

MEMORANDUM

DATE: March 1, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0158-A – Appeal Period Expired

The appeal period for the above-referenced case expired on February 28, 2018. 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 *
(8211 Peach Orchard Road)
12th Election District *
7th Council District *
Edward M. Auld, Jr. *
Petitioner *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2018-0158-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owner of the property, Edward M. Auld, Jr. (“Petitioner”). The Petitioner is requesting Variance relief from §§ 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit a proposed open projection (porch) with a side yard setback as close as 6 ft. and a front yard setback of 16 ft. in lieu of the required 10 ft. and a front yard average of 26 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1.

Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. A ZAC comment was received from the Bureau of Development Plans Review (“DPR”) dated January 10, 2018, indicating that 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. In addition, 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 January 26, 2018 submitted by the Department of Environmental Protection and Sustainability (“DEPS”).

ORDER RECEIVED FOR FILING

Date 1-29-18

By low

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on December 23, 2017, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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 side and front yard setback variances 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 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 Petitioner.

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 29th day of **January, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §§ 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed open projection (porch) with a side yard setback as close as 6 ft. and a front yard setback of 16 ft. in lieu of the required 10 ft. and a front yard average of 26 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for his appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ORDER RECEIVED FOR FILING

Date 1-29-18

2

By bw

- Petitioner must comply with the ZAC comment submitted by DPR, dated January 10, 2018; a copy of which is attached hereto and made a part hereof.
- Petitioner must comply with the ZAC comment submitted by DEPS, dated January 26, 2018; 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

ORDER RECEIVED FOR FILING

Date 1-29-18

By dlw



CPA

81000

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 8211 Peach Orchard Rd Baltimore MD 21222 Currently zoned _____
Deed Reference _____ 10 Digit Tax Account # 1213075970
Owner(s) Printed Name(s) Edward Auld

(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)

BCZR: 1B02.3.C.1 & 303.1 → To permit a proposed open projection (porch) with a side yard setback as close as 6 feet and a front yard setback of 16 feet in lieu of the required 10 feet and front yard average of 26 feet.

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.

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):

Edward Auld
Name #1 – Type or Print Name #2 – Type or Print

Edward M. Auld
Signature #1 Signature #2

8211 Peach Orchard Rd Baltimore MD
Mailing Address City State

21222 410 282 7824 croga5@aol.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:

Andrew Avramidis
Name – Type or Print

Andrew Avramidis
Signature

3500 Boston St St 423 Baltimore MD
Mailing Address City State

21224 443 955 3160 finna@prestigehomesolutions.net
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 2018-0158 A Filing Date 12/8/17 Estimated Posting Date 12/24/17 Reviewer JS

ORDER RECEIVED FOR FILING

Rev 5/5/2016

Date 1-29-18

By bw

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: 8211 PEACH ORCHARD ROAD DUNDALK MD 21222
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)

Propose to have open cover front porch. This porch will be inline of the characteristics
to the other houses on the street. Wants to have measurement of 20x16ft front
set back of 16ft required 19.5ft

Mr Auld prior installer committed fraud. Mr Auld was left with concrete pillars
in front of his home. To remove the concrete pillars would be a financial hardship for
him

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

Edward M. Auld Jr
Signature of Owner (Affiant)

Signature of Owner (Affiant)

Edward M. Auld Jr
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 5th day of December, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Edward Auld

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

AS WITNESS my hand and Notaries Seal

Stephanie Bush
Notary Public
3/9/2019
My Commission Expires



Property Description

Zoning property description for Edward Auld Jr, 8211 Peach Orchard Rd, Baltimore MD, 21222. Beginning at a point on the south, west side of Peach Orchard Rd which is 50' R/W feet wide at a distance of +/- 180' feet south of the centerline of the nearest improved intersecting street Watershed Rd which is 50'r/w feet wide.

Being Lot # 6, Block 5, Section # C in the subdivision of Murray Point as recorded in Baltimore County Plat Book # 17, Folio # 26, containing 5358 sq feet. Located in the 12th Election District and 7th Council District.

2018-0158-A

CERTIFICATE OF POSTING

CASE NO. 2018-0158-A

PETITIONER/DEVELOPER

AULD

DATE OF HEARING/CLOSING

1/8/18

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

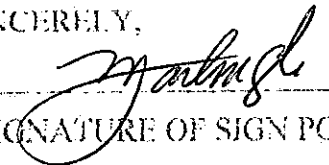
8211 PEACH ORCHARD RD

THIS SIGN(S) POSTED ON

December 23, 2017

(MONTH, DAY, YEAR)

SINCERELY,

 12/23/17

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

ZONING NOTICE

ADMINISTRATIVE VARIANCE

Case Number: 2018-0158-A

TO PERMIT A PROPOSED FRONT YARD PROJECTION (PORCH) WITH A SIDE YARD SETBACK AS CLOSE AS 6 FEET AND A FRONT YARD SETBACK OF 16 FEET IN LIEU OF THE REQUIRED 10 FEET AND 25 FEET, RESPECTIVELY.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b) (1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON JANUARY 8, 2018
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204

TEL. 410-887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE. UNDER PENALTY OF LAW.
MEETING IS HANDICAP ACCESSIBLE

Madison 12/23/17

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2018- 0158 -A Address 8211 PEACH ORCHARD RD., 21222

Contact Person: JASON SEIDELMAN Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 12/8/17 Posting Date: 12/24/17 Closing Date: 1/8/18

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- 0158 -A Address 8211 PEACH ORCHARD RD., 21222

Petitioner's Name AULD Telephone 410-282-7824

Posting Date: 12/24/17 Closing Date: 1/8/18

Wording for Sign: TO PERMIT A PROPOSED FRONT YARD PROJECTION (PORCH) WITH A
SIDE YARD SETBACK AS CLOSE AS 6 FEET AND A FRONT YARD SETBACK
OF 16 FEET IN LIEU OF THE REQUIRED 10 FEET AND 25 FEET, RESPECTIVELY.

