

M E M O R A N D U M

DATE: September 19, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0331-A

The appeal period for the above-referenced case expired on September 16, 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
(11215 Beach Road)
11th Election District
6th Council District
Judy C. Walter
Petitioner

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2016-0331-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by David Billingsley with Central Drafting & Design, Inc., on behalf of Judy C. Walter, owner of the subject property ("Petitioner"). The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) from § 1A01.3.B.3 to permit side yard setbacks of 9 ft. and 13 ft. in lieu of the required 35 ft. for a dwelling addition; (2) from § 301.1.A to permit an open porch with setbacks of 5 ft. and 8 ft. in lieu of the required 26.25 ft.; (3) from §§ 400.1 and 400.3 to permit an accessory structure (garage) in the front yard with a height of 26 ft. in lieu of the required rear yard and 15 ft.; and (4) from § 427.1.B.1 and 2 to permit a fence in a front yard with a height of 6 ft. in lieu of the allowed 42 in. A site plan was marked as Petitioner's Exhibit 1.

Owner Judy C. Walter and David Billingsley, whose firm prepared the site plan, appeared in support of the petition. Two neighbors attended the hearing and opposed 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 the Department of Planning (DOP) and the Department of Environmental Protection and Sustainability (DEPS). Neither agency opposed the Petition.

ORDER RECEIVED FOR FILING

Date 8-17-16

By Sen

The subject property is approximately 11,750 square feet and is zoned Resource Conservation – Agricultural (R.C. 2). The property is improved with a small single-family dwelling constructed in 1932. Petitioner purchased the property last year and would like to enlarge the dwelling and construct a detached garage. To do so zoning relief is required.

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).

In this case I do not believe the property is unique as that term is defined under Maryland law, and the petition must therefore be denied.

I understand and appreciate why the Petitioner seeks to renovate and enlarge the dwelling, which is nearly 85 years old and contains just 625 sq. ft. of living space. And the plan and elevation drawings (Petitioner's Exhibits 1, 7 & 8) reflect the addition and garage would be attractive and well-designed. But zoning variances are not a matter of right, and Maryland law indicates they should seldom be granted, and only in situations where the property at issue is unlike neighboring lots in terms of size, shape, topography, etc. The court in *Cromwell* stated variances should be granted "sparingly" since it is "an authorization for [that] ...which is prohibited by a zoning ordinance." *Cromwell*, 102 Md. App. at 699. The reality is Petitioner's lot is the same shape and size as most of the other lots shown on the plat of Bird River Beach (Exhibit 4). For that reason, I believe the request must be denied.

THEREFORE, IT IS ORDERED, this 17th day of **August, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore

ORDER RECEIVED FOR FILING

Date 8-17-16

By sen

County Zoning Regulations ("B.C.Z.R.") as follows: (1) from § 1A01.3.B.3 to permit side yard setbacks of 9 ft. and 13 ft. in lieu of the required 35 ft. for a dwelling addition; (2) from § 301.1.A to permit an open porch with setbacks of 5 ft. and 8 ft. in lieu of the required 26.25 ft.; (3) from §§ 400.1 and 400.3 to permit an accessory structure (garage) in the front yard with a height of 26 ft. in lieu of the required rear yard and 15 ft.; and (4) from § 427.1.B.1 and 2 to permit a fence in a front yard with a height of 6 ft. in lieu of the allowed 42 in., be and is hereby DENIED.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date 8-17-16

By slh



CBLA

PETITION FOR ZONING HEARING(S)

FLOOD

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 11215 BEACH ROAD which is presently zoned RC2
 Deed References: L 36764 F 438 10 Digit Tax Account # 1119085276
 Property Owner(s) Printed Name(s) JUDY C. WALTER

(SELECT THE HEARING(S) BY MARKING ☒ 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) 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 BY City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

JUDY C. WALTER

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1207 CLAYTON RD. JOPPA, MD.

Mailing Address City State

21085 (443) 895-2955

Zip Code Telephone # Email Address

Representative to be contacted:

DAVID BILLINGSLEY

Name - Type or Print

Signature

601 CHARWOOD ST. EDGEWOOD, MD

Mailing Address City State

21040 (410) 679-8719 dwb0209@yahoo.com

Zip Code Telephone # Email Address

CASE NUMBER 2016-0331-A Filing Date 6/21/16 Do Not Schedule Dates: Reviewer AJ

~~13~~ FEET

1A01.3.B.3 TO PERMIT A SIDE YARD SETBACK OF 9 FEET IN LIEU OF THE REQUIRED 35 FEET FOR A DWELLING ADDITION

301.1.A TO PERMIT AN OPEN PORCHES WITH SETBACKS OF 5 FEET AND 8 FEET IN LIEU OF THE REQUIRED 26.25 FEET

400.1 AND 400.3 TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) IN THE FRONT YARD WITH A HEIGHT OF 26 FEET IN LIEU OF THE REQUIRED REAR YARD AND 15 FEET

427.1.B.1 & 2 TO PERMIT A FENCE IN A FRONT YARD WITH A HEIGHT OF 6 FEET IN LIEU OF THE REQUIRED 42 INCHES

2016-0331-A

ZONING DESCRIPTION

11215 BEACH ROAD

Beginning for the same at a point on the ~~west~~^{south} side of Beach Road (30 feet wide) distant 441 feet westerly from its intersection with the center of Opie Road, thence being all of Lot 11 as shown on the plat entitled Bird River Beach recorded among the Baltimore County plat records in Plat Book 7 Folio 187.

Containing 11,750 square feet or 0.270 acre of land, more or less.

Being known as 11215 Beach Road. Located in the 11TH Election District, 6TH Councilmanic District of Baltimore County, Md.

2016-0331-A

The Daily Record

11 East Saratoga Street

Baltimore, MD 21202-2199

(443) 524-8100

<http://www.thedailyrecord.com>

Order #: 11122983

Case #:

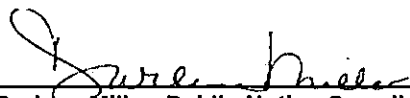
Description:

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

7/26/2016

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-



Darlene Miller, Public Notice Coordinator
(Representative Signature)

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: 2016-0331-A

11215 Beach Road

S/s Beach Road, 441 ft. w/of centerline of Opie Road

11th Election District - 6th Councilmanic District

Legal Owners: Judy Walter

Variance to permit side yard setback of 9 ft. and 13 ft. in lieu of the required 35 ft. for a dwelling addition. To permit an open porch with setbacks of 5 ft. and 8 ft. in lieu of the required 26.25 ft. To permit an accessory structure (garage) in the front yard with a height of 26 ft. in lieu of the required rear yard and 15 feet. To permit a fence in a front yard with a height of 6 ft. in lieu of the allowed 42 inches.

