IN RE: PETITION FOR ADMIN. VARIANCE (102 East Avenue)	*	BEFORE THE
12th Election District	*	OFFICE OF ADMINISTRATIVE
7th Council District		
Edythe Brooks	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	**CASE NO. 2017-0157-A**

* * * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the property, Edythe Brooks ("Petitioner"). The Petitioner is requesting Variance relief pursuant to § 400.1 of the Baltimore County Zoning Regulations, to permit a proposed detached garage (existing garage to be razed) located in the front and side yard in lieu of the required rear yard. 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 the Chesapeake Bay Critical Area (CBCA) and is subject to Critical Area requirements as noted in the ZAC comment dated January 5, 2017 submitted by the Department of Environmental Protection and Sustainability (DEPS).

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on December 24, 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 1-12-17

By DW

The Petitioner has filed the supporting affidavits as required by § 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 § 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.

Although the Department of Planning did not make any recommendations related to the proposed detached garage height and usage, I will impose conditions that the garage shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

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 12th day of **January, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.1 of the Baltimore County Zoning Regulations, to permit a proposed detached garage (existing garage to be razed) located in the front and side yard in lieu of the required rear yard, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 1-12-17

By

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 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.

2. Petitioner or subsequent owners shall not convert the garage into a dwelling unit or apartment. The garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

3. The garage shall not be used for commercial purposes.

4. Petitioner must comply with the ZAC comment submitted by DEPS, dated January 5, 2017; a copy of which is attached hereto and made a part hereof.

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 1-12-17

By DW

KEVIN KAMENETZ
County Executive

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

January 12, 2017

Edythe Brooks
102 East Avenue
Baltimore, MD 21222

RE: Petition for Administrative Variance
Case No. 2017-0157-A
Property: 102 East Avenue

Dear Ms. Brooks:

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

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

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

19
Closing

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
JAN 05 2017
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: January 5, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0157-A
Address 102 East Avenue
(Brooks Property)

Zoning Advisory Committee Meeting of **December 26, 2016**.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

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

The subject, non-waterfront property is located within an Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area and may be subject to practices that reduce water quality impacts associated with stormwater runoff, commonly referred to as the Critical Area 10% Rule. The petitioner's request to allow a replacement, detached garage to be located in the front and side yard (existing location) in lieu of the required rear yard may not increase impervious surfaces. It is not clear whether the new garage will be an 'in-kind' replacement. However, any future building permit applications and/or plans received by the Environmental Impact Review Section of EPS will be reviewed for the applicability of the 10% Rule regulations and any required mitigation. Allowing the request with this petition will result in no impacts to water quality.

ORDER RECEIVED FOR FILING
Date 1-12-17
By

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

The subject property is not a waterfront property. There is not a tidal buffer projected onto the property. Any development proposal for the property will be reviewed for application of the IDA 10% pollutant reduction requirements, which will improve buffer functions and conserve fish habitat in proximity to nearby Bear Creek and Peach Orchard Creek.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The applicant's request to allow the replacement of an existing, detached garage, located in the front and side yard in lieu of the required rear yard, is consistent with this goal. The project will be subject to review for application of the Critical Area IDA pollutant reduction requirements, thereby, maintaining compliance with these regulations. Allowing this request will be consistent with established land-use policies.

Reviewer: Thomas Panzarella
Environmental Impact Review

Date: December 30, 2016

ORDER RECEIVED FOR FILING

Date 1-12-17

By

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 102 EAST AVE **Currently zoned** DR 5.5

Deed Reference 36205 / 247 # 6001/306 10 Digit Tax Account # 1220095091

Owner(s) Printed Name(s) Edythe BROOKS 1219008000

(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. X **ADMINISTRATIVE VARIANCE** from Section(s)

SEE Attached

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.

