

M E M O R A N D U M

DATE: October 25, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0011-A – Appeal Period Expired

The appeal period for the above-referenced case expired on October 24, 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

(908 Middle Road)
15th Election District
6th Council District
Daniel N. Thomas
Petitioner

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2017-0011-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Daniel N. Thomas, 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 reduce the lot area to 8,637 sq. ft. in lieu of the required 10,000 sq. ft.; (2) to reduce lot width to 50 ft. in lieu of the required 70 ft.; (3) to reduce the sum of the side yards to 20 ft. in lieu of the required 25 ft.; and (4) to reduce the front yard setback to 35 ft., in lieu of the required 50 ft. A site plan was marked as Petitioner's Exhibit 1.

Landscape architect Thomas Hoff 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. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability (DEPS) and the Department of Planning (DOP). Conditions will be included in the final order to address the concerns identified by those agencies.

The subject property is approximately 8,637 square feet and is zoned DR 3.5. The property is unimproved, and Petitioner proposes to construct a single-family dwelling on the lot. To do so variance relief is required.

ORDER RECEIVED FOR FILING

Date

9/23/16

By

slh

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 lot is narrow and deep (50' x 175') and was created by the plat of Revolea Beach in 1920. 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 a dwelling on the property. 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 its ZAC comment the DOP suggested (in addition to screening, which is addressed in the order below) Petitioner provide two off-street parking spaces for Lot 74. Mr. Hoff submitted an aerial photo which shows an existing parking pad straddling Lots 74/75 (Ex. 4) which is sufficient to accommodate four vehicles. I believe this area provides enough off-street parking for both the existing home on Lot 75 and the proposed dwelling on Lot 74.

THEREFORE, IT IS ORDERED, this 23rd 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 approve a lot area of 8,637 sq. ft. in lieu of the required 10,000 sq. ft.; (2) to approve a lot width of 50 ft. in lieu of the required 70 ft.; (3) to approve a sum of side yards of 20 ft. in lieu of the required 25 ft.; and (4) to approve a front

ORDER RECEIVED FOR FILING

Date

9/23/16

By

Sen

yard setback of 35 ft., in lieu of the required 50 ft., be and is hereby GRANTED.

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.
3. Prior to issuance of permits Petitioner must provide a 6 foot high privacy fence or vegetative screening along the common lot line between Lots 75/76 in the area of the existing dwelling.

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 9/23/16
By sln



CBCA

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 908 MIDDLE ROAD

which is presently zoned DR 3.5

Deed References: 36805/237

10 Digit Tax Account # 2500013251

Property Owner(s) Printed Name(s) DANIEL N. THOMAS

(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:

N/A

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

N/A

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

DANIEL N. THOMAS

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

748 MAGO VISTA RD., ARNOLD, MD

Mailing Address

City

State

21012

Zip Code

443-449-3809

Telephone #

detomoso@cloud.com

Email Address

Representative to be contacted:

THOMAS J. HOFF

Name - Type or Print

Signature

512 VIRGINIA AVE., TOWSON, MD

Mailing Address

City

State

21286

Zip Code

410-296-3669

Telephone #

tom@thomasjhoff.com

Email Address

CASE NUMBER

2017-0011-A

Filing Date

7/13/16

Do Not Schedule Dates:

Reviewer

AT

ATTACHMENT TO PETITION FOR VARIANCES – 908 MIDDLE ROAD

ZONING RELIEF REQUESTED:

- 1) Section 1.B02.3.C.1. – Variance to reduce the lot area to 8,637 square feet in lieu of the required 10,000 square feet
- 2) Section 1.B02.3.C.1. – Variance to reduce lot width to 50 feet in lieu of the required 70 feet
- 3) Section 1.B02.3.C.1. – Variance to reduce the sum of the side yards to 20 feet in lieu of the required 25 feet
- 4) Section 303.1. – Variance to reduce the front yard setback to 35 feet in lieu of the required ~~55~~ feet

50 RPH

2017-0011-A

THOMAS J. HOFF
Landscape Architects and Land Development Consultants
512 VIRGINIA AVENUE
TOWSON, MD. 21286
410-296-3668
FAX 410-825-3887

July 13, 2016

**Description of 908 Middle Road to Accompany Petition for Variances,
15th Election District, 6th Councilmanic District**

BEGINNING FOR THE SAME at a point on the west side of Middle Road (40' R/W), 194 feet more or less south of the centerline of Revolea Beach Road (40' R/W).

