

MEMORANDUM

DATE: April 11, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0177-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on April 9, 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: **PETITIONS FOR SPECIAL HEARING *
AND VARIANCE**

(1035 Cedar Creek Road) *
15th Election District *
7th Council District *

David Lee Harris *
Legal Owner *
Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2018-0177-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of David Lee Harris, legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve a single-family dwelling on an undersized lot in an RC5 zone.

A petition for variance seeks to permit a proposed single family dwelling with a side yard setback of 17 ft. and center line of street setbacks of 69 ft. and 29 ft. in lieu of the required 50 ft., 75 ft. and 75 ft., respectively. A site plan was marked and accepted into evidence as Petitioner's Exhibit 1.

David Lee Harris and professional engineer William Bafitis appeared in support of the requests. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning ("DOP") and the Department of Environmental Protection and Sustainability ("DEPS").

ORDER RECEIVED FOR FILING

Date 3-9-18

By [Signature]

SPECIAL HEARING

As noted above this property is zoned RC-5. The Regulations for that zone contain a unique provision which allows an owner to request a special hearing (rather than a variance) for approval of a building lot which does not satisfy the minimum 1.5 acre lot size. B.C.Z.R. §1A04.3.B.1.b.(1). The proposed site is 11,250 square feet in size which, though it falls short of the RC 5 requirements, would easily satisfy the 6,000 sq. ft. minimum lot size in a DR 5.5 zone. In many cases involving sites such as this in eastern Baltimore County owners and engineers have explained that in reality the pattern and scale of development in these areas equates to a DR 5.5 zone rather than RC-5. In addition, Petitioner also submitted letters of support (Exhibit 2) from several neighbors indicating their support for the request. As such, I do not believe granting the request would have any detrimental impact upon the community.

VARIANCE

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

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

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

These lots were created by a plat recorded long before adoption of the B.C.Z.R. and the property is therefore unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because he would be unable to construct the proposed dwelling. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

ORDER RECEIVED FOR FILING

Date 3-9-18

By EW

THEREFORE, IT IS ORDERED this 9th day of **March, 2018**, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to approve a single-family dwelling on an undersized lot (i.e., 11,250 SF) in lieu of the minimum required 1.5 acres, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to permit a proposed single-family dwelling with side yard setbacks of 17 ft. and center line of street setbacks of 69 ft. and 29 ft. in lieu of the required 50 ft., 75 ft. and 75 ft., respectively, 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 his 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 the Chesapeake Bay Critical Area Regulations.
3. Prior to issuance of permits Petitioner must obtain from the DOP a positive finding the RC-5 performance standards have been satisfied.

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:slm

ORDER RECEIVED FOR FILING

Date 3-9-18

By DW



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 **1035 CEDAR CREEK ROAD**

which is presently zoned **RC-5**

Deed References: **39482/117**

10 Digit Tax Account # **17-00004298**

Property Owner(s) Printed Name(s) **DAVID LEE HARRIS**

(SELECT THE HEARING(S) BY MARKING **X** 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. **X** a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

... should approve a single family dwelling on an undersized lot.

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

3. **X** a **Variance** from Section(s) ... Section 1A04.3.B.2.b – to permit a proposed single family dwelling with a side yard setback of 17 feet and center line of street setbacks of 69 feet and 29 feet in lieu of the required 50 feet, 75 feet and 75 feet, respectively.

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):

DAVID LEE HARRIS

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1967 SUE CREEK DRIVE BALTO. MARYLAND

Mailing Address City State

21221 / 443-570-6807

Zip Code Telephone # Email Address

Representative to be contacted:

WILLIAM N. BAFITIS, P.E.

Name - Type or Print

Signature

1249 ENGLEBERTH ROAD BALTO. MARYLAND

Mailing Address City State

21221 / 410-391-2336

Zip Code Telephone # Email Address

bafitisassoc@comcast.net

CASE NUMBER **2018-0177-SPHA** Filing Date **1, 4, 18**

ORDER RECEIVED FOR FILING

Do Not Schedule Dates: _____

Reviewer **BD**

REV. 10/4/11

Date **3-9-18**

By **ps**



ZONING DESCRIPTION

FOR
#1035 CEDAR CREEK ROAD
BALTIMORE, MARYLAND 21162
7th COUNCILMANIC DISTRICT
15th ELECTION DISTRICT

BEGINNING AT A POINT ON THE EAST SIDE OF CEDAR CREEK ROAD 40' WIDE;
567' +/- NORTHWESTERLY FROM CENTERLINE INTERSECTION OF SILVER LANE 40' WIDE;

THENCE RUNNING ALONG CEDAR CREEK ROAD;

1) NORTH 00°-09'-49" WEST 75.00' TO A POINT;

THENCE LEAVING SAID ROAD THE FOLLOWING TWO COURSES AND DISTANCES:

2) NORTH 89°-50'-11" EAST 150.00' TO A POINT;

3) SOUTH 00°-09'-49" EAST 75.00' TO A POINT; ON THE NORTH SIDE OF
SUE LANE 25' WIDE; (UNIMPROVED)

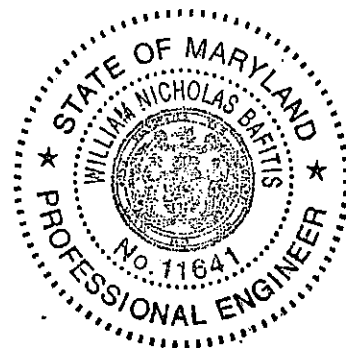
THENCE RUNNING ALONG SAID LANE;

4) SOUTH 89°-50'-11" WEST 150.00' TO THE POINT OF BEGINNING;

CONTAINING: 11,250 S.F. OR 0.258 AC. MORE/LESS

BEING KNOWN AS LOTS 385-387 ON A PLAT ENTITLED "PLAT OF CEDAR BEACH"
RECORDED AMONG THE RECORDS OF BALTIMORE COUNTY, MARYLAND PLAT BOOK 07
FOLIO 186.


WILLIAM N. BAFITIS, P.E. MD. REG. #11641



SEAL

Item #0177



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 5452519

Sold To:

David Lee Harris - CU00639206
1967 Sue Creek Dr
Essex, MD 21221-1929

Bill To:

David Lee Harris - CU00639206
1967 Sue Creek Dr
Essex, MD 21221-1929

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

Feb 15, 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: # 2018-0177-SPHA
1035 Cedar Creek Road
E/s Cedar Creek Road, 567 ft. N/ of centerline of Silver Lane
15th Election District - 7th Councilmanic District
Legal Owner(s) David Lee Harris

Special Hearing to determine whether or not the Administrative Law Judge should approve a single family dwelling on an undersized lot. Variance to permit a proposed single family dwelling with a side yard setback of 17 ft. and centerline of street setbacks of 69 ft. and 29 ft. in lieu of the required 50 ft., 75 ft., and 75 ft., respectively.

Hearing: Thursday, March 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.

