

MEMORANDUM

DATE: August 8, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0324-A – Appeal Period Expired

The appeal period for the above-referenced case expired on August 7, 2017. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c:  Case File
Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE *

(1500 Chesapeake Road)

15th Election District *

6th Council District *

David A. & Courtney E. Chivalal *

Petitioners *

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0324-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, David A. and Courtney E. Chivalal ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open wood deck with a front yard setback of 13.1 ft. in lieu of the required 37.5 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' 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 June 19, 2017 submitted by the Department of Environmental Protection and Sustainability (DEPS).

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 18, 2017, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in

ORDER RECEIVED FOR FILING

Date 7-7-17

By DW

the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of 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 Petitioners.

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 7th day of **July, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to § 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open wood deck with a front yard setback of 13.1 ft. in lieu of the required 37.5 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioners must comply with the ZAC comment submitted by DEPS, dated June 19, 2017; a copy of which is attached hereto and made a part hereof.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 7-7-17

By EW

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: June 19, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0324-A
Address 1500 Chesapeake Road
(Chival Property)

Zoning Advisory Committee Meeting of **June 19, 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 is subject to Critical Area requirements. The applicant is proposing to allow an existing covered porch with less front yard setback than permitted. The lot is not waterfront, and the porch must meet all LDA requirements, including lot coverage limits and afforestation. The site plan also shows a 375 square foot addition on the side of the dwelling. The site plan shows the site acreage as 28,887 square feet, but the tax records show the site as 27,124 square feet. The correct site acreage must be provided. Lot coverage is limited to a maximum of 5,445 square feet with mitigation required for any lot coverage between 15% and 5,445 square feet. As shown on the plan, proposed total lot coverage is under 15% for either site acreage and it appears that the existing covered porch will not increase lot coverage over the limit. 8 trees are required to meet the afforestation requirement; any existing trees to remain can be counted towards this requirement. If the afforestation requirements are met, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is not waterfront. If the afforestation requirement will be met it will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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

As submitted, the Critical Area information is incomplete, however if the afforestation requirement will be met then the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: June 19, 2017

ORDER RECEIVED FOR FILING

Date 7-7-17

By BW



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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

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

Address 1300 CHEESAPEAKE RD. MIDDLE RIVER, MD. 21220 Currently zoned RC-5
 Deed Reference 35412 / 00120 10 Digit Tax Account # 2200002193
 Owner(s) Printed Name(s) DAVID A & COURTNEY E CHIVERAL

(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) 301.1.A BCZR
To permit an open wood deck with a front yard setback of 13.1' in lieu of the required 37.5'

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):

DAVID A CHIVERAL / COURTNEY E CHIVERAL

Name #1 – Type or Print

Name #2 – Type or Print

[Signature]
Signature #1

[Signature]
Signature #2

1300 CHEESAPEAKE RD MIDDLE RIVER, MD

Mailing Address

City

State

21220

443-301-3874

COURTNEY/ELISE 92@
Email Address YAHOO.COM

Zip Code

Telephone #

Email Address

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

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

DAVID A CHIVERAL

Name – Type or Print

[Signature]
Signature

1300 CHEESAPEAKE RD MIDDLE RIVER, MD

Mailing Address

City

State

21220

443-301-3874

DAVIDCHIVERAL@GMAIL
Email Address .COM

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.

BY

Administrative Law Judge for Baltimore County

CASE NUMBER 2017-0324-A

Filing Date 6/6/17

Estimated Posting Date 6/18/17

Reviewer JR

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: 1500 CHEESAPEAKE RD MIDDLE RIVER MARYLAND 21220
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)

The porch was a main selling point when purchasing the house. Upon building our addition, we found out one of the previous owners had built the porch without a permit. We are trying to bring the porch up to comply with county code. In order to do that, the county has asked us to apply for a variance. We love our porch and use it quite often. We want the porch safe and up to code. So we ask that you please grant us this variance so we can enjoy our porch for years to come.

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

David A Chival
Signature of Owner (Affiant)

DAVID A CHIVAL
Name- Print or Type

Courtney E Chival
Signature of Owner (Affiant)

COURTNEY E CHIVAL
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:

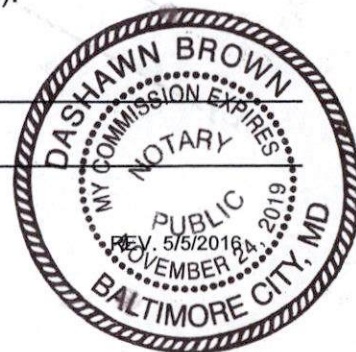
I HEREBY CERTIFY, this 23 day of May, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: David A Chival AND Courtney E Chival

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

AS WITNESS my hand and Notaries Seal

Dashawn Brown
Notary Public
My Commission Expires 11/24/2019



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: 1500 CHESAPEAKE RD MIDDLE RIVER MARYLAND 21220
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)

The porch was a main selling point when purchasing the house. Upon building the addition, we found out that one of the previous owners had built the porch without a permit. We are trying to bring up the porch to comply with county code. In order to do that, the county has asked us to apply for a variance. We love our porch and live it quite often. We want the porch safe and up to code. So we ask that you please grant us this variance so that we can enjoy our porch for years to come.

