

M E M O R A N D U M

DATE: October 18, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0340-A – Appeal Period Expired

The appeal period for the above-referenced case expired on October 17, 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
(1304 2nd Road)
15th Election District
6th Council District
Chaim More
Petitioner

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2016-0340-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Chaim More, 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) to permit an addition with a front yard average setback of 12 ft. in lieu of the required front yard average setback of 18.5 ft.; and (2) to permit an addition with a rear yard setback of 26 ft. in lieu of the required setback of 30 ft. A site plan was marked as Petitioner's Exhibit 1.

Owner Chaim More and professional engineer Robin Hoory appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Environmental Protection and Sustainability (DEPS), noting Petitioner must comply with the Critical Area regulations.

The subject property is approximately 4,944 square feet and is zoned DR 5.5. The property is improved with a small single-family dwelling (approximately 1,000 SF) constructed in 1942. Petitioner recently purchased the home and would like to create additional living space for his family. To do so zoning relief is required.

ORDER RECEIVED FOR FILING

Date 9-16-16

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 Petitioner must contend with site conditions and improvements which have existed for over 70 years. As such the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because he would be unable to construct the proposed addition. 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 community opposition. In fact, Petitioner submitted letters (Petitioner's Exhibit 2) from adjoining neighbors, both of whom indicated they did not object to the requests.

THEREFORE, IT IS ORDERED, this 16th day of September, **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.") as follows: (1) to permit an addition with a front yard average setback of 12 ft. in lieu of the required front yard average setback of 18.5 ft.; and (2) to permit an addition with a rear yard setback of 26 ft. in lieu of the required setback of 30 ft., be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 9-16-16

By sen

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 Critical Area regulations.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 9-16-16

By sln



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals & Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 1304 2nd Rd, Middle River which is presently zoned DR 5.5
Deed References: 36524/00096 10 Digit Tax Account # 1504201980
Property Owner(s) Printed Name(s) Chaim More

(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) 303.1 and 1002.3.C.1 BCZC
To permit an addition with a front yard average setback of 12' in lieu of the required front yard average setback of 18.5'. And to permit an addition with rear yard setback of 26' in lieu of the required setback of 30'
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Chaim More
9314 Howard Ave, PO Box 283, Ft Howard, MD

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER

2016-0340-A

Filing Date

7/1/2016

Do Not Schedule Dates:

Reviewer

JF

ADMINISTRATIVE ZONING PETITION *Description*

For

1304 2nd Rd, Middle River

Administrative Variance:

1. Beginning at a point on the West side of 2nd Rd which is 30 ft wide at a distance of 146 ft South of Elm Dr, which is 45 ft wide.
2. Being Lot # 81, Section #IV, subdivision Stansbury Manor as recorded in Baltimore County Plat Book # 13, Folio 138A containing 4,944 SF, located in the 15th Election District and 6th Council District.



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 4399612

Sold To:

Robin Hoory - CU00556778
2300 Fife Ct
Forest Hill, MD 21050-1121

Bill To:

Robin Hoory - CU00556778
2300 Fife Ct
Forest Hill, MD 21050-1121

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

Aug 25, 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: # 2016-0340-A
1304 2nd Road
W/s of 2nd Road, 146 ft. s/of Elm Drive
15th Election District - 6th Councilmanic District
Legal Owner(s) Chaim More

Variance: to permit an addition with a front yard average setback of 12 ft. in lieu of the required front yard average setback of 18.5 ft.; to permit an addition with a rear yard setback of 26 ft. in lieu of the required setback of 30 ft.

Hearing: Thursday, September 15, 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.

8/16/16 Aug. 25 4399612

CERTIFICATE OF POSTING

2016-0340-A

RE: Case No.: _____

Petitioner/Developer: _____

Chaim More

September 15, 2016

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

1304 2nd Road

August 23, 2016

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

August 23, 2016

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

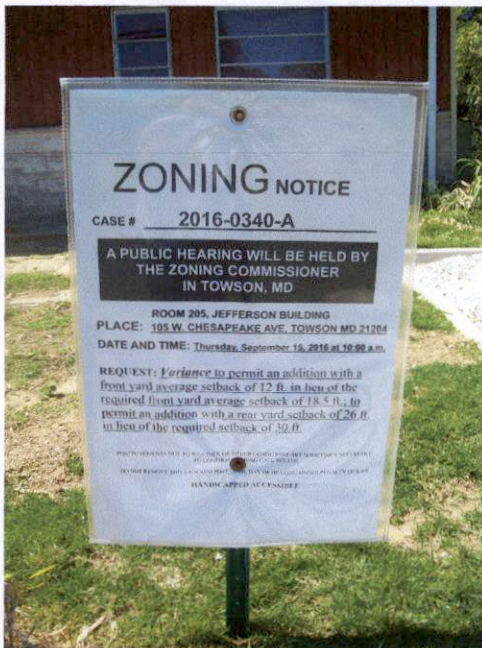
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





KEVIN KAMENETZ
County Executive

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

August 4, 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: 2016-0340-A

1304 2nd Road

W/s of 2nd Road, 146 ft. s/of Elm Drive

15th Election District – 6th Councilmanic District

Legal Owners: Chaim More

Variance to permit an addition with a front yard average setback of 12 ft. in lieu of the required front yard average setback of 18.5 ft.; to permit an addition with a rear yard setback of 26 ft. in lieu of the required setback of 30 ft.

