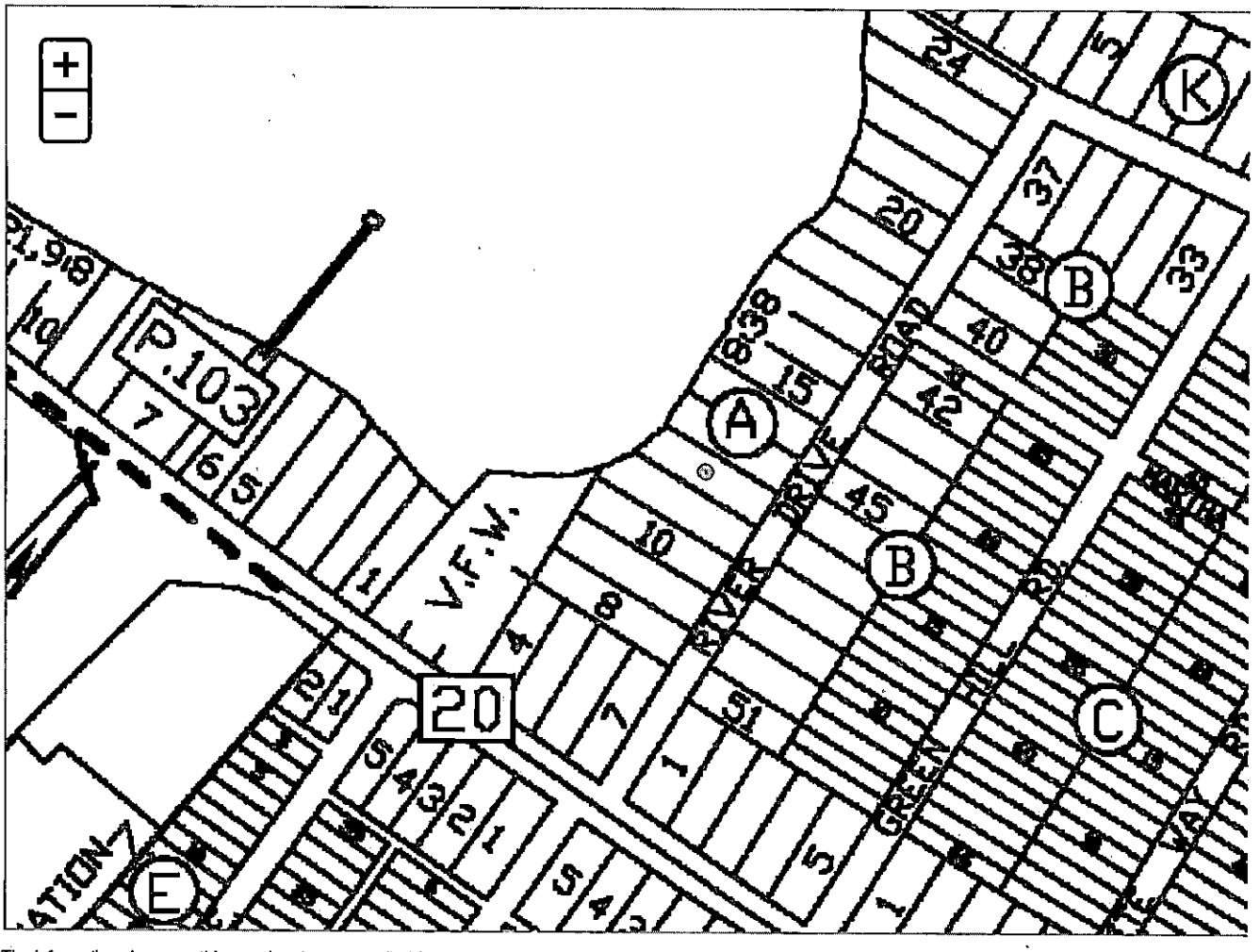
Homestead Application Information

Homestead Application Status: Approved 12/09/2008

Baltimore County

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

District: **15** Account Number: **1507831150**



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).

