

IN RE: PETITION FOR VARIANCE

(1201 Bayside Road)
15th Election District
7th Council District
James & Beth Rich
Legal Owners

Petitioners

*

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*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0256-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by James and Beth Rich, owners of the subject property ("Petitioners"). Petitioners are requesting variance relief from §§1A04.3.A, 1A04.3.B.2.b and 1A04.3.B.3 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a dwelling height of 38 ft., a front yard setback of 25 ft. from the centerline of a street or road, a side yard setback of 10 ft., a side yard setback of 24 ft. from the centerline of a street or road and building coverage of 23.3% in lieu of the maximum permitted 15% for a replacement dwelling. A site plan was marked as Petitioners' Exhibit 1.

Owners James and Beth Rich appeared in support of the petition. David Billingsley prepared the site plan and assisted Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability (DEPS), the Bureau of Development Plans Review (DPR) and the Department of Planning (DOP). None of the reviewing agencies opposed the requests.

The site is approximately 6,909 sq. ft. in size and zoned RC-5. The waterfront property is

ORDER RECEIVED FOR FILING

Date

5/16/17

By

Sen

improved with a small single-family dwelling which is in poor condition. Petitioners propose to raze that structure and in essentially the same footprint construct a new dwelling. To comply with the RC-5 and flood protection regulations setback and height variances are required.

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).

Petitioners have met this test. Petitioners' lot was created by the plat of Evergreen Park (Ex. 4) which was recorded in 1924, long before adoption of the B.C.Z.R. As such the property is unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct the proposed replacement dwelling. Finally, I find that the variances can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of community and/or Baltimore County opposition.

THEREFORE, IT IS ORDERED, this 16th day of **May, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a dwelling height of 38 ft., a front yard setback of 25 ft. from the centerline of a street or road, a side yard setback of 10 ft., a side yard setback of 24 ft. from the centerline of a street or road and building coverage of 23.3% in lieu of the maximum permitted 15% for a replacement dwelling, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time

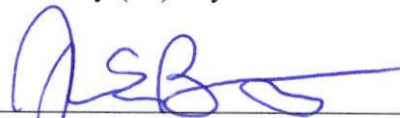
ORDER RECEIVED FOR FILING

Date 5/16/17
By Sen

is at their 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, Petitioners would be required to return the subject property to its original condition.

2. Prior to issuance of permits Petitioners must comply with critical area and flood protection regulations.
3. Prior to issuance of permits Petitioners must submit to the DOP building elevations to enable that agency to make the requisite finding under 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 5/16/17

By sln



KEVIN KAMENETZ
County Executive

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

May 16, 2017

James and Beth Rich
5613 Tramore Road
Baltimore, Maryland 21214

RE: Petition for Variance
Case No. 2017-0256-A
Property: 1201 Bayside Road

Dear Mr. & Mrs. Rich:

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", with a long horizontal flourish extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Dave Billingsley, 601 Charwood Ct., Edgewood, Maryland 21040



CBLA

F1000

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 1201 BAYSIDE ROAD which is presently zoned RC5
Deed References: L. 38604 F. 248 10 Digit Tax Account # 1513401320
Property Owner(s) Printed Name(s) JAMES RICH AND BETH RICH

(SELECT THE HEARING(S) BY MARKING ☒ 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. ☒ 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 PRESETED 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 Date

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

JAMES RICH / BETH RICH

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

James Rich / Beth Rich

Signature #1 Signature #2

5613 TRAMORE RD. BALTO. MD.

Mailing Address City State

21214 (614) 204-9861 / jrich1030@gmail.com

Zip Code Telephone # Email Address

Representative to be contacted:

DAVID BILLINGSLEY

Name- Type or Print

David Billingsley

Signature

601 CHARWOOD CT EDGEWOOD MD.

Mailing Address City State

21040 (410) 679-8719 / dwb0209@yahoo.com

Zip Code Telephone # Email Address

CASE NUMBER 2017-0256A Filing Date 3/24/17

Do Not Schedule Dates: Reviewer JCM

SECTIONS 1A04.3.A, 1A04.3.B.2.b AND 1A04.3.B.3 TO PERMIT A DWELLING HEIGHT OF 38 FEET, A FRONT YARD SETBACK OF 25 FEET FROM THE CENTER LINE OF A STREET OR ROAD, A SIDE YARD SETBACK OF 10 FEET, A SIDE YARD SETBACK OF 24 FEET FROM THE CENTER LINE OF A STREET OR ROAD AND BUILDING COVERAGE OF 23.3 % IN LIEU OF THE MAXIMUM PERMITTED 35 FEET, REQUIRED 75 FEET, 50 FEET, 75 FEET AND MAXIMUM PERMITTED 15 % FOR A REPLACEMENT DWELLING.

ZONING DESCRIPTION

1201 BAYSIDE ROAD

Beginning for the same at the point formed by the intersection of the south side of Bayside Road (30 feet wide) with the east side of Beechwood Avenue (30 feet wide) thence being all of Lot 16 as shown on the plat entitled Evergreen Park, recorded among the plat records of Baltimore County in Plat Book 7 Folio 174.

Containing 6,909 square feet or 0.159 acre, more or less.

Being known as 1201 Bayside Road. Located in the 15TH Election District 7TH, Councilmanic District of Baltimore County, Md.

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

No 151402

Date: 3/24/17

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	506	0000		6150						75.00

Total: 75.00

Rec From: CENTRAL DRAFTING

For: 2017-0256-A

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME IDN
3/27/2017 3/24/2017 10:44:02 3

REG W603 WALKIN CAM

>>RECEIPT N 720127 3/24/2017 OFLN

Dept 5 528 ZONING VERIFICATION

CR NO. 151402

Recpt Tot \$75.00

\$75.00 CK \$0.00 CA

Baltimore County, Maryland

CASHIER'S
VALIDATION



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4911640

Sold To:

James Rich - CU00595534
5613 Tramore Rd
Baltimore, MD 21214-1639

Bill To:

James Rich - CU00595534
5613 Tramore Rd
Baltimore, MD 21214-1639

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

Apr 25, 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: # 2017-0256-A
1201 Bayside Road
SE corner of intersection of Bayside Road and Beechwood Avenue
15th Election District - 7th Councilmanic District
Legal Owner(s) James and Beth Rich

Variance to permit a dwelling height of 38ft., a front yard setback of 25 ft. from the center line of a street or road, a side yard setback of 10ft., a side yard setback of 24 ft. from the center line of a street or road and building coverage of 23.3% in lieu of the maximum permitted 35 ft., required 75 ft., 50 ft., 75 ft. and maximum permitted 15% for a replacement dwelling.

Hearing: Monday, May 15, 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.

JT 4/7/32 April 25 4911640

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

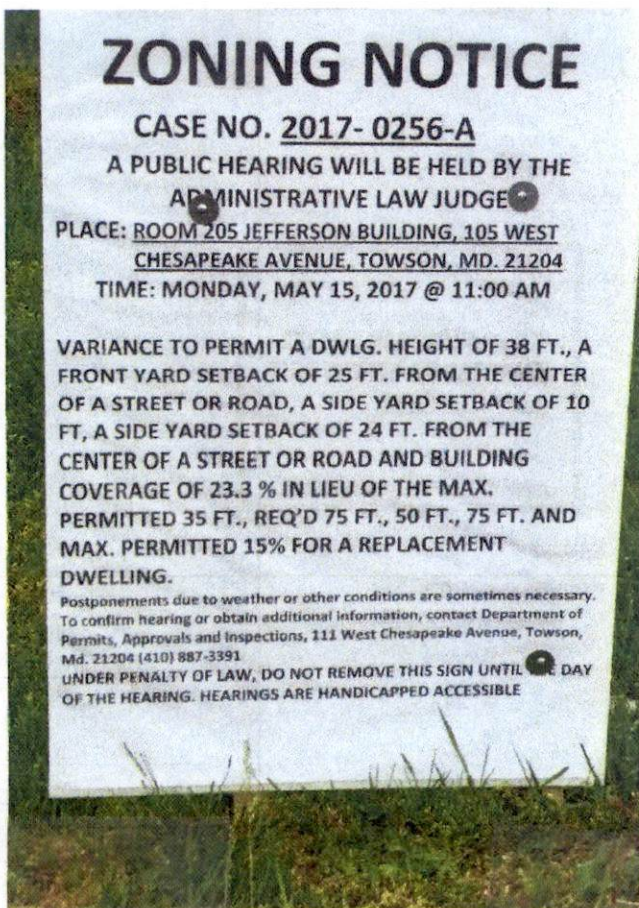
CERTIFICATE OF POSTING

Date: APRIL 24, 2017

RE: Project Name: 1201 BAYSIDE ROAD
Case Number /PAI Number: 2017-0256-A
Petitioner/Developer: JAMES AND BETH RICE
Date of Hearing/Closing: MAY 15, 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 1201 BAYSIDE ROAD