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

David A Chival
Signature of Owner (Affiant)

DAVID A CHIVAL
Name- Print or Type

Courtney E Chival
Signature of Owner (Affiant)

COURTNEY E CHIVAL
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 23 day of May, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

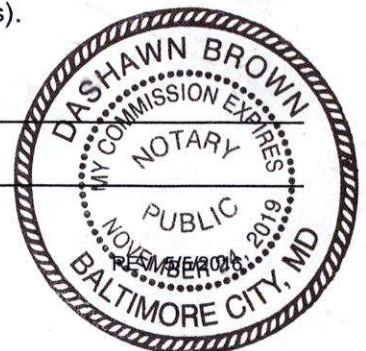
Print name(s) here: David A Chival AND Courtney E Chival

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

AS WITNESS my hand and Notaries Seal

Dashawn Brown
Notary Public

11/24/2019
My Commission Expires





ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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

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

Address 1500 CHEESAPEAKE RD. MIDDLE RIVER, MD 21220 Currently zoned RC-5
Deed Reference 35412 / 00120 10 Digit Tax Account # 2 2 0 0 0 0 2 1 9 3
Owner(s) Printed Name(s) DAVID A & COURTNEY E CHIVERAL

(SELECT THE HEARING(S) BY MARKING ☒ 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) 301.1. A BC22.
To permit an open wood deck with a front yard setback of 13.1' in lieu of the required 37.5'

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):

DAVID A CHIVERAL / COURTNEY E CHIVERAL
Name #1 – Type or Print Name #2 – Type or Print
[Signature] [Signature]
Signature #1 Signature #2

1500 CHEESAPEAKE RD MIDDLE RIVER MD
Mailing Address City State
21220 / 443-301-3874 / COURTNEYEL48292@YAHOO.COM
Zip Code Telephone # Email Address

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

Name- Type or Print
Signature
Mailing Address City State
Zip Code Telephone # Email Address

Representative to be contacted:

DAVID A CHIVERAL
Name – Type or Print
[Signature]
Signature
1500 CHEESAPEAKE RD MIDDLE RIVER, MD
Mailing Address City State
21220 / 443-301-3874 / DAVIDCHIVERAL@GMAIL.COM
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 6 day of July 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 2017-0324-A Filing Date 6/4/17 Estimated Posting Date 6/18/17 Reviewer JF

Zoning property description 1.

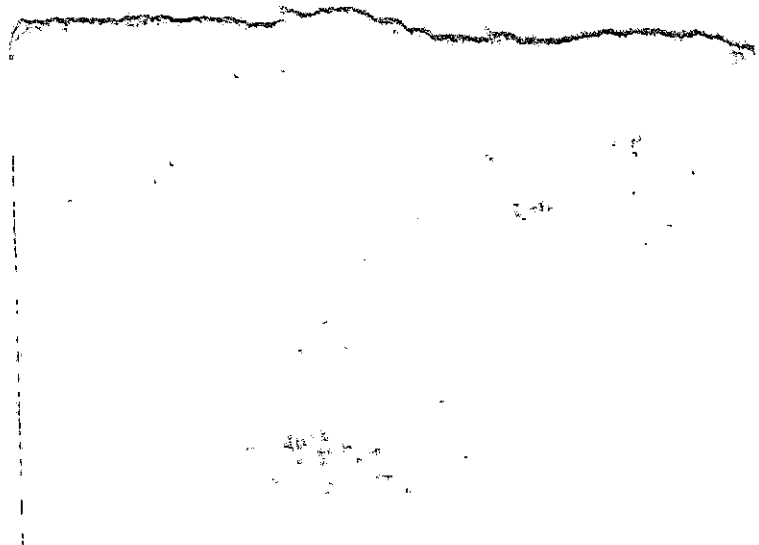
1500 -Chesapeake rd -

Middle River Maryland 21220.

Beginning for the first corner formed by intersection of the southeast side of Bowley's Quarter Road, 40 feet wide, and north east side of Chesapeake road, 30 feet wide, as shown on plat No. 3, Bowley's Quatters revised April 25, 1930, and recorded among land records of Baltimore county in plat book No. 9, folio 56; and running thence from said place of beginning binding on the said feet; thence leaving the south east side of Bowley's Quarryers road, North 58 degrees 08 minutes East, as surveyed, 100 feet thence leaving southeast side of Bowley's Quarters road and running 46 degrees 42 minutes East 108.34 feet to intersect the northwestern outline of lot 51 on plat binding northwestern outline of lot No. 51 running 60 degrees 15 minutes west 100 feet to intersect north east side of Chesapeake road binding and running north 47 degrees 15 minutes west 104.80 feet more or less to the place of beginning. Being the southwestern part of lots Nos. 49 and 50 and all of Lot 51. Plat of Bowley's Quarters is recorded among the land records of Baltimore county in plat book WHM No. 9, folio 56.

Total acreage of property .6631 AC or 28,887 sq feet

This property is located in the 15th ELECTION DISTRICT BALTIMORE COUNTY MARYLAND.



CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

CASE NO: 2017-0324-A

PETITIONER/DEVELOPER

DAVID CHIVERAL

DATE OF HEARING/CLOSING:

7/3/17

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

1500 CHESAPEAKE AVE

THIS SIGN(S) WERE POSTED ON June 18, 2017
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 6/18/17
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE

(SIGN POSTER)

9912 MADBROOK RD.
BALTO. MD. 21234

(ADDRESS)

PHONE NUMBER: 443-629-3411



W. J. G. 6/18/17

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0324 -A Address 1500 Chesapeake Rd.

