

MEMORANDUM

DATE: December 6, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0093-A – 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 ADMIN. VARIANCE * BEFORE THE
(7933 Charlesmont Road) *
12th Election District * OFFICE OF ADMINISTRATIVE
7th Council District *
Kelly A. Darpino * HEARINGS FOR
Petitioner * BALTIMORE COUNTY
* CASE NO. 2017-0093-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owner of the property, Kelly A. Darpino ("Petitioner"). The Petitioner is requesting Variance relief from §§ 1B02.3.B and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) To permit a rear yard setback of 17 ft. in lieu of the required 50 ft., and (2) To permit a rear yard setback of 5 ft. in lieu of the required 37.5 ft. for a proposed deck (open projection) and stairs. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The property is located within an Intensely Developed Area (IDA) and is subject to Critical Area requirements as noted in the ZAC comment dated October 26, 2016 submitted by the Department of Environmental Protection and Sustainability (DEPS). In addition, it is to be noted that a letter of support was contained in the case file from residents in the community who have no objection to the Petitioner's request.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on October 13, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 11-4-16

By [Signature]

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 4th day of **November, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §§ 1B02.3.B and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) To permit a rear yard setback of 17 ft. in lieu of the required 50 ft., and (2) To permit a rear yard setback of 5 ft. in lieu of the required 37.5 ft. for a proposed deck (open projection) and stairs, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for her necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at her 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.
- Petitioner must comply with the DEPS ZAC comment dated October 26, 2016; a copy of which is attached hereto and made a part hereof.

ORDER RECEIVED FOR FILING

Date 11-4-16

By [Signature]

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 11-4-16

By aw

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 26, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0093-A
Address 7933 Charlesmont Road
(Darpino Property)

Zoning Advisory Committee Meeting of **October 17, 2016.**

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within an Intensely Developed Area (IDA) and is subject to Critical Area requirements. It is not waterfront. The applicant is proposing to permit a deck with less rear yard setback than required. Provided the deck is constructed to be pervious with gaps between the boards and no concrete or gravel beneath the deck, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is not waterfront and no forest or trees will be removed. The Critical Area impacts are negligible and habitat will not be impacted, so therefore this variance can help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the

fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

Provided the deck is constructed to be pervious, this request is consistent with Critical Area requirements, and therefore the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: October 25, 2016

ORDER RECEIVED FOR FILING

Date 11-4-16

BY SW

C:\Users\snufer\AppData\Local\Microsoft\Windows\Temporary Internet
Files\Content.Outlook\WPHS9SSK\ZAC 17-0093-A 7933 Charlesmont Road-EIR.doc



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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

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

Address 7933 Charlesmont Rd Currently zoned DR-10.5
 Deed Reference JLE 37349/79 10 Digit Tax Account # 12 02004450
 Owner(s) Printed Name(s) Kelly A. Darpino

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

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

1. ☒ **ADMINISTRATIVE VARIANCE** from Section(s)

SEE ATTACHED SHEET

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

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

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

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

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

ORDER RECEIVED FOR FILING

Date 11-4-16

By [Signature]

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

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Owner(s)/Petitioner(s):

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

BRUCE E. DOAK

BRUCE E. DOAK CONSULTING

Name – Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County this 11-4-16 day of NOV that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2017-0093-A Filing Date 10/4/16 Estimated Posting Date 10/16/16 Reviewer JF

Affidavit in Support of Administrative Variance

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

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

Address: 7933 Charlesmont Rd, Balt, MD 21222
Print or Type Address of property City State Zip Code

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

SEE ATTACHED SHEET

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

Kelly A. Darpino
Signature of Owner (Affiant)

Kelly A. Darpino
Name- Print or Type

Signature of Owner (Affiant)

Name- Print or Type

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

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12 day of Sept, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Kelly Darpino

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

AS WITNESS my hand and Notaries Seal

NELSON SCHWARTZ
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
MY COMMISSION EXP. 11/10/2016

11/10/2016
Notary Public
My Commission Expires

4110.419-4906

See attached sheet

NOTARY PUBLIC
JAMES H. HARRIS
1000 10th Street
St. Louis, Mo. 63101
Tel. 434-1234
Notary Public
James H. Harris
1000 10th Street
St. Louis, Mo. 63101
Tel. 434-1234

7933 Charlesmont Road

Case # 2017-0093-A

- 1) Administrative variance to permit a rear yard setback of 17 feet in lieu of the required 50 feet per Section 1B02.3.B *FOR A PROPOSED BUILDING ADDITION.*
- 2) *ADMINISTRATIVE VARIANCE TO PERMIT A REAR YARD SETBACK OF 5 FEET IN LIEU OF THE REQUIRED 37.5 FEET PER SECTION 301.1 FOR A PROPOSED DECK (OPEN PROJECTION) AND STAIRS.*

The proposed addition that is being built within the rear yard setback will provide a bedroom and living area for a handicapped and wheel chaired confined person so he can have more room on the first floor. If the setback is not granted, then the owner will be required to live solely in the family's living room.

