

MEMORANDUM

DATE: October 17, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0024-SPH – Appeal Period Expired

The appeal period for the above-referenced case expired on October 16, 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 SPECIAL HEARING *

(1937 Silver Lane)

15th Election District *

7th Council District

Deborah J. Cascio & Terri L. Miller *

Legal Owners

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

* Case No. 2018-0024-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Deborah J. Cascio & Terri L. Miller, legal owners ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) to allow Lots 505 and 506 to be merged because of the existing driveway; (2) to allow Lot 506 to be increased from 0.23 ac. to 0.94 ac.; and (3) to allow the existing Lot 505 and the proposed Lot 506 to have the total of 1.15 ac. in lieu of the required 1.5 ac. in a RC 5 zone.

Deborah Cascio and professional engineer William Bafitis appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability (DEPS) and the Department of Planning (DOP). Neither agency opposed the requests. A site plan was marked and admitted as Petitioners' Exhibit 1.

The subject property is approximately 2.65 acres in size (in the aggregate) and zoned RC-5. The property is improved with a single family dwelling constructed in 1990. According to state

ORDER RECEIVED FOR FILING

Date

9/15/17

By

Sen

tax records, the dwelling is situated on Lots 505 (presently 0.21 AC.) and 506 (presently 0.23 AC.) as shown on the plat of Cedar Beach. However, as Mr. Bafitis stated, the home was in fact constructed on a larger parcel of land to the rear of those lots (also owned by Petitioners) which at present is approximately 2.2 acres. Petitioners propose to reconfigure Lot 506, which would be enlarged to 0.94 acres. The reconfiguration of the lot would enable the single family dwelling to be situated entirely within the boundaries of Lots 505 and 506, which will in turn allow Petitioners to convey a marketable title to the property.

Petitioners have used Lots 505 and 506 in conjunction with the dwelling they have owned for nearly 30 years. An owner desiring to combine lots to facilitate a project using both parcels is entitled to do so. *Friends of the Ridge v. BGE*, 352 Md. 645 (1999). Thus the first special hearing request will be granted. The second request essentially involves a lot line adjustment, approval of which must be granted by the Development Review Committee (DRC). Mr. Bafitis indicated the zoning request to enlarge Lot 506 from 0.23 ac to 0.94 ac. was made prior to the DRC application at the request of County staff. The third and final request concerns a unique provision (§1A04.3.B) in the RC 5 regulations whereby a lot not meeting the 1.5 acre minimum lot size requirement can be approved by way of a special hearing. Though the Regulations do not specify exactly what must be shown to justify such relief, I believe the present request is a reasonable one in that it concerns a dwelling which was constructed nearly 30 years ago and granting the request will not result in an increase in density or in any way overcrowd the land or neighborhood.

THEREFORE, IT IS ORDERED this 15th day of **September, 2017** by this Administrative Law Judge, that the Petition for Special Hearing as follows: (1) to allow Lots 505 and 506 to be merged because of the existing driveway; (2) to allow Lot 506 to be increased from 0.23 ac. to

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Date 9/15/17

By Sen

0.94 ac.; and (3) to allow the existing Lot 505 and the proposed Lot 506 (after merger) to total 1.15 acres in lieu of the required 1.5 acres required in the RC-5 zone, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon 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 satisfy critical area regulations.
3. The special hearing approvals granted herein involve an interpretation of the B.C.Z.R. only, and shall not be construed as creating buildable lots or reconfiguring lot lines. Those are development matters which must be reviewed and approved by the Baltimore County Department of Permits, Approvals and Inspections.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slm

ORDER RECEIVED FOR FILING

Date 9/15/17

By sen



CBA

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 1937 SILVER LANE

which is presently zoned RC-5

Deed References: 27890/225, 34752/123

10 Digit Tax Account # 15-19711820, 15-19711821

Property Owner(s) Printed Name(s) DEBORAH J. CASCIO & TERRI L. MILLER

(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

SEE Attached

2. ☐ **a Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☐ **a Variance** from Section(s)

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:

Name- Type or Print

Signature

Mailing Address

Zip Code

Date

City

State

Telephone #

Email Address

Attorney for Petitioner:

AL BRENNAN

Name- Type or Print

Signature

825 EASTERN BLVD. BALTIMORE, MARYLAND

Mailing Address

City

State

21221 / 410-687-3434 / alb@brennanlawyers.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

DEBORAH J. CASCIO / TERRI L. MILLER

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1937 SILVER LANE BALTIMORE, MARYLAND

Mailing Address

City

State

21221 / 410-391-7824

Zip Code

Telephone #

Email Address

Representative to be contacted:

WILLIAM N. BAFITIS, P.E.

Name - Type or Print

Signature

1249 ENGLEBERTH ROAD BALTIMORE, MARYLAND

Mailing Address

City

State

21221 / 410-391-2336 / bafitisassoc@comcast.net

Zip Code

Telephone #

Email Address

CASE NUMBER 2018-0034-SPH Filing Date 7/19/17

Do Not Schedule Dates:

Reviewer *gh*

Addendum To Petition For Zoning Hearing
Special Exception
1937 Silver Lane

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:

A. To allow lots 505 and 506 to be merged because of the existing driveway;

B. To allow Lot 506 to be increased from 0.23 AC. to .94 AC.;

C. To allow the existing Lot 505 and the proposed Lot 506 to have the total of 1.15 AC. in lieu of the required 1.5 AC. for an undersized lot in a RC-5 zone per BCZR 1A04.3(1)(a).



Bafitis & Associates, Inc.

ZONING DESCRIPTION
FOR
1937 SILVER LANE LOTS 505 AND 506
& PART OF PARCEL 100
BALTIMORE, MARYLAND 21221
15TH ELECTION DISTRICT

Beginning at a point on the Eastside of Silver Lane 40 feet wide; 933 ' Northeasterly from the centerline intersection of Cedar Creek Road 50' wide;

Thence running along Silver Lane the following 2 (Two) courses and distances:

- 1) North 37°-17'-57" East 50.00 feet to a point;
- 2) North 37°-39'-57" East 49.38 feet to a point;

Thence leaving said lane the following 5 (five) courses and distances;

- 3) South 52°-20'-03" East 150.44 feet to a point;
- 4) South 59°-29'-03" East 161.81 feet to a point;
- 5) South 30°-30'-57" West 168.86 feet to a point;
- 6) North 59°-28'-44" West 203.02 feet to a point;
- 7) North 22°-58'-11" West 149.44 feet to the point of beginning;

Containing 50,285 Square Feet or 1.154 Acres more or less

Being known as lots 505 and 506 shown on a plat entitled plat of Cedar Beach Book 12 Folio 90 which is recorded among the Land Records of Baltimore County, Maryland and parcel 100 recorded in deed Liber 34752 Folio 123.


William N. Bafitis, P.E. MD Reg. # 11641



Seal



Bafitis & Associates, Inc.

