

M E M O R A N D U M

DATE: December 6, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0070-SPH – Appeal Period Expired

The appeal period for the above-referenced case expired on December 5, 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 SPECIAL HEARING *
(3805 Edgewater Pl.)
15th Election District *
7th Council District *
Chalmer & Mona Smith, *
Legal Owners *
Dustin Boyd, *
Contract Purchaser *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2017-0070-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Chalmer & Mona Smith, legal owners and Dustin Boyd, contract purchaser ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to allow a residential dwelling to be constructed on property zoned ML.

Professional engineer Bill Bafitis and Chalmer Smith 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 Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), the Department of Environmental Protection and Sustainability (DEPS) and the Bureau of Development Plans Review (DPR). None of the reviewing agencies opposed the request.

The subject property is 0.49 acres in size and zoned ML. The site is unimproved, and as noted by the DOP, the majority of the nearby properties are used for residential dwellings. A site plan was marked and admitted as Petitioners' Ex. 1, and it contains details regarding the proposed 28' x 52' two-story dwelling. The plan indicates that all height and area regulations from the adjoining D.R.-5.5 zone will be observed, as required by B.C.Z.R. §302.1.

ORDER RECEIVED FOR FILING

Date 11/4/16

By Den

Mr. Bafitis submitted photographs of the many dwellings in the neighborhood as well as some of the commercial uses in the vicinity. Petitioners' Ex. 3. Petitioners also submitted an Order (Petitioners' Ex. 4) from a prior zoning case (No. 2013-0278-SPH) wherein a neighboring property owner was granted special hearing relief to construct a dwelling in the ML zone. Having reviewed the plan, photos and other exhibits I believe the proposed dwelling would be compatible with the community and the petition will be granted.

THEREFORE, IT IS ORDERED this 4th day of November, **2016** by this Administrative Law Judge, that the Petition for Special Hearing to allow a residential dwelling to be constructed on property zoned ML, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon 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. Petitioners must prior to obtaining permits contact the Department of Public Works to determine the flood protection elevation for the property.
3. Petitioners must prior to obtaining permits comply with the Critical Area regulations.

ORDER RECEIVED FOR FILING

Date

11/4/16

By

Sen

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date 11/4/16

By slh



CBCA

Floor 1

PETITION FOR ZONING HEARING(S)

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

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

Address 3805 Edgewater Place which is presently zoned ML
 Deed References: 16053/745 10 Digit Tax Account # 15-04500942
 Property Owner(s) Printed Name(s) Chalmer Smith

(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

TO ALLOW A RESIDENTIAL DWELLING TO BE CONSTRUCTED ON PROPERTY ZONED ML.

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

3. ☐ a **Variance** from Section(s)

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)

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:

Dustin Boyd

Name- Type or Print

Signature

89 Wise Avenue Baltimore Maryland
 Mailing Address City State

21222 / 410-996-8470 /
 Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Date City State
 Mailing Address

Zip Code / Telephone # / Email Address

Legal Owners (Petitioners):

Chalmer Smith

Mona Smith

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

3806 Edgewater Place Baltimore Maryland
 Mailing Address City State

21222 / 410-288-3051 / 410-627-6424
 Zip Code Telephone # Email Address

Representative to be contacted:

William N. Bafitis, P.E.

Name - Type or Print

Signature

1249 Engleberth Road Baltimore Maryland
 Mailing Address City State

21221 / 410-391-2336 / bafitisassoc@comcast.net
 Zip Code Telephone # Email Address

CASE NUMBER 2017-0070-5PH Filing Date 9/8/16

Do Not Schedule Dates: Reviewer JS



Bafitis & Associates, Inc.

ZONING DESCRIPTION
FOR
3805 EDGEWATER PLACE
IN
15TH ELECTION DISTRICT
OF
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the West side of Edgewater Place, 70 feet wide, said point Being situated 140 feet $\pm$ Southerly, along the West side of said Edgewater Place, from the centerline of Rosebank Avenue, 30 feet wide.

Thence binding on the West side of said Edgewater Place, South $51^{\circ}-32'-44''$ East, 104.62 feet; thence South $55^{\circ}-13'-33''$ East, 15.74 feet; thence leaving said West side of Edgewater Place South $26^{\circ}-02'-08''$ West, 163.70 feet; thence North $61^{\circ}-21'-49''$ West, 129.31 feet; thence North $29^{\circ}-37'-10''$ East 183.17 feet to the West side of Edgewater Place and the said Point of Beginning.

Containing 21, 430 S.F., 0.4920 acres of land more or less.

Being that same lot of ground described in deed liber 16053, folio 745 and conveyed to Chalmer and Mona Smith.




William N. Bafitis, P.E. MD. License No. 11641


Date

2017-0070-SPH

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

№ 143943

Date: 9/8/16

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

Total: \$ 75.00

Rec From: SMITH

For: 2017-0070-SPH

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
9/07/2016 9/08/2016 11:11:43 2
REG #002 WALKIN JEE
>>RECEIPT # 981317 9/08/2016 CFLH
Dept 5 528 ZONING VERIFICATION
CR NO. 143943
Receipt Tot \$75.00
\$75.00 CK \$1.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION



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 4519161

Sold To:

Dustin Boyd - CU00566349
89 Wise Ave
Dundalk, MD 21222-4842

Bill To:

Dustin Boyd - CU00566349
89 Wise Ave
Dundalk, MD 21222-4842

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

Oct 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: Case: # 2017-0070-SPH 3805 Edgewater Place W/s Edgewater Place, 140 ft. s/of centerline of intersection with Rosebank Avenue 15th Election District - 7th Councilmanic District Legal Owner(s) Chalmer & Mona Smith Contract Purchaser/Lessee: Dustin Boyd Special Hearing: to allow a residential dwelling to be constructed on a property zoned ML. Hearing: Thursday, November 3, 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. 10/046 October 13 4519161
--

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

CERTIFICATE OF POSTING

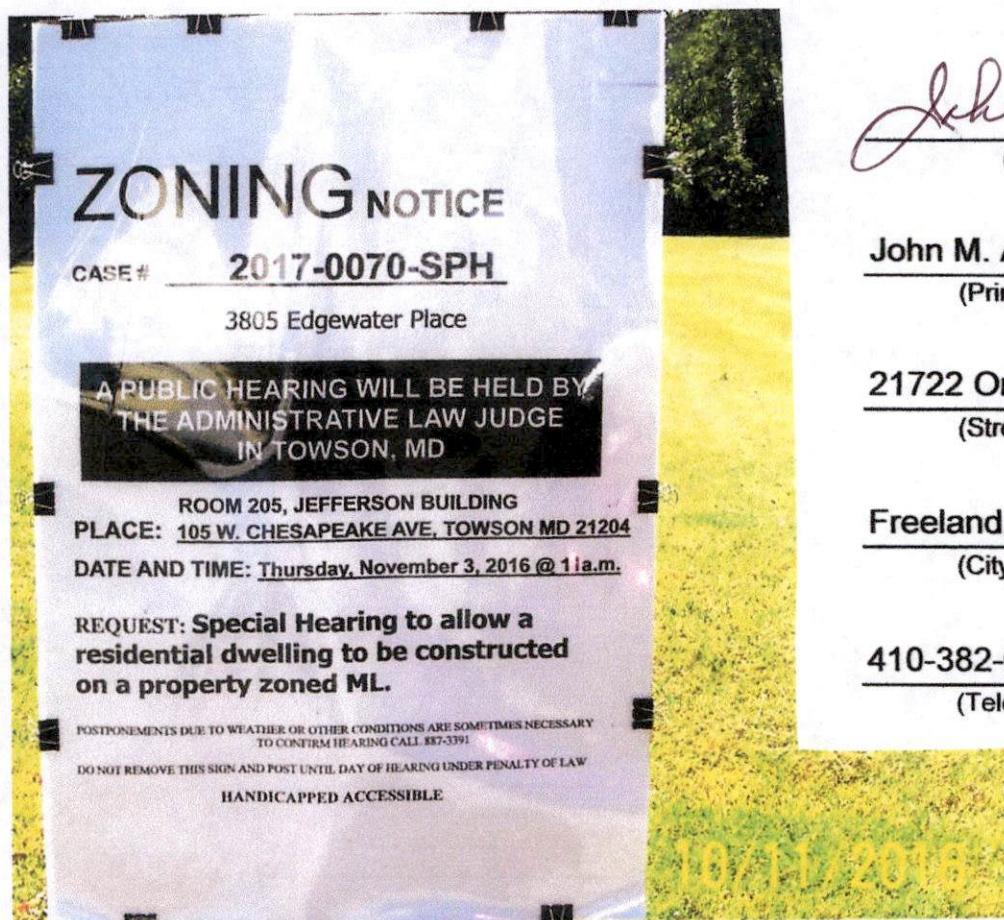
Date: October 11, 2016

RE: Project Name: Public Hearing
Case Number /PAI Number: 2017-0070-SPH
Petitioner/Developer: Chalmer & Mona Smith
Date of Hearing/Closing: November 3, 2016