The owners have acquired approval from the neighbors in a letter that is incorporated in this submittal.

Bruce E. Doak Consulting, LLC

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

Zoning Description

7933 Charlesmont Road
Twelfth Election District Seventh Councilmanic District
Baltimore County, Maryland

Beginning at a point on the east side of Charlesmont Road (60 feet wide), opposite of Wallford Drive (60 feet wide),

Being Lot 11 as shown on the plat dated February 26, 1957 and entitled "The Wallford Section of Charlesmont", which is recorded in the Land Records of Baltimore County in Plat Book GLB 23, page 130.

Containing 1,616 square feet of land, more or less.

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



Land Use Expert and Surveyor

CASE # 2017-0093-A

Bruce E. Doak Consulting, LLC

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

CERTIFICATE OF POSTING

October 17, 2016

Re:

Zoning Case No. 2017-0093-A

Petitioner: Kelly Darpino

Closing date: October 31, 2016

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

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at **7933 Charlesmont Road**.

The sign was posted on **October 13, 2016**.

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

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



Land Use Expert and Surveyor

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE NO. 2017-0093-A

7933 Charlesmont Road

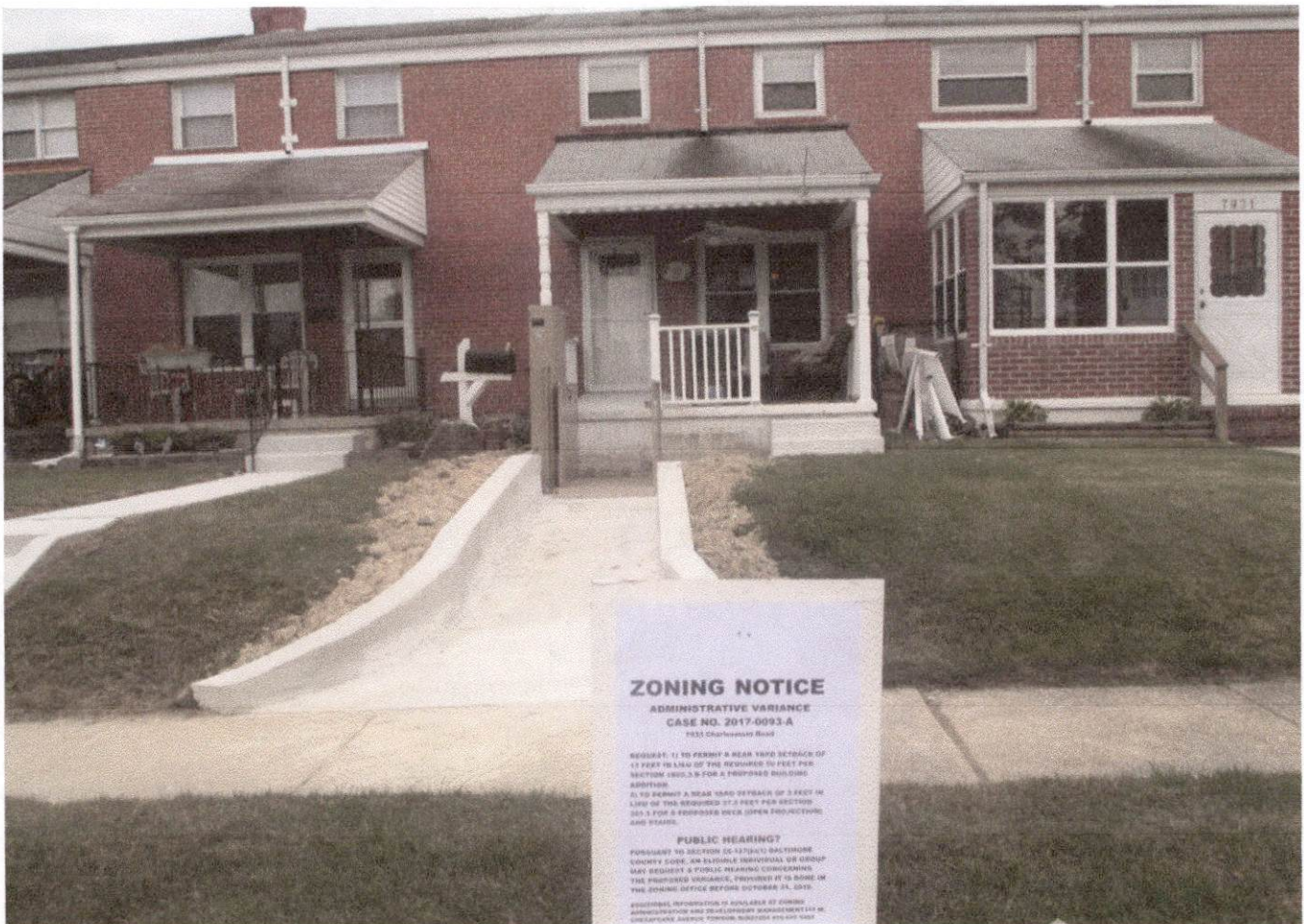
REQUEST: 1) TO PERMIT A REAR YARD SETBACK OF 17 FEET IN LIEU OF THE REQUIRED 50 FEET PER SECTION 1B02.3.B FOR A PROPOSED BUILDING ADDITION.

