

## MEMORANDUM

DATE:

May 11, 2018

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2018-0237-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 10, 2018. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File

Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE (710 Church Road)

4<sup>th</sup> Election District
4<sup>th</sup> Council District

Abby P. & Mark Beytin

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

\* HEARINGS FOR

\* BALTIMORE COUNTY

CASE NO. 2018-0237-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Administrative Variance filed by the legal owners of the property, Abby P. and Mark Beytin ("Petitioners"). The Petitioners are requesting Variance relief from § 1A04.3.B.2(a) of the Baltimore County Zoning Regulations ("BCZR"), to permit a side yard addition with a side yard setback of 31 ft. in lieu of the required 50 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee ("ZAC") comments were received and are made part of the record of this case. A ZAC comment was received from the Department of Environmental Protection and Sustainability ("DEPS"), dated March 27, 2018, indicating that development of this property must comply with the Forest Conservation Regulations (§§ 33-6-101 and 33-6-122 of the Baltimore County Code).

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 18, 2018, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code ("BCC"). Based upon the information available, there is no evidence in ORDER RECEIVED FOR FILING

Date	4-10-118	
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the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this <u>10<sup>th</sup></u> day of **April**, 2018, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 1A04.3.B.2(a) of the Baltimore County Zoning Regulations ("BCZR"), to permit a side yard addition with a side yard setback of 31 ft. in lieu of the required 50 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. Petitioners must comply with the ZAC comment received from DEPS, dated March 27, 2018; copy of which is attached hereto and made a part hereof.

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

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER	RECEIVED FOR FILING	
Date	4-10-18	mes
Rv		



# ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIA

To be filed with the Department	of Permits, Approvals and Inspections  for Baltimore County for the property located at:
	10 Digit Tax Account # 1 6 0 0 1 2 1 5 8
(SELECT THE HEARING(S) BY MARKING X AT THE APPR	ROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavit on the	reverse of this Petition form must be completed and notarized.
The undersigned, who own and occupy the property situate attached hereto and made a part hereof, hereby petition for	e in Baltimore County and which is described in the plan/plat r an:
1 ADMINISTRATIVE VARIANCE from Section(s)	*
BCZR: 1A04.3.B.2.a. $\rightarrow$ To permit a side yard ad	dition with a side yard setback of 31 feet in lieu of the
required 50 feet.	
of the zoning regulations of Baltimore County, to the zoning	g law of Baltimore County.
County Code: (indicate type of work in this space: i.e., to re	nze, alter or construct addition to building)
of the Baltimore County Code, to the development law of B Property is to be posted and advertised as prescribed by the zoning regulative agree to pay expenses of above petition(s), advertising, posting, etc Baltimore County adopted pursuant to the zoning law for Baltimore Count	ations. . and further agree to be bound by the zoning regulations and restrictions of
	Owner(s)/Petitioner(s):  Abby Beyfin   Mark Beyfin   Name #1-Type or Print   Name #2-Type or Print   Signature #2   Signature #2   Two Church Rd Reisterstown Ad   Mailing Address   City   State   All 36   40 591-7811   Zip Code   Telephone #   Email Address
Attorney for Owner(s)/Petitioner(s):	Representative to be contacted:
Name- Type or Print	Name - Type or Print
	A De Comment
Signature	583 Frederick Pd Ste 60 Common
Mailing Address City State	Mailing Address City State
1	2188, 410788-0015, mallstate @ co
Zip Code Telephone # Email Address	Zip Code Telephone # Efmail Address
	be required, it is ordered by the Office of Administrative Hearings for Baltimost matter of this petition be set for a public hearing, advertised, and re-posted as
Admini	istrative Law Judge for Baltimore County
CASE NUMBER 2018-0337-A Filling Date 3,9	Estimated Posting Date 3,18,18 Reviewer JS  Rev 5/5/2016
A - 10 - 18 The reconsideration to the administration of the admin	

## Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

and occupied by the undersigned.
Address: 110 Church Road Reisterstown Maryland 21136 Print or Type Address of property City State Zip Code
Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state <u>practical difficulty or hardship</u> here)
Abby has been diagnosed with fibro myalgia. He
in a water water pool. This addition
Will contain the warm water pool.
(If additional space for the petition request or the above statement is needed, label and attach it to this Form)  Mark Button  Signature of Owner (Affiant)  Signature of Owner (Affiant)
Name- Print or Type  Name- Print or Type  Name- Print or Type
The following information is to be completed by a Notary Public of the State of Maryland
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
1 HEREBY CERTIFY, this 27 day of CHOSEY, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:
Print name(s) here: MArk Beytin and Abby Beytin
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notaries Seal Low Mary Leve
Notary Public 09-20-2021
My Commission Expires

## **Zoning Petition Property Description**

## 710 Church Rd. Reisterstown Md 21136

Beginning at a point on the north side of Church Rd. which is 35 feet wide at a distance of 286 feet East of the centerline of the nearest improved intersecting street, Berrymans Rd, which is 70 feet wide.