The sign(s) were posted on APRIL 24, 2017
(Month, Day, Year)



(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)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 25, 2017 Issue - Jeffersonian

Please forward billing to:
James Rich
5613 Tramore Road
Baltimore, MD 21214

614-204-9861

NOTICE OF ZONING HEARING

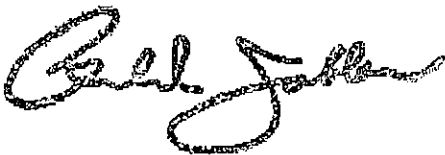
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0256-A

1201 Bayside Road
SE corner of intersection of Bayside Road and Beechwood Avenue
15th Election District – 7th Councilmanic District
Legal Owners: James & Beth Rich

Variance to permit a dwelling height of 38 ft., a front yard setback of 25 ft. from the center line of a street or road, a side yard setback of 10 ft., a side yard setback of 24 ft. from the center line of a street or road and building coverage of 23.3% in lieu of the maximum permitted 35 ft., required 75 ft., 50 ft., 75 ft. and maximum permitted 15% for a replacement dwelling.

Hearing: Monday, May 15, 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

April 17, 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: 2017-0256-A

1201 Bayside Road

SE corner of intersection of Bayside Road and Beechwood Avenue

15th Election District – 7th Councilmanic District

Legal Owners: James & Beth Rich

Variance to permit a dwelling height of 38 ft., a front yard setback of 25 ft. from the center line of a street or road, a side yard setback of 10 ft., a side yard setback of 24 ft. from the center line of a street or road and building coverage of 23.3% in lieu of the maximum permitted 35 ft., required 75 ft., 50 ft., 75 ft. and maximum permitted 15% for a replacement dwelling.

Hearing: Monday, May 15, 2017 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Rich, 5613 Tramore Road, Baltimore 21214
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 TUESDAY, APRIL 25, 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: 2017-0256-A
Property Address: 1201 BAYSIDE ROAD
Property Description: SE/COR of BAYSIDE RD. & BEECHWOOD Ave
RD. 1
Legal Owners (Petitioners): JAME AND BETH RICH
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: JAMES RICH
Company/Firm (if applicable): _____
Address: 5613 TRAMORE ROAD
BALTO MD 21214
Telephone Number: (410) 204-9861



KEVIN KAMENETZ
County Executive

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

May 10, 2017

James & Beth Rich
5613 Tramore Road
Baltimore MD 21214

RE: Case Number: 2017-0256 A, Address: 1201 Bayside Road

Dear Mr. & Ms. Rich:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 24, 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

Date: 4/5/17

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. 2017-0256-A

*Variance
James & Beth Rich
1201 Bayside 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,

Richard A. Zeller

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

WW/RAZ

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 4/24/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-256



INFORMATION:

Property Address: 1201 Bayside Road
Petitioner: James Rich, Beth Rich
Zoning: RC 5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit a dwelling height of 38 feet, setbacks of 24 and 25 feet from the center line of a street or road, property line setback of 10 feet, and building coverage of 23.3% in lieu of the maximum permitted 35 feet, 75 feet, 50 feet and 15% respectively.

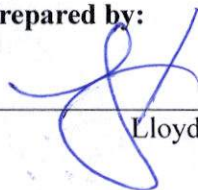
A site visit was conducted on April 11, 2017.

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

This site is subject to the RC 5 Performance Standards as listed in Section 1A04.4 of the BCZR. Architectural elevations must be submitted to the Department of Planning for review at building permit application.

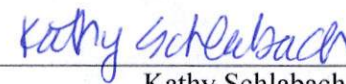
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
David Billingsley, Central Drafting & Design
Office of the Administrative Hearings
People's Counsel for Baltimore County

TO WORK

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 April 03, 2017
Item No. 2017-0256

DATE: April 7, 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 17-0256-04102017.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 17, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0256-A
Address 1201 Bayside Road
(Rich Property)

Zoning Advisory Committee Meeting of **April 10, 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 replacement dwelling with less side yard and front yard setbacks and greater height than permitted. The lot is waterfront, and the proposed dwelling must meet all LDA and MBA requirements, including lot coverage limits and afforestation requirements. The property is 6,909 square feet, so lot coverage is limited to a maximum of 25% + 500 square feet (2227 square feet), with mitigation required for any lot coverage between 25% (1,727 square feet) and 2,227 square feet. 15% afforestation of two trees is required. The current proposal does not provide information as to whether the lot coverage, MBA, and afforestation requirements will be met. If all these requirements are met, 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 and does not provide information regarding lot coverage, MBA, and afforestation requirements. Again, if all these requirements are met this request will currently 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;

There is incomplete information regarding the lot coverage, MBA, and afforestation requirements. Should these requirements be met, then the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: April 17, 2017

RE: PETITION FOR VARIANCE
1201 Bayside Road; SE corner of Bayside
Road & Beechwood Avenue
15th Election & 7th Councilmanic Districts
Legal Owner(s): James & Beth Rich
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2017-256-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
APR 05 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 5th day of April, 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

M E M O R A N D U M

DATE: June 16, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0256-A - Appeal Period Expired

The appeal period for the above-referenced case expired on June 15, 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

CASE NAME 1201 BAYSIDE RD.
CASE NUMBER 2017-0256-A
DATE 5/15/17

[illegible]

PETITIONER'S EXHIBITS

**1201 BAYSIDE ROAD
CASE NO. 2017-0256-A**

sln
5-16-17

- 1. PLAT TO ACCOMPANY PETITION DATED MARCH 11, 2017 (NO CHANGES)**
- 2. SDAT REAL PROPERTY DATA SEARCH**
- 3. DEED OF RECORD L.38604 F.248 FEBRUARY 2, 2017**
- 4. PLAT OF EVERGREEN PARK P.B. 7 F. 174 RECORDED: NOVEMBER 6, 1924**
- 5. AERIAL PHOTO**
- 6a-e. PHOTOS**

Real Property Data Search (w3) Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1513401320			
Owner Information					
Owner Name:		MERCER AMY MICHELLE AND MERCER JENNIFER BETH RICH JAMES AND RICH BETH		Use: Principal Residence:	RESIDENTIAL NO
Mailing Address:		5613 TRAMORE ROAD BALTIMORE MD 21214-		Deed Reference:	/38330/ 00107
Location & Structure Information					
Premises Address:		1201 BAYSIDE RD BALTIMORE 21221-6502 Waterfront		Legal Description:	SE COR BEECHWOOD AVE EVERGREEN PARK
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0104	0024	0268		0000	16 2015 0007/0174
Special Tax Areas:			Town: Ad Valorem: Tax Class: NONE		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	Property Land Area
1937		668 SF			9,776 SF
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1	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:		101,700	101,700		
Improvements		35,800	32,700		
Total:		137,500	134,400	134,400	134,400
Preferential Land:		0			0
Transfer Information					
Seller: MERCER AMY MICHELLE AND MERCER JENNIFER BETH		Date: 11/30/2016		Price: \$10,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /38330/ 00107		Deed2:	
Seller: FISHER JUNE ELIZABETH (DEC)		Date: 11/30/2016		Price: \$9,214	
Type: NON-ARMS LENGTH OTHER		Deed1: /38330/ 00104		Deed2:	
Seller: MERCER WALTER M,JR		Date: 09/04/2007		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /09909/ 00354		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					

1. This information is provided for informational purposes only. It is not intended to be used for legal or financial purposes. Please consult with a professional for more information.