Revised 6/30/2018

161159

Date:

2/8/5

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRUG
1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24
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41	42	43	44
45	46	47	48
49	50	51	52
53	54	55	56
57	58	59	60
61	62	63	64
65	66	67	68
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81	82	83	84
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89	90	91	92
93	94	95	96
97	98	99	100

12/11/2017 12/09/2017 11:03:53 1

REG 4501 WALKER - LJR

>>RECEIPT # 765459 12/03/2017 OFL

Rept: 5 528 ZENING VERIFICATION

CR NO. 161157

Recpt Tot: \$75.00

\$75.00 CR \$1.00 CA

Baltimore County, Maryland

Total: D 75.00

Rec: 2018-0158-A
From:

For: AVL

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*

January 3, 2018

Edward Auld
8211 Peach Orchard Road
Baltimore MD 21222

RE: Case Number: 2018-0158 A, Address: 8211 Peach Orchard Road

Dear Mr. Auld:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 8, 2017. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Andrew Avramidis, 3500 Boston Street, Suite 423, Baltimore MD 21224

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 1/3/18

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

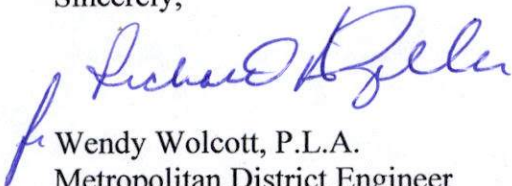
Dear Ms. Lewis:

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. 2018-0158-A

Administrative Variance
Edward Auld
8211 Peach Orchard 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

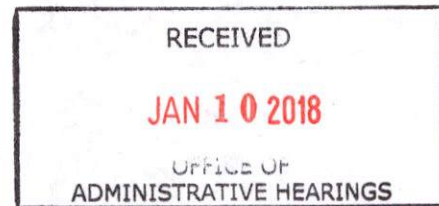
(Revised – January 10, 2018)

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
ML
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For January 01, 2018
Item No. 2018-0158-A (REVISE)

DATE: January 10, 2018



The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

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.

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

RECEIVED

JAN 08 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

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

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

SUBJECT: Zoning Advisory Committee Meeting
For January 01, 2018
Item No. 2018-0158-A

DATE: January 8, 2018

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

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office 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: January 26, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0158-A
Address 8211 Peach Orchard Road
(Auld Property)

Zoning Advisory Committee Meeting of **January 1, 2018.**

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, waterfront, residential property is located within an Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area. The petitioner is requesting a side yard setback as close as 6 feet and a front yard setback of 16 feet in lieu of the required 10 feet and front yard average of 26 feet, in order to construct a 10'X26' (260 square feet) street-side, roofed porch. The project is exempt from the IDA regulations because the net increase in impervious surfaces is less than 250 square feet, when accounting for the removal of concrete sidewalks within the footprint of the new porch. .

In addition, the property must comply with the Critical Area buffer regulations. Although the project is proposed outside of the 100-foot buffer, buffer establishment is required. This involves planting within the buffer, at a ratio of 1:1, for disturbance outside of the buffer, per COMAR 27.01.09.01-2. Since existing concrete sidewalks require removal to accommodate the porch, the planting requirement will be based upon the net increase in impervious surfaces. The planting will consist of approximately 1 large, native tree (2 ½-inch caliper), or, two small native trees (¾ inch cal.), or several native shrubs.

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

The subject site is a waterfront property. There is a 100-foot tidal buffer projected onto the property. The current development proposal for the property will be reviewed for application Critical Area buffer regulations, which will improve buffer functions and conserve fish habitat in proximity to nearby Peach Orchard Creek and Bear Creek.

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

The applicant's proposal to construct a covered porch with reduced setbacks is subject to review for application of the Critical Area buffer requirements, therefore, is consistent with this goal. The side and front yard setbacks requested will be consistent with established land-use policies provided that the applicants meet any Critical Area buffer requirements applicable to the proposal.

Reviewer: Thomas Panzarella

Environmental Impact Review

2018-0158-A
(AV)
1-8-18

Debra Wiley

From: Debra Wiley
Sent: Friday, January 12, 2018 3:18 PM
To: Stephen Ford
Subject: FW: Additional ZAC Comment Missing - Admin. Var. (Closing Date : 1/1/18)

Hi Steve,

I appreciate your prompt response on getting me the ZAC comments. Just wanted to make sure you were still working on this one. **It's the only one remaining from the list I've forwarded you.**

Thanks in advance and hope you have a great weekend !

From: Debra Wiley
Sent: Monday, January 08, 2018 10:43 AM
To: Stephen Ford <sford@baltimorecountymd.gov>; Vishnubhai K Desai <vdesai@baltimorecountymd.gov>
Subject: Additional ZAC Comment Missing - Admin. Var. (Closing Date : 1/1/18)

Good Morning,

Here is an additional one that's missing. Thanks again.

Case No. 2018-0158-A

8211 Peach Orchard Road

Location: SW/S of Peach Orchard Road, 180 ft. S of the centerline of the intersection with Watershed Road
Twelfth Election District & Seventh Council District

Legal Owner: Edward Auld

Contract Purchaser: No Contract Purchaser was set

ADMINISTRATIVE VARIANCE: To permit a proposed open projection (porch) with a side yard setback as close as 6 ft. and a front yard setback of 16 ft. in lieu of the required 10 ft. and a front yard average of 26 ft.

From: Debra Wiley
Sent: Monday, January 08, 2018 10:17 AM
To: Vishnubhai K Desai <vdesai@baltimorecountymd.gov>
Subject: ZAC Comments - Admin. Var. (Closing Date : 1/1/18)

Good Morning,

Please see below administrative variances that closed on January 1, 2018. I am in receipt of the case files and believe they're in floodplain but files doesn't appear to have a ZAC comment.

Thanks in advance.

Case No. 2018-0154-A

1513 Burke Road

Location: SE/S of Burke Road, SW 318 ft. of Bowleys Quarters Road

Debra Wiley

From: Vishnubhai K Desai
Sent: Wednesday, January 10, 2018 11:32 AM
To: Debra Wiley
Cc: Eugene Cauley; Charles Nwokoro
Subject: ZAC Comments, for Case No. 2018-0158-A (Revise)
Attachments: 2018-0158-A - Revise-01-10-2018.pdf

Good Morning Ms. Debra,
As per telephone conversation today, please find attached revised comments on Case No. 2018-0158-A (Revise)
Thanks,

Vishnu Desai

From: Vishnubhai K Desai
Sent: Monday, January 08, 2018 2:12 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>; Stephen Ford <sford@baltimorecountymd.gov>
Cc: Eugene Cauley (ecauley@baltimorecountymd.gov) <ecauley@baltimorecountymd.gov>; Nwokoro, Charles (cnwokoro@baltimorecountymd.gov) <cnwokoro@baltimorecountymd.gov>
Subject: ZAC Comments, for Case Nos. 2018-0154-A, 2018-0156-A and 2018-0158-A.

Good Afternoon,
As requested, please find attached review comments for the Case Nos. 2018-0154-A, 2018-0156-A and 2018-0158-A.

