

M E M O R A N D U M

DATE: June 5, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0255-A – Appeal Period Expired

The appeal period for the above-referenced case expired on June 4, 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

(9321 North Point Road)

15th Election District

7th Council District

Thomas & Frances Gray

Legal Owners

Petitioners

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0255-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Thomas & Frances Gray, legal owners of the subject property (“Petitioners”). The Petition seeks variance relief from §§1B02.3.C.1 and 102.4 of the Baltimore County Zoning Regulations (“BCZR”) to permit a new dwelling to be constructed on a 50 ft. wide lot in lieu of the required 55 ft. with an area of 6,250 sq. ft. in lieu of the 20,000 sq. ft. required for a lot that does not abut on a right-of-way at least 30 ft. wide over which the public has an easement of travel. A site plan was marked as Petitioner’s Exhibit 1.

Frances Gray and David Billingsley 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. Zoning Advisory Committee (“ZAC”) comments were received from the Bureau of Development Plans Review (DPR), the Department of Environmental Protection and Sustainability (DEPS) and the Department of Planning (DOP).

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.

ORDER RECEIVED FOR FILING

Date 5-4-18

By WJ

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

These lots are narrow and deep and were created in a plat recorded in 1918. *See* Plat of North Point Terrace, Ex. 4. As such the property is unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct a single-family dwelling on the property. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of community and/or Baltimore County opposition.

In its ZAC comment the Bureau of DPR requested the owner to construct a 24-foot wide road within the 40-foot wide Walnut Street right-of-way. Mr. Billingsley explained Walnut Street, though shown on the 1918 plat, was never in fact constructed. Petitioners propose to access the dwelling by way of a driveway approximately 12 ft. wide and 114.5 ft. in length. This is sufficient for access to one dwelling, and under the law an owner cannot be required to construct a roadway (to county construction standards) at its own expense when constructing just one new dwelling. *Howard County v. JJM, Inc.*, 301 Md. 256 (1984) (must be a reasonable nexus between the exaction and the proposed subdivision).

THEREFORE, IT IS ORDERED, this 4th day of **May, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to §§1B02.3.C.1 and 102.4 of the Baltimore County Zoning Regulations ("BCZR") to permit a new dwelling to be constructed on a 50 ft. wide lot in lieu of the required 55 ft. with an area of 6,250 sq. ft. in lieu of the 20,000 sq. ft. required for a lot that does not abut on a right-of-way at least 30 ft. wide over which the public has an easement of travel, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

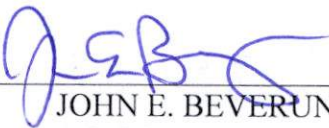
ORDER RECEIVED FOR FILING

Date 5-4-18

By low

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 prior to issuance of permits comply with the critical area regulations.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:slm

ORDER RECEIVED FOR FILING

Date 5-4-18

By [Signature]



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 9321 NORTH POINT ROAD which is presently zoned DR 5.5
 Deed References: L. 37365 F. 242 10 Digit Tax Account # 15 13 14 25 41
 Property Owner(s) Printed Name(s) THOMAS AND FRANCES GRAY

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

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

1. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☒ a Variance from Section(s)
 SECTION 1B02.3.C.1 AND 102.4 TO PERMIT A NEW DWELLING TO BE CONSTRUCTED ON A 50 FOOT WIDE LOT IN LIEU OF THE REQUIRED 55 FEET WITH AN AREA OF 6250 SQUARE FEET IN LIEU OF THE 20,000 SQUARE FEET REQUIRED FOR A LOT THAT DOES NOT ABUT ON A RIGHT OF WAY AT LEAST 30 FEET WIDE OVER WHICH THE PUBLIC HAS AN EASEMENT OF TRAVEL
 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)

TO BE PRESENTED AT HEARING

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):

THOMAS GRAY

Name #1 - Type or Print

FRANCES GRAY

Name #2 - Type or Print

Thomas Gray

Signature #1

Frances Gray

Signature #2

7608 CHESTNUT AVE FORD HOWARD, MD

Mailing Address City State

21052 / (443) 506-7021 / tomgrayjr@yahoo.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

DAVID BILLINGSLEY

Name - Type or Print

David Billingsley

Signature

601 CHARYWOOD CT. EDGEWOOD MD

Mailing Address City State

21040 / (410) 679-8719 / dwb0209@yahoo.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2018-0255-A Filing Date 3/23/18

Do Not Schedule Dates:

Reviewer JCM

ZONING DESCRIPTION

9321 NORTH POINT ROAD

Beginning for the same at a point on the south side of Walnut Street (40 feet wide, unimproved) at a point distant 114.5 feet westerly from the west side of North Point Road (30 feet wide), thence being all of Lots 24 and 25, Block F as shown on the plat entitled Amended Plat of North Point Terrace recorded among the Baltimore County plat records in Plat Book 6 Folio 155.

Containing 6250 square feet or 0.143 acre of land, more or less.

Being known as 9321 North Point Road. Located in the 15TH Election District, 7TH Councilmanic District of Baltimore County, Md.

CERTIFICATE OF POSTING

Date: APRIL 27, 2018
APRIL 13, 2018

RE: Project Name: 9321 NORTH POINT RD SIGN 1
Case Number /PAI Number: 2018-0255-A
Petitioner/Developer: THOMAS GRAY
Date of Hearing/Closing: MAY 3, 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 INTERSECTION OF WALNUT STREET AND NORTH POINT ROAD

The sign(s) were posted on

RECEIPTIFY APRIL 27, 2018
APRIL 13 2018

(Month, Day, Year)

David Billingsley

David W Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)



CERTIFICATE OF POSTING

APRIL 27, 2018
Date: APRIL 13, 2018

RE: Project Name: 9321 NORTH POINT RD SIGN 2
Case Number /PAI Number: 2018-0255-A
Petitioner/Developer: THOMAS GRAY
Date of Hearing/Closing: MAY 3, 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 INTERSECTION OF WALNUT STREET AND NORTH POINT ROAD

The sign(s) were posted on

RECERTIFY APRIL 27, 2018
APRIL 13 2018

(Month, Day, Year)

David Billingsley

David W Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

ZONING NOTICE

CASE NO. 2018-0255-A

A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE

PLACE: ROOM 205 JEFFERSON BUILDING, 105 WEST
CHESAPEAKE AVENUE, TOWSON, MD. 21204
TIME: THURSDAY, MAY 3, 2018 AT 11:00 AM

VARIANCE TO PERMIT A NEW DWELLING TO BE
CONSTRUCTED ON A 50 FOOT WIDE LOT IN LIEU
OF THE REQUIRED 55 FEET WITH AN AREA OF
6250 SQUARE FEET IN LIEU OF THE 25,000
SQUARE FEET REQUIRED FOR A LOT THAT DOES
NOT ABUT ON A RIGHT-OF-WAY AT LEAST 30
FEET WIDE OVER WHICH THE PUBLIC HAS AN
EASEMENT OF TRAVEL

Sign poster must be posted in plain view and accessible
to the public for a period of 10 days prior to the hearing. If the
sign is not posted in plain view and accessible to the public,
the sign poster shall be fined \$100.00. If the sign poster
does not post the sign in plain view and accessible to the public,
the sign poster shall be fined \$100.00. If the sign poster
does not post the sign in plain view and accessible to the public,
the sign poster shall be fined \$100.00. If the sign poster
does not post the sign in plain view and accessible to the public,
the sign poster shall be fined \$100.00.

The Daily Record

11 East Saratoga Street

Baltimore, MD 21202-2199

(443) 524-8100

<http://www.thedailyrecord.com>

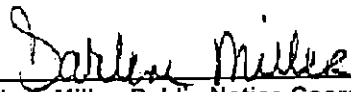
PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

4/13/2018

Order #: 11536846
Case #: 2018-0255-A
Description:

CASE NUMBER: 2018-0255-A, NOTICE OF ZONING HEARING



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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: 2018-0255-A

9321 North Point Road

S/S of Walnut Street (unimproved right-of-way), W of North Point Road

15th Election District - 7th Councilmanic District

Legal Owners: Thomas & Frances Gray

Variance to permit a new dwelling to be constructed on a 50 ft. wide lot in lieu of the required 55 ft. with an area of 6250 sq. ft. in lieu of the 20,000 sq. ft. required for a lot that does not abut on a right-of-way at least 30 ft. wide over which the public has an easement of travel.

Hearing: Thursday, May 3, 2018 at 11:00 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 410-887-3368.