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 3805 Edgewater Place
Baltimore, MD. 21222

The sign(s) were posted on October 11, 2016

(Month, Day, Year)




(Signature of Sign Poster)

John M. Altmeyer

(Printed Name of Sign Poster)

21722 Orwig Rd.

(Street Address of Sign Poster)

Freeland, MD. 21053

(City, State, Zip Code of Sign Poster)

410-382-6580

(Telephone Number of Sign Poster)



KEVIN KAMENETZ
County Executive

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

September 29, 2016

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0070-SPH

3805 Edgewater Place

W/s Edgewater Place, 140 ft. s/of centerline of intersection with Rosebank Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Chalmer & Mona Smith

Contract Purchaser/Lessee: Dustin Boyd

Special Hearing to allow a residential dwelling to be constructed on property zoned ML.

Hearing: Thursday, November 3, 2016 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Dustin Boyd, 89 Wise Avenue, Baltimore 21222

Mr. & Mrs. Smith, 3806 Edgewater Place, Baltimore 21222

William Bafitis, 1249 Engleberth Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, OCTOBER 14, 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.



KEVIN KAMENETZ
County Executive

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

September 29, 2016

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TO: PATUXENT PUBLISHING COMPANY
Thursday, October 13, 2016 Issue - Jeffersonian

Please forward billing to:
Dustin Boyd
89 Wise Avenue
Baltimore, MD 21222

443-996-8470

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: 2017-0070-SPH

3805 Edgewater Place

W/s Edgewater Place, 140 ft. s/of centerline of intersection with Rosebank Avenue

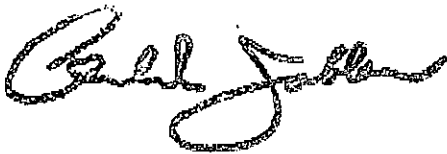
15th Election District – 7th Councilmanic District

Legal Owners: Chalmer & Mona Smith

Contract Purchaser/Lessee: Dustin Boyd

Special Hearing to allow a residential dwelling to be constructed on property zoned ML.

Hearing: Thursday, November 3, 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

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RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
3805 Edgewater Place; W/S Edgewater Place,	*	OF ADMINISTRATIVE
140' S of c/line with Rosebank Avenue	*	HEARINGS FOR
15 th Election & 7 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Chalmer & Mona Smith	*	2017-070-SPH
Contract Purchaser(s): Dustin Boyd		
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 19 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 16th day of September, 2016, a copy of the foregoing Entry of Appearance was mailed to William Bafitis, P.E., 1249 Engleberth Road, Baltimore, MD 21221, 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: 2017-0070-SPH

Property Address: 3805 Edgewater Place

Property Description: Vacant Lot Mostly Lawn

Legal Owners (Petitioners): Chalmer Smith

Contract Purchaser/Lessee: Dustin Boyd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Dustin Boyd

Company/Firm (if applicable): _____

Address: 89 Wise Avenue

Baltimore, Maryland 21222

Telephone Number: 443-996-8470

Revised 5/20/2014



KEVIN KAMENETZ
County Executive

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

October 25, 2016

Chalmer and Mona Smith
3806 Edgewater Place
Baltimore MD 21222

RE: Case Number: 2017-0070 SPH, Address: 3805 Edgewater Place

Dear Mr. & Ms. Smith:

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." in a cursive script.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Dustin Boyd, 89 Wise Avenue, Baltimore MD 21222
William N Bafitis, P. E., 1249 Engleberth Road, Baltimore MD 21221

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



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

Date: 9/12/16

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. 2017-0070-SPA

Special Hearing
Chalmer & Mona Smith
3805 Edgewater Place

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 A. Zeller'.

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

WW/RAZ

11/3

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: September 29, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-070

RECEIVED

OCT 07 2016

INFORMATION:

Property Address: 3805 Edgewater Place
Petitioner: Chalmer and Mona Smith
Zoning: ML
Requested Action: Special Hearing

OFFICE OF ADMINISTRATIVE HEARINGS

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve a residential dwelling to be constructed on a property zoned ML.

A site visit was conducted on September 16, 2016. The subject property is predominately surrounded by residential uses.

Upon consideration of BCZR§ 302.1 as applied to the subject property, the Department has no objection to granting the petitioned zoning relief.

Please be advised that the provisions of BCZR §302.1 apply to this proposal.

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

Prepared by:

Division Chief:


Lloyd T. Moxley


Kathy Schlabach

AVA/KS/LTM/ka

c: Josephine Selvakumar
William N. Bafitis, P.E., Bafitis & Associates, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 20, 2016

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For September 19, 2016
Item No. 2017-0070

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 17-0070-09192016.doc

OCT 12 2016

DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS**BALTIMORE COUNTY, MARYLAND**
INTER-OFFICE MEMORANDUM

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

DATE: September 29, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-070

INFORMATION:

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Zoning: ML
Requested Action: Special Hearing

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Prepared by:

Division Chief:

Lloyd T. Moxley (XMA)
Lloyd T. Moxley

Kathy Schlabach
Kathy Schlabach

AVA/KS/LTM/ka

c: Josephine Selvakumar
William N. Bafitis, P.E., Bafitis & Associates, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: September 27, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0070-SPH
Address 3805 Edgewater Place
(Smith Property)

Zoning Advisory Committee Meeting of **September 19, 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;

The petitioner requests to allow a residential dwelling to be constructed on a property zoned ML. The subject property is located within an Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area, and, as such, development of this property will be subject to practices that reduce water quality impacts associated with stormwater runoff, commonly referred to as the Critical Area 10% Rule. The project will be reviewed for applicability of the 10% Rule regulations and any required mitigation. By meeting the IDA pollutant reduction requirements, allowing the request by the applicant will result in minimal impacts to water quality.

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

The subject property is not a waterfront property. There is not a tidal buffer projected onto the property. The current development proposal for the property will be reviewed for application of the IDA 10% pollutant reduction requirements, which will improve buffer functions and conserve fish habitat in proximity to nearby Back River. In addition, during the review process, e.g., a building permit application, the site will be inspected for the presence or absence of wetlands and, if present, further comments would follow.

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 applicant's proposal to construct a detached garage is subject to review for application of the Critical Area IDA pollutant reduction requirements, therefore, is consistent with this goal. Allowing the request will be consistent with established land-use policies provided that the applicants meet any IDA requirements applicable to the proposal.

