

MEMORANDUM

DATE: October 25, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0012-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

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

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2017-0012-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) to reduce the minimum side yard to 7 ft. in lieu of the required 10 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).

The subject property is approximately 16,482 square feet and is zoned DR 3.5. The property is improved with a single-family dwelling constructed in 1952. The dwelling is situated on Lots 75 & 76 of the plat of Rovelea Beach, recorded in 1920. Petitioner also owns Lot 74, which was the subject of Case No. 2017-0011-A, a companion case combined for hearing with the present matter. The relief sought herein is required only because the Petitioner proposes to construct a dwelling on Lot 74, which will render the existing side yard deficient; i.e., it would no

ORDER RECEIVED FOR FILING

Date

By

9/23/16

Den

longer be an "internal" lot line.

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 long-existing site conditions and improvements. As such the property is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because he would be required to raze or relocate the existing dwelling. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of Baltimore County and/or community opposition.

In its ZAC comment the DOP suggested Petitioner provide two off-street parking spaces or demonstrate that the current parking arrangement does not pose safety or traffic concerns. As noted in Case No. 2017-0011-A, a paved area exists which is sufficient for both the existing home at 910 Middle Road and the proposed home at 908 Middle Road. Mr. Hoff explained this is a community street which has only a small volume of traffic, and I believe the existing parking arrangement is sufficient and will not have a detrimental impact on the community.

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.") to reduce the minimum side yard to 7 ft. in lieu of the required 10 ft., be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date

9/23/16

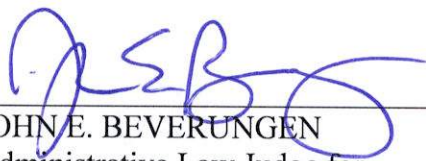
By

Del

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:slh

ORDER RECEIVED FOR FILING

Date

9/23/16

By

slh

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 910 Middle Road to Accompany Petition for Variance,
15th Election District, 6th Councilmanic District**

BEGINNING FOR THE SAME at a point on the west side of Middle Road (40' R/W), 244 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 100.58 feet, thence, leaving the west side of Middle Road
- 2) North 85 degrees 40 minutes West 159.22 feet, thence,
- 3) North 04 degrees 20 minutes East 100.00 feet, thence,
- 4) South 85 degrees 40 minutes East 170.04 feet, to the place of beginning.

Containing 0.38 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.



2017-0012-A



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 910 MIDDLE ROADwhich is presently zoned DR 3.5Deed References: 36805/23110 Digit Tax Account # 1505150020Property 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. X a **Variance** from Section(s)

SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

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 / 443-449-3809 / detomosa@cloud.com

Zip Code Telephone # Email Address

Representative to be contacted:

THOMAS J. HOFF

Name - Type or Print

Signature

512 VIRGINIA AVE., TOWSON, MD

Mailing Address City State

21286 / 410-296-3669 / tom@thomasjhoff.com

Zip Code Telephone # Email Address

CASE NUMBER

2017-0012-A

Filing Date

7/3/16

Do Not Schedule Dates:

Reviewer

AT

ATTACHMENT TO PETITION FOR VARIANCE – 910 MIDDLE ROAD

ZONING RELIEF REQUESTED:

Section 1.B02.3.C.1. – Variance to reduce the minimum side yard to 7 feet in lieu of the required 10 feet

2017-0012-A

A-8100 - 7105



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 4420919

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

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: # 2017-0012-A
910 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 minimum side yard to 7 feet in lieu of the required 10 feet.

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.

9/030 September 1 4420919

CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

CASE NO: 2017-0012-4

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 _____

910 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 # 2017-0012-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: ROOM 205, JEFFERSON BUILDING 105
WEST CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: THURSDAY, SEPTEMBER 21, 2016 AT 1:30 P.M.

REQUEST:

VARIANCE TO REDUCE THE MINIMUM SIDE YARD TO 7 FEET
IN LIEU OF THE REQUIRED 10-FEET.

PLACEMENTS DUE TO NO ACTION OR NO FOUNDATIONS AND REMOVED NEIGHBORS
TO CLARIFY AND CALL 301-733-7333

DO NOT REMOVE THIS SIGN AND ONLY ONE DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

ryan S 9/2/16



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: 2017-0012-A

910 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 minimum side yard to 7 feet in lieu of the required 10 feet.

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 dark ink, appearing to read "Arnold Jablon", is written over a faint, circular official stamp.

Arnold Jablon
Director

AJ:kl

C: Daniel Thomas, 740 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: 2017-0012-A

910 Middle Road

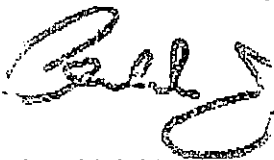
W/s Middle Road, 194 ft. s/of centerline of Revolea Beach Road

15th Election District – 6th Councilmanic District

Legal Owners: Daniel Thomas

Variance to reduce the minimum side yard to 7 feet in lieu of the required 10 feet.

