

DATE: October 17, 2017

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2018-0056-A – Appeal Period Expired

The appeal period for the above-referenced case expired on October 16, 2017. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File

Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE \*

(2543 Barrison Point Road) 15<sup>th</sup> Election District

7<sup>th</sup> Council District James F Cox, Sr. & Doris M. Cox

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

**HEARINGS FOR** 

BALTIMORE COUNTY

CASE NO. 2018-0056-A

#### **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, James F Cox, Sr. and Doris M. Cox ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed replacement garage to be erected with a height of 21 ft. in lieu of the maximum allowed height of 15 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee ("ZAC") comments were received and are made part of the record of this case. The property is located within the Chesapeake Bay Critical Area ("CBCA") and is subject to Critical Area requirements as noted in the ZAC comment dated September 5, 2017 submitted by the Department of Environmental Protection and Sustainability ("DEPS"). In addition, an email was received on September 13, 2017 from the Development Plans Review ("DPR") section indicating that prior to building permit application, the Petitioners must contact the Office of the Director of Public Works to determine the flood protection elevation so that the floor elevation can be set. It is to be noted that a letter of support was received from Raymond P. Brown, who resides at 2545 Barrison Point Road, indicating he has

ORDER	RECEIVED FOR FILING
Date	9-15-17
Ву	SW .

no objections to the Petitioners' zoning request.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 27, 2017, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Although the Department of Planning did not make any recommendations related to the proposed replacement garage's height and usage, I will impose conditions that the garage shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, or used for commercial purposes.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this <u>15<sup>th</sup></u> day of **September**, **2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed replacement garage to be erected with a height of 21 ft. in lieu of the maximum allowed height of

<b>ORDER</b>	REC	CEIV	ED	FOR	FIL	ING
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#### 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to 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 or subsequent owners shall not convert the replacement garage into a dwelling unit or apartment. The replacement garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
- 3. The replacement garage shall not be used for commercial purposes.
- 4. Petitioners must comply with the ZAC comment received from DEPS, dated September 5, 2017; a copy of which is attached hereto and made a part hereof.
- 5. Prior to building permit application, Petitioners must contact the Office of the Director of Public Works to determine the flood protection elevation.

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

3

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER	RECEIVED FOR FILING
Date	9-15-17
Ву	

### ADMINISTRATIVE ZONING PETITION E VARIANCE – OR – ADMINISTRATI To be filed with the Department of Permits, Approvals and Inspections To the Office of Administrative Hearings for Baltimore County for the property located at: Address 2543 Barrison Point Rd Currently zoned 10 Digit Tax Account # / 508 55 Deed Reference 25010 10415 Owner(s) Printed Name(s) Doris M. Cox (SELECT THE HEARING(S) BY MARKING old X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized. The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an: ADMINISTRATIVE VARIANCE from Section(s) BCZR: 400.3 → To permit a proposed replacement garage to be erected with a height of 21 feet in lieu of the maximum allowed height of 15 feet. of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building) of the Baltimore County Code, to the development law of Baltimore County. Property is to be posted and advertised as prescribed by the zoning regulations. I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. Owner(s)/Petitioner(s): net Attorney for Owner(s)/Petitioner(s)(O Representative to be contacted: JER RECEIVED FOR FI Name-Type or Print Signature Signature 2543 Barrison Point Mailing Address City State ndcox @verizon. NeT elephone # Email Address Zip Code

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore

County, this

day of required by the zoning regulations of Baltimore County.

CASE NUMBER 2018-0056- A

# Affidavit in Support Administrative Variance (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 2543 Barrison Point Rd ESSEX MD 21221 Print or Type Address of property City State Zip Code
Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state <u>practical difficulty or hardship</u> here)
Trequest to move and enlarge garage for needed  Storage space add additional parking (parking is not  quailable on street because it is too narrow) and be able
Storage space add additional parking (parking is not
quailable on street because it is too narrow) and be able
To move oil tank into the new garage,
Additionally, the new storage area will allow us to keep storage outside of the flood zone.
(If additional space for the petition request or the above statement is needed, label and attach it to this Form)    Compared From Signature of Owner (Affiant)     Signature of Owner (Affiant)     Don't S. M. Cox   Name Print or Type
Name- Print or Type  Name- Print or Type
The following information is to be completed by a Notary Public of the State of Maryland
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 10 day of AUGUST, 2917, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:
Print name(s) here: JAMES F COX SR AND OSCIS M COX
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) the Affiant (s) th
AS WITNESS my hand and Notaries Seal Regons Odmolfi * 27
Notary Public
My Commission Expires

### Affidavit in Suppor

ministrative Variand

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

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Request to move and enlarge garage for needed storage space, add additional parking (parking is not available on street because it is too narrow) and be
available on etreet hecause it is too narrow) and he
able to move oil tank into New garage
Additionally, the new storage area will allow us to keep storage outside of the flood zone.
·
(If additional space for the petition request or the above statement is needed, label and attach it to this Form)
Signature of Owner (Affiant)  Signature of Owner (Affiant)
James F. Cox Sr.  Name-Print or Type  Name-Print or Type
The following information is to be completed by a Notary Public of the State of Maryland
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 10 day of AUGUST, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:
Print name(s) here: TAMES F COX SR AND DORIS M COX
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notaries Seal Sregon, admosfi * JAN 27 **
Notary Public JANVARY 27, 2020
My Commission Expires

