

M E M O R A N D U M

DATE: November 18, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0060-A – Appeal Period Expired

The appeal period for the above-referenced case expired on November 16, 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

(2422 Poplar Road)

15th Election District

5th Council District

Kristian & Pamela Thompson

Legal Owners

Petitioners

*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0060-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Kristian & Pamela Thompson, owners of the subject property ("Petitioners"). The Petitioners are requesting variance relief from the Baltimore County Zoning Regulations (B.C.Z.R) as follows: (1) to permit a principal building having a side of building to property line setback of 40.1 ft. in lieu of the required 50 ft.; (2) to permit a principal building and accessory building to be situated 47.8 ft. & 31.4 ft., respectively, from the centerline of a road in lieu of the required 75 ft.; (3) to permit an existing lot having a size of 0.69 acres in lieu of the required 1.5 acres; and (4) to permit an accessory structure to be located in the front yard in a residential zone in lieu of the required rear yard only. A site plan was marked as Petitioners' Exhibit 1.

The owners, assisted by professional engineer John Motsco, 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), the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). None of these agencies opposed the requests, and conditions will be included in the order below the address

ORDER RECEIVED FOR FILING

Date

10/17/16

By

Den

the issues raised in the ZAC comments.

The property is approximately 0.69 acres in size and is zoned RC-5. The property is improved with a small single-family dwelling which has extensive water damage and is uninhabitable. Petitioners propose to raze the existing structure and in its place construct a new single-family dwelling. To comply with environmental and Critical Area regulations, the proposed dwelling would be situated closer to the road (and farther from the water) than the existing home. This in turn gave rise to several of the variance requests.

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).

Petitioners have met this test. The property is waterfront and the available building “envelope” is constrained by environmental features and regulations. As such the property is unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct the proposed 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.

THEREFORE, IT IS ORDERED, this 17th day of October, **2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (“B.C.Z.R.”) as follows: (1) to permit a principal building having a side of building to property line setback of 40.1 ft. in lieu of the required 50 ft.; (2) to permit a

ORDER RECEIVED FOR FILING

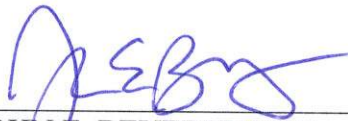
Date 10/17/16
By Den

principal building and accessory building to be situated 47.8 ft. & 31.4 ft., respectively, from the centerline of a road in lieu of the required 75 ft.; (3) to permit an existing lot having a size of 0.69 acres in lieu of the required 1.5 acres; and (4) to permit an accessory structure to be located in the front yard in a residential zone in lieu of the required rear yard only, 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, Petitioners would be required to return the subject property to its original condition.
2. Prior to issuance of permits Petitioners must comply with the Critical Area and flood protection regulations.
3. Prior to issuance of permits Petitioners must submit for approval by the DOP architectural elevations of the proposed dwelling.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 10/17/16

By sln



CBCA

PE TITION FOR ZONING HEARING(S)

Flood

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 2422 POPLAR ROAD

which is presently zoned RC 5

Deed References: 37539/476

10 Digit Tax Account # 1 5 1 3 2 0 8 3 7 0

Property Owner(s) Printed Name(s) KRISTIAN AND PAMELA

1 5 1 3 2 0 8 3 7 1

THOMPSON

1 5 1 3 2 0 8 3 7 2

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. X a **Variance** from Section(s)
SEE ATTACHMENT #1.

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:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

KRISTIAN THOMPSON

/ PAMELA THOMPSON

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

534 ANNESLIE ROAD

BALTIMORE

MD

Mailing Address

City

State

21212

/ (410) 320-7560

/ Kristhompson2015@

Zip Code

Telephone #

Email Address gmail.com

Representative to be contacted:

LITTLE & ASSOCIATES, INC., JOHN MOTSCO

Name - Type or Print

Signature

1055 TAYLOR AVENUE

SUITE 307

TOWSON

MD

Mailing Address

City

State

21286

/ (410) 296-1636

/ johnm@littleassociates.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2017-0060-A

Filing Date 08 / 26 / 2016

Do Not Schedule Dates: _____

Reviewer JNP

ATTACHMENT #1
REQUESTED RELIEF

I. VARIANCES FROM BCZR§ 1A04.3 AS FOLLOWS:

"A" VARIANCE FROM BCZR§ 1A04.3.B.2. TO PERMIT A PRINCIPAL BUILDING HAVING A SIDE OF BUILDING TO PROPERTY LINE SETBACK OF 40.1 FEET IN LIEU OF THE REQUIRED 50 FEET; AND

"B" VARIANCE FROM BCZR§ 1A04.3.B.2. TO PERMIT A PRINCIPAL BUILDING & ACCESSORY BUILDING TO BE SITUATED 47.8 FEET FROM THE CENTERLINE OF A ROAD IN LIEU OF THE REQUIRED 75 FEET; AND

"C" VARIANCE FROM BCZR§ 1A04.3.B.1a TO PERMIT AN EXISTING LOT HAVING A SIZE OF 0.69 ACRES. IN LIEU OF THE REQUIRED 1.5 ACRES.

II. VARIANCES FROM BCZR§ 4-400 AS FOLLOWS:

"A" VARIANCE FROM BCZR§ 4-400.1. TO PERMIT AN ACCESSORY STRUCTURE TO BE LOCATED IN THE FRONT YARD IN A RESIDENTIAL ZONE. IN LIEU OF THE REQUIRED REAR YARD ONLY.

