

M E M O R A N D U M

DATE: October 30, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0032-SPH - Appeal Period Expired

The appeal period for the above-referenced case expired on October 27, 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** * BEFORE THE
(2712 Holly Beach Road) *
15th Election District * OFFICE OF
7th Council District *
John F. & Ann R. Whelehan * ADMINISTRATIVE HEARINGS
Legal Owners *
Petitioners * FOR BALTIMORE COUNTY
* **Case No. 2018-0032-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 John F. & Ann Whelehan, legal owners ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to approve an amendment to the order and site plan in Case No. 2017-0132-A to allow the previously approved 33 ft. side yard setback to be reduced to 29 ft.

John & Ann Whelehan and Bernadette Moskunas with Site Rite Surveying 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. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Environmental Protection and Sustainability (DEPS). A redlined site plan was marked and admitted as Petitioners' Exhibit 1.

The subject property is approximately 0.57 acres in size and zoned RC-5. The property is improved with a single family dwelling constructed in 1924. Petitioners propose to raze that structure and construct a new dwelling on the lot. Earlier this year, Petitioners were granted variance relief in connection with the proposed replacement dwelling. That order (No. 2017-0132-

ORDER RECEIVED FOR FILING

Date 9/27/17

By SEN

A) granted variances from the onerous RC-5 side yard setback requirements, permitting setbacks of 5 ft. and 33 ft., both in lieu of the 50 ft. required.

Following that hearing Petitioners revised slightly the plans to accommodate their nearest neighbor at 2716 Holly Beach Road. As a consequence of that revision, the side yard setback on the eastern boundary was reduced from 33 ft. to 29 ft. The other side yard will remain at 5 ft. Both adjoining neighbors signed the site plan and indicated they did not oppose the request. Pets. Ex. 2.

THEREFORE, IT IS ORDERED this 27th day of **September, 2017** by this Administrative Law Judge, that the Petition for Special Hearing to approve an amendment to the order and site plan in Zoning Case No. 2017-0132-A to allow the previously approved 33 ft. side yard setback to be reduced to 29 ft., 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 comply with the Chesapeake Bay Critical Area regulations.

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:slh

ORDER RECEIVED FOR FILING

Date 9/27/17

By slh



CBCA

Flood

PETITION FOR ZONING HEARING(S)

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

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

Address 2712 Holly Beach, Essex, MD 21221 (which is presently zoned RC 5)

Deed References: Map 981 Parcel 0216 10.Digit Tax Account # 1513855450

Property Owner(s) Printed Name(s) John Francis Whelehan, Ann R Whelehan

(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 an amendment to the order and site plan in Zoning Case # 2017-0132-A to allow the previously approved 33 feet side yard setback to be reduced to 29 feet.

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

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):

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

2018-0032-SPH

Filing Date

7/25/2017

Do Not Schedule Dates:

Reviewer

JNP

Zoning Property Description for #2712 Holly Beach Road

Beginning at a point on the north side of Holly Beach Road which is 25 feet wide (plat) at the distance of 1560 feet east of the centerline of Henrietta Avenue which is 40 feet wide (plat). Being Lot 14 in the subdivision of "Plat of Broring" as recorded in Baltimore County Plat Book No. 6, folio No. 101, containing 24,973 square feet, more or less. Located in the 15th Election District, 7th Council District.

Michael V. Moskunas
Professional Land Surveyor
Reg. No. 21175
Site Rite Surveying, Inc.
200 E. Joppa Road
Shell Building, Room 101
Towson, MD 21286
(410)828-9060

2018-0032-EPH



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 5162103

Sold To:

John Whelehan - CU00616889
2712 Holly Beach Rd
Essex, MD 21221-2021

Bill To:

John Whelehan - CU00616889
2712 Holly Beach Rd
Essex, MD 21221-2021

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

Sep 05, 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: # 2018-0032-SPH
2712 Holly Beach Road
N/s Holly Beach Road, 1560 ft. E/of Henrietta Avenue
15th Election District - 7th Councilmanic District
Legal Owner(s) John & Ann Whelehan

Special Hearing to determine whether or not the Administrative Law Judge should approve an amendment to the order and site plan in Zoning Case #2017-0132-A to allow the previously approved 33 ft. side yard setback to be reduced to 29 ft.

Hearing: Monday, September 25, 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 9/6/19 Sep. 5

5162103

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

CERTIFICATE OF POSTING

CASE NO. 2018-0032 SPH

PETITIONER/DEVELOPER

STE RITE SURVEYING
INC.

DATE OF HEARING/CLOSING

9/25/17

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION :

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) EQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

2712 HOLLY BEACH RD

THIS SIGN(S) POSTED ON September 5, 2017
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 9/5/17
SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDBROOK ROAD
PARKVILLE, MD. 21234
443-629-3411



HANDICAPPED ACCESSIBLE



KEVIN KAMENETZ
County Executive

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

August 9, 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: 2018-0032-SPH

2712 Holly Beach Road
N/s Holly Beach Road, 1560 ft. E/of Henrietta Avenue
15th Election District – 7th Councilmanic District
Legal Owners: John & Ann Whelehan

Special Hearing to determine whether or not the Administrative Law Judge should approve an amendment to the order and site plan in Zoning Case #2017-0132-A to allow the previously approved 33 ft. side yard setback to be reduced to 29 ft.