Hearing: Monday, August 15, 2016 at 11:00 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 410-887-8868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

jy26

— — —

1990-1991 1991-1992 1992-1993 1993-1994 1994-1995 1995-1996 1996-1997 1997-1998 1998-1999 1999-2000 2000-2001 2001-2002 2002-2003 2003-2004 2004-2005 2005-2006 2006-2007 2007-2008 2008-2009 2009-2010 2010-2011 2011-2012 2012-2013 2013-2014 2014-2015 2015-2016 2016-2017 2017-2018 2018-2019 2019-2020 2020-2021 2021-2022 2022-2023 2023-2024 2024-2025 2025-2026 2026-2027 2027-2028 2028-2029 2029-2030 2030-2031 2031-2032 2032-2033 2033-2034 2034-2035 2035-2036 2036-2037 2037-2038 2038-2039 2039-2040 2040-2041 2041-2042 2042-2043 2043-2044 2044-2045 2045-2046 2046-2047 2047-2048 2048-2049 2049-2050 2050-2051 2051-2052 2052-2053 2053-2054 2054-2055 2055-2056 2056-2057 2057-2058 2058-2059 2059-2060 2060-2061 2061-2062 2062-2063 2063-2064 2064-2065 2065-2066 2066-2067 2067-2068 2068-2069 2069-2070 2070-2071 2071-2072 2072-2073 2073-2074 2074-2075 2075-2076 2076-2077 2077-2078 2078-2079 2079-2080 2080-2081 2081-2082 2082-2083 2083-2084 2084-2085 2085-2086 2086-2087 2087-2088 2088-2089 2089-2090 2090-2091 2091-2092 2092-2093 2093-2094 2094-2095 2095-2096 2096-2097 2097-2098 2098-2099 2099-2100 2100-2101 2101-2102 2102-2103 2103-2104 2104-2105 2105-2106 2106-2107 2107-2108 2108-2109 2109-2110 2110-2111 2111-2112 2112-2113 2113-2114 2114-2115 2115-2116 2116-2117 2117-2118 2118-2119 2119-2120 2120-2121 2121-2122 2122-2123 2123-2124 2124-2125 2125-2126 2126-2127 2127-2128 2128-2129 2129-2130 2130-2131 2131-2132 2132-2133 2133-2134 2134-2135 2135-2136 2136-2137 2137-2138 2138-2139 2139-2140 2140-2141 2141-2142 2142-2143 2143-2144 2144-2145 2145-2146 2146-2147 2147-2148 2148-2149 2149-2150 2150-2151 2151-2152 2152-2153 2153-2154 2154-2155 2155-2156 2156-2157 2157-2158 2158-2159 2159-2160 2160-2161 2161-2162 2162-2163 2163-2164 2164-2165 2165-2166 2166-2167 2167-2168 2168-2169 2169-2170 2170-2171 2171-2172 2172-2173 2173-2174 2174-2175 2175-2176 2176-2177 2177-2178 2178-2179 2179-2180 2180-2181 2181-2182 2182-2183 2183-2184 2184-2185 2185-2186 2186-2187 2187-2188 2188-2189 2189-2190 2190-2191 2191-2192 2192-2193 2193-2194 2194-2195 2195-2196 2196-2197 2197-2198 2198-2199 2199-2200 2200-2201 2201-2202 2202-2203 2203-2204 2204-2205 2205-2206 2206-2207 2207-2208 2208-2209 2209-2210 2210-2211 2211-2212 2212-2213 2213-2214 2214-2215 2215-2216 2216-2217 2217-2218 2218-2219 2219-2220 2220-2221 2221-2222 2222-2223 2223-2224 2224-2225 2225-2226 2226-2227 2227-2228 2228-2229 2229-2230 2230-2231 2231-2232 2232-2233 2233-2234 2234-2235 2235-2236 2236-2237 2237-2238 2238-2239 2239-2240 2240-2241 2241-2242 2242-2243 2243-2244 2244-2245 2245-2246 2246-2247 2247-2248 2248-2249 2249-2250 2250-2251 2251-2252 2252-2253 2253-2254 2254-2255 2255-2256 2256-2257 2257-2258 2258-2259 2259-2260 2260-2261 2261-2262 2262-2263 2263-2264 2264-2265 2265-2266 2266-2267 2267-2268 2268-2269 2269-2270 2270-2271 2271-2272 2272-2273 2273-2274 2274-2275 2275-2276 2276-2277 2277-2278 2278-2279 2279-2280 2280-2281 2281-2282 2282-2283 2283-2284 2284-2285 2285-2286 2286-2287 2287-2288 2288-2289 2289-2290 2290-2291 2291-2292 2292-2293 2293-2294 2294-2295 2295-2296 2296-2297 2297-2298 2298-2299 2299-2300 2300-2301 2301-2302 2302-2303 2303-2304 2304-2305 2305-2306 2306-2307 2307-2308 2308-2309 2309-2310 2310-2311 2311-2312 2312-2313 2313-2314 2314-2315 2315-2316 2316-2317 2317-2318 2318-2319 2319-2320 2320-2321 2321-2322 2322-2323 2323-2324 2324-2325 2325-2326 2326-2327 2327-2328 2328-2329 2329-2330 2330-2331 2331-2332 2332-2333 2333-2334 2334-2335 2335-2336 2336-2337 2337-2338 2338-2339 2339-2340 2340-2341 2341-2342 2342-2343 2343-2344 2344-2345 2345-2346 2346-2347 2347-2348 2348-2349 2349-2350 2350-2351 2351-2352 2352-2353 2353-2354 2354-2355 2355-2356 2356-2357 2357-2358 2358-2359 2359-2360 2360-2361 2361-2362 2362-2363 2363-2364 2364-2365 2365-2366 2366-2367 2367-2368 2368-2369 2369-2370 2370-2371 2371-2372 2372-2373 2373-2374 2374-2375 2375-2376 2376-2377 2377-2378 2378-2379 2379-2380 2380-2381 2381-2382 2382-2383 2383-2384 2384-2385 2385-2386 2386-2387 2387-2388 2388-2389 2389-2390 2390-2391 2391-2392 2392-2393 2393-2394 2394-2395 2395-2396 2396-2397 2397-2398 2398-2399 2399

[illegible]

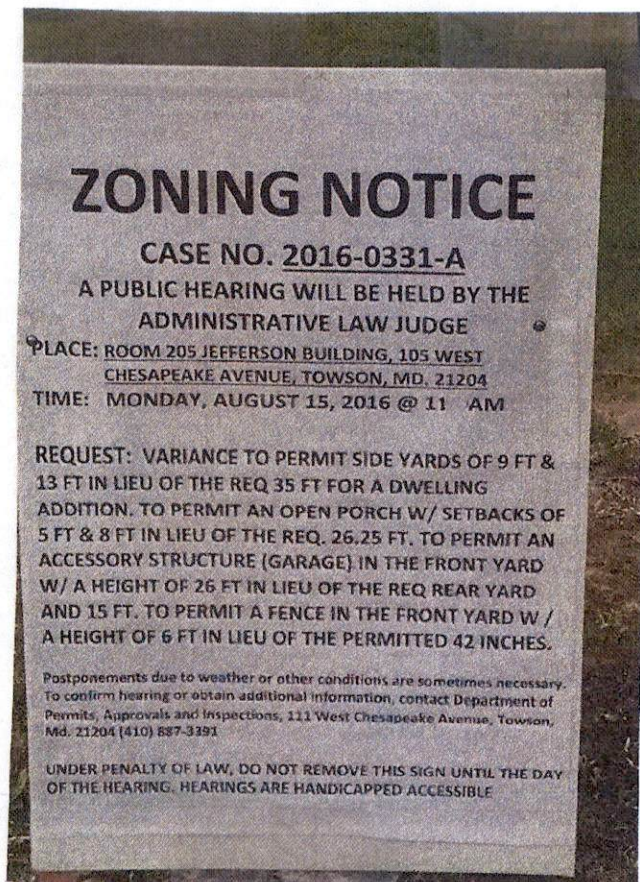
CERTIFICATE OF POSTING

Date: JULY 28, 2016

RE: Project Name: 11215 BEACH RD
Case Number /PAI Number: 2016-0331-A
Petitioner/Developer: JUDY WALTER
Date of Hearing/Closing: AUGUST 15, 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 11215 BEACH RD

