

MEMORANDUM

DATE: March 14, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0159-A – Appeal Period Expired

The appeal period for the above-referenced case expired on March 12, 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 VARIANCE

(11309 Mayberry Avenue)

11th Election District

6th Council District

Ellen Elaine Warner

Legal Owner

Petitioner

*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0159-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Ellen Elaine Warner, legal owner of the subject property (“Petitioner”). The Petition seeks variance relief from Section 1A05.4.D of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a dwelling with a front setback from the center line of the street of 44 ft. in lieu of the required 75 ft. and side yard setback of 17 ft. in lieu of the required 35 ft. A site plan was marked as Petitioner’s Exhibit 1.

Ellen Elaine Warner appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (“ZAC”) comments were received the Department of Planning (“DOP”), the Bureau of Development Plans Review (“DPR”) and the Department of Environmental Protection and Sustainability (“DEPS”). None of the reviewing agencies objected to the requests.

The site is approximately 28,180 sq. ft. in size and split-zoned RC 50 and RC 2. The lot is unimproved and Petitioner proposes to construct a single-family dwelling on the property. Petitioner explained her brother and sister have recently construct homes adjacent to the subject property on similar size lots.

ORDER RECEIVED FOR FILING

Date

2/9/18

By

SEN

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

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

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

The property is irregularly shaped and constrained by environmental (critical area) easements. As such it is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because she would be unable to construct proposed dwelling. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. The proposed single-family dwelling and building lot would be similar in size to those on the street, and I do not believe granting the request will have a detrimental impact upon the community.

Petitioner provided at the hearing a copy of the January 31, 2005 "Spirit and Intent" letter prepared by Mr. Perlow. Therein, reference is made to Lot Nos. 232, 233 and 68A, which are contiguous and are owned by Petitioner's family members. Lot 233 is now improved with a dwelling owned by Petitioner's sister, and Lot 232 is improved with a dwelling owned by Petitioner's brother. Lot 68A is the subject property. Having reviewed that correspondence I find the requirements contained therein have been met.

THEREFORE, IT IS ORDERED, this 9th day of **February, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §1A05.4.D of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a dwelling with a front setback from the center line of the street of 44 ft. in lieu of the required 75 ft. and side yard setback of 17

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2 Date 12/9/18
By SEN

ft. in lieu of the required 35 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Prior to issuance of permits Petitioner must comply with critical area regulations.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 2/9/18

By sen



CBCA

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address Lot # 68A 11309 Mayberry Ave which is presently zoned R.C. 50
 Deed References: White Marsh, MD 11010 Digit Tax Account # 1102088452
 Property Owner(s) Printed Name(s) Ellen Elaine Warner

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

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

3. ☒ a Variance from Section(s) 1A05.4.D BCZR
To permit a dwelling with a front setback from the center line of the street of 44' in lieu of the required 75' and side yard setback of 17' in lieu of the required 35'.

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

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Ellen Elaine Warner

Name #1 - Type or Print

Name #2 - Type or Print

Ellen Elaine Warner

Signature #1

Signature #2

919 Olive Branch Ct. N. Edgewood

Mailing Address

City

State

01040 443-761-3881 ee.warner-25@

Zip Code

Telephone #

Email Address

yahoo.com

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

By

CASE NUMBER 2018-0159-A Filing Date 12/11/17

Do Not Schedule Dates:

Reviewer JF

Zoning Petition Property Description for 11309 Mayberry Avenue, Lot 68A

Beginning at a point on the south east side of Mayberry Avenue which is 40 feet wide, and at a distance of 509.84 feet of the centerline of the nearest improved intersecting street, Opie Road which is 40 feet wide.

Being known and designated as Lot 68A on the revised and amended plat, in the subdivision of Bird River Beach as recorded among the Land Records of Baltimore County in Libre W.P.C., Plat Book #7, Folio #187, containing 28,180 square feet of lot. Located in the 11th Election District and 6 Council District.



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5396805

Sold To:

Herbert Bush - CU00635017
11 Opie Rd
White Marsh, MD 21162-1617

Bill To:

Herbert Bush - CU00635017
11 Opie Rd
White Marsh, MD 21162-1617

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

Jan 18, 2018

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2018-0159-A
11309 Mayberry Avenue
S/s Mayberry Avenue, 509.84 ft. E/of centerline of Opie Road
11th Election District - 6th Councilmanic District
Legal Owner(s) Ellen Elaine Warner

Variance to permit a dwelling with a front setback from the centerline of the street of 44 ft. in lieu of the required 75 ft. and side yard setback of 17 ft. in lieu of the required 35 ft.

