MEMORANDUM

DATE: September 22, 2016

TO: Zoning Review Office

FROM: Office of Administrative Hearings

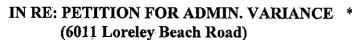
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RE: Case No. 2017-0018-A - Appeal Period Expired

The appeal period for the above-referenced case expired on September 21, 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



11th Election District
6th Council District
Kersten P. & Tora C. Von Jacob

Kersten R. & Tara C. Von Jacobi Petitioners BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0018-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Kersten R. & Tara C. Von Jacobi ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 1A01.3.B.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit an addition to an existing single family dwelling creating side yard setbacks as close as 10 ft. in lieu of the minimum required 35 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The property is located within the Chesapeake Bay Critical Area (CBCA) and is subject to Critical Area requirements as noted in the ZAC comment dated July 29, 2016 submitted by the Department of Environmental Protection and Sustainability (DEPS). In addition, a ZAC comment was received from the Bureau of Development Plans Review (DPR) indicating that prior to permit application, Petitioners must contact the Office of the Director of Public Works to determine the flood protection elevation.

ORDER RE	CEIVED FOR FILING	
Date	8-22-16	
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The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 30, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this <u>22nd</u> day of August, 2016, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1A01.3.B.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit an addition to an existing single family dwelling creating side yard setbacks as close as 10 ft. in lieu of the minimum required 35 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

Petitioners may apply for necessary permits and/or licenses upon receipt of this
Order. However, Petitioners are hereby made aware that proceeding at this time is
at their 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, Petitioners
would be required to return the subject property to its original condition.

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Date	8	22-16
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• Petitioners must comply with the ZAC comments from DEPS and DPR; copies of which are attached hereto and made a part hereof.

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

JOHNE. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

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Date	8-22-16	
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RECEIVED

Inter-Office Correspondence

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

2017-0018-A

Address

6011 Loreley Beach Road

(Jacobi Property)

Zoning Advisory Committee Meeting of July 25, 2016.

EPS has reviewed the subject zoning petition for compliance with the goals of the Statemandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is proposing to construct an addition with less side yard setback than permitted. The addition is not within the 100-foot buffer. The lot is waterfront, and the proposed addition must meet all LDA requirements, including lot coverage limits and afforestation. Existing and proposed lot coverage information will be below the 25% limit. 5 trees are required to meet the afforestation requirement. If the afforestation requirement can be met, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront. If the afforestation requirement will be met, then that will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

ORDER RECEIVED FOR FILING

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By	

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;

If the afforestation requirement can be met, then the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger Date: July 29, 2016

ORDER RECEIVED FOR FILING

By______bu



Rev 3/09

Petition for Administrative Variance



GROER RECEIVED FOR FILING

to the Zoning Commissioner of Baltimore County for the property located at 6011 Loreley Beach Road, White March, MD 21162

which is presently zoned __RC 2

Deed Reference: <u>37638</u> _ /<u>00362</u> Tax Account # _<u>1116045750</u> _ _ _

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Section 1A01.3.B.3 – to permit an addition to an existing single family dwelling creating side yard setbacks as close as 10 feet in lieu of the minimum required 35 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above Administrative Variance, 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.

Name - Type or Print Signature Address Telephone No. Signature Tara Chi Name - Type or I Name - Type or	ristine Von Jacobi	the property which
Name - Type or Print Signature Signature Tara Chr Name - Type or Print Tolephone No. City State Zip Code Attorney For Petitioner: Address Kersten R Name Name Signature Tara Chr Name - Type or Patitioner 6011 Lorele Address	ristine Von Jacobi	
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City State Zip Code Signature 6011 Lorele Address		
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White Mars	sh MD	Telephone No. 21162
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Representa	ative to be Contacted:	
Signature		
Carl Dy	hrberg	
Company	L. DI	
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Address Telephone No. Address	MD	Telephone No.
Towso		21286
City State Zip Code City	State	Zip Code