The sign(s) were posted on JULY 27, 2016
(Month, Day, Year)



David Billingsley
(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)



KEVIN KAMENETZ
County Executive

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

July 19, 2016

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: 2016-0331-A

11215 Beach Road

S/s Beach Road, 441 ft. w/of centerline of Opie Road

11th Election District – 6th Councilmanic District

Legal Owners: Judy Walther

Variance to permit side yard setback of 9 ft. and 13 ft. in lieu of the required 35 ft. for a dwelling addition. To permit an open porch with setbacks of 5 ft. and 8 ft. in lieu of the required 26.25 ft. To permit an accessory structure (garage) in the front yard with a height of 26 ft. in lieu of the required rear yard and 15 feet. To permit a fence in a front yard with a height of 6 ft. in lieu of the allowed 42 inches.

Hearing: Monday, August 15, 2016 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Judy Walter, 1207 Clayton Road, Joppa 21085
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 WEDNESDAY, JULY 27, 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: DAILY RECORD
Tuesday, July 26, 2016 Issue

Please forward billing to:
Judy Walter
1207 Clayton Road
Joppa, MD 21085

443-895-2955

NOTICE OF ZONING HEARING

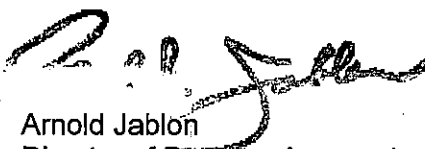
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2016-0331-A

11215 Beach Road
S/s Beach Road, 441 ft. w/of centerline of Opie Road
11th Election District – 6th Councilmanic District
Legal Owners: Judy Walther

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Hearing: Monday, August 15, 2016 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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

RE: PETITION FOR VARIANCE
11215 Beach Road; S/S Beach Road,
441' W of c/line Opie Road
11th Election & 6th Councilmanic Districts
Legal Owner(s): Judy C. Walter

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2016-331-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
JUL 05 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 5th day of July, 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: 2016-0331-A
Property Address: 11215 BEACH ROAD.
Property Description: _____
Legal Owners (Petitioners): JUDY C WALTER
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: JUDY C. WALTER
Company/Firm (if applicable): _____
Address: 1207 CLAYTON ROAD
BIA JOPPA, MD 21085
Telephone Number: (443) 895-2955

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

No. **141323**

Date: **6/21/16**

PAID RECEIPT

BUSINESS ACTUAL TIME DPM
 6/21/2016 - 6/21/2016 10:11:56

REC 0501 WALKIN LIR

RECEIPT # 050093 6/21/2016 DELD

DEPT 5 520 ZONING VERIFICATION

NO. 141323

Receipt Tot 175.00

175.00 CR 1.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						\$ 175 -

Total: **\$ 175 -**

Rec From:

For: **11215 BEACH ROAD**

2016-0331-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

August 10, 2016

Judy Walter
1207 Clayton Road
Joppa MD 21085

RE: Case Number: 2016-0331 A, Address: 11215 Beach Road

Dear Ms. Walter:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 21, 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 Court, Edgewood MD 21040

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



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

Date: 7-5-2016

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. 2016-0331-A

Variance
Fudy C. Walter
11215 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 that reads "Richard Zeller".

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

WW/RAZ

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 13, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For July 4, 2016
Item No. 2016-0330, 0331, 0332 and 0333

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\ZAC07042016.doc

BALTIMORE COUNTY, MARYLAND
INTRA-OFFICE MEMORANDUM

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

DATE: July 13, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-331

INFORMATION:

Property Address: 11215 Beach Road
Petitioner: Judy C. Walter
Zoning: RC 2
Requested Action: Variance

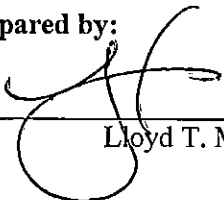
The Department of Planning has reviewed the petition for variance to permit a side yard setback of 9 feet and 13 feet, an open projection (porch) with setbacks of 5 feet and 8 feet, an accessory structure (garage) in the front yard with a height of 26 feet and a fence in a front yard with a height of 6 feet in lieu of the required 35 feet, 26.25 feet, rear yard and 15 feet and 42 inches respectively.

A site visit was conducted on July 6, 2016.

The Department has no objections to granting the petitioned zoning relief conditioned upon the proposed fence approaching no closer to the street than what is shown on the site plan submitted in support of the petition. Further, the accessory structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities and shall not be used for commercial purposes.

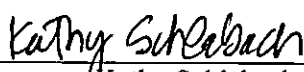
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ltn

c: Krystle Patchak
David Billingsley
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: June 30, 2016

SUBJECT: EPS Comment for Zoning Item # 2016-0331-A
Address 11215 Beach Road
(Walter Property)

Zoning Advisory Committee Meeting of **July 4, 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 Buffer Management Area (BMA) and is subject to Critical Area requirements. The applicant is proposing to construct a 2-story addition, a second story over the existing dwelling, and an attached 2nd story deck onto a single family dwelling with reduced side yard setbacks. They are also proposing to construct a detached garage with reduced setbacks and in the front yard. The lot is waterfront, and the proposed additions and garage must meet all LDA and BMA requirements, including lot coverage limits, afforestation, and mitigation. The existing dwelling, attached deck, and part of the 2-story addition will be within the 100-foot buffer; the detached garage will be outside of the 100-foot buffer. The property acreage shown on the plan differs slightly from the amount in the tax records. 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 BMA 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 size, lot coverage, afforestation, and mitigation, at this time we cannot determine if lot coverage, BMA, 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 30, 2016

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>7-13</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>6-30</u>	DEPS (if not received, date e-mail sent _____)	<u>c</u>
	FIRE DEPARTMENT	
<u>7-13</u>	PLANNING (if not received, date e-mail sent _____)	<u>c</u>
<u>7-5</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: <u>7-26-16</u>	
SIGN POSTING	Date: <u>7-27-16</u> by <u>Billingley</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 - 1119085276			
Owner Information					
Owner Name:		WALTER JUDY C		Use:	RESIDENTIAL
Mailing Address:		1207 CLAYTON RD JOPPA MD 21085-		Principal Residence:	NO
				Deed Reference:	/36764/ 00438
Location & Structure Information					
Premises Address:		11215 BEACH DR WHITE MARSH 21162- 1623 Waterfront		Legal Description:	
				BIRD RIVER BEACH	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0073	0020	0316		0000	11
				Assessment Year:	Plat No:
				2015	0007/
					Plat Ref: 0187
Special Tax Areas:			Town:		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	Property Land Area
1932		625 SF			11,800 SF
					County Use
					34
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	YES	STANDARD UNIT	FRAME	1 full	
Value Information					
		Base Value	Value As of	Phase-in Assessments	
			01/01/2015	As of	As of
				07/01/2016	07/01/2017
Land:		91,600	91,600		
Improvements		36,000	42,100		
Total:		127,600	133,700	131,667	133,700
Preferential Land:		0			0
Transfer Information					
Seller: SULLIVAN LUTHER A		Date: 10/15/2015		Price: \$135,000	
Type: ARMS LENGTH IMPROVED		Deed1: /36764/ 00438		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class	07/01/2016	07/01/2017	
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: 11 Account Number: 1119085276



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>).