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

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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
908 Middle Road; W/S Middle Road,
244' 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
* 2017-012-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

JUL 19

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/neighbors 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: 2017-0012-A

Property Address: 910 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: 443-449-3809

Revised 5/20/2014

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

No. **141341**

Date: **7/13/16**

PAID RECEIPT

BUSINESS ACTUAL TIME DESK
 7/14/2016 TUESDAY 11:12:46 1

RECEIPT # 141341
 5 SEC COUNTY VERIFICATION

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

Total: **\$75**

Rec From:

THOMAS HOFFE

For:

910 MIDDLE RD

2017-0012-A

Receipt Tot \$75.00
 \$150.00 CB \$1.00 CB
 Baltimore County, Maryland

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: 2017-0012 A, Address: 910 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. 2017-0012-A

Variance
Daniel N. Thomas
910 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 'Richard Zeller', is written over the word 'Sincerely,'.

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: 17-012

RECEIVED

AUG 22 2016

INFORMATION:

Property Address: 910 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 permit a side yard of 7 feet in lieu of the required 10 feet.

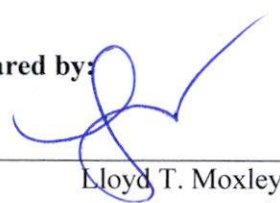
A site visit was conducted on July 26, 2016.

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

- Provide two off street parking spaces on Lot 75/76 or in the alternative demonstrate to the satisfaction of the Administrative Law Judge that the current parking arraignment does not have adverse impacts on traffic and safety.

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
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 25, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0012-A
Address 910 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 requesting to allow reduced side yard setbacks for an existing dwelling. No new development activities are proposed. It is not waterfront and lot coverage information was not provided. For any new construction, the applicant must address the LDA lot coverage requirement and the 15% afforestation requirement. If these LDA requirements are met, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

The lot is developed with an existing dwelling, is not waterfront and there are no habitat protection areas on site. Therefore, fish, plant, and wildlife habitat in the Chesapeake Bay will be conserved.

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;

The lot is not waterfront and there are no habitat protection areas on site. No new development is proposed. If the LDA lot coverage and 15% afforestation requirements are met, the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: July 29, 2016

RECEIVED

JUL 25 2016

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
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Reviewer: Regina Esslinger

Date: July 22, 2016

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

DATE: July 25, 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\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: 17-012

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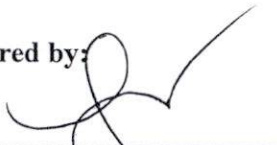
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Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Josephine Selvakumar
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

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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 requesting to allow reduced side yard setbacks for an existing dwelling. No new development activities are proposed. It is not waterfront and lot coverage information was not provided. For any new construction, the applicant must address the LDA lot coverage requirement and the 15% afforestation requirement. If these LDA requirements are met, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

The lot is developed with an existing dwelling, is not waterfront and there are no habitat protection areas on site. Therefore, fish, plant, and wildlife habitat in the Chesapeake Bay will be conserved.

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;

The lot is not waterfront and there are no habitat protection areas on site. No new development is proposed. If the LDA lot coverage and 15% afforestation requirements are met, the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: July 29, 2016

