

M E M O R A N D U M

DATE: June 29, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0272-A – Appeal Period Expired

The appeal period for the above-referenced case expired on June 28, 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
(1708 Beechwood Avenue)
15th Election District
7th Council District
Chesapeake Custom Properties, LLC
Legal Owner

Petitioner

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2018-0272-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Chesapeake Custom Properties Properties, LLC, legal owner of the subject property (“Petitioner”). The Petition seeks variance relief from §§ 1A04.3.A and 1A04.3.B.2.b of the Baltimore County Zoning Regulations (“BCZR”) to permit a height of 38 ft. and side yard setbacks of 10 ft. and 10 ft. in lieu of the maximum permitted 35 ft., 50 ft., and 50 ft., respectively, for a replacement dwelling on an existing lot of record. A site plan was marked as Petitioner’s Exhibit 1.

Charles Wolinski 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. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Environmental Protection and Sustainability (“DEPS”).

The site is approximately 10,200 square feet in size and zoned RC-5. The property is improved with a single family dwelling that is in poor condition. Petitioner proposes to raze the existing structure and in its place construct a new single family dwelling. Given the substantial setback requirements in the RC-5 zone, variance relief is required.

ORDER RECEIVED FOR FILING

Date

5/29/18

By

Ben

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

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

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

The waterfront lot is narrow and deep (50' x 200') and the property is therefore unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to construct the proposed replacement dwelling. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of Baltimore County and/or community opposition.

THEREFORE, IT IS ORDERED, this 29th day of **May, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to Sections 1A04.3.A and 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("BCZR") to permit a height of 38 ft. and side yard setbacks of 10 ft. and 10 ft. in lieu of the maximum permitted 35 ft., 50 ft., and 50 ft., respectively, for a replacement dwelling on an existing lot of record, be and is hereby GRANTED.

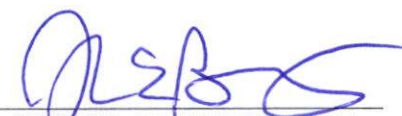
The relief granted herein shall be subject to the following:

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

ORDER RECEIVED FOR FILING

2 Date 5/29/18
By sen

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:slh

ORDER RECEIVED FOR FILING

Date

5/29/18

By

slh



CBCA

PETITION FOR ZONING HEARING(S)

flood

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 1708 BEECHWOOD AVENUE which is presently zoned RC5
 Deed References: L. 39978 F.1 10 Digit Tax Account # 1 5 1 3 2 0 4 1 2 0
 Property Owner(s) Printed Name(s) CHESAPEAKE CUSTOM PROPERTIES LLC

(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) 1A04.3.A AND 1A04.3.B.2.b (BCZR) TO PERMIT A HEIGHT OF 38 FEET AND SIDE YARD SETBACKS OF 10 FEET AND 10 FEET IN LIEU OF THE MAXIMUM PERMITTED 35 FEET, 50 FEET AND 50 FEET, RESPECTIVELY, FOR A REPLACEMENT DWELLING ON AND EXISTING LOT OF RECORD
- 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):

CHESAPEAKE CUSTOM PROPERTIES, LLC

CHARLES WOLINSKI, MEMBER

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

9019 CUCKOLD POINT ROAD BALTO, MD

Mailing Address

City

State

21219

(443) 850-9431

Zip Code

Telephone #

Email Address

Representative to be contacted:

DAVID BILLINGSLEY

Name - Type or Print

Signature

601 CHARYWOOD CT EDGEWOOD MD

Mailing Address

City

State

21040

(410) 679-8719

Zip Code

Telephone #

Email Address dwb0209@yahoo.com

CASE NUMBER 2018-0272-AFiling Date 4/10/18

Do Not Schedule Dates: _____

Reviewer JR

ZONING DESCRIPTION

1708 BEECHWOOD AVENUE

Beginning for the same at a point on the west side of Beechwood Avenue (30 feet wide), distant 40 feet southerly from its intersection with the center of Kelly Case Lane (30 feet wide), thence being all of Lot 47 as shown on the plat entitled Evergreen Park recorded among the Baltimore County plat records in Plat Book 7 Folio 174.

Containing 10,200 square feet or 0.234 acre of land, more or less.

Being known as 1708 Beechwood Avenue. Located in the 15TH Election District, 7TH Councilmanic District of Baltimore County, Maryland.

RECEIVED

MAY 21 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

CERTIFICATE OF POSTING

MAY 21, 2018 Recertified
Date: MAY 5, 2018

RE: Project Name: 1708 BEECHWOOD AVENUE #1
Case Number /PAI Number: 2018-0272-A
Petitioner/Developer: CHESAPEAKE CUSTOM PROPERTIES LLC
Date of Hearing/Closing: MAY 25, 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 1708 BEECHWOOD ROAD

The sign(s) were posted on

MAY 21, 2018 Recertified
MAY 5, 2018

(Month, Day, Year)

David Billingsley

David 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. 2018-0272-A
1708 BEECHWOOD AVENUE

A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE

PLACE: ROOM 205 JEFFERSON BUILDING, 305 WEST
CHESAPEAKE AVENUE, TOWSON, MD. 21204
TIME: WEDNESDAY, MAY 25, 2018 AT 11:00 AM

VARIANCE TO PERMIT A HEIGHT OF 38 FEET AND
SIDE YARD SETBACKS OF 10 FEET AND 10 FEET IN
LIEU OF THE MAXIMUM PERMITTED 35 FEET, 30
FEET AND 50 FEET, RESPECTIVELY, FOR A
REPLACEMENT DWELLING ON AN EXISTING LOT
OF RECORD ON AN EXISTING LOT OF RECORD

Portions of the Board of Appeals and the Board of Zoning Adjustments are sometimes
necessary. To obtain more information, contact the Board of Zoning Adjustments, 311 West Chesapeake
Avenue, Towson, MD 21204, or call (410) 679-8719.

