

MEMORANDUM

DATE: November 14, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0068-A – Appeal Period Expired

The appeal period for the above-referenced case expired on November 10, 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 *
(6776 Real Princess Lane)
2nd Election District *
4th Council District *
Joseph Nso Egbe *
Petitioner *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2017-0068-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owner of the property, Joseph Nso Egbe ("Petitioner"). The Petitioner is requesting Variance relief from § 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 15 ft. from the proposed dwelling addition in lieu of the required 30 ft. rear yard setback. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments submitted by any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 15, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 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

ORDER RECEIVED FOR FILING

Date 10-11-16

By DW

Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 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 Petitioner.

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 11th day of **October, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 15 ft. from the proposed dwelling addition in lieu of the required 30 ft. rear yard setback, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

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 10-11-16

By [Signature]



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 6776 REAL PRINCESS LANE Currently zoned D.R. 5.5
Deed Reference 25140 1 299 10 Digit Tax Account # 24 00 00 88 54
Owner(s) Printed Name(s) JOSEPH N. EGGE

(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)

SEE ATTACHED SHEET

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):

JOSEPH N. EGGE
Name #1 - Type or Print Name #2 - Type or Print
X /
Signature #1 Signature #2
6776 REAL PRINCESS LANE BALTIMORE MD
Mailing Address City State
(BRUCE)
21207 / 410-419-4906 / JEGGE@COMCAST.NL
Zip Code Telephone # Email Address

Representative to be contacted:

BRUCE E. DOAK
BRUCE E. DOAK CONSULTING
Name - Type or Print
BRUCE E. DOAK
Signature
3901 BAKER SCHOOLHOUSE RD. FREELAND MD
Mailing Address City State
BRUCE@BRUCEDOAKCONSULTING.COM
21053 / 410-419-4906 /
Zip Code Telephone # Email Address

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

Name - Type or Print
Date
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 10-11-16 day of 19W 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 2017-0068-A Filing Date 9/10/16 Estimated Posting Date 9/18/16 Reviewer h

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: 6776 REAL PRINCESS LANE BALTIMORE MD 21207
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)

SEE ATTACHED SHEET

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

[Signature]
Signature of Owner (Affiant)

JOSEPH NSO EGBE
Name- Print or Type

[Signature]
Signature of Owner (Affiant)

[Blank]
Name- Print or Type

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

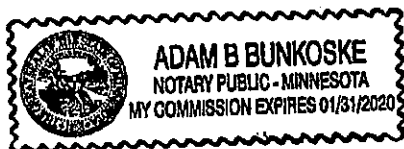
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19th day of August, 2016, before me a Notary of Minnesota ~~Maryland~~, in and for the County aforesaid, personally appeared:

Print name(s) here: Joseph Nso Egbe

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

01-31-2020
My Commission Expires

REV. 5/5/2016

0068-A

Petition Requested

To permit a rear yard setback of 15 feet from the proposed dwelling addition in lieu of the required 30 foot rear yard setback.

Per Section 1B01.2.C.1.b BCZR

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

Zoning Description

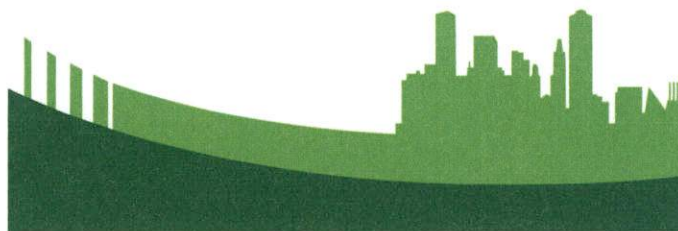
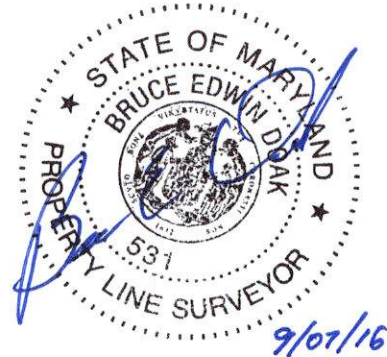
6776 Real Princess Lane- 7,357 square feet / 0.1689 acre
Second Election District Fourth Councilmanic District
Baltimore County, Maryland

Beginning at a point on the southwest side of Real Princess Lane, 757 feet, more or less, from the centerline of Featherbed Lane,

Being Lot 34 as shown of the plat entitled "Partial Amended Plat of Featherbed" as recorded in Plat Book SM 77, page 57.

Containing 7,357 square feet or 0.1689 of an acre of land, more or less.

This description is part of a zoning hearing petition and is not intended for any conveyance purposes.



Land Use Expert and Surveyor

CASE # 2017-0068-A

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

September 19, 2016

Re:

Zoning Case No. 2017-0068-A

Petitioner: Joseph N. Egbe

Closing date: October 3, 2016

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

Attention: 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 **6776 Real Princess Lane**.

The sign was posted on **September 15, 2016**.

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE NO. 2017-0068-A

6776 Real Princess Lane

**REQUEST: TO PERMIT AN ADDITION WITH A
REAR SETBACK OF 15 FEET IN LIEU OF THE
REQUIRED 30 FEET**

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1) BALTIMORE
COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP
MAY REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN
THE ZONING OFFICE BEFORE OCTOBER 03, 2016.

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT 111 W.
CHESAPEAKE AVENUE TOWSON, MD 21204 410-887-3391



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0068 -A Address 6776 Real Princess Lane

Contact Person: LEONARD Wasilewski Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9/8/16 Posting Date: 9/18/16 Closing Date: 10/3/16

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- 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.
- 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- 0068 -A Address 6776 Real Princess Lane

Petitioner's Name Joseph Nso Egbu Telephone 410-419-4906

Posting Date: 9/18/16 Closing Date: 10/3/16

Wording for Sign: To Permit AN Addition with a rear setback of 15 feet
in lieu of the required 30 feet

Revised 7/6/16

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0068 -A Address 6776 Real Princess Lane
Contact Person: LEONARD Wasilewski Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9/8/16 Posting Date: 9/18/16 Closing Date: 10/3/16

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

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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.