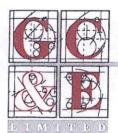
Estimated Posting Date

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. Loreley Beach Road 6011 That the Affiant(s) does/do presently own and reside at Address number Road or Street name and that this address is the subject of this variance request as required by law. That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate the hardship or practical difficulty; attach an additional sheet if needed) We wish to construct a 17' x 19' attached Master Bedroom Suite to the side of our existing residence that was constructed in 1951. At present there is a 19' x 7' indentation to the side and rear of our residence and the proposal will practically and aesthetically provide an infill to this space. The present side yard setback is some 27' at its closest point and after the addition has been completed, this measurement will be some 10'. This hardship is peculiar to our property in contrast with other neighboring properties in the zoning district it being a single lot in width as opposed to the two lot width of the majority of our neighbors and is not the result of our own actions. Failure to grant this request for a variance would also result in our inability to make a reasonable use of our property. That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information. Signature Kersten Ryan Von Jacobi Tara Christine Von Jacobi Name- print or type Name- print or type A Notary Public must complete the following section prior to the filing appointment. STATE OF MARYLAND, BALTIMORE COUNTY, to wit: I HEREBY CERTIFY, this 13th day of July, 2016, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared: (Name Affiant(s) here): Kersten R. von Jacobi and Tasa L. von Jacobi the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s). AS WITNESS my hand and Notarial Seal Name of Notary Public Commission expires PLACE SEAL HERE:

FRM476_09

Item # 0018 Rev 3109



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

July 13, 2016

ZONING PROPERTY DESCRIPTION FOR 6011 LORELEY BEACH ROAD

Beginning at a point on the south side of Loreley Beach Road, which is 30 feet wide, at the distance of 175 feet, more or less, east of the centerline of North Loreley Beach Road, which is 30 feet wide, being Lot 58 in the subdivision of "Plat No. 1, Loreley Beach" as recorded in Baltimore County Plat Book L.McL.M. No. 10, folio 8, containing 15,760 square feet or 0.362 acres of land, more or less, located in the 11th Election District and 5th Council District.

6th



License expires/renews 2/26/17

Item #0018

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 7/31/2016

Case Number: 2017-0018-A

Petitioner / Developer: KERSTEN RYAN VON JACOBI

CARL DYHRBERG of C.D. DESIGN CONSULTANTS

Date of Hearing (Closing): AUGUST 15, 2016

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 6011 LORELEY BEACH ROAD

The sign(s) were posted on: JULY 30, 2016



Linda O Keife
(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 2017- 0018 -A Address 6011 Loreley Beach Rd
Case Number 2017- 0018 -A Address 6011 Loreley Beach Rd Contact Person: Planner, Please Print Your Name Filing Date: 7/18/16 Posting Date: 7/31/16 Closing Date: 8/15/1
Filing Date: 7/18/16 Posting Date: 7/31/16 Closing Date: 8/15/1
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. POSTING/COST : The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 2017- 0018 -A Address 6011 Loveley Beach Rd
Petitioner's Name Kersten Kyan Von Jacobi Telephone 443 861 0490
Posting Date: 7/31/16 Closing Date: 8/15/16
Wording for Sign: To Permit an addition to an existing single family
dwelling creating side yard setbacks as close as 10 feet

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 2017-0018-A
Property Address: 6011 Loveley Beach Rd
Property Description: <u>south side of Loveley Beach</u> Rd, 175'
east of North Lordley Beach Rd
Legal Owners (Petitioners): Kersten Ryan Von Jacobi
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:
Name: Kerstly you LACOBI
Company/Firm (if applicable):
Address: 6011 LORELEY BEACH KOAD
NHITE MARSH ND 21162
í.
Telephone Number: 443 8610490

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KEVIN KAMENETZ County Executive

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

August 16, 2016

Kersten Ryan Von Jacobi Tara Christine Von Jacobi 6011 Loreley Beach Road White Marsh MD 21162

RE: Case Number: 2017-0018 A, Address: 6011 Loreley Beach Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 18, 2016. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: iaw

Enclosures

c: People's Counsel Carl Dyhrberg, 1619 Mussula Road, Towson MD 21286



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. 2017 -0018

Committee approval of Case No. 2017-0018-A

Administrative Variance

Kersten Zyan Von Facobi

Coll Loreley Beach Road.

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

Sincerely,

Wendy Wolcott, PLA

Acting Metropolitan District Engineer - District 4

Lichard A felle

Baltimore & Harford Counties

WW/RAZ

AU 8-15-16

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

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

2017-0018-A

Address

6011 Loreley Beach Road

(Jacobi Property)

Zoning Advisory Committee Meeting of July 25, 2016.