Thanks,
Vishnu Desai

From: Debra Wiley
Sent: Monday, January 08, 2018 10:43 AM
To: Stephen Ford <sford@baltimorecountymd.gov>; Vishnubhai K Desai <vdesai@baltimorecountymd.gov>
Subject: Additional ZAC Comment Missing - Admin. Var. (Closing Date : 1/1/18)

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Case No. 2018-0158-A

8211 Peach Orchard Road

Location: SW/S of Peach Orchard Road, 180 ft. S of the centerline of the intersection with Watershed Road
Twelfth Election District & Seventh Council District

Legal Owner: Edward Auld

Contract Purchaser: No Contract Purchaser was set

ADMINISTRATIVE VARIANCE: To permit a proposed open projection (porch) with a side yard setback as close as 6 ft. and a front yard setback of 16 ft. in lieu of the required 10 ft. and a front yard average of 26 ft.

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Sent: Monday, January 08, 2018 10:17 AM

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

Case No. 2018-0154-A

1513 Burke Road

Location: SE/S of Burke Road, SW 318 ft. of Bowleys Quarters Road

Fifteenth Election District & Seventh Council District

Legal Owners: Millard W. Leary, Jr. and Karen M. Leary

Contract Purchaser: No Contract Purchaser was set

ADMINISTRATIVE VARIANCE: To permit a detached accessory building (garage) to be located in the side and front of the property with a centerline setback of 35 ft. and a second detached accessory building (relocation of a shed in the rear yard) with a centerline setback of 26 ft. in lieu of the minimum required 75 ft. on a double front lot.

Case No. 2018-0156-A

1126 Susquehanna Avenue

Location: W/S of Susquehanna Avenue, 268 ft. N of the intersection with Chesapeake Avenue

Fifteenth Election District & Sixth Council District

Legal Owner: Frank J. & Kimberly L. Battaglia

Contract Purchaser: No Contract Purchaser was set

ADMINISTRATIVE VARIANCE: To permit an open access strip of 15 ft. between existing facilities of an adjoining property and proposed piles and boat lift in lieu of the required 20 ft.

Debra Wiley

Baltimore County Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103

Towson, Maryland 21204

410-887-3868

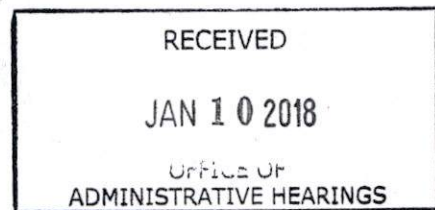
(Revised – January 10, 2018)

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
NKL
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For January 01, 2018
Item No. 2018-0158-A (REVISE)

DATE: January 10, 2018



The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

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.

* * * * *

VKD: cen
cc: file

ORDER RECEIVED FOR FILING

Date 1-29-18

By bw

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JAN 26 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

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: January 26, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0158-A
Address 8211 Peach Orchard Road
(Auld Property)

Zoning Advisory Committee Meeting of **January 1, 2018.**

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, waterfront, residential property is located within an Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area. The petitioner is requesting a side yard setback as close as 6 feet and a front yard setback of 16 feet in lieu of the required 10 feet and front yard average of 26 feet, in order to construct a 10'X26' (260 square feet) street-side, roofed porch. The project is exempt from the IDA regulations because the net increase in impervious surfaces is less than 250 square feet, when accounting for the removal of concrete sidewalks within the footprint of the new porch. .

In addition, the property must comply with the Critical Area buffer regulations. Although the project is proposed outside of the 100-foot buffer, buffer establishment is required. This involves planting within the buffer, at a ratio of 1:1, for disturbance outside of the buffer, per COMAR 27.01.09.01-2. Since existing concrete sidewalks require removal to accommodate the porch, the planting requirement will be based upon the net increase in impervious surfaces. The planting will consist of approximately 1 large, native tree (2 1/2-inch caliper), or, two small native trees (3/4 inch cal.), or several native shrubs.

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

The subject site is a waterfront property. There is a 100-foot tidal buffer projected onto the property. The current development proposal for the property will be reviewed for application Critical Area buffer regulations, which will improve buffer functions and conserve fish habitat in proximity to nearby Peach Orchard Creek and Bear Creek.

ORDER RECEIVED FOR FILING

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

The applicant's proposal to construct a covered porch with reduced setbacks is subject to review for application of the Critical Area buffer requirements, therefore, is consistent with this goal. The side and front yard setbacks requested will be consistent with established land-use policies provided that the applicants meet any Critical Area buffer requirements applicable to the proposal.

Reviewer: Thomas Panzarella

Environmental Impact Review

ORDER RECEIVED FOR FILING

Date 1-29-18

By kw

Debra Wiley

From: Vishnubhai K Desai
Sent: Monday, January 08, 2018 2:12 PM
To: Debra Wiley; Stephen Ford
Cc: Eugene Cauley; Charles Nwokoro
Subject: ZAC Comments, for Case Nos. 2018-0154-A, 2018-0156-A and 2018-0158-A.
Attachments: 2018-0154-A.pdf; 2018-0156-A.pdf; 2018-0158-A.pdf

Good Afternoon,

As requested, please find attached review comments for the Case Nos. 2018-0154-A, 2018-0156-A and 2018-0158-A.

Thanks,
Vishnu Desai

From: Debra Wiley
Sent: Monday, January 08, 2018 10:43 AM
To: Stephen Ford <sford@baltimorecountymd.gov>; Vishnubhai K Desai <vdesai@baltimorecountymd.gov>
Subject: Additional ZAC Comment Missing - Admin. Var. (Closing Date : 1/1/18)

Good Morning,

Here is an additional one that's missing. Thanks again.

Case No. 2018-0158-A

8211 Peach Orchard Road

Location: SW/S of Peach Orchard Road, 180 ft. S of the centerline of the intersection with Watershed Road
Twelfth Election District & Seventh Council District

Legal Owner: Edward Auld

Contract Purchaser: No Contract Purchaser was set

ADMINISTRATIVE VARIANCE: To permit a proposed open projection (porch) with a side yard setback as close as 6 ft. and a front yard setback of 16 ft. in lieu of the required 10 ft. and a front yard average of 26 ft.

From: Debra Wiley
Sent: Monday, January 08, 2018 10:17 AM
To: Vishnubhai K Desai <vdesai@baltimorecountymd.gov>
Subject: ZAC Comments - Admin. Var. (Closing Date : 1/1/18)

Good Morning,

Please see below administrative variances that closed on January 1, 2018. I am in receipt of the case files and believe they're in floodplain but files doesn't appear to have a ZAC comment.