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Petitioner's Name Joseph Nso Egbu Telephone 410-419-4906
Posting Date: 9/18/16 Closing Date: 10/3/16
Wording for Sign: To Permit AN Addition with A Rear setback of 15 feet
in lieu of the required 30 feet

Revised 7/6/16

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

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 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 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:

Item Number or Case Number: # 2017-0068-A

Petitioner: JOSEPH N. EGBE

Address or Location: 6776 REAL PRINCESS LANE

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOSEPH N. EGBE

Address: 6776 REAL PRINCESS LANE

BALTIMORE MD 21207

Telephone Number: 410-414-4906

Revised 2/20/98 - SCJ

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

No.

141419

Date:

9/8/16

PAID RECEIPT

BUSINESS . ACTUAL . TIME . DRW
9/07/2016 . 9/08/2016 07:29:37 . 2

PG WSO2 WALKIN JEE
RECEIPT H 981247 9/08/2016 GFLH

Dept S 528 ZONING VERIFICATION

CH NO. 141419

Recpt Tot \$75.00
\$75.00 CR \$0.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	000		6150				75.00

Total:

75.00

Rec From:

Bruce Dook Consulting

For:

6776 Real Princess Lane

7017-0068-A

DISTRIBUTION

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

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

October 4, 2016

Joseph Nso Egbe
6776 Real Princess Lane
Baltimore MD 21207

RE: Case Number: 2017-0068 A, Address: 6776 Real Princess Lane

Dear Mr. Egbe:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 8, 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 faint, larger version of the same signature.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Bruce E Doak, Bruce E Doak Consulting, 3801 Baker Schoolhouse Road, Freeland MD 21053

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 26, 2016
Item No. 2017-0068

DATE: September 28, 2016

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

We have no opposition to granting the variances; however, the setback should be 16-feet so that the footing for the addition is not within the 15-foot-wide drainage and utility easement.

* * * * *

DAK:CEN
Cc:file
ZAC-ITEM NO 17-0068-09262016.doc

10/3

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

SEP 22 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 22, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0068-A
Address 6776 Real Princess Lane
(Egbe Property)

Zoning Advisory Committee Meeting of **September 26, 2016**

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford Date: 09-22-2016

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



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

Date: 9/19/16

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. 2017-0068-A

Administrative Variance
Joseph Nso Egbu
6776 Real Princess Lane

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 black ink, appearing to read 'Richard Zeller'.

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

WW/RAZ

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>9-22</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>9-19</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

02-031-SPHA +PRIOR ZONING (Case No. 02-360-SPHA)

NEWSPAPER ADVERTISEMENT

Date: _____

SIGN POSTING

Date: 9-15-16by Jack

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 - 02 Account Number - 2400008854			
Owner Information					
Owner Name:	EGBE JOSEPH NSO		Use:	RESIDENTIAL	
Mailing Address:	6776 REAL PRINCESS LN BALTIMORE MD 21207-4214		Principal Residence:	YES	
			Deed Reference:	/25140/ 00299	
Location & Structure Information					
Premises Address:		6776 REAL PRINCESS LN 0-0000		Legal Description:	.1689 AC 6776 REAL PRINCESS LN WS FEATHERBED
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0088	0013	0241		0000	34 2016 0077/0057
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
2005	2,109 SF		7,357 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	YES	STANDARD UNIT	SIDING	2 full/ 1 half	1 Attached
Value Information					
	Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2016 As of 07/01/2017		
Land:	82,300	82,300			
Improvements	185,700	182,400			
Total:	268,000	264,700	264,700	264,700	
Preferential Land:	0			0	
Transfer Information					
Seller: GARVIN EARL T		Date: 01/29/2007		Price: \$399,000	
Type: ARMS LENGTH IMPROVED		Deed1: /25140/ 00299		Deed2:	
Seller: SPERL THOMAS W		Date: 02/10/2005		Price: \$133,000	
Type: ARMS LENGTH VACANT		Deed1: /21406/ 00049		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					

IN RE: PETITIONS FOR SPECIAL HEARING	* BEFORE THE
AND VARIANCE – E/S Rona Road, 140'	
N of the c/l Real Princess Lane	* ZONING COMMISSIONER
(Lots 1 – 49 Mahogany Park)	
2 nd Election District	* OF BALTIMORE COUNTY
2 nd Council District	
	* Case No. 02-031-SPHA
Rona Road, LLC	
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Rona Road, LLC, by Thomas Sperl, Manager, through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioners request a special hearing to approve an amendment to the Final Development Plan for Mahogany Park, consistent with the relief requested in the accompanying Petition for Variance. Pursuant to the Petition for Variance, the Petitioners request relief from Section 1B01.2 of the Baltimore County Zoning Regulations (BCZR) and applicable provisions of the Comprehensive Manual of Development Policies (CMDP), in accordance with Exhibit A attached hereto and incorporated herein. The subject property and requested relief are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

The above-captioned matters were considered during a public hearing conducted on August 31, 2001 in conjunction with a companion case, namely, Case No. 02-032-SPHA. That case relates to an adjacent parcel also owned by the Petitioners, which is also proposed for development as a residential subdivision to be known as Ameen Development I.

Appearing at the requisite public hearing in support of the request were Thomas Sperl, Manager of Rona Road, LLC, property owners; G. Dwight Little, Professional Engineer who prepared the site plan for this property; and Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. A number of citizens from the surrounding community appeared as interested persons.