Thence binding on the west side of Middle Road,

- 1) South 08 degrees 23 minutes West 50.29 feet, thence, leaving the west side of Middle Road
- 2) North 85 degrees 40 minutes West 170.04 feet, thence,
- 3) North 04 degrees 20 minutes East 50.00 feet, thence,
- 4) South 85 degrees 40 minutes East 175.45 feet, to the place of beginning.

Containing 0.20 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.



2017-0011-A



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4420924

Sold To:

Daniel Thomas - CU00558453
748 Mago Vista Rd
Arnold, MD 21012-1139

Bill To:

Daniel Thomas - CU00558453
748 Mago Vista Rd
Arnold, MD 21012-1139

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

Sep 01, 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: # 2017-0011-A	
908 Middle Road	
W/s Middle Road, 194 ft. s/of centerline of Revolea Beach Road	
15th Election District - 6th Councilmanic District	
Legal Owner(s) Daniel Thomas	
Variance: to reduce the lot area to 8,637 sq. ft. in lieu of the required 10,000 sq. ft. To reduce lot width to 50 ft. in lieu of the required 70 ft.; to reduce the sum of the side yards to 20 ft. in lieu of the required 25 ft. and to reduce the front yard setback to 35 ft. in lieu of the required 50 ft.	
Hearing: Thursday, September 22, 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.	
9/035 September 1	4420924

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

CASE NO: 2017-0011-A

PETITIONER/DEVELOPER

THOMAS J. HOFF

DATE OF HEARING/CLOSING:

9/22/16

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 CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT _____

908 MIDDLE RD

THIS SIGN(S) WERE POSTED ON September 2, 2016
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 9/2/16
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 # 2017-0011-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: THURSDAY, SEPTEMBER 22, 2016 AT 1:30 P.M.

REQUEST: VARIANCE TO REDUCE THE LOT AREA TO 8,687 SQ.
FT. TO REDUCE LOT WIDTH TO 50 FT. IN LIEU OF THE REQUIRED
70 FT.; TO REDUCE THE SUM OF THE SIDE YARDS TO 20 FT. IN
LIEU OF THE REQUIRED 25 FT. AND TO REDUCE THE FRONT
YARD SETBACK TO 35 FT. IN LIEU OF THE REQUIRED 50 FT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING DATE, CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

My sister Se 9/2/18



KEVIN KAMENETZ
County Executive

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

August 23, 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: 2017-0011-A

908 Middle Road
W/s Middle Road, 194 ft. s/of centerline of Revolea Beach Road
15th Election District – 6th Councilmanic District
Legal Owners: Daniel Thomas

Variance to reduce the lot area to 8,637 sq. ft. in lieu of the required 10,000 sq. ft. To reduce lot width to 50 ft. in lieu of the required 70 ft.; to reduce the sum of the side yards to 20 ft. in lieu of the required 25 ft. and to reduce the front yard setback to 35 ft. in lieu of the required 50 ft.

Hearing: Thursday, September 22, 2016 at 1:30 p.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: Daniel Thomas, 748 Mago Vista Road, Arnold 21012
Thomas Hoff, 512 Virginia Avenue, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, SEPTEMBER 2, 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, September 1, 2016 Issue - Jeffersonian

Please forward billing to:
Daniel Thomas
748 Mago Vista Road
Arnold, MD 21012

443-449-3809

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: 2017-0011-A

908 Middle Road

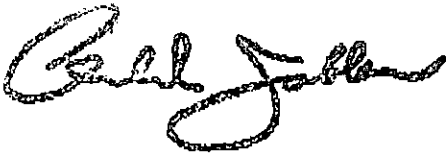
W/s Middle Road, 194 ft. s/of centerline of Revolea Beach Road

15th Election District – 6th Councilmanic District

Legal Owners: Daniel Thomas

Variance to reduce the lot area to 8,637 sq. ft. in lieu of the required 10,000 sq. ft. To reduce lot width to 50 ft. in lieu of the required 70 ft.; to reduce the sum of the side yards to 20 ft. in lieu of the required 25 ft. and to reduce the front yard setback to 35 ft. in lieu of the required 50 ft.

