

## MEMORANDUM

DATE: February 27, 2017  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2017-0139-A – Appeal Period Expired

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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**

(3200 Grace Road)  
15<sup>th</sup> Election District  
7<sup>th</sup> Council District  
1735 Searles Road, LLC  
*Legal Owner*

Petitioner

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\*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

**CASE NO. 2017-0139-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 a proposed dwelling with street side setback of 16 ft. in lieu of the required 25 ft. 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 unimproved and is situated at the corner of two public roads. The lot is adjacent to the property at 3202 Grace Road, which was the subject of Case No. 2017-0138-A which was consolidated for hearing with the present case. Petitioner proposes to construct a single-family dwelling on

ORDER RECEIVED FOR FILING

Date 11/25/17  
By Den

the property, but variances are required to do so.

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 lot was created by a plat recorded long before adoption of the B.C.Z.R. As such, the property is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to construct a single-family dwelling on the property. Finally, I find that the variances 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. In addition, Mr. Dallas testified nearly all of the homes in the neighborhood are situated on 50 ft. wide lots, so the proposed dwelling would be compatible with the community.

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 a proposed dwelling with a street side setback of 16 ft. in lieu of the required 25 ft., and 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.

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Date 1/25/17

By Sen

2. Prior to issuance of permits Petitioner must 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: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 3200 Grace Rd which is presently zoned DR5.5

Deed References: 37477-470 10 Digit Tax Account # 1504751001

Property 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 approve

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

3. 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 2017-0139-A Filing Date 11/21/16

Do Not Schedule Dates: Reviewer *js*

CBCT

Q. W. J. H. A. C.

DATE RECEIVED  
Date  
By

2017-0139-A

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

To permit a proposed dwelling with street side set back of 16 feet in lieu of the required 25 feet 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

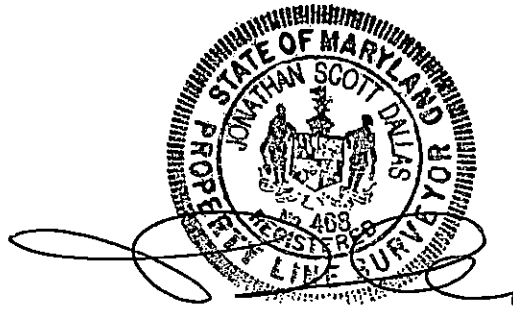
## ZONING DESCRIPTION OF # 3200 GRACE ROAD

**BEGINNING** at the intersection of the northwest side of Grace Road, 40 feet wide, and the northeast side of Martha Avenue, 25 feet wide.

**BEING** Lots # 1 and #2, 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.



2017-0139-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 4678041

**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

**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: # 2017-0139-A**

3200 Grace Road  
NW corner of Grace Road, NE to centerline of Martha Avenue  
15th Election District - 7th Councilmanic District  
Legal Owner(s) James L. & Jan D. Gay, III

**Variance:** to permit a proposed dwelling with street side setback of 16 feet in lieu of the required 25 feet 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 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.

12/214 December 29

4678041

The Baltimore Sun Media Group

By

*S. Wilkinson*

Legal Advertising

# CERTIFICATE OF POSTING

**ATTENTION:** KRISTEN LEWIS

**DATE:** 1/2/2017

**Case Number:** 2017-0139-A

**Petitioner / Developer:** MR. & MRS. GAY III ~ 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:  
3200 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)





KEVIN KAMENETZ  
County Executive

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

December 21, 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: 2017-0139-A**

3200 Grace Road

NW corner of Grace Road, NE to centerline of Martha Avenue

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: James & Jan Gay, III

Variance to permit a proposed dwelling with street side setback of 16 feet in lieu of the required 25 feet 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  
Searles, LLC  
9 Celtis Court  
Fork, MD 21015

410-375-0598

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## 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: 2017-0139-A**

3200 Grace Road

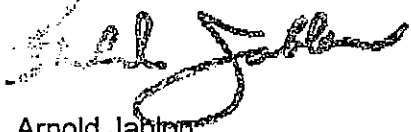
NW corner of Grace Road, NE to centerline of Martha Avenue

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: James & Jan Gay, III

Variance to permit a proposed dwelling with street side setback of 16 feet in lieu of the required 25 feet with a lot width of 50 feet in lieu of the required 55 feet.