C H E C K L I S T

**Comment
Received**

Department

**Support/Oppose/
Conditions/
Comments/
No Comment**

7/25

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

N/C

7/25

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

C

FIRE DEPARTMENT

8/19

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

no obj
w/ conditions

7/18

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: 9-1-10

SIGN POSTING

Date: 9-2-10 by Cyle

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

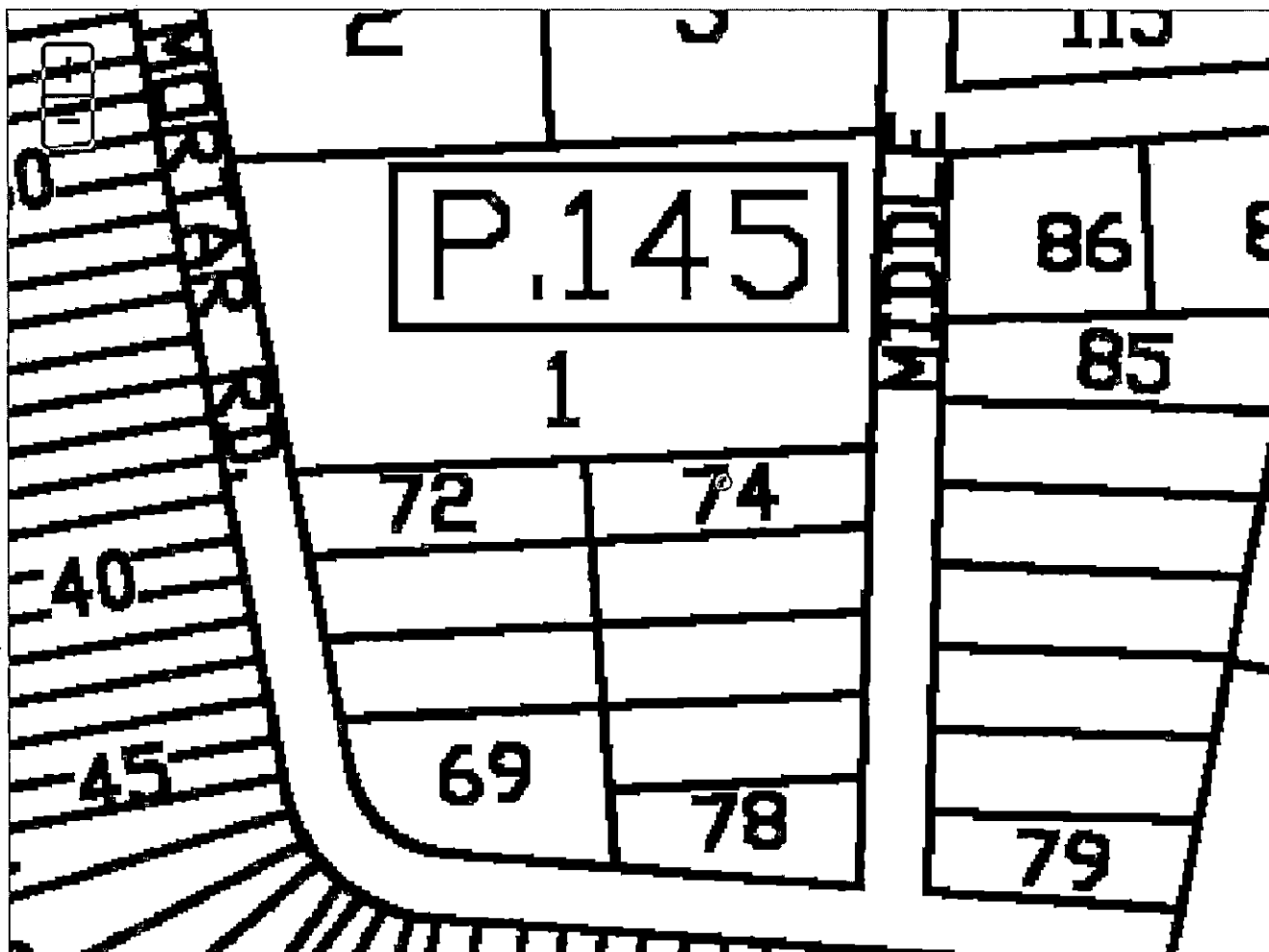
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1505150020			
Owner Information					
Owner Name:		THOMAS DANIEL N		Use:	
Mailing Address:		748 MAGO VISTA RD ARNOLD MD 21012-1139		Principal Residence:	
				Deed Reference:	
				RESIDENTIAL NO /36805/ 00231	
Location & Structure Information					
Premises Address:		910 MIDDLE RD 0-0000		Legal Description:	
				IMPS .378 AC LTS 75 & 76 910 MIDDLE RD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0091	0021	0145		0000	75
				Assessment Year:	Plat No:
				2015	0005/0067
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	
1952		1,764 SF		16,482 SF	
				Property Land Area	
				04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1 1/2	NO	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:		125,600	125,600		
Improvements		71,400	53,000		
Total:		197,000	178,600	178,600	178,600
Preferential Land:		0			0
Transfer Information					
Seller: MYLANDER BALTIMORE LLC		Date: 10/27/2015		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /36805/ 00231		Deed2:	
Seller: ECKERT BERNARD E JR		Date: 09/29/2014		Price: \$147,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /35412/ 00280		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: 15 Account Number: 1505150020



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>).

910 Middle Road

Case No.:

2017-0012-A

Exhibit Sheet

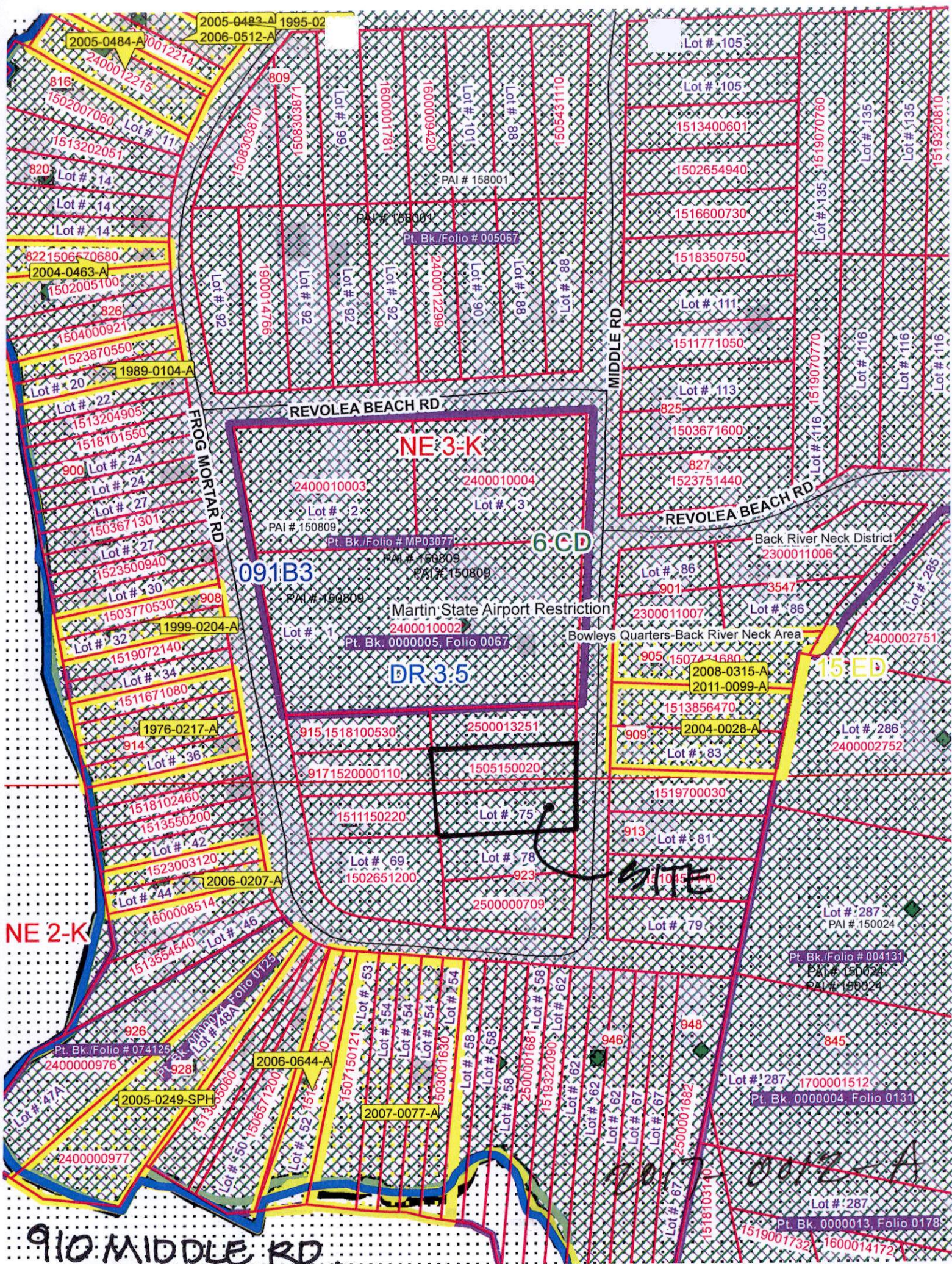
9-23-16
Sen

Petitioner/Developer

PJ
10-25-16

Protestant

No. 1	plan	
No. 2	photos of property	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