2) TO PERMIT A REAR YARD SETBACK OF 5 FEET IN LIEU OF THE REQUIRED 37.5 FEET PER SECTION 301.1 FOR A PROPOSED DECK (OPEN PROJECTION) AND STAIRS.

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1) BALTIMORE COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE OCTOBER 31, 2016.

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



BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0093 -A Address 7933 CHARLEMONT RD.

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

Filing Date: 10-4-16 Posting Date: 10-16-16 Closing Date: 10-31-16

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

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2017- 0093 -A Address 7933 CHARLEMONT RD.

Petitioner's Name KELLY A. DARPINO Telephone 443-855-0863

Posting Date: 10-16-16 Closing Date: 10-31-16

Wording for Sign: 1) TO PERMIT A REAR YARD SETBACK OF 17 FEET IN LIEU OF THE REQUIRED 50 FEET PER SECTION 1802.3.B FOR A PROPOSED BUILDING ADDITION.

2) TO PERMIT A REAR YARD SETBACK OF 5 FEET IN LIEU OF THE REQUIRED 37.5 FEET PER SECTION 301.1 FOR A PROPOSED DECK (OPEN PROJECTION) AND STAIRS.

Revised 7/6/16

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/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 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- 0093-A
Property Address: 7933 CHARLEMONT RD.
Property Description: LOT 11 CHARLEMONT

Legal Owners (Petitioners): KELLY DARPINO
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: KELLY DARPINO
Company/Firm (if applicable): _____
Address: 7933 CHARLEMONT ROAD
BALTIMORE MD 21222

Telephone Number: 410-419-9906

Revised 7/9/2015

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

Nº 145708

Date: 10-4-16

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

Total: 75.00

Rec

From: BRUCE DOAK

For:

Admin. Expenses

7933 CHARGEMENT AD.

CDR # 2017-0073-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DWM
10/05/2016 10/04/2016 11:50:55 2
REG USD2 WALKIN JEE
>>RECEIPT N 984547 10/04/2016 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 145708

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

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

November 1, 2016

Kelly Darpino
7933 Charlesmont Road
Baltimore MD 21222

RE: Case Number: 2017-0093 A, Address: 7933 Charlesmont Road

Dear Ms. Darpino:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 4, 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 dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

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

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



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

Date: 10/11/16

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. 2017-0093-A.

*Administrative Variance
Kelly Darpino
7933 Charlesmont 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 black ink, appearing to read "Richard Zeller".

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

WW/RAZ

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 17, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For October 17, 2016
Item No. 2017-0093, 0094, 0095, 0096 and 0098

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC10172016.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: October 26, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0093-A
Address 7933 Charlesmont Road
(Darpino Property)

Zoning Advisory Committee Meeting of **October 17, 2016.**

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within an Intensely Developed Area (IDA) and is subject to Critical Area requirements. It is not waterfront. The applicant is proposing to permit a deck with less rear yard setback than required. Provided the deck is constructed to be pervious with gaps between the boards and no concrete or gravel beneath the deck, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is not waterfront and no forest or trees will be removed. The Critical Area impacts are negligible and habitat will not be impacted, so therefore this variance can help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the

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 26, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0093-A
Address 7933 Charlesmont Road
(Darpino Property)

Zoning Advisory Committee Meeting of **October 17, 2016.**

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within an Intensely Developed Area (IDA) and is subject to Critical Area requirements. It is not waterfront. The applicant is proposing to permit a deck with less rear yard setback than required. Provided the deck is constructed to be pervious with gaps between the boards and no concrete or gravel beneath the deck, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is not waterfront and no forest or trees will be removed. The Critical Area impacts are negligible and habitat will not be impacted, so therefore this variance can help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the

fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

Provided the deck is constructed to be pervious, this request is consistent with Critical Area requirements, and therefore the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: October 25, 2016

fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

Provided the deck is constructed to be pervious, this request is consistent with Critical Area requirements, and therefore the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: October 25, 2016

TO Whom it may concern:

Kelly Darpino has brought it to our Attention that She is applying For a Variance. We are with her adding onto the addition. We understand it will be 6 to 8 Ft Out with a 6 Ft deck.

Joann Wright - 7937 Charlemont Rd.

Patricia A Thomas 7939 Charlemont Rd.

John + Marie Clarke 7935 Charlemont Rd.

Missie and Stephen Williams 7929 Charlemont Rd.

Susan Vittek 7931 Charlemont St.