August 13, 2016

ZONING DESCRIPTION FOR
#2422 POPLAR ROAD

Beginning at a point on the east side of Poplar Road, which is 30 feet wide, at the distance of 745 feet northeast of the centerline of River Road, which is 30 feet wide. Being Lots Nos. 128, 129 and 130 in the subdivision of Cedar Beach as recorded in Baltimore County Plat Book W.P.C. 7, Folio 186, containing 0.69 acres of land, more or less. Located in the Fifteenth Election District and Seventh Council District.



James G. Wiest
Professional Land Surveyor
MD Registration No. 21390
License Expires February 5, 2016

2017-0060-A

CERTIFICATE OF POSTING

Date: 9-21-16

RE: Case Number: 2017-0060-A

ela Thompson

essary sign(s) required
2422 Poplar Road

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Sign Poster)

CE PILSON
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D 21120
Code of Sign Poster)

43
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ZONING NOTICE

CASE # 2017-0060-A

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

JEFFERSON BUILDING - R425

PLACE: 105W. CHESAPEAKE AVE., TOWSON 21204

DATE AND TIME: OCT. 14, 2016 11AM

VARIANCE: TO PERMIT A PRINCIPAL

REQUEST: BUILDING HAVING A SIDE OF BUILDING TO 120

PROPERTY LINE SETBACK OF 40 FT IN LIEU OF THE REQUIRED

50 FT. AND 3. TO PERMIT A PRINCIPAL BUILDING AND ACCESS

DRY BUILDING TO BE SITUATED 47.8 FT. + 31.4 FT. RESPECTIVELY

FROM THE CENTER LINE OF A ROAD IN LIEU OF THE REQUIRED 4.10

7.5 FT. 3. AND 3. TO PERMIT AN EXISTING 1.5 ACRES, 4.10

SIZE OF 0.55 ACRES IN LIEU OF THE REQUIRED 1.5 ACRES, 4.10

PERMIT AN ACCESSORY STRUCTURE TO BE LOCATED IN THE RE-

FRONT YARD IN A RESIDENTIAL ZONE. IN LIEU OF THE RE-

REQUIRED REAR YARD ONLY

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMEWHAT NECESSARY

TO CONFIRM HEARING. CALL 887-3301

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

HANDICAPPED. ACCESSIBLE



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 4466693

Sold To:

Kristian Thompson - CU00562214
534 Anneslie Rd
Baltimore, MD 21212-2009

Bill To:

Kristian Thompson - CU00562214
534 Anneslie Rd
Baltimore, MD 21212-2009

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

Sep 22, 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: # 2017-0060-A

2422 Poplar Road
E/s Poplar Road, 745 ft. NE of River Road
15th Election District - 5th Councilmanic District
Legal Owner(s) Kristian & Pamela Thompson

Variance: 1. To permit a principal building having a side of building to property line setback of 40.1 ft. in lieu of the required 50 ft.; and 2. To permit a principal building and accessory building to be situated 47.8 ft. & 31.4 ft. respectively from the centerline of a road in lieu of the required 75 ft; and 3. To permit an existing lot having a size of 0.69 acre in lieu of the required 1.5 acres. 4. To permit an accessory structure to be located in the front yard in a residential zone in lieu of the required rear yard only.

Hearing: Friday, October 14, 2016 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

9/202 September 22

4466693



KEVIN KAMENETZ
County Executive

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

September 13, 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:

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E/s Poplar Road, 745 ft. NE of River Road
15th Election District – 5th Councilmanic District
Legal Owners: Kristian & Pamela Thompson

Variance 1. To permit a principal building having a side of building to property line setback of 40.1 ft. in lieu of the required 50 ft.; and 2. To permit a principal building and accessory building to be situated 47.8 ft. & 31.4 ft. respectively from the centerline of a road in lieu of the required 75 ft.; and 3. To permit an existing lot having a size of 0.69 acre in lieu of the required 1.5 acres
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Hearing: Friday, October 14, 2016 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Thompson, 534 Anneslie Road, Baltimore 21212
John Motsco, 1055 Taylor Avenue, Ste. 307, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., SEPTEMBER 24, 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 22, 2016 Issue - Jeffersonian

Please forward billing to:
Kristian Thompson
534 Anneslie Road
Baltimore, MD 21212

410-320-7560

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: 2017-0060-A

2422 Poplar Road
E/s Poplar Road, 745 ft. NE of River Road
15th Election District – 5th Councilmanic District
Legal Owners: Kristian & Pamela Thompson

Variance 1. To permit a principal building having a side of building to property line setback of 40.1 ft. in lieu of the required 50 ft.; and 2. To permit a principal building and accessory building to be situated 47.8 ft. & 31.4 ft. respectively from the centerline of a road in lieu of the required 75 ft.; and 3. To permit an existing lot having a size of 0.69 acre in lieu of the required 1.5 acres

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105 West Chesapeake Avenue, Towson 21204



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

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
2422 Poplar Road; E/S Poplar Road,	*	OF ADMINSTRATIVE
745' NW of River Road	*	HEARINGS FOR
15 th Election & 5 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Kristian & Pamela Thompson*	*	2017-060-A
Petitioner(s)		

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

SEP 07 2016

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of September, 2016, a copy of the foregoing Entry of Appearance was mailed to Little & Associates, Inc, 1055 Taylor Avenue, Suite 307, Towson, Maryland 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2017-0060-A
Property Address: 2422 POPLAR ROAD ESSEX MD 21221
Property Description: LOT NOS. 128, 129 AND 130 OF THE CEDAR BEACH
SUBDIVISION
Legal Owners (Petitioners): KRISTIAN AND PAMELA THOMPSON
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: KRISTIAN THOMPSON
Company/Firm (if applicable): N/A
Address: 534 ANNESLIE ROAD
BALTIMORE, MD 21212
Telephone Number: (410) 320-7560