Hearing: Thursday, September 15, 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 the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Chaim More, 9314 Howard Avenue, PO Box 283, Ft. Howard 21052
Robin Hoory, 2300 Fife Court, Forest Hill 21050

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, AUGUST 26, 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
Thursday, August 25, 2016 Issue - Jeffersonian

Please forward billing to:
Robin Hoory
2300 Fife Court
Forest Hill, MD 21050

410-688-0934

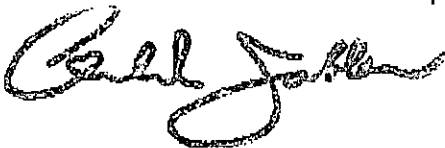
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Hearing: Thursday, September 15, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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

RE: PETITION FOR VARIANCE
1304 2nd Road; W/S of 2nd Road,
146' S of Elm Drive
15th Election & 6th Councilmanic Districts
Legal Owner(s): Chaim More
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2016-340-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 19 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 19th day of July, 2016, a copy of the foregoing Entry of Appearance was mailed to Robin Hoory, 2300 Fife Court, Forest Hill, Maryland 21050, 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 - 0340 - A
Property Address: 1304 2nd Rd, Middle River
Property Description: _____
Legal Owners (Petitioners): Chaim More
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Robin Hoory
Company/Firm (if applicable): _____
Address: 2300 Fife Ct
Forest Hill, MD 21050
Telephone Number: 410 688-0934

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

No. **141333**

Date: **7-1-16**

PAID RECEIPT

BUSINESS - ACTUAL TIME DRN
7/05/2016 7/01/2016 11:57:05 1

REG 0001 BALTIM LJR

RECEIPT N 460543 7/01/2016 OFLH

Det - 5 529 ZONING VERIFICATION

CF NO. 141333

Receipt Tot \$75.00
\$0.00 CR \$75.00 CA
\$5.00 CG

Baltimore County, Maryland

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

Total: **75.00**

Rec

From: **CHARM MORE**

For:

1304 2nd Rd.

PAYMENT FOR VERIFICATION

2016-0340-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*

September 8, 2016

Chaim More
9314 Howard Avenue
P O Box 283
Fort Howard MD 21052

RE: Case Number: 2016-0340 A, Address: 1304 2nd Road

Dear Mr. More:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 1, 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
Robin Hoory, 2300 Fife Court, Forest Hill MD 21050

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



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

Date: 7/25/16

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. 2016-0340-A

Variance
Chain More
1304 2nd Road

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Richard Zeller'.

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

WW/RAZ

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



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

Date: 7/11/16

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

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2016-0340-A.
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Chain More
1304 2nd Road.

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Sincerely,

A handwritten signature in dark ink, appearing to read 'Wendy Wolcott', is written over a horizontal line.

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

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

DATE: August 2, 2016

SUBJECT: Zoning Advisory Committee Meeting
For August 1, 2016
Item No. 2016-0340, 2017-0002, 0013, 0014, 0019 and 0021

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\ZAC08012016.doc

9-15

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: July 29, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-340

RECEIVED

INFORMATION:

Property Address: 1304 2nd Road
Petitioner: Chaim More
Zoning: DR 5.5
Requested Action: Variance

AUG 01 2016

OFFICE OF ADMINISTRATIVE HEARINGS

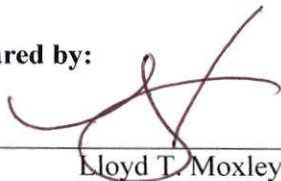
The Department of Planning has reviewed the petition for variances to permit an addition with a front yard average setback of 12 feet in lieu of the required front yard average setback of 18.5 feet and to permit an addition with a rear yard setback of 26 feet in lieu of the required setback of 30 feet.

A site visit was conducted on July 19, 2016.