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

ap13

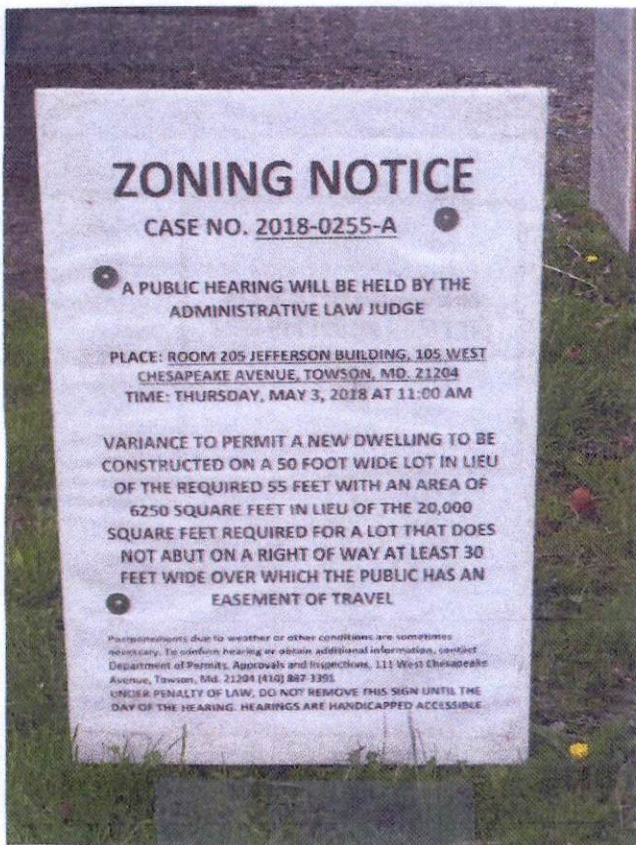
CERTIFICATE OF POSTING

Date: APRIL 13, 2018

RE: Project Name: 9321 NORTH POINT RD SIGN 1
Case Number /PAI Number: 2018-0255-A
Petitioner/Developer: THOMAS GRAY
Date of Hearing/Closing: MAY 3, 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 INTERSECTION OF WALNUT STREET AND NORTH POINT ROAD

The sign(s) were posted on APRIL 13 2018
(Month, Day, Year)



David W Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

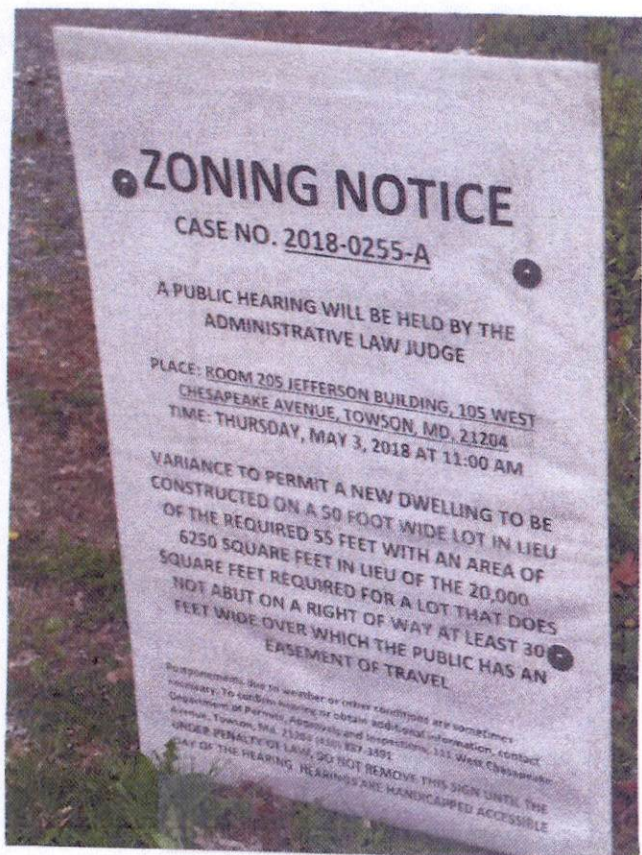
CERTIFICATE OF POSTING

Date: APRIL 13, 2018

RE: Project Name: 9321 NORTH POINT RD SIGN 2
Case Number /PAI Number: 2018-0255-A
Petitioner/Developer: THOMAS GRAY
Date of Hearing/Closing: MAY 3, 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 INTERSECTION OF WALNUT STREET AND NORTH POINT ROAD

The sign(s) were posted on APRIL 13 2018
(Month, Day, Year)



David W Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)



KEVIN KAMENETZ.
County Executive

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

April 4, 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: 2018-0255-A

9321 North Point Road

S/s of Walnut Street (unimproved right-of-way), W/of North Point Road

15th Election District – 7th Councilmanic District

Legal Owners: Thomas & Frances Gray

Variance to permit a new dwelling to be constructed on a 50 ft. wide lot in lieu of the required 55 ft. with an area of 6250 sq. ft. in lieu of the 20,000 sq. ft. required for a lot that does not abut on a right-of-way at least 30 ft. wide over which the public has an easement of travel.

Hearing: Thursday, May 3, 2018 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Gray, 7608 Chestnut Avenue, Fort Howard, MD 21052
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, APRIL 13, 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, April 12, 2018 Issue - Jeffersonian

Please forward billing to:
Thomas Gray
7608 Chestnut Avenue
Fort Howard, MD 21052

443-506-2021

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: 2018-0255-A

9321 North Point Road
S/s of Walnut Street (unimproved right-of-way), W/of North Point Road
15th Election District – 7th Councilmanic District
Legal Owners: Thomas & Frances Gray

Variance to permit a new dwelling to be constructed on a 50 ft. wide lot in lieu of the required 55 ft. with an area of 6250 sq. ft. in lieu of the 20,000 sq. ft. required for a lot that does not abut on a right-of-way at least 30 ft. wide over which the public has an easement of travel.

Hearing: Thursday, May 3, 2018 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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

RE: PETITION FOR VARIANCE
9321 North Point Road; S/S Walnut Street,
114.5' W of W/s of North Point Road
15th Election & 7th Councilmanic Districts
Legal Owner(s): Thomas & Frances Gray
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2018-255-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

MAR 26 2013

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 26th day of March, 2018, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, 601 Charwood Road, Edgewood, Maryland 21040, Attorney for 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: 2018-0255-A

Property Address: 9321 NORTH POINT ROAD

Property Description: S/S of WALNUT ST. (UNIMPROVED Rd way),
114.5 feet[±] WESTERLY of N. Point Rd.

Legal Owners (Petitioners): THOMAS & FRANCES GRAY

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: THOMAS GRAY

Company/Firm (if applicable): _____

Address: 7608 CHESTNUT AVE
FORT HOWARD, MD. 21052

Telephone Number: (443) 506-2021

ME 166134

Date: 3/23/18

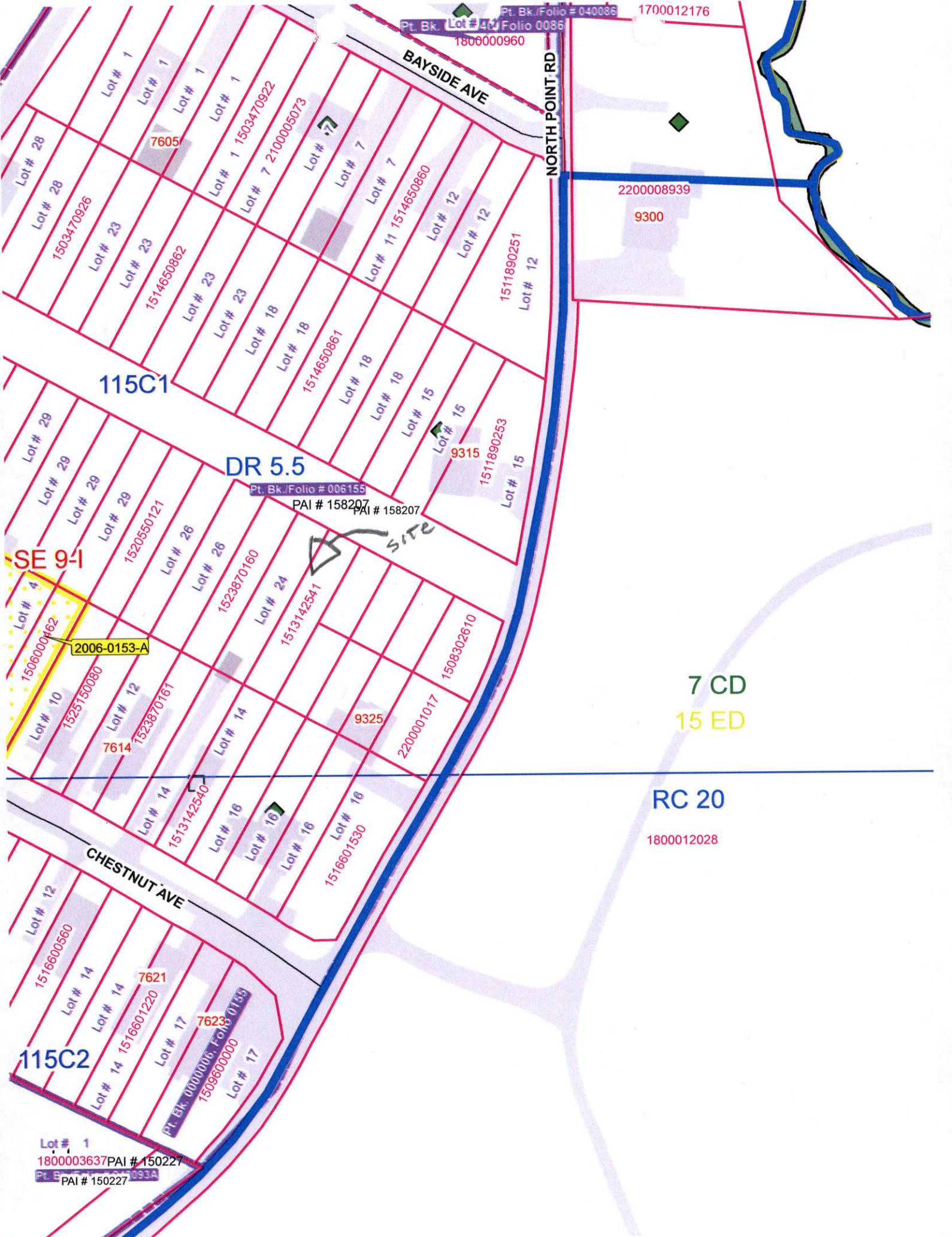
RECEIVED ACTUAL TIME
 3.25.2018 12:01 PM
 FILED IN JUL
 RECEIVED 3.25.2018
 Dept. ST. GEO. BOND VERIFICATION
 CR NO. 16754
 Excess Tax 175.00
 4174.00 CR 1.00 CA
 Baltimore County, Maryland

