

M E M O R A N D U M

DATE: October 10, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0002-A – Appeal Period Expired

The appeal period for the above-referenced case expired on October 6, 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

(499 A Epsom Road)
9th Election District
5th Council District
P & S Builders, Inc.
Legal Owner

Petitioner

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0002-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by P & S Builders, Inc., the legal owner of the subject property ("Petitioner"). Petitioner is requesting variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a proposed dwelling with a side yard setback of 18 ft. on both sides in lieu of the minimum side setback of 25 ft. A site plan was marked as Petitioner's Exhibit 1.

Tom Scherr, Dave Pawloski and Bernadette Moskunas from Site Rite Surveying appeared in support of the petition. Timothy Kotroco, Esq., represented Petitioner. Several neighbors attended the hearing and their concerns are discussed below. The Petition was advertised and posted as required by the B.C.Z.R. A substantive Zoning Advisory Committee (ZAC) comment was received from the Bureau of Development Plans Review (DPR) and is discussed below.

The site is approximately 0.20 acres (8,800 sq. ft.) in size and zoned DR 16. The property is unimproved and Petitioner proposes to construct a single family dwelling on the lot. Petitioner presented a minor subdivision plan from 2007 (Pet. Ex. 1) wherein the original lot known as 408 E. Joppa Road (improved with a single family dwelling converted to office use) was subdivided into two lots, which was when the subject lot was created.

ORDER RECEIVED FOR FILING

Date

9/6/17

By

sen

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The property has a 30 ft. grade change, from a high point at Joppa Road sloping downward to Epsom Road. As such the property is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to construct an attractive and marketable single family dwelling on the lot. This point was driven home at the hearing.

Petitioner presented photos of two single family detached dwellings in the community constructed in the last 10 years or so, and each is three stories in height and no wider than a townhouse. *See* Pet. Ex. 2. The homes were constructed in this fashion to shoehorn them on the lot, and I would suspect the owner did not require a variance to construct these dwellings. The point is, Petitioner has the legal right to construct a house on this lot, and if forced to do so (to recoup its investment) would construct a narrow dwelling which could be built without a variance. In my opinion the community would be better served by an attractive and desirable home at this location

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. Only one dwelling will be constructed on the lot, and P&S Builders has a wealth of experience constructing homes in the County. As such I believe the dwelling will be a positive addition to this community.

ORDER RECEIVED FOR FILING

Date

9/16/17

By

sen

In its ZAC comment the DPR noted a storm drain is on the site, and it requested Petitioner provide an easement for that purpose. But as Ms. Moskunas noted at the hearing, the storm drain shown on the plan is not on Petitioner's property, and thus it is unable to convey to Baltimore County an easement interest in property it does not own.

The neighbors who spoke at the hearing expressed concern at the number of trees which would be removed during construction. As I mentioned, the zoning regulations do not address this issue; instead it is a matter handled by the Department of Environmental Protection and Sustainability (DEPS), which would review any requested grading or building permits.

The neighbors were also concerned with the "499A Epsom Road" address proposed for this lot. As I noted at the hearing the Administrative Law Judge is not authorized to assign property address numbers. I certainly understand the concern that this could cause confusion for deliveries and emergency responders, and I would encourage Baltimore County to work with the Petitioner and neighbors to see if a more satisfactory solution can be found.

The final concern was with the volume of storm water which often inundates this area. The increase in the amount of impervious surface, especially when existing single family dwellings in the area are converted to commercial or office use with large parking lots, exacerbates this problem. Ms. Moskunas explained Petitioner plans to direct surface water from the site to an existing storm drain, which lines up with the driveway proposed for the site. As such, I do not believe the construction of a dwelling on this lot would contribute to the heavy volume of storm water which frequently floods the roads and drains in this neighborhood.

THEREFORE, IT IS ORDERED, this 6th day of **September, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a proposed dwelling with a

ORDER RECEIVED FOR FILING

Date 9/6/17

By len

side yard setback of 18 ft. on both sides in lieu of the minimum side setback of 25 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Only one single family dwelling may be constructed on the lot.
3. Petitioner must consult with a licensed arborist (and provide to Baltimore County evidence of same when applying for grading and/or building permits) prior to clearing the site to determine the safest and most prudent method of determining which trees will be removed from the lot.

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 9/16/17
By sln



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 # 499 A Epsom Road which is presently zoned DR-16
 Deed References: 26821/246 10 Digit Tax Account # 0912200050
 Property Owner(s) Printed Name(s) P+S Builders, Inc.

