

MEMORANDUM

DATE: April 11, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0182-A – 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: PETITION FOR VARIANCE

(2025 River Road)

15th Election District

7th Council District

Alice Lambert, Personal Representative

Legal Owner

Taylor Lambert

Contract Purchaser

Petitioners

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0182-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Alice Lambert (Personal Representative for Candie Maxwell), legal owner of the subject property and Taylor Lambert, contract purchaser (“Petitioners”). The Petition seeks variance relief from §§1A04.3.B.2.b and 1A03.3.B.3 of the Baltimore County Zoning Regulations (“BCZR”) to permit a proposed dwelling with side yard setbacks of 19 ft. and a rear yard setback of 43 ft. in lieu of the required 50 ft., and to permit a front street setback of 35 ft. to the centerline in lieu of the required 75 ft. and to permit 30% lot coverage in lieu of the maximum 15%. A site plan was marked as Petitioners’ Exhibit 1.

Alice Lambert and Taylor Lampert 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 BCZR. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability (DEPS) and the Department of Planning (DOP).

The subject property is 12,708 square feet in size and zoned RC-5. The property is improved with a single-family dwelling constructed in 1947 and is shown on the plat of Cedar Beach, recorded in 1942. Petitioners propose to raze the existing dwelling (which is in poor

ORDER RECEIVED FOR FILING

Date 3-9-18

By DW

condition) and construct a new single-family dwelling on the property. Given the substantial setback requirements in the RC 5 zone variance relief is required.

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 has irregular dimensions and is therefore unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct the proposed dwelling. Finally, I find that the variances 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. This is demonstrated by the absence of Baltimore County and/or community opposition.

While the petition seeks approval for 30% lot coverage in lieu of the permitted 15%, in reality (as discussed at the hearing) it is likely that only between 20-25% of the lot would be "covered by buildings" per BCZR §1A04.3.B.3. The coverage permitted by the aforementioned regulation is calculated differently than the "lot coverage" restrictions in the Critical Area regulations. Even so, the relief will be granted as requested to eliminate any potential discrepancies that might arise. In addition, while it is arguably not required (since this lot was "created" 75 years ago), relief will be granted to permit a lot size of 12,708 SF in lieu of the 1.5 acre minimum lot size in the RC-5 zone. BCZR §1A04.3.B.1.

THEREFORE, IT IS ORDERED, this 9th day of **March, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from

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Date 3-9-18

By AW

§§1A04.3.B.2.b and 1A03.3.B.3 of the Baltimore County Zoning Regulations ("BCZR") to permit a proposed dwelling with side setbacks of 19 ft. and a rear yard setback of 43 ft. in lieu of the required 50 ft., front street setback of 35 ft. to the centerline in lieu of the required 75 ft., 30% lot coverage in lieu of the maximum 15%, and a lot size of 12,708 SF in lieu of the required 1.5 acres, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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



PETITION FOR ZONING HEARING(S)

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

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

Address 2025 River Rd which is presently zoned RC 5
 Deed References: 15824/00256 10 Digit Tax Account # 2100013271
 Property Owner(s) Printed Name(s) Alice Lambert (P.R.) Candie Maxwell

(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. 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. X a Variance from Section(s)

SBB Attached

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)

Practical difficulty

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:

Taylor Lambert
 Name- Type or Print
Taylor Lambert
 Signature
2229 Holly Neck Rd, Baltimore, MD
 Mailing Address City State
21221, 443-824-5500,
 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):

Alice Lambert /
 Name #1 - Type or Print Name #2 - Type or Print
Alice Lambert /
 Signature #1 Signature #2
2229 Holly Neck Rd, Baltimore, MD
 Mailing Address City State
21221, 410-608-5809,
 Zip Code Telephone # Email Address

Representative to be contacted:

Alice Lambert
 Name - Type or Print
Alice Lambert
 Signature
2229 Holly Neck Rd Baltimore 21221
 Mailing Address City State
21221 410-608-5809 alice.lambert@gmail.com
 Zip Code Telephone # Email Address

CASE NUMBER 2018-0182-A Filing Date 1/8/18 Do Not Schedule Dates: Reviewer gh

2018-0182-A

Variance from sections: 1A04.3.B.2.b & 1A03.3.B.3

To permit a proposed dwelling with a side set back of 19 feet for both sides and a rear yard setback of 43 feet in lieu of the required 50 feet and to permit a front street set back of ~~35~~ 35 feet to the centerline in lieu of the required 75 feet and to permit 30% lot coverage in lieu of the maximum 15%.

The Zoning Petition Property Description

PART A

Zoning Property Description for 2025 River Road, Baltimore, MD, 21221

Beginning at a point on the West side of River Road which is 30 feet wide in right of way at a distance of 50 feet north of the centerline of the nearest improved intersecting street Silver Lane which is 30 feet wide.

PART B

Being Lot# (6D and 7D), Block (N/A), Section (N/A) in the subdivision of (Cedar Beach) as recorded in Baltimore County Plat Book# (13), Folio# (59), containing (.2917 acres of lot). Located in the (15) Election District and (7) Council District.

2018-0182-A

PLEASE RETURN TO:
John W. Browning
Royston, Mueller, McLean & Reid, LLP
102 West Pennsylvania Avenue
Towson, Maryland 21204
File No. 21,997

TAX ID NUMBER: 21-00-013271

I HEREBY CERTIFY, that this instrument was prepared by an attorney admitted to practice before the Court of Appeals for the State of Maryland.


John W. Browning, Attorney

THIS DEED is made this 27th day of November, 2001, by and between CANDIE MAXWELL, a/k/a CANDIS MAXWELL, a/k/a CANDY MAXWELL and BETTY LOU WEBER, her mother, ("Grantors"), and CANDIE MAXWELL ("Grantee").