Total: 75. —

For: 2018-0255-A

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

**CASHIER'S
VALIDATION**



Pt. Bk./Folio # 040086
Pt. Bk./Folio # 0086
1800000960

1700012176

BAYSIDE AVE

NORTH POINT RD

115C1

DR 5.5

Pt. Bk./Folio # 006155
PAI # 158207
PAI # 158207

SE 9-1

2006-0153-A

7 CD
15 ED

RC 20

1800012028

CHESTNUT AVE

115C2

Lot # 1
1800003637
Pt. Bk./Folio # 00934
PAI # 150227
PAI # 150227



KEVIN KAMENETZ
County Executive

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

April 26, 2018

Thomas & Frances Gray
7608 Chestnut Avenue
Fort Howard MD 21052

RE: Case Number: 2018-0255 A, Address: 9321 North Point Road

Dear Mr. & Ms. Gray:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 23, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
David Billingsley, 601 Charwood Road, Edgewood MD 21040

Date: 3/26/18

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. 2018-0255-A

*Variance
Thomas & Frances Gray
9321 North Point 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

5-3

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 4/19/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-255



INFORMATION:

Property Address: 9321 North Point Road
Petitioner: Thomas Gray, Frances Gray
Zoning: DR 5.5
Requested Action: Variance

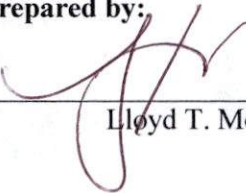
The Department of Planning has reviewed the petition for a variance to permit a new dwelling to be constructed on a 50 foot wide lot with an area of 6,250 square feet in lieu of the required 55 feet lot width and 20,000 square feet required for a lot that does not abut on a right-of-way at least 30 feet wide over which the public has easement of travel.

A site visit was conducted on April 5, 2018.

- The Department has no objection to granting the requested zoning relief conditioned upon the petitioner successfully addressing all comments that may be generated by the Department of Permits, Approvals and Inspections, Development Plans Review.

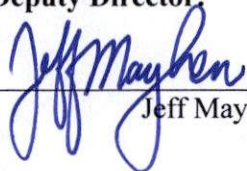
For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



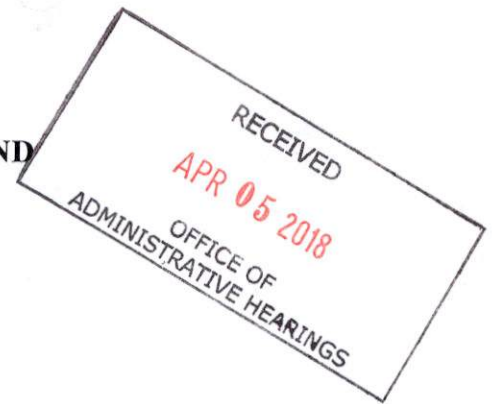
Jeff Mayhew

AVA/KS/LTM/

c: Josephine Selvakumar
David Billingsley
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: April 4, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0255-A
9321 North Point Road
(Gray Property)

Zoning Advisory Committee Meeting of **April 2, 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 lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

- 1. Occupied by a structure, parking area, driveway, walkway, or roadway; or*
- 2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material*

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;
3. A wood mulch pathway; or
4. A deck with gaps to allow the water to pass freely.

This zoning petition does not describe the owner's request, except to state that it is "to be presented at hearing", however, the plan submitted with the petition shows a proposed driveway extending west, approximately 140 linear feet from North Point Road, (which is unimproved and forested), to the northern property boundary of the subject, grandfathered lots. The area is identified on the 1918 plat as Walnut Street. The purpose of the proposed driveway is access to the lots, which appear to be otherwise land-locked. The proposed driveway traverses land not owned by the petitioners. If construction of the driveway is eventually permitted, it will require Critical Area forest clearing, for which mitigation will be required to reduce water quality impacts. The property size is 6,250 square feet (sf). In order to further minimize impacts on water quality, the applicant must comply with the LDA lot coverage limit, which, for a property this size, is (2,063 sf), with mitigation required for lot coverage between 25% (1,563 sf) and 2,063 sf. The plan depicts 1,433 sf of lot coverage on the subject property, which is less than 25% lot coverage. The LDA regulations also require 15% afforestation on the property, which equates to 2 trees for a property this size. Any plan or application that is received by this Department will be reviewed for compliance with the LDA lot coverage regulations, the afforestation requirement, and the Critical Area forest clearing regulations. Therefore, by allowing the items requested by the petitioner, impacts on water quality will be avoided or minimized.

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

The current development proposal for the property will be reviewed for the application of the LDA and Critical Area forest clearing regulations, which will minimize impacts to any adjacent buffers, thereby will improve buffer functions, and conserve fish, wildlife and plant habitat in nearby Shallow Creek and the Chesapeake Bay.

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

The petitioner's request, if granted, will be consistent with established land use policies and will minimize or avoid environmental impacts provided that the applicants meet any LDA and Critical Area forest clearing requirements, including mitigation, applicable to the proposal.

Reviewer: Thomas Panzarella;
Environmental Impact Review

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 02, 2018
Item No. 2018-0255-A

DATE: April 20, 2018

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

Developer/Owner shall construct a 24-foot wide roadway improvement to Baltimore County standards within the existing Walnut Street right-of-way. The road improvement shall be constructed from North Point Road up road frontage of the proposed dwelling. Show proposed driveway from property to proposed Walnut Street.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 4/19/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-255

INFORMATION:

Property Address: 9321 North Point Road
Petitioner: Thomas Gray, Frances Gray
Zoning: DR 5.5
Requested Action: Variance

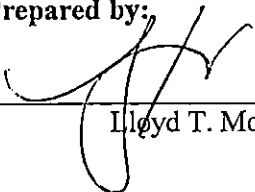
The Department of Planning has reviewed the petition for a variance to permit a new dwelling to be constructed on a 50 foot wide lot with an area of 6,250 square feet in lieu of the required 55 feet lot width and 20,000 square feet required for a lot that does not abut on a right-of-way at least 30 feet wide over which the public has easement of travel.

A site visit was conducted on April 5, 2018.

- The Department has no objection to granting the requested zoning relief conditioned upon the petitioner successfully addressing all comments that may be generated by the Department of Permits, Approvals and Inspections, Development Plans Review.

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

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Josephine Selvakumar
David Billingsley
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: April 4, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0255-A
9321 North Point Road
(Gray Property)

Zoning Advisory Committee Meeting of April 2, 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 lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

- 1. Occupied by a structure, parking area, driveway, walkway, or roadway; or*
- 2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material*

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;
3. A wood mulch pathway; or
4. A deck with gaps to allow the water to pass freely.

This zoning petition does not describe the owner's request, except to state that it is "to be presented at hearing", however, the plan submitted with the petition shows a proposed driveway extending west, approximately 140 linear feet from North Point Road, (which is unimproved and forested), to the northern property boundary of the subject, grandfathered lots. The area is identified on the 1918 plat as Walnut Street. The purpose of the proposed driveway is access to the lots, which appear to be otherwise land-locked. The proposed driveway traverses land not owned by the petitioners. If construction of the driveway is eventually permitted, it will require Critical Area forest clearing, for which mitigation will be required to reduce water quality impacts. The property size is 6,250 square feet (sf). In order to further minimize impacts on water quality, the applicant must comply with the LDA lot coverage limit, which, for a property this size, is (2,063 sf), with mitigation required for lot coverage between 25% (1,563 sf) and 2,063 sf. The plan depicts 1,433 sf of lot coverage on the subject property, which is less than 25% lot coverage. The LDA regulations also require 15% afforestation on the property, which equates to 2 trees for a property this size. Any plan or application that is received by this Department will be reviewed for compliance with the LDA lot coverage regulations, the afforestation requirement, and the Critical Area forest clearing regulations. Therefore, by allowing the items requested by the petitioner, impacts on water quality will be avoided or minimized.

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

The current development proposal for the property will be reviewed for the application of the LDA and Critical Area forest clearing regulations, which will minimize impacts to any adjacent buffers, thereby will improve buffer functions, and conserve fish, wildlife and plant habitat in nearby Shallow Creek and the Chesapeake Bay.

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

The petitioner's request, if granted, will be consistent with established land use policies and will minimize or avoid environmental impacts provided that the applicants meet any LDA and Critical Area forest clearing requirements, including mitigation, applicable to the proposal.