Hearing: Thursday, September 22, 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
908 Middle Road; W/S Middle Road,
194' S of c/line Revolea Beach Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Daniel N. Thomas
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2017-011-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 Thomas J. Hoff, 512 Virginia Avenue, 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: 2017-0011-A

Property Address: 908 MIDDLE RD

Property Description: _____

Legal Owners (Petitioners): DANIEL N. THOMAS

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: DANIEL N. THOMAS

Company/Firm (if applicable): _____

Address: 748 MAGO VISTA RD
ARNOLD, MD 21012

Telephone Number: 443-4493809

Revised 5/20/2014

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

No. **141340**
Date: **7/13/16**

PAID RECEIPT

BUSINESS ACRL TIME DCH
7/13/2016 7:15 PM 11:55 AM

REC MSOL WALKIN LDR

RECEIPT N 141340 7/13/2016 09:11

DEPT 5 528 RECORD VERIFICATION

NO. 141340

Receipt Tot 175.00

\$150.00 CI 1.00 CH

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$ 75

Total: **\$ 75**

Rec From:

THOMAS HOFF

For:

908 MIDDLE RD

2017-0011-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 14, 2016

Daniel N Thomas
748 Mago Vista Road
Arnold MD 21012

RE: Case Number: 2017-0011 A, Address: 908 Middle Road

Dear Mr. Thomas:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 13, 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
Thomas J Hoff, 512 Virginia Avenue, Towson MD 21286

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



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

Date: 7/18/16

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. 2017-0011-A

Variance
Daniel N. Thomas
908 Middle Road

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Wendy Wolcott'.

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

WW/RAZ

9-22

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: August 19, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-011

RECEIVED

AUG 22 2016

INFORMATION:

Property Address: 908 Middle Road
Petitioner: Daniel N. Thomas
Zoning: DR 3.5
Requested Action: Variance

OFFICE OF ADMINISTRATIVE HEARINGS

The Department of Planning has reviewed the petition for a variance to allow a building lot having an area of 8,637 square feet, a lot width of 50 feet, a sum of the side yards of 20 feet and a front yard setback of 35 feet in lieu of the required 10,000 square feet, 70 feet, 25 feet and 50 feet respectively.

A site visit was conducted on July 26, 2016.

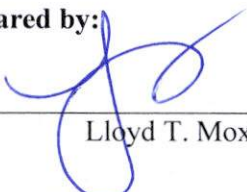
The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- Provide vegetative screening or a 6 foot high privacy fence along the common lot line with Lot 75/76 in the area of the existing dwelling.
- Provide two off street parking spaces on Lot 74.

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

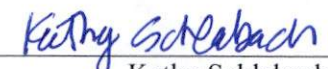
For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Josephine Selvakumar
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Thomas J. Hoff
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUL 29 2016

OFFICE OF ADMINISTRATIVE HEARINGS

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

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

DATE: July 29, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0011-A
Address 908 Middle Road
(Thomas Property)

Zoning Advisory Committee Meeting of July 25, 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 is subject to Critical Area requirements. The applicant is proposing to reduce the minimum lot width, lot size, front yard setback, and sum of the side yard setback. The lot is not waterfront, and the plan does not show any proposed dwelling or other proposed construction. Any future construction must meet all LDA requirements, including lot coverage limits, afforestation, and mitigation. In addition, there is a recorded wetland easement adjacent to the property, so there may be wetlands and associated buffer on site that could limit development. Lot coverage is limited to a maximum of 31.25% with mitigation required for any lot coverage between 25% and 31.25%. Existing and proposed lot coverage information was not provided. At this time we cannot determine if the proposal can meet all LDA, wetlands, and wetlands buffer 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 may contain wetlands and wetlands buffer. As there is no information regarding proposed development, presence of wetlands on site, lot coverage, afforestation, and mitigation, at this time we cannot determine if the associated 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: July 29, 2016