CERTIFICATE OF POSTING

MAY 21, 2018 Recertified
Date: MAY 5, 2018

RE: Project Name: 1708 BEECHWOOD AVENUE #2
Case Number /PAI Number: 2018-0272-A
Petitioner/Developer: CHESAPEAKE CUSTOM PROPERTIES LLC
Date of Hearing/Closing: MAY 25, 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 1708 BEECHWOOD ROAD

The sign(s) were posted on

MAY 21, 2018 Recertified
MAY 5, 2018

(Month, Day, Year)

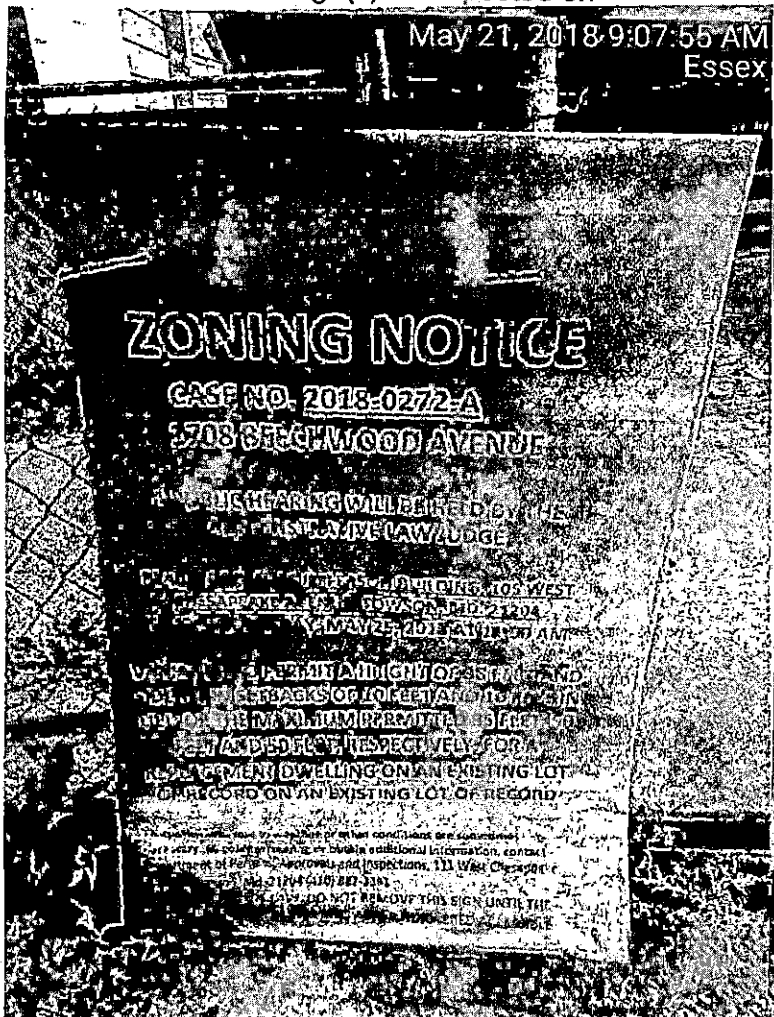
David Billingsley
David Billingsley
(Signature of Sign Poster)

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: MAY 5, 2018

RE: Project Name: 1708 BEECHWOOD AVENUE #1
Case Number /PAI Number: 2018-0272-A
Petitioner/Developer: CHESAPEAKE CUSTOM PROPERTIES LLC
Date of Hearing/Closing: MAY 25, 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 1708 BEECHWOOD ROAD

The sign(s) were posted on

MAY 5, 2018

(Month, Day, Year)

May 5, 2018 8:17:27 AM
Essex

David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

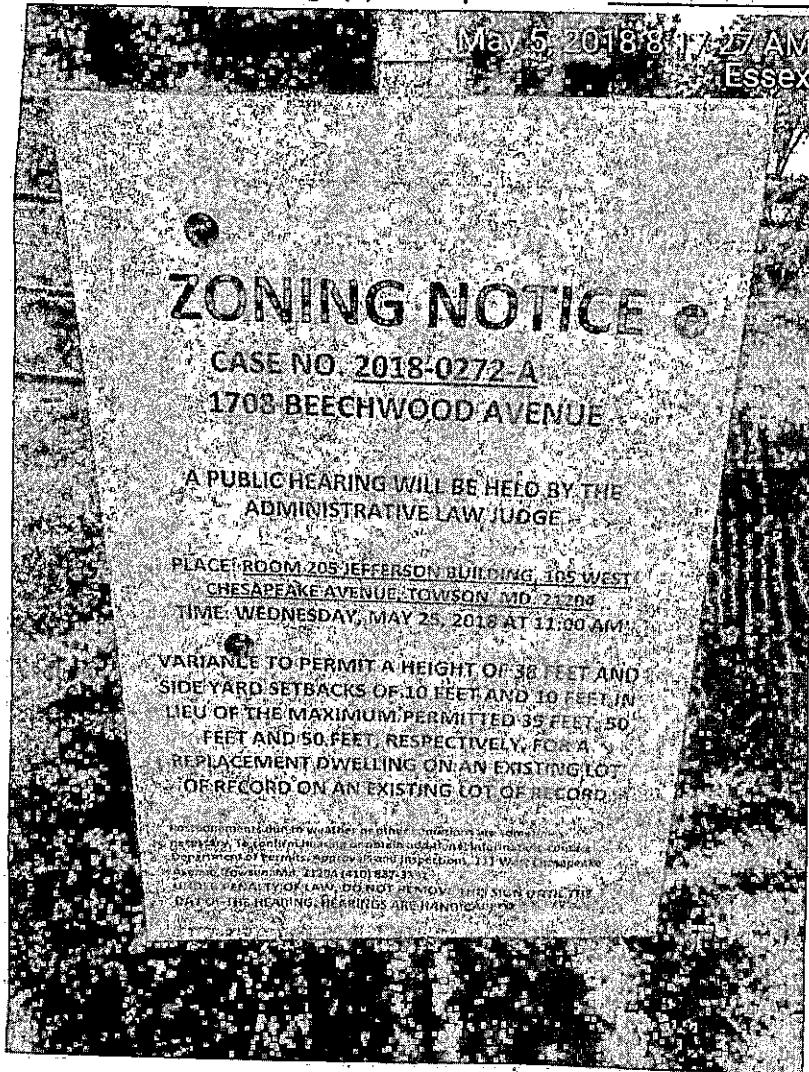
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)