Hearing: Thursday, February 8, 2018 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

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

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

1-057 January 18 5396805

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

CERTIFICATE OF POSTING

2018-0159-A

RE: Case No.: _____

Petitioner/Developer: _____

Ellen Elaine Warner

February 8, 2018

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

11309 Mayberry Avenue

January 19, 2018

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



Sincerely,

January 19, 2018

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



KEVIN KAMENETZ
County Executive

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

January 3, 2018

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

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11309 Mayberry Avenue

S/s Mayberry Avenue, 509.84 ft. E/of centerline of Opie Road

11th Election District – 6th Councilmanic District

Legal Owners: Ellen Elaine Warner

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Hearing: Thursday, February 8, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Ellen Warner, 919 Olive Branch Court N, Edgewood 21040
Herbert Bush, 11 Opie Road, White Marsh 21162

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JANUARY 19, 2018.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 18, 2018 Issue - Jeffersonian

Please forward billing to:
Herbert Bush
11 Opie Road
White Marsh, MD 21162

443-761-3881

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2018-0159-A
11309 Mayberry Avenue
S/s Mayberry Avenue, 509.84 ft. E/of centerline of Opie Road
11th Election District – 6th Councilmanic District
Legal Owners: Ellen Elaine Warner

Variance to permit a dwelling with a front setback from the centerline of the street of 44 ft. in lieu of the required 75 ft. and side yard setback of 17 ft. in lieu of the required 35 ft.

Hearing: Thursday, February 8, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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

RE: PETITION FOR VARIANCE
11309 Mayberry Avenue; S/S Mayberry
Avenue, 509.84' E of c/line of Opie Road
11th Election & 6th Councilmanic Districts
Legal Owner(s): Ellen Elaine Warner
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2018-159-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED
DEC 19 2017

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of December, 2017, a copy of the foregoing Entry of Appearance was mailed to Ellen Elaine Warner, 919 Olive Branch Court N, Edgewood, Maryland 21040, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2018-0159-A

Property Address: 11309 Mayberry Ave White

Property Description: Marsh
MD

Legal Owners (Petitioners): Ellen Warner 21162

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Herbert Bush

Company/Firm (if applicable): _____

Address: 11 Opie Rd.

White Marsh, MD
21162

Telephone Number: 443-761-3881

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

NO 161160

Date: 12/11/17

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS	Acct	Amount
				Source	Rev					
001	802	0001		615						75.00

Total: 75.00

Rec From: ELLEN WARNER

For: Payment for Voucher
11302 MAYBERRY AVE
CASE # 2018-0150-A

DISTRIBUTION

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

PAID RECEIPT

BUSINESS - 12/11/2017 12:18:56
RECEIVED - WALTON LRS
RECEIPT # 933884 12/11/2017
OFFICE OF THE COMPTROLLER
OF THE CITY OF BALTIMORE

Receipt for \$75.00
\$75.00 OK \$0.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

February 1, 2018

Ellen Elaine Warner
919 Olive Branch Court
Edgewood MD 21040

RE: Case Number: 2018-0159 A, Address: Lot #68 A, 11309 Mayberry Avenue

Dear Ms. Warner:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 11, 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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-159



INFORMATION:

Property Address: 11309 Mayberry Avenue
Petitioner: Ellen Elaine Warner
Zoning: RC 50
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit a dwelling with a front setback from the center line of the street of 44 feet in lieu of the required 75 feet and side yard setback of 17 feet in lieu of the required 35 feet.

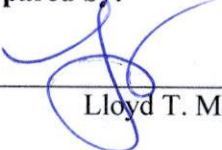
The subject property is split zoned RC 2/RC 50.

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

- The petitioner must confirm to the satisfaction of the Administrative Law Judge that all requirements established in the "Spirit and Intent" letter addressing Lots 233 and 68-A, dated January 31, 2005 from Mr. Jeff Perlow of the Zoning Review Section of the Department of Permits and Development management (now the Department of Permits, Approvals and Inspections) to a Mr. and Mrs. Bush, have been met.

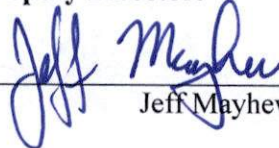
For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/ka

c: Ngone Seye Diop
Ellen Elaine Warner
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 25, 2017
Item No. 2018-0159-A

DATE: January 5, 2018

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

Show and label the existing Drainage & Utility Easement on the plan.

Show and label the existing tee-turnaround on the plan (in front of property).