JB 8-8-16
1:30 PM

PETITION FOR VARIANCE 3108 River Drive Road NW/s River Drive Road, 393 ft. NE of North Point Road Legal Owners: Ryan & Laura Williams	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR
Petitioner	*	BALTIMORE COUNTY
	*	2016-0316-A

RECEIVED
JUL 29 2016
OFFICE OF ADMINISTRATIVE HEARINGS

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of Douglas L. Burgess, Esq. for the Petitioner in the above matter.

Douglas L. Burgess
Burgess Law, LLC
8640 Ridgelys Choice Drive
Suite 201A
Nottingham, MD 21236
410-870-5200
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28 day of ~~August~~ July, 2016, I hand delivered/mailed a copy of the foregoing Entry of Appearance to:

Peter Max Zimmerman, People's Counsel
Jefferson Building
105 West Chesapeake Avenue
Suite 204
Towson, MD 21204

Douglas L. Burgess

PETITION FOR VARIANCE 3108A River Drive Road NW/s River Drive Road, 443 ft. NE of Centerline of North Point Road Legal Owners: Ryan & Laura Williams Contract Purchaser: Barry Koluch Petitioner	* * * * * *	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY 2016-0317-A

RECEIVED
JUL 29 2016
OFFICE OF ADMINISTRATIVE HEARINGS

* * * * * * * * * * * * *

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Burgess Law, LLC
8640 Ridgelys Choice Drive
Suite 201A
Nottingham, MD 21236
410-870-5200
Attorney for Petitioner

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Peter Max Zimmerman, People's Counsel
Jefferson Building
105 West Chesapeake Avenue
Suite 204
Towson, MD 21204

Douglas L. Burgess

Debra Wiley

From: Debra Wiley
Sent: Friday, July 29, 2016 10:53 AM
To: Kristen L Lewis; June Wisnom
Cc: Sherry Nuffer (snuffer@baltimorecountymd.gov)
Subject: Case No. 2016-0316-A
Attachments: 20160729105942549.pdf

Good Morning,

Please see attached and place a copy in the appropriate file folder; according to data base, this case is scheduled for 8/8 @ 1:30 PM.

Thanks in advance.

