

## MEMORANDUM

DATE: December 7, 2017  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2018-0097-A – Appeal Period Expired

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The appeal period for the above-referenced case expired on December 6, 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 \*  
(2312 Riverview Road)  
15<sup>th</sup> Election District \*  
7<sup>th</sup> Council District \*  
Steven H. & Phyllis Gardner \*  
Petitioners \*

BEFORE THE  
OFFICE OF ADMINISTRATIVE  
HEARINGS FOR  
BALTIMORE COUNTY  
CASE NO. 2018-0097-A

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owners of the property, Steven H. and Phyllis Gardner (“Petitioners”). The Petitioners are requesting Variance relief pursuant to § 1A04.3.B.2.b of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit a proposed addition with a side yard setback of 10 ft. in lieu of the required 50 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 October 18, 2017 submitted by the Department of Environmental Protection and Sustainability (DEPS).

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 14, 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 Section 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

ORDER RECEIVED FOR FILING

Date 11-6-17

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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 Section 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.

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 6<sup>th</sup> day of **November, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed addition with a side yard setback of 10 ft. in lieu of the required 50 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Petitioners must comply with the DEPS ZAC comment dated October 18, 2017; a copy of which is attached hereto and made a part hereof.

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

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Date 11-6-17

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10-30

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: October 18, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0097-A  
Address 2312 Riverview Road  
(Gardner Property)

Zoning Advisory Committee Meeting of **October 16, 2017.**

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

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

The subject property is located within a Limited Development Area (LDA) and a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is proposing to construct an addition with less side yard setbacks than permitted. The lot is waterfront, and the proposed dwelling must meet all LDA and MBA requirements, including lot coverage limits and afforestation requirements. The property is 16,275 square feet, so lot coverage is limited to a maximum of 31.25% (5086 square feet), with mitigation required for any lot coverage between 25% (4068 square feet) and 5086 square feet. 15% afforestation of five trees is required. The current proposal does not provide information as to whether the lot coverage, MBA, and afforestation requirements will be met. If all these requirements are met, the relief requested by the applicant will result in minimal adverse impacts to water quality.

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By [Signature]  
C:\Users\snuffer\AppData\Local\Microsoft\Windows\Temporary Internet  
Files\Content.Outlook\WPHS9SSK\ZAC 18-0097-A 2312 Riverview Road-EIR.doc

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront and does not provide information regarding lot coverage, MBA, and afforestation requirements. Again, if all these requirements are met this request will currently help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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

There is incomplete information regarding the lot coverage, MBA, and afforestation requirements. Should these requirements be met, then the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: October 18, 2017

ORDER RECEIVED FOR FILING

Date 11-6-17

By RSW



CBLA

# ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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 2312 Riverview Rd Baltimore, Md.

Currently zoned rc5

Deed Reference 39157 / 00448

10 Digit Tax Account # 15 0 3 3 7 0 9 1 0

Owner(s) Printed Name(s) Steven & Phyllis Gardner

(SELECT THE HEARING(S) BY MARKING 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:

1. X ADMINISTRATIVE VARIANCE from Section(s)

SEE Attached

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. \_\_\_\_\_ 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.

If 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):

Steven Gardner Phyllis Gardner  
 Name #1 – Type or Print Name #2 – Type or Print  
Steven Gardner Phyllis Gardner  
 Signature #1 Signature #2  
2312 Riverview Rd Baltimore Md  
 Mailing Address City State  
21221 / 540 379 1301 / flisphyle@hotmail.com  
 Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name – Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

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 \_\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2018-0097-A Filing Date 10/2/15

Estimated Posting Date 10/15/17 Reviewer [Signature]

Rev 5/5/2016

ORDER RECEIVED FOR FILING

Date 11-6-17

By [Signature]

# Affidavit in Support of 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: 2312 Riverview Rd Baltimore Maryland 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 practical difficulty or hardship here)

Our property is unique in that we already have a variance on the RC5 as do all the homes on Riverview Road. Most of the lots are 75' wide and none of the houses have 50' side setbacks.

Our reason for wanting a 5' addition on the east side of the property is to put in a main floor master bedroom. Mrs. Gardner has rheumatoid arthritis and cannot easily manage the stairs to the upstairs bedroom. A doctor's letter is included.

There will be no increase in residential density.

We are not going to change the height.

We will be in compliance with p.2. D & E.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Phyllis Gardner  
Signature of Owner (Affiant)

Phyllis Gardner  
Name- Print or Type

Steven H Gardner  
Signature of Owner (Affiant)

Steven Gardner  
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 2<sup>nd</sup> day of October, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Phyllis Gardner & Steven Gardner

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

[Signature]  
Notary Public

My Commission Expires 11/02/19

JEANNE NATALIE FRASER  
Notary Public  
Baltimore County  
Maryland  
My Commission Expires November 02, 2019

REV. 5/5/2016

2018-0097-A

Variance from sections: 1A04.3.2.b:

To permit a proposed addition with a side yard setback of 10 feet in lieu of the required 50 feet.



## Annapolis INTEGRATIVE Medicine, L.L.C.

Alan Weiss, M.D.

Board Certified Internal Medicine

September 18, 2017

To Whom It May Concern;

I am writing on behalf of my patient Phyllis Gardner who has been under my care for the treatment of Rheumatoid Arthritis since 2014. Despite aggressive treatment and surgery to strengthen her knees her pain has steadily increased. She now finds it very difficult to climb stairs and I have advised her that she should avoid doing so whenever possible.

Best Wishes,

  
Alan S. Weiss, M.D.

Zoning Property description for 2312 Riverview Rd Baltimore Md. 21221

Beginning at a point on the southwest side of Riverview Rd which is 20 feet wide at a distance of 204' southeast of the centerline of the nearest improved intersecting street which is Back River Neck Rd. which is 30 feet wide.

Being Lot# 20 as recorded in Baltimore County Plat Book #0010/0002 Folio #263 containing 16275 square feet.

Located in Election District 15 and Council District 7.

2018-0097-A

Baltimore County, MD  
Monday, November 6, 2017

## ARTICLE 1A. Resource Conservation Zones

### SECTION 1A04. R.C.5 (Rural-Residential) Zone

#### § 1A04.3. Height and area regulations.

A. Height regulation. No structure hereafter erected in an R.C.5 Zone shall exceed a height of 35 feet, except as provided under Section 300.

B. Area regulations.

1. Lot area; density control.

[Bill Nos. 178-1979;<sup>[1]</sup> 55-2004<sup>[2]</sup>]

a. A lot having an area of less than 1 1/2 acres may not be created in an R.C.5 Zone. The maximum gross residential density is 0.5 dwelling per acre.

