

MEMORANDUM

DATE: October 13, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0025-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

(2124 Alma Avenue)

15th Election District

7th Council District

Craig Andes

Legal Owner

Petitioner

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0025-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Craig Andes, the legal owner of the subject property ("Petitioner"). The Petition seeks variance relief from §400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit an accessory structure (garage) to be located in the front yard in lieu of the required rear yard and to permit a front street setback of 6 ft. in lieu of the required 25 ft. A site plan was marked as Petitioner's Exhibit 1.

Craig Andes 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 B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Department of Environmental Protection and Sustainability (DEPS).

The site is approximately 0.30 acres in size and zoned DR 5.5. The property is improved with a single family dwelling constructed in 1938. Given the shape of the lot and the small rear yard, the front yard is the only feasible location for the accessory structure.

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

ORDER RECEIVED FOR FILING

Date 9/12/17

By Sen

or hardship.

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

The property is shaped like a bullet, and is therefore unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because he would be unable to construct an accessory building on the 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.

THEREFORE, IT IS ORDERED, this 12th day of **September, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.1 to permit an accessory structure (garage) to be located in the front yard in lieu of the required rear yard and to permit a front street setback of 6 ft. in lieu of the required 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 his 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. Petitioner must prior to issuance of permits comply with the critical area regulations.
3. Petitioner must provide vegetative screening along the property line in common with 2114 Alma Avenue.

ORDER RECEIVED FOR FILING

Date

9/12/17

By

sen

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



CBCA

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 2129 ALMA AVE which is presently zoned DR 5.5
 Deed References: 36041/00236 10 Digit Tax Account # 2500012246
 Property Owner(s) Printed Name(s) CRAIG ANDES

(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) 400.1 BCZR AND 400.1.d ZCPM

To permit an accessory structure (garage) to be located in the front yard in lieu of the required rear yard & to permit a front street setback of 6' in lieu of the required 25'.

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

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2018-0025-AFiling Date 7/19/17

Do Not Schedule Dates: _____

Reviewer JF

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



July 13, 2017

ZONING PROPERTY DESCRIPTION 2124 ALMA AVENUE

Beginning at a point on the east side of Alma Avenue which is a 30' wide right of way, at the distance of 54.91' and bearing of S 34° 21' 45" W of the centerline of North Dakota Avenue which is a 30' wide right of way. Thence the following courses and distances:

- 1) North 73° 57' 31" West 50.00'.
- 2) North 16° 02' 29" East 214.90'.
- 3) North 04° 21' 10" West 7.36'.
- 4) North 36° 06' 07" East 82.19'.
- 5) South 04° 21' 10" East 70.58'.
- 6) South 16° 02' 29" West 232.76' back to the point of beginning as recorded in deed Liber 38202, Folio 666, containing 13,260 square feet or 0.30 acres+/-

I certify that this description was either personally prepared by me or I was in responsible charge of its preparation. All of the surveying work reflected in said description complies with the requirements set forth in Chapter 06.12 of the Minimum Standards of Practice for Professional Land Surveyors.

Stephen J. Hall
Professional Land Surveyor #21642



1220-C East Joppa Road, Suite 505, Towson, Maryland 21286 Tel: (410) 821-1690 Fax: (410) 821-1748

Abingdon, MD • Laurel, MD • Towson, MD • Georgetown, DE • Wilmington, DE
(410) 515-9000 (410) 792-9792 (410) 821-1690 (302) 855- 5734 (302) 326-2600
Visit us on the web at www.mragta.com

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
AND VARIANCE
4805 Joppa Road; SE/S of E Joppa Road, SE * OF ADMINISTRATIVE
Corner of E. Joppa Road & Kahl Avenue
11th Election & 5th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Merle Lee & Catherine Schmidt
Contract Purchaser(s): Joppa Road Childcare, LLC* BALTIMORE COUNTY
Petitioner(s) * 2018-025-XA

* * * * *

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
AUG 02 2018

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 2nd day of August, 2018, a copy of the foregoing Entry of Appearance was mailed to John Gontrum, Esquire, 1 West Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
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 5134280

Sold To:

Craig Andes - CU00614641
2124 Alma Ave
Sparrows Point, MD 21219-2142

Bill To:

Craig Andes - CU00614641
2124 Alma Ave
Sparrows Point, MD 21219-2142

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

Aug 22, 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: # 2018-0025-A
2124 Alma Avenue

15th Election District - 7th Councilmanic District
Legal Owner(s) Craig Andes

Variance: to permit an accessory structure (garage) to be located in the front yard in lieu of the required rear yard and to permit a front street setback of 6 ft. in lieu of the required 25 ft.

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

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

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 8/724 Aug. 22 5134280

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

CASE NO: 2018-0025-A

PETITIONER/DEVELOPER

CRAIG ANDES

DATE OF HEARING/CLOSING:

9/11/17

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 _____

2124 ALMA AVENUE

THIS SIGN(S) WERE POSTED ON August 22, 2017
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 8/22/17
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 # 2018-0025-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: MONDAY SEPTEMBER 11, 2017 AT 11:00 A.M.
REQUEST: VARIANCE TO PERMIT AN ACCESSORY
STRUCTURE (GARAGE) TO BE LOCATED IN THE FRONT
YARD IN LIEU OF THE REQUIRED REAR YARD AND TO
PERMIT A FRONT STREET SETBACK OF 6 FT IN LIEU
OF THE REQUIRED 25 FT.

NOTHING IS TO BE TAKEN AWAY FROM ANYONE'S RIGHTS OR INTERESTS
BY ANY ACTION TAKEN HEREIN
BUT THE CITY OF TOWSON AND THE ZONING COMMISSIONER SHALL BE
HANDICAPPED ACCESSIBLE

Y. G. 8/22/17



KEVIN KAMENETZ
County Executive

August 2, 2017

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

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: 2018-0025-A

2124 Alma Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Craig Andes

Variance to permit an accessory structure (garage) to be located in the front yard in lieu of the required rear yard and to permit a front street setback of 6 ft. in lieu of the required 25 ft.