ZONING DESCRIPTION
FOR
1937 SILVER LANE LOTS 505 AND 506
& PART OF PARCEL 100
BALTIMORE, MARYLAND 21221
15TH ELECTION DISTRICT

Beginning at a point on the Eastside of Silver Lane 40 feet wide; 933 ' Northeasterly from the centerline intersection of Cedar Creek Road 50' wide;

Thence running along Silver Lane the following 2 (Two) courses and distances:

- 1) North 37°-17'-57" East 50.00 feet to a point;
- 2) North 37°-39'-57" East 49.38 feet to a point;

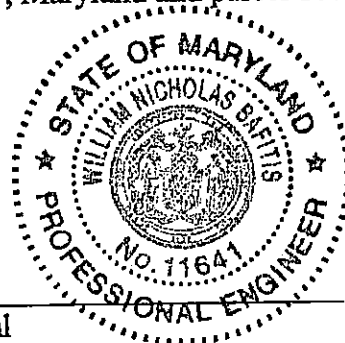
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William N. Bafitis, P.E. MD Reg. # 11641



Seal

2018-0024-SPW



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 5135679

Sold To:

Deborah Cascio - CU00614763
1937 Silver Lane Rd
Essex, MD 21221-6133

Bill To:

Deborah Cascio - CU00614763
1937 Silver Lane Rd
Essex, MD 21221-6133

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

Aug 24, 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: # 2018-0024-SPH

1937 Silver Lane
E/s Silver Lane, NE 933 ft. to centerline of Cedar Creek Road

15th Election District - 7th Councilmanic District

Legal Owner(s) Deborah Cascio, Terri Miller

Special Hearing to determine whether or not the Administrative Law Judge should approve (a) to allow Lots 505 and 506 to be merged because of the existing driveway (b) to allow Lot 506 to be increased from 0.23 ac to .94 ac (c) to allow the existing Lot 505 and the proposed Lot 506 to have the total of 1.15 ac in lieu of the required 1.5 ac for undersized lots in an RC 5 zone.

Hearing: Thursday, September 14, 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.

8/092 Aug. 24

5135679

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

CERTIFICATE OF POSTING

Date: 08/23/2017

RE: Project Name: Public Hearing
Case Number /PAI Number: 2018-0024-SPH
Petitioner/Developer: Deborah Cascio, Terri Miller
Date of Hearing/Closing: 09/14/2017

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1937 Silver Lane
Baltimore, MD. 21221

The sign(s) were posted on 08/23/2017

(Month, Day, Year)


(Signature of Sign Poster)

John M. Altmeyer

(Printed Name of Sign Poster)

21722 Orwig Rd

(Street Address of Sign Poster)

Freeland, MD, 21053

(City, State, Zip Code of Sign Poster)

410-382-6580

(Telephone Number of Sign Poster)





KEVIN KAMENETZ
County Executive

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

August 2, 2017

NOTICE OF ZONING HEARING

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CASE NUMBER: 2018-0024-SPH

1937 Silver Lane

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15th Election District – 7th Councilmanic District

Legal Owners: Deborah Cascio, Terri Miller

Special Hearing to determine whether or not the Administrative Law Judge should approve (a) to allow Lots 505 and 506 to be merged because of the existing driveway (b) to allow Lot 506 to be increased from 0.23 ac to .94 ac. (c) to allow the existing Lot 505 and the proposed Lot 506 to have the total of 1.15 ac in lieu of the required 1.5 ac for undersized lots in an a RC 5 zone.

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105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over a horizontal line.

Arnold Jablon
Director

AJ:kl

C: Al Brennan, 825 Eastern Blvd. Baltimore 21221.
Deborah Cascio, Terri Miller, 1937 Silver Lane, Baltimore 21221
William Bafitis, 1249 Engleberth Road, Baltimore 21221

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, AUGUST 25, 2017.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

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

August 2, 2017

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AJ:kl

C: Al Brennan, 825 Eastern Blvd. Baltimore 21221.
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William Bafitis, 1249 Engleberth Road, Baltimore 21221

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TO: PATUXENT PUBLISHING COMPANY
Thursday, August 24, 2017 Issue - Jeffersonian

Please forward billing to:
Deborah Cascio
1937 Silver Lane
Baltimore, MD 21221

410-391-7824

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: 2018-0024-SPH

1937 Silver Lane

E/s Silver Lane, NE 933 ft. to centerline of Cedar Creek Road

15th Election District – 7th Councilmanic District

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Special Hearing to determine whether or not the Administrative Law Judge should approve (a). to allow Lots 505 and 506 to be merged because of the existing driveway (b) to allow Lot 506 to be increased from 0.23 ac to .94 ac. (c) to allow the existing Lot 505 and the proposed Lot 506 to have the total of 1.15 ac in lieu of the required 1.5 ac for undersized lots in an a RC 5 zone.

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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 SPECIAL HEARING * BEFORE THE OFFICE
1937 Silver Lane; E/S Silver Lane, NE 933' *
to c/line of Cedar Creek Road * OF ADMINISTRATIVE
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Deborah Cascio & Terri Miller* HEARINGS FOR
Petitioner(s) *
* BALTIMORE COUNTY
* 2018-024-SPH

* * * * *

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 25 2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of July, 2017, a copy of the foregoing Entry of Appearance was mailed to William Bafitis, 1249 Engleberth Road, Baltimore, Maryland 21221 and Al Brennan, Esquire, 825 Eastern Boulevard, Baltimore, Maryland 21221, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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: 2018-0024 SPD

Property Address: 1937 SILVER LANE

Property Description: LOTS 505, 506 & PARCEL 100

Legal Owners (Petitioners): DEBORAH J. CASCIO

Contract Purchaser/Lessee:

PLEASE FORWARD ADVERTISING BILL TO:

Name: DEBORAH J. CASCIO

Company/Firm (if applicable):

Address: 1937 SILVER LANE

BALTIMORE, MARYLAND 21221

Telephone Number: 410-391-7824

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

NO 154857

Date: 7/18/17

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		0150						75.00

Total: 75.00

Rec From: William Bafitis

For: 1937 Silver Ln

Special Hearing 2018-0024-SPK

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME IN
7/19/2017 7/19/2017 09:15:03 1
REG NO: WALKIN LJR
RECEIPT # 732010 7/19/2017 09:10
Dept: 5 - 328 ZONING VERIFICATION
CR NO: 154857
Recpt Tot \$75.00
\$75.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

September 6, 2017

Deborah J Casio
Terri L Miller
1937 Silver Lane
Baltimore MD 21221

RE: Case Number: 2018-0024 SPH, Address: 1937 Silver Lane

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 19, 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
Al Brennen, Esquire, 825 Eastern Boulevard, Baltimore MD 21221
William N Bafitis, P E, 1249 Engleberth Road, Baltimore MD 21221

Date: 7/24/17

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. *2018-0024-SPH*

Special Hearing

Deborah J. Cascio & Terri L. Miller
1937 Silverlane

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, 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 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: August 3, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0024-SPH
Address 1937 Silver Lane
(Cascio & Miller Property)

Zoning Advisory Committee Meeting of July 31, 2017.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

This property is located in a Limited Development Area (LDA) in the Chesapeake Bay Critical Area. Any subdivision/development of these properties must comply with maximum lot coverage limits, must meet restrictions on development including avoidance of the required Critical Area buffers and the primary structure setback off the outer limits of the Critical Area buffer limits, must meet minimum forest cover requirements, and must meet all buffer and forest mitigation requirements. EPS cannot determine the viability of the proposal as EPS does not have complete information on streams, wetlands, forest, trees, required buffers, or lot coverage. Also, based on the current proposal, the development must meet the requirements of Code of Maryland Regulations 27.01.02.08 Lot Consolidation and Reconfiguration. If development can comply with all Critical Area requirements, including any required mitigation, adverse impacts on water quality from the pollutants discharged from the proposed subdivision/development can be minimized.