PLEASE PRINT CLEARLY

[illegible]

CASE NAME 11215 Beach Rd.
CASE NUMBER 2016-331-A
DATE 8-15-2016

[illegible]

PETITIONER'S EXHIBITS

**11215 BEACH ROAD
CASE NO. 2016-0331-A**

*Sen
8-17-16*

- 1. PLAT TO ACCOMPANY PETITION (REVISED JULY 25, 2016)**
- 2. SDAT REAL PROPERTY DATA SEARCH**
- 3. TAX MAP 0073 PARCEL 0316 LOT 11**
- 4. PLAT OF BIRD RIVER BEACH PB 7 F 187**
- 5. AERIAL PHOTO**
- 6a – d. PHOTOS**
- 7. GARAGE ELEVATIONS**
- 8. HOUSE ELEVATIONS**

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 - 11 Account Number - 1119085276			
Owner Information					
Owner Name:		WALTER JUDY C		Use:	RESIDENTIAL
Mailing Address:		1207 CLAYTON RD JOPPA MD 21085-		Principal Residence:	NO
				Deed Reference:	/36764/ 00438
Location & Structure Information					
Premises Address:		11215 BEACH DR WHITE MARSH 21162- 1623 Waterfront		Legal Description: BIRD RIVER BEACH	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0073	0020	0316		0000	11 2015 0007/0187
Special Tax Areas:			Town: NONE		
			Ad Valorem: Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1932	625 SF		11,800 SF	34	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1	YES	STANDARD UNIT	FRAME	1 full	
Value Information					
		Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2016 As of 07/01/2017	
Land:		91,600	91,600		
Improvements		36,000	42,100		
Total:		127,600	133,700	131,667	133,700
Preferential Land:		0			0
Transfer Information					
Seller: SULLIVAN LUTHER A		Date: 10/15/2015		Price: \$135,000	
Type: ARMS LENGTH IMPROVED		Deed1: /36764/ 00438		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
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					