Reviewer: Thomas Panzarella
Environmental Impact Review

Date: September 22, 2011

CASE NAME _____
CASE NUMBER 2017-0010-SPT
DATE Nov. 3, 2016

[illegible]

CASE NO. 2017-0070-SPH

C H E C K L I S T

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

9/20

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

Comment

9/27

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

Comment

9/29

FIRE DEPARTMENT

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

No Obj w/Comment

9/12

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

No Obj

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

10/13/16

SIGN POSTING

Date:

10/11/16

by

Altmeppen

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

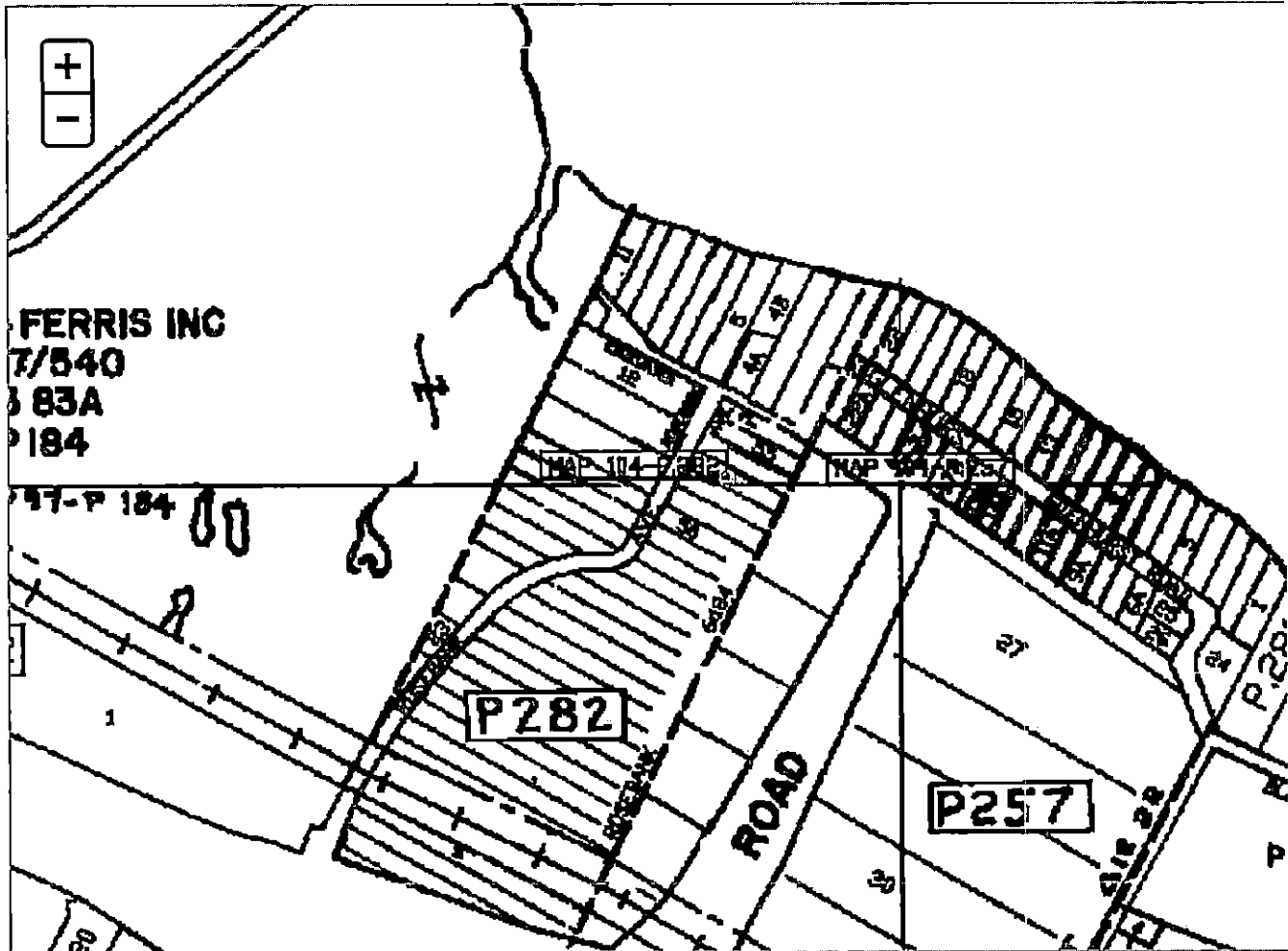
Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1504500942			
Owner Information					
Owner Name:	SMITH CHALMER SMITH MONA L		Use:	INDUSTRIAL NO	
Mailing Address:	3806 EDGEWATER PL BALTIMORE MD 21222- 2821		Principal Residence:		
			Deed Reference:	/16053/ 00745	
Location & Structure Information					
Premises Address:		EDGEWATER PL 0-0000		Legal Description:	PT LT 53-56 125 SE ROSEBANK AVE ROSEBANK
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0104	0002	0282		0000	
					Block:
					53
					Lot:
					2015
					Assessment Year:
					Plat No:
					Plat Ref:
					0006/ 0184
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
			0.4600 AC	07	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
		Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2016 As of 07/01/2017	
Land:		55,500	55,500		
Improvements		0	0		
Total:		55,500	55,500	55,500	55,500
Preferential Land:		0			0
Transfer Information					
Seller: DEMCZAK MARGARET L		Date: 02/01/2002		Price: \$40,000	
Type: ARMS LENGTH VACANT		Deed1: /16053/ 00745		Deed2:	
Seller: CARETTI LOUIS S		Date: 10/09/1998		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /13207/ 00174		Deed2:	
Seller: DO THOMAS L		Date: 10/23/1973		Price: \$5,000	
Type: ARMS LENGTH IMPROVED		Deed1: /05403/ 00411		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

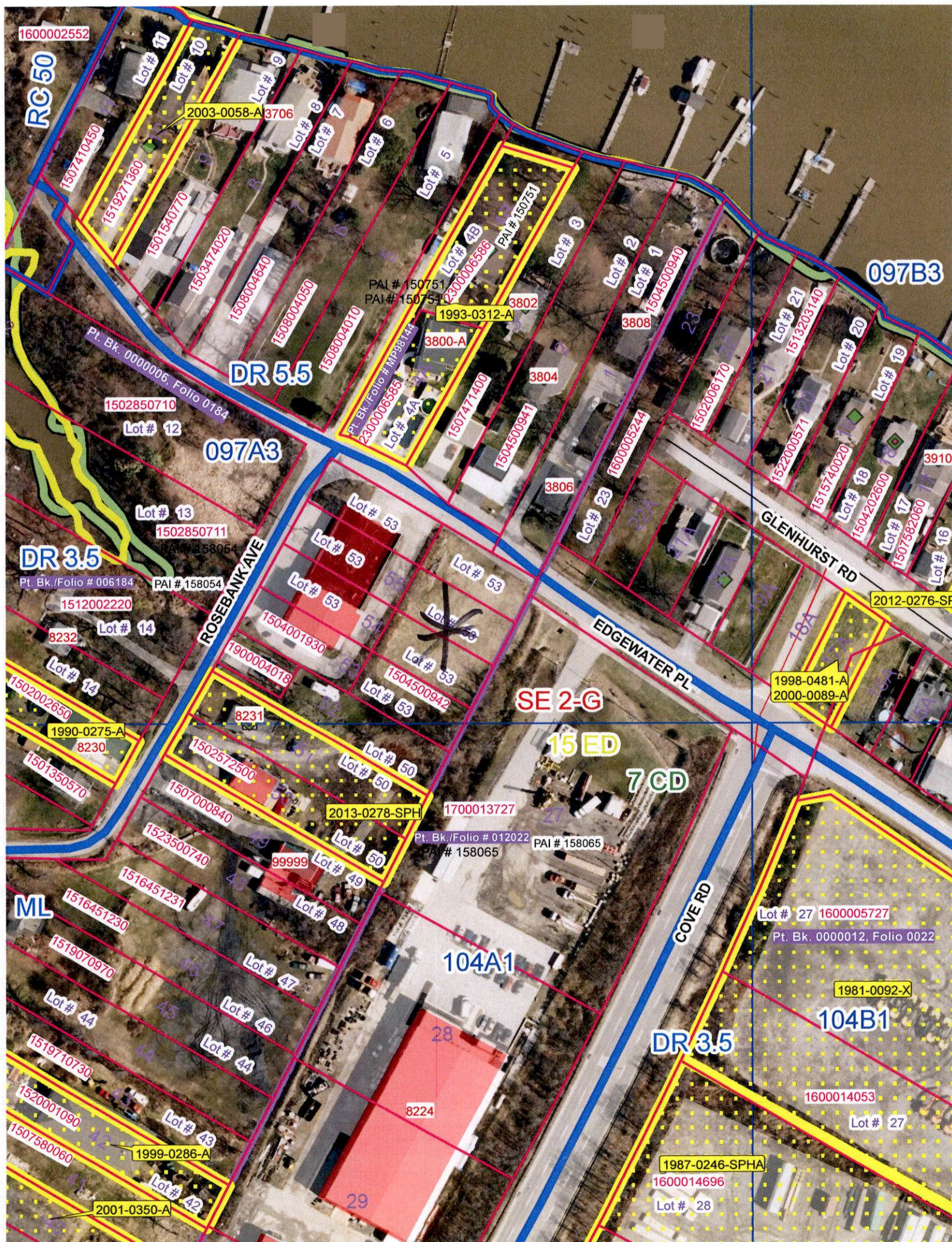
New Search (<http://sd.dat.maryland.gov/RealProperty>)District: **15** Account Number: **1504500942**

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.