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105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



RE: PETITION FOR VARIANCE  
3200 Grace Road; NW corner Grace Road,  
NE of c/line of Martha Avenue  
15<sup>th</sup> Election & 7<sup>th</sup> Councilmanic Districts  
Legal Owner(s): 1735 Searles Road, LLC  
By James & Jan Gay  
Petitioner(s)

\* BEFORE THE OFFICE  
\* OF ADMINISTRATIVE  
\* HEARINGS FOR  
\* BALTIMORE COUNTY  
\* 2017-139-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: 2017-0139-A  
Property Address: 3200 Grace Rd.  
Property Description: Lot 1 & 2 BIKEN.  
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 Celts Ct.  
Fork MD 21051  
Telephone Number: 410-375-0598

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

No. **141435**

Date: **11/21/16**

PAID RECEIPT

BUSINESS ACTUAL TIME BWM  
1/22/2016 11/21/2016 09:36:47 5

RECEIPT H 877035 11/21/2016 OFLI

Dept 5 528 ZONING VERIFICATION  
CA NO. 141435

Receipt Tot \$75.00  
\$150.00 CK \$1.00 CA  
Baltimore County, Maryland

| Fund | Dept | Unit | Sub Unit | Rev Source/ Obj | Sub Rev/ Sub Obj | Dept Obj | BS Acct | Amount |
|------|------|------|----------|-----------------|------------------|----------|---------|--------|
| 001  | 806  | 000  |          | 015             |                  |          |         | 75.00  |
|      |      |      |          |                 |                  |          |         |        |
|      |      |      |          |                 |                  |          |         |        |
|      |      |      |          |                 |                  |          |         |        |
|      |      |      |          |                 |                  |          |         |        |
|      |      |      |          |                 |                  |          |         |        |

Total: **75.00**

Rec From: **Scott Dallas**

For: **3200 Grace Road**

**11/21/16** **2017-0139-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: 2017-0139 A, Address: 3200 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. 2017-0139-A

Variance  
1735 Searles, LLC.  
James L. Gay & Frank D. Gay  
3200 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 that reads "Richard Zeller".

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: 17-139

RECEIVED

JAN 06 2017

OFFICE OF ADMINISTRATIVE HEARINGS

**INFORMATION:**

**Property Address:** 3200 Grace Road  
**Petitioner:** James L. Gay III, Jan D. Gay (1735 Searles, LLC)  
**Zoning:** DR 5.5  
**Requested Action:** Variance

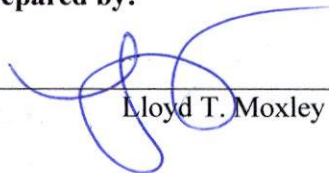
The Department of Planning has reviewed the petition for variance to permit a proposed dwelling with a lot width of 50 feet in lieu of the required 55 feet.

A site visit was conducted on December 9, 2016.

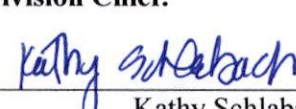
The Department of Planning has no objections to granting the petitioned zoning relief. The Department advises that the petitioners demonstrate to the satisfaction of the Administrative Law Judge that the requirements of BCZR § 304.1 are being met.

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



## 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 # 2017-0139-A  
Address 3200 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 a proposed dwelling with less lot width than required and with a reduced street side setback. No information regarding the 10% pollutant reduction requirement was provided. This requirement can be met either through installation of on-site stormwater management or planting. If this requirement is met, then 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 will be removed. The site is currently maintained as yard 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 10% pollutant reduction requirement is addressed, 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

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For December 12, 2016  
Item No. 2017-0139

**DATE:** December 19, 2016

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 17-0139-12122016.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: 17-139

**INFORMATION:**

**Property Address:** 3200 Grace Road  
**Petitioner:** James L. Gay III, Jan D. Gay (1735 Searles, LLC)  
**Zoning:** DR 5.5  
**Requested Action:** Variance