CERTIFICATE OF POSTING

Date: MAY 5, 2018

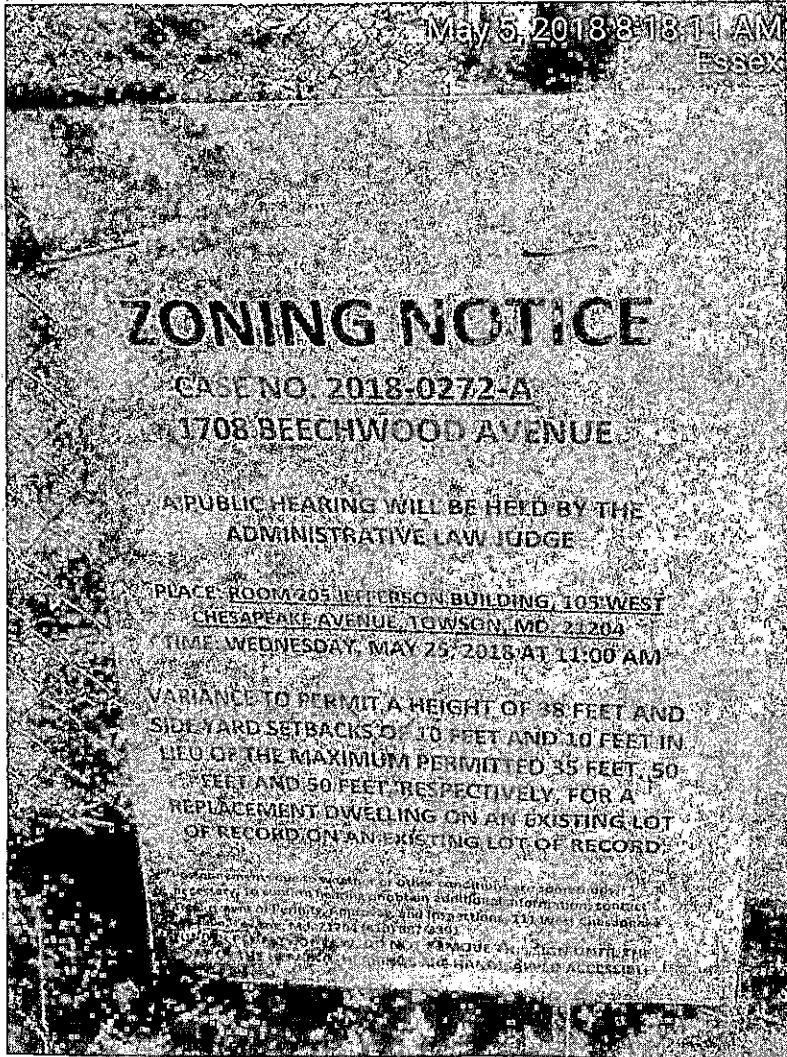
RE: Project Name: 1708 BEECHWOOD AVENUE #2
Case Number /PAI Number: 2018-0272-A
Petitioner/Developer: CHESAPEAKE CUSTOM PROPERTIES LLC
Date of Hearing/Closing: MAY 25, 2018

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The sign(s) were posted on

MAY 5, 2018

(Month, Day, Year)



David 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 25, 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: 2018-0272-A

1708 Beechwood Avenue

W/s Beechwood Avenue, 40 ft. s/of centerline of Kelly Case Lane

15th Election District – 7th Councilmanic District

Legal Owners: Chesapeake Custom Properties, LLC

Variance to permit a height of 38 ft. and side yard setbacks of 10 ft. and 10 ft. in lieu of the maximum permitted 35 ft., 50 ft. and 50 ft. respectively, for a replacement dwelling on an existing lot of record.

Hearing: Friday, May 25, 2018 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Charles Wolinski, 9019 Cuckold Point Road, Baltimore 21219
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 SATURDAY, MAY 5, 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, May 3, 2018 Issue - Jeffersonian

Please forward billing to:

Charles Wolinski
Chesapeake Custom Properties, LLC
9019 Cuckold Point
Baltimore, MD 2119

443-850-9431

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: 2018-0272-A

1708 Beechwood Avenue

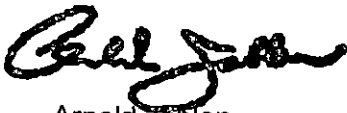
W/s Beechwood Avenue, 40 ft. s/of centerline of Kelly Case Lane

15th Election District – 7th Councilmanic District

Legal Owners: Chesapeake Custom Properties, LLC

Variance to permit a height of 38 ft. and side yard setbacks of 10 ft. and 10 ft. in lieu of the maximum permitted 35 ft., 50 ft. and 50 ft. respectively, for a replacement dwelling on an existing lot of record.

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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 * BEFORE THE OFFICE
1708 Beechwood Avenue; W/S Beechwood *
Avenue, 40' S of Kelly Case Lane * OF ADMINISTRATIVE
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Chesapeake Custom * HEARINGS FOR
Properties, LLC by Charles Wolinski *
Petitioner(s)* BALTIMORE COUNTY
* 2018-272-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.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S Demilio

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

RECEIVED
APR 17 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of April, 2018, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, 601 Charwood Court, Edgewood, Maryland 21040, Representative 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/neighbor 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: 2018-0272-A

Property Address: 1708 BEECHWOOD AVE.

Property Description: W. SIDE BEECHWOOD AVE, 40 FT S.
OF E KELLY CASE LANE

Legal Owners (Petitioners): CHESAPEAKE CUSTOM PROPERTIES LLC

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: CHARLES WOLINSKI

Company/Firm (if applicable): CHESAPEAKE CUSTOM PROPERTIES LLC

Address: 9019 CUCKOLD POINT ROAD
BALTO MD 21219

Telephone Number: (443) 850-9431

Revised 7/9/2015



KEVIN KAMENETZ
County Executive

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

May 17, 2018

Chesapeake Custom Properties LLC
Charles Wolinski
9019 Cuckold Point Road
Baltimore MD 21219

RE: Case Number: 2018-0272 A, Address: 1708 Beechwood Avenue

Dear Mr. Wolinski:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 10, 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.", is written over a circular embossed seal. The signature is fluid and cursive.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

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

Date: 4/16/18

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2018-0272-A

Variance
Chesapeake Custom Properties, LLC
Charles Wolinski
1701 Beechwood Avenue

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

INTER-OFFICE MEMORANDUM

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-272



INFORMATION:

Property Address: 1708 Beechwood Avenue
Petitioner: Charles Wolinski, Chesapeake Custom Properties, LLC
Zoning: RC 5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit a height of 38' and side yard (property line) setbacks of 10' and 10' in lieu of the maximum permitted 35 feet, 50' and 50' respectively, for a replacement dwelling on an existing lot of record.