Contact Person: J. Fernando Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6-6-17 Posting Date: 6-18-17 Closing Date: 7-3-17

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

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2017- 0324 -A Address 1500 Chesapeake Rd.

Petitioner's Name DAVID CHIVERAL Telephone 443-301-3874

Posting Date: 6-18-17 Closing Date: 7-3-17

Wording for Sign: To Permit an open wood deck with a front yard setback of 13.1' in lieu of the required 37.5'

Revised 7/9/15

**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: 2017-0324-A
Property Address: 1500 Chesapeake Road Baltimore, Md 21220
Property Description: _____

Legal Owners (Petitioners): David A & Courtney E Chiveral
Contract Purchaser/Lessee: 443/301-3874 courtney/elyse92@yahoo.com

PLEASE FORWARD ADVERTISING BILL TO:

Name: David A. & Courtney E. Chiveral
Company/Firm (if applicable): _____
Address: 1500 Chesapeake Road
Baltimore, Maryland ~~21220~~ 21220

Telephone Number: 443 301 3874

Revised 7/9/2015

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

NO 153086

Date: 6/6/17

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	800	0005		6150				75.00

Total: 75.00

Rec From: Cedar Knoll LLC

For: Ad. Var. case # 2017-0324-A
1500 Chesapeake Rd.

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
 6/07/2017 6/06/2017 10:54:20 1
 REG 0501 WALKIN LJR
 >>RECEIPT # 724017 6/06/2017 OFLN
 Dept 5 528 ZONING VERIFICATION
 CR NO. 153086
 Recpt Tot \$75.00
 \$75.00 CK \$0.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

July 3, 2017

David A & Courtney E Chival
1500 Chesapeake Road
Middle River MD 21220

RE: Case Number: 2017-0324 A, Address: 1500 Chesapeake Avenue

Dear Mr. & Ms. Chival:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 6, 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 that reads "W. Carl Richards, Jr." The signature is stylized with a large, flowing "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

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

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION

Pete K. Rahn, Secretary
Gregory Slater, Administrator

STATE HIGHWAY
ADMINISTRATION

Date: 6/14/17

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.

2017-0324-A
Administrative Variance.
David A. & Courtney E. Chivalier
1500 Chesapeake 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

Maryland Department of Transportation
State Highway Administration

320 West Warren Road, Hunt Valley, MD 21030

410.229.2300 | TTY 800.735.2258 | roads.maryland.gov

My telephone number/toll-free number is 866.998.0367

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: June 19, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0324-A
Address 1500 Chesapeake Road
(Chival Property)

Zoning Advisory Committee Meeting of **June 19, 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 is subject to Critical Area requirements. The applicant is proposing to allow an existing covered porch with less front yard setback than permitted. The lot is not waterfront, and the porch must meet all LDA requirements, including lot coverage limits and afforestation. The site plan also shows a 375 square foot addition on the side of the dwelling. The site plan shows the site acreage as 28,887 square feet, but the tax records show the site as 27,124 square feet. The correct site acreage must be provided. Lot coverage is limited to a maximum of 5,445 square feet with mitigation required for any lot coverage between 15% and 5,445 square feet. As shown on the plan, proposed total lot coverage is under 15% for either site acreage and it appears that the existing covered porch will not increase lot coverage over the limit. 8 trees are required to meet the afforestation requirement; any existing trees to remain can be counted towards this requirement. If the afforestation requirements are met, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is not waterfront. If the afforestation requirement will be met it will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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

As submitted, the Critical Area information is incomplete, however if the afforestation requirement will be met then the relief requested will be consistent with established land-use policies.