Thanks in advance.

Case No. 2018-0154-A

1513 Burke Road

Location: SE/S of Burke Road, SW 318 ft. of Bowleys Quarters Road

Debra Wiley

From: Debra Wiley
Sent: Monday, January 08, 2018 10:43 AM
To: Stephen Ford; Vishnubhai K Desai
Subject: Additional ZAC Comment Missing - Admin. Var. (Closing Date : 1/1/18)

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Sent: Monday, January 08, 2018 10:17 AM
To: Vishnubhai K Desai <vdesai@baltimorecountymd.gov>
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Good Morning,

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Thanks in advance.

Case No. 2018-0154-A

1513 Burke Road

Location: SE/S of Burke Road, SW 318 ft. of Bowleys Quarters Road
Fifteenth Election District & Seventh Council District

Legal Owners: Millard W. Leary, Jr. and Karen M. Leary

Contract Purchaser: No Contract Purchaser was set

ADMINISTRATIVE VARIANCE: To permit a detached accessory building (garage) to be located in the side and front of the property with a centerline setback of 35 ft. and a second detached accessory building (relocation of a shed in the rear yard) with a centerline setback of 26 ft. in lieu of the minimum required 75 ft. on a double front lot.

Case No. 2018-0156-A

1126 Susquehanna Avenue

Location: W/S of Susquehanna Avenue, 268 ft. N of the intersection with Chesapeake Avenue
Fifteenth Election District & Sixth Council District

Legal Owner: Frank J. & Kimberly L. Battaglia

Contract Purchaser: No Contract Purchaser was set

ZAC AGENDA

Case Number: 2018-0158-A
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Edward Auld
Contract Purchaser

Primary Use: RESIDENTIAL

Reviewer: SeidelmanJason

Critical Area : Yes **Flood Plain:** Yes **Historic** No **Election Dist** Twelfth **Councilmanic Dist** Seventh

Property Address: 8211 Peach Orchard ROAD

Location: SW/S of Peach Orchard Road, 180 ft. S of the centerline of the intersection with Watershed Road

Existing Zoning: DR 5.5

Area: 5358 sq. ft.

Proposed Zoning: ADMINISTRATIVE VARIANCE:

To permit a proposed open projection (porch) with a side yard setback as close as 6 ft. and a front yard setback of 16 ft. in lieu of the required 10 ft. and a front yard average of 26 ft.

Attorney:

Prior Zoning Cases:

Concurrent Cases:

Violation Cases:

Closing Date: 1/1/2018 12:00:00AM

Miscellaneous:

4-8510-810e



CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment1-8*Rev. 1-18*

DEVELOPMENT PLANS REVIEW

(if not received, date e-mail sent 1-8 & 1-12)~~NC~~ C1-26 *Rec'd*

DEPS

(if not received, date e-mail sent 1-8)C

FIRE DEPARTMENT

PLANNING

(if not received, date e-mail sent _____)

1-3

STATE HIGHWAY ADMINISTRATION

No object

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: _____

SIGN POSTING

Date: 12-23-17by Ogle

PEOPLE'S COUNSEL APPEARANCE

Yes

☐

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 12 Account Number - 1213075970			
Owner Information					
Owner Name:	AULD EDWARD M JR		Use:	RESIDENTIAL	
Mailing Address:	8211 PEACH ORCHARD RD BALTIMORE MD 21222-6026		Principal Residence:	YES	
			Deed Reference:	/12125/ 00732	
Location & Structure Information					
Premises Address:		8211 PEACH ORCHARD RD 0-0000 Waterfront		Legal Description: 8211 PEACH ORCHARD RD MURRAY POINT	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0110	0005	0037		0000	C
					5
					6
					2018
					Plat No: 0017/0026
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1952	1,725 SF		5,358 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1 1/2	NO	STANDARD UNIT	SIDING	1 full	1 Detached
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of 01/01/2018	As of 07/01/2017	As of 07/01/2018	
Land:	89,500	89,500			
Improvements	122,000	155,800			
Total:	211,500	245,300	211,500	222,767	
Preferential Land:	0			0	
Transfer Information					
Seller: AULD EDWARD M, JR		Date: 04/11/1997		Price: \$55,442	
Type: NON-ARMS LENGTH OTHER		Deed1: /12125/ 00732		Deed2:	
Seller: MONTEGRIFFO GEORGE		Date: 12/31/1986		Price: \$60,000	
Type: ARMS LENGTH IMPROVED		Deed1: /07370/ 00159		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017		07/01/2018	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 10/11/2011					

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

Debra Wiley

From: Debra Wiley
Sent: Wednesday, January 31, 2018 12:08 PM
To: 'finance@prestigehomesolutions.net'
Subject: Case No. 2018-0158-A - 8211 Peach Orchard Rd.
Attachments: 20180131122332748.pdf

Good Afternoon,

At your request, please find attached a copy of the Opinion and Order that you will need to take with you when applying for permits.

Thank you for contacting the Office of Administrative Hearings.