2) The proposed fund on GDP will be

$$f(x) = \frac{1}{x^2} + \ln x$$

9-20 2000-2001 AFM 13-72-2-400-B

no self-organizing criticality

27th of Nov 2020

1. $\lim_{x \rightarrow 0} \frac{1}{x} = \infty$

12) $f(x) = 2x^2 - 3x + 1$ and $g(x) = x^2 + 4x - 5$

* English, 2017-189, North America

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 - 12 Account Number - 1201092460			
Owner Information					
Owner Name:		CRAIGHEAD JOANN		Use:	RESIDENTIAL
Mailing Address:		7937 CHARLESMONT RD BALTIMORE MD 21222-2705		Principal Residence:	YES
				Deed Reference:	/03445/ 00237
Location & Structure Information					
Premises Address:		7937 CHARLESMONT RD BALTIMORE 21222-2705		Legal Description:	
CHARLESMONT					
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0104	0001	0174		0000	WA
					C
					9
					2015
					Assessment Year:
					Plat No:
					Plat Ref:
					0023/0130
Special Tax Areas:			Town:		
			Ad Valorem:		
			Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1958	1,008 SF		1,818 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2		CENTER UNIT	BRICK	1 full	
Value Information					
		Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2016 As of 07/01/2017	
Land:		36,000	38,000		
Improvements		67,400	70,100		
Total:		103,400	108,100	106,533	108,100
Preferential Land:		0			0
Transfer Information					
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		HOMEOWNERS TAX CREDIT			
Homestead Application Information					
Homestead Application Status: Approved 12/31/2012					

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 - 12 Account Number - 1218050400							
Owner Information									
Owner Name:		THOMAS PATRICIA A				Use:		RESIDENTIAL	
Mailing Address:		7939 CHARLESMONT RD BALTIMORE MD 21222-2705				Principal Residence:		YES	
						Deed Reference:		/20751/ 00034	
Location & Structure Information									
Premises Address:		7939 CHARLESMONT RD BALTIMORE 21222-2705				Legal Description:		7939 CHARLESMONT RD CHARLESMONT	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0104	0001	0174		0000	WA	C	8	2015	Plat Ref:
									0023/0130
Special Tax Areas:					Town:		NONE		
					Ad Valorem:				
					Tax Class:				
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area		Property Land Area		County Use	
1958		1,008 SF				2,828 SF		04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
2	YES	END UNIT	BRICK	1 full					
Value Information									
			Base Value		Value		Phase-in Assessments		
					As of		As of		As of
					01/01/2015		07/01/2016		07/01/2017
Land:			38,000		40,000				
Improvements			74,100		81,600				
Total:			112,100		121,600		118,433		121,600
Preferential Land:			0						0
Transfer Information									
Seller: SECRETARY OF HOUSING AND Type: NON-ARMS LENGTH OTHER				Date: 09/28/2004 Deed1: /20751/ 00034			Price: \$99,500 Deed2:		
Seller: MACK MICHAEL A Type: ARMS LENGTH IMPROVED				Date: 06/24/2004 Deed1: /20304/ 00699			Price: \$95,095 Deed2:		
Seller: RESURRECION MARY LOUISE Type: ARMS LENGTH IMPROVED				Date: 11/01/1999 Deed1: /14123/ 00281			Price: \$79,900 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									

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 - 12 Account Number - 1209098080							
Owner Information									
Owner Name:		CLARKE JOHN J CLARKE MARIE P			Use: Principal Residence:		EXEMPT YES		
Mailing Address:		7935 CHARLESMONT RD BALTIMORE MD 21222- 2705			Deed Reference:		/34982/ 00007		
Location & Structure Information									
Premises Address:		7935 CHARLESMONT RD BALTIMORE 21222- 2705			Legal Description:		7935 CHARLESMONT RD ES VETERAN EXEMPTION CHARLESMONT		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0104	0001	0174		0000	WA	C	10	2015	Plat Ref: 0023/0130
Special Tax Areas:					Town:		NONE		
					Ad Valorem:				
					Tax Class:				
Primary Structure Built		Above Grade Enclosed Area			Finished Basement Area		Property Land Area		County Use
1958		896 SF					1,616 SF		01
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
2		CENTER UNIT	BRICK	1 full					
Value Information									
			Base Value	Value	Phase-in Assessments				
				As of 01/01/2015	As of 07/01/2016		As of 07/01/2017		
Land:			36,000	38,000					
Improvements			64,300	69,100					
Total:			100,300	107,100	104,833		107,100		
Preferential Land:			0				0		
Transfer Information									
Seller: IZZO MINNIE L				Date: 12/06/1993		Price: \$35,000			
Type: ARMS LENGTH IMPROVED				Deed1: /34982/ 00007		Deed2:			
Seller:				Date:		Price:			
Type:				Deed1:		Deed2:			
Seller:				Date:		Price:			
Type:				Deed1:		Deed2:			
Exemption Information									
Partial Exempt Assessments:		Class	07/01/2016		07/01/2017				
County:		020	104,833.00		107,100.00				
State:		020	104,833.00		107,100.00				
Municipal:		020	0.00 0.00		0.00 0.00				
Tax Exempt:		Special Tax Recapture:							
Exempt Class:		NONE							
Homestead Application Information									
Homestead Application Status: Approved 12/31/2012									