WITNESSETH that in consideration of the love and affection of a mother for her daughter, and no other consideration, which is exempt transfer pursuant to Section 12-108(c) of the Tax Property Article of the Annotated Code of Maryland, as amended, the Grantors hereby grant and convey to the Grantee, her personal representatives and assigns, for and during the term of her natural life, with the powers hereinafter fully set out, and with the remainder over as hereinafter provided, in fee simple, all that lot of ground situate in Baltimore County, Maryland, and described as follows, that is to say (hereinafter the "Property"):

BEGINNING FOR THE SAME and being known and designated as Lots 6D and 7D, Subdivision Plat No. 3, which Plat is entitled "Cedar Beach", and is recorded among the Land Records of Baltimore County in Plat Book C.H.K. No. 13, folio 59.

The improvements thereon being known as No. 2025 River Road.

BEING the same property which by Deed dated May 5, 1992, and recorded among the Land Records of Baltimore County in Liber S.M. No. 9214, folio 10, was granted and conveyed by Robert G. Lembach, Trustee, to Candie Maxwell, a/k/a Candis Maxwell, a/k/a Candy Maxwell and Betty Lou Weber, the Grantors herein.

TOGETHER WITH the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises unto and to the use and benefit of the said Grantee, her personal representatives and assigns, for and during the term of her natural life with full power to sell, mortgage, lease or otherwise dispose of said lot of ground (but without the power to devise) and any and all interest therein both life estate and remainder, and to use and consume the proceeds of sale, mortgage, lease or other disposition for their own use, without obligation on the part of the purchasers, mortgages or leases to see proper

2018-0182-A



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 5452455

Sold To:

Taylor Lambers - CU00639198
2229 Holly Neck Rd
Essex, MD 21221-2025

Bill To:

Taylor Lambers - CU00639198
2229 Holly Neck Rd
Essex, MD 21221-2025

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: # 2018-0182-A
2025 River Road
W/s River Road, North 50 ft. to the centerline of Silver Lane

Legal Owner Alice Lambert
Contract Purchaser/Lessee Taylor Lambert

Variance: to permit a proposed dwelling with a side setback of 19 ft. for both sides and a rear yard setback of 43 ft. in lieu of the required 50 ft. and to permit a front street setback of 50 ft. to the centerline in lieu of the required 75 ft., and to permit 30% lot coverage in lieu of the maximum 15%

Hearing: Thursday, March 8, 2018 at 2:30 p.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.

2/109 February 15 5452455

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

CERTIFICATE OF POSTING

CASE NO. 2018-0182-A

PETITIONER/DEVELOPER

ALICE LAMBERT

TAYLOR LAMBERT

DATE OF HEARING/CLOSING

3/8/18

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

2025 RIVER ROAD

THIS SIGN(S) POSTED ON

February 14, 2018

(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 2/14/18

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

2/14/18 *2/14/18*

ZONING

NOTICE

CASE # 2018-0182-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: Room 205, Jefferson Building
105 W. Chesapeake Ave, Towson MD 21204

DATE AND TIME: THURSDAY MARCH 8, 2018 AT 2:30 P.M.

REQUEST: VARIANCE TO PERMIT A PROPOSED DWELLING WITH A
SIDE SETBACK OF 4 FT. FOR BOTH SIDES AND A REAR YARD SETBACK
OF 43 FT. IN LIEU OF THE REQUIRED 50 FT. AND TO PERMIT A FRONT
STREET SETBACK OF 35 FT. TO THE CENTERLINE IN LIEU OF
THE REQUIRED 75 FT. AND TO PERMIT 30% LOT COVERAGE IN
LIEU OF THE MAXIMUM 15%.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 867-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL ORDERED BY THE TOWSON ZONING COMMISSIONER.
HANDICAPPED ACCESSIBLE



KEVIN KAMENETZ
County Executive

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

February 6, 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 NUMBER: 2018-0182-A

2025 River Road

W/s River Road, North 50 ft. to the centerline of Silver Lane

Legal Owner: Alice Lambert

Contract Purchaser/Lessee: Taylor Lambert

Variance to permit a proposed dwelling with a side setback of 19 ft. for both sides and a rear yard setback of 43 ft. in lieu of the required 50 ft., and to permit a front street setback of 50 ft. to the centerline in lieu of the required 75 ft., and to permit 30% lot coverage in lieu of the maximum 15%.

Hearing: Thursday, March 8, 2018 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Alice Lambert, Taylor Lambert, 2229 Holly Neck 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.

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

Please forward billing to:
Taylor Lambert
2229 Holly Neck Road
Baltimore, MD 21221

443-825-5500

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: 2018-0182-A

2025 River Road

W/s River Road, North 50 ft. to the centerline of Silver Lane

Legal Owner: Alice Lambert

Contract Purchaser/Lessee: Taylor Lambert

Variance to permit a proposed dwelling with a side setback of 19 ft. for both sides and a rear yard setback of 43 ft. in lieu of the required 50 ft., and to permit a front street setback of 50 ft. to the centerline in lieu of the required 75 ft., and to permit 30% lot coverage in lieu of the maximum 15%.

