

MEMORANDUM

DATE: October 20, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0044-A – Appeal Period Expired

The appeal period for the above-referenced case expired on October 19, 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

(1230 Engleberth Road)

15th Election District

7th Council District

Jane Beach

Legal Owner

Petitioner

*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0044-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Jane Beach, the legal owner of the subject property (“Petitioner”). The Petition seeks variance relief from §§ 1A04.3.B.2.a, 1A04.3.B.3 and 301.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a replacement dwelling with a front setback of 45 ft. to the center of the road in lieu of the required 75 ft., to permit a front yard open projection (porch) with a setback of 40 ft. in lieu of the required 56.25 ft., to permit a side yard setback to the center of the road of 47 ft. in lieu of the required 75 ft., to permit a side yard setback of 37 ft. to lot line in lieu of the required 50 ft., and to permit 31.25 % building lot coverage in lieu of the maximum 15%. A site plan was marked as Petitioner’s Exhibit 1.

Property owner Jane E. Beach, John Miller, and Bernadette Moskunas with Site Rite Surveying, Inc. 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. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Environmental Protection and Sustainability (“DEPS”), noting Petitioner must comply with Chesapeake Bay Critical Area (“CBCA”) regulations.

ORDER RECEIVED FOR FILING

Date 9-19-17

By BW

The site is approximately 0.496 acres in size and zoned RC 5. The property is comprised of three lots (Lot Nos. 45-57) as shown on the plat of Eagle Nest Point, recorded in 1925. The property is improved with a single family dwelling constructed in 1953, and Petitioner indicated she would like to raze the existing dwelling and construct a larger, modern dwelling, although variances are required given the significant RC 5 setback requirements.

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).

These lots were created long before adoption of the B.C.Z.R. and thus the property is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because she would be unable to construct the proposed replacement dwelling. 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 Baltimore County opposition and the support of several neighbors who signed the plan (Exhibit 2) indicating they had no objection to the variance requests.

THEREFORE, IT IS ORDERED, this 19th day of **September, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 1A04.3.B.2.a, 1A04.3.B.3 and 301.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a replacement dwelling with a front setback of 45 ft. to the center of the road in lieu of the required 75 ft., to permit a front yard open projection (porch) with a setback of 40 ft. in lieu of the required 56.25 ft., to permit a side yard setback to the center of the road of 47 ft. in lieu of the

ORDER RECEIVED FOR FILING

Date 9-19-17

2

By low

required 75 ft., to permit a side yard setback of 37 ft. to lot line in lieu of the required 50 ft., and to permit 31.25 % building lot coverage in lieu of the maximum 15%, 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 her 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 Chesapeake Bay 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:dlw

ORDER RECEIVED FOR FILING

Date 9-19-17

By OW



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 1230 Englebert Road

which is presently zoned RC5

Deed References: 14256/501

10 Digit Tax Account # 1513200133

Property Owner(s) Printed Name(s) Jane Beach

91520660752

(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)

SEE
Attached

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

to be presented at hearing

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

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

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

Contract Purchaser/Lessee:

Name Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Jane Beach

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1230 Englebert Road Baltimore MD

Mailing Address

City

State

21221, 410.375.0058

Zip Code

Telephone #

miller2724@gmail.com

Email Address

Representative to be contacted:

Bernadette Moskunas

Site Rite Surveying Inc.

Name - Type or Print

Signature

200 E. Joppa Road Room 101 Towson, MD

Mailing Address

City

State

21286, 410.828.9060

Zip Code

Telephone #

siteriteinc@aol.com

Email Address

CASE NUMBER 2018-0044-A

Filing Date 8/9/17

Do Not Schedule Dates:

Reviewer gh

REV. 10/4/11

ORDER RECEIVED FOR FILING
9-19-17
[Signature]

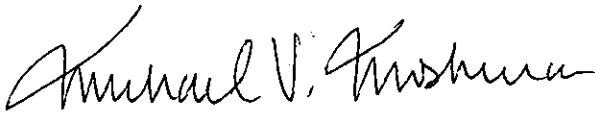
2018-0044-A

Variance from sections: 1A04.3.B.2.a, 1A04.3.B.3 & 301.1 of the BCZR:

To permit a replacement dwelling with a front road setback of 45 feet to the center of the road in lieu of the required 75 feet, to permit a front yard open projection (porch) with a setback of 40 feet in lieu of the required 56.25 feet, to permit a side yard setback to the center of the road of 47 feet in lieu of the required 75 feet, to permit a side yard setback of 37 feet to lot line in lieu of the required 50 feet and to permit 31.25% of building lot coverage in lieu the maximum 15%.

ZONING PROPERTY DESCRIPTION
#1230 ENGLEBERTH ROAD

BEGINNING at a point on the east side of Engleberth Road which is a 20 foot right of way at the distance of 10 feet south of the center line of Cross Road which is 20 feet wide. Being Lots 45, 46 and 47 in the subdivision of "Eagles Nest Point" as recorded in Baltimore County Plat Book No. 8, folio No. 70, containing 21,600 square feet, more or less. Located in the 15th Election District, 7th Councilmanic District.



Michael V. Moskunas
Professional Land Surveyor
Reg. No. 21175

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



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 5152636

Sold To:

Jane Beach - CU00616232
1230 Engleberth Rd
Essex, MD 21221-2047

Bill To:

Jane Beach - CU00616232
1230 Engleberth Rd
Essex, MD 21221-2047

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

Aug 29, 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: # 2018-0044-A
1230 Engleberth Road
E/S Engleberth Road and Cross Road
15th Election District - 7th Councilmanic District
Legal Owner(s) Jane Beach

Variance: to permit a replacement dwelling with a front road setback of 45 ft. to the center of the road in lieu of the required 75 ft. to permit a front yard open projection (porch) with a setback of 40 ft. in lieu of the required 56.25 ft., to permit a side yard setback to the center of the road of 47 ft. in lieu of the required 75 ft. to permit a side yard setback of 37 ft. to the lot line in lieu of the required 50 ft. and to permit 31.25% of building lot coverage in lieu of the maximum 15%.

Hearing: Monday, September 18, 2017 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

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

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

JT 8/786 Aug. 29 5152636

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

CASE NO: 2018-0044-A

PETITIONER/DEVELOPER

SITE RITE SURVEYING INC

DATE OF HEARING/CLOSING:

9/18/17

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 _____

1230 ENGLEBERTH ROAD

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

August 28, 2017

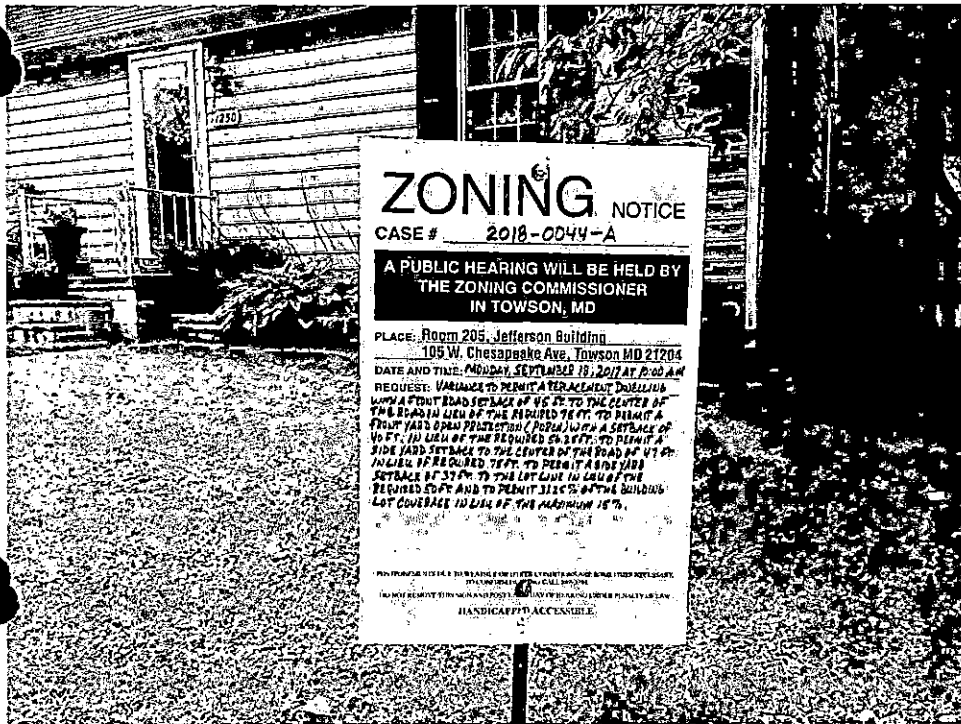
SINCERELY,

Martin Ogle 8/28/17
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)

9912 MAIDBROOK RD
PARKVILLE, MD 21234
(ADDRESS)

PHONE NUMBER: 443-629-3411



marking 8/28/17



KEVIN KAMENETZ
County Executive

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

August 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 NUMBER: 2018-0044-A

1230 Engleberth Road
E/s Engleberth Road and Cross Road
15th Election District – 7th Councilmanic District
Legal Owners: Jane Beach

Variance to permit a replacement dwelling with a front road setback of 45 ft. to the center of the road in lieu of the required 75 ft. to permit a front yard open projection (porch) with a setback of 40 ft. in lieu of the required 56.25 ft., to permit a side yard setback to the center of the road of 47 ft. in lieu of the required 75 ft. to permit a side yard setback of 37 ft. to the lot line of lieu of the required 50 ft. and to permit 31.25% of building lot coverage in lieu of the maximum 15%.

Hearing: Monday, September 18, 2017 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Jane Beach, 1230 Engleberth Road, Baltimore 21221
Bernadette Moskun, 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, AUGUST 29, 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 29, 2017 Issue - Jeffersonian

Please forward billing to:
Jane Beach
1230 Englberth Road
Baltimore, MD 21221

410-375-0058

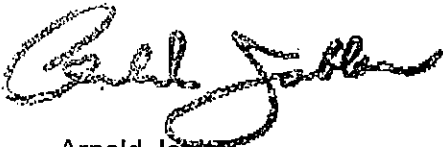
NOTICE OF ZONING HEARING

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: 2018-0044-A
1230 Engleberth Road
E/s Engleberth Road and Cross Road
15th Election District – 7th Councilmanic District
Legal Owners: Jane Beach

Variance to permit a replacement dwelling with a front road setback of 45 ft. to the center of the road in lieu of the required 75 ft. to permit a front yard open projection (porch) with a setback of 40 ft. in lieu of the required 56.25 ft., to permit a side yard setback to the center of the road of 47 ft. in lieu of the required 75 ft. to permit a side yard setback of 37 ft. to the lot line of lieu of the required 50 ft. and to permit 31.25% of building lot coverage in lieu of the maximum 15%.

Hearing: Monday, September 18, 2017 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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

RE: PETITION FOR VARIANCE
1230 Engleberth Road; E/S corner of
Engleberth Road and Cross Road
15th Election & 7th Councilmanic Districts
Legal Owner(s): Jane Beach

Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2018-044-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.

RECEIVED

AUG 17 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 17th day of August, 2017, a copy of the foregoing Entry of Appearance was mailed to Bernadette Moskunas, Site Rite Surveying, Inc, 200 E. Joppa Road, Room 101, Towson, Maryland 21204, 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: 2018-0044-A
Property Address: 1230 Engleberth Road
Property Description: located at the southeast intersection of Engleberth Road and Cross Road
Legal Owners (Petitioners): Jane Beach
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jane Beach
Company/Firm (if applicable): _____
Address: 1230 Engleberth Road
Baltimore, MD 21221

Telephone Number: 410.375.0058

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

NO 157158

Date: 8/9/17

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

Total: 75.00

Rec From: Jane Boach

For: for 2018-0044-A
D30 Englebert R &

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DAY
8/09/2017 8/09/2017 09:43:56 1
REG. NO. 157158 LJR
>>RECEIPT # 739025 8/09/2017 OFLH
Dept 5 528 ZONING VERIFICATION
CR NO. 157158
Receipt Tot \$75.00
\$75.00 CR \$75.00 CA
Baltimore County, Maryland

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

September 12, 2017

Jane Beach
1230 Engleberth Road
Baltimore MD 21221

RE: Case Number: 2018-0044 A, Address: 1230 Engleberth Road

Dear Ms. Beach:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 9, 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." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 23, 2017

FROM: *ML*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 21, 2017
Item No. 2018-0043-A, 0044-A, 0045-A, 0046-SPHA, 0049-A and 0051-A

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

* * * * *

VKD:CEN
cc:file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 9/7/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-044

INFORMATION:

Property Address: 1230 Engleberth Road
Petitioner: Jane Beach
Zoning: 18-044
Requested Action: Variance

The Department of Planning has reviewed the petition to permit a single family dwelling with setbacks to the centerline of a street of 45' and 47', having an open projection (porch) with a setback to the centerline of a street of 40' and a setback to the property line of 37' in lieu of the required 75' to the centerline of a street, 56.25' to the centerline of a street for an open projection and 50' respectively and to permit 31.25% of building lot coverage in lieu of the maximum 15%.

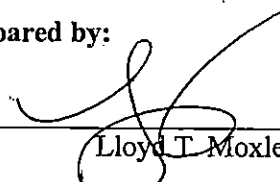
A site visit was conducted on August 16, 2017.

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

Be aware that the site is subject to the R.C. 5 Performance Standards pursuant to § Section 1A04.4 of the BCZR. Architectural elevations must be submitted to the Department of Planning for review at the time of building permit application.

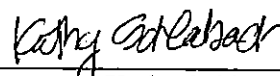
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

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

Date: 8/14/17

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. 2018-0044-A

Variance
Tune Beach
1230 Englebert 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

9-18

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 24, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0044-A
Address 1230 Engleberth Road
(Beach Property)

Zoning Advisory Committee Meeting of **August 21, 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. Based on the plan, Critical Area law limits the total lot coverage on the property to 25% (5,400 square feet), or a maximum of 31.25% (6,750 square feet) with mitigation for the amount allowed over 25%. In addition, the site must meet the 15% forest requirement. If the LDA lot coverage and forest requirements can be met, the proposed development with the Zoning relief requested can minimize water quality impacts. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).