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

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

Arnold Jablon
Director

AJ:kl

C: Craig Andes, 2124 Alma Avenue, Baltimore 21219

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 22, 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
Tuesday, August 22, 2017 Issue - Jeffersonian

Please forward billing to:
Craig Andes
2124 Alma Avenue
Baltimore, MD 21219

443-324-3594

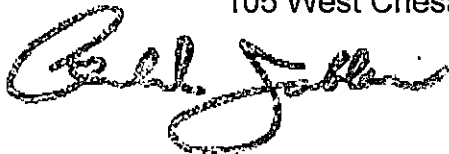
NOTICE OF ZONING HEARING

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: 2018-0025-A
2124 Alma Avenue
15th Election District – 7th Councilmanic District
Legal Owners: Craig Andes

Variance to permit an accessory structure (garage) to be located in the front yard in lieu of the required rear yard and to permit a front street setback of 6 ft. in lieu of the required 25 ft.

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



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**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: 2018-0025-A

Property Address: 2124 ALMA AVE

Property Description: _____

Legal Owners (Petitioners): CRAIG ANDES

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: CRAIG ANDES

Company/Firm (if applicable): _____

Address: 2124 ALMA AVE

BALTO. MD. 21219

Telephone Number: 443-324-3594

Revised 7/9/2015

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

NO 154858

Date: 7/19/17

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

Total: 75.00

Rec From: CRAIG ANDERSON

For: Petition for Variance Case # 2018-0025-A
2124 Alton Ave.

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME 1

7/19/2017 7/19/2017 10:26:21

REG 0501 MAIL LTR

>>RECEIPT # 732030 7/19/2017 C/LH

Dept 5 520 ZONING VERIFICATION

CR NO. 154858

Recpt Tot \$75.00

\$75.00 CR \$0.00 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

Craig Andes
2124 Alma Avenue
Baltimore MD 21219

RE: Case Number: 2018-0025 A, Address: 2124 Alma Avenue

Dear Mr. Andes:

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

Date: 7/24/17

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

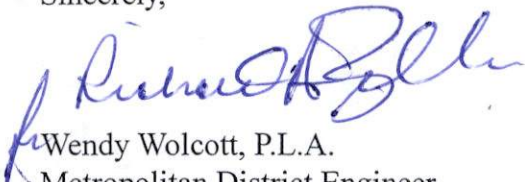
Dear Ms. Lewis:

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. 2018-0025-A

Variance
Craig Andez
2124 Alma Avenue

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

9-11

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: 18-025



INFORMATION:

Property Address: 2124 Alma Avenue
Petitioner: Craig Andes
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit an accessory structure (garage) to be located in the front yard with a street building setback of 6' in lieu of the required rear yard and 25' respectively.

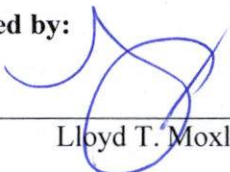
A site visit was conducted on August 2, 2017. The property is the subject of Building Complaint # CB1700369.

The Department has no objections to granting the petitioned zoning relief conditioned upon the following:

- Provide landscaped screening in the vicinity of the detached accessory structure along the property line in common with # 2114 Alma Avenue.

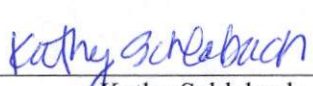
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
Craig Andes
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: 18-025

INFORMATION:

Property Address: 2124 Alma Avenue
Petitioner: Craig Andes
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit an accessory structure (garage) to be located in the front yard with a street building setback of 6' in lieu of the required rear yard and 25' respectively.

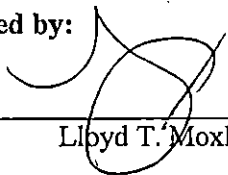
A site visit was conducted on August 2, 2017. The property is the subject of Building Complaint # CB1700369.

The Department has no objections to granting the petitioned zoning relief conditioned upon the following:

- Provide landscaped screening in the vicinity of the detached accessory structure along the property line in common with # 2114 Alma Avenue.

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
Craig Andes
Office of the Administrative Hearings
People's Counsel for Baltimore County

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 21, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0025-A
Address 2124 Alma Avenue
(Andes 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;

The subject property is located within a Limited Development Area (LDA), and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

- 1. Occupied by a structure, parking area, driveway, walkway, or roadway; or*
- 2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material*

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;
3. A wood mulch pathway; or
4. A deck with gaps to allow the water to pass freely.

The petitioner is requesting to permit a new accessory structure (detached garage) to be located in the front yard in lieu of the rear yard and to permit a front street setback of 6 feet. According to the plan with this petition, the lot size is 13,260 square feet (sf). In order to minimize impacts on water quality, the applicant should comply with the LDA lot coverage requirements, which, for a property this size, is 31 ¼% (4,144 sf), with mitigation required for lot coverage between 25% (3,315 sf) and 31 ¼%. The plan proposes additional lot coverage. Please be advised that lot coverage cannot exceed 31 ¼%. The property is also located within a Modified Buffer Area (MBA), which further restricts impervious surfaces and structures within 100 feet landward of mean high water (100 foot buffer). According to the plan submitted for this review, there are proposed impacts within the 100-foot buffer. Any building permits or plans received by DEPS for review will include application of the LDA and MBA regulations, therefore, by allowing the items requested by the petitioner, impacts on water quality will be minimized.

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

The current development proposal for the property will be reviewed for application of the LDA and MBA requirements, which will improve buffer functions, and conserve fish, wildlife and plant habitat in Old Road Bay.

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

The items requested will be consistent with established land use policies, provided that the applicants meet any LDA and MBA requirements applicable to the proposal. The request, if granted, will minimize environmental impacts.