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

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
Robin Hoory
Office of the Administrative Hearings
People's Counsel for Baltimore County

9-15

BALTIMORE COUNTY, MARYLAND

RECEIVED

JUL 14 2016

Inter-Office Correspondence

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: July 14, 2016

SUBJECT: EPS Comment for Zoning Item # 2016-0340-A
Address 1304 2nd Road
(More Property)

Zoning Advisory Committee Meeting of July 18, 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 an Intensely Developed Area (IDA) and is subject to Critical Area requirements. It is not waterfront. The applicant is proposing to permit three additions, one of which will have less front yard setback than required and a second addition which will have less rear yard setback than required. Provided the applicants address the 10% phosphorus reduction requirement for the three additions, 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 not waterfront and no forest or trees will be removed. The Critical Area impacts are negligible and habitat will not be impacted, so therefore this variance can help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

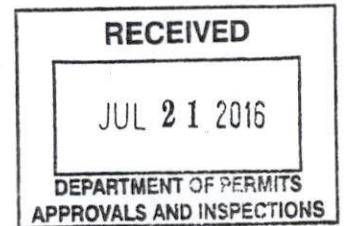
3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

Provided the 10% pollutant reduction requirement is met, this request is consistent with Critical Area requirements, and therefore the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: July 13, 2016

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE



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

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

SUBJECT: Zoning Advisory Committee Meeting
For July 18, 2016
Item No. 2016-0337, 0338, 0339, 0340 and
2017-0003

DATE: July 18, 2016

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\ZAC07182016.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



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

DATE: July 29, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-340

INFORMATION:

Property Address: 1304 2nd Road
Petitioner: Chaim More
Zoning: DR 5.5
Requested Action: Variance

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Prepared by:

Lloyd T. Moxley

Division Chief:

Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
Robin Hoory
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: July 14, 2016

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2. Conserve fish, plant, and wildlife habitat;

This property is not waterfront and no forest or trees will be removed. The Critical Area impacts are negligible and habitat will not be impacted, so therefore this variance can 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;

Provided the 10% pollutant reduction requirement is met, this request is consistent with Critical Area requirements, and therefore the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: July 13, 2016

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

8/2

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

N/C

7/14

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

C

FIRE DEPARTMENT

7/29

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

No Obj.

7/25

STATE HIGHWAY ADMINISTRATION

no Obj.

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 8/25/16

SIGN POSTING Date: 8/23/16 by SSG Black

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

Comments, if any: _____

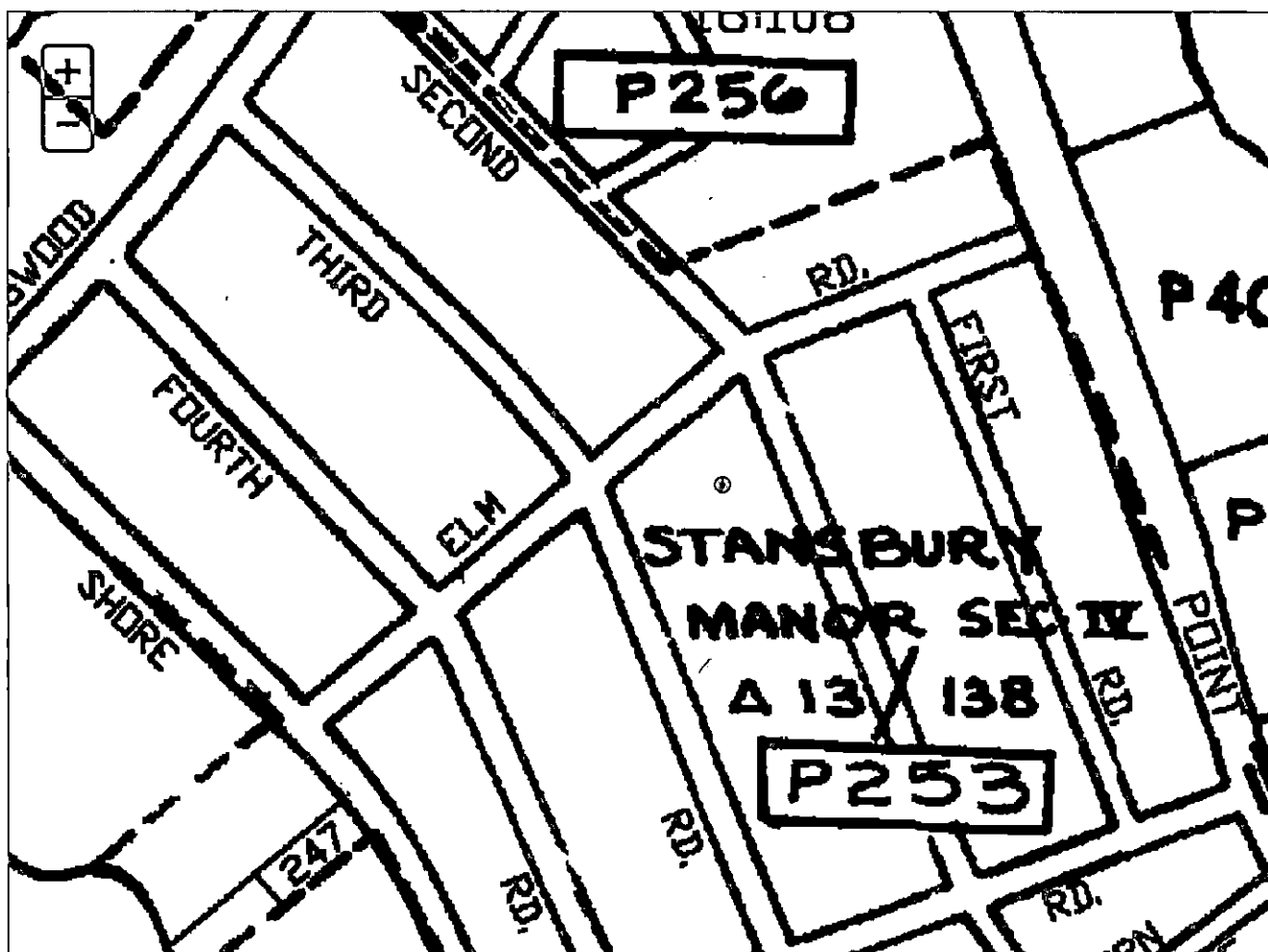
Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 15 Account Number - 1504201980							
Owner Information									
Owner Name:		MORE CHAIM				Use:		RESIDENTIAL	
Mailing Address:		4912 IVANHOE AVE BALTIMORE MD 21212-				Principal Residence:		NO	
						Deed Reference:		/36524/ 00096	
Location & Structure Information									
Premises Address:		1304 SECOND RD BALTIMORE 21220-5505				Legal Description:		1304 SECOND RD STANSBURY MANOR	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0091	0019	0253		0000	4		81	2015	Plat Ref: 0013/0138
Special Tax Areas:					Town:		NONE		
					Ad Valorem:				
					Tax Class:				
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area		Property Land Area		County Use	
1942		1,012 SF				4,944 SF		04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
1	YES	STANDARD UNIT	SIDING	1 full					
Value Information									
			Base Value	Value	Phase-in Assessments				
				As of 01/01/2015	As of 07/01/2016		As of 07/01/2017		
Land:			59,500	59,500					
Improvements			58,100	65,200					
Total:			117,600	124,700	122,333		124,700		
Preferential Land:			0				0		
Transfer Information									
Seller: NATIONSTAR MORTGAGE LLC				Date: 08/11/2015		Price: \$43,000			
Type: NON-ARMS LENGTH OTHER				Deed1: /36524/ 00096		Deed2:			
Seller: GENERATION MORTGAGE COMPANY				Date: 07/24/2015		Price: \$119,967			
Type: ARMS LENGTH IMPROVED				Deed1: /36456/ 00102		Deed2:			
Seller: TAYLOR JUDITH C				Date: 02/03/2015		Price: \$93,000			
Type: NON-ARMS LENGTH OTHER				Deed1: /35812/ 00112		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: **15** Account Number: **1504201980**