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

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☒ a Variance from Section(s) BO2.3.C.1: To permit a proposed dwelling with a side yard setback of 18 feet on both sides in lieu of the minimum side setback of 25 feet of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

"to be presented at hearing"

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Date

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

P+S Builders Inc.

Name #1 - Type or Print

Name #2 - Type or Print

Thom M. Schu VP

Signature #1

Signature #2

701 Fern Valley Rd CATONSVILLE MD

Mailing Address

City

State

21228 / 410-744-8581 / TOMS701@verizon.net

Zip Code

Telephone #

Email Address

Representative to be contacted:

Bernadette Moskunas Site Rite Surveying Inc.

Name - Type or Print

Bernadette Moskunas

Signature

200 E. Joppa Road Rm101 Towson, MD

Mailing Address

City

State

21286 / 410 828-9060

siteriteinc@aol.com

Zip Code

Telephone #

Email Address

CASE NUMBER

2018-0008 A

Filing Date

7/5/17

Do Not Schedule Dates:

Reviewer

REV. 10/4/11

**ZONING PROPERTY DESCRIPTION FOR
#499A Epsom Road**

BEGINNING at a point on the ^{South}~~North~~ side of Epsom Road which is a 50 foot right-of-way at the distance of 58 feet, more or less from the center line of Sadler Road which is 50 feet wide, thence the following courses and distances: South 27 degrees 48 minutes West, 110.03', no bearing, 80.00', North 27 degrees 48 minutes East, 110.03' and South 62 degrees 12 minutes East, 80' back to the point of beginning, containing 8,803 square feet. Located in the 9th Election District and 5th Council District. Being Lot No. 2 in the minor subdivision No. 06-085M of "#408 E. Joppa Road" as maintained by the Development Management Division of the Department of Permits, Approvals and Inspections.

Located in the ⁹~~13~~⁵~~7~~th Election District, ⁵~~7~~th Councilmanic District.

Site Rite Surveying, Inc.
Shell Building
200 East Joppa Road
Suite 101
Towson MD 21286
(410) 828-9060

2018-0002-A

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 8/14/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-002

INFORMATION:

Property Address: 499A Epsom Road
Petitioner: P&S Builders, Inc., Tom Scherr V.P.
Zoning: DR 16
Requested Action: Variance

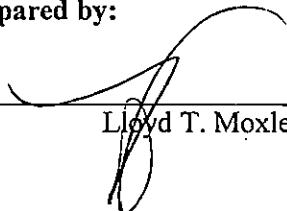
The Department of Planning has reviewed the petition for a variance to permit a proposed dwelling with a side yard setback of 18 feet on both sides in lieu of the minimum side yard setback of 25 feet.

A site visit was conducted on July 27, 2017. The subject site fronts on both Joppa Road and Epsom Road (known as 408 E. Joppa).

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

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Laurie Hay
Bernadette Moskunas, Site Rite Surveying, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County



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 5116789

Sold To:

P & S Builders - CU00486828
701 Fern Valley Cir
Catonsville, MD 21228-3343

Bill To:

P & S Builders - CU00486828
701 Fern Valley Cir
Catonsville, MD 21228-3343

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

Aug 10, 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: # 2018-0002-A
499 A Epsom Road
S/s Epsom Road, 58 ft. s/w of centerline of Sadler Road
9th Election District - 5th Councilmanic District
Legal Owner(s) P & S Builders, Inc.

Variance: to permit a proposed dwelling with a side yard setback of 18 ft. on both sides in lieu of the minimum side setback of 25 ft.

Hearing: Friday, September 1, 2017 at 10:00 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.

8/048 August 10 5116789

The Baltimore Sun Media Group

By

S. Wilkinson

Legal Advertising

CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

CASE NO: 2018-0002-A

PETITIONER/DEVELOPER

SITE RITE SURVEYING INC

DATE OF HEARING/CLOSING:

9/1/17

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

499 A EPSOM ROAD

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

August 12, 2017

SINCERELY,

Martin Ogle 8/12/17
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
9912 MAIDBROOK RD
PARKVILLE, MD 21234
(ADDRESS)
PHONE NUMBER: 443-629-3411

ZONING NOTICE

CASE # 2018-0002-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: Room 205, Jefferson Building
105 W. Chesapeake Ave. Towson MD 21204

DATE AND TIME: Friday, September 1, 2017 at 10:00 A.M.

REQUEST:

VARIANCE TO PERMIT A PROPOSED DWELLING WITH A
SIDE YARD SETBACK OF 18 FT. ON BOTH SIDES IN LIEU OF
THE MINIMUM SIDE SETBACKS OF 25 FT.