EPS has reviewed the subject zoning petition for compliance with the goals of the Statemandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is proposing to construct an addition with less side yard setback than permitted. The addition is not within the 100-foot buffer. The lot is waterfront, and the proposed addition must meet all LDA requirements, including lot coverage limits and afforestation. Existing and proposed lot coverage information will be below the 25% limit. 5 trees are required to meet the afforestation requirement. If the afforestation requirement can be met, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront. If the afforestation requirement will be met, then that will 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;

If the afforestation requirement can be met, then the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger Date: July 29, 2016

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE:

DATE: July 29, 2016

Department of Permits, Approvals And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 01, 2016 item No. 2017-0018

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

Prior to Building permit application, the petitioner must contact the office of the Director of Public Works to determine the flood protection elevation.

DAK:CEN cc:file

ZAC-ITEM NO 16-0018-08012016.doc

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Date	8-22-16	
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INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: July 29, 2016

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 01, 2016 Item No. 2017-0018

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ZAC-ITEM NO 16-0018-08012016.doc

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

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If the afforestation requirement can be met, then the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger Date: July 29, 2016

CHECKLIST

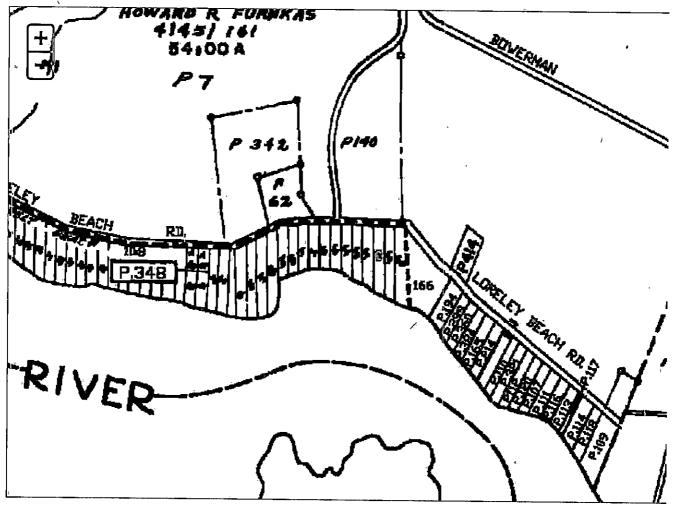
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	PLANNING (if not received, da	ite e-mail sent)	
7-25	STATE HIGHWA	Y ADMINISTR	ATION		No objection
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Comments, if any:					
		_			

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earch Result for BALTIM	ORE COUNTY							
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RYAN VON JAC CHRISTIN Mailing Address: 6011 LOR		KERSTEN TARA Y BEACH RI H MD 21162-	Deed Refe	Use: Principal Residence: Deed Reference:		RESIDENTIAL YES /37638/ 00362		
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Premises Address:	6011 LORELE 0-0000 Waterfront			Legal Description:		3335 E ORLEY AVE LORELEY BEACH		
Map: Grid: Parcel:	Sub Subdiv District:	ision: Sec	tion: Block:	Lot: Asse	ssment	Plat No:	1	
0073 0021 0348	0000			58 2015		Plat Ref:	0010/ 0008	
Special Tax Areas:		2,777	vn: Valorem: c Class:		NON	NONE		
Primary Structure Built 1951	uilt Area		sed Finished Basement Area		Property Land County Area Use 15,760 SF 34			
Stories Basement 1 NO	Type STANDARD UNIT	Exterior SIDING	Full/Half Bath 2 full	Garage	Last Majo	r Reno	vation	
	Apple and the second	Value Info						
Land:	105,700 108		of 1/2015 700			As of 07/01/2017		
Improvements Total: Preferential Land:	114,400 220,100 0	93,800 199,500		199,500	199,500 0			
		Transfer Inf	ormation					
Seller: MURRAY RICHARD J 4TH Type: ARMS LENGTH IMPROVED		Date: 06/15/2016 Deed1: /37638/ 00362		Price: \$275,000 Deed2:				
Seller: GODDARD ROGER L Type: ARMS LENGTH IMPROVED		Date: 11/19/2002 Deed1: /17119/ 00694		Price: \$155,000 Deed2:				
Seller: REED CHRISTOPHER J		Date: 09/17/1987		Price: \$100,000				
Type: ARMS LENGTH I	AND	Deed1: /076	AND THE PERSON NAMED IN COLUMN		Deed2:			
		Exemption Ir						
Partial Exempt Assessments:	Class		07/01/2016		07/01/20	17		
County: State:	000 000		0.00					
Municipal:	000		0.00 0.00		0.00 0.00			
Tax Exempt: Exempt Class:		Special Tax	Recapture:		0.00 0.00			
Excilipt Glass.		HONE						

