

IN RE: PETITION FOR ADMIN. VARIANCE *
(4628 Todd Point Lane)
15th Election District *
7th Council District *
Denise M. Noon *
Petitioner *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2017-0243-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owner of the property, Denise M. Noon ("Petitioner"). The Petitioner is requesting variance relief from §§ 1B02.3.C.1 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition with a side yard setback as close as 8 ft. and a sum of side yard setbacks of 17.9 ft. in lieu of the minimum required 10 ft. and a sum of 25 ft.; and to permit an existing detached accessory structure (hot tub) to be located in the side yard with a setback as close as 1 ft. in lieu of the required rear yard and setback of 2.5 ft. 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 April 11, 2017 submitted by the Department of Environmental Protection and Sustainability (DEPS). In addition, a ZAC comment was received from the Bureau of Development Plans Review (DPR) on April 20, 2017, indicating 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.

ORDER RECEIVED FOR FILING

Date 4-21-17

By DW

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on March 26, 2017, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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 and photographs submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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

THEREFORE, IT IS ORDERED, this 21st day of **April, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 1B02.3.C.1 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition with a side yard setback as close as 8 ft. and a sum of side yard setbacks of 17.9 ft. in lieu of the minimum required 10 ft. and a sum of 25 ft.; and to permit an existing detached accessory structure (hot tub) to be located in the side yard with a setback as close as 1 ft. in lieu of the required rear yard and setback of 2.5 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for her appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ORDER RECEIVED FOR FILING

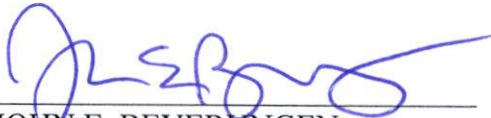
Date 4-21-17

2

By BW

- Petitioner must comply with the ZAC comments submitted by DEPS and DPR; copies of which are 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 4-21-17

By low

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: April 11, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0243-A
Address 4628 Todd Point Lane
(Noon Property)

Zoning Advisory Committee Meeting of April 3, 2017.

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 property is located within a Limited Development Area (LDA), and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

1. Occupied by a structure, parking area, driveway, walkway, or roadway; or
2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

ORDER RECEIVED FOR FILING

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Files\Content.Outlook\WPHS9SSK\ZAC 17-0243-A 4628 Todd Point Lane.doc

Date

4-21-17

By

100

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;
3. A wood mulch pathway; or
4. A deck with gaps to allow the water to pass freely.

The subject property comprises approximately 8,751 square feet (sf). The property is located within a Limited Development Area (LDA) and Modified Buffer Area (MBA) of the Chesapeake Bay Critical Area. In order to minimize impacts to water quality, the applicant must comply with the LDA lot coverage requirements, which, for a property this size, is a maximum of 2,736 sf, with mitigation for lot coverage between 25% (2,188) and 2,736 sf. The petitioners are requesting a zoning variance to permit an addition to the existing dwelling, extending waterward of the dwelling. The petition is not clear as to what is specifically being requested. These comments are based on the location of the proposed dwelling and how it pertains to the regulations discussed below.

By examining recent aerial photographs, it appears that, when adding the existing lot coverage to the proposed lot coverage, the total lot coverage may exceed 31 1/4%. If this is the case, any amount of proposed lot coverage that would exceed the limit must be removed from elsewhere on the property to maintain compliance with the maximum lot coverage allowance. Additional mitigation may also be required. The property is also located within a Modified Buffer Area (BMA), which further restricts lot coverage and structures within the Critical Area Buffer, on this property measured 100 feet landward of mean high water (100 foot buffer). According to the plan submitted for this review, the majority of the proposed addition is located within the buffer. The LDA regulations also require 15% afforestation, which equates to 3 trees for a property this size. Existing trees will be counted toward this requirement. By allowing the petitioner's request, impacts on water quality will be minimized, provided that the LDA and MBA regulations are addressed, and the 15% afforestation requirement is met, all of which will be reviewed when a building permit is received.

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

The current development proposal for the property will be reviewed for application of the LDA and MBA requirements, which will improve buffer functions, and conserve fish, wildlife and plant habitat in Back River.

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 request by the petitioners will be consistent with established land use policies, provided that the applicants meet all LDA and MBA requirements applicable to the proposal. The request, if granted, will minimize environmental impacts.