Owner(s)/Petitioner(s):

Edythe BROOKS / ~~BROOKS~~ Erin

Name #1 – Type or Print | Name # 2 – Type or Print

Edythe Brooks /

Signature #1 | Signature # 2

102 East Avenue Balto. MD

Mailing Address | City | State

21222 / 410-282-6905 / edythebrooks@comcast.net

Zip Code | Telephone # | Email Address

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

Name- Type or Print

Signature

Mailing Address | City | State

Zip Code | Telephone # | Email Address

Representative to be contacted:

Name – Type or Print

Signature

Mailing Address | City | State

Zip Code | Telephone # | Email Address

ORDER RECEIVED FOR FILING

Date 1-12-17

By (SJ)

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 ____ day of _____, _____ 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 2017-0157-A Filing Date 12/16 Estimated Posting Date 12/25/16 Reviewer gl

Rev 5/5/2016

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: 102 EAST AVE (Print or Type Address of property) BALT. (City) MD (State) 21222 (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)**

This is a very old neighborhood ESTABLISHED IN 1916, 100 years old. Properties are small and oblong. There has been a garage on this property for many years that has become delapidated and in disrepair. It is actually going to fall down if left alone, and has become a hazard. This garage needs to be torn down and replaced with new.

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

Edythe Brooks
Signature of Owner (Affiant)

Signature of Owner (Affiant)

Edythe Brooks
Name- Print or Type

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 11 day of DEC, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: EDYTHE BROOKS

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

AS WITNESS my hand and Notaries Seal

James A. Cavouras
Notary Public

10/19/19
My Commission Expires

JAMES A. CAVOURES NOTARY PUBLIC BALTIMORE COUNTY, MD. COMMISSION EXPIRES OCT 19 2019

REV. 5/5/2016

2017-0157-A

Administrative Variance: 400.1 of the BCZR
To permit a proposed detached garage (existing garage to be razed) located in the front and side yard in lieu of the required rear yard.

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.

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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)**

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

Edythe Brooks
Signature of Owner (Affiant)

Signature of Owner (Affiant)

Edythe Brooks
Name- Print or Type

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 11 day of DEC, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Edythe Brooks EDYTHE BROOKS

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

AS WITNESS my hand and Notaries Seal

James A Cavouras
Notary Public

10/19/19
My Commission Expires

JAMES A. CAVOURES NOTARY PUBLIC BALTIMORE COUNTY, MD. COMMISSION EXPIRES OCT 19 2019

REV. 5/5/2016

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 102 East Avenue **Currently zoned** DR 5.5

Deed Reference 36205/247 ++ 6001/306 10 Digit Tax Account # 1 2 2 0 0 9 5 0 9 1

Owner(s) Printed Name(s) Edythe Brooks 1 2 1 9 0 0 8 0 0 0

(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. X **ADMINISTRATIVE VARIANCE** from Section(s)

SEE Attached

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.

Owner(s)/Petitioner(s): *

Edythe Brooks / _____

Name #1 – Type or Print / Name # 2 – Type or Print

Edythe Brooks / _____

Signature #1 / Signature # 2

102 East Avenue Balto. MD

Mailing Address City State

21222 / 410-282-6905 / edythebrooks@comcast.net

Zip Code / Telephone # / Email Address

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

_____

Name- Type or Print

_____

Signature

_____

Mailing Address City State

_____ / _____ / _____

Zip Code Telephone # Email Address

Representative to be contacted:

_____

Name – Type or Print

_____

Signature

_____

Mailing Address City State

_____ / _____ / _____

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING

Date 1-12-17

By (SW)

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 _____ day of _____, _____ 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 2017-0157-A Filing Date 12/12/16 Estimated Posting Date 12/25/16 Reviewer gk

Rev 5/5/2016

ZONING PROPERTY DESCRIPTION FOR 102 EAST AVENUE

Beginning at a point on the southwest side of East Avenue, which has a 30-foot right of way, at a distance of 119 feet southeast of the centerline of the nearest improved intersecting street Sollers Point Road, which has a 50-foot right of way. Being lots #34 thru #36 in the subdivision of Turner, as recorded in Baltimore County Plat Book #5, Folio #10, containing 5040 square feet. Located in the 12th Election District and the 7th Councilmanic District.