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

NO 144006

Date: 8/26/2016

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

Rec From: Kristian Thompson

For: Variance - 2422 Poplar Rd
2017-0060-A (THOMPSON)

DISTRIBUTION

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

GOLD - ACCOUNTING

PAID RECEIPT

BUSINESS ACTUAL TIME DEW
8/26/2016 8/26/2016 11:03:37 3
REG 0303 WALKIN CAM
>>RECEIPT # 694524 8/26/2016 OFLH
Dept 5 528 ZONING VERIFICATION
CR 13. 144006
Receipt Tot \$75.00
\$75.00 CR \$1.00 CA
Baltimore County, Maryland

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

October 6, 2016

Kristian & Pamela Thompson
534 Anneslie Road
Baltimore MD 21212

RE: Case Number: 2017-0060 A, Address: 2422 Poplar Road

Dear Mr. & Ms. Thompson:

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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Little & Associates Inc., John Motsco, 1055 Taylor Avenue, Suite 307, Towson MD 21286

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. 2017-0066-A

Variance
Kristian & Pamela Thompson
2422 Poplar 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

10/14

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: September 23, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-060

SEP 27 2016

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 2422 Poplar Road
Petitioner: Kristian Thompson, Pamela Thompson
Zoning: RC 5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit a single family dwelling having a property line setback of 40.1' and a setback from the centerline of a road of 47.8' in lieu of the minimum required 50' and 75' respectively, to allow an accessory building to be located in the front yard having a setback from the centerline of a road of 31.4' in lieu of the required rear yard and 75' respectively and to allow a single family dwelling on a lot having 0.69 acres in lieu of the minimum required 1.5 acres.

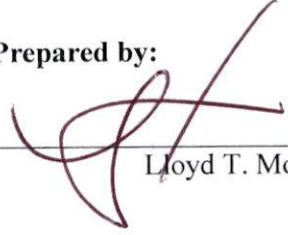
A site visit was conducted on September 13, 2016.

The Department has no objection to granting the petitioned zoning relief.

Please be advised that architectural elevations must be submitted for approval to the Department at the time of building permit application.

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
John Motsco, Little & Associates, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

10/14

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

SEP 20 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 20, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0060-A
Address 2422 Poplar Road
(Thompson Property)

Zoning Advisory Committee Meeting of **September 12, 2016.**

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

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;

This waterfront property is located in a Limited Development Area (LDA) and a portion of the property is located in a Modified Buffer Area (MBA) within the Chesapeake Bay Critical Area. All of the proposed development is shown within the MBA and outside of the forest areas on the western and southern parts of the property. The development must comply with maximum lot coverage limits (15% of the area of the property above mean high water up to a maximum of 5,445 square feet, if approved, and with mitigation for the amount over 15%), must meet restrictions on development within the required Critical Area buffer, and must meet minimum forest/tree cover requirements. The relief sought will allow for the dwelling and detached garage to be located to lessen buffer impacts. Based on this, EPS has determined that adverse impacts on water quality from the pollutants discharged from the proposed subdivision can be minimized with compliance and mitigation pursuant to Critical Area requirements. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).

2. Conserve fish, wildlife, and plant habitat; and

The relief sought will allow for less impacts to the buffer. Also, the proposed development avoids impacts to the forest on the western and southern parts of the property, and all impacts are proposed within the MBA. The forest areas cannot be disturbed. Therefore, the proposed development can meet the requirement to conserve fish, wildlife, and plant habitat provided that all Critical Area requirements can be met.

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 development, as proposed, can be permitted if lot coverage, forest/tree, and Critical Area buffer requirements are met. Compliance with all Critical Area requirements, including mitigation can allow the subject development to meet this goal.

Reviewer: Paul Dennis

Date: September 16, 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. 2017-0060

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 17-0060-09122016.doc

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 20, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0060-A
Address 2422 Poplar Road
(Thompson Property)

Zoning Advisory Committee Meeting of **September 12, 2016.**

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

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;

This waterfront property is located in a Limited Development Area (LDA) and a portion of the property is located in a Modified Buffer Area (MBA) within the Chesapeake Bay Critical Area. All of the proposed development is shown within the MBA and outside of the forest areas on the western and southern parts of the property. The development must comply with maximum lot coverage limits (15% of the area of the property above mean high water up to a maximum of 5,445 square feet, if approved, and with mitigation for the amount over 15%), must meet restrictions on development within the required Critical Area buffer, and must meet minimum forest/tree cover requirements. The relief sought will allow for the dwelling and detached garage to be located to lessen buffer impacts. Based on this, EPS has determined that adverse impacts on water quality from the pollutants discharged from the proposed subdivision can be minimized with compliance and mitigation pursuant to Critical Area requirements. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: September 23, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-060

INFORMATION:

Property Address: 2422 Poplar Road
Petitioner: Kristian Thompson, Pamela Thompson
Zoning: RC 5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit a single family dwelling having a property line setback of 40.1' and a setback from the centerline of a road of 47.8' in lieu of the minimum required 50' and 75' respectively, to allow an accessory building to be located in the front yard having a setback from the centerline of a road of 31.4' in lieu of the required rear yard and 75' respectively and to allow a single family dwelling on a lot having 0.69 acres in lieu of the minimum required 1.5 acres.