Reviewer: Thomas Panzarella; Environmental Impact Review 4-11-17

ORDER RECEIVED FOR FILING

Date 4-21-17

By aw

BALTIMORE COUNTY, MARYLAND

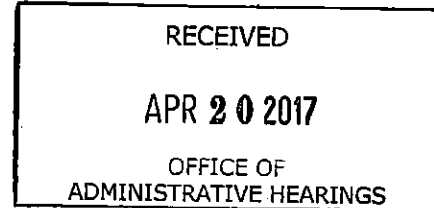
INTEROFFICE CORRESPONDENCE

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 April 3, 2017
Item No. 2017-0243

DATE: April 4, 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 17-0243-04032017.doc

ORDER RECEIVED FOR FILING

Date 4-21-17

By 19W



KEVIN KAMENETZ
County Executive

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

April 21, 2017

Denise M. Noon
4628 Todd Point Lane
Baltimore, MD 21219

RE: Petition for Administrative Variance
Case No. 2017-0243-A
Property: 4628 Todd Point Lane

Dear Ms. Noon:

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,

A handwritten signature in black ink, appearing to read "JEB", with a long, sweeping horizontal line extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure



CBCA

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

flood

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 4628 Todd Point Lane Currently zoned DR 3.5

Deed Reference 31145 1 00139 10 Digit Tax Account # 1511671100

Owner(s) Printed Name(s) Denise Noon

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

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

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

1. ☒ **ADMINISTRATIVE VARIANCE** from Section(s) Sections 1B02.3.C.1 and 400.1 - to permit a proposed addition with a side yard setback as close as 8 feet and a summation of side yard setbacks of 17.9 feet in lieu of the minimum required 10 feet and summation of 25 feet; and to permit an existing detached accessory structure (hot tub) to be located in the side yard with a setback as close as 1 foot in lieu of the required rear yard and setback of 2½ feet. 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):

Denise Noon
Name #1 - Type or Print Name #2 - Type or Print

Denise Noon
Signature #1 Signature #2

4628 Todd Point Lane BALTO. Md
Mailing Address City State

21219, 410 215-7834 denise noon a
Zip Code Telephone # Email Address VERIZON.NET

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

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Same as above
Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this 3 day of 13, 17 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 2017-0243-A Filing Date 3/13/17 Estimated Posting Date 3/26/17 Reviewer [Signature]

Rev 5/5/2016

0002

A-183

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: 4628 Todd Point Lane Balto MD 21219
Print or Type Address of property City State Zip Code

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

I am applying for a permit and will need
a variance for an addition for my home
because I've become legal guardian of my 89
year old mother, whom has moved to my home.
I presently have 2 Bedrooms and will need a 3rd
Bedroom and additional space to accomodate my
mother's care. Thank you

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

Denise Noon
Signature of Owner (Affiant)

Denise Noon
Name- Print or Type

Signature of Owner (Affiant)

Name- Print or Type

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

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10 day of March, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Denise Noon

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

AS WITNESS my hand and Notaries Seal

Gloria McJilton
Notary Public
6/29/19
My Commission Expires

00017

2180

Affidavit in Support of Administrative Variance

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

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mother, whom has moved to my home. I presently have
2 bedrooms and will need a 3rd bedroom and
additional space to accomodate my mother's care.
Thank you.

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

Denise Noon
Signature of Owner (Affiant)

Signature of Owner (Affiant)

Denise Noon
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 10 day of March, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Denise Noon

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

AS WITNESS my hand and Notaries Seal

Gloria McQuinn
Notary Public
6/29/19
My Commission Expires



CBCA

ADMINISTRATIVE ZONING PETITION

Flood

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 4628 Todd Point Lane Currently zoned DR 3.5

Deed Reference 31145-1-00139 10 Digit Tax Account # 1511671100

Owner(s) Printed Name(s) Denise Noon

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

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

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

1. ☒ **ADMINISTRATIVE VARIANCE** from Section(s) Sections 1B02.3.C.1 and 400.1 - to permit a proposed addition with a side yard setback as close as 8 feet and a summation of side yard setbacks of 17.9 feet in lieu of the minimum required 10 feet and summation of 25 feet; and to permit an existing detached accessory structure (hot tub) to be located in the side yard with a setback as close as 1 foot in lieu of the required rear yard and setback of 2½ feet. 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):

Denise Noon
Name #1 - Type or Print Name #2 - Type or Print

Denise Noon
Signature #1 Signature #2

4628 Todd Point Lane Baltimore, Md
Mailing Address City State

21219 410215-7834 denise noon
Zip Code Telephone # Email Address verizon.net

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

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Same as above
Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ 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 2017-0243-A Filing Date 3/13/17 Estimated Posting Date 3/26/17 Reviewer R. J. [Signature]

Rev 5/5/2016

ZONING PROPERTY DESCRIPTION FOR 4628 TODD POINT LANE

Beginning at a point on the northeast side of Todd Point Lane, which has a 30-foot right of way, at a distance of +/- 2100 feet east and south of the centerline of the nearest improved intersecting street Sandymount Road, which has a 50-foot right of way. Thence the following courses and distances: (1st Point of Call "POC") N 47° 14' 49" E 175.06', (2nd POC) S 42° 26' 51" E 50.00', (3rd POC) S 47° 14' 49" W 174.89', and (4th POC) N 42° 45' 11" W 50.00', back to the point of beginning as recorded in Deed Liber 31145, Folio 139, containing 0.2009 acres and 8751 square feet. Located in the 15th Election District and 7th Councilmanic District.