2017-0157-A

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

No 144026

Date: 12/12/16

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj.	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0001		0150				75.00
							Total:	75.00

Rec From: Edythe Brook

For: 102 East Ave
2017-0157-A

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

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
12/13/2016 12/12/2016 10:24:20 3
REG WS03 WALKIN CAH
>RECEIPT # 707867 12/12/2016 OFLI
Dept 5 528 ZONING VERIFICATION
CR NO. 144026
Recpt Tot $75.00
$75.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

2017-0157-A

RE: Case No.: _____

Petitioner/Developer: _____

Edythe Brook

_____

January 9, 2017

Date of Hearing/Closing: _____

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

Attn: 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: _____

102 East Ave

_____

December 24, 2016

The sign(s) were posted on _____

(Month, Day, Year)

Sincerely,

December 24, 2016

_____ _____

(Signature of Sign Poster) **(Date)**

SSG Robert Black

_____

(Print Name)

1508 Leslie Road

_____

(Address)

Dundalk, Maryland 21222

_____

(City, State, Zip Code)

(410) 282-7940

_____

(Telephone Number)

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017-0157-A Address 102 East Avenue 21222

Contact Person: Gary Hucik Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 12/12/16 **Posting Date:** 12/25/16 **Closing Date:** 1/9/17

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 2017-0157-A Address 102 East Avenue 21222

Petitioner's Name Edythe Brook Telephone 410-282-6905

Posting Date: 12/25/16 **Closing Date:** 1/9/17

Wording for Sign: To Permit a proposed detached garage (razing existing garage) located in the front and side yard in lieu of the required rear yard.

Revised 7/6/16

KEVIN KAMENETZ
County Executive

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

January 10, 2017

Edythe Brooks
102 East Avenue
Baltimore MD 21222

RE: Case Number: 2017-0157 A, Address: 102 East Avenue

Dear Ms. Brooks

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 12, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

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

State Highway Administration
Maryland Department of Transportation

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

Date: 12/19/16

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. 2017-0157-A
Administrative Variance
Edythe Brooks
102 East Avenue.

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,

Richard A. Zeller

Wendy Wolcott, PLA
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: December 26, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For December 26, 2016
Item No. 2017-0148, 0156, 0157, 0158, 0160, 0162 and 0164

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

DAK:CEN
cc:file
G:\DevPlanRev\ZAC -No Comments\ZAC12262016.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: January 5, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0157-A
Address 102 East Avenue
(Brooks Property)

Zoning Advisory Committee Meeting of **December 26, 2016**.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

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

The subject, non-waterfront property is located within an Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area and may be subject to practices that reduce water quality impacts associated with stormwater runoff, commonly referred to as the Critical Area 10% Rule. The petitioner's request to allow a replacement, detached garage to be located in the front and side yard (existing location) in lieu of the required rear yard may not increase impervious surfaces. It is not clear whether the new garage will be an 'in-kind' replacement. However, any future building permit applications and/or plans received by the Environmental Impact Review Section of EPS will be reviewed for the applicability of the 10% Rule regulations and any required mitigation. Allowing the request with this petition will result in no impacts to water quality.

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

The subject property is not a waterfront property. There is not a tidal buffer projected onto the property. Any development proposal for the property will be reviewed for application of the IDA 10% pollutant reduction requirements, which will improve buffer functions and conserve fish habitat in proximity to nearby Bear Creek and Peach Orchard Creek.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The applicant's request to allow the replacement of an existing, detached garage, located in the front and side yard in lieu of the required rear yard, is consistent with this goal. The project will be subject to review for application of the Critical Area IDA pollutant reduction requirements, thereby, maintaining compliance with these regulations. Allowing this request will be consistent with established land-use policies.