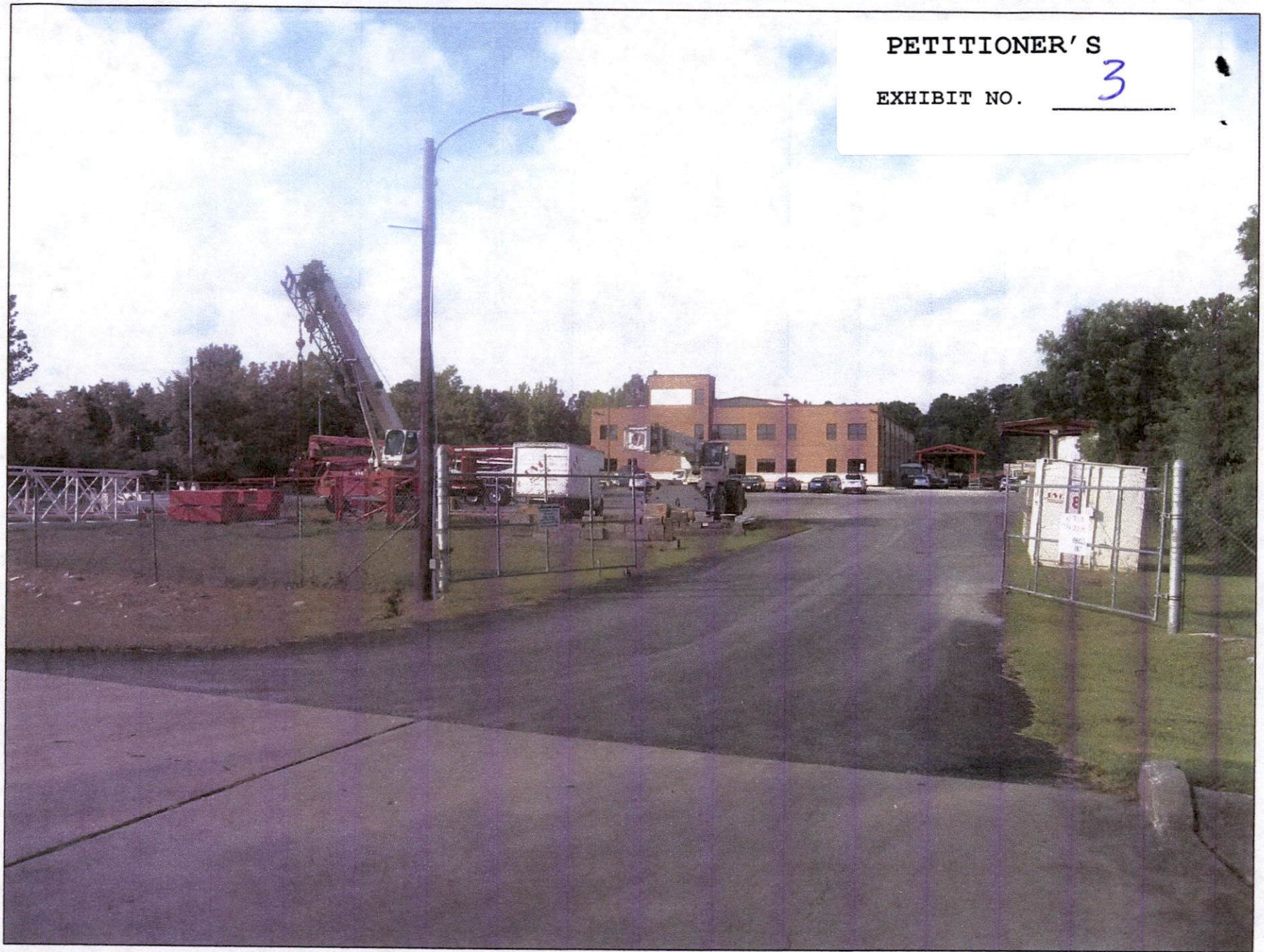
For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



PETITIONER'S

EXHIBIT NO.

3



① #3809 EDGEWATER PLACE—COMMERCIAL
(BELFAST VALLEY CONTRACTORS)



② #3903 GLENHURST ROAD—RESIDENTIAL



③ #3808 EDGEWATER PLACE—RESIDENTIA



④ #3805 EDGEWATER PLACE—VACANT LOT
(PROPOSED HOUSE SITE)



⑤ #3804, #3806 & #3808 EDGEWATER
PLACE—RESIDENTIAL



⑥ #3804 EDGEWATER PLACE—RESIDENTIAL
(2-CAR GARAGE IN FRONT OF #3804)



⑦ BUILDING SIDE ALONG EDGEWATER PLACE
#8242 ROSEBANK AVENUE—COMMERCIAL
(GENERAL DIE FINISHING, INC.)



⑧ #8242 ROSEBANK AVENUE—COMMERCIAL
(GENERAL DIE FINISHING, INC.)