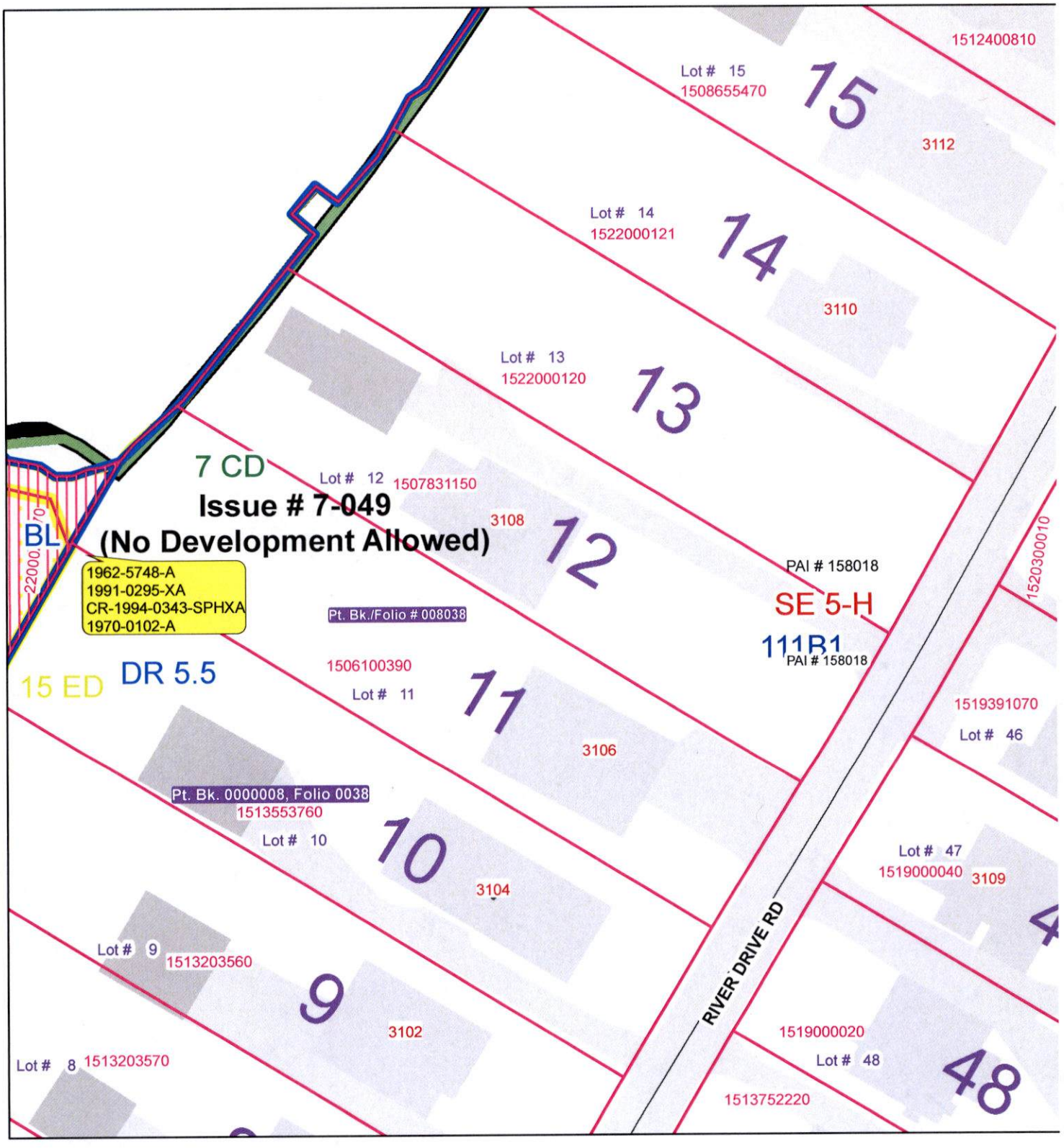
Deb

-----Original Message-----
From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Friday, July 29, 2016 11:00 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Admin Hearings Copier

This E-mail was sent from "RNP002673903BB1" (MP 3054).

Scan Date: 07.29.2016 10:59:42 (-0400)
Queries to: adminhearingscpr@baltimorecountymd.gov