Reviewer: Thomas Panzarella; Date: August 21, 2017
Environmental Impact Review

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

DEVELOPMENT PLANS REVIEW

(if not received, date e-mail sent _____)

8/21

DEPS

(if not received, date e-mail sent _____)

Comment

FIRE DEPARTMENT

8/11

PLANNING

(if not received, date e-mail sent _____)

no obs
w/condition

7/24

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

8/22/17

SIGN POSTING

Date:

8/22/17

by

Ogle

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 - 1516003150			
Owner Information					
Owner Name:	BLACHLY ROBERT		Use:	RESIDENTIAL	
Mailing Address:	2129 ALMA AVE		Principal Residence:	YES	
	BALTIMORE MD 21219-		Deed Reference:	/34309/ 00214	
Location & Structure Information					
Premises Address:		2129 ALMA AVE BALTIMORE 21219- Waterfront		Legal Description: 2129 ALMA AVE CHESAPEAKE TERRACE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0111	0022	0127		0000	A 49
					Assessment Year: 2018
					Plat No: 0005/ Plat Ref: 0034
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area		Finished Basement Area		Property Land Area
1938	1,224 SF		350 SF		17,840 SF
County Use 34					
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1 1/2	YES	STANDARD UNIT	SIDING	2 full	
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of 01/01/2015	As of 07/01/2017	As of 07/01/2018
Land:		163,900	163,900		
Improvements		86,100	86,100		
Total:		250,000	250,000	250,000	
Preferential Land:		0			
Transfer Information					
Seller: FEDERAL NATIONAL MORTGAGE ASSOCIATION		Date: 10/07/2013		Price: \$296,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /34309/ 00214		Deed2:	
Seller: MCJILTON HOLLY ANN		Date: 04/12/2013		Price: \$318,800	
Type: NON-ARMS LENGTH OTHER		Deed1: /33469/ 00263		Deed2:	
Seller: JOHNSON LLOYD GEORGE		Date: 10/09/2001		Price: \$233,000	
Type: ARMS LENGTH IMPROVED		Deed1: /15636/ 00488		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: Approved 03/03/2015					
Homeowners' Tax Credit Application Information					

RE: PETITION FOR VARIANCE
2124 Alma Avenue; NW/S Alma Avenue
Opposite North Dakota Avenue
15th Election & 7th Councilmanic Districts
Legal Owner(s): Craig Andes
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2018-025-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 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 Craig Andes, 2124 Alma Avenue, Baltimore, Maryland 21219, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME ANDES
CASE NUMBER 2018-0017 SPH
DATE 9/11/17

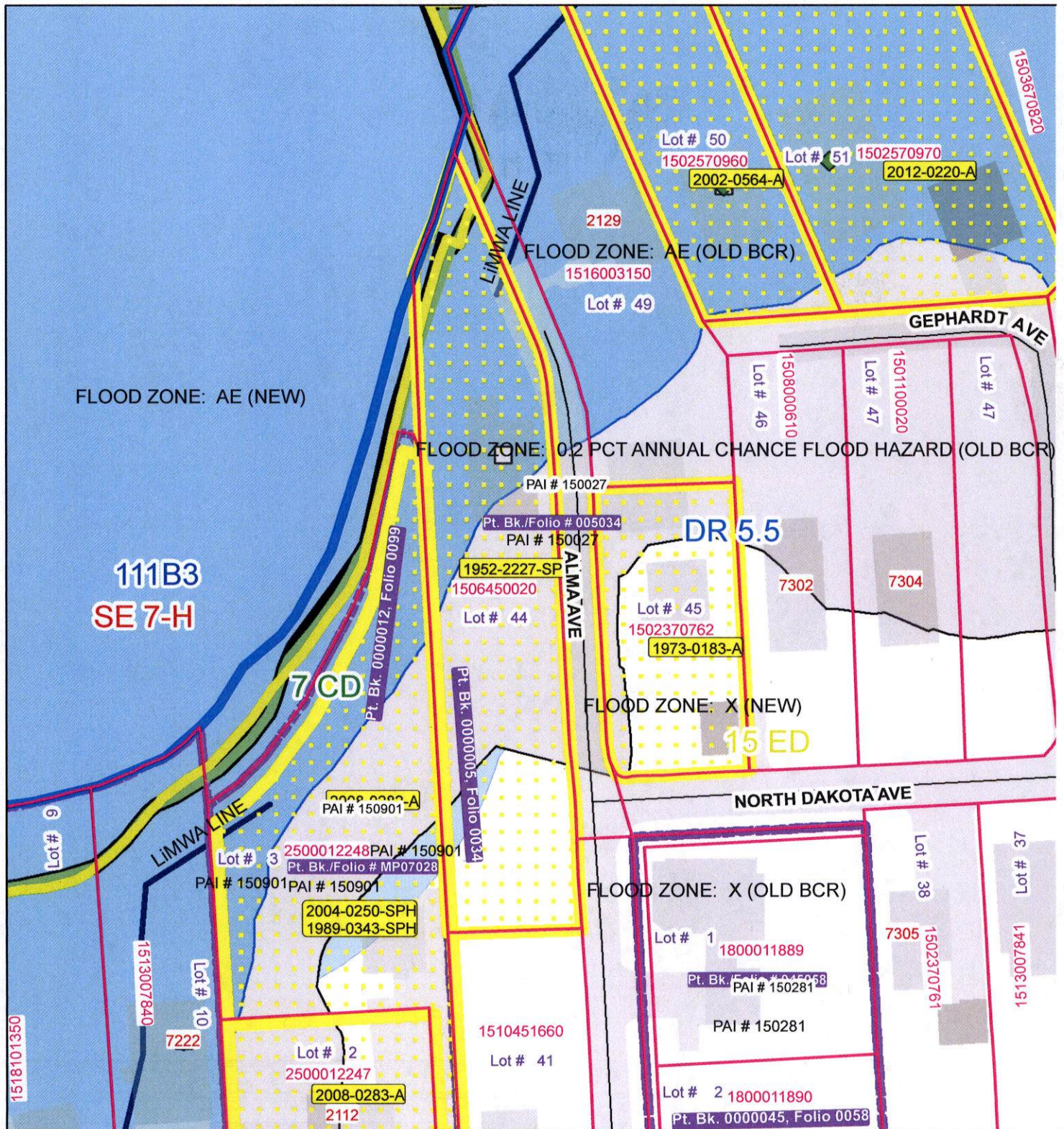
NAME _____

CITY, STATE, ZIP

E - MAIL

CRAIG ANDES	2124 ALMA AVE.	BALTO, MD. 21219	CMANDES@COMCAST.NET
-------------	----------------	------------------	---------------------