PETITIONER'S
EXHIBIT NO. 2

NO CONSIDERATION
NO TITLE SEARCH
NO TITLE INSURANCE

Record as the third of three deeds
submitted together for recording.

LR - Deed (No-Taxes)
Recording Fee 20.00
Name: rich
Ref:
LR - Deed (No-Taxes)
Surcharge 40.00
SubTotal: 60.00
Total: 180.00
02/07/2017 03:03
CC03-CR
#7751684 CC0301 -
Baltimore
County/CC03.01.03 -
Register 03

DEED

THIS DEED is made this 2nd day of February, 2017, by Beth Rich, in her individual capacity, Grantor, to James Rich and Beth Rich, husband and wife, as tenants by the entirety.

Explanatory Statement

A. In a Personal Representative's Deed (Estate of June Elizabeth Fisher) dated the date hereof and recorded prior hereto in the Land Records of Baltimore County, Maryland, the Grantor, in her capacity as Successor Personal Representative of the Estate of June Elizabeth Fisher, conveyed and distributed to the Grantor, in her individual capacity, an undivided one-sixteenth (1/16) interest ("June's Devise"), as tenant in common, in the real property (the "Real Property") located in Baltimore County and described in Exhibit A attached to this deed.

B. In a Personal Representative's Deed (Estate of John Richard Fisher) dated the date hereof and recorded immediately prior hereto in the Land Records of Baltimore County, the Grantor, in her capacity as Personal Representative of the Estate of John Richard Fisher, conveyed and distributed to the Grantor, in her individual capacity, an undivided one-sixteenth (1/16) interest ("John's Devise"), as tenant in common, in the Real Property.

C. Beth Rich now desires to convey June's Devise and John's Devise to herself and James Rich, as tenants by the entirety.

Conveyances

NOW, THEREFORE, in consideration of the sum of Zero Dollars (\$-0-), there being no consideration paid or to be paid for the following conveyance:

SITE

BACK RIVER

BACK RIVER

BACK RIVER

BEECHWOOD

EVERGREEN

GOAL STREET AVE.



REC: NOV. 6, 1924

P.B. 7 F. 174

PLAT OF
EVERGREEN PARK
FIFTEENTH DISTRICT
BALTIMORE COUNTY
MARYLAND

2115-3712



Imagery Date: 10/23/2014 39°15'14.39" N 76°26'09.34" W

BAYSIDE RD

BAYSIDE RD

SITE

BEECHWOOD AVENUE

1201 Bayside Rd

PETITIONER'S
EXHIBIT NO. 5



a



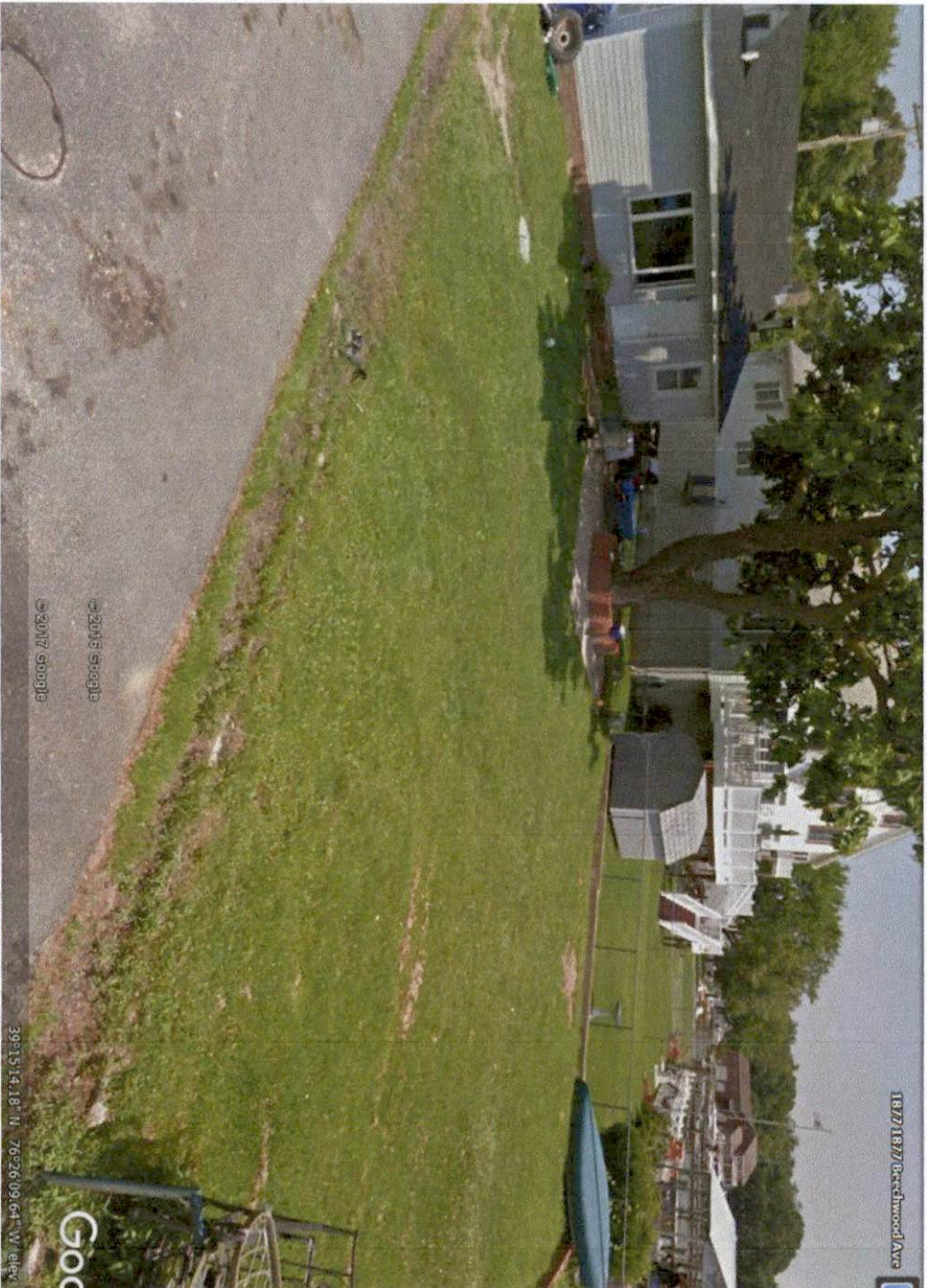
b



c



d



2

ZONING VARIANCE CASES

N J. Garland

N B. Peters

~~L~~ L. Mayer

N J. Kemp

yes T. Kidd

NOPE R. Rohlfs

No R. Larrick

NO H. Rowe

yes W. Kuklane

KB NO J. Kiach

Please check over the following zoning hearings to let me know if there are any outstanding violations. Please put the address of the violation in the space next to your name.

I need copies of everything in the file, or corrections notices (if there is no file), to send to the Zoning Commissioner, along with the form filled out (found on my desk).

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: April 13, 2000

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 2017-0265-A
Legal Owner/Petitioner: Huynh Vu L. Cao Mail
Contract Purchaser: Huynh Vu L. 23 GRANNY Smith CT. Middle River Md
Property Address: 23 GRANNY Smith CT. Middle River Md 21220
Location Description: SW/S of GRANNY Smith CT 135 FT +/- E of the centerline of MACINTOSH CT.

