

M E M O R A N D U M

DATE: December 22, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0079-A- Appeal Period Expired

The appeal period for the above-referenced case expired on December 21, 2016. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick-up box.'

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(602 Oakdean Road)
15th Election District
6th Council District
Classic, LLC
Legal Owner

Petitioner

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2017-0079-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Classic, LLC, owner of the subject property ("Petitioner"). The Petitioner is requesting variance relief from the Baltimore County Zoning Regulations (B.C.Z.R) as follows: (1) to permit a replacement dwelling with a side yard setback of 10 ft. with a sum of 20 ft. in lieu of the required side yard setbacks of 10 ft. and a sum of 25 ft.; (2) to permit an existing accessory structure (shed) to be located on the waterfront side; and (3) to permit a proposed detached garage on the road side with a height of 24 ft. in lieu of the maximum allowed 15 ft. A site plan was marked as Petitioner's Exhibit 1.

David Billingsley and William Hardy appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), the Bureau of Development Plans Review (DPR) and the Department of Environmental Protection and Sustainability (DEPS). None of the reviewing agencies opposed the requests.

The property is approximately 0.296 acres in size and is zoned DR 3.5. The waterfront property is improved with a single-family dwelling and several accessory buildings. Petitioner

ORDER RECEIVED FOR FILING

Date

11/21/16

By

Sen

proposes to raze the existing dwelling and construct a new home in roughly the same location. Petitioner would raze the garage closest to Oakdean Road and plans to add a second story on the existing 36' x 25' garage, for storage of household items. To do so, variances are required.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioner has met this test. The waterfront lot is narrow and deep (approximately 50' x 250') and is therefore unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to construct the proposed improvements. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of Baltimore County and/or community opposition.

THEREFORE, IT IS ORDERED, this 21st day of November, **2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) to permit a replacement dwelling with a side yard setback of 10 ft. with a sum of 20 ft. in lieu of the required side yard setbacks of 10 ft. and a sum of 25 ft.; (2) to permit an existing accessory structure (shed) to be located on the waterfront side; and (3) to permit a proposed detached garage on the road side with a height of 24 ft. in lieu of the maximum allowed 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

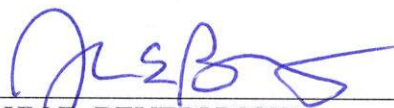
ORDER RECEIVED FOR FILING

Date 11/21/16

By Sen

1. 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 its 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.
2. Petitioner must prior to issuance of permits comply with critical area and flood protection regulations.

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 11/21/14
By sen



CBCA

F1001

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 602 OAKDEAN ROAD which is presently zoned DR 3.5
Deed References: L-37914 F. 324 10 Digit Tax Account # 1504001300
Property Owner(s) Printed Name(s) CLASSIC LLC

(SELECT THE HEARING(S) BY MARKING ☒ 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:

- ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
- ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
- ☒ a Variance from Section(s)

SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING.

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

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

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Name- Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

WILLIAM OLEVEN HARDY, MEMBER

Name #1 - Type or Print _____ Name #2 - Type or Print _____

Signature #1 [Signature] Signature #2 _____

672 WATERSIDE CT. BALTO. MD.

Mailing Address _____ City _____ State _____

21220 (443-506-3927)

Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

DAVID BILLINGSLEY

Name - Type or Print _____

Signature [Signature]

601 CHARWOOD CT. EDGEWOOD, MD

Mailing Address _____ City _____ State _____

21040 (410) 679-8719 dwb0203@yahoo.com

Zip Code _____ Telephone # _____ Email Address _____

ORDER RECEIVED FOR FILING
11/21/16
BY [Signature]

CASE NUMBER 2017-0079-A Filing Date 9/26/16 Do Not Schedule Dates: _____ Reviewer AT

(10017)

Aug

10017-10018

- 1) Section 1B02.3.C.1 of BCZR to permit a replacement dwelling with side yard setbacks of 10 feet with a sum of 20 feet, in lieu of the required side yard setbacks of 10 feet and a sum of 25 feet;
- 2) Section 400.1 of BCZR to permit an existing accessory structure (shed) to be located on the waterfront side; and also
- 3) Section 400.3 of BCZR to permit a proposed detached garage on the road side with a height of 24 feet in lieu of the maximum allowed 15 feet.

2017-0079-A

ZONING DESCRIPTION

602 OAKDEAN ROAD

Beginning for the same at a point on the west side of Oakdean Road (36.04 feet wide) distant 339 feet northerly from its intersection with the center of Glenwood Road, thence being all of Lot 16 as shown on the plat entitled Glenwood recorded among the Baltimore County Plat Records in Plat Book 12 Folio 111.

Containing 12, 900 square feet or 0.296 acre of land, more or less

Being known as 602 Oakdean Road. Located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, Md.

2017-0079-A



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 4542486

Sold To:

David Billingsley - CU00541614
601 Charwood Ct
Edgewood, MD 21040-2714

Bill To:

David Billingsley - CU00541614
601 Charwood Ct
Edgewood, MD 21040-2714

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

Oct 27, 2016

The Baltimore Sun Media Group
By *S. McKeimour*
Legal Advertising

NOTICE OF ZONING HEARING

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

Case: # 2017-0079-A

602 Oakdean Road
W/s Oakdean Road, 339 ft. n/of centerline of Glenwood Road
15th Election District - 6th Councilmanic District
Legal Owner(s) William Oliver Hardy

Variance: 1. To permit a replacement dwelling with a side yard setback of 10 ft. with a sum of 20 ft. in lieu of the required side yard setback of 10 ft. and a sum of 25 ft.; 2. To permit an existing accessory structure (shed) to be located on the waterfront side; and 3. To permit a proposed detached garage on the road side with a height of 24 ft. in lieu of the maximum allowed 15 ft.

Hearing: Friday, November 18, 2016 at 10:00 a.m. in Room 104, 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.

10/124 Oct. 27

4542486

CERTIFICATE OF POSTING

Date: OCTOBER 28, 2016

RE: Project Name: 602 OAKDEAN ROAD
Case Number /PAI Number: 2017-0079-A
Petitioner/Developer: CLASSIC LLC, WILLIAM OLIVER HARDY, MEMBER
Date of Hearing/Closing: NOVEMBER 18, 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 602 OAKDEAN ROAD

The sign(s) were posted on OCTOBER 28, 2016
(Month, Day, Year)