They included Brenda Thompson, Debra Roberts, Karen Wright, Patricia Barnhard, Sylvia Maynard-Smith, and Vanessa Hobbs.

Testimony and evidence offered revealed that the subject property is an irregular shaped, unimproved parcel located on the east side of Richardson Avenue near its terminus with Rona Road and adjacent to Real Princess Lane, near Windsor Mill Road in Reisterstown. The property contains a gross area of 11.54 acres, more or less, zoned D.R.5.5 and is proposed for development as a residential subdivision known as Mahogany Park. Previously, the property contained woodlands and open space; however, there has been some clearing and grading in preparation for the proposed development with 49 single family dwellings. Vehicular access to the site will be by way of Real Princess Lane, which enters the property from the south. As shown on the site plan, Real Princess Lane will then snake through the interior of the property and access Richardson Avenue near its terminus with Rona Road.

Approval of this subdivision was granted on or about December 14, 1990 as Project No. 89-111 under the previous development review process in Baltimore County. That is, since 1992, development in Baltimore County has been regulated by the process set out in Title 26 of the Baltimore County Code; however, the subject development was approved under the prior process governed by the County Review Group (CRG). Insofar as the present requests, Mr. Little indicated that relief was being requested so that the project could be constructed in accordance with today's standards. That is, normally the project would need to comply with the requirements in effect at the time the plan was approved by the CRG; however, the specific requirements for setbacks have changed since that time. The Petitioners seek relief as set forth above so that the property may be built out in conformance with current regulations.

Mr. Little testified and presented the plan. He described the proposed development as outlined above and the project's history. He noted that although 49 lots were approved, the available residential density based upon the size of the property and its zoning classification would allow 63 units. He also generally described the layout of the site, including a storm water management facility that will be constructed to serve both the subject development and the

adjacent Ameen Development. Mr. Little further indicated that no prior zoning variances had been granted for this subdivision.

There are actually five different variances being requested. The first, shown on the plan as Variance A, is to permit a building to building setback of 20 feet in lieu of a greater requirement which is dependent upon the height or orientation of the structures, window to window. The second variance, Variance B, is to allow a reduced front building face to public right-of-way or property line distance of 25 feet in lieu of the required 50 feet. The third variance, Variance C, requests a side building face to public right-of-way setback of 15 feet in lieu of the required 25 feet. The fourth variance, Variance D, requests a side building face to tract boundary setback of 15 feet in lieu of the required 30 feet, if there are no windows, or 35 feet if there are windows on the sides of the buildings. The final variance, Variance E, requests a rear building face with window to tract boundary setback of 30 feet in lieu of the required 35 feet. The Petition, site plan and Exhibit A set out these five different variances and the specific request for each individual building lot. Thus, a review of the plan and Exhibit A is instructive in determining which variances are sought for each individual lot.

The Protestants who appeared did not specifically oppose the variances that are being requested. They were more concerned with the scheme of the overall development. In this regard, the Mahogany Park subdivision is located immediately across Richardson Avenue/Rona Road, from the right-of-way for I-695. The citizens were particularly concerned about the impacts of the development on their adjacent properties. That is, the proposed development will obviously result in the loss of vegetation on the subject property and concerns regarding increased visibility and noise from I-695 were expressed.

The Office of Planning offered a lengthy written Zoning Advisory Committee (ZAC) comment. That comment is self-explanatory and generally supports the variances that are requested. However, there are a number of lot-specific variances that the Office of Planning believes should be denied. Generally, they do not support those variances for proposed new dwellings that will be adjacent to existing homes. In that regard, the Office of Planning opined

that proposed setbacks should be generally consistent with the context of the older community. Additionally, the Office of Planning favors the greatest rear yard setbacks which can be maintained and that corner lots should have the maximum setback from the street corner edge in order to afford an adequate buffered area and maintain a consistent distance of dwellings along the street.

In this regard, I have reviewed the plan carefully and the written comment from the Office of Planning. In my judgment, their comment has merit as it relates to Lots 20, 21, 22, 23 and 49. The remaining proposed lots in this subdivision do not adjoin existing homes. So that a uniform subdivision may be developed, it is my judgment that variance relief should be granted. However, the impact of the proposed development on Lots 20 through 23 and 49 will be most acute upon the neighborhood. Particularly, the rear of Lots 20 through 23 will abut the properties shown on the plan as Lots 13 and 14 owned by William R. and Vanessa Hobbs and Kelvin B. and Sylvia D. Smith, respectively. For those lots, I believe that the Petitioner should be required to plant an extensive landscape buffer along the rear property lines. This would include, if agreeable to Mr. & Mrs. Hobbs and Mr. & Mrs. Smith, vegetation on their side of the common property line to a degree sufficient to screen the new construction. In this regard, I will require that the Petitioner submit a landscape plan for review and approval by the County's Landscape Architect, Mr. Avery Harden, consistent with the comments herein, so as to screen the rear of Lots 20 through 23 from the existing adjacent homes. A similar condition will be imposed for Lot 49. As shown on the site plan, Lot 49 abuts the adjacent property known as 6830 Richardson Avenue, owned by John and Ann McCaffrey. Due to the proposed new construction, I believe that a landscape buffer should be installed. Again, portions of the buffer may be installed on the McCaffreys' property with their consent and at the Developer's expense. Therefore, the landscape plan submitted for review and approval by Mr. Harden should include a proposal for landscaping to the rear of Lot 49. In addition, a copy of the landscape proposal should be submitted to Mr. & Mrs. McCaffrey for their review and approval.

The final issue relates to a concern raised by the Protestants relative to the location of the Baltimore Beltway (I-695). As noted above, the citizens who appeared expressed concerns

about the development of the subject property as it may increase the effects of that road on their respective homes, insofar as noise and view are concerned. The Office of Planning also commented on this issue.