POSTERS MUST BE AT LEAST 14 INCHES HIGH AND 10 INCHES WIDE. IF NECESSARY,
TO BE PLACED IN A PUBLIC PLACE. DO NOT REMOVE OR DESTROY. VIOLATION IS A VIOLATION OF THE LAW.

NOT POSTED ACCESSIBLE

myahng 8/12/17



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: 2018-0002-A

499 A Epsom Road
S/s Epsom Road, 58 ft. s/w of centerline of Sadler Road
9th Election District – 5th Councilmanic District
Legal Owners: P & S Builders, Inc.

Variance to permit a proposed dwelling with a side yard setback of 18 ft. on both sides in lieu of the minimum side setback of 25 ft.

Hearing: Friday, September 1, 2017 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: P & S Builders, Inc., 701 Fern Valley Circle, Catonsville 21228
Bernadette Moskunus, 200 E. Joppa Road, Rm. 101, Timonium 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 12, 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 10, 2017 Issue - Jeffersonian

Please forward billing to:

Tom Scherr
P & S Builders, Inc.
701 Fern Valley Circle
Catonsville, MD 21228

410-744-8589

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: 2018-0002-A

499 A Epsom Road
S/s Epsom Road, 58 ft. s/w of centerline of Sadler Road
9th Election District – 5th Councilmanic District
Legal Owners: P & S Builders, Inc.

Variance to permit a proposed dwelling with a side yard setback of 18 ft. on both sides in lieu of the minimum side setback of 25 ft.

Hearing: Friday, September 1, 2017 at 10:00 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.

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
499 A Epsom Road; S/S Epsom Road, SW 58'		
To the c/line of Sadler Road	*	OF ADMINSTRATIVE
9 th Election & 5 th Councilmanic Districts		
Legal Owner(s): P & S Builders, Inc.	*	HEARINGS FOR
Petitioner(s)	*	BALTIMORE COUNTY
	*	2018-002-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.

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

RECEIVED
JUL 18 2017

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 Bernadette Moskunas, Site Rite Surveying Inc, 200 E. Joppa Road, Room 101, Towson, Maryland 21286, Represenative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**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: 2018-0002-A
Property Address: 499A Epsom Road
Property Description: North side of Epsom Road, south of Sadler Road
Legal Owners (Petitioners): P&S Builders Inc.
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: P&S Builders Inc. % Tom Scherr
Company/Firm (if applicable): _____
Address: 701 Fern Valley Circle
Catonsville, MD 21228
Telephone Number: 410 744-8589

№ 154798

Date: 7/5/17

PAYEE RECEIPT

BUSINESS ACTUAL TIME 043

7/05/2017 7/05/2017 07:14:05

REG NOO VALERIE LOR

RECEIPT # 729945 7 JUL 2017 1010

Doc # 5 528 ZONE'S VERIFICATION

CE NO. 157750

Report No. 75-10

17C000 11 17C000 11

Ballantine Company, New York

[illegible]

Total: 75.00

Rec: D&S Builders

For: 499 A Epson Rd
Case # 2018-0002-A

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

August 24, 2017

P & S Builders Inc.
701 Fern Valley Circle
Catonsville MD 21228

RE: Case Number: 2018-0002 A, Address: 499 A Epsom 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 July 5, 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 written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Bernadette Moskunas Site Rite Surveying, Inc., 200 E Joppa Road, Rm 101, Towson MD 21286

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. 2018-0002-A

Variance
Pis Builders, Inc
499 A Epsom 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

9-1-17

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: July 19, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0002-A
Address 499-A Epsom Road
(P & S Builders, Inc. Property)

Zoning Advisory Committee Meeting of **July, 24 2017**.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford Date: 7-19-2017

JB 9-1 10Am

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 8/14/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-002



INFORMATION:

Property Address: 499A Epsom Road
Petitioner: P&S Builders, Inc., Tom Scherr V.P.
Zoning: DR 16
Requested Action: Variance

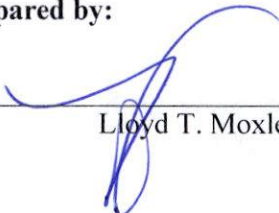
The Department of Planning has reviewed the petition for a variance to permit a proposed dwelling with a side yard setback of 18 feet on both sides in lieu of the minimum side yard setback of 25 feet.

A site visit was conducted on July 27, 2017. The subject site fronts on both Joppa Road and Epsom Road (known as 408 E. Joppa).