2/111 February 15 5452519

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

CERTIFICATE OF POSTING

Date: 02/14/2018

RE: Project Name: Public Hearing
Case Number /PAI Number: 2018-0177-SPHA
Petitioner/Developer: David L. Harris
Date of Hearing/Closing: March 8, 2018

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1035 Cedar Creek Road
Baltimore, MD. 21221

The sign(s) were posted on 02/14/2018

(Month, Day, Year)


(Signature of Sign Poster)

John M. Altmeyer
(Printed Name of Sign Poster)

21722 Orwig Rd.
(Street Address of Sign Poster)

Freeland, MD. 21053
(City, State, Zip Code of Sign Poster)

410-382-6580
(Telephone Number of Sign Poster)





KEVIN KAMENETZ
County Executive

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

February 6, 2018

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15th Election District – 7th Councilmanic District

Legal Owners: David Lee Harris

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A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: David L. Harris, 1967 Sue Creek Drive, Baltimore 21221
William Bafitis, 1249 Engleberth Road, Baltimore 21221

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, FEBRUARY 16, 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.



KEVIN KAMENETZ
County Executive

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

February 6, 2018

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Arnold Jablon
Director

AJ:kl

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TO: PATUXENT PUBLISHING COMPANY
Thursday, February 15, 2018 Issue - Jeffersonian

Please forward billing to:
David Lee Harris
1967 Sue Creek Drive
Baltimore, MD 21221

443-570-6807

NOTICE OF ZONING HEARING

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

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- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
1035 Cedar Creek Road; E/S Cedar Creek * OF ADMINISTRATIVE
Road, 567' N of c/line of Silver Lane * HEARINGS FOR
15th Election & 7th Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): David Lee Harris *
Petitioner(s) *
2018-177-SPHA

* * * * *

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.

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

RECEIVED
JAN 12 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of January, 2018, a copy of the foregoing Entry of Appearance was mailed to William Bafitis, P.E., 1249 Engleberth Road, Baltimore, Maryland 21220, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Case Number: 2018-0177-SPHA

Property Address: 1035 CEDAR CREEK ROAD

Property Description: VACANT LOTS east side Cedar Creek Rd, 567'
north of Silver Lane

Legal Owners (Petitioners): DAVID LEE HARRIS

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVID LEE HARRIS

Company/Firm (if applicable): _____

Address: 1967 SUE CREEK DRIVE
BALTIMORE, MARYLAND 21221

Telephone Number: 443-570-6807

Revised 7/9/2015

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

NO 161176

Date: 1/4/18

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				8150

Total: 8150

Rec.
From:

For: zoning hearing - case # 2018-0177-SPHA

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACCT. JTB
1/6/2018 1/04/2018 10:22:57
FEB 13 2018 WALTON LRB
RECEIPT # 939193 1/04/2018 DELI
S 520 ZONING VERIFICATION
161176
Recpt Tot 8150.00
1170.00 1.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

February 28, 2018

David Lee Harris
1967 Sue Creek Drive
Baltimore MD 21221

RE: Case Number: 2018-0177 SPHA, Address: 1035 Cedar Creek Road

Dear Mr. Harris:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 4, 2018. 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." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
William N Bafitis, P E, 1249 Engleberth Road, Baltimore MD 21221

Date: 1/10/18

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

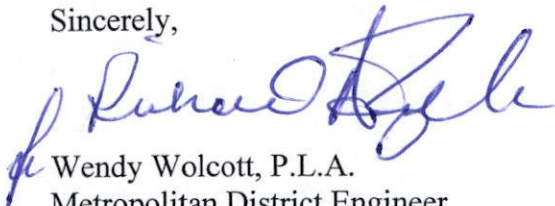
Dear Ms. Lewis:

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.

2018-0177-SPHA
Special Hearing, Variance
David Leetharris
1035 Cedar Creek 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

37-18

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 2/9/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-177



INFORMATION:

Property Address: 1035 Cedar Creek Road
Petitioner: David Lee Harris
Zoning: RC 5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve a single family dwelling on an undersized lot and also the petition for variance to permit a proposed single family dwelling with a side yard setback of 17 feet and center line of street setbacks of 69 feet and 29 feet in lieu of the required 50 feet, 75 feet and 75 feet respectively.

A site visit was conducted on January 11, 2018.

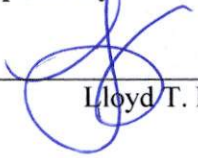
The Department has no objection to granting the petitioned zoning relief.

Please be advised, the petitioners must demonstrate to the satisfaction of the Administrative Law Judge that the proposal satisfies the requirements of BZCR §304.1.

The subject site is subject to the RC 5 performance standards listed in BCZR §1A04.4. Architectural elevations must be submitted to the Department of Planning for review at the time of building permit application.

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

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/ka

c: Krystle Patchak
William N. Bafitis, P.E.
Office of the Administrative Hearings
People's Counsel for Baltimore County

3-7

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 22, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0177-SPHA
Address 1035 Cedar Creek Road
(Harris Property)

Zoning Advisory Committee Meeting of **January 15, 2018.**

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

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

The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. The applicant is proposing to construct a dwelling with street and side-yard setback relief. This is not a waterfront property, but does need to be evaluated to determine if there are any non-tidal wetlands present, and if Critical Area buffers are required. Buffer requirements may require the applicant to request additional setback relief in addition to a possible request for a Critical Area administrative variance. Total Critical Area lot coverage is limited to 25% (2,813 square feet), or a maximum of 31.25% (3,516 square feet), if approved, and with mitigation for the amount over 25%. In addition, the site must meet the 15% forest requirement. If the proposed development meets LDA lot coverage requirements, all forest requirements, and complies with any Critical Area buffer requirements, water quality impacts can be minimized. Lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17). The plans need to show all existing and proposed lot coverage, trees and forest, and any wetlands and buffers.

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

This property is mowed lawn with scattered trees/shrubs that may be on the east/southeast edge areas of the property. The actual presence of any non-tidal wetlands or buffers is unknown at this time, but there are indications of non-tidal wetlands along the southern property border and in the areas east of the property. The applicant must submit a wetland delineation and buffer determination to this office so that buffer requirements can be evaluated. Provided that all Critical Area requirements are met, including avoidance of any wetlands and required buffers, and any other required mitigation is provided as determined by EPS, water quality impacts can be minimized and fish, wildlife, and plant habitat can be conserved. The Critical Area review may require the applicant to request additional road and side-yard setback relief.

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 the proposed dwelling can be consistent with this goal, and the relief requested will be consistent with established land-use policies provided that the applicants can meet the requirements stated above including avoidance of any wetlands or required buffers.

Reviewer: Paul Dennis

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 23, 2018

FROM: *QJD For VKD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 15, 2017
Item No. 2018-0167-A, 0175-A, 0176- SPHA, 0177-SPHA, 0178-A, 0179-A, 0180-SPH and 0181-A

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

*

*

*

*

*

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 2/9/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-177

INFORMATION:

Property Address: 1035 Cedar Creek Road
Petitioner: David Lee Harris
Zoning: RC 5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve a single family dwelling on an undersized lot and also the petition for variance to permit a proposed single family dwelling with a side yard setback of 17 feet and center line of street setbacks of 69 feet and 29 feet in lieu of the required 50 feet, 75 feet and 75 feet respectively.

