

IN RE: PETITION FOR VARIANCE

(3720 Chestnut Road)

15th Election District

6th Council District

Karen Sinisi Llufrío

Legal Owner

Petitioner

*

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*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0220-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by the owner of the subject property ("Petitioner"). The Petitioner is requesting variance relief from the Baltimore County Zoning Regulations (B.C.Z.R) to allow side yard setbacks of 10 ft. and 10 ft. in lieu of the required 50 ft. and 50 ft. and a height of 45 ft. in lieu of the maximum permitted 35 ft. for a new dwelling. A site plan was marked as Petitioner's Exhibit 1.

Karen and Paul Llufrío, along with David Billingsley, appeared in support of the petition. Two neighbors attended the hearing and opposed the requests. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), the Bureau of Development Plans Review (DPR) and the Department of Environmental Protection and Sustainability (DEPS). None of the County review agencies opposed the requests.

The property is approximately 14,925 square feet in size and is zoned RC-5. The property is shown as Lot 95 on the Plat of Bowley's Quarters, recorded in 1921. The waterfront lot is unimproved, and Petitioner proposes to construct a single-family dwelling on the property.

ORDER RECEIVED FOR FILING

Date 4/4/17

By Sen

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 property is narrow and deep (50' x 305'), and was created by a plat recorded nearly 100 years ago, long before the adoption of the B.C.Z.R. As such it is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because she would be unable to construct a dwelling on the lot. 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.

Many 50 ft. wide lots in the Bowley's Quarters community are improved with dwellings, and I do not believe the proposed dwelling would have a detrimental impact upon or be incompatible with the community. While the neighbors do not object to a house being constructed on the lot, they believe the side yard setbacks proposed are inadequate, and they also take issue with the proposed height of the dwelling. As discussed at the hearing, while the property is zoned RC 5 (*de jure*) it is in reality (as revealed by the pattern of development in the community) a *de facto* DR 3.5 or DR 5.5 zone. Both of these residential zones permit 10 ft. side yard setbacks, which is what is requested in this case. I do however agree the 45 ft. proposed height would be excessive, and the Order will permit the proposed single-family dwelling to be no more than 40 ft. in height.

THEREFORE, IT IS ORDERED, this 4th day of **April, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to allow side yard setbacks of 10 ft. and

ORDER RECEIVED FOR FILING

Date

4/4/17

By

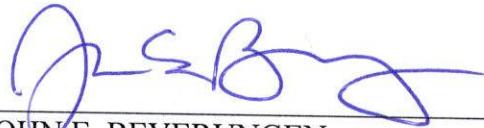
Sen

10 ft. in lieu of the required 50 ft. and 50 ft. and a height of 40 ft. in lieu of the maximum permitted 35 ft. for a new dwelling, 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 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 must prior to the issuance of permits comply with the critical area regulations.
3. Prior to the issuance of permits Petitioner must submit for approval by the DOP elevation drawings of the proposed single-family dwelling, to ensure compliance with the RC 5 performance standards.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date

4/4/17

By

sln



KEVIN KAMENETZ
County Executive

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

April 3, 2017

Karen Sinisi Llufrio
15 Mariners Walk Way
Baltimore, Maryland 21220

RE: Petition for Variance
Case No. 2017-0220-A
Property: 3720 Chestnut Road

Dear Mrs. Llufrio:

Enclosed please find a copy of the decision 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 County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Cathie & John Fioramouti, 1017 Breezewick Road, Baltimore, Maryland 21286
Carl Rossmark, 3729 Chestnut Road, Baltimore, Maryland 21220



OBCA

PETITION FOR ZONING HEARING(S)

Flood

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 3720 CHESTNUT ROAD which is presently zoned RC5
 Deed References: L. 16329 F. 236 10 Digit Tax Account # 1519321272
 Property Owner(s) Printed Name(s) KAREN SINISI LLUFIO

(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)

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

KAREN SINISI LLUFIO

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

15 MAKINERS WALK WY BALTO, MD.

Mailing Address

City

State

21220, (410) 391-0537

Zip Code

Telephone #

Email Address

Representative to be contacted:

DAVID BILLINGSLEY

Name- Type or Print

Signature

601 CHARWOOD CT. EDGEWOOD MD

Mailing Address

City

State

21040, (410) 679-8719, dmb0209@yahoo.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2017-0220-AFiling Date 2/16/17Do Not Schedule Dates: Reviewer RDO

Sections 1A04.3.A and 1A04.3.B.2.b (BCZR) to allow side yard setbacks of 10 feet and 10 feet in lieu of the required 50 feet and 50 feet and a height of 45 feet in lieu of the maximum permitted 35 feet for a new dwelling.

Item #0220

ZONING DESCRIPTION

3720 CHESTNUT ROAD

Beginning for the same at a point on the west side of Chestnut Road (30 feet wide) said point being distant 345 feet northerly from its intersection with the center of Bowleys Quarters Road, thence being all of Lot 95 as shown on the plat entitled Plat 2, Bowleys Quarters recorded among the Baltimore County plat records in Plat Book 7 Folio 13.

Containing 14,925 square feet or 0.343 acre of land, more or less.

Being known as 3720 Chestnut Road. Located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, Md.