3108 River Drive Road, Lot #12



Publication Date: 6/9/2016

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

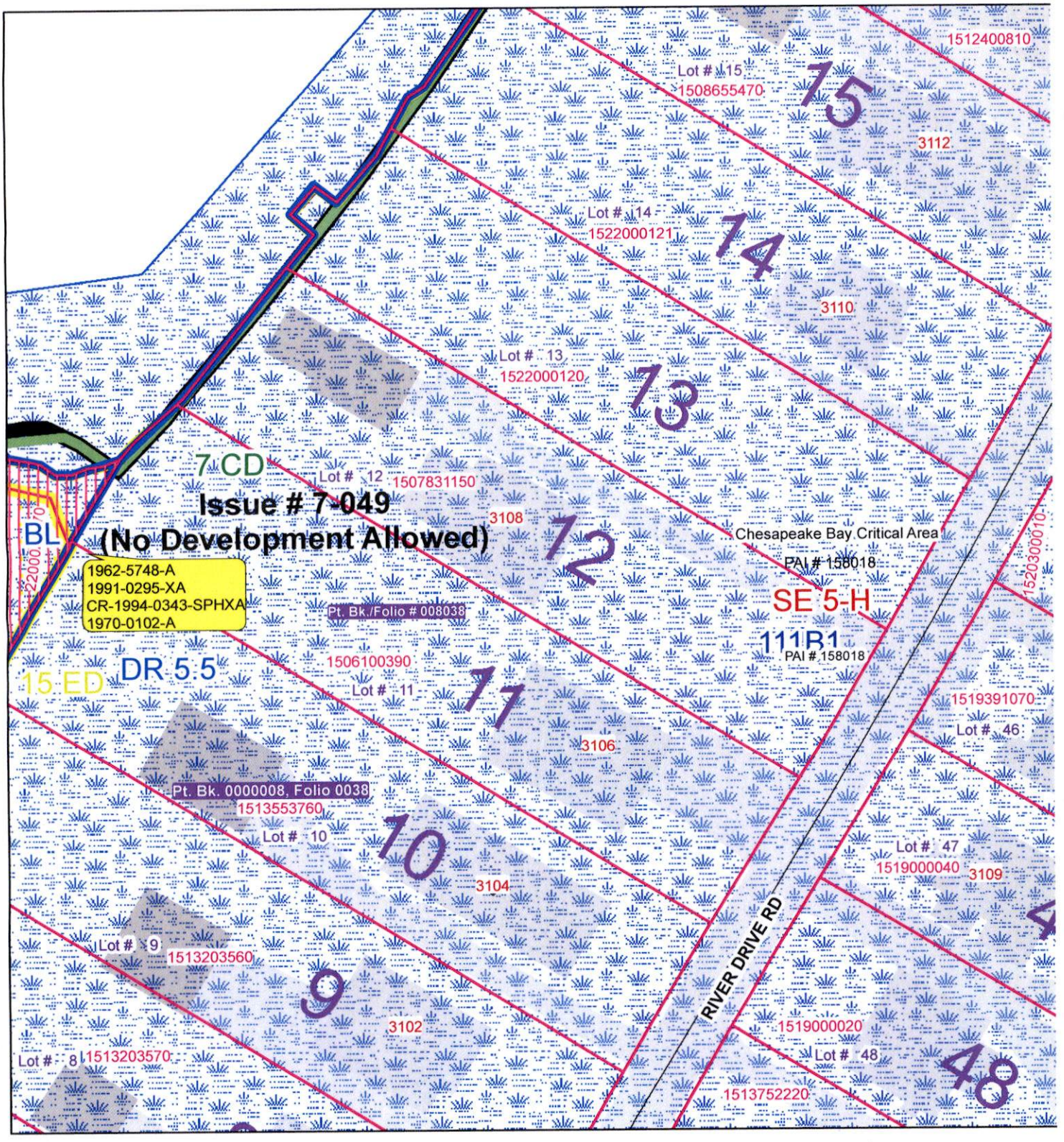
N W E S

0 10 20 40 60 80 Feet

1 inch = 40 feet

Item #0316

Chesapeake Bay Critical Area



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FIPS 1900, NAD 1983/91 HARN, US Foot