A site visit was conducted on April 23, 2018. There are existing improvements site which are planned to be razed.

The Department of Planning has no objections to granting the petitioned zoning relief.

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

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

Prepared by:

Lloyd T. Moxley

AVA/KS/LTM/

Deputy Director:

Jeff Mayhew

c: Krystle Patchak
David Billingsley, Central Drafting & Design, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

5-25

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 23, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0272-A
Address 1708 Beechwood Avenue
(Chesapeake Custom Properties,
LLC Property)

Zoning Advisory Committee Meeting of April 23, 2018.

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 a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is proposing to construct a replacement dwelling with zoning relief for height and side yard setbacks. The proposed development must meet LDA and MBA requirements for lot coverage. Based on the property area above mean high water, the maximum Critical Area defined lot coverage allowance for this property is 31.25% with mitigation for any new amount over 25%. The plan submitted with this petition indicates greater lot coverage proposed than a plan for this address approved by EPS in February, 2018. Considering the large concrete area at and just above mean high water, it appears that the current proposal may exceed lot coverage allowances. If the applicant can demonstrate that the site can be developed and meet the lot coverage requirements, and meet all mitigation requirements for lot coverage and buffer impacts, the relief requested can result in minimal adverse impacts to water quality. Please be advised that Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront property located on Back River with the required Critical Area buffer covering about half of the property. Meeting the modified buffer area requirements, lot coverage requirements, tree requirements, and any mitigation requirements for buffer impacts will aid in the conservation of fish, plant, and wildlife habitat in the watershed.

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;

If the development of this property can meet all modified buffer area, lot coverage, tree, and mitigation requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Paul Dennis

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 23, 2018
Item No. 2018-0260-X and 0272-A

DATE: May 4, 2018

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

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 5/3/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-272

INFORMATION:

Property Address: 1708 Beechwood Avenue
Petitioner: Charles Wolinski, Chesapeake Custom Properties, LLC
Zoning: RC 5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit a height of 38' and side yard (property line) setbacks of 10' and 10' in lieu of the maximum permitted 35 feet, 50' and 50' respectively, for a replacement dwelling on an existing lot of record.

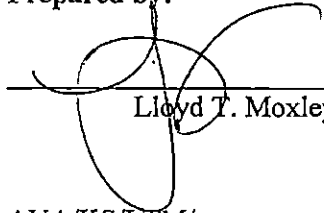
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For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

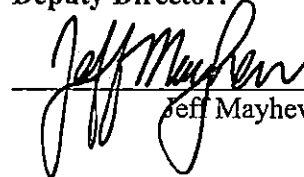
Prepared by:



Lloyd T. Moxley

AVA/KS/LTM/

Deputy Director:



Jeff Mayhew

c: Krystle Patchak
David Billingsley, Central Drafting & Design, Inc.
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 23, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0272-A
Address 1708 Beechwood Avenue
(Chesapeake Custom Properties,
LLC Property)

Zoning Advisory Committee Meeting of April 23, 2018.

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 a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is proposing to construct a replacement dwelling with zoning relief for height and side yard setbacks. The proposed development must meet LDA and MBA requirements for lot coverage. Based on the property area above mean high water, the maximum Critical Area defined lot coverage allowance for this property is 31.25% with mitigation for any new amount over 25%. The plan submitted with this petition indicates greater lot coverage proposed than a plan for this address approved by EPS in February, 2018. Considering the large concrete area at and just above mean high water, it appears that the current proposal may exceed lot coverage allowances. If the applicant can demonstrate that the site can be developed and meet the lot coverage requirements, and meet all mitigation requirements for lot coverage and buffer impacts, the relief requested can result in minimal adverse impacts to water quality. Please be advised that Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront property located on Back River with the required Critical Area buffer covering about half of the property. Meeting the modified buffer area requirements, lot coverage requirements, tree requirements, and any mitigation requirements for buffer impacts will aid in the conservation of fish, plant, and wildlife habitat in the watershed.

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;

If the development of this property can meet all modified buffer area, lot coverage, tree, and mitigation requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Paul Dennis

6-29-18

PETITIONER'S EXHIBITS

*Sln
529-18*

**1708 BEECHWOOD AVENUE
CASE NO. 2018-0272-A**

- 1. PLAT TO ACCOMPANY PETITION PLAN DATED MARCH 21, 2018 (NO CHANGES)**
- 2. SDAT REAL PROPERTY SEARCH**
- 3. DEED OF RECORD DATED FEBRUARY 15, 2018 LIBER 39978 FOLIO 1**
- 4. PLAT OF EVERGREEN PARK RECORDED NOV. 6, 1924 PLAT BOOK 7 FOLIO 174**
- 5. AERIAL PHOTO**
- 6A – E. PHOTOS**
- 7. BUILDING ELEVATION**

Search Result for BALTIMORE COUNTY

Homeowners' Tax Credit Application Information

PETITIONER'S
EXHIBIT NO. **7**

R&P Settlement Group, LLC
 File No. 17-11799-NC
 Tax ID # 15 15-1513204120

This Deed, made this 15th day of February, 2018, by and between **William A. MacCrehan, Successor Trustee of THE MARION E. MACCREHAN REVOCABLE LIVING TRUST dated July 8, 2002, GRANTOR**, and **Chesapeake Custom Properties, LLC, a Maryland Limited Liability Company, GRANTEE**.

Witnesseth –

That in consideration of the sum of One Hundred Sixty Thousand and 00/100 Dollars (\$160,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey to the said Grantee, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say:

BEING known and designated as Lot Numbered Forty-seven (47), as laid out and shown on the Plat of Evergreen Park, which said Plat is duly recorded among the Land Records of Baltimore County in Plat Book W.P.C. 7, folio 174.