Item #0243

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

NO 148673

Date:

3/13/17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS Acct	Amount
001	306	0000		6150					\$75.00

Total: \$75.00

Rec From: 17 M Noon

For: zoning hearing - case # 2017-0243-A

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
3/13/2017 3/13/2017 12:09:13 3
REG WSD3 MALKIN CAM
>>RECEIPT # 719212 3/13/2017 QFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 148673
Recpt Tot \$75.00
\$75.00 CK \$0.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

CASE NO: 2017-0243-A

PETITIONER/DEVELOPER

DENISE M. DOON

DATE OF HEARING/CLOSING:

4/10/17

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

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 AT

4628 TODD POINT LANE

THIS SIGN(S) WERE POSTED ON
(MONTH, DAY, YEAR)

March 24, 2017

SINCERELY,

Martin Ogle 3/24/17
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)

~~60 CHELMSFORD COURT~~ 9912 MAIDBROOK RD
BALTIMORE, MD ~~21220~~ 21234

(ADDRESS)

PHONE NUMBER: 443-629-3411



meuberg 3/24/17

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ²⁰¹⁷~~2016~~ **0243** -A Address 4628 Todd Point Lane
Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 3/13/17 Posting Date: 3/26/17 Closing Date: 4/10/17

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

- 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.
- 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.
- 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.
- 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

²⁰¹⁷ **USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT**
Case Number ~~2016~~ **0243** -A Address 4628 Todd Point Lane
Petitioner's Name Denise M Noon Telephone 410 215 7834
Posting Date: 3/26/17 Closing Date: 4/10/17
Wording for Sign: To Permit a proposed addition with a side yard setback as close as 8 feet and a summation of side setbacks of 17.9 feet in lieu of the minimum required 10 feet and summation of 25 feet; and to permit an existing detached accessory structure (hot tub) to be located in the side yard with a setback as close as 1 foot in lieu of the required rear yard and a setback as close as 2 1/2 feet

**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: 2017-0243-A
Property Address: 4628 Todd Point Lane
Property Description: northeast side of Todd Point Lane,
+/- 2100 east and south of Sandymount Rd
Legal Owners (Petitioners): Denise M Noon
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Denise M Noon
Company/Firm (if applicable): _____
Address: 4628 Todd Point Lane
Dundalk, MD
21219-1013
Telephone Number: 410 215 7834



KEVIN KAMENETZ
County Executive

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

April 11, 2017

Denise Noon
4628 Todd Point Lane
Baltimore MD 21219

RE: Case Number: 2017-0243 A, Address: 4628 Todd Point Lane

Dear Ms. Noon:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 13, 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

Date: 3/27/17

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. 2017-0243-A

*Administrative Variance
Denise Noon
4628 Todd Point Lane*

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,



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

WW/RAZ

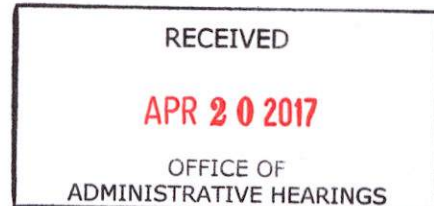
BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For April 3, 2017
Item No. 2017-0243

DATE: April 4, 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 17-0243-04032017.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: April 11, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0243-A
Address 4628 Todd Point Lane
(Noon Property)

Zoning Advisory Committee Meeting of **April 3, 2017.**

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 property is located within a Limited Development Area (LDA), and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

- 1. Occupied by a structure, parking area, driveway, walkway, or roadway; or*
- 2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material*

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

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(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;
3. A wood mulch pathway; or
4. A deck with gaps to allow the water to pass freely.

The subject property comprises approximately 8,751 square feet (sf). The property is located within a Limited Development Area (LDA) and Modified Buffer Area (MBA) of the Chesapeake Bay Critical Area. In order to minimize impacts to water quality, the applicant must comply with the LDA lot coverage requirements, which, for a property this size, is a maximum of 2,736 sf, with mitigation for lot coverage between 25% (2,188) and 2,736 sf. The petitioners are requesting a zoning variance to permit an addition to the existing dwelling, extending waterward of the dwelling. The petition is not clear as to what is specifically being requested. These comments are based on the location of the proposed dwelling and how it pertains to the regulations discussed below.

By examining recent aerial photographs, it appears that, when adding the existing lot coverage to the proposed lot coverage, the total lot coverage may exceed 31 1/4%. If this is the case, any amount of proposed lot coverage that would exceed the limit must be removed from elsewhere on the property to maintain compliance with the maximum lot coverage allowance. Additional mitigation may also be required. The property is also located within a Modified Buffer Area (BMA), which further restricts lot coverage and structures within the Critical Area Buffer, on this property measured 100 feet landward of mean high water (100 foot buffer). According to the plan submitted for this review, the majority of the proposed addition is located within the buffer. The LDA regulations also require 15% afforestation, which equates to 3 trees for a property this size. Existing trees will be counted toward this requirement. By allowing the petitioner's request,, impacts on water quality will be minimized, provided that the LDA and MBA regulations are addressed, and the 15% afforestation requirement is met, all of which will be reviewed when a building permit is received.

