

M E M O R A N D U M

DATE: October 13, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0353-A – Appeal Period Expired

The appeal period for the above-referenced case expired on October 12, 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 VARIANCE

(2028 Poplar Road)

15th Election District

7th Council District

Harry Sample, Jr., et al

Legal Owners

William M. Fejes, *Contract Purchaser*

Petitioners

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0353-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Harry Sample, Jr., et al, owners of the subject property and William M. Fejes, contract purchaser ("Petitioners"). The variance request pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.) seeks: (1) To allow a lot size of 0.58 acres or 25,387 sq. ft. on the Back River Neck District; (2) To allow a setback for a principal building from the centerline of Poplar Road of 69 ft. in lieu of the required 75 ft.; (3) To allow minimum side yard setbacks of 17 ft. and 20 ft. in lieu of the required 50 ft., respectively; (4) To allow minimum side yard setbacks for a waterfront deck of 20 ft. and 27 ft. in lieu of the required 37.5 ft., respectively; and (5) To allow a minimum side yard setback for a road side porch of 23 ft. in lieu of the required 37.5 ft. A site plan was marked as Petitioners' Exhibit 1.

Will Fejes and professional engineer Rick Richardson appeared in support of the petition. John Gontrum, Esq. represented the Petitioners. One neighbor attended the hearing to obtain additional information regarding the requests. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR) and the Department of Environmental Protection and Sustainability (DEPS).

ORDER RECEIVED FOR FILING

Date

9/12/17

By

sen

The subject property is approximately 0.58 acres in size and is zoned RC-5. The property is unimproved and the contract purchaser proposes to construct a single family dwelling on the lot. Given the onerous setback requirements in the RC-5 zone, variance relief is 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).

The waterfront property has irregular dimensions and is therefore unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct a dwelling on this lot. 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.

Susan White (a neighbor) expressed concern with whether the grading of the site or construction of the dwelling would increase the volume of storm water which flows across her property. As counsel noted, Petitioners are required by law to complete grading and construction activities in such a manner that does not cause an increased volume of surface water to drain across neighboring properties. Mr. Richardson explained there is a storm drain inlet shown on the plan (on Poplar Road at the southeast corner of the lot) which conveys water through underground pipes into Sue Creek. Ms. White believes this storm drain was constructed in approximately 1980, and as noted in the DPR comment Baltimore County apparently has no record of an easement for this facility.

ORDER RECEIVED FOR FILING

Date

9/12/17

By

Sen

THEREFORE, IT IS ORDERED, this 12th day of **September, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for variance seeking: (1) To allow a lot size of 0.58 acres or 25,387 sq. ft. on the Back River Neck District; (2) To allow a setback for a principal building from the centerline of Poplar Road of 69 ft. in lieu of the required 75 ft.; (3) To allow minimum side yard setbacks of 17 ft. and 20 ft. in lieu of the required 50 ft., respectively; (4) To allow minimum side yard setbacks for a waterfront deck of 20 ft. and 27 ft. in lieu of the required 37.5 ft., respectively; and (5) To allow a minimum side yard setback for a road side porch of 23 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 necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time 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. Petitioners must prior to issuance of permits comply with flood protection and Chesapeake Bay Critical Area Regulations.
3. Petitioners must convey to Baltimore County at no cost any easement(s) necessary for the operation, inspection and/or maintenance of the storm drain facility at the property.

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

9/12/17

By

sln



KEVIN KAMENETZ
County Executive

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

September 12, 2017

John Gontrum, Esq.
One West Pennsylvania Avenue, Suite 300
Towson, Maryland 21204

RE: Petition for Variance
Case No. 2017-0353-A
Property: 2028 Poplar Road

Dear Mr. Gontrum:

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,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slm
Enclosure

c: Susan White, 2100 Poplar Road, Baltimore, Maryland 21221



CBCA

flood

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 2028 POPLAR ROAD which is presently zoned RC-5

Deed References: 26396/386 10 Digit Tax Account # 1519850310 1519850311

Property Owner(s) Printed Name(s) Harry Sample Jr, Pamela Wiegand, Harold Sample Jr, Mandy Sample