Hearing: Monday, September 25, 2017 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Whelehan, 2712 Holly Beach Road, Essex 21221
Bernadette Moskunus, 200 E. Joppa Road, Rm. 101, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 5, 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, September 5, 2017 Issue - Jeffersonian

Please forward billing to:
John & Ann Whelehan
2712 Holly Beach Road
Essex, MD 21221

410-218-9266

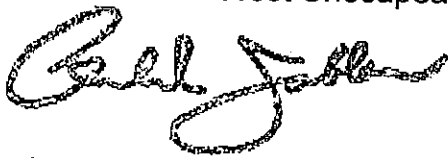
NOTICE OF ZONING HEARING

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: 2018-0032-SPH
2712 Holly Beach Road
N/s Holly Beach Road, 1560 ft. E/of Henrietta Avenue
15th Election District – 7th Councilmanic District
Legal Owners: John & Ann Whelehan

Special Hearing to determine whether or not the Administrative Law Judge should approve an amendment to the order and site plan in Zoning Case #2017-0132-A to allow the previously approved 33 ft. side yard setback to be reduced to 29 ft.

Hearing: Monday, September 25, 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.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
2712 Holly Beach Road; N/S Holly Beach * OF ADMINISTRATIVE
Road, 1560' E of Henrietta Avenue * HEARINGS FOR
15th Election & 7th Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): John F & Ann R Whelehan *
Petitioner(s) *
2018-032-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.

RECEIVED

AUG 08 2017

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of August, 2017, a copy of the foregoing Entry of Appearance was mailed to Bernadette Mokunas, Site Rite Surveying, 200 E. Joppa Road, Room 101, Towson, Maryland 21286, Representative 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: 2018-0032-8PH
Property Address: 2712 Holly Beach Road
Property Description: North side of Holly Beach Road, east of
Henrietta Avenue
Legal Owners (Petitioners): John and Renee Wheelahan
Contract Purchaser/Lessee: n/a

PLEASE FORWARD ADVERTISING BILL TO:

Name: John and Renee Wheelahan
Company/Firm (if applicable): _____
Address: 2712 Holly Beach Road
Essex MD 21221

Telephone Number: 410 218 9266



KEVIN KAMENETZ
County Executive

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

June 29, 2017

Mr. & Mrs. John Whelehan
2712 Holly Beach Road
Baltimore, MD 21221

Dear Mr. & Mrs. Whelehan:

Re: Spirit & Intent Letter, Hearing Case #2017-0132-A, 2712 Holly Beach Road, 15th Election District

This is in response to your letter to Arnold Jablon, Director of Permits, Approvals and Inspections, who has authorized this reply. Based on the information contained in your letter, the available zoning records and my conversation with Mr. Carl Richards, Zoning Supervisor, the following has been determined.

1. The subject property is currently zoned RC-5 (Resource Conservation – Rural Residential) per Baltimore County Zoning Map no 098C3.
2. The red lined plan represents moving the proposed dwelling away from the western property line which reduces the approved 33 ft. setback to 29 ft. Regretfully, the proposed modification is not within the spirit and intent of hearing case 2017-0132-A. Should you not agree with this decision, you may request a determination by Special Hearing before the Administrative Law Judge to amend the previously approved case 2017-0132-A or apply for another variance.

The foregoing is merely an informal opinion. It is not an expert or legal opinion. It is not intended to be relied on as expert or legal advice, and is not legally or factually binding on Baltimore County or any of its officials, agents, or employees. Baltimore County expressly disclaims any and all liability arising out of, or in any way connected with the information provided in this document, or any interpretation thereof.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,


Jun Fernando
Planner II
Zoning Review

JRF/kl

Mr. and Mrs. John Whelehan
2712 Holly Beach Road
Baltimore, Md 21221

Mr. Arnold Jablon, Director
Baltimore county Zoning Office
County Office Building
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

RE: Spirit and Intent Letter
Zoning Case No. 2017-0132-A

Dear Mr. Jablon,

This letter is a request for your approval and concurrence that the enclosed "red-lined" plan meets the spirit and intent of the approved site plan presented and approved in the above referenced zoning case.

Per the zoning order, Judge Beverungen granted the following: (1) to permit a replacement dwelling with a 40 ft. setback to the centerline of a road in lieu of the required 75 ft. and to permit side yard setbacks of 4 ft. and 33 ft. in lieu of the required 50 ft. for each side; (2) to permit a setback of 9 ft. for an open projection (deck) in lieu of the required 37.5 ft. and (3) to permit a building coverage of 31.35% in lieu of the maximum 15%.

At the time of the hearing, we presented written documents from adjoining neighbors indicating they were not opposed to the project. As that is still the case with the property located at #2722 Holly Beach Road, the neighbors at #2716 are voicing concern. Prior to the public hearing we met with Mr. and Mrs. Sobus in an attempt to resolve any issues with the proposed replacement dwelling. They felt as though their concerns with the zoning hearing for #2710 Holly Beach Road (abutting their western property line) fell on deaf ears. Therefore, we were doing our best to listen and address the concerns in order to create an amicable relationship.

