

M E M O R A N D U M

DATE: October 28, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0059-A – Appeal Period Expired

The appeal period for the above-referenced case expired on October 27, 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 ADMIN. VARIANCE	*	BEFORE THE
(2807 10 th St.)		
15 th Election District	*	OFFICE OF ADMINISTRATIVE
7 th Council District		
Edward Heiger, Jr. & Darlene E. Heiger	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2017-0059-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, Edward Heiger, Jr. and Darlene E. Heiger ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 400.3 of the Baltimore County Zoning Regulations, to permit a garage with a height of 17 ft. in lieu of the permitted 15 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 September 26, 2016 submitted by the Department of Environmental Protection and Sustainability (DEPS).

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 4, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 9-27-16

By (Signature)

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.

Although the Department of Planning did not make any recommendations related to the proposed garage's height and usage, I will impose conditions that the garage shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

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 27th day of **September, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.2 of the Baltimore County Zoning Regulations, to permit a garage with a height of 17 ft. in lieu of the permitted 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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,

ORDER RECEIVED FOR FILING

Date 9-27-16

By [Signature]

Petitioners would be required to return the subject property to its original condition.

2. Petitioners or subsequent owners shall not convert the garage into a dwelling unit or apartment. The garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
3. The garage shall not be used for commercial purposes.
4. Petitioners must comply with the ZAC comments from DEPS, dated September 26, 2016; a copy of which is 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.



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 9-27-16

By DLW

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

SEP 26 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: September 26, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0059-A
Address 2807 10th Street
(Heiger Property)

Zoning Advisory Committee Meeting of September 12, 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 allow a garage with greater height than permitted. It has already been constructed under an approved permit. The garage is not within the 100-foot buffer. The lot is not waterfront, and the garage has met all LDA requirements, including lot coverage limits and afforestation. EIR has confirmed the owner has already fulfilled his planting requirement. Therefore, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is not waterfront. Lot coverage and afforestation requirements have already been met, so that will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

ORDER RECEIVED FOR FILING

C:\Users\dwiley\AppData\Local\Microsoft\Windows\Temporary Internet
Files\Content.Outlook\DXWB6LKP\ZAC 17-0059-A-EIR 2807 10th Street.doc

By _____

Date 9-27-16

GW

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;

Because the lot coverage and afforestation requirements have already been met, the relief requested is consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: September 26, 2016

ORDER RECEIVED FOR FILING

Date 9-27-16

By ISW



CBCA

Flood

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

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

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

Address 2807 10TH St. Balto. MD. 21219 Currently zoned DR5.5Deed Reference / 10 Digit Tax Account # 1900005146Owner(s) Printed Name(s) Edward Heiger JR. Darlene E. Heiger(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. X ADMINISTRATIVE VARIANCE from Section(s) 400.3, BCZR, TO PERMIT A GARAGE WITH A HEIGHT OF 17ft. IN LIEU OF THE PERMITTED 15ft.

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

2. ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

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

Owner(s)/Petitioner(s):

Edward Heiger JR. Darlene E. Heiger

Name #1 - Type or Print

Name #2 - Type or Print

Edward Heiger Jr.

Darlene E. Heiger

Signature #1

Signature #2

2807 10TH St. Balto. MD.

Mailing Address

City

State

21219 / 410-388-1387 darheiger@yahoo.com

Zip Code

Telephone #

Email Address

Attorney for Owner(s)/Petitioner(s):

Representative to be contacted:

Edward Heiger JR.

Name - Type or Print

Edward Heiger Jr.

Signature

2807 10TH St. Balto. MD.