Hearing: Thursday, March 8, 2018 at 2:30 p.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
2025 River Road; W/S River Road, N 50' to
c/line of Silver Lane
15th Election & 7th Councilmanic Districts
Legal Owner(s): Alice Lambert
Contract Purchaser(s): Taylor Lambert
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2018-182-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
JAN 25 2018

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 25th day of January, 2018, a copy of the foregoing Entry of Appearance was mailed to Alice Lambert, 2229 Holly Neck Road, Baltimore, Maryland 21221, 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/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: 2018-0182-A

Property Address: 2025 River Rd

Property Description: _____

Legal Owners (Petitioners): _____

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Taylor Lambert

Company/Firm (if applicable): _____

Address: 2229 Holley Neck Rd 21221

Telephone Number: 443-825-5500

16-1180

Date:

1/12/18

RECEIVED

BUSINESS ACTING TIME IN

1/16/2019 1:09:20 PM

061 11127, 061111 JE

MANUSCRIPT # 041710 1-03-2015

Ref: 65-526 DURING VERIFICATION

保良局

Rec'd Tot 45.00

1.00 01 175.00 02

Baltimore County, Md / Land

[illegible]

Total:

75.00

Rec
From:

Taylor Lambert

For:

Variano - Case # 2018-0182 A

2075 River Rd

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

February 28, 2018

Alice Lambert
2229 Holly Neck Road
Baltimore MD 21221

RE: Case Number: 2018-0182 A, Address: 2025 River Road

Dear Ms. Lambert:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 8, 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 dark ink, reading "W. Carl Richards, Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Taylor Lambert, 2229 Holly Neck Road, Baltimore MD 21221

Date: 1/16/18

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. 2018-0182-A

*Variance
Alice Lambert
2025 River 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

3-8

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: February 28, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0182-A
Address 2025 River Road
(Lambert Property)

Zoning Advisory Committee Meeting of **February 26, 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. Based on the plan, Critical Area law limits the total lot coverage on the property to 25% (3,177 square feet), or a maximum of 31.25% (3,971 square feet) with mitigation for the amount allowed over 25%. The dwelling (approximately 2,900 square feet) is the only lot coverage indicated on the plan. All future plans must show all lot coverage proposed to be on the site (a driveway, walks, patios, sheds, etc.) In addition, the site must meet the 15% forest requirement. If the LDA lot coverage and forest requirements can be met, the proposed development with the Zoning relief requested can minimize water quality impacts. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).

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

The property is not waterfront and there are no habitat protection areas on site. Development must meet Critical Area lot coverage, forest/tree requirements, and any mitigation requirements. Therefore, fish, plant, and wildlife habitat in the Chesapeake Bay watershed can be conserved if all Critical Area requirements are met.

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 develop the site can be consistent with this goal if development can comply with all Critical Area requirements.

Reviewer: Paul Dennis

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 # 2018-0182-A
Address 2025 River Road
(Lambert Property)

Zoning Advisory Committee Meeting of **January 22, 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. Based on the plan, Critical Area law limits the total lot coverage on the property to 25% (3,177 square feet), or a maximum of 31.25% (3,971 square feet) with mitigation for the amount allowed over 25%. The dwelling (approximately 2,900 square feet) is the only lot coverage indicated on the plan. All future plans must show all lot coverage proposed to be on the site (a driveway, walks, patios, sheds, etc.) In addition, the site must meet the 15% forest requirement. If the LDA lot coverage and forest requirements can be met, the proposed development with the Zoning relief requested can minimize water quality impacts. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).

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

The property is not waterfront and there are no habitat protection areas on site. Development must meet Critical Area lot coverage, forest/tree requirements, and any mitigation requirements. Therefore, fish, plant, and wildlife habitat in the Chesapeake Bay watershed can be conserved if all Critical Area requirements are met.

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 develop the site can be consistent with this goal if development can comply with all Critical Area requirements.

Reviewer: Paul Dennis

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: 18-182 (corrected)

DATE: 2/26/2018

INFORMATION:

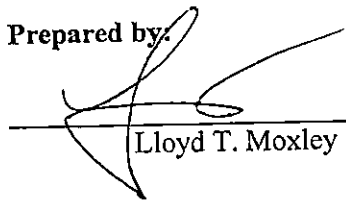
Property Address: 2025 River Road
Petitioner: Alice Lambert
Zoning: RC 5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to approve a proposed single family dwelling having a property line setback of 19 feet on each side, a property line setback in the rear of 43 feet, a street setback of 35 feet to the centerline and a lot coverage of 30% in lieu of the required 50' property line setback on all sides, 75' street setback to the centerline and 15% maximum coverage respectively.

The Department remains consistent with its January 26, 2018 zoning advisory comment and has no objection to granting the petitioned zoning relief.

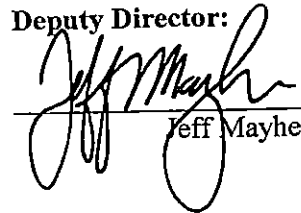
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Krystle Patchak
Alice Lambert
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

DATE: March 07, 2018

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 19, 2018
Item No. 2018-0182-A, 0205-A, 0206-X, 0207-XA, 0208-XA, 0209-A, 0210-A and 0211-X.

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: 2/26/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-182 (corrected)



INFORMATION:

Property Address: 2025 River Road
Petitioner: Alice Lambert
Zoning: RC 5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to approve a proposed single family dwelling having a property line setback of 19 feet on each side, a property line setback in the rear of 43 feet, a street setback of 35 feet to the centerline and a lot coverage of 30% in lieu of the required 50' property line setback on all sides, 75' street setback to the centerline and 15% maximum coverage respectively.

The Department remains consistent with its January 26, 2018 zoning advisory comment and has no objection to granting the petitioned zoning relief.

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/

c: Krystle Patchak
Alice Lambert
Office of the Administrative Hearings
People's Counsel for Baltimore County

3-8-18

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: 18-182



INFORMATION:

Property Address: 2025 River Road
Petitioner: Alice Lambert
Zoning: RC 5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to approve a proposed single family dwelling having a property line setback of 19 feet on each side, a property line setback in the rear of 43 feet, a street setback of 50 feet to the centerline and a lot coverage of 30% in lieu of the required 50' property line setback on all sides, 75' street setback to the centerline and 15% maximum coverage respectively.

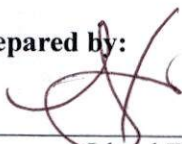
A site visit was conducted on January 19, 2018. Lots similarly improved exhibiting similar setbacks are not uncommon in the neighborhood.