A site visit was conducted on January 11, 2018.

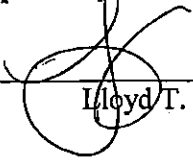
The Department has no objection to granting the petitioned zoning relief.

Please be advised, the petitioners must demonstrate to the satisfaction of the Administrative Law Judge that the proposal satisfies the requirements of BCZR §304.1.

The subject site is subject to the RC 5 performance standards listed in BCZR §1A04.4. Architectural elevations must be submitted to the Department of Planning for review at the time of building permit application.

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

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/ka

c: Krystle Patchak
William N. Bafitis, P.E.
Office of the Administrative Hearings
People's Counsel for Baltimore County

Case No.: 2018-0177-SPHA

Exhibit Sheet

DW 4-11-18
DW 3-9-18

Petitioner/Developer

Protestant

No. 1	Plan	
No. 2	Letters of Support	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

2-24-18

Leo L. & Marlene M. Harris

1033 Cedar Creek Road

Baltimore MD. 21221

Dear Administrative Law Judge,

I am writing you in regards to the property 1035 Cedar Creek Road variance permit request. Case Number: 2018-0177-SPHA. As legal property owners of a joining property line we have NO objections with the permit being granted to build the single-family dwelling.

Respectfully,




Ex-2

2-26-18

Michael & Vicky Shifflet

1034 Cedar Creek Road

Baltimore MD 21221

Dear Administrative Law Judge,

I am writing you in regards to the property 1035 Cedar Creek Road variance permit request. Case Number: 2018-0177-SPHA. As legal property owners of 1034 Cedar Creek Road directly across from 1035 we have NO objections to the variance permit being granted for the single-family dwelling to be built.

Respectfully,

Handwritten signatures of Michael Shifflet and Vicky Shifflet in blue ink. The signature of Michael Shifflet is on the top line, and the signature of Vicky Shifflet is on the bottom line.

2-26-18

Lynda Donald

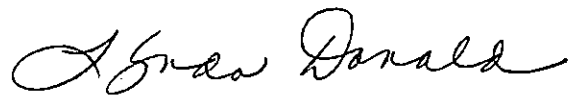
1111 Cedar Creek Road

Baltimore MD 21221

Dear Administrative Law Judge,

I am writing in regards to the property 1035 Cedar Creek Road variance permit request. As a legal property owner on this street of the property Case Number 2018-0177 SPHA, I have NO objections to approval of the single-family home being built.

Respectfully,

A handwritten signature in cursive script that reads "Lynda Donald". The signature is written in black ink and is positioned below the word "Respectfully,".

2-26-18

Rodney & Tina Donald

1107 Cedar Creek Road

Baltimore MD 21221

Dear Administrative Law Judge,

I am writing in regards to the property 1035 Cedar Creek Road variance permit request. As legal property owners next to property Case Number 2018-0177 SPHA, we have NO objections to approval of the single-family home being built. Not only is there a 17.6 ft set back between our properties but also a 25- foot unimproved easement owned by Baltimore County, that has set dormant for over forty years.

Respectfully,

Mr. & Mrs. Rodney Donald

2-24-18

Leo L. & Marlene M. Harris

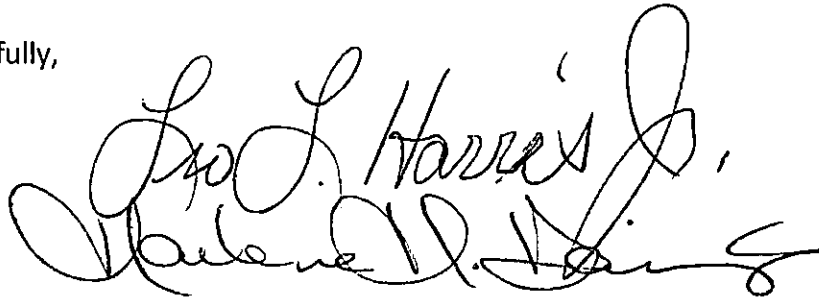
1033 Cedar Creek Road

Baltimore MD. 21221

Dear Administrative Law Judge,

I am writing you in regards to the property 1035 Cedar Creek Road variance permit request. Case Number: 2018-0177-SPHA. As legal property owners of a joining property line we have NO objections with the permit being granted to build the single-family dwelling.

Respectfully,

Handwritten signatures of Leo L. Harris and Marlene M. Harris. The signatures are written in black ink and are cursive. The first signature, "Leo L. Harris", is written above the second signature, "Marlene M. Harris".

CASE NAME

DATE 3-8-18

E - MAIL

[illegible]