Reviewer: Thomas Panzarella
Environmental Impact Review

Date: December 30, 2016

MEMORANDUM

DATE: February 15, 2017

TO: Zoning Review Office

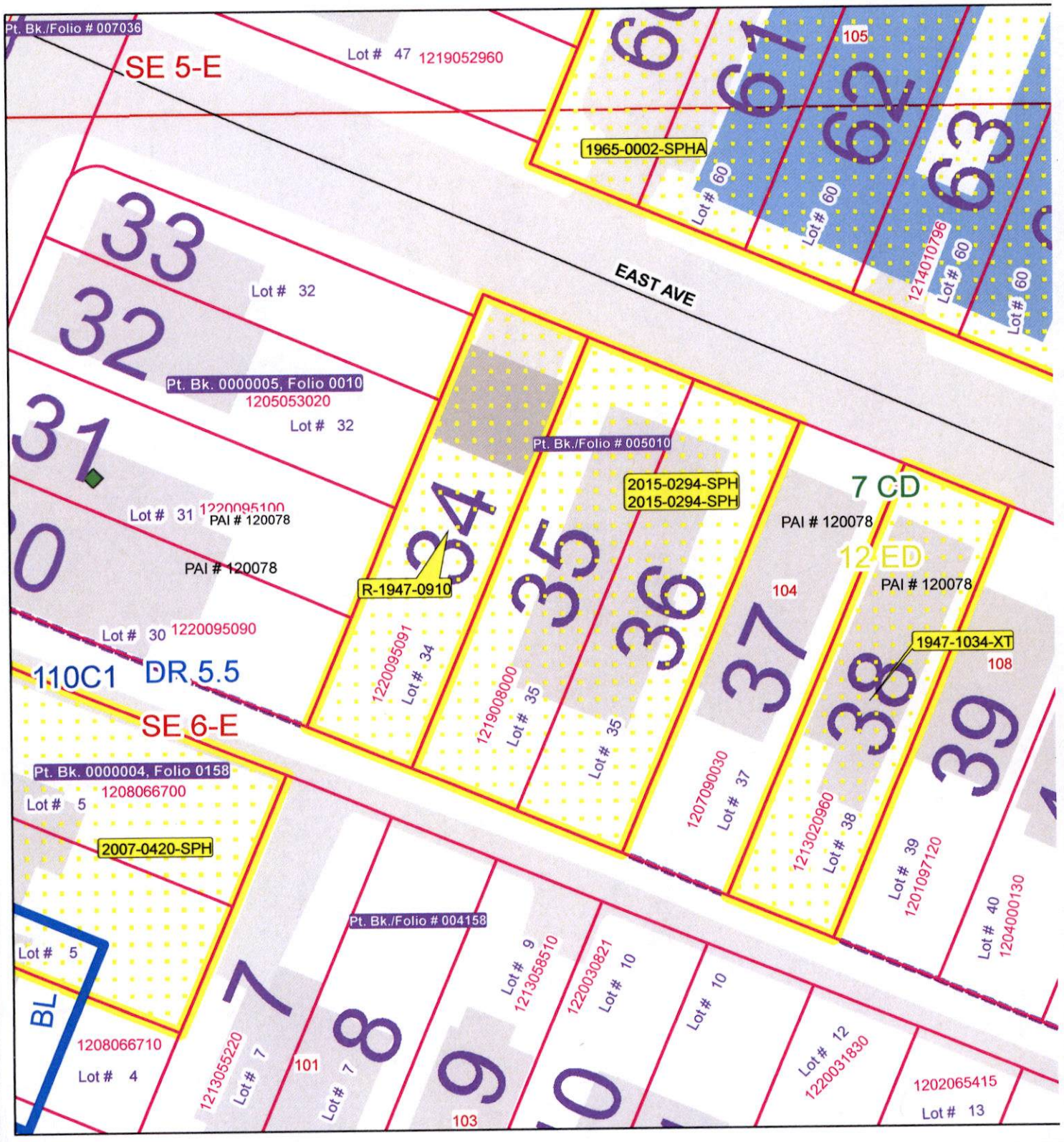
FROM: Office of Administrative Hearings

RE: Case No. 2017-0157- A – Appeal Period Expired

The appeal period for the above-referenced case expired on February 13, 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