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

Please be advised this site is subject to the RC 5 Performance Standards as listed in Section 1A04.4 of the BCZR. Architectural elevations must be submitted to the Department for review at 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
Alice Lambert
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

DATE: January 29, 2018

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 22, 2018
Item No. 2018-0182-A, 0183-A, 0186-A and 0187-A

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

* * * * *

VKD: cen
cc: file

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: 18-182

INFORMATION:

Property Address: 2025 River Road
Petitioner: Alice Lambert
Zoning: RC 5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to approve a proposed single family dwelling having a property line setback of 19 feet on each side, a property line setback in the rear of 43 feet, a street setback of 50 feet to the centerline and a lot coverage of 30% in lieu of the required 50' property line setback on all sides, 75' street setback to the centerline and 15% maximum coverage respectively.

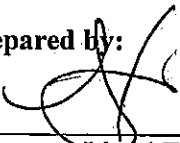
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The Department has no objection to granting the petitioned zoning relief.

Please be advised this site is subject to the RC 5 Performance Standards as listed in Section 1A04.4 of the BCZR. Architectural elevations must be submitted to the Department for review at 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
Alice Lambert
Office of the Administrative Hearings
People's Counsel for Baltimore County

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 # 2018-0182-A
Address 2025 River Road
(Lambert Property)

Zoning Advisory Committee Meeting of **January 22, 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. Based on the plan, Critical Area law limits the total lot coverage on the property to 25% (3,177 square feet), or a maximum of 31.25% (3,971 square feet) with mitigation for the amount allowed over 25%. The dwelling (approximately 2,900 square feet) is the only lot coverage indicated on the plan. All future plans must show all lot coverage proposed to be on the site (a driveway, walks, patios, sheds, etc.) In addition, the site must meet the 15% forest requirement. If the LDA lot coverage and forest requirements can be met, the proposed development with the Zoning relief requested can minimize water quality impacts. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).

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

The property is not waterfront and there are no habitat protection areas on site. Development must meet Critical Area lot coverage, forest/tree requirements, and any mitigation requirements. Therefore, fish, plant, and wildlife habitat in the Chesapeake Bay watershed can be conserved if all Critical Area requirements are met.

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 develop the site can be consistent with this goal if development can comply with all Critical Area requirements.

Reviewer: Paul Dennis

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: February 28, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0182-A
Address 2025 River Road
(Lambert Property)

Zoning Advisory Committee Meeting of **February 26, 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. Based on the plan, Critical Area law limits the total lot coverage on the property to 25% (3,177 square feet), or a maximum of 31.25% (3,971 square feet) with mitigation for the amount allowed over 25%. The dwelling (approximately 2,900 square feet) is the only lot coverage indicated on the plan. All future plans must show all lot coverage proposed to be on the site (a driveway, walks, patios, sheds, etc.) In addition, the site must meet the 15% forest requirement. If the LDA lot coverage and forest requirements can be met, the proposed development with the Zoning relief requested can minimize water quality impacts. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).

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

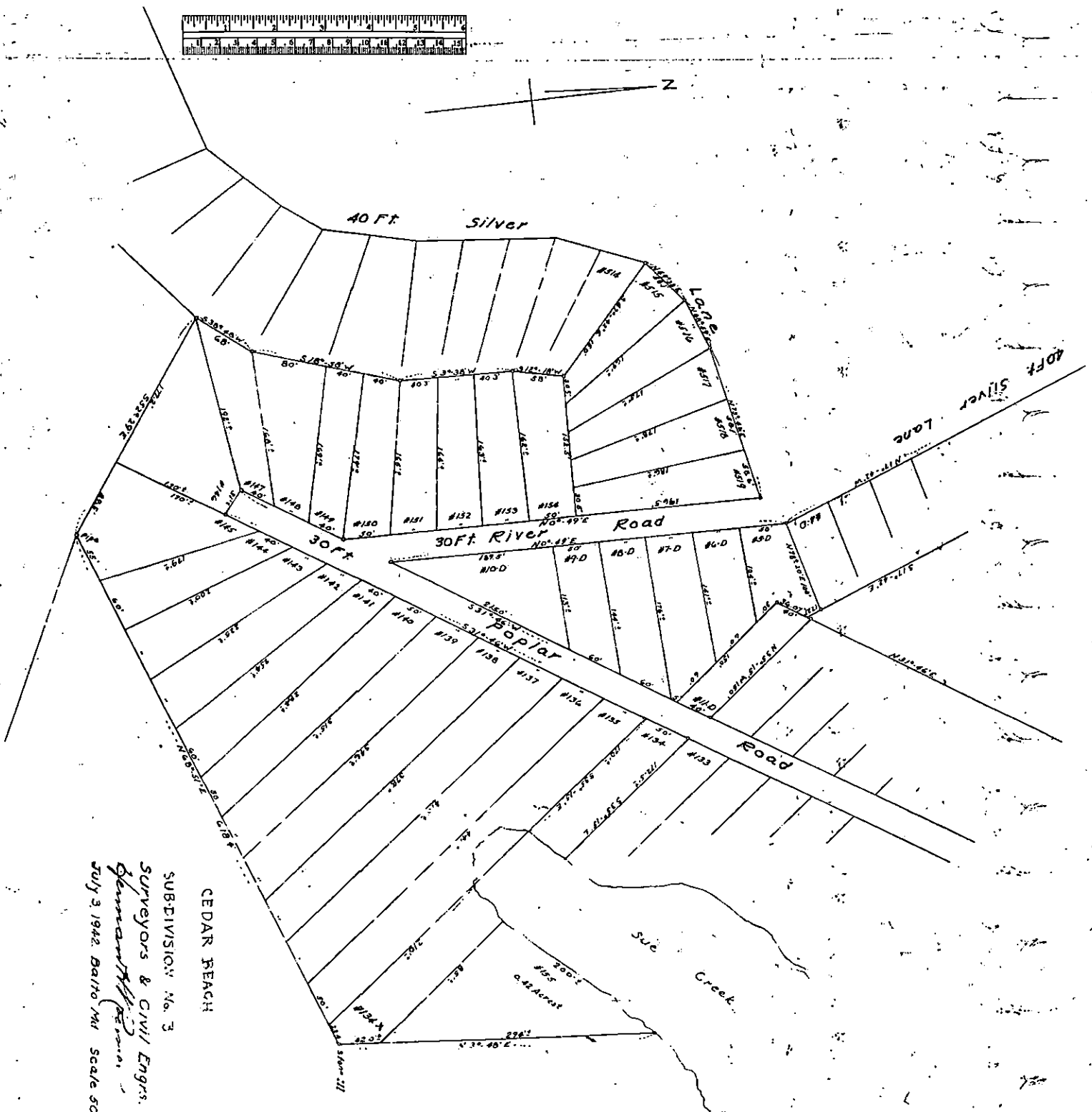
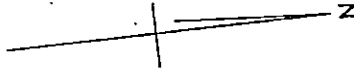
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3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that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