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

The current development proposal for the property will be reviewed for application of the LDA and MBA requirements, which will improve buffer functions, and conserve fish, wildlife and plant habitat in Back River.

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 request by the petitioners will be consistent with established land use policies, provided that the applicants meet all LDA and MBA requirements applicable to the proposal. The request, if granted, will minimize environmental impacts.

Reviewer: Thomas Panzarella; Environmental Impact Review 4-11-17

M E M O R A N D U M

DATE: May 23, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0243-A- Appeal Period Expired

The appeal period for the above-referenced case expired on May 22, 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.'

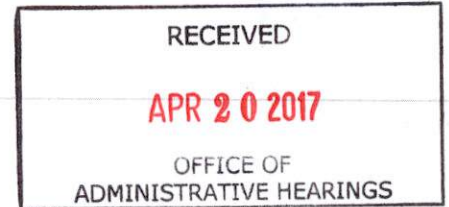
c: Case File
Office of Administrative Hearings

Debra Wiley

From: Dennis A Kennedy
Sent: Wednesday, April 19, 2017 3:43 PM
To: Debra Wiley
Subject: RE: REMINDER: Case No. 2017-0243-A (Admin. Var. - Closing date: 4/10/17)
Attachments: ZAC -ITEM NO 2017 0243-04032017-.docx

Sorry, See attached. I don't know why you didn't get one.

From: Debra Wiley
Sent: Wednesday, April 19, 2017 2:35 PM
To: Dennis A Kennedy <DKennedy@baltimorecountymd.gov>
Subject: REMINDER: Case No. 2017-0243-A (Admin. Var. - Closing date: 4/10/17)



Hi Dennis,

Just a friendly reminder ...

Thanks again.

From: Debra Wiley
Sent: Wednesday, April 12, 2017 2:44 PM
To: Dennis A Kennedy <DKennedy@baltimorecountymd.gov>
Subject: Case No. 2017-0243-A (Admin. Var. - Closing date: 4/10/17)

Hi Dennis,

The above-referenced case file is marked "Flood" and it appears a ZAC comment was not included from your section in the file. I have provided the case description below for your convenience. Thanks in advance.

CASE NUMBER: 2017-0243-A

4628 TODD POINT LN.

Location: NE/S Todd Point Lane, 2,100 ft. +/- E and S of Sandy Mount Road
15th Election District, 7th Council District

Legal owner: Denise Noon

ADMINISTRATIVE VARIANCE To permit a proposed addition with a side yard setback as close as 8 ft. and a sum of side yard setbacks of 17.9 ft. in lieu of the minimum required 10 ft. and a sum of 25 ft.; and to permit an existing detached accessory structure (hot tub) to be located in the side yard with a setback as close as 1 ft. in lieu of the required rear yard and setback of 2.5 ft.