Being known and designated as Lot No. 7, as shown on a plat entitled Plat of Section Two, Churchberry, which Plat is recorded among the Land Records of Baltimore County in Plat Book EHK, Jr. 38, folio 137. The improvements thereon known as 710 Church Rd.

Located in the 4th Blechon District and 4th Convenient Districk

## CERTIFICATE OF POSTING

**ATTENTION: KRISTEN LEWIS** 

**DATE:** 3/18/2017

Case Number: 2018-0237-A

Petitioner / Developer: STEPHEN SNYDER of ALL STATE HOME

IMPROVEMENT COMPANY ~ MARK BEYTIN

Date of Closing: APRIL 2, 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: 710 CHURCH ROAD

The sign(s) were posted on: MARCH 18, 2018



Linda O'Keefe (Signature of Sign Poster)

#### Linda O'Keefe

(Printed Name of Sign Poster)

#### 523 Penny Lane

(Street Address of Sign Poster)

#### Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2018- 0037 -A Address 710 CHURCH ROAD, 21136
Case Number 2018- 0037 -A Address 710 CHURCH ROAD, 21136  Contact Person: Stinking Phone Number: 410-887-3391  Planner, Please Print Your Name
Filing Date: 3/9/8 Planner, Please Print Your Name  Planner, Please Print Your Name  Closing Date: 4/8/18
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <u>DEADLINE:</u> The closing date is the deadline for a neighbor (occupant or owner) within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the Administrative Law Judge), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 2018- 0237 -A Address 710 CHURCH AUAS, 21136
Petitioner's Name BEYTIN Telephone 410-591 -7811
Posting Date: 3/18/18 Closing Date: 4/3/18
Wording for Sign: To Permit A SIBG YARD ADDITION WITH A SIDE SETBACK OF
31 FEET IN LIEU OF THE REDURED SO FEET.
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Revised 6/30/2018

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

## ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

Property Address: 710 Church Rd	
Property Description:	
Legal Owners (Petitioners): Mark + Abbey Beytm	
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Contract Purchaser/Lessee:	<del> </del>
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PLEASE FORWARD ADVERTISING BILL TO:	
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Company/Firm (if applicable): All State Home Tip rovenent	<u>(-</u>
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KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

April 3, 2018

Abby & Mark Beytin 710 Church Road Reisterstown MD 21136

RE: Case Number: 2018-0237 A, Address: 710 Church Road

Dear Mr. & Ms. Beytin:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 9, 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

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel Stephen Snyder, 583 Frederick Road, Suite 6C, Catonsville MD 21228





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

Date: 3/19/18

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. 2018-0237-A
Admintistrative Variance
Abby & Mark Beytin
710 Church Road

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

Wendy Wolcott, P.L.A.

Metropolitan District Engineer

Maryland Department of Transportation

State Highway Administration

District 4 - Baltimore and Harford Counties

WW/RAZ

## BALTIMORE COUNTY, MARYLAND

## INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** April 4, 2018

Department of Permits, Approvals

And Inspections

FROM:

Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 26, 2018

Item No. 2018-0237-A, 0238-A, 0239-A, 0240-SPH, 0242-A, 0243-A, 0244-

A, 0245-A and 0247-A

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

VKD: cen cc: file



## **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:

March 27, 2018

SUBJECT:

**DEPS** Comment for Zoning Item

# 2018-0237-A

Address

710 Church Road

(Beytin Property)

Zoning Advisory Committee Meeting of March 26, 2018.

- X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:
  - <u>X</u> Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

## Additional Comments:

Although less than 20,000 sq. ft. of forest would be cleared, it appears that a specimen tree would be critically impacted for the proposed addition. Therefore, a Single Lot Declaration of Intent may be filed with EPS prior to permit issuance in lieu of full compliance with the Forest Conservation Law.

Reviewer:

Glenn Shaffer

## 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:

March 27, 2018

SUBJECT:

DEPS Comment for Zoning Item

# 2018-0237-A

Address

710 Church Road (Beytin Property)

Zoning Advisory Committee Meeting of March 26, 2018.