The applicant's proposal to develop the site can be consistent with this goal if development can comply with all Critical Area requirements.

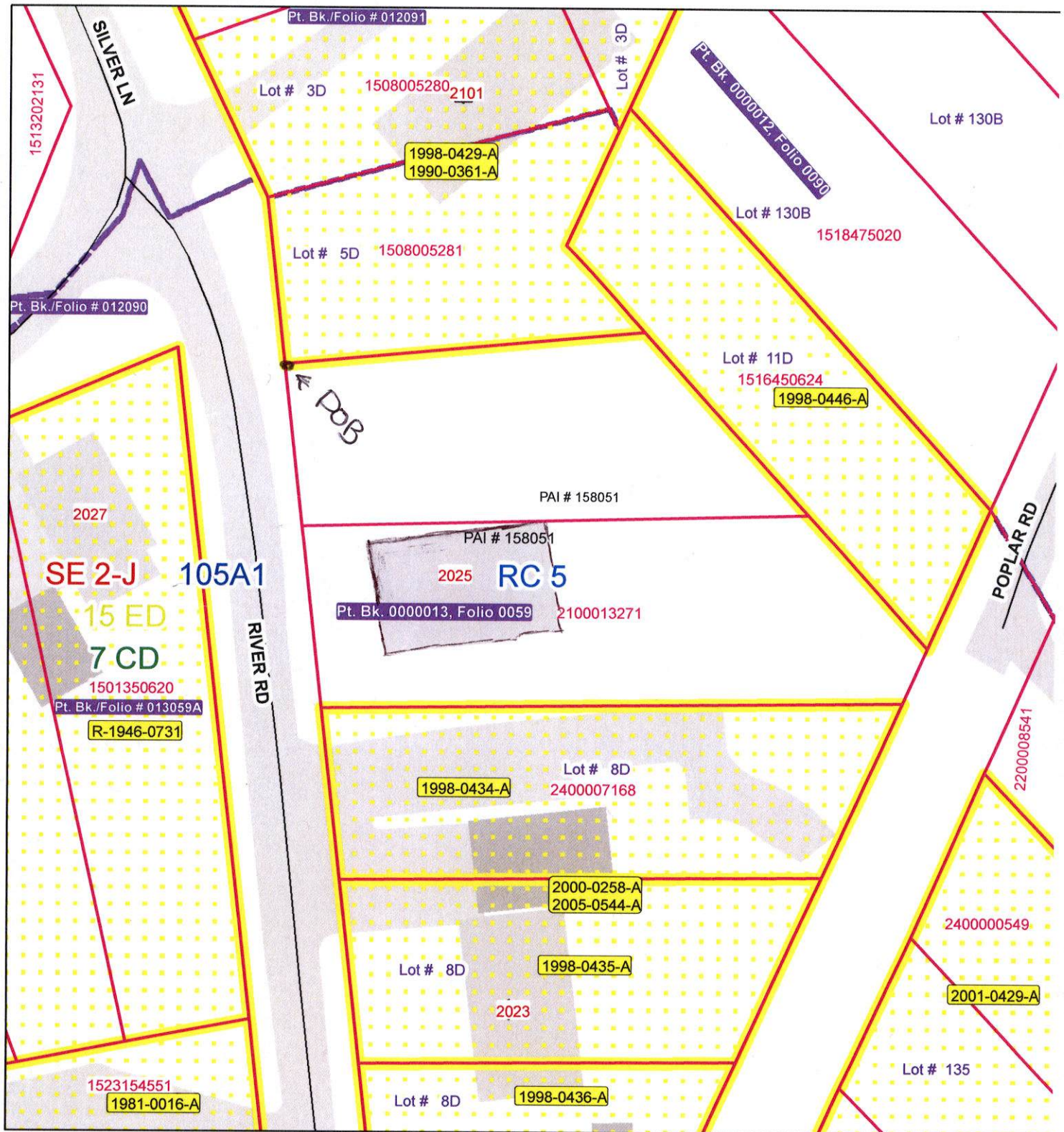
Reviewer: Paul Dennis

2618-5182-A



CEDAR BEACH
SUBDIVISION No. 3
Surveyors & Civil Engrs.
Bennett & Co.
July 3, 1942. Datto M. Scale 50' = 1"