Mailing Address

City

State

21219 / 410-388-1387 darheiger@yahoo.com

Zip Code

Telephone #

Email Address

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this day of , that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

2017-0059-A

Administrative Law Judge for Baltimore County

CASE NUMBER 2807 10TH St Filing Date 8/26/16 Estimated Posting Date 9/9/16 Reviewer JCM

ORDER RECEIVED FOR FILING

Rev 5/8/2014

Date 9-27-16By (Signature)

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 2807 10TH St. Balto. MD. 21219
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

I am requesting a Administrative Variance on my garage because of the height allowance. While under construction I added one 8 inch block and one 4 inch cap to get me out of the ground a little further. I also changed my roof pitch from 4/12 to 5/12 for more slope. After putting the roof on I realized I was 2 Feet over the limit. My sincere apology.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Edward Heiger Jr.
Signature of Owner (Affiant)

Darlene E. Heiger
Signature of Owner (Affiant)

Edward Heiger JR.
Name- Print or Type

Darlene E Heiger
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25 day of August, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Edward Heiger Jr. and Darlene E Heiger

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public
4/29/2017
My Commission Expires

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

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(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Edward Heiger Jr.
Signature of Owner (Affiant)

Edward Heiger Jr.
Name- Print or Type

Darlene E. Heiger
Signature of Owner (Affiant)

Darlene E. Heiger
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25 day of August, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Edward Heiger Jr. And Darlene E Heiger

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public
4/29/2017
My Commission Expires



CBCA

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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

Flood

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

Address 2807 10TH St. Balto. MD. 21219 Currently zoned DR 55
 Deed Reference / 10 Digit Tax Account # 1900005146
 Owner(s) Printed Name(s) Edward Heiger JR. Darlene E. Heiger

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. ☒ ADMINISTRATIVE VARIANCE from Section(s) 400.3 ; BCZR to permit a garage with a height of 17 Ft. in lieu of the permitted 15 FT.

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

2. ☐ ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

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

Owner(s)/Petitioner(s):

Edward Heiger JR. Darlene E. Heiger
 Name #1 – Type or Print Name #2 – Type or Print
Edward Heiger Jr. Darlene E. Heiger
 Signature #1 Signature #2
2807 10TH St. Balto. MD.
 Mailing Address City State

21219 410-388-1387 / darheiger@yahoo.com
 Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Edward Heiger JR.
 Name – Type or Print
Edward Heiger Jr.
 Signature

2807 10TH St. Balto. MD.
 Mailing Address City State

21219 410-388-1387 / darheiger@yahoo.com
 Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2017-0059-A Filing Date 8/29/16 Estimated Posting Date 9/4/16 Reviewer JCM

ORDER RECEIVED FOR FILING

Rev 5/8/2014

Date 9-27-16By DW

CERTIFICATE OF POSTING

2017-0059-A

RE: Case No.: _____

Petitioner/Developer: _____

Edward Heigler

September 19, 2016

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

2807 10th Street

September 4, 2016

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

Sincerely,



 September 4, 2016

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0059 -A Address 2807 10TH ST., BALTO., MD. 21219

Contact Person: J. MERREY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9/26/16 Posting Date: 9/4 Closing Date: 9/19

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.
3. **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- 0059 -A Address 2807 10TH ST. BALTO., MD. 21219

Petitioner's Name EDWARD HEIGLER Telephone 410-388-1387

Posting Date: 9/4/16 Closing Date: 9/19/16

Wording for Sign: To Permit AN EXISTING GARAGE WITH A HEIGHT
OF 17 FT. IN LIEU OF THE PERMITTED 15 FT.

Revised 7/6/16

**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/neighbor 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 twenty (20) 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: 2017-0059-A

Property Address: 2807 10TH ST., BALTO., Md. 21219

Property Description: THAT PROPERTY LOCATED ON THE NE/S of 10TH ST,
75ft. SE of E of HINTON AVE.