(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)

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:

WILLIAM M FEJES
Name- Type or Print

[Signature]
Signature

715 S LUTHERNE BALT. MD
Mailing Address City State

21224, 410-377-9465, fejesw@gmail.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

JOHN GONSTRUM
Name- Type or Print

1 W Pennsylvania Ave - SU 300
Signature

21004
Mailing Address City State

410 832-2055
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Harry Sample Jr, Pamela Wiegand
Name #1 - Type or Print Name #2 - Type or Print

Harry Sample Jr, Pamela Wiegand
Signature #1 Signature #2

2121 Silver Lane Balt. MD
Mailing Address City State

21221, 410 687 4003, W/A
Zip Code Telephone # Email Address

Representative to be contacted:

RICHARDSON ENGINEERING, LLC
Name - Type or Print

[Signature]
Signature

30 E PATONIA RD SUITE 500 TIMONUM, MD
Mailing Address City State

21093, 410 560-1502, RICK@RICHARDSONENGINEERING.NET
Zip Code Telephone # Email Address

CASE NUMBER 2017-0353-A Filing Date 6/29/17

Do Not Schedule Dates 9/12/17 Reviewer JR

Date 9/12/17 REV. 10/4/11

By Sen

ORDER RECEIVED FOR FILING

QINLI

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124820910 124820911
K.C. 2

VARIANCES REQUESTED

2028 POPLAR ROAD

- 1) From B.C.Z.R. §1A04.3.B.1 to allow a lot size of 0.58 acres or 25,387 square feet *PURSUANT TO SECTION 4A03.13 OF THE BCZR* on the Back River Neck DISTRICT. (IF NECESSARY)
- 2) From B.C.Z.R. §1A04.3.B.2.b to allow a setback for a principal building from the centerline of Poplar Road of 69' in lieu of the required 75'.
- 3) From B.C.Z.R. §1A04.3.B.2.b to allow minimum side yard setbacks of 17' and 20' in lieu of the required 50', *RESPECTIVELY.*
- 4) From B.C.Z.R. §301.1 to allow minimum side yard setbacks for a waterfront deck of 20' and 27' in lieu of the required 37.5', *RESPECTIVELY.*
- 5) From B.C.Z.R. §301.1 to allow minimum side yard setback for a roadside porch of 23' in lieu of the required 37.5'.

10/10/10

10/10/10

10/10/10

10/10/10

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

410-560-1502, fax 443-901-1208

**ZONING DESCRIPTION FOR THE
FEJES PROPERTY
LOCATED ON POPLAR ROAD
15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the north side of Poplar Road which is 30 feet wide at a distance of 387 feet east of the centerline of the nearest improved intersecting street (Lourdes Road) which is 30 feet wide. Being lots 74, 75 & 76 in the subdivision of "Cedar Beach", recorded in the land records of Baltimore County in Plat Book 7 Folio 186;

Containing a site area of 25,387 square feet, or 0.58 acres of land, more or less.



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 5125092

Sold To:

William Fejes - CU00613778
715 S Luzerne Ave
Baltimore, MD 21224-3732

Bill To:

William Fejes - CU00613778
715 S Luzerne Ave
Baltimore, MD 21224-3732

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

Aug 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: # 2017-0353-A
2028 Poplar Road
N/s Poplar Road, 387 ft. E/of centerline of Lourdes Road
15th Election District - 7th Councilmanic District
Legal Owner(s) Harry Sample, Jr., Mandy Sample, Pamela Wiegand
Contract Purchaser(s): William Fejes

Variance: 1. To allow lot size of 0.58 acres or 25,387 sq. ft., on the Back River Neck District (if necessary). 2. To allow a setback for a principal building from the centerline of Poplar Road of 69 ft. in lieu of the required 75 ft. 3. To allow minimum side yard setbacks of 17 ft. and 20 ft. in lieu of the required 50 ft. respectively. 4. To allow minimum side yard setbacks for a waterfront deck of 20 ft. and 27 ft. in lieu of the required 37.5 ft., respectively. 5. To allow a minimum side yard setback for a road side porch of 23 ft. in lieu of the required 37.5 ft.