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

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Laurie Hay
Bernadette Moskunus, Site Rite Surveying, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 11, 2017

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 24, 2017
Item No. 2018-0002-A

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

Provide an easement for the storm drain shown on this site. Proposed development must be placed away from the storm drain easement

* * * * *

VKD:CEN
cc:file

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: July 19, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0002-A
Address 499-A Epsom Road
(P & S Builders, Inc. Property)

Zoning Advisory Committee Meeting of **July, 24 2017**.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford Date: 7-19-2017

PLEASE PRINT CLEARLY

CASE NAME 499A Epsom Road
CASE NUMBER 2018-0602-A
DATE 1 September 2017

PETITIONER'S SIGN-IN SHEET

[illegible]

CASE NAME

CASE NUMBER

DATE _____

2018-0002-A

Sept. 1, 2017

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>
8/11/17	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	Comment
7/25/17	DEPS (if not received, date e-mail sent _____)	no Comment
_____	FIRE DEPARTMENT	_____
8/17/17	PLANNING (if not received, date e-mail sent _____)	no Objection
7/17/17	STATE HIGHWAY ADMINISTRATION	no Objection
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 8/10/17	
SIGN POSTING	Date: 8/12/17 by Agle	
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 - 09 Account Number - 2500014260			
Owner Information					
Owner Name:		P&S BUILDERS INC		Use:	RESIDENTIAL
Mailing Address:		C/O CARRIE ANN WILLIAMS 701 FERN VALLEY CIR BALTIMORE MD 21228-		Principal Residence:	NO
				Deed Reference:	/39168/ 00111
Location & Structure Information					
Premises Address:		499A EPSOM RD BALTIMORE 21286-2987		Legal Description:	MS ,202 AC SS 499 A EPSOM RD 330 S GOUCHER BLVD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0070	0009	1203		0000	2
				Assessment Year:	2017
				Plat No:	
				Plat Ref:	
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
			0.2020 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2017	07/01/2017	07/01/2018
Land:		102,800	102,800		
Improvements		0	0		
Total:		102,800	102,800	102,800	102,800
Preferential Land:		0			0
Transfer Information					
Seller: LECOMPTE THOMAS P		Date: 06/30/2017		Price: \$90,000	
Type: ARMS LENGTH VACANT		Deed1: /39168/ 00111		Deed2:	
Seller: LECOMPTE THOMAS P		Date: 06/05/2017		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /39047/ 00280		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		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 09 Account Number - 0912200050		
Owner Information		
Owner Name:	LECOMPTE THOMAS P JR LECOMPTE PATRICIA RUTH	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	408 E JOPPA RD TOWSON MD 21286-5401	Deed Reference: /39047/ 00272
Location & Structure Information		
Premises Address:	408 E JOPPA RD TOWSON 21286-5401	Legal Description: MS .311AC NS 408 E JOPPA RD NS 228 W FAIRMOUNT AVE
Map:	Grid:	Parcel:
0070	0009	0133
Sub District:	Subdivision:	Section:
	0000	
Block:	Lot:	Assessment Year:
	1	2017
Plat No:	Plat Ref:	
Special Tax Areas:	Town:	NONE
	Ad Valorem:	
	Tax Class:	
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1937	1692	
Property Land Area	County Use	
13,546 SF	06	
Stories	Basement	Type
1 1/2	YES	STANDARD UNIT
Exterior	Full/Half Bath	Garage
FRAME	1 full	1 Attached
Last Major Renovation		
Value Information		
	Base Value	Value
		As of 01/01/2017
Land:	104,800	104,800
Improvements	125,500	113,000
Total:	230,300	217,800
Preferential Land:	0	0
		Phase-in Assessments
		As of 07/01/2017
		As of 07/01/2018
Transfer Information		
Seller: RESIDENTIAL TITLE LAND HOLDING LLC	Date: 06/17/2017	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /39047/ 00272	Deed2:
Seller: LECOMPTE THOMAS P JR	Date: 06/08/2017	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /39047/ 00267	Deed2:
Seller: LECOMPTE THOMAS P	Date: 03/27/2008	Price: \$262,500
Type: NON-ARMS LENGTH OTHER	Deed1: /26821/ 00246	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:		0.00 0.00
	Special Tax Recapture:	

Case No.: 2018-0002

Exhibit Sheet

9/6/17
sen

Petitioner/Developer

192
10-10-17
Protestant

No. 1	Plan	
No. 2	Photos - homes in vicinity	
No. 3	Aerial photos	
No. 4	Letters of support	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Pet. 2









501 Epsom Rd

Towson, Maryland

Street View - Oct 2016















2018-0002-A

C. Development standards for small lots or tracts.

1. Any dwelling hereafter constructed on a lot or tract described in Subsection A.3 or A.4 shall comply with the requirements of the following table:

Zoning Classification	Minimum	Minimum Lot Width (feet)	Minimum	Minimum Front Yard Depth (feet)	Minimum	Minimum Side Yard Widths (feet)	Minimum
	Net Lot Area per Dwelling Unit (square feet)		Width of Individual Side Yard (feet)		Sum of Side Yard Widths (feet)		Rear Yard Depth (feet)
D.R.1	40,000	150	50	20	50	50	50
D.R.2	20,000	100	40	15	40	40	40
D.R.3-5	10,000	70	30	10	25	25	30
D.R.5-5	6,000	55	25	10	—	—	30
D.R.10.5	3,000	20	10	10	—	—	50
D.R.16	2,500	20	10	25	—	—	30

The Honorable John E. Beverungen
Administrative Law Judge for Baltimore County
105 West Chesapeake Ave.
Towson Md. 21204

Attn: case # 2018-0002-A

Dear judge Bererungen,

I have spoken with a representative of the builder who owns the lot at 499A Epsom Rd. It has been explained to me that the subject property IS a legitimate, recorded building lot.

I further understand that the current building envelope for the house is only 30' wide due to the previously mandated side setback limitations of 25' per side. I / We do not oppose the builder's request to reduce the side setbacks from 25' to 18', thus enabling the builder to build a nicer house, more in keeping with the existing neighborhood.



Signature

02/27/2017

date

Signature

date

503 Epsom Rd.

Current Address

[SUEEN P. SANDOR]

Pet. 4

The Honorable John E. Beverungen
Administrative Law Judge for Baltimore County
105 West Chesapeake Ave.
Towson Md. 21204

Attn: case # 2018-0002-A

Dear judge Bererungen,

I have spoken with a representative of the builder who owns the lot at 499A Epsom Rd. It has been explained to me that the subject property IS a legitimate, recorded building lot.

I further understand that the current building envelope for the house is only 30' wide due to the previously mandated side setback limitations of 25' per side. I / We do not oppose the builder's request to reduce the side setbacks from 25' to 18', thus enabling the builder to build a nicer house, more in keeping with the existing neighborhood.