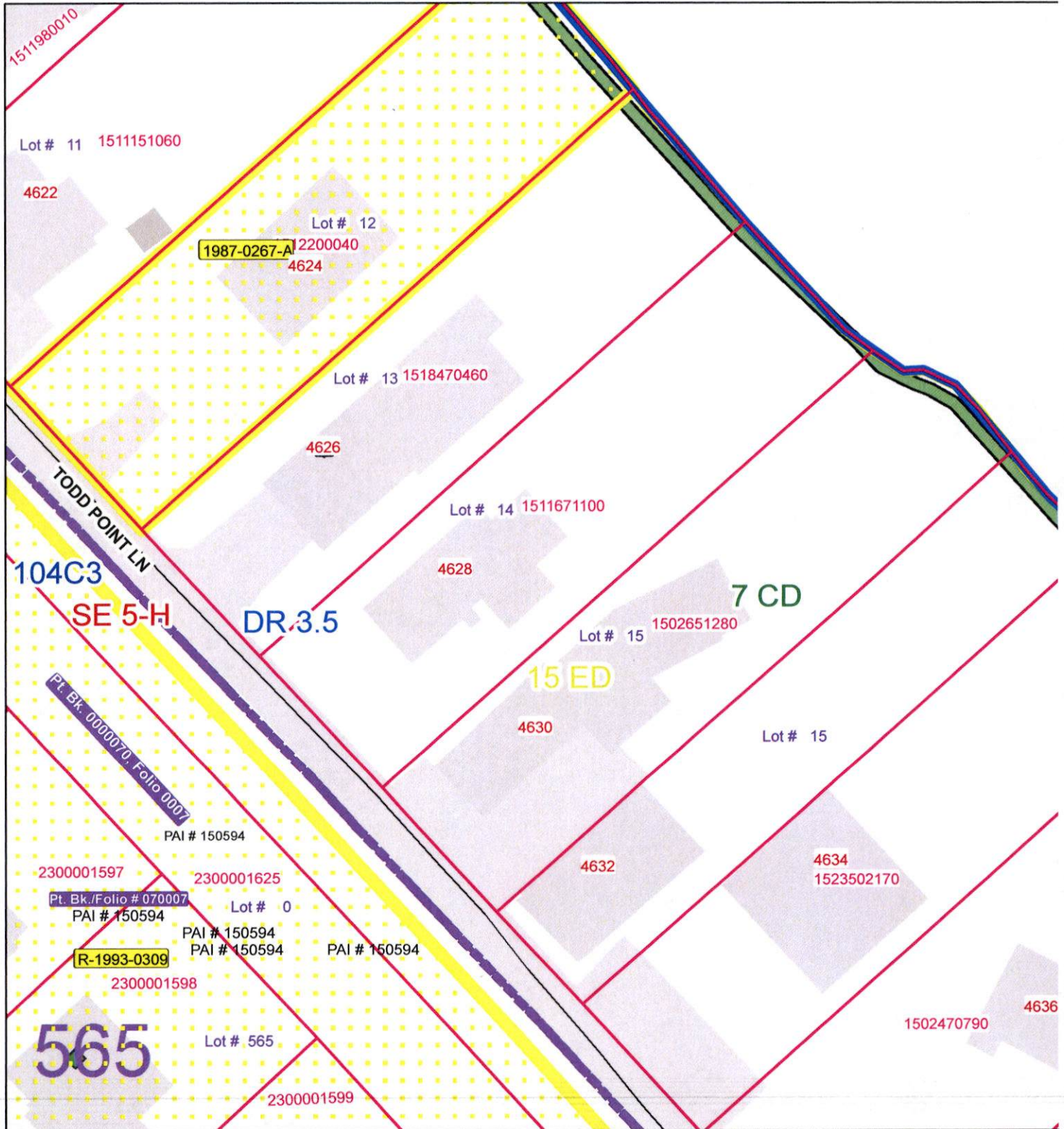
Debra Wiley
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1511671100			
Owner Information					
Owner Name:		NOON DENISE M		Use:	RESIDENTIAL
Mailing Address:		4628 TODD POINT LN BALTIMORE MD 21219-1013		Principal Residence:	YES
				Deed Reference:	/31145/ 00139
Location & Structure Information					
Premises Address:		4628 TODD POINT LN 0-0000 Waterfront		Legal Description: 4628 TODD POINT LN MILTON SCHLUDERBERG	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0104	0023	0328		0000	14 2015
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1954	1,072 SF		9,300 SF	34	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1	NO	STANDARD UNIT	SIDING	1 full/ 1 half	
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2015	07/01/2016	07/01/2017	
Land:	123,700	123,700			
Improvements	49,000	78,100			
Total:	172,700	201,800	192,100	201,800	
Preferential Land:	0			0	
Transfer Information					
Seller: SAUERWEIN WILLIAM JOSEPH		Date: 08/31/2011		Price: \$250,000	
Type: ARMS LENGTH IMPROVED		Deed1: /31145/ 00139		Deed2:	
Seller: SAUERWEIN WILLIAM JOSEPH		Date: 06/11/2007		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /25761/ 00531		Deed2:	
Seller: KOLB PETE		Date: 08/21/1986		Price: \$90,000	
Type: ARMS LENGTH IMPROVED		Deed1: /07244/ 00232		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 08/15/2012					

