

M E M O R A N D U M

DATE: November 3, 2017 *sen*
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0042-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on November 2, 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: **PETITIONS FOR SPECIAL HEARING *
AND VARIANCE**

(221 Oak Avenue) *
15th Election District *
7th Council District *

Henry W. Long *
Legal Owner *
Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2018-0042-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Henry Long, legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve an accessory structure on a lot that does not have a principal dwelling. A Petition for Variance seeks to permit an accessory structure (garage) with a height of 35 ft. in lieu of the maximum allowed 15 ft. A site plan was marked and accepted into evidence as Petitioner's Exhibit 1.

Henry Long and his son Ron appeared in support of the requests. 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 Planning (DOP) and the Department of Environmental Protection and Sustainability (DEPS).

SPECIAL HEARING

The subject property is approximately 9,000 sq. ft. and zoned DR 3.5. The property is situated in the Middleborough community and the lot was created by the Plat of Recreation Grove, Middle River, which was recorded in 1922. Petitioner's Ex. 2. The lot is unimproved,

ORDER RECEIVED FOR FILING

Date

10/31/17

By

Sen

although Petitioner lives across the street on Middleborough Road. Petitioner proposes to construct a 48' x 50' garage at the rear of the lot, farthest removed from Oak Avenue. The Petitioner and his son enjoy collecting and restoring vintage automobiles, and the garage will be used for this purpose.

The Petitioner presented elevation sketches of the proposed building, which will be attractive and constructed of durable materials. Petitioner noted several such garages are located in the immediate vicinity of the subject property, and I believe granting the special hearing request will not have a detrimental impact upon the community.

VARIANCES

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

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

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

The lot was created long before adoption of the B.C.Z.R. and the property is therefore unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because he would be unable to construct the proposed garage. 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 3rd day of **October, 2017**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County

ORDER RECEIVED FOR FILING

Date

10/3/17

By

Sen

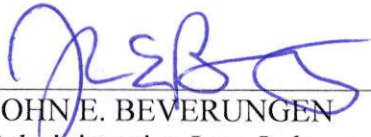
Zoning Regulations ("B.C.Z.R) to approve an accessory structure on a lot that does not have a principal dwelling, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to permit an accessory structure (garage) with a height of 35 ft. in lieu of the maximum allowed 15 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 comply with ZAC comment of DOP, a copy of which is attached hereto.
3. Petitioner must prior to issuance of permits comply with the critical area regulations.

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 10/31/17
By sln

9-29

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: 18-042

INFORMATION:

Property Address: 221 Oak Avenue

Petitioner: Henry W. Long

Zoning: DR 3.5

Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve an accessory structure (garage) on a lot not having a principal structure and the petition for variance to allow the same accessory structure to have a height of 35' in lieu of the required 15'.

A site visit was conducted on August 8, 2017. The lot is currently vacant.

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

- The architecture must reflect the residential character of the existing dwellings along Oak Avenue. Submit architectural elevations to include a list of materials and colors to the Department to the attention of the contact person listed below at the time of building permit application.
- Provide vegetative screening in the vicinity of the garage along the common property lines adjoining 217 Oak Avenue and 1924 Middleborough Road.

Be advised the structure shall not be used for commercial or principal residential purposes.

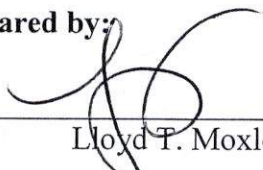
ORDER RECEIVED FOR FILING

Date 10/3/17

By sen

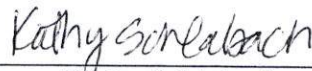
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak

James Hermann, R.L.A., Department of Permits, Approvals and Inspections

Henry W. Long

Office of the Administrative Hearings

People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date 10/3/17

By Ben



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 221 OAK AVE which is presently zoned DA 3.5
 Deed References: 36249100223 10 Digit Tax Account # 1513550042
 Property Owner(s) Printed Name(s) HENRY W. LONG

(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

To permit an accessory structure on a lot that does not have a principle dwelling.

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

3. ☒ a **Variance** from Section(s)

BCZR: 400.3 To permit an accessory structure (garage) with a height of 35 feet in lieu of the maximum allowed 15 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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:

HENRY W. LONG
 Name- Type or Print
Henry W. Long
 Signature
1912 MIDDLEBOROUGH RD BALTO. MD
 Mailing Address City State
21221, 4106878762, N/A
 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):

HENRY W. LONG
 Name #1 - Type or Print Name #2 - Type or Print
Henry W. Long
 Signature #1 Signature #2
1912 MIDDLEBOROUGH RD BALTO. MD
 Mailing Address City State
21221, 4106878762, N/A
 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 2018-0042-SMA Filing Date 8/4/17

Do Not Schedule Dates: 8/14-8/18 Reviewer JS

The Zoning Petition Property Description

ZONING PROPERTY DESCRIPTION FOR 221 Oak Avenue, Baltimore, MD 21221
being Lot #9 (Recreation Grove).