FOR ADMIN R E VARIANCE -	OR – ADMINISTICATION PECIAL HEARING Permits, Approvals and Inspections
	or Baltimore County for the property located at:
Address 2543 Barrison Point Rd	Currently zoned RC5
Deed Reference 25010 / OY15	10 Digit Tax Account # 1508550190
Owner(s) Printed Name(s) James F. Cox Sr.	Doris M Cox
(SELECT THE HEARING(S) BY MARKING $\underline{X}$ AT THE APPROPRIATE CONTRACTOR OF THE APPROPRIATE CONTR	PRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavit on the re	everse of this Petition form must be completed and notarized.
The undersigned, who own and occupy the property situate i attached hereto and made a part hereof, hereby petition for a	
1. ADMINISTRATIVE VARIANCE from Section(s)	•
BCZR: 400.3 → To permit a proposed replaceme	nt garage to be erected with a height of 21 feet in lieu
of the maximum allowed height of 15 feet.	int garage to be elected with a height of 22 recent med
	ay of Paltimora County
of the zoning regulations of Baltimore County, to the zoning I	aw of Bailiffiore County.
2 ADMINISTRATIVE SPECIAL HEARING to approve County Code: (indicate type of work in this space: i.e., to raze	ve a waiver pursuant to Section 32-4-107(b) of the Baltimore e, alter or construct addition to building)
of the Baltimore County Code, to the development law of Bal	timore County
Property is to be posted and advertised as prescribed by the zoning regulati I/ we agree to pay expenses of above petition(s), advertising, posting, etc. a Baltimore County adopted pursuant to the zoning law for Baltimore County.	ons.
	Owner(s)/Petitioner(s):
	James F. Cox Sr. , Doris M. Cox
	Name #1 - Type or Print Name #2 - Type or Print
	James Fly M Down MCSO
	Signature #1 Signature #2
8	2543 Barrison Point Rd Balto, MD Mailing Address City State
	ZID Code Telephone # Email Address net
Attorney for Owner(s)/Petitioner(s):	Representative to be contacted:
Name-Type or Print  Signature  Mailing Address  State	Doris M. Cox
Name- Type or Print	Name - Type or Print
WEDP	Dows M Cop
Signature	Signature 2543 Barrison Point Rd Balto MD
Mailing Address City State	Mailing Address City State
Maning Address City State	21221 , 410 371 9301 Jndeox@verizon. 1
Zip Code Email Address	Zip Code Telephone # Email Address
A PUBLIC WEARING having been formally demanded and/or found to be	be required, it is ordered by the Office of Administrative Hearings for Baltimore matter of this petition be set for a public hearing, advertised, and re-posted as
* 78 * 1	
Administ	rative Law Judge for Baltimore County
208 0050	12
CASE NUMBER 2018 0056 - 4 Filing Date 8, 18,	Estimated Posting Date 8,2717 Reviewer JS

Zoning Petition Property Description

Zoning property description for 2543 Barrison Point Rd, Baltimore, MD, 21221

Beginning at a point on the east side Barrison Point Road which is 40 feet wide at a distance of 4990 feet northeast of the centerline of the nearest improved intersecting street, Rocky Point Road which is 40 feet wide.

Being Lot numbered 20, Section A, in the subdivision of Hawk Cove, on the Amended Plat of Barrison Point, Baltimore County, Plat Book WPC No. 8, folio 82, containing 9450 square feet. Located in Election District 15 and Council District 7