[Bill No. 128-2005<sup>[3]</sup>]

[3] *Editor's Note: This bill also stated that it would not apply to any concept plan or application for limited exemption or waiver accepted for filing on or before 12-5-2005, nor would it override the grandfathering provisions of Bill No. 55-2004, Bill No. 128-2005 further stated that it would not apply to the Back River Neck District, as defined in Section 4A03.13.*

b. Exceptions to minimum lot size.

[Bill No. 152-2004]

(1) The owner of a single lot of record that is not a subdivision and that is in existence prior to September 2, 2003, but does not meet the minimum acreage requirement, or does not meet the setback requirement of Paragraph 2, may apply for a special hearing under Article 5 to alter the minimum lot size requirement. However, the provisions of Section 1A04.4 may not be varied.

(2) The Department of Planning may authorize a smaller lot size per residential unit, but in no event less than one acre per unit, for a tract of property for which growth allocation acreage has been awarded prior to June 11, 2004, pursuant to Article 32, Title 9 of the Baltimore County Code, if at least 50% of the tract is donated to and accepted by the County for public benefit.

[Bill No. 55-2011]

[1] *Editor's Note: This bill also repealed former Paragraph 2, "Minimum diametral dimension," which followed this paragraph.*

[2] *Editor's Note: This bill also stated that it would not apply to any concept plan or application for limited exemption or waiver accepted for filing prior to June 7, 2004, that it would not apply to the Back River Neck District as defined in Section 4A03.13 of the Baltimore County Zoning Regulations, and any structure, building or use in existence prior to the effective date of this bill that is damaged or destroyed by fire or other casualty after the effective date of*

*this bill would be subject to the provisions of Section 104 of the Baltimore County Zoning Regulations regarding nonconforming uses. The effective date of this bill is 6-11-2004.*

2. Building setbacks.  
[Bill No. 55-2004]

- a. As used in this section, "collector road" means a street or road that is intended for travel, including commuter travel, between residential neighborhoods, but not for travel within neighborhoods, and is not designated as a principal arterial.

[Bill No. 77-2005<sup>[4]</sup>]

[4] *Editor's Note: Section 2 of this bill stated that it would not apply to any concept plan or application for limited exemption or waiver accepted for filing prior to July 5, 2005, nor would it override any of the grandfathering provisions contained in Bill No. 55-04. Bill No. 77-2005 also stated that it would apply retroactively to May 1, 2005.*

- b. Any principal building hereafter constructed in an R.C.5 Zone shall be situated at least 150 feet from the center line of any collector road, or any scenic route identified in the Baltimore County Master Plan, and 100 feet from the center line of any road that leads to or connects with a collector road, and at least 75 feet from the center line of any other street or road, and at least 50 feet from any lot line other than a street line, except as otherwise provided in Paragraph 5 below.

[Bill No. 77-2005<sup>[5]</sup>]

[5] *Editor's Note: Section 2 of this bill stated that it would not apply to any concept plan or application for limited exemption or waiver accepted for filing prior to July 5, 2005, nor would it override any of the grandfathering provisions contained in Bill No. 55-04. Bill No. 77-2005 also stated that it would apply retroactively to May 1, 2005.*

- c. Any principal building constructed in an R.C.5 Zone that is contiguous to an R.C.2 or R.C.7 Zone shall be situated at least 150 feet from the zone line.

3. Coverage. No more than 15% of any lot in an R.C.5 Zone may be covered by buildings, except as otherwise provided in Paragraph 5 below.

4. Exceptions for certain record lots. Any existing lot or parcel of land with boundaries duly recorded among the land records of Baltimore County with the approval of the Baltimore County Department of Planning<sup>[6]</sup> on or before the effective date of these zoning regulations and not part of an approved subdivision that cannot meet the minimum standards as provided within the zone may be approved for residential development in accordance with the standards prescribed in force at the time of the lot recordation.

[Bill No. 55-2011]

[6] *Editor's Note: Formerly the "Office of Planning," this Department was renamed by Bill No. 55-2011, effective 10-16-2011.*

5. Dwellings per lot. No more than one dwelling is permitted on any lot in an R.C.5 Zone, but not excluding additional dwellings for bona fide tenant farmers.

CERTIFICATE OF POSTING

CASE NO. 2018-0097-A

PETITIONER/DEVELOPER

STEVEN & PHYLLIS  
GARDNER

DATE OF HEARING/CLOSING

10/30/17

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

LADIES AND GENTLEMAN :

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

2812 RIVERVIEW Rd

THIS SIGN(S) POSTED ON

October 14, 2017

(MONTH, DAY, YEAR)

SINCERELY,



SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411



*Handwritten signature* 10/14/17

**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 2018- 0097 -A Address 2312 Riverview Rd 21221

Contact Person: Gary Hucik Phone Number: 410-887-3391  
Planner, Please Print Your Name

Filing Date: 10/2/17 Posting Date: 10/15/17 Closing Date: 10/30/17

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. **DEADLINE:** 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- 0097 -A Address 2317 Riverview Rd 21221

Petitioner's Name Steven & Phyllis Gardner Telephone 540-379-1301

Posting Date: 10/15/17 Closing Date: 10/30/17

Wording for Sign: To Permit a proposed addition with a  
side yard setback of 10 feet in lieu of the  
required 50 feet

Revised 6/30/2018

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

**NO 157267**

Date: 10/2/17

**PAID RECEIPT**

BUSINESS ACTUAL TIME TRN  
 10/02/2017 10/02/2017 10:13:03 1  
 REG 4501 WALKIN LJR  
 >>RECEIPT R 753904 10/02/2017 DFLR  
 Dept 5 SEB ZONING VERIFICATION  
 CR NO. 157267  
 Receipt Tot 175.00  
 175.00 CL \$0.00 CA  
 Baltimore County, Maryland

| Fund | Dept | Unit | Sub Unit | Rev Source/Obj | Sub Rev/Obj | Dept Obj | BS Acct | Amount |
|------|------|------|----------|----------------|-------------|----------|---------|--------|
| 001  | 206  | 0000 |          | 0150           |             |          |         | 75.00  |
|      |      |      |          |                |             |          |         |        |
|      |      |      |          |                |             |          |         |        |
|      |      |      |          |                |             |          |         |        |
|      |      |      |          |                |             |          |         |        |