Beginning at a point on the west side of Oak Avenue, which is 30' wide at N 16° 45' 10" W north of the centerline of the nearest improved intersecting street Middleborough Road, which is 50' wide.

Thence the following courses and distances: 1st Point of Call N 70° 19' 50" E, 2nd Point of Call S 10° 57' 10" E, back to the point of beginning as recorded in Deed Liber 7, Folio 42, containing 8,850 square feet. Located in the 15 Election District and 007 Council District.

Being Lot #5,6,7,8 in the subdivision of Recreation Grove in Baltimore County Plat Book #7, Folio #42, containing 4,450 square feet of lot. Located in the 15 Election District and 007 Council District.

2018-0042-SP4A



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 5164976

Sold To:

Henry Long - CU00617066
1912 Middleborough Rd
Essex, MD 21221-3018

Bill To:

Henry Long - CU00617066
1912 Middleborough Rd
Essex, MD 21221-3018

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

Sep 07, 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: # 2018-0042-SPHA
221 Oak Avenue
Northeast side of Oak Avenue, Northwest of centerline of intersection with Middleborough Road
15th Election District - 7th Councilmanic District
Legal Owner(s) Henry Long

Special Hearing to determine whether or not the Administrative Law Judge should approve an accessory structure on a lot that does not have a principle dwelling. Variance to permit an accessory structure (garage) with a height of 35 ft. in lieu of the maximum allowed 15 ft.

Hearing: Friday, September 29, 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) 887-3397

19/006 September 7 5164976

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

CERTIFICATE OF POSTING

2018-0042-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Henry Long

September 29, 2017

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

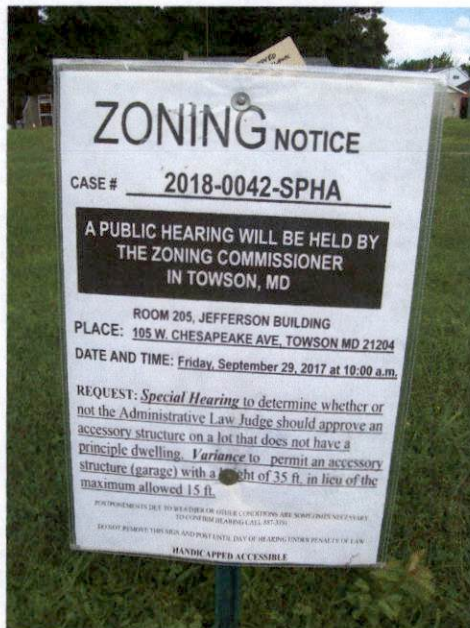
Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

221 Oak Avenue

September 9, 2017

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,


(Signature of Sign Poster)

September 9, 2017

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



KEVIN KAMENETZ
County Executive

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

August 28, 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: 2018-0042-SPHA

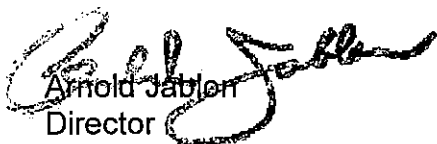
221 Oak Avenue

Northeast side of Oak Avenue, Northwest of centerline of intersection with Middleborough Road
15th Election District – 7th Councilmanic District

Legal Owners: Henry Long

Special Hearing to determine whether or not the Administrative Law Judge should approve an accessory structure on a lot that does not have a principle dwelling. Variance to permit an accessory structure (garage) with a height of 35 ft. in lieu of the maximum allowed 15 ft.

Hearing: Friday, September 29, 2017 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: Henry Long, 1912 Middleborough Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., SEPTEMBER 9, 2017.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, September 7, 2017 Issue - Jeffersonian

Please forward billing to:

Henry Long
1912 Middleborough Road
Baltimore, MD 21221

410-687-8762

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: 2018-0042-SPHA

221 Oak Avenue

Northeast side of Oak Avenue, Northwest of centerline of intersection with Middleborough Road
15th Election District – 7th Councilmanic District

Legal Owners: Henry Long

Special Hearing to determine whether or not the Administrative Law Judge should approve an accessory structure on a lot that does not have a principle dwelling. Variance to permit an accessory structure (garage) with a height of 35 ft. in lieu of the maximum allowed 15 ft.