Legal Owners (Petitioners): EDWARD HEIGLER

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Company/Firm (if applicable): _____

Address: _____

Telephone Number: 410-388-1387

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

Nº 144005

Date: 8/26/16

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

Total: 75.00

Rec From: EDWARD HETGLER

For: 2017-0059-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DSW
8/26/2016 8/26/2016 09:21:15 I
REG WSO1 WALKIN LJR
>>RECEIPT # 578934 8/26/2016 GFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 144005
Rcpt Tot \$75.00
\$0.00 CK \$100.00 CA
\$25.00- CG
Baltimore County, Maryland

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

September 20, 2016

Edward & Darlene E Heiger Jr.
2807 10th Street
Baltimore MD 21219

RE: Case Number: 2017-0059 A, Address: 2807 10th Street

Dear Mr. & Ms. Heiger:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 26, 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.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

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



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

Date: 9/7/16

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. 2017-0059-A

Administrative Variance
Edward & Darlene E. Heiger Jr.
2807 10th Street

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For September 12, 2016
Item No. 2017-0059

DATE: September 15, 2016

RECEIVED

SEP 23 2016

OFFICE OF ADMINISTRATIVE HEARINGS

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, so that the floor elevation can be set.

* * * * *

DAK:CEN
Cc:file
ZAC-ITEM NO 17-0059-09122016.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

SEP 26 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: September 26, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0059-A
Address 2807 10th Street
(Heiger Property)

Zoning Advisory Committee Meeting of September 12, 2016.

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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 allow a garage with greater height than permitted. It has already been constructed under an approved permit. The garage is not within the 100-foot buffer. The lot is not waterfront, and the garage has met all LDA requirements, including lot coverage limits and afforestation. EIR has confirmed the owner has already fulfilled his planting requirement. Therefore, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is not waterfront. Lot coverage and afforestation requirements have already been met, so 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;

Because the lot coverage and afforestation requirements have already been met, the relief requested is consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: September 26, 2016

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: September 26, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0059-A
Address 2807 10th Street
(Heiger Property)

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Because the lot coverage and afforestation requirements have already been met, the relief requested is consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: September 26, 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 September 12, 2016
Item No. 2017-0059

DATE: September 15, 2016

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, so that the floor elevation can be set.

* * * * *

DAK:CEN
Cc:file
ZAC-ITEM NO 17-0059-09122016.doc

Debra Wiley

From: Stephen Ford
Sent: Friday, September 23, 2016 2:04 PM
To: Debra Wiley
Subject: RE: ZAC Comments - Admin. Var. - Closing date: 9/19/16

✓ Rec'd
9-26

Debra,

You are correct. I have not yet received comments from our EIR staff. I will follow up and see where they are.

From: Debra Wiley
Sent: Friday, September 23, 2016 11:43 AM
To: Stephen Ford <sford@baltimorecountymd.gov>
Subject: ZAC Comments - Admin. Var. - Closing date: 9/19/16

Hi Steve,

In reviewing the administrative variance case files for 2017-0056-A & 2017-0059-A (closing date 9/19), it appears ZAC comments are missing from DEPS. The file folders indicate they're located in CBCA. I've listed the case descriptions below for your convenience. Thanks in advance.

CASE NUMBER: 2017-0056-A

1017 BOWLEYS QUARTERS RD.

Location: N/S of Bowleys Quarters Road, 268 ft. W of the c/line of Gallway Road

15th Election District, 6th Council District

Legal owners: Richard G. & Sandra K. Conant

ADMINISTRATIVE VARIANCE To permit a garage in the side yard of an existing single family dwelling in lieu of the rear yard.

CASE NUMBER: 2017-0059-A

2807 10TH ST.

Location: NE/S of 10th Street, 75 ft. SE of the c/line of Hinton Avenue

15th Election District, 7th Council District

Legal owners: Edward & Darlene E. Heiger, Jr.

ADMINISTRATIVE VARIANCE To permit a garage with a height of 17 ft. in lieu of the permitted 15 ft.

Debra Wiley
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Debra Wiley

From: Dennis A Kennedy
Sent: Friday, September 23, 2016 2:31 PM
To: Debra Wiley
Subject: RE: ZAC Comment 2017-0059

Deb:
Sorry, we didn't realize that. They did get a permit (B894588) which clearly states 15' max height. So our comment does not apply.
Dennis

From: Debra Wiley
Sent: Friday, September 23, 2016 12:28 PM
To: Dennis A Kennedy <DKennedy@baltimorecountymd.gov>
Subject: ZAC Comment 2017-0059

Hi again,

The ZAC comment for the above reflects that prior to building application, the petitioner must contact DPW. It appears this garage has already been built and realized they exceeded the height; 17 ft. in lieu of 15 ft.