N W E S

0 10 20 40 60 80 Feet

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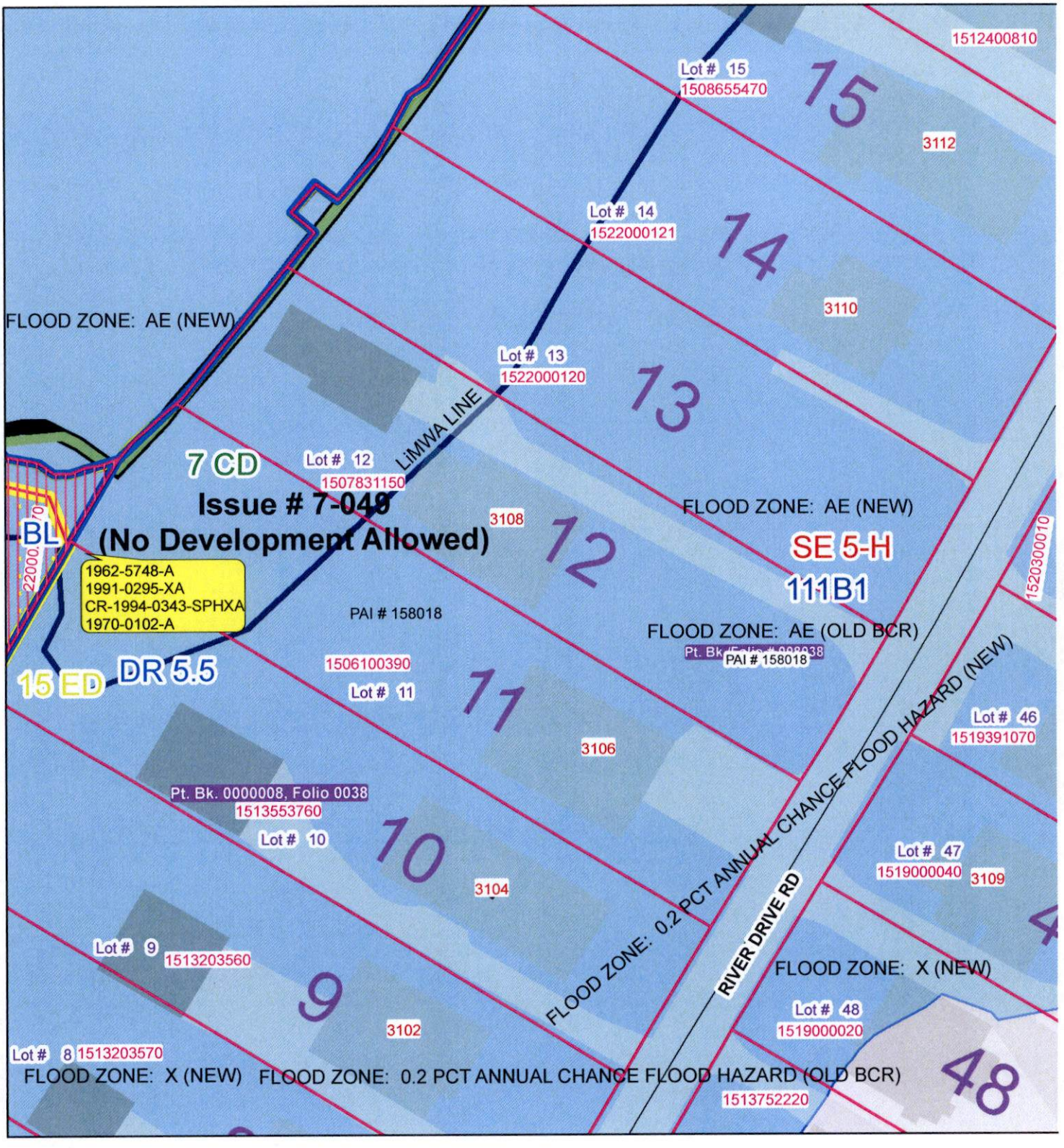
Item #0316

Flood Hazard Area (FEMA)