* * * * *

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 9, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0159-A
Address 11309 Mayberry Avenue
(Warner Property)

Zoning Advisory Committee Meeting of **December 25, 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 is subject to Critical Area requirements. The applicant is proposing to allow a dwelling with less front yard setback than permitted. The lot is not waterfront, and has a recorded Critical Area Easement, which contains wetlands, in back yard. The lot is at the end of a dead end street and abuts Baltimore County property. The proposal meets all LDA requirements, including lot coverage limits. If the setback variance is not granted, a Critical Area variance will be necessary to provide the required 35-foot primary structure setback from the easement and the dwelling will be closer to wetlands in the back of the lot. As currently proposed 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 not waterfront. Granting relief to the setback will increase the dwelling's distance from the wetland and associated buffer and will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

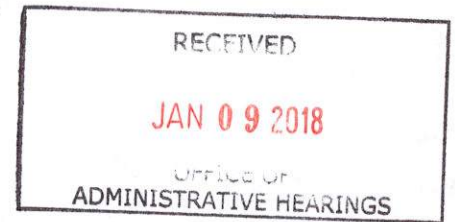
3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

As submitted, the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

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

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As submitted, the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 1/26/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-159

INFORMATION:

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Petitioner: Ellen Elaine Warner
Zoning: RC 50
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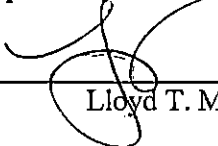
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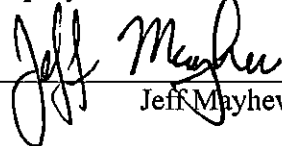
For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/ka

c: Ngone Seye Diop
Ellen Elaine Warner
Office of the Administrative Hearings
People's Counsel for Baltimore County

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>1/5</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>Comment</u>
<u>1/9</u>	DEPS (if not received, date e-mail sent _____)	<u>Comment</u>
	FIRE DEPARTMENT	
<u>1/20</u>	PLANNING (if not received, date e-mail sent _____)	<u>no objection by conclusion</u>
	STATE HIGHWAY ADMINISTRATION	
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>1/18/18</u>	
SIGN POSTING	Date: <u>1/19/18</u>	by <u>SSG Black</u>
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 - 11 Account Number - 1102088452							
Owner Information									
Owner Name:		WARNER ELLEN ELAINE				Use:		RESIDENTIAL	
						Principal Residence:		NO	
Mailing Address:		919 N OLIVE BRANCH CT EDGEWOOD MD 21040-				Deed Reference:		/37655/ 00311	
Location & Structure Information									
Premises Address:		11309 MAYBERRY AVE WHITE MARSH 21162-				Legal Description:		BIRD RIVER BEACH	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0073	0020	0316		0000			68A	2018	Plat Ref: 0007/0187
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
						28,180 SF		04	
Stories	Basement	Type	Exterior	Full/Half Bath		Garage	Last Major Renovation		
Value Information									
			Base Value	Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2018		07/01/2017		07/01/2018	
Land:			4,500	4,500					
Improvements			0	0					
Total:			4,500	4,500		4,500		4,500	
Preferential Land:			0					0	
Transfer Information									
Seller: WARNER MICHAEL CARL				Date: 06/20/2016		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /37655/ 00311		Deed2:			
Seller: BUSH HERBERT R				Date: 09/12/2007		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /26158/ 00519		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: No Application									
Homeowners' Tax Credit Application Information									
Homeowners' Tax Credit Application Status: No Application						Date:			

Case No.:

2018-159-A

Exhibit Sheet

Petitioner/Developer

Protestant

2-14-18

slm
2-9-18

No. 1	Plan	
No. 2	Sprint + Intent Letter 1-31-05	
No. 3	Drainage easement drawing	
No. 4	Forest Plan Bush Property	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

**Department of Permits and
Development Management**

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

January 31, 2005

Herbert R. and Esther Bush
11 Opie Road
White Marsh, MD 21162

Dear Mr. And Mrs. Bush:

RE: Spirit and Intent, Case # 86-372-A, S/S of Maple Road, 205 feet E. of Opie Road (Bird Avenue), Lots 232, 233 and 68-A of Bird River Beach (Plat Book 7, Folio 187), 11th Election District

Your recent letter to Timothy Kotroco, Director of Permits and Development Management, was forwarded to me for reply. Based on the information provided therein and my review of the available zoning records, the following has been determined:

1. The proposed red-lined modification to Lot 232 of the site plan in Case # 86-372-A is approved as being in the spirit and intent of the Baltimore County Zoning Regulations (BCZR), subject to the restrictions as contained in the Zoning Commissioner's order. Submit a copy of this response with your building application for Lot 232.
2. However, prior to spirit and intent approval for Lots 233 and 68-A, the following additional actions will be required:
 - a. For Lot 233, you must obtain written approval from the property owner across the street on Maple Avenue as to the adjusted building setbacks and building footprint that you propose.
 - b. For Lot 68-A, the current zoning classification is now R.C. 50 (no longer R.C. 2), and as a result, you are subject to the minimum lot size requirements of the R.C. 50 zone. Since the minimum lot size is actually set by the Department of Environmental Protection and Resource Management (pursuant to section 1A05.4.C, BCZR), you must obtain written approval from that department (as to the minimum lot size) prior to the issuance of any spirit and intent approvals.