Total: 75.00

Rec From: Steven & Phyllis Gardner

For: 2317 River View Rd 21221

2018-0097-A

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

**CASHIER'S  
 VALIDATION**



KEVIN KAMENETZ  
County Executive

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

October 31, 2017

Steven & Phyllis Gardner  
2312 Riverview Road  
Baltimore MD 21221

RE: Case Number: 2018-0097 A, Address: 2312 Riverview Road

Dear Mr. & Ms. Gardner:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 2, 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.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

**MDOT**  
MARYLAND DEPARTMENT  
OF TRANSPORTATION  
STATE HIGHWAY  
ADMINISTRATION

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

Date: 10/10/17

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. *2018-0097-A*

*Administrative Variance  
Steven & Phyllis Gardner  
2312 Riverview 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**

**INTEROFFICE CORRESPONDENCE**

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

**DATE:** October 13, 2017

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For October 16, 2017  
Item No. 2018-0097-A, 0098-A and 0100-SPH

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

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\*

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VKD: EFC  
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: October 18, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0097-A  
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1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is proposing to construct an addition with less side yard setbacks than permitted. The lot is waterfront, and the proposed dwelling must meet all LDA and MBA requirements, including lot coverage limits and afforestation requirements. The property is 16,275 square feet, so lot coverage is limited to a maximum of 31.25% (5086 square feet), with mitigation required for any lot coverage between 25% (4068 square feet) and 5086 square feet. 15% afforestation of five trees is required. The current proposal does not provide information as to whether the lot coverage, MBA, and afforestation requirements will be met. If all these requirements are met, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront and does not provide information regarding lot coverage, MBA, and afforestation requirements. Again, if all these requirements are met this request will currently help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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

There is incomplete information regarding the lot coverage, MBA, and afforestation requirements. Should these requirements be met, then the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: October 18, 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: October 18, 2017

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C H E C K L I S T

| <u>Comment Received</u>         | <u>Department</u>                                                     | <u>Support/Oppose/<br/>Conditions/<br/>Comments/<br/>No Comment</u> |
|---------------------------------|-----------------------------------------------------------------------|---------------------------------------------------------------------|
| <u>10-13</u>                    | DEVELOPMENT PLANS REVIEW<br>(if not received, date e-mail sent _____) | <u>NC</u>                                                           |
| <u>10-18</u>                    | DEPS<br>(if not received, date e-mail sent _____)                     | <u>C</u>                                                            |
| _____                           | FIRE DEPARTMENT                                                       | _____                                                               |
| _____                           | PLANNING<br>(if not received, date e-mail sent _____)                 | _____                                                               |
| <u>10-10</u>                    | STATE HIGHWAY ADMINISTRATION                                          | <u>No object.</u>                                                   |
| _____                           | TRAFFIC ENGINEERING                                                   | _____                                                               |
| _____                           | COMMUNITY ASSOCIATION                                                 | _____                                                               |
| _____                           | ADJACENT PROPERTY OWNERS                                              | _____                                                               |
| ZONING VIOLATION                | (Case No. _____)                                                      |                                                                     |
| PRIOR ZONING                    | (Case No. _____)                                                      |                                                                     |
| NEWSPAPER ADVERTISEMENT         | Date: _____                                                           |                                                                     |
| SIGN POSTING                    | Date: <u>10-14-17</u> by <u>Ogle</u>                                  |                                                                     |
| PEOPLE'S COUNSEL APPEARANCE     | Yes <input type="checkbox"/> No <input type="checkbox"/>              |                                                                     |
| PEOPLE'S COUNSEL COMMENT LETTER | Yes <input type="checkbox"/> No <input type="checkbox"/>              |                                                                     |