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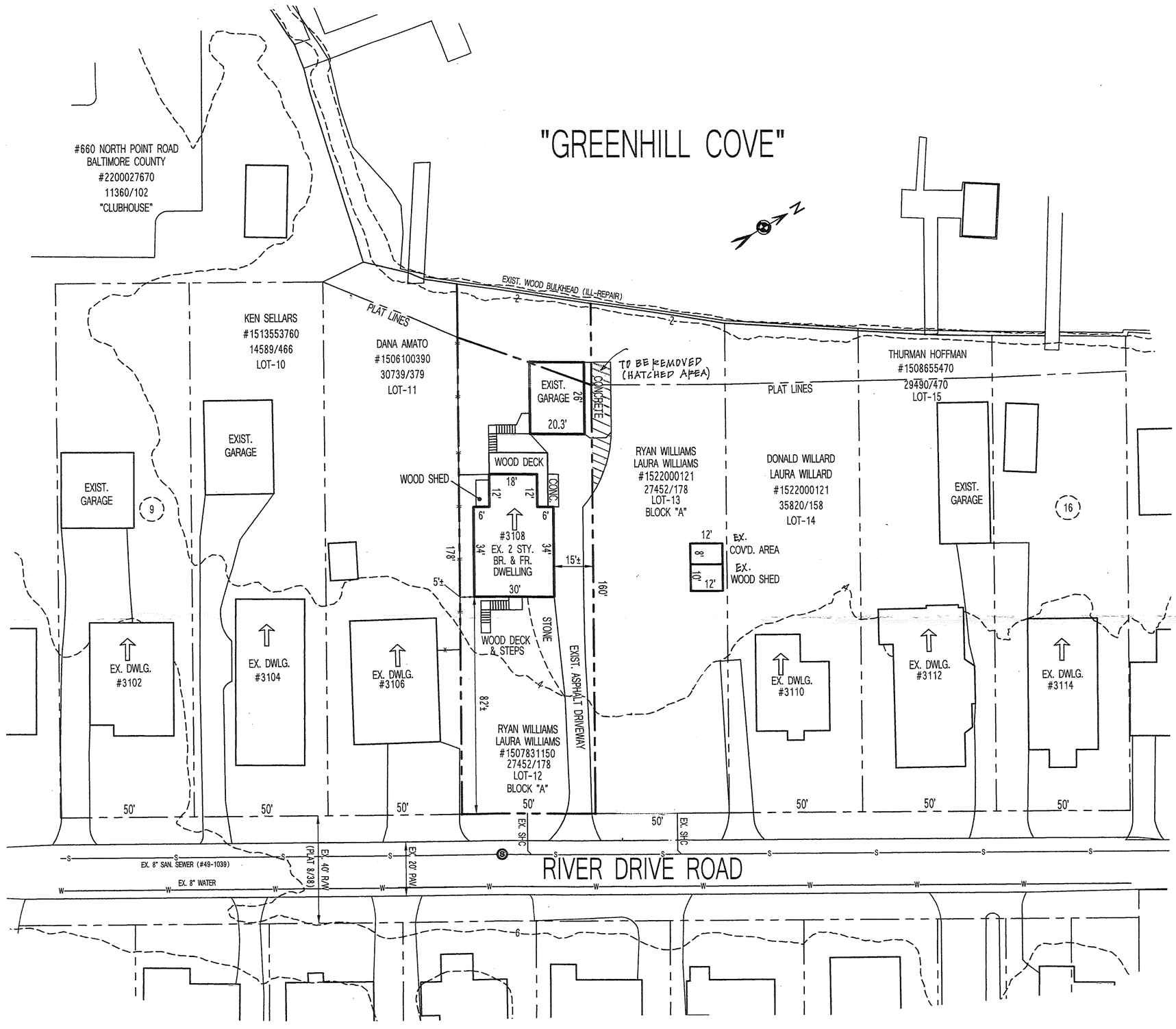
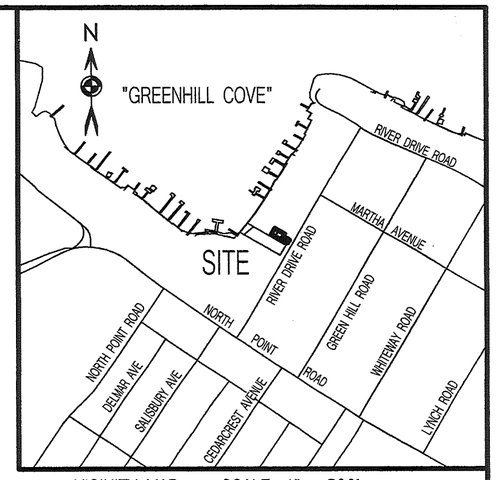




VICINITY MAP SCALE: 1" = 500'