Just want to make sure your comment still applies.

Thanks.

From: Debra Wiley
Sent: Friday, September 23, 2016 7:42 AM
To: Dennis A Kennedy <DKennedy@baltimorecountymd.gov>
Subject: RE: ZAC Comments Needed

Thanks Dennis.

Have a great weekend !

From: Dennis A Kennedy
Sent: Thursday, September 22, 2016 4:38 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: RE: ZAC Comments Needed

Deb:
Here are copies.
Dennis

From: Debra Wiley
Sent: Thursday, September 22, 2016 1:55 PM
To: Dennis A Kennedy <DKennedy@baltimorecountymd.gov>
Subject: ZAC Comments Needed

Debra Wiley

From: Debra Wiley
Sent: Friday, September 23, 2016 12:28 PM
To: Dennis A Kennedy
Subject: ZAC Comment.2017-0059

Hi again,

The ZAC comment for the above reflects that prior to building application, the petitioner must contact DPW. It appears this garage has already been built and realized they exceeded the height; 17 ft. in lieu of 15 ft.

Just want to make sure your comment still applies.

Thanks.

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Have a great weekend !

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To: Debra Wiley <dwiley@baltimorecountymd.gov>
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Dennis

From: Debra Wiley
Sent: Thursday, September 22, 2016 1:55 PM
To: Dennis A Kennedy <DKennedy@baltimorecountymd.gov>
Subject: ZAC Comments Needed

Hi Dennis,

In reviewing the administrative variance case files for 2017-0056-A & 2017-0059-A (closing date 9/19), it appears ZAC comments are missing from DPR. The file folders indicate they're located in flood zone. I've listed the case description below for your convenience. Thanks in advance.

CASE NUMBER: 2017-0056-A

1017 BOWLEYS QUARTERS RD., 21220

Location: N/S of Bowleys Quarters Road, 268 ft. W of the c/line of Gallway Road

15th Election District, 6th Council District

Legal owners: Richard G. & Sandra K. Conant

ADMINISTRATIVE VARIANCE To permit a garage in the side yard of an existing single family dwelling in lieu of the rear yard.

CASE NUMBER: 2017-0059-A

2807 10TH ST., 21219

Location: NE/S of 10th Street, 75 ft. SE of the c/line of Hinton Avenue

15th Election District, 7th Council District

Legal owners: Edward & Darlene E. Heiger, Jr.

ADMINISTRATIVE VARIANCE To permit a garage with a height of 17 ft. in lieu of the permitted 15 ft.

Debra Wiley

Baltimore County Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103

Towson, Maryland 21204

410-887-3868

CHECKLISTSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment9-15DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)C*Does
not
apply
any
longer*DEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)9-7

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING Date: 9-4-16 by BlackPEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1900005146			
Owner Information					
Owner Name:		HEIGER EDWARD JR HEIGER DARLENE E		Use:	EXEMPT
Mailing Address:		2807 10TH ST BALTIMORE MD 21219-1605		Principal Residence:	YES
				Deed Reference:	/26022/ 00232
Location & Structure Information					
Premises Address:		2807 10TH ST 0-0000		Legal Description:	LTS 162-163 PT 161 2807 10TH ST VET EX SWAN POINT
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0112	0015	0004		0000	
					Block:
					162
					Lot:
					2015
					Assessment Year:
					Plat No:
					Plat Ref:
					0009/0004
Special Tax Areas:			Town:		
			NONE		
Ad Valorem:					
Tax Class:					
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1982	2,072 SF		4,625 SF	01	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	NO	STANDARD UNIT	BRICK	2 full	1Det/1Carport
Value Information					
		Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2016 As of 07/01/2017	
Land:		139,500	139,500		
Improvements		140,800	138,300		
Total:		280,300	277,800	277,800	277,800
Preferential Land:		0			0
Transfer Information					
Seller: HEIGER EDWARD, JR		Date: 08/09/2007		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /26022/ 00232		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:	020	277,800.00		277,800.00	
State:	020	277,800.00		277,800.00	
Municipal:	020	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 12/31/2012					