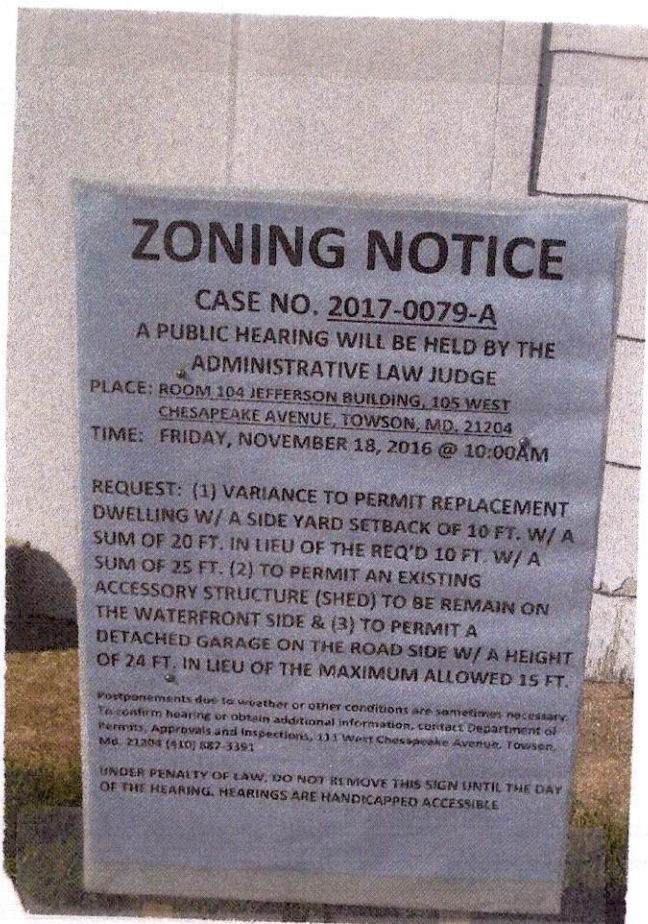
David W. Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)





KEVIN KAMENETZ
County Executive

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

October 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 NUMBER: 2017-0079-A

602 Oakdean Road

W/s Oakdean Road, 339 ft. n/of centerline of Glenwood Road

15th Election District – 6th Councilmanic District

Legal Owners: William Oliver Hardy

Variance 1. To permit a replacement dwelling with a side yard setback of 10 ft. with a sum of 20 ft. in lieu of the required side yard setbacks of 10 ft. and a sum of 25 ft.; 2. To permit an existing accessory structure (shed) to be located on the waterfront side; and 3. To permit a proposed detached garage on the road side with a height of 24 ft. in lieu of the maximum allowed 15 ft.

Hearing: Friday, November 18, 2016 at 10:00 a.m. in Room 104, 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: William Hardy, 622 Waterside Court, Baltimore 21220
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 29, 2016.
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 27, 2016 Issue - Jeffersonian

Please forward billing to:

David Billingsley
Central Drafting & Design
601 Charwood Court
Edgewood, MD 21040

410-679-8719

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: 2017-0079-A

602 Oakdean Road

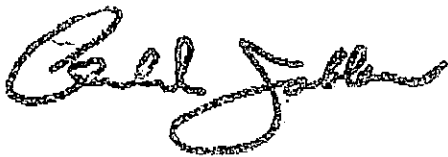
W/s Oakdean Road, 339 ft. n/of centerline of Glenwood Road

15th Election District – 6th Councilmanic District

Legal Owners: William Oliver Hardy

Variance 1. To permit a replacement dwelling with a side yard setback of 10 ft. with a sum of 20 ft. in lieu of the required side yard setbacks of 10 ft. and a sum of 25 ft.; 2. To permit an existing accessory structure (shed) to be located on the waterfront side; and 3. To permit a proposed detached garage on the road side with a height of 24 ft. in lieu of the maximum allowed 15 ft.

Hearing: Friday, November 18, 2016 at 10:00 a.m. in Room 104, 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 ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE
602 Oakdean Road; W/S Oakdean Road,
339' N of c/line of Glenwood Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): William Oliver Hardy
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2017-079-A

* * * * *

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.

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

RECEIVED

OCT 05 2016

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of October, 2016, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, 601 Charwood Court, Edgewood, Maryland 21040, 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/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

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

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

For Newspaper Advertising:

Case Number: 2017-0079-A
Property Address: 602 OAKDEAN ROAD
Property Description: _____
Legal Owners (Petitioners): WILLIAM OLDIM HARDY
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____
Company/Firm (if applicable): Central Drafting and Design
Address: 801 Chawood Ct
Edgewood Md 21040
Telephone Number: (410) 678-8219

Revised 7/9/2015

№ 144018

Date:

9/26/16

PAID RECEIPT

BUSINESS	ACTUAL	TIME	IRW
3/26/2016	3/26/2016	09:15:45	21

REG WSD1 WALKIN LTR
 RECEIPT # 882935 9/26/2016 CFLH
 Dept 5 528 ZONING VERIFICATION
 CR NO. 144012

Recpt Tot \$75.00
\$75.00 OK 1.00 CA
Baltimore County, Maryland

Total:

~~25~~ 25-

W O H R A D Y

602 OAK DEAN RD

2017-0079-A

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

November 9, 2016

William Oliver Hardt
622 Waterside Court
Baltimore MD 21220

RE: Case Number: 2017-0079 A, Address: 602 Oakdean Road

Dear Mr. Hardt:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 26, 2016. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
David Billingsley, 601 Charwood Court, Edgewood MD 21040

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



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

Date: 10/5/16

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. 2017-0079-A

Variance
William Oliver Handy
602 Oakdean Road

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Wendy Wolcott".

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

WW/RAZ

11-18-16

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: October 31, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-079

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OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 602 Oakdean Road
Petitioner: William Oliver Hardt
Zoning: DR 3.5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit a single family dwelling with side yard setbacks of 10 feet with a sum of side yards of 20 feet in lieu of the required 10 feet and 25 feet respectively and also to permit an existing accessory structure (shed) to be located in the front (water side) yard and a proposed accessory structure (garage) with a height of 24 feet in lieu of the required rear yard and 15 feet respectively.

A site visit was conducted on October 7, 2016.

The Department has no objection to granting the petitioned zoning relief. The Department recommends the garage with addition be completed in a way that results in a uniform finish of the building and is consistent with the new principal structure.

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
David Billingsley
Office of the Administrative Hearings
People's Counsel for Baltimore County

11-18-16

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

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OCT 19 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: October 19, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0079-A
Address 602 Oakdean Road
(Hardy Property)

Zoning Advisory Committee Meeting of **October 10, 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 subject property is located within a Limited Development Area (LDA), and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

1. Occupied by a structure, parking area, driveway, walkway, or roadway; or
2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

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THE 12 OF NOVEMBER 1971

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;
3. A wood mulch pathway; or
4. A deck with gaps to allow the water to pass freely.

The property is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area and within a Modified Buffer Area (MBA). The petitioner is requesting side yard setback reductions associated with a proposed replacement dwelling; to permit an existing shed located on the waterfront side of the dwelling; and, according to the plan, to permit a 2nd story addition on an existing garage with a height of 24 feet in lieu of the maximum allowed 15 feet. In order to minimize impacts on water quality, the applicant must comply with the LDA lot coverage limits, which, for a property this size, is a maximum of 31 1/4% (4,031 square feet [sf]), with mitigation for lot coverage between 25% (3,225 sf) and 31 1/4%. According to the plan submitted for this review, lot coverage is approximately 3,600 sf, however, all proposed and existing lot coverage is not shown. The MBA requirements further restrict lot coverage and structures within the Critical Area Buffer, which on this property is measured 100 feet landward of mean high water. According to the plan, buffer impacts are proposed and will be reviewed for compliance with the MBA requirements. In addition, and as stated above, compliance with the LDA lot coverage limits is required, therefore, by allowing the items requested by the petitioner, impacts on water quality will be minimized.

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

The current development proposal for the property will be reviewed for application of the LDA and MBA requirements, which will improve buffer functions, and conserve fish, wildlife and plant habitat in Armstrong Creek and Frog Mortar Creek.