VIOLATION INFORMATION: Case No. CB 1700107
Defendants:

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
------	---------

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- ☐ 1. Complaint letter/memo/email/fax (if applicable)
- ☒ 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- ☒ 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- ☐ 8. Photographs including dates taken
- ☒ 9. Correction Notice/Code Violation Notice
- ☒ 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt(s) if applicable
- ☐ 12. Final Order of the Code Official/Hearing Officer (if applicable)
- ☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- ☐ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/
C: Code Enforcement Officer

Baltimore County
Permits, Approvals
And Inspections

15th
Dist

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

OFFICE HOURS 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No. CB 1700107 Property No. 2300002906 Zoning: _____
Name(s): HOYNH DU LONG LUV MAIL
Address: 23 GRANNY SMITH CT BALTIMORE MD
Violation Location: SAME AS ABOVE 21220-1750

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BALTIMORE COUNTY CODES 2003 ARTICLE 35
35.2.301 PERMITS REQUIRED
35.2.304 PENALTY FOR ACTION WITHOUT PERMITS
Secure Permit for Deck
EXTENSION IN REAR OF HOUSE
IF ANY QUESTIONS PLEASE CALL
410 887-3953

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE: 3.15.17 DATE ISSUED: 3.1.17

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1,000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

INSPECTOR: Tim Kidd PRINT NAME: Tim Kidd

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

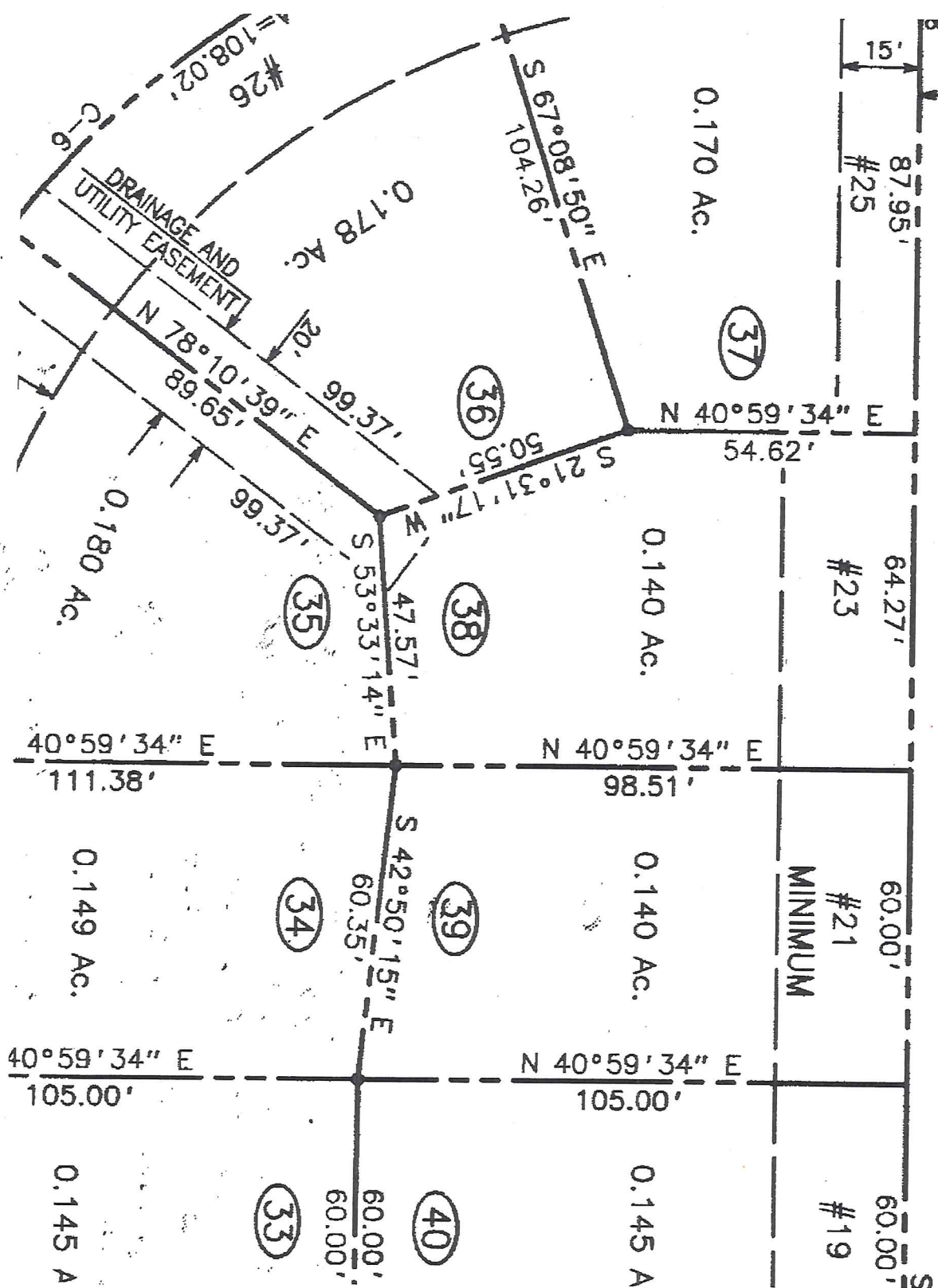
ON OR BEFORE: _____ DATE ISSUED: _____

INSPECTOR: _____ PRINT NAME: _____

COPIES: PINK - AGENCY, YELLOW - VIOLATION SITE, GOLD - DEFENDANT, WHITE - INSPECTOR

Profile View
Road

Station	Elevation
147	60.00'
20	60.00'
22	60.00'
24	60.00'
25	60.00'





Department of Permits, Approvals & Inspections
Complaint Report

Record Id: CB1700107

<u>Record ID</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Received Date</u>	<u>Status</u>	<u>Compliance Date</u>	<u>Hearing Date</u>
CB1700107	Timothy Kidd		02/23/2017	Inspection Scheduled		
<u>Complaint Description:</u> Building & roofing deck at back of house without permits. Call complainant with follow-up. He said that it is visible from his house if unable to see the site due to fencing and he will provide access to his property if necessary.						
<u>Property</u>		<u>Owner</u>		<u>Complainant</u>		
23 GRANNY SMITH CT MIDDLE RIVER, MD 21220-1750 Tax Id: 2300002906		HUYNH VU LONG LUU MAIL 23 GRANNY SMITH CT BALTIMORE, MD 21220-1750		Michael or Rob 443-478-0255		

Inspection Details

<u>Inspector</u>	<u>Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>	<u>Complied On</u>
Timothy Kidd		Initial Inspection	Scheduled		

Lien Information - No Lien

Comments Detail - No Comments

2-28-17 visit site to find new deck extension
in Rear yard will post and also mail correction
notice p/c 3-15-17 T. Kidd

Hand
22h
From Property

DATE: 2/23/17 INTAKE BY: Sph CASE#: CB1700167 INSPEC: TK

COMPLAINT LOCATION: 23 Granny Smith ZIP CODE: 21220 DIST: _____

COMPLAINT NAME: (Rob) Michael PHONE#: (H) cell: 443 478 0255 (W) _____

ADDRESS: _____ ZIP CODE: _____

PROBLEM: building deck & roofing over with no permit at back of house

call complainant with results, will also be able to

IS THIS A RENTAL UNIT? YES _____ NO _____ See from complainant's

IF YES, IS THIS SECTION 8? YES _____ NO _____ home if no access to site.

OWNER/TENANT INFORMATION _____

TAX ACCOUNT #: _____ ZONING: _____

INSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

Lot # 6 2300002930

24

2300002929

Lot # 61

NOT LOCATED

MACINTOSH CT

GRANNY SMITH CT

Lot # 37 2300002905

B331137 B372212
28

DR 3.5

4701K4

2300002904

15 ED

PDM #150687

B331917 B372222

B331138

Lot # 36

Pt. Bk/Folio # 071042

4702A4

Lot # 38 2300002906

B331579
23

B405187

21

Lot # 39

2300002907

B331932

Lot # 35 2300002903

Pt. Bk. 0000071, Folio 0042

Lot # 40 2300002908

Lot # 34

2300002902

B399544

22

Lot # 33 2300002901

DATE: 04/05/2017 STANDARD ASSESSMENT INQUIRY (1)

TIME: 08:34:07

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
23 00 002906	15	3-0	04-00	H	NO		04/03/17

HUYNH VU LONG DESC-1.. .140 AC

LUU MAI L DESC-2.. ALMA SMITH PROPERTY

23 GRANNY SMITH CT PREMISE. 00023 GRANNY SMITH CT

00000-0000

BALTIMORE MD 21220-1750 FORMER OWNER: CONCEPCION R GO

----- FCV ----- PHASED IN -----

	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	102,000	102,000		FCV	ASSESS	ASSESS
IMPV:	153,400	139,200	TOTAL..	241,200	241,200	241,200
TOTL:	255,400	241,200	PREF...	0	0	0
PREF:	0	0	CURT...	241,200	241,200	241,200
CURT:	255,400	241,200	EXEMPT.		0	0
DATE:	01/15	01/15				