4628 Todd Point Lane



Publication Date: 3/9/2017



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



0 10 20 40 60 80 Feet

1 inch = 40 feet

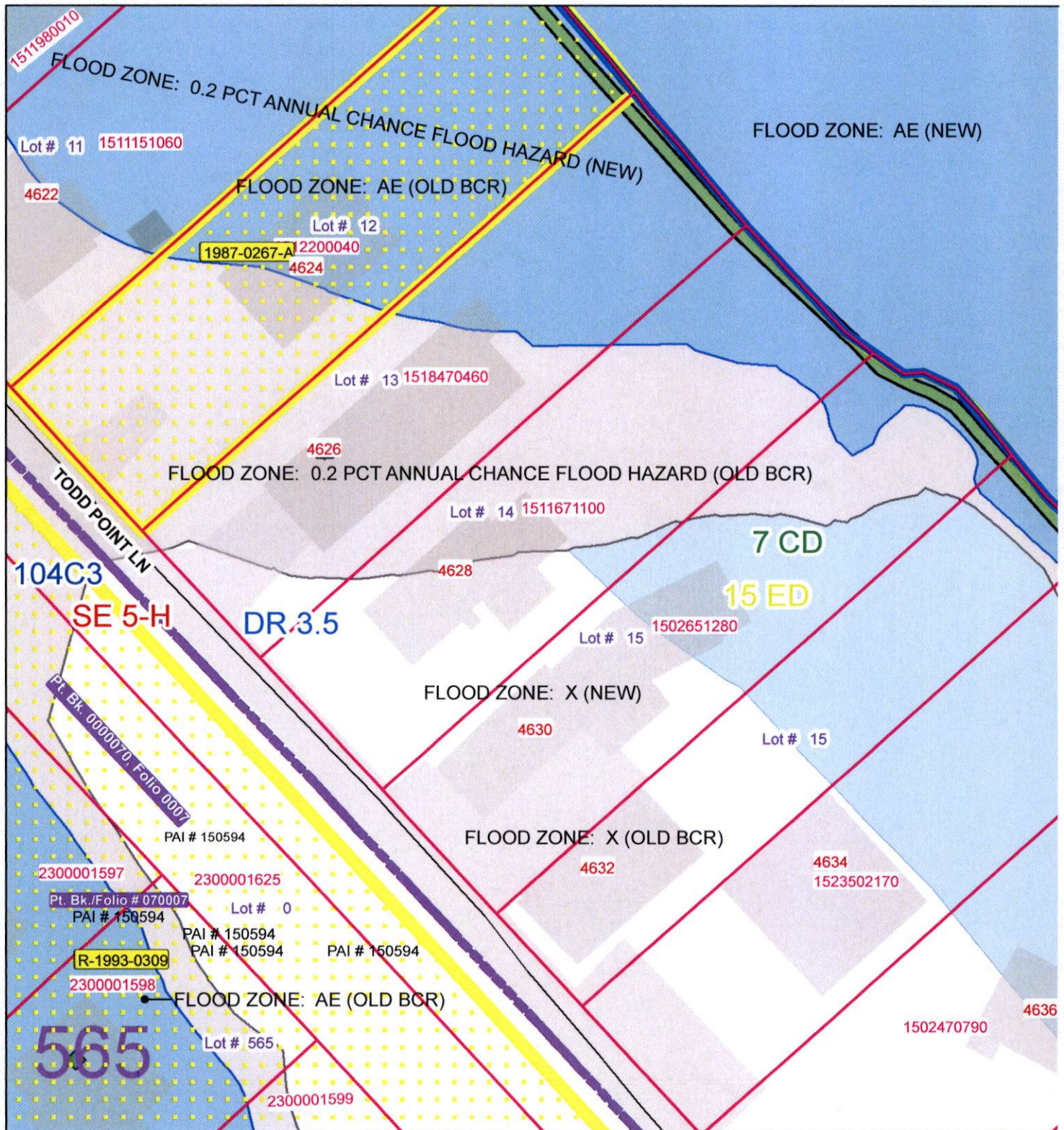
Item #0243

The seal of Baltimore County, Maryland, is a circular emblem. It features a black and white checkered pattern in the upper left and lower right quadrants, and a red and white checkered pattern in the upper right and lower left quadrants. A central star is positioned between the quadrants. The words "BALTIMORE COUNTY" are inscribed along the top arc, and "MARYLAND" is inscribed along the bottom arc.