Baltimore County

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

District: 11 Account Number: 1116045750

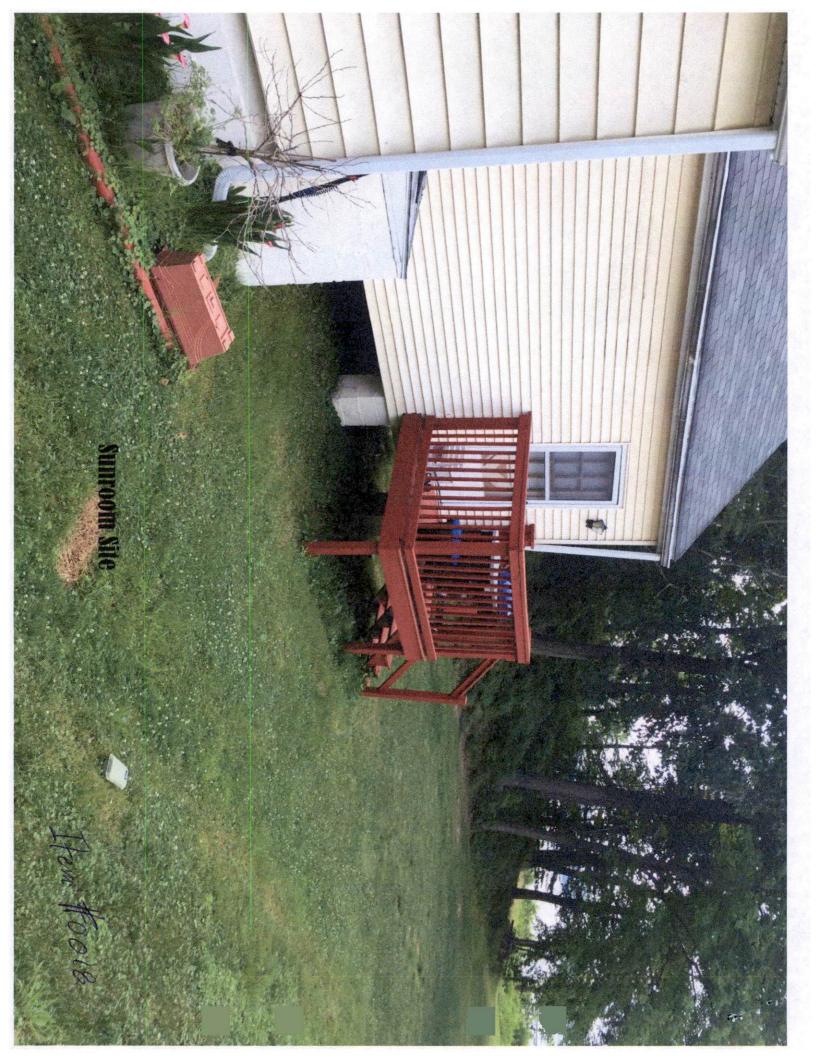


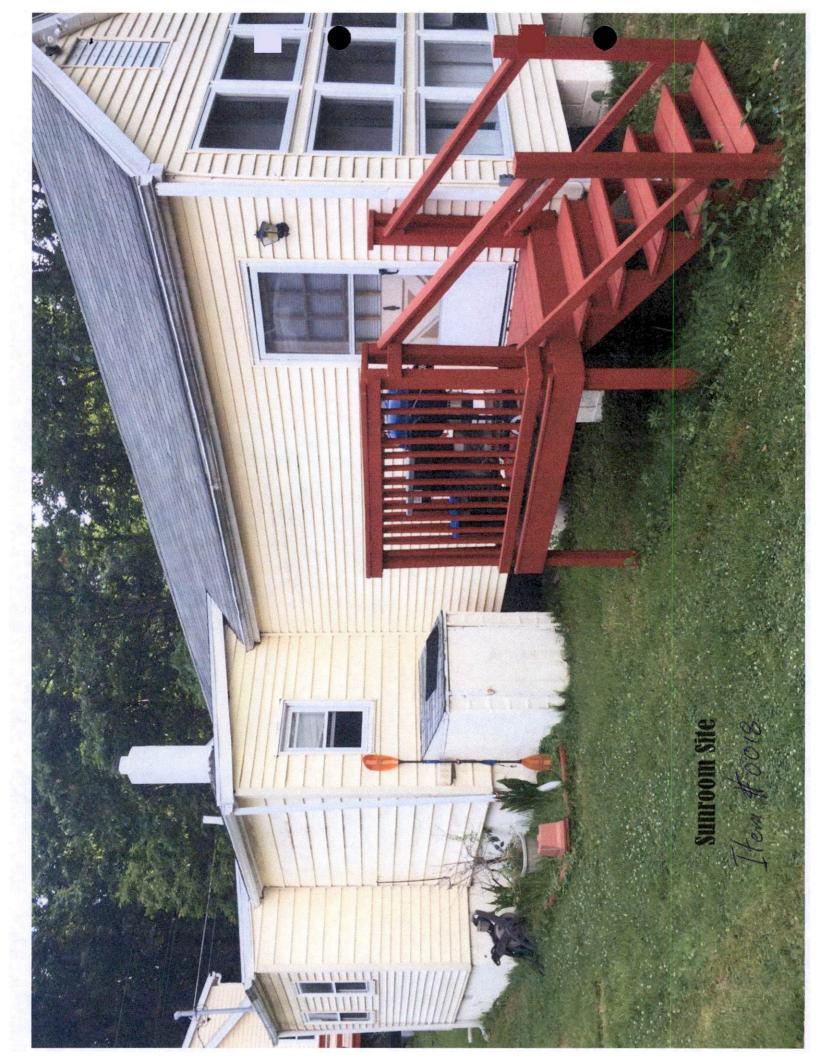