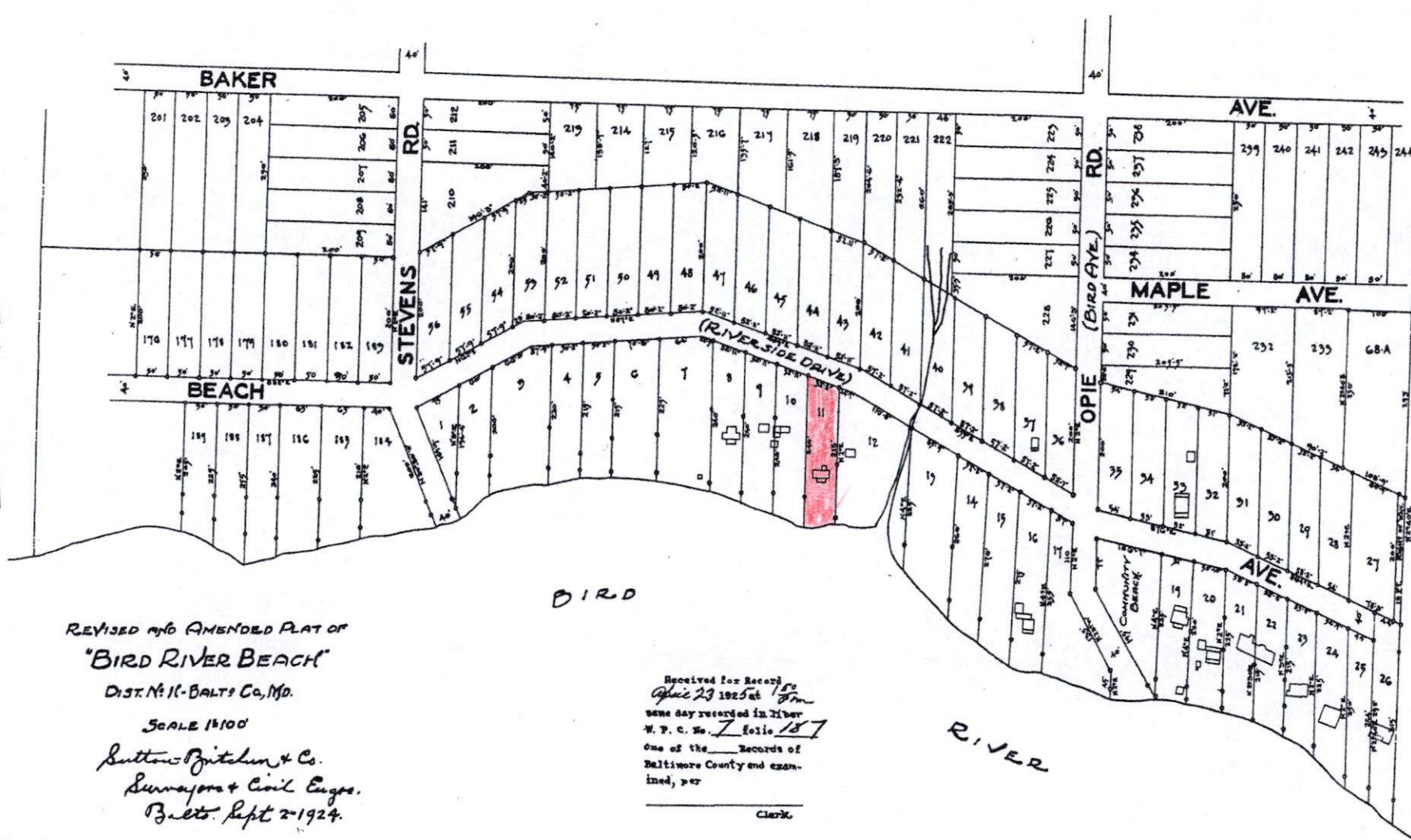
PETITIONER'S
EXHIBIT NO. 2

Baltimore County

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

District: 11 Account Number: 1119085276





C2136-3976

PETITIONER'S
EXHIBIT NO. 4



PETITIONER'S
EXHIBIT NO. 5

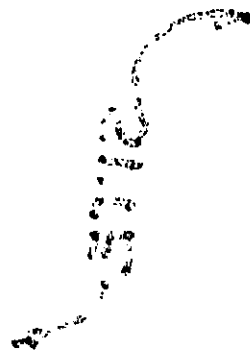


11215 BEACH ROAD

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

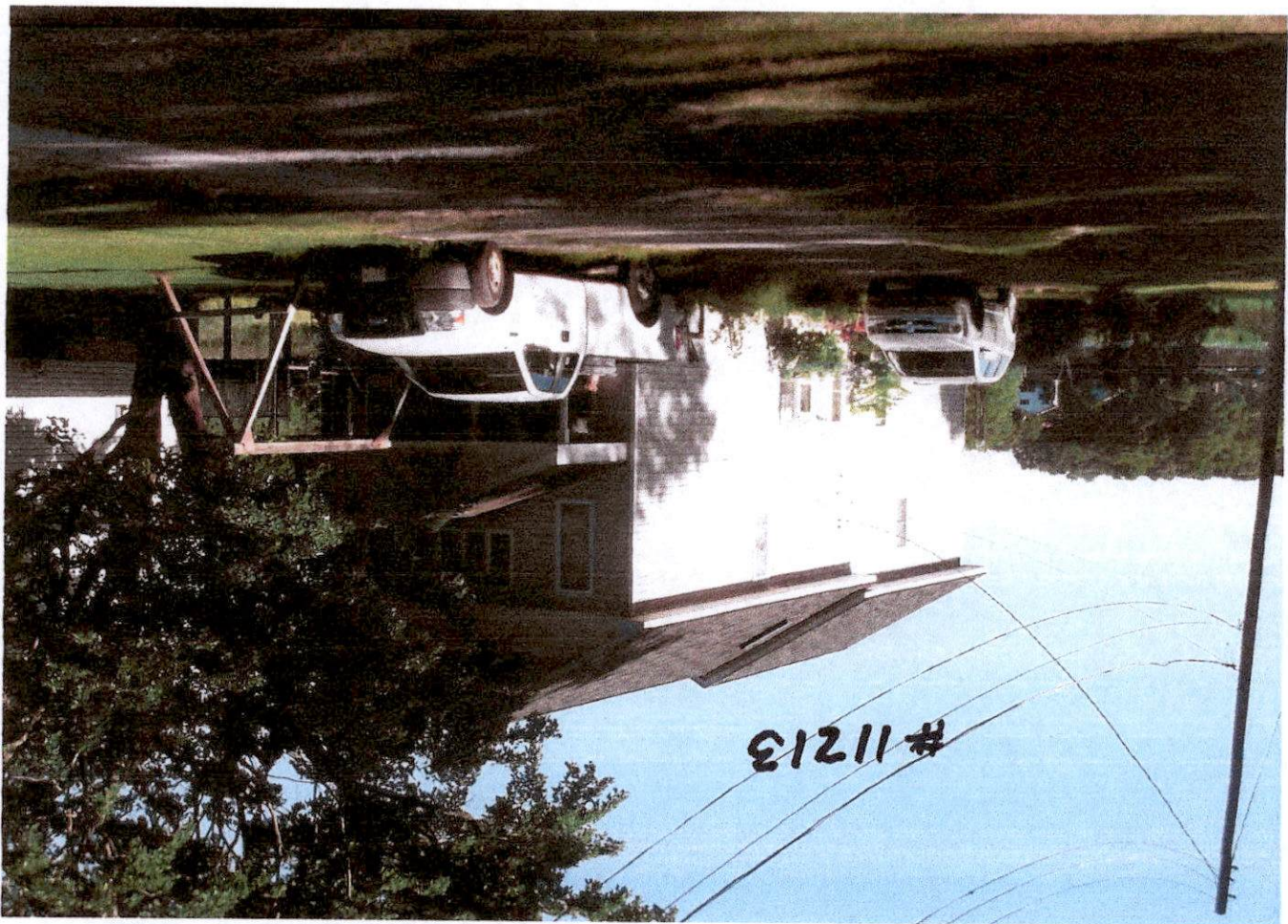




a



b

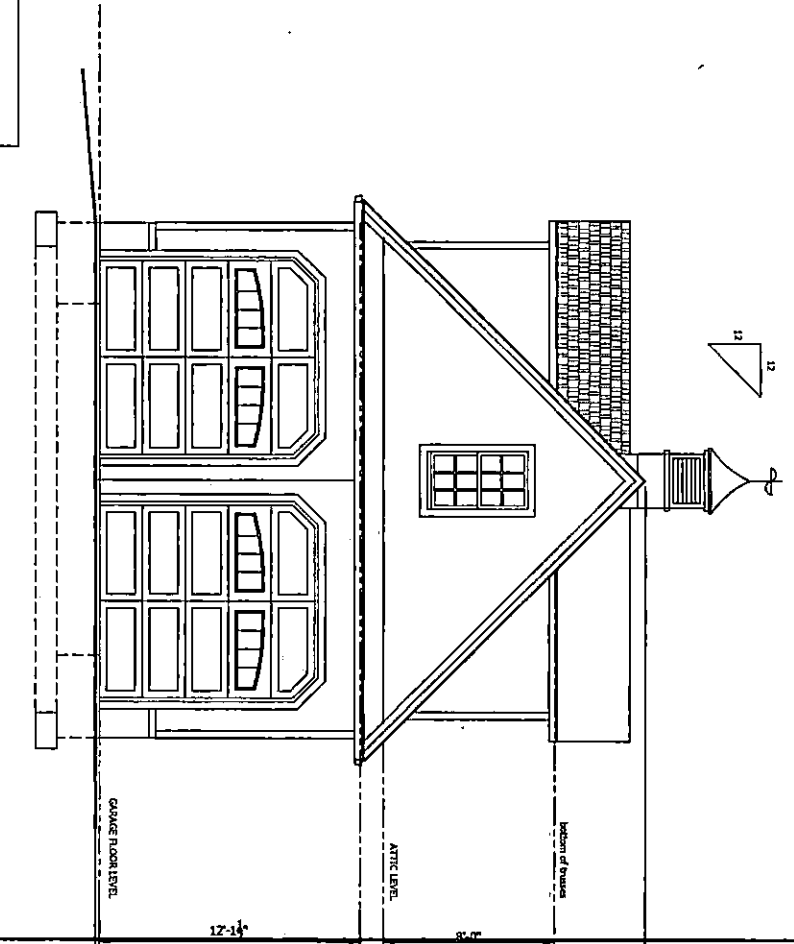


C

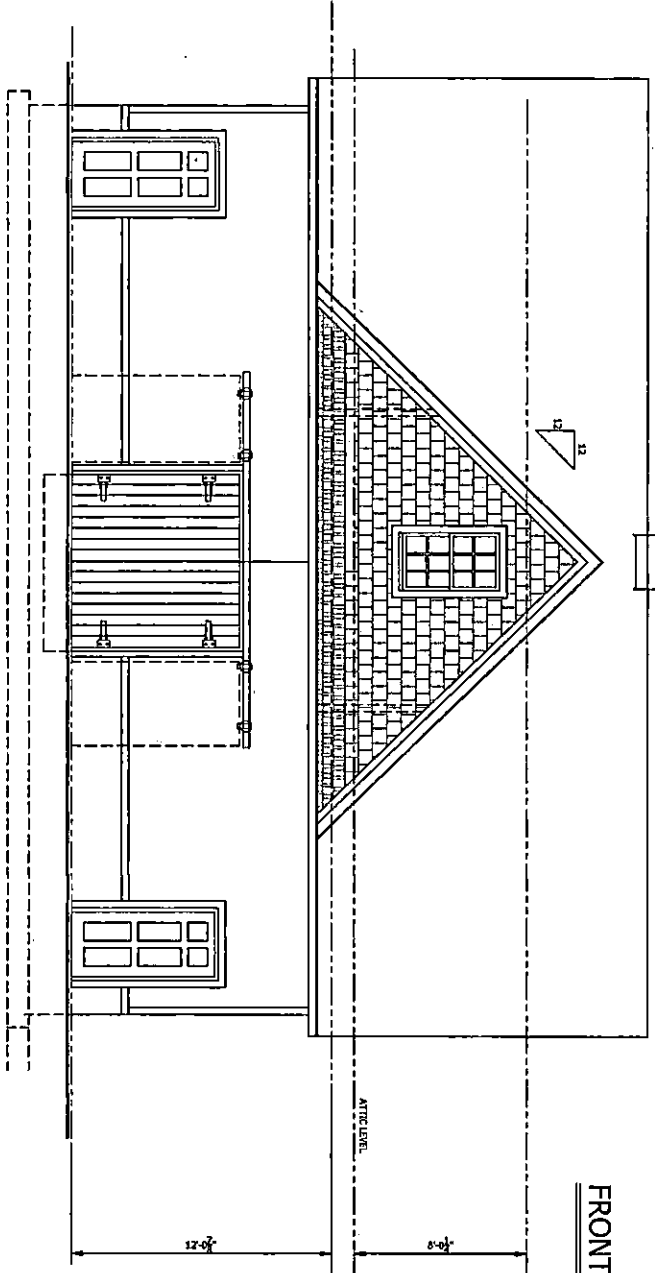


D

PETITIONER'S
EXHIBIT NO. 7



FRONT STREET ELEVATION



RIGHT / LEFT SIDE ELEVATION

PROFESSIONAL CERTIFICATION