EDWARD HEIGER, JR. and DARLEEN E. HEIGER, his wife, as tenants by the entireties

personal representatives/successors and assigns

, in fee simple, all

those lots of ground situate in Baltimore County

and described as follows, that is to say:

BEGINNING for the same at a stake now planted on the southeast side of a 15 ft. alley, said alley being the first northwest of Millers Island Blvd. running from 9th to 10 sts. as laid out on the plat of "Swan Point" at the distance of 115 ft. north 61 deg. 45 min. east from the corner formed by the intersection of the southeast side of said alley with the northeast side of 9th st. and running thence north 61 deg. 45 min. east binding on the southeast side of said 15 ft. alley with use thereof in common 60 ft. to a stake now planted at the division line between lot numbers 161 and 153 as laid out on plat of Swan Point aforesaid, thence running at right angles to said 15 ft. alley and binding on the division line between lot numbers 161 and 153 south 28 deg. 15 min. east 50 ft. to a stake now planted in the division line between lot numbers 161 and 162 on said plat, thence running parallel to the above mentioned 15 ft. alley and binding on the division line between lot numbers 161 and 162 south 61 deg. 45 min. west 60 ft. to a stake now planted south 28 deg. 15 min. east 50 ft. from the place of beginning, and thence reversing said line so drawn and running north 28 deg. 15 min. west 50 ft. to the place of beginning.

BEING the northeasternmost 60 ft. of lot number 161 as laid out in the plat of "Swan Point" said plat being duly recorded among the Land Records of Baltimore County in plat book W.P.G. #7, Folio 163 & etc.

BEING also two lots of ground known as lots 162 and 163 on the revised plat of Swan Point, said plat being recorded among the Land Records of Baltimore County in plats liber W.H.M. 9, folio 4.

TRANSFER TAX NOT REQUIRED

RANDOLPH B. ROSENCRANTZ

DIRECTOR OF FINANCE

BALTIMORE COUNTY, MARYLAND

Per

Gloria Holburn

AUTHORIZED SIGNATURE

Re 11-85 J

10-16-80

LIBER 62-17 PAGE 759

BEING all of lots 162 and 163 described in a deed dated February 28, 1975 that were granted and conveyed by Anna B. Walker, to Edward Heiger, Jr. and Darleen E. Heiger, his wife and being part of lot 161 to correct the description thereof in the said deed dated February 28, 1975 and recorded among the Land Records of Baltimore County in Liber 5513, folio 338 that was granted and conveyed by Anna B. Walker to Edward Heiger, Jr. and Darleen E. Heiger, his wife the parties herein.

THAT PROPERTY LOCATED ON THE NE/4 of 10TH ST,
75ft. SE OF THE E OF HINTON AVE.
2807 10TH ST.
ED: 15TH.
CD: 7TH.

EDWARD HEIGER, JR. and DARLEEN E. HEIGER, his wife, as tenants by the entireties

personal representatives/successors and assigns

, in fee simple, all

those lots of ground situate in Baltimore County

and described as follows, that is to say:

BEGINNING for the same at a stake now planted on the southeast side of a 15 ft. alley, said alley being the first northwest of Millers Island Blvd. running from 9th to 10 sts. as laid out on the plat of "Swan Point" at the distance of 115 ft. north 61 deg. 45 min. east from the corner formed by the intersection of the southeast side of said alley with the northeast side of 9th st. and running thence north 61 deg. 45 min. east binding on the southeast side of said 15 ft. alley with use thereof in common 60 ft. to a stake now planted at the division line between lot numbers 161 and 153 as laid out on plat of Swan Point aforesaid, thence running at right angles to said 15 ft. alley and binding on the division line between lot numbers 161 and 153 south 28 deg. 15 min. east 50 ft. to a stake now planted in the division line between lot numbers 161 and 162 on said plat, thence running parallel to the above mentioned 15 ft. alley and binding on the division line between lot numbers 161 and 162 south 61 deg. 45 min. west 60 ft. to a stake now planted south 28 deg. 15 min. east 50 ft. from the place of beginning, and thence reversing said line so drawn and running north 28 deg. 15 min. west 50 ft. to the place of beginning.