Reviewer: Thomas Panzarella;
Environmental Impact Review

PLEASE PRINT CLEARLY

CASE NAME 9321 NORTH POINT RD
CASE NUMBER 2018-0255-A
DATE 4/13/18

PETITIONER'S SIGN-IN SHEET

[illegible]

C H E C K L I S TSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment

4/20

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

4/5

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

4/20

FIRE DEPARTMENT

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

3/26

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 4/13/18

SIGN POSTING (1st) Date: 4/13/18SIGN POSTING (2nd) Date: _____

by Billingsley

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 - 1513142541			
Owner Information					
Owner Name:	GRAY THOMAS GRAY FRANCES		Use:	RESIDENTIAL	
Mailing Address:	7608 CHESTNUT AVE FORT HOWARD MD 21052-		Principal Residence:	NO	
			Deed Reference:	/37365/ 00242	
Location & Structure Information					
Premises Address:		WALNUT ST 0-0000		Legal Description:	LT 24,25 NORTH POINT TERRACE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0115	0011	0021		0000	F 24
					Assessment Year: 2018
					Plat No: 0006/0155
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
			6,250 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2018	07/01/2017	07/01/2018
Land:		6,200	6,200		
Improvements		0	0		
Total:		6,200	6,200	4,600	6,200
Preferential Land:		0			0
Transfer Information					
Seller: MCNEW FRANK JR		Date: 04/06/2016		Price: \$15,000	
Type: ARMS LENGTH VACANT		Deed1: /37365/ 00242		Deed2:	
Seller: MCNEW FRANK, JR		Date: 10/03/1996		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /11827/ 00084		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017		07/01/2018	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application Date:					

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1513142541			
Owner Information					
Owner Name:	GRAY THOMAS GRAY FRANCES		Use:	RESIDENTIAL	
Mailing Address:	7608 CHESTNUT AVE FORT HOWARD MD 21052-		Principal Residence:	NO	
			Deed Reference:	/37365/ 00242	
Location & Structure Information					
Premises Address:		WALNUT ST 0-0000		Legal Description:	LT 24,25
NORTH POINT TERRACE					
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0115	0011	0021		0000	F
					24
					2018
					Assessment Year:
					Plat No:
					Plat Ref:
					0006/0155
Special Tax Areas:			Town:		
			NONE		
Ad Valorem:					
Tax Class:					
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
			6,250 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2018	07/01/2017	07/01/2018	
Land:	6,200	6,200			
Improvements	0	0			
Total:	6,200	6,200	4,600	6,200	
Preferential Land:	0			0	
Transfer Information					
Seller: MCNEW FRANK JR		Date: 04/06/2016		Price: \$15,000	
Type: ARMS LENGTH VACANT		Deed1: /37365/ 00242		Deed2:	
Seller: MCNEW FRANK, JR		Date: 10/03/1996		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /11827/ 00084		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017		07/01/2018	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application					
Date:					

PETITIONER'S
EXHIBIT NO. 2

Property: Lots 24 & 25 Walnut Street
 Tax ID No. 15-13-142541
 83529/CT

LR - Deed (w Taxes)
 Recording only \$170.00
 Grantor/Grantee Name:
 mcnw
 Reference/Control #:
 LR - Deed (with Taxes)
 Surcharge 40.00
 LR - Deed State
 Transfer Tax 75.00
 LR - Non-Resident Tax
 - linked 0.00
 SubTotal: 135.00

SPECIAL WARRANTY DEED

Total: 135.00
 04/06/2016 03:29
 CC03-TA
 #5888191 CC0301 -
 Baltimore
 Spurred CC03-01-01 -
 Register 01

THIS SPECIAL WARRANTY DEED, Made this 21ST day of March, 2016,
 by and between ERNEST ALLEN McNEW, party of the first part, Grantor; and
 THOMAS GRAY and FRANCES GRAY, parties of the second part, Grantees.

Witnesseth, That in consideration of the sum of FIFTEEN THOUSAND
 DOLLARS (\$15,000.00), the actual sums paid, or to be paid, and other good and valuable
 considerations, the receipt whereof is hereby acknowledged, the said party of the first part,
 does hereby grant and convey unto the said parties of the second part, as tenants by the
 entireties, their assigns, the survivor of them and unto the survivor's personal
 representatives and assigns, in fee simple, all those lots of ground situate, lying and being
 in Baltimore County, Maryland, and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lots Nos. 24 and 25, as
 shown in Section F on the Plat of "North Point Terrace", recorded among the Plat
 Records of Baltimore County in Plat Book WPC No. 6 folio 155.

BEING the same lots of ground which by Deed dated September 17, 1996
 and recorded among the Land Records of Baltimore County, Maryland in Liber
 SM No. 11827 folio 084, were granted and conveyed by Frank McNew, Jr., and
 Betty McNew, his wife, unto Frank McNew, Jr., and Betty McNew, his wife, with
 full powers, unto Ernest Allen McNew, remainderman. The said Frank McNew,
 Jr., having since departed this life on or about February 25, 2005 the said Betty
 McNew, having since departed this life on or about December 14, 2010 thereby
 vesting absolute title in the said Ernest Allen McNew, the Grantor 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 lots of ground and premises to the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and unto the survivor's personal representatives and assigns, forever in fee simple.

AND the said party of the first part does hereby covenant that he has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he will warrant specially the property hereby granted; and that he will execute such further assurances of the same as may be requisite.

{Signature on next page}

Return to:
Residential Title & Escrow Company
100 Painters Mill Road, Suite 200
Owings Mills, MD 21117
410-653-3400
File # 83529/05

WITNESS the hand and seal of said Grantor.

Witness:



Ernest Allen McNew

(SEAL)

{Acknowledgment on next page}

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 37365, p. 0244, MSA_CE62_37222. Date available 04/12/2016. Printed 04/28/2018.


**RESIDENTIAL TITLE
& ESCROW COMPANY**
180 Painters Mill Road
Suite 200
Crownings Mills, MD 21117
410-653-3400

PETITIONER'S EXHIBITS

9321 NORTH POINT ROAD

DW
5-4-18

DW
6-5-18

1. PLAT TO ACCOMPANY PETITION DATED MARCH 12, 2018 (NO CHANGES)
2. SDAT REAL PROPERTY SEARCH FOR SUBJECT PROPERTY
3. DEED OF RECORD L.37365 F.242 DATED MARCH 21, 2016
4. PLAT OF NORTH POINT TERRACE PB 6 F 155 RECORDED 10/3/1918
5. SDAT REAL PROPERTY DATA SEARCH FOR 7616 CHESTNUT AVENUE
6. BALTIMORE COUNTY MY NEIGHBORHOOD AERIAL PHOTO
7. GOOGLE EARTH PHOTO
- 8a – 8e. PHOTOS
9. BUILDING ELEVATIONS

10. Zoning Case # 2006-005

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: August 24, 2005

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 2005 Middleborough Road

INFORMATION:

Item Number: 6-005

Petitioner: Craig Bauer

Zoning: DR 3.5

Requested Action: Variance

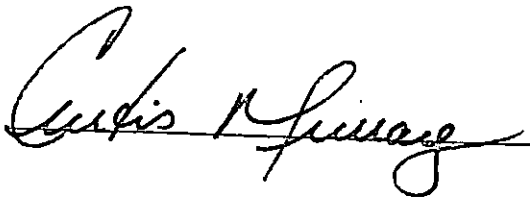
SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

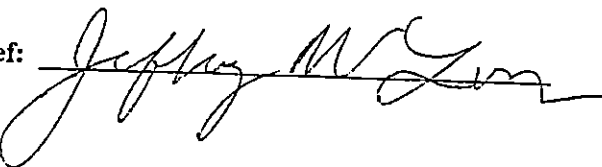
1. Use Nanticoke Road for Ingress/Egress. The Office of Planning does not support the use of a 15-foot easement through the adjacent property.
2. The applicant shall improve Nanticoke Road with 18 feet of paving and utilities subject to the standards of Baltimore County Department of Public Works. The petitioner may be required to dedicate a portion of the Nanticoke Right of Way to Baltimore County as part of any future highway widening.

For further information concerning the matters stated here in, please contact David Pinning at 410-887-3480.

Prepared by:



Division Chief:



AFK/LL: CM

gm
8/25

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: Bruce Seeley
DATE: August 3, 2005

RECEIVED

AUG - 3 2005

ZONING COMMISSIONER

SUBJECT: Zoning Item # 005
Address 2005 Middle Borough Rd
Bauer Property

Zoning Advisory Committee Meeting of 6-18-05

☐ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

☒ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

☐ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

☐ Development of this property must comply with the Forest Conservation Regulations (Section 33-6-101 through 33-6-122 of the Baltimore County Code).

☒ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: Patricia Farr

Date: August 3, 2005

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: December 21, 2005

FROM: ^{DAK} Dennis A. Kennedy, Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 28, 2005
Item No. 005

The Bureau of Development Plans Review has reviewed the revised subject zoning item and we have the following comment(s).

The revised plan dated November 30, 2005 is acceptable. We take no exception to granting the requested variance.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 005-07252005.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: July 25, 2005

FROM: ^{DAK}
Dennis A. Kennedy, Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 25, 2005
Item No. 005

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

Nanticoke Road shall be improved with an 18-foot paved section.

Water and sewer shall also be extended to this property.

Minimum of 5-foot right-of-way widening along the property frontage shall be dedicated to the county at no cost.

We strongly recommend against granting this variance.

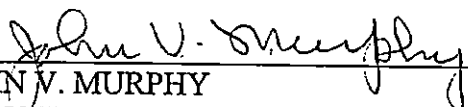
DAK:CEN:clw

cc: File

ZAC-ITEM NO 005-07252005.doc

2. Compliance with the ZAC comments submitted by DEPRM dated August 3, 2005, a copy of which is attached hereto and made a part hereof; and
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

Petitioners can acquire to satisfy the regulations. No dwelling could be erected on the property if it were not for the variance.