NE 2-K

NE 3-K

091B3

6-CD

DR 3.5

15-ED

SITE

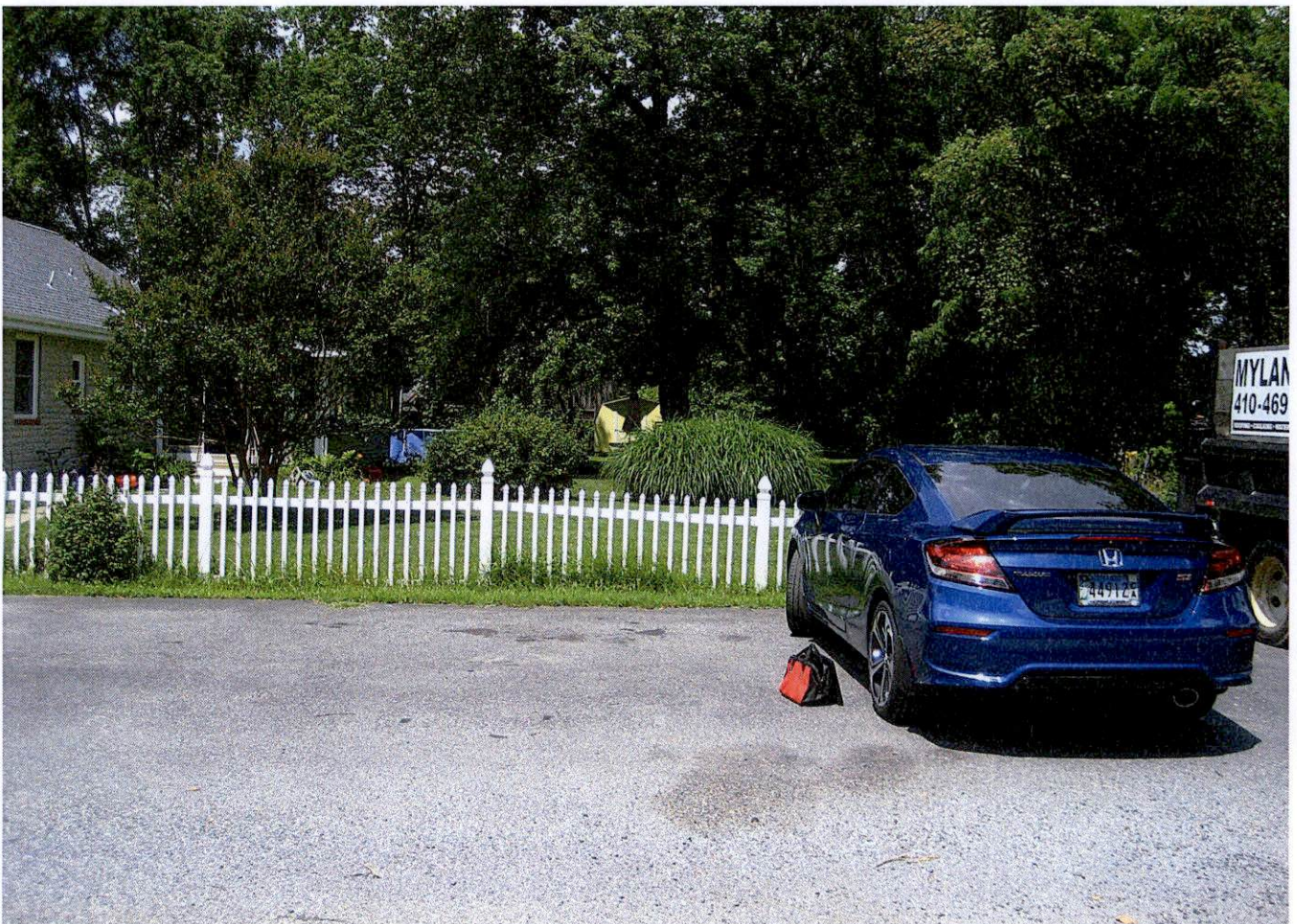
910 MIDDLE RD