⑨ #8231 ROSEBANK AVENUE—RESIDENTIAL



⑩ GARAGE, STORAGE CONTAINERS—
RESIDENTIAL



⑪ #8230 ROSEBANK AVENUE—RESIDENTIA



⑫ #8228 ROSEBANK AVENUE—RESIDENTIAL



⑬ #8224 ROSEBANK AVENUE—RESIDENTIAL



①④ #8225 ROSEBANK AVENUE—RESIDENTIAL

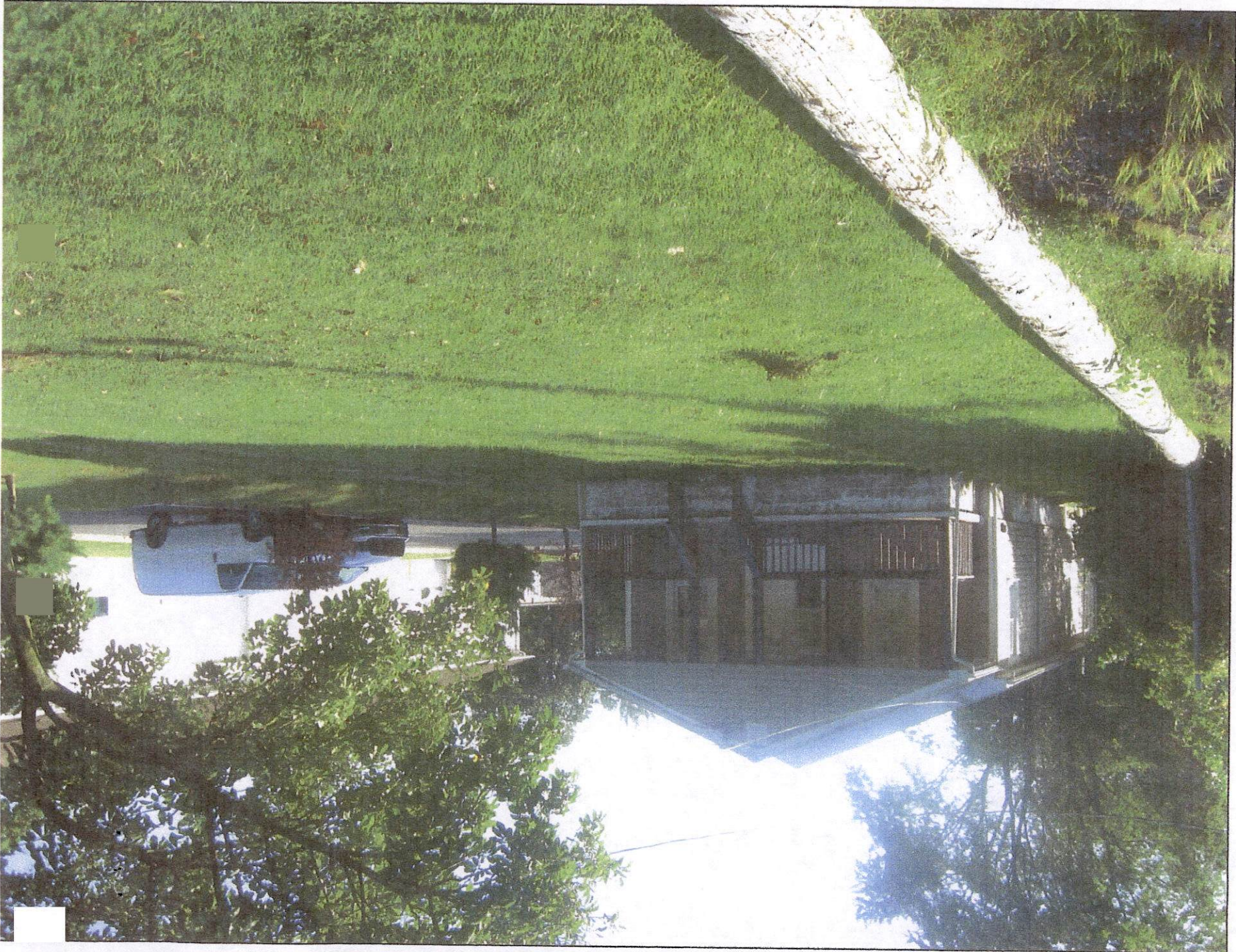


⑮ #8218 ROSEBANK AVENUE—RESIDENTIAL



①6 #8219 ROSEBANK AVENUE—COMMERCIAL

①7 #8217 ROSEBANK AVENUE—RESIDENTIAL





(18) #8213 ROSEBANK AVENUE—COMMERCIAL



①9 #8214 ROSEBANK AVENUE—RESIDENTIAL



(20) #8209 ROSEBANK AVENUE—COMMERCIAL



(21) #8203 ROSEBANK AVENUE—RESIDENTIAL



(22) #8143 ROSEBANK AVENUE—RESIDENTIAL



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

August 5, 2013

Glenn Boyd
8231 Rosebank Avenue
Baltimore, Maryland 21222

RE: Petition for Special Hearing
Case No. 2013-0278-SPH
Property: 8231 Rosebank Avenue

Dear Mr. Boyd:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slm
Enclosure

c: Stuart Colvin, 8231 Rosebank Avenue, Baltimore, Maryland 21222

PETITIONER' S

EXHIBIT NO.

4

IN RE: PETITIONS FOR SPECIAL HEARING *
(8231 Rosebank Avenue)
15th Election District *
7th Councilmanic District *
Glenn Boyd *
Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2013-0278-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed by Glenn Boyd, the legal owner of the subject property. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to approve a replacement dwelling in an ML zone in an area which is not predominantly adjoined by residential dwellings. 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.

Appearing at the public hearing in support of the requests was Glenn Boyd and Stuart Colvin, a representative of the builder, CGC Builders, Inc. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), Department of Environmental Protection and Sustainability (DEPS) and Bureau of Development Plans Review (DPR). The DOP does not oppose the petition, but requested that Petitioner clear the subject lot of debris and non functioning cars. DEPS indicated that the subject property is located within an Intensely Developed Area (IDA) and is subject to Critical

ORDER RECEIVED FOR FILING

Date 8-5-13

By [Signature]

Area requirements. The Bureau of DPR indicated the Petitioner must comply with the County's flood plain requirements.

The subject property is 34,775 sq. ft. in size and is zoned ML. The Petitioner's family has owned the property since 1964, and the existing dwelling (shown in the photos marked as Exhibit 2) was constructed in 1920. The Petitioner proposes to raze the existing home, and construct on the property a modern single family dwelling (1,928 s.f.), as shown on the plans and elevation drawings submitted as Exhibit 3.

Under the B.C.Z.R., "residences" may be erected in manufacturing zones provided the dwelling satisfies (in this case) the adjoining DR 5.5 height and area regulations. The Petitioner will satisfy these requirements, as shown on the site plan. Exhibit 1. Even so, County officials required the Petitioner to seek Special Hearing relief, based on § 302.1 of the Zoning Policy Manual, which sets forth certain conditions that are arguably at odds with B.C.Z.R. § 302.1. Even so, as noted above, this property has been improved with a residential dwelling for over 90 years, and the zoning maps reveal that the property is surrounded by DR 3.5 and DR 5.5 zones. As such, I find that Petitioner has satisfied the requirements of the Zoning Commissioner's Policy Manual (ZCPM) and B.C.Z.R., and that the new dwelling will be an attractive addition to the community.

Pursuant to the advertisement, posting of the property, and the public hearing, and after considering the testimony and evidence offered, I find that Petitioner's Special Hearing request should be granted.

THEREFORE, IT IS ORDERED this 5th day of August 2013, by this Administrative Law Judge, that Petitioner's request for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to approve a replacement dwelling in an ML zone in

ORDER RECEIVED FOR FILING

Date 8-5-13

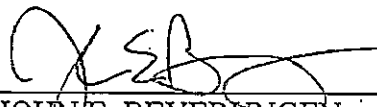
By [Signature]

an area which is not predominantly adjoined by residences , be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said 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/sln