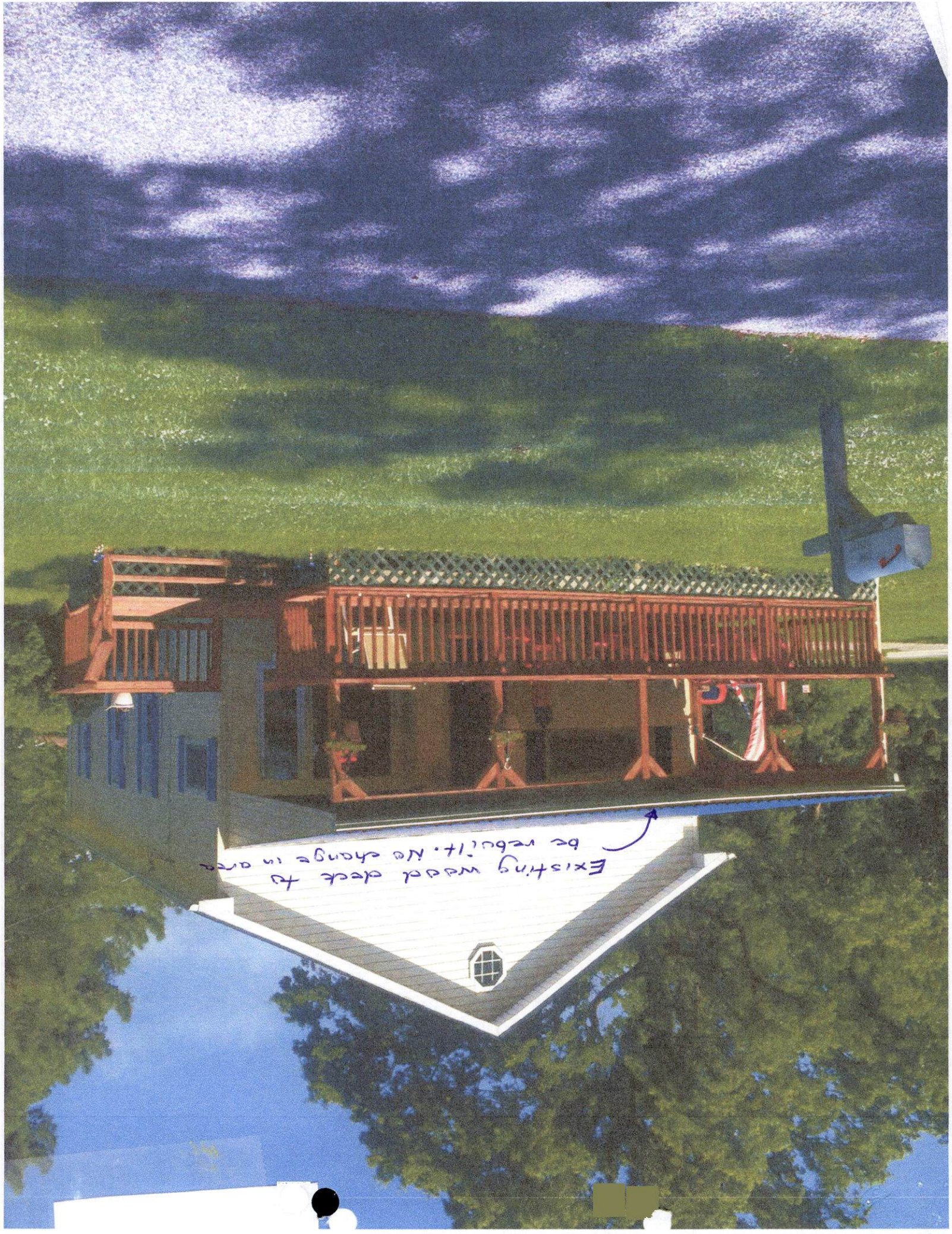
Reviewer: Regina Esslinger

Date: June 19, 2017

C H E C K L I S T

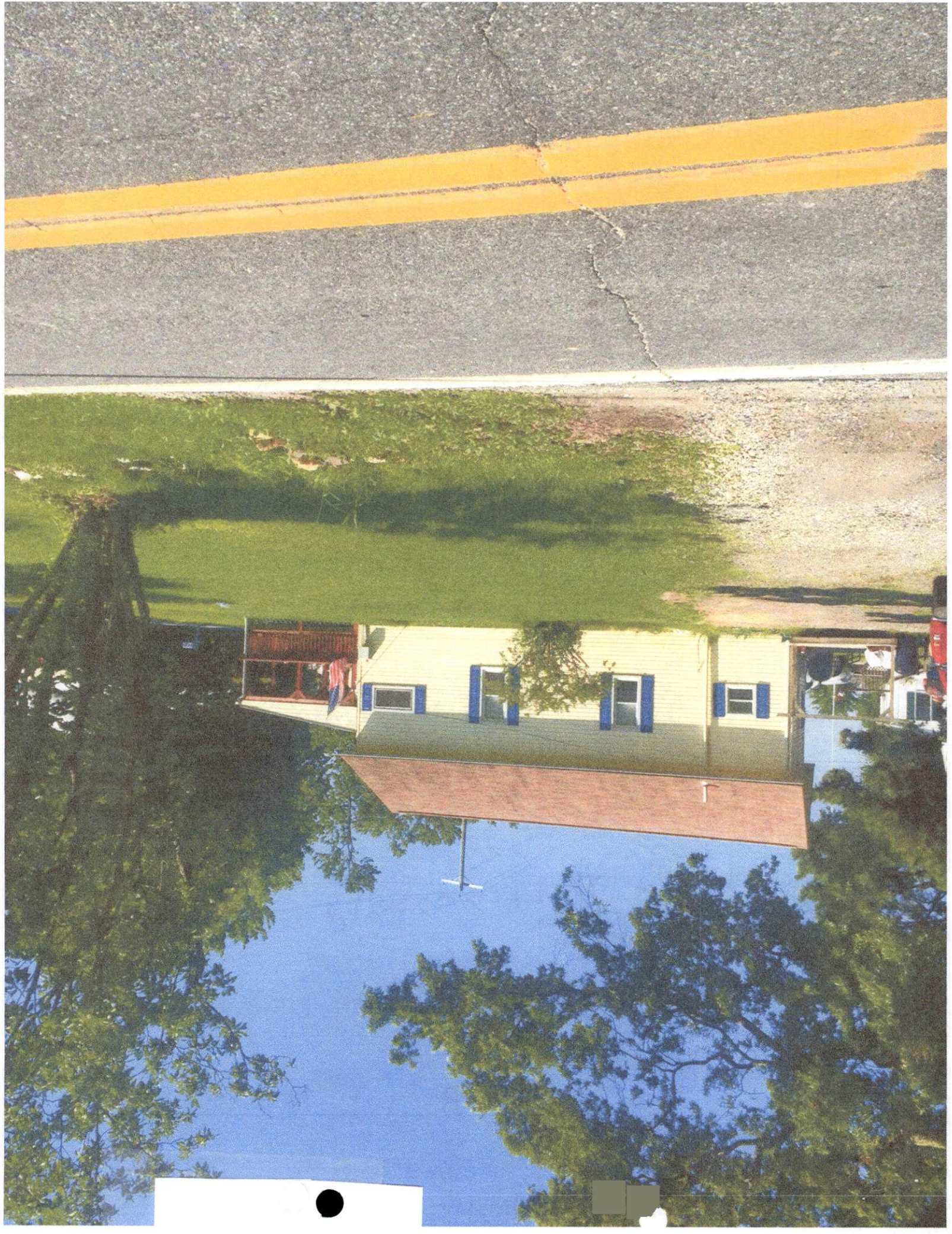
<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>6-19</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>6-14</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>6-18-17</u>	by <u>Ogle</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____