The "red-lined" plan represents moving the proposed dwelling away from the western property line which reduces the approved 33 ft. setback to 29 ft. With this revision it decreases the relief sought and granted; namely, the 40 ft. to the centerline is now 44 ft., the 4 ft. setback is now 5 ft. and the 9 ft. open projection setback is 15 ft.

We hope that you agree with our interpretation that the proposed modification meets the spirit and intent of Zoning Case No. 2017-0132-A and provide a letter of written confirmation of your agreement.

We have enclosed, with this letter, a "red-lined" variance plan, an approved copy of Mr. Beverungen's order and a check for the \$20 processing fee for the spirit and intent letter.

Thank you in advance for your time and attention to this matter.

Best regards,

Mr. and Mrs. John Whelehan

2018-0032-8PH

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

NO 154865

Date: 7/25/2017

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
6501	206	0000		6150				75.00

Total: 75.00

Rec From: Ann & John Whelan

For: Special Hearing - 2712 Holly Beach Road
2018-0032-8TH (Whelan)

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
7/26/2017 7/25/2017 11:28:02 2
REG 0502 - WALKIN JEE
>>RECEIPT # 017955 7/25/2017 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 154865

Recpt Tot: 75.00
75.00 CK 1.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION

Case No.: 2018-0032 - SPH

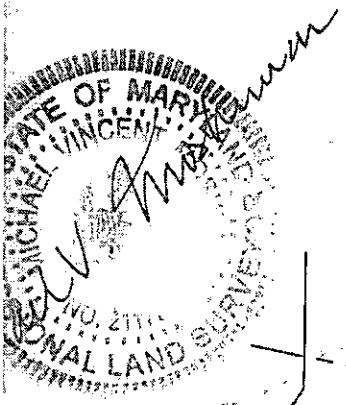
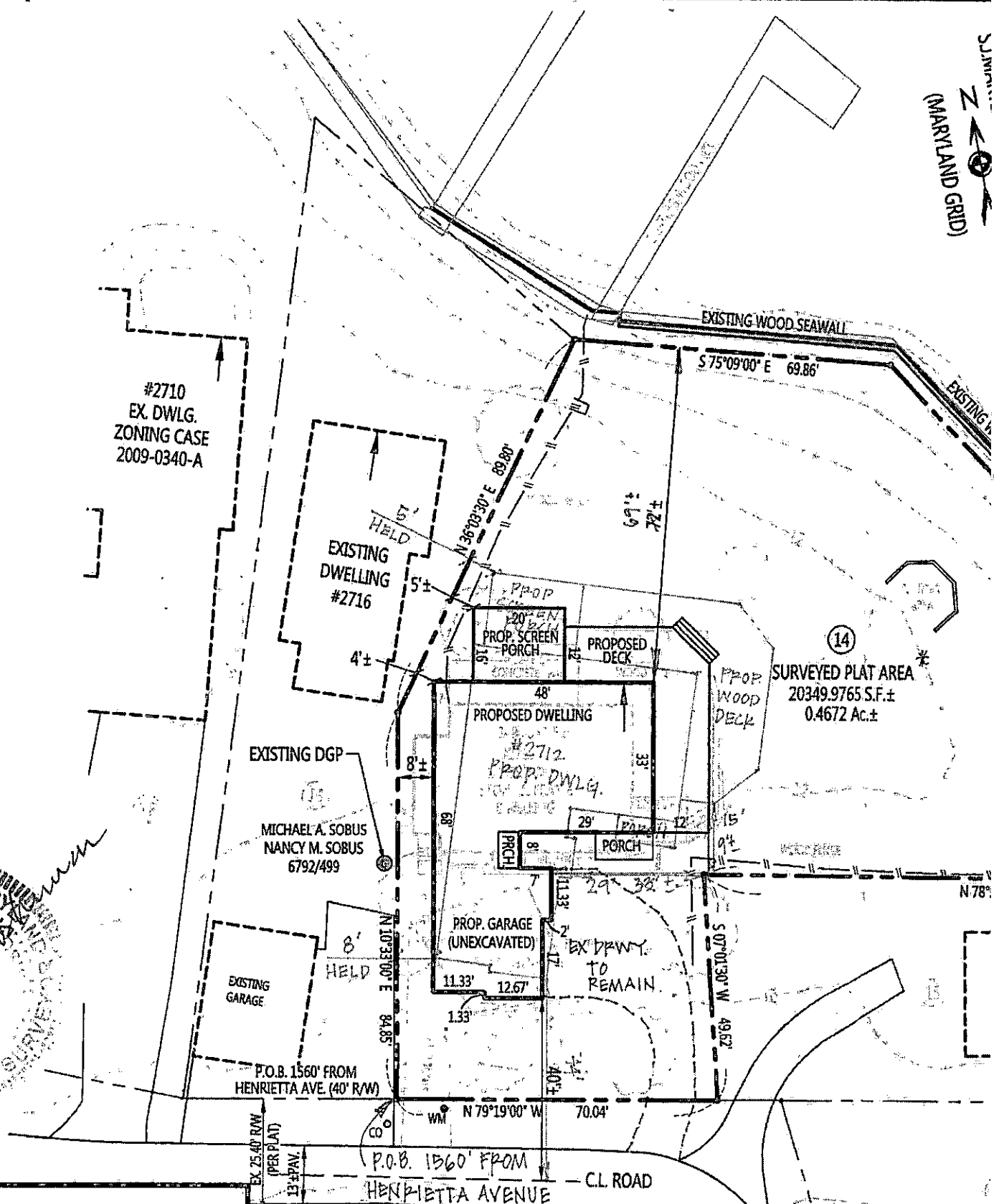
Exhibit Sheet