John R Van Natta
Signature

5-20-2017
date

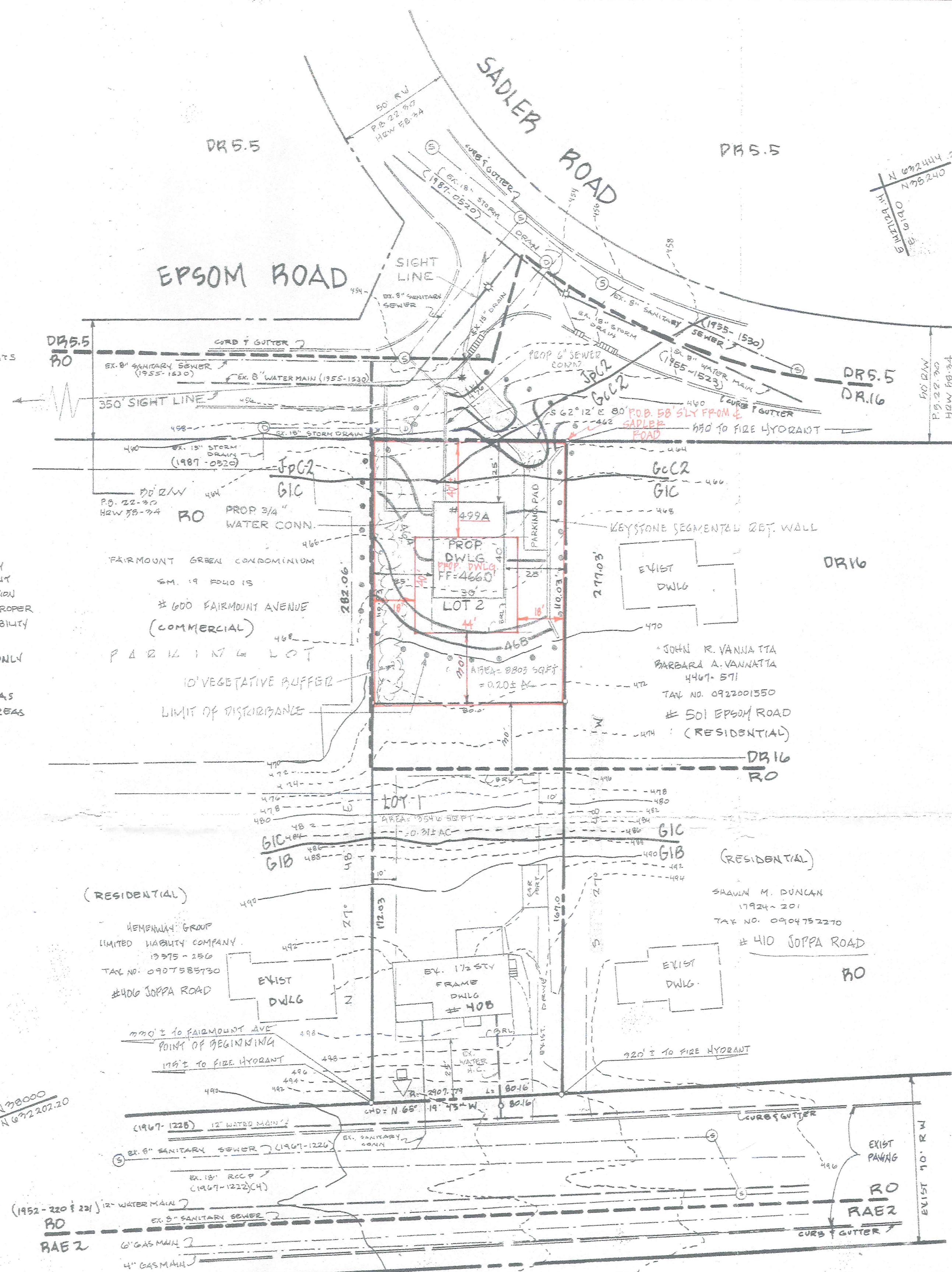
Barbara J. Van Natta
Signature

5/20-2017
date

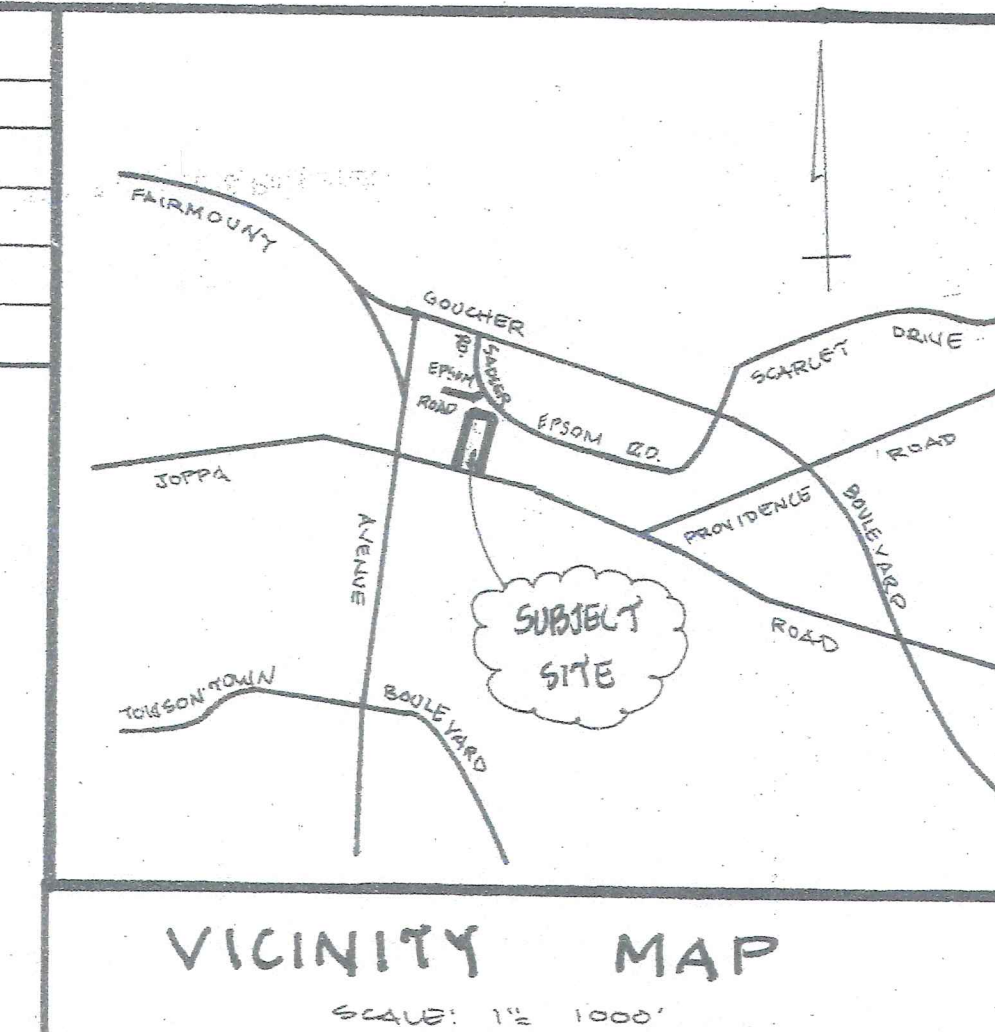
(501 EPSOM RD.)
Current Address

GENERAL NOTES

1. THERE ARE NO HAZARDOUS MATERIAL SITES, UNDERGROUND STORAGE TANKS, HISTORICAL BUILDINGS, LANDMARKS OR ARCHEOLOGICAL SITES ON THE SUBJECT PROPERTY.
2. ALL SITE RUN-OFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING BODY OF WATER, WATERCOURSE, WETLAND, STORMDRAIN OR ADJACENT PROPERTY.
3. HOUSE DOWNSPOUTS ARE TO DISCHARGE INTO PERVIOUS AREAS OR INTO DRYWELLS WHERE FEASIBLE.
4. LOCAL OPEN SPACE IS NOT REQUIRED IN ACCORDANCE WITH BAL NO 10-99.
5. THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
6. AREAS BETWEEN THE SIGHT LINE AND THE CURBSIDE MUST BE CLEARED, GRADED AND KEPT FREE OF ANY OBSTRUCTIONS.
7. THE SUBJECT PROPERTY HAS BEEN HELD INTACT SINCE 1941. THE DEVELOPER'S SURVEYOR HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN HAS EVER BEEN UTILIZED OR RECORDED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLING.
8. THERE ARE NO RARE, THREATENED, OR ENDANGERED SPECIES HABITATS ON THE SUBJECT PROPERTY.
9. THERE ARE NO WELLS OR SEPTIC SYSTEMS WITHIN 100 FEET OF THE SUBJECT PROPERTY.
10. THERE ARE NO STREAMS, BODIES OF WATER, SPRING OR SEEPS ON OR WITHIN 200 FEET OF THE SUBJECT PROPERTY.
11. THE SUBJECT PROPERTY HAS NO PREVIOUS ZONING CASE HISTORY.
12. THE SUBJECT PROPERTY DOES NOT LIE WITHIN A 100-YR FLOOD PLAIN.