Hearing: Friday, September 8, 2017 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

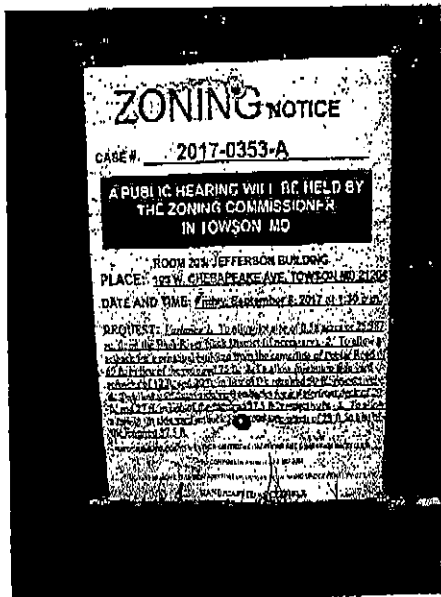
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

8/063 Aug. 17 5125092

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising





KEVIN KAMENETZ
County Executive

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

August 1, 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: 2017-0353-A

2028 Poplar Road

N/s Poplar Road, 387 ft. E/of centerline of Lourdes road

15th Election District – 7th Councilmanic District

Legal Owners: Harry Sample, Jr., Mandy Sample, Pamela Wiegand

Contract Purchaser: William Fejes

Variance 1. To allow lot size of 0.58 acres or 25,387 sq. ft., on the Back River Neck District (if necessary). 2. To allow a setback for a principal building from the centerline of Poplar Road of 69 ft. in lieu of the required 75 ft. 3. To allow minimum side yard setbacks of 17 ft. and 20 ft. in lieu of the required 50 ft., respectively. 4. To allow minimum side yard setbacks for a waterfront deck of 20 ft. and 27 ft. in lieu of the required 37.5 ft., respectively. 5. To allow a minimum side yard setback for a road side porch of 23 ft. in lieu of the required 37.5 ft.

Hearing: Friday, September 8, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Richardson Engineering, 30 E. Padonia Road, Ste. 500, Timonium 21093
William Fejes, 715 S. Luzerne Avenue, Baltimore 21224
Sample, Wiegand, 2121 Silver Lane, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 19, 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.**

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 17, 2017 Issue - Jeffersonian

Please forward billing to:
William Fejes
715 S. Luzerne Avenue
Baltimore, MD 21224

717-377-9465

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: 2017-0353-A

2028 Poplar Road

N/s Poplar Road, 387 ft. E/of centerline of Lourdes road

15th Election District – 7th Councilmanic District

Legal Owners: Harry Sample, Jr., Mandy Sample, Pamela Wiegand

Contract Purchaser: William Fejes

Variance 1. To allow lot size of 0.58 acres or 25,387 sq. ft., on the Back River Neck District (if necessary). 2. To allow a setback for a principal building from the centerline of Poplar Road of 69 ft. in lieu of the required 75 ft. 3. To allow minimum side yard setbacks of 17 ft. and 20 ft. in lieu of the required 50 ft., respectively. 4. To allow minimum side yard setbacks for a waterfront deck of 20 ft. and 27 ft. in lieu of the required 37.5 ft., respectively. 5. To allow a minimum side yard setback for a road side porch of 23 ft. in lieu of the required 37.5 ft.

Hearing: Friday, September 8, 2017 at 1:30 p.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.

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
2028 Poplar Road; N/S Poplar Road, 387' E	*	
of c/line of Lourdes Road	*	OF ADMINSTRATIVE
15 th Election & 7 th Councilmanic Districts		
Legal Owner(s): Harry, Jr., Mandy & Howard	*	HEARINGS FOR
Sample & Pamela Wiesand		
Contract Purchaser(s): William M. Fejes	*	BALTIMORE COUNTY
Petitioner(s)	*	2017-353-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

JUL 18 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 18th day of July, 2017, a copy of the foregoing Entry of Appearance was mailed to Richardson Engineering, 30 E. Padonia Road, Timonium, Maryland 21093 and John Gontrum, Esquire, 1 W. Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