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 items requested by the petitioner will be consistent with established land use policies, provided that the applicants meet any LDA and MBA requirements applicable to the proposal. The request, if granted, will avoid environmental impacts.

Reviewer: Thomas Panzarella;
Environmental Impact Review

Date: October 17, 2016

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 October 10, 2016
Item No. 2017-0079

DATE: October 11, 2016

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

Prior to building permit application, the petitioner must contact the Office of the Director of Public Works to determine the flood protection elevation, so that the floor elevation can be set.

* * * * *

DAK:CEN
Cc:file
ZAC-ITEM NO 17-0079-10102016.doc

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM**

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

DATE: October 31, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-079

INFORMATION:

Property Address: 602 Oakdean Road
Petitioner: William Oliver Hardt
Zoning: DR 3.5
Requested Action: Variance

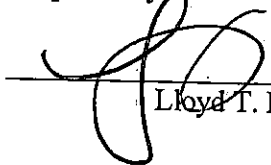
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A site visit was conducted on October 7, 2016.

The Department has no objection to granting the petitioned zoning relief. The Department recommends the garage with addition be completed in a way that results in a uniform finish of the building and is consistent with the new principal structure.

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
David Billingsley
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: October 19, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0079-A
Address 602 Oakdean Road
(Hardy Property)

Zoning Advisory Committee Meeting of October 10, 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 subject property is located within a Limited Development Area (LDA), and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

- 1. Occupied by a structure, parking area, driveway, walkway, or roadway; or*
- 2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material*

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;
3. A wood mulch pathway; or
4. A deck with gaps to allow the water to pass freely.

The property is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area and within a Modified Buffer Area (MBA). The petitioner is requesting side yard setback reductions associated with a proposed replacement dwelling; to permit an existing shed located on the waterfront side of the dwelling; and, according to the plan, to permit a 2nd story addition on an existing garage with a height of 24 feet in lieu of the maximum allowed 15 feet. In order to minimize impacts on water quality, the applicant must comply with the LDA lot coverage limits; which, for a property this size, is a maximum of 31 ¼% (4,031 square feet [sf]), with mitigation for lot coverage between 25% (3,225 sf) and 31 ¼%. According to the plan submitted for this review, lot coverage is approximately 3,600 sf, however, all proposed and existing lot coverage is not shown. The MBA requirements further restrict lot coverage and structures within the Critical Area Buffer, which on this property is measured 100 feet landward of mean high water. According to the plan, buffer impacts are proposed and will be reviewed for compliance with the MBA requirements. In addition, and as stated above, compliance with the LDA lot coverage limits is required, therefore, by allowing the items requested by the petitioner, impacts on water quality will be minimized.

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

The current development proposal for the property will be reviewed for application of the LDA and MBA requirements, which will improve buffer functions, and conserve fish, wildlife and plant habitat in Armstrong Creek and Frog Mortar Creek.

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 items requested by the petitioner will be consistent with established land use policies, provided that the applicants meet any LDA and MBA requirements applicable to the proposal. The request, if granted, will avoid environmental impacts.

Reviewer: Thomas Panzarella;
Environmental Impact Review

Date: October 17, 2016

CASE NAME 603 OAKDEAN RD
CASE NUMBER 2017-0079-A
DATE 11/18/16

[illegible]

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment10/11DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)Comment10/19DEPS
(if not received, date e-mail sent _____)Comment10/31FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)NO Obj
w/ comment10/5STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERINGNO Obj10/19

COMMUNITY ASSOCIATION

10/19

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: 10/27/16

SIGN POSTING

Date: 10/28/16by Bullingsley

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

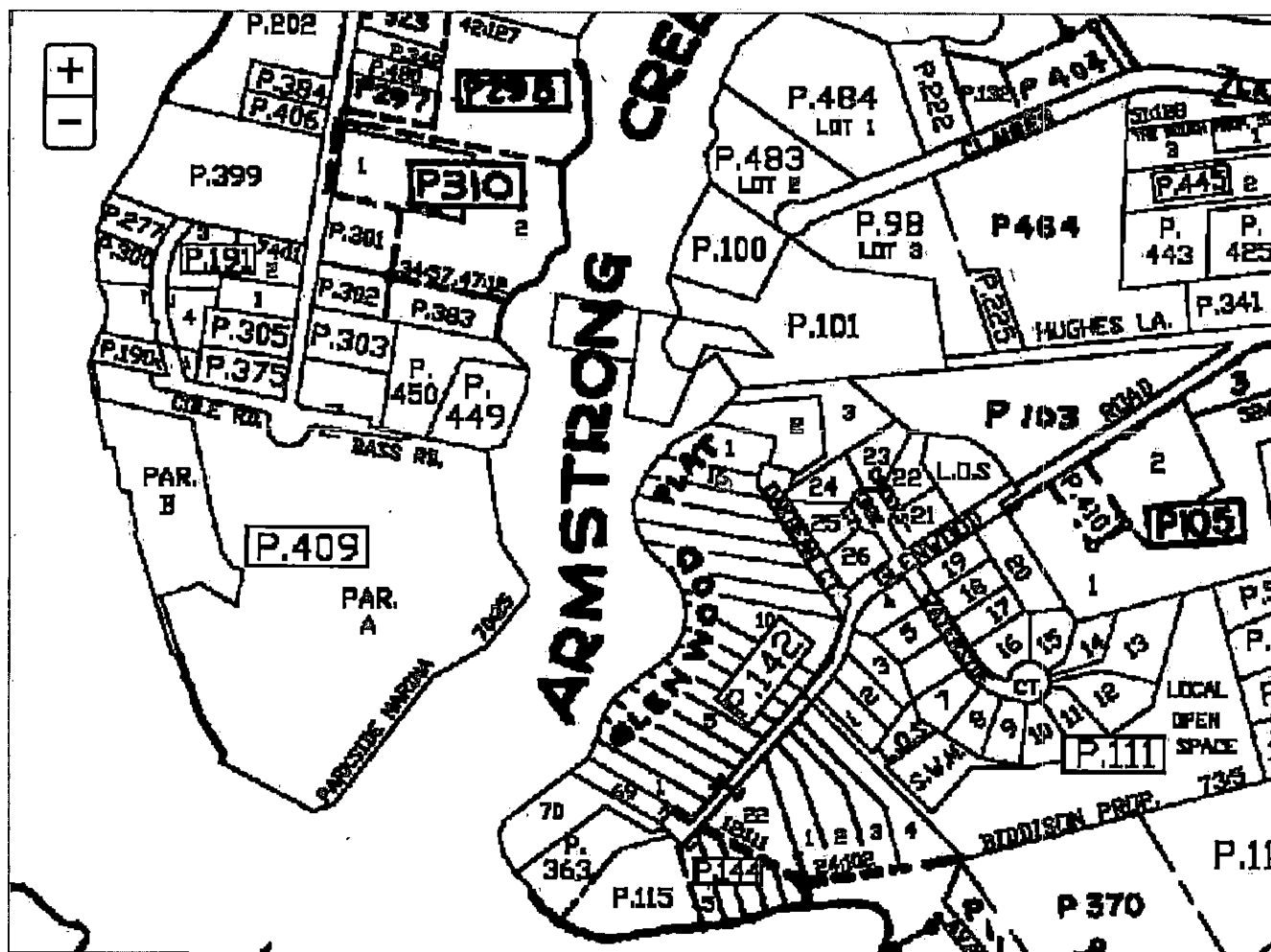
Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map				View GroundRent Redemption				View GroundRent Registration			
Account Identifier:				District - 15 Account Number - 1504001300							
Owner Information											
Owner Name:		CLASSIC LLC				Use:		RESIDENTIAL			
Mailing Address:		622 WATERSIDE CT BALTIMORE MD 21220-				Principal Residence:		NO			
						Deed Reference:		/37914/ 00324			
Location & Structure Information											
Premises Address:		602 OAKDEAN RD 0-0000 Waterfront				Legal Description:		AKA 16 OAK DEAN RD GLENWOOD			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	
0091	0015	0142		0000			16	2015		0012/0111	
Special Tax Areas:					Town:		NONE				
					Ad Valorem:						
					Tax Class:						
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area		Property Land Area		County Use			
1951		1,127 SF				15,104 SF		34			
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation					
1	YES	STANDARD UNIT	ASBESTOS SHINGLE	1 full	1 Detached						
Value Information											
			Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2016		As of 07/01/2017				
Land:			262,700	262,700							
Improvements			84,600	79,500							
Total:			347,300	342,200	342,200		342,200				
Preferential Land:			0				0				
Transfer Information											
Seller: SHACKELFORD ELEANOR M Type: ARMS LENGTH IMPROVED				Date: 08/24/2016 Deed1: /37914/ 00324				Price: \$235,000 Deed2:			
Seller: SHACKELFORD ROGER K Type: NON-ARMS LENGTH OTHER				Date: 06/04/1999 Deed1: /13796/ 00471				Price: \$0 Deed2:			
Seller: DAVIES WILLIAM R,SR Type: ARMS LENGTH IMPROVED				Date: 04/11/1972 Deed1: /05260/ 00379				Price: \$25,000 Deed2:			
Exemption Information											
Partial Exempt Assessments:		Class		07/01/2016		07/01/2017					
County:		000		0.00							
State:		000		0.00							
Municipal:		000		0.00 0.00		0.00 0.00					
Tax Exempt:				Special Tax Recapture:							
Exempt Class:				NONE							
Homestead Application Information											
Homestead Application Status: No Application											