From the aerial zoning map in the file, the area seems to be essentially undeveloped. Presumably, this is because Nanticoke Road has never been extended as a public road. Therefore, I find that there will be no increase in residential density beyond that otherwise allowable by the Zoning Regulations as a result of granting these variances. Finally, I find that these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. I see no adverse impact on the community and since the other property owners along this portion of Nanticoke Road will be able to use the new driveway without contribution, this may result in an improvement to the neighborhood. I find that the variance can be granted without changing the pattern of development in the neighborhood and therefore is in strict harmony with the spirit and intent of said regulations, and will not injure the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance requests should be granted with conditions.

THEREFORE, IT IS ORDERED, this 4 day of January, 2006, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a dwelling to be built on a lot containing less than 20,000 sq. ft. which does not abut on a right-of-way at least 30 ft. wide over which the public has an easement of travel and to approve an undersized lot, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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

IN RE: PETITION FOR VARIANCE
SW/Side of Nanticoke Road, 147 ft. SE
of intersection of Middleborough Road
15th Election District
6th Councilmanic District
(2005 Middleborough Road)

Craig Bauer, *Legal Owner*
and
David Chmura, *Contract Purchaser*
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 06-005-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Craig Bauer and David Chmura, contract purchaser. The Petitioners are requesting variance relief for property located at 2005 Middleborough Road in the eastern area of Baltimore County. Variance relief is requested from Section 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a dwelling to be built on a lot containing less than 20,000 sq. ft. which does not abut on a right-of-way at least 30 ft. wide over which the public has an easement of travel and to approve an undersized lot.

The property was posted on August 10, 2005, 15 days prior to the hearing, which was scheduled for August 25, 2005, in order to notify all interested citizens of the public hearing on the zoning issue. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on August 9, 2005 to notify any interested persons of the scheduled hearing date. Only the Petitioners' representative appeared at the August 25, 2005 hearing.

However, due to comments from the Planning Office and the Bureau of Development Plans Review, the Petitioners requested a postponement to resolve the issues raised therein. Thereafter, the property was reposted on December 13, 2005 notifying the local public of the rescheduled hearing date.

PETITIONER' S

EXHIBIT NO.

10

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Bureau of Development Plans Review dated July 25, 2005 opposing the requested variances, a copy of which is attached hereto and made a part hereof. A revised comment from this Bureau was received dated December 21, 2005, which supported the Petition based upon a revised plan.

In addition, ZAC comments were received from the Department of Environmental Protection & Resource Management (DEPRM) dated August 3, 2005 stating that the Petitioners must comply with the Chesapeake Bay Critical Area Regulations, a copy of which is attached hereto and made a part hereof. Finally, a ZAC comment was received from the Office of Planning dated August 24, 2005, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request was David Chmura, Petitioner and David Billingsley of Central Drafting & Design, Inc., the firm that prepared the site plan of the

property. No Protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

This property contains 8,354 sq. ft., is unimproved, wooded and zoned D.R. 3.5. Mr. Billingsley indicated that the property is composed of lots 676, 677 and 678 of the Middleborough Plat II, each of which are 25 feet wide which were recorded among the land records of the County in 1926. The Petitioners propose to erect a single family dwelling on these three (3) lots.

In the original plan, Petitioner's Exhibit 1, the access to Middleborough Road was to go through a 15 foot wide easement through lot 634, which is owned by Petitioner Bauer's brother. The reason for this extraordinary approach was to avoid paying for the full improvements to Nanticoke Road extended. Mr. Billingsley explained that this portion of Nanticoke Road had never been dedicated to the County and was a private paper road, which had never been improved in any way. Apparently, the County wanted the road improved a full 18 feet of paving with public water and sewer utilities in the roadbed. Mr. Billingsley indicated that the cost of such improvement would have been prohibitive. In response to the Petitioner's request for approval of the easement approach, the Bureau of Development Plans Review recommended strongly against granting the variances.

Apparently, the Petitioners and County continued negotiations after the initial postponement and eventually came to a compromise in which the Petitioner would pave a 10 foot wide private driveway from Middleborough Road to the subject property in the Petitioner's half of the bed of Nanticoke Road. Mr. Billingsley opined that based on his research abutting property owners along Nanticoke Road each own $\frac{1}{2}$ of the roadbed. The right-of-way is 30 feet wide so that the Petitioner and his brother, David Bauer owns 15 feet of roadbed on which the 10-foot wide driveway will be built. See Exhibit 2. Mr. Billingsley opined that the other property owners along this unimproved

portion of Nanticoke Road would be able to use the driveway built by the Petitioner as noted on Exhibit 2.

Finally, he indicated that he reviewed Exhibit 2 with the Planning Office, which initially opposed the original proposal, and they no longer objected to the new arrangement. A revised comment dated December 21, 2005 was received during the hearing from the Bureau of Development Plans Review, which indicated that they no longer opposed the Petitioners' requests.

In regard to the request to approve an undersized lot, Mr. Billingsley noted that DR 3.5 zoning requires lots of 10,000 sq. feet minimum and that the three (3) lots combined contain only 8,354 sq. feet. He indicated that there is no other property on any side of this property which can be acquired to remove the need for the area variance. Since the driveway from this property to Middleborough Road will still be on a paper street not dedicated to the County, the public will not have the right to travel on the roadway. Consequently, the variance for access, which does not comply with Section 102.4, is still needed. However, the property and proposed dwelling meet all other regulations.

Findings of Fact and Conclusions of Law

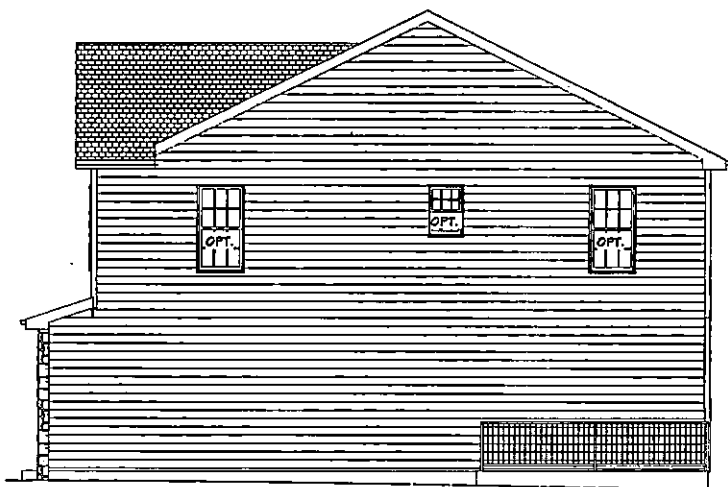
Apparently, the Petitioners' revised plan is now acceptable to the County. I have no reason to believe that rights of other owners along the remaining portion of this paper street, Nanticoke Road, will be adversely affected by this proposal which Mr. Billingsley indicates he researched thoroughly:

I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. These lots were created in 1926 many years before the DR regulations were imposed on the property. As such, I find that the DR regulations impact this property differently from those lots created after the DR regulations were imposed.

I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is no other property which the



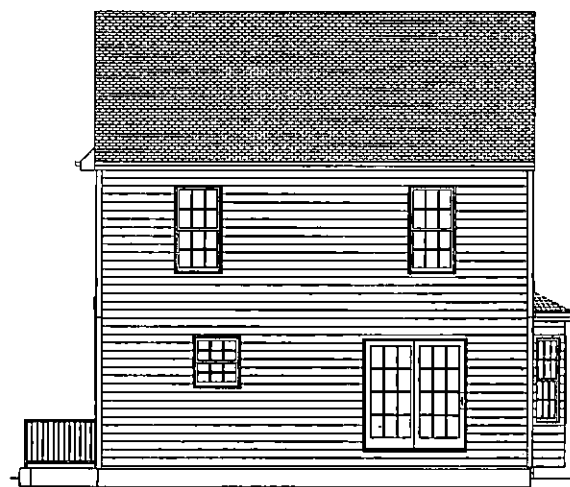
FRONT ELEVATION



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION



REAR ELEVATION

SHEET TITLE
ELEVATIONS

JENKINS BUILDERS LLC
8600 OLD HARBOR AVENUE
PERRY HALL, MD 21226
410-330-5844
mj@jenkinsbuilders.com

THE LINWOOD

REVISIONS

4TH GENERATION DESIGNS LLC
7600 OLD HARBOR ROAD
BALTIMORE, MD 2124
410-425-0940
WILLIAM GRUB STORM

DATE
4/23/2015

SCALE
1/4" = 1'