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 petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the 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:

Item Number or Case Number: 2017-0353-A

Petitioner: WILLIAM FEJES

Address or Location: 2028 POPLAR RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: WILLIAM FEJES

Address: 715 S LUZERNE AVE

BALTIMORE, MD 21224

Telephone Number: 717-377-9465

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

NO 154792

Date: 6/28/17

Fund	Dept	Unit	Sub Unit	Rev	Sub	Obj	Sub Obj	Dept Obj	BS Acct	Amount
				Source/	Rev/					
001	806	0000		6150						75.00

Total: 75.00

Rec From: Whiteford, Taylor & Preston

For: Petition for Variance

2017-0353

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 6/29/2017 6/28/2017 10:34:01 1
 REG WSO1 WALKIN LJR
 >>RECEIPT # 727780 6/28/2017 OFLN
 Dept 5 528 ZONING VERIFICATION
 CR NO. 154792
 Recpt Tot \$75.00
 \$75.00 CK \$1.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

August 31, 2017

Harry Sample & Pamela Wiegand
Pamela Sample
2121 Silver Lane
Baltimore MD 21221

RE: Case Number: 2017-0353 A, Address: 2028 Poplar Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 29, 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
William M Fejes, 715 S Luzerne Avenue, Baltimore MD 21224
John Gontrum, Esquire, 1 W Pennsylvania Avenue, Suite 300, Towson MD 21204
Richardson Engineering, 30 E Padonia Avenue, Suite 500, Timonium MD 21093

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 7/17/17

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. 2017-0353-A

*Variance
Harry Sample Jr. Pamela Wicand, Mandy Sample,
Howard Sample.
2028 Poplar 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,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 8/8/2017

FROM: Andrea Van Arsdale
Director, Department of Planning



SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-353

INFORMATION:

Property Address: 2028 Poplar Road
Petitioner: Harry Sample, Jr., Pamela Wiegand, et al.
Zoning: RC 5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit a lot size of 0.58 acres or 25,387 square feet with setbacks of 69' from the centerline of a street, setbacks of 17' and 20' to a property line (side yards), setbacks of 20' and 27' for an open projection (waterfront) and 23' for an open projection (roadside) in lieu of the required 1.5 acres, 75', 50' and 37.5' respectively.

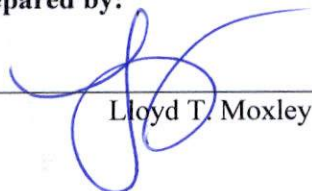
A site visit was conducted on July 18, 2017.

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

Please be advised that any proposed residential improvement will be subject to the RC 5 Performance Standards pursuant to § 1A04.4 of the BCZR. Architectural elevations must be submitted to the Department of Planning for review at the time of building permit application.

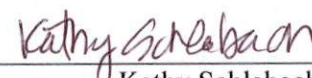
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
Patrick C. Richardson, Richardson Engineering, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

9-8

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 (DEPS) - Development Coordination

DATE: July 25, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017- 0353-A
Address 2028 Poplar Road
(Sample & Wiesand Property)

Zoning Advisory Committee Meeting of July 24, 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, roadside porch, and waterfront deck with zoning relief for lot size and setbacks. The proposed development must meet LDA and MBA requirements for lot coverage, and for principal structure setback from mean high water. Based on the property area above mean high water, the maximum Critical Area defined lot coverage allowance for this property is 5,445 square feet with mitigation for any approved lot coverage amount over 15%. If the applicant can meet these requirements, and meet all mitigation requirements for lot coverage and buffer impacts, the relief requested can result in minimal adverse impacts to water quality. Please be advised that Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront property located on Sue Creek with the required Critical Area buffer covering the majority of the property due to greater than 5% slopes within highly erodible soils. Allowing the principal building road centerline setback relief, and the side yard setback relief allows the proposed dwelling to meet MBA setback requirements from mean high water. Meeting this requirement, and all modified buffer area requirements, lot coverage requirements, tree requirements, and any mitigation requirements for buffer impacts will aid in the conservation of fish, plant, and wildlife habitat in the watershed.