GENERAL NOTES

1. EXISTING ZONING: D.R.-5.5 (111B1)
2. LOT SIZE: 8450 S.F.± / 0.194 AC.± (SDAT)
3. EXISTING USE: SFD W/ ACCESSORY STRUCTURE
   PROPOSED USE: S.F.D. W/ ACCESSORY STRUCTURE TO REMAIN
4. THIS PROPERTY IS LOCATED IN THE CBCA (LDA) & 100 YR FLOODPLAIN - 2400100555G ZONE "AE" 05/05/2014
5. THIS PROPERTY IS NOT LOCATED IN AN HISTORIC AREA.
6. THIS PROPERTY IS SERVICED BY PUBLIC SEWER AND WATER.
7. THERE IS NO PRIOR ZONING HISTORY.
8. THERE ARE NO CURRENT OR OUTSTANDING ZONING VIOLATIONS.
9. THIS PLAN WAS PREPARED USING PUBLIC RECORDS: I.E., GIS PORTAL, PUBLIC WATER AND SEWER DRAWINGS, TITLE DEED. THE EXISTING CONDITIONS WERE FIELD MEASURED.
10. THERE IS CONTIGUOUS OWNERSHIP.
11. EXIST. LOT COVERAGE = 4021.8 S.F.± (48%)DOES NOT INCLUDE CONC. ON LOT 13
12. ALLOWABLE LOT COVERAGE = 2640 S.F.± (31.25%)
13. PROPOSED LOT COVERAGE: SAME AS EXISTING 4021.8 S.F.±

#2016-0316-A

SITE RITE SURVEYING INC.
200 E. JOPPA ROAD
SHELL BUILDING, SUITE 101
TOWSON, MD. 21286
410-828-9060

GRAPHICAL SCALE: 1" = 30'

0 30 60 90

STATE OF MARYLAND
MICHAEL VINCENT MORAN
No. 21175
PROFESSIONAL LAND SURVEYOR

OWNER
RYAN AND LAURA WILLIAMS
(OWNER LOTS 12 AND 13)
3108 RIVER DRIVE ROAD
BALTIMORE, MD. 21219
CONTRACT PURCHASER: BARRY KOLUCH
(LOT 13 ONLY)
PHONE: 443-865-2467