It is to be noted that Baltimore County adopted a regulation (Policy 10) regarding noise assessment. However, by its terms, Policy 10 is not applicable to this subdivision. Policy 10 specifically states that it applies only to residential development for which a concept plan was filed after June 30, 1999. Policy 10 is applicable to development approved pursuant to the development regulations presently contained in Title 26 of the Baltimore County Code. This project surely predates the enactment of Policy 10 and thus, is exempt from its provisions. Additionally, it is recognized that to impose a too-stringent condition upon the Petitioner might cause it to abandon the newly proposed layout and simply build in accordance with the old regulations.

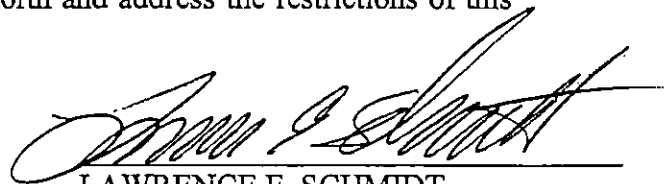
As noted above, the relief sought for the Mahogany Park subdivision was heard in conjunction with another case for the adjacent property known as the Ameen Development I, also owned by the Petitioners. As a condition of approval in both of those cases, I will require the Petitioner submit a landscape plan for review and approval by the Landscape Architect and the undersigned Hearing Officer for screening and buffering along the right-of-way to I-695. It is recognized that there is some existing vegetation at that location. To the extent that this vegetation is mature and serves to buffer the roadway, it should remain. However, the Petitioner should provide a reasonable amount of vegetation/buffers to minimize not only the impacts upon existing communities, but also to enhance the proposed areas of development. Thus, the Petitioner shall submit, within sixty (60) days of the date of this Order, a landscape plan for review and approval by the Landscape Architect and the undersigned Zoning Commissioner showing screening and buffering as is appropriate to minimize the impacts of I-695 from the existing and proposed development.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted, subject to the terms and conditions set forth herein.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of September, 2001 that the Petition for Special Hearing to approve an amendment to the Final Development Plan for Mahogany Park, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2 of the Baltimore County Zoning Regulations (BCZR) and applicable provisions of the Comprehensive Manual of Development Policies (CMDP) for all lots shown on Exhibit A attached hereto and incorporated herein, except Lots 20 through 23 and 49, be and is hereby GRANTED, subject to the following terms and conditions:

- 1) Within sixty (60) days of the date of this Order, the Petitioners shall submit a revised site plan incorporating the modified relief granted herein.
- 2) Prior to the issuance of any permits, and within sixty (60) days of the date of this Order, the Petitioner shall submit a landscape plan for review and approval by Avery Harden, Landscape Architect for Baltimore County, and this Hearing Officer/Zoning Commissioner. Said plan shall show increased screening and buffering along the subject property's right-of-way for I-695. Moreover, said plan shall show an extensive landscape buffer along the rear property lines of Lots 20 through 23 and 49.
- 3) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE – SW/S Real Princess
Lane, 695' W of the c/l Featherbed Lane
(6774 – 6776 Real Princess Lane)
2nd Election District
2nd Council District

Featherbed Partnership, Owners;
Tom Sperl, Contract Purchaser

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 02-360-SPHA

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Featherbed partnership, by Bill Greene, President, and the Contract Purchaser, Tom Sperl, through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioners request a special hearing to approve the Third Amended Final Development Plan for Featherbed to reflect the elimination of the storm water management facility and the creation of two additional lots, known as Lots 12 and 34. In addition, the Petitioners request variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building to building setback of 20 feet for buildings greater than 20 feet in height in lieu of the required 25, 30, 40, or 60 feet, depending on height, and/or in lieu of the required window to window distance of 40 feet; a front building face to public right-of-way or property line setback of 25 feet in lieu of the required 50 feet; a side building face to tract boundary setback of 25 feet in lieu of the required 30 feet for buildings without windows or 35 feet for buildings with windows; and, a rear building face (with windows) to tract boundary setback of 30 feet in lieu of the required 35 feet. The subject property and requested relief are more particularly described on the two-page site plan submitted into evidence and marked as Petitioner's Exhibits 1A and 1B.

Appearing at the requisite public hearing in support of the request were G. Dwight Little, the Professional Engineer who prepared the site plan for this property, and Howard L.

Alderman, Jr., Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

As noted above, the property under consideration is located within the residential subdivision known as Featherbed, which is located on the west side of Featherbed Lane, between Dogwood Road and Windsor Mill Road in Woodlawn. The subdivision was approved under the old County Review Group (CRG) process on April 25, 1985 and has been partially built out. The overall tract contains a gross area of 8.516 acres, more or less, zoned D.R.5.5. Given its size and zoning classification, a total of 46 units would be permitted; however, the Developer proposed only 34 single family dwelling units.

Under the originally approved subdivision, a small portion of the property in the northwest corner of the site was to be dedicated for use as a storm water management facility. However, as the result of negotiations between the owners of an adjacent parcel, known as the Ameen property, the owners of the subject property, and Baltimore County's Department of Environmental Protection and Resource Management (DEPRM), a single regional storm water management facility was constructed which will serve both properties. Thus, the storm water management facility for the subject parcel is no longer necessary and as such, the Petitioner proposes utilizing that portion of the site to create two additional residential lots. These lots are shown on the site plan as Lots 12 and 34.

Special hearing relief is requested to approve an amendment to the previously approved CRG plan to accommodate the proposed modifications. At the hearing, the Petitioner offered the revised CRG plan and third amended Final Development Plan for consideration. It is to be noted that this revision was approved by the CRG on December 3, 2001. It is also to be noted that the project is still under density.