-----Original Message-----

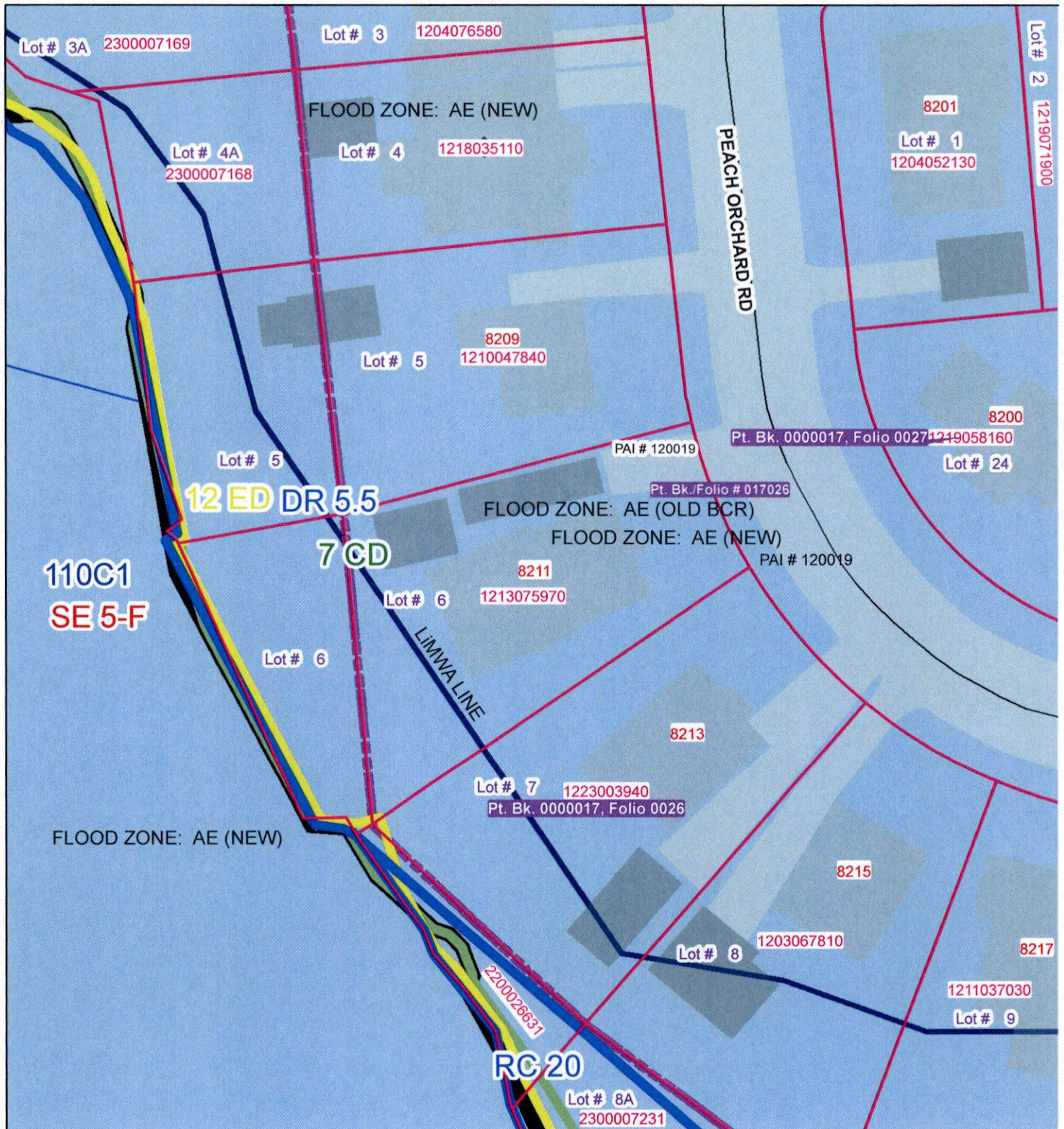
From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Wednesday, January 31, 2018 12:24 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Admin Hearings Copier

This E-mail was sent from "RNP002673903BB1" (MP 3054).

Scan Date: 01.31.2018 12:23:32 (-0500)

Queries to: adminhearingscpr@baltimorecountymd.gov

Flood Hazard Area



Publication Date: 12/7/2017



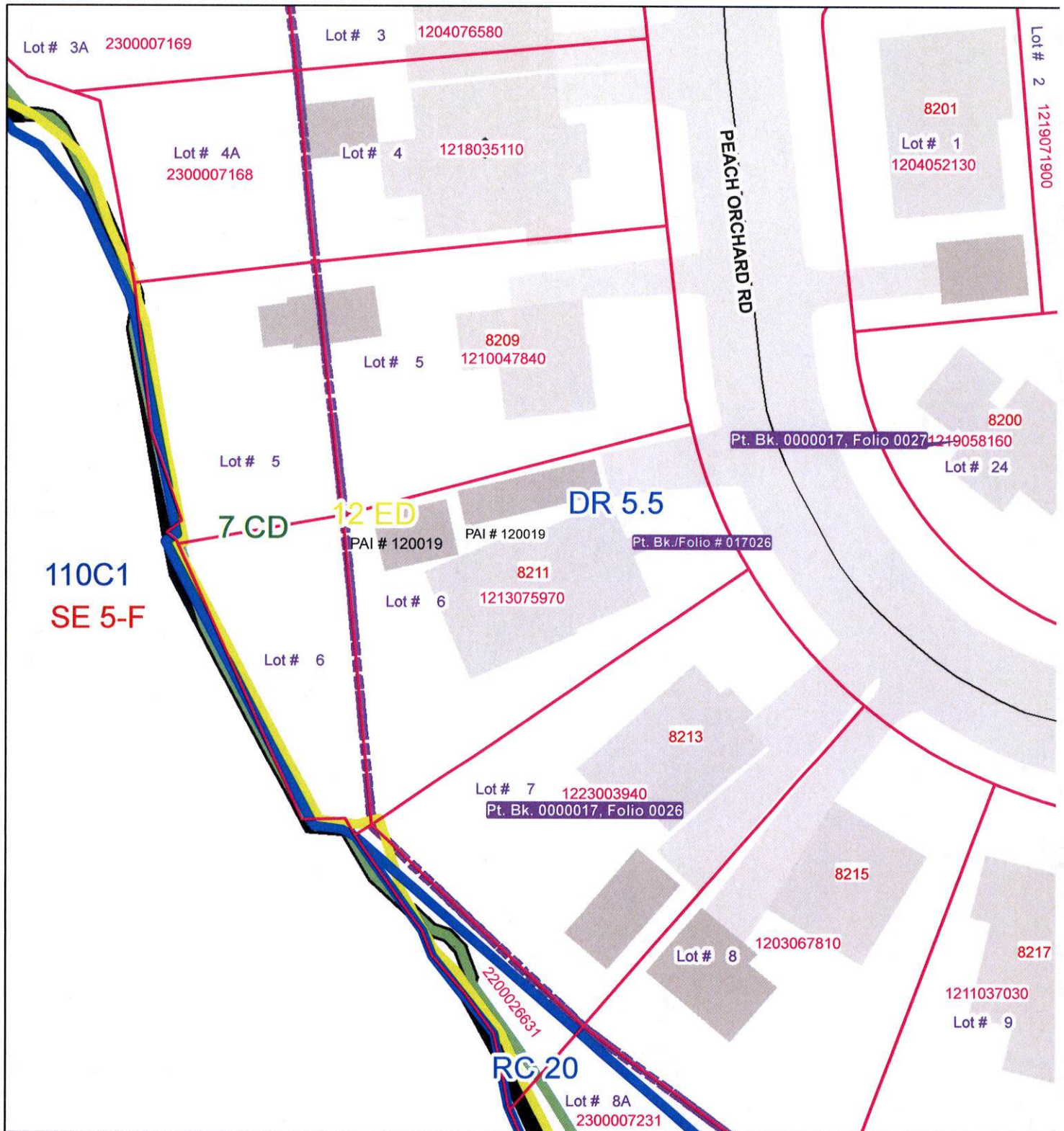
Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 10 20 40 60 80 Feet