Comments, if any: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

| View Map                                                                      |                                                     | View GroundRent Redemption                       |                             | View GroundRent Registration                                |                 |
|-------------------------------------------------------------------------------|-----------------------------------------------------|--------------------------------------------------|-----------------------------|-------------------------------------------------------------|-----------------|
| <b>Account Identifier:</b>                                                    |                                                     | <b>District - 15 Account Number - 1503370910</b> |                             |                                                             |                 |
| Owner Information                                                             |                                                     |                                                  |                             |                                                             |                 |
| <b>Owner Name:</b>                                                            | GARDNER STEVEN H<br>GARDNER PHYLLIS                 |                                                  | <b>Use:</b>                 | RESIDENTIAL                                                 |                 |
| <b>Mailing Address:</b>                                                       | 2312 RIVERVIEW ROAD<br>ESSEX MD 21221-6516          |                                                  | <b>Principal Residence:</b> | YES                                                         |                 |
| <b>Deed Reference:</b>                                                        | /39157/ 00448                                       |                                                  |                             |                                                             |                 |
| Location & Structure Information                                              |                                                     |                                                  |                             |                                                             |                 |
| <b>Premises Address:</b>                                                      | 2312 RIVERVIEW RD<br>ESSEX 21221-6516<br>Waterfront |                                                  | <b>Legal Description:</b>   | LT 20 PT 19 ALSO FRO<br>200 SE PAGE AVE<br>HOLLY FARM BEACH |                 |
| <b>Map:</b>                                                                   | <b>Grid:</b>                                        | <b>Parcel:</b>                                   | <b>Sub District:</b>        | <b>Subdivision:</b>                                         | <b>Section:</b> |
| 0105                                                                          | 0019                                                | 0069                                             |                             | 0000                                                        |                 |
| <b>Block:</b>                                                                 | <b>Lot:</b>                                         | <b>Assessment Year:</b>                          | <b>Plat No:</b>             | <b>Plat Ref:</b>                                            |                 |
|                                                                               | 20                                                  | 2018                                             |                             | 0010/<br>0002                                               |                 |
| <b>Special Tax Areas:</b>                                                     |                                                     |                                                  | <b>Town:</b>                | NONE                                                        |                 |
|                                                                               |                                                     |                                                  | <b>Ad Valorem:</b>          |                                                             |                 |
|                                                                               |                                                     |                                                  | <b>Tax Class:</b>           |                                                             |                 |
| <b>Primary Structure Built</b>                                                | <b>Above Grade Living Area</b>                      | <b>Finished Basement Area</b>                    | <b>Property Land Area</b>   | <b>County Use</b>                                           |                 |
| 1934                                                                          | 2,260 SF                                            | 500 SF                                           | 16,275 SF                   | 34                                                          |                 |
| <b>Stories</b>                                                                | <b>Basement</b>                                     | <b>Type</b>                                      | <b>Exterior</b>             | <b>Full/Half Bath</b>                                       | <b>Garage</b>   |
| 2                                                                             | YES                                                 | STANDARD UNIT                                    | SIDING                      | 3 full                                                      | 1Det/1Carport   |
| Last Major Renovation                                                         |                                                     |                                                  |                             |                                                             |                 |
| Value Information                                                             |                                                     |                                                  |                             |                                                             |                 |
|                                                                               | <b>Base Value</b>                                   | <b>Value</b>                                     | <b>Phase-in Assessments</b> |                                                             |                 |
|                                                                               |                                                     | As of                                            | As of                       | As of                                                       |                 |
|                                                                               |                                                     | 01/01/2015                                       | 07/01/2017                  | 07/01/2018                                                  |                 |
| <b>Land:</b>                                                                  | 203,500                                             | 203,500                                          |                             |                                                             |                 |
| <b>Improvements</b>                                                           | 200,300                                             | 200,300                                          |                             |                                                             |                 |
| <b>Total:</b>                                                                 | 403,800                                             | 403,800                                          | 403,800                     |                                                             |                 |
| <b>Preferential Land:</b>                                                     | 0                                                   |                                                  |                             |                                                             |                 |
| Transfer Information                                                          |                                                     |                                                  |                             |                                                             |                 |
| <b>Seller:</b> WASKEY MELVIN T JR                                             | <b>Date:</b> 06/28/2017                             |                                                  | <b>Price:</b> \$635,000     |                                                             |                 |
| <b>Type:</b> ARMS LENGTH IMPROVED                                             | <b>Deed1:</b> /39157/ 00448                         |                                                  | <b>Deed2:</b>               |                                                             |                 |
| <b>Seller:</b> WASKEY MELVIN T, JR                                            | <b>Date:</b> 04/29/1993                             |                                                  | <b>Price:</b> \$0           |                                                             |                 |
| <b>Type:</b> NON-ARMS LENGTH OTHER                                            | <b>Deed1:</b> /09733/ 00263                         |                                                  | <b>Deed2:</b>               |                                                             |                 |
| <b>Seller:</b> CLARK WALTER H                                                 | <b>Date:</b> 02/26/1976                             |                                                  | <b>Price:</b> \$35,000      |                                                             |                 |
| <b>Type:</b> ARMS LENGTH IMPROVED                                             | <b>Deed1:</b> /05611/ 00067                         |                                                  | <b>Deed2:</b>               |                                                             |                 |
| Exemption Information                                                         |                                                     |                                                  |                             |                                                             |                 |
| <b>Partial Exempt Assessments:</b>                                            | <b>Class</b>                                        | 07/01/2017                                       |                             | 07/01/2018                                                  |                 |
| <b>County:</b>                                                                | 000                                                 | 0.00                                             |                             |                                                             |                 |
| <b>State:</b>                                                                 | 000                                                 | 0.00                                             |                             |                                                             |                 |
| <b>Municipal:</b>                                                             | 000                                                 | 0.00                                             |                             | 0.00                                                        |                 |
| <b>Tax Exempt:</b>                                                            | <b>Special Tax Recapture:</b>                       |                                                  |                             |                                                             |                 |
| <b>Exempt Class:</b>                                                          | NONE                                                |                                                  |                             |                                                             |                 |
| Homestead Application Information                                             |                                                     |                                                  |                             |                                                             |                 |
| <b>Homestead Application Status:</b> No Application                           |                                                     |                                                  |                             |                                                             |                 |
| Homeowners' Tax Credit Application Information                                |                                                     |                                                  |                             |                                                             |                 |
| <b>Homeowners' Tax Credit Application Status:</b> No Application <b>Date:</b> |                                                     |                                                  |                             |                                                             |                 |

2018-0097-A

# ZAC AGENDA

Case Number: 2018-0097-A

Primary Use: RESIDENTIAL

Reviewer: HucikGary

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Steven & Phyllis Gardner

Contract Purchaser

Critical Area : Yes Flood Plain: No Historic No Election Dist Fifteenth

Councilmanic Dist Seventh

Property Address: 2312 Riverview ROAD

Location: SW/S of Riverview Road, SE 204 ft. to the centerline of Back River Neck Road

Existing Zoning: RC 5

Area: 16,275 sq. ft.

Proposed Zoning: ADMINISTRATIVE VARIANCE:

To permit a proposed addition with a side yard setback of 10 ft. in lieu of the required 50 ft.

Attorney:

Prior Zoning Cases:

Concurrent Cases:

Violation Cases:

Closing Date: 10/30/2017 12:00:00AM

Miscellaneous:

Case Number: 2018-0098-A

Primary Use: RESIDENTIAL

Reviewer: HucikGary

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Richard & Sharon Childs

Contract Purchaser

Critical Area : No Flood Plain: No Historic No Election Dist Ninth

Councilmanic Dist Third

Property Address: 13 White Spruce COURT

Location: S/S of White Spruce Court, SE 480 ft. to the centerline of Waltham Woods Road

Existing Zoning: DR 3.5

Area: 12,282 sq. ft.

Proposed Zoning: ADMINISTRATIVE VARIANCE:

To permit a proposed addition with a rear yard setback of 6 ft. in lieu of the required 30 ft.

Attorney:

Prior Zoning Cases:

Concurrent Cases:

Violation Cases:

Closing Date: 10/30/2017 12:00:00AM

Miscellaneous:



no change on west side  
of house

2018-0097-A



sunroom

area #1

west side 2018-0097-A  
extension will be between  
area #1 and sunroom  
extending to red arrow