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

If the development of this property can meet all modified buffer area, lot coverage, tree, and mitigation requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Paul Dennis

Date: July 24, 2017

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 24, 2017
Item No. 2017-0353-A

DATE: August 11, 2017

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

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.

Provide an easement for the storm drain locations; North East and South of this property. Proposed structure must be placed away from storm drain easement.

* * * * *

VKD:CEN
cc:file

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 8/8/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
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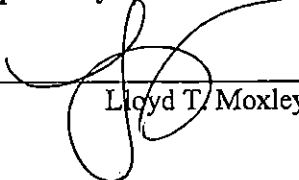
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For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
Patrick C. Richardson, Richardson Engineering, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

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Reviewer: Paul Dennis

Date: July 24, 2017

CASE NAME _____
CASE NUMBER 2017-0353
DATE 9-8-17

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
------	---------	------------------	----------

[illegible]

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER

CASE NUMBER

DATE 9-8

CITIZEN'S SIGN - IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>8/11</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>Comment</u>
<u>7/25</u>	DEPS (if not received, date e-mail sent _____)	<u>Comment</u>
<u>8/11</u>	FIRE DEPARTMENT	<u>no Obj</u>
<u>7/17</u>	PLANNING (if not received, date e-mail sent _____)	<u>noobj</u>
	STATE HIGHWAY ADMINISTRATION	
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>8/17/17</u>	
SIGN POSTING	Date: <u>8/19/17</u> by <u>SSG Black</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1519850310			
Owner Information					
Owner Name:	WIEGAND PAMELA S SAMPLE HARRY A JR ET AL		Use:	RESIDENTIAL NO	
Mailing Address:	2121 SILVER LN BALTIMORE MD 21221- 6137		Deed Reference:	/26396/ 00386	
Location & Structure Information					
Premises Address:	POPLAR RD 0-0000 Waterfront		Legal Description:	PRT LTS 74,75 598 E MARSH RD CEDAR BEACH	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref: 0012/ 0004
0098	0020	0273		0000	74 2018
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:		
Primary Structure Built	Above Grade Living Area		Finished Basement Area	Property Land Area 8,738 SF	County Use 34
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2017 As of 07/01/2018	
Land:		4,300	4,300		
Improvements		1,300	1,300		
Total:		5,600	5,600	5,600	
Preferential Land:		0			
Transfer Information					
Seller: SAMPLE MURIEL E		Date: 11/19/2007		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /26396/ 00386		Deed2:	
Seller: SUDBRINK JOHN,SR ET AL		Date: 01/27/1971		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /05161/ 00678		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017		07/01/2018	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	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:					

Case No.: 2017-0353-A

Exhibit Sheet

Petitioner/Developer

Protestant

10-13-17
PW

SLN
9/12/17

No. 1	Plan	
No. 2	Photos (2A-2F)	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Google Maps POPLAR RD LOT, ESSEX, MD



Imagery ©2017 Google, Map data ©2017 Google 100 ft

Measure distance

Total area: 24,358.67 ft² (2,262.99 m²)

Total distance: 714.81 ft (217.87 m)