1 inch = 40 feet

82.1 Peach Orchard Road



Publication Date: 12/7/2017



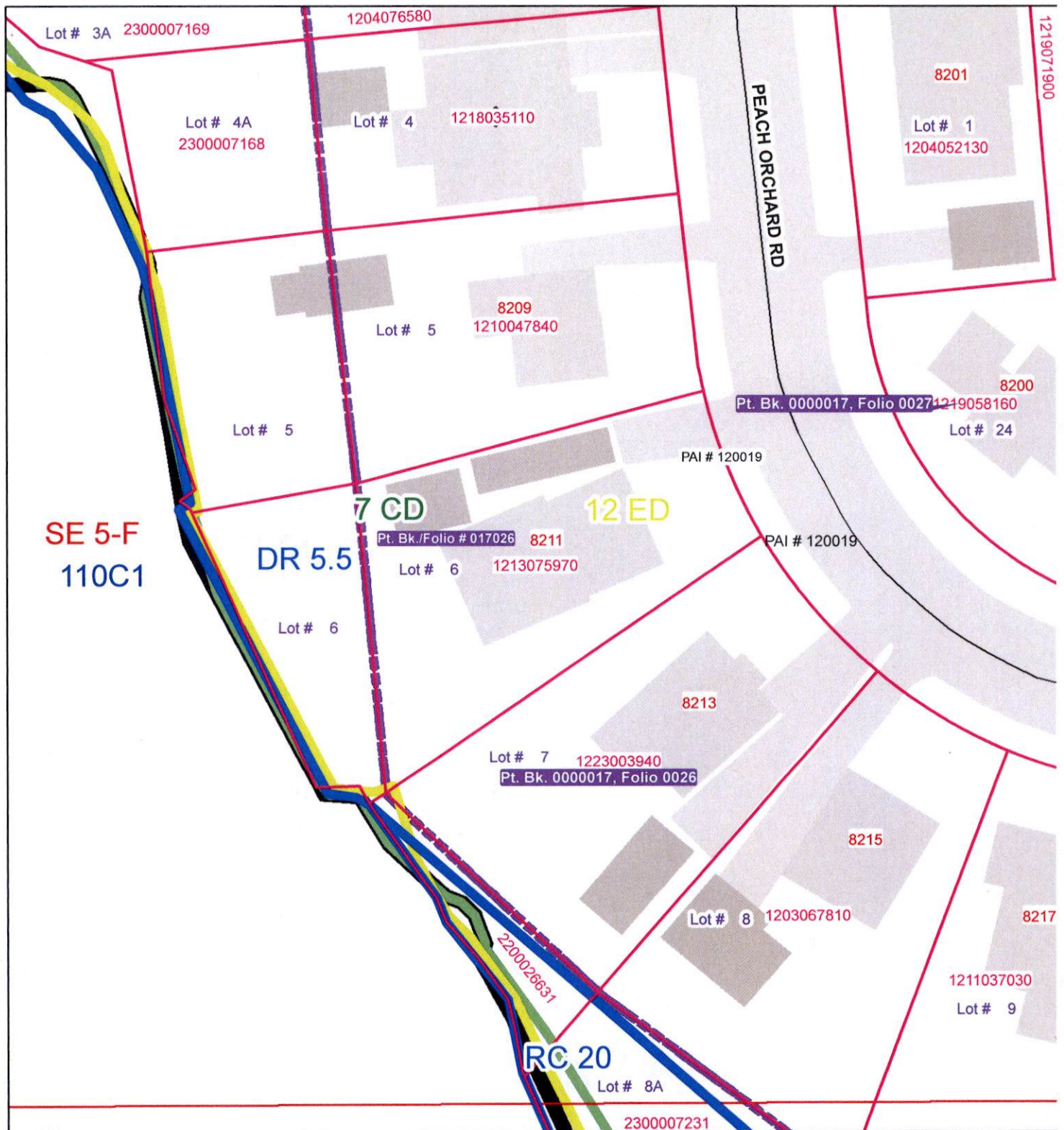
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 10 20 40 60 80 Feet

1 inch = 40 feet

8011 PEACH ORCHARD RD.



Publication Date: 12/7/2017



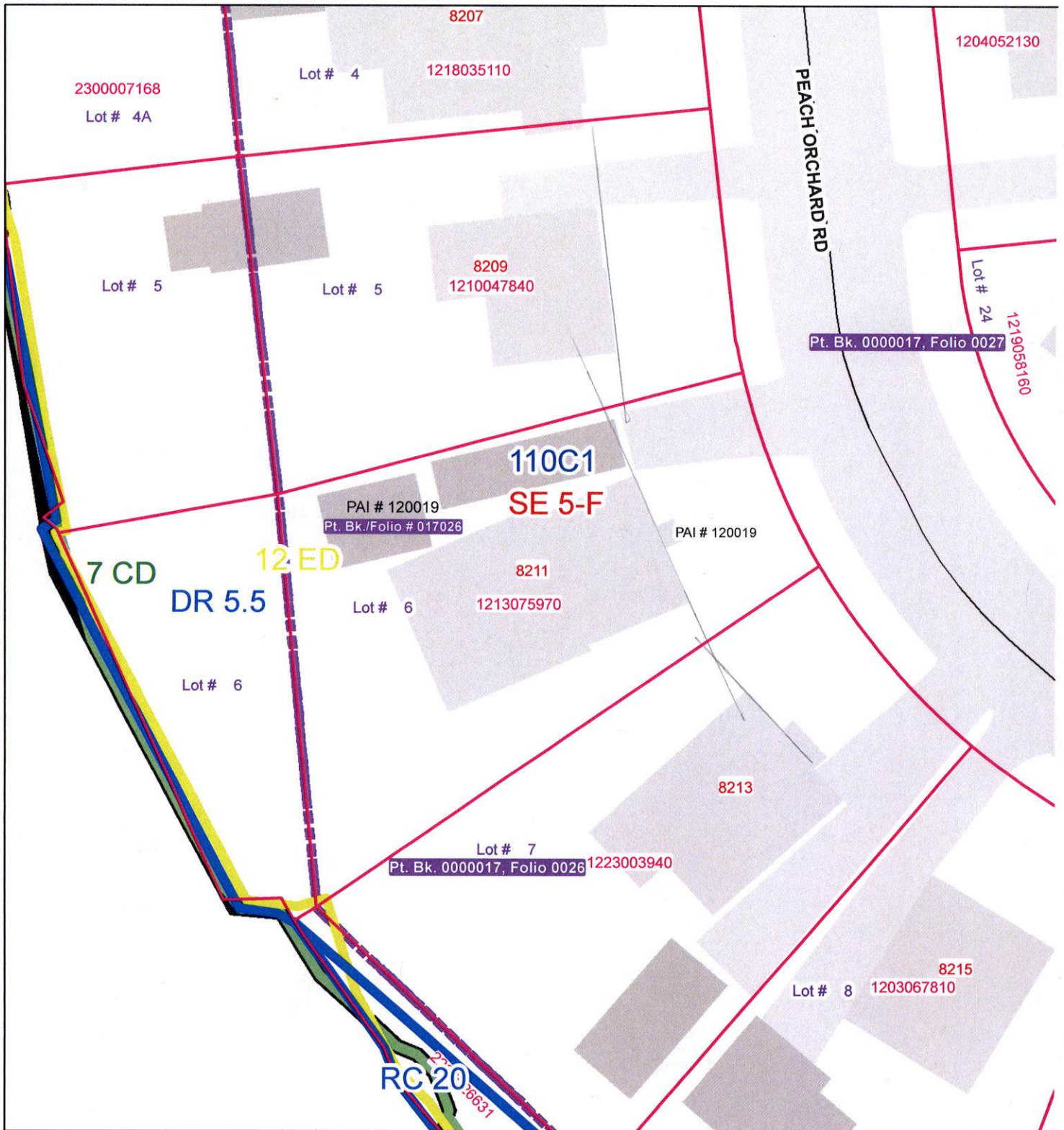
Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 10 20 40 60 80 Feet