RE: PETITION FOR VARIANCE
7623 Carla Road; E/S Carla Road, 244' S
of c/line of Labyrinth
3rd Election & 2nd Councilmanic Districts
Legal Owner(s): Rubin & Esther Rakousky
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2018-024-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

AUG 02 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of August, 2018, a copy of the foregoing Entry of Appearance was mailed to Donny Ankri, 6803 Cherokee Drive, Baltimore, Maryland 21209, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

The proposed subdivision can meet the requirement to conserve fish, wildlife, and plant habitat provided that all Critical Area requirements can be met.

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;

Subdivision/development on this property can be permitted under the State-mandated Critical Area regulations provided that the proposed development is in compliance with all Critical Area requirements including COMAR 27.01.02.08 Lot Consolidation and Reconfiguration. Lot coverage, forest/tree, and Critical Area buffer requirements must be met. Compliance with all Critical Area requirements, and mitigation can allow the subject development to be consistent with established land use policy 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.

Reviewer: Paul Dennis

Date: August 2, 2017

JLS 9-14 10am

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 8/11/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-024



INFORMATION:

Property Address: 1937 Silver Lane
Petitioner: Deborah J. Cascio, Terri L. Miller
Zoning: RC 5
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Zoning Commissioner should approve the zoning relief as listed on the attachment submitted in support of the petition.

A site visit was conducted on August 2, 2017.

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

Please be advised that any proposed dwelling for proposed parcel 100 will be subject to the RC 5 Performance Standards as listed in Section 1A04.4 of the BCZR. Architectural elevations must be submitted to the Department of Planning for review at building permit application.

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

Prepared by:

A blue ink signature of Lloyd T. Moxley, consisting of a stylized 'L' and 'M'.

Lloyd T. Moxley

Division Chief:

A blue ink signature of Kathy Schlabach, written in a cursive style.

Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
William N. Bafitis, P.E.
Office of the Administrative Hearings
People's Counsel for Baltimore County

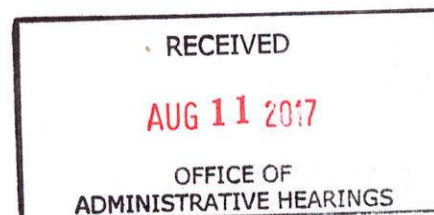
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 8/9/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-028



INFORMATION:

Property Address: 2501 Holly Neck Road
Petitioner: Richard Bruzdinski, Gloria Bruzdinski
Zoning: RC 5, RC 20
Requested Action: Variance

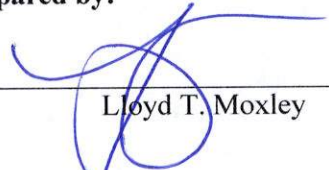
The Department of Planning has reviewed the petition for variance to permit a single family dwelling with addition and open projection (deck) to have a side setback of 17' and 31' in lieu of the required 50' and 37.5 feet respectively.

A site visit was conducted on August 2, 2017.

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

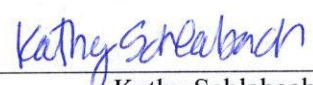
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Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
William N. Bafitis, P.E.
Office of the Administrative Hearings
People's Counsel for Baltimore County

9-14

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: August 3, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0024-SPH
Address 1937 Silver Lane
(Cascio & Miller Property)

Zoning Advisory Committee Meeting of **July 31, 2017**.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

This property is located in a Limited Development Area (LDA) in the Chesapeake Bay Critical Area. Any subdivision/development of these properties must comply with maximum lot coverage limits, must meet restrictions on development including avoidance of the required Critical Area buffers and the primary structure setback off the outer limits of the Critical Area buffer limits, must meet minimum forest cover requirements, and must meet all buffer and forest mitigation requirements. EPS cannot determine the viability of the proposal as EPS does not have complete information on streams, wetlands, forest, trees, required buffers, or lot coverage. Also, based on the current proposal, the development must meet the requirements of Code of Maryland Regulations 27.01.02.08 Lot Consolidation and Reconfiguration. If development can comply with all Critical Area requirements, including any required mitigation, adverse impacts on water quality from the pollutants discharged from the proposed subdivision/development can be minimized.

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

The proposed subdivision can meet the requirement to conserve fish, wildlife, and plant habitat provided that all Critical Area requirements can be met.

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;

Subdivision/development on this property can be permitted under the State-mandated Critical Area regulations provided that the proposed development is in compliance with all Critical Area requirements including COMAR 27.01.02.08 Lot Consolidation and Reconfiguration. Lot coverage, forest/tree, and Critical Area buffer requirements must be met. Compliance with all Critical Area requirements, and mitigation can allow the subject development to be consistent with established land use policy 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.

Reviewer: Paul Dennis

Date: August 2, 2017

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INTER-OFFICE MEMORANDUM

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

DATE: 8/11/2017

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Director, Department of Planning

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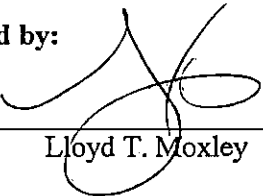
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For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
William N. Bafitis, P.E.
Office of the Administrative Hearings
People's Counsel for Baltimore County