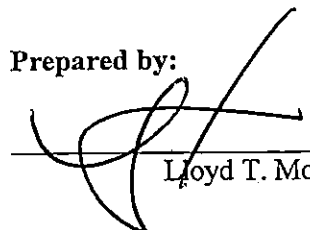
A site visit was conducted on September 13, 2016.

The Department has no objection to granting the petitioned zoning relief.

Please be advised that architectural elevations must be submitted for approval to the Department at the time of building permit application.

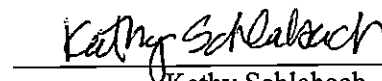
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
John Motsco, Little & Associates, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

CASE NAME 2422 POPLAR ROAD
CASE NUMBER 2017-0060-A
DATE 10/14/16

[illegible]

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

9/15/16

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

9/29/16

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

9/23/16

FIRE DEPARTMENT

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

9/7/16

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

No Obj
w/ comment
No Obj

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

9/22/16

SIGN POSTING

Date:

9/21/16

by

Pulson

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1513208371			
Owner Information					
Owner Name:	THOMPSON KRISTIAN L CROWDER THOMPSON PAMELA A		Use:	RESIDENTIAL NO	
Mailing Address:	534 ANNESLIE RD BALTIMORE MD 21212-2009		Deed Reference:	/37539/ 00476	
Location & Structure Information					
Premises Address:	2422 POPLAR RD BALTIMORE 21221-6128 Waterfront		Legal Description:	0.224 AC 2422 POPLAR RD CEDAR BEACH	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0105	0002	0204		0000	129 2015 0007/0186
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1929	896 SF		0.2200 AC	34	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1	NO	STANDARD UNIT	BRICK	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:	201,800	201,800			
Improvements	45,800	21,600			
Total:	247,600	223,400	223,400	223,400	
Preferential Land:	0			0	
Transfer Information					
Seller: MARSHALL KENNETH J SR		Date: 05/23/2016	Price: \$114,000		
Type: ARMS LENGTH MULTIPLE		Deed1: /37539/ 00476	Deed2:		
Seller: MARSHALL KENNETH J,SR		Date: 03/16/2007	Price: \$0		
Type: NON-ARMS LENGTH OTHER		Deed1: /25361/ 00623	Deed2:		
Seller:		Date:	Price:		
Type:		Deed1:	Deed2:		
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County[New Search \(http://sdat.dat.maryland.gov/RealProperty\)](http://sdat.dat.maryland.gov/RealProperty)District: **15** Account Number: **1513208371****A map was not found for this property.**

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

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

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



Existing dwelling and existing driveway to be removed. Proposed dwelling location.



Garage on adjacent property to the north of site.

2017-0060-A



Location of the proposed future garage.



Dwelling on adjacent property to the north of site and existing shed to be removed.

2017-0060-A



Existing dwelling to be removed. Proposed dwelling location.



Rear of the property bordering Sue Creek.

2017-0060-A



Existing dwelling, existing shed and front yard.



Trees to the rear of the existing dwelling.

2017-0060-A



Dwelling on adjacent property to the south of site.



Existing utilities.