Baltimore County - My Neighborhood





Baltimore County - My Neighborhood



Basemap Gallery



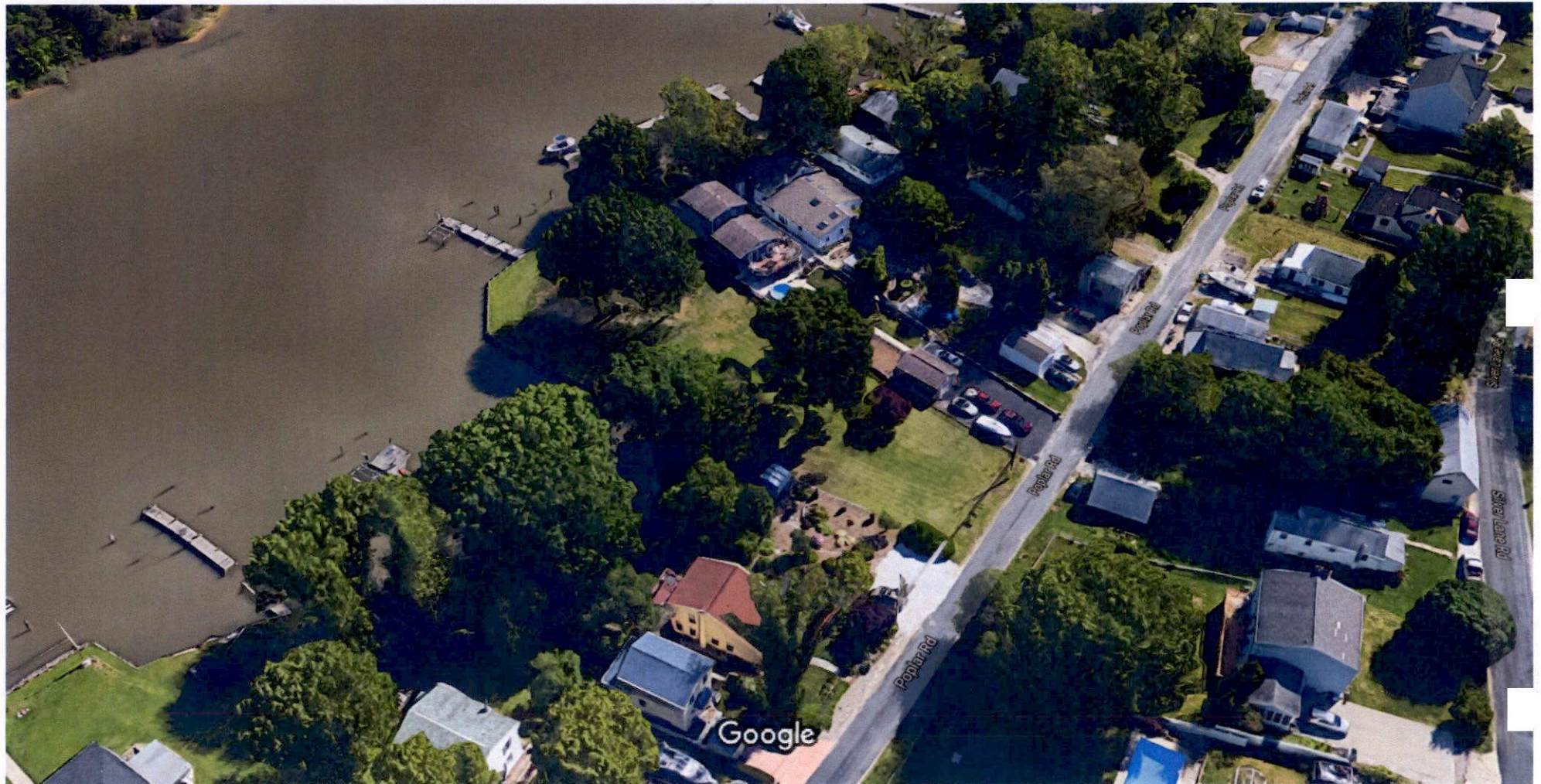
EXHIBIT

tabbies

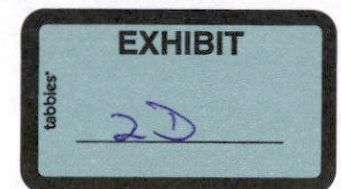
2C

RC 5

Google Maps 2024 Poplar Rd



Imagery ©2017 Google, Map data ©2017 Google United States 20 ft



9/1/2017

2024 Poplar Rd - Google Maps



2024 Poplar Rd
Essex, MD 21221

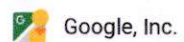


Google Maps 2001 Poplar Rd



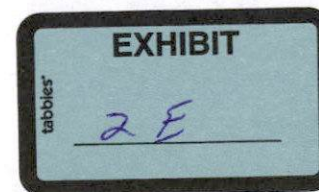
Image capture: Jul 2016 © 2017 Google United States

Essex, Maryland



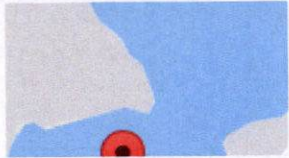
Google, Inc.