Sen
9-27-17

Petitioner/Developer

Protestant

No. 1	Plan (redline)	
No. 2	Plan signed by neighbors	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



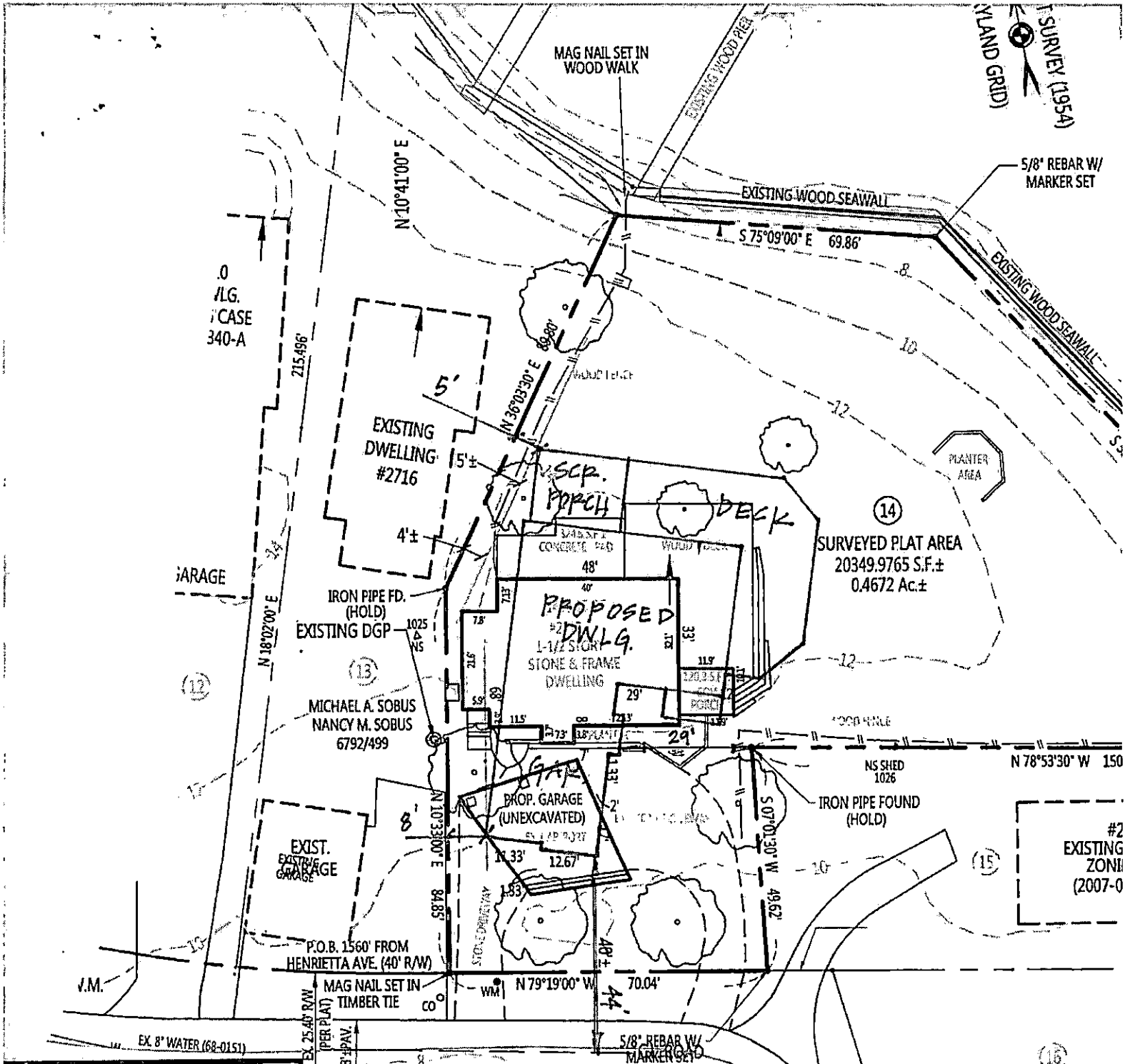
SITERITE
SURVEYING INC.
200 E. JOPPA ROAD
SHELL BUILDING, SUITE 101
TOWSON, MD. 21286
410-828-9060