After the above requirements are met, you must submit a copy of this response and the written approval relative to that lot (Lot 233 or Lot 68-A) with your building permit application.

3. A copy of this response and the red-lined plan will be recorded and made a permanent part of the zoning case file.
4. This approval is for zoning only, and you will be required to comply with all other County and State regulations relative to this property.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

Jeffrey N. Perlow

Jeffrey N. Perlow
Planner II
Zoning Review

JNP

c: Zoning Hearing File 86-372-A
File-Spirit & Intent Letters

Visit the County's Website at www.baltimorecountyonline.info



Printed on Recycled Paper

Pet. No. 2

Glen Schaefer

Extra copy...

MAPLE AVENUE

Fr. P.O.B.
Center of Road

N 83°12'01" E 284.33'

100.00'

10.00'

R/W 40'

97.17'

87.17'

53'

N 06°47'59" W 74.54'

84.54'

10' DRAINAGE UTILITY SWM AND ACCESS EASEMENT

N 06°47'59" W 10.00'

N 83°12'01" E 177.17'

S 83°12'01" W 187.17'

35'

26'-8"

S 06°47'59" E 293.00'

208.46'

PROPOSED CRITICAL AREA EASEMENT

232

233

68-A

213'-4"

N 72°48'19" W 106.36'

N 75°09'33" W 93.78'

N 73°31'55" W 108.85'

32

31

30

29

28

27

① Ellen Warner

HERBERT R. & ESTHER E. BUSH
4408/429

Ref. No. 3



10' DRAINAGE UTILITY SWM AND ACCESS EASEMENT=2617 Sq. Ft. OR 0.060 Ac.±

BALTIMORE COUNTY		DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT		BUREAU OF LAND ACQUISITION	
DISTRICT NO. 11C5	POSITION SHEET NO. 33NE39	FEDERAL PROJECT NO.		MARYLAND PROJECT NO.	
CONSTRUCTION PLAN NO.					
APPROVED - DIRECTOR OF PUBLIC WORKS	AREA TO BE ACQUIRED REVERTIBLE SLOPE EASEMENT TEMPORARY CONSTRUCTION AREA	EXISTING COUNTY R/W AREA TO BE RELEASED TEMPORARY SLOPE EASEMENT	Bryan J. Eayrie SURVEYOR DATE 11/29/05 REG. NO. 21139		
APPROVED - CHIEF	ITEM NO.	REVISIONS	SHEET 1 OF 1		

N
MS (NAD83/PL. NAVD83)

OPIE ROAD

MAPLE AVENUE

239 240 241 242 243 244

234

231

230

229

32

31

29

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GENERAL NOTES

1. AREA: LOT 232 = 0.43 Ac.
AREA: LOT 233 = 0.47 Ac.
AREA: LOT 68-A = 0.63 Ac.
AREA: TOTAL = 1.52 Ac.±
2. EXISTING ZONING = RC2
3. HERBERT BUSH
11 OPIE ROAD
WHITE MARSH, MARYLAND 21162
TELEPHONE # (410)335-5585
4. TAX ACCOUNT #1102088452
5. TAX MAP 73, GRID 20, PARCEL 316
6. PROPOSED LOTS TO BE SERVED BY
PUBLIC WATER AND SEWER
7. EXISTING USE - VACANT LOT
PROPOSED USE - THREE SINGLE FAMILY DWELLINGS
8. THE PROPERTY IS LOCATED WITHIN
THE LDA ZONE OF THE CHESAPEAKE BAY CRITICAL AREA

VICINITY MAP

SCALE: 1"=200'

IMPERVIOUS AREA CALCULATIONS									
LOT #	SF	AC	% OF TOTAL LOT AREA	IMPERVIOUS SF	IMPERVIOUS AC	% OF TOTAL LOT AREA	IMPERVIOUS AC GROUP	IMPERVIOUS LOT AREA	PERCENTAGE LOT IMPERV.
232	15,850	0.43	100%	15,850	1.00	100%	1.00	1.00	100.0%
233	20,284	0.47	100%	19,700	0.99	100%	1.00	2.00	100.0%
68-A	27,150	0.63	100%	19,700	0.99	100%	1.00	2.97	77.7%
TOTAL								3.00	