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

1/23/18

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

no comment

1/22/18

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

comment

2/9/18

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)no only
w/ comment

1/10/18

STATE HIGHWAY ADMINISTRATION

no only

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 2/15/18

SIGN POSTING Date: 2/14/18

by Altmeier

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

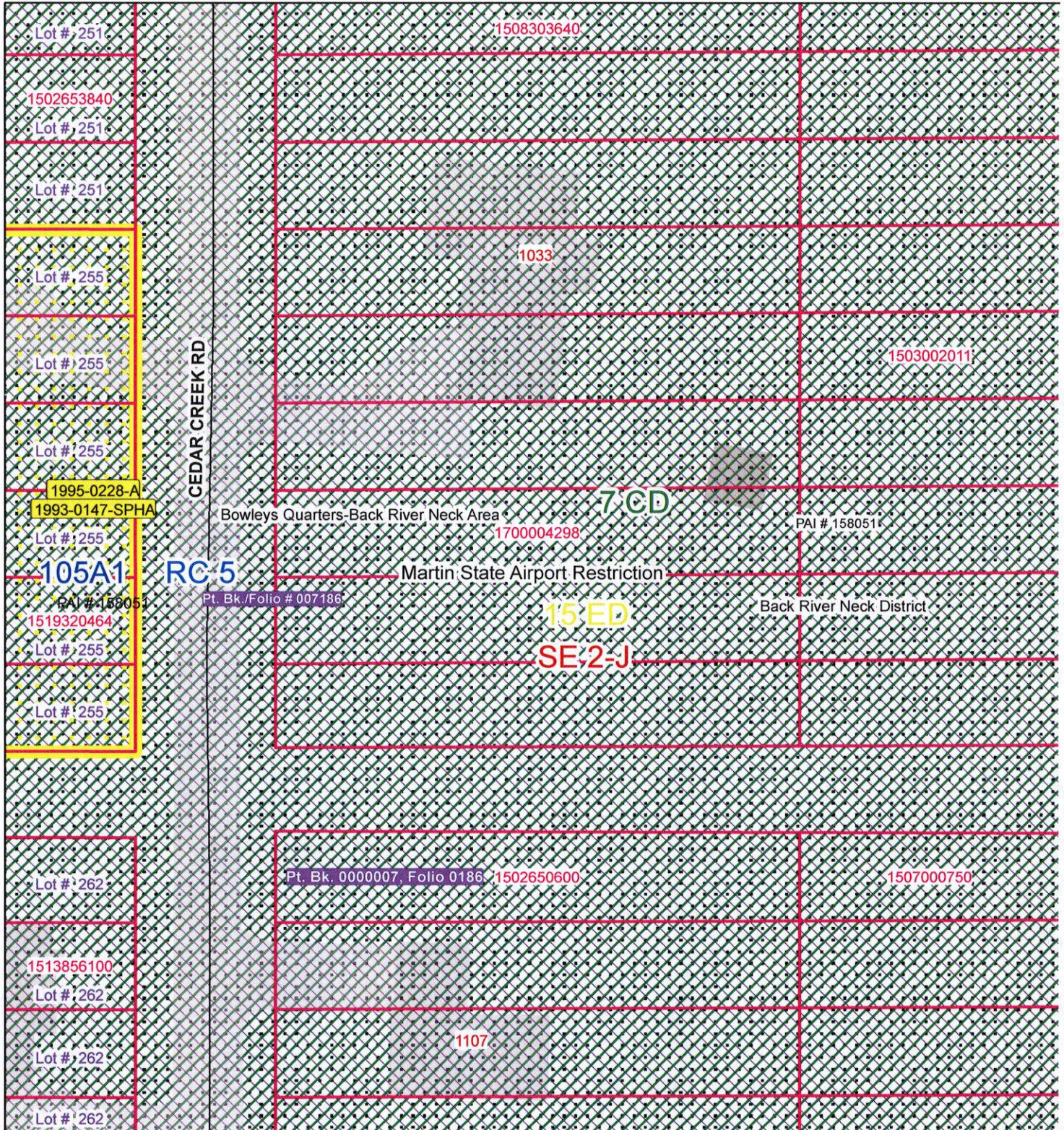
Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1700004298			
Owner Information					
Owner Name:		HARRIS DAVID LEE		Use:	RESIDENTIAL
Mailing Address:		1967 SUE CREEK DR BALTIMORE MD 21221-		Principal Residence:	NO
				Deed Reference:	/39482/ 00117
Location & Structure Information					
Premises Address:		1033 CEDAR CREEK RD BALTIMORE 21221-		Legal Description:	LT 385-392 NE COR SUE LANE CEDAR BEACH
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref: 0007/0186
0105	0001	0171		0000	2018
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
1975		1,519 SF		30,000 SF	
Property Land Area		County Use			
30,000 SF		04			
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	YES	STANDARD UNIT	SIDING	1 full	1 Attached
Last Major Renovation					
Value Information					
Base Value		Value		Phase-in Assessments	
		As of		As of	
		01/01/2018		07/01/2017	
				As of	
				07/01/2018	
Land:	82,700	82,700			
Improvements	94,400	99,200			
Total:	177,100	181,900		177,100	178,700
Preferential Land:	0				0
Transfer Information					
Seller: HARRIS LEO L JR		Date: 10/05/2017		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /39482/ 00117		Deed2:	
Seller: HARRIS LEO L,SR		Date: 01/09/1981		Price: \$30,000	
Type: ARMS LENGTH IMPROVED		Deed1: /06249/ 00790		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 02/01/2012					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application Date:					