I concur with all changed above.
Terry J. Henderson
TERRY J. HENDERSON

GRAPHICAL SCALE: 1" = 30'
0 30 60

2714 HOLLY BEACH RD.

EX. 2

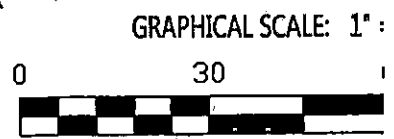


ERITE
SURVEYING INC.
 200 E. JOPPA ROAD
 SHELL BUILDING, SUITE 101
 TOWSON, MD. 21286
 410-828-9060

HOLLY BEACH ROAD

Nancy Sobus 9-20-17

Michael A. Sobus 9/20/17



CASE NAME 2712 Holly Beach Road.
CASE NUMBER 2018-0032-SPH
DATE Sept 25, 2017

NAME

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>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>8/3</u>	DEPS (if not received, date e-mail sent _____)	<u>Comment</u>
_____	FIRE DEPARTMENT	_____
<u>8/22</u>	PLANNING (if not received, date e-mail sent _____)	<u>NO Obj</u>
<u>8/21/17</u>	STATE HIGHWAY ADMINISTRATION	<u>NO Obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION (Case No. _____)		
PRIOR ZONING (Case No. _____)		
NEWSPAPER ADVERTISEMENT	Date: <u>9/5/17</u>	by <u>Cole</u>
SIGN POSTING	Date: <u>9/5/17</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1513855450			
Owner Information					
Owner Name:	WHELEHAN JOHN F WHELEHAN ANN RENEE		Use:	RESIDENTIAL	
Mailing Address:	2712 HOLLY BEACH AVE		Principal Residence:	YES	
			Deed Reference:	/35211/00212	
BALTIMORE MD 21221-					
Location & Structure Information					
Premises Address:		2712 HOLLY BEACH AVE 0-0000 Waterfront		Legal Description: 1525 W HENRIETTA AV BRORING POINT	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0098	0023	0216		0000	14 2018 0006/0101
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built	Above Grade Living Area	Finished Basement Area		Property Land Area	County Use
1924	1,784 SF			24,973 SF	34
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1 1/2	NO	STANDARD UNIT	FRAME	1 full/ 1 half	1 Carport
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2015	07/01/2017	07/01/2018
Land:		265,200	265,200		
Improvements		188,200	188,200		
Total:		453,400	453,400	453,400	
Preferential Land:		0			
Transfer Information					
Seller: GREENFIELD ALAN E		Date: 07/30/2014		Price: \$475,000	
Type: ARMS LENGTH IMPROVED		Deed1: /35211/ 00212		Deed2:	
Seller: CARDWELL CLAUDE C		Date: 11/30/1981		Price: \$100,000	
Type: ARMS LENGTH IMPROVED		Deed1: /06349/ 00126		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class				
County:	000	07/01/2017		07/01/2018	
State:	000	0.00			
Municipal:	000	0.00		0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application Date:					



KEVIN KAMENETZ
County Executive

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

September 20, 2017

John F & Ann R Whelehan
2712 Holly Beach Road
Essex MD 21221

RE: Case Number: 2018-0032 SPH, Address: 2712 Holly Beach Road

Dear Mr. & Ms. Whelehan:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 25, 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 style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

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

Date: 8/2/17

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. 2018-0032-SPH

Special Hearing
John F. & Ann R. Whitehead
2712 Holly Beach 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

9-25

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM**

RECEIVED

AUG 23 2017

OFFICE OF
ADMINISTRATIVE HEARINGS

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

DATE: 8/22/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-032

INFORMATION:

Property Address: 2712 Holly Beach Road
Petitioner: John F. Whelehan, Ann R. Whelehan
Zoning: RC 5
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to amend the order and site plan in prior Zoning Case# 2017-132-A and to allow the previously approved 33 feet side yard setback to be reduced to 29 feet.

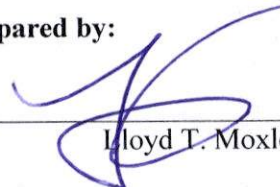
A site visit was conducted on August 8, 2017.

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

Please be advised the site is subject to the R.C. 5 Performance Standards § 1A04.4 and as such architectural elevations must be submitted to the Department of Planning for review at the time of building permit application.

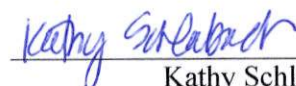
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
Bernadette Moskunus
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 (DEPS) - Development Coordination

DATE: August 3, 2017

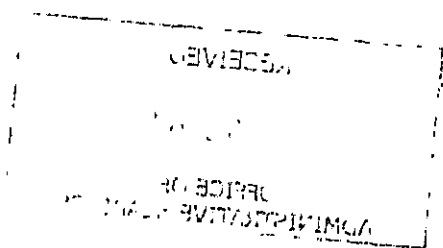
SUBJECT: DEPS Comment for Zoning Item # 2018-0032-SPH
Address 2712 Holly Beach Road
(Whelehan Property)

Zoning Advisory Committee Meeting of **August 7, 2017**.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

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

The subject property is located within a Limited Development Area (LDA) and a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is proposing an amendment to the order and site plan in Zoning Case 2017-0132-A to allow the previously approved 33-foot side yard setback be reduced to 29-feet. The proposed development must meet LDA and MBA requirements for lot coverage. Based on a property area above mean high water of 21,000 square feet, the maximum Critical Area defined lot coverage allowance for this property is 31.25% with mitigation for any new amount over 25%. If the applicant can meet these requirements, and meet all mitigation requirements for lot coverage and buffer impacts, the relief requested can result in minimal adverse impacts to water quality. Critical Area Lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).



2. Conserve fish, plant, and wildlife habitat;

This is a waterfront property located near the mouth of Middle River at the Chesapeake Bay with the required Critical Area buffer covering the majority of the property. The proposed setback relief would allow the applicant to meet the MBA requirements for location of the dwelling and for minimization of buffer impacts. Meeting the modified buffer area requirements, lot coverage requirements, tree requirements, and any mitigation requirements for buffer impacts will aid in the conservation of fish, plant, and wildlife habitat in the watershed.