Upon due consideration of the testimony and evidence presented, it is clear that the proposed amendment is appropriate and will not cause detrimental impacts on adjacent properties. Moreover, the modifications are entirely consistent with the development of the subject property as well as the adjacent tract.

In addition to the special hearing relief, the Petitioners also request variance relief for proposed Lots 12 and 34. Originally, four variances were requested; however, at the onset of the hearing, Mr. Alderman indicated that the Petitioner was withdrawing the variance to allow a front building face setback to a public right-of-way or property line of 25 feet in lieu of the required 50 feet. Apparently, the Petitioner is able to comply with this requirement. Nonetheless, the three remaining variances are necessary.

In support of the request, Mr. Little testified that the property is unique, given its existing configuration and grade. He opined that these factors justify the grant of the relief and that the proposed lots as shown will be consistent with the existing lots in the neighborhood. Moreover, the variances are needed in order to construct a house which will be consistent with the size of homes previously built in this and adjacent subdivisions.

As shown on Petitioner's Exhibit 1B, Lot 12 was originally shown as a 62-foot wide lot, 87 feet in depth, and Lot 34 was shown as 85 feet wide at the front/street side and 100 feet wide along the rear property line. This lot was also shown as 87 feet deep on one side and 88.45 feet on the other side. At the hearing, discussion was held regarding the dimensions of these lots and the inconsistency regarding same. The undersigned Zoning Commissioner recommended that Lot 34 be reduced in width by 13 feet and Lot 12 correspondingly enlarged by 13 feet so as to make same more compatible with other lots in the subdivision. Lot 12 would then be 75 feet wide along the front and rear property lines, and Lot 34 would be nearly 73 feet wide along the front property line and 88 feet along the rear property line. The Petitioner agreed to this adjustment and made red-lined changes to Page 2 of the site plan, showing the proposed relocation of the lot line. A copy of the amended plan was offered at the hearing as Petitioner's Exhibit 2.

Based upon the testimony and evidence presented, I am persuaded to grant the variance relief requested. Sufficient testimony and evidence was offered that the proposal meets the standards set out in Section 307 of the B.C.Z.R. The uniqueness of these two lots is in their configuration and location in the corner of the overall tract. Moreover, I believe that the

Petitioners would suffer a practical difficulty if relief were denied. Finally, as noted above, both the amended plan and variances can be granted without detrimental impact to adjacent properties.

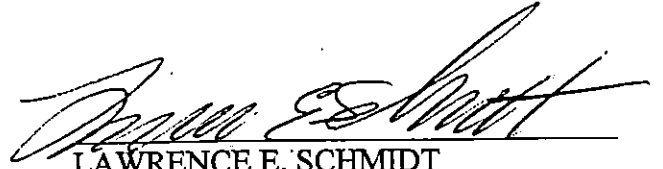
Pursuant to the advertisement posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of June, 2002 that the Petition for Special Hearing to approve the Third Amended Final Development Plan for Featherbed to eliminate the storm water management facility and create two additional lots, known as Lots 12 and 34, in accordance with the red-lined plan marked as Petitioner's Exhibit 2, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief to permit a building to building setback of 20 feet for buildings greater than 20 feet in height in lieu of the minimum required 25 feet, 30 feet, 40 feet or 60 feet depending on height, and/or in lieu of the required window to window distance of 40 feet; a side building face to tract boundary setback of 25 feet in lieu of the required 30 feet for buildings without windows or 35 feet for buildings with windows; and, a rear building face (with windows) to tract boundary setback of 30 feet in lieu of the required 35 feet, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any permits, Petitioners shall submit a revised site plan incorporating the modified relief granted herein and the lot line adjustment between Lots 12 and 34. Specifically, the lot line shall be relocated 13 feet towards the north to reduce the size of Lot 34 and correspondingly increase the width of Lot 12.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the variance to permit a front building face to public right-of-way or property line setback of 25 feet in lieu of the required 50 feet, in accordance with Petitioner's Exhibits 1A and 1B, was withdrawn and as such, is DISMISSED AS MOOT.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs



0068-A

0068-A



0068-A





0068-A



0068-A

GENERAL SITE INFORMATION

1. Ownership: Joseph Hoo Egbe
6776 Real Princess Lane Baltimore, MD 21207
2. Address: 6776 Real Princess Lane Baltimore, MD 21207
3. Deed references: SM 25140/ 299
4. Area: 7,357 sq. ft. / 0.1689 acre (per SDAT)
5. Tax Map / Parcel / Tax account #: 88 / 241 / 24-00-008854
6. Election District: 2 Councilmanic District: 4
ADC Map: 469788 GIS tile: 088A3 Position sheet: 11NW24 & 11NW25
Census tract: 402405 Census block: 240054024052004
Schools: Featherbed Lane ES Woodlawn MS Woodlawn HS
7. The boundary shown herein is from the deed recorded in the Land Records of Baltimore County. All other information shown herein was taken from Baltimore County GIS tile 088A3 and the information provided by Baltimore County on the internet.
8. Improvements: Single family dwelling & driveway. The existing dwelling and driveway will remain.