Cedar Creek Road



Publication Date: 12/26/2017



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

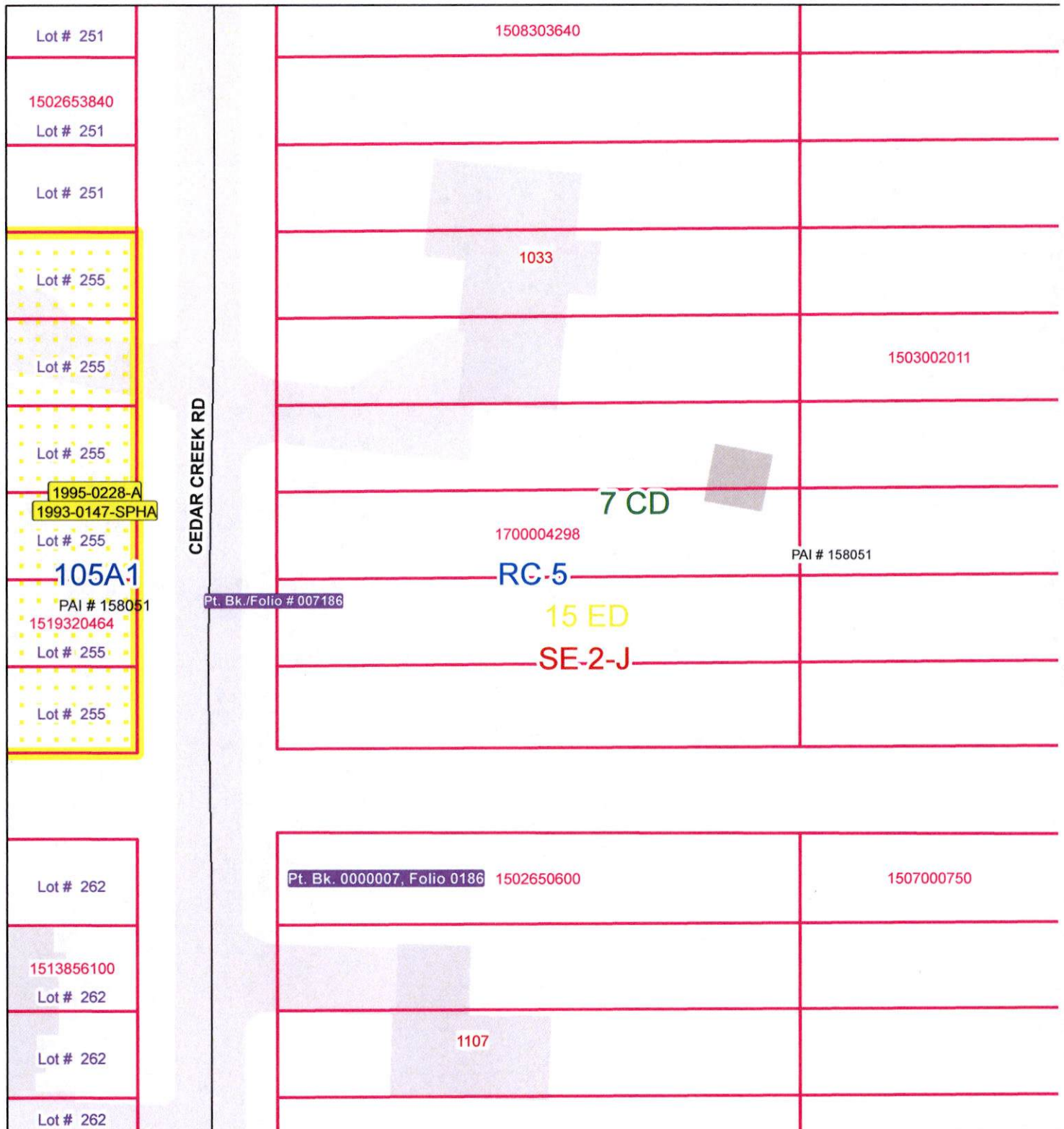


0 10 20 40 60 80 Feet

1 inch = 40 feet

Item #0177

Cedar Creek Road



Publication Date: 12/26/2017



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

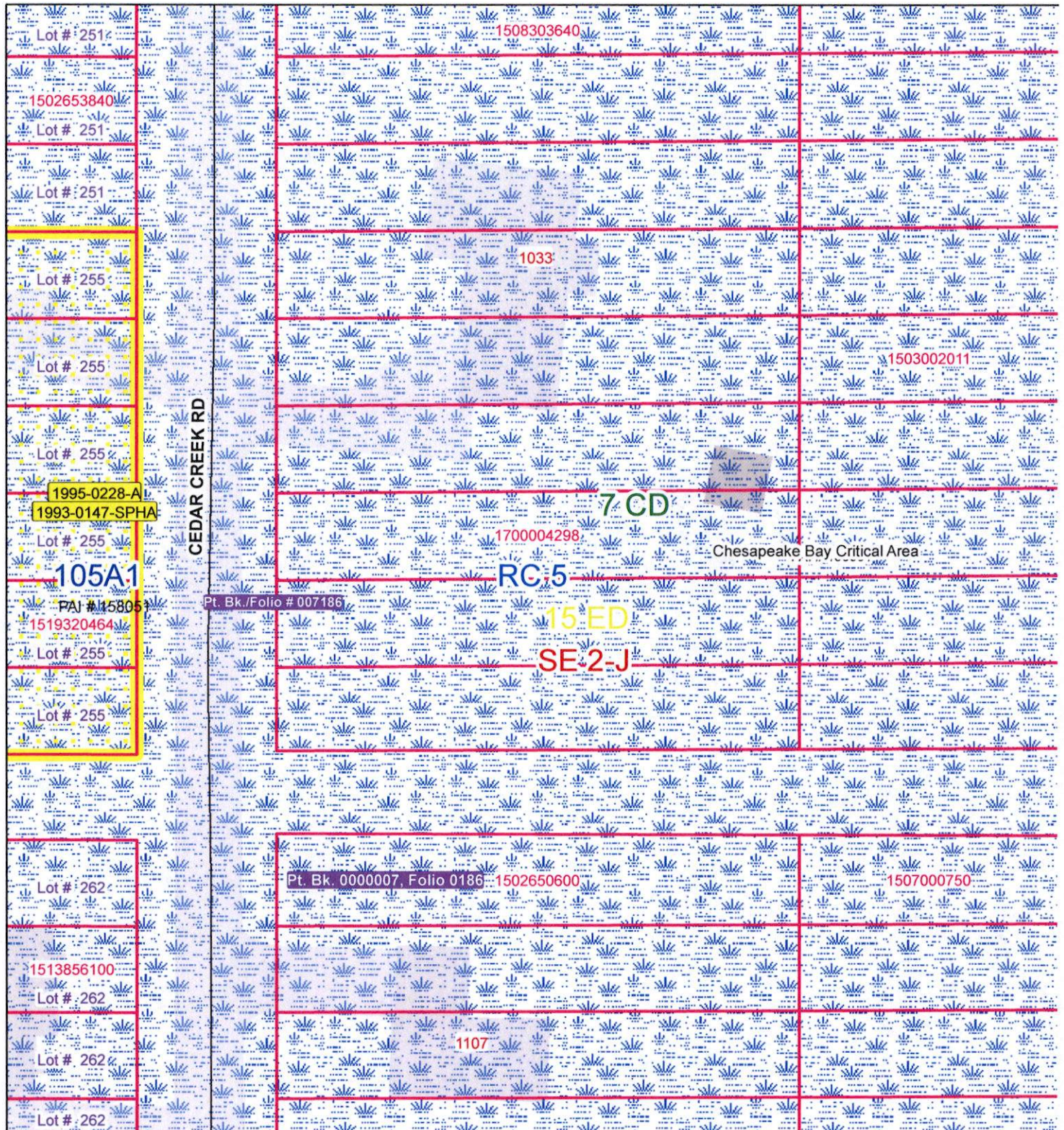


0 10 20 40 60 80 Feet

1 inch = 40 feet

Item #0177

Chesapeake Bay Critical Area



Publication Date: 12/26/2017



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

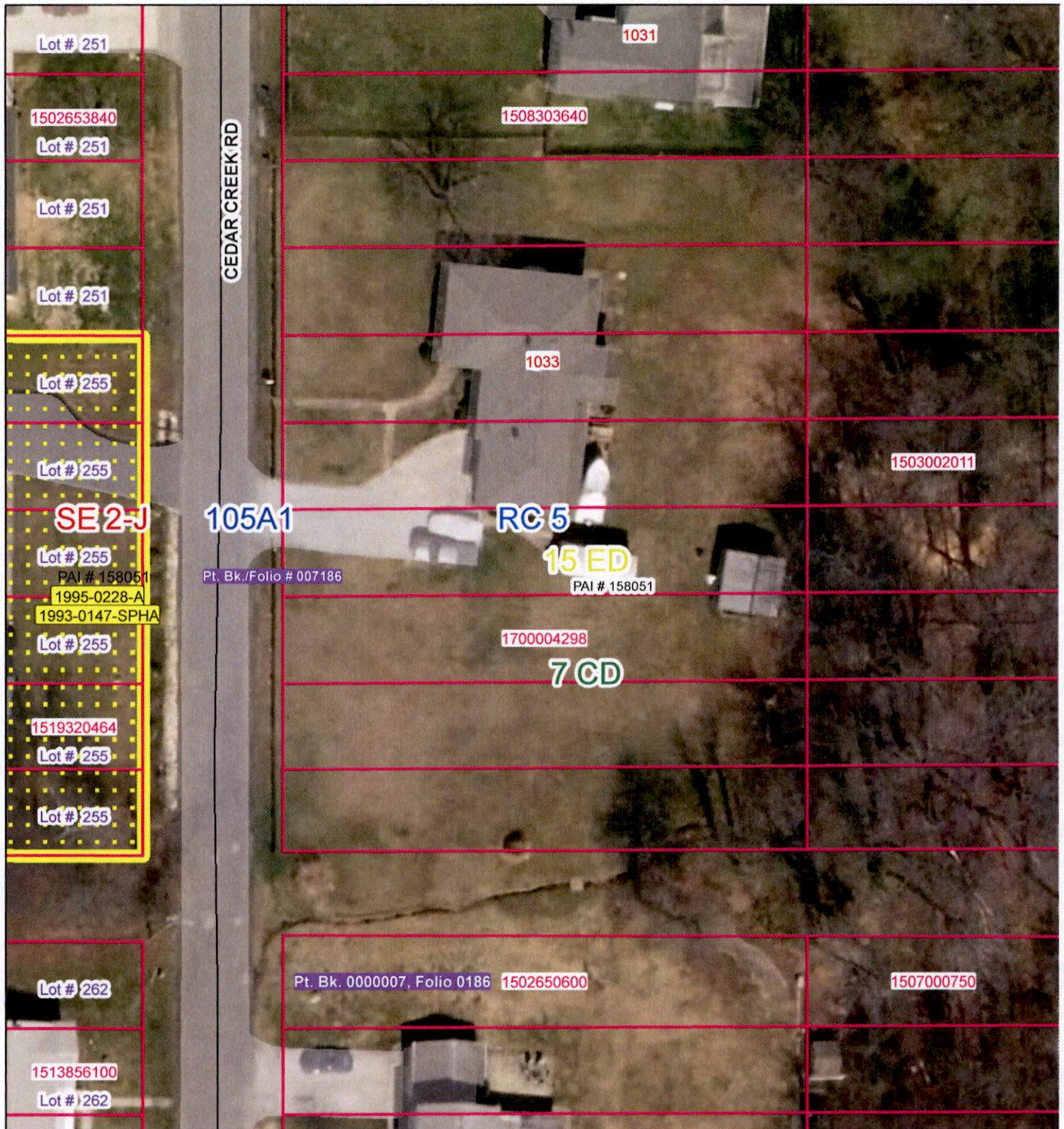


0 10 20 40 60 80 Feet

1 inch = 40 feet

Item #0177

Cedar Creek Road, Tax #17-00-004-298



Publication Date: 1/2/2018



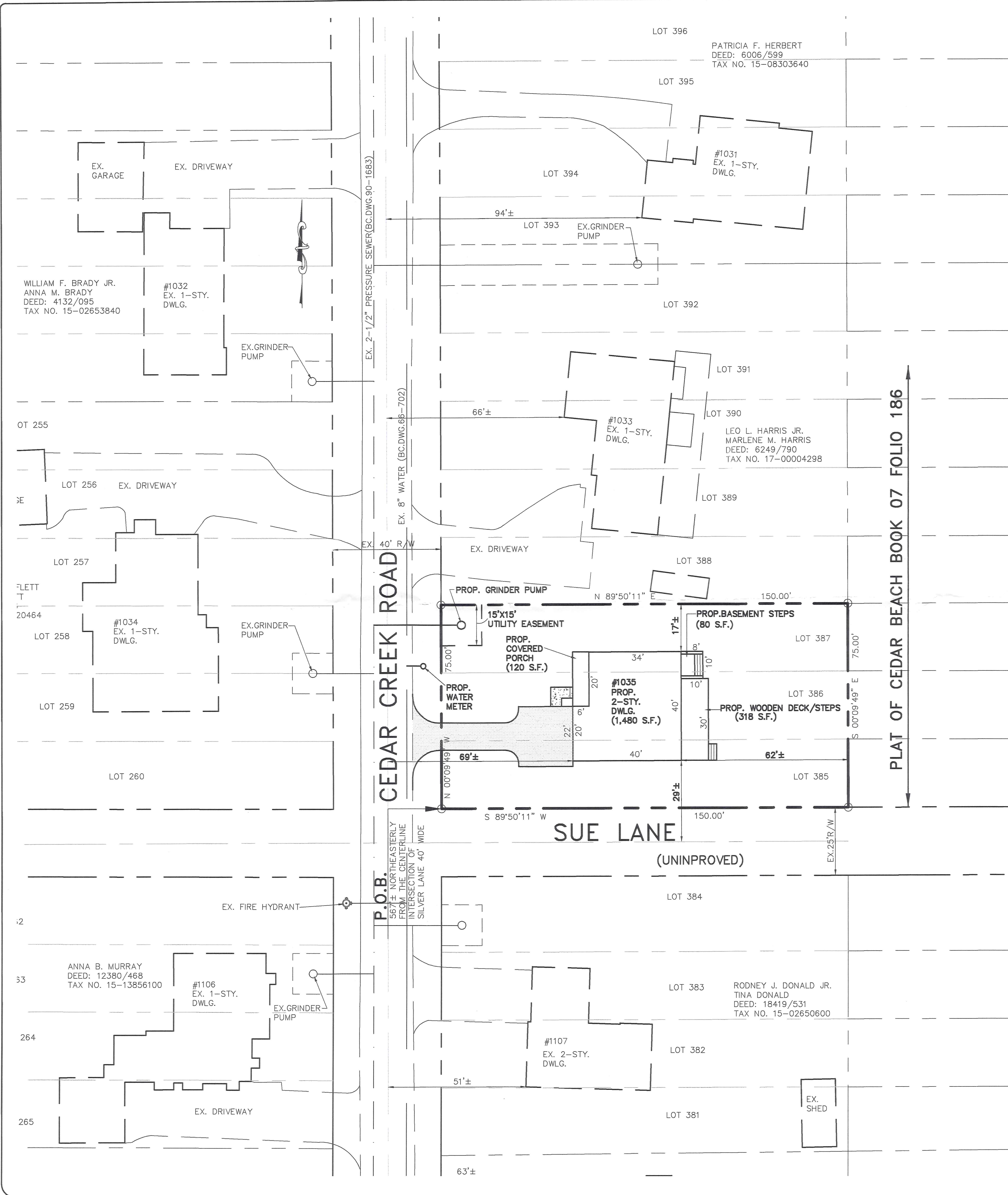
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 10 20 40 60 80 Feet

1 inch = 40 feet

Item #0177



NOTES

- 1. Topography shown hereon was taken from Baltimore County GIS Topography.
- 2. The Firm Insurance Rate Map, 240010-0445 G indicates this is situated within flood Zone X.
- 3. Property lines shown hereon were established by public information.
- 4. This site is situated within the Chesapeake Bay Critical Areas and is classified by land use as Limited Development Area (LDA) (MAP 105).
- 5. There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.
- 6. There are no forest or developed woodlands on this site.
- 7. There are No Tidal & Non-Tidal Wetlands shown on this site.
- 8. There is no significant plant or animal habitat on this site.
- 9. There are no slopes greater than 15% on this site.
- 10. There are no known wells on this site.
- 11. There are no known underground storage tanks or septic systems on this site.
- 12. There are no known potentially hazardous materials on this site as defined by Title 7-Health and Environmental Article, Annotated Code of Maryland, except as noted.
- 13. There are no buildings or property within this site that are included on the Maryland Historical Trust Inventory, The Baltimore County Landmarks List, the National Register of Historic Places, the Maryland Archeological Survey or is a Baltimore County Historical District.
- 14. Public Water and sewer serve this site.
- 15. Caution underground utilities may exist in Cedar Creek Road & onsite, contact Miss Utility (800-257-7777) prior to any construction.
- 16. Proposed dwelling height < 35'.

ZONING HISTORY

THERE ARE NO CASES FOR THIS SITE.