Street View - Jul 2016



9/1/2017

2001 Poplar Rd - Google Maps



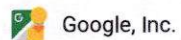
Google Maps 2001 Poplar Rd



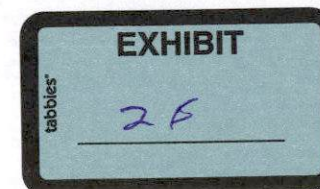
Google

Image capture: Jul 2016 © 2017 Google United States

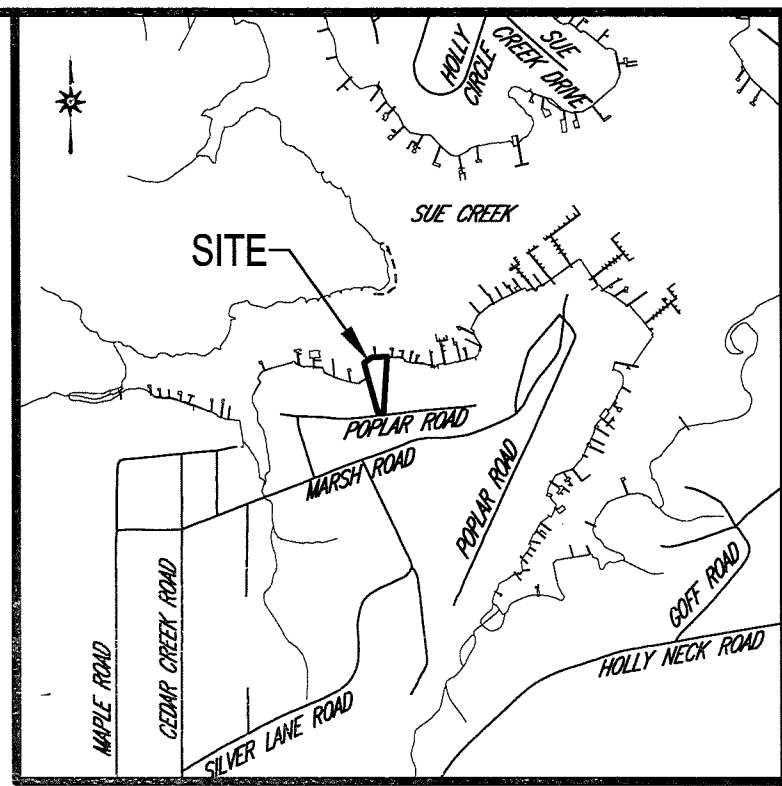
Essex, Maryland



Street View - Jul 2016







LOCATION MAP

SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER:
PAMELA S. WIEGAND & HARRY A. SAMPLE JR. ET AL
2121 SILVER LANE
BALTIMORE, MARYLAND 21221
CONTRACT PURCHASER:
WILLIAM FEJES
128 COCKEYSVILLE ROAD
COCKEYSVILLE, MD 21030
- SITE AREA: 25,387 SF or 0.58 Ac.±
- PROPOSED: 2 STORY RESIDENTIAL DWELLING WITH GARAGE UNDERNEATH
- UTILITIES
WATER: PUBLIC
SEWER: PUBLIC
- DEED REF: 26396/386
- TAX ACCOUNT #1519850310, 1519850311
- COUNCILMANIC DISTRICT: 7TH
- ZONING: RC 5 (PER 1"=200' ZONING MAP 098A3)
- TAX MAP #98, GRID #20, PARCEL #273, PART OF LOTS #74 & #75
- PLAT REF: 12-4 "CEDAR BEACH"
- SITE LIES WITHIN ZONE(S) "X" AND AE (EL 6) OF FLOOD INSURANCE RATE MAP (FIRM) PANEL #240010 0445 G PANEL 445 OF 580 DATED MAY 5, 2014.
- ZONE "X" IS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN & AREAS WITH 0.2% ANNUAL CHANCE FLOODPLAIN & AREAS WITH 0.2% ANNUAL CHANCE FLOODPLAIN & AREAS WITH 0.2% ANNUAL CHANCE FLOODPLAIN.
- ZONE "AE" IS BASE FLOOD ELEVATIONS DETERMINED.
- NO KNOWN PREVIOUS ZONING CASES EXIST ON FILE.
- NO KNOWN PREVIOUS PERMITS EXIST ON FILE.
- SITE LIES WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE PROPERTY AND THE STRUCTURES ARE NOT HISTORIC.
- ALL CONSTRUCTION WILL BE PER FLOOD PLAIN REGULATIONS.
- SITE IS NOT IN A BUFFER MANAGEMENT AREA
- SETBACKS