SHEET
A - 1

**BUILDING
ELEVATIONS**

PETITIONER'S
EXHIBIT NO. **9**



a



b

p

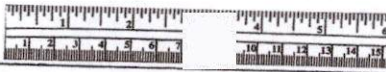


c

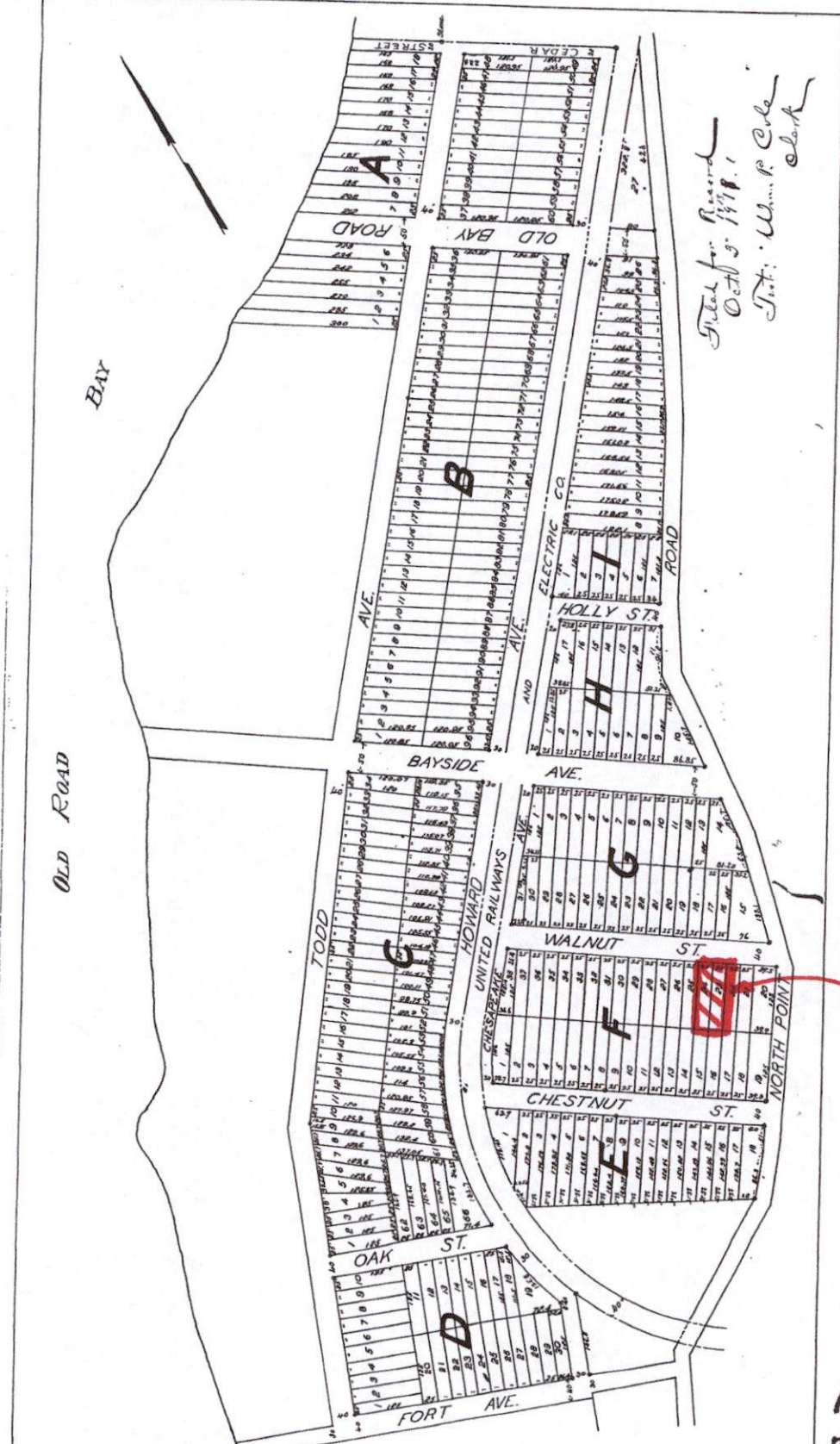




2



TIMORE COUNTY CIRCUIT COURT (PMB) PMB Form WPC 6, p. 155, BSA, C2718, 048 Data available 10/15/2015 Printed 10/20/2015



Filed for Record
Oct 3, 1918.
J. W. P. Cole
Clark

AMENDED PLAT OF
NORTH POINT TERRACE
PROPERTY BELONGING TO
THE BALTIMORE - STEELTON
DEVELOPMENT CO.
BALTIMORE COUNTY, MD.

SCALE: 1"=100'

P.B. 6 F. 155
REC:
10/3/1918

PETITIONER'S
EXHIBIT NO. **4**

MIA 11 21 10-11

Search Result for BALTIMORE COUNTY

PETITIONER'S
EXHIBIT NO. 5

Baltimore County - My Neighborhood



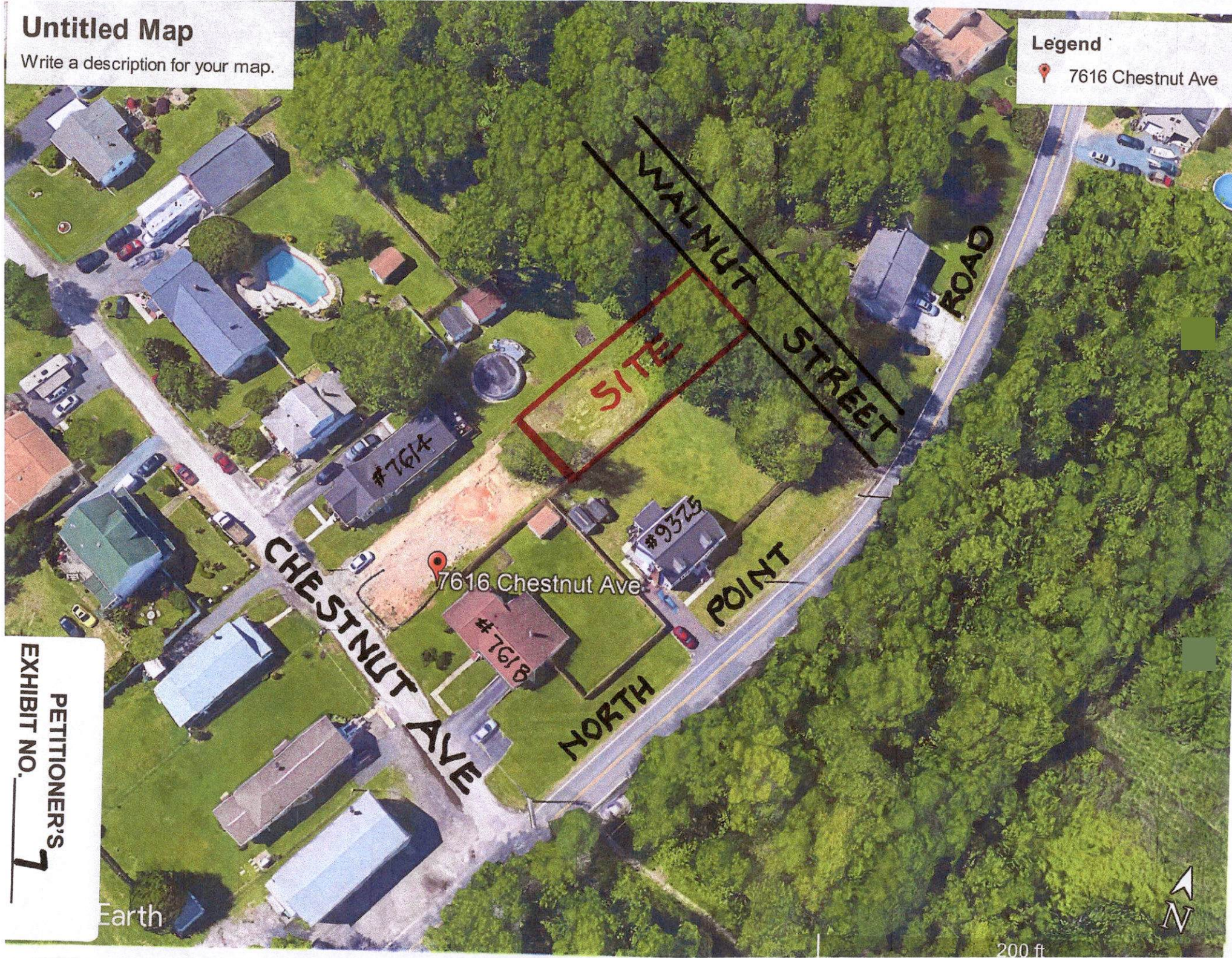
PETITIONER'S
EXHIBIT NO. 6

Untitled Map

Write a description for your map.

Legend

 7616 Chestnut Ave



PETITIONER'S
EXHIBIT NO. 7

Earth

**American Title Associates**

June 22, 2006

Ms. Robin Hurley
Baltimore County, Maryland
Department of Public Works

Re: Permit No. B620434
2005 Nanticoke Road
Tax ID No. 20-00-003844

Dear Ms. Hurley:

This is to certify that I have reviewed the plans for the above Permit and the drawings to same and I have come to the conclusion that there is ingress/egress to the above property without any problems.

I agree to indemnify, protect and hold harmless Baltimore County, Maryland, its agents, employees, successors, and assigns from and against any and all costs, liability, penalties, fines forfeitures, attorney's fees, judgment, and related litigation costs arising from errors and omissions contained in this certification, it being fully understood and acknowledge that Baltimore County intends to rely fully upon said certification. It is intended that Baltimore County, its successors and assigns, shall be a third party beneficiary of an agreement, whether oral or written, between my client and myself for the preparation of this Certification.

 (Seal)
Name: Andrew Belt

Firm: American Title Associates
9515 Deereco Road
Suite 100
Timonium, Maryland 21093
410-560-0391

Professional Liability Insurance:
Company: National Union Fire Insurance Company
Policy No. 003488332
Policy Limits: \$1,000,000.00

9515 Deereco Road, Suite 100, Timonium, Maryland 21093 Phone: 410-560-0391 Fax: 410-561-9021

54 East Lee Street, Bel Air, Maryland 21014 Phone: 410-893-0180 Fax: 410-893-0183

Website: www.amer-title.com

**BALTIMORE COUNTY, MD
DEPARTMENT OF PUBLIC WORKS
PERMIT REVIEW FORM**

Date: 4/24/2006 Review By: Robin Hurley Phone: 410-887-3117
Applicant Name: Dave Billingsley T/A: Central Drafting & Design
Property Address: 2005 Nanticoke Rd Tax Acct #: 20-00-003844
Permit #: B620434 Tax Map: 57 Grid: 6 Parcel: 470 Lot: 676-678

WATER AND SEWER PLAN DESIGNATION

Water: W-1 Sewer: S-1 Key Sheet:

Water Drawing: 1945-0067 Sewer Drawing: 1961-0530

FLOOD INSURANCE RATE MAP

Panel #: 240010- Zone:
Tidal: Riverine Base Flood Elevation:

REVIEWERS' NOTES

Reviewed for Public Water, Public Sewer, Roads and Storm Drainage/Floodplains Only.