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TRANSFER TAX NOT REQUIRED
RANDOLPH B. ROSENCRANTZ
DIRECTOR OF FINANCE
BALTIMORE COUNTY, MARYLAND

Per: *Gloria J. Colburn*
AUTHORIZED SIGNATURE

10-16-80

Re-11-85 J

LIBER 6217 PAGE 759

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That property located on the NE 1/4 of 10TH St.
75 Ft. SE of the E of Hinton Ave.
2807 10TH St.
ED: 15th
CD: 7

SE 6-J

DR 5.5

Pt. Bk. 0000009, Folio 0005

HINT 010096

1990-0245-A

Pt. Bk./Folio # 007162

Pt. Bk./Folio # 007163

Pt. Bk. 0000007, Folio 0163

1987-0125-A

Pt. Bk. 0000007, Folio 0162

1989-0277-A

1989-0278-A

112A2

2000-0179-A

PAI # 150325

1978-0087-A

7-A
AI # 150325

15 ED

Pt. Bk./Folio # 009004

200020926

7114

Lot n°

404

480

000000

10

SE 7-J

BL

2300004375

Lot # 280

Pt. Bk. 0000050, Folio 0045

PAI # 150960

5A

0

t. Bl

2

07

VD

2015-0202-SPHA

RC 20

8800800
MILLERS ISLAND RD

MILLERS ISLAND BLVD

1900000443

1502024400

28 //

2015-0202-SPHA







Zoning Hearing Plan For Variance X For Special Hearing
 Address 2807 10TH ST. Balto. MD. 21219 (owners Edward Heiger Jr.
 Subdivision Name SWAN POINT Darlene E. Heiger
 Plot Book# 9 Folio 4 10 Digit Tax # 190000514 Deed Ref. #

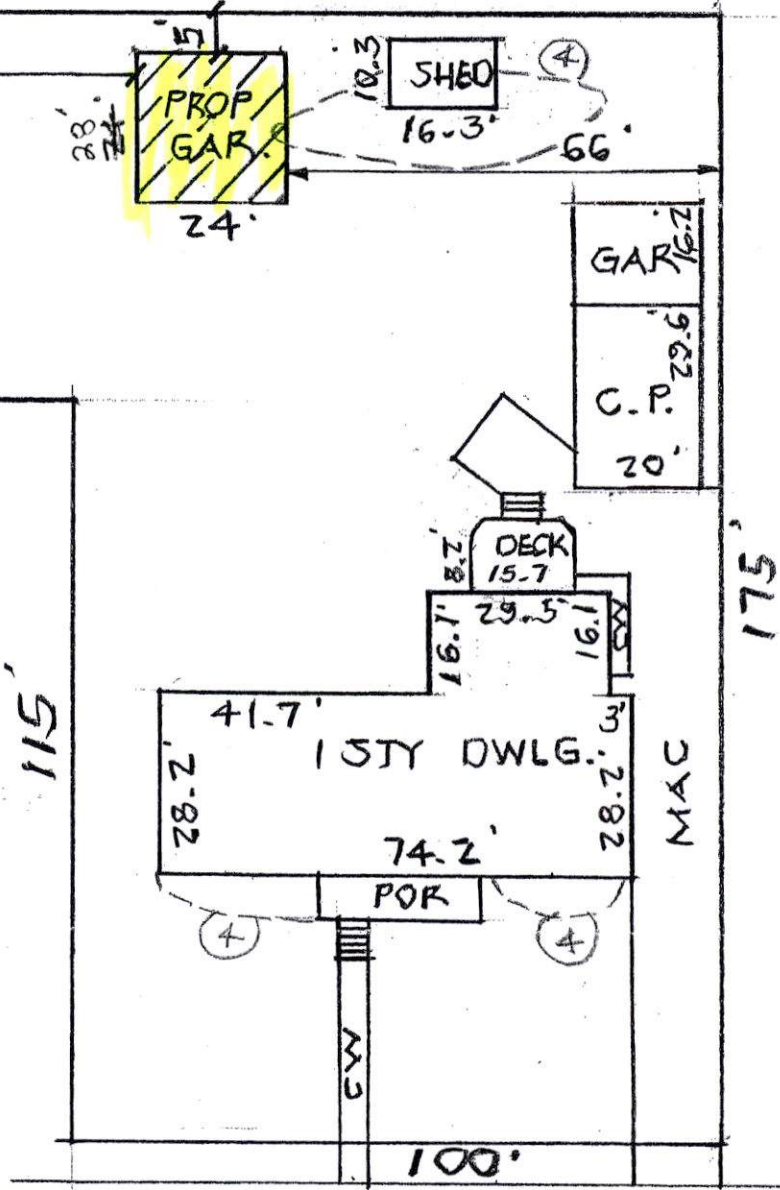
HINTON AVE.