Flood Hazard Areas



Publication Date: 4/14/2017



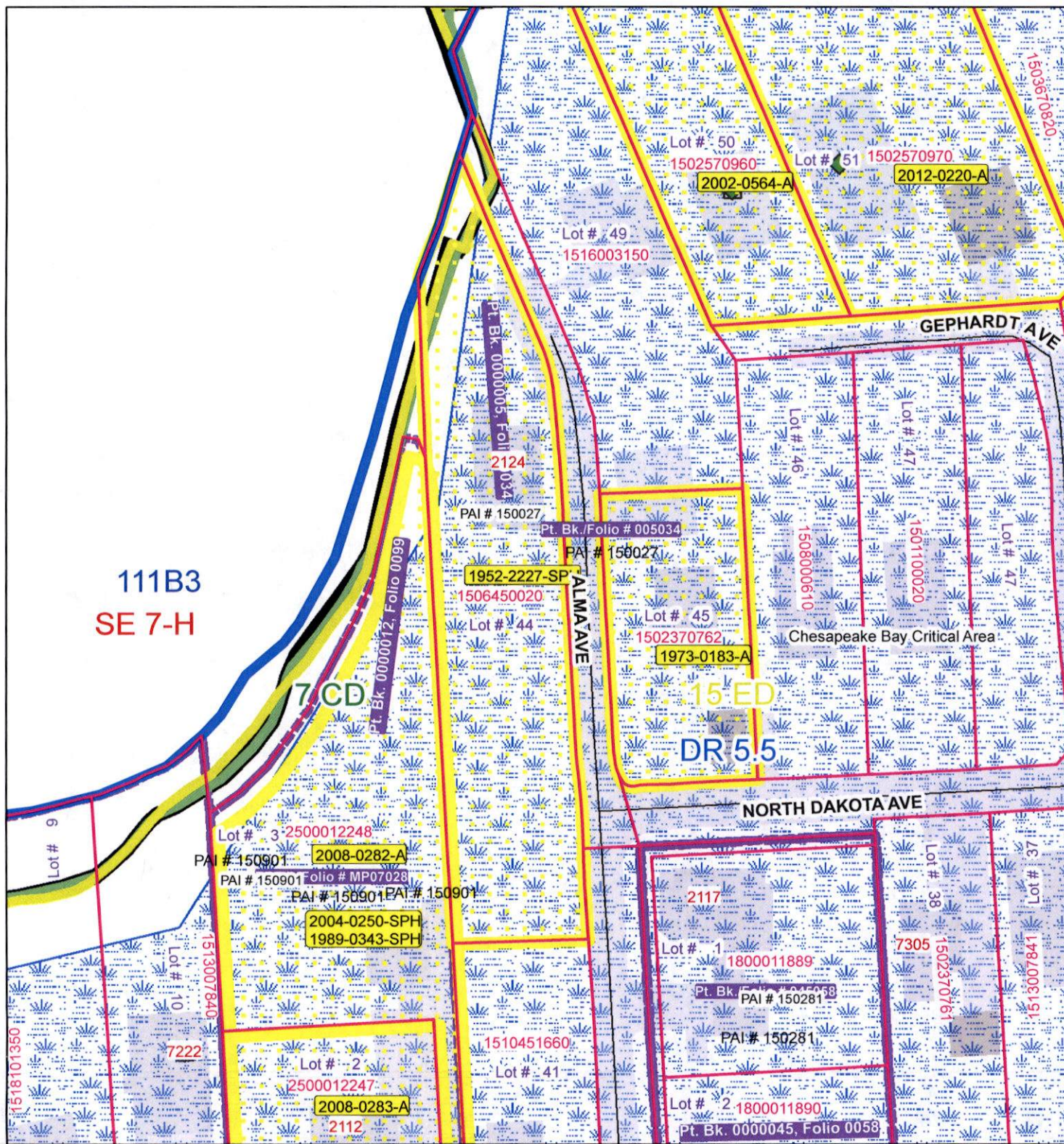
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 15 30 60 90 120 Feet