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>).

Case No.: 2016-0340-A

Exhibit Sheet

Petitioner/Developer

Protestant

DW 10-18-16

No. 1	Plan	
No. 2	Letters from Neighbors	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Resident of

1306 Second Rd,

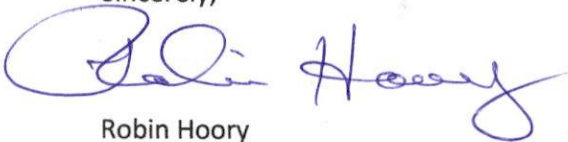
Middle River, MD 21220

To Whom It May Concern.

Your neighbor at 1304 2nd Rd intends to renovate his house interior and add to new additions to the front, back and enclose the deck area, a total of 586 SF. I will prepare the required plans and drawings as required by code. Baltimore County advises applicants for permit to notify the neighboring property owners and request their approval. I will provide professional engineering services for the design and for permitting this work and insure that all safety requirements are met.

I like to thank you in advance for your time and consideration for this matter. Should you have any questions, please do not hesitate to call me at 410 688-0934.

Sincerely,



Robin Hoory

Professional Engineer,

License #36195

State of Maryland

I grant permission for the proposed work.

Print Name: John W. Tolbert

Signature, 

Date: 6-25-2016

Petitioner No. 2

Resident of

130~~6~~² Second Rd,

Middle River, MD 21220

To Whom It May Concern.

Your neighbor at 1304 2nd Rd intends to renovate his house interior and add to new additions to the front, back and enclose the deck area, a total of 586 SF. I will prepare the required plans and drawings as required by code. Baltimore County advises applicants for permit to notify the neighboring property owners and request their approval. I will provide professional engineering services for the design and for permitting this work and insure that all safety requirements are met.

I like to thank you in advance for your time and consideration for this matter. Should you have any questions, please do not hesitate to call me at 410 688-0934.

Sincerely,



Robin Hoory

Professional Engineer,

License #36195

State of Maryland

I grant permission for the proposed work.