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

The property is not waterfront and there are no habitat protection areas on site. Development must meet Critical Area lot coverage, forest/tree requirements, and any mitigation requirements. Therefore, fish, plant, and wildlife habitat in the Chesapeake Bay watershed can be conserved if all Critical Area requirements are met.

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

The applicant's proposal to develop the site can be consistent with this goal if development can comply with all Critical Area requirements.

Reviewer: Paul Dennis

Date: August 16, 2017

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 24, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0044-A
Address 1230 Engleberth Road
(Beach Property)

Zoning Advisory Committee Meeting of **August 21, 2017.**

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The applicant's proposal to develop the site can be consistent with this goal if development can comply with all Critical Area requirements.

Reviewer: Paul Dennis

Date: August 16, 2017

Case No.: 2018-0044-A 1230 Englewood Rd.

9/18
10 AM

Exhibit Sheet

Petitioner/Developer

RD 9-19-17

Protestant

19W
10-20-17

No. 1	Sitz plan	
No. 2	plan w/ signatures	
No. 3	plat	
No. 4	sewer drawing	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

CASE NAME 1230 Engleberth
CASE NUMBER 2018-0044-A
DATE Sept. 18, 2017

DATE Sept. 18

Petitioner's

~~COUNTY REPRESENTATIVE'S SIGN-IN SHEET~~

[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 _____)	_____
8/24	DEPS (if not received, date e-mail sent _____)	Comment
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
8/14	STATE HIGHWAY ADMINISTRATION	No Obj
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 8/29/17	
SIGN POSTING	Date: 8/28/17 by Cagle	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search

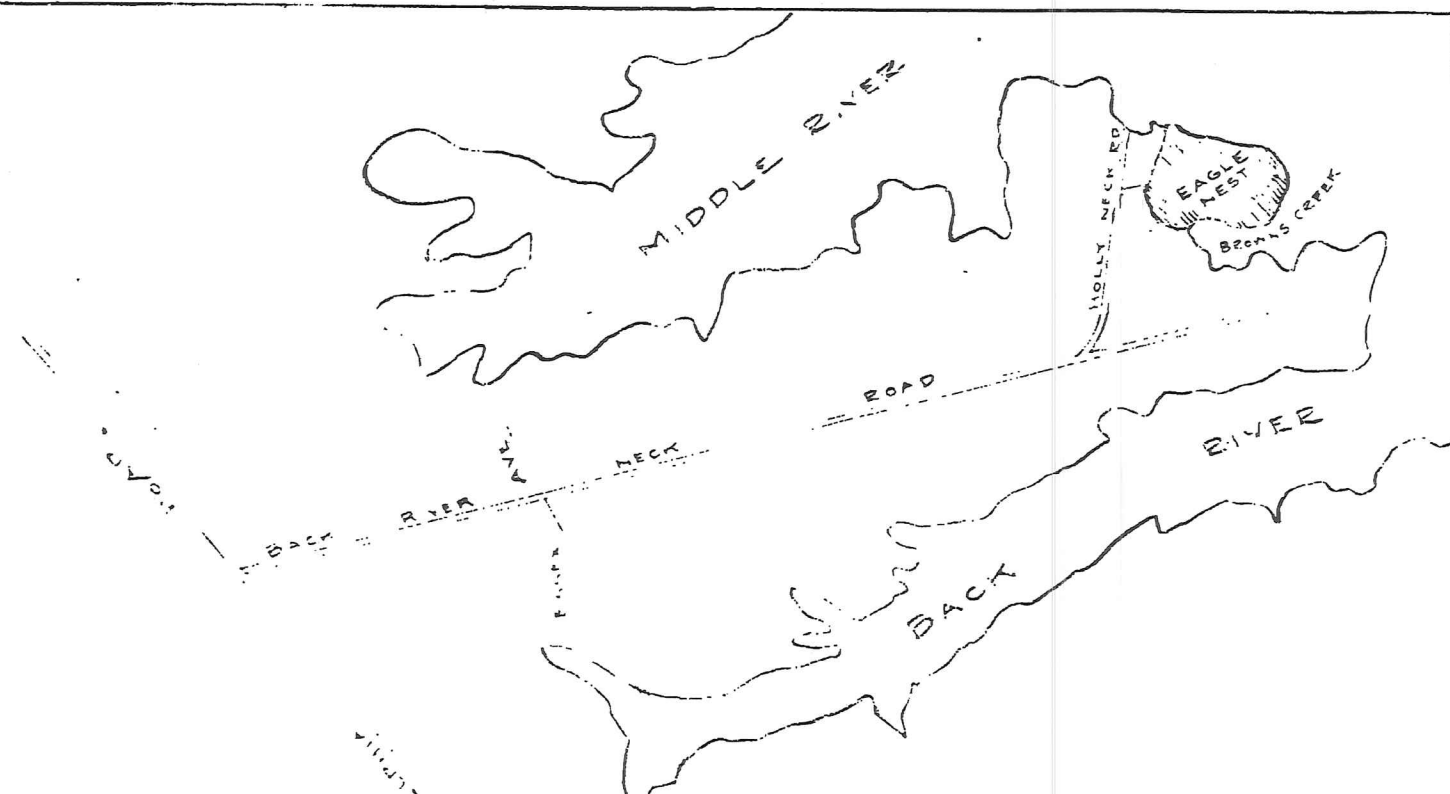
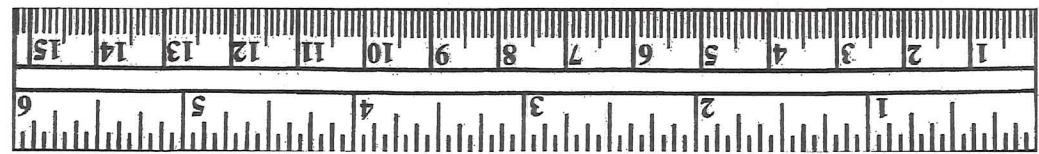
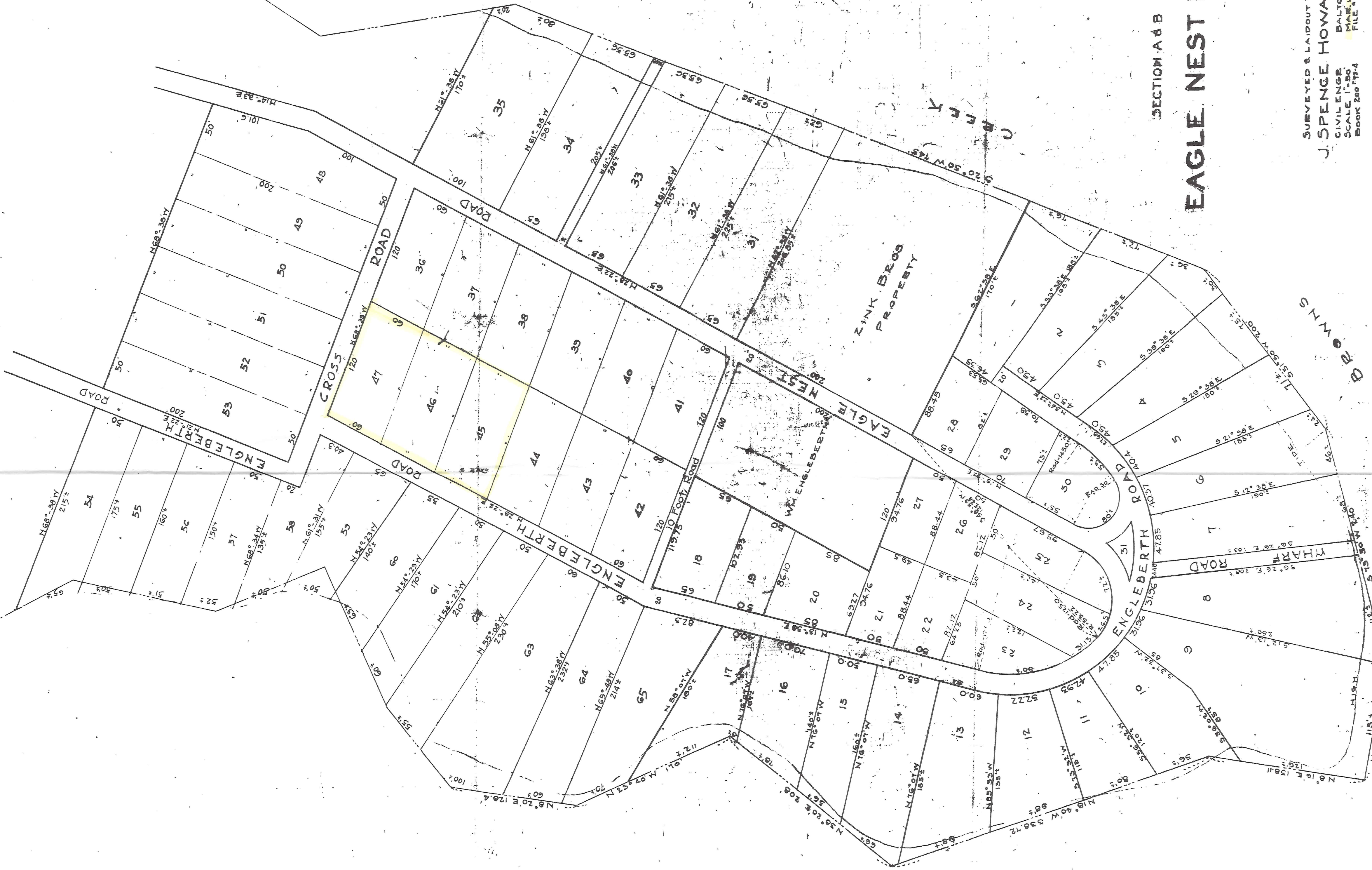
Search Result for BALTIMORE COUNTY