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED BY ME OR UNDER MY CLOSE PERSONAL
SUPERVISION AND THAT I AM A LICENSED
PROFESSIONAL ARCHITECT UNDER THE LAWS OF THE
STATE OF MARYLAND, LICENSE NO. 15403.

A3

COVER SHEET/ SCHEDULES
VICINITY MAP
DOOR/ WINDOW SCHEDULE
PARTITION SCHEDULE
SQ. FT. DATA

NEW GARAGE FOR:
MS. JUDY WALTERS
11215 BEACH ROAD
WHITE MARSH MD, 21237

GEOFFREY A. TIZARD II, P.E.
5 LEADGURN COURT
TOWSON MD 21204

ARCHITECTURAL / INTERIOR
DESIGN SERVICES
JAMES W. BOYCE
6 BEACH DRIVE SUITE F
MIDDLE RIVER, MD. 21220

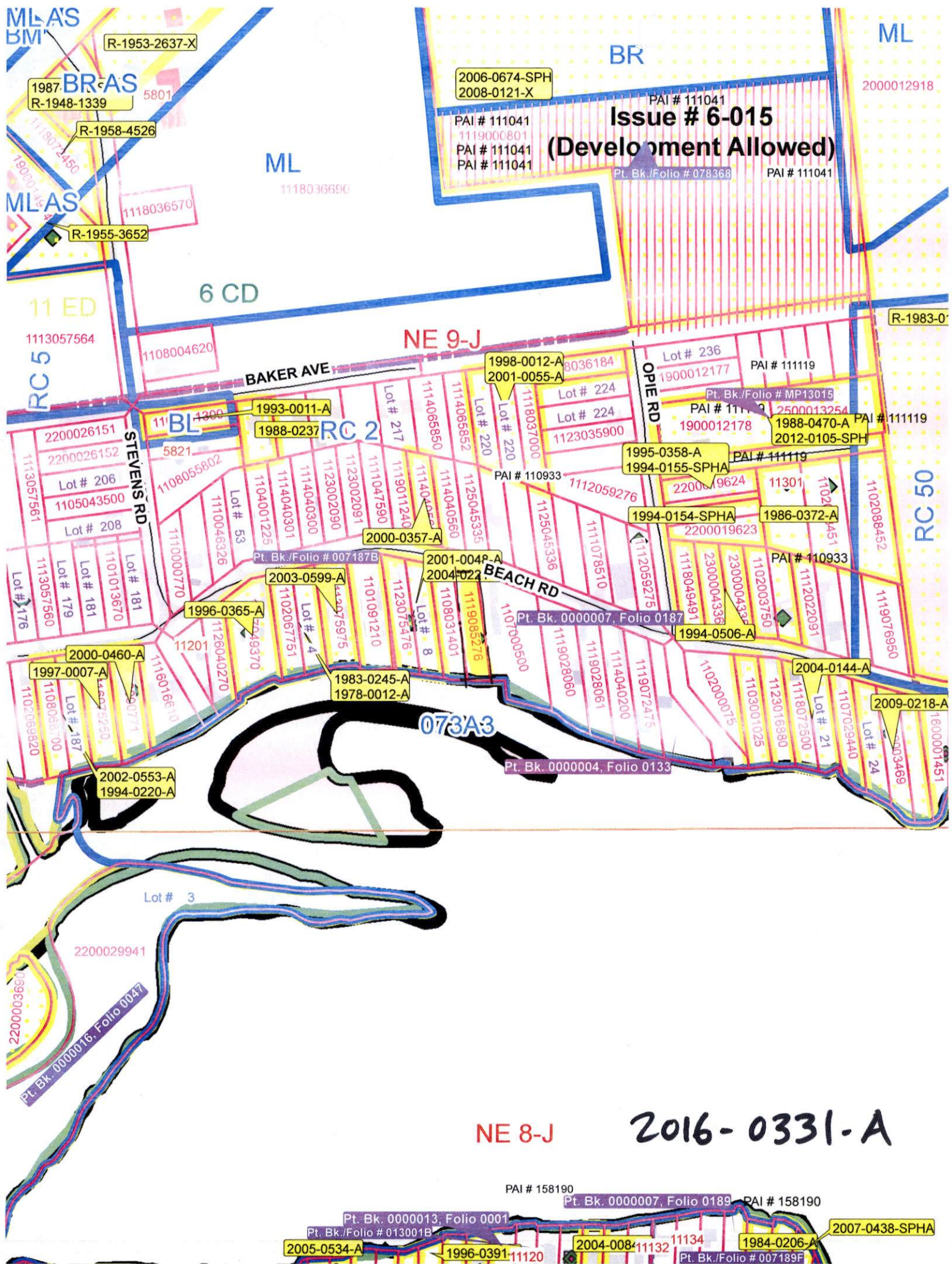
[illegible][illegible]