1 inch = 60 feet

Chesapeake Bay Critical Area



Publication Date: 4/14/2017



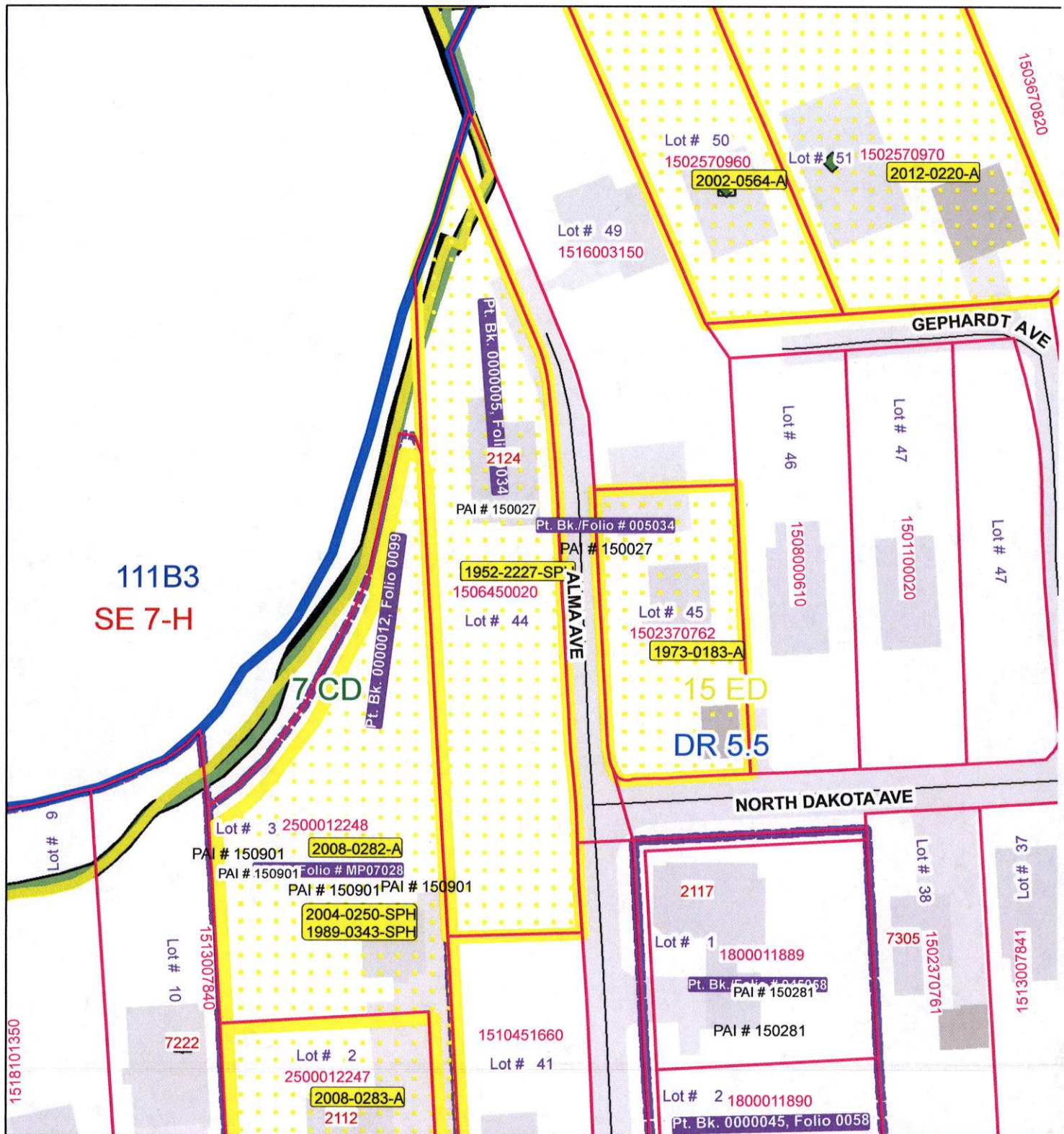
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 15 30 60 90 120 Feet

1 inch = 60 feet

2124 Alma Avenue



Publication Date: 4/14/2017



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



0 15 30 60 90 120 Feet

1 inch = 60 feet

GENERAL NOTES

- OWNER INFORMATION:
CRAIG M. ANDES
2124 ALMA AVENUE
BALTIMORE, MARYLAND 21219
- SITE AREA:
13,260 SQ.FT. +/- OR 0.30 AC +/-
- BUILDING AREA:
EXISTING: LOT 44 (#2124) - 1534 SQ.FT. +/- OR 0.0352 AC +/-
- UTILITIES:
PUBLIC WATER
PUBLIC SEWER
- SITE LIES WITHIN THE FLOODPLAIN AS SHOWN
ON F.I.R.M. # 2400100555G PANEL 555 OF 580 DATED MAY 5, 2014
- PARKING CALCULATIONS:
ONE-FAMILY GROUP HOUSE (OR TOWNHOUSE) 2 PER DWELLING UNIT
REQUIRED: 2
PROVIDED: 2
- SETBACKS: (PRINCIPAL STRUCTURES)

	REQUIRED	PROVIDED LOT 44 (#2124)
FRONT	10'	13' +/-
SIDE	10'	2' +/- (E) 22' +/- (W)
REAR	30'	177' +/-
- SETBACKS: (ACCESSORY STRUCTURES)