Existing wood deck to
be rebuilt. No change in area













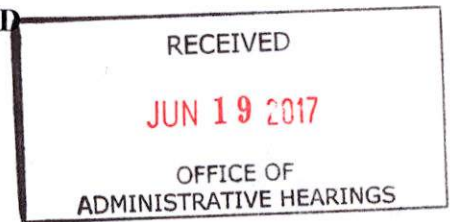
Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 2200002193			
Owner Information					
Owner Name:	KENT COURTNEY ELYSE CHIVERAL DAVID ALLEN		Use:	RESIDENTIAL	
Mailing Address:	1500 CHESAPEAKE RD BALTIMORE MD 21220-4423		Principal Residence:	YES	
			Deed Reference:	/37490/ 00223	
Location & Structure Information					
Premises Address:		1500 CHESAPEAKE RD BALTIMORE 21220-4423		Legal Description:	LT 51 PT 49-50 1500 CHESAPEAKE RD ES BOWLEYS QUARTERS
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0098	0011	0016		0000	51 2015 3 0009/0056
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area		Property Land Area	County Use
1941	960 SF			27,124 SF	04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1	NO	STANDARD UNIT	SIDING	1 full	
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2015	07/01/2016	07/01/2017	
Land:	125,700	125,700			
Improvements	42,100	50,600			
Total:	167,800	176,300	173,467	176,300	
Preferential Land:	0			0	
Transfer Information					
Seller: CANATELLA PAUL L		Date: 05/10/2016		Price: \$197,000	
Type: ARMS LENGTH IMPROVED		Deed1: /37490/ 00223		Deed2:	
Seller: NATIONSTAR MORTGAGE LLC		Date: 09/29/2014		Price: \$95,100	
Type: NON-ARMS LENGTH OTHER		Deed1: /35412/ 00120		Deed2:	
Seller: CHAMPION MORTGAGE COMPANY		Date: 09/29/2014		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /35412/ 00116		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					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application Date:					

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: June 19, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0324-A
Address 1500 Chesapeake Road
(Chival Property)

Zoning Advisory Committee Meeting of **June 19, 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 is subject to Critical Area requirements. The applicant is proposing to allow an existing covered porch with less front yard setback than permitted. The lot is not waterfront, and the porch must meet all LDA requirements, including lot coverage limits and afforestation. The site plan also shows a 375 square foot addition on the side of the dwelling. The site plan shows the site acreage as 28,887 square feet, but the tax records show the site as 27,124 square feet. The correct site acreage must be provided. Lot coverage is limited to a maximum of 5,445 square feet with mitigation required for any lot coverage between 15% and 5,445 square feet. As shown on the plan, proposed total lot coverage is under 15% for either site acreage and it appears that the existing covered porch will not increase lot coverage over the limit. 8 trees are required to meet the afforestation requirement; any existing trees to remain can be counted towards this requirement. If the afforestation requirements are met, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