PAVING

ZONE AE(EL 5)
 ZONE AE(EL 7)

Zoning Map # 112A2
 Site zoned DR 55
 Election District 15
 Council District 7
 Lot Area Acreage
 or Square Feet 20,500
 Historic? NO
 In C.B.C.A.? Yes
 In Flood Plain? Yes
 Utilities? mark with X
 Water is:
 Public X Private
 Sewer is:
 Public X Private
 Prior Hearing? NO
 IF so Give Case Number
 and Order Result below

FLOOD DESIGN DATA
 FEMA FLOOD ELEV.....5.0
 BALTO. CO. FLOOD ELEV.....8.5
 DESIGN FLOOD ELEVATION.....8.5
 FIRM PANEL 2400100560G



LOT COVERAGES

HOUSE.....2567 SF
 FRONT PORCH.....170 SF
 DECK.....161 SF
 ASPHALT PAVING.....1638 SF
 CONC WALK (FRONT).....151 SF
 CONC. WALK (SIDE).....46 SF
 CARPORT.....598 SF
 GARAGE.....324 SF
 SHED.....168 SF
 PROPOSED GARAGE.....576 SF 672 Sq. FT.
 TOTAL.....6399 SF

LOT COVERAGE CHART

LOT AREA.....20,500 SF
 COVERAGE PERMITTED (25%).....5125 SF
 COVERAGE PERMITTED (31.25 %).....6406 SF
 COVERAGE PROPOSED.....6399 SF
 ADDITIONAL COVERAGE PERMITTED.....7 SF

PROFESSIONAL CERTIFICATION

"Professional Certification. I hereby certify that these documents were prepared or approved by me, And that I am a duly licensed professional engineer under the laws of the state of Maryland, License No. 15453, Expiration Date: July 2, 2017."

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

SITE PLAN

2807 10TH STREET

ELECTION DISTRICT 15 BALTIMORE COUNTY, MD.

SCALE: 1 INCH = 30 FEET OCTOBER 10, 2015

Per. 300.1

Zoning Hearing Plan For Variance X For Special Hearing
 Address 2807 10TH ST. Balto. MD. 21204 (owners Edward Heider Jr.
 Subdivision Name SWAN POINT Darlene E. Heiger
 Plot Book# 9 Folio 4 10 Digit Tax #190000514 Deed Ref #

HINTON AVE.