The improvements thereon being known as 1708 Beechwood Road.

BEING the fee simple property which, by DEED dated July 8, 2002, and recorded in the Land Records of the County of Baltimore, Maryland, in Liber 20310, Folio 252, was granted and conveyed by MARION E. MACCREHAN, SURVIVING TENANT BY THE ENTIRETIES, WITH HER HUSBAND WILLIAM A. MACCREHAN, JR., DECEASED unto MARION E. MACCREHAN, TRUSTEE OR HER SUCCESSORS IN TRUST UNDER THE MARION E. MACCREHAN REVOCABLE LIVING TRUST DATED THE 7/8/2002.

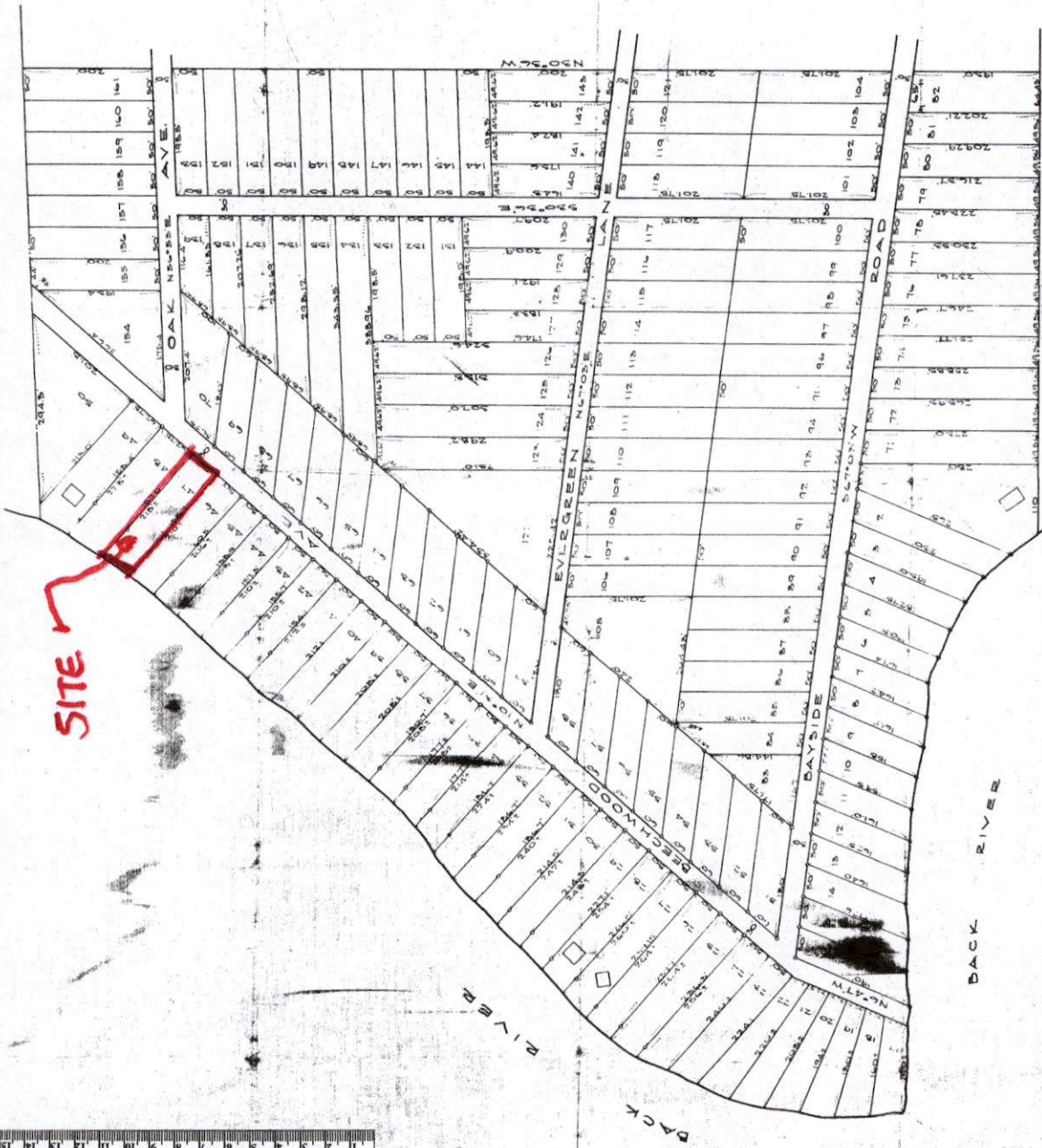
Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Chesapeake Custom Properties, LLC, in fee simple.

And the Grantor hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it will warrant Specially the property hereby granted; and that it will execute such further assurances of the same as may be requisite.

LR - Deed (w Taxes)
 Recording only \$124.00
 Name: Chesapeake
 Custom Properties LLC
 Ref:
 LR - Deed (with Taxes)
 Surcharge 40.00
 LR - Deed State
 Transfer Tax 800.00
 LR - RR Tax - 1kd 0.00
 =====
 SubTotal: 860.00
 =====
 Total: 860.00
 02/23/2018 02:54
 CC03-SK
 09092727 CC0301 -
 Baltimore
 County/CD02 01 07

PETITIONER'S
EXHIBIT NO. 3



PLATOP
EVERGREEN PARK
FIFTEENTH DISTRICT
BALTIMORE COUNTY
MARYLAND

PB 7 F 174
REC: NOV. 6, 1934

Untitled Map

Write a description for your map.