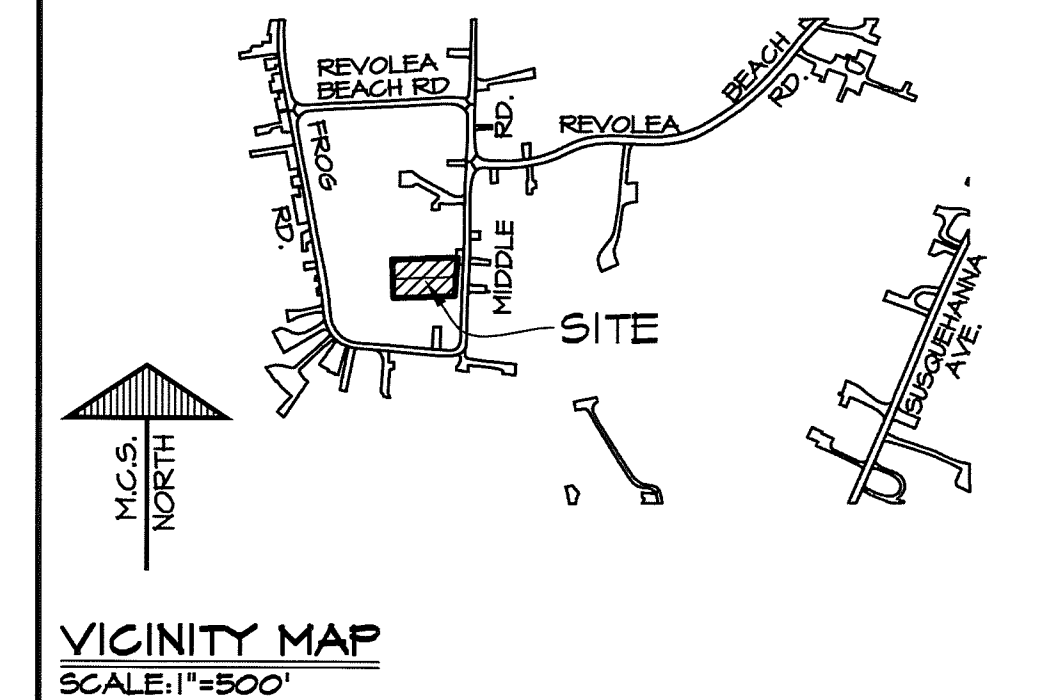
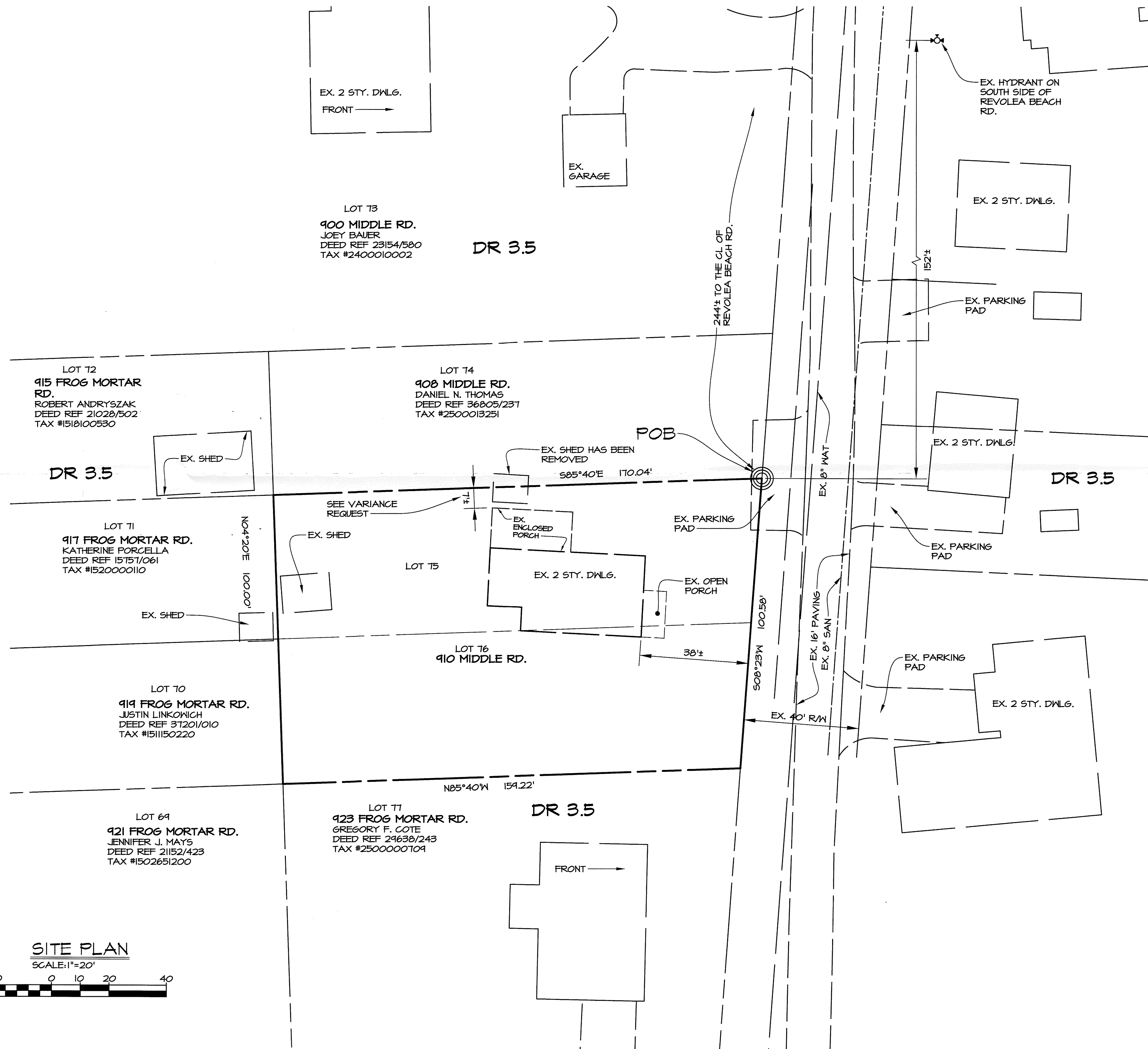
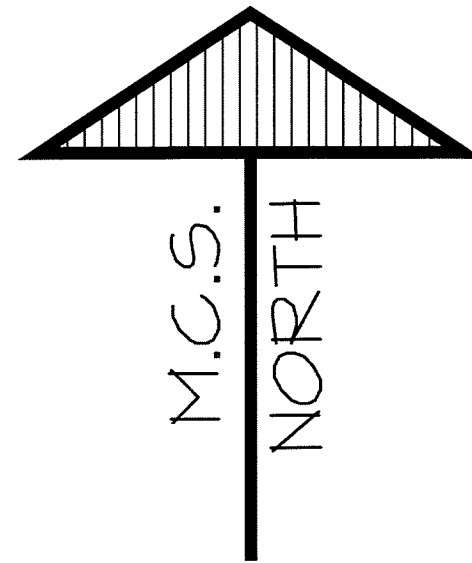
2017-0012