PAVING

ZONE AE (EL 5)
 ZONE AE (EL 7)

FLOOD DESIGN DATA
 FEMA FLOOD ELEV.....5.0
 BALTO. CO. FLOOD ELEV.....8.5
 DESIGN FLOOD ELEVATION.....8.5
 FIRM PANEL 2400100560G

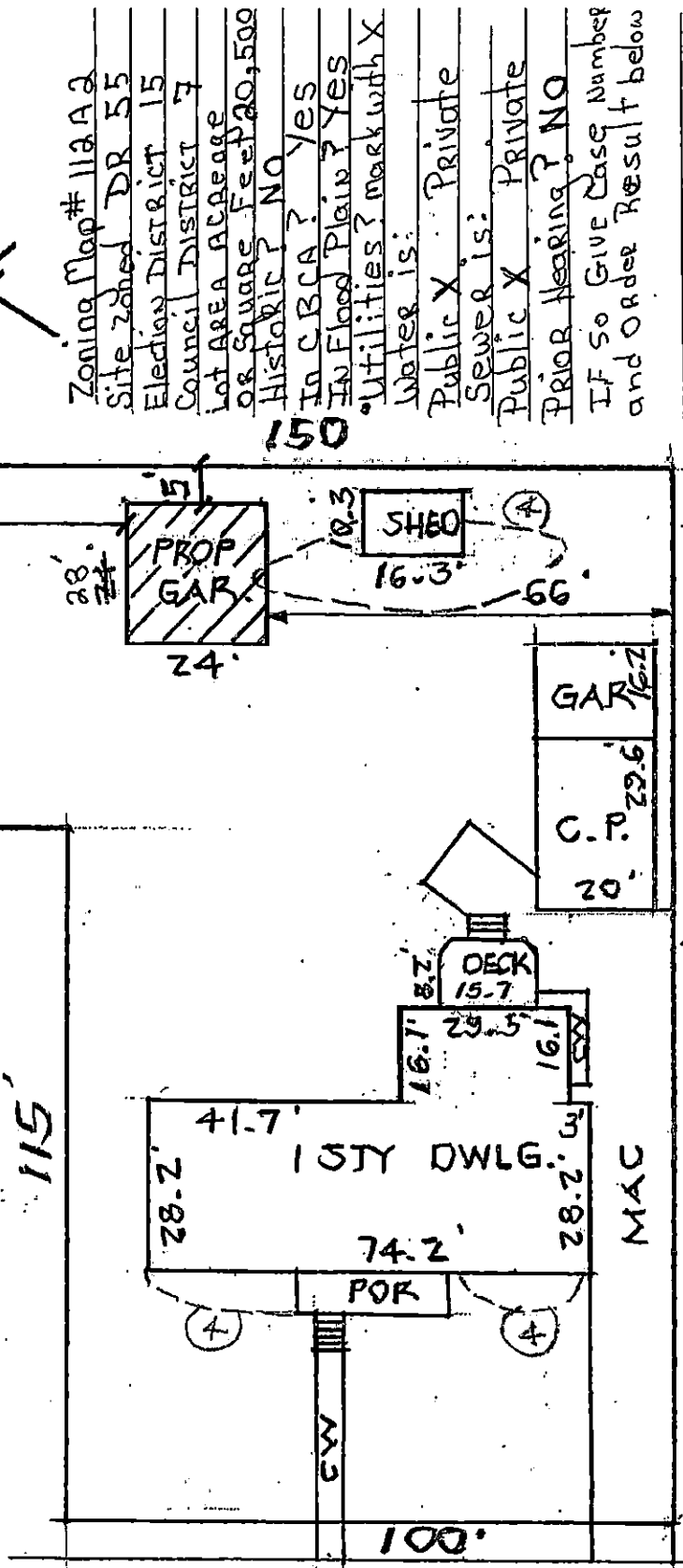
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CENTRAL DRAFTING & DESIGN, INC.
 601 CHARWOOD COURT
 EDGEWOOD, MD 21040
 (410) 679-8719



10 TH STREET

PAVING

PROFESSIONAL CERTIFICATION

"Professional Certification. I hereby certify that these documents were prepared or approved by me, And that I am a duly licensed professional engineer under the laws of the state of Maryland, License No. 15453, Expiration Date: July 2, 2017."

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

SITE PLAN

2807 10TH STREET

ELECTION DISTRICT 15 BALTIMORE COUNTY, MD.
 SCALE: 1 INCH = 30 FEET OCTOBER 10, 2015