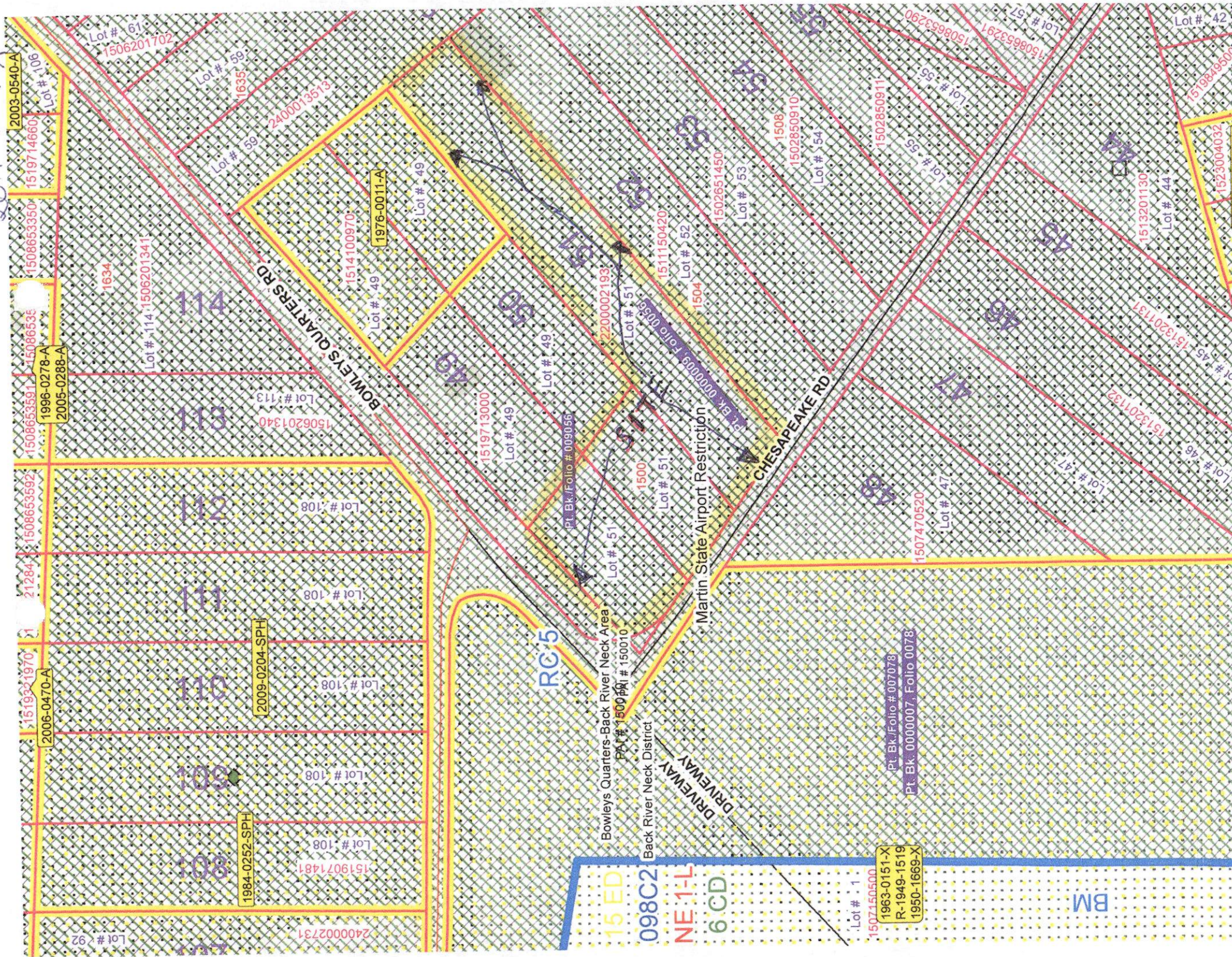
This property is not waterfront. If the afforestation requirement will be met it will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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

As submitted, the Critical Area information is incomplete, however if the afforestation requirement will be met then the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: June 19, 2017

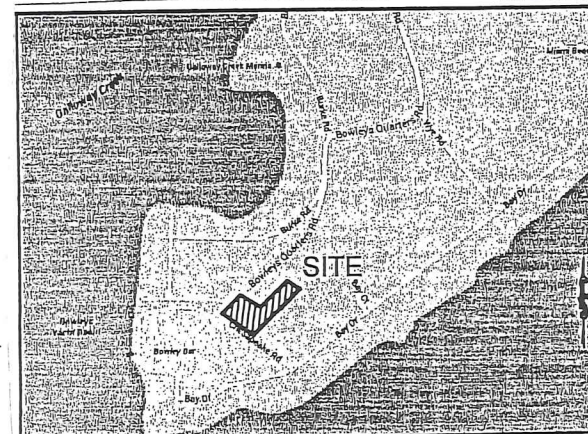


ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)

ADDRESS 1500 CHESAPEAKE ROAD OWNER(S) NAME(S) DAVID & COURTNEY CHIVERAL

SUBDIVISION NAME BOWLEYS QUARTERS, PLAT #3 LOT # 52 BLOCK # SECTION #

PLAT BOOK # 9 FOLIO # 56 10 DIGIT TAX # 2200002193 DEED REF. # 35412/00120



VICINITY MAP
N.T.S.

MAP IS NOT TO SCALE

ZONING MAP# 098C2

SITE ZONED RC 5

ELECTION DISTRICT 15th

COUNCIL DISTRICT 6th

LOT AREA ACREAGE 0.6631

OR SQUARE FEET 28,887

HISTORIC? NO

IN CBCA? YES

IN FLOOD PLAIN? ZONE X

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE ☐

SEWER IS:

PUBLIC ☒ PRIVATE ☐

PRIOR HEARING? 2017-0009-A

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

GENERAL NOTES:

1. BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON GPS OBSERVATIONS PROJECTED FROM THE MARYLAND COORDINATE SYSTEM (NAD83/NA2011) EPOCH 2010.
2. THE BOUNDARY AND LOCATION OF IMPROVEMENTS SHOWN HEREON ARE DERIVED FROM FIELD RUN SURVEY PERFORMED BY PRECISION SURVEY AND MAPPING LLC.
3. THE PROPERTY OUTLINE WAS DERIVED FROM DEEDS AND PLAT INFORMATION AVAILABLE IN THE PUBLIC RECORD.
4. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT.
5. THE SUBJECT PROPERTY LIES WITHIN A ZONE X AND ZONE X (SHADED ZONE) BASED ON FEMA FLOOD INSURANCE RATE MAP NUMBER 2400100445G.
6. BALTIMORE COUNTY RECOGNIZES PREVIOUS FLOOD MAPS AND HAS IDENTIFIED THE BFE AS 8.5 FEET BASED ON FEMA FLOOD INSURANCE MAP 2400100445F DATED 9/26/2008.
7. PROPOSED FINISHED FLOOR IS AS SHOWN. CONTRACTOR TO ENSURE POSITIVE DRAINAGE AWAY FROM FOUNDATION.
8. TOPOGRAPHIC DATA SHOWN HEREON WAS OBTAINED FROM AVAILABLE BALTIMORE COUNTY GIS DATA.
9. SUBJECT PROPERTY IS ZONED RC-5 BASED ON INFORMATION AVAILABLE ON BALTIMORE COUNTY'S MY NEIGHBORHOOD WEB SITE.