EX. 7







SITE DATA:
SITE AREA - GROSS 0.40 AC±, 17,463 SF±
SITE AREA - NET 0.38 AC±, 16,463 SF±
ZONING MAPS 041B3
EXISTING ZONING DR 3.5
EXISTING USE VACANT
PROPOSED USE SINGLE FAMILY DETACHED

OWNER:
DANIEL N. THOMAS
748 MAGO VISTA RD.
ARNOLD, MD 21012
DEED REF 36805/231
TAX #2500013251
MAP 91, GRID 21, PARCEL 145

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

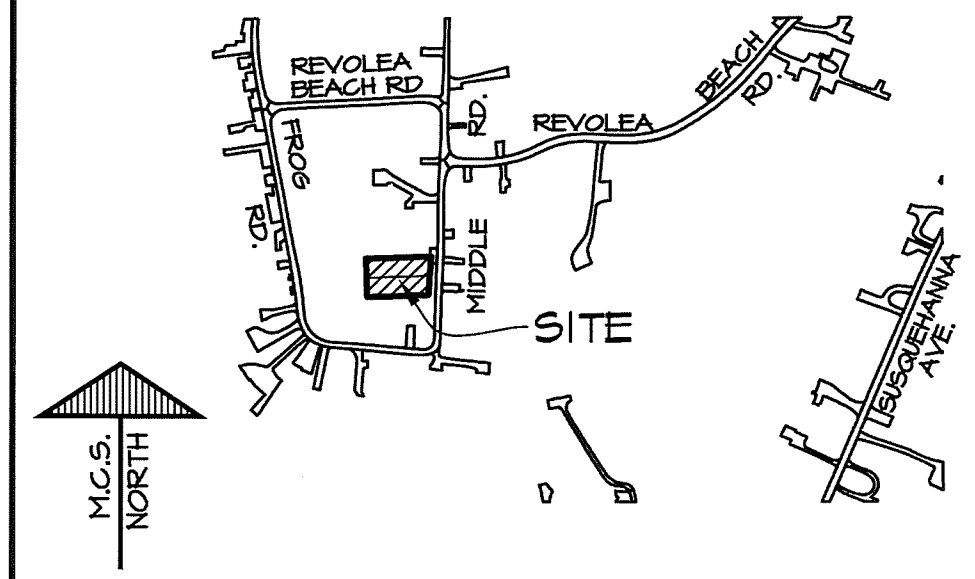
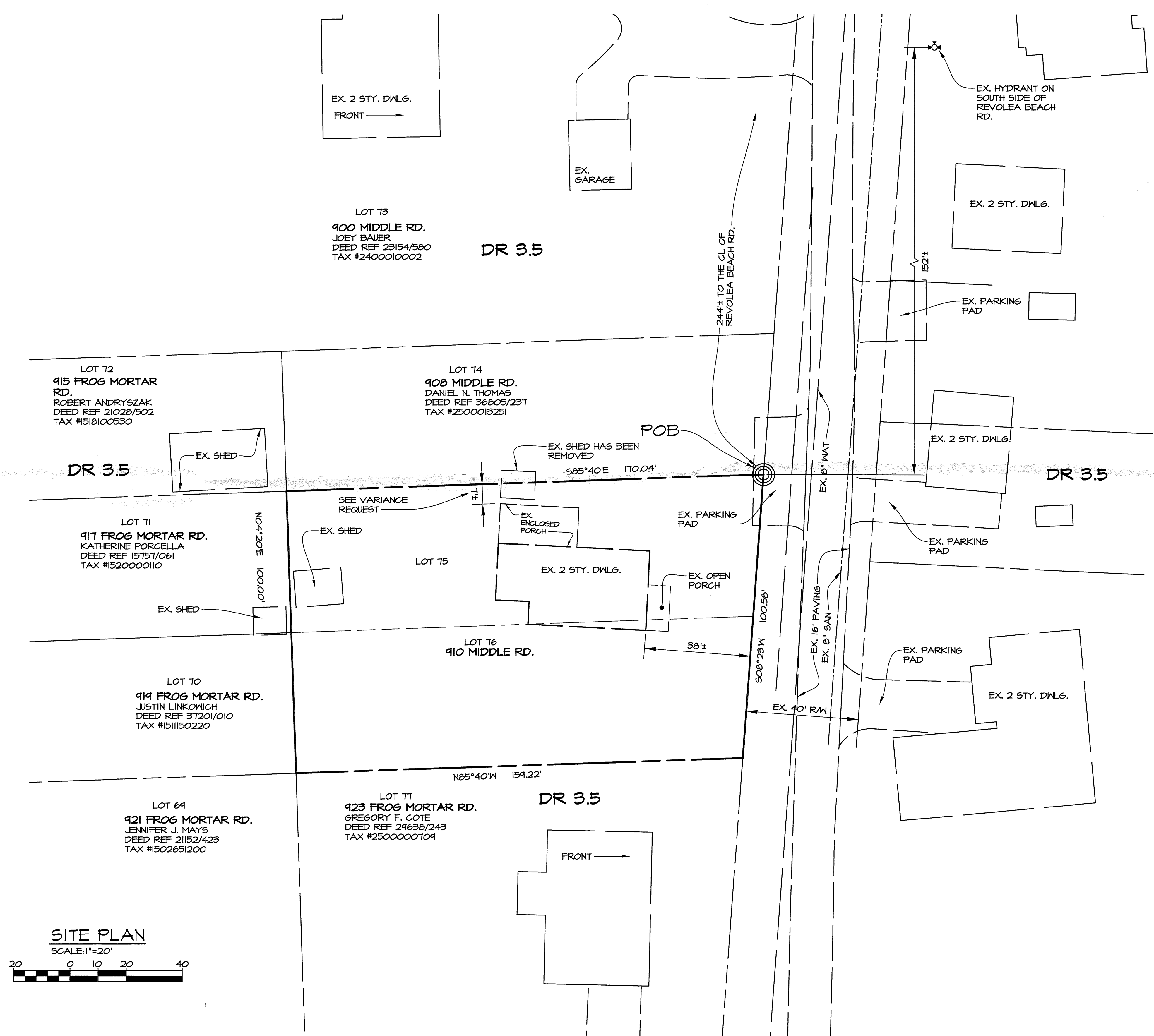
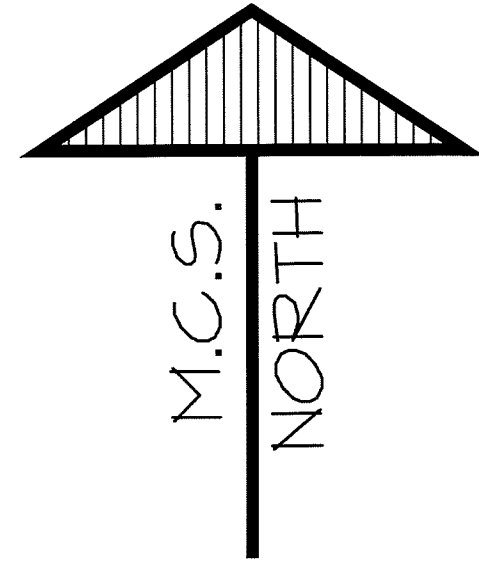
GENERAL NOTES:
1. PROPERTY IS IN THE CHESAPEAKE BAY CRITICAL AREA.
2. THERE IS NO 100 YEAR FLOODPLAIN ON SITE.
3. THERE ARE NO HISTORIC STRUCTURES LISTED ON THE HISTORIC INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ON SITE.
4. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.
5. PROPERTY 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 CR6 OR DEVELOPMENT PLANS ON THIS PROPERTY.
9. THERE ARE NO BASIC SERVICES ISSUES ON THIS PROPERTY.