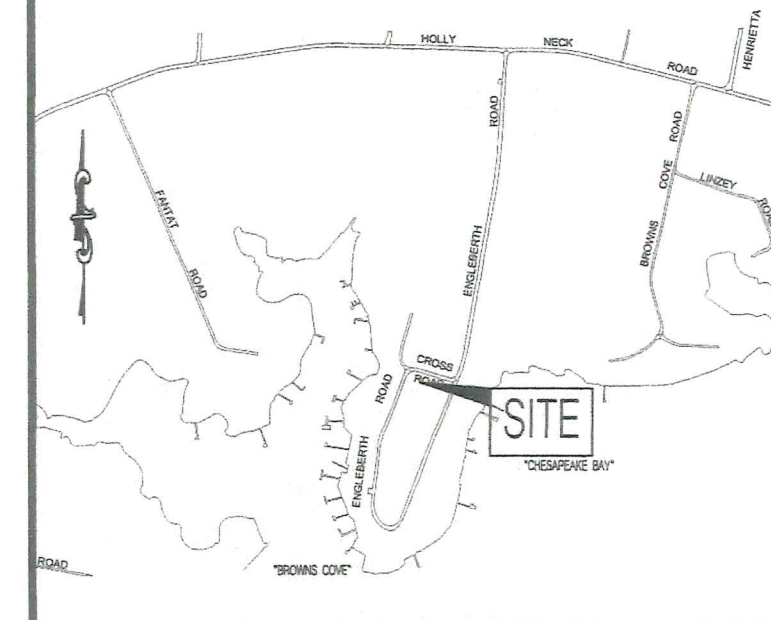
View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1513200133			
Owner Information					
Owner Name:	BEACH JANE E		Use:	RESIDENTIAL	
Mailing Address:	1230 ENGLEBERTH RD BALTIMORE MD 21221-2047		Principal Residence:	YES	
			Deed Reference:	/14256/ 00501	
Location & Structure Information					
Premises Address:		1230 ENGELBERTH RD 0-0000		Legal Description: 1230 ENGELBERTH RD EAGLES NEST POINT	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0105	0004	0212		0000	47
			Assessment Year:	Plat No:	
			2018	0008/0070	
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area		Finished Basement Area		Property Land Area
1953	1,287 SF				7,200 SF
				County Use	
				04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1 1/2	NO	STANDARD UNIT	SIDING	2 full	1Att/1Det
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:		77,000	77,000		
Improvements		146,800	146,800		
Total:		223,800	223,800	223,800	
Preferential Land:		0			
Transfer Information					
Seller: GUTTENBERGER JOHN		Date: 01/11/2000		Price: \$157,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /14256/ 00501		Deed2:	
Seller: BRUZDZINSKI RICHARD		Date: 02/23/1988		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /07797/ 00662		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017		07/01/2018	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00		0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 05/01/2014					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application Date:					