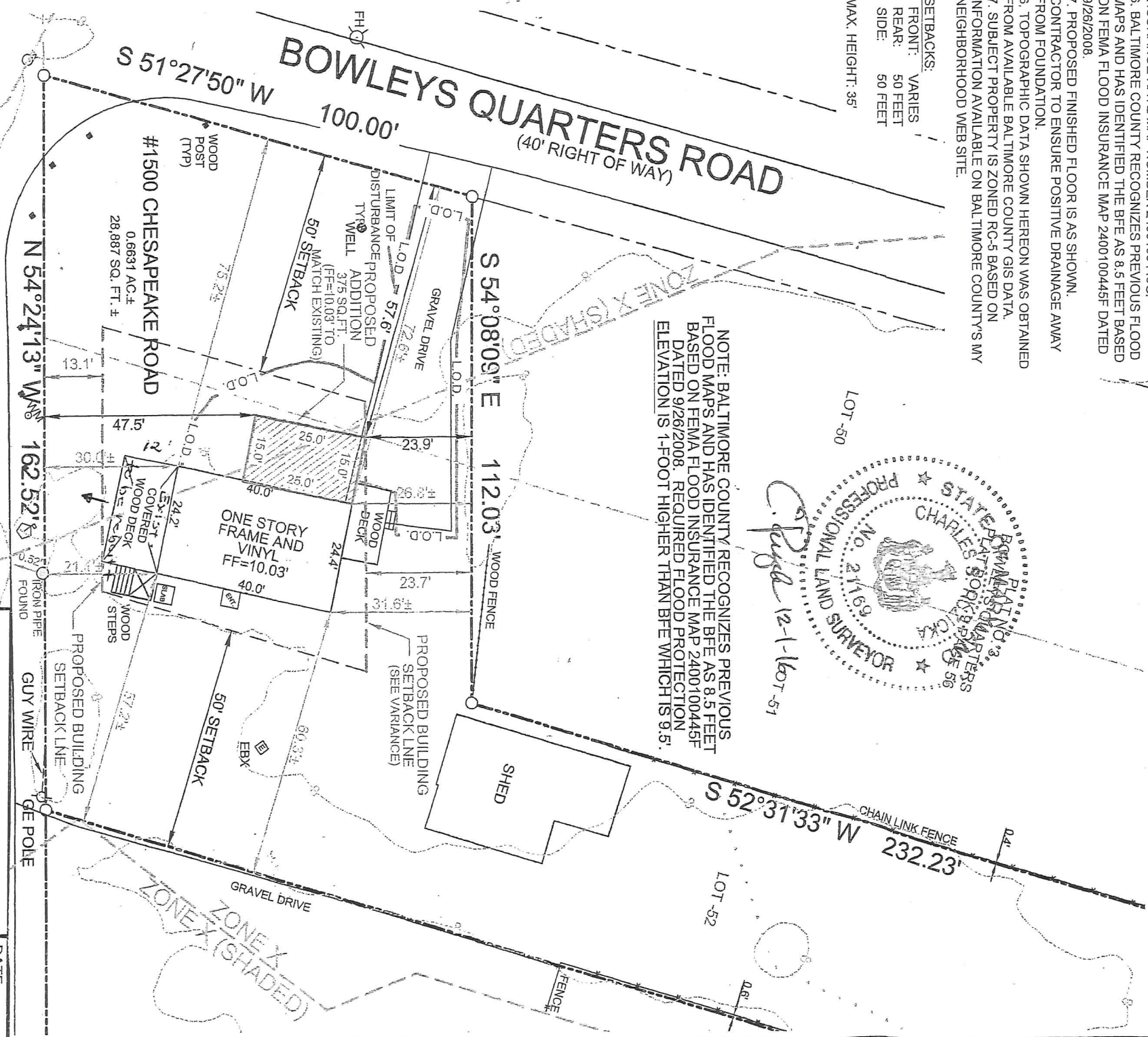
SETBACKS:
FRONT: VARIES
REAR: 50 FEET
SIDE: 50 FEET
MAX. HEIGHT: 35'

NOTE: BALTIMORE COUNTY RECOGNIZES PREVIOUS FLOOD MAPS AND HAS IDENTIFIED THE BFE AS 8.5 FEET BASED ON FEMA FLOOD INSURANCE MAP 2400100445F DATED 9/26/2008. REQUIRED FLOOD PROTECTION ELEVATION IS 1-FOOT HIGHER THAN BFE WHICH IS 9.5'.



Page 12-1-1607-51

8. LIMIT OF DISTURBANCE = 1774 SQ. FT.
9. IMPERVIOUS AREA CALCULATIONS:
EXISTING:
STRUCTURES
(SHED & HOUSE) 1898 SQ. FT.
GRAVEL DRIVE 1203 SQ. FT.
WOOD DECK & STEPS 492 SQ. FT.
SIDEWALK/CONC. 31 SQ. FT.
TOTAL: 3624 SQ. FT.
PROPOSED:
HOUSE ADDITION 375 SQ. FT.
TOTAL: 375 SQ. FT.
ADDITIONAL IMPERVIOUS AREA = 375 SQ. FT.