ORDER RECEIVED FOR FILING

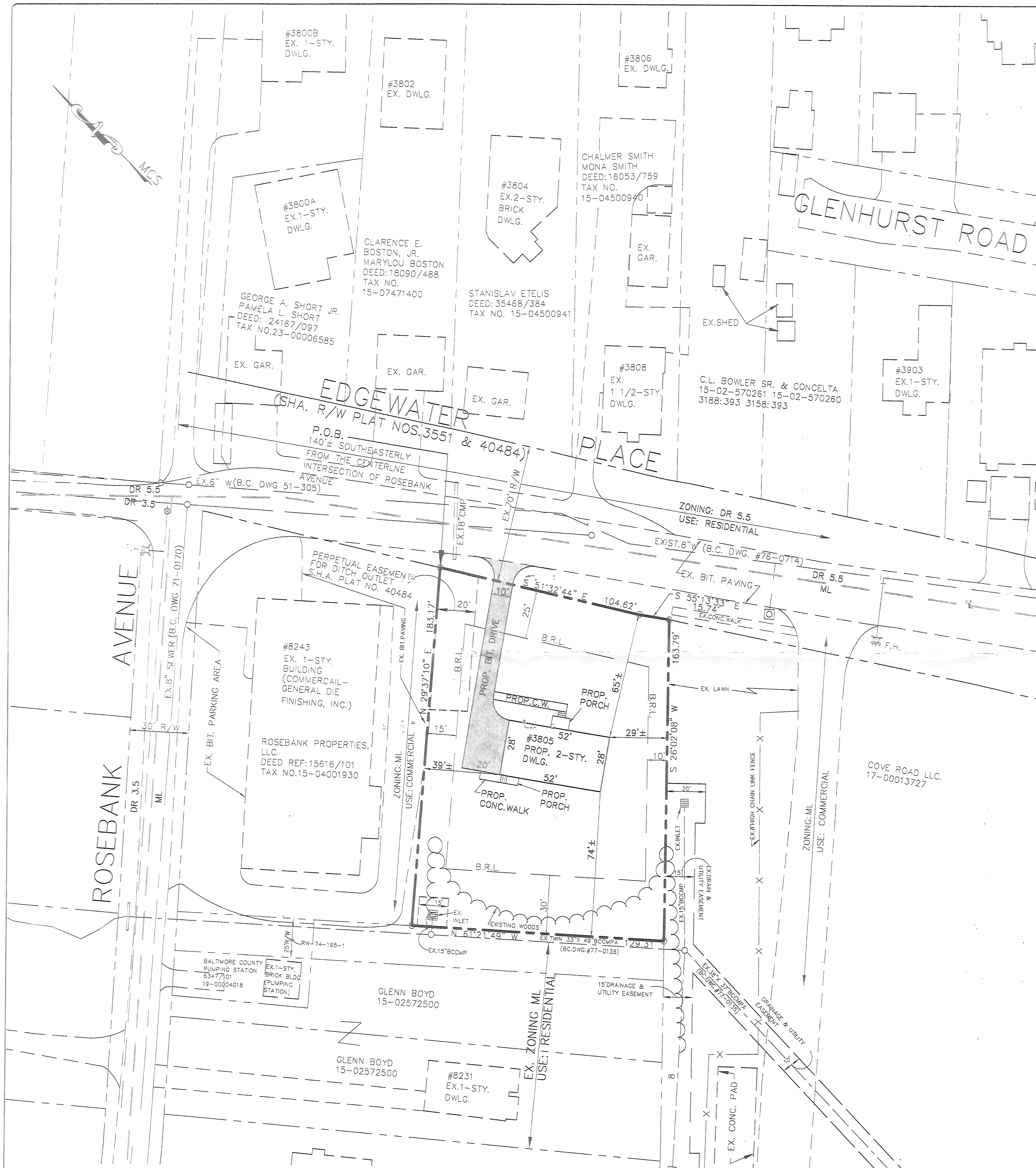
Date 8-5-13

By BW

○

21

21



NOTES

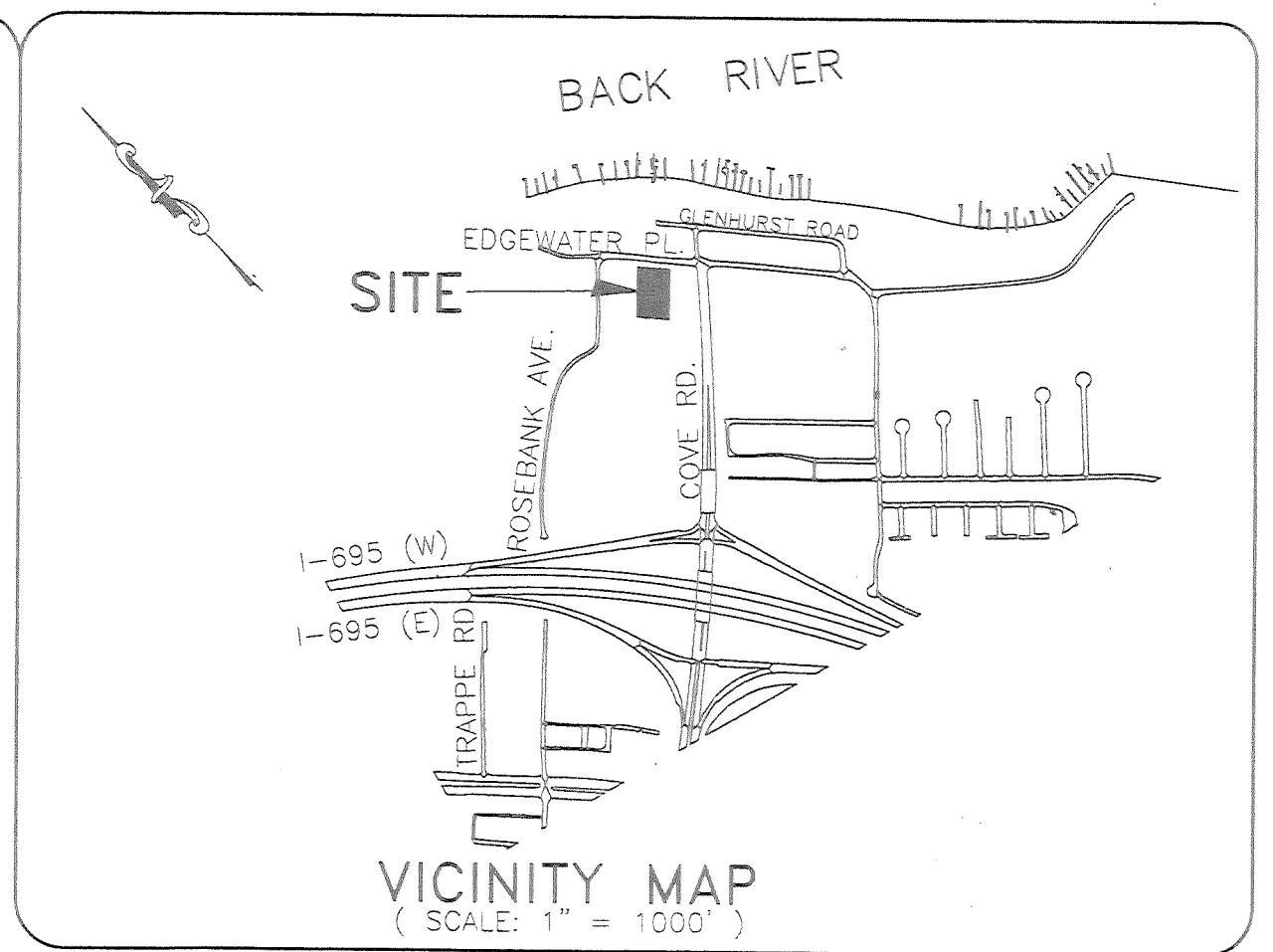
- Topography shown hereon was taken from Baltimore County GIS Topography and updated from field run topo (May 2006).
- The Firm Insurance Rate Map, 240010-0440 G indicates this is situated within flood Zone X. Baltimore County Policy uses Flood Study Done By F.E.M.A. Number 240010V0008. A minimum first floor elevation 9.7 and ground around proposed dwelling to be elevation 7.7 (NAVD 88).
- Property lines shown hereon were compiled from KCI Technologies Boundary Survey dated 01/29/04.
- This site is situated within the Chesapeake Bay Critical Areas and is classified by land use as Intensely Development Area (IDA) (MAP 104).
- There shall be no clearing, grading, construction or disturbance of vegetation within the Chesapeake Bay Critical Area except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.
- Any critical area easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas.
- There are no known Tidal or Non-Tidal Wetlands on this site.
- Existing trees to remain.
- There is no forest or developed woodlands on this site.
- There is no significant plant or animal habitat on this site.
- There are no slopes greater than 15% on this site.
- There are no known wells on this site.
- There are no known underground storage tanks or septic systems on this site.
- There are no known potentially hazardous materials on this site as defined by Title 7- Health and Environmental Article, Annotated Code of Maryland, except as noted.
- There are no buildings or property within this site that are included on the Maryland Historical Trust Inventory, The Baltimore County Landmarks List, the National Register of Historic Places, the Maryland Archeological Survey or is a Baltimore County Historical District.
- Public Water and sewer serve this site.
- Caution underground utilities may exist on site, in Edgewater Place, contact Miss Utility (800-257-7777) prior to any construction.

ZONING HISTORY

THERE HAVE BEEN NO PREVIOUS ZONING HEARINGS OR CASES FOR THIS SITE.

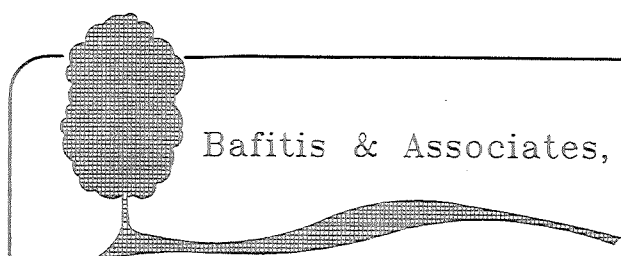
PREVIOUS PERMITS OR CITATIONS

STOP WORK ORDER #97-0093 DATED 08/06/03
GRADING PERMIT #B524113 DATED 12/27/05



SITE DATA

- OWNER: CHALMER SMITH, MONA SMITH
#3806 EDGEWATER PLACE
BALTIMORE COUNTY, MARYLAND 21222
- CONTRACT PURCHASER: DUSTIN BOYD
#89 WISE AVENUE
BALTIMORE, MARYLAND 21222
- DEED REF: 16053/745 (CREATED 05/13/1961 DEED W.J.R.3852 FOLIO 213)
- TAX ACC. NO.: 15-04500942
- TAX MAP: 104 PARCEL: 282 PART OF LOTS: 53-56
- PLAT REF: ROSEBANK PLAT 1 BOOK 6 FOLIO 184
- PLAT RECORDED: OCTOBER 8, 1919
- ELECTION DISTRICT: 15TH
- CONCILMANIC DISTRICT: 7TH
- REGIONAL PLANNING DISTRICT: 330
- CENSUS TRACT: 4524.00
- ZONING: ML
- ZONING MAP: 097A3
- EXISTING USE: VACANT
- PROPOSED USE: TWO STORY DWELLING
- SITE AREA: 21,430 SQ.FT. OR 0.4920 ACRES



Bafitis & Associates, Inc.