13. ALL EXISTING STRUCTURES ON LOT 1 ARE TO REMAIN.
14. THE PROPOSED DRIVEWAY ENTRANCE SHALL CONFORM TO STANDARD PLATE R-15A.
15. THE DEVELOPER MUST PROVIDE NECESSARY DRAINAGE FACILITIES (TEMPORARY OR PERMANENT) TO PREVENT CREATING NUISANCE OR DAMAGE TO ADJACENT PROPERTIES, ESPECIALLY BY THE CONCENTRATION OF SURFACE WATERS. CORRECTION OF ANY PROBLEM WHICH MAY RESULT DUE TO IMPROPER GRADING OR IMPROPER INSTALLATION OF DRAINAGE FACILITIES, WHICH WOULD BE THE FULL RESPONSIBILITY OF THE DEVELOPER.
16. THERE WILL BE NO OVERALL GRADING FOR THE SUBJECT SITE. GRADING WILL ONLY BE FOR THE CONSTRUCTION OF THE DWELLING.
17. ALL IMPERVIOUS AREAS SHOULD BE LIMITED TO 30% OF CLEARED AREAS AND RUNOFF CONVEYED AS SHEET FLOW THROUGH VEGETATED AREAS OR INTO DRYWELLS WHERE FEASIBLE.



SOILS LIMITATION CHART				
SYMBOL	SERIES	ALIGNMENT	W/O BASEMENT	PARKING & STREETS
BcC2	GLENELO	MODERATE	MODERATE	SEVERE
G1B	GLENELO	SLIGHT	SLIGHT	MODERATE
G1C	GLENELO	MODERATE	MODERATE	SEVERE
SpC2	JOPPA	SLIGHT	SLIGHT	SEVERE



SITE DATA

TAX MAP GRID PARCEL	70 9 133
EXIST. USE	1 SINGLE FAM. DWLG
PROPOSED USE	2 SINGLE FAM DWLG
EXIST. ZONING	RO & DR16
ZONING MAP	07082
COUNCILMANIC DIST.	5TH
CENSUS TRACT	490900
WATERSHED	LOCH RAVEN
SUBWATERSHED	55
REGIONAL PLANNING DIST.	315
SITE AREA	GROSS = 0.52 AC +/- NET = 0.513 AC 20238-515
DEED REFERENCE	
TAX ACCOUNT NO.	0912200080
UTILITIES	BY WATER - PUBLIC BY SEWER - PUBLIC
SCHOOL DISTRICTS	HAMPTON ES. LOCH RAVEN ACADEMY LOCH RAVEN H.S.