Hearing: Friday, September 29, 2017 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE * OF ADMINISTRATIVE
211 Oak Avenue; NE/S Oak Avenue, NW *
c/line of Middleborough Road * HEARINGS FOR
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Henry W. Long *
Petitioner(s) * BALTIMORE COUNTY
* 2018-042-SPHA

* * * * *

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 08 2017

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 Henry Long, 1912 Middleborough Road, Essex, Maryland 21221, 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: 2018-0042-SPHA

Property Address: 221 OAK AVE

Property Description: _____

Legal Owners (Petitioners): HENRY WILLIAM LONG

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

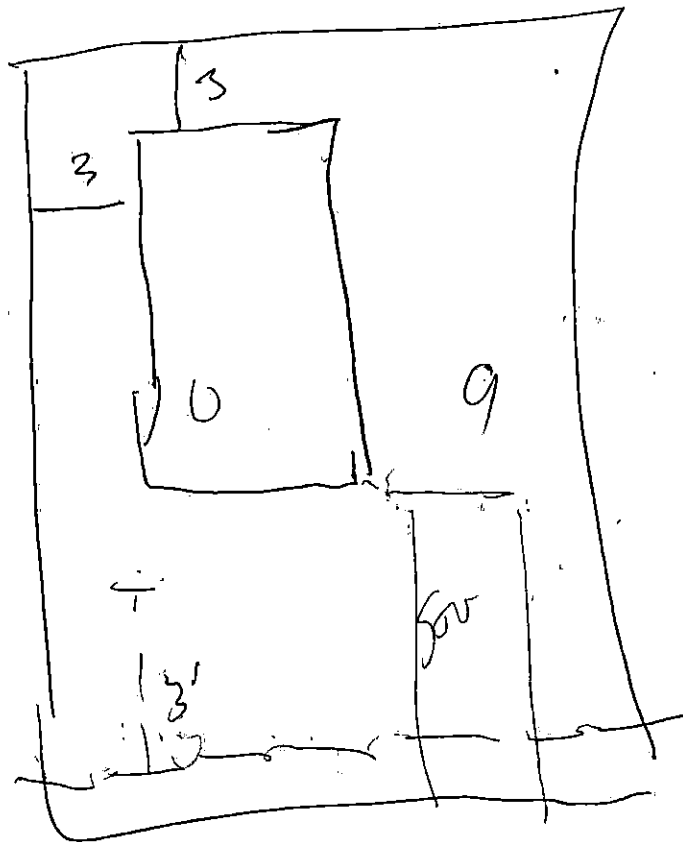
Name: HENRY LONG

Company/Firm (if applicable): _____

Address: 1912 MIDDLEBOROUGH RD
BMT. MD 21221

Telephone Number: 410-687-8762

Revised 7/9/2015



6/12

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

NO 156190

Date: 8/4/17

Rev Sub
Source/ Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$150.00

Total: 1150.00

Rec From: LONG

For: 2018-0042-SPHA

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME IN
8/07/2017 8/04/2017 11:00:53 1
PER 1501 WALKER LJR
>>RECEIPT # 735959 8/04/2017 OFLH
Dept 5 528 ZONING VERIFICATION
CR NO. 156190
Receipt Tot 4150.00
1.00 CR 4150.00 CA
Baltimore County, Maryland

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

September 20, 2017

Henry W Long
1912 Middleborough Road
Baltimore MD 21221

RE: Case Number: 2018-0042 SPHA, Address: 221 Oak Avenue

Dear Mr. Long:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 4, 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: 8/9/17

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

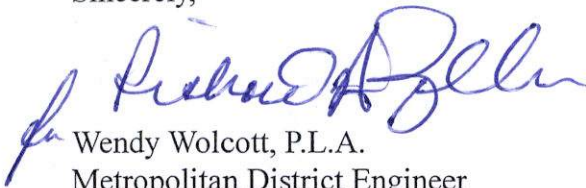
Dear Ms. Lewis:

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. 2018-0042-SPHA.

*Special Hearing Variance
Henry W. Long
221 Oak 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

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: 18-042

INFORMATION:

Property Address: 221 Oak Avenue

Petitioner: Henry W. Long

Zoning: DR 3.5

Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve an accessory structure (garage) on a lot not having a principal structure and the petition for variance to allow the same accessory structure to have a height of 35' in lieu of the required 15'.

A site visit was conducted on August 8, 2017. The lot is currently vacant.