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Reviewer: Paul Dennis

Date: August 2, 2017

CASE NAME 1937 Silver Lane
CASE NUMBER 2018-0024-SPH
DATE 9/14/17

[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>
8/3	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	COMMENT
	DEPS (if not received, date e-mail sent _____)	
8/17	FIRE DEPARTMENT	NO OBJ w/ comment
7/24	PLANNING (if not received, date e-mail sent _____)	no obj
	STATE HIGHWAY ADMINISTRATION	
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 8/24/17	
SIGN POSTING	Date: 8/23/17 by Altmeier	
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 - 1519711820							
Owner Information										
Owner Name:		CASCIO DEBORAH J MILLER TERRI L				Use: Principal Residence:		RESIDENTIAL YES		
Mailing Address:		1937 SILVER LANE RD BALTIMORE MD 21221-6133				Deed Reference:		/27890/ 00225		
Location & Structure Information										
Premises Address:		1937 SILVER LN 0-0000			Legal Description:		LTS 505,506 1937 SILVER LN CEDAR BEACH			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0105	0002	0100		0000			505	2018	Plat Ref:	0012/0090
Special Tax Areas:				Town:			NONE			
				Ad Valorem:						
				Tax Class:						
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1990		1,332 SF				20,400 SF		04		
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
Split Foyer	YES	SPLIT FOYER	SIDING	2 full/ 1 half	1 Detached					
Value Information										
		Base Value		Value		Phase-in Assessments				
				As of		As of		As of		
				01/01/2015		07/01/2017		07/01/2018		
Land:		80,300		80,300						
Improvements		141,700		141,700						
Total:		222,000		222,000		222,000				
Preferential Land:		0								
Transfer Information										
Seller: CASCIO DEBORAH J				Date: 04/07/2009			Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /27890/ 00225			Deed2:			
Seller: CASCIO DEBORAH J				Date: 12/30/1996			Price: \$48,530			
Type: NON-ARMS LENGTH OTHER				Deed1: /11961/ 00267			Deed2:			
Seller: CASCIO DEBORAH J				Date: 09/03/1992			Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /09348/ 00538			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:		HOMEOWNERS TAX CREDIT								
Homestead Application Information										
Homestead Application Status: Approved 03/18/2009										
Homeowners' Tax Credit Application Information										
Homeowners' Tax Credit Application Status: Completed for 2017					Date: 06/06/2017					





Richardson
ENGINEERING

Letter of Transmittal

TO:

Baltimore County Zoning

May 18,

ATTENTION:

Joe Merrey

RE:

3813 North Point Boulevard

Attached Via: ☒ Hand Delivered ☐ Mail ☐ Overnight ☐ Fax

COPIES	DATE	NO.	DESCRIPTION
2			<i>Site Plan</i>
1			<i>Current zoning order</i>

THESE ITEMS ARE TRANSMITTED AS CHECKED BELOW:

☒	For Your Use	☒	For Approval		Revise and Resubmit
	As Requested		NO EXCEPTIONS TAKEN		NOT ACCEPTABLE
	For Review And Comment		Comments Noted		Submittal Not Required/ No Action Taken

REMARKS:

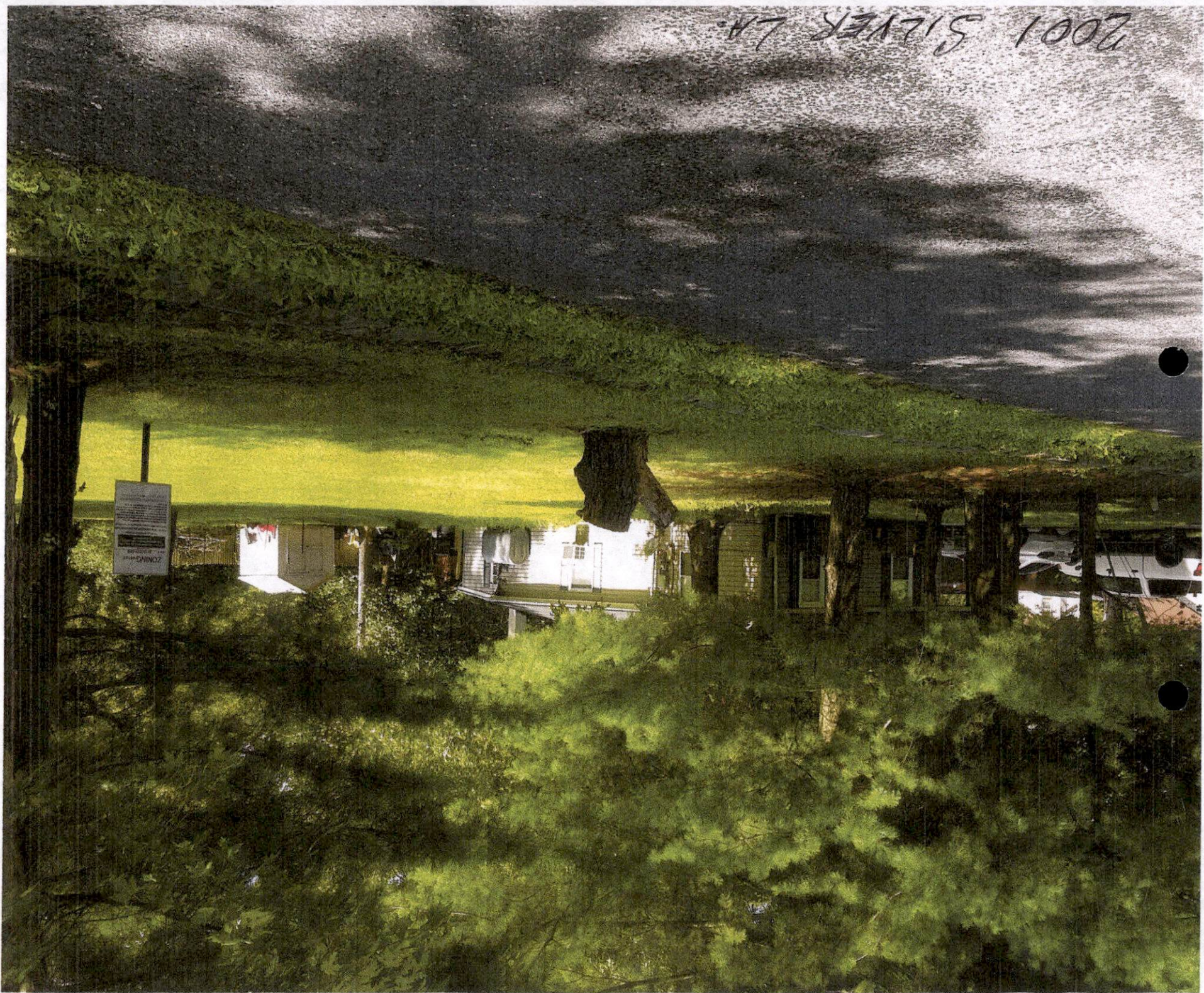
Copy: _____

Signed: _____

Rick Richardson

EX. 2

2001 SILVER L.A.



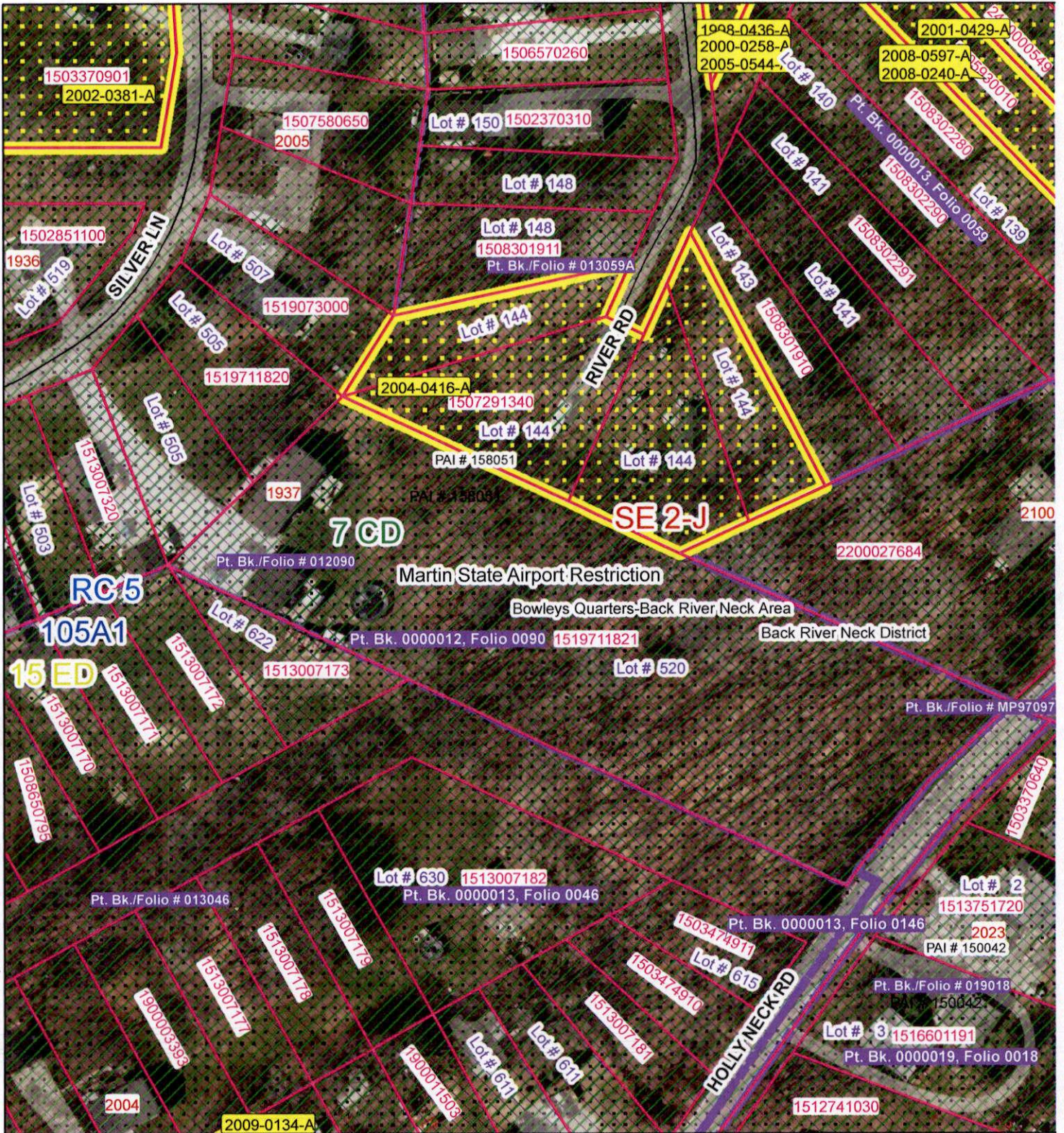


1935 SILVER LA.



1937 SILVER LA

1937 Silver Lane



Publication Date: 6/20/2017



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

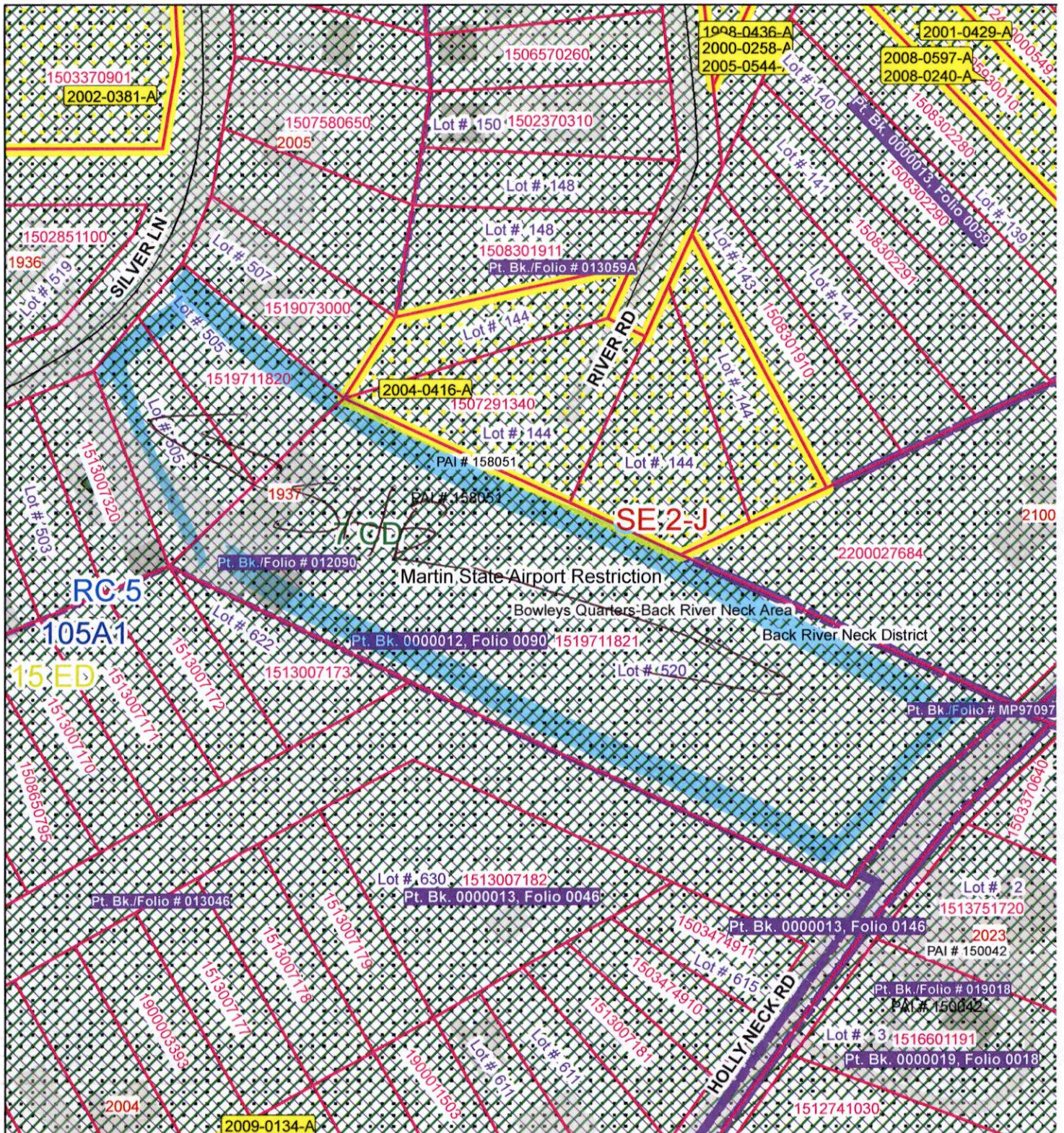


0 25 50 100 150 200 Feet

1 inch = 100 feet

2018-0024-SPH

1937 Silver Lane



Publication Date: 6/20/2017



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



0 25 50 100 150 200 Feet

1 inch = 100 feet

2018-0024 SP14

EXISTING LOT COVERAGE FOR LOTS 505,506

HOUSE	1,980 S.F.
GARAGE	990 S.F.
SHEDS	396 S.F.
DRIVEWAY	4,900 S.F.
TOTAL	8,266 S.F. / 50,285 S.F. = 0.1643 X 100 = 16.43%

PROPOSED LOT COVERAGE FOR PARCEL A

HOUSE	2,400 S.F.
DRIVEWAY	945 S.F.
TOTAL	3,345 S.F. / 65,417 S.F. = 0.0511 X 100 = 5.11%

LOT COVERAGE ALLOWED = 15%

ZONING HISTORY

THERE ARE NO ZONING CASES FOR THIS SITE.