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)District: **15** Account Number: **1504001300**

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>).

Fri. Nov. 18th
Cases moved
to Rm. 205

Debra Wiley

From: Kristen L Lewis
Sent: Wednesday, November 09, 2016 9:52 AM
To: Debra Wiley
Subject: RE: Change to November Calendar

Good Morning Debbie,

The information for contacts for cases set on 11/18 are as follows:

2017-0079-A – David Billingsley 410-679-8719 10:10 Am left r.m. 11-9-16 ✓ 10:33 conf. w/ Billingsley
2017-0083-A – John Phair 410-236-3633 10:13 Am Sp- to Mr. Phair 11-9-16 ✓
2017-0082-A – George Scaletta 410-489-7989 10:15 Am Refor. m. 11-9-16 ✓ 1:45 conf. w/ Scaletta

Kristen Lewis
PAI – Zoning Review
410-887-3391

D. Wiley

From: Debra Wiley
Sent: Wednesday, November 09, 2016 9:03 AM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>; Lawrence Stahl <lstahl@baltimorecountymd.gov>; Sherry Nuffer <snuffer@baltimorecountymd.gov>
Cc: Kristen L Lewis <klewis@baltimorecountymd.gov>
Subject: Change to November Calendar

Cases for Friday, Nov. 18th will be conducted in Room 205, not 104. The weekly calendar and notices will be posted to reflect same. Deb will contact Petitioners and/or counsel to notify once that information has been received in this office.

Please mark your calendars accordingly. Thanks.

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

PETITIONER'S EXHIBITS

Sen
11-21-16

**602 OAKDEAN ROAD
CASE NO. 2017-0079-A**

- 1. PLAT TO ACCOMPANY PETITION DATED AUGUST 4, 2016 (NO CHANGES)**
- 2. SDAT REAL PROPERTY DATA SEARCH**
- 3. DEED OF RECORD LIBER 37914 FOLIO 324**
- 4. PLAT OF GLENWOOD PLAT BOOK 12 FOLIO 111 OCTOBER 26, 1936**
- 5. AERIAL PHOTO**
- 6 A-D. PHOTOS**

Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1504001300			
Owner Information					
Owner Name:		CLASSIC LLC		Use:	RESIDENTIAL
Mailing Address:		622 WATERSIDE CT BALTIMORE MD 21220-		Principal Residence:	NO
				Deed Reference:	/37914/ 00324
Location & Structure Information					
Premises Address:		602 OAKDEAN RD 0-0000 Waterfront		Legal Description:	AKA 16 OAK DEAN RD GLENWOOD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0091	0015	0142		0000	16
				Assessment Year:	Plat No:
				2015	Plat Ref: 0012/0111
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	Property Land Area
1951		1,127 SF			15,104 SF
					County Use
					34
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	YES	STANDARD UNIT	ASBESTOS SHINGLE	1 full	1 Detached
Value Information					
		Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2016 As of 07/01/2017	
Land:		262,700	262,700		
Improvements		84,600	79,500		
Total:		347,300	342,200	342,200	342,200
Preferential Land:		0			0
Transfer Information					
Seller:		SHACKELFORD ELEANOR M		Date: 08/24/2016	
Type:		ARMS LENGTH IMPROVED		Price: \$235,000	
				Deed1: /37914/ 00324	
				Deed2:	
Seller:		SHACKELFORD ROGER K		Date: 06/04/1999	
Type:		NON-ARMS LENGTH OTHER		Price: \$0	
				Deed1: /13796/ 00471	
				Deed2:	
Seller:		DAVIES WILLIAM R,SR		Date: 04/11/1972	
Type:		ARMS LENGTH IMPROVED		Price: \$25,000	
				Deed1: /05260/ 00379	
				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					

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal report the accuracy of these records, the Department makes no warranties, expressed or implied, reg

**PETITIONER'S
EXHIBIT NO. 2**

R&P Settlement Group, LLC
 File No. 16-9422-SS
 Tax ID # 15 15-04-001300

This Deed, made this 30th day of June, 2016, by and between **David E. Shackelford, II** and **Roger K. Shackelford, Jr.**, GRANTORS, and **Classic, LLC**, a Maryland limited liability company, GRANTEE.

Witnesseth –

That in consideration of the sum of Two Hundred Thirty-Five Thousand and 00/100 Dollars (\$235,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt of which is hereby acknowledged, the said Grantors do hereby grant and convey to the said Grantee, its successors and assigns, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot No.16, as shown on the Plat of Glenwood, which Plat is recorded among the Land Records of Baltimore County, Maryland, in Plat Book C.W.B.Jr. No. 12 folio 111.

The improvements thereon being known as 602 Oakdean Road.