EXISTING LOT COVERAGE

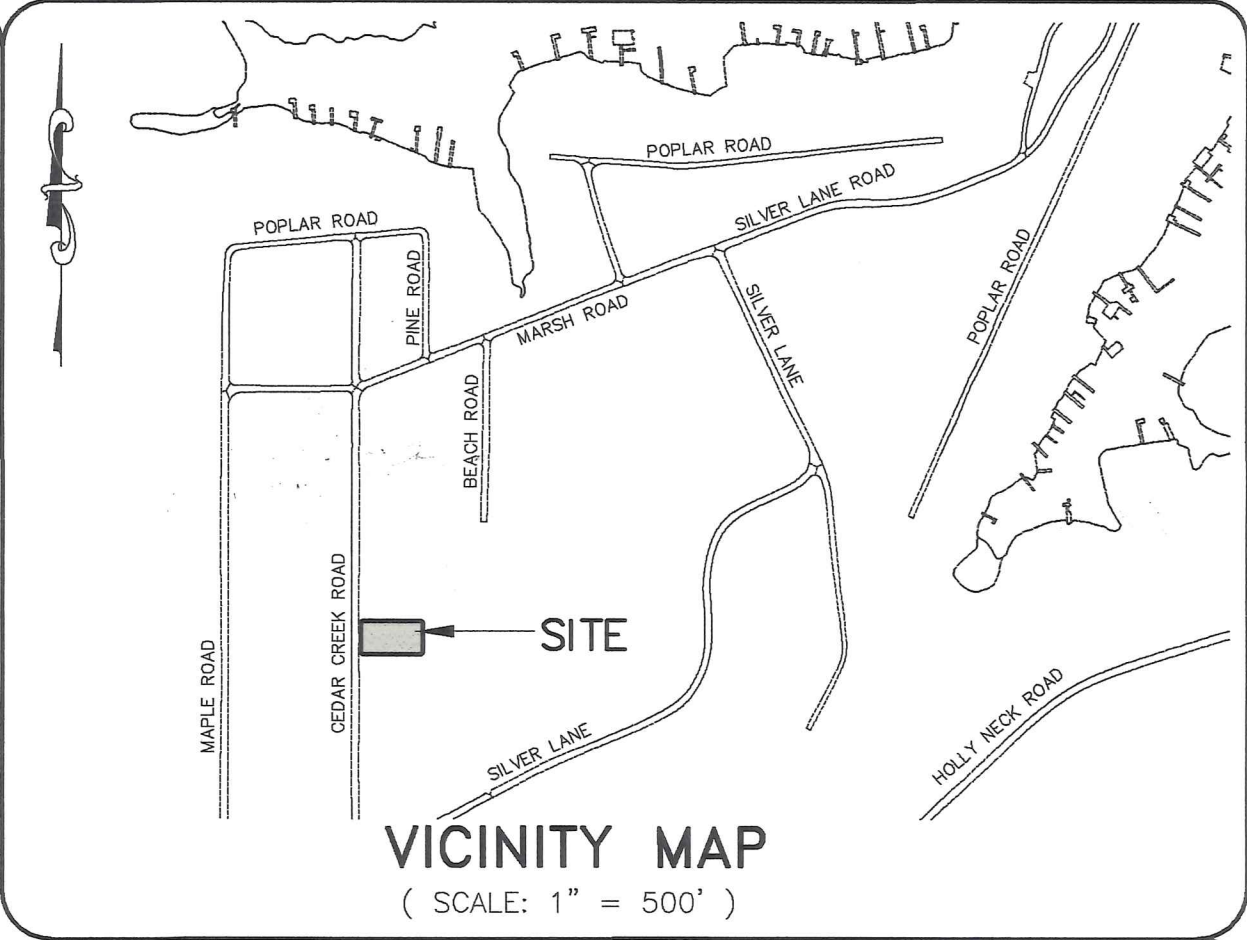
EXISTING SITE IS VACANT

PROPOSED LOT COVERAGE

HOUSE	1,480 S.F.
DRIVEWAY/CONCRETE WALK	780 S.F.
COVERED PORCH	120 S.F.
BASEMENT STEPS	80 S.F.
WOODEN DECK W/STEPS	318 S.F.
TOTAL	2,532 S.F./11,250 S.F. = 0.2250 X 100 = 22.50%

BUILDING COVERAGE

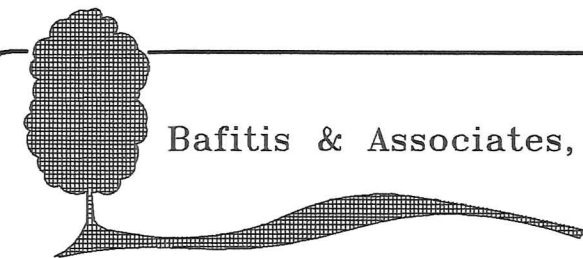
ALLOWED: 15%
PROPOSED: 13.15%



VICINITY MAP
(SCALE: 1" = 500')

SITE DATA

- 1) OWNER: DAVID LEE HARRIS
#1967 SUE CREEK DRIVE
BALTIMORE, MARYLAND 21221
- 2) DEED REF: 39482/117
- 3) TAX ACC. NO.: 17-00004298
- 4) TAX MAP: 105 PARCEL: 171 LOT: 385-387
- 5) PLAT REF: PLAT OF CEDAR BEACH BOOK 07 FOLIO 186
- 6) ELECTION DISTRICT: 15TH
- 7) COUNCILMANIC DISTRICT: 7TH
- 8) REGIONAL PLANNING DISTRICT: 328
- 9) CENSUS TRACT: 4510
- 10) ZONING: RC 5
- 11) ZONING MAP: 105A1
- 12) USE: EXISTING: RESIDENTIAL, VACANT
PROPOSED: TWO STORY DWELLING
- 13) SITE AREA: 11,250 S.F. OR 0.258 AC.



Bafitis & Associates, Inc.