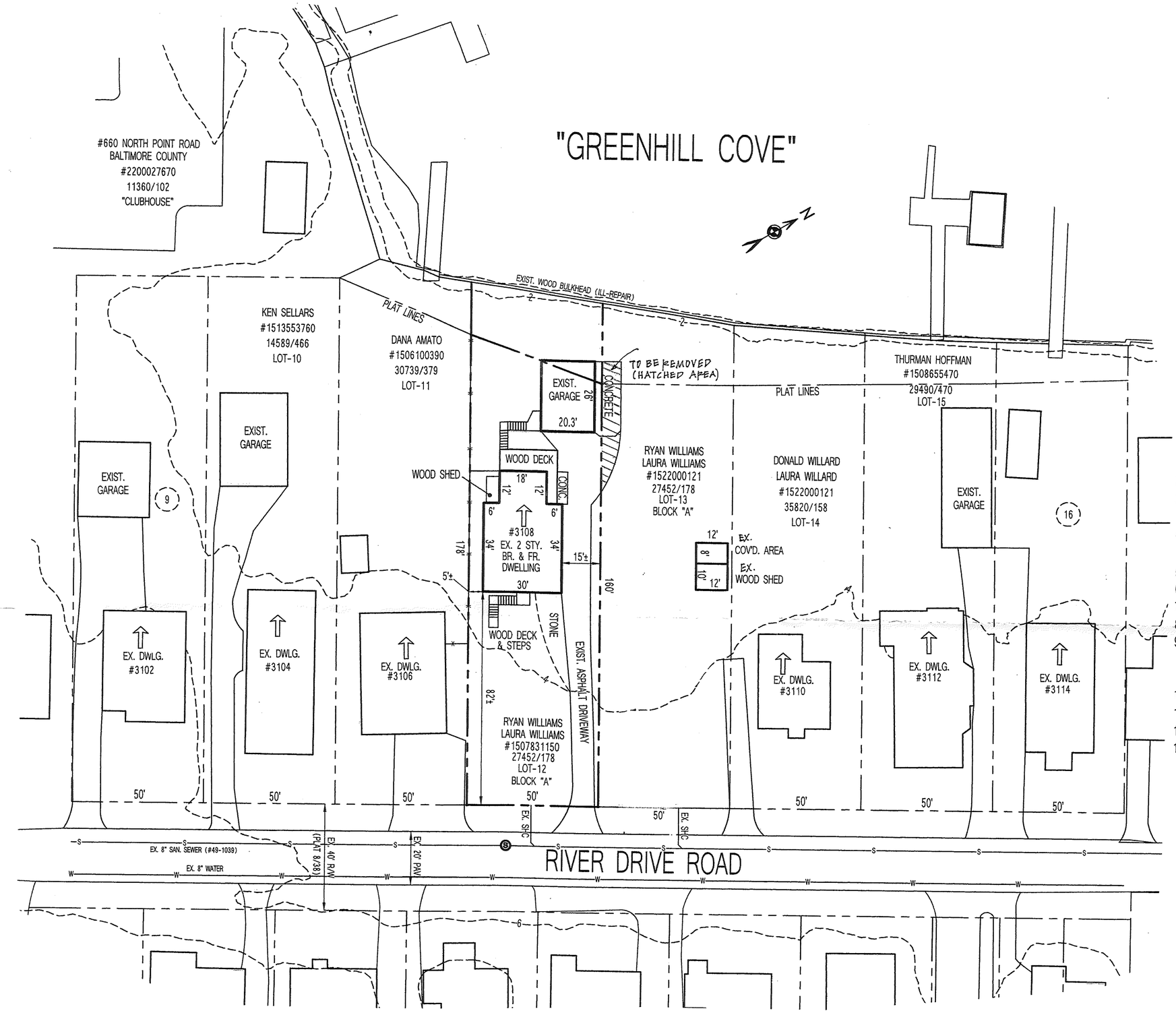
PLAN TO ACCOMPANY PETITION FOR VARIANCE

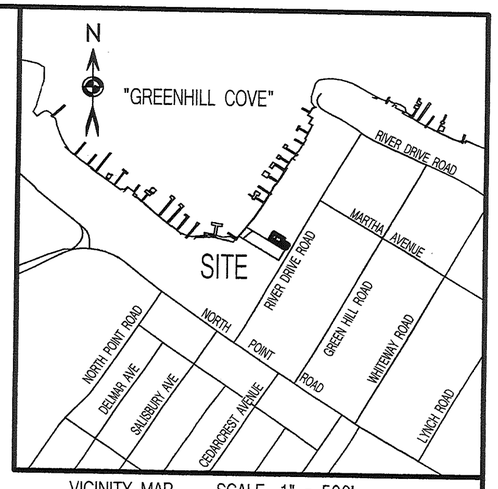
#3108 RIVER DRIVE ROAD

LOT-12 BLOCK "A" - LYNCH POINT - PLAT 8/38
TAX MAP: 111 GRID: 05 PARCEL: 141
TAX ACCOUNT #1507831150
DEED REFERENCE: 27452/178
15TH ELECTION DISTRICT C7
BALTIMORE COUNTY, MARYLAND

Scale: 1" = 30'	Date: 05/18/2016	JOB #10389
Drawn: M.V.M.	Checked: B.L.M.	SURVEY'D: DTW, JK

Petitioners No. 1





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#2016-0316-A

STATE OF MARYLAND
MICHAEL VINCENT MORAMARCO
No. 21175
PROFESSIONAL LAND SURVEYOR

GRAPHICAL SCALE: 1" = 30'

0 30 60 90

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OWNER
RYAN AND LAURA WILLIAMS
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