**PETITIONER'S
EXHIBIT NO. 8**

PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND I AM A DUTY LICENSED
PROFESSIONAL ENGINEER UNDER THE LAWS OF THE
STATE OF MARYLAND. LICENSE NO. 15453.
EXPIRATION DATE: JULY 2, 2017

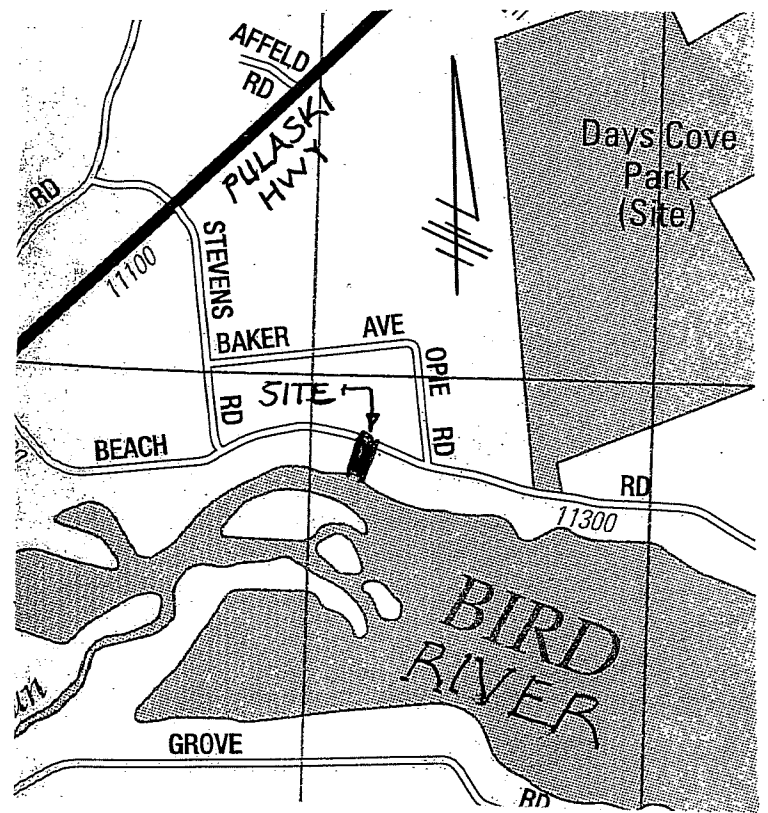
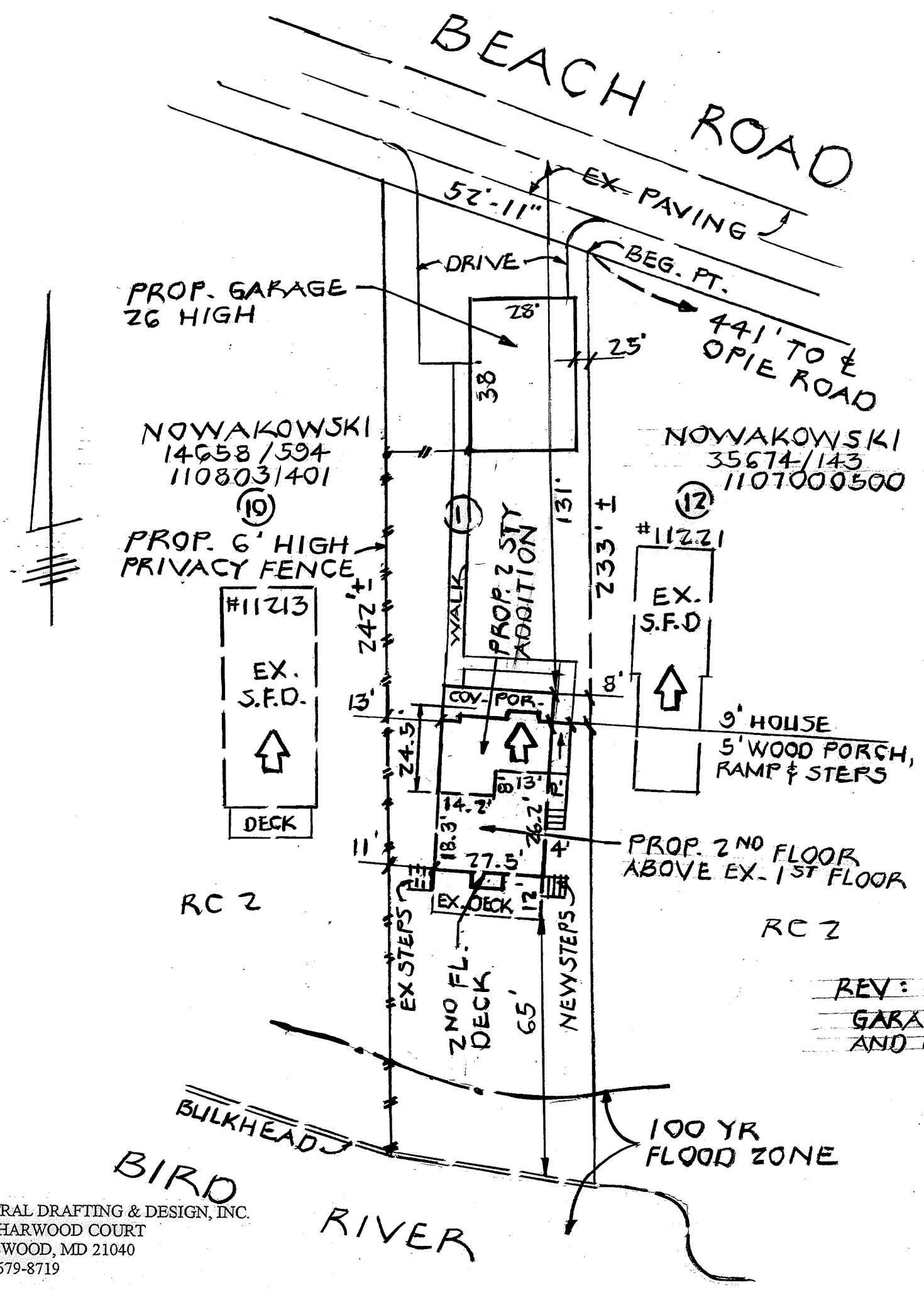