ZONING RELIEF REQUESTED:
1. SECTION 18023.C.1 - VARIANCE TO REDUCE THE MINIMUM SIDE YARD TO 7' IN LIEU OF THE REQUIRED 10'

2017-0012-A

PLAN TO ACCOMPANY PETITION FOR VARIANCE 910 MIDDLE ROAD AKA LOTS 75 & 76, 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 410-825-3887	SCALE: AS SHOWN DATE: 07/13/16 JOB NO.: 0652-01 DESIGNED: TJH DRAWN: TJH
REVISIONS: Ex. 1	DRAWING NUMBER: ZP-1 SHEET 1 OF 1
THIS DRAWING WAS MADE IN THE USA	





VICINITY MAP
SCALE: 1"=500'

SITE DATA:
SITE AREA - GROSS 0.40 AC±, 17,463 SF±
SITE AREA - NET 0.38 AC±, 16,463 SF±
ZONING MAPS 091B3
EXISTING ZONING DR 3.5
EXISTING USE VACANT
PROPOSED USE SINGLE FAMILY DETACHED

OWNER:
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DEED REF 36805/231
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MAP 91, GRID 21, PARCEL 145

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2017-0012-A

PLAN TO ACCOMPANY PETITION FOR VARIANCE
910 MIDDLE ROAD
AKA LOTS 75 & 76, 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 410-825-3887

REVISIONS:
DRAWING NUMBER:

2P-1

THIS DRAWING WAS MADE IN THE USA