2018-0056-A

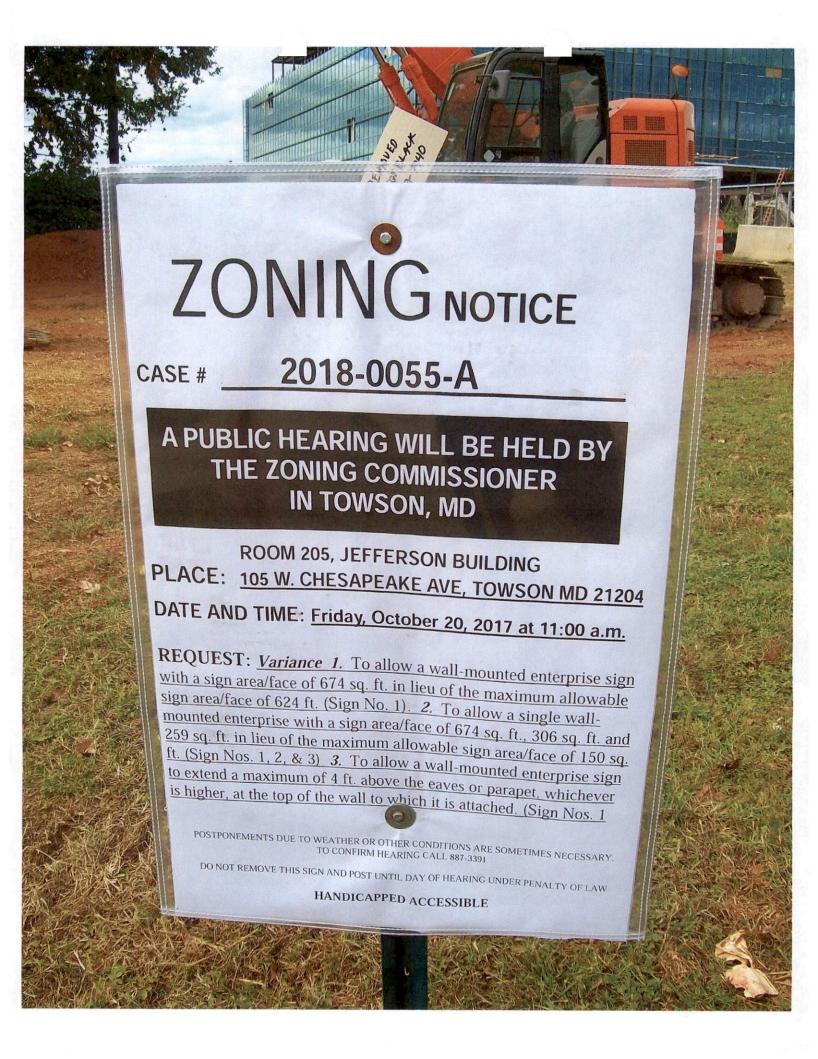
### CERTIFICATE OF POSTING

RI: Case Number: 18 056 M. PAT 11-1175.  Petitioner Developer: Wadkers Construction  Date of Hearing/Closing: NA
Petitioner Developer: Wadker Costruction
Date of Hearing/Closing: NA
This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 5719 Range Logh
The sales of the contraction of
The signs(s) were posted on 12-3-18  (Month. Day. Year)  Lewronce filson (Signature of Sign Poster)
J. LAWRENCE PILSON (Printed Name of Sign Poster)  ATTACH PHOTGRAPH  1015 Öld Barn Road (Street Address of Sign Poster)
Parkton, MD 21120  (City, State, Zip Code of Sign Poster)
410-343-1443 (Telephone Number of Sign Poster)



## **CERTIFICATE OF POSTING**

	RE: Case No.:	018-0056-A
GFV Sh	awan Office, LLC. c/o Greenfield Par	rtners, LLC
	D-4- CII /CI .	per 20, 2017
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 posted conspicuously on the property locate	of perjury that the necessary sign(s) required ed at:	by law were
99 Shawan Road		
The sign(s) were posted on	September 30, 2017 (Month, Day, Year)	
HITACH	Sincerely,	
	Septem	ber 30, 2017
ZONING MOTICE ZONING MOTICE		Pate)
The state of the s	SSG Robert Black	
Appear to the Late And Appear to the Late Appear to	(Print Name)	
	1508 Leslie Road	
A SAN THE REAL PROPERTY.	(Address)	
	Dundalk, Maryland 21222	
	(City, State, Zip Code)	
	(410) 282-7940	
	(Telephone Number)	





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## **CERTIFICATE OF POSTING**

		RE: Case No.:	2018-0050-A
		Petitioner/Developer:	
			1
			Cox
		And the second s	
		Sep Date of Hearing/Closing: _	otember 11, 2017
Baltimore C	ounty Department of		
	provals and Inspections		
	ce Building, Room 111		
111 West Ch	nesapeake Avenue		
	ryland 21204		
	•		
Attn: Kriste	n Lewis:		
Ladies and (	Gentlemen:		
		of perjury that the necessary sign(s) reted at:	
2543 Barr	ison Point Road		The second second
		August 27, 2017	
The sign(s) v	vere posted on		
		(Month, Day, Year)	
		S!1	
ini		Sincerely,	
		Min	August 27, 2017
7 20	NINGNOTICE	(Signature of Sign Poster)	(Date)
V	ARIANCE	SSG Robert Bla	ck
CASE #	2018-0056-A	(Print Name)	
21 feet	o be erected with a height of in lieu of the maximum	1508 Leslie Roa	d
and the same of th	PURILE CONTROL OF 15 Feet.	(Address)	
PERSONAL AND	TOUCHE ASTRONA BALTONIC CONTROL OF THE PROPERTY OF THE PROPERT	Dundalk, Maryland	21222
	A MARINE AND THE STATE OF THE S	(City, State, Zip C	ode)
		(410) 282-7940	

(Telephone Number)

## RTMENT OF PERMITS, APPROV. ZONING REVIEW OFFICE

AND INSPECTIONS

### **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

ADMINISTRATIVE VARIANCE IN CRIMATION CHEET AND DATES
Case Number 2018- 0956 -A Address 2543 BARRISON POINT R.
Contact Person:     Value   Va
Filing Date: 8 48 17 Posting Date: 8 27 17 Closing Date: 9 11 17
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <u>DEADLINE:</u> The closing date is the deadline for a neighbor (occupant or owner) within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. ORDER: After the closing date, the file will be reviewed by the Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the Administrative Law Judge) notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 2018- 0056 -A Address 2543 BARRISON POINT RD.
Petitioner's Name Telephone
Posting Date: 8 37 17 Closing Date: 9 11 17
Wording for Sign: To Permit A PROPOSED REPLICEMENT GARAGE TO BE ERECTED
WITH A HEIGHT OF BIFEGT IN LIEU OF THE MAXIMUM ALLOWED HEIGHT
OF 15 FEET.
Povisod 6/30/2011

## DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 2018-0056-A  Property Address: 2543 BARRISON POINT RD.
Property Description:
Legal Owners (Petitioners): JAMES + BORIS COX
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:  Name: JAMES + DOR(S COX
Company/Firm (if applicable):
Address: 2543 BARRISON FOINT RD.
BACTIMORE, MD 21221
Telephone Number: 410-371-9301



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

September 12, 2017

James F & Doris M Cox 2543 Barrsion Point Road Baltimore MD 21221

RE: Case Number: 2018-0056 A, Address: 2543 Barrison Point Road

Dear Mr. & Ms. Cox:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 18, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

**Enclosures** 

c: People's Counsel

### BALTIMORE COUNTY, MARYLAN

**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:

September 5, 2017

SUBJECT:

**DEPS** Comment for Zoning Item

# 2018-0056-A

Address

2543 Barrison Point Road

(Cox Property)

Zoning Advisory Committee Meeting of August 28, 2017.

EPS has reviewed the subject zoning petition for compliance with the goals of the Statemandated 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 proposed development must meet LDA and MBA requirements for lot coverage. Based on the plan, the property area above mean high water is less than half an acre so the maximum Critical Area defined lot coverage allowance for this property is 31.25% with mitigation for any new amount over 25%. Based on the plan, it appears that the property is over lot coverage allowances, and new lot coverage may have been added since the year 2007. It appears that building a larger footprint garage and adding parking area would require removal of lot coverage elsewhere on the property in order for the property to comply with lot coverage requirements. If the applicant can meet lot coverage requirements, and meet all buffer impact and mitigation requirements, 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 on Hawk Cove with the required Critical Area buffer covering most of the property. 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 garage and any other lot coverage can comply with all modified buffer area, lot coverage, tree, and mitigation requirements, the relief requested will be consistent with established land-use policies. Compliance with lot coverage requirements may require removal of existing lot coverage.

Reviewer: Paul Dennis Date: September 5, 2017





Larry Hogan Governor Boyd K. Rutherford Lt. Governor Pete K. Rahn Secretary Gregory Slater Administrator

Date: \$/23/17

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 - 2056 - A

Formes F. & Dovis M. Cox 2543 Barrison Point 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

#### 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:

September 5, 2017

SUBJECT:

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# 2018-0056-A

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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 garage and any other lot coverage can comply with all modified buffer area, lot coverage, tree, and mitigation requirements, the relief requested will be consistent with established land-use policies. Compliance with lot coverage requirements may require removal of existing lot coverage.

Reviewer: <u>Paul Dennis</u> Date: <u>September 5, 2017</u>



**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:

September 5, 2017

SUBJECT:

DEPS Comment for Zoning Item

# 2018-0056-A

Address

2543 Barrison Point Road

(Cox Property)

Zoning Advisory Committee Meeting of August 28, 2017.

EPS has reviewed the subject zoning petition for compliance with the goals of the Statemandated 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 proposed development must meet LDA and MBA requirements for lot coverage. Based on the plan, the property area above mean high water is less than half an acre so the maximum Critical Area defined lot coverage allowance for this property is 31.25% with mitigation for any new amount over 25%. Based on the plan, it appears that the property is over lot coverage allowances, and new lot coverage may have been added since the year 2007. It appears that building a larger footprint garage and adding parking area would require removal of lot coverage elsewhere on the property in order for the property to comply with lot coverage requirements. If the applicant can meet lot coverage requirements, and meet all buffer impact and mitigation requirements, 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).

ORDER	RE	CEIV	EDF	OR	FIL	ING
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Da	Te .	1		1		l A	1	
-	C. P. John International Confession of the Confe	HAMILTONIAN MARKET	market and the same	A Transfer Printer	-	echenium	HOUSENS ASSESSMENT ASSESSMENT	THE OWNER WHEN

C:\Users\snuffer\AppData\Loca\\Microsoft\Windows\Temporary Internet Files\Content.Outlook\WPHS9SSK\ZAC 18-0056-A 2543 Barrison Point Road (2).doc

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront property located on Hawk Cove with the required Critical Area buffer covering most of the property. 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 garage and any other lot coverage can comply with all modified buffer area, lot coverage, tree, and mitigation requirements, the relief requested will be consistent with established land-use policies. Compliance with lot coverage requirements may require removal of existing lot coverage.