Item #0220

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

NO. 150306

Date: 2/16/17

Fund	Dept	Unit	Sub Unit	Rev.	Sub	Dept	Obj	BS	Acct	Amount
				Source/	Rev/					
001	806	0000		6150						875.00

Total: 875.00

Rec
From:

For:

Zoning Hearing - case # 2017-0220-A

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
2/17/2017 2/16/2017 09:33:23 2
REG W302 WALKIN JEE
>>RECEIPT # 000753 2/16/2017 UFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 150306
Recpt Tot \$75.00
\$164.00 OT
Baltimore County, Maryland

**CASHIER'S
VALIDATION**

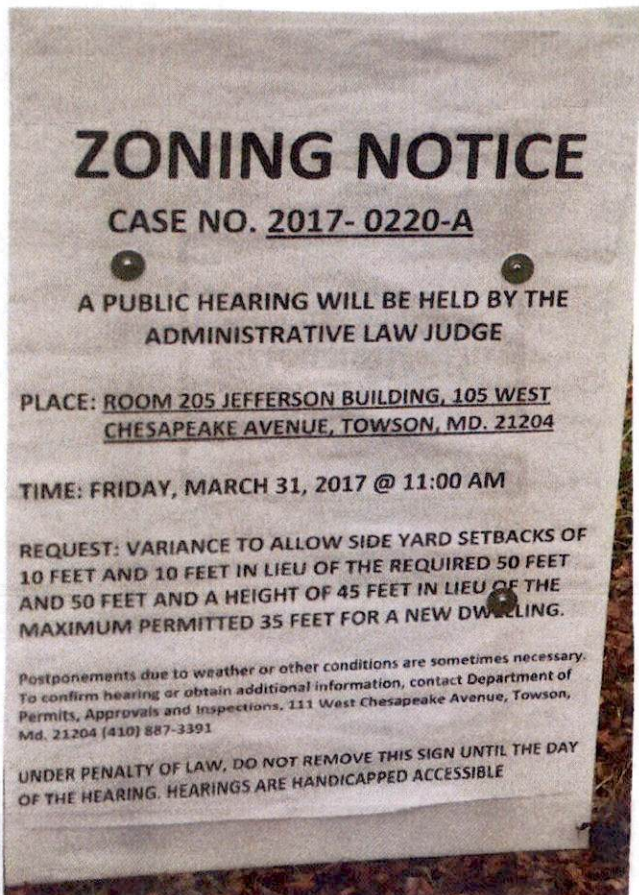
CERTIFICATE OF POSTING

Date: MARCH 10, 2017

RE: Project Name: 3720 CHESTNUT ROAD
Case Number /PAI Number: 2017-0220-SPHA
Petitioner/Developer: KAREN SINISI LLUFIO
Date of Hearing/Closing: MARCH 31, 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 3720 CHESTNUT ROAD

The sign(s) were posted on MARCH 10, 2017
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

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

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

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100

<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

3/9/2017

Order #: 11294012
Case #: 2017-0220-A
Description:

Case Number: 2017-0220-A - 3720 Chestnut Road - Variance to allow side yard setbacks of 10



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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: 2017-0220-A

3720 Chestnut Road

W/s Chestnut Road, 345 ft. +/- N/of centerline of Howleys Quarters Road

15th Election District - 6th Councilmanic District

Legal Owners: Karen Sinisi Linfo

Variance to allow side yard setbacks of 10 feet and 10 feet in lieu of the required 50 feet and 50 feet and a height of 45 feet on lieu of the maximum permitted 35 feet for a new dwelling.

Hearing: Friday, March 31, 2017 at 11:00 a.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.

mh9

TO: DAILY RECORD
Thursday, March 9, 2017 Issue

Please forward billing to:
David Billingsley
601 Charwood Court
Edgewood, MD 21040

410-679-8719

NOTICE OF ZONING HEARING

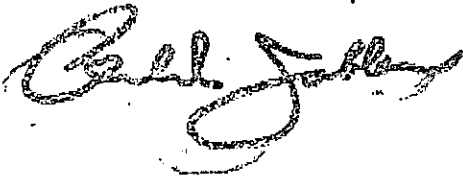
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CASE NUMBER: 2017-0220-A

3720 Chestnut Road
W/s Chestnut Road, 345 ft. +/- N/of centerline of Bowleys Quarters Road
15th Election District – 6th Councilmanic District
Legal Owners: Karen Sinisi Llufo

Variance to allow side yard setbacks of 10 feet and 10 feet in lieu of the required 50 feet and 50 feet and a height of 45 feet on lieu of the maximum permitted 35 feet for a new dwelling.

Hearing: Friday, March 31, 2017 at 11:00 a.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.



KEVIN KAMENETZ
County Executive

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

March 6, 2017

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: 2017-0220-A

3720 Chestnut Road

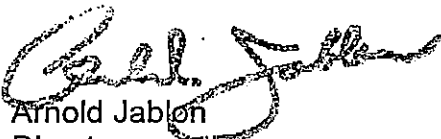
W/s Chestnut Road, 345 ft. +/- N/of centerline of Bowleys Quarters Road

15th Election District – 6th Councilmanic District

Legal Owners: Karen Sinisi Llufo

Variance to allow side yard setbacks of 10 feet and 10 feet in lieu of the required 50 feet and 50 feet and a height of 45 feet on lieu of the maximum permitted 35 feet for a new dwelling.

Hearing: Friday, March 31, 2017 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director

AJ:kl

C: Karen Sinis Llufo, 15 Mariners Walk Way, Baltimore 21220
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 11, 2017.**
- (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.**

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

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

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

For Newspaper Advertising:

Case Number: 2017-0220-A
Property Address: 3720 CHESTNUT ROAD
Property Description: west side of Chestnut Rd, +/- 345' north of
Bowleys Quarters Rd
Legal Owners (Petitioners): KAREN SINISI LLUFIO
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVID BILLINGSLEY
Company/Firm (if applicable): _____
Address: 601 CHARWOOD ST
EDGEWOOD MD. 21040
Telephone Number: (410) 679-8719

Revised 7/9/2015



KEVIN KAMENETZ
County Executive

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

March 23, 2017

Karen Sinisi Llufo
15 Mariners Walk Way
Baltimore MD 21220

RE: Case Number: 2017-0220 A, Address: 3720 Chestnut Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 16, 2017. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

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

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



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

Date: 2/22/17

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.