FOREST CLEARED ON LOTS					
LOT	AREA CLEARED	TOTAL FOREST	% RATE		
LOT 232	3,854 SF (8,245 SF TOTAL)	18,830 SF	44%	3:1	\$4,625
LOT 233	7,395 SF	20,284 SF	36%	3:1	\$8,874
LOT 68-A	8,409 SF	27,150 SF	31%	3:1	\$10,091
TOTAL	19,658 SF	66,264 SF			\$23,590

NOTE:
RESTORATION REQUIREMENTS TO BE ADDRESSED BY PAYMENT OF FEE IN LIEU.
A FEE OF \$23,590 IS TO BE PAID PRIOR TO ISSUANCE OF ANY BUILDING PERMIT.

- GENERAL NOTES:
- A) THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE CRITICAL AREA EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF PROTECTION AND RESOURCE MANAGEMENT.
 - B) ANY CRITICAL AREA EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
 - C) THE CRITICAL AREA EASEMENT SHALL BE POSTED AT 50 FOOT INTERVALS WITH "CRITICAL AREA EASEMENT-DO NOT DISTURB" SIGNS PRIOR TO ISSUANCE OF ANY USE AND OCCUPANCY CERTIFICATE FOR ANY DWELLINGS ON THESE LOTS.

KEY

- EXISTING TREE LINE
- FIELD LOCATED NON-TIDAL WETLANDS
- BUFFER FROM WETLANDS
- FOREST CLEARED - 19,658 SF / 0.45 AC (CLEARED AN ADDITIONAL 4,381 SF FOR MAPLE AVE. UNDER SEPARATE CA)
- CRITICAL AREA EASEMENT - 41,800 SF / 1.00 AC
- LIMITS OF DISTURBANCE
- PROTECTIVE FENCING - 369 LF TO BE PLACED ALONG CAE LIMITS
- PROTECTIVE SIGNAGE - 9 SIGNS

FOREST ESTABLISHMENT & PROTECTION PLAN HERBERT BUSH PROPERTY LOTS 232, 233 & 68A MAPLE AVENUE

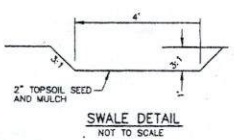
SCALE: 1"=30' DATE: MAY 20, 2005
ELECTION DIST.: 11C5

THIRTY CENTURY
ENGINEERING
CONSULTING ENGINEERS - PLANNERS
30 WEST ROAD
TOWSON, MD 21204
Phone: 410.825.8000 Fax: 410.888.2184

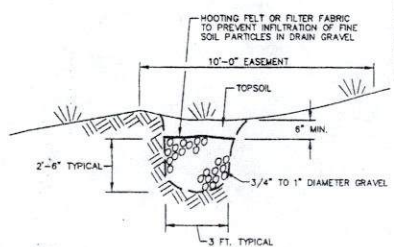
PREPARED BY:
HUMAN & RHODE, INC.
Landscape Architecture
612 Virginia Ave.
Towson, Maryland 21204
(410) 825-2865 Phone
(410) 825-2867 Fax



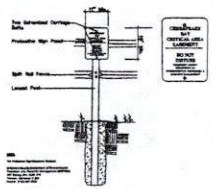
Date	No.	Revision Description
10-11-07	2	REVISED CAE & CLEARING LIMIT
12-28-08	1	REVISED BUFFER/CRITICAL AREA EASEMENT