**ARCHITECTURAL / INTERIOR
DESIGN SERVICES**
JAMES W. BOYCE
6 BEECH DRIVE SUITE F
MIDDLE RIVER, MD. 21220



11

A-1E30-2105



VICINITY MAP
SCALE 1" = 1000

PETITIONER'S
EXHIBIT NO. 1

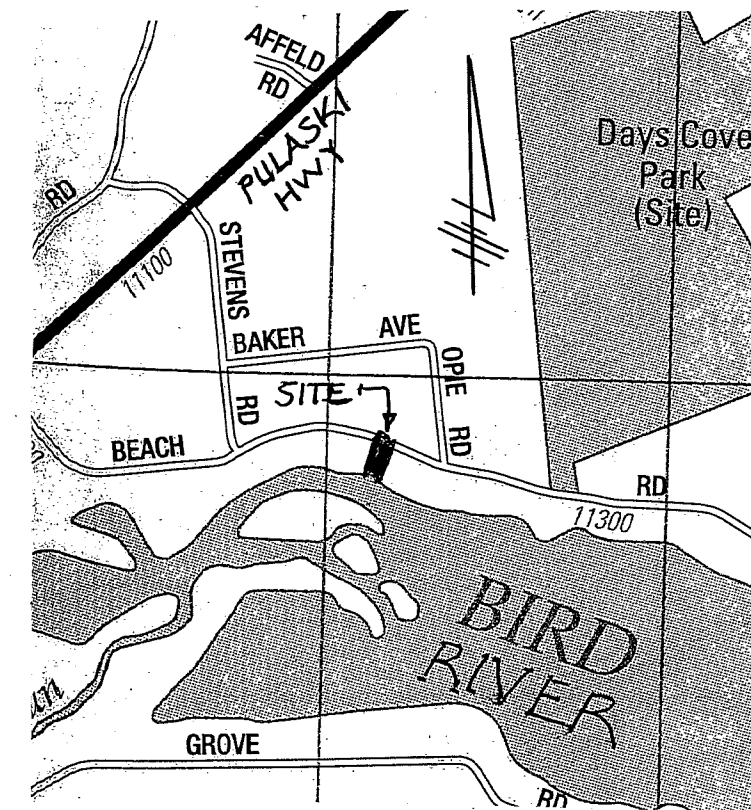
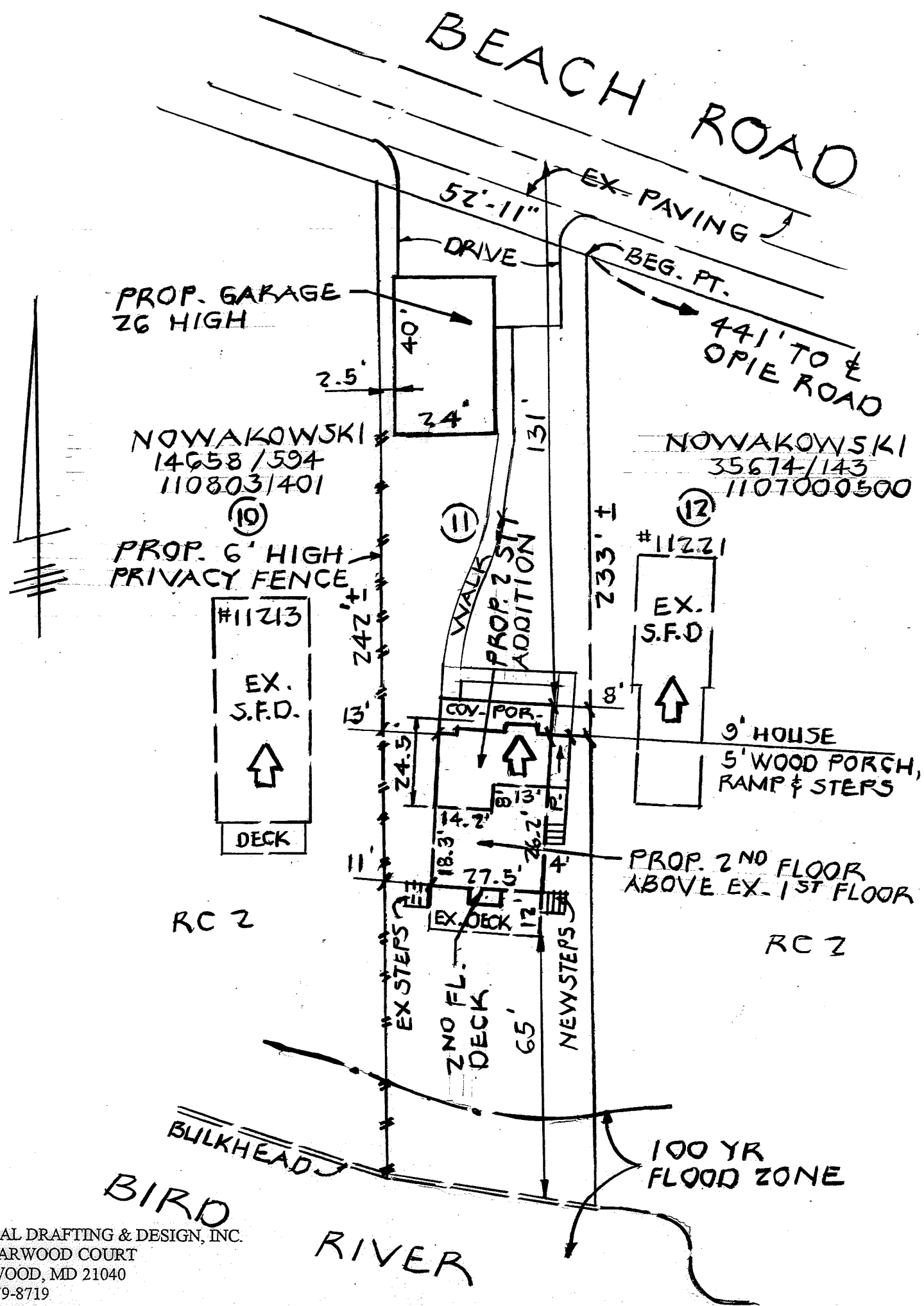
NOTES

1. ZONING.....RC2 (MAP 073A3)
2. LOT AREA.....11,750 S.F. = 0.270 ACRE +/-
3. PUBLIC WATER AND SEWER
4. SITE IS LOCATED IN CBCA
5. A PORTION OF THE SITE IS LOCATED IN THE 100 YEAR FLOOD ZONE
6. NO PREVIOUS ZONING HISTORY OR VIOLATIONS
7. NO HISTORIC STRUCTURES OR UNDERGROUND STORAGE TANKS EXIST

REV: JULY 25, 2016
GARAGE SIZE CHANGED TO 28' x 38'
AND MOVED TO EAST SIDE OF LOT

OWNER
JUDY C. WALTER
1207 CLAYTON ROAD
JOPPA, MD. 21085
DEED REF: L36764 F.438
ACCT. NO. 1119085276

PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCES
11215 BEACH ROAD
LOT 11 BIRD RIVER BEACH PB 7 F 187
ELECTION DISTRICT 11C6 BALTIMORE COUNTY, MD
SCALE: 1 INCH = 30 FEET JUNE 20, 2016



VICINITY MAP
SCALE 1" = 1000

NOTES

1. ZONING.....RC2 (MAP 073A3)
2. LOT AREA.....11,750 S.F. = 0.270 ACRE +/-
3. PUBLIC WATER AND SEWER
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2016-0331-A

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCES

11215 BEACH ROAD

LOT 11 BIRD RIVER BEACH PB 7 F 187

ELECTION DISTRICT 11C6 BALTIMORE COUNTY, MD

SCALE: 1 INCH = 30 FEET JUNE 20, 2016

OWNER
JUDY C. WALTER
1207 CLAYTON ROAD
JOPPA, MD. 21085
DEED REF: L36764 F.438
ACCT. NO. 1119085276