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 25, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For July 25, 2016
Item No. 2017-0005, 0007, 0008, 0011 and 0012

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\ZAC07252016.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



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

DATE: August 19, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-011

INFORMATION:

Property Address: 908 Middle Road
Petitioner: Daniel N. Thomas
Zoning: DR 3.5
Requested Action: Variance

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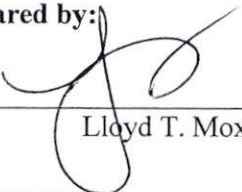
The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- Provide vegetative screening or a 6 foot high privacy fence along the common lot line with Lot 75/76 in the area of the existing dwelling.
- Provide two off street parking spaces on Lot 74.

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

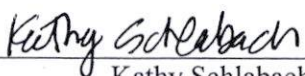
For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Josephine Selvakumar
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Thomas J. Hoff
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 29, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0011-A
Address 908 Middle Road
(Thomas Property)

Zoning Advisory Committee Meeting of **July 25, 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 is subject to Critical Area requirements. The applicant is proposing to reduce the minimum lot width, lot size, front yard setback, and sum of the side yard setback. The lot is not waterfront, and the plan does not show any proposed dwelling or other proposed construction. Any future construction must meet all LDA requirements, including lot coverage limits, afforestation, and mitigation. In addition, there is a recorded wetland easement adjacent to the property, so there may be wetlands and associated buffer on site that could limit development. Lot coverage is limited to a maximum of 31.25% with mitigation required for any lot coverage between 25% and 31.25%. Existing and proposed lot coverage information was not provided. At this time we cannot determine if the proposal can meet all LDA, wetlands, and wetlands buffer 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 may contain wetlands and wetlands buffer. As there is no information regarding proposed development, presence of wetlands on site, lot coverage, afforestation, and mitigation, at this time we cannot determine if the associated 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: July 29, 2016



KEVIN KAMENETZ
County Executive

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

ADDRESS VERIFICATION

DATE: 7/5/16

ADDRESS: 908 Middle Road

PROPERTY ID NO.: 25 00 013251

FROM: Joseph R. Chmura
Department of Permits, Approvals & Inspections
House Numbers & Street Addresses
410-887-3335
JChmura@baltimorecountymd.gov

TO: Mr. Thomas Hoff
Land Development Consultant
512 Virginia Avenue
Towson, MD 21286

The above address, in accordance with Baltimore County House Numbers and Street Addresses is located in the boundaries of Baltimore County. Please make sure you use this address with all your correspondence from this day forward. Identify your residence and/or building by posting the number on it and your mailbox.

This official address is important not only for proper mail deliveries, but also for our Public Safety Agencies to ensure they can locate you in case of an emergency.

Please contact me if you need anything further.

2017-0011-A

A-1100 - 7103

DATE 9-22-2016

TOM@THOMASUTOFF.COM.

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment7/25DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)N/C7/29DEPS
(if not received, date e-mail sent _____)C8/19

FIRE DEPARTMENT

no obj
w/ conditions7/18PLANNING
(if not received, date e-mail sent _____)no Obj

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

9/1/16

SIGN POSTING

Date:

9/2/16

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 - 2500013251			
Owner Information					
Owner Name:	THOMAS DANIEL N		Use:	RESIDENTIAL NO	
Mailing Address:	748 MAGO VISTA RD ARNOLD MD 21012-1139		Principal Residence:	Deed Reference: /36805/ 00237	
Location & Structure Information					
Premises Address:			Legal Description:		LT 74 .198 AC MIDDLE RD REVOLEA BEACH
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref: 0005/0067
0091	0021	0145		0000	74 2015
Special Tax Areas:			Town:		NONE
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area		Property Land Area 8,647 SF
					County Use 04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value As of 01/01/2015		Phase-in Assessments As of 07/01/2016 As of 07/01/2017
Land:		89,600	89,600		
Improvements		0	0		
Total:		89,600	89,600		89,600 89,600
Preferential Land:		0			0
Transfer Information					
Seller: THOMAS DANIEL N		Date: 10/27/2015		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /36805/ 00237		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 \(http://sdat.dat.maryland.gov/RealProperty/\)](http://sdat.dat.maryland.gov/RealProperty/)District: **15** Account Number: **2500013251****A map was not found for this property.**

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>).