2017-0060-A

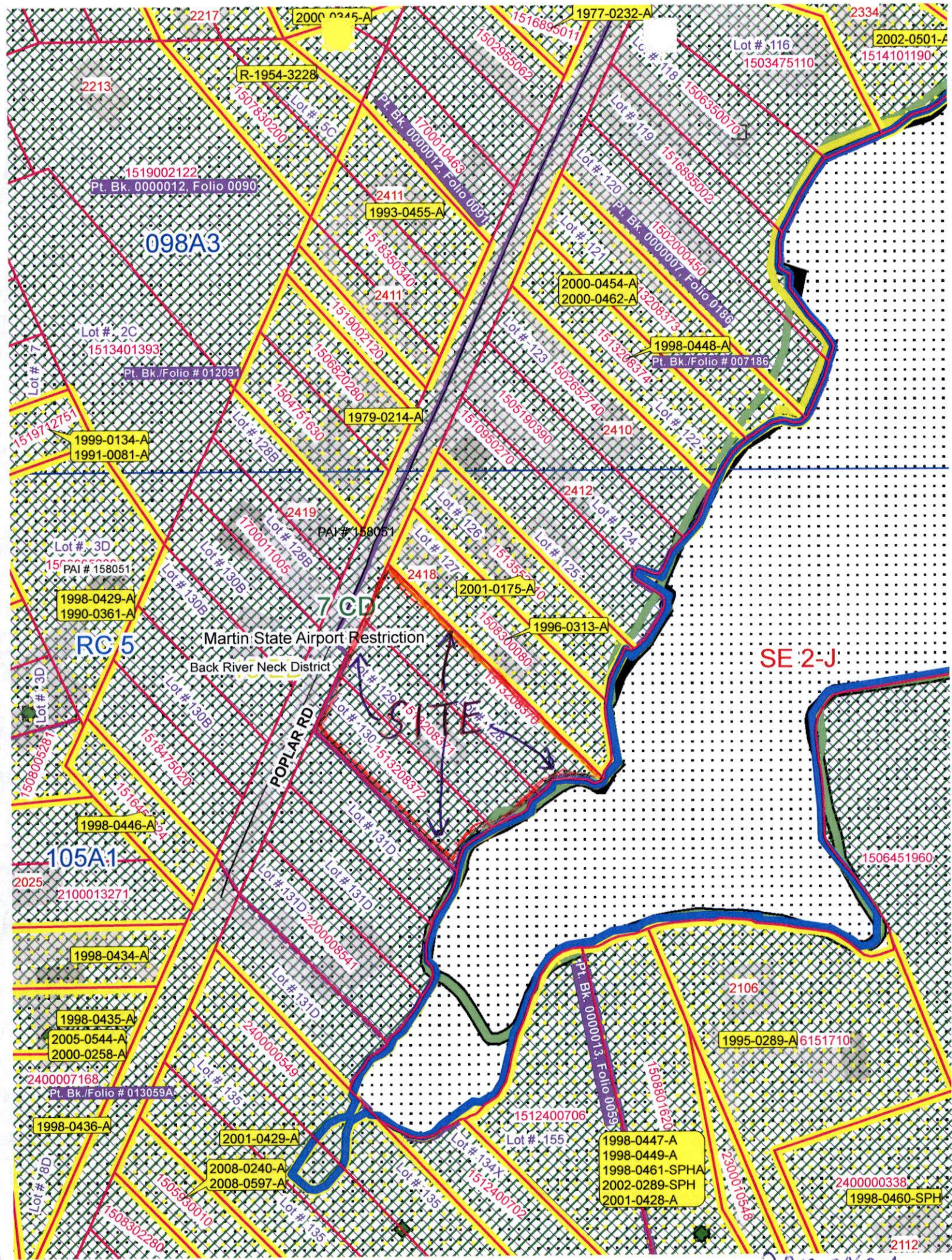


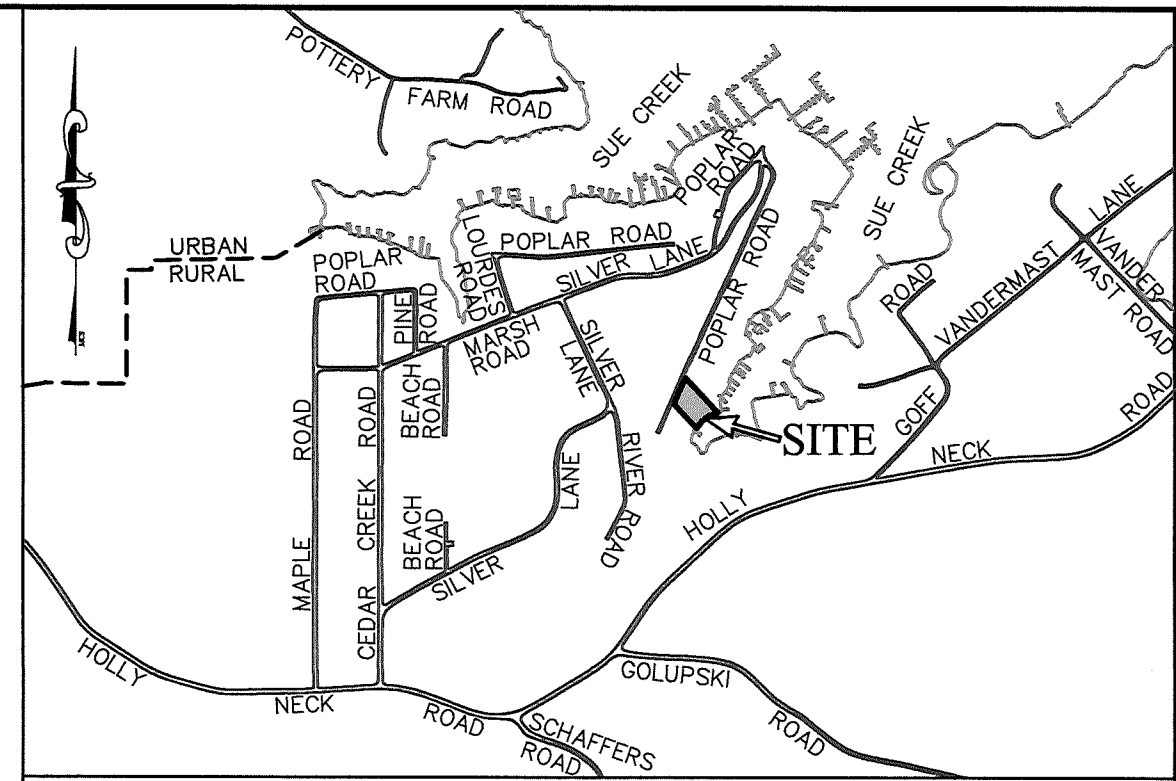
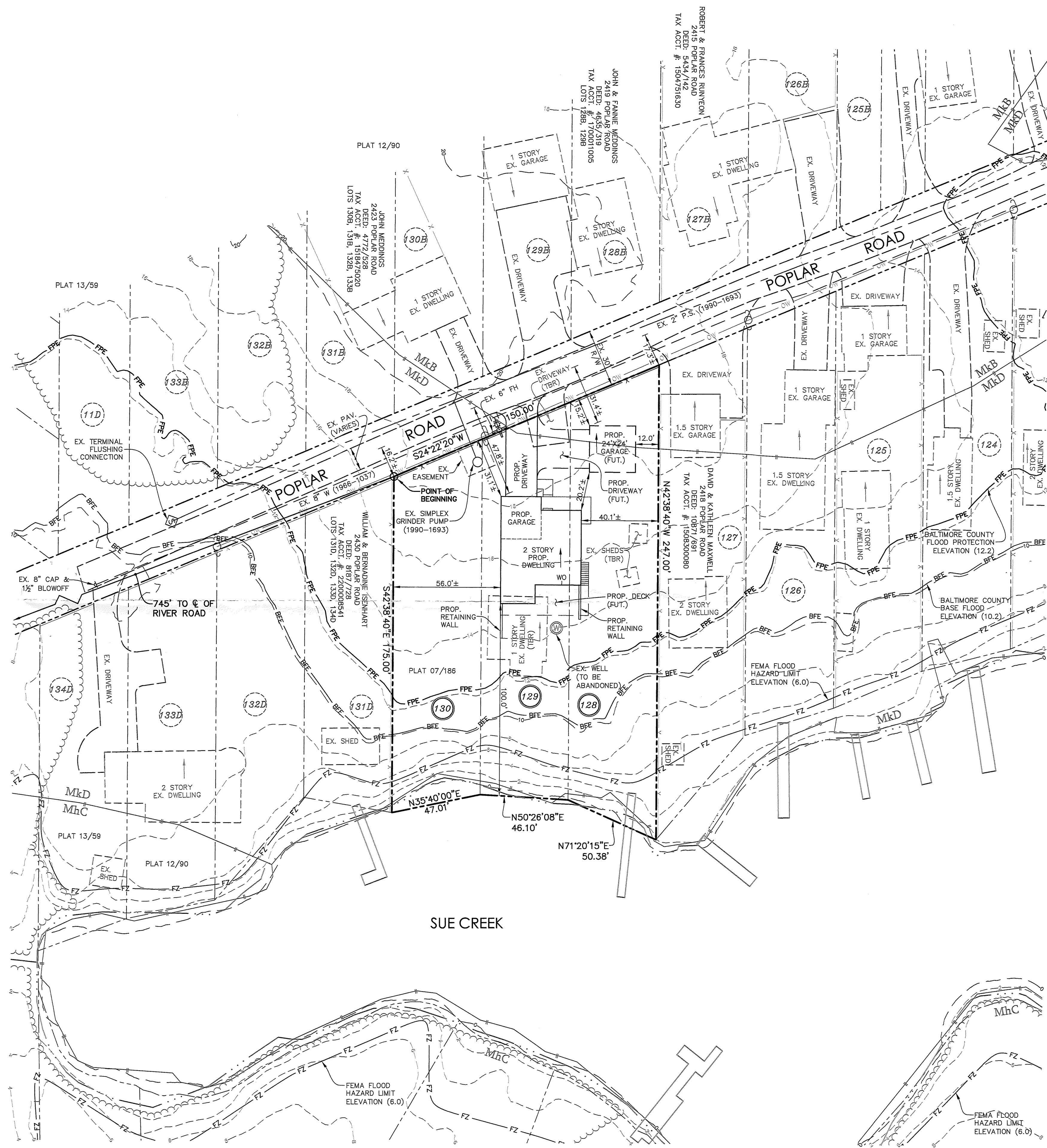
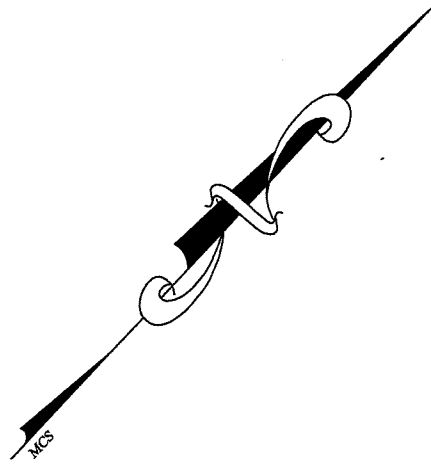
Poplar Road looking Southerly.