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 - 12 Account Number - 1208033240			
Owner Information					
Owner Name:		WILLIAMS STEPHEN C WILLIAMS MELISSA A		Use: RESIDENTIAL	
Mailing Address:		7929 CHARLESMONT RD BALTIMORE MD 21222-2705		Principal Residence: YES Deed Reference: /24379/ 00393	
Location & Structure Information					
Premises Address:		7929 CHARLESMONT RD 0-0000		Legal Description: 7929 CHARLESMONT RD CHARLESMONT	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0104	0001	0174		0000	WA
Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	0023/0130
C	13	2015			
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1958	1,008 SF	250 SF	2,828 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	END UNIT	BRICK	2 full	
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:		38,000	40,000		
Improvements		80,400	88,400		
Total:		118,400	128,400	125,067	128,400
Preferential Land:		0			0
Transfer Information					
Seller: WILLIAMS STEPHEN C		Date: 08/28/2006		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /24379/ 00393		Deed2:	
Seller: SCHREIBER GEORGE,3RD		Date: 05/13/2004		Price: \$108,000	
Type: ARMS LENGTH IMPROVED		Deed1: /20054/ 00675		Deed2:	
Seller: BANK OF NEW YORK,TRUSTEES		Date: 10/21/1997		Price: \$74,000	
Type: ARMS LENGTH IMPROVED		Deed1: /12450/ 00582		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: Approved 12/31/2012					

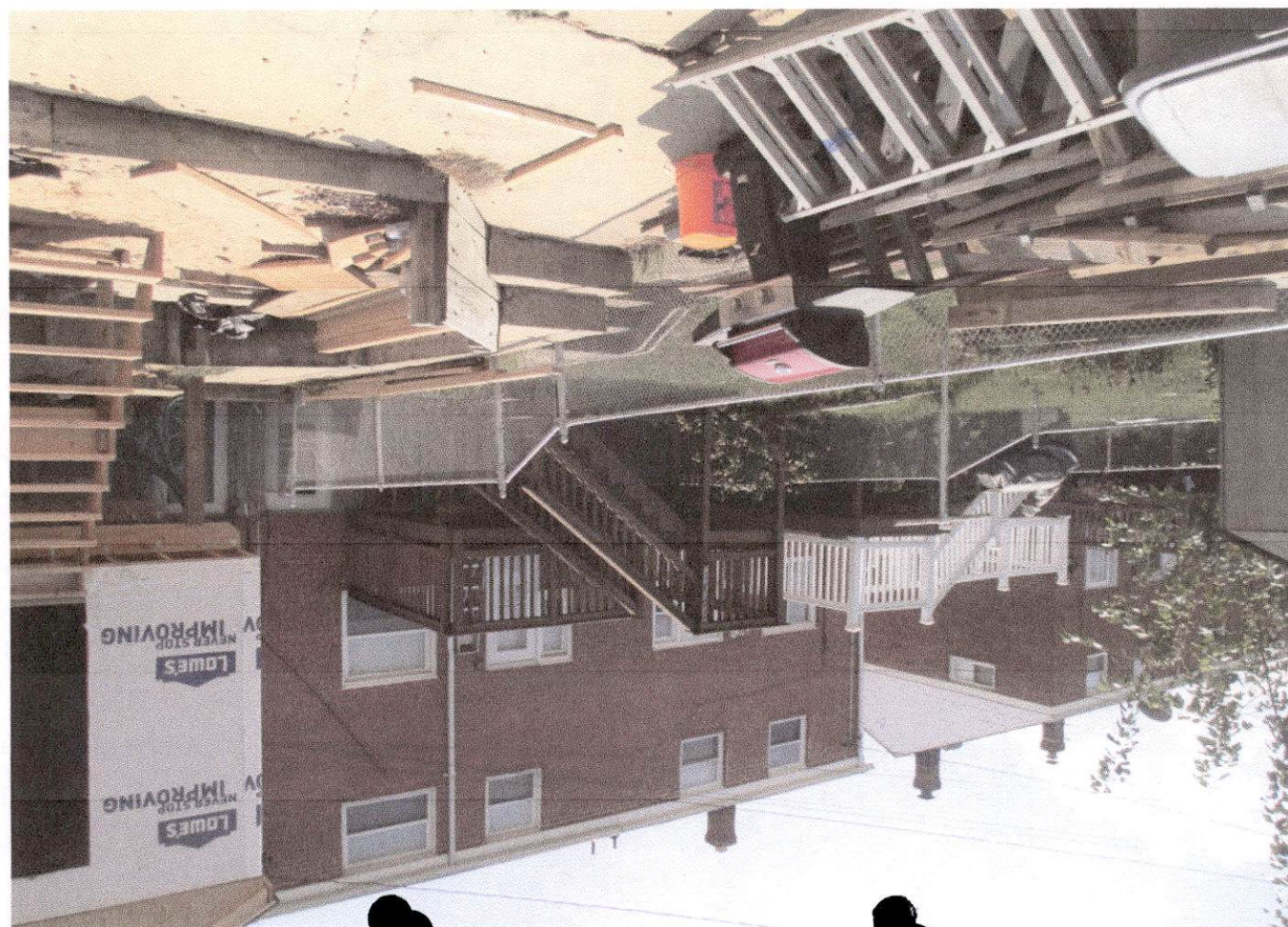
Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 12 Account Number - 1203003140		
Owner Information		
Owner Name:	VITTEK SUSAN L VITTEK RICHARD A	Use: RESIDENTIAL Principal Residence: NO
Mailing Address:	510 FAIRVIEW AVE BALTIMORE MD 21224-	Deed Reference: /37886/ 00458
Location & Structure Information		
Premises Address:	7931 CHARLESMONT RD BALTIMORE 21222-2705	Legal Description: CHARLESMONT
Map: 0104	Grid: 0001	Parcel: 0174
Sub District:	Subdivision: 0000	Section: WA
		Block: C
		Lot: 12
		Assessment Year: 2015
		Plat No: 0023/0130
		Plat Ref:
Special Tax Areas:	Town: NONE	Ad Valorem:
	Tax Class:	
Primary Structure Built 1958	Above Grade Enclosed Area 1,008 SF	Finished Basement Area 200 SF
		Property Land Area 1,818 SF
		County Use 04
Stories 2	Basement	Type CENTER UNIT
		Exterior BRICK
		Full/Half Bath 1 full
		Garage
		Last Major Renovation
Value Information		
	Base Value	Value
		As of 01/01/2015
Land:	36,000	38,000
Improvements	74,900	77,800
Total:	110,900	115,800
Preferential Land:	0	
		Phase-in Assessments
		As of 07/01/2016
		As of 07/01/2017
		114,167
		115,800
		0
Transfer Information		
Seller:	Date: 08/18/2016	Price: \$87,000
Type: ARMS LENGTH IMPROVED	Deed1: /37886/ 00458	Deed2:
Seller:	Date:	Price: \$0
Type:	Deed1: /03426/ 00435	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2016
		07/01/2017
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
		0.00 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Case 2017-0093.1