1 inch = 40 feet

Enter Property Address Here



Publication Date: 12/7/2017



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



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Feet

1 inch = 30 feet

N

FILED FOR RECORD WITH DEED
FROM THE ESTATE OF
JAMES H. DUNDALK
JAN 10 1951
CLERK

FAIRPROSS
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SEE MATCH LINE "A" FOLIO 26



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BULLNECK RD

SPARROWS POINT BRIDGE CO.

COVE

PLAT OF MURRAY POINT
SECTION C

:DUNDALK:
BEING A DEVELOPMENT OF
THE DUNDALK COMPANY

DUNDALK-BALTIMORE CO-MARYLAND

SCALE: 1 IN = 50 FT.

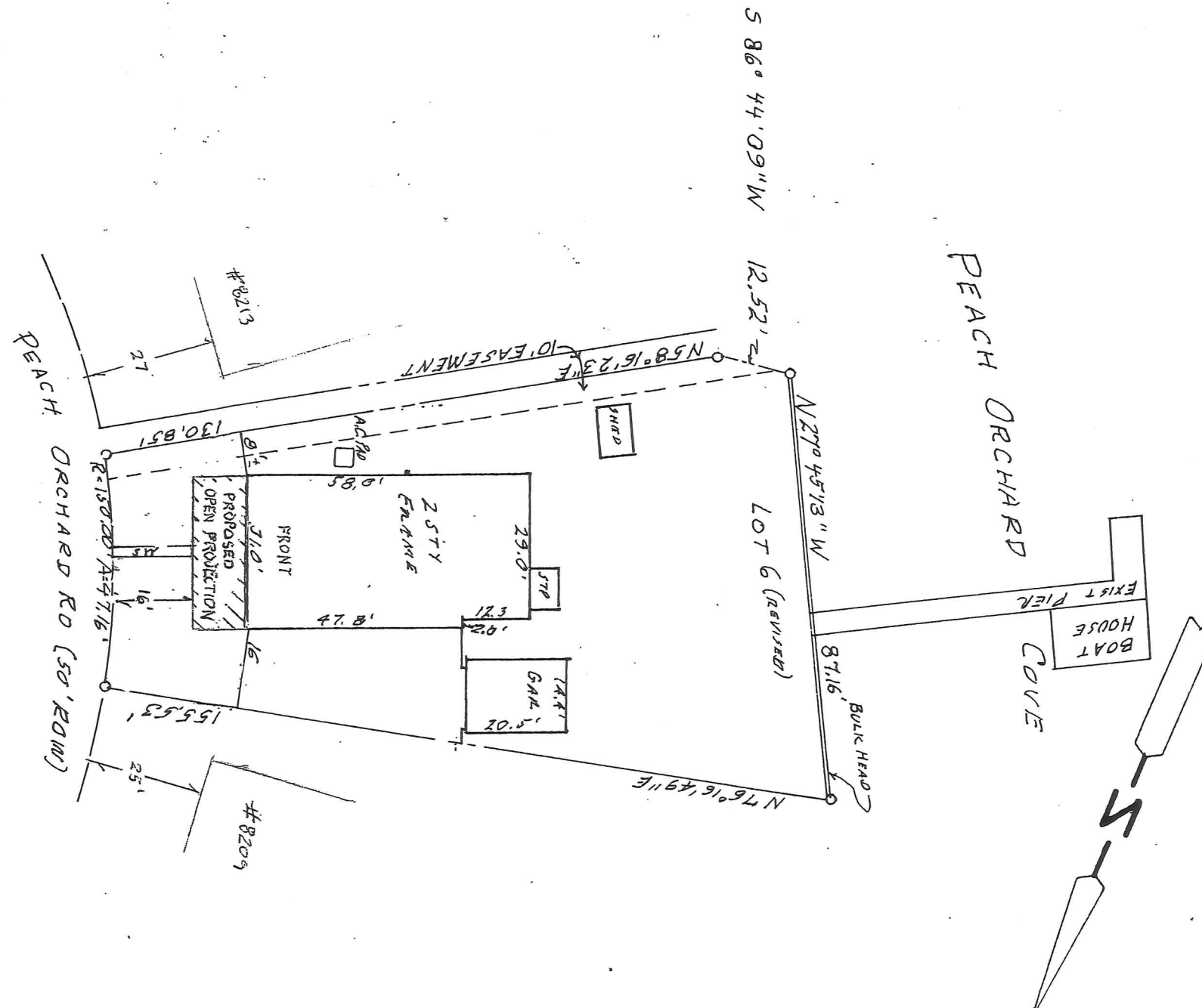
JANUARY 1951

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

ADDRESS 8211 Peach Orchard Rd Baltimore MD 21222 OWNER(S) NAME(S) AVID EDWARD M JR