---- TAXABLE BASIS ---- FM DATE

ASSESS: 241,200 08/06/16

ASSESS: 241,200

ASSESS: 0

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

DATE: 04/05/2017

STANDARD ASSESSMENT INQUIRY (2)

TIME: 08:33:47

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
23 00 002906	15	3-0	04-00	H	NO		04/03/17
LOT....	38	BOOK....		MAP.....	0082	LOT WIDTH.....	.00
BLOCK..		FOLIO...		GRID....	0023	LOT DEPTH.....	.00
SECTION..				PARCEL..	0151	LAND AREA..	6098.000 S
PLAT..	1					YEAR BUILT.....	00

-----TRANSFER DATA-----

NUMBER..... 285603
 DATE..... 05/11/04
 PURCHASE PRICE..... 265,000
 GROUND RENT..... 0
 DEED REF LIBER..... 20036
 DEED REF FOLIO..... 0055
 CONVEYED IND..... 4
 TOT-PART TRAN IND.....
 GRANTOR ACCT NO.. - -

-----EXEMPT DATA-----

STATUS.....
 CLASS CODE.....
 STATE EXEMPT CODE..... 000
 COUNTY EXEMPT CODE..... 000
 CURR STATE EX ASMT.... 0
 PRIOR STATE EX ASMT... 0
 CURR COUNTY EX ASMT... 0
 PRIOR COUNTY EX ASMT.. 0

CRITICAL NEW CONST CARD
 AREAS CODE YEAR NO
 04635

-----STRUCTURE-----

CODE SQ. FEET
 1920

ENTER-INQUIRY3 PA1-PRINT PF2-INQUIRY1 PF4-MENU PF5-QUIT PF7-CROSS REF

DATE: 04/05/2017

STANDARD ASSESSMENT INQUIRY (3)

TIME: 08:33:54

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
23 00 002906	15	3-0	04-00	H	NO		04/03/17

-----STATE-----

GEO CODE N/A LAND-USE

REC CREATE DATE.. 04/03/17

82 NO R

DELETE CODE..... M

DATE DELETED.....

LAST FM DATE..... 08/06/16

LAST FM TYPE.....

PREV FM DATE.....

PREV FM TYPE.....

----- COUNTY -----

LAST LOAD DATE... 04/03/17

PRIOR LOAD DATE.. 03/02/17

STATE TAXABLE ASSESS

ASSESS: 241,200

ASSESS: 241,200

ASSESS: 0

ENTER-INQUIRY1 PA1-PRINT PF2-INQUIRY2 PF4-MENU PF5-QUIT PF7-CROSS REF

ZONING ADVISORY COMMITTEE AGENDA
ROOM 123, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING April 3, 2017
FORMAL OR INFORMAL RESPONSE DUE AT April 10, 2017 Meeting

* Agenda Only
+ Agenda and Petition
& Agenda and Plat
Agenda, Petition and Plat

Distribution:

* Administrative Law Judge, Commissioner (Lawrence M. Stahl); MS #4103
PAI, Zoning Review H.O. Hearing File (Kristen Lewis)
PAI, Zoning Review DRC/ZAC Meeting File (W. Carl Richards, Jr.)
* PAI, Development Management (Jan Cook) MS # 1105
* PAI, Code Enforcement (Lisa Henson) MS # 1105
* PAI, Building Inspection
& PAI, Development Plans Review (Dennis Kennedy)
Planning Office (Kathy Schlabach) MS #4101
* Recreation and Parks
DEPS (Jeff Livingston) – 2 copies of each MS #4400
& State Highway Administration, Access Permits Division (Rich Zeller)
& Fire Department MS #1102F (Inspector Muddiman)
* Economic Development Commission, Business Develop. MS #4300 (Stanley Jacobs)
* Highways (Tom Hargis); MS #1003
* Neighborhood Improvements MS #4201 (Liz Glenn)
+ People's Counsel (Peter Zimmerman); MS #4204
* Honorable Wade Kach, County Council, District 3; MS #2201
* Mike Ruby (Newspaper)
IF CRITICAL AREA, Maryland Office of Planning (Steve Allen)
IF FLOODPLAIN, Maryland Department of the Environment
IF FLOODPLAIN, Public Works (David Thomas); MS #1315
* IF ELDERLY HOUSING, Community Development; MS #1102M
IF HELICOPTER, Police Department, Aviation Unit (Officer Taylor or Sgt. Wines)
IF PAWN SHOP, Police Department, Burglary/Pawn Unit (Det. Kropfelder); MS #1102E
* IF TOWER, Tower Coordinator, c/o OIT; MS #2007

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with the codes, standards, or regulations of your office or department. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received within two weeks, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Kristen Lewis

If you have any questions regarding a particular zoning petition, please contact the Zoning Review Planner (see initials after item number) at 410-887-3391.

ZAC AGENDA

Case Number: 2017-0256-A

Primary Use: Residential

Reviewer: JCM

Type: VARIANCE

Legal Owner: James & Beth Rich

Contract Purchaser:

Critical Area: YES **Flood Plain:** YES **Historic:** NO **Election Dist:** 15th **Councilmanic Dist:** 7th

Property Address: 1201 Bayside Rd

Location: SE corner of the intersection of Bayside Road and Beechwood Avenue

Existing Zoning: RC 5

Area: 6,909 sq. ft.

Proposed Zoning: VARIANCE To permit a dwelling height of 38 ft., a front yard setback of 25 ft. from the center line of a street or road, a side yard setback of 10 ft., a side yard setback of 24 ft. from the center line of a street or road and building coverage of 23.3% in lieu of the maximum permitted 35 ft., required 75 ft., 50 ft., 75 ft. and maximum permitted 15% for a replacement dwelling.

Attorney:

Prior Zoning Cases:

Concurrent Cases:

Violation Cases:

Closing Date:

Miscellaneous:

Case Number: 2017-0257-A

Primary Use: Residential

Reviewer: GH

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Christopher & Victoria Compton

Contract Purchaser:

Critical Area: NO **Flood Plain:** NO **Historic:** NO **Election Dist:** 8th **Councilmanic Dist:** 2nd

Property Address: 6 Coniston Rd

Location: N/S of Coniston Road, E 450 ft. to the centerline of Joppa Road

Existing Zoning: DR 1

Area: 2.88 acres +/-

Proposed Zoning: ADMINISTRATIVE VARIANCE To permit a proposed garage (accessory structure) with a height of 27 ft. in lieu of the required 15 ft.

Attorney:

Prior Zoning Cases:

Concurrent Cases:

Violation Cases:

Closing Date: 4/27/2017

Miscellaneous:

ZAC AGENDA

Case Number: 2017-0258-X

Primary Use: Commercial

Reviewer: AT

Type: SPECIAL EXCEPTION

Legal Owner: Kenwood Hazelwood LLC

Contract Purchaser: Veronica Brown, 6267 Kenwood Avenue, Baltimore MD 21237

Critical Area: NO **Flood Plain:** NO **Historic:** NO **Election Dist:** 14th **Councilmanic Dist:** 6th

Property Address: 6263 & 6267 Kenwood Ave

Location: NW corner of Kenwood Avenue & Hazelwood Avenue

Existing Zoning: BL-AS, BL, DR 5.5

Area: 9.31 acres

Proposed Zoning: SPECIAL EXCEPTION To ue the herein described property for a community building (moon bounce)

Attorney: Richard J Hackerman, 116 W University Pkwy, Baltimore MD 21210

Prior Zoning Cases: 1949-1579-X, R-1964-0155-SPH

Concurrent Cases:

Violation Cases:

Closing Date:

Miscellaneous: Additional Priors: 1968-0152-A, 1974-0154-X, 2004-0439-X

Case Number: 2017-0259-A

Primary Use: Commercial

Reviewer: LW

Type: VARIANCE

Legal Owner: Kenilworth Limited Partnership

Contract Purchaser: Rob Newman, 711 Atlantic Ave., 3rd fl., Boston MA 02111

Critical Area: NO **Flood Plain:** NO **Historic:** NO **Election Dist:** 9th **Councilmanic Dist:** 5th

Property Address: 800 Kenilworth Dr

Location: N/S of Kenilworth drive, 740 ft. +/- NW of the centerlinbe of West Road

Existing Zoning: BM

Area: 8.430 acres, 367211.79 sq. ft.