Print Name: JACK KRAFT

Signature,



Date:

06/25/16

6/22/2016

2nd Rd - Google Maps

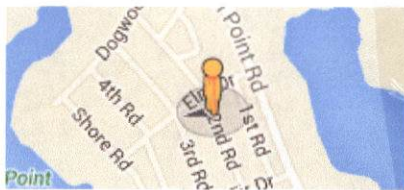
2nd Rd



Image capture: Oct 2012 © 2016 Google

Middle River, Maryland

Street View - Oct 2012



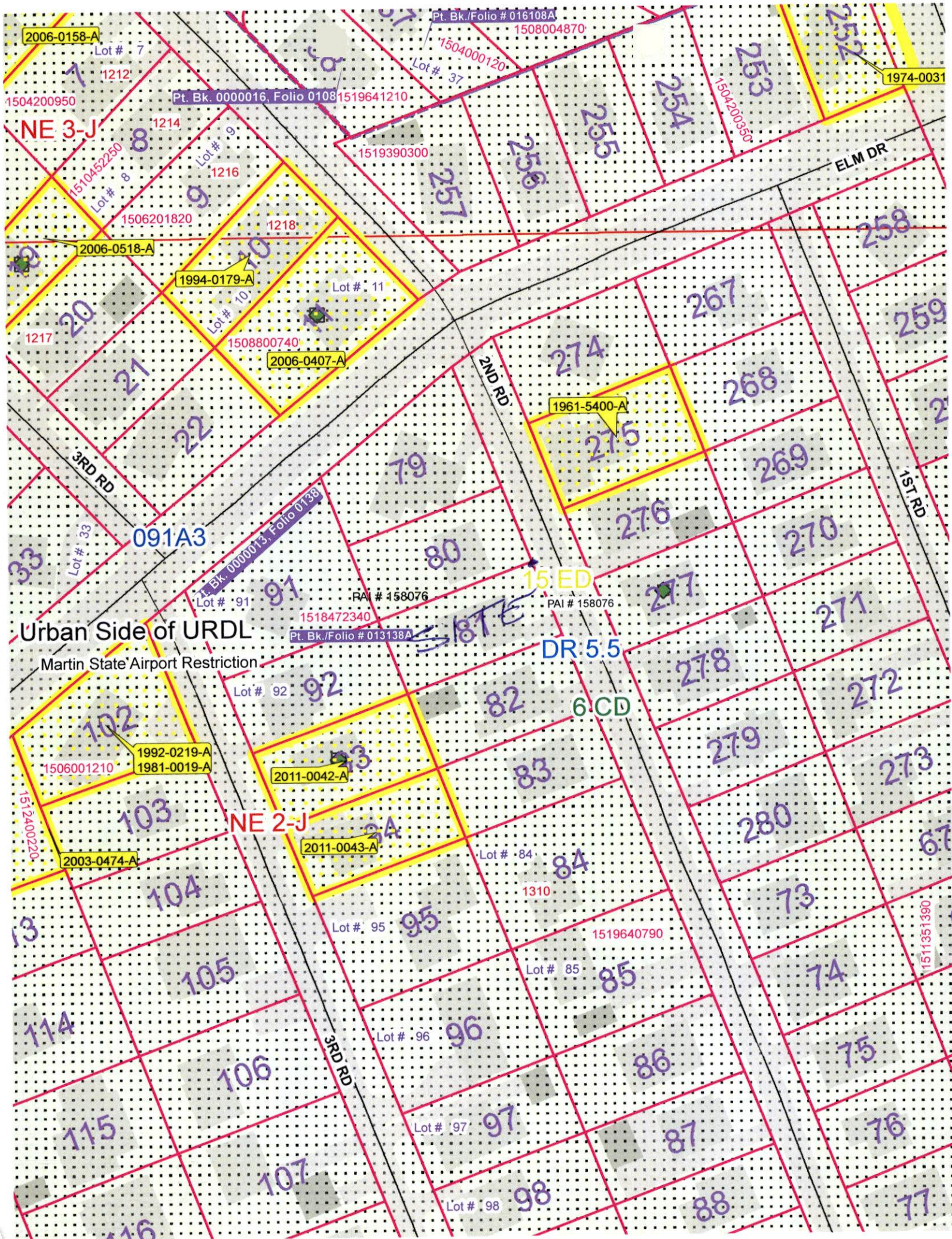
11/14/2016

IS133j74fyy9491000000000.jpg (550x407)

Property:
1304 2nd Rd,
Middle River,
MD



<https://www.google.com/maps/@39.3187815,-76.42005>



Affidavit in Support of ~~Administrative~~ Variance

Address : 1304 2nd Rd, Middle River, MD 21220

Mr Chaim More, the owner, plans to renovate his house and needs to extend the front of the house by 9 ft, an addition of 9'x28' . The house was built by the US Army during WWII as housing for military personnel and built for different times and different needs. Spaces are tight and are do not meet today standards. The addition to the front is needed to allow indoor access to the basement. Currently, the basement can be accessed only from the outside thru an outdoor steps exposed to weather conditions. The current kitchen is located at the house entry and is non-functional. Part of the renovation is to build a new kitchen to an addition 12'x20'located at the rear corner of the house. A third addition is a rear bathroom 7' x 12' added to the master bedroom.