OFFICE OF ZONING

Zoning: D.R. 5.5

Previous zoning hearings:
#2002-0031-SPHA
#2002-0360-SPHA

Parking Calculations:

Required parking spaces: 2
Parking spaces provided on site: 2

Existing Setbacks for This Property:

Front: 25 feet from the street right of way
Northern Side: 15 feet from the tract boundary
Southern Side: 20 feet building to building
Rear: 30 feet to the property line

ENVIRONMENTAL IMPACT

Watershed: Gwynns Falls URDL land type: 0

1. The existing dwelling is serviced by public water and sewer.
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.

OFFICE OF PLANNING

Regional Planning District: Lochearn District Code: 319

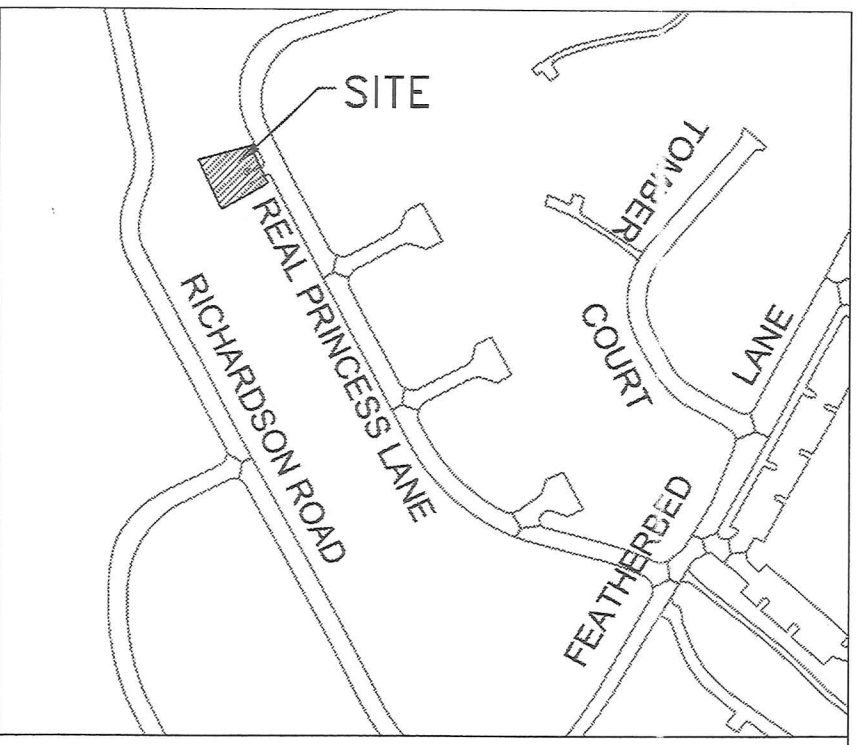
1. The subject dwelling is not historic. The subject property is not in a historic district.