Reviewer: Paul Dennis Date: September 5, 2017

ORDER RECEIVED FOR FILING

Date 9-15-17

By



## CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
9-13	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent 9-13-11)	
9-5	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
-	PLANNING (if not received, date e-mail sent)	
8-23	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATI	ION (Case No	
PRIOR ZONING	(Case No	
NEWSPAPER ADV	VERTISEMENT Date:	[ <sup>2</sup> ]
SIGN POSTING	Date: 8-27-17	by Black
	SEL APPEARANCE Yes No DEL COMMENT LETTER Yes No DEL	
Comments, if any:		

#### **Debra Wiley**

From:

Vishnubhai K Desai

Sent:

Wednesday, September 13, 2017 4:10 PM

To:

Debra Wiley

Cc:

Charles Nwokoro

Subject:

Response to ZAC Comment for Administrative Variance Case No. 2018-0056-A

Good afternoon Debra,

Our response as follows:

Prior to building permit application, the petitioner must contact the Office of the Director of Public works to determine the flood protection elevation, so that the floor elevation can be set.

Thanks,

Vishnu Desai

From: Debra Wiley

Sent: Wednesday, September 13, 2017 11:54 AM

To: Vishnubhai K Desai <vdesai@baltimorecountymd.gov>

Subject: ZAC Comment for Administrative Variance Case No. 2018-0056-A

Good Morning Vishnu,

Our office is in receipt of the above-referenced administrative variance in which the petition indicates it's located in "flood" zone; however, there is no ZAC comment from your section. If you in fact do not have a comment, could you please send us an email stating same; we'd appreciate it.

For your convenience, I have listed the pertinent information below.

Thanks in advance.

#### Case No. 2018-0056-A

2543 Barrison Point Road

Location: E/S of Barrison Point Road, 4990 ft. NE of the centerline of the intersection with Rocky Point Road

Fifteenth Election District & Seventh Council District

Legal Owner: James F. & Doris M. Cox

Contract Purchaser: No Contract Purchaser was set

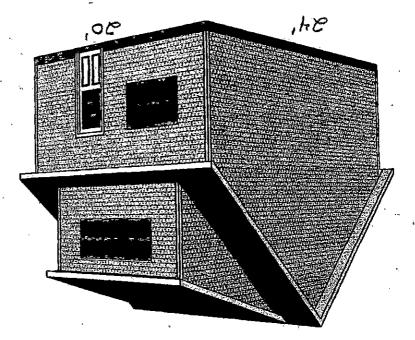
ADMISTRATIVE VARIANCE: To permit a proposed replacement garage to be erected with a height of 21 ft. in

lieu of the maximum allowed height of 15 ft.