1 inch = 40 feet

Item #0243

Flood Hazard Areas



Publication Date: 3/9/2017



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



0 10 20 40 60 80 Feet

1 inch = 40 feet

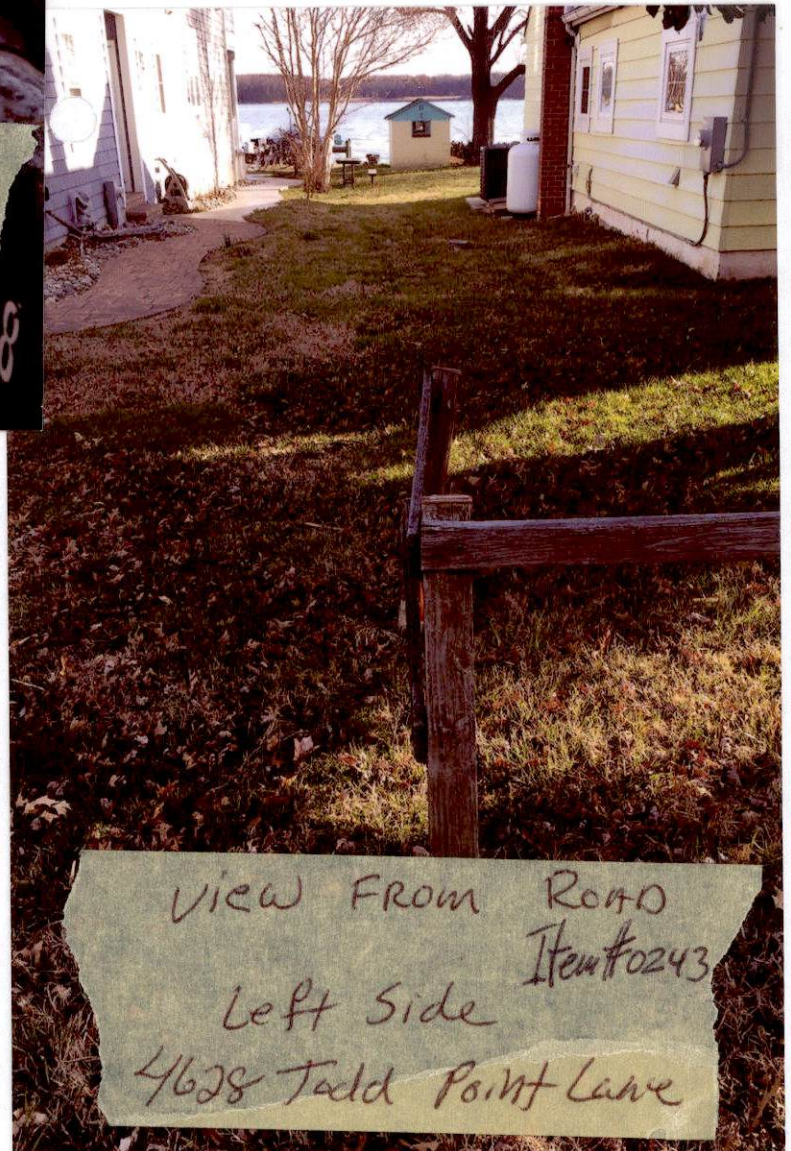
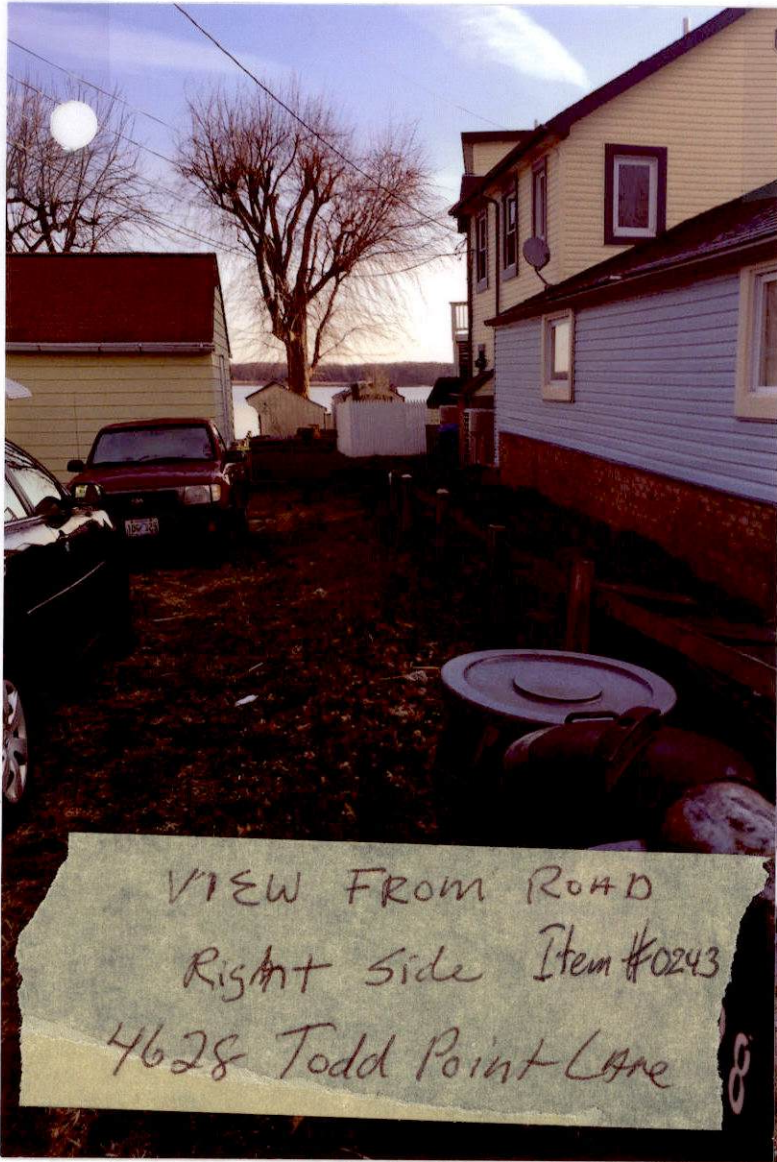
Item #0243