SUBDIVISION NAME Murray Point LOT # 6 BLOCK # 5 SECTION # C

PLAT BOOK # 17 FOLIO # 26 10 DIGIT TAX # 12 13 07 59 70 DEED REF. # 12 125 / 00232

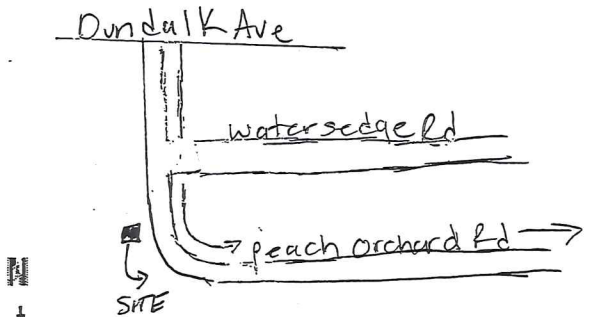


PLAN DRAWN BY _____

DATE 12/7/11

SCALE 1"=30' FILE # 11-30

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 110C1

SITE ZONED OR5.5

ELECTION DISTRICT 12

COUNCIL DISTRICT 7

LOT AREA ACREAGE 5358

OR SQUARE FEET 5358

HISTORIC? NO

IN CBCA? YES

IN FLOOD PLAIN? YES

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

VIOLATION CASE INFO:

2018-0158-A

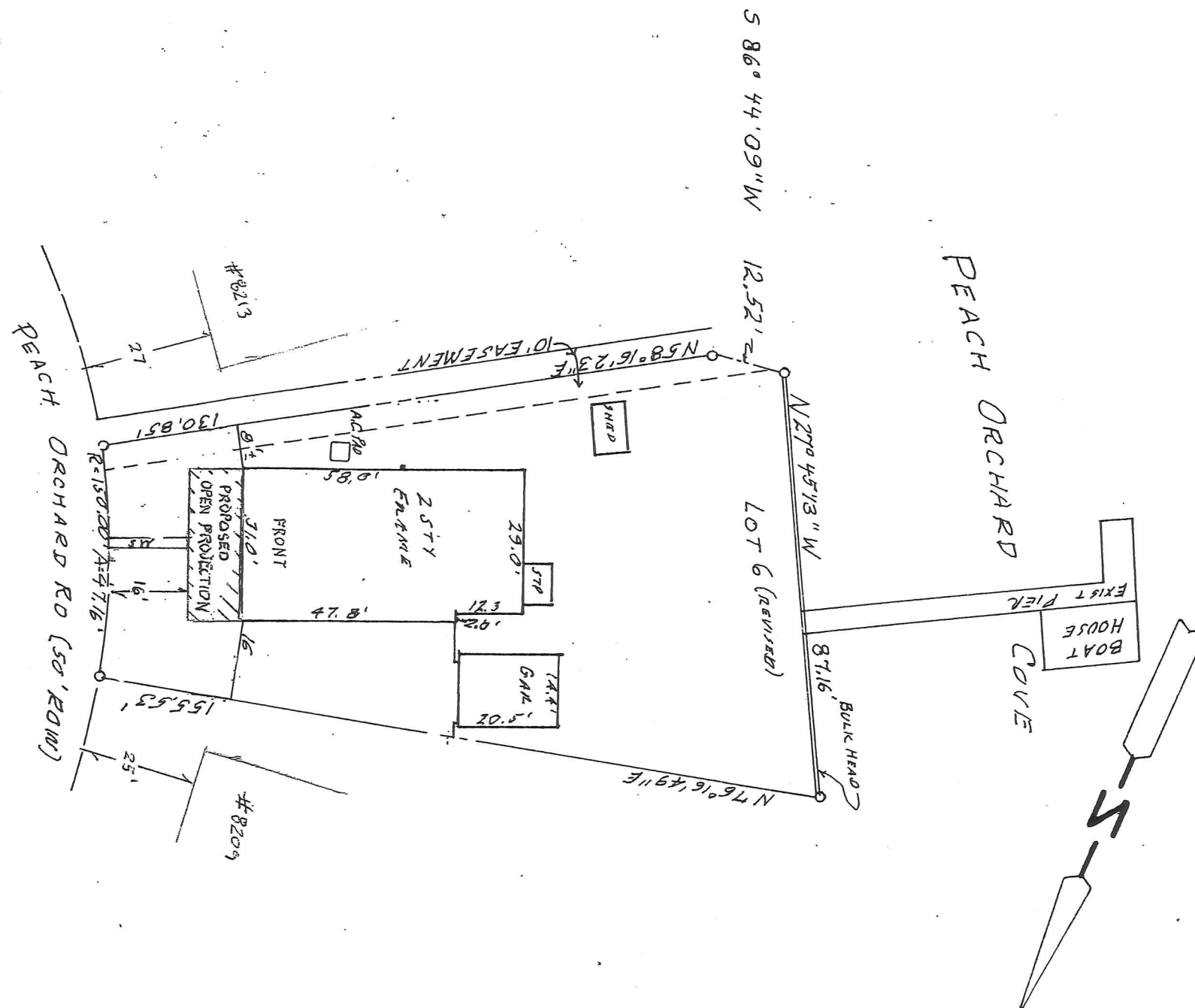
Pet. Exh. 1

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

ADDRESS 8211 Peach Orchard Rd Baltimore MD 21222 OWNER(S) NAME(S) AVID EDWARD MCTE

SUBDIVISION NAME Murray Point LOT # 6 BLOCK # 5 SECTION # C

PLAT BOOK # 17 FOLIO # 26 10 DIGIT TAX # 12 13 07 59 70 DEED REF. # 12 125/00132

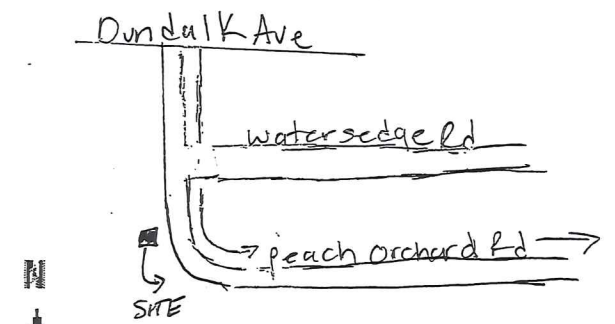


PLAN DRAWN BY _____

DATE 12/7/17

SCALE 1"=30' FILE

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 110C1

SITE ZONED OR5.5

ELECTION DISTRICT 12

COUNCIL DISTRICT 7

LOT AREA ACREAGE 5358

OR SQUARE FEET 5358

HISTORIC? NO

IN CBCA? YES

IN FLOOD PLAIN? YES

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

VIOLATION CASE INFO:

2018-0158-A