Debra Wiley
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

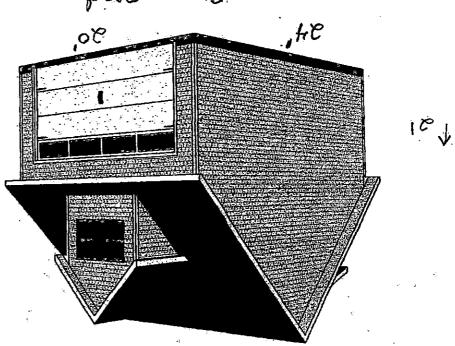
## 4-9590-110C

Facing house

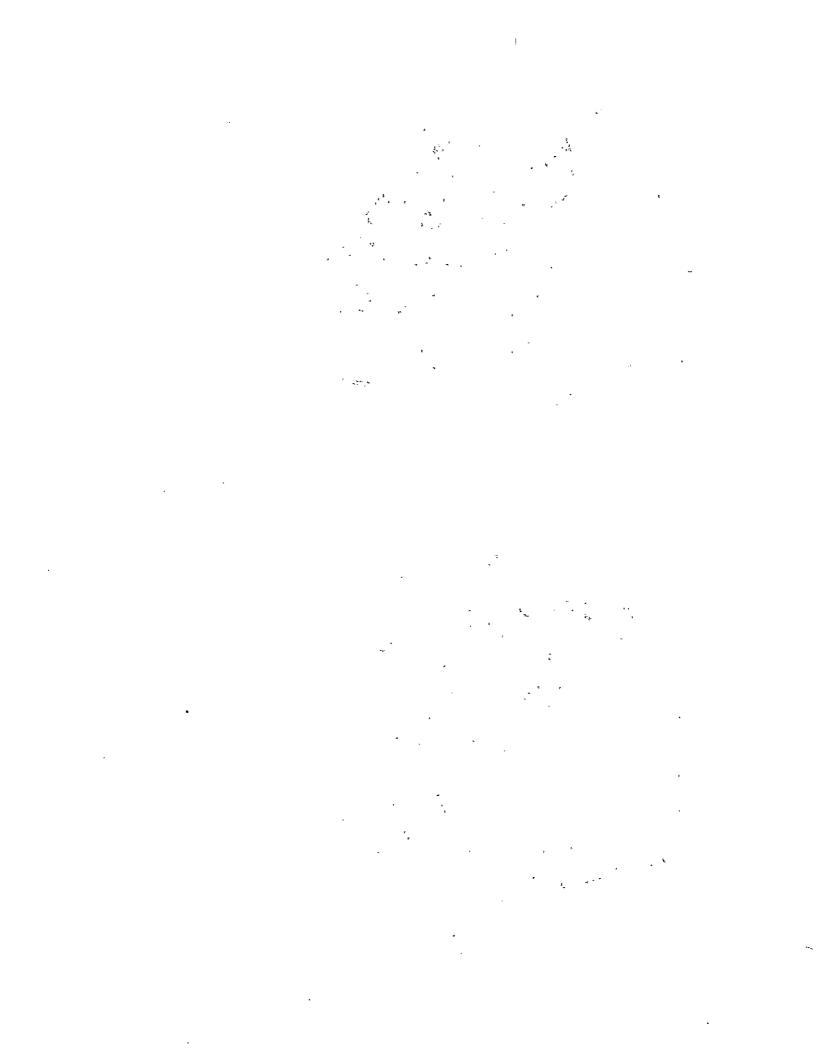


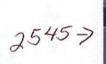
101

facing Road



2543 Barrison Point Rd 21221 Noposed Borage







2543 >



2018-0056-A



2543 Showing adjacent properties



ASSA house was





#### Real Property Data Search

#### Search Result for BALTIMORE COUNTY

View N	пар		view Grounds	Rent Red	empuon			view G	roundRent Rec	distration	1	
Account	t Identifie	r:	Distric	t - 15 Ac	count N	<b>umber -</b> 150	8550190					
						r Information						
Owner N	lame:			AMES F		Use: Prin	cipal Res	idence:	RESIDEN' YES	TIAL		
Mailing <i>i</i>	RD BALTIN	2543 BARRISON POINT RD BALTIMORE MD 21221- 6410						/25010/ 00415				
				Loc	ation & St	tructure Info	mation					
Premise	s Addres	s:	2543 B RD 0-0000 Waterfi		N POINT	Lega	I Descri	otion:	2543 BAR BARRISO		OINT RI	
Мар:	Grid:	Parcel:	Sub District:	Subdi	vision:	Section:	Block:	Lot:	Assessment Year:	Plat No:		
0105	0009	0800		0000		Α		20	2018	Plat Ref:	0008/ 0082	
Specia	al Tax Are	as:				Town: Ad Valoren Tax Class:	1:		100	NE		
Built	ry Structu	ire	Above Grad Area	e Living	Finished Basement Area			Are			County Use	
1926			880 SF					9,4	50 SF	34		
Stories	s Base YES	ement	Type STANDARD	INIT	Exterior		f Bath	Garage		ajor Rend	vation	
	163		STANDARD	JINIT	SIDING	1 full Information		1 Detacl	nea			
			Basa	Value	10.1201101101	Value		Dhaga is	n Assessments			
			Dase	value		As of 01/01/2015		As of 07/01/20	Α	s of 7/01/2018		
Land:			201,40	00		201,400		07701720		770 1720 16	,	
Improv	vements		99,80			99,800						
Total:			301,20			301,200		301,200				
Prefere	ential Lan	ıd:	0									
					Transfe	er Information	n					
Seller:	BRANDE	NBURG	CHARLES F,J	R	Date: 0	1/03/2007			Price: \$425	5,000		
Type: /	ARMS LE	NGTH IM	PROVED		Deed1:	/25010/ 004	15		Deed2:			
Seller:	BRANDE	NBURG	CHARLES F,J	R	Date: 0	9/06/1991			Price: \$0			
Type: I	NON-ARM	IS LENG	TH OTHER		Deed1:	/08905/ 008	40		Deed2:			
Seller:					Date:				Price:			
Туре:					Deed1:	1			Deed2:			
					Exempti	on Information	n					
Partial E Assessn	nents:		Class				1/2017		07/01/2018	3		
County:			000			0.00						
State: Municipa	al·		000			0.00			0.001			
Tax Ex			000		C!	0.00	4		0.00			
	tempt: ot Class:				NONE	I Tax Recap	ture:					
						plication Info						





Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

#### 8/2/2017

Managing Administrative Law Judge Office of Administrative Hearings 105 West Chesapeake Avenue Towson, MD 21204

RE: James and Doris Cox 2543 Barrison Point Rd New Garage

#### Dear Judge:

I would like to express my support of my adjacent neighbors, James and Doris Cox, at 2543 Barrison Point Rd, Baltimore, MD 21221 to build a 20x24 foot garage, with a height of 21 feet, placed as per the attached drawing titled "Drawing to Accompany Petition for Variance".

I have no objections to said structure and approval for the variance request.