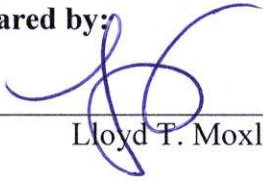
The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- The architecture must reflect the residential character of the existing dwellings along Oak Avenue. Submit architectural elevations to include a list of materials and colors to the Department to the attention of the contact person listed below at the time of building permit application.
- Provide vegetative screening in the vicinity of the garage along the common property lines adjoining 217 Oak Avenue and 1924 Middleborough Road.

Be advised the structure shall not be used for commercial or principal residential purposes.

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

James Hermann, R.L.A., Department of Permits, Approvals and Inspections

Henry W. Long

Office of the Administrative Hearings

People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
MS
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For August 14, 2017
Item No. 2018-0042-SPHA

DATE: August 21, 2017

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

The site plan provided does not show the existing building that is on-site and its relationship to the proposed building to be constructed.

* * * * *

VKD: CEN
Cc :file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: August 16, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0042-SPHA
Address 221 Oak Avenue
(Long Property)

Zoning Advisory Committee Meeting of **August 14, 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 requirements. It appears that the property area given is not correct based on the dimensions noted on the plan. Based on the plan dimensions, Critical Area law limits the total lot coverage on the property to 25% of the property area, or a maximum of 31.25% with mitigation for the amount allowed over 25%. The garage alone would account for a large area of the lot coverage allowance and would constrain any additional lot coverage proposed. For example, a driveway, parking area, and future dwelling are not shown and this would also count as lot coverage. In addition, the site must meet the 15% forest requirement. If the LDA lot coverage and forest requirements can be met, the proposed development can minimize water quality impacts. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).

Conserve fish, wildlife, and plant habitat; and

The property is not waterfront and there are no habitat protection areas on site. Therefore, fish, plant, and wildlife habitat in the Chesapeake Bay can be conserved if all Critical Area requirements are met.

2. 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 applicant's proposal to develop the site can be consistent with this goal if development can comply with all Critical Area requirements. In planning the use of this property, the applicant must consider that the area of lot coverage allowed on the property is limited.

Reviewer: Paul Dennis

Date: August 15, 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: 18-042

INFORMATION:

Property Address: 221 Oak Avenue

Petitioner: Henry W. Long

Zoning: DR 3.5

Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve an accessory structure (garage) on a lot not having a principal structure and the petition for variance to allow the same accessory structure to have a height of 35' in lieu of the required 15'.

A site visit was conducted on August 8, 2017. The lot is currently vacant.

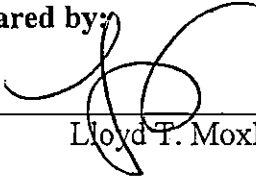
The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- The architecture must reflect the residential character of the existing dwellings along Oak Avenue. Submit architectural elevations to include a list of materials and colors to the Department to the attention of the contact person listed below at the time of building permit application.
- Provide vegetative screening in the vicinity of the garage along the common property lines adjoining 217 Oak Avenue and 1924 Middleborough Road.

Be advised the structure shall not be used for commercial or principal residential purposes.

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
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Henry W. Long
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 16, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0042-SPHA
Address 221 Oak Avenue
(Long Property)

Zoning Advisory Committee Meeting of **August 14, 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 requirements. It appears that the property area given is not correct based on the dimensions noted on the plan. Based on the plan dimensions, Critical Area law limits the total lot coverage on the property to 25% of the property area, or a maximum of 31.25% with mitigation for the amount allowed over 25%. The garage alone would account for a large area of the lot coverage allowance and would constrain any additional lot coverage proposed. For example, a driveway, parking area, and future dwelling are not shown and this would also count as lot coverage. In addition, the site must meet the 15% forest requirement. If the LDA lot coverage and forest requirements can be met, the proposed development can minimize water quality impacts. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).

Conserve fish, wildlife, and plant habitat; and

The property is not waterfront and there are no habitat protection areas on site. Therefore, fish, plant, and wildlife habitat in the Chesapeake Bay can be conserved if all Critical Area requirements are met.

2. 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 applicant's proposal to develop the site can be consistent with this goal if development can comply with all Critical Area requirements. In planning the use of this property, the applicant must consider that the area of lot coverage allowed on the property is limited.