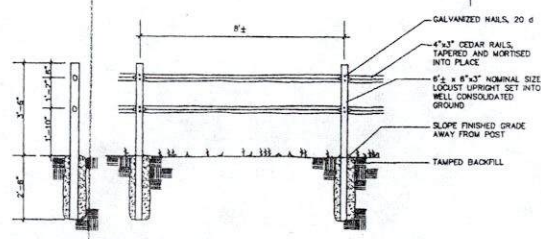
SWALE DETAIL
NOT TO SCALE



LEVEL SPREADER DETAIL
NOT TO SCALE

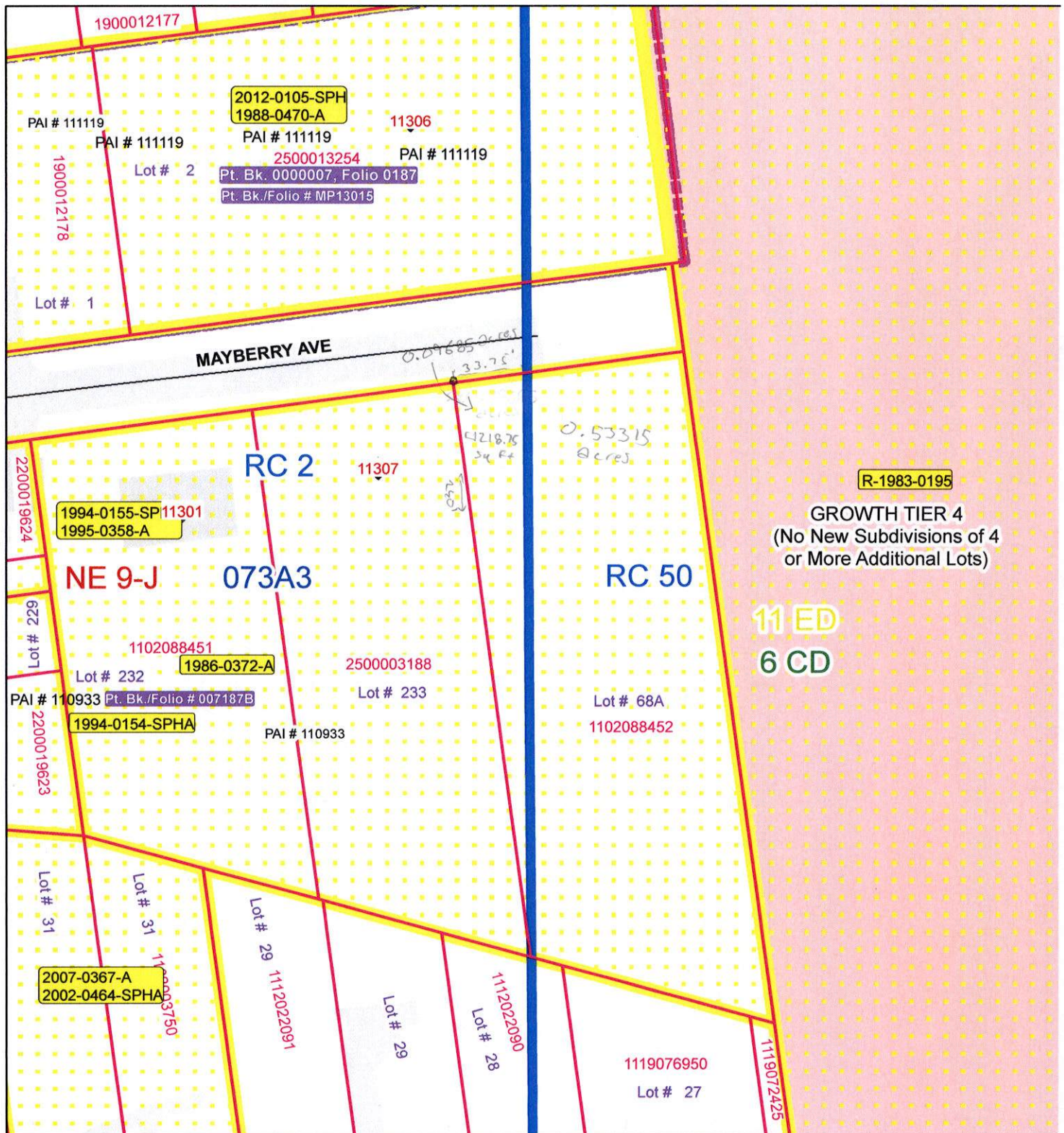


PROTECTIVE SIGNAGE DETAIL
NOT TO SCALE



SPLIT RAIL FENCING DETAIL
NOT TO SCALE

11309 Mayberry Road, Tax #11-02-088-452



Publication Date: 11/17/2017



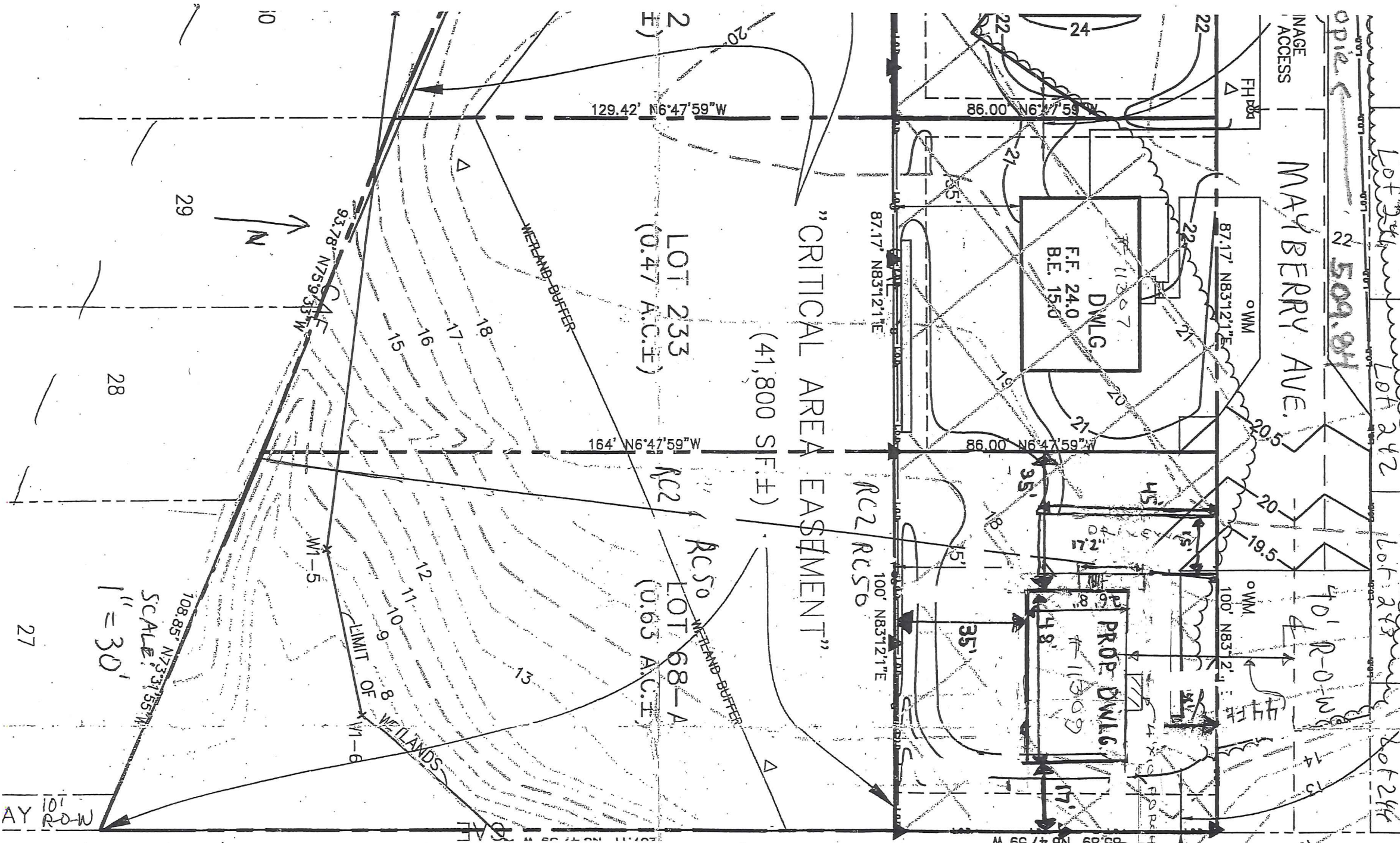