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

If the construction of the dwelling, garage, porches, decks, and other Critical Area defined lot coverage can meet all modified buffer area, lot coverage, tree, and mitigation requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Paul Dennis

Date: August 2, 2017

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 8/22/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-032

INFORMATION:

Property Address: 2712 Holly Beach Road
Petitioner: John F. Whelehan, Ann R. Whelehan
Zoning: RC 5
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to amend the order and site plan in prior Zoning Case# 2017-132-A and to allow the previously approved 33 feet side yard setback to be reduced to 29 feet.

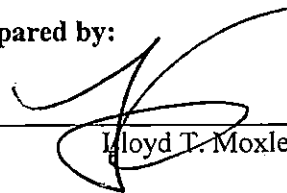
A site visit was conducted on August 8, 2017.

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

Please be advised the site is subject to the R.C. 5 Performance Standards § 1A04.4 and as such architectural elevations must be submitted to the Department of Planning for review at the time of building permit application.

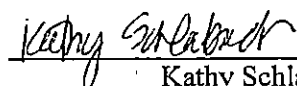
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
Bernadette Moskunas
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 (DEPS) - Development Coordination

DATE: August 3, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0032-SPH
Address 2712 Holly Beach Road
(Whelehan Property)

Zoning Advisory Committee Meeting of **August 7, 2017**.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

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

The subject property is located within a Limited Development Area (LDA) and a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is proposing an amendment to the order and site plan in Zoning Case 2017-0132-A to allow the previously approved 33-foot side yard setback be reduced to 29-feet. The proposed development must meet LDA and MBA requirements for lot coverage. Based on a property area above mean high water of 21,000 square feet, the maximum Critical Area defined lot coverage allowance for this property is 31.25% with mitigation for any new amount over 25%. If the applicant can meet these requirements, and meet all mitigation requirements for lot coverage and buffer impacts, the relief requested can result in minimal adverse impacts to water quality. Critical Area Lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).

2. Conserve fish, plant, and wildlife habitat;

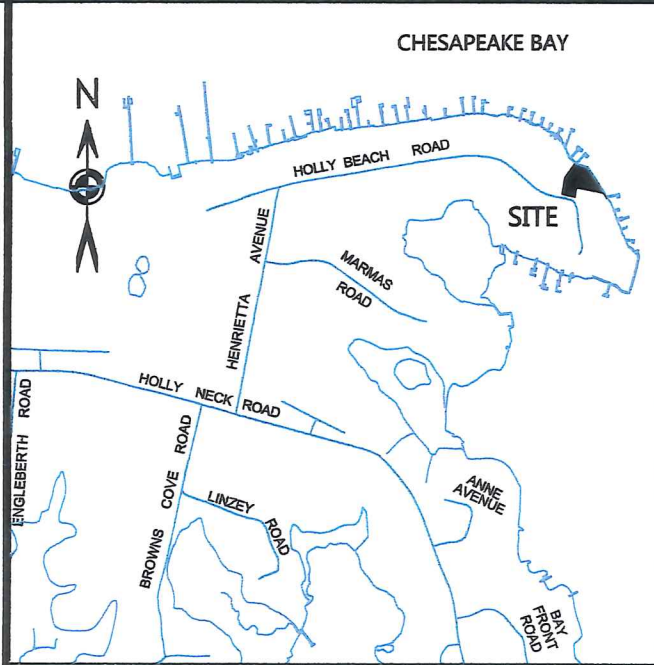
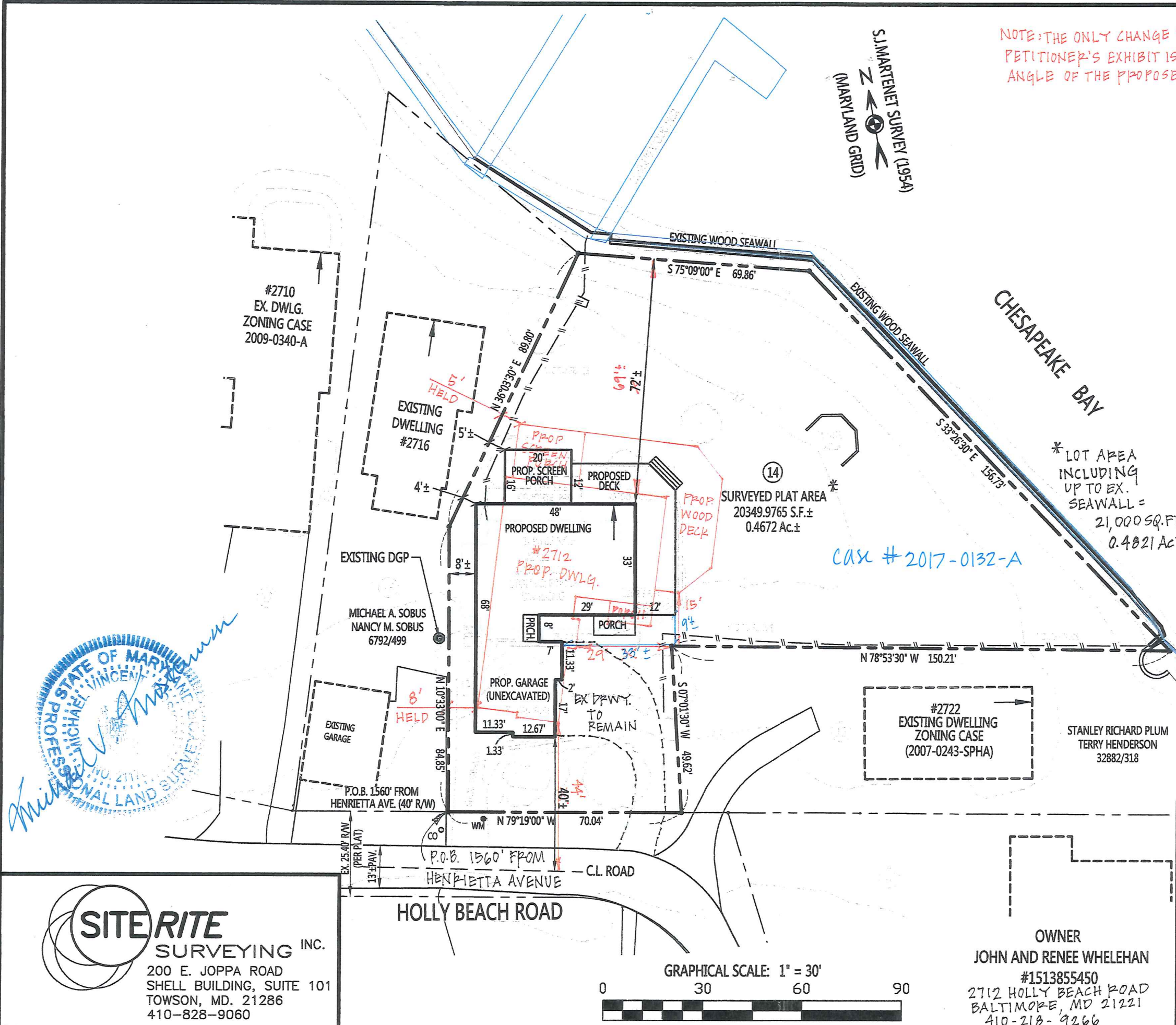
This is a waterfront property located near the mouth of Middle River at the Chesapeake Bay with the required Critical Area buffer covering the majority of the property. The proposed setback relief would allow the applicant to meet the MBA requirements for location of the dwelling and for minimization of buffer impacts. Meeting the modified buffer area requirements, lot coverage requirements, tree requirements, and any mitigation requirements for buffer impacts will aid in the conservation of fish, plant, and wildlife habitat in the watershed.