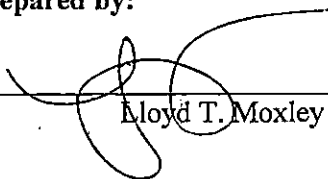
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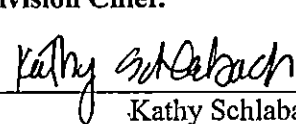
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For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

**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 # 2017-0139-A  
Address 3200 Grace Road  
(Gay Property)

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2. Conserve fish, plant, and wildlife habitat;

This property is not waterfront and no forest will be removed. The site is currently maintained as yard 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 10% pollutant reduction requirement is addressed, 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



CHECKLISTComment  
ReceivedDepartmentSupport/Oppose/  
Conditions/  
Comments/  
No Comment

12/19

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

Comment

12/15

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

Comment

1/16

FIRE DEPARTMENT  
  
PLANNING  
(if not received, date e-mail sent \_\_\_\_\_)no obj  
w/ comment

12/5

STATE HIGHWAY ADMINISTRATION  
  
TRAFFIC ENGINEERING

no obj

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

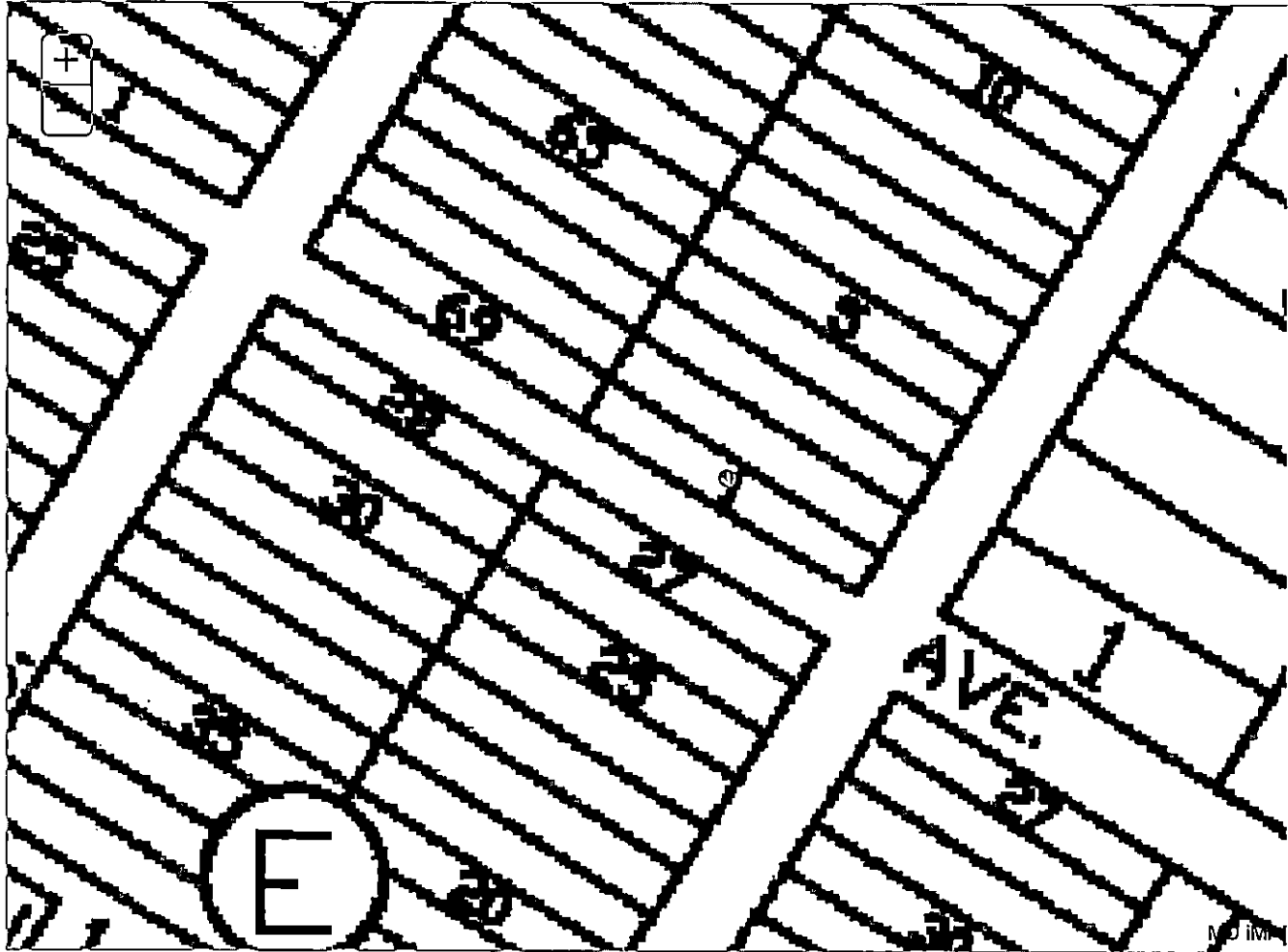


Comments, if any: \_\_\_\_\_

<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 - 1504751001 |               |                        |          |                              |                  |                                  |                     |
| Owner Information                            |          |                                           |               |                        |          |                              |                  |                                  |                     |
| Owner Name:                                  |          | 1735 SEARLES L L C                        |               |                        |          | Use:                         |                  | RESIDENTIAL                      |                     |
| Mailing Address:                             |          | 9 CELTIS CT<br>FORK MD 21051-             |               |                        |          | Principal Residence:         |                  | NO                               |                     |
|                                              |          |                                           |               |                        |          | Deed Reference:              |                  | /37477/ 00470                    |                     |
| Location & Structure Information             |          |                                           |               |                        |          |                              |                  |                                  |                     |
| Premises Address:                            |          | GRACE RD<br>0-0000                        |               |                        |          | Legal Description:           |                  | PT LT 1 LT 2 .101<br>LYNCH POINT |                     |
| Map:                                         | Grid:    | Parcel:                                   | Sub District: | Subdivision:           | Section: | Block:                       | Lot:             | Assessment Year:                 | Plat No:            |
| 0111                                         | 0005     | 0141                                      |               | 0000                   | N        |                              | 1                | 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                       |                     |
|                                              |          |                                           |               |                        |          | 7,452 SF                     |                  | 04                               |                     |
| Stories                                      | Basement | Type                                      | Exterior      | Full/Half Bath         | Garage   | Last Major Renovation        |                  |                                  |                     |
| Value Information                            |          |                                           |               |                        |          |                              |                  |                                  |                     |
|                                              |          | Base Value                                |               | Value                  |          | Phase-in Assessments         |                  |                                  |                     |
|                                              |          |                                           |               | As of                  |          | As of                        |                  | As of                            |                     |
|                                              |          |                                           |               | 01/01/2015             |          | 07/01/2016                   |                  | 07/01/2017                       |                     |
| Land:                                        |          | 55,400                                    |               | 55,400                 |          |                              |                  |                                  |                     |
| Improvements                                 |          | 0                                         |               | 0                      |          |                              |                  |                                  |                     |
| Total:                                       |          | 55,400                                    |               | 55,400                 |          | 55,400                       |                  | 55,400                           |                     |
| 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: /00000/ 00000   |          |                              | Deed2:           |                                  |                     |
| Seller: DUNCAN VERNON E                      |          |                                           |               | Date: 12/02/1992       |          |                              | Price: \$0       |                                  |                     |
| Type: NON-ARMS LENGTH OTHER                  |          |                                           |               | Deed1: /09486/ 00046   |          |                              | 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: **1504751001**

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) (<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) (<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