CHESAPEAKE ROAD
(30' RIGHT OF WAY)

PRECISION
Using Modern Technology to Map America
6809 South River Drive
Baltimore, Maryland 21220
www.precision-surveys.us
Phone: 410-459-2124

DATE 5/31/16
SCALE 1"=30'
DESIGNED BY
DRAWN BY CSR

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ [MARK TYPE REQUESTED WITH X]

ADDRESS 1500 CHESAPEAKE ROAD

OWNER(S) NAME(S) DAVID & COURTNEY CHIVERAL

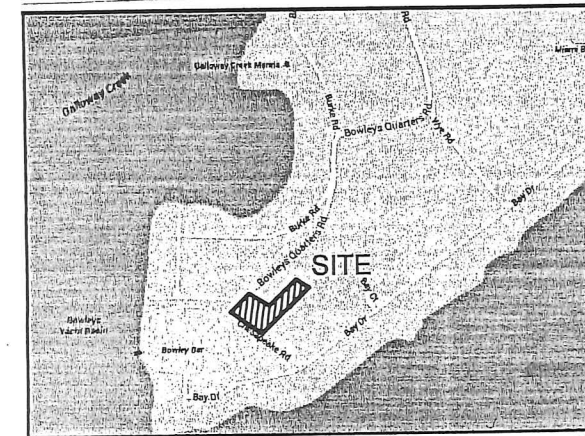
SUBDIVISION NAME BOWLEYS QUARTERS, PLAT #3

LOT # 52

BLOCK # _____

SECTION # _____

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UTILITIES? MARK WITH X

WATER IS:

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PRIOR HEARING? 2017-0009-A

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Pet. Ech. 1

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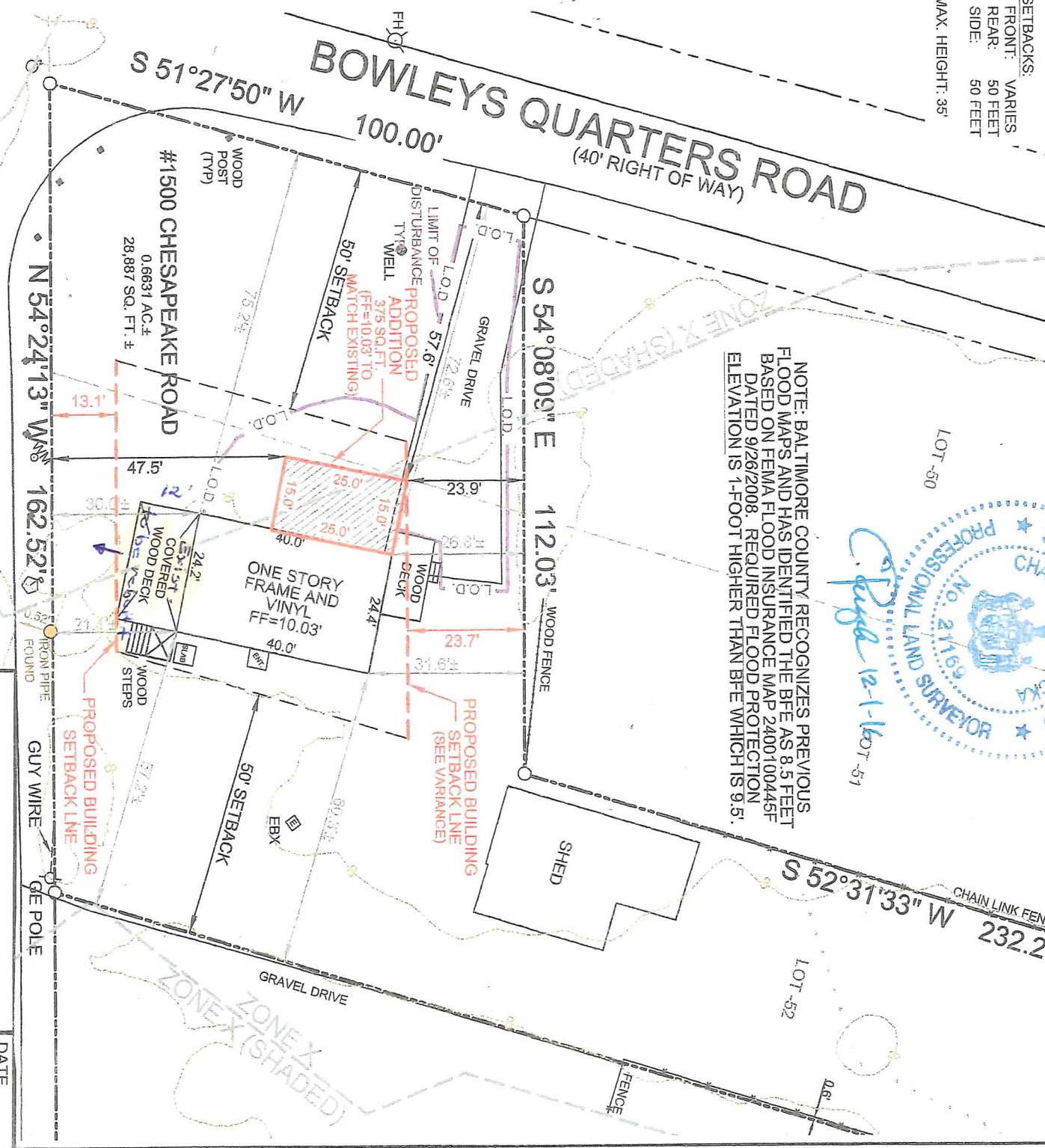
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