5-25-06

1. Need Attorney Certificate with binder number for ingress/egress and utility installation in paper street.
 2. If grinder pump is required, applicant must request permission in writing from Ed Adams, Director, Public Works.
 3. Applicant to install a 10-ft wide private driveway from Middleborough Road to subject property in applicants half of roadbed in Nanticoke Rd.
 4. Address must be corrected: 2000 blk does not exist on Nanticoke Rd.
- Recommend permit approval: Robin Hurley

RECOMMENDATION

Approve: Approve as Noted: **HOLD: X**

Must Comply with Baltimore County Code Section 26-243 (Public Improvements):

Must Comply with Council Bill 173-93 (Floodplain Ordinance):

Other:

"A variance was granted by the Baltimore County Department of Environmental Protection and Resource Management from certain requirements of the Critical Area Regulations. The Critical Area Easement shown hereon is reflective of the fact that this variance was granted. Conditions were placed on this variance to reduce water quality impacts."

LOT COVERAGE

LOT AREA = 8354 S.F.

COVERAGE PERMITTED = $8354 \times 25\% = 2089$ S.F.

LOT COVERAGES

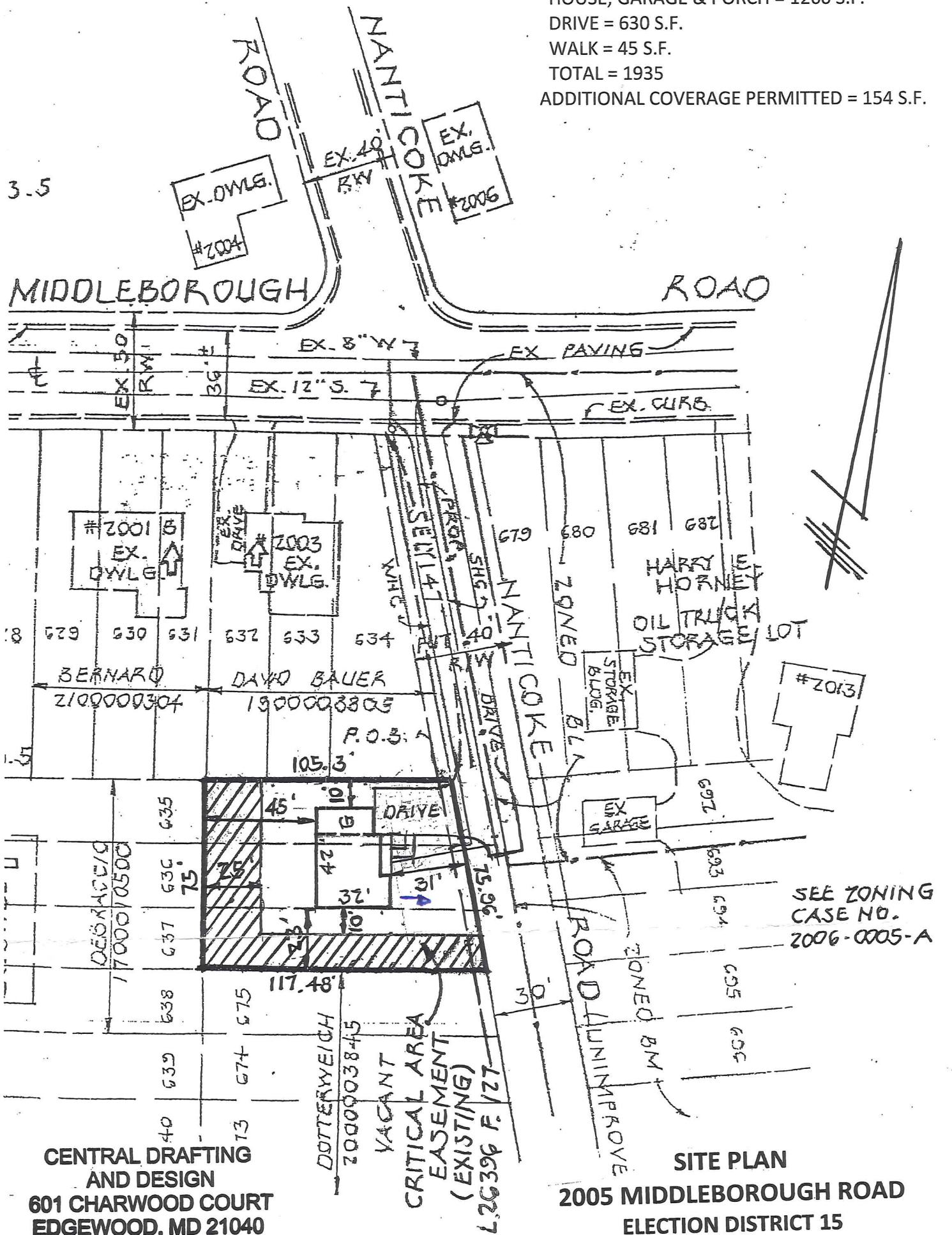
HOUSE, GARAGE & PORCH = 1260 S.F.

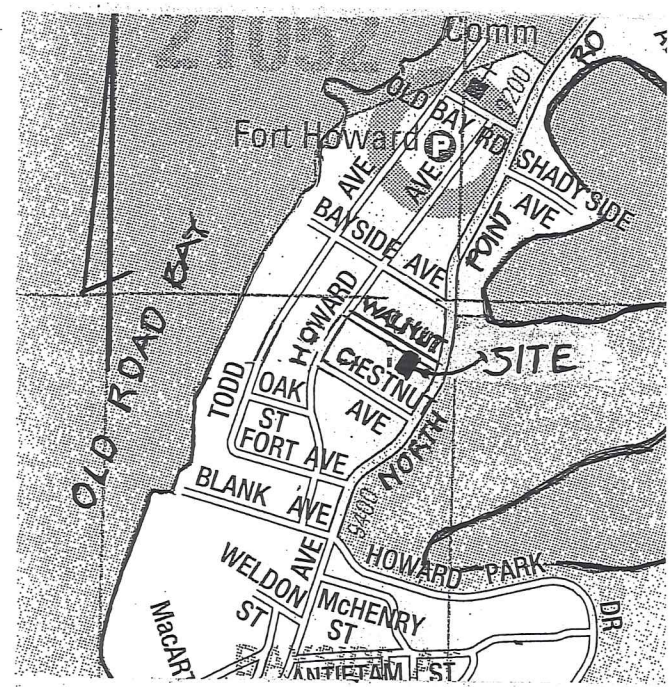
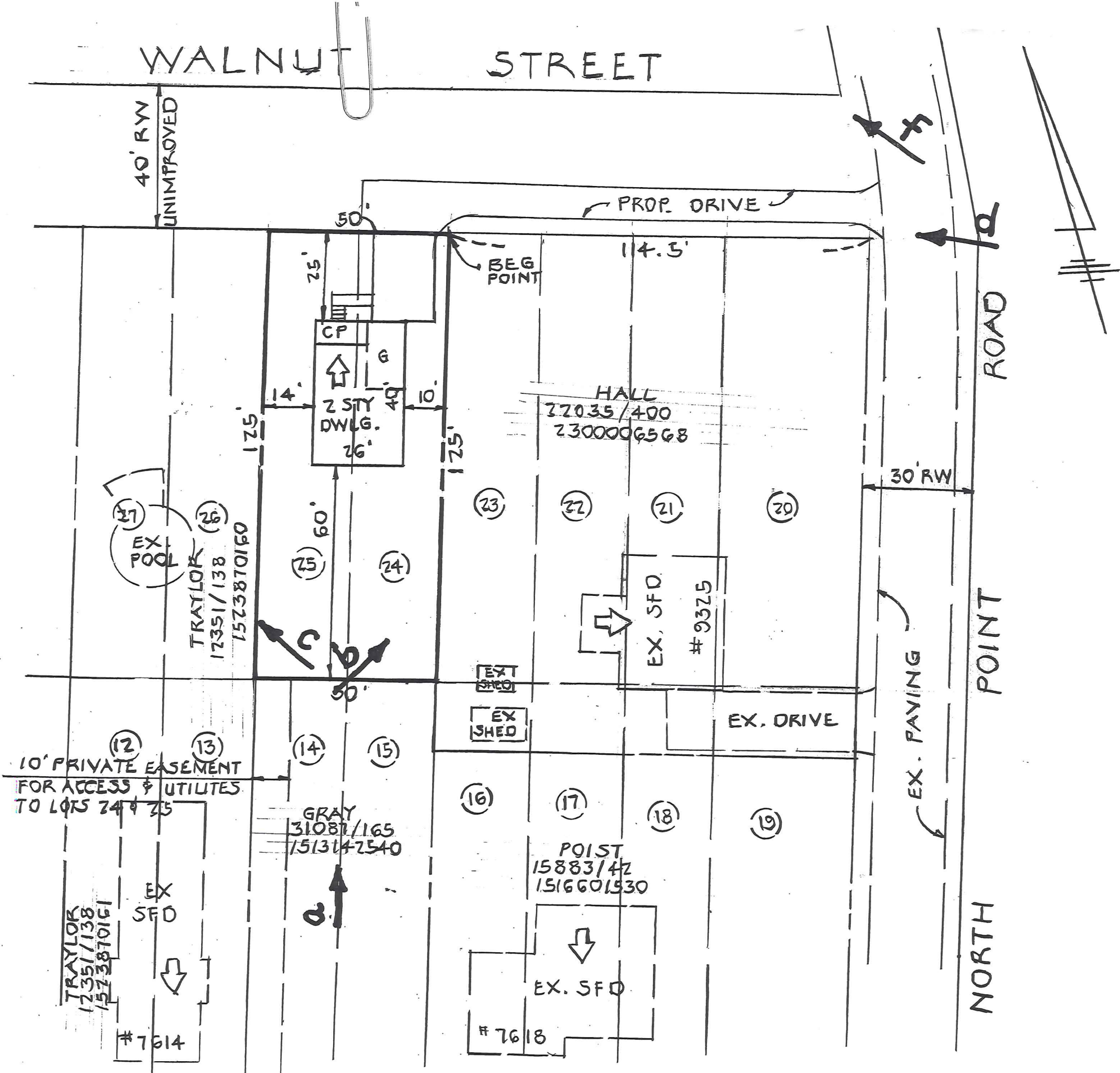
DRIVE = 630 S.F.