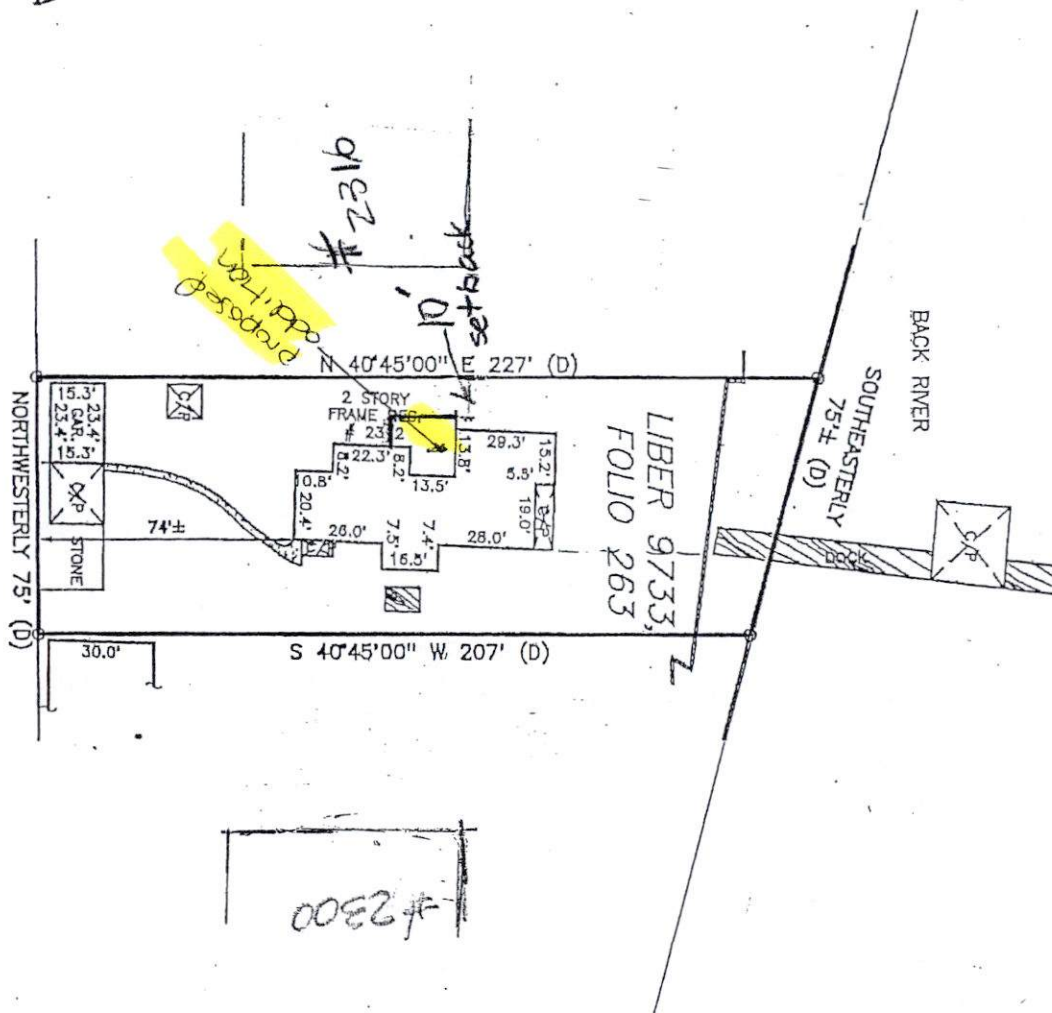


sunroom

area #1

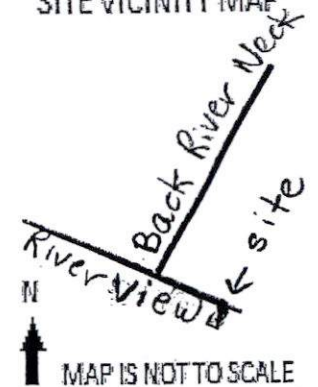
extension will be between  
area #1 and sunroom  
2018-0097-A

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING \_\_\_\_\_ (MARK TYPE REQUESTED WITH X)  
ADDRESS 2312 Riverview Rd Balt. 21221 OWNER(S) NAME(S) Steven + Phyllis Gardner  
SUBDIVISION NAME 0000 LOT # 20 BLOCK # \_\_\_\_\_ SECTION # \_\_\_\_\_  
PLAT BOOK # \_\_\_\_\_ FOLIO # 263 10 DIGIT TAX # 1503370910 DEED REF. # 39152100448  
0010/0002



PLAN DRAWN BY Steven H Gardner DATE 10/2/17 SCALE: 1 INCH = 50 FEET  
2018-0097-A

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 105A 3  
SITE ZONED RC5  
ELECTION DISTRICT 15  
COUNCIL DISTRICT 7  
LOT AREA ACREAGE \_\_\_\_\_  
OR SQUARE FEET 16275  
HISTORIC? No  
IN CBCA? Yes  
IN FLOOD PLAIN? No  
UTILITIES? MARK WITH X  
WATER IS:  
PUBLIC X PRIVATE \_\_\_\_\_  
SEWER IS:  
PUBLIC X PRIVATE \_\_\_\_\_  
PRIOR HEARING? No  
IF SO GIVE CASE NUMBER  
AND ORDER RESULT BELOW