2017-0220-A
Variance
Karen Sinisi Llutio
3720 Chestnut Road

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Richard Zeller'.

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

WW/RAZ

3-31

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 3/8/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-220



INFORMATION:

Property Address: 3720 Chestnut Road
Petitioner: Karen Sinisi Llufo
Zoning: RC 5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to allow a proposed single family dwelling to have side yard setbacks (property line setbacks) of 10 feet and 10 feet and a height of 45 feet in lieu of the required 50 feet and 35 feet respectively.

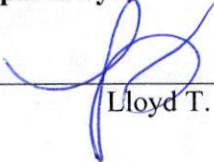
A site visit was conducted on February 17, 2017.

The Department has no objections to granting the petitioned zoning relief.

Please be advised that new construction on this site is subject to the RC 5 Performance Standards pursuant to BCZR §1A04.4. Architectural elevations must be submitted to the Department for review at the time of building permit application.

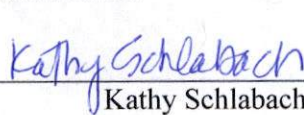
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 20, 2017
Item No. 2017-0220

DATE: February 23, 2017

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 17-0220-02272017.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 3/8/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-220

INFORMATION:

Property Address: 3720 Chestnut Road
Petitioner: Karen Sinisi Llufio
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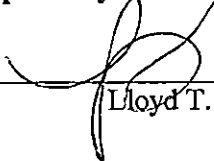
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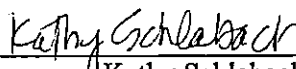
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: February 28, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0220-A
Address 3720 Chestnut Road
(Llufio Property)

Zoning Advisory Committee Meeting of **February 27, 2017**

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 a Limited Development Area (LDA) and a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is proposing to construct a new dwelling with less side yard setbacks and greater height than permitted. The lot is primarily wooded and waterfront, and the proposed dwelling must meet all LDA and MBA requirements, including lot coverage limits and forest clearing limits. The dwelling will be outside of the 100-foot Buffer. The tax records indicate the property is 13,800 square feet but the site plan shows the property as 14,925 square feet. The correct lot size must be determined. Lot coverage information is not provided, nor is information about the amount of forest on-site and the amount proposed for removal. Lot coverage is limited to a maximum of 31.25%, with mitigation required for any lot coverage between 25% and 31.25%. Up to 20% forest clearing is permitted with mitigation required at a 1:1 ratio. Forest clearing between 20% and 30% is permitted with mitigation for all forest cleared at a 1.5:1 ratio. Any forest clearing above 30% requires a Critical Area variance and mitigation at a 3:1 ratio for all forest cleared. If the lot coverage and forest clearing requirements can be

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 waterfront but no construction is proposed within the 100-foot buffer. If the lot coverage and forest clearing requirements will be met, then that will 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;

If the lot coverage and forest clearing requirements can be met, then the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: February 28, 2017

RE: PETITION FOR VARIANCE
3720 Chestnut Road; W/S Chestnut Road,
345' N of c/line of Bowleys Quarters Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Karen Sinisi Llufo
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2017-220-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.

RECEIVED

FEB 27 2017

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of February, 2017, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, 601 Charwood Court, Edgewood, Maryland 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMORANDUM

DATE: May 5, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0220-A – Appeal Period Expired

The appeal period for the above-referenced case expired on May 4, 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

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 - 1519321272			
Owner Information					
Owner Name:		LLUFIO KAREN SINISI		Use:	RESIDENTIAL
Mailing Address:		15 MARINERS WALK WAY BALTIMORE MD 21220-5609		Principal Residence:	NO
				Deed Reference:	/16329/ 00236
Location & Structure Information					
Premises Address:		3720 CHESTNUT RD 0-0000 Waterfront		Legal Description:	3720 CHESTNUT RD BOWLEYS QUARTERS
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: 2
0091	0022	0150		0000	95 2015 Plat Ref: 0007/0013
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area		Property Land Area
					13,800 SF
					County Use 34
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2016 As of 07/01/2017	
Land:		67,400	132,400		
Improvements		0	0		
Total:		67,400	132,400	110,733	132,400
Preferential Land:		0			0
Transfer Information					
Seller: SINISI ANTHONY D		Date: 04/18/2002		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /16329/ 00236		Deed2:	
Seller: WELLER CLIFTON W,JR		Date: 07/20/1979		Price: \$14,000	
Type: ARMS LENGTH IMPROVED		Deed1: /06050/ 00841		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