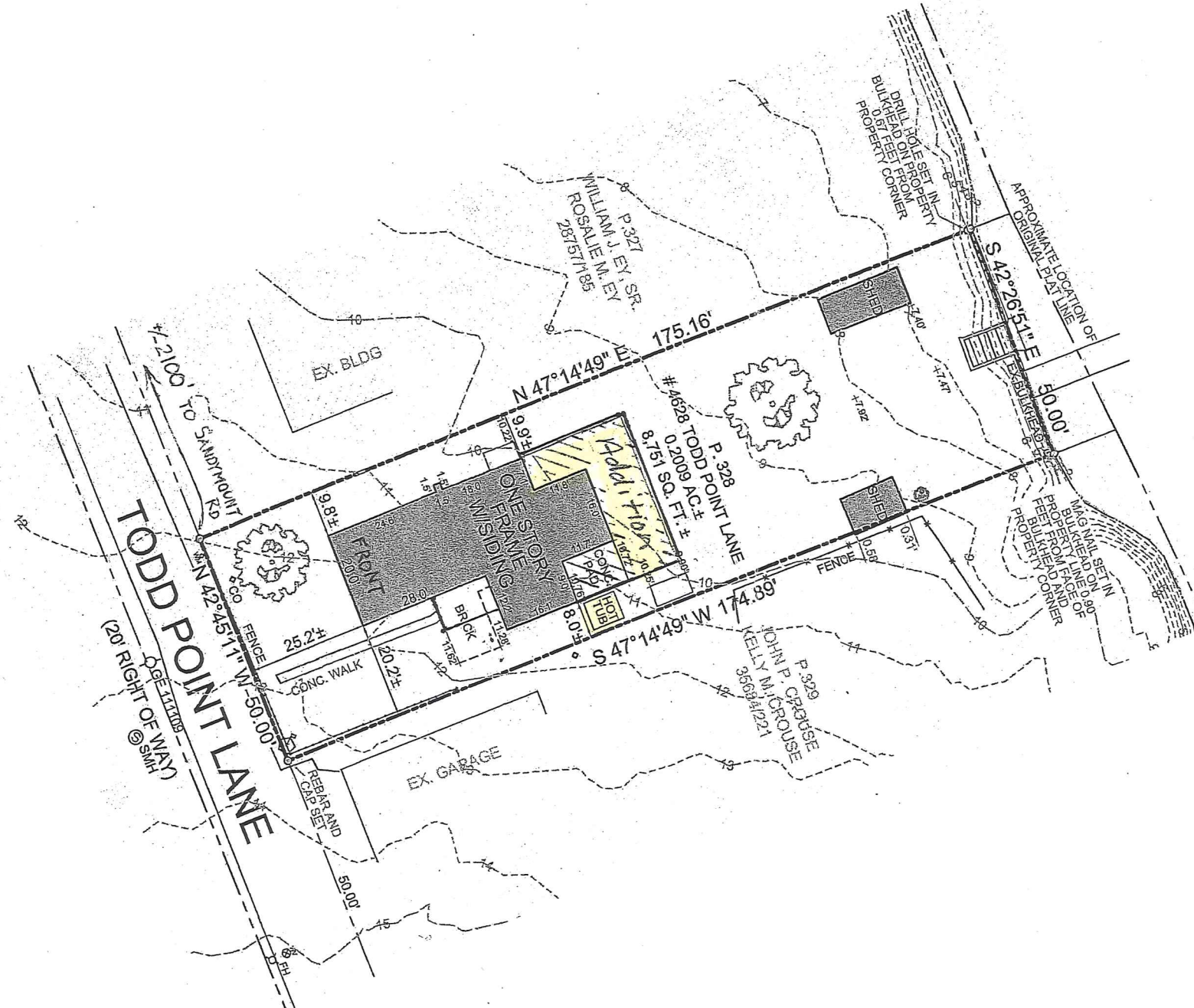
View from Waterside
Proposed Addition Side
4628 Todd Point Lane
Item #0243



ROAD Side Front View
Hemitt
0243 4628 Todd Point Lane

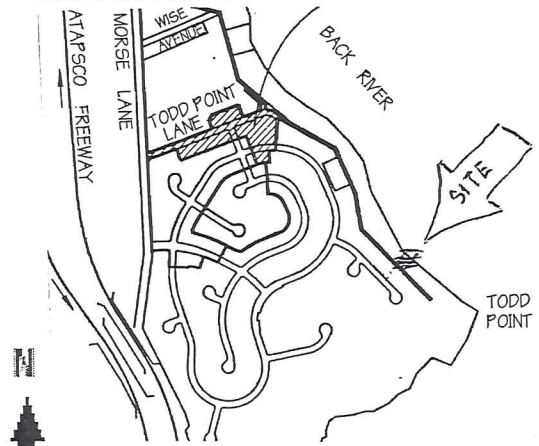


ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 4628 Todd Point Lane OWNER(S) NAME(S) DENISE M NOON
 SUBDIVISION NAME N A LOT # _____ BLOCK # _____ SECTION # _____
 PLAT BOOK # _____ FOLIO # _____ 10 DIGIT TAX # 1511671100 DEED REF. # 31145/00139



PLAN DRAWN BY _____ DATE _____ SCALE: 1 INCH = 30 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 104C3
 SITE ZONED DR 3.5
 ELECTION DISTRICT 15th
 COUNCIL DISTRICT 7th
 LOT AREA ACREAGE _____
 OR SQUARE FEET 8751
 HISTORIC? No
 IN CBCA? Yes
 IN FLOOD PLAIN? YES
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC ☒ PRIVATE _____
 SEWER IS:
 PUBLIC ☒ PRIVATE _____
 PRIOR HEARING? No
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

VIOLATION CASE INFO:

Handwritten initials: R.A.

Handwritten text: #2017-0243-A

Handwritten text: Per. Exp. 1