UTILITIES

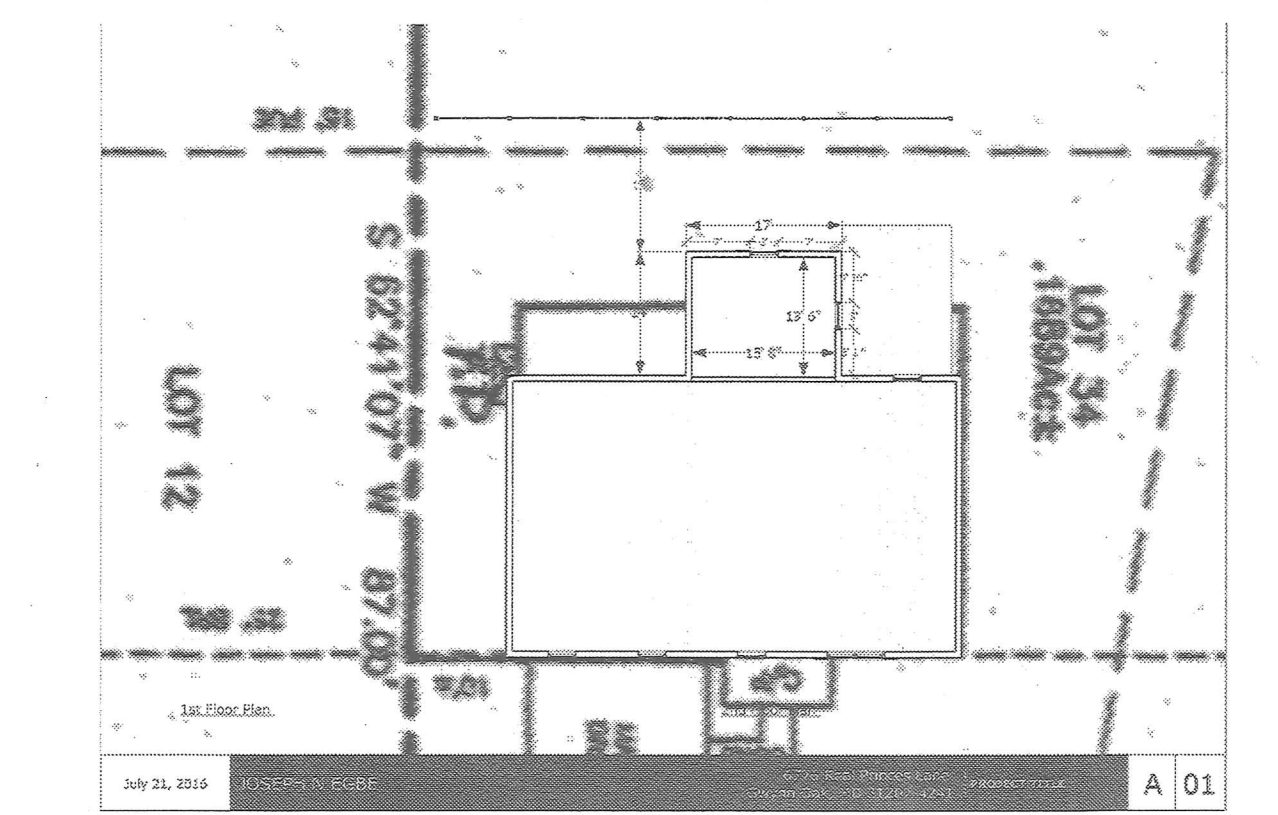
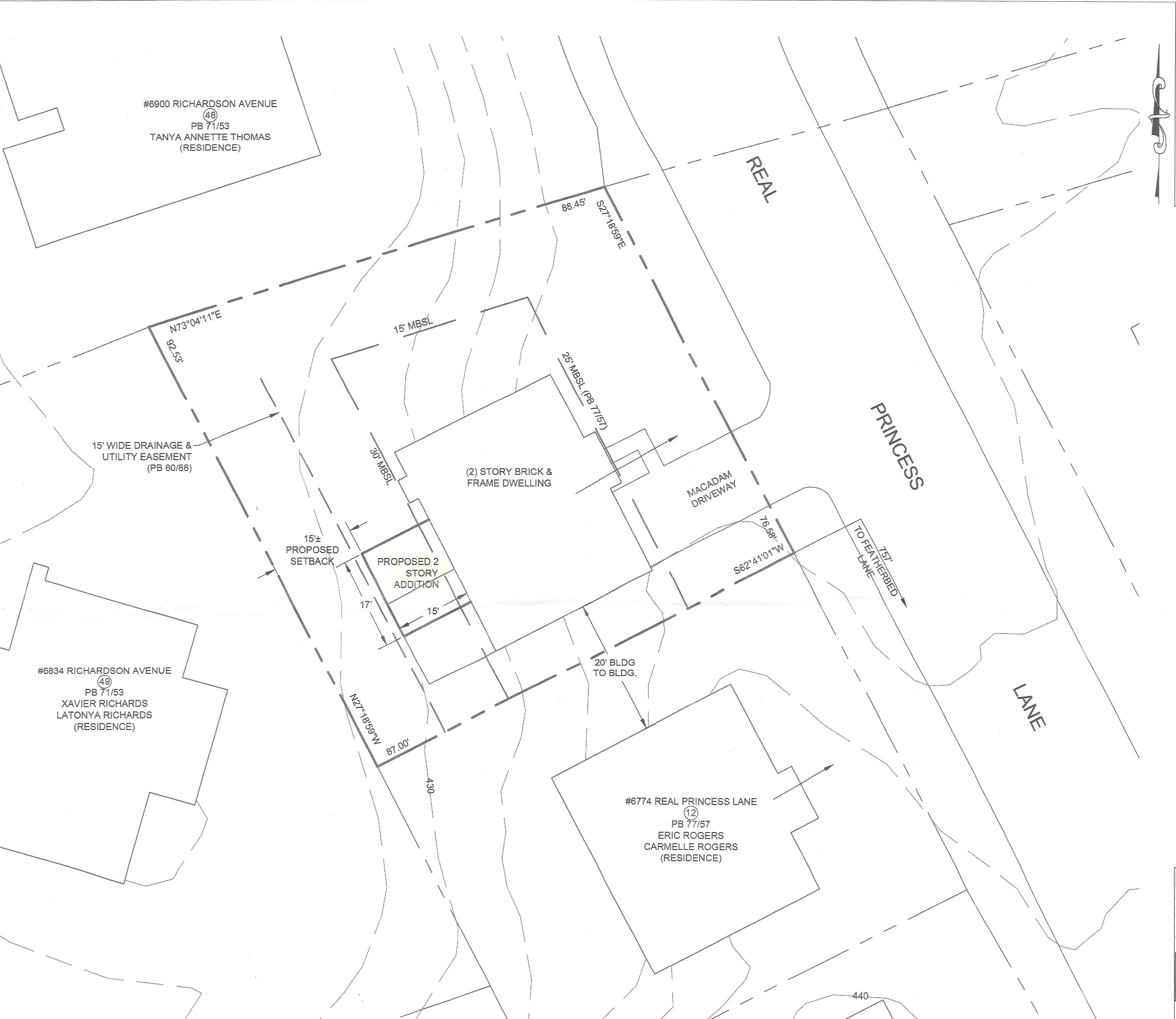
The existing water and sewer lines are located in Real Princess Lane

PROPOSED DEVELOPMENT

To construct a two story addition on the rear of the existing house

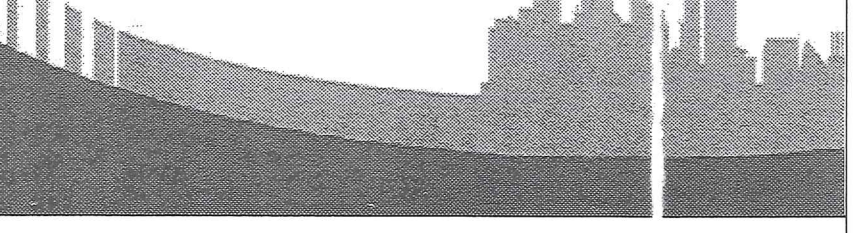


Vicinity Map - Scale: 1" = 300'

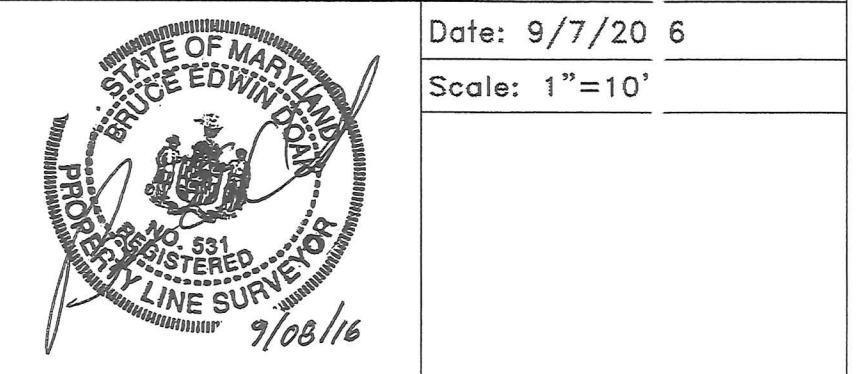


2nd Floor Plan

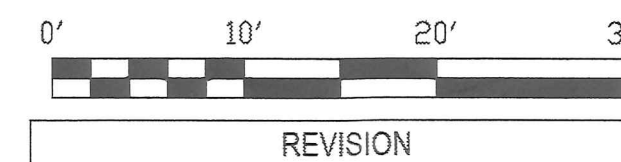
Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21063
o 443-900-5535 m 410-419-4908
bdoak@bruceedoakconsulting.com