SPECIAL HEARING REQUEST

1. TO ALLOW A SPECIAL HEARING UNDER SECTION 500.7 OF THE ZONING REGULATIONS OF BALTIMORE COUNTY, TO DETERMINE WHETHER OR NOT THE ZONING COMMISSIONER SHOULD APPROVE THE FOLLOWING:

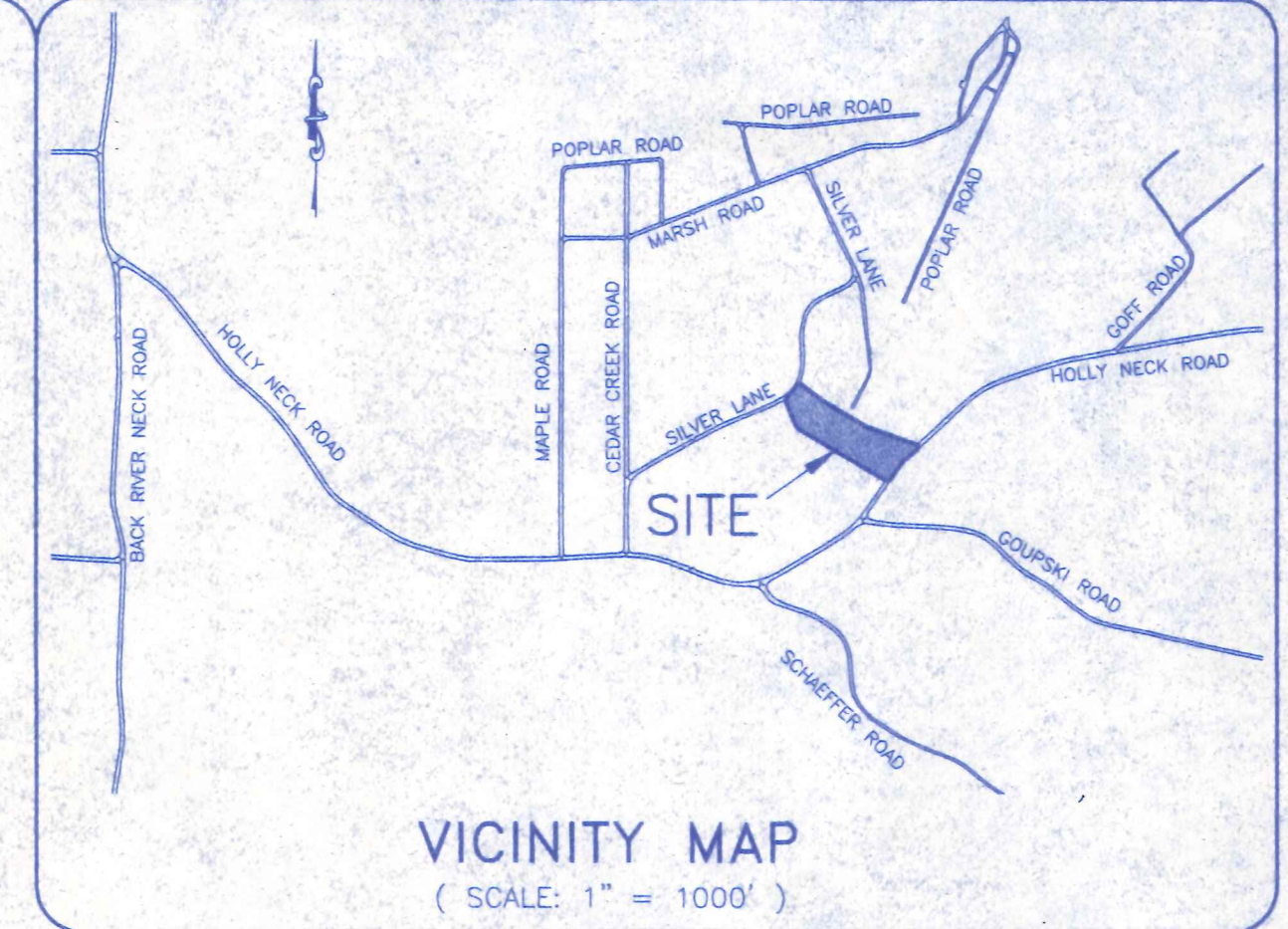
A. TO ALLOW LOTS 505 AND 506 TO BE MERGED BECAUSE OF THE EXISTING DRIVEWAY;

B. TO ALLOW LOT 506 TO BE INCREASED FROM 0.23 AC. TO 0.94 AC.;

C. TO ALLOW THE EXISTING LOT 505 AND THE PROPOSED LOT 506 TO HAVE THE TOTAL OF 1.15 AC. IN LIEU OF THE REQUIRED 1.5 AC. FOR AN UNDERSIZED LOT IN A RC-5 ZONE PER BCZR 1A04.3(1)(a);