WALK = 45 S.F.

TOTAL = 1935

ADDITIONAL COVERAGE PERMITTED = 154 S.F.





VICINITY MAP
SCALE = 1" = 1000'

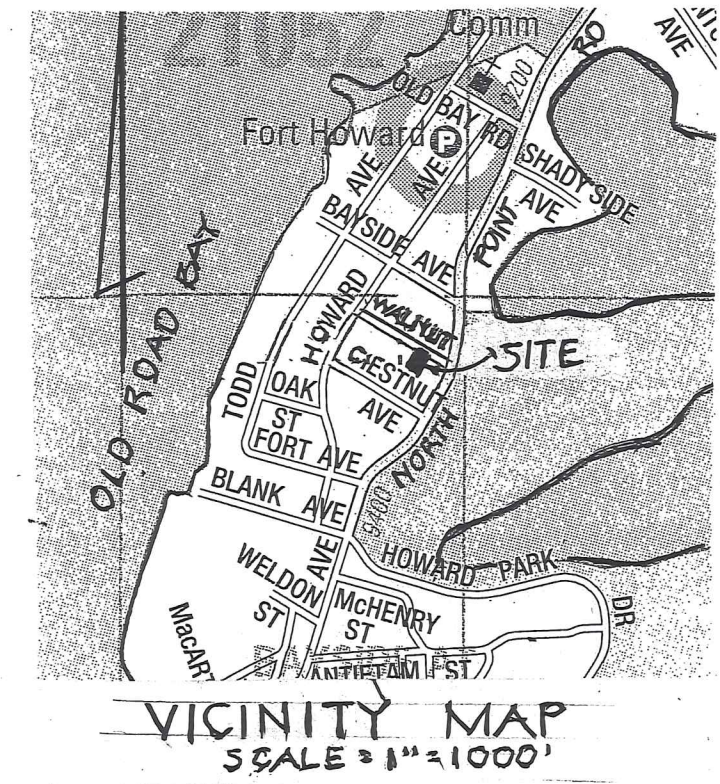
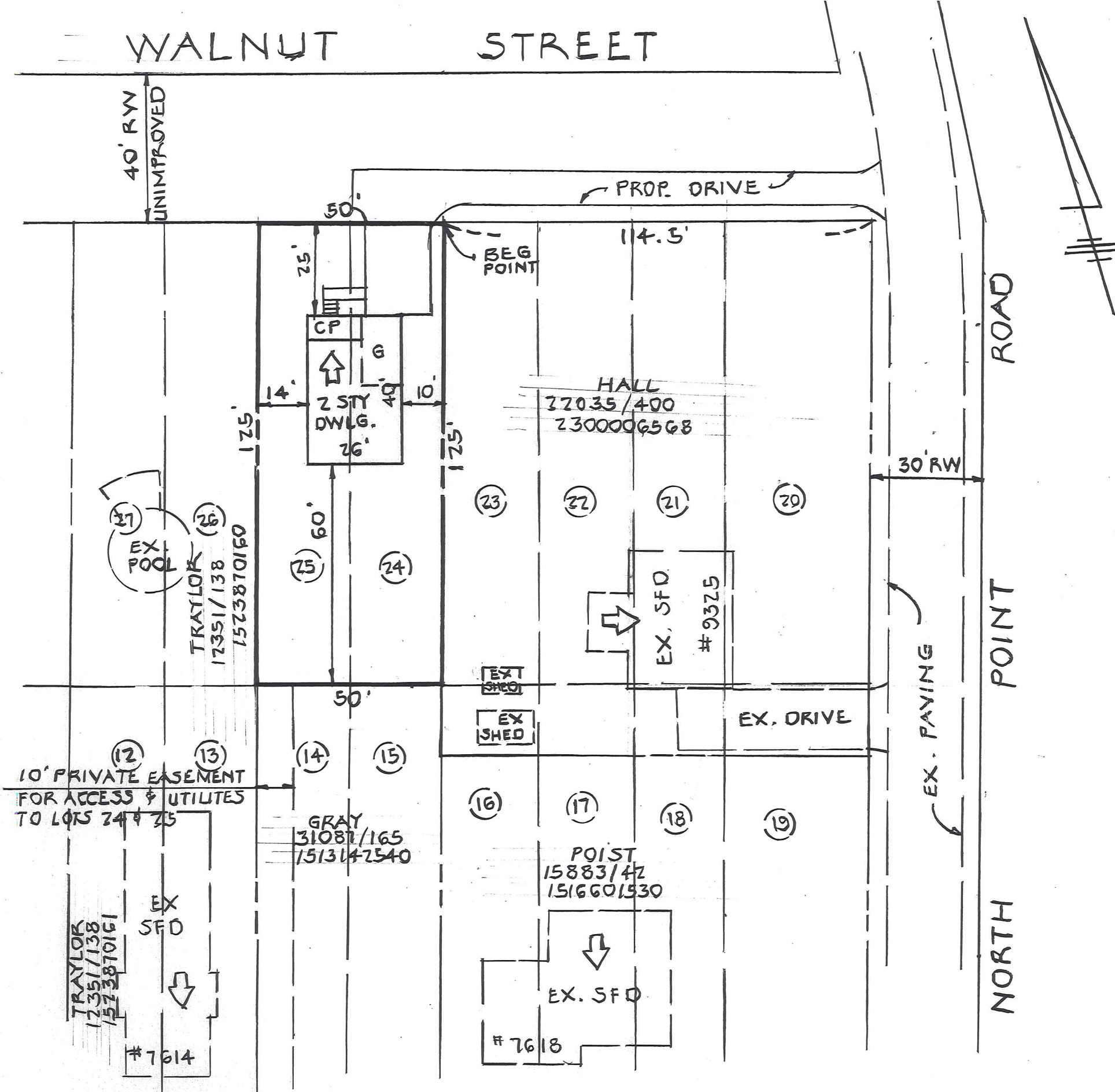
OWNER
 THOMAS AND FRANCES GRAY
 7608 CHESTNUT AVENUE
 FORT HOWARD, MD. 21052
 DEED REF: L.31087 F.165
 ACCT. NO. 1513142541

- NOTES**
1. ZONING.....DR 5.5 (MAP 115C1)
 2. AREA.....6250 S.F. = 0.143 ACRE
 3. PUBLIC WATER AND SEWER
 4. SITE IS LOCATED IN THE CB...
 5. SITE IS NOT LOCATED IN A:
 6. NO PREVIOUS ZONING HIS
 7. NO UNDERGROUND STOR...

PETITIONER'S
 EXHIBIT NO. **8a-2**
 HISTORIC BUILDINGS OR ST

PHOTOS

**PLAT TO ACCOMPANY PETITION FOR
 SPECIAL HEARING AND VARIANCE
 9321 NORTH POINT ROAD
 LOTS 24 AND 25 NORTH POINT TERRACE 6/155
 ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MARYLAND
 SCALE: 1 INCH = 30 FEET MARCH 12, 2018**



OWNER
THOMAS AND FRANCES GRAY
7608 CHESTNUT AVENUE
FORT HOWARD, MD. 21052
DEED REF: L.31087 F.165
ACCT. NO. 1513142541

- NOTES**
1. ZONING.....DR 5.5 (MAP 115C1)
 2. AREA.....6250 S.F. = 0.143 ACRE
 3. PUBLIC WATER AND SEWER
 4. SITE IS LOCATED IN THA CBCA
 5. SITE IS NOT LOCATED IN A 100 YEAR FLOOD ZONE
 6. NO PREVIOUS ZONING HISTORY OR VIOLATIONS
 7. NO UNDERGROUND STORAGE TANKS, ARCHEOLOGICAL SITES, HISTORIC BUILDINGS OR STRUCTURES ARE KNOWN TO EXIST

2018-0255-A

PLAT TO ACCOMPANY PETITION FOR VARIANCE

9321 NORTH POINT ROAD
LOTS 24 AND 25 NORTH POINT TERRACE 6/155
ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 30 FEET MARCH 12, 2018