Poplar Road looking Northerly.

2017-0060-A





VICINITY MAP
SCALE: 1"=1000'

SITE DATA

1. AREA: NET/GROSS TRACT AREA: 0.69 AC± (30,056 SF)
2. THE ENTIRE SITE IS ZONED RC-5, 200 SCALE MAP #105A1.
3. OWNER: KRISTIAN L CROWDER THOMPSON
PAMELA A THOMPSON
2422 POPLAR AVE
ESSEX, MD 21221
4. TAX ACCOUNT NUMBERS: 1513208370, 1513208371, 1513208372
5. DEED: 37539/476
6. TAX MAP NO.: 0105 GRID: 0002 PARCEL: 0204
7. ELECTION DISTRICT: 15 COUNCILMANIC DISTRICT: 7
8. THIS SITE IS NOT LOCATED WITHIN ANY DEFICIENT AREAS BASED ON THE 2016 BASIC SERVICES MAPS, PURSUANT TO SECTION 4A02, BCZR.
9. FLOOD PLAIN EXISTS ON THIS PROPERTY. THE PROPOSED BUILDING IS LOCATED OUTSIDE OF THE FLOOD PLAIN.
10. THE ENTIRE SITE IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA AND IS DESIGNATED AS LIMITED DEVELOPMENT AREA (LDA).
11. THIS SITE IS NOT LOCATED WITHIN ANY HISTORICAL DISTRICT.
12. THIS SITE HAS NO PREVIOUS ZONING HISTORY.