2025 River Road



Publication Date: 12/13/2017



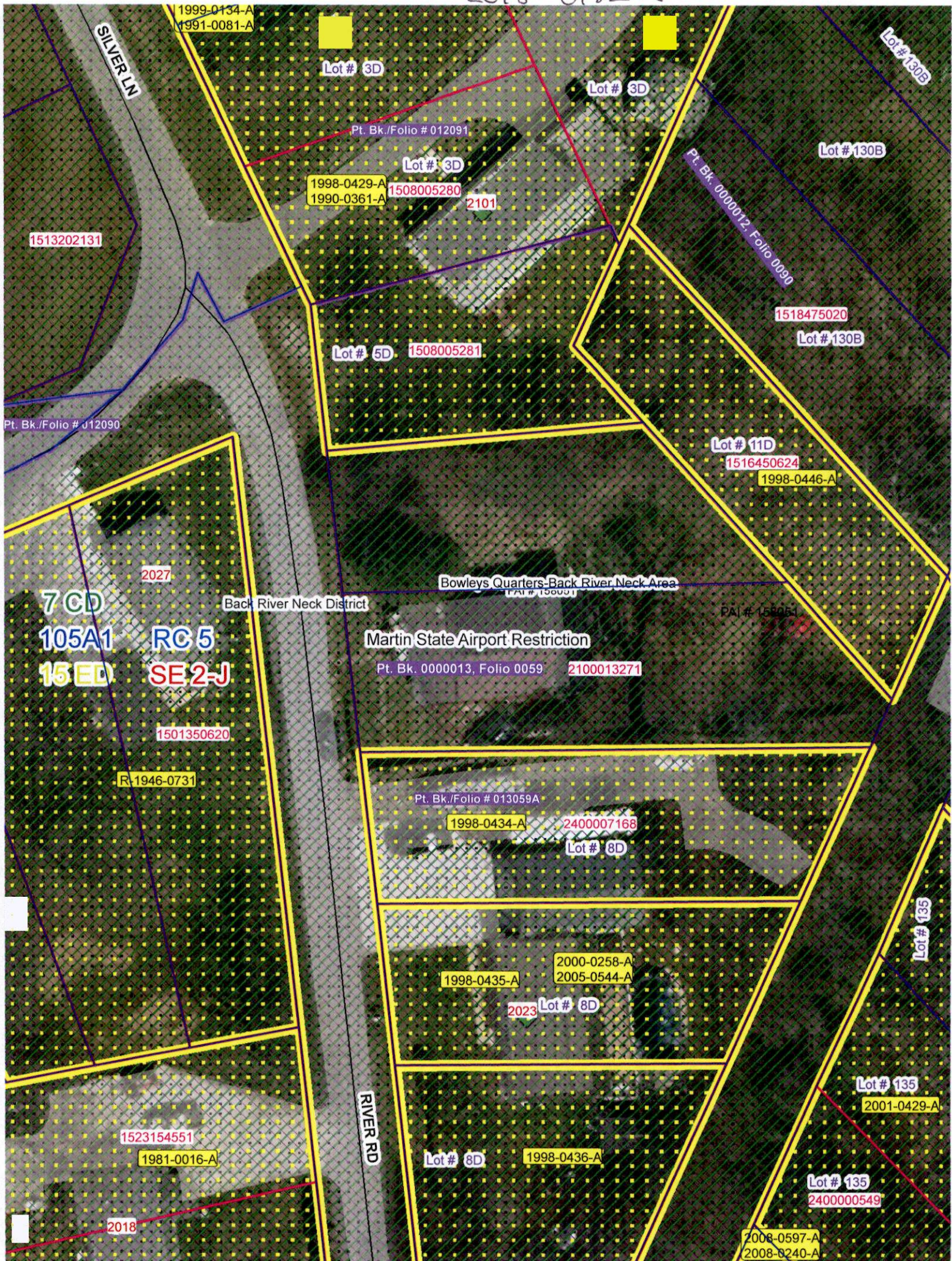
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 10 20 40 60 80 Feet

1 inch = 40 feet

2018-0182-A



2018 - 0182-73

1999-0134-A
1991-0081-A

Lot # 3D

Lot # 3D

Lot # 130B

Lot # 130B

Pt. Bk./Folio # 012091

Lot # 3D

1998-0429-A
1990-0361-A

1508005280

2101

Pt. Bk. 000012, Folio 0090

1518475020

Lot # 130B

Lot # 5D

1508005281

Lot # 11D

1516450624

1998-0446-A

Pt. Bk./Folio # J12090

2027

Bowleys Quarters-Back River Neck Area
PAI # 158051

Back River Neck District

Martin State Airport Restriction

Pt. Bk. 0000013, Folio 0059

2100013271

7 CD
105A1
15 ED

RC 5
SE 2-J

1501350620

R-1946-0731

Pt. Bk./Folio # 013059A

1998-0434-A

2400007168

Lot # 8D

1998-0435-A

2000-0258-A
2005-0544-A

2023 Lot # 8D

RIVER RD

Lot # 8D

1998-0436-A

Lot # 135

2001-0429-A

Lot # 135

2400000549

1523154551

1981-0016-A

2018

2008-0597-A
2008-0240-A

CASE NAME 2018-0182 A
CASE NUMBER _____
DATE 3-8-18

[illegible]