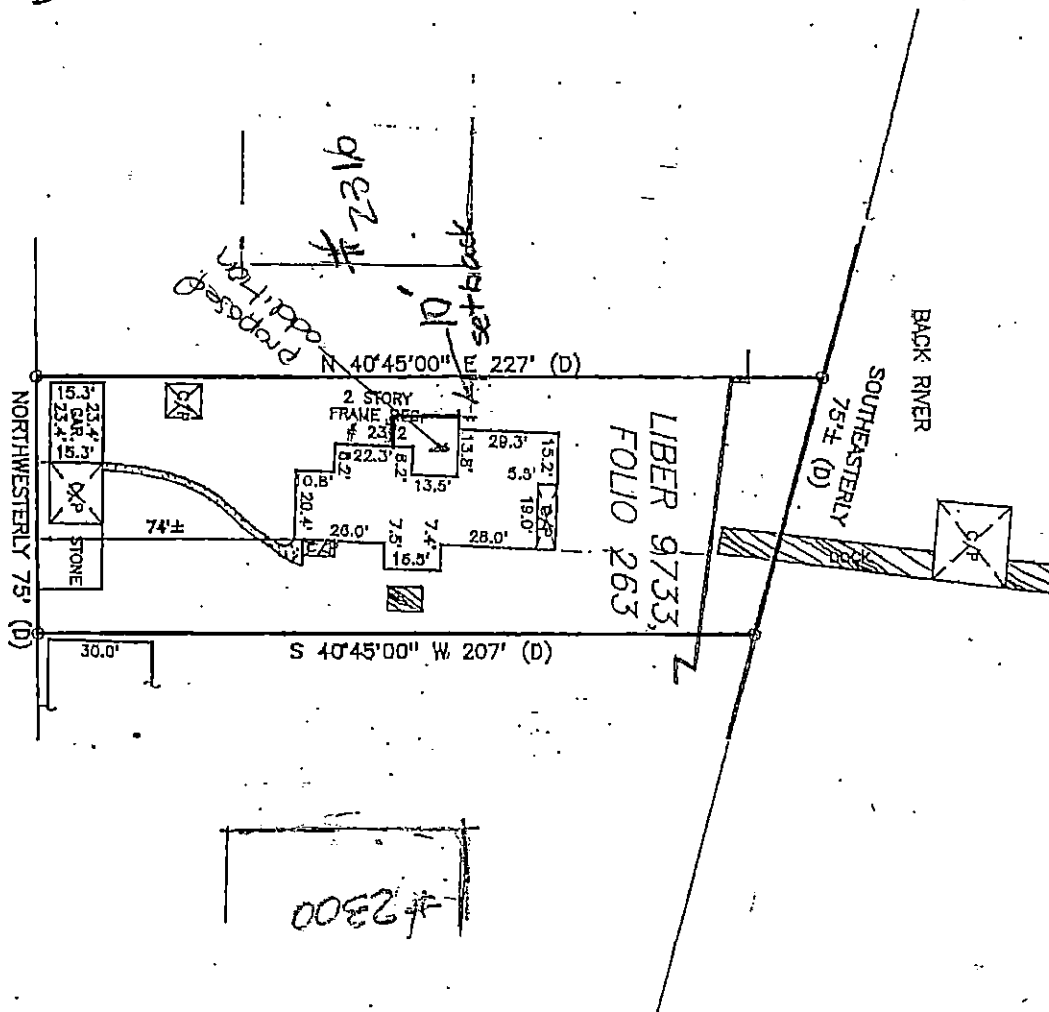
N/A

VIOLATION CASE INFO:

N/A

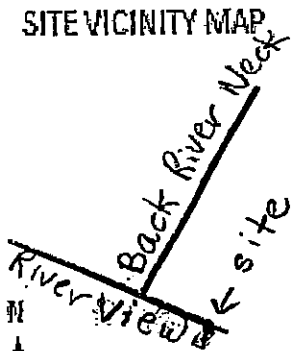
Per. Ex. 1

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING \_\_\_\_\_ (MARK TYPE REQUESTED WITH X)  
ADDRESS 2312 Riverview Rd Balt. 21221 OWNER(S) NAME(S) Steven + Phyllis Gardner  
SUBDIVISION NAME 0000 LOT # 20 BLOCK # \_\_\_\_\_ SECTION # \_\_\_\_\_  
PLAT BOOK # \_\_\_\_\_ FOLIO # 263 10 DIGIT TAX # 1503370910 DEED REF. # 39157100448  
0010/0002



PLAN DRAWN BY Steven H Gardner DATE 10/2/17 SCALE: 1 INCH = 5.0 FEET

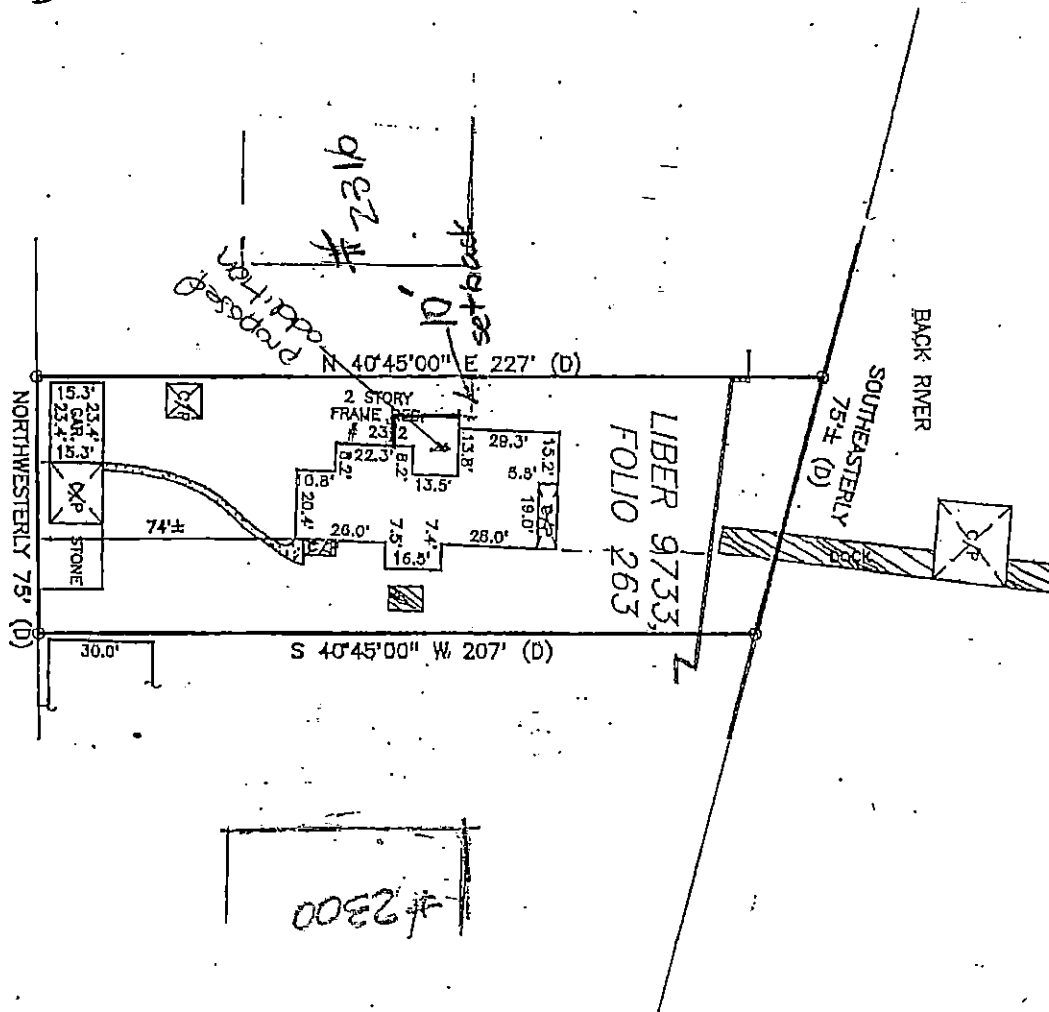
2018-0097-A



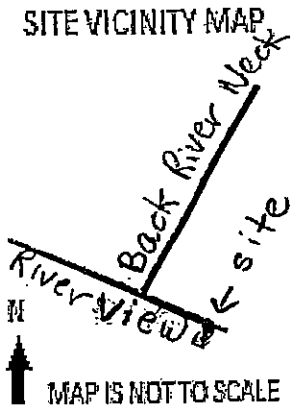
MAP IS NOT TO SCALE  
ZONING MAP# 105A 3  
SITE ZONED RC5  
ELECTION DISTRICT 15  
COUNCIL DISTRICT 7  
LOT AREA ACREAGE \_\_\_\_\_  
OR SQUARE FEET 16275  
HISTORIC? No  
IN CBCA? Yes  
IN FLOOD PLAIN? No  
UTILITIES? MARK WITH X  
WATER IS:  
PUBLIC X PRIVATE \_\_\_\_\_  
SEWER IS:  
PUBLIC X PRIVATE \_\_\_\_\_  
PRIOR HEARING? No  
IF SO GIVE CASE NUMBER  
AND ORDER RESULT BELOW