William N. Bafitis, P.E.
PRESIDENT

Civil Engineers/Land Planners
SURVEYORS

1249 Engleberth Rd. Baltimore, MD 21221

(410) 391-2336

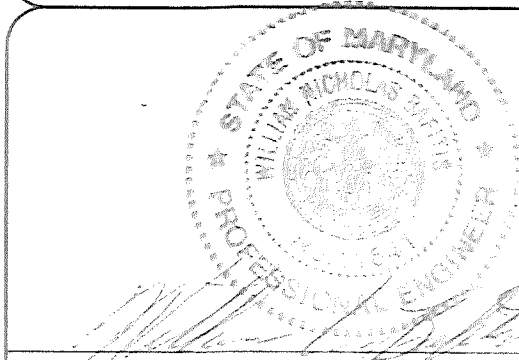
PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING

FOR

#3805 EDGEWATER PLACE

15TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND



WILLIAM N. BAFITIS, P.E.

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. 11641. Expiration Date: 08/09/2017.

SHEET 1 OF 1

SCALE:

1" = 30'

JOB ORDER NO:

20601

DATE:

08/06/16

CHECKED:

W.N.B.

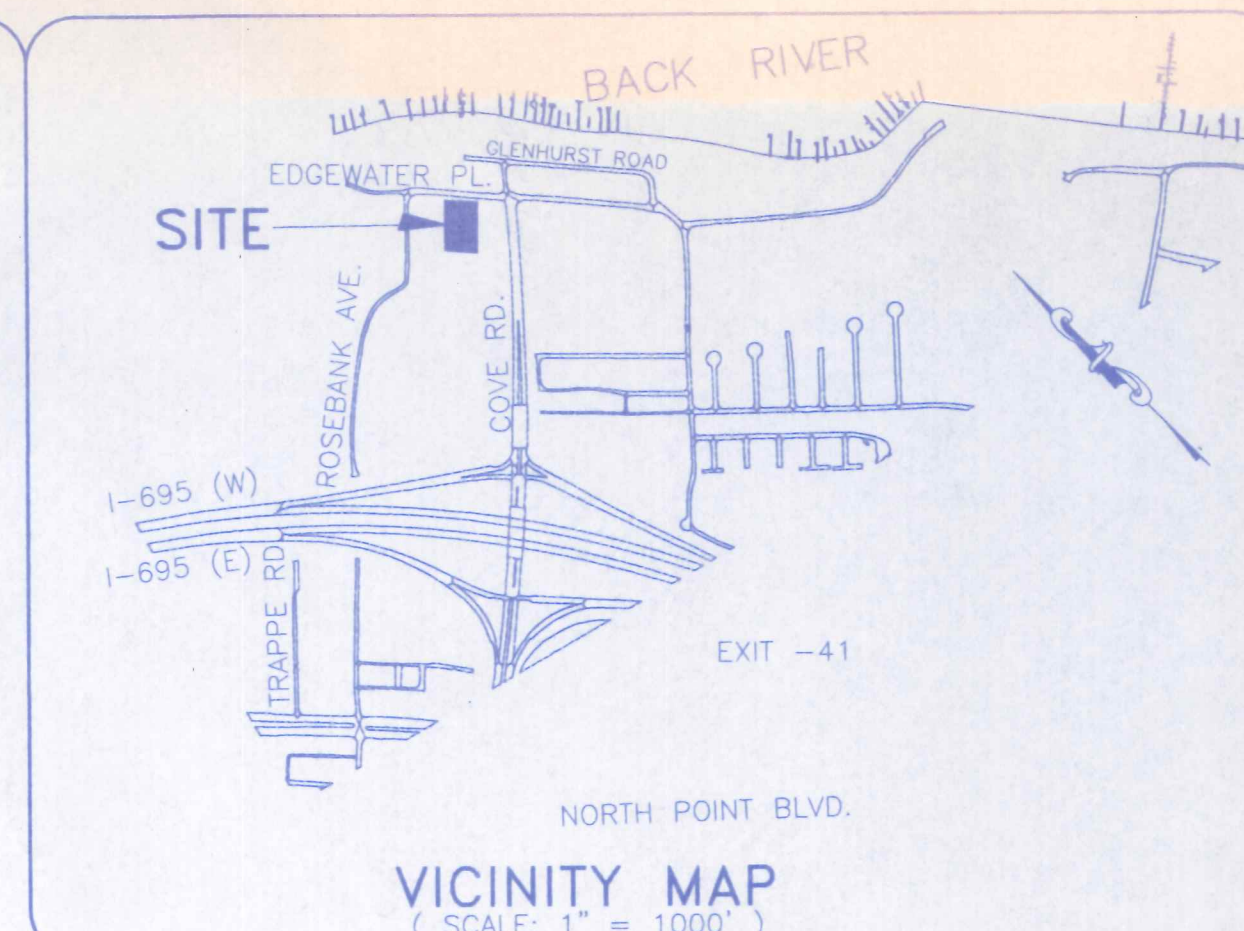
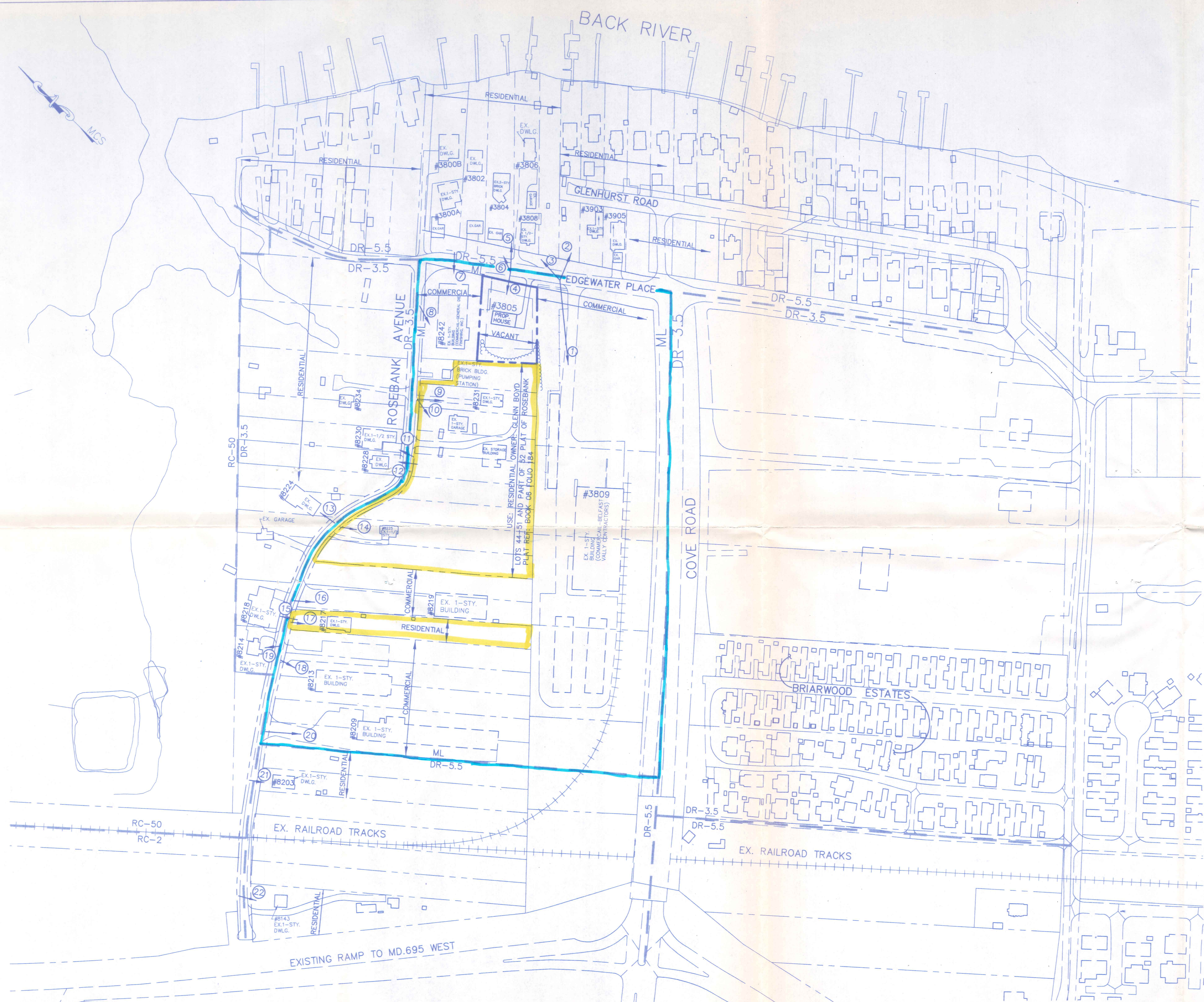
DRAWN:

N.W.B.