CASE NO. 2018-

0182-A

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

1/29/18

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

no comment

2/28/18

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

Comment

2/26

FIRE DEPARTMENT

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

no objection

1/16

STATE HIGHWAY ADMINISTRATION

NO Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: 2/15/18

SIGN POSTING

Date: 2/16/18

by Ayle

PEOPLE'S COUNSEL APPEARANCE

Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes ☐ No ☐

Comments, if any: _____

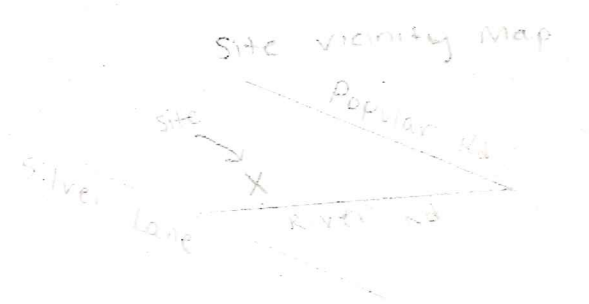
Real Property Data Search

Search Result for BALTIMORE COUNTY

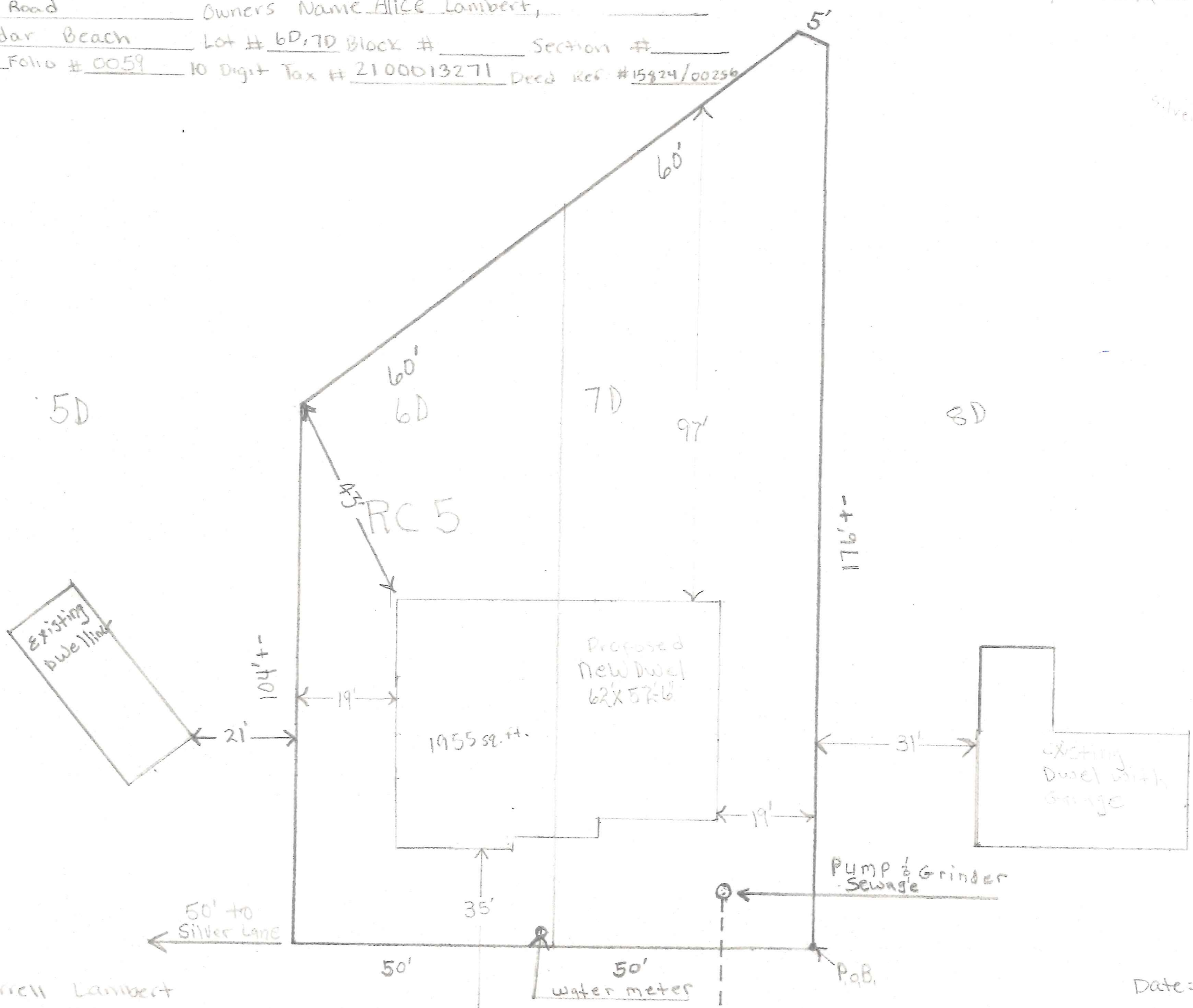
View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 2100013271			
Owner Information					
Owner Name:	MAXWELL CANDIE		Use:	RESIDENTIAL	
Mailing Address:	2025 RIVER RD BALTIMORE MD 21221-6131		Principal Residence:	YES	
			Deed Reference:	/15824/ 00256	
Location & Structure Information					
Premises Address:	2025 RIVER RD 0-0000		Legal Description:	LTS 6D-7D .2917 AC 2025 RIVER RD CEDAR BEACH	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref: 0013/0059
0105	0002	0307		0000	2018
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area		Finished Basement Area	Property Land Area	County Use
1947	1,590 SF			12,708 SF	04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1	NO	STANDARD UNIT	SIDING	1 full	
Value Information					
	Base Value		Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2018	07/01/2017	07/01/2018
Land:	78,400		78,400		
Improvements	42,900		45,400		
Total:	121,300		123,800	121,300	122,133
Preferential Land:	0				0
Transfer Information					
Seller: MAXWELL CANDIE AKA CANDIS MAXWELL		Date: 12/05/2001		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /15824/ 00256		Deed2:	
Seller: MATZDORF ALAN P		Date: 06/09/1992		Price: \$42,000	
Type: ARMS LENGTH IMPROVED		Deed1: /09214/ 00010		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					

Zoning Hearing Plan for variance X For special Hearing _____ (mark Type requested with X)
Address: 2025 River Road Owners Name Alice Lambert,
Subdivision Name Cedar Beach Lot # 6D, 7D Block # _____ Section # _____
Plat Book # 0000013 Folio # 0059 10 Digit Tax # 2100013271 Deed Ref # 15824/00256