Legend

1708 Beechwood Ave

SITE

1708 Beechwood Ave

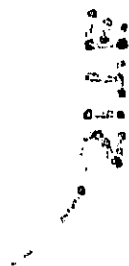
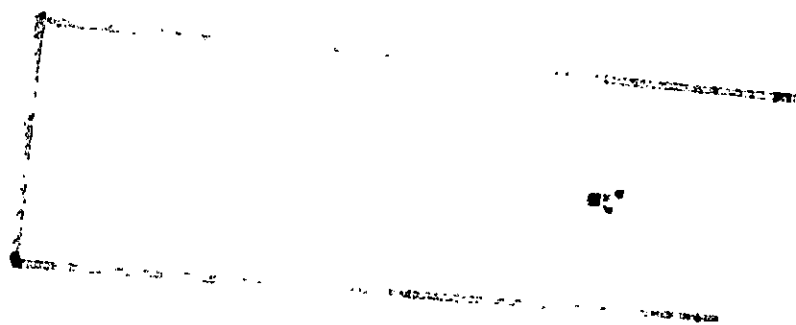
PETITIONER'S
EXHIBIT NO. 5

Earth

pernicious

100 ft







A



B

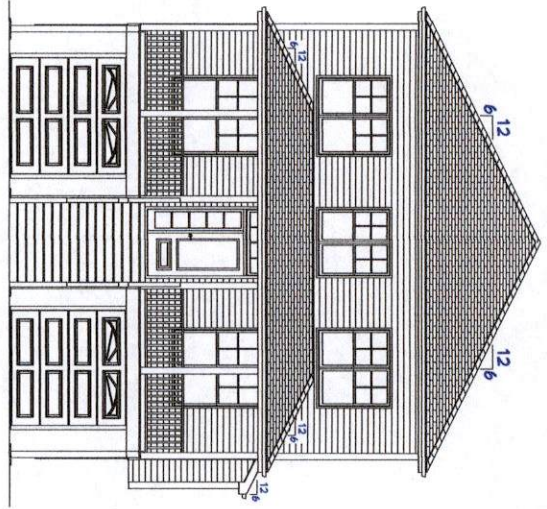


C

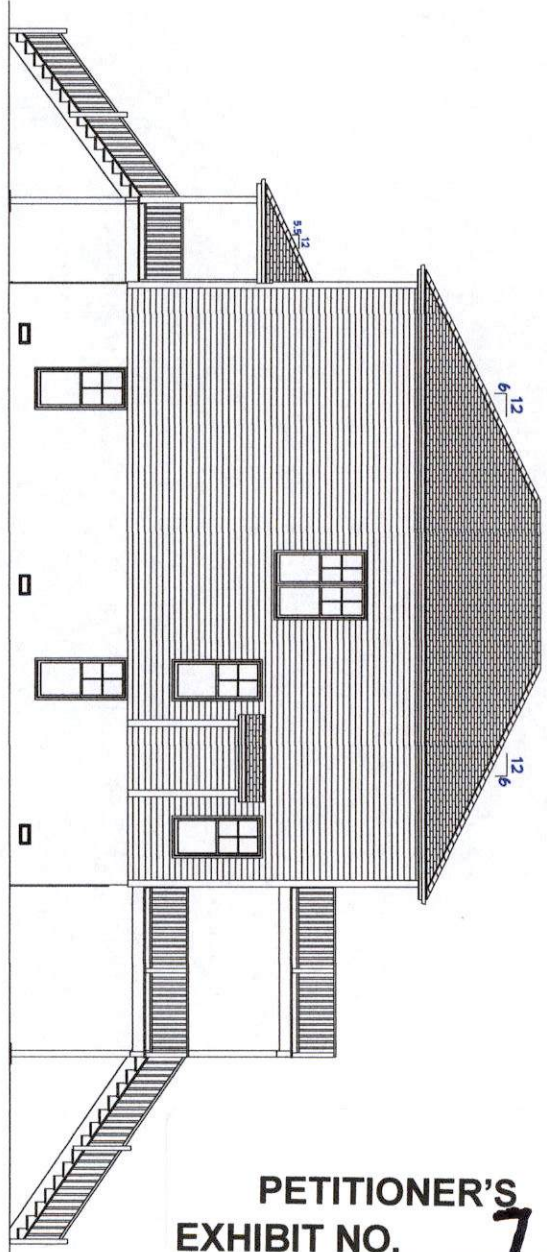


D

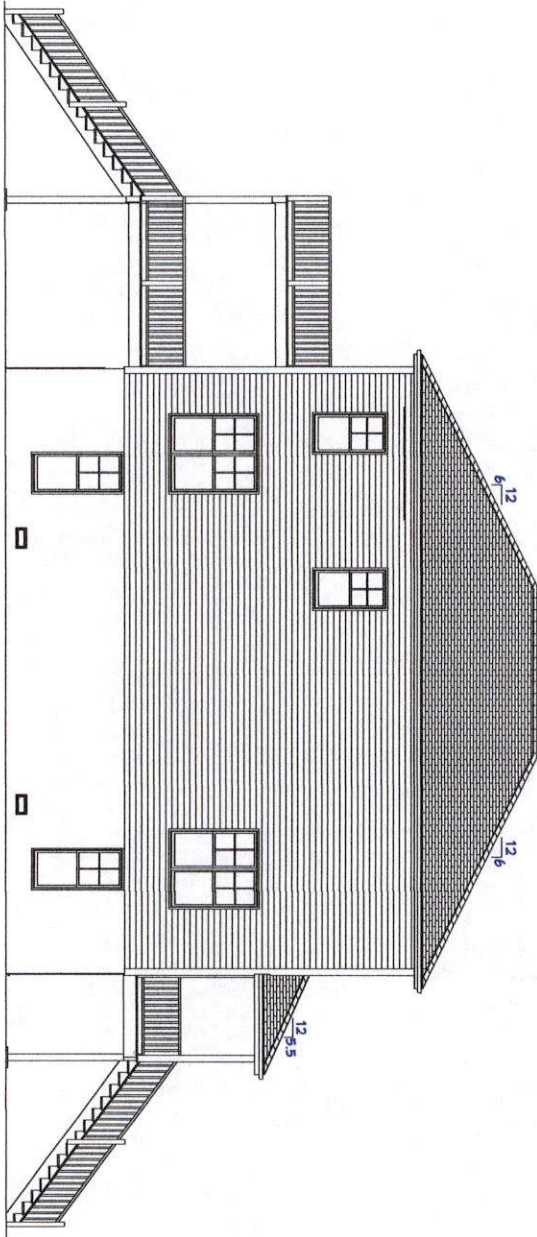




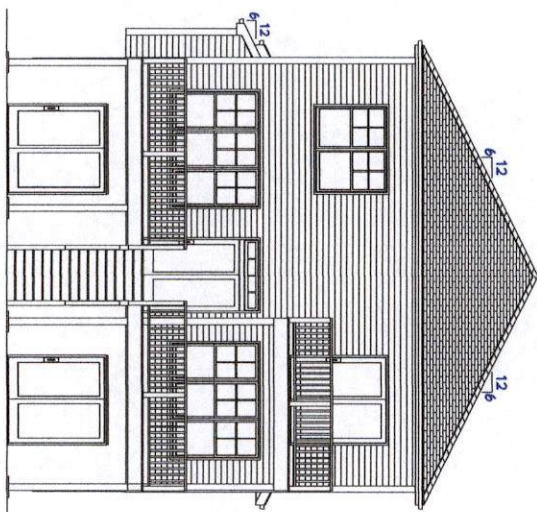
FRONT ELEVATION



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION



REAR ELEVATION

PETITIONER'S
EXHIBIT NO. **7**

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE
NO. 12604, EXPIRATION DATE APRIL 30, 2019.