SURVEYED & LAYOUT BY
J. SPENCE HOWARD
BALTIMORE
CIVIL ENGINEER
SCALE 1"=50'
FILE # 36
BOOK 260 1P4

EAGLE NEST POINT

SECTION A & B

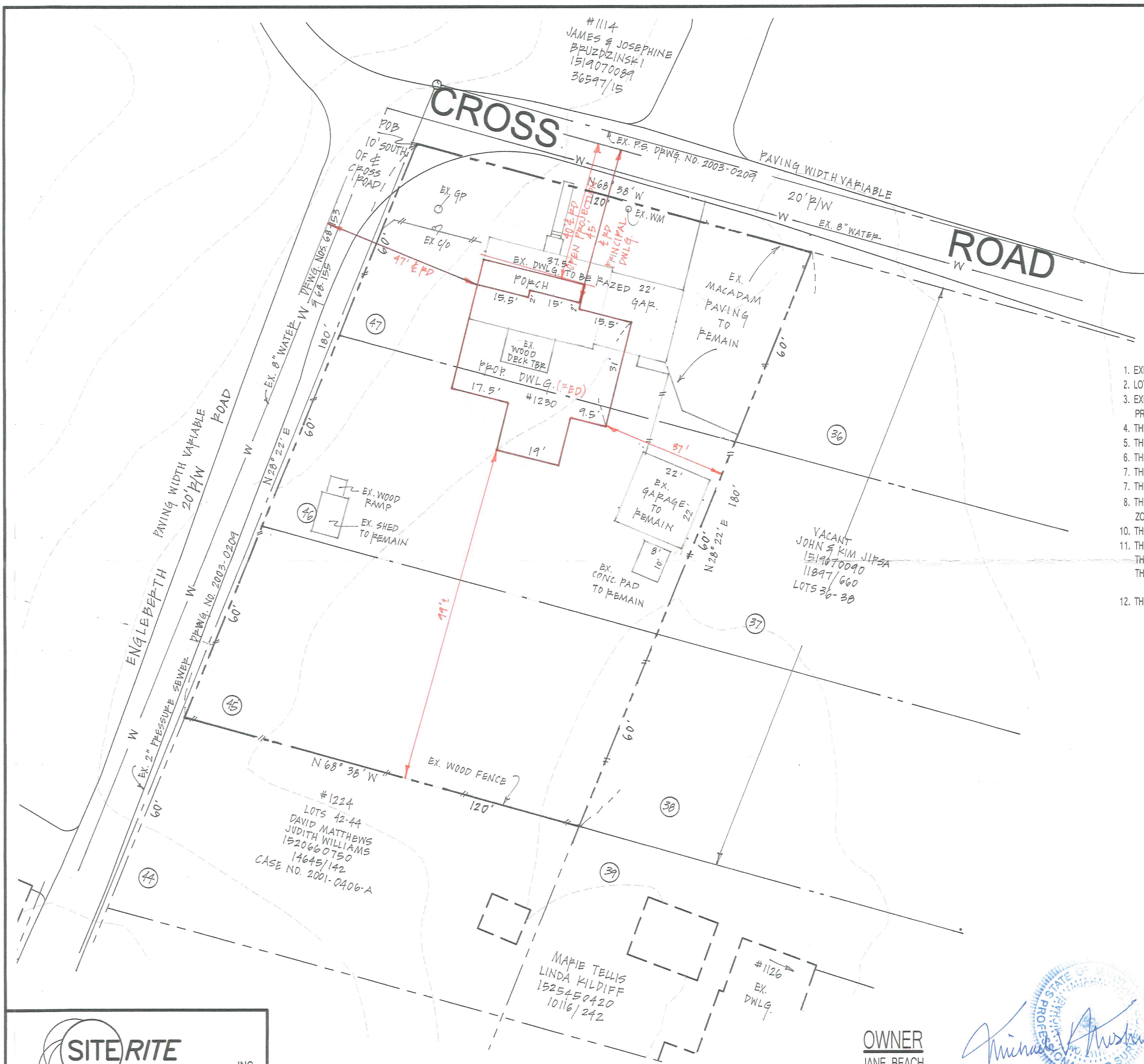




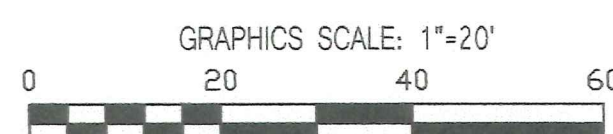
VICINITY MAP SCALE: 1"=1000'

GENERAL NOTES

- EXISTING ZONING: RC5 (105B1)
- LOT AREA: (SDAT) 21,600 S.F. / 0.496 AC±
- EXISTING USE: RESIDENTIAL - SFD TO BE RAZED
PROPOSED USE: RESIDENTIAL - PROPOSED REPLACEMENT DWELLING
- THIS PROPERTY IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA (LDA)
- THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOODPLAIN OR HISTORIC DISTRICT
- THIS PROPERTY IS SERVICED BY EXISTING PUBLIC UTILITIES
- THERE IS NO CONTIGUOUS OWNERSHIP
- THIS DRAWING WAS PREPARED USING THE GIS DATABASE, PUBLIC RECORDS, AND FIELD MEASURED EX. CONDITIONS
- THIS PROPERTY IS A LOT ON A RECORDED PLAT DATED MARCH 1925, WELL BEFORE THE ADOPTION OF 1945 ZONING REGULATIONS
- THERE IS NO PRIOR ZONING HISTORY.
- THE EXISTING LOT COVERAGE 3973.5 S.F. +/- (19%)
THE PROPOSED LOT COVERAGE IS 4362 S.F. +/- (20%) (MAX. ALLOWED 31.25%) = (6750 S.F.)
THE SITE MUST MEET THE 15% FOREST REQUIREMENT AND ANY REQUIRED FOREST MITIGATION.
- THIS PROPERTY DOES NOT HAVE WATER ACCESS.



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



OWNER
JANE BEACH
1230 ENGLEBERTH ROAD
BALTIMORE, MD 21221
PHONE: 410.375.0058



CASE NO. 2018-0044-A

* PROPOSED DWLG. SHOWN IN RED

PLAN TO ACCOMPANY VARIANCE PETITION

#1230 ENGLEBERTH ROAD

LOT-45-47 - SECTION A - 8/70

"EAGLES NEST"

MAP: 105 PARCEL: 212 TAX ACCT.#1513200133&1520660752

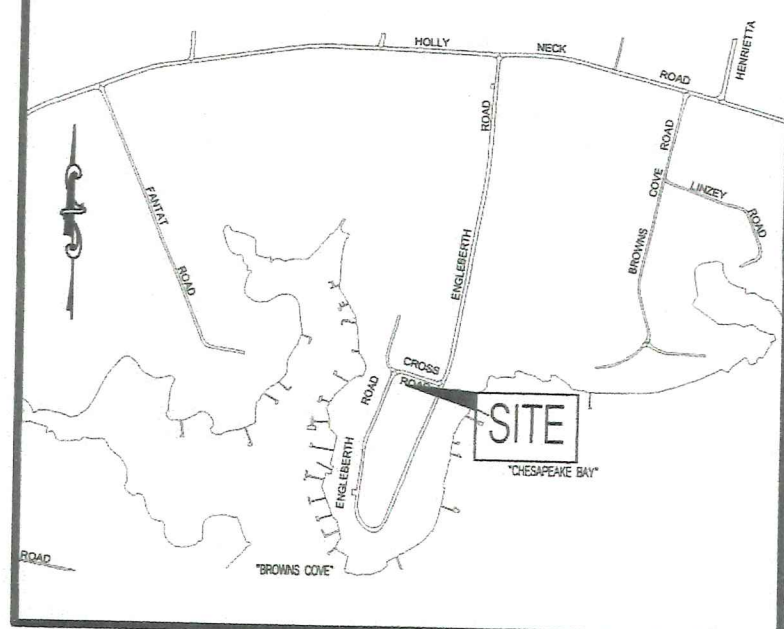
DEED REF.: 14256/501

15TH ELECTION DISTRICT C7

BALTIMORE COUNTY, MARYLAND

Scale: 1"=20'	Date: 07/14/2017	JOB #10404
Drawn: M.V.M.	Checked: B.L.M.	SURVEY'D: DTW,JK