	REQUIRED	PROVIDED	DECK	PORCH
FRONT	75' TO CL	69'		69'
SIDE	50'	17'	20' & 27'	23'
REAR	50'	89'	182'	
- BUILDING HEIGHT: 35'
- IMPERVIOUS AREAS
EXISTING:
SHED = 140 SF
PROPOSED:
DWELLING = 1,445 SF
DRIVEWAY = 1,216 SF
SHED = 140 SF
WALK/STEPS = 116 SF
PORCH = 133 SF
TOTAL = 3,050 SF or 12.0 %
- LOT COVERAGE:
EXISTING = 140 SF / 25,387 X 100 = 0.6%
PROPOSED = 3,050 SF / 25,387 X 100 = 12.0%

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION
FOR

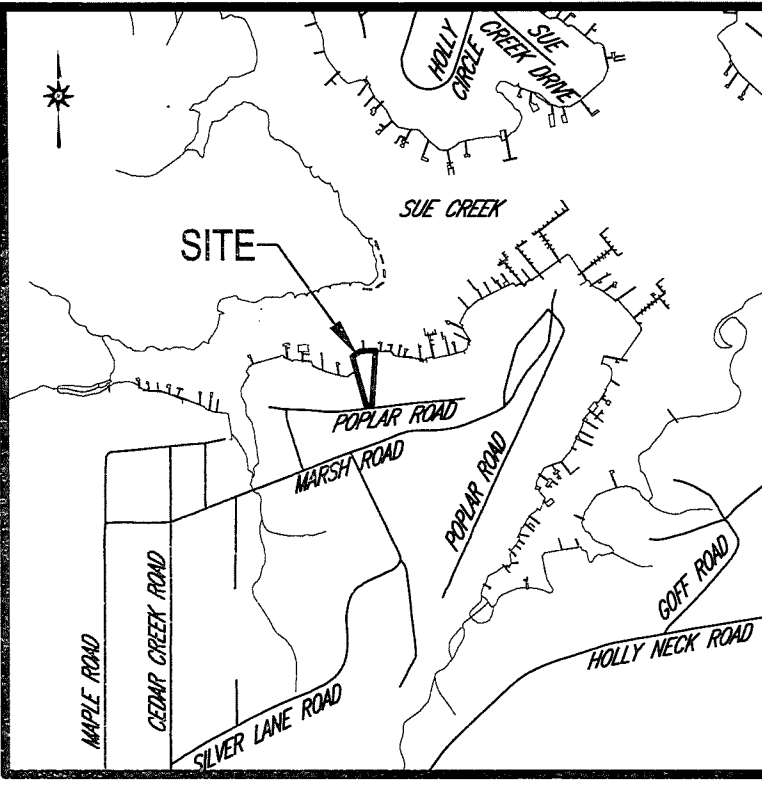
FEJES RESIDENCE
PROPERTY

2028 POPLAR ROAD

15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	CND	PCR	1" = 20'
	DATE:	JOB NO.:	SHEET NO.:
	05-26-17	17053	1 OF 1

Ex-1



LOCATION MAP

SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER:
PAMELA S. WIEGAND & HARRY A. SAMPLE JR. ET AL
2121 SILVER LANE
BALTIMORE, MARYLAND 21221
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WILLIAM FEJES
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COCKEYSVILLE, MD 21030
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Phone: 410-560-1502 Fax: 443-901-1208

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FOR

FEJES RESIDENCE
PROPERTY

2028 POPLAR ROAD

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	CND	PCR	1" = 20'
	DATE:	JOB NO.:	SHEET NO.:
	05-26-17	17053	1 OF 1