NOTES

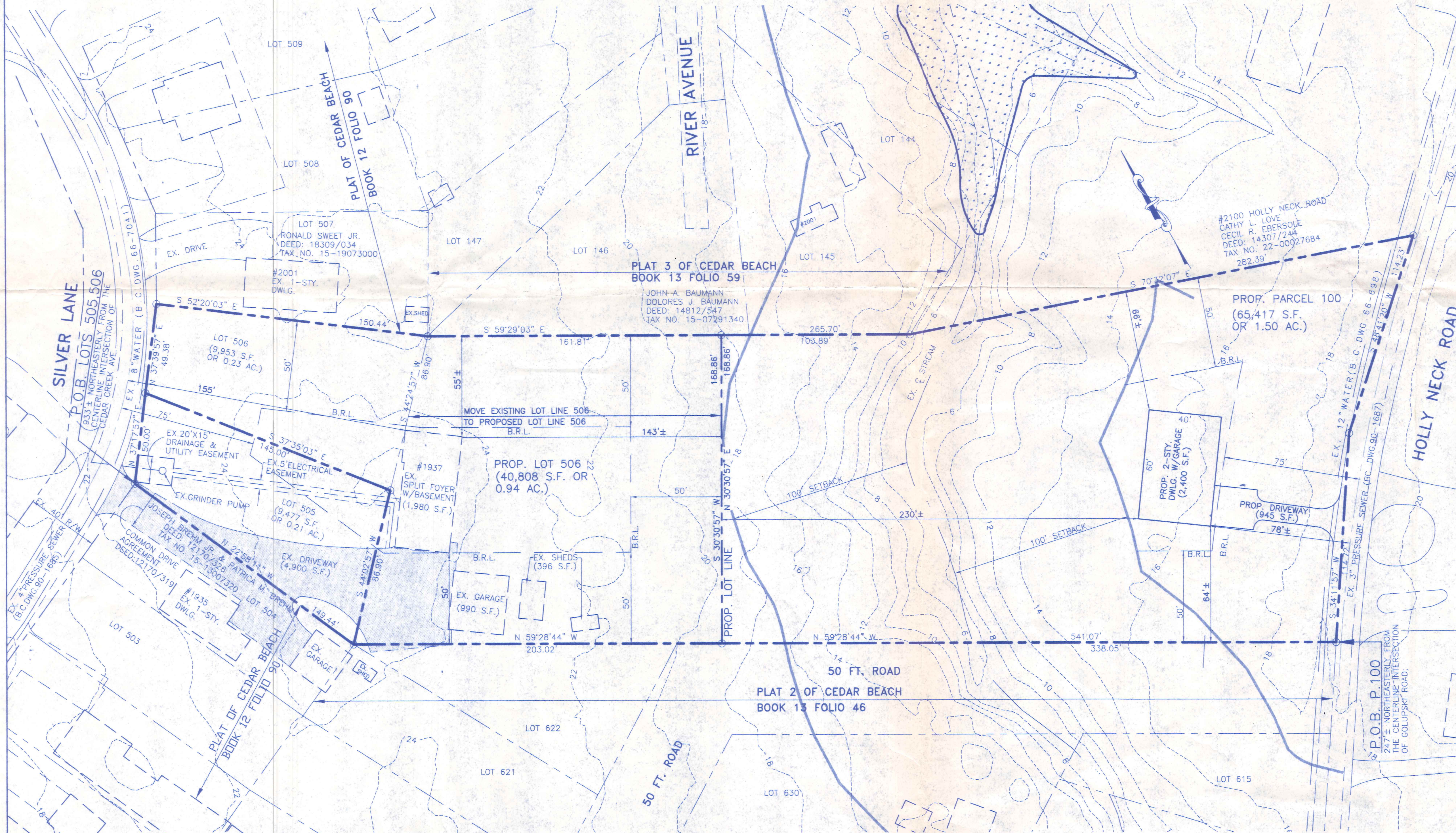
- Topography shown hereon was taken from Baltimore County GIS Topography.
- The Firm Insurance Rate Map, 240010-0445 indicates this is situated within flood Zone X. F.E.M.A. indicates a Flood Elevation of 8.5 NAVD 88 based on a Flood Insurance Study Number 240010V0008. A minimum first floor elevation 10.5 NAVD 88.
- Property lines shown hereon were established by public information.
- This site is situated within the Chesapeake Bay Critical Areas and is classified by land use as Limited Development Area (LDA) (MAP 105).
- There shall be no clearing, grading, construction or disturbance of vegetation within the 100' Buffer Area except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.
- There are forest or developed woodlands on this site.
- There is no significant plant or animal habitat on this site.
- There are no slopes greater than 15% on this site except along stream banks.
- There are no known wells on this site.
- There are no known underground storage tanks or septic systems on this site.
- There are no known potentially hazardous materials on this site as defined by Title 7-Health and Environmental Article, Annotated Code of Maryland.
- There are no buildings or property within this site that are included on the Maryland Historical Trust Inventory, The Baltimore County Landmarks List, the National Register of Historic Places, the Maryland Archeological Survey or is a Baltimore County Historical District.
- Public Water and sewer serve this site.
- This site has not been the subject of the CRG, DRC, or Waiver Processes.
- Caution underground utilities may exist in Holly Neck Road, Silver Lane & onsite, contact Miss Utility (800-257-7777) prior to any construction.



SITE DATA

- OWNER: DEBORAH J. CASCIO & TERR L. MILLER
#1937 SILVER LANE
BALTIMORE MARYLAND 21221
- DEED REF: 27890/225 & 34752/123
- TAX ACC. NO.: 15-19711820, 15-19711821
- TAX MAP: 105 PARCEL: 100 LOT: 505,506
- PLAT REF: CEDAR BEACH BOOK 12 FOLIO 90
- ELECTION DISTRICT: 15TH
- COUNCILMANIC DISTRICT: 7TH
- REGIONAL PLANNING DISTRICT: 328
- CENSUS TRACT: 4510
- ZONING: RC 5
- ZONING MAP: 105A1
- USE: EXISTING: RESIDENTIAL, SINGLE FAMILY DWELLING
PROPOSED: RESIDENTIAL, SINGLE FAMILY DWELLING
- SITE AREAS:

EXISTING LOT 505:	9,477 S.F.	OR	0.21 AC.
PROPOSED LOT 506:	40,808 S.F.	OR	0.94 AC.
PROPOSED PARCEL 100:	65,417 S.F.	OR	1.50 AC.
TOTAL:	115,702 S.F.	OR	2.65 AC.



Bafitis & Associates, Inc.
William N. Bafitis, P.E.
PRESIDENT
Civil Engineers/Land Planners
SURVEYORS
1249 Engleberth Rd. Baltimore, MD 21221 (410) 391-2336

**PLAN TO ACCOMANY
PETITION FOR ZONING
SPECIAL HEARING
FOR
#1937 SILVER LANE**

15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 30'

JOB ORDER NO: 21704

DATE: 07/18/17

CHECKED: W.N.B.

DRAWN: N.W.B.

Professional Certification: I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 11641 Expiration Date: 09/09/2017

SHEET 1 OF 1

NO.	REVISIONS	DATE
1	REVISED COUNCILMANIC DISTRICT	09/13/17

PET. EX. 1

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HOUSE	1,980 S.F.
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SHEDS	396 S.F.
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TOTAL	8,266 S.F. / 50,285 S.F. = 0.1643 X 100 = 16.43%