Reviewer: Paul Dennis

Date: August 15, 2017

Case No.: 2018-0042-SPHA

Exhibit Sheet

11-3-17
Sen

10-3-17
Sen

Petitioner/Developer

Protestant

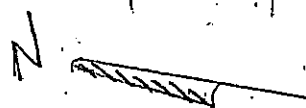
No. 1	Site plan	
No. 2	Plat - Recreation Grove	
No. 3	Photos	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING ☒ (MARK TYPE REQUESTED WITH X)

ADDRESS 221 OAK AVE. OWNER(S) NAME(S) HENRY W. LONG

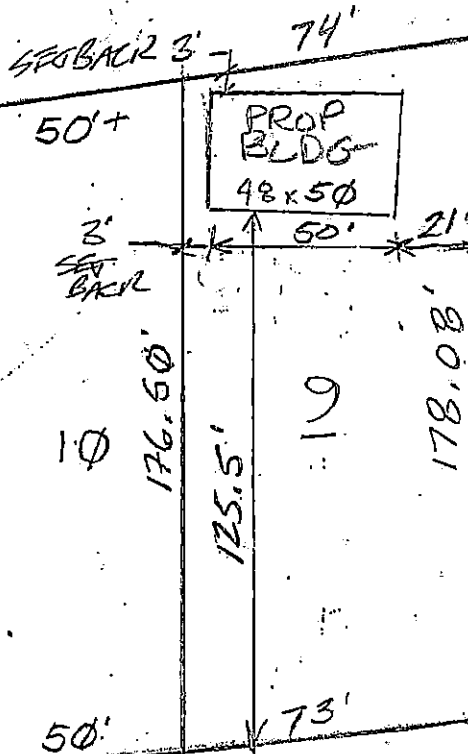
SUBDIVISION NAME 221 OAK AVE RECREATION GROVE LOT # 9 BLOCK # - SECTION # -

PLAT BOOK # 0097 FOLIO # 0012 10 DIGIT TAX # 1513550042 DEED REF. # 36249100223



HEIGHT OF
PROPOSED STRUCTURE: 35 FEET

51° 57' 16" E
124.50'



MIDDLEBOROUGH RD. (50' R/W)
S 77° 55' 50" W



(30' R/W) OAK AVE. N 16° 45' 16" W

PLAN DRAWN BY RON LONG DATE 7/6/17 SCALE: 1 INCH = 50' FEET

2018-0042-SPHA

Pet. #1

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 097C1

SITE ZONED DR3.5

ELECTION DISTRICT 15

COUNCIL DISTRICT 7

LOT AREA ACREAGE -

OR SQUARE FEET 8850

HISTORIC? NO

IN CBCA? YES

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE ☐

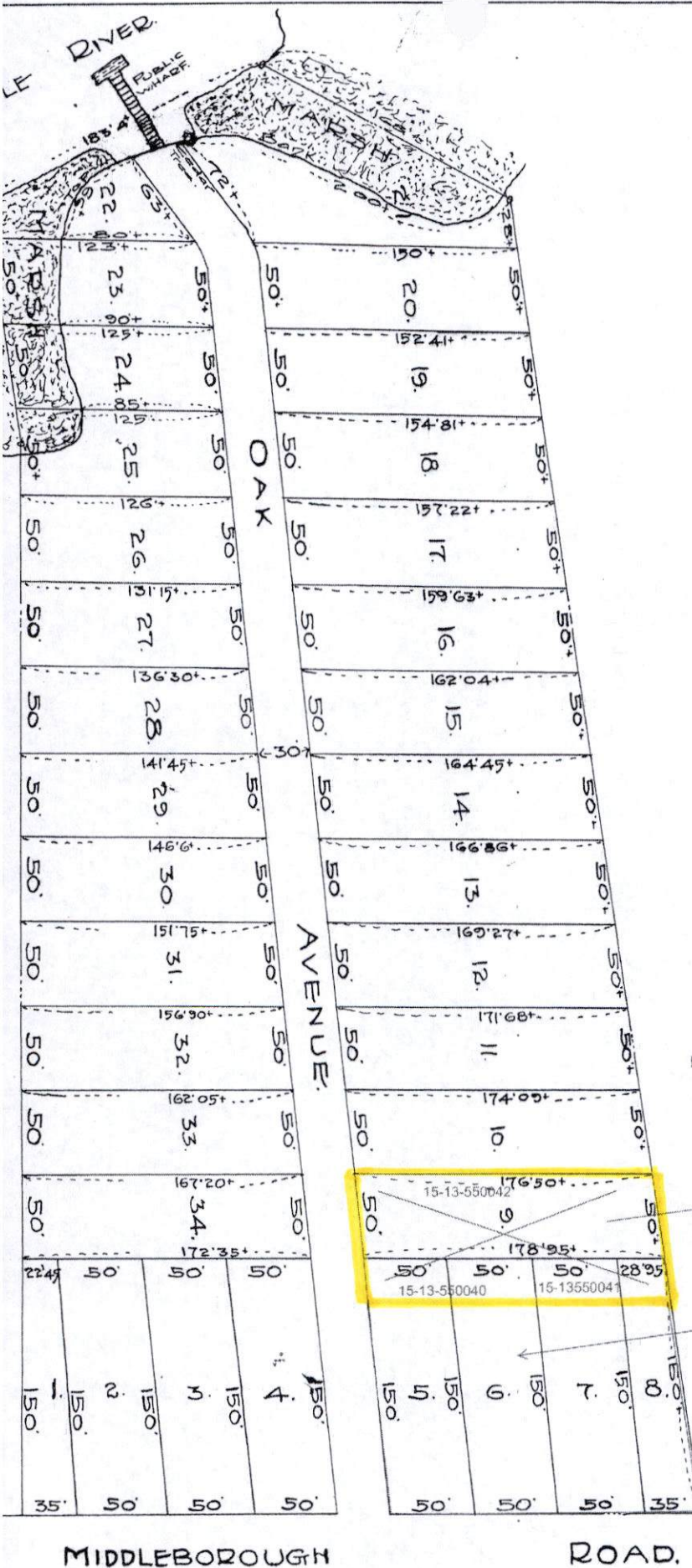
SEWER IS:

PUBLIC ☒ PRIVATE ☐

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:



This Plat was made from former Lc
Plat of Middleborough 4-191

PLAT of RECREATION GROVE

MIDDLE RIVER.

TOWSON, MD. MAY-1922.

SCALE-1 INCH=50 FEET.

Lot N° 97. of
Middleborough.

Bepic Greay.
Surveyor.

Residue known as 221 Oak Avenue
Outline in Yellow, comprises tax accounts ending
040, 041, 042, being all of Lot 9 and parts of Lots, 5, 6, 7, and 8

Saving and Excepting in 4595 248

Pet. #2

Filed Sept 22 1922
William R. Greay
M.D.C. 21-70-4268

Det. No. 3











CHECKLIST

<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 _____)	_____
8/16	DEPS (if not received, date e-mail sent _____)	Comment
_____	FIRE DEPARTMENT	_____
8/23	PLANNING (if not received, date e-mail sent _____)	no obj w/ conditions
8/9/17	STATE HIGHWAY ADMINISTRATION	no obj
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 9/7/17	
SIGN POSTING	Date: 9/9/17	by SSG Black
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

COHS SHU

treasure

11/8

1000000

200

1000

1000

2nd Floor

1000000

Real Property Data Search

Search Result for BALTIMORE COUNTY

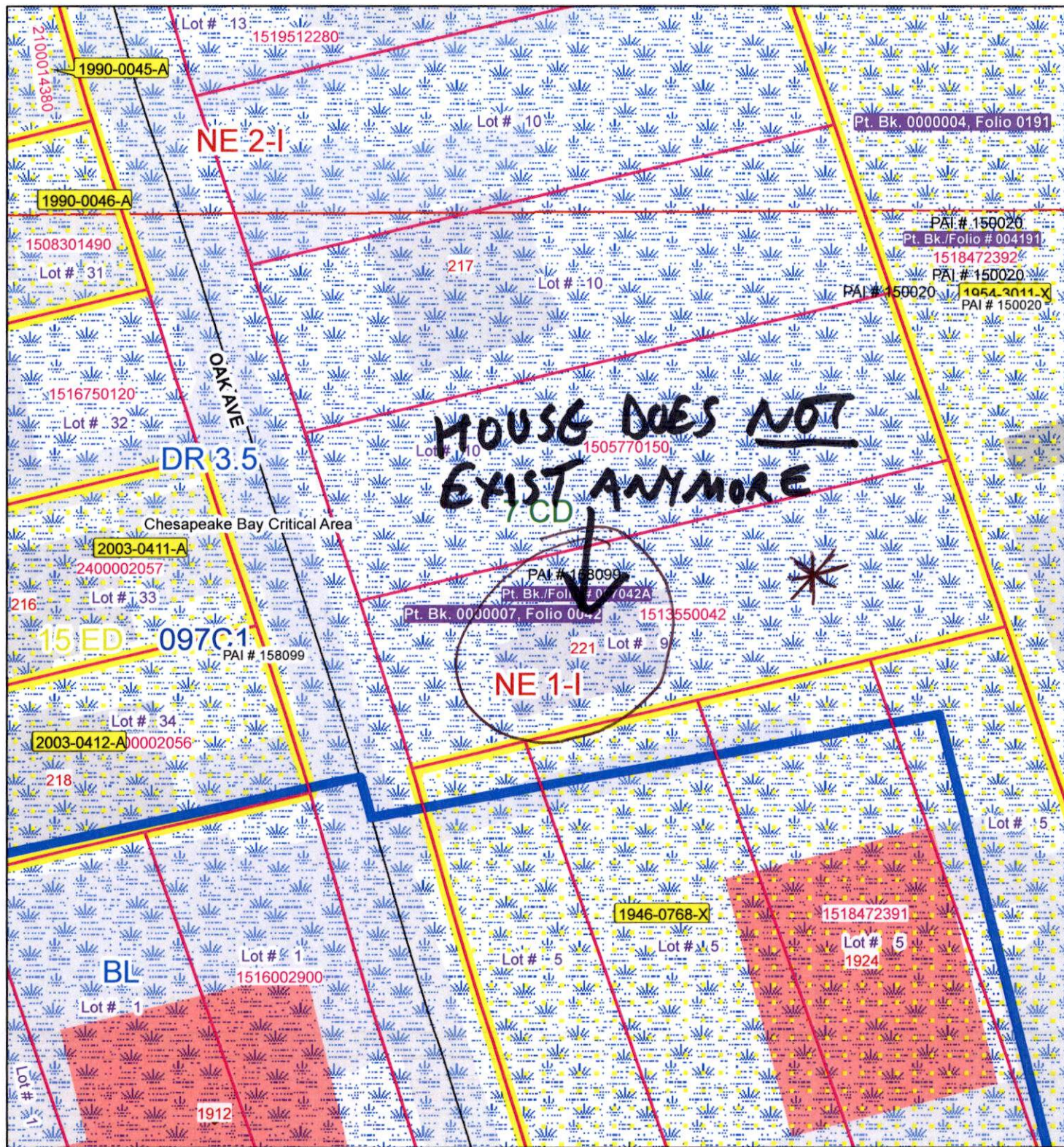
View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1513550042			
Owner Information					
Owner Name:		LONG HENRY WILLIAM		Use:	RESIDENTIAL
Mailing Address:		1912 MIDDLEBOROUGH RD BALTIMORE MD 21221-		Principal Residence:	NO
				Deed Reference:	/36249/ 00223
Location & Structure Information					
Premises Address:		221 OAK AVE BALTIMORE 21220-		Legal Description:	221 OAK AVE RECREATION GROVE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref: 0007/0042
0097	0006	0421		0000	9 2018
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area		Finished Basement Area		Property Land Area 8,850 SF
					County Use 04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value		Phase-in Assessments
			As of		As of As of
			01/01/2015		07/01/2017 07/01/2018
Land:		74,200	74,200		
Improvements		0	0		
Total:		74,200	74,200		74,200
Preferential Land:		0			
Transfer Information					
Seller: MILLER ALBERT W JR		Date: 06/02/2015		Price: \$60,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /36249/ 00223		Deed2:	
Seller: MILLER ALBERT W JR		Date: 06/23/2014		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /35094/ 00059		Deed2:	