N/A  
N/A  
VIOLATION CASE INFO:  
N/A

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING \_\_\_\_\_ (MARK TYPE REQUESTED WITH X)  
 ADDRESS 2312 Riverview Rd Balt. 21221 OWNER(S) NAME(S) Steven + Phyllis Gardner  
 SUBDIVISION NAME 0000 LOT # 20 BLOCK # \_\_\_\_\_ SECTION # \_\_\_\_\_  
 PLAT BOOK # \_\_\_\_\_ FOLIO # 263 10 DIGIT TAX # 1503370910 DEED REF. # 39157100448  
0010/0002



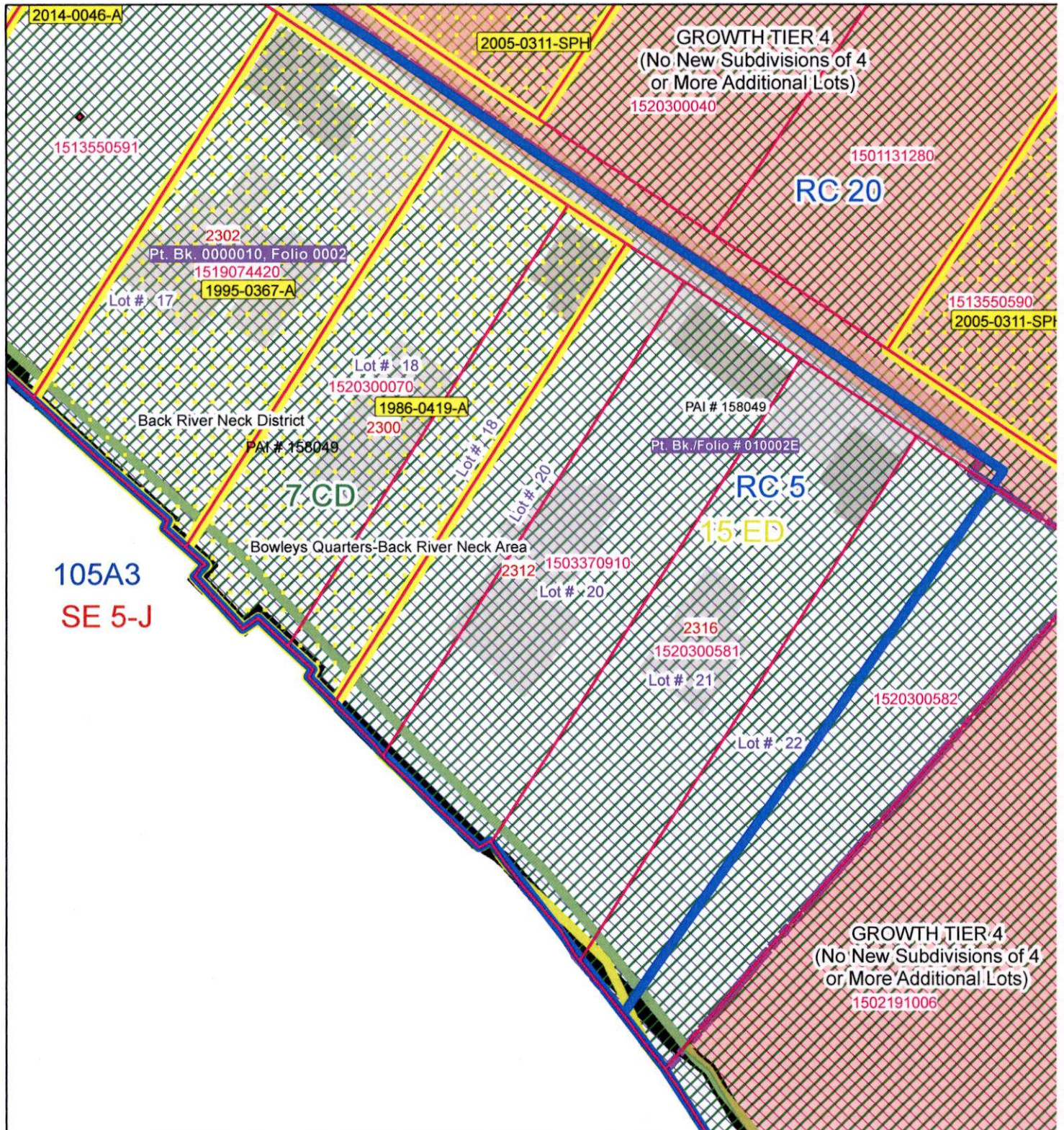
PLAN DRAWN BY Steven H Gardner DATE 10/2/17 SCALE: 1 INCH = 50 FEET  
2018-0097-A



MAP IS NOT TO SCALE  
 ZONING MAP# 105A3  
 SITE ZONED RC5  
 ELECTION DISTRICT 15  
 COUNCIL DISTRICT 7  
 LOT AREA ACREAGE \_\_\_\_\_  
 OR SQUARE FEET 16275  
 HISTORIC? No  
 IN CBCA? Yes  
 IN FLOOD PLAIN? No  
 UTILITIES? MARK WITH X  
 WATER IS:  
 PUBLIC X PRIVATE \_\_\_\_\_  
 SEWER IS:  
 PUBLIC X PRIVATE \_\_\_\_\_  
 PRIOR HEARING? No  
 IF SO GIVE CASE NUMBER  
 AND ORDER RESULT BELOW