The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

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).

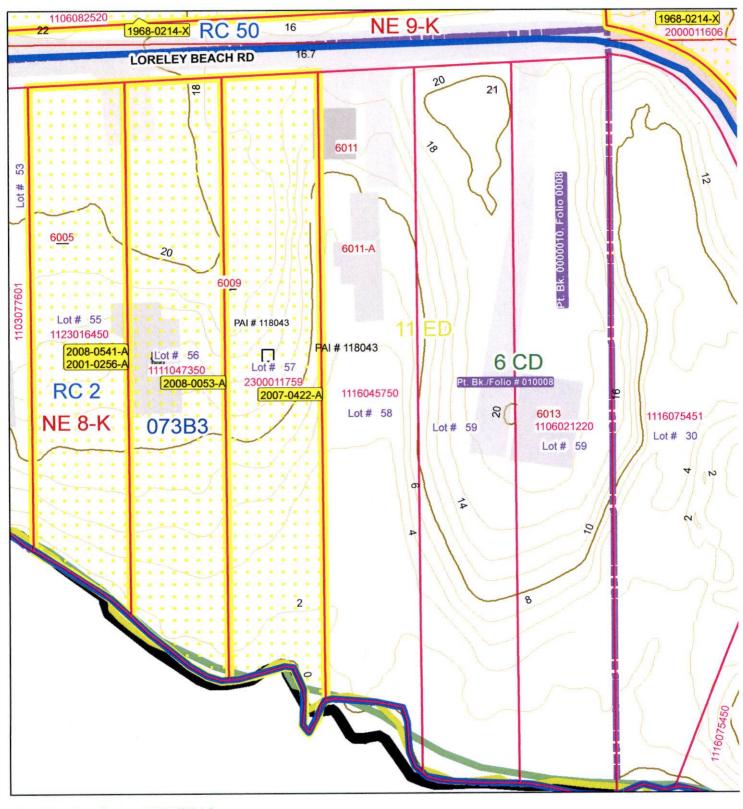
Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml).





Elevations

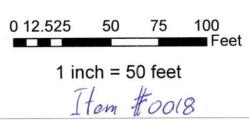


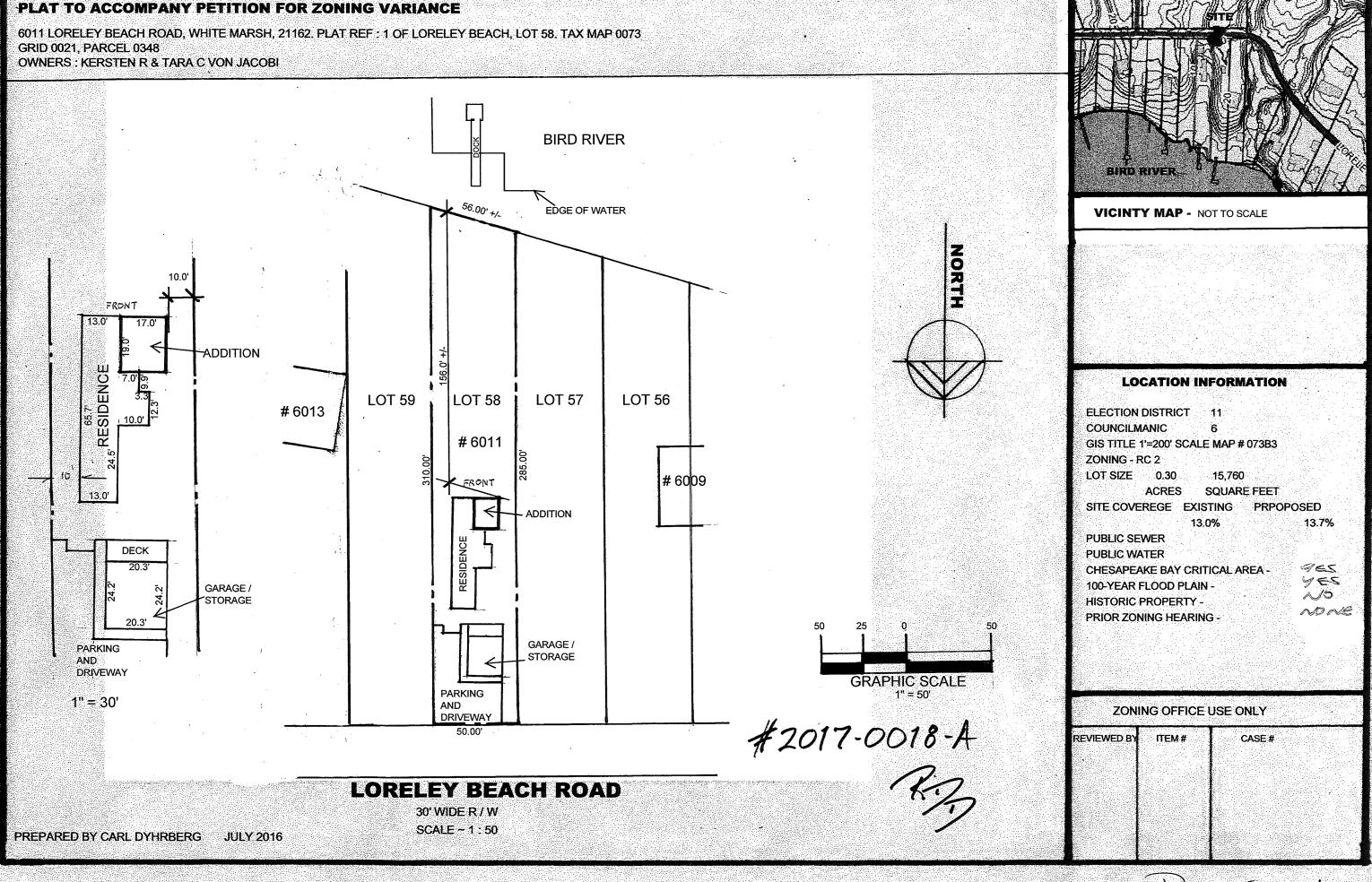
Publication Date: 7/15/2016



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







Pet. Ess. 1