908 Middle Road

Case No.: 2017-0011

Exhibit Sheet

Petitioner/Developer

Protestant

19w 10-25-16

9-23-16
slh

No. 1	plan	
No. 2	aerial photo	
No. 3	plan w/ footprint of proposed dwelling	
No. 4	aerial photo showing existing parking pad	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

EX.
GARAGE

LOT 73
900 MIDDLE RD.
JOEY BAUER
DEED REF 23154/580
TAX #2400010002

DR 3.5

POB

194'± TO THE CL
REVOLVING BEACON

102'±

S85°40'E 175.45'

MORTAR

YSZAK
28/502
30

EX. SHED

N04°20'E 50.00'

LOT 74
908 MIDDLE RD.

PROP.
DWLG.

GAR

35'
SEE VARIANCE #4

N85°40'W 170.04'

EX. SHED HAS BEEN
REMOVED
EX. SHED

EX.
ENCLOSED
PORCH

EX. PARKING
PAD

LOT 75

EX. 2 STY. DWLG.

EX. OPEN
PORCH

MORTAR RD.
PORCELLA
15751/061
000110

SHED

LOT 76

910 MIDDLE RD.

DANIEL THOMAS
DEED REF 36805/231
TAX #1505150020

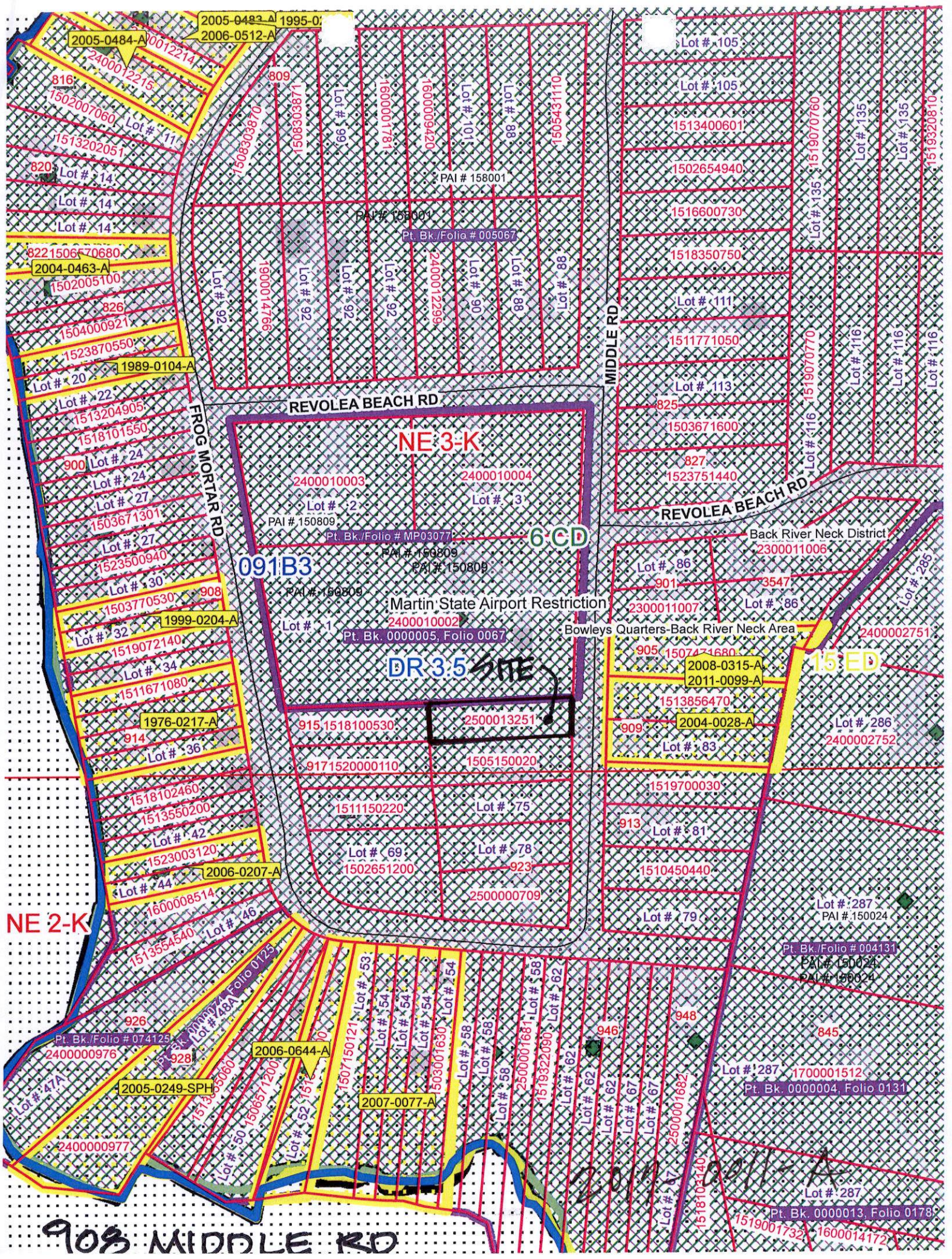
LOT 70
1 FROG MORTAR RD.
TIN LINKOWICH
DEED REF 37201/010