ZONING VARIANCE REQUEST

I. VARIANCES FROM SECTION 1A04.3 BCZR AS FOLLOWS:

"A" VARIANCE FROM SECTION 1A04.3.B.2 BCZR, TO PERMIT A PRINCIPAL BUILDING HAVING A SIDE OF BUILDING TO PROPERTY LINE SETBACK OF 40.1 FEET IN LIEU OF THE REQUIRED 50 FEET. **20.0M SECTION 400.1.4.(2)(A)**

"B" VARIANCE FROM SECTION 1A04.3.B.2 BCZR, TO PERMIT A PRINCIPAL BUILDING & ACCESSORY BUILDING TO BE SITUATED 47.8 FEET FROM THE CENTERLINE OF A ROAD IN LIEU OF THE REQUIRED 75 FEET. **21.4 FEET, RESPECTIVELY.**

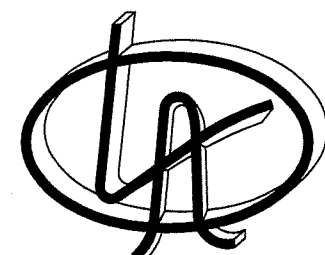
"C" VARIANCE FROM SECTION 1A04.3.B.4 BCZR, TO PERMIT AN EXISTING LOT HAVING A SIZE OF 0.69 ACRES. **IN LIEU OF THE REQUIRED 15 ACRES.**

II. VARIANCES FROM SECTION A4-400 BCZR AS FOLLOWS:

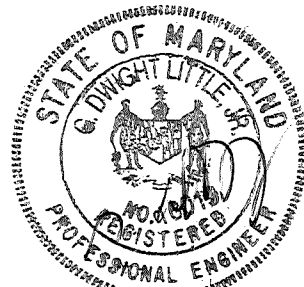
"A" VARIANCE FROM SECTION A4-400.1 BCZR, TO PERMIT AN ACCESSORY STRUCTURE TO BE LOCATED IN THE FRONT YARD IN A RESIDENTIAL ZONE. **IN LIEU OF THE REQUIRED REAR YARD ONLY.**

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. 16019, EXPIRATION DATE: 5/8/18.



LITTLE & ASSOCIATES, INC.
ENGINEERS~~LAND PLANNERS~~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639



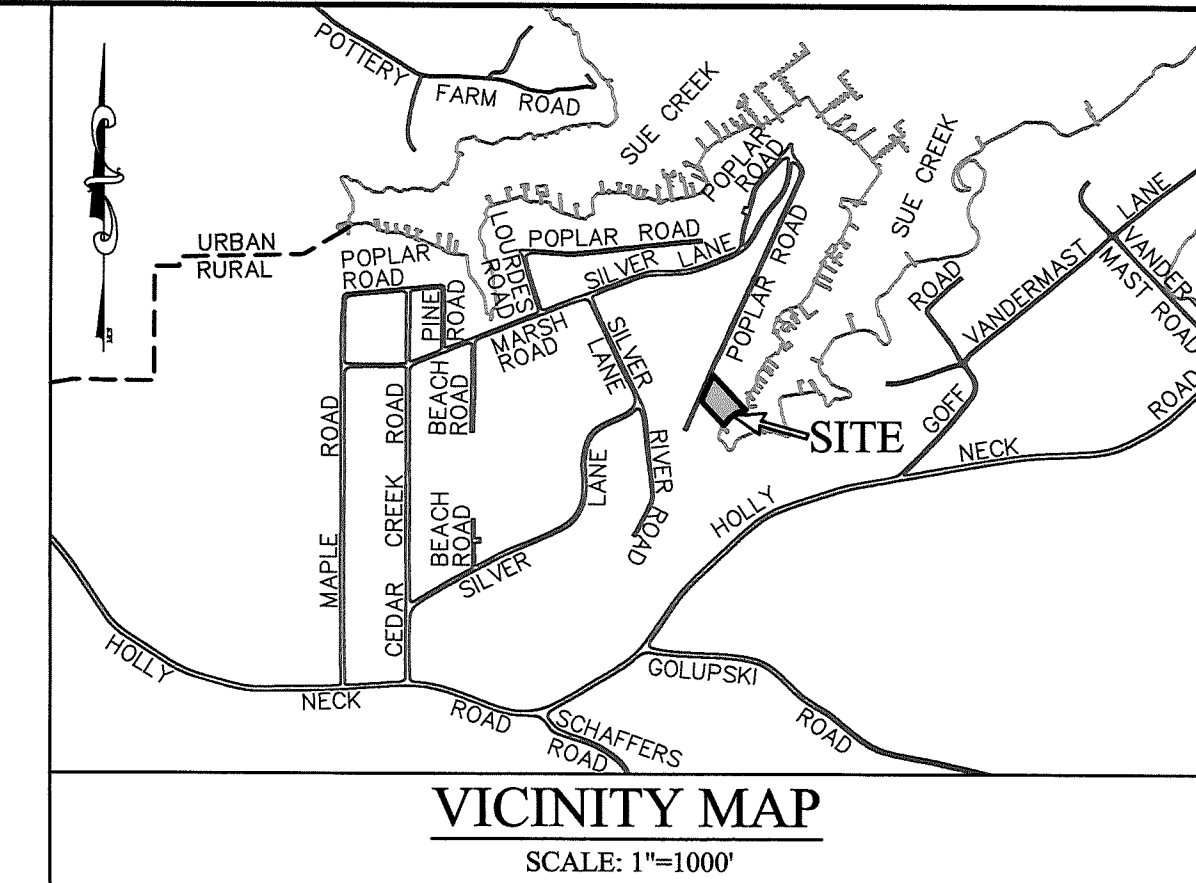
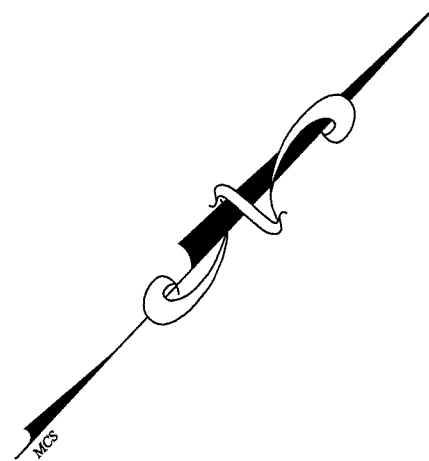
PETITIONER'S

EXHIBIT NO. 1

**PLAN TO ACCOMPANY
PETITION FOR VARIANCE
THOMPSON RESIDENCE
#2422 POPLAR ROAD**

DISTRICT 15c7 BALTIMORE COUNTY, MD
SCALE: 1"=30' AUGUST 25, 2016

2017-0060-A



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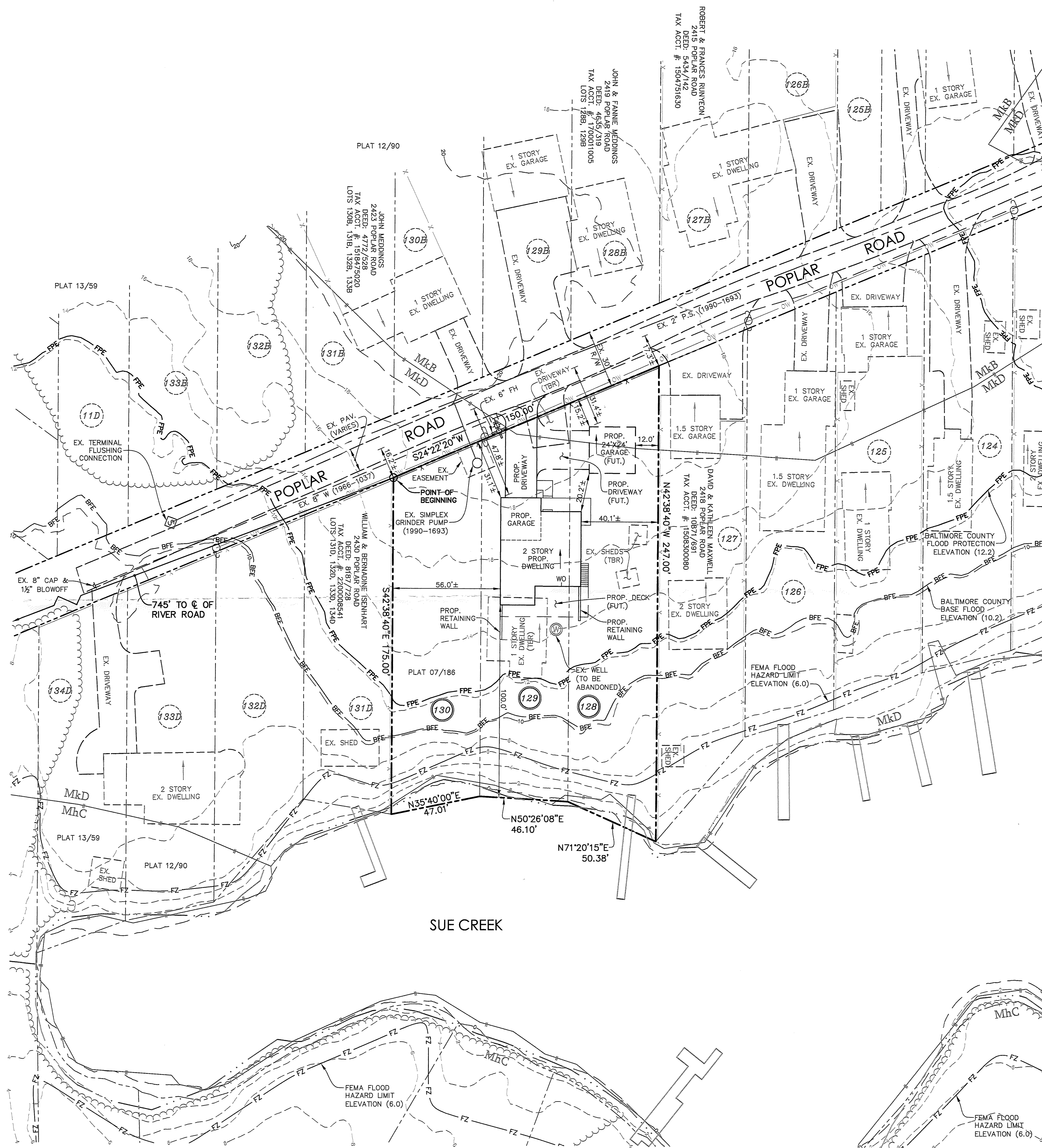
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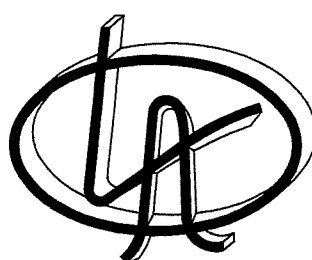
"C" VARIANCE FROM SECTION 1A04.3.B.1 BCZR, TO PERMIT AN EXISTING LOT HAVING A SIZE OF 0.69 ACRES. **IN LIEU OF THE REQUIRED 1.5 ACRES.**

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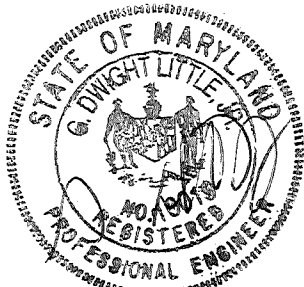
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AUGUST 25, 2016