A PLAN TO ACCOMPANY
A ZONING PETITION FOR
#6776 REAL PRINCESS LANE
LOT #34 PARTIAL AMENDED PLAY OF FEATHERBED
PLAT BOOK SM 77/57
BALTIMORE COUNTY, MARYLAND
2nd ELECTION DISTRICT 4th COUNCILMANIC DISTRICT



Date: 9/7/20 6
Scale: 1"=10'



REVISION

1. Ownership: Joseph Nso Egbie
6776 Real Princess Lane Baltimore, MD 21207
2. Address: 6776 Real Princess Lane Baltimore, MD 21207
3. Deed references: SM 25140/ 299
4. Area: 7,357 sq. ft. / 0.1689 acre (per SDAT)
5. Tax Map / Parcel / Tax account #: 88 / 241 / 24-00-008854
6. Election District: 2 Councilmanic District: 8
- ADC Map: 46978H GIS tie: 088A3 Position sheet: 11NW24 & 11NW25
- Census tract: 402405 Census block: 240054024052004
- Schools: Feathered Lane ES Woodlawn MS Woodlawn HS
7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon is taken from Baltimore County GIS tie 088A3 and the information provided by Baltimore County on the internet.
8. Improvements: Single family dwelling & driveway. The existing dwelling and driveway will remain.

Zoning: D.R. 5.5

Previous zoning hearings:
#2002-0031-SPHA
#2002-0360-SPHA

Parking Calculations:

Required parking spaces: 2
Parking spaces provided on site: 2

Existing Setbacks for This Property:

Front: 25 feet from the street right of way
Northern Side: 15 feet from the tract boundary
Southern Side: 20 feet building to building
Rear: 30 feet to the property line

Watershed: Gwynns Falls URDL land type: 0

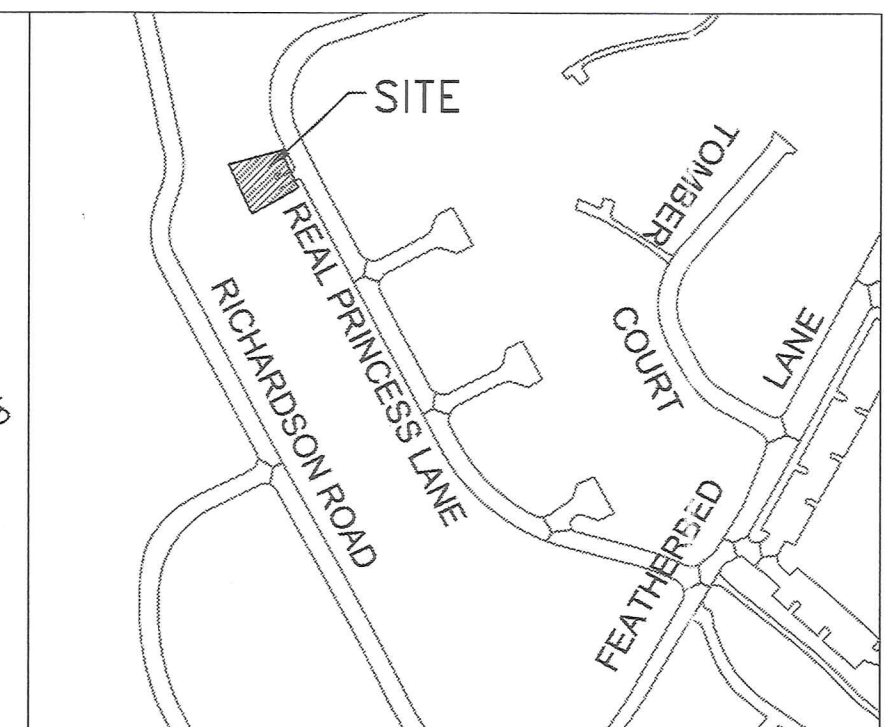
1. The existing dwelling is serviced by public water and sewer.
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.

Regional Planning District: Lochearn District Code: 319

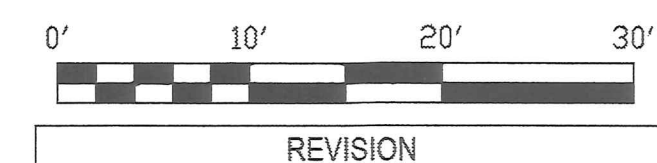
1. The subject dwelling is not historic. The subject property is not in a historic district.

The existing water and sewer lines are located in Real Princess Lane

To construct a two story addition on the rear of the existing house

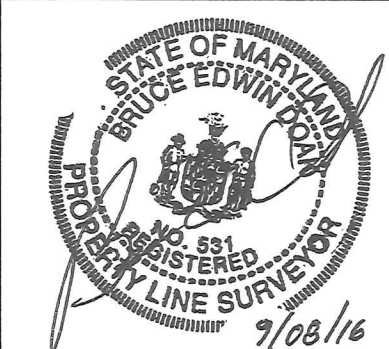


Vicinity Map - Scale: 1" = 300' 



Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

A PLAN TO ACCOMPANY
A ZONING PETITION FOR
#6776 REAL PRINCESS LANE
LOT #34 PARTIAL AMENDED PLAY OF FATHERBED
PLAT BOOK SM 77/57
BALTIMORE COUNTY, MARYLAND
2nd ELECTION DISTRICT 4th COUNCILMANIC DISTRICT



Date: 9/7/2016
Scale: 1"=10'