BEING the fee simple property which, by DEED dated March 22, 1999, and recorded in the Land Records of the County of Baltimore, Maryland, in Liber 13796, Folio 471, was granted and conveyed by ELEANOR M. SHACKELFORD unto ELEANOR M. SHACKELFORD, LIFE TENANT AND ROGER K. SHACKELFORD, JR., AND DAVID E. SHACKELFORD, II, REMAINDERMEN. The said Eleanor M. Shackelford departed this life on or about January 25, 2011, thereby vesting the fee simple interest unto the said David E. Shackelford, II and Roger K. Shackelford, Jr., remaindermen.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

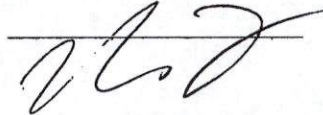
To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Classic, LLC, a Maryland limited liability company, its successors and assigns, in fee simple.

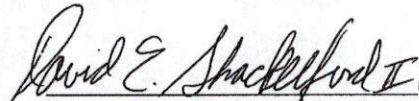
And the Grantors hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant Specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

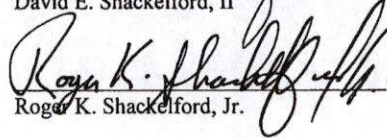
PETITIONER'S
 EXHIBIT NO. 3

LR - Deed (w Taxes)
 Recording only \$120.00
 Grantor/Grantee Name:
 shackelford
 Reference/Control #:
 LR - Deed (with Taxes)
 Surcharge 40.00
 LR - Deed State
 Transfer Tax 1,175.00
 LR - Non-Resident Tax
 - linked 0.00
 Subtotal: 1,235.00
 Total: 1,235.00
 08/24/2016 11:34
 CC03-CR
 #6700916 CC0301 -
 Baltimore
 County/CC03.01.03 -
 Register 03

In Witness Whereof, Grantors have caused this Deed to be properly executed and sealed the day and year first above written.




David E. Shackelford, II (SEAL)


Roger K. Shackelford, Jr. (SEAL)

STATE OF MARYLAND
COUNTY OF BALTIMORE

} ss

I hereby certify that on this 30th day of June, 2016, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared David E. Shackelford, II and Roger K. Shackelford, Jr., known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

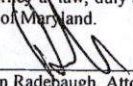
Neil Graham Fennekoh
Notary Public
Baltimore County
State of Maryland
My Commission Expires
July 3, 2017


Notary Public

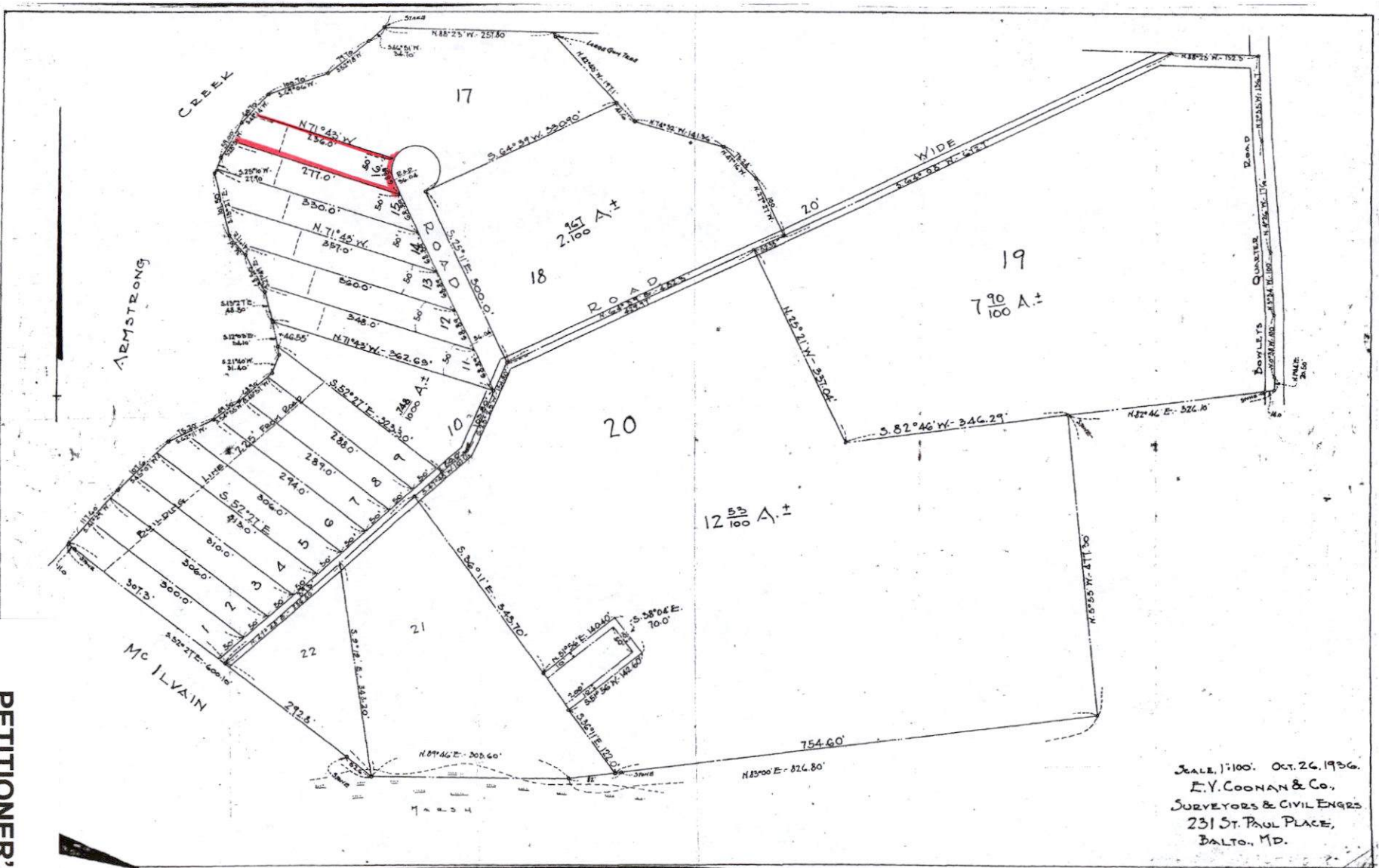
My Commission Expires: 7/3/17

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

I hereby certify that the within instrument was prepared under the supervision of Dan Radebaugh, an attorney at law, duly admitted to practice before the court of appeals of the State of Maryland.


Dan Radebaugh, Attorney at Law

AFTER RECORDING, PLEASE RETURN TO:
R&P Settlement Group, LLC
1407 York Road
Suite 201
Lutherville, MD 21093



SCALE 1"=100'. OCT. 26, 1936.
E. Y. COONAN & CO.,
SURVEYORS & CIVIL ENGRS.
231 ST. PAUL PLACE,
BALTO., MD.