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 15 30 60 90 120 Feet

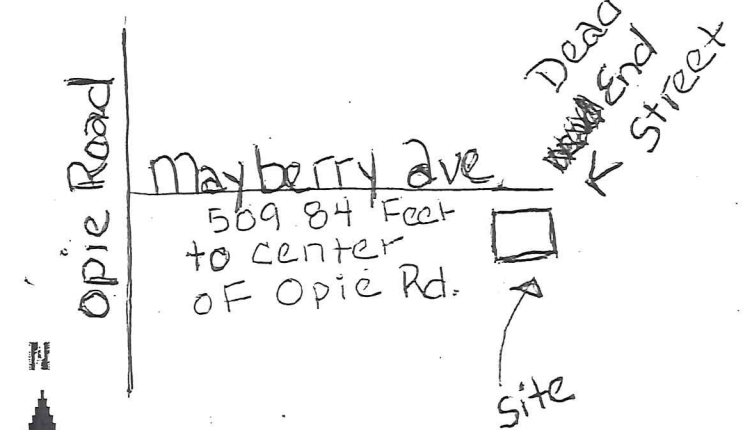
1 inch = 60 feet

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 11309 Mayberry Avenue OWNER(S) NAME(S) Ellen Elaine Warner
 SUBDIVISION NAME Bird River Beach LOT # 68A BLOCK # N/A SECTION # N/A
 PLAT BOOK # 7 FOLIO # 187 10 DIGIT TAX # 110 208 8452 DEED REF. # 37655/003LL