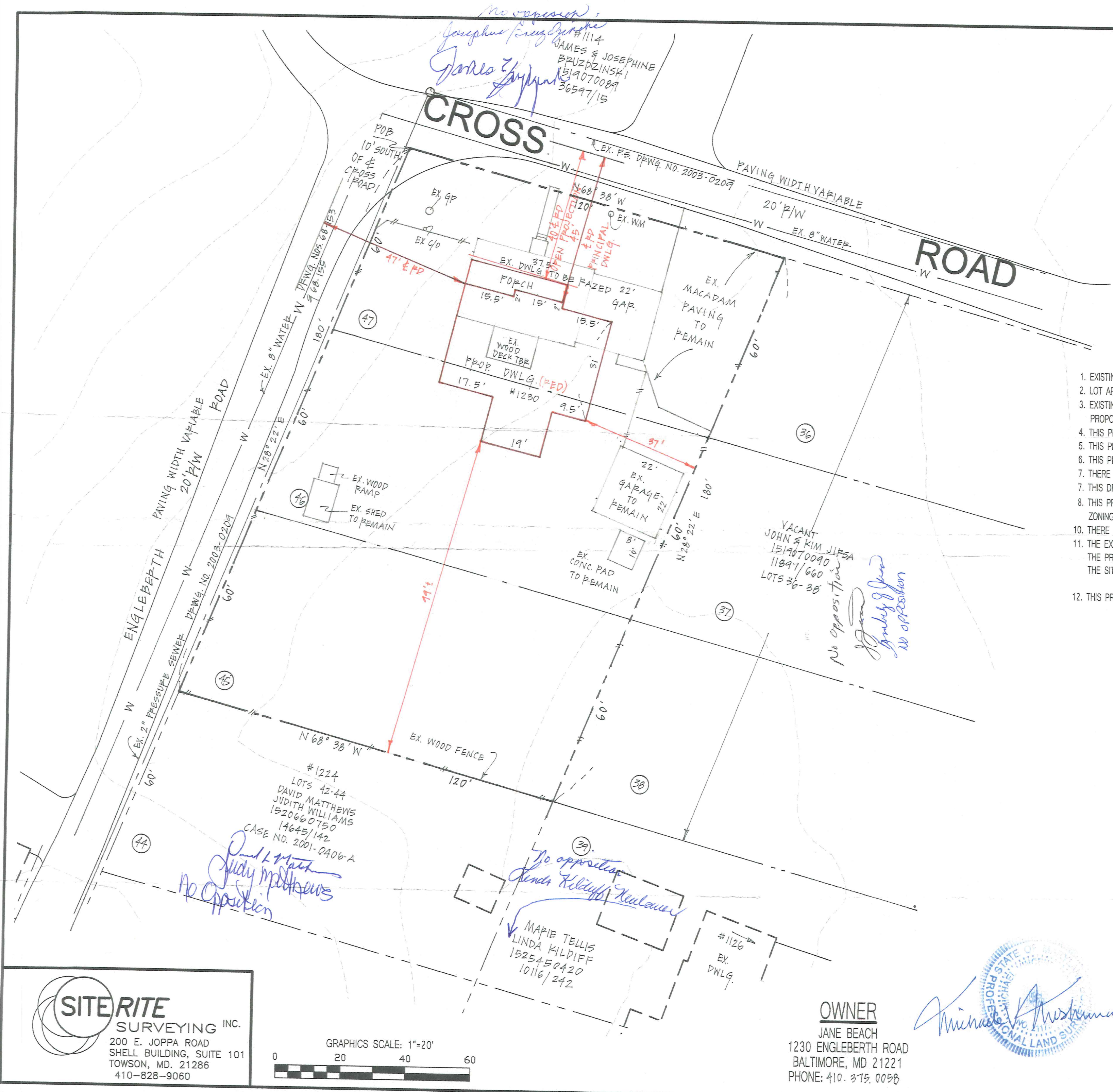
No opposition
Josephine Bruzdinski
 JAMES & JOSEPHINE
 BRUZZDZINSKI
 1519070089
 36597/15



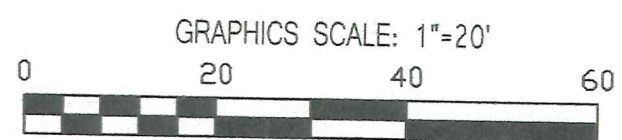
VICINITY MAP SCALE: 1"=1000'

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



OWNER
 JANE BEACH
 1230 ENGLEBERTH ROAD
 BALTIMORE, MD 21221
 PHONE: 410. 375. 0058



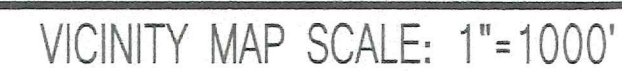
CASE NO. 2018-0044-A
 *PROPOSED DWLG. SHOWN IN RED

PLAN TO ACCOMPANY VARIANCE PETITION

#1230 ENGLEBERTH ROAD
 LOT-45-47 - SECTION A - 8/70
 "EAGLES NEST"

MAP: 105 PARCEL: 212 TAX ACCT. #1513200133&1520660752
 DEED REF.: 14256/501
 15TH ELECTION DISTRICT C7
 BALTIMORE COUNTY, MARYLAND

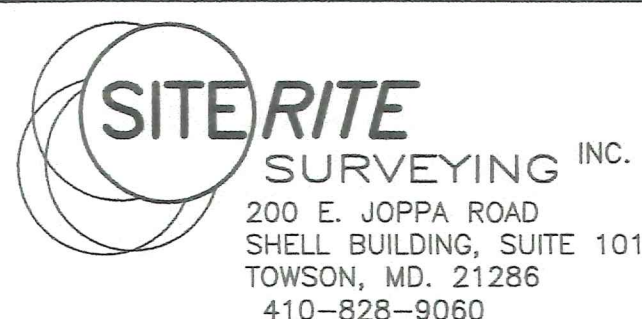
Scale: 1"=20'	Date: 07/14/2017	JOB #10404
Drawn: M.V.M.	Checked: B.L.M.	SURVEY'D: DTW,JK



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SURVEY'D: DTW,JK

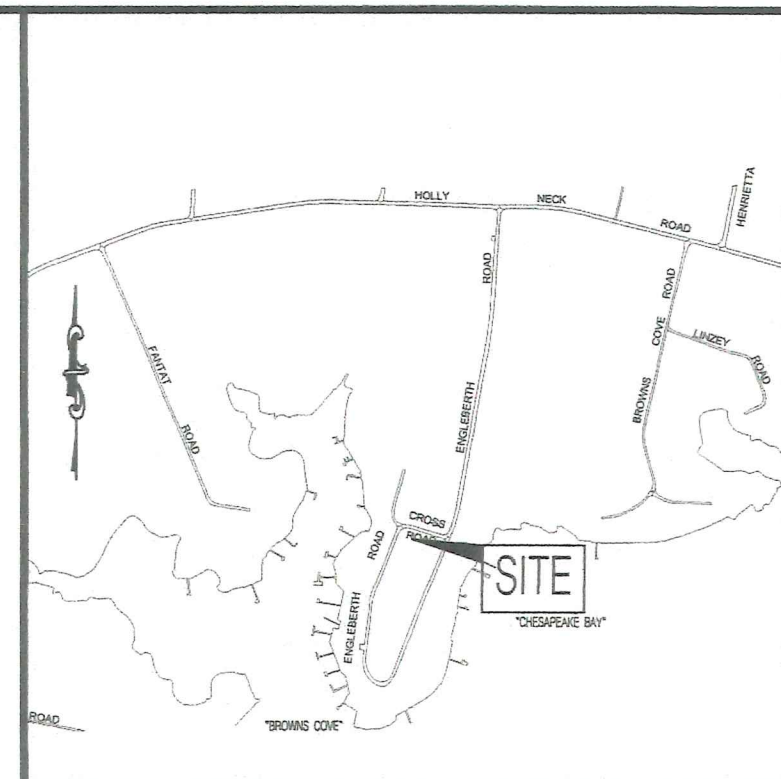
JANE BEACH
1230 ENGLEBERTH ROAD
BALTIMORE, MD 21221
PHONE: 410. 375. 0058



MARIE TELLIS
 LINDA KILDIFF
 1525450420
 10116/242

#1126
EX.
DWLG.