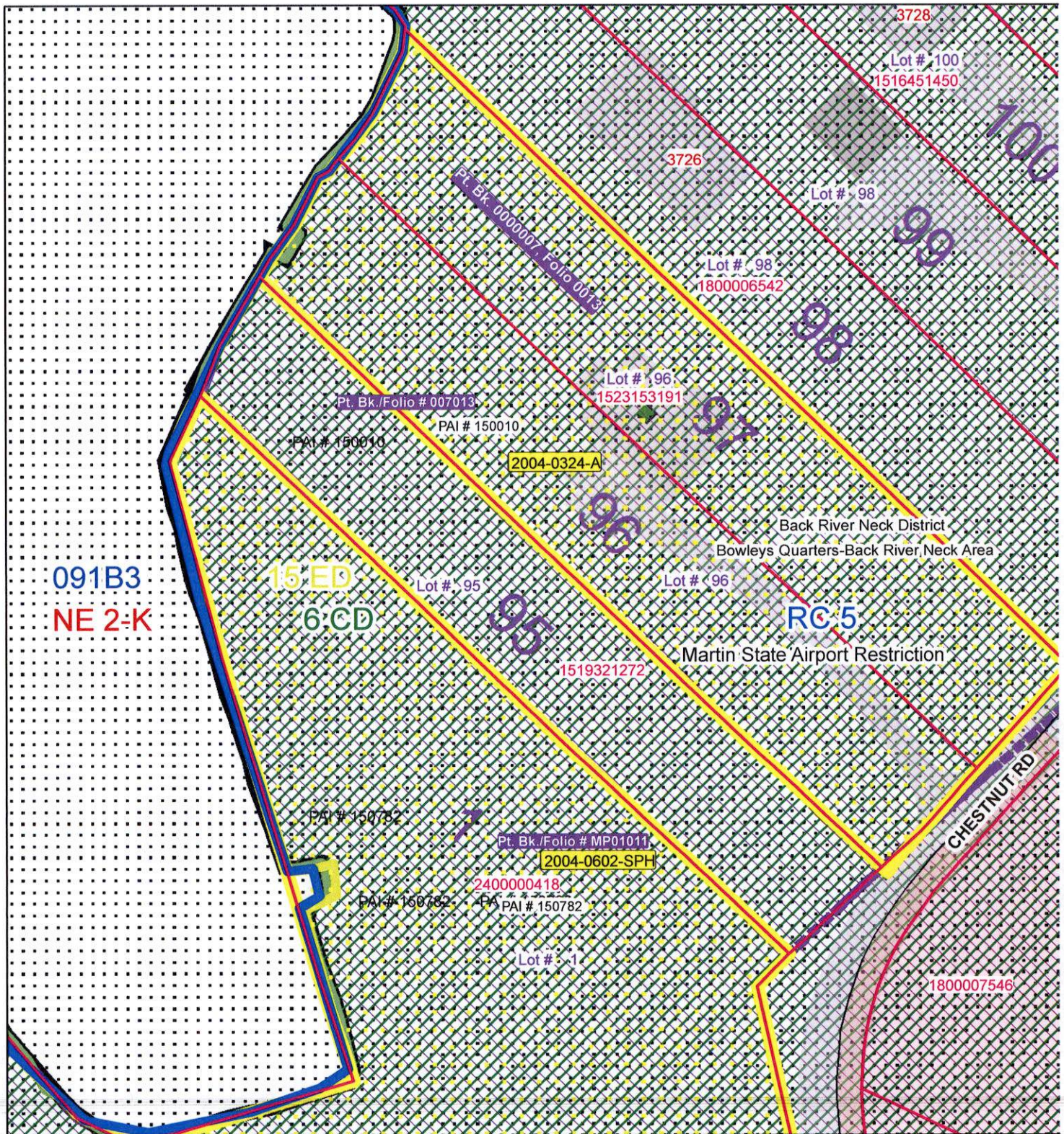
CASE NAME 3720 CHESTNUT RD
CASE NUMBER 2017-0220-A
DATE 3/31/17

[illegible]