Proposed Zoning: VARIANCE To permit a wall mounted enterprise sign on an existing wall without a customer entrance.

Attorney: Matthew C Tedesco, 6411 Ivy Lane, Ste. 200, Greenbelt MD 20770

Prior Zoning Cases: R-1972-0063, 1978-0091-A

Concurrent Cases:

Violation Cases:

Closing Date:

Miscellaneous: Additional Priors: 2016-0325-SPH, 2077-0072-A

ZAC AGENDA

Case Number: 2017-0260-A **Primary Use:** Residential **Reviewer:** JNP
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Ryan & Teresa Trexler
Contract Purchaser:
Critical Area: NO **Flood Plain:** YES **Historic:** NO **Election Dist:** 5th **Councilmanic Dist:** 3rd
Property Address: 18006 Marshall Mill Rd

Location: W/S of Marshall Mil Road, 3050 ft. N of Mt. Carmel Road

Area: 7.55 acres

Existing Zoning: RC 2

Proposed Zoning: ADMINISTRATIVE VARIANCE To permit a proposed accessory building (pole barn) with a height of 26 ft. in lieu of the maximum allowed 15 ft.

Attorney:

Prior Zoning Cases:

Concurrent Cases:

Violation Cases:

Closing Date: 4/24/2017

Miscellaneous: Flood Plain (Flood Zone "A")

Case Number: 2017-0261-SPHA **Primary Use:** Commercial **Reviewer:** GH
Type: SPECIAL HEARING VARIANCE
Legal Owner: 1616 York Road LLC, Three W Realty LLC
Contract Purchaser:
Critical Area: NO **Flood Plain:** NO **Historic:** NO **Election Dist:** 8th **Councilmanic Dist:** 3rd
Property Address: 1616-1618 York Rd

Location: W/S of York Road, N 265 ft. to the centerline of Bellona Avenue

Area: 101,762 sq. ft.

Existing Zoning: BL, BL-AS, DR 3.5

Proposed Zoning: SPECIAL HEARING To confirm each parcel can have its own freestanding enterprise sign.

VARIANCE To permit 25 parking spaces in lieu of the required 38 spaces for existing 14,852 sq. ft. of furniture store use.

Attorney: John B Gontrum, One W Paennsylvania Ave., Ste. 300, Towson MD 21204

Prior Zoning Cases: 73-150-RA

Concurrent Cases:

Violation Cases:

Closing Date:

Miscellaneous:

ZAC AGENDA

Case Number: 2017-0262-A

Primary Use: Residential

Reviewer: JCM

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Kevin W & Dawn M Corun

Contract Purchaser:

Critical Area: NO **Flood Plain:** NO **Historic:** NO **Election Dist:** 11th **Councilmanic Dist:** 5th

Property Address: 12025 Stoney Batter Rd

Location: E/S of Stoney Batter Road, 350 ft. +/- N of the centerline of Echo Acres Lane

Existing Zoning: RC 2

Area: 3.42 acres +/-

Proposed Zoning: ADMINISTRATIVE VARIANCE To permit a barn with a height of 21 ft. in lieu of the permitted 15 ft.

Attorney:

Prior Zoning Cases:

Concurrent Cases:

Violation Cases:

Closing Date: 4/24/2017

Miscellaneous:

Case Number: 2017-0263-SPHA

Primary Use: Residential

Reviewer: RDD

Type: SPECIAL HEARING VARIANCE

Legal Owner: Joseph F & Annette L Lavezza

Contract Purchaser:

Critical Area: NO **Flood Plain:** NO **Historic:** NO **Election Dist:** 11th **Councilmanic Dist:** 3rd

Property Address: 11903 Long Green Pike

Location: E/S Long Green Pike, 2080 ft. S of the centerline of Glen Arm Road

Existing Zoning: RC 5, RC 2

Area: 17,315 sq. ft., 0.40 acre

Proposed Zoning: SPECIAL HEARING The Administrative Law Judge should approve a detached accessory structure (garage) with a footprint greater than that of the principal dwelling.

VARIANCE To permit a replacement open projection (deck) with a side yard setback as close as 1 ft. in lieu of the required 37.5 ft.; and to permit additions to an existing detached accessory structure (garage) with a side yard setback as close as 1 ft. in lieu of the required 2.5 ft.

Attorney:

Prior Zoning Cases:

Concurrent Cases:

Violation Cases:

Closing Date:

Miscellaneous:

ZAC AGENDA

Case Number: 2017-0264-A

Primary Use: Residential

Reviewer: JS

Type: VARIANCE

Legal Owner: Derek Tucker

Contract Purchaser:

Critical Area: NO **Flood Plain:** NO **Historic:** NO **Election Dist:** 2nd **Councilmanic Dist:** 4th

Property Address: 7914 Subet Rd

Location: N/S of Subet Road, 125 ft. E of the centerline of the intersection with Northmont Road.

Existing Zoning: DR 5.5

Area: 6825 sq. ft.

Proposed Zoning: VARIANCE To permit an accessory structure (shed) to be located in the side yard in lieu of the required rear yard placement.

Attorney:

Prior Zoning Cases:

Concurrent Cases:

Violation Cases: CB1700082 (Subject of this Hearing)

Closing Date:

Miscellaneous:

ZAC AGENDA

Case Number: 2017-0265-A

Primary Use: Residential

Reviewer: JCM

Type: VARIANCE

Legal Owner: Huynh Vu L, Luu Mai L

Contract Purchaser: Huynh Vu L, 23 Granny Smith Court, Middle River, MD 21220

Critical Area: YES **Flood Plain:** YES **Historic:** NO **Election Dist:** 15th

Councilmanic Dist: 6th

Property Address: 23 Granny Smith Ct

Location: SW/S of Granny Smith Court, 135 ft. +/- E of the centerline of Macintosh Court

Existing Zoning: DR 3.5

Area: .14 acre +/-

Proposed Zoning: VARIANCE To permit an existing second story deck with a setback of 19 ft. in lieu of the required 30 ft.

Attorney:

Prior Zoning Cases:

Violation Cases: CB1700107

Miscellaneous:

Concurrent Cases:

Closing Date:

yes

ZAC AGENDA

Case Number: 2017-0266-SPH

Primary Use: Commercial

Reviewer: JNP

Type: SPECIAL HEARING

Legal Owner: Dogwood Management LLC

Contract Purchaser: Casey Brooks, 13825 Manor Road, Baldwin MD 21013

Critical Area: NO **Flood Plain:** NO **Historic:** NO **Election Dist:** 10th **Councilmanic Dist:** 3rd

Property Address: 14232 Jarrettsville Pike

Location: NW/S of Jarrettsville Pike, 710 ft. S of Paper Mill Road

Existing Zoning: BL-CR

Area: .88 acre

Proposed Zoning: SPECIAL HEARING 1. To approve a modified parking plan:

- a. To permit 29 parking spaces in lieu of the 53 required spaces;
 - b. To permit landscaping for parking consistent with the landscaping relief that was previously approved for this property in Zoning Case No. 92-254 A, as is more particularly shown on the Plan to accompany this Petition;
 - c. To permit loading areas in areas also designated for parking;
2. To permit landscaping consistent with the landscaping relief that was previously approved for this property in Zoning Case No. 92-254 A and to confirm that the proposed building addition is appropriate to the existing building and neighborhood;
3. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Attorney: Lawrence E Schmidt, 600 Washington Avenue, Suite 200, Towson MD 21204

Prior Zoning Cases: 1992-0254 A

Concurrent Cases:

Violation Cases:

Closing Date:

Miscellaneous:

ZAC AGENDA

Case Number: 2017-0267-A

Primary Use: Residential

Reviewer: JS

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Charles A & Giovanna E Gilman

Contract Purchaser:

Critical Area: NO **Flood Plain:** NO **Historic:** NO **Election Dist:** 3rd **Councilmanic Dist:** 2nd

Property Address: 11106 Greenspring Ave

Location: SW/S of Greenspring Avenue, 532 ft. SE of the centerline of the intersection with Woodland Drive

Existing Zoning: RC 5

Area: 1.125 acres

Proposed Zoning: ADMINISTRATIVE VARIANCE To permit a building height of 37 ft. in lieu of 35 ft., a lot line setback as close as 3 ft. in lieu of 50 ft. (principal building) and a lot line setback of 3 ft. in lieu of 37.5 ft. (open projection-deck).