Lot 2 #499A Epsom Road Plan to Accompany Variance Petition

1. Existing Zoning: DR16 (07082)
2. Lot Area: 8803 S.F. / 0.20 AC +/-
3. Existing use: residential - vacant
4. Proposed use: residential - proposed dwelling
5. This property is not located within a 100 year Flood Plain, CBCA or Historic District
6. This property is serviced by existing public utilities
7. This drawing was prepared with the use of the approved Minor Subdivision Plan dated November 2007 as prepared by Spellman, Larson & Associates, Inc. No boundary survey was completed on this property. The deeds were recently recorded for separate lots as described on said plan.
8. There is no contiguous ownership.
9. There is no prior zoning history or violations.

Owner: P&S Builders, Inc.
c/o Tom Scherr
701 Fern Valley Circle
Catonsville, MD 21228
410-744-8589

FED. LINE PLAN
PREPARED BY SITE SITE SURVEYING, INC.
200 E. JOPPA ROAD, ROOM 101
TOWSON, MD 21286
(410) 828-1060

G. 10-23-07 REV. PER PLANNING COMMENTS

CERTIFICATION

EMILY J. WILBY JR. PLS. NO. 5461
I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE MINOR SUBDIVISION COMMENTS DATED FEBRUARY 28, 2007 AND HAVE PREPARED WITH DUE DILIGENCE THIS MINOR SUBDIVISION PURSUANT TO SAID COMMENTS.

BALTIMORE COUNTY MINOR SUBDIVISION PROJECT NO. 06-085 M

DEVELOPMENT REGULATIONS
☒ EXEMPT FROM ARTICLE 32, TITLE 4, SUBTITLE 2
☐ PARALLEL EXEMPT FROM SECTION 32-4-2.1 THROUGH 32-4-2.7 AND SECTIONS 32-4-2.8 AND 32-4-2.7

PDM CERTIFICATION
☒ APPROVED ☐ DISAPPROVED
BY: *Barbara Rudats* DATE: 11/3/07
APPROVED DEPRM: *Thomas F. U...* DATE: 11/15/07

DENSITY CALCULATIONS

LOTS ALLOWED = DR16 x 0.21 AC = 3 DENSITY UNITS
LOTS ALLOWED = 3 DW. ÷ 1.5 LOTS = 2 LOTS (3 BEDROOM)
LOTS PROPOSED = 1 LOT

LOTS ALLOWED = RO x 0.32 AC = 1
LOTS ALLOWED = 1 USE DR55 = 5.5 x 0.32 = 1
LOTS PROPOSED = 1 LOT

TOTAL LOTS PROPOSED = 2

NEW IMPERVIOUS AREA = 2,050 SQ. FT. +/-
LIMIT OF DISTURBANCE = 8,672 SQ. FT. +/- 0.20 AC +/-

PLAN TO ACCOMPANY VARIANCE PETITION
#499A Epsom Road
LOT #2
"Minor Subdivision Plan 06-085M
"408 E. Joppa Road"
9th Election District
5th Councilmanic District
Baltimore County, MD
SCALE: 1" = 30'
July 5, 2017

OWNER INFORMATION

THOMAS P. LECOMPTÉ
408 E. JOPPA ROAD
BALTIMORE, MD 21286
PHONE: (410) 823-7760

NO.	DATE	DESCRIPTION
1	3-20-07	REV. PER AGENCY COMMENTS
2	7-20-07	REV. PER AGENCY COMMENTS
3	8-10-07	REV. PER AGENCY COMMENTS
4	8-15-07	REV. PER AGENCY COMMENTS
5	9-4-07	REV. PER DPR COMMENTS

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 408, JEFFERSON BLDG., TOWSON, MD 21204
PHONE: 823-3535

MINOR SUBDIVISION PLAN

408 E. JOPPA ROAD
MINOR SUBDIVISION PROJECT NO. 06-085 M
20238-515
9th ELECTION DISTRICT BALTIMORE CO, MD
SCALE: 1" = 30' DES. BY: DATE: APRIL 14, 2006 ORN. BY: SHT. OF





BMDT

Basemap Gallery



-76.595 39.404 Degrees

POWERED BY
esri

Pet. 3



esri
POWERED BY

RO

76.595 39.403 Degrees

40ft

Basemap Gallery

Baltimore County - My Neighborhood