The owner requires these additional spaces to accommodate immediate needs and the potential of future family.

SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESIDENCE ZONES
WHEN THE IMMEDIATE ADJOINING LOTS ARE NOT IMPROVED
Reference - Section 303.1 Baltimore County Zoning Regulations

303.1 —In D.R.2, D.R.3.5 and D.R.5.5 Zones the front yard depth of any building or other structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 zones, 50 feet in D.R.3.5 zones and 40 feet in D.R.5.5 zones. In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefrom in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 respectively.

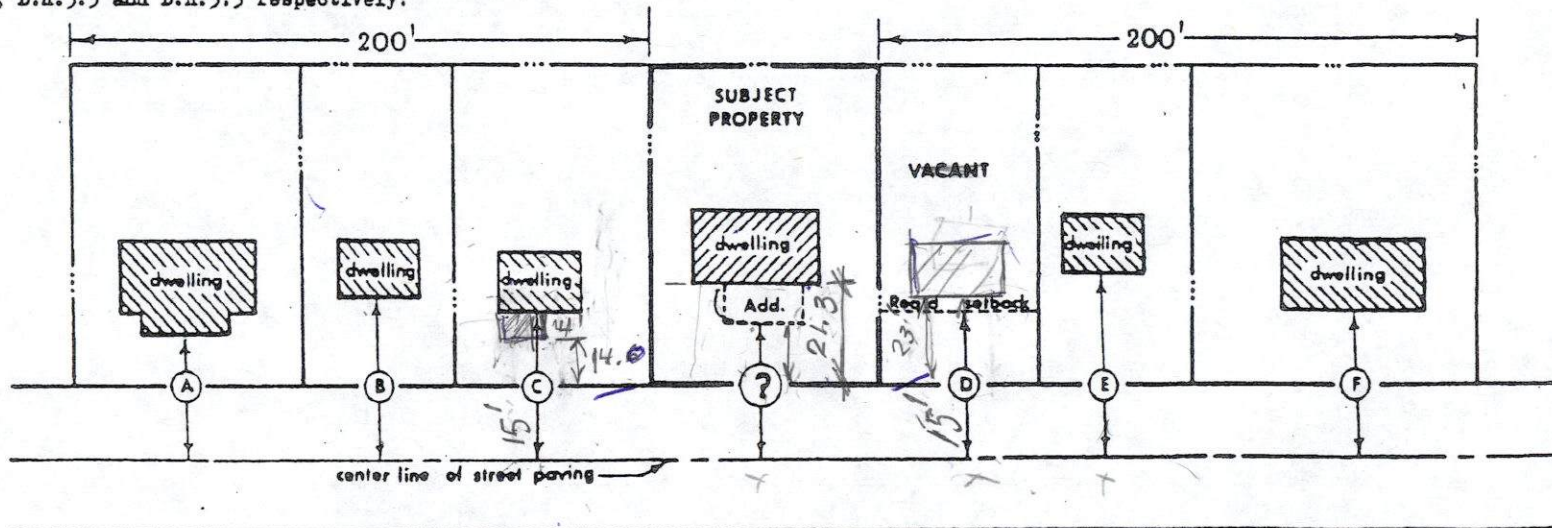
A	_____	FT.
B	_____	FT.
C	<u>24.5</u>	FT. <u>23'</u>
D	<u>38</u>	FT. <u>14'</u>
E	_____	FT.
F	<u>67.6</u>	FT.
TOTAL (<u>67.6</u>) ÷ (<u>2</u>) = <u>33.8</u>		
	<u>37</u>	* of dwellings
		REQUIRED FRONT SETBACK (averaged)

Chaim More
 applicant's name
1304 2nd Rd, Middle River, MD
 building address
6/30/16
 date

NORMAL REQUIRED SETBACKS

D.R.2 - 65 ft.
 D.R.3.5- 55 ft.
 D.R.5.5- 50 ft.