- X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:
  - X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

## Additional Comments:

Although less than 20,000 sq. ft. of forest would be cleared, it appears that a specimen tree would be critically impacted for the proposed addition. Therefore, a Single Lot Declaration of Intent may be filed with EPS prior to permit issuance in lieu of full compliance with the Forest Conservation Law.

Reviewer:

Glenn Shaffer

ORDER RECEIVED FOR FILING

Date 4-10-18

By ....

## **BALTIMORE COUNTY, MARYLAND**

## INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** April 4, 2018

Department of Permits, Approvals

And Inspections

FROM:

Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 26, 2018

Item No. 2018-0237-A, 0238-A, 0239-A, 0240-SPH, 0242-A, 0243-A, 0244-

A, 0245-A and 0247-A

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

VKD: cen cc: file





CHECKLIST

Comment Received	<u>Department</u>		Support/Oppose/ Conditions/ Comments/ No Comment
4-4	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent		<u>No</u>
3-27	DEPS (if not received, date e-mail sent		
	FIRE DEPARTMENT		
	PLANNING (if not received, date e-mail sent		8
3-19	STATE HIGHWAY ADMINISTRATION		No object
	TRAFFIC ENGINEERING		
	COMMUNITY ASSOCIATION		
	ADJACENT PROPERTY OWNERS		
ZONING VIOLATI	ON (Case No		
PRIOR ZONING	(Case No		
NEWSPAPER ADV	ZERTISEMENT Date:		
SIGN POSTING	Date: 3-(8	-18	by Okeafa
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Comments, if any: _			



## Real Property Data Search (w4)

## Search Result for BALTIMORE COUNTY

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## **7AC AGENDA**

Case Number: 2018-0236-SPH

Reviewer: Aaron Tsui

Existing Use: RESIDENTIAL Proposed Use:

Type: SPECIAL HEARING

Legal Owner: MDC INVESTMENTS LLC

Contract Purchaser: No Contract Purchaser was set.

Election Dist: 14 Council Dist: 6 Critical Area: No Flood Plain: No Historic: No

Property Address: 7938 33RD ST

Location: N/S of 33rd Street, 250 ft. W of the centerline of Rosewick Avenue

Existing Zoning: DR 5.5

Area: 7,500 SQ. FT.

Proposed Zoning: SPECIAL HEARING:

To permit a building permit for an undersized lot in a DR 5.5 zone having a lot width of 50 ft. in lieu of the 55 ft.

required by section 1B02.3.C.1, BCZR.

Attorney: Not Available Prior Zoning Cases: 1952-2178 Concurrent Cases: None

Violation Cases: None Closing Date:

Miscellaneous Notes:

Reviewer: Jason Seidelman Case Number: 2018-0237-A

Proposed Use: Existng Use: RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE Legal Owner: Abby & Mark Beytin

Contract Purchaser: No Contract Purchaser was set.

Historic: No Election Dist: 4 Council Dist: 4 Critical Area: No Flood Plain: No

Property Address: 710 CHURCH RD

Location: N/S of Church Road, 286 ft. E of the centerline of the intersection with Berrymans Lane