102 East Avenue



Publication Date: 12/6/2016

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

N
W E
S

0 5 10 20 30 40 Feet

1 inch = 30 feet

2017-0157-A

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 - 1219008000**

Owner Information

Owner Name:	BROOKS DUNBAR BROOKS EDYTHE	**Use:** **Principal Residence:**	RESIDENTIAL YES
Mailing Address:	102 EAST AVE BALTIMORE MD 21222-6119	**Deed Reference:**	/06001/ 00306

Location & Structure Information

Premises Address:	102 EAST AVE BALTIMORE 21222-6119	**Legal Description:**	LT 35,36 TURNERS

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0110	0005	0031		0000			35	2015	Plat Ref:	0005/ 0010

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	2,016 SF		5,040 SF	04

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
2	NO	STANDARD UNIT	SIDING	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:	29,000	29,000		
Improvements	48,900	47,800		
Total:	77,900	76,800	76,800	76,800
Preferential Land:	0			0

Transfer Information

Seller: SCHUYLER MARY E	**Date:** 03/22/1979	**Price:** $25,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /06001/ 00306	**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: NONE

Homestead Application Information

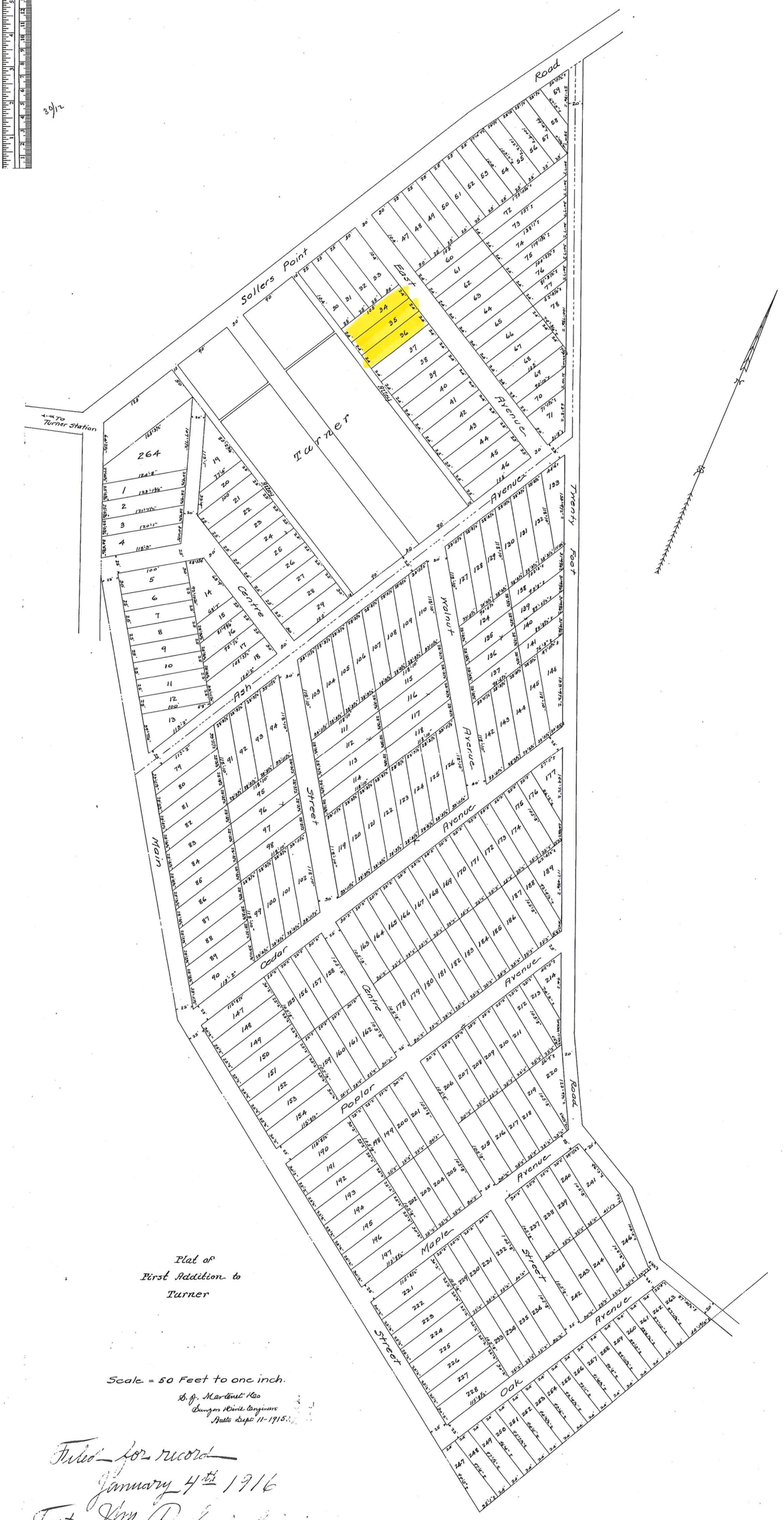
Homestead Application Status: Approved 12/31/2012