Attorney: Robert A Hoffman, 210 W Pennsylvania Ave., Ste 500, Towson MD 21204

Prior Zoning Cases: 2004-0045 A

Concurrent Cases:

Violation Cases:

Closing Date: 4/24/2017

Miscellaneous:

ZAC AGENDA

Case Number: 2017-0268-A

Primary Use: Residential

Reviewer: AT

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Jerome & Brunilda Stephens

Contract Purchaser:

Critical Area: NO **Flood Plain:** NO **Historic:** NO **Election Dist:** 2nd

Councilmanic Dist: 4th

Property Address: 8715 Dogwood Rd

Location: W/S of Dogwood Road, 888 ft. N of the centerline Willow Run Road

Existing Zoning: RC 2

Area: 15.735 acres

Proposed Zoning: ADMINISTRATIVE VARIANCE To permit a proposed accessory structure (tennis court) to be located on the side of the existing dwelling in lieu of the required in the rear yard.

Attorney:

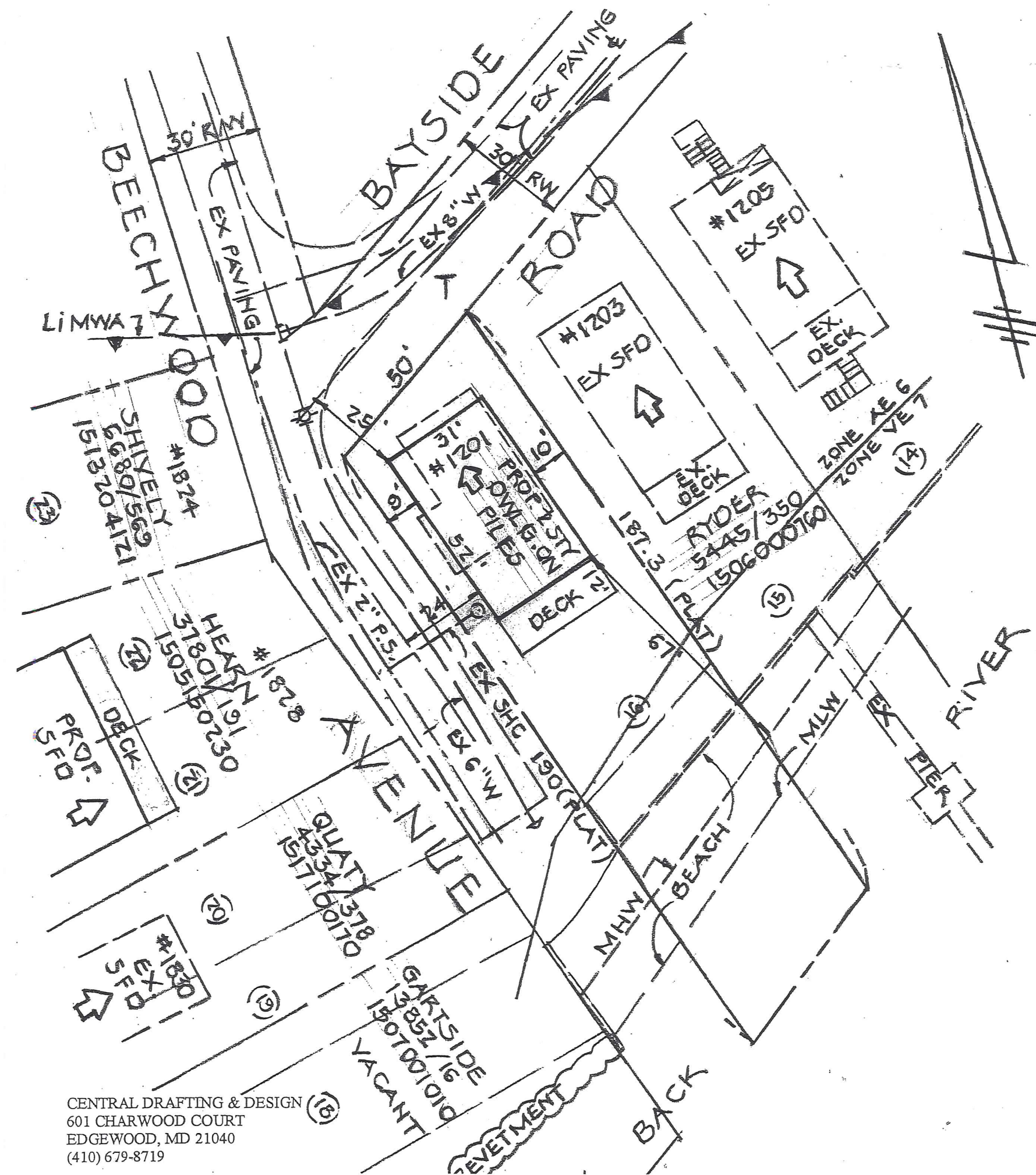
Prior Zoning Cases:

Concurrent Cases:

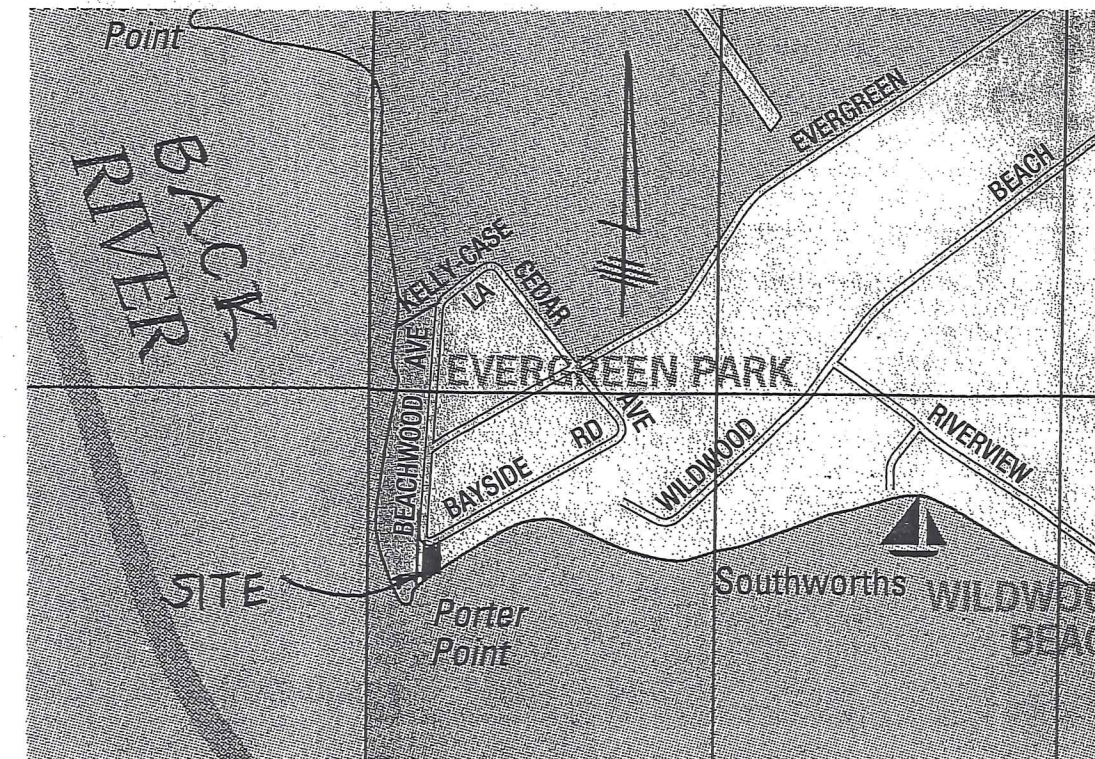
Violation Cases:

Closing Date: 5/1/2017

Miscellaneous:



CENTRAL DRAFTING & DESIGN
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719



VICINITY MAP
SCALE: 1" = 1000'

NOTES

1. ZONING.....RC5 (MAP 104C3)
2. AREA TO MHW.....6,909 S.F. = 0.159 ACRE +/-
3. SITE IS LOCATED WITHIN THE CBCA AND 100 YEAR FLOOD ZONE
4. PUBLIC WATER AND SEWER
5. NO PREVIOUS ZONING HISTORY OR VIOLATION ARE KNOWN TO EXIST
6. NO HISTORIC STRUCTURES OR UNDERGROUND STORAGE TANKS ARE KNOWN TO EXIST.