PREPARED BY:
THOMAS J. HOFF
512 VIRGINIA AVE.
TOWSON, MD 21286
410-296-3669



PRELIMINARY SITE PLAN
908 MIDDLE ROAD
SCALE: 1"=30'
DATE: 8/2/16

#3





My Neighborhood Map

#4

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.

Printed 5/26/2015



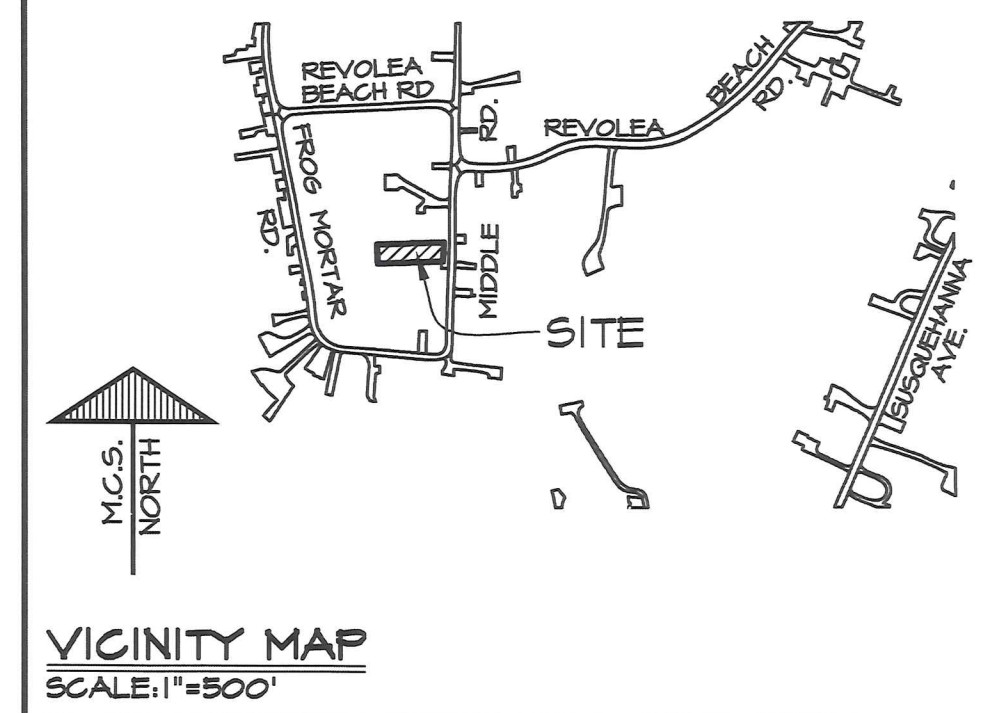
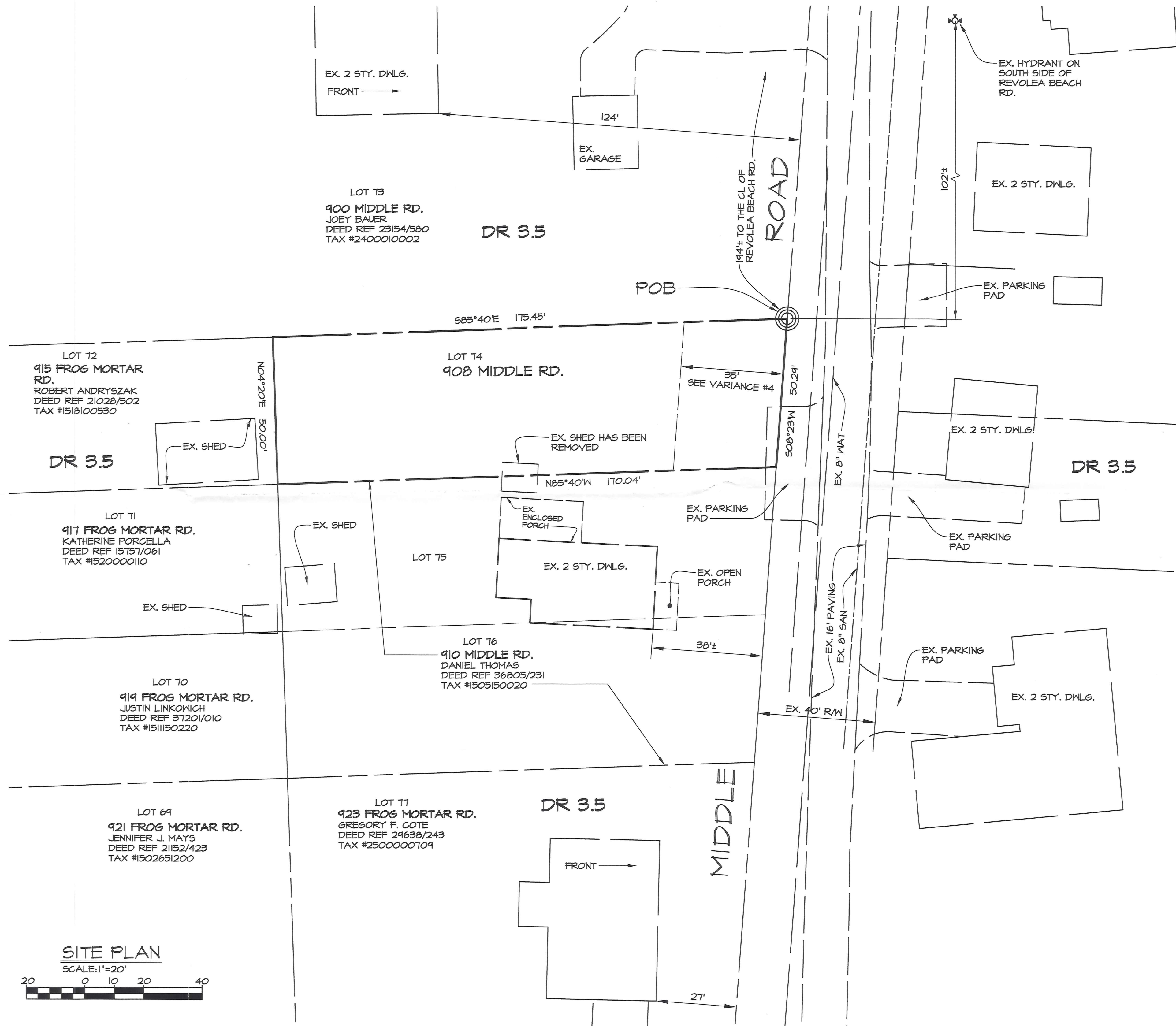
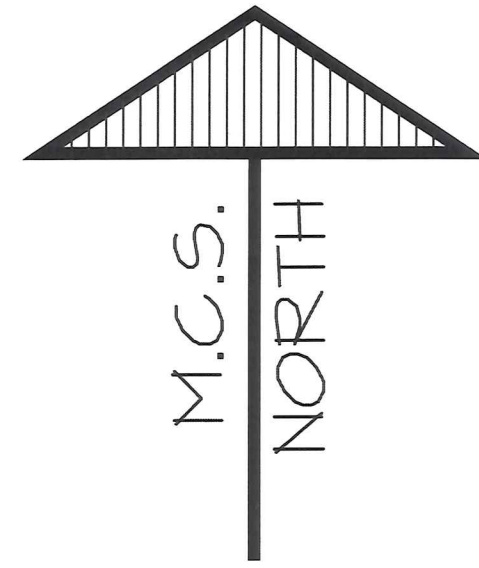
My Neighborhood Map
Ex. 2