Seller: MILLER JOSEPH J MILLER ALBERT W		Date: 06/07/2010		Price: \$24,144	
Type: NON-ARMS LENGTH OTHER		Deed1: /29539/ 00473		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class		07/01/2017		07/01/2018
County:	000		0.00		
State:	000		0.00		
Municipal:	000		0.00		0.00
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application					
Date:					

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption			View GroundRent Registration				
Account Identifier:			District - 15 Account Number - 1513550042							
Owner Information										
Owner Name:		LONG HENRY WILLIAM			Use:		RESIDENTIAL			
Mailing Address:		1912 MIDDLEBOROUGH RD BALTIMORE MD 21221-			Principal Residence:		NO			
					Deed Reference:		/36249/ 00223			
Location & Structure Information										
Premises Address:		221 OAK AVE BALTIMORE 21220-			Legal Description:		221 OAK AVE RECREATION GROVE			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0097	0006	0421		0000			9	2015	Plat Ref: 0007/0042	
Special Tax Areas:				Town:		NONE				
				Ad Valorem:						
				Tax Class:						
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
						8,850 SF		04		
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
Value Information										
			Base Value		Value		Phase-in Assessments			
					As of		As of		As of	
					01/01/2015		07/01/2016		07/01/2017	
Land:			74,200		74,200					
Improvements			0		0					
Total:			74,200		74,200		74,200		74,200	
Preferential Land:			0						0	
Transfer Information										
Seller: MILLER ALBERT W JR				Date: 06/02/2015			Price: \$60,000			
Type: ARMS LENGTH MULTIPLE				Deed1: /36249/ 00223			Deed2:			
Seller: MILLER ALBERT W JR				Date: 06/23/2014			Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /35094/ 00059			Deed2:			
Seller: MILLER JOSEPH J MILLER ALBERT W				Date: 06/07/2010			Price: \$24,144			
Type: NON-ARMS LENGTH OTHER				Deed1: /29539/ 00473			Deed2:			
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2016		07/01/2017				
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00 0.00		0.00 0.00				
Tax Exempt:				Special Tax Recapture:						
Exempt Class:				NONE						
Homestead Application Information										
Homestead Application Status: No Application										
Homeowners' Tax Credit Application Information										
Homeowners' Tax Credit Application Status: No Application					Date:					