N/A  
N/A  
 VIOLATION CASE INFO:  
N/A

Enter Property Address Here



Publication Date: 10/2/2017



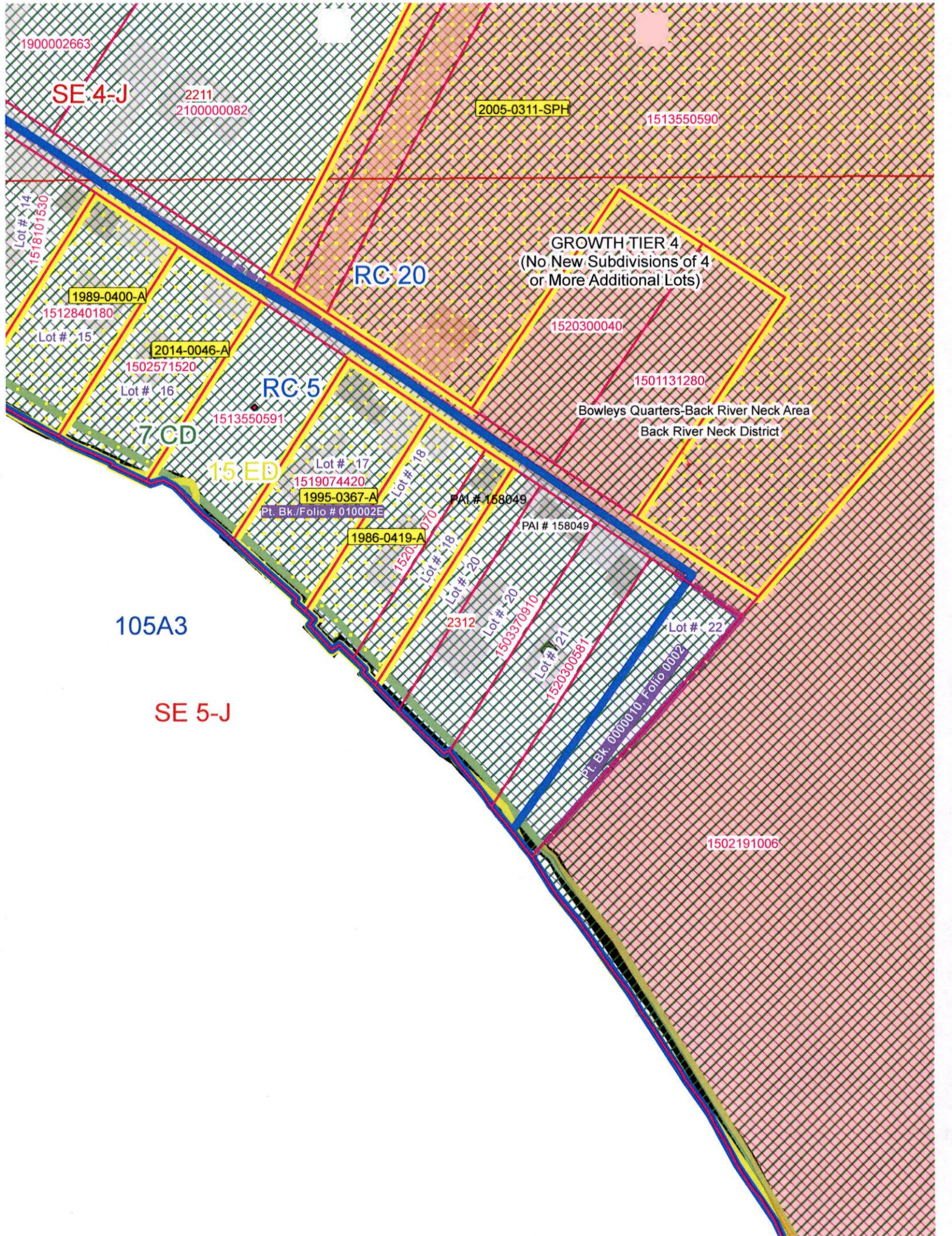
Publication Agency: Permits, Approvals & Inspections  
Projection/Datum: Maryland State Plane,  
FIPS 1900, NAD 1983/91 HARN, US Foot



0 12.525 50 75 100 Feet

1 inch = 50 feet

2017-0097-A



1900002663

SE 4-J

2211  
2100000082

2005-0311-SPH

1513550590

RC 20

GROWTH TIER 4  
(No New Subdivisions of 4  
or More Additional Lots)

1989-0400-A

1512840180

Lot # 15

2014-0046-A

1502571520

Lot # 16

RC 5

7 CD

15 ED

1513550591

Lot # 17

1519074420

1995-0367-A

Pt. Bk. /Folio # 010002E

1986-0419-A

Lot # 18

1520300040

Lot # 18

1520300040

Lot # 18

1520300040

Lot # 18

1520300040

Lot # 18

1520300040

Lot # 18

1520300040

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1520300040

Lot # 18

1520300040

Lot # 18

1520300040

Lot # 18

1520300040

Lot # 18

1520300040

105A3

SE 5-J

Bowleys Quarters-Back River Neck Area  
Back River Neck District

PAI # 158049

PAI # 158049

2312

Lot # 20

1503370910

Lot # 20

1503370910

Lot # 20

1503370910

Lot # 20

1503370910

Lot # 20

1503370910

Lot # 20

1503370910

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Lot # 20

1503370910

Lot # 20

1503370910

Lot # 20

1503370910

Lot # 20

1503370910

Lot # 20

1503370910

Lot # 22

Pt. Bk. 0000010, Folio 0002

1502191006

2005-0311-SPH

GROWTH TIER  
(No New Subdivisions of 4  
or More Additional Lots)

1520300040

1501131280

RC 20

1513550590  
2005-0311-SPH

Lot # 17

1519074420

1995-0367-A

1520300070

Lot # 18

1986-0419-A

2300

Lot # 18

Bowleys Quarters-Back River Neck Area

15 ED SE 5-J

105A3

RC 5

7 CD

Lot # 20

Pt. Bk. PAI # 15804902E

1503370910

Lot # 20

Pt. Bk. 0000010, Folio 0002

2316

1520300581

Lot # 21

Lot # 22

1520300582

Back River Neck District

PAI # 158049

GROWTH TIER 4  
(No New Subdivisions of 4  
or More Additional Lots)

1502191006

2005-SPH

GROWTH TIER  
(No New Subdivisions of 4  
or More Additional Lots)

1520300040

1501131280

RC 20

1513550590  
2005-0311-SPH

Lot # 17  
1519074420  
1995-0367-A

Lot # 18  
1520300070  
1986-0419-A  
2300

Bowleys Quarters-Back River Neck Area

15 ED SE-5-J  
105A3 RC-5  
7 CD

Lot # 18

Pt. Bk PAI # 158049 02E

1503370910  
Lot # 20

Pt. Bk 0000010, Folio 0002

Back River Neck District  
PAI # 158049

2316  
1520300581  
Lot # 21

Lot # 22  
1520300582

GROWTH TIER 4  
(No New Subdivisions of 4  
or More Additional Lots)  
1502191006