1. [illegible] While we have confidence in

NO
PARKING

W.P.C.
5-10

A-1510-1108



Plat of
First Addition to
Turner

Scale = 50 Feet to one inch.

S. J. Martenet Co
Surveyors & Civil Engineers
Baltimore Sept 11-1915.

Filed for record
January 4th 1916
Test: Wm P. Cole, Clerk.

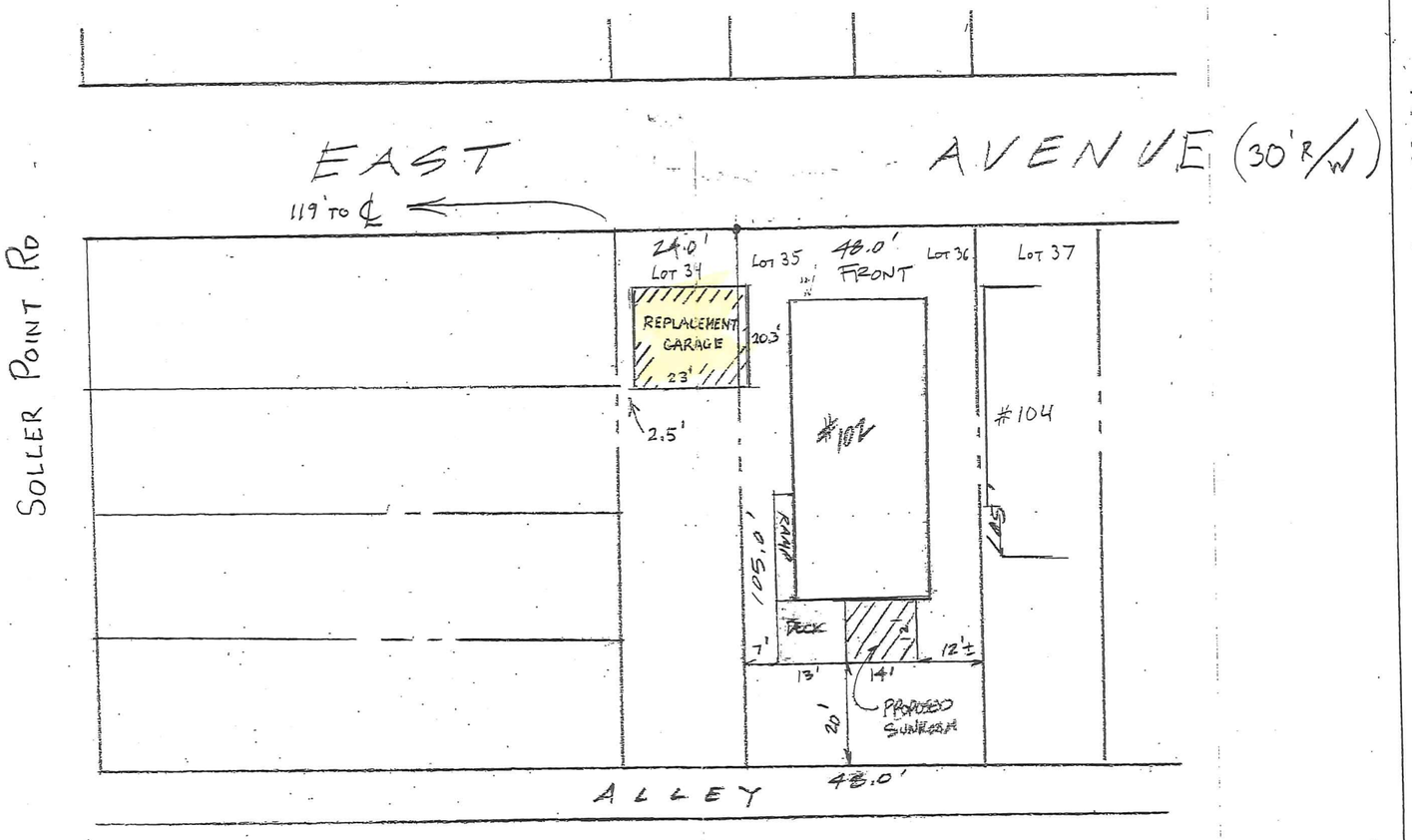
MSA-CSU 2136-4742

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING ___ (MARK TYPE REQUESTED WITH X)

ADDRESS 102 East Avenue OWNER(S) NAME(S) Edythe Brooks

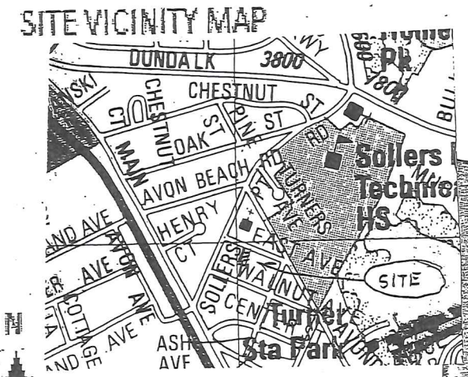
SUBDIVISION NAME Turner LOT # 34-36 BLOCK # ___ SECTION # ___

PLAT BOOK # 5 FOLIO # 10 10 DIGIT TAX # 1219008000 DEED REF. # 06001/00306
1220095091 36205/00247



PLAN DRAWN BY Integrity Builders DATE 12/12/16 SCALE: 1 INCH = 30 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 110C1

SITE ZONED DR 5.5

ELECTION DISTRICT 12th

COUNCIL DISTRICT 7th

LOT AREA ACREAGE ___

OR SQUARE FEET 5040

HISTORIC ? No

IN CBCA ? Yes

IN FLOOD PLAIN ? Yes

UTILITIES ? MARK WITH X

WATER IS:

PUBLIC X PRIVATE ___

SEWER IS:

PUBLIC X PRIVATE ___

PRIOR HEARING ? ___

IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

PRIOR #2015-0293-A

VIOLATION CASE INFO: 2017-0157-A

Pet. Exh. 1