Very truly yours,

Raymond P. Brown

2545 Barrison Point Road

Raymond P. Brown

Baltimore, MD 21221



#### Real Property Data Search

#### Search Result for BALTIMORE COUNTY

View N	пар		now Grounditte	nt Redemption			view Grou	ndRent Reg	istration	
Account Identifier: Dist				strict - 15 Account Number - 1516600190						
			F	Owner	Information	1	/			
Owner N	lame:		BROWN BROWN	RAYMOND P RITA M	Use Prin	: cipal Res	idence:	RESIDENT	TAL	
Mailing Address:			RD	RRISON POINT DRE MD 21221-	Dee		2846/ 00001			
				Location & Str	ructure Info	rmation				-
Premise	s Addres	s:	2545 BA RD 0-0000 Waterfro	RRISON POINT	Leg	al Descri	otion:	2545 BARF BARRISON		OINT RE
Map:	Grid:	Parcel:	District:	Subdivision:			Y	ssessment ear:	Plat No:	
0105	0009	0800		0000	Α		22 / 20	018	Plat Ref:	0008/ 0082
Specia	ıl Tax Are	eas:			Town: Ad Valorer Tax Class:			NON	E	
Built	y Structu	ıre	Above Grade Area		nished Ba	sement	Prope Area	rty Land	Cou Use	nty
1926	1		1,824 SF				10,416	SF	34	
Stories 2	s Bas	ement	<b>Type</b> STANDARD U	Exterio NIT FRAME		lalf Bath	Garage	Last Maj	or Renov	/ation
				Value	Information				The second second	
			Base V	alue \	/alue		Phase-in A	ssessments		
					As of 01/01/2015		As of 07/01/2017		of 701/2018	\$
Land:			202,100	2	202,100					
	ements		145,300		145,300					
Total:			347,400	3	347,400		347,400			
Prefere	ential Lar	nd:	0							
0.11	NATION	2241014	0070405 004		Informatio	n				
000000000000000000000000000000000000000			ORTGAGE CO		Date: 05/08/1998 Deed1: /12846/ 00001			Price: \$120,	625	
		NGTH MU				001		Deed2:		
		VALERIE		31130 3110 A 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Date: 02/11/1998 Deed1: /12660/ 00202			Price: \$149,	850	
		NGTH MU				202		Deed2:		
		NOTH MI	CATORIC .		/11/1995	.00		Price: \$170,	000	
Type: /	AKIVIS LE	NGTH ML	JL TIPLE		11040/ 005			Deed2:		
Partial E Assessn	xempt		Class	Exemptio	n Informati 07/0	on 1/2017		07/01/2018		
County:			000		0.00					
State:			000		0.00					
Municipa	al:		000		0.00	1		0.00		
Tax Ex	empt:			Special	Tax Recap	ture:		*		
Exemp	t Class:			NONE	-					
				Homestead App	lication Inf	ormation				

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

http://sdat.dat.maryland.gov/RealProperty/Pages/default.aspx



## Real Property Data Search

#### Search Result for BALTIMORE COUNTY

View Map	View GroundRe				view Gi	roundRent R	egistration			
Account Identifier:	District -	15 Account I		The state of the s						
O			er Information							
Owner Name: BROWN RA			/MOND P SR Use: A M Principal Residence:			RESIDENTIAL				
Mailing Address:	ACCUSATE SUBSTITUTE	RRISON POIN				/12846/ 00001				
	RD BOOK TONY					7120407	00001			
		RE MD 2122	1-							
	6410				1					
Premises Address:	2545 DA		Structure Info							
Premises Address:	2545 BAI RD	RRISON POIN	OINT Legal Description:			2545 DA	RRISON P	OINT DI		
	0-0000						ON POINT	OINT KI		
	Waterfror	nt								
Map: Grid: Parcel		Subdivision:	Section:	Block:	Lot:	Assessmen	t Plat			
0405 0000 0000	District:				/	Year:	No:			
0105 0009 0080	(	0000	Α		21	2018	Plat Ref:	0008/		
Consist Tay Assess			<b>T</b>			No.		0082		
Special Tax Areas:			Town:			NC	ONE			
		7	Ad Valorer	1						
			Tax Class:	-						
Primary Structure Built	Above Grade I	/	Finished Ba Area	sement	Pro Are	perty Land	Cou			
	///		A16a /		6.700	02 SF	34			
					0,00	32 OI	54			
Stories Basement	Type E	xterior	Full/Half Bat	h (	Garage	Last Majo	r Renovati	on		
		Valu	e Information							
	Base Va	lue	Value		Phase-in Assessments					
			As of 01/01/2015		As of 07/01/20		As of 07/01/2018	3		
Land:	9,900		9,900							
Improvements	0		0							
Total:	9,900		9,900		9,900					
Preferential Land:	0									
			fer Informatio	n						
Seller: NATIONSBANC MORTGAGE CORP		RP Date:	Date: 05/08/1998		Price: \$120,625					
Type: ARMS LENGTH N	IULTIPLE	Deed1	Deed1: /12846/ 00001			Deed2:				
Seller: BERUBE VALERIE ANN		Date:	Date: 02/11/1998			Price: \$149,850				
Type: ARMS LENGTH MULTIPLE		Deed1	Deed1: /12660/ 00202			Deed2:				
Seller: DASHER DONALD L		Date:	Date: 05/11/1995		Price: \$170,000					
			Deed1: /11040/ 00598			Deed2:				
.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		900000000000000000000000000000000000000	tion Informati			Decuz.				
Partial Exempt	Class	LACITIP		1/2017		07/01/20	18			
Assessments:			0170			01701720				
County:	000		0.00							
State:	000		0.00							
Municipal:	000		0.00	I		0.00				
Tax Exempt:			al Tax Recap	ture:						
Exempt Class:		NONE								
		Homestead A	pplication Inf	ormation						
Homestead Application S	tatus: No Applica	tion								
		owners' Tax C								



Homeowners' Tax Credit Application Status: No Application

Date:

#### 8/4/2017

Managing Administrative Law Judge Office of Administrative Hearings 105 West Chesapeake Avenue Towson, MD 21204

RE: James and Doris Cox 2543 Barrison Point Rd New Garage

### Dear Judge:

I would like to express my support of my adjacent neighbors, James and Doris Cox, at 2543 Barrison Point Rd, Baltimore, MD 21221 to build a 20x24 foot garage, with a height of 21 feet, placed as per the attached drawing titled "Drawing to Accompany Petition for Variance".