C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>10-17</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>10-26</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>10-11</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION <u>5 neighbors</u>	<u>Supports</u>
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>10-13-16</u> by <u>Dock</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		

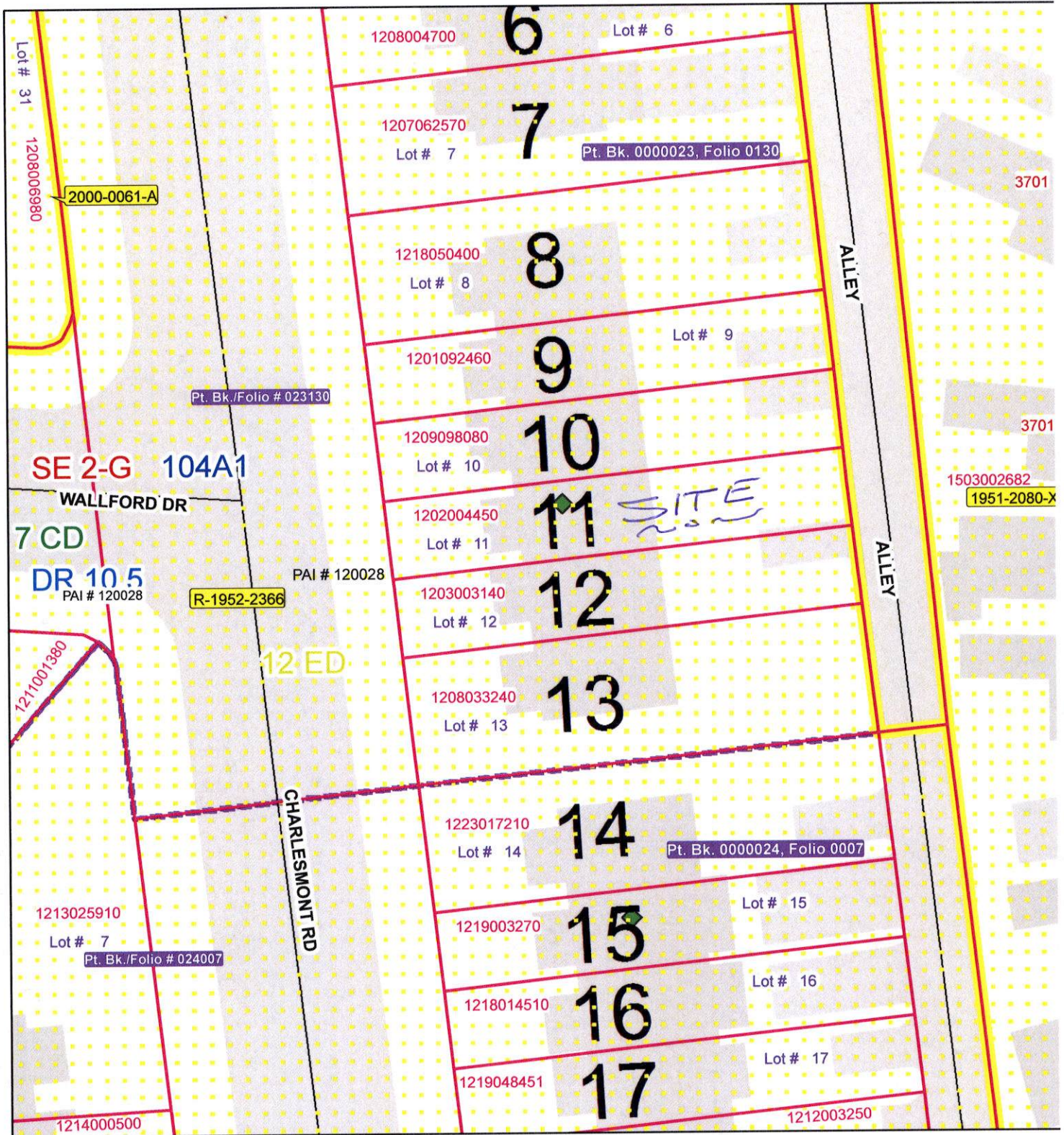
Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 12 Account Number - 1202004450			
Owner Information					
Owner Name:		DARPINO KELLY A		Use: RESIDENTIAL	
Mailing Address:		7933 CHARLESMONT RD BALTIMORE MD 21222-2705		Principal Residence: YES	
				Deed Reference: /37349/ 00079	
Location & Structure Information					
Premises Address:		7933 CHARLESMONT RD BALTIMORE 21222-2705		Legal Description: UNRECORDED 7933 CHARLESMONT RD CHARLESMONT	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0104	0001	0174		0000	WA
					C
					11
					2015
					Assessment Year:
					Plat No:
					Plat Ref:
					0023/0130
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	
1958		896 SF			
				Property Land Area	
				1,616 SF	
				County Use	
				04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2		CENTER UNIT	BRICK	1 full	
Value Information					
		Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2016 As of 07/01/2017	
Land:		36,000	38,000		
Improvements		64,700	69,600		
Total:		100,700	107,600	105,300	107,600
Preferential Land:		0			0
Transfer Information					
Seller: DARPINO MICHAEL T		Date: 04/04/2016		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /37349/ 00079		Deed2:	
Seller: BALCEROWICZ MILTON F		Date: 04/07/1994		Price: \$71,650	
Type: ARMS LENGTH IMPROVED		Deed1: /10451/ 00707		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 11/14/2013					

7936 Charlesmont Road, Lot #11



Publication Date: 10/4/2016



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 5 10 20 30 40
Feet

1 inch = 30 feet

GENERAL SITE INFORMATION

1. Ownership: Kelly A. Darpino
7933 Charlesmont Road Baltimore, MD 21222
2. Address: 7933 Charlesmont Road Baltimore, MD 21222
3. Deed references: JLE 37349/ 79 Lot 11 Block C "Charlesmont" PB 23/ 130
4. Area: 1,616 sq. ft. / 0.037 acre (per SDAT)
5. Tax Map / Parcel / Lot / Tax account #: 104 / 174 / 12-02-004450
6. Election District: 12 Councilmanic District: 7
ADC Map: 4821D6 GIS tile: 104A1 Position sheet: 85E26
Census tract: 420301 Census block: 240054203011000
Schools: Charlesmont ES General John Stricker MS Patapsco HS
7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 104A1 and the information provided by Baltimore County on the internet.
8. Improvements: Single family dwelling & parking area. The existing dwelling and parking area will remain. The existing addition is under construction by Baltimore County building permit #910242

OFFICE OF ZONING

Zoning: D.R. 10.5

Previous case: R-1952-2366 (reclassification)

Parking Calculations

Required parking spaces: 2
Parking spaces provided on site: 0
Parking spaces provided on the street: 2

D.R. 10.5 Setbacks for Dwellings per Section 1802.3.B

Front: 25 feet from the street right of way
Side: 0 feet from the side property line
Rear: 50 feet from the alley right of way

ENVIRONMENTAL IMPACT

Watershed: Baltimore Harbor URDL land type: 0

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

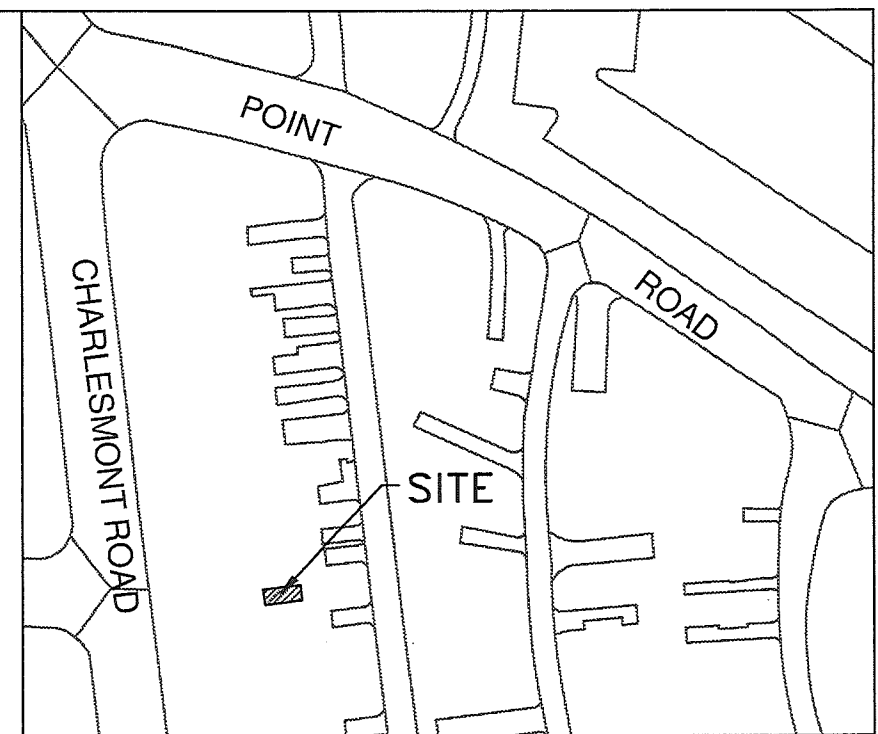
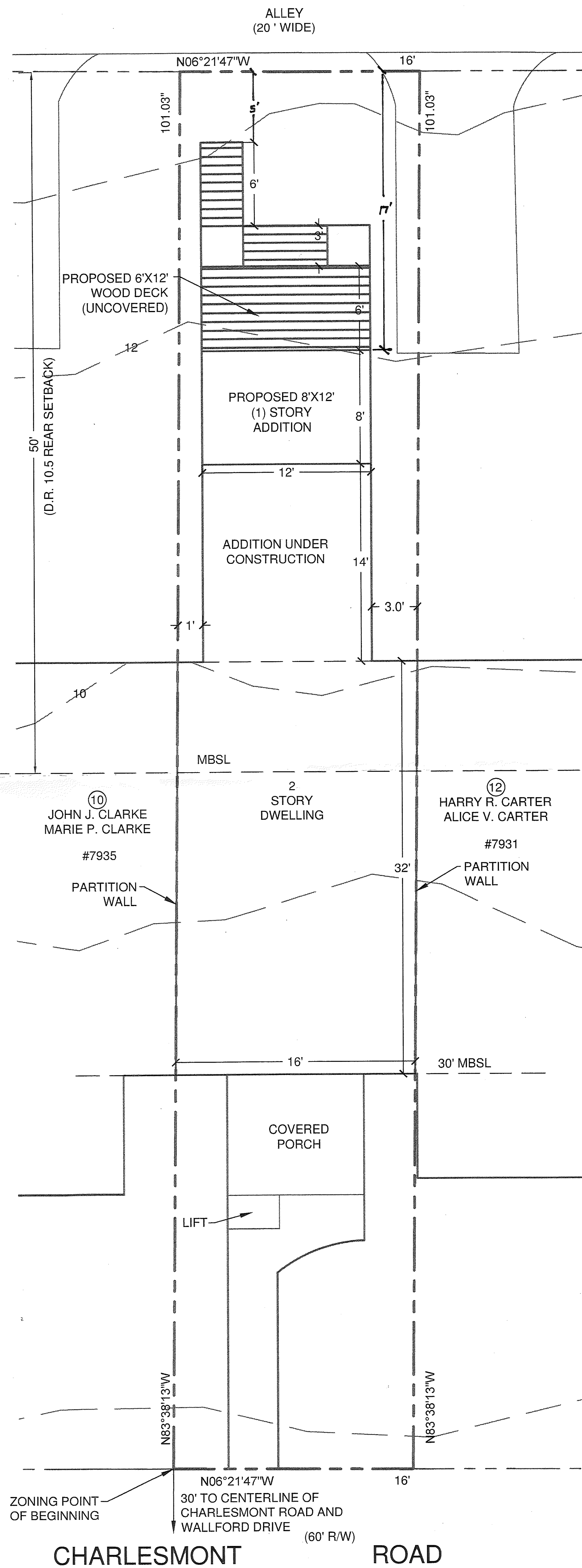
OFFICE OF PLANNING

Regional Planning District: North Point District Code: 330

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

PROPOSED DEVELOPMENT

To construct an addition to the rear of the dwelling.



Vicinity Map - Scale: 1" = 100'

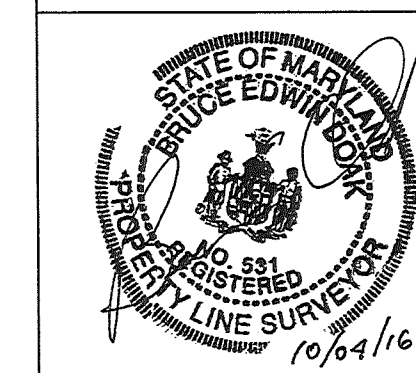


REVISION

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21833
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

A PLAN TO ACCOMPANY
A ZONING PETITION FOR
#7933 CHARLESMONT ROAD

BALTIMORE COUNTY, MARYLAND
12th ELECTION DISTRICT 7th COUNCILMANIC DISTRICT



Date: 10/2/2016
Scale: 1"=5'

Pat. Exh. 1