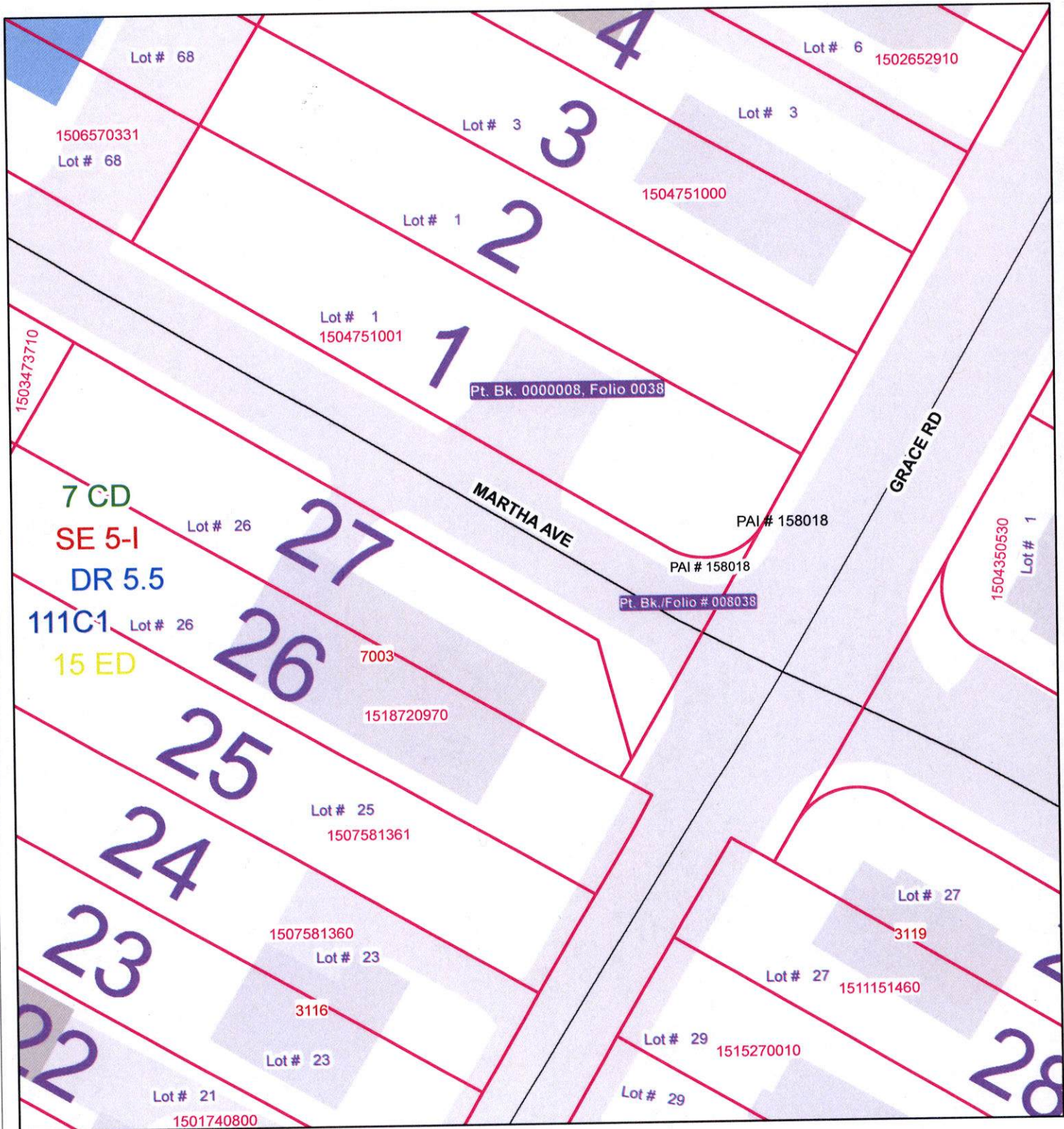
0 5 10 20 30 40 Feet

1 inch = 30 feet

2017-0139-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

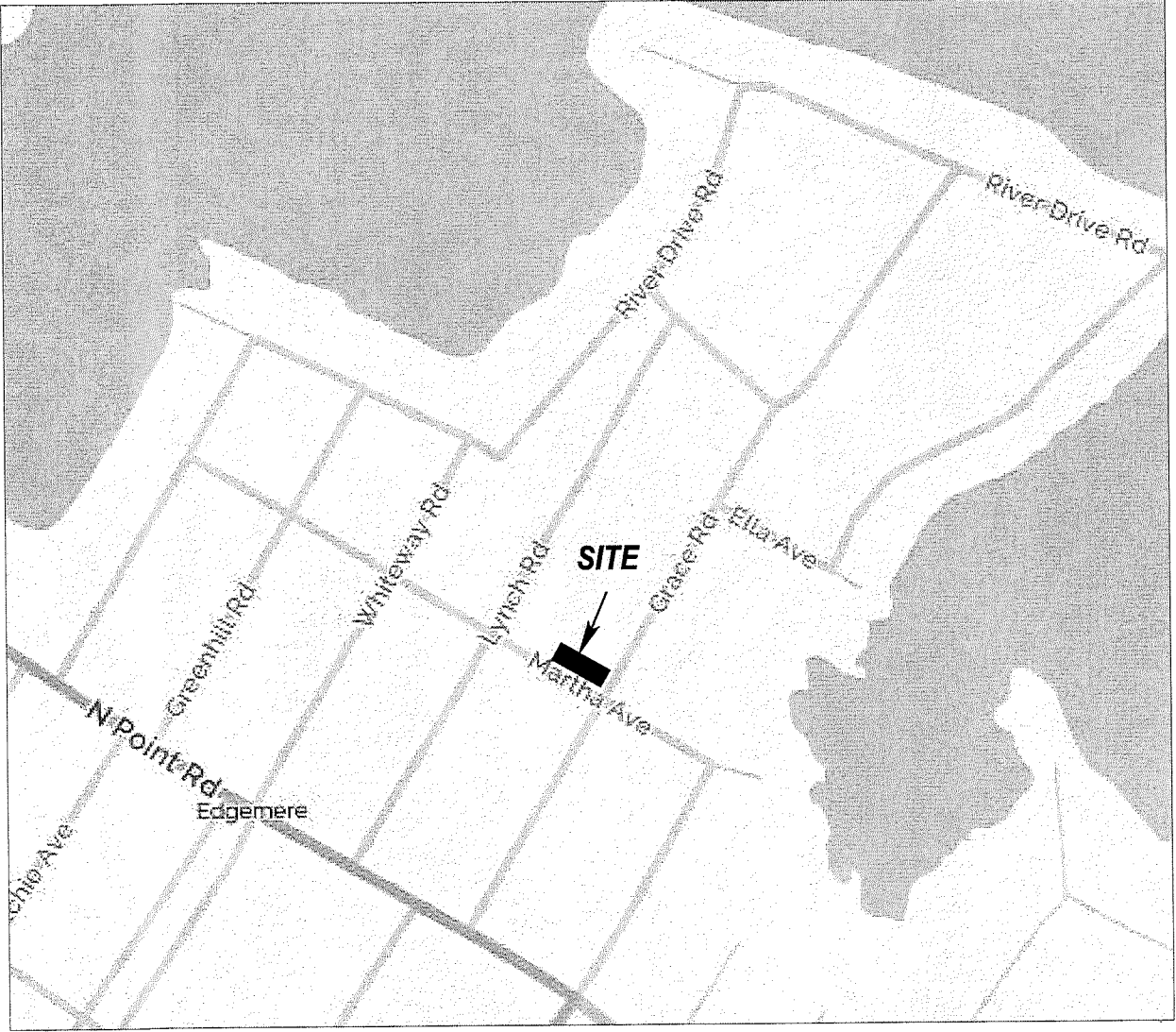
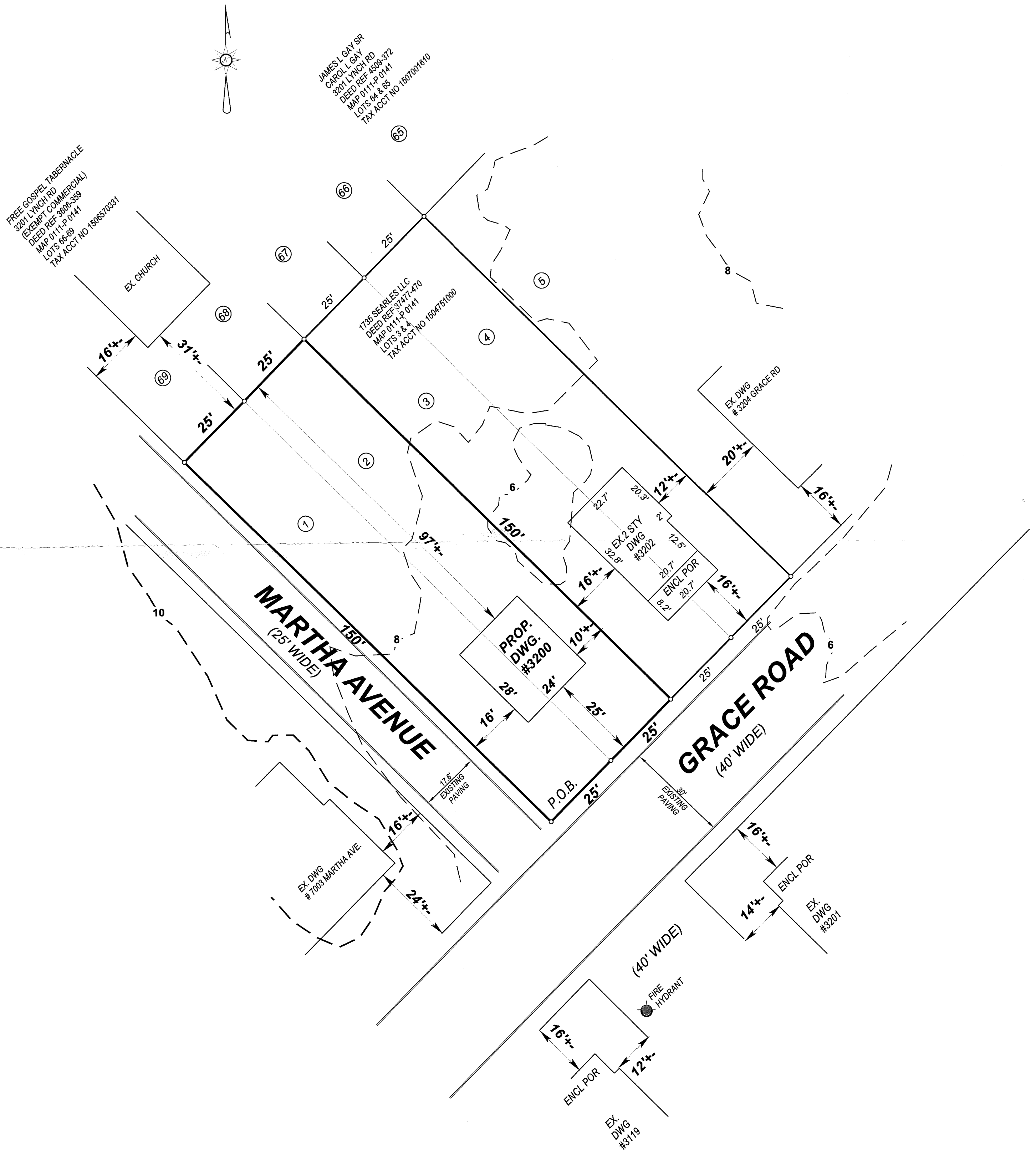
1 inch = 30 feet

2017-0139-A



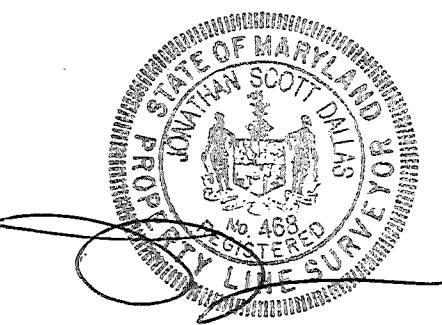
**GENERAL NOTES:**

1. OWNER: 1735 SEARLES L L C  
9 CELTIS CT.  
FORK, MD. 21051  
PHONE 410-375-0598
2. SITE AREA:  
GROSS: 11,900 Sq.Ft. OR 0.273 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: #1504751001
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 1 & 2, 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



2017-0139-A  
**SITE PLAN TO ACCOMPANY  
PETITION FOR ZONING HEARING  
#3200 GRACE ROAD**

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

|           |             |          |            |          |      |
|-----------|-------------|----------|------------|----------|------|
| FILE NAME | 16-1585 TRV | DATE     | 11-19-2016 | DRAWN BY | name |
| SCALE     | 20 Ft/in    | REVISION | 1/1        | SHEET    | 1/1  |
| JOB       | \$JOB       |          |            |          |      |

This map drawn with TRAVERSE PC Software

Petitioners Ex. No. 1