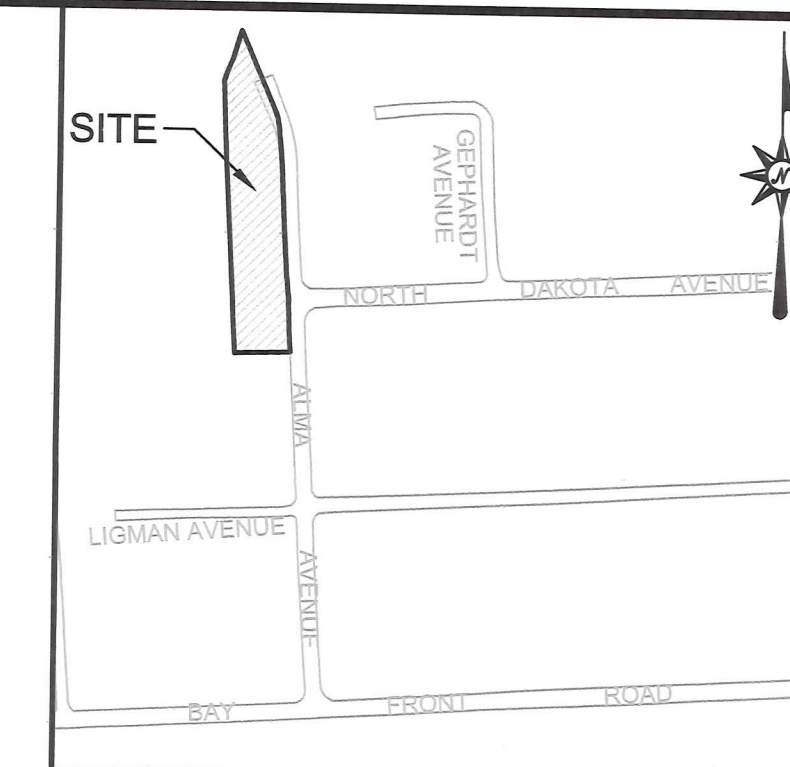
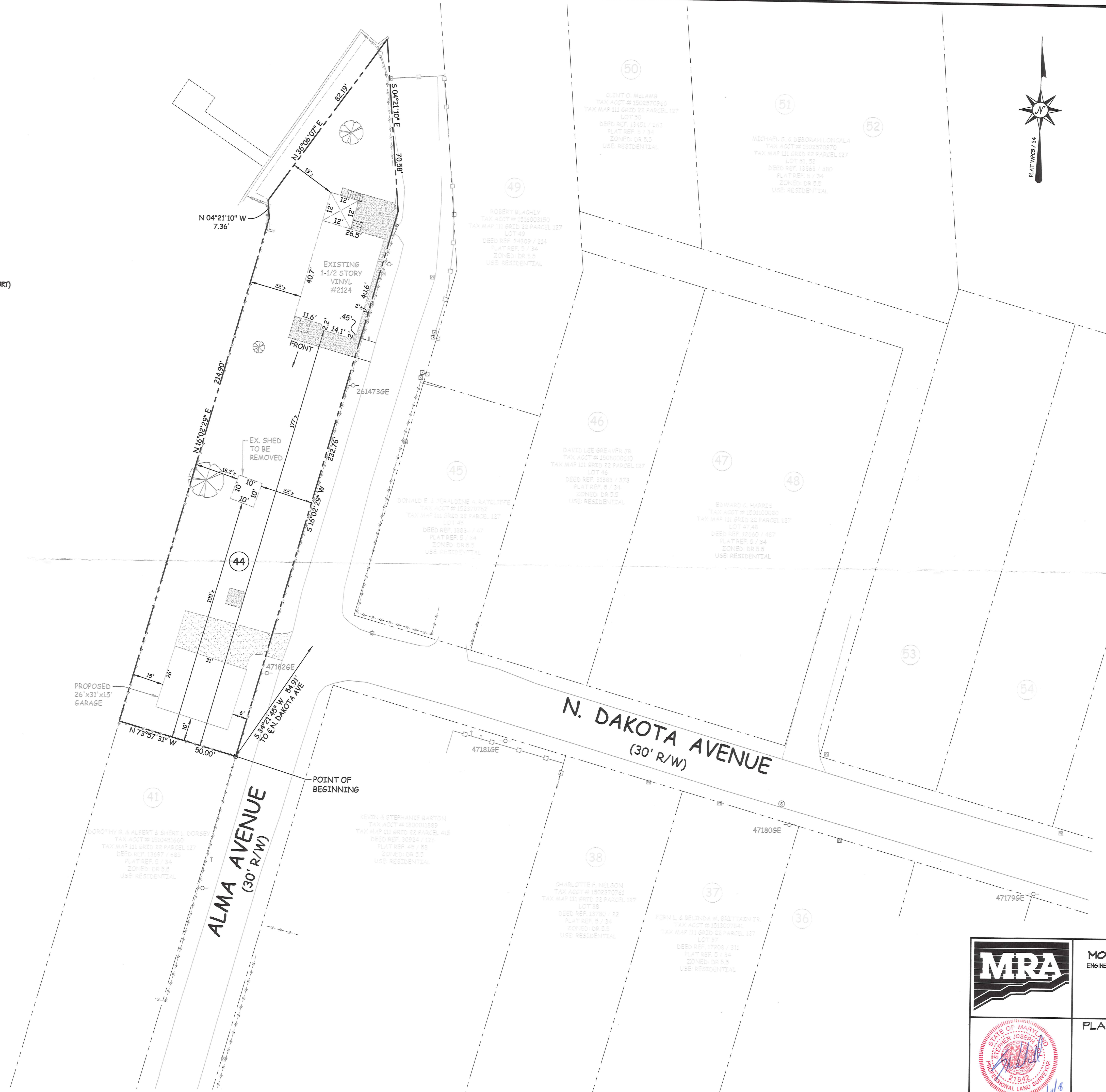
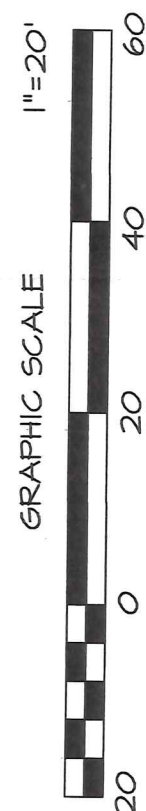
	REQUIRED	PROVIDED (SHED)
SIDE	5'	22' +/- (E) 18.2' +/- (W)
REAR	5'	100' +/-

* 2.5' ALLOWED IF CONSTRUCTED OF FIRE RETARDANT MATERIAL
- BUILDING HEIGHT
MAX PERMITTED = PRIMARY STRUCTURE 50', ACCESSORY STRUCTURE 15'
#2124 - 1-1/2 STORY DWELLING = 16.3'
ACCESSORY STRUCTURE = 8.6'
- DEED REFERENCE:
38202/666
- TAX ACCOUNT # 1506450020
- COUNCILMANIC DISTRICT: 7, ELECTION DISTRICT: 15
- REGIONAL PLANNING DISTRICT: N/A
- CENSUS TRACT: 452100
- WATERSHED: BALTIMORE HARBOR
- ZONING: DR 5.5
- TAX MAP 111 PARCEL 127 LOT 44
- PREVIOUS ZONING CASE FILE # 1952-2227-6PH
- NO KNOWN PERMITS ON FILE.
- FLOOR AREA CALCULATIONS: 2395 SF / 15000 SF = 0.16. (MAXIMUM FLOOR AREA RATIO = 0.33)
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- NO KNOWN HISTORICAL BUILDINGS ON THIS SITE.
- NO KNOWN PREVIOUS DRC MEETINGS.