Existing Zoning: RC 5

Area: 1.41 ACRES

**Proposed Zoning:** 

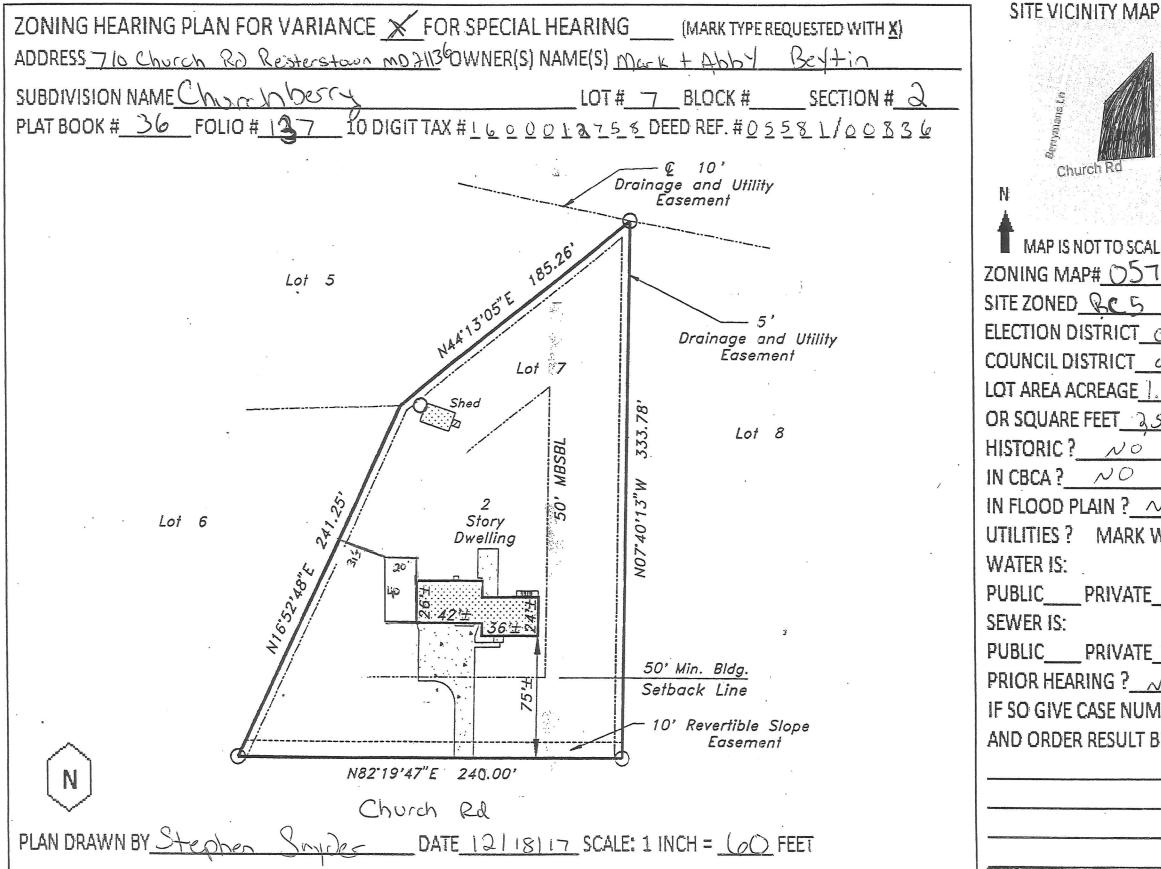
**ADMINISTRATIVE VARIANCE:** 

To permit a side yard addition with a side yard setback of 31 ft. in lieu of the required 50 ft.

Attorney: Not Available Prior Zoning Cases: None Concurrent Cases: None Violation Cases: None Closing Date: 04/02/2018

Miscellaneous Notes:





MAP IS NOT TO SCALE ZONING MAP# (0578) SITE ZONED BC5 ELECTION DISTRICT 04 COUNCIL DISTRICT 04 LOT AREA ACREAGE 1. 4100 OR SQUARE FEET 2596 HISTORIC? NO IN CBCA? NO IN FLOOD PLAIN? NO UTILITIES? MARK WITH X WATER IS: PUBLIC\_\_\_PRIVATE\_X SEWER IS: PUBLIC\_\_\_PRIVATE\_\_\_\_\_ PRIOR HEARING ? NO IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

VIOLATION CASE INFO:

2018-0237-A

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) SITE VICINITY MAP ADDRESS 710 Church RD Resterstown mo >11360WNER(S) NAME(S) Mark + Abby SUBDIVISION NAME Chombory LOT# 7 BLOCK# SECTION# 2 PLAT BOOK # 36 FOLIO # 137 10 DIGITTAX # 1 6 0 0 0 1 2 7 5 5 DEED REF. # 0 5 5 8 1 / 0 0 8 3 6 Drainage and Utility
Easement MAP IS NOT TO SCALE ZONING MAP#\_05782 Lot 5 SITE ZONED BC 5 ELECTION DISTRICT 04 Drainage and Utility Easement COUNCIL DISTRICT 04 LOT AREA ACREAGE 1. 4/100 OR SQUARE FEET 2596 Lot 8 HISTORIC? NO IN CBCA? NO IN FLOOD PLAIN? NO Lot 6 Story UTILITIES? MARK WITH X Dwelling WATER IS: PUBLIC\_\_\_PRIVATE\_X SEWER IS: PUBLIC\_\_\_PRIVATE\_ 50' Min. Bldg. PRIOR HEARING? NO Setback Line IF SO GIVE CASE NUMBER 10' Revertible Slope AND ORDER RESULT BELOW Easement N82°19'47"E 240.00' Church Rd PLAN DRAWN BY Stephen DATE 12/18/17 SCALE: 1 INCH = 60 FEET VIOLATION CASE INFO:

2018-0237-A