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

3720 Chestnut Road



Publication Date: 2/16/2017



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

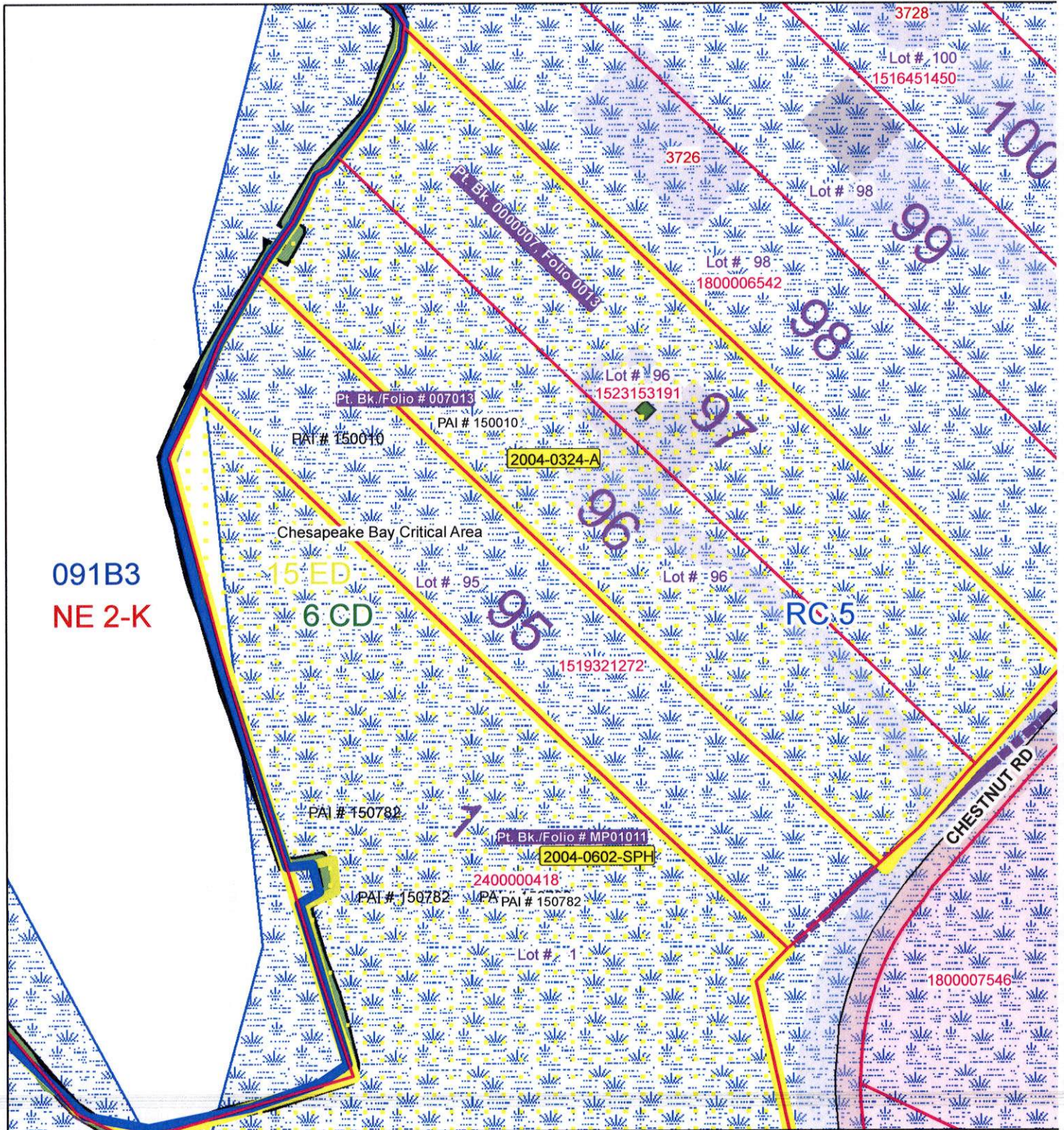


0 12.525 50 75 100 Feet

1 inch = 50 feet

Item #0220

Chesapeake Bay Critical Area



Publication Date: 2/16/2017



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



0 12.525 50 75 100 Feet

1 inch = 50 feet

Item # 0220

PETITIONER'S EXHIBITS

**3720 CHESTNUT ROAD
CASE NO. 2017-0220-A**

1925-A-17

slv
4-4-17

- 1. PLAT TO ACCOMPANY PETITION DATED FEBRUARY 13, 2017 (NO CHANGES)**
- 2. SDAT REAL PROPERTY DATA SEARCH**
- 3. PORTION OF TAX MAP 0091 PARCEL 0150 LOT 95**
- 4. DEED OF RECORD - LIBER 16329 FOLIO 236 (3/13/2002)**
- 5. PLAT 2 BOWLEYS QUARTERS P.B. 7 F. 13 (5/26/21)**
- 6. AERIAL PHOTO**
- 7. PHOTOS**

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 - 1519321272**

Owner Information

Owner Name: LLUFIO KAREN SINISI Use: RESIDENTIAL
 Mailing Address: 15 MARINERS WALK WAY Principal Residence: NO
 BALTIMORE MD 21220-5609 Deed Reference: /16329/ 00236

Location & Structure Information

Premises Address: 3720 CHESTNUT RD Legal Description: 3720 CHESTNUT RD
 0-0000 BOWLEYS QUARTERS
 Waterfront

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:
0091	0022	0150		0000			95	2015	2	0007/0013

Special Tax Areas: Town: NONE
 Ad Valorem:
 Tax Class:

Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use
			13,800 SF	34

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation

Value Information

	Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2016	As of 07/01/2017
Land:	67,400	132,400		
Improvements	0	0		
Total:	67,400	132,400	110,733	132,400
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
SINISI ANTHONY D	04/18/2002	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /16329/ 00236	Deed2:
Seller: WELLER CLIFTON W,JR	07/20/1979	Price: \$14,000
Type: ARMS LENGTH IMPROVED	Deed1: /06050/ 00841	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

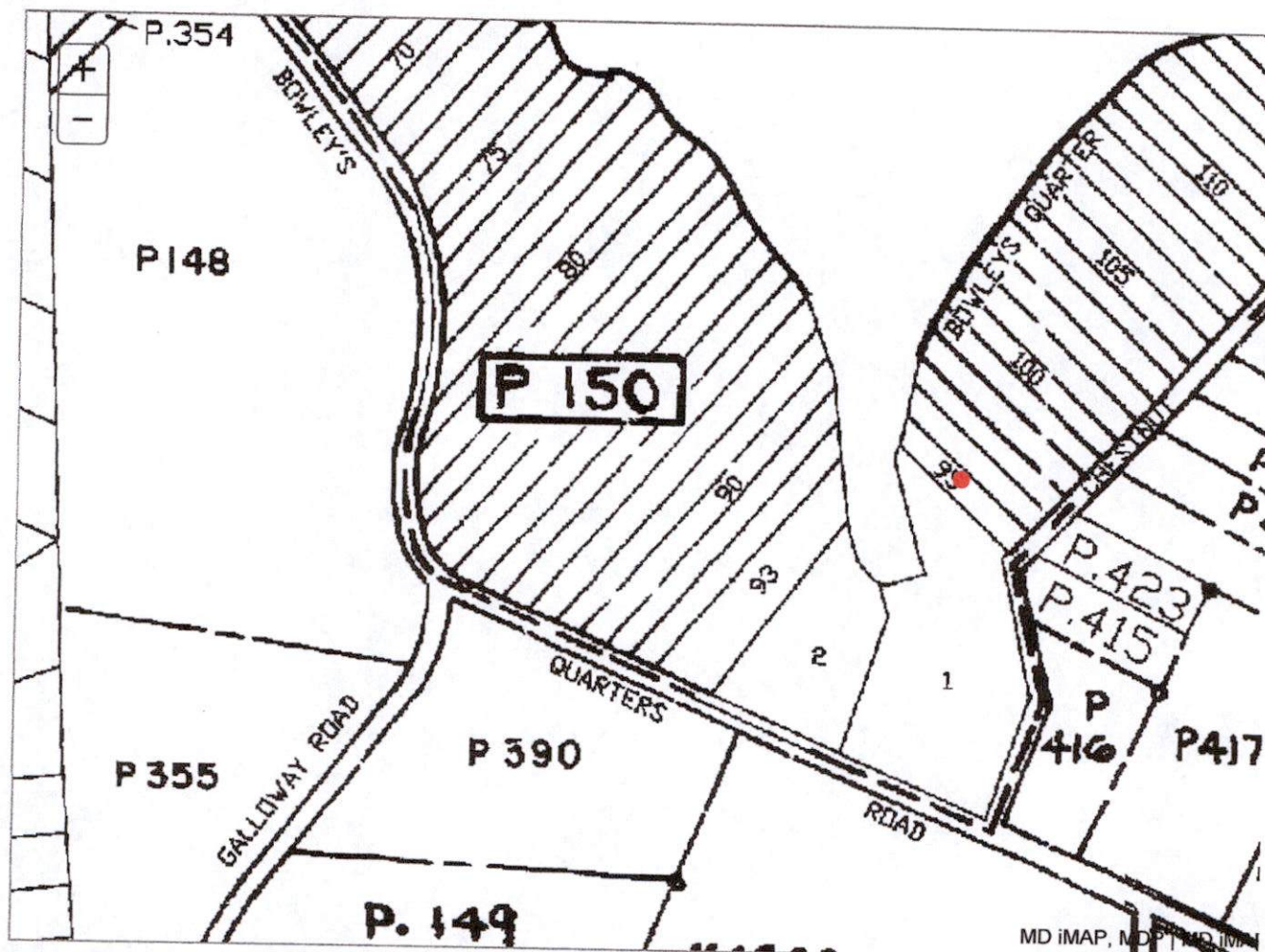
Partial Exempt Assessments:	Class	07/01/2016	07/01/2017
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00
Tax Exempt:		Special Tax Recapture:	
Exempt Class:		NONE	