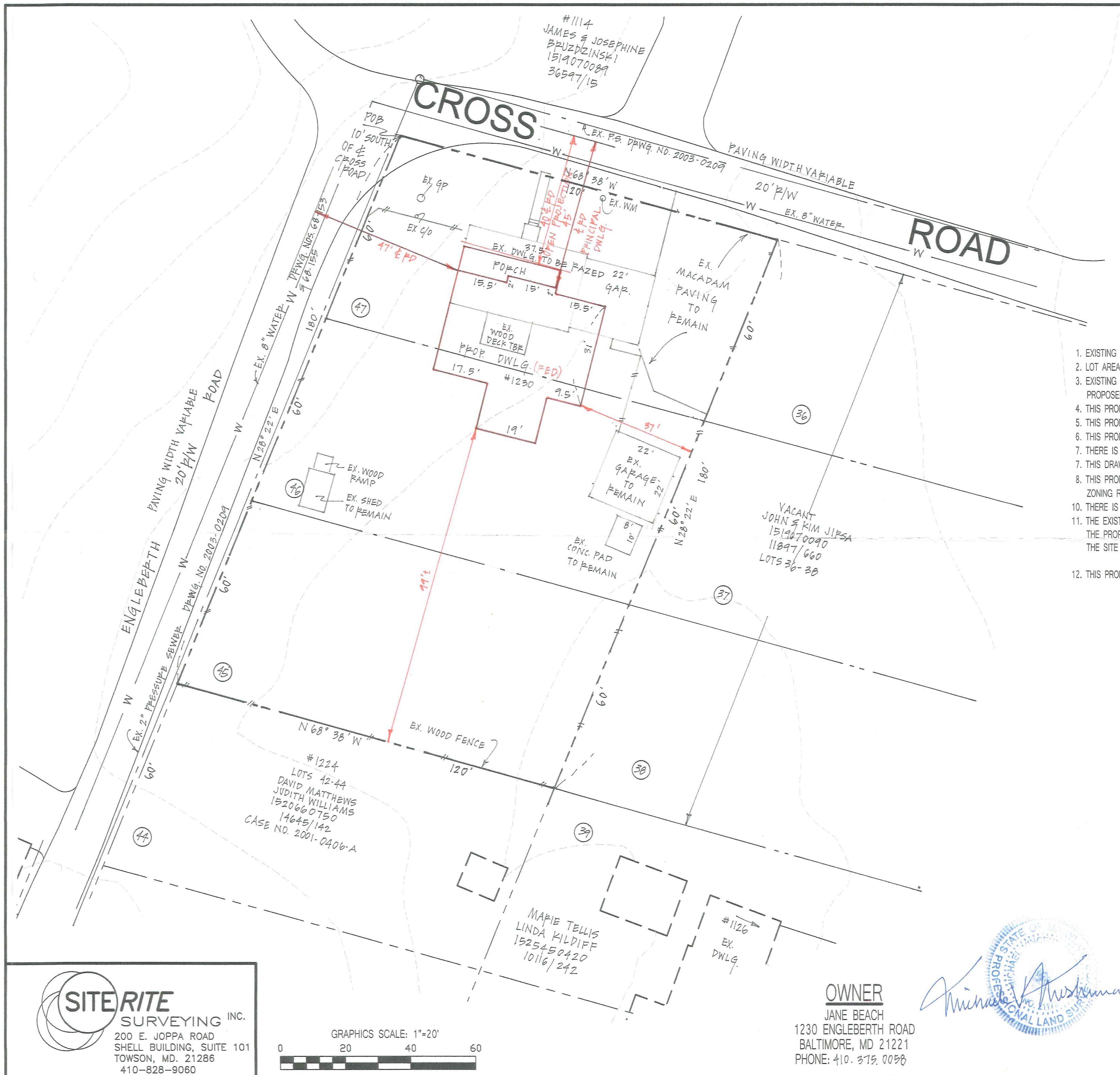
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VICINITY MAP SCALE: 1"=1000'

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BALTIMORE COUNTY, MARYLAND

Scale: 1"=20'

Date: 07/14/2017

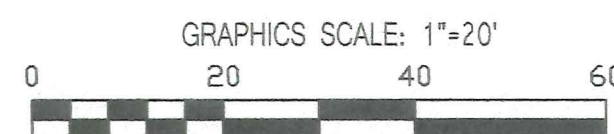
JOB #10404

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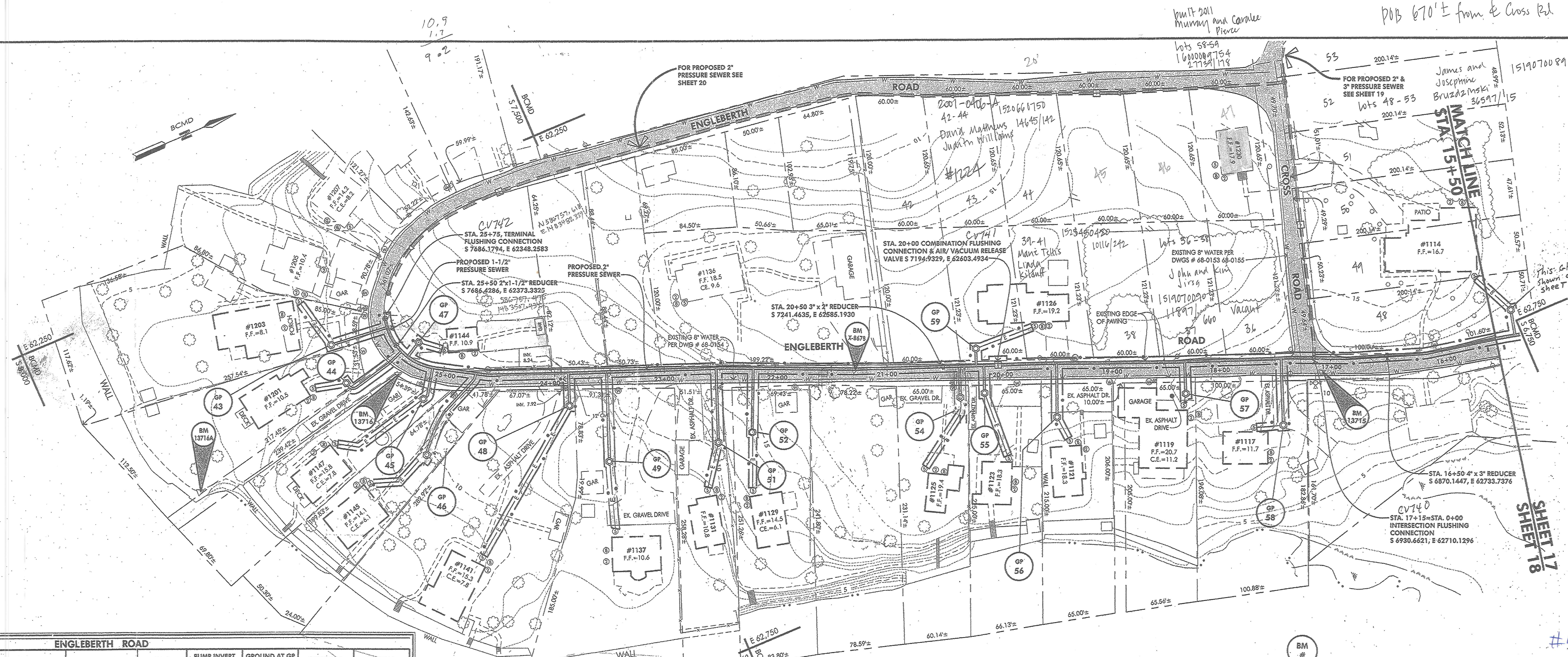
SURVEY'D: DTW,JK