NO.	REVISIONS	DATE

PETITIONER'S

EXHIBIT NO. 1



VICINITY MAP
(SCALE: 1" = 1000')

SITE DATA

- 1) OWNER: CHALMER SMITH, MONA SMITH
#3808 EDGEWATER PLACE
BALTIMORE COUNTY, MARYLAND 21222
- 2) DEED REF: 16053/745 (CREATED 05/13/1961 DEED W.J.R.3852 FOLIO 213)
- 3) TAX ACC. NO.: 15-04500942
- 4) TAX MAP: 104 PARCEL: 282 PART OF LOTS: 53-56
- 5) PLAT REF: ROSEBANK PLAT 1 BOOK 6 FOLIO 184
- 6) PLAT RECORDED: OCTOBER 8, 1919
- 7) ELECTION DISTRICT: 15TH
- 8) CONCLIMANIC DISTRICT: 7TH
- 9) REGIONAL PLANNING DISTRICT: 330
- 10) CENSUS TRACT: 4524.00
- 11) ZONING: ML
- 12) ZONING MAP: 097A3
- 13) EXISTING USE: VACANT
- 14) PROPOSED USE: RESIDENTIAL SINGLE FAMILY DWELLING
- 15) SITE AREA: 21,430 SQ.FT. OR 0.4920 ACRES



Bafitis & Associates, Inc.

William N. Bafitis, P.E.
PRESIDENT

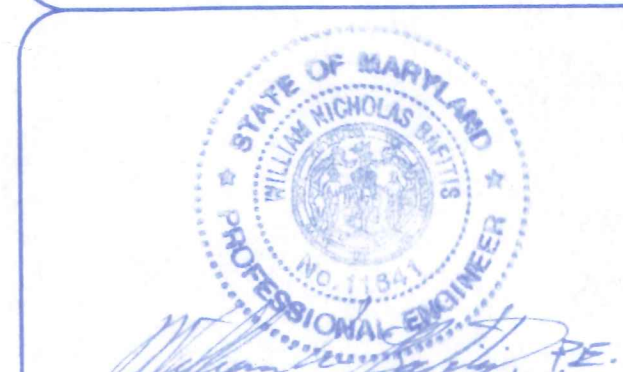
Civil Engineers/Land Planners
SURVEYORS

1249 Engleberth Rd. Baltimore, MD 21221

(410) 391-2336

**PHOTOGRAPH SITE PLAN
FOR
#3805 EDGEWATER PLACE**

15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND



WILLIAM N. BAFITIS, P.E.
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. 11641 Expiration Date: 09/09/2017

SCALE: 1" = 100'
JOB ORDER NO: 20601
DATE: 11/02/16
SHEET 1 OF 1

NO.	REVISIONS	DATE

PETITIONER'S
EXHIBIT NO. **2**



NOTES

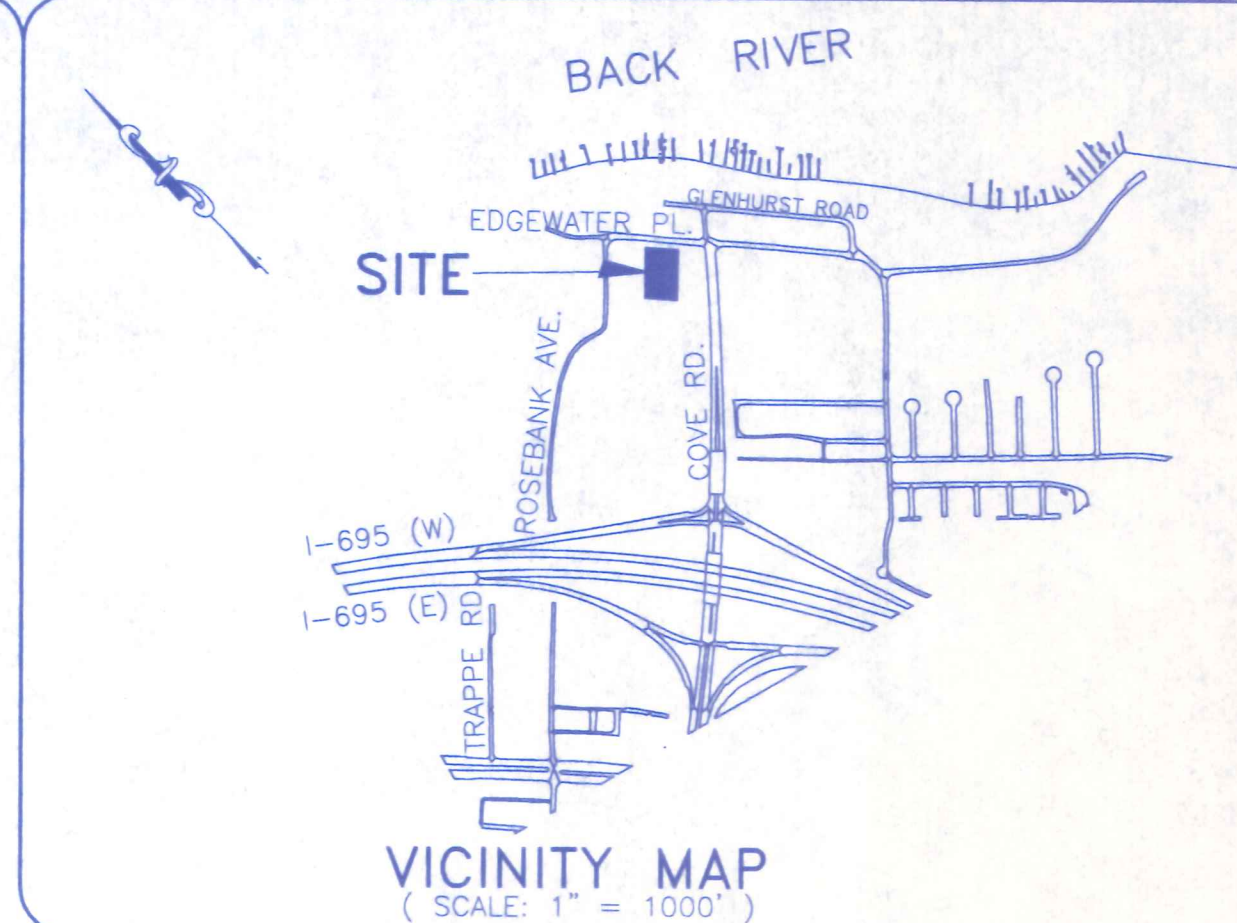
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PREVIOUS PERMITS OR CITATIONS

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2017-0070-SPH



Bafitis & Associates, Inc.

William N. Bafitis, P.E.
PRESIDENT

Civil Engineers/Land Planners
SURVEYORS

1249 Engleberth Rd. Baltimore, MD 21221

(410) 391-2336

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING

FOR #3805 EDGEWATER PLACE

15TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND



WILLIAM N. BAFITIS, P.E.
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. 11641 Expiration Date: 09/09/2017

SHEET 1 OF 1

SCALE:
1" = 30'
JOB ORDER NO:
20601
DATE:
09/06/16
CHECKED:
W.N.B.
DRAWN:
N.W.B.

NO.	REVISIONS	DATE