Created By
Baltimore County
My Neighborhood



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Printed 9/22/2016



SITE DATA:
SITE AREA - GROSS 0.22 AC±, 9,637 SF±
SITE AREA - NET 0.20 AC±, 8,637 SF±
ZONING MAPS 091B3
EXISTING ZONING DR 3.5
EXISTING USE VACANT
PROPOSED USE SINGLE FAMILY DETACHED

OWNER:
DANIEL N. THOMAS
749 MAGO VISTA RD.
ARNOLD, MD 21012
DEED REF 36805/237
TAX #2500013251
MAP 91, GRID 21, PARCEL 145

ZONING CASE HISTORY:
THERE ARE NO PRIOR ZONING CASES ON THIS PROPERTY.

- GENERAL NOTES:**
1. PROPERTY IS IN THE CHESAPEAKE BAY CRITICAL AREA.
 2. THERE IS NO 100 YEAR FLOODPLAIN ON SITE.
 3. THERE ARE NO HISTORIC STRUCTURES LISTED ON THE HISTORIC INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ON SITE.
 4. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.
 5. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
 6. BEARINGS AND DISTANCES SHOWN HEREON TAKEN FROM DEEDS AND PLATS.
 7. TOPOGRAPHIC INFORMATION SHOWN HEREON TAKEN FROM BALTIMORE COUNTY GIS.
 8. THERE ARE NO PRIOR CRG OR DEVELOPMENT PLANS ON THIS PROPERTY.
 9. THERE ARE NO BASIC SERVICES ISSUES ON THIS PROPERTY.

- ZONING RELIEF REQUESTED:**
1. SECTION 1B02.3.C.1. - VARIANCE TO REDUCE THE LOT AREA TO 8,637 SF IN LIEU OF THE REQUIRED 10,000 SF
 2. SECTION 1B02.3.C.1. - VARIANCE TO REDUCE THE LOT WIDTH TO 50' IN LIEU OF THE REQUIRED 70'
 3. SECTION 1B02.3.C.1. - VARIANCE TO REDUCE THE SUM OF THE SIDE YARDS TO 20' IN LIEU OF THE REQUIRED 25'
 4. SECTION 303.1. - VARIANCE TO REDUCE THE FRONT YARD SETBACK TO 35' IN LIEU OF THE REQUIRED 55'

2017-0011-A

PLAN TO ACCOMPANY PETITION FOR VARIANCES 908 MIDDLE ROAD AKA LOT 74, REVOLEA BEACH PLAT 05/67 15th ELECTION DISTRICT, 6th COUNCILMANIC, BALTIMORE COUNTY, MD	
THOMAS J. HOFF LAND DEVELOPMENT CONSULTANTS LANDSCAPE ARCHITECTS 512 VIRGINIA AVENUE TOWSON, MARYLAND 21286 410-296-3668 FAX 410-225-3887	SCALE: AS SHOWN DATE: 07/13/16 JOB NO.: 0652-01 DESIGNED: TJH DRAWN: TJH
REVISIONS: Ex. 1	DRAWING NUMBER: 2P-1 SHEET 1 OF 1
THIS DRAWING WAS MADE IN THE USA	