PLAN DRAWN BY Michael Warner Jr. DATE 12/10/17 SCALE: 1 INCH = 30 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE
 ZONING MAP# 073A3
 SITE ZONED RC50/RC2
 ELECTION DISTRICT 11
 COUNCIL DISTRICT 6
 LOT AREA ACREAGE 0.63
 OR SQUARE FEET 28,180
 HISTORIC? NO
 IN CBCA? YES
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS: PUBLIC ☒ PRIVATE _____
 SEWER IS: PUBLIC ☒ PRIVATE _____
 PRIOR HEARING? 1986-0372-A
 IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

VIOLATION PAGE INFO

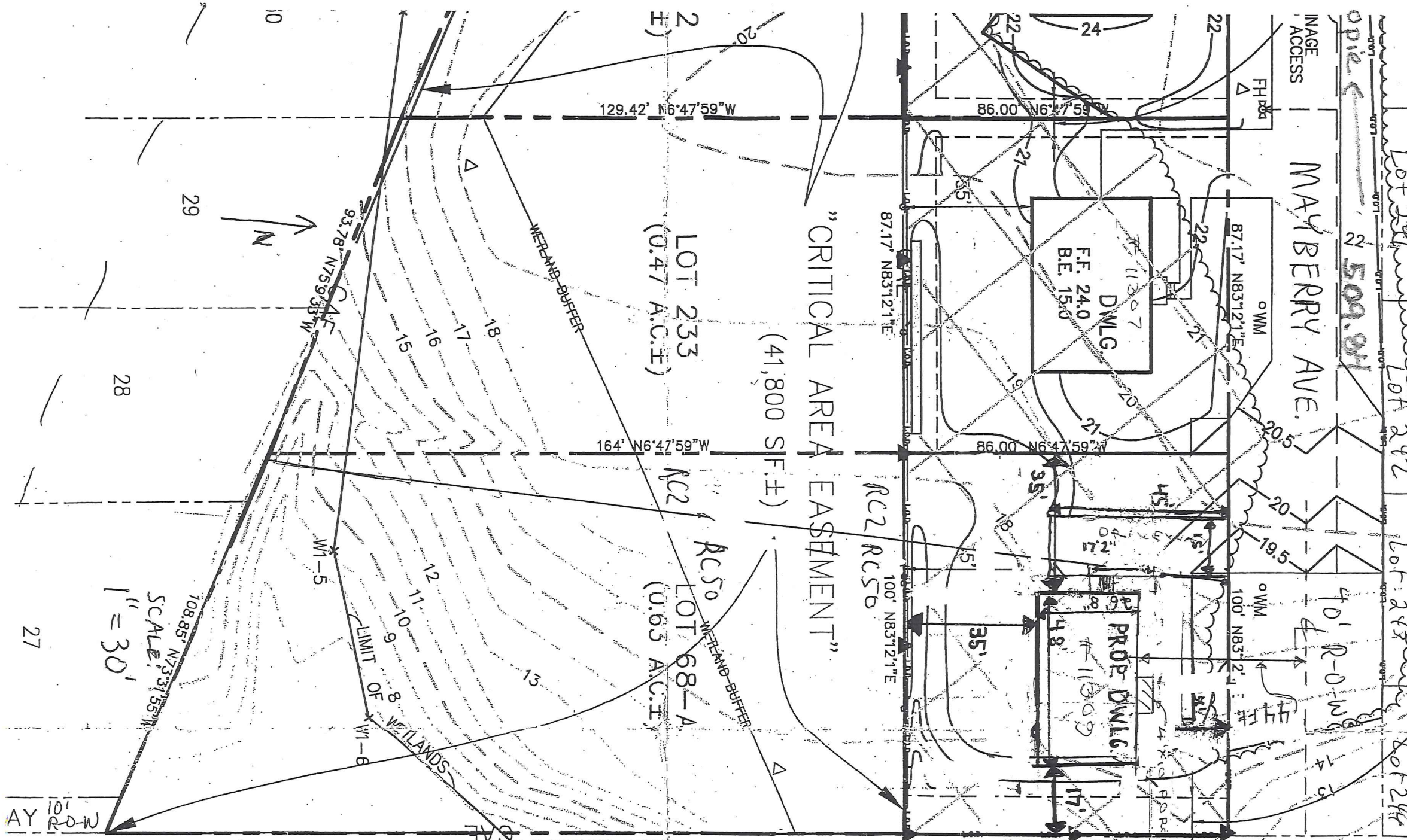
Pet. No. 1

PLAT BOOK # 7 FOLIO # 187 10 DIGIT TAX # 1102084452 DEED REF. # 37655/00311

Opie Road

AND ORDER RESULT BELOW

IMMIGRATION CASE INFO:



PLAN DRAWN BY Michael Warner DATE 12/10/17 SCALE: 1 INCH = 30 FEET