GLENWOOD
12/111

PETITIONER'S
EXHIBIT NO. 4

15/11
GREENWOOD

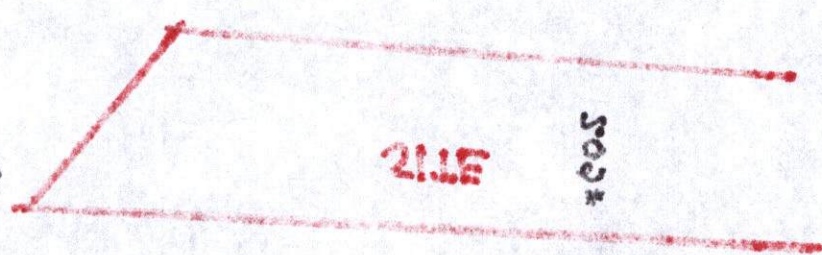


© 2016 Google

PETITIONER'S
EXHIBIT NO. 5

Imagery Date: 10/23/2014 39°19'41.13" N 76°24'01.07" W

012024 4010



2115

#001

#002

#003

#004



© 2016 Google
© 2016 Google

A

G

39°19'41.54" N 76°24'00.54" W

800-1-1

800-1-1

800-1-1

1

#604

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#602

#601

458

459

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009 # →

© 2016 Google
© 2016 Google

C

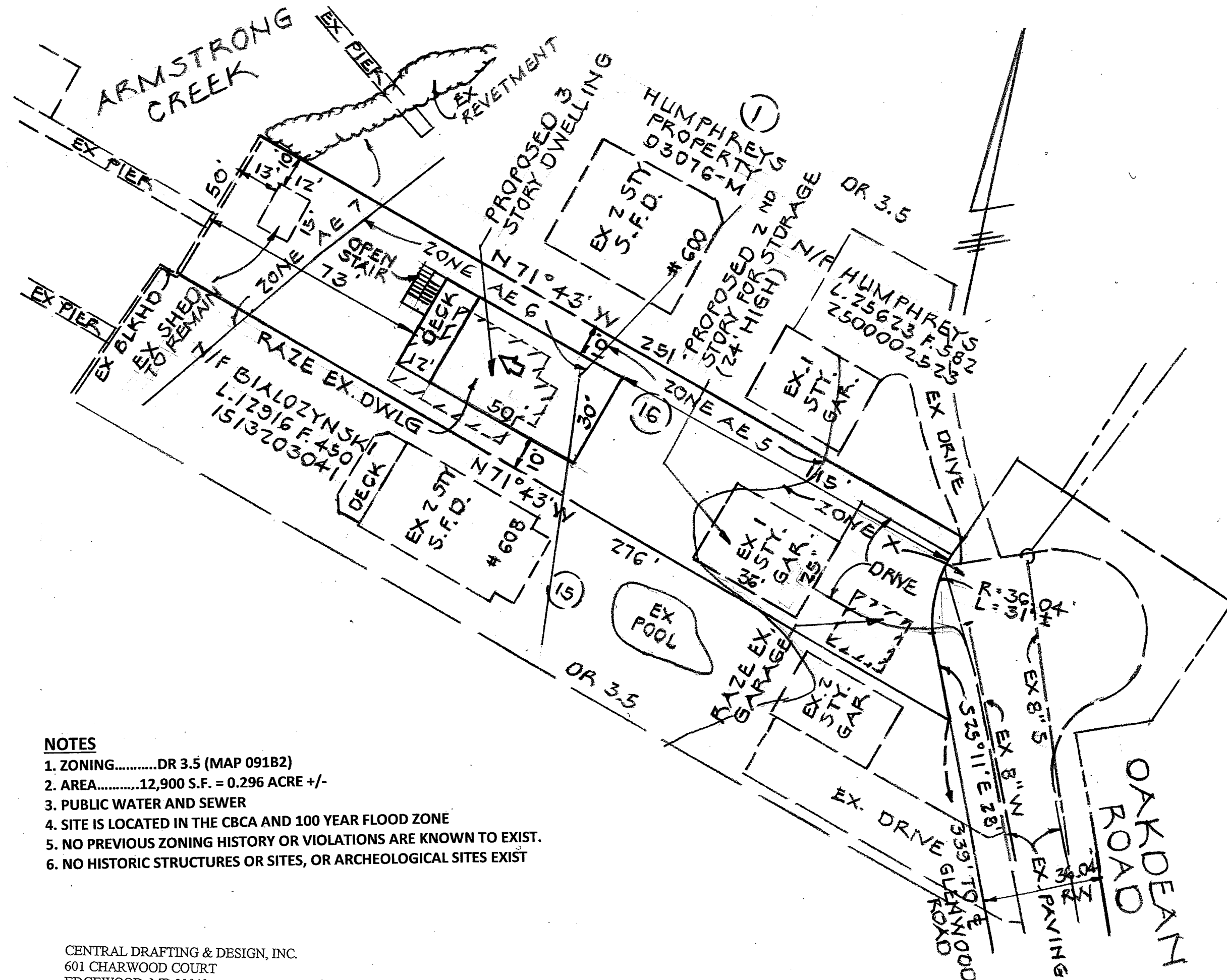
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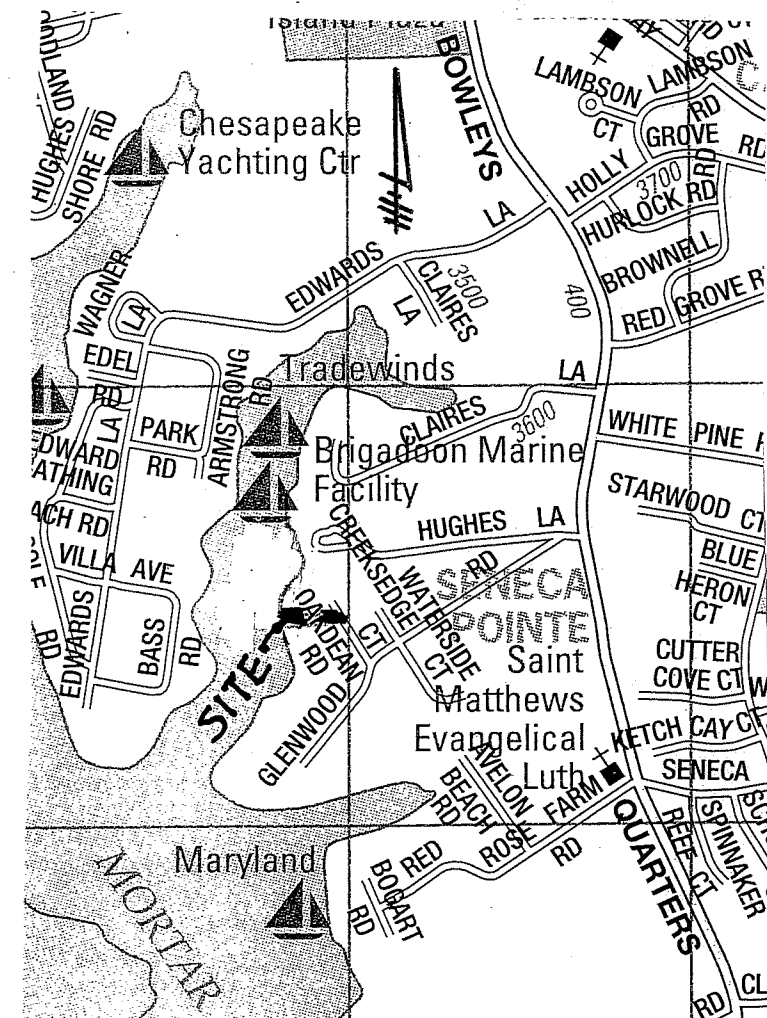




- NOTES**
1. ZONING.....DR 3.5 (MAP 091B2)
 2. AREA.....12,900 S.F. = 0.296 ACRE +/-
 3. PUBLIC WATER AND SEWER
 4. SITE IS LOCATED IN THE CBCA AND 100 YEAR FLOOD ZONE
 5. NO PREVIOUS ZONING HISTORY OR VIOLATIONS ARE KNOWN TO EXIST.
 6. NO HISTORIC STRUCTURES OR SITES, OR ARCHEOLOGICAL SITES EXIST