William N. Bafitis, P.E.
PRESIDENT

Civil Engineers/Land Planners
SURVEYORS

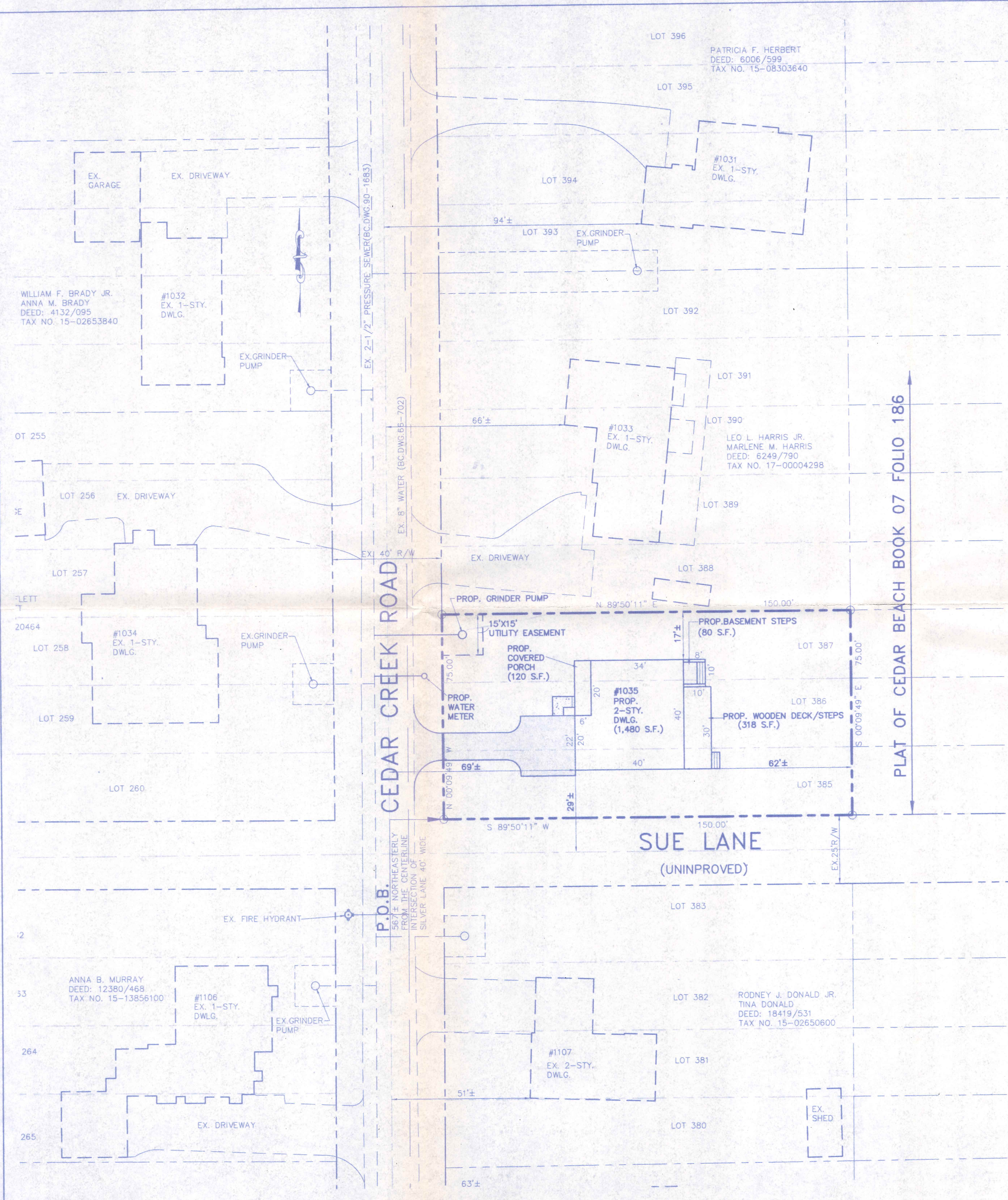
1249 Engleberth Rd. Baltimore, MD 21221

(410) 391-2336

PLAN TO ACCOMPANY
PETITION FOR ZONING VARIANCE
& SPECIAL HEARING
FOR
#1035 CEDAR CREEK ROAD

15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

	SCALE:	1" = 20'
	JOB ORDER NO:	21725
	DATE:	01/03/18
	CHECKED:	W.N.B.
	DRAWN:	N.W.B.
SHEET 1 OF 1		
NO.	REVISIONS	DATE



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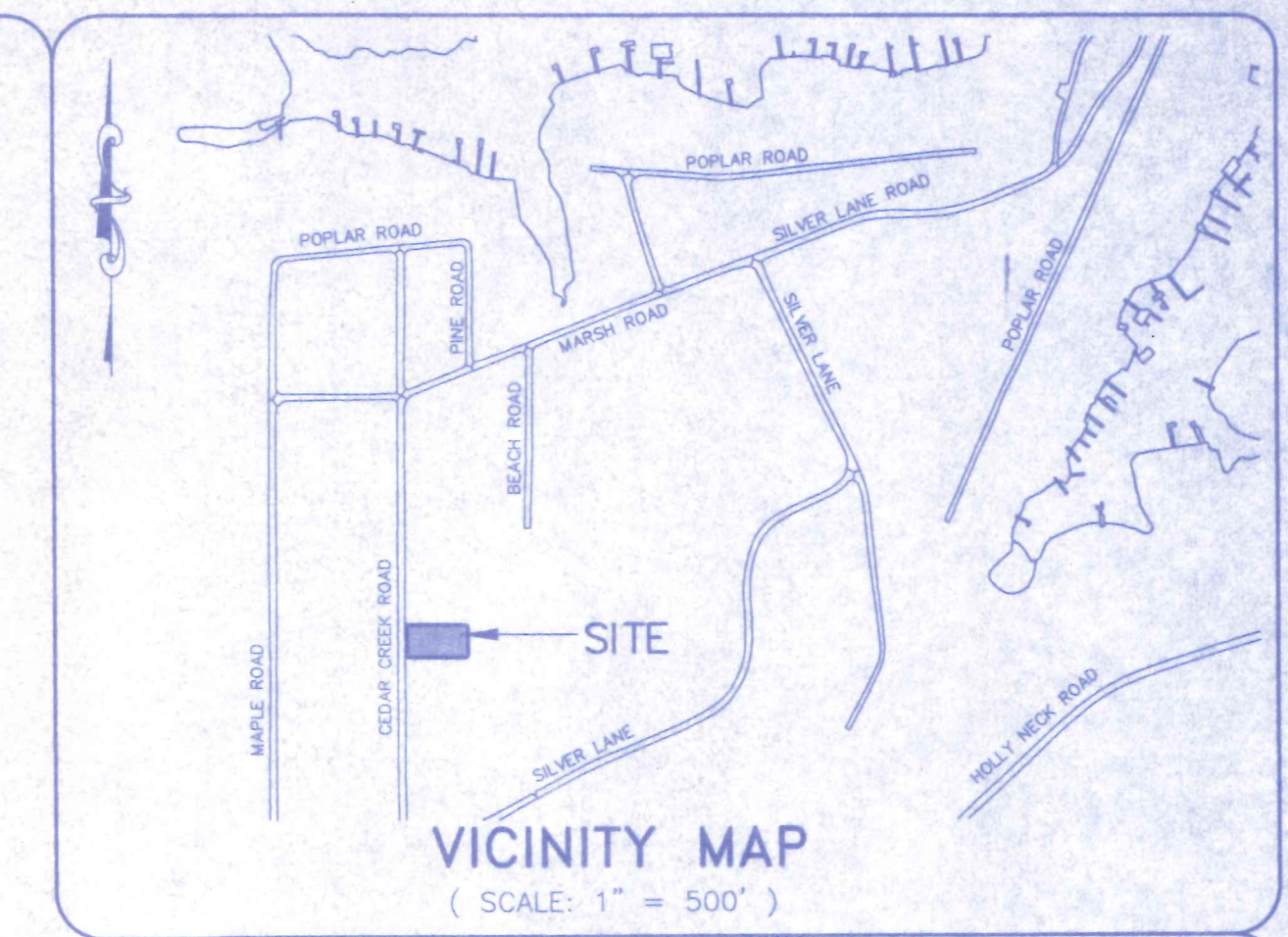
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#2018-0177-SPHA
RDJ

		William N. Bafitis, P.E. PRESIDENT	
1249 Engleberth Rd. Baltimore, MD 21221		Civil Engineers/Land Planners SURVEYORS	
(410) 391-2336			
PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE & SPECIAL HEARING FOR #1035 CEDAR CREEK ROAD 15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND			
	1	SCALE:	1" = 20'
		JOB ORDER NO:	21725
WILLIAM N. BAFITIS, P.E. Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 11641 Expiration Date: 09/09/2019	SHEET 1 OF 1	DATE:	01/03/18
		CHECKED:	W.N.B.
		DRAWN:	N.W.B.
NO.	REVISIONS	DATE	