Chesapeake Bay Critical Area



Publication Date: 8/4/2017



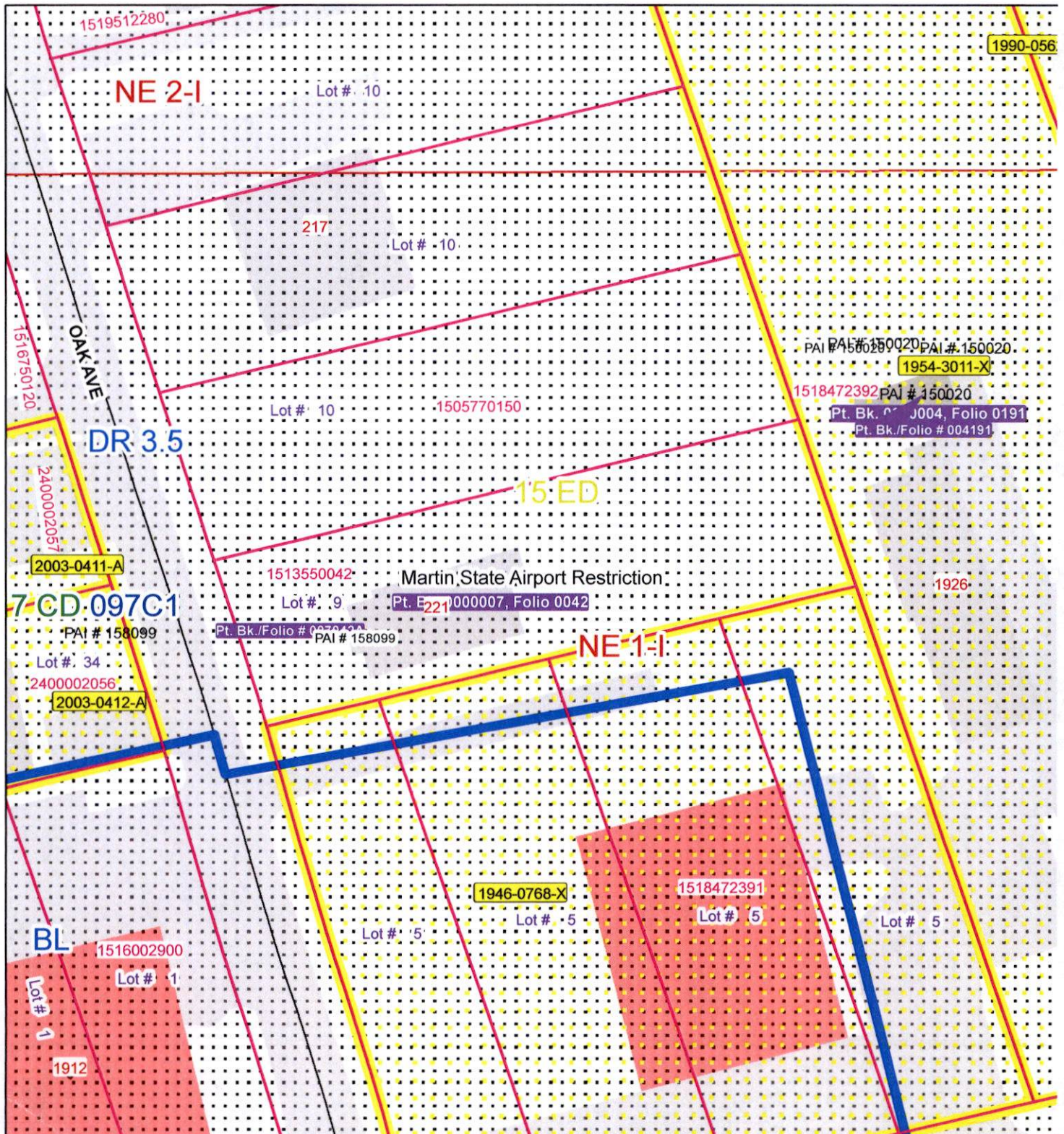
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 10 20 40 60 80 Feet

1 inch = 40 feet

Tax #15-13-550-042



Publication Date: 7/7/2017



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



0 10 20 40 60 80 Feet

1 inch = 40 feet