Homestead Application Information

Homestead Application Status: No Application

PETITIONER'S
 EXHIBIT NO. 2

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)District: **15** Account Number: **1519321272**

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>).

PETITIONER'S
EXHIBIT NO. 3

DEED

THIS DEED, dated March 13 2002, from Betty R. Sinisi, Grantor, to Erik Anthony Llufrio, Maria Elizabeth Waitt, and Paul McKenzie Llufrio, III, Grantees.

Betty R. Sinisi, the Grantor, for no consideration, other than the Grantor's love and affection for her daughter, Karen Sinisi Llufrio, and for her grandchildren, the Grantees, but subject to the reservations set forth below, grants, conveys and assigns to Erik Anthony Llufrio, Maria Elizabeth Waitt, and Paul McKenzie Llufrio, III, the Grantees, as tenants in common, in fee simple, all that lot of ground located in Baltimore County, Maryland, and described as follows:

BEING known and designated as Lot No. 95, as shown on Plat 2 of Bowley's Quarters, which Plat is recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 7, folio 13. The address of Lot No. 95 being known as 3720 Chestnut Road.

BEING the same lot of ground described in a Deed dated July 16, 1979, and recorded among the Land Records of Baltimore County, Maryland, in Liber 6050, folio 841, from Clifton W. Weller, Jr. to Anthony D. Sinisi and Betty R. Sinisi, his wife, as tenants by the entireties, Anthony D. Sinisi having departed this life on November 5, 2000.

TOGETHER with all improvements thereon and the rights, alleys, ways, waters, easements, privileges, appurtenances and advantages belonging or appertaining thereto.

TO HAVE AND TO HOLD the property hereby conveyed unto the Grantees, as tenants in common, in fee simple, forever, but reserving unto the Grantor's daughter, Karen Sinisi Llufrio, a life estate in the property for the life of the Grantor's daughter, Karen Sinisi Llufrio, without liability for waste. The Grantor also reserves unto her daughter, Karen Sinisi Llufrio, during the life of the Grantor's daughter, Karen Sinisi Llufrio, the full power and authority of the Grantor's daughter, Karen Sinisi Llufrio, to sell, convey and dispose of the property, but not to devise the property, in fee simple, and to retain absolutely as her own all of the proceeds thereof, thereby divesting the remainder granted by this deed. The Grantor also reserves unto and during the life of her daughter, Karen Sinisi Llufrio, the right of the Grantor's daughter, Karen Sinisi Llufrio, to mortgage the entire fee simple estate in the property, including the remainder granted herein, and to retain absolutely as her own all of the proceeds thereof.

AND the Grantor covenants to warrant specially the property hereby conveyed and to execute such further assurances of the property as may be requisite.

WITNESS the hand and seal of the Grantor.

WITNESS:

Paul M. Lufrio Jr.

Betty R. Sinisi (SEAL)
Betty R. Sinisi, Grantor

PETITIONER'S
EXHIBIT NO. 4

PETITIONER'S
EXHIBIT NO. 6

SENECA CREEK

CHESTNUT RD.