I have no objections to said structure and approval for the variance request.

Very truly yours,

Flight line, LLC / David Srour 2539 Barrison Point Road Baltimore, MD 21221

> · ·

> > 2018-0056-A

Real Property Data Search



#### Search Result for BALTIMORE COUNTY

View Map Vi Account Identifier:	ew GroundRent Reder	mption ount Number - 1507470		roundRent Reg	istration		
Account Identifier.	DISTRICT - 15 ACC	Owner Information	610				
Owner Name:	FLIGHTLINE GRO			RESIDENT	TAI		
TEIOTTEI		Principal	(NO)	IAL			
Mailing Address:	10303 CONISTO POTOMAC MD 2		Deed Reference:		/34276/ 00256		
	Locati	on & Structure Information	on				
Premises Address:	2539 BARRISON RD 0-0000 Waterfront	POINT Legal Des	Legal Description:		LTS 18,19 2539 BARRISON POINT RE BARRISON POINT		
Map: Grid: Parcel:	Sub Subdivis	ion: Section: Blo	ck: Lot:	Assessment Year:	Plat No:		
0105 0009 0080	0000	Α	18	2018	Plat Ref:	0007/ 0176	
Special Tax Areas:		Town:		NON	ΙE		
		Ad Valorem: Tax Class:					
	Above Grade Living Area	Finished Baseme Area	Are	perty Land a 000 SF	County Use 34		
Stories Basement	Type Exterior	Full/Half Bath	Garage	Last Major F		on	
		Value Information					
	Base Value	Value	Phase-in	Phase-in Assessments			
		As of 01/01/2015	As of 07/01/20		s of 7/01/2018		
Land:	204,700	204,700	01101120	07	70 1720 10		
Improvements	2,900	2,900					
Total: 207,600		207,600	207,600	207,600			
Preferential Land:	0						
		Transfer Information					
Seller: BURY MARY JANE		Date: 09/30/2013		Price: \$350,000			
Type: NON-ARMS LENGTH OTHER		Deed1: /34276/ 00256		Deed2:			
Seller: BURY FRANK W		Date: 12/12/2008		Price: \$0			
Type: NON-ARMS LENGTH OTHER		Deed1: /31670/ 00029		Deed2:			
Seller: GOELLER LAWRENCE J		Date: 09/17/1973		<b>Price:</b> \$39,500			
Type: ARMS LENGTH IMP		Deed1: /05395/ 00319		Deed2:			
Partial Exempt Assessments:	Class	xemption Information 07/01/201	7	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					
Homostand Application State		ead Application Informat	ion				
nomestead Application Sta							
Homestead Application Star	Homeowners'	Tax Credit Application In	formation				

# ZAC AGENDA

Case Number: 2018-0056-A

Primary Use: RESIDENTIAL

Reviewer: SeidelmanJason

Legal Owner:

Type: ADMISTRATIVE VARIANCE

James F & Doris M Cox

Contract Purchaser

Critical Area: (Yes) Flood Plain: Yes

Election Dist Fifteenth Historic No

Councilmanic Dist Seventh

Property Address: 2543 Barrison Point ROAD

Location: E/S of Barrison Point Road, 4990 ft. NE of the centerline of the intersection with Rocky Point Road

Existing Zoning:

Area: 9450 sq, ft.

Proposed Zoning: ADMISTRATIVE VARIANCE:

To permit a proposed replacement garage to be erected with a height of 21 ft. in lieu of the maximum

allowed height of 15 ft.

Attorney:

Prior Zoning Cases:

Concurrent Cases:

Violation Cases:

Closing Date: 9/11/2017 12:00:00AM

Miscellaneous:

Case Number: 2018-0057-A

Primary Use: RESIDENTIAL

Reviewer: HucikGary

Type: VARIANCE

Dortzbach Family Care Trust, Karl Dortzbach Legal Owner:

Contract Purchaser

Critical Area: No

Flood Plain: No Historic No

Election Dist Ninth

Councilmanic Dist Fifth

Property Address: 51 Burkshire ROAD

Location: E/S of Burkshire Road, 333.75 +/- ft. SW to the centerline of Burke Avenue

**Existing Zoning:** 

DR 5.5

Area: 2340 sq. ft.

Proposed Zoning: VARIANCE:

To permit an existing shed located in the side yard in lieu of the rear yard with a setback of 5 ft. 8 in.

to the center of the alleyway in lieu of the required 15 ft.

Attorney:

**Prior Zoning Cases:** 

Concurrent Cases:

Violation Cases: CC1707927

Closing Date:

Miscellaneous:



