

M E M O R A N D U M

DATE: February 27, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0138-A – Appeal Period Expired

The appeal period for the above-referenced case expired on February 24, 2017. 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

(3202 Grace Road)
15th Election District
7th Council District
1735 Searles Road, LLC
Legal Owner

Petitioner

*

*

*

*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0138-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by 1735 Searles Road, LLC, owner of the subject property ("Petitioner"). The Petitioner is requesting variance relief from the Baltimore County Zoning Regulations (B.C.Z.R) to permit an existing dwelling with a lot width of 50 ft. in lieu of the required 55 ft. A site plan was marked as Petitioner's Exhibit 1.

James & Jan Gay and surveyor Scott Dallas 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 Bureau of Development Plans Review (DPR) and the Department of Environmental Protection and Sustainability (DEPS). Conditions will be included in the Order below to address those comments.

The property is approximately 0.195 acres and is zoned DR 5.5. The property is improved with a small single-family dwelling constructed in 1928. No construction or improvements of any type are proposed. Instead, Petitioner seeks variance relief to "legitimize" the 50 ft. lot width.

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

Date

11/25/17

By

Den

- 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 lot was created by a plat recorded long before adoption of the B.C.Z.R., and Petitioner must contend with site conditions and improvements constructed nearly 90 years ago. As such, the property is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be forced to raze the existing single-family dwelling. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of community and/or Baltimore County opposition.

THEREFORE, IT IS ORDERED, this 25th day of January, 2017, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to permit an existing dwelling with a lot width of 50 ft. in lieu of the required 55 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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. Prior to issuance of permits Petitioner must comply with critical area and flood protection regulations.

ORDER RECEIVED FOR FILING

Date 1/25/17
By Den

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:slh

ORDER RECEIVED FOR FILING

Date 1/25/17

By slh



CBCA

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 3202 Grace Road which is presently zoned DR 5.5Deed References: 37477-470 10 Digit Tax Account # 1504751000Property Owner(s) Printed Name(s) James L. Gay III, Jan D. Gay(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

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

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for3. X 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)

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):

1735 Searles, LLC)
James L. Gay III / Jan D. Gay

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

9 Celtis Ct.

Fork, MD

Mailing Address

City

State

21051 / 410-375-0588 / jimgay3@mrisc.

Zip Code

Telephone #

Email Address com

Representative to be contacted:

J.S. Dallas

Name - Type or Print

Signature

P.O. Box 26

Baldwin, MD

Mailing Address

City

State

21013 / 410-817-4600 / jsdinc@aol.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2017-0138-A Filing Date 11/21/16

Do Not Schedule Dates: _____

Reviewer gfi

REV 10/1/14

2017-0138-A

Variance from section 1B02.3.C.1 of the BCZR

To permit an Existing dwelling with a lot width of 50 feet in lieu of the required 55 feet.

J.S. DALLAS, INC.

Surveying & Engineering

P.O. Box 26
Baldwin, MD 21013
(410)817-4600
FAX (410)817-4602

ZONING DESCRIPTION OF # 3202 GRACE ROAD

BEGINNING at a point on the northwest side of Grace Road, 40 feet wide, at the distance of 50 feet northeast from the northeast side of Martha Avenue, 25 feet wide.

BEING Lots # 3 and #4, Block "N" on the plat of "Lynch Point" as recorded in Baltimore County Plat Book Number 8 folio 38.

CONTAINING 7500 square feet or 0.172 acres of land, more or less.

LOCATED the 15th Election District, 7th Councilmanic District.



2017-0138-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 4678019

Sold To:

1735 Searles LLC - CU00577865
9 Celtis Ct
Fork, MD 21051-9730

Bill To:

1735 Searles LLC - CU00577865
9 Celtis Ct
Fork, MD 21051-9730

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

Dec 29, 2016

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

NOTICE OF ZONING HEARING

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

Case: # 2017-0138-A

3202 Grace Road
NW/s Grace Road, NE 50 ft. to centerline of Martha Avenue

15th Election District - 7th Councilmanic District

Legal Owner(s) James L. & Jan D. Gay, III, 1735 Searles, LLC

Variance: to permit an existing dwelling with a lot width of 50 feet in lieu of the required 55 ft.

Hearing: Friday, January 20, 2017 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

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

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

12/21/2016 December 29

4678019

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 1/2/2017

Case Number: 2017-0138-A

Petitioner / Developer: MR. & MRS. GAY 111 ~ J. S. DALLAS, INC.

Date of Hearing (Closing): JANUARY 20, 2017

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:
3202 GRACE ROAD

The sign(s) were posted on: DECEMBER 31, 2016



Linda O'Keefe
(Signature of Sign Poster)

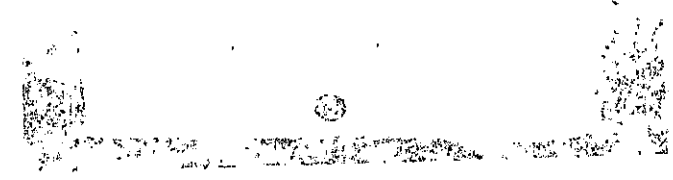
Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

100





KEVIN KAMENETZ
County Executive

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

December 19, 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: 2017-0138-A

3202 Grace Road

NW/s Grace Road, NE 50 ft. to centerline of Martha Avenue

15th Election District – 7th Councilmanic District

Legal Owners: James L. & Jan D. Gay, III, 1735 Searles, LLC

Variance to permit an existing dwelling with a lot width of 50 feet in lieu of the required 55 feet.

Hearing: Friday, January 20, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Gay, III, 9 Celtis Court, Fork 21051
J. S. Dallas, P.O. Box 26, Baldwin 21013

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, DECEMBER 31, 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, December 29, 2016 Issue - Jeffersonian

Please forward billing to:
James Gay, III
1735 Searles LLC
9 Celtics Court
Fork, MD 21051

410-375-0598

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: 2017-0138-A

3202 Grace Road

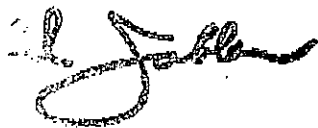
NW/s Grace Road, NE 50 ft. to centerline of Martha Avenue

15th Election District – 7th Councilmanic District

Legal Owners: James L. & Jan D. Gay, III, 1735 Searles, LLC

Variance to permit an existing dwelling with a lot width of 50 feet in lieu of the required 55 feet.

Hearing: Friday, January 20, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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
3202 Grace Road; NW/S Grace Road,
NE 50' to the c/line of Martha Avenue
15th Election & 7th Councilmanic Districts
Legal Owner(s): 1735 Searles Road, LLC
By James & Jan Gay
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2017-138-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

DEC 07 2016

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of December, 2016, a copy of the foregoing Entry of Appearance was mailed to J.S. Dallas, P.O. Box 26, Baldwin, Maryland 21013, 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: 2017-0138-A
Property Address: 3202 Grace Rd.
Property Description: Lot 3+4 B1K N
Lynch Point 8/38
Legal Owners (Petitioners): 1735 Searles LLC
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: James Gay III
Company/Firm (if applicable): 1735 Searles LLC
Address: 9 Celtus Ct.
Fork MD. 21051
Telephone Number: 410-375-0598

No.

141434

Date:

11/21/16

PAID RECEIPT

BUSINESS	ACTUAL	TIME	END
1/22/2016	11/21/2016	09:34:47	5

REG 0505 WALKIN LRB
 RECEIPT # 879036 11/21/2016 OFLW
 Dept 5 528 ZONING VERIFICATION
 NO. 141434

Recpt Tot: \$75.00
\$150.00 - CK \$1.00 CA
Baltimore County, Maryland

[illegible]

Total:

75.00

Rec
From: Scott Dallas

For: 3702 Grace Rd

UCCIANC - 77 - 2017 - 0156 A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

January 12, 2017

1735 Searles LLC
James L & Jan D Gay
9 Celtis Court
Fork MD 21051

RE: Case Number: 2017-0138 A, Address: 3202 Grace Road

Dear Mr. & Ms. Gay:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 21, 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
J S Dallas, P O Box 26, Baldwin MD 21013

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



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

Date: 12/5/16

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. 2017-0138-A

Variance
1735 Searles Road, LLC
James L. Gay & Jan D. Gay
3202 Grace 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 "Wendy Wolcott".

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

WW/RAZ

1-20

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 1/3/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-138

RECEIVED
JAN 06 2017
OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 3202 Grace Road
Petitioner: James L. Gay III, Jan D. Gay (1735 Searles, LLC)
Zoning: DR 5.5
Requested Action: Variance

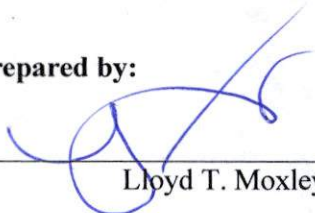
The Department of Planning has reviewed the petition for variance to permit an existing dwelling with a lot width of 50 feet in lieu of the required 55 feet.

A site visit was conducted on December 9, 2016.

The Department of Planning has no objections to granting the petitioned zoning relief. The Department advises that the petitioners demonstrate to the satisfaction of the Administrative Law Judge that the requirements of BCZR § 304.1 are being met.

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
J.S. Dallas
Office of the Administrative Hearings
People's Counsel for Baltimore County

1-20

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
DEC 15 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: December 15, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0138-A
Address 3202 Grace Road
(Gay Property)

Zoning Advisory Committee Meeting of DECEMBER 12, 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 an existing dwelling with less lot width than required. As no new development is proposed, 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. There are no new Critical Area impacts 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;

As there is no new development activity proposed, 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: December 12, 2016

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 16, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For December 12, 2016
Item No. 2017-0138

The Bureau of Development Plans Review has reviewed the subject zoning items 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 17-0138-12122016.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 1/3/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-138

INFORMATION:

Property Address: 3202 Grace Road
Petitioner: James L. Gay III, Jan D. Gay (1735 Searles, LLC)
Zoning: DR 5.5
Requested Action: Variance

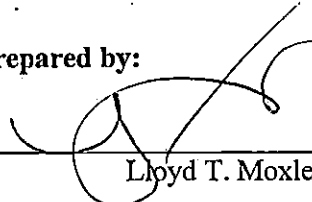
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A site visit was conducted on December 9, 2016.

The Department of Planning has no objections to granting the petitioned zoning relief. The Department advises that the petitioners demonstrate to the satisfaction of the Administrative Law Judge that the requirements of BCZR § 304.1 are being met.

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
J.S. Dallas
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: December 15, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0138-A
Address 3202 Grace Road
(Gay Property)

Zoning Advisory Committee Meeting of **DECEMBER 12, 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 an existing dwelling with less lot width than required. As no new development is proposed, 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. There are no new Critical Area impacts 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;

As there is no new development activity proposed, 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: December 12, 2016

CASE NAME 2017-0138-A
CASE NUMBER 2017-0139-A
DATE 1-20-2017

[illegible]

CASE NO. 2017- 0138-A

C H E C K L I S T

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

12/16

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

Comment

12/15

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

Comment

FIRE DEPARTMENT

1/16

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

no Obj w/Comment

12/5

STATE HIGHWAY ADMINISTRATION

no Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

12/29/16

SIGN POSTING

Date:

12/31/16

by

O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



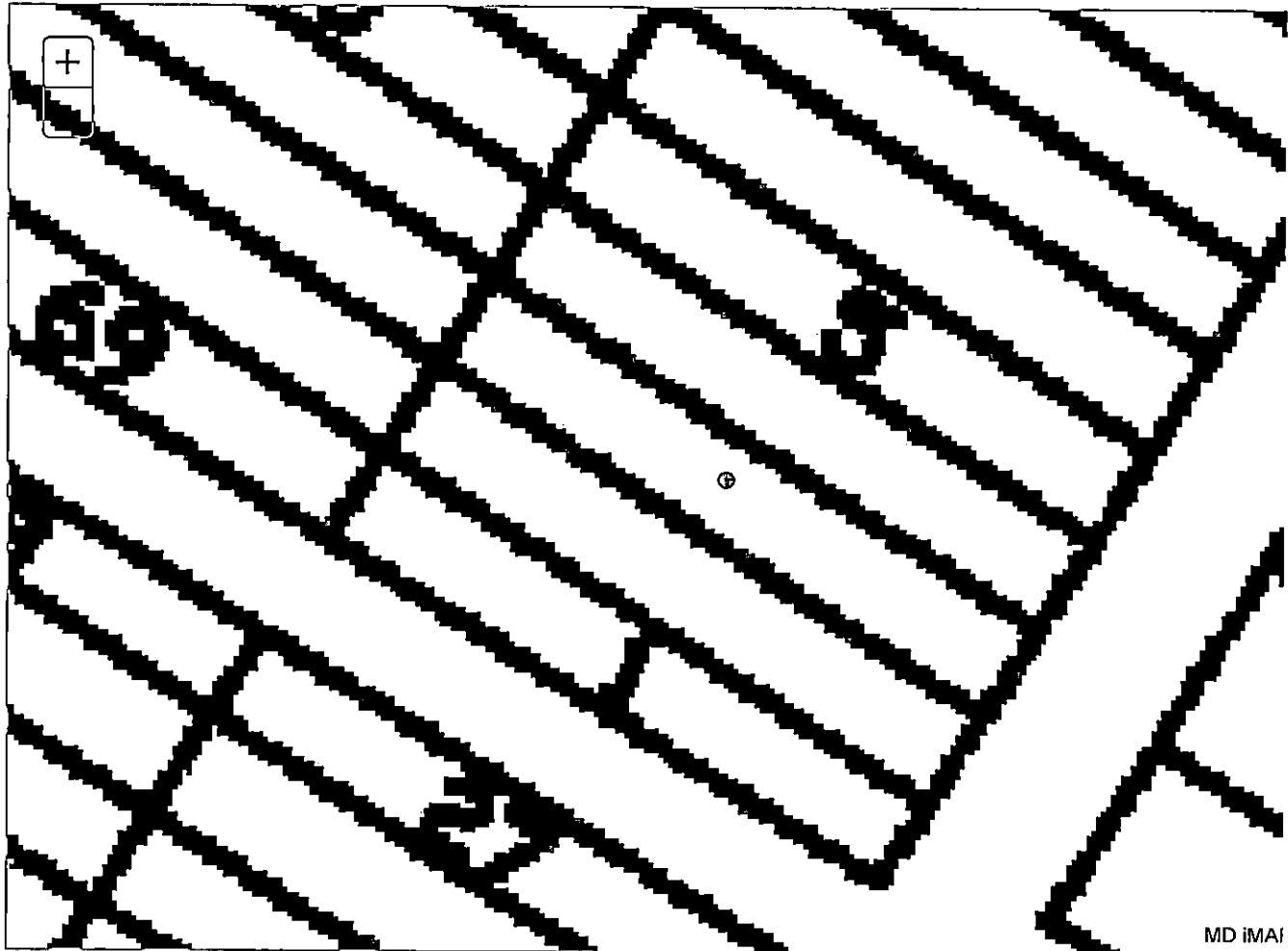
Comments, if any: _____

<Real Property Data Search>>> Guide to searching the database

<Search Result for BALTIMORE COUNTY>>>

View Map			View GroundRent Redemption				View GroundRent Registration			
Account Identifier:			District - 15 Account Number - 1504751000							
Owner Information										
Owner Name:		1735 SEARLES L L C				Use:		RESIDENTIAL		
Mailing Address:		9 CELTIS CT FORK MD 21051-				Principal Residence:		NO		
						Deed Reference:		/37477/ 00470		
Location & Structure Information										
Premises Address:		3202 GRACE RD BALTIMORE 21219-1113				Legal Description:		LTS 3,4 3202 GRACE RD LYNCH POINT		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0111	0005	0141		0000		N	3	2015	Plat Ref:	0008/0038
Special Tax Areas:					Town:		NONE			
					Ad Valorem:					
					Tax Class:					
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area		Property Land Area		County Use		
1928		946 SF				7,500 SF		04		
Stories	Basement	Type	Exterior		Full/Half Bath		Garage	Last Major Renovation		
1 1/2	YES	STANDARD UNIT	WOOD SHINGLE		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:			73,500		73,500					
Improvements			62,900		64,400					
Total:			136,400		137,900		137,400		137,900	
Preferential Land:			0						0	
Transfer Information										
Seller: DUNCAN VERNON T/DAVID T/DANIEL S				Date: 05/05/2016				Price: \$110,000		
Type: ARMS LENGTH MULTIPLE				Deed1: /37477/ 00470				Deed2:		
Seller: DUNCAN OPAL T				Date: 03/03/2009				Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /09486/ 00048				Deed2:		
Seller: DUNCAN VERNON E				Date: 12/02/1992				Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /09486/ 00048				Deed2:		
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2016		07/01/2017				
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00 0.00		0.00 0.00				
Tax Exempt:		Special Tax Recapture:								
Exempt Class:		NONE								
Homestead Application Information										
Homestead Application Status: No Application										

Baltimore County

[New Search \(http://sdat.dat.maryland.gov/RealProperty\)](http://sdat.dat.maryland.gov/RealProperty)District: **15** Account Number: **1504751000**

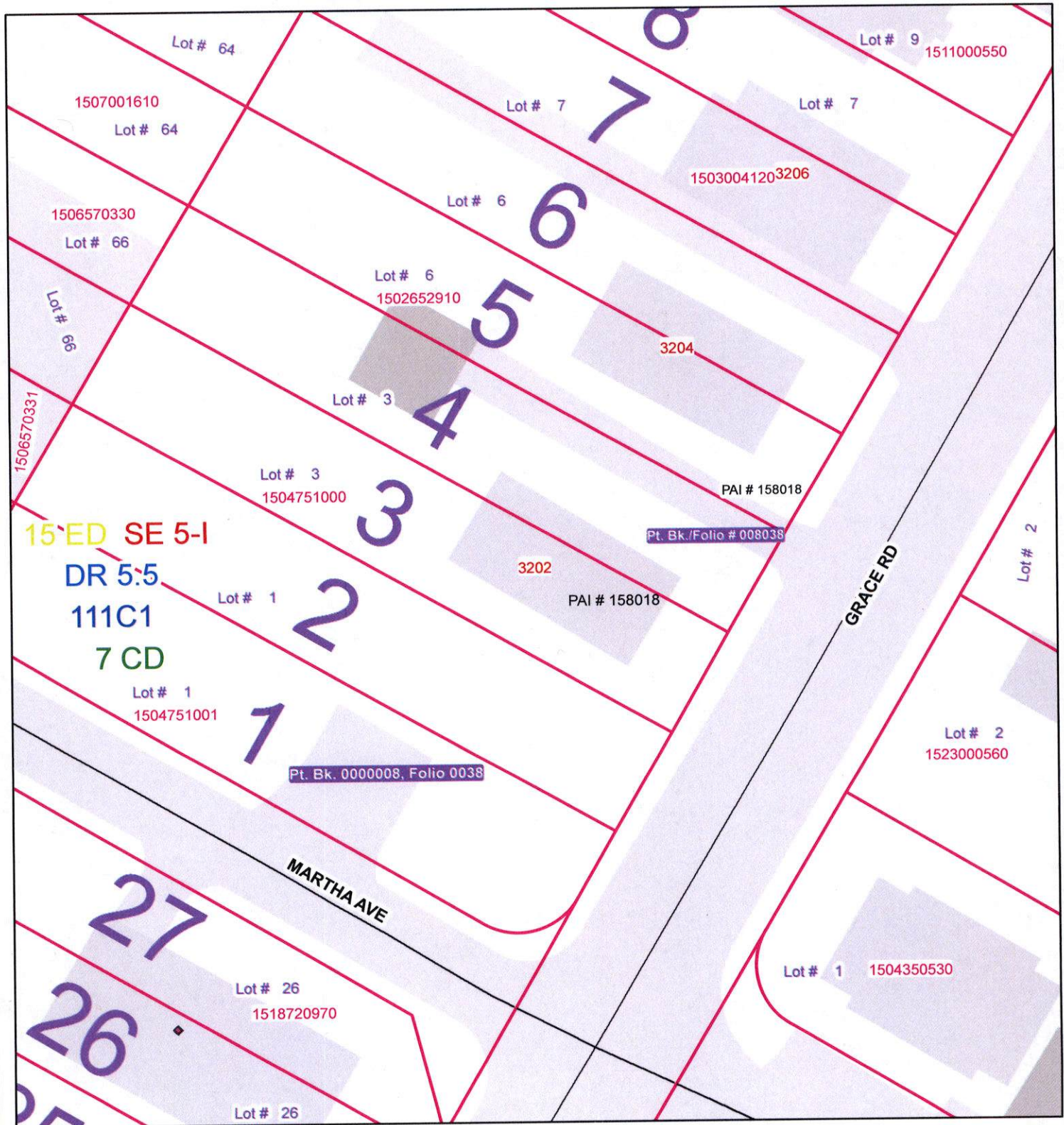
The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

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>).

3202 Grace Road



Publication Date: 11/21/2016



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

2017-0138-A

3000 Grace Road



Publication Date: 11/21/2016



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



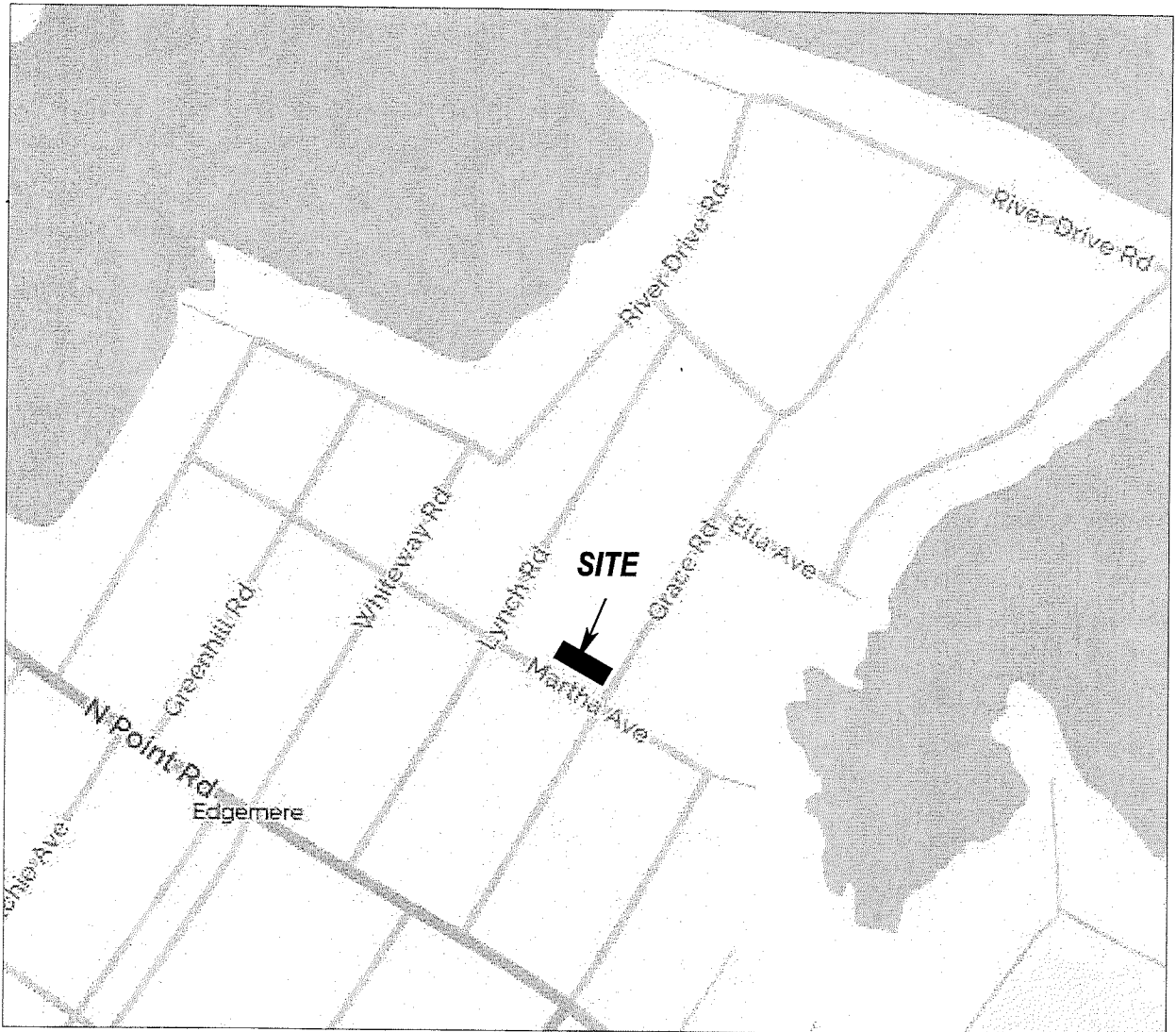
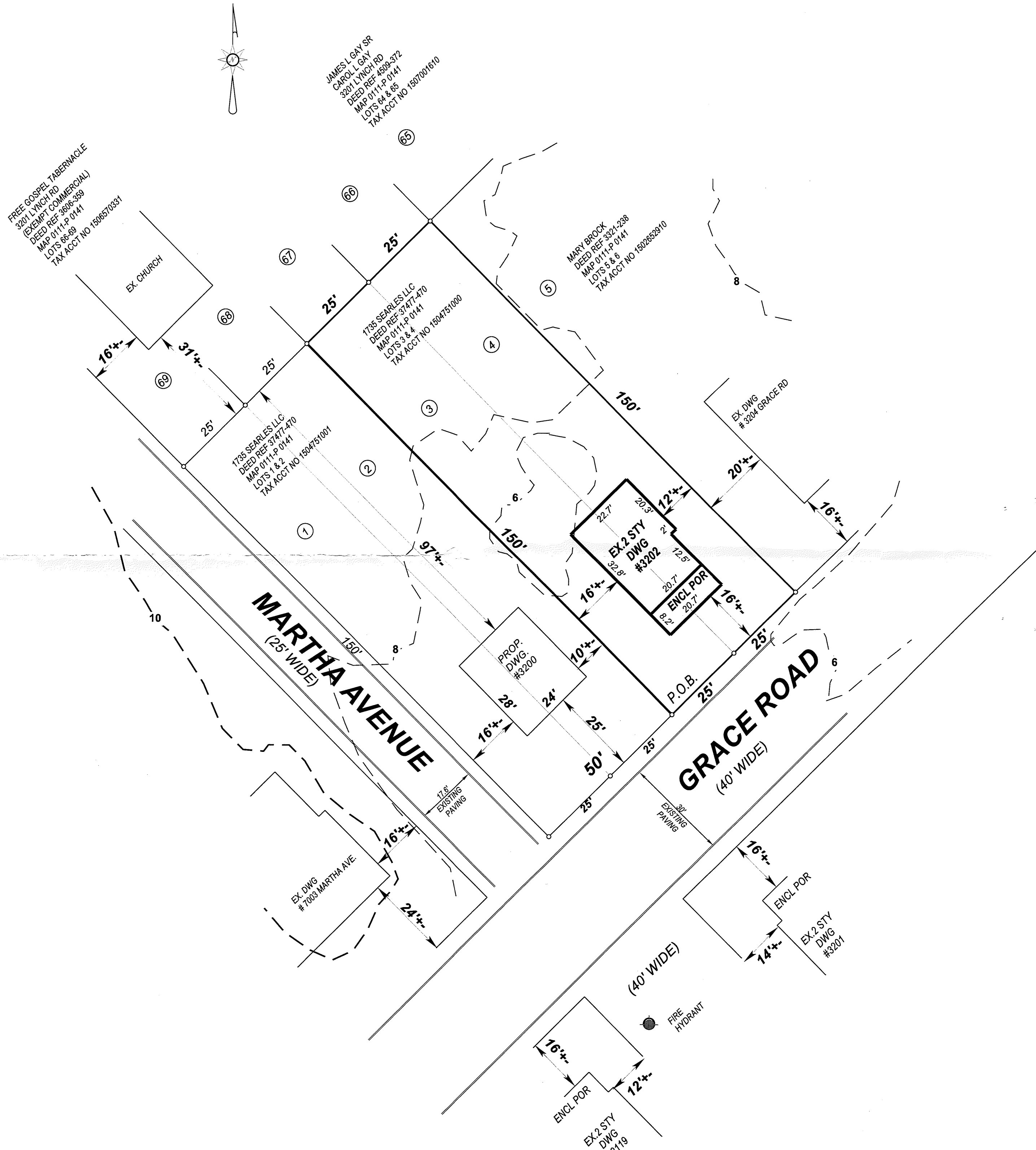
0 5 10 20 30 40 Feet

1 inch = 30 feet

2017-0138-A

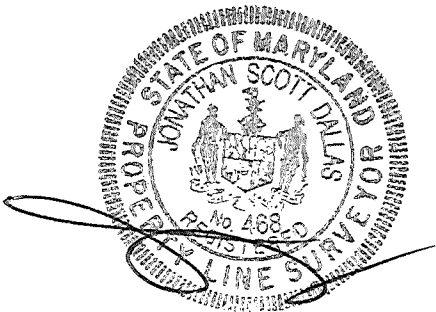
GENERAL NOTES:

1. OWNER: 1735 SEARLES L L C
9 CELTIS CT.
FORK, MD. 21051
PHONE 410-375-0598
2. SITE AREA:
GROSS: 8,500 Sq.Ft. OR 0.195 Ac.+-
NET: 7500 Sq. Ft. OR 0.172 Ac.+-
3. CURRENT USE: VACANT
PROPOSED USE: SINGLE FAMILY DWELLING
4. UTILITIES:
PUBLIC SEWER
PUBLIC WATER
5. THE SITE LIES WITHIN ZONE "X" AND "X" (LIGHTLY SHADED)AS SHOWN
ON F.I.R.M. 2400100555G DATED MAY 5, 2014
6. TOPOGRAPHY HEREON PER "MY NEIGHBORHOOD" WEBSITE
7. DR 5.5 SETBACKS:
FRONT: 25'
SIDE: 10'
REAR: 30'
9. DEED REF.: 37477/470
10. TAX ACCOUNT: #1504751000
11. COUNCILMANIC DISTRICT: 7TH
12. CENSUS TRACT: 452000
13. WATERSHED: BACK RIVER
14. ZONING: DR 5.5
(PER BALT. CO. "MY NEIGHBORHOOD" WEBSITE)
15. TAX MAP: #0111, PARCEL 0141, LOTS 3 & 4, BLOCK "N"
16. NO KNOWN PREVIOUS ZONING CASES ON FILE.
17. NO KNOWN PERMITS ON FILE.
18. THE SITE LIES WITHIN THE CHESAPEAKE BAY
CRITICAL AREA (IDA).
19. THERE ARE NO HISTORIC FEATURES ON THE SITE NOR
IS THE SITE ITSELF HISTORIC.
20. NO KNOWN PREVIOUS DRC MEETINGS



VICINITY MAP 1" = 500'

J.S. DALLAS, INC.
SURVEYING & ENGINEERING
P.O. BOX 26
BALDWIN, MD. 21013
(410) 817-4600



**SITE PLAN TO ACCOMPANY
PETITION FOR ZONING HEARING
#3202 GRACE ROAD**

15TH EL DIST **BALT CO, MD**
1"= 20' **11-18-2016**

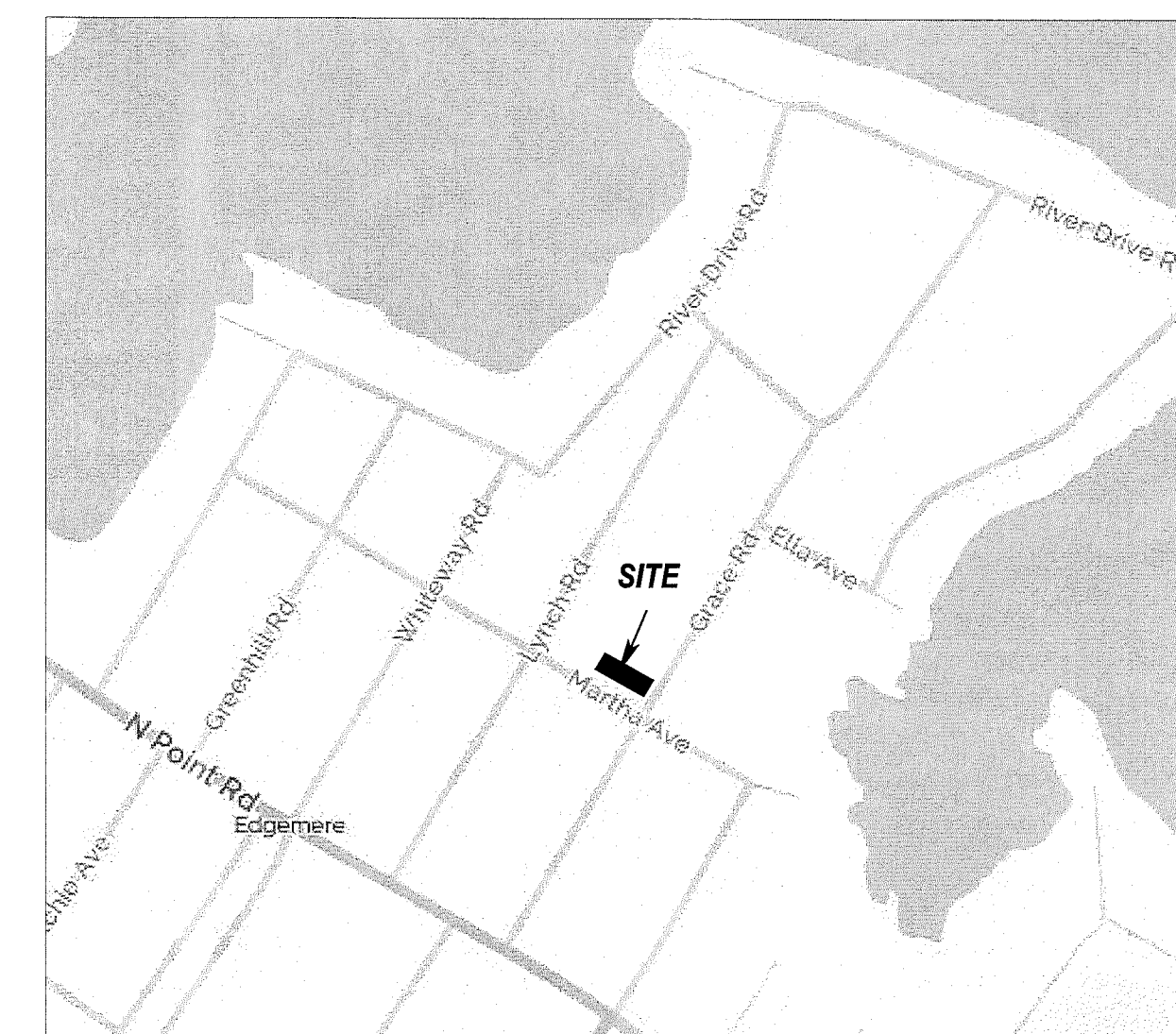
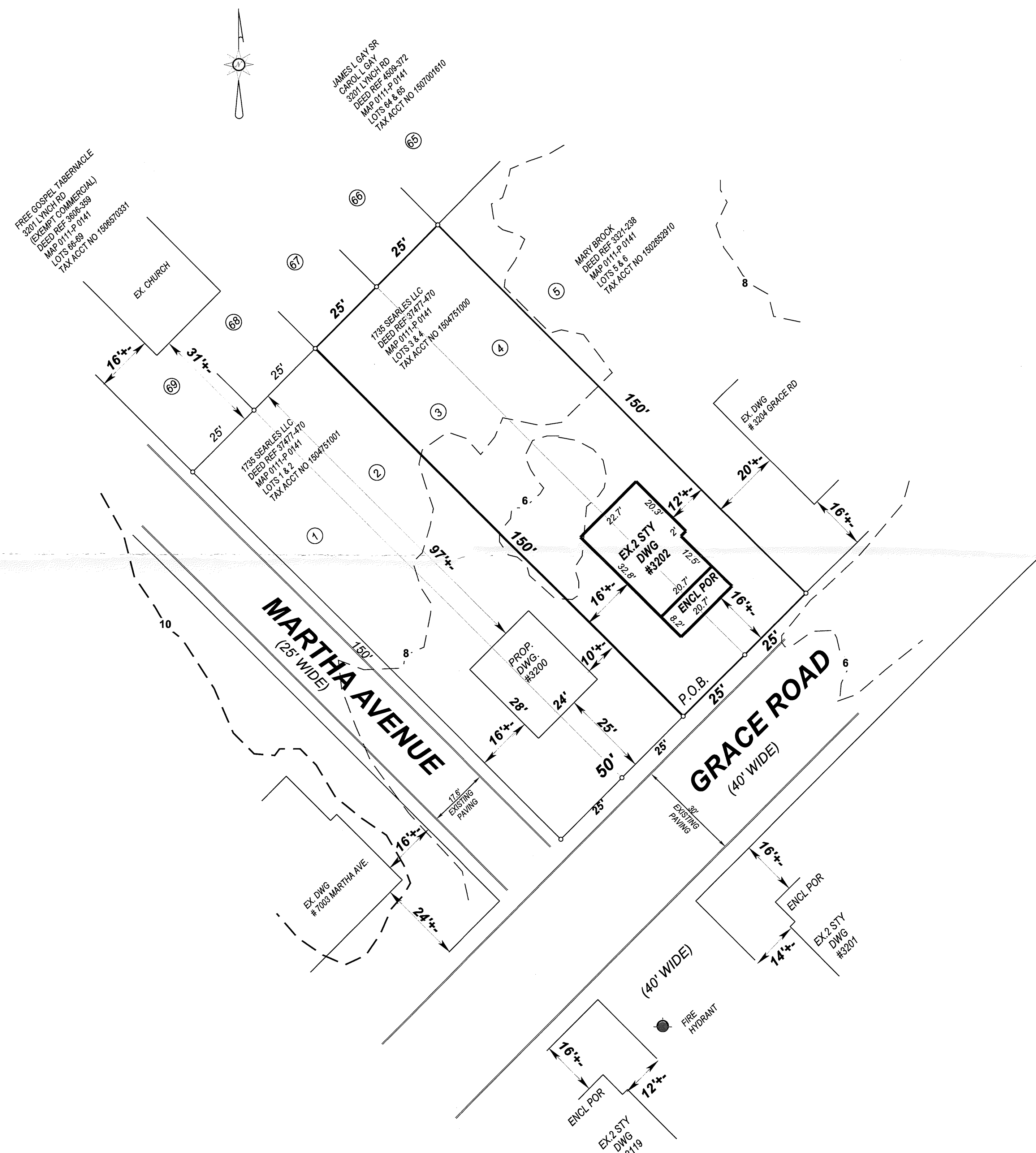
FILE NAME	DATE	DRAWN BY
16-1585.TRV	11-19-2016	name
20 FtlIn	REVISION	SHEET
JOB	1/1	1/1
\$JOB		

This map drawn with TRAVERSE PC Software

Petitioners Ex.No.1

2017-038-A

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9 CELTIS CT.
FORK, MD. 21051
PHONE 410-375-0598
2. SITE AREA:
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FILE NAME		
16-1585.TRV		
SCALE	DATE	DRAWN BY
20 Ft/In	11-19-2016	name
JOB	REVISION	SHEET
\$JOB	1/1	1/1