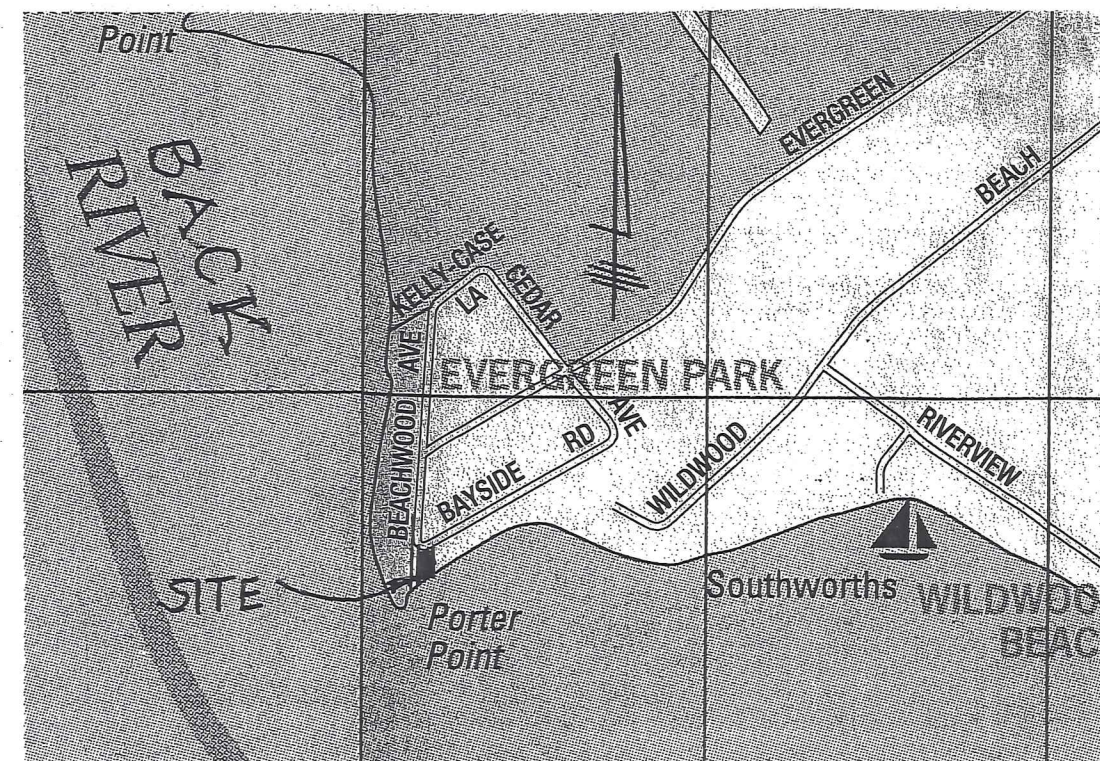
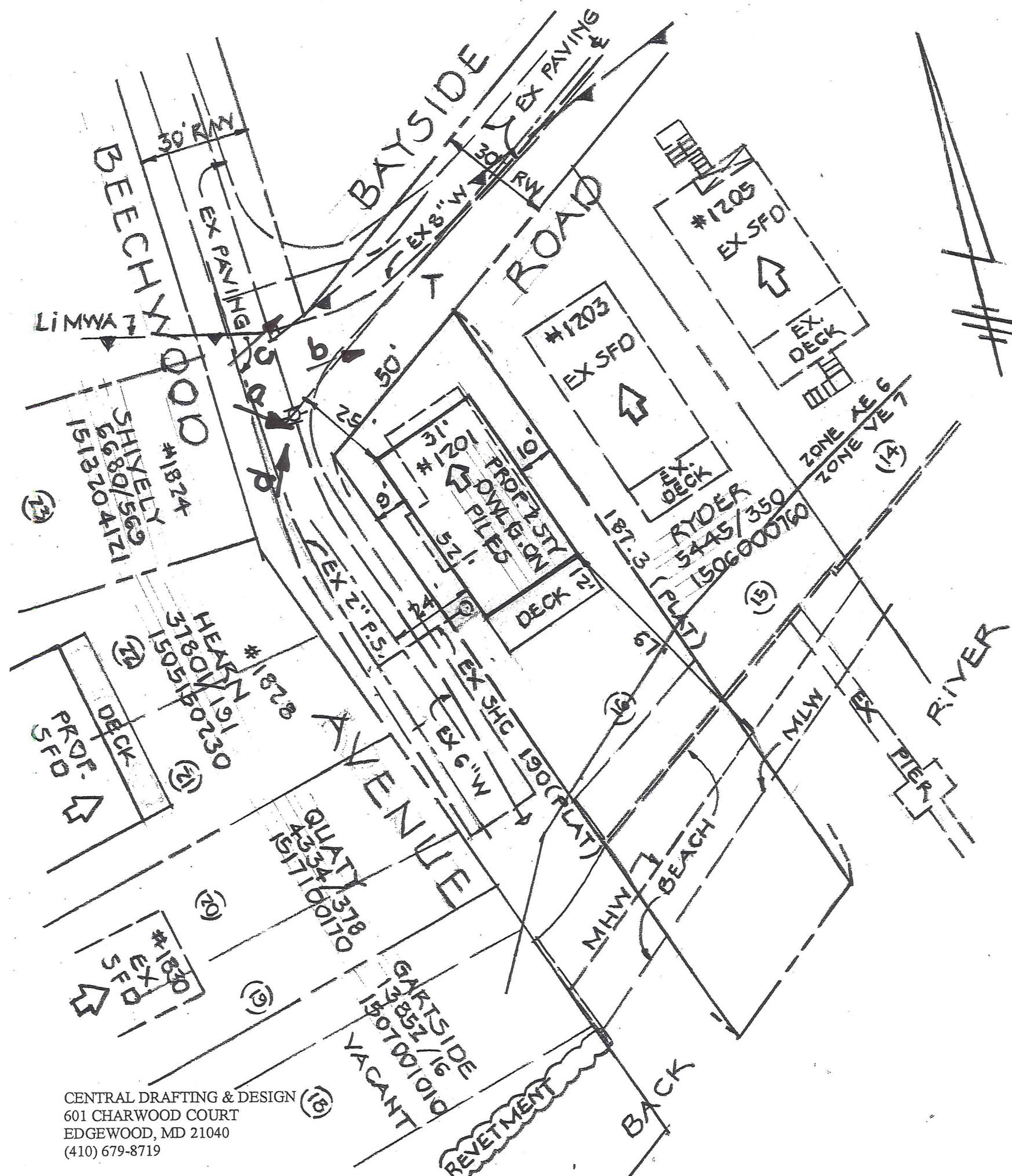
OWNER

JAMES AND BETH RICH
5613 TRAMORE ROAD
BALTIMORE, MD. 21214
DEED REF: L.38604 F.248
ACCT. NO. 1513401320

PETITIONER'S
EXHIBIT NO. 1

**PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE
1201 BAYSIDE ROAD**

LOT 16 EVERGREEN PARK P.B. 7/174
ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 30 FEET MARCH 11, 2017



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OWNER

**JAMES AND BETH RICH
5613 TRAMORE ROAD
BALTIMORE, MD. 21214
DEED REF: L.38604 F.248
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PETITIONER'S
EXHIBIT NO. 6a-e

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

1201 BAYSIDE ROAD
LOT 16 EVERGREEN PARK P.B. 7/174
ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 30 FEET MARCH 11, 2017