ZONING DESCRIPTION FOR 2124 ALMA AVENUE

BEGINNING AT A POINT ON THE EAST SIDE OF ALMA AVENUE WHICH IS A 30' WIDE RIGHT OF WAY, AT THE DISTANCE OF 54.91' AND BEARING OF S 34° 21' 45" W OF THE CENTERLINE OF NORTH DAKOTA AVENUE WHICH IS A 30' WIDE RIGHT OF WAY, THENCE THE FOLLOWING COURSES AND DISTANCES:

- NORTH 73° 57' 31" WEST 50.00'
- NORTH 16° 02' 29" EAST 214.90'
- NORTH 04° 21' 10" WEST 7.36'
- NORTH 56° 06' 07" EAST 82.19'
- SOUTH 04° 21' 10" EAST 70.59'
- SOUTH 16° 02' 29" WEST 232.76' BACK TO THE POINT OF BEGINNING AS RECORDED IN DEED LIBER 38202, FOLIO 666, CONTAINING 13,260 SQUARE FEET OR 0.30 ACRES +/-



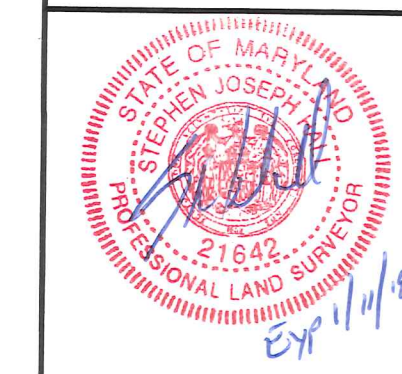
LOCATION MAP
SCALE: 1" = 200'

LEGEND

- EX. PAVING LINE
- PROPERTY LINE
- ADJOINER PROPERTY LINE
- EX. BLDG LINE
- SETBACK LINE
- EX. CHAINLINK FENCE
- GRAVEL PARKING
- EX. CONC. SIDEWALK
- POWER POLE



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS & LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21206
PHONE: 410-821-1690
FAX: 410-821-1748



PLAN TO ACCOMPANY ZONING HEARING
VARIANCE
2124 ALMA AVE

BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT: 15TH COUNCILMANIC DISTRICT: TTH

SCALE: 1"=20' DATE: 7/13/17 DRAWN BY: MAS REVIEWED BY: S.JH JOB NO.: 19612

Ex. 1

GENERAL NOTES

- OWNER INFORMATION:
CRAIG M. ANDES
2124 ALMA AVENUE
BALTIMORE, MARYLAND 21219
- SITE AREA:
13,260 SQ.FT. +/- OR 0.30 AC +/-
- BUILDING AREA:
EXISTING: LOT 44 (#2124) - 1534 SQ.FT. +/- OR 0.0352 AC +/-
- UTILITIES:
PUBLIC WATER
PUBLIC SEWER
- SITE LIES WITHIN THE FLOODPLAIN AS SHOWN
ON F.I.R.M. # 2400100555G PANEL 555 OF 580 DATED MAY 5, 2014
- PARKING CALCULATIONS:
ONE-FAMILY GROUP HOUSE (OR TOWNHOUSE) 2 PER DWELLING UNIT
REQUIRED: 2
PROVIDED: 2
- SETBACKS: (PRINCIPAL STRUCTURES)

	REQUIRED	PROVIDED LOT 44 (#2124)
FRONT	10'	19' +/-
SIDE	10'	2' +/- (E) 22' +/- (W)
REAR	30'	177' +/-
- SETBACKS: (ACCESSORY STRUCTURES)

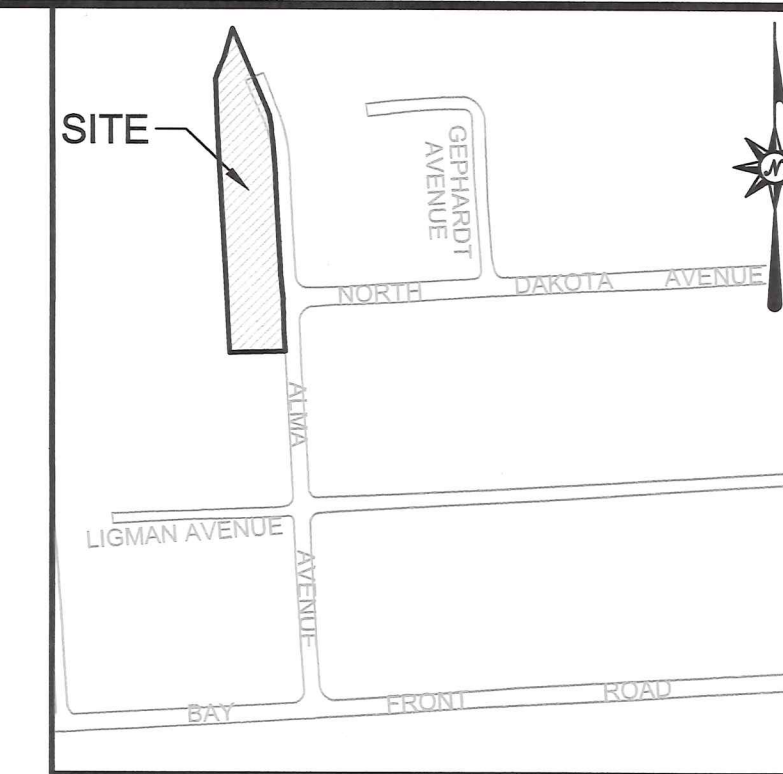
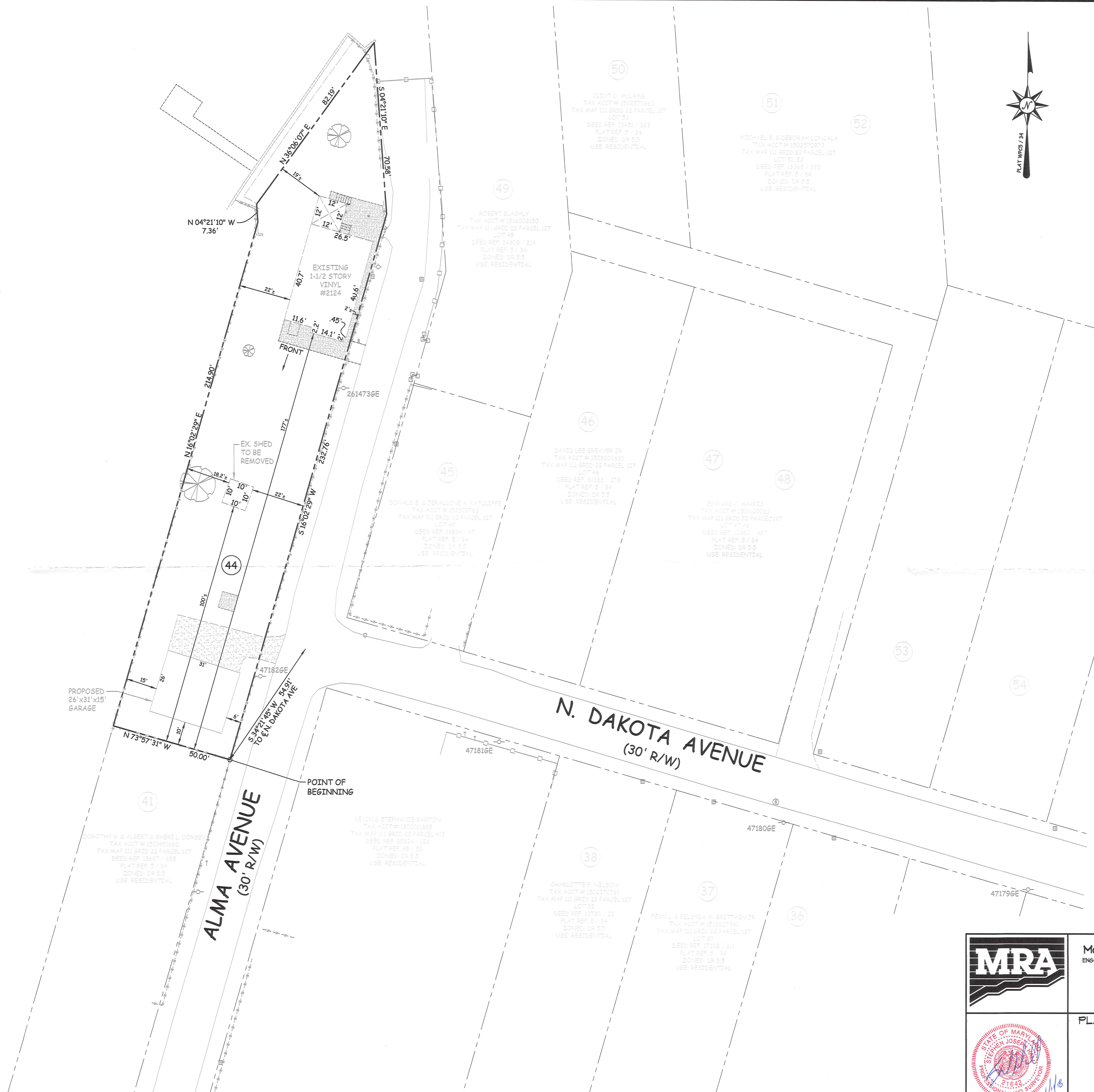
	REQUIRED	PROVIDED (SHED)
SIDE	5'	22' +/- (E) 18.2' +/- (W)
REAR	5'	100' +/-