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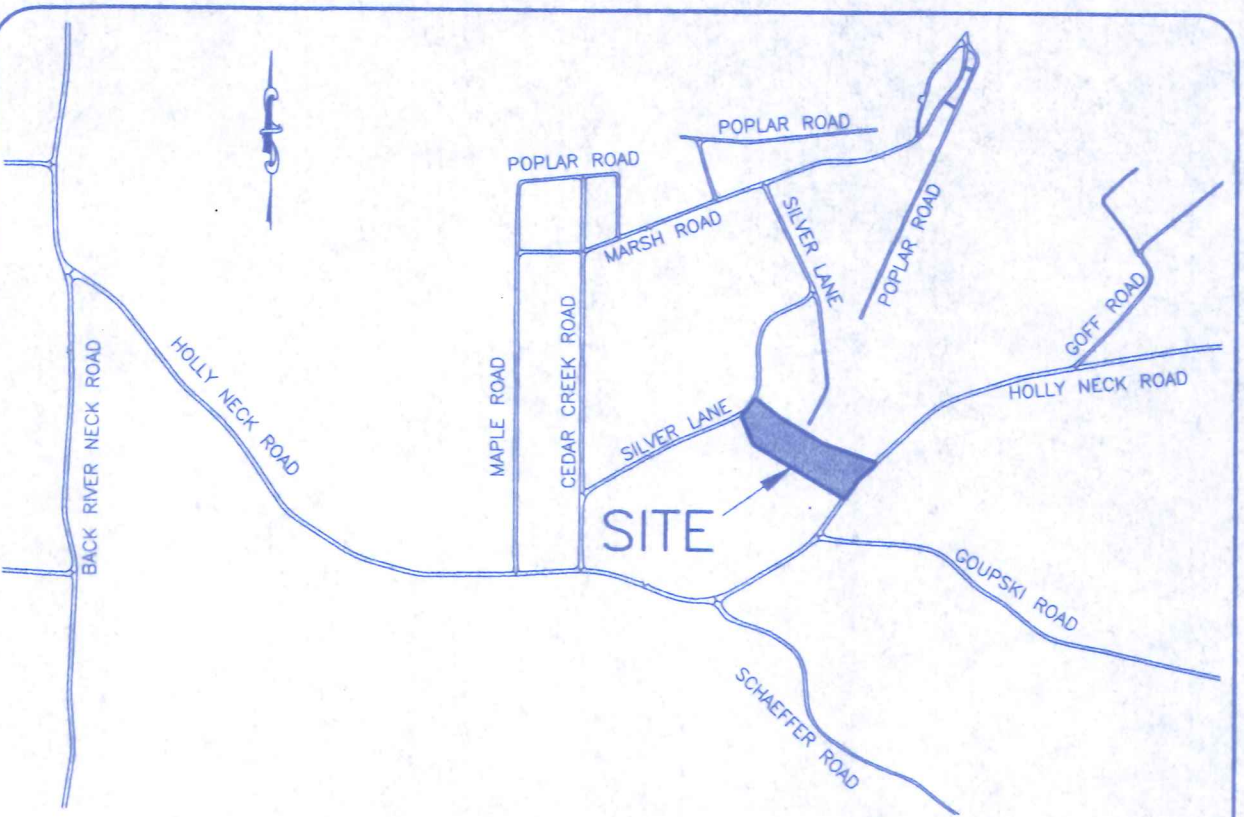
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- B. TO ALLOW LOT 506 TO BE INCREASED FROM 0.23 AC. TO 0.94 AC.;
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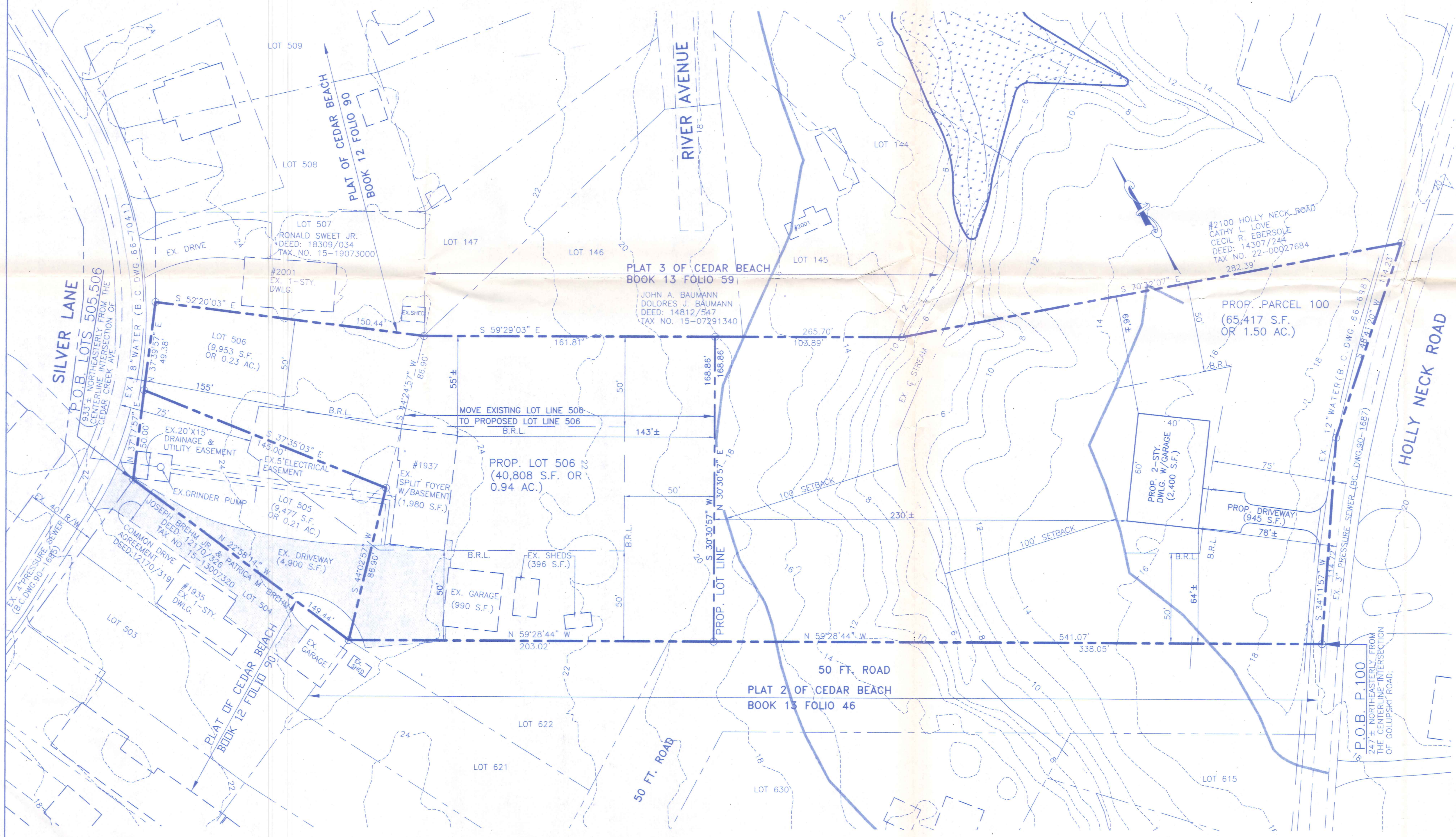
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- There are no slopes greater than 15% on this site except along stream banks.
- There are no known wells on this site.
- There are no known underground storage tanks or septic systems on this site.
- There are no known potentially hazardous materials on this site as defined by Title 7- Health and Environmental Article, Annotated Code of Maryland.
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VICINITY MAP
(SCALE: 1" = 1000')

SITE DATA

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BALTIMORE MARYLAND 21221
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- 5) PLAT REF: CEDAR BEACH BOOK 12 FOLIO 90
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|----------------------|--------------|----|----------|
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Civil Engineers/Land Planners
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**PLAN TO ACCOMANY
PETITION FOR ZONING
SPECIAL HEARING
FOR
#1937 SILVER LANE**

15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

1

WILLIAM N. BAFITIS, P.E.
Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 11641 Expiration Date: 09/09/2017

NO.	REVISIONS	DATE