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

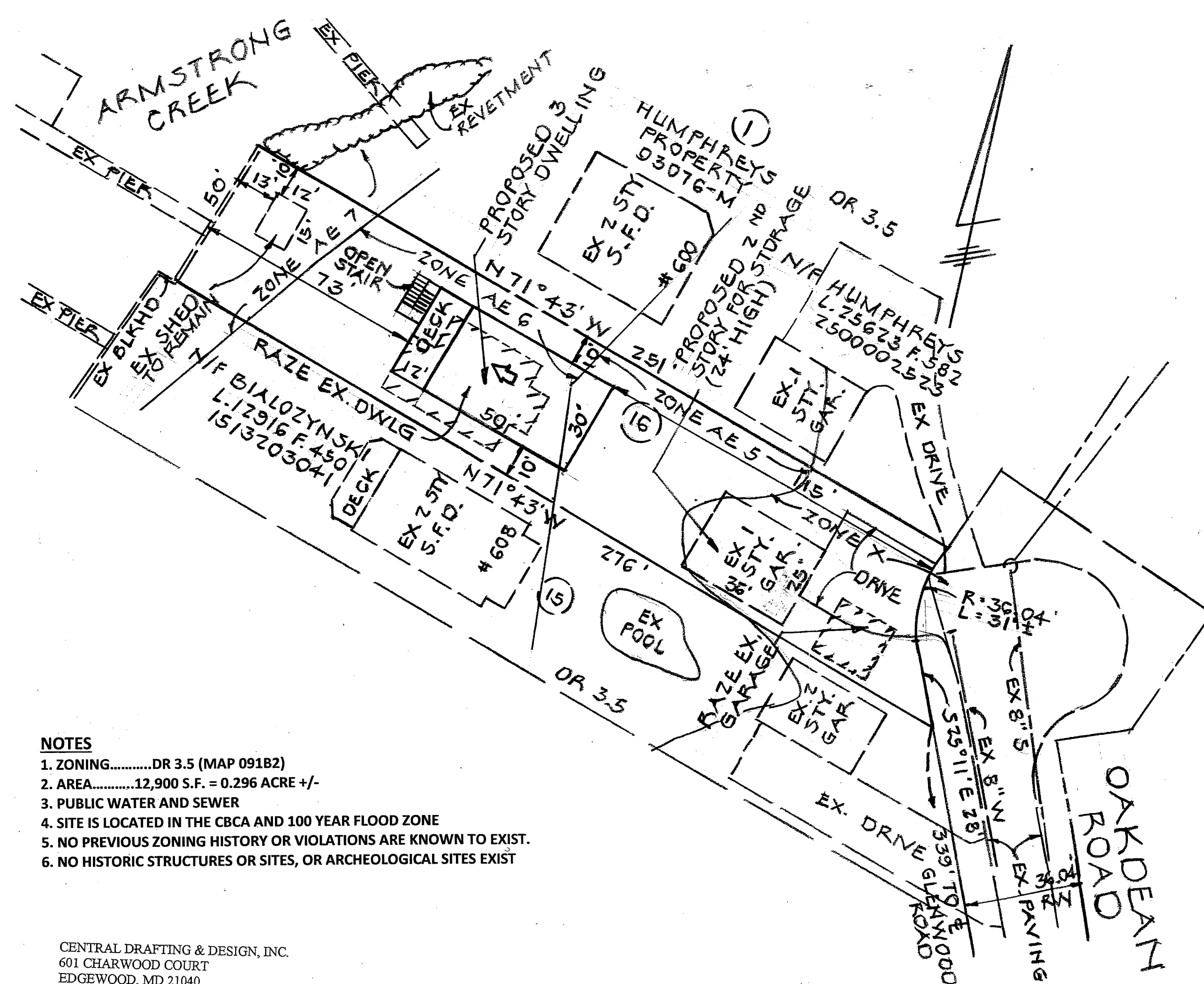
2017-0079-A



VICINITY MAP
 SCALE: 1"=1000'

OWNER
 CLASSIC LLC
 622 WATERSIDE COURT
 BALTIMORE, MD. 21220
 DEED REFERENCE: L.37914 F.324
 ACCT. NO. 1504001300

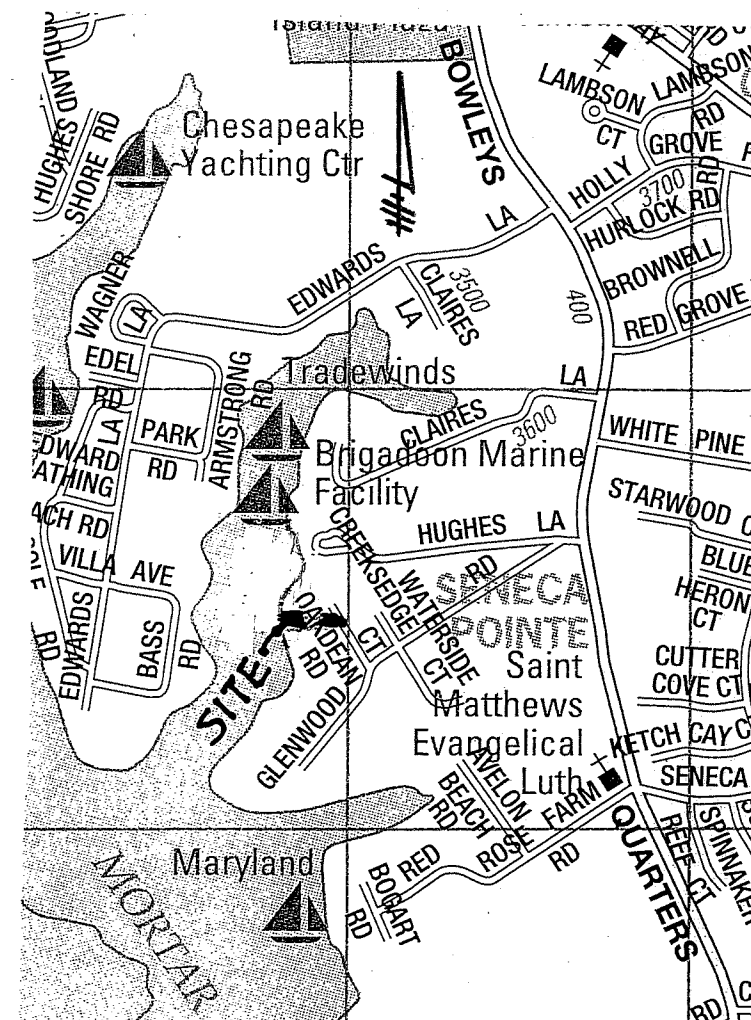
**PLAT TO ACCOMPANY PETITION
 FOR VARIANCE**
602 OAKDEAN ROAD
LOT 16 GLENWOOD P.B. 12 F. 111
ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MD.
 SCALE: 1 INCH = 30 FEET AUGUST 4, 2016