21
 15
 36



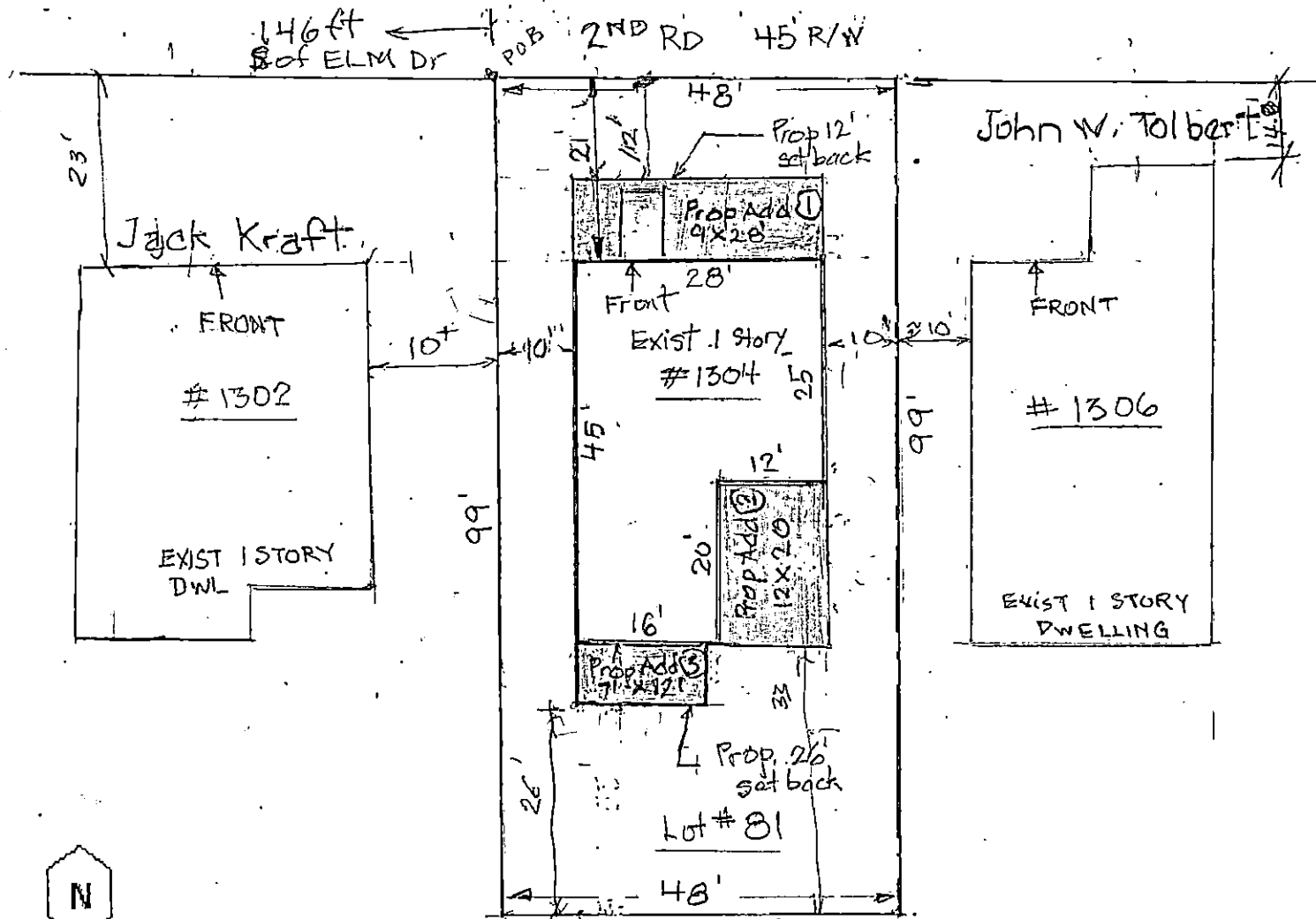
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 1304 2nd Rd. Middle River OWNER(S) NAME(S) Chaim More

SUBDIVISION NAME STANSBURY MANOR

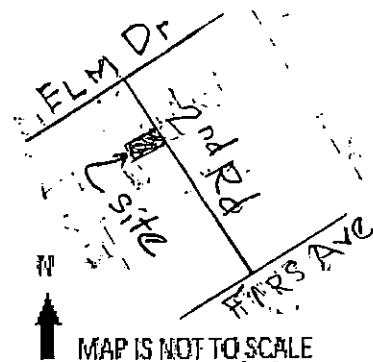
LOT # 81 ~~81~~ SECTION # IV

PLAT BOOK # 13 FOLIO # 138A 10 DIGIT TAX # 1504201980 DEED REF. # 36524/00096



PLAN DRAWN BY Robin Hoory DATE 6/27/16 SCALE: 1 INCH = 20 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE
ZONING MAP# 091A3
SITE ZONED DR S.5
ELECTION DISTRICT 1
COUNCIL DISTRICT 6th
LOT AREA ACREAGE 0.114
OR SQUARE FEET 4,944
HISTORIC? No
IN CBCA? No
IN FLOOD PLAIN? No
UTILITIES? MARK WITH X
WATER IS:
PUBLIC X PRIVATE _____
SEWER IS:
PUBLIC X PRIVATE _____
PRIOR HEARING? No
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:

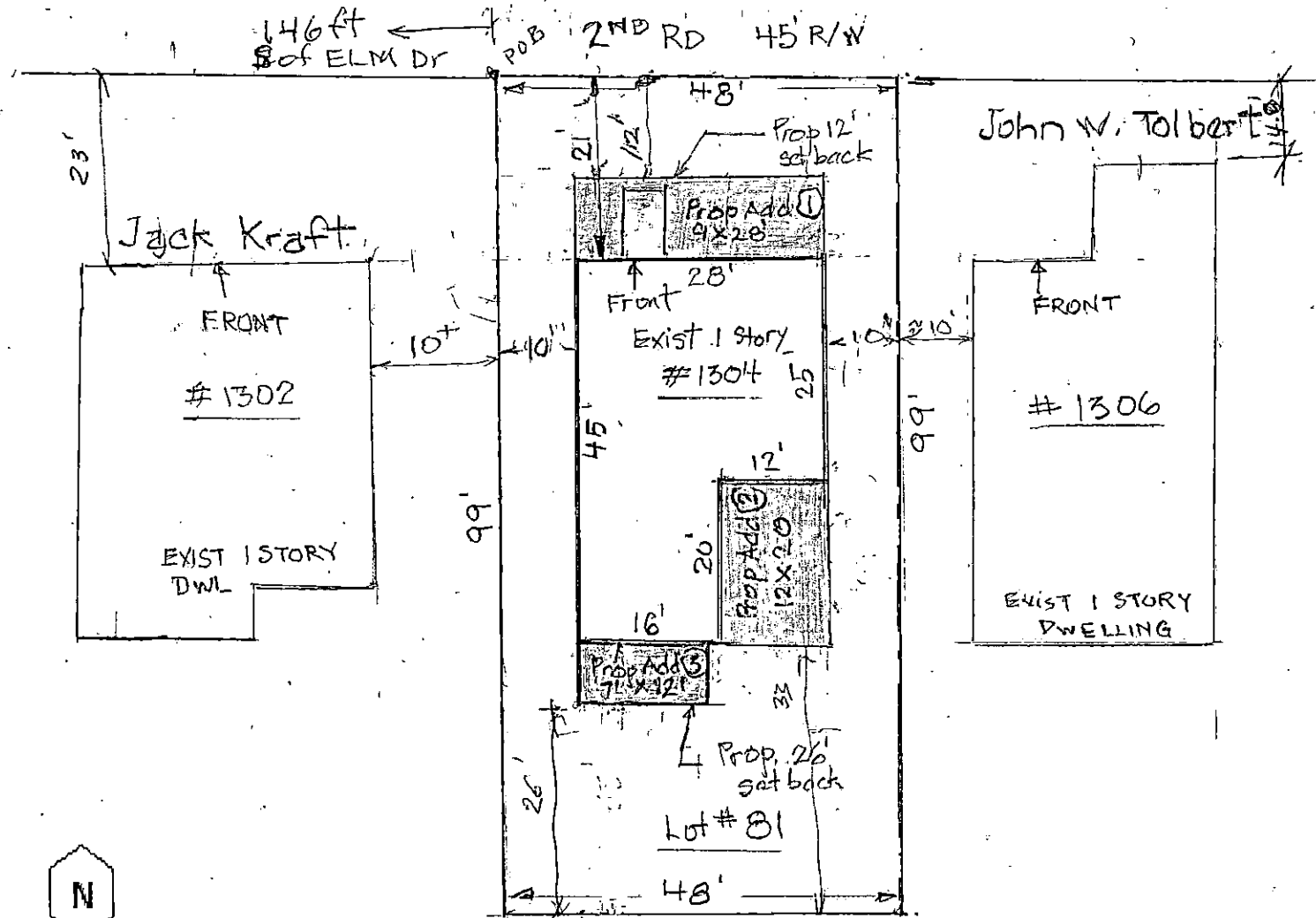
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)

ADDRESS 1304 2nd Rd, Middle River OWNER(S) NAME(S) Chaim More

SUBDIVISION NAME STANSBURY MANOR

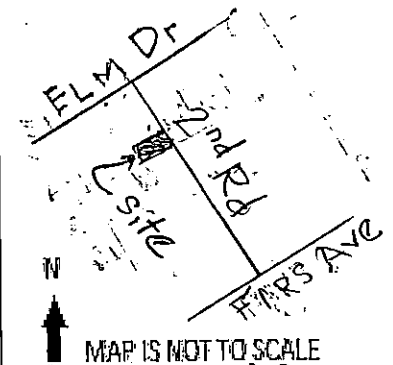
LOT # 81 ~~BLDG~~ SECTION # IV

PLAT BOOK # 13 FOLIO # 138A 10 DIGIT TAX # 1504201980 DEED REF. # 36524/00096



PLAN DRAWN BY Robin Hoory DATE 6/27/16 SCALE: 1 INCH = 20 FEET

SITE VICINITY MAP



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WATER IS:
PUBLIC X PRIVATE
SEWER IS:
PUBLIC X PRIVATE
PRIOR HEARING? NONE
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:

Petitioner No: 1