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

If the construction of the dwelling, garage, porches, decks, and other Critical Area defined lot coverage can meet all modified buffer area, lot coverage, tree, and mitigation requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Paul Dennis

Date: August 2, 2017



GENERAL NOTES

1. EXISTING ZONING: RC5 (098C3)
2. LOT SIZE: SDAT 24,973 S.F.± / 0.57 AC.± (SDAT)
3. EXISTING USE: SINGLE FAMILY DWELLING
4. PROPOSED USE: REPLACEMENT SINGLE FAMILY DWLG.
5. THIS PROPERTY IS NOT LOCATED IN AN HISTORIC DISTRICT.
6. THIS PROPERTY IS COMPLETELY LOCATED WITHIN THE (LDA) CBCA.
7. THIS PROPERTY IS SERVICED BY PUBLIC WATER AND SEWER.
8. THIS PROPERTY IS PARTIALLY LOCATED IN A 100 YEAR FP AREA:
2014 FEMA "X" AND "VE"
2008 FEMA "X" AND "AE"
9. THERE IS NO ZONING HISTORY OR VIOLATIONS FOR THIS PROPERTY.
10. THIS PROPERTY IS LOCATED WITHIN THE MARTIN STATE AIRPORT RESTRICTION AREA.
11. ALLOWABLE LOT COVERAGE PER CBCA REGULATIONS: 6562 S.F.±
EXISTING LOT COVERAGE: 3880 SQ. FT.±

PROPOSED LOT COVERAGE 3276.43 SQ. FT.±
LOT AREA USED FOR CBCA & ZONING = 21,000 S.F.±
• EX. LOT COV. = 18%
• PROP. LOT COV. = 16%

JUNE 20, 2017 Plan to accompany Special Hearing
RED-LINE PLAN FOR SPIRIT AND INTENT LETTER

PLAN TO ACCOMPANY VARIANCE

#2712 HOLLY BEACH ROAD

LOT-14 PLAT 6/101

"PLAT OF BRORING"

TAX MAP: 98 GRID: 23 PARCEL: 216

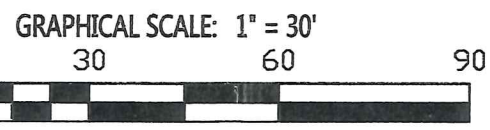
DEED REFERENCE: 35211/212

15TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

Scale: 1" = 30'	Date: 11/09/2016	JOB #10481FIELD
Drawn: M.V.M.	Checked: B.L.M.	SURVEY'D: M.V.M.