SITE

© 2016 Google

Imagery Date: 10/23/2014 39°19'02.69" N 76°23'09.38" W

25752 25752

25752

25752

25752



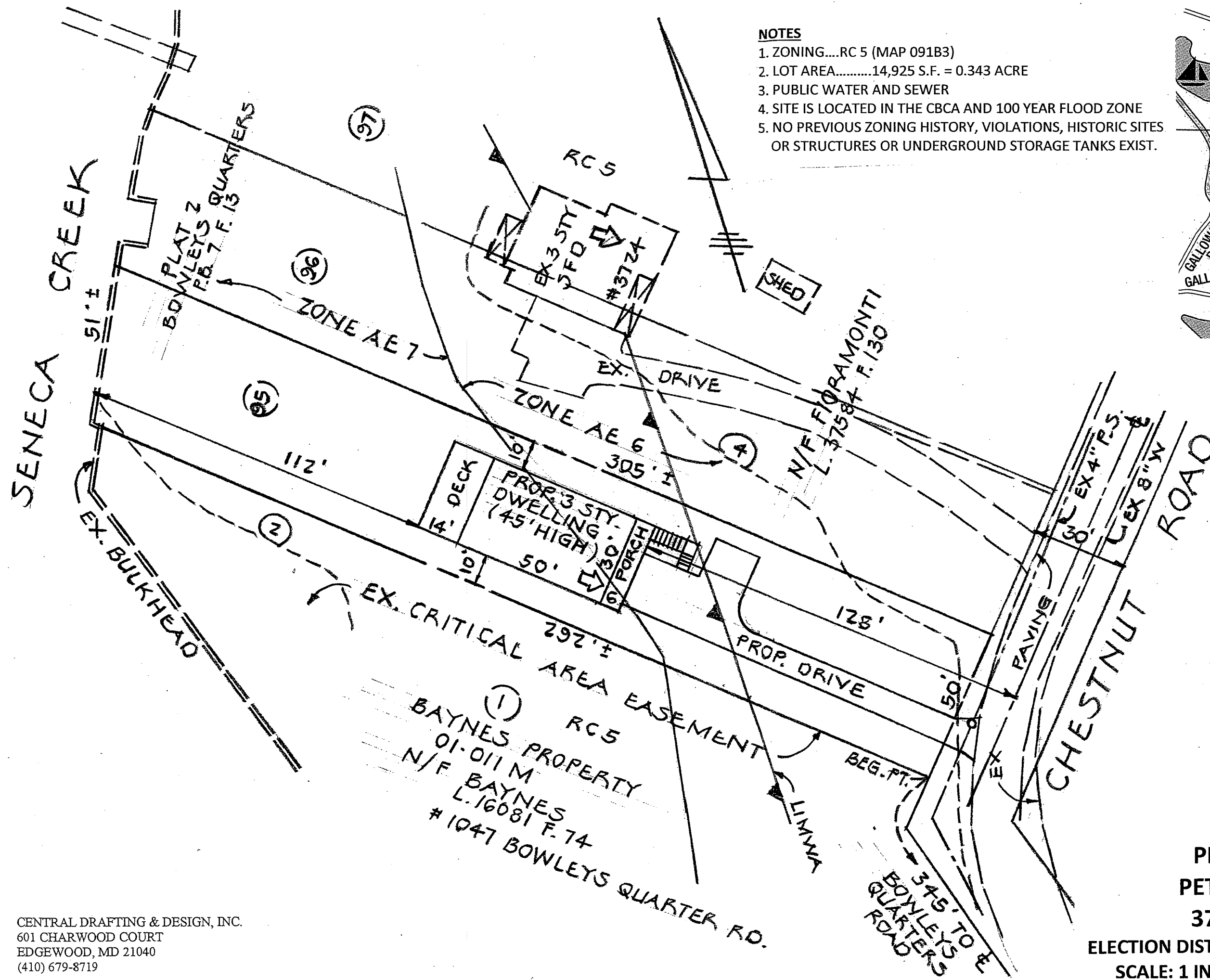
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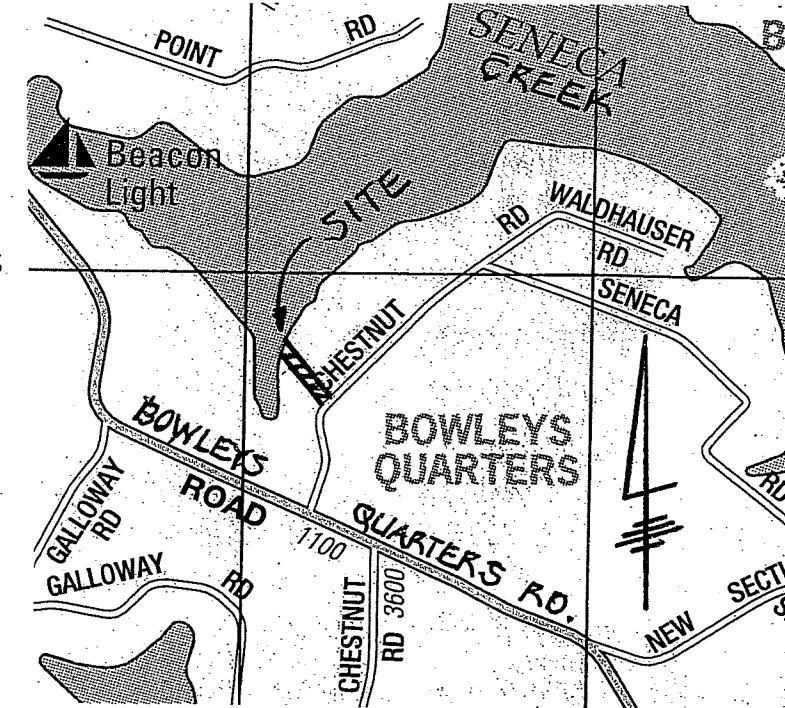
6



8



- NOTES**
1. ZONING....RC 5 (MAP 091B3)
 2. LOT AREA.....14,925 S.F. = 0.343 ACRE
 3. PUBLIC WATER AND SEWER
 4. SITE IS LOCATED IN THE CBCA AND 100 YEAR FLOOD ZONE
 5. NO PREVIOUS ZONING HISTORY, VIOLATIONS, HISTORIC SITES OR STRUCTURES OR UNDERGROUND STORAGE TANKS EXIST.