Center of Popular rd.
30' R/W Road ends here



Zoning Map = 0105
Site Zoned RC-5
Election District 15
Council District 7
Lot Area Acreage .2917
Or Square Feet 12,708
Historic? NO
In CBCA? Yes
In Flood Plain? NO
Utilities? Mark with X
Water is:
Public X Private _____
Sewer is:
Public X Private _____
Prior Hearing? NO
If so Give Case # _____
And order results below _____



Plan Drawn By: Darrell Lambert

Date: 12/20/17 Scale: 1 inch = 20 feet

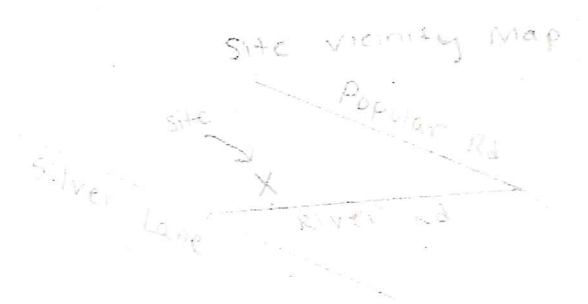
Center of River Rd.
30' R/W

2018-0182-A

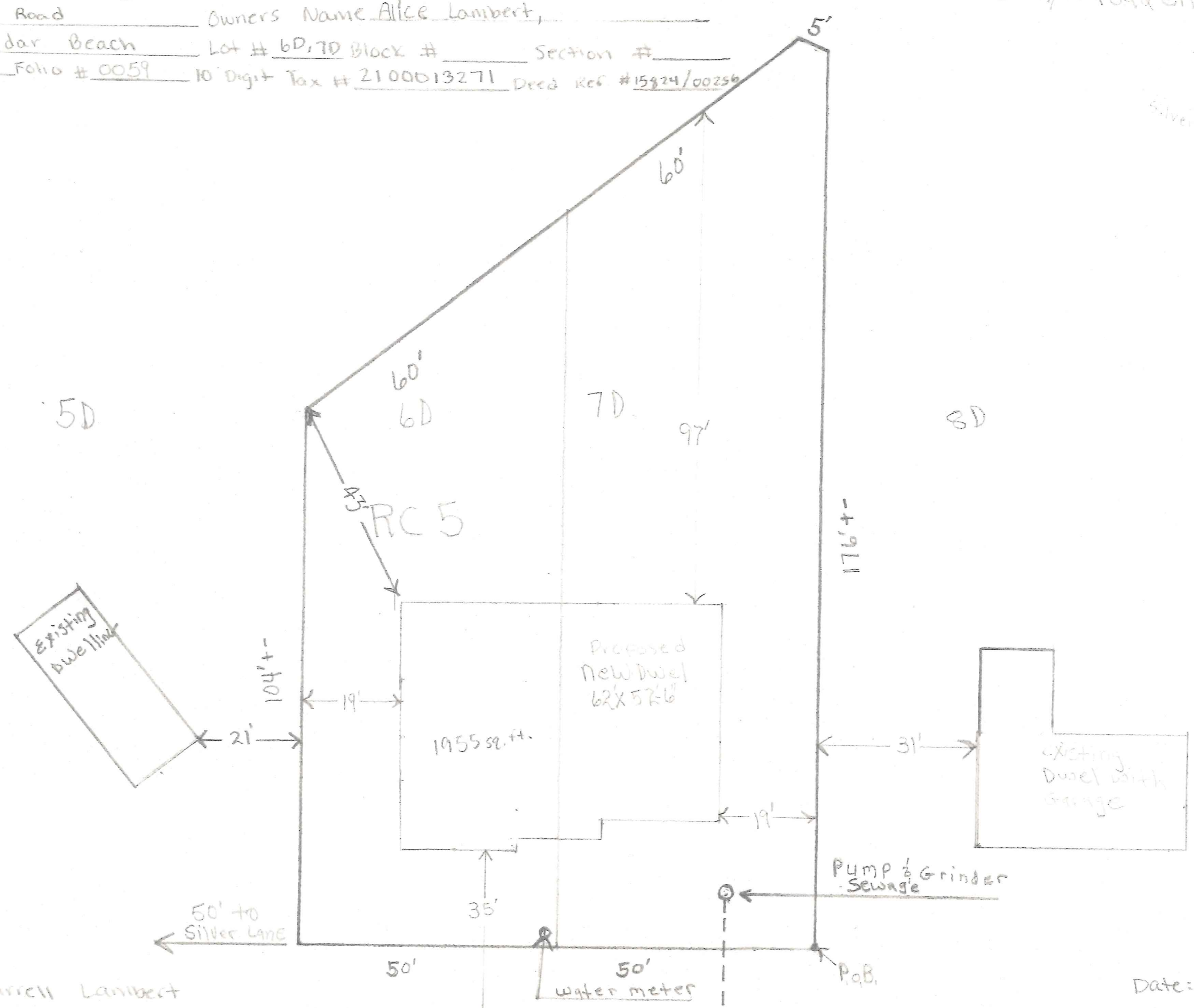
Ex. 1

Zoning Hearing Plan for variance X For special Hearing _____ (mark Type requested with X)
Address: 2025 River Road Owners Name Alice Lambert
Subdivision Name Cedar Beach Lot # 6D, 7D Block # _____ Section # _____
Plat Book # 0000013 Folio # 0059 10 Digit Tax # 2100013271 Deed Ref # 15924/00256

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Zoning Map 0105
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Plan Drawn By: Darrell Lambert

Date: 12/20/17 Scale: 1 inch = 20 feet

Center of River rd.
30' R/W

2018-0182-A