SITERITE
SURVEYING INC.
200 E. JOPPA ROAD
SHELL BUILDING, SUITE 101
TOWSON, MD. 21286
410-828-9060

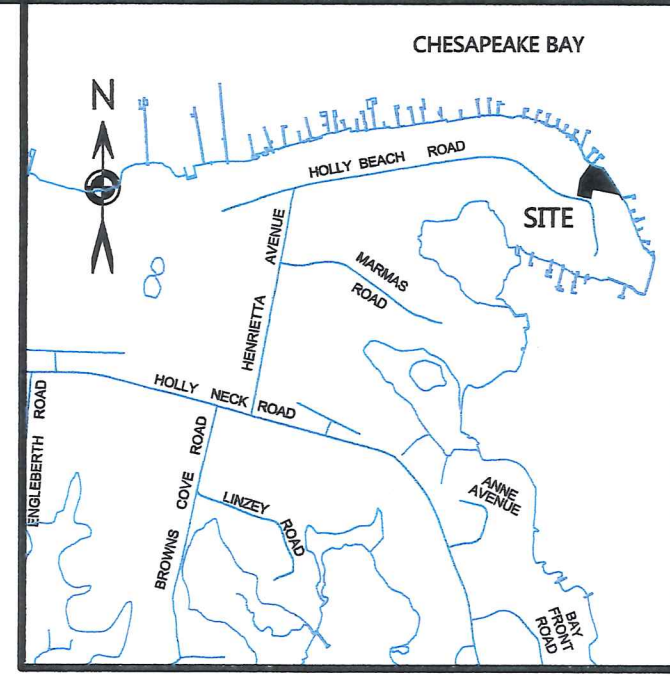


OWNER
JOHN AND RENEE WHELEHAN
#1513855450
2712 HOLLY BEACH ROAD
BALTIMORE, MD 21221
410-218-9266

2018-0032-SPH

S. MARTENET SURVEY (1954)
(MARYLAND GRID)

NOTE: THE ONLY CHANGE TO THE PETITIONER'S EXHIBIT IS THE ANGLE OF THE PROPOSED DWLG.



VICINITY MAP SCALE 1" = 1000'

GENERAL NOTES

1. EXISTING ZONING: RC5 (098C3)
2. LOT SIZE: SDAT 24,973 S.F. ± / 0.57 AC. ± (SDAT)
3. EXISTING USE: SINGLE FAMILY DWELLING
4. PROPOSED USE: REPLACEMENT SINGLE FAMILY DWLG.
5. THIS PROPERTY IS NOT LOCATED IN AN HISTORIC DISTRICT.
6. THIS PROPERTY IS COMPLETELY LOCATED WITHIN THE (LDA) CBCA.
7. THIS PROPERTY IS SERVICED BY PUBLIC WATER AND SEWER.
8. THIS PROPERTY IS PARTIALLY LOCATED IN A 100 YEAR FP AREA:
2014 FEMA "X" AND "VE"
2008 FEMA "X" AND "AE"
9. THERE IS NO ZONING HISTORY OR VIOLATIONS FOR THIS PROPERTY.
10. THIS PROPERTY IS LOCATED WITHIN THE MARTIN STATE AIRPORT RESTRICTION AREA.
11. ALLOWABLE LOT COVERAGE PER CBCA REGULATIONS: 6562 S.F. ±
EXISTING LOT COVERAGE: 3880 SQ. FT. ±

PROPOSED LOT COVERAGE 3276.43 SQ. FT. ±
LOT AREA USED FOR CBCA & ZONING = 21,000 S.F. ±
• EX. LOT COV. = 18%
• PROP. LOT COV. = 16%

JUNE 20, 2017
PED-LINE PLAN FOR SPIRIT AND INTENT LETTER
PLANT TO ACCOMPANY SPECIAL HEARING

PLAN TO ACCOMPANY VARIANCE

#2712 HOLLY BEACH ROAD

LOT-14 PLAT 6/101

"PLAT OF BRORING"

TAX MAP: 98 GRID: 23 PARCEL: 216

DEED REFERENCE: 35211/212

15TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

Scale: 1" = 30'	Date: 11/09/2016	JOB #10481 FIELD
Drawn: M.V.M.	Checked: B.L.M.	SURVEY'D: M.V.M.

2018-0032-SPH

#2710
EX. DWLG.
ZONING CASE
2009-0340-A

EXISTING
DWELLING
#2716

EXISTING DGP
MICHAEL A. SOBUS
NANCY M. SOBUS
6792/499

EXISTING
GARAGE

PROP. SCREEN
PORCH

PROPOSED
DECK

PROPOSED DWELLING

#2712
PROP. DWLG.

PROP. GARAGE
(UNEXCAVATED)

EX. DWLG.
TO REMAIN

#2722
EXISTING DWELLING
ZONING CASE
(2007-0243-SPHA)

STANLEY RICHARD PLUM
TERRY HENDERSON
32882/318

OWNER
JOHN AND RENEE WHELEHAN
#1513855450
2712 HOLLY BEACH ROAD
BALTIMORE, MD 21221
410-218-9266

GRAPHICAL SCALE: 1" = 30'



SITERITE
SURVEYING INC.
200 E. JOPPA ROAD
SHELL BUILDING, SUITE 101
TOWSON, MD. 21286
410-828-9060