NOTES

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CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
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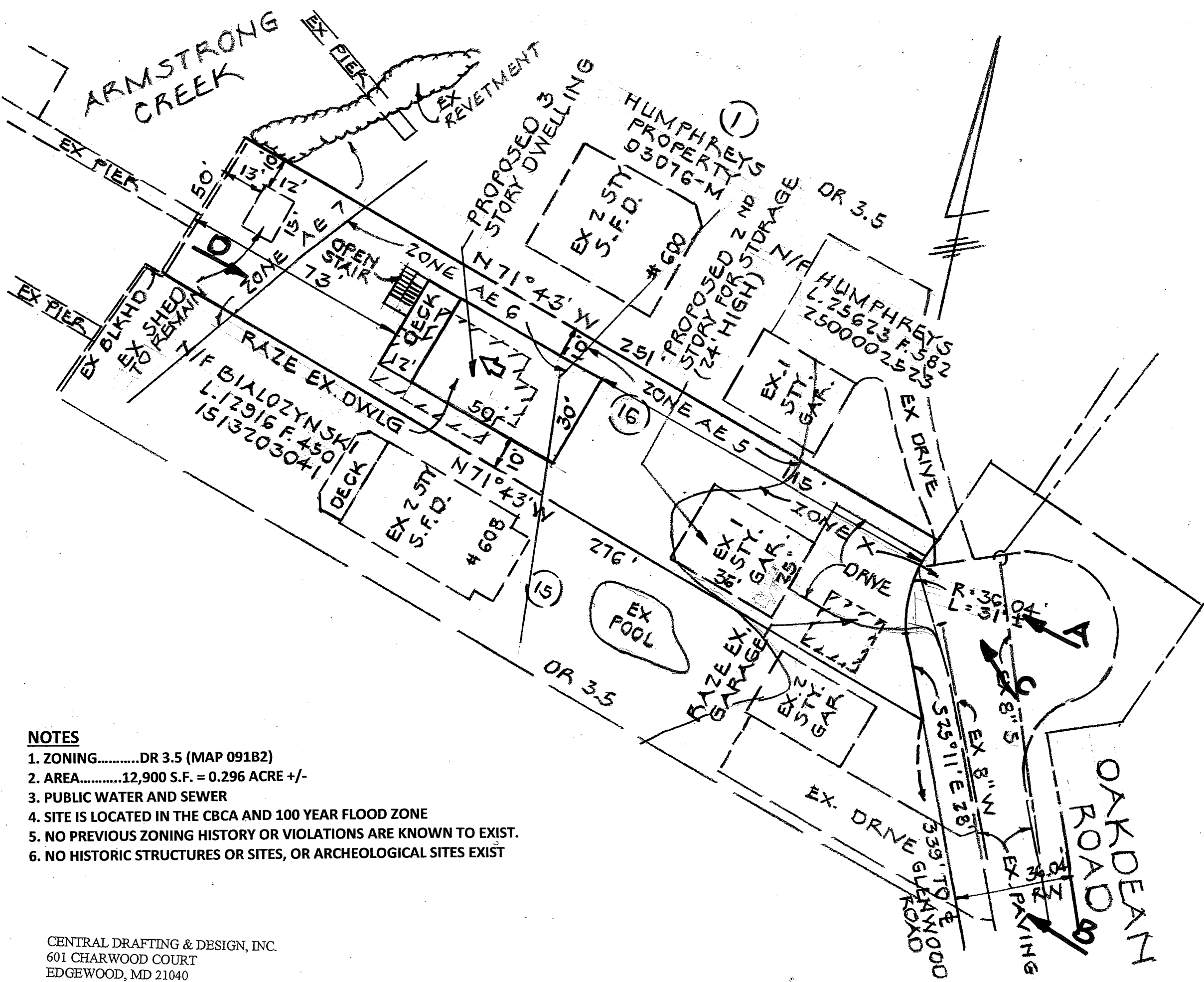
VICINITY MAP
SCALE: 1" = 1000'

OWNER
CLASSIC LLC
622 WATERSIDE COURT
BALTIMORE, MD. 21220

PETITIONER'S
EXHIBIT NO. 1

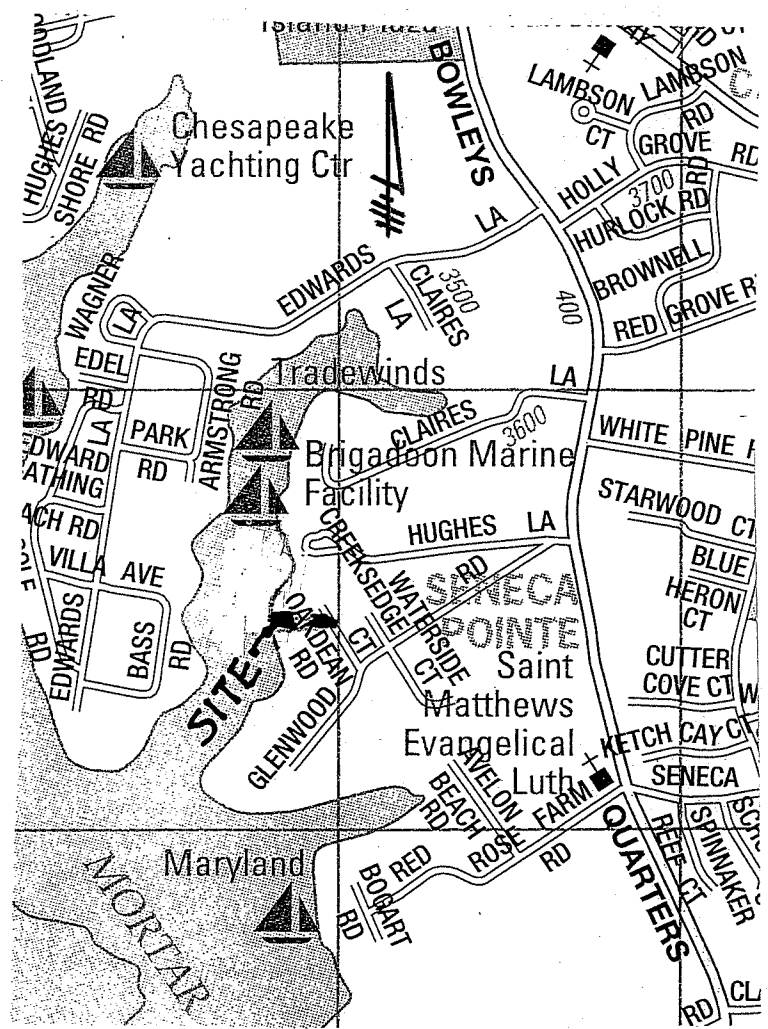
**PLAT TO ACCOMPANY PETITION
FOR VARIANCE
602 OAKDEAN ROAD
LOT 16 GLENWOOD P.B. 12 F. 111
ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MD.**

SCALE: 1 INCH = 30 FEET AUGUST 4, 2016



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



VICINITY MAP
 SCALE: 1" = 1000'

OWNER

PETITIONER'S
 EXHIBIT NO. **6A-D**

PHOTOS

**PLAT TO ACCOMPANY PETITION
 FOR VARIANCE**

602 OAKDEAN ROAD

LOT 16 GLENWOOD P.B. 12 F. 111

ELECTION DISTRICT 15C6

BALTIMORE COUNTY, MD.

SCALE: 1 INCH = 30 FEET AUGUST 4, 2016