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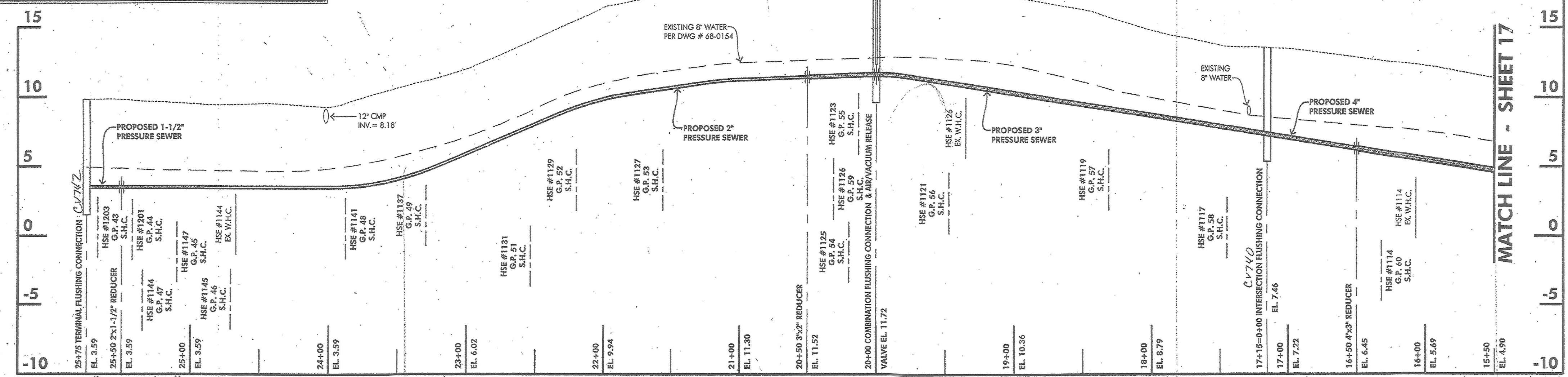


PLAN
SCALE: 1" = 50'

ENGLEBERTH ROAD									
GP NO.	HOUSE	OWNER	T.A. NO.	DEED REF.	TYPE	PUMP INVERT (FEET)	GROUND AT GP (ELEVATION)	SOUTHING	EASTING
43	1203	MICHAEL B. & LAURIE E. MANN	1504203220	16156/85	SIMPLEX	-1.0	8.9	7740.0217	62351.1108
44	1201	DARREL SMILES & KAREN SWEENEY	1519002410	6542/129	SIMPLEX	0.5	8.9	7740.9238	62386.1666
45	1147	KAREN SCHOLING	1519070083	11264/174	SIMPLEX	1.5	10.0	7683.0651	62428.4193
46	1145	GEORGE A. & CATHERINE B. WOHLBEN	1523750493	2904/214	SIMPLEX	0.1	9.7	7699.3136	62479.1157
47	1144	MATTHEW IAN & MARC JASON COUGLE	1519200134	9233/265	SIMPLEX	5.3	9.6	7666.9002	62379.5411
48	1141	GERALD T. & DEBORAH J. CALDWELL	1502002444	14838/676	SIMPLEX	-1.2	8.7	7564.7975	62485.7248
49	1137	RICHARD & GLORIA J. BRUZZI	1519070082	6571/785	SIMPLEX	-1.0	10.4	7557.01	62545.62
51	1131	CHARLES ZINK, PAUL LOUIS & PATRICIA A. Z. ARKUSZESKI	1526400080	14921/745	SIMPLEX	6.0	12.0	7453.1786	62569.0021
52	1129	TECLA C. CHEGETAS	1506451470	13927/268	SIMPLEX	6.0	15.5	7421.52	62572.14
54	1125	PAVEL & GLORIA LONCAK	1519070081	6699/633	SIMPLEX	7.3	17.4	7238.95	62616.46
55	1123	KELLEY & LINDA KILDIFF	1508801001	13416/249	SIMPLEX	10.4	17.2	7216.0553	62622.0523
56	1121	JOHN JR. & BELLA MUNCK	1519712530	15399/233	SIMPLEX	4.2	14.2	7164.6780	62668.0963
57	1119	JOSEPH & BARBARA SPEDAURE	1513200130	7469/611	SIMPLEX	5.0	15.7	7049.1938	62694.5717
58	1117	JOSEPH PAPPAGALLO & KATHRYN D. MARSHALL	1519070080	15525/357	SIMPLEX	4.6	10.3	6979.6490	62755.0851
59	1126	MARIE Z. TELUS & LINDA MARIE KILDIFF	1525450420	10116/242	SIMPLEX	13.0	17.5	7207.6506	62581.9535
CROSS ROAD									
1114	JAMES & JOSEPHINE BRUZZI	1519070089	7890/289						

NOTE:
FOR BENCHMARK INFORMATION SEE SHEETS 20 & 30

SOIL CONSERVATION
APPROVED FOR SEDIMENT CONTROL
Jeffrey P. West 4-17-03
Jim Clipping 4-17-03



PROFILE ENGLEBERTH AVENUE
SCALE: HORIZ. 1"=50', VERT. 1"=5'



ROAD PERMIT AND GRADES	REVISED AS PER RECORD PRINT	DATE	REVISION	BY
PERMIT REQUESTED	DRAFTSMAN	DATE	MOVED GP #49.52	DSW
PERMIT NUMBER	E. THOMPSON	4/3/01		
GRADE ESTABLISHED		11/20/03	Change SNU @ GP #49.52	SMW
PROFILE NUMBER				
DESIGNED S.A.C.	REVIEWED	DATE		
DRAWN S.A.C.		4/15/03		
CHECKED R.M.S.				

CONTRACT NO.	03078SX0
JOB ORDER NO.	201-0096-0009
SHEET NO. OF 32	18 OF 32
DWG. NO.	2003-0208
FILE	1

RECEIVED

FILENAME: G:\100864 - Holly Neck\Hollyneck collection\JAN 2003\Hr-sh16.dwg