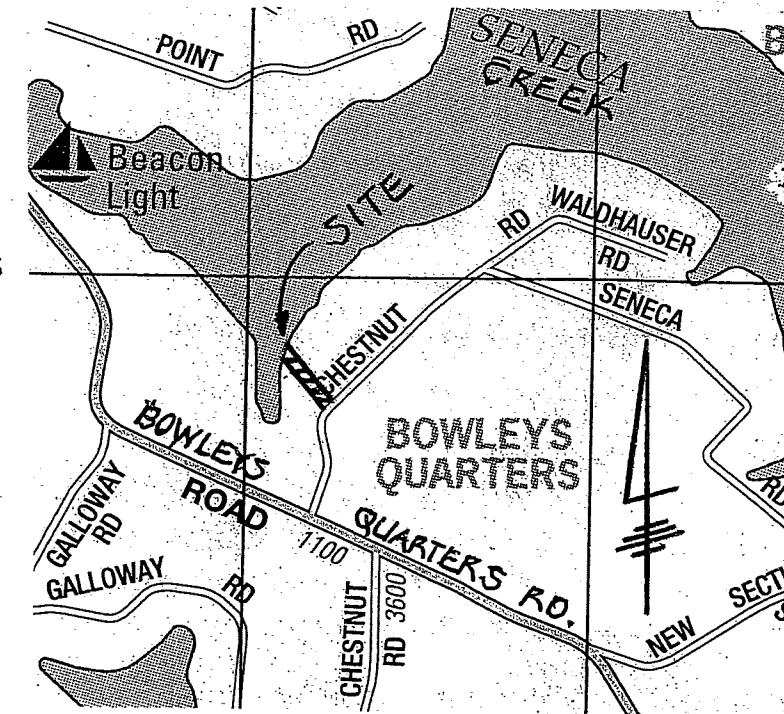
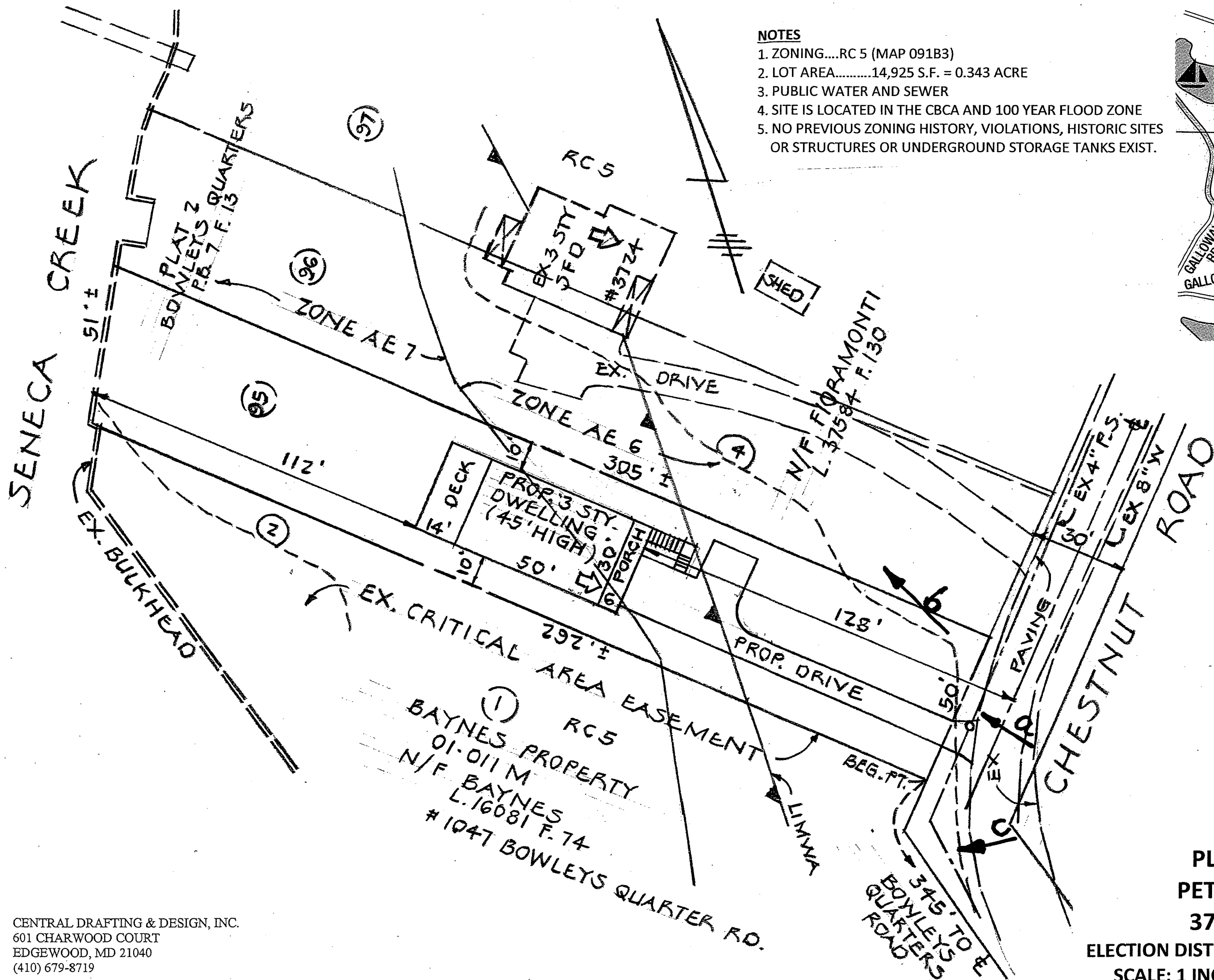


VICINITY MAP
SCALE: 1"=1000'

PETITIONER'S
EXHIBIT NO. 1

OWNER
KAREN SINISI LLUFIO
15 MARINERS WALKWAY
BALTIMORE, MD. 21220
DEED REF: L.16329 F.236
ACCT. NO. 1519321272

**PLAT TO ACCOMPANY
PETITION FOR VARIANCE
3720 CHESTNUT ROAD
ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 30 FEET FEBRUARY 13, 2017**



PHOTOS

PETITIONER'S
EXHIBIT NO. **7a-c**

OWNER

KAREN SINISI LLUFIO
15 MARINERS WALKWAY
BALTIMORE, MD. 21220
DEED REF: L.16329 F.236
ACCT. NO. 1519321272

**PLAT TO ACCOMPANY
PETITION FOR VARIANCE
3720 CHESTNUT ROAD**

**ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 30 FEET FEBRUARY 13, 2017**