* 2.5' ALLOWED IF CONSTRUCTED OF FIRE RETARDANT MATERIAL
- BUILDING HEIGHT
MAX PERMITTED = PRIMARY STRUCTURE 50', ACCESSORY STRUCTURE 15'
#2124 - 1 1/2 STORY DWELLING = 16.9'
ACCESSORY STRUCTURE = 8.6'
- DEED REFERENCE:
38202/666
- TAX ACCOUNT # 1506450020
- COUNCILMANIC DISTRICT: 7, ELECTION DISTRICT: 15
- REGIONAL PLANNING DISTRICT: N/A
- CENSUS TRACT: 462100
- WATERSHED: BALTIMORE HARBOR
- ZONING: DR 5.5
- TAX MAP 111 PARCEL 127 LOT 44
- PREVIOUS ZONING CASE FILE # 1952-2227-6PH
- NO KNOWN PERMITS ON FILE
- FLOOR AREA CALCULATIONS: 2585 SF / 15000 SF = 0.16. (MAXIMUM FLOOR AREA RATIO = 0.35.)
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- NO KNOWN HISTORICAL BUILDINGS ON THIS SITE.
- NO KNOWN PREVIOUS DRC MEETINGS.

ZONING DESCRIPTION FOR 2124 ALMA AVENUE

BEGINNING AT A POINT ON THE EAST SIDE OF ALMA AVENUE WHICH IS A 30' WIDE RIGHT OF WAY, AT THE DISTANCE OF 54.91' AND BEARING OF S 34° 21' 45" W OF THE CENTERLINE OF NORTH DAKOTA AVENUE WHICH IS A 30' WIDE RIGHT OF WAY, THENCE THE FOLLOWING COURSES AND DISTANCES:

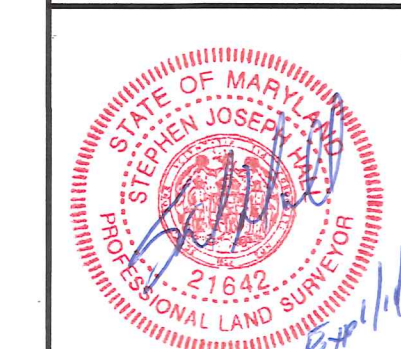
- NORTH 73° 57' 31" WEST 50.00'
- NORTH 16° 02' 29" EAST 214.90'
- NORTH 04° 21' 10" WEST 7.36'
- NORTH 36° 06' 07" EAST 82.19'
- SOUTH 04° 21' 10" EAST 70.58'
- SOUTH 16° 02' 29" WEST 232.76' BACK TO THE POINT OF BEGINNING AS RECORDED IN DEED LIBER 38202, FOLIO 666, CONTAINING 13,260 SQUARE FEET OR 0.30 ACRES +/-



LOCATION MAP
SCALE: 1" = 200'



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS & LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
PHONE: 410-821-1690
FAX: 410-821-1748



PLAN TO ACCOMPANY ZONING HEARING
VARIANCE
2124 ALMA AVE
BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT: 15TH COUNCILMANIC DISTRICT: 1TH

SCALE: 1"=20' DATE: 7/13/17 DRAWN BY: MAS REVIEWED BY: SAH JOB NO.: 19612