Sherry Nuffer

From: Kristen L Lewis
Sent: Thursday, May 24, 2018 8:44 AM
To: Sherry Nuffer
Subject: FW: Zoning notice

Good morning Sherry,

I called the Jeffersonian to check on the status of the newspaper ad and this was the response I got this morning.

Kristen Lewis
PAI - Zoning Review
410-887-3391

From: Kolasa, Brendan [mailto:bkolasa@tronc.com]
Sent: Wednesday, May 23, 2018 5:17 PM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>
Subject: RE: Zoning notice

Good Afternoon Kristin,

My apologies for the late reply. I looked into the notice that Ellen referred to and unfortunately this did not run. We did receive it, but in the notes on the order the rep that worked on it stated that the account was on a credit stop. It says that the emailed regarding another account to use, but I do not see any follow up after that. Unfortunately this rep is no longer with the company so I'm unable to dig in and find out more.

I understand that these notices are incredibly time sensitive and would like to offer to run this or the next zoning notice at no charge. I can also write up an official letter stating that this was a mistake on our end and that everything was sent over by you correctly and well within the deadline. Please let me know how you'd like to proceed.

Brendan Kolasa
Sr. Team Lead | Classified Advertising
435 N Michigan Ave Chicago, IL 60611
312-981-7268 | Direct
bkolasa@tronc.com



Formerly Tribune Publishing
Our calls may be recorded for quality and training purposes

From: Harris, Ellen
Sent: Wednesday, May 23, 2018 1:21 PM
To: Kolasa, Brendan <bkolasa@tronc.com>
Cc: Wilkinson, Susan <suwilkinson@baltsun.com>; Price, Brian <cprice@baltsun.com>; klewis@baltimorecountymd.gov
Subject: FW: Zoning notice

Hi Brendan – Kristin Lewis from the Baltimore County Zoning office just called and she is looking for a Certificate of publication for the attached ad which was faxed to cnglegal@tronc.com on April 25th. (See below) I looked in the system under Charles Wolinski's account and could only find an ad that was published in April. (Account number CU00486508) This ad would have been published in May.

Please let me know if you can locate it and what the order number is so that we can send out a Certificate of Publication.

Thanks.

From: Griesbauer, Michele
Sent: Wednesday, April 25, 2018 2:22 PM
To: cnglegal@tronc.com
Cc: PPCLegals-1
Subject: Zoning notice

(1) Zoning Notice

Michele Griesbauer
Legal Advertising

Baltimore Sun Media Group
501 N. Calvert St.
Baltimore, MD 21202
Ph: 410-332-6381
Fax: 410-332-6446
Email: mgriesbauer@baltsun.com

Like
Follow



us: <http://www.facebook.com/baltimoresunmedia>

us: <http://www.twitter.com/baltsunmedia>



Connect to us: <http://www.linkedin.com/company/the-baltimore-sun-media-group>



If not available, please call 410-332-6157 or 410-332-6295 or email legals@patuxent.com

5/25
11 AM

Debra Wiley

From: David Billingsley <dwb0209@yahoo.com>
Sent: Wednesday, May 23, 2018 9:41 AM
To: Administrative Hearings
Subject: Fw: 1708 Beechwood Avenue Case No 2018-0271-A

272

SEE BELOW
THANKS

Dave Billingsley
Central Drafting and Design
410-679-8719 OFFICE
410-458-1401 CELL

----- Forwarded Message -----

From: David Billingsley <dwb0209@yahoo.com>
To: administrativehearings@baltimorecountymd.gov <administrativehearings@baltimorecountymd.gov>
Sent: Wednesday, May 23, 2018 09:01:00 AM EDT
Subject: Fw: 1708 Beechwood Avenue Case No 2018-0271-A

Sent from Yahoo Mail on Android

----- Forwarded Message -----

From: "David Billingsley" <dwb0209@yahoo.com>
To: "John Beverungen" <jbeverungen@baltimorecountymd.gov>
Cc: "Charles S. Wolinski" <cwolinski@bcps.org>
Sent: Mon, May 21, 2018 at 12:28 PM
Subject: 1708 Beechwood Avenue Case No 2018-0271-A

Good afternoon Judge

I just realized that my postings for the referenced case list the correct date and time but the incorrect day (Wednesday instead of Friday). Is this going to create a problem ? If necessary, I can be at the hearing room Wednesday morning at 11 to see if anyone appears for the hearing.

Thanks

Dave Billingsley
Central Drafting and Design
410-679-8719 OFFICE
410-458-1401 CELL

CASE NAME 1708 BEECHWOOD AVE
CASE NUMBER 2018-0772-A
DATE MAY 25, 2018

[illegible]

C H E C K L I S TSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment5/4DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)NO Comment4/24DEPS
(if not received, date e-mail sent _____)Comment

FIRE DEPARTMENT

5/4PLANNING
(if not received, date e-mail sent _____)NO Obj4/16

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING (1st) Date: 5/5/18by BuellingsleySIGN POSTING (2nd) Date: 5/2/18by BuellingsleyPEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

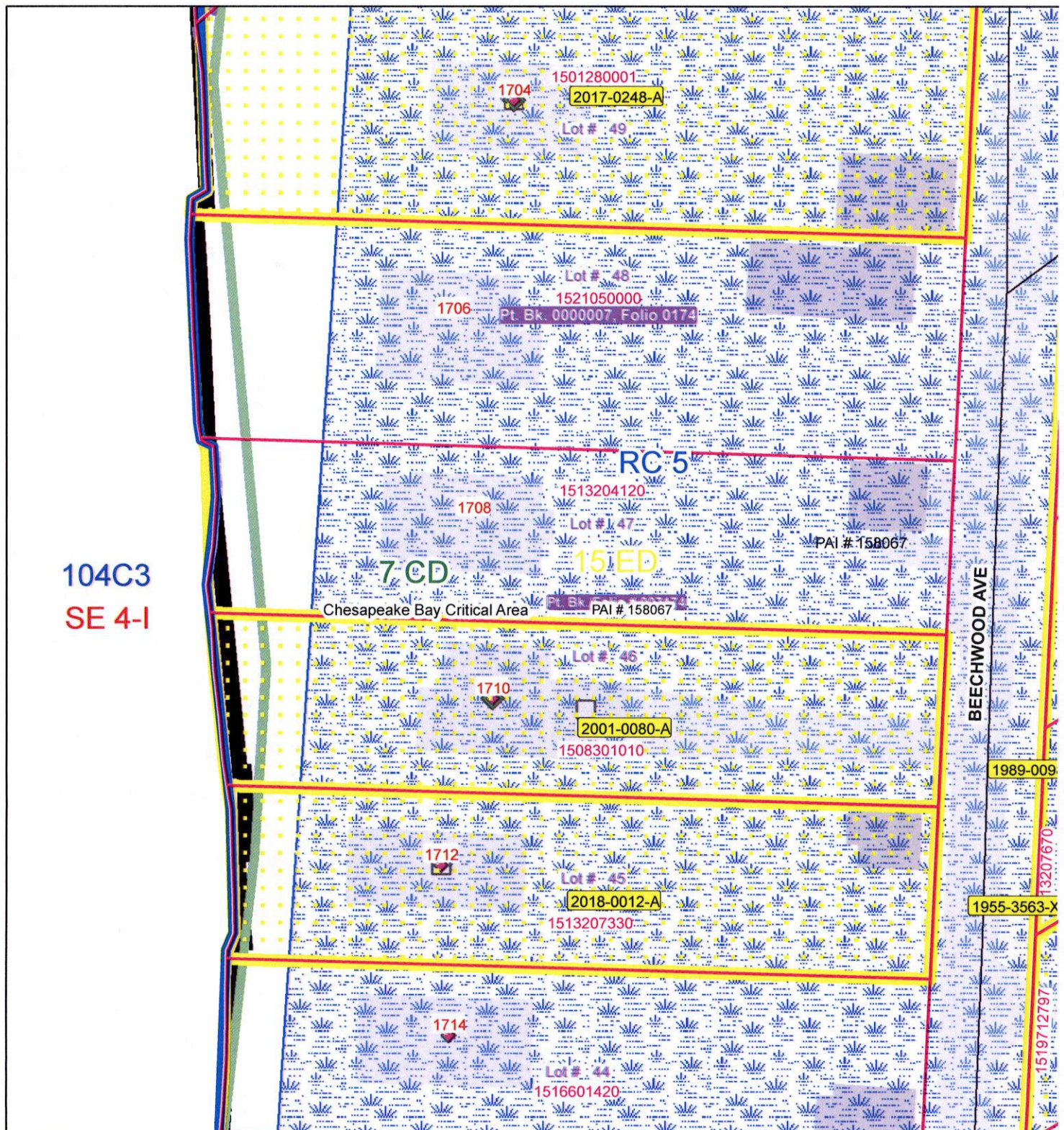
View Map			View GroundRent Redemption				View GroundRent Registration			
Account Identifier:			District - 15 Account Number - 1513204120							
Owner Information										
Owner Name:		CHESAPEAKE CUSTOM PROPERTIES LLC				Use: Principal Residence:		RESIDENTIAL NO		
Mailing Address:		9005 MILLERS ISLAND BLVD MILLERS ISLAND MD 21219-				Deed Reference:		/39978/ 00001		
Location & Structure Information										
Premises Address:		1708 BEECHWOOD AVE BALTIMORE 21221- Waterfront				Legal Description: EVERGREEN PARK				
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0104	0024	0268		0000			47	2018	Plat Ref:	0007/0174
Special Tax Areas: /					Town: Ad Valorem: Tax Class:			NONE		
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1928		1,396 SF				9,400 SF		34		
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
1 1/2	NO	STANDARD UNIT	SIDING	1 full	1Det/1Carport					
Value Information										
			Base Value	Value		Phase-in Assessments				
				As of		As of		As of		
				01/01/2018		07/01/2017		07/01/2018		
Land:			201,400	201,400						
Improvements			65,900	68,000						
Total:			267,300	269,400		267,300		268,000		
Preferential Land:			0					0		
Transfer Information										
Seller: MACCREHAN MARION E TRUSTEE				Date: 02/23/2018				Price: \$160,000		
Type: ARMS LENGTH IMPROVED				Deed1: /39978/ 00001				Deed2:		
Seller: MACCREHAN WM A,JR				Date: 06/25/2004				Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /20310/ 00252				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 (w3)

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption				View GroundRent Registration			
Account Identifier:			District - 15 Account Number - 1513204120							
Owner Information										
Owner Name:		CHESAPEAKE CUSTOM PROPERTIES LLC				Use: Principal Residence:		RESIDENTIAL NO		
Mailing Address:		9005 MILLERS ISLAND BLVD MILLERS ISLAND MD 21219-				Deed Reference:		/39978/ 00001		
Location & Structure Information										
Premises Address:		1708 BEECHWOOD AVE BALTIMORE 21221- Waterfront				Legal Description: EVERGREEN PARK				
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0104	0024	0268		0000			47	2018	Plat Ref:	0007/0174
Special Tax Areas:				Town:			NONE			
				Ad Valorem:						
				Tax Class:						
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1928		1,396 SF				9,400 SF		34		
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
1 1/2	NO	STANDARD UNIT	SIDING	1 full	1Det/1Carport					
Value Information										
			Base Value		Value		Phase-in Assessments			
					As of		As of		As of	
					01/01/2018		07/01/2017		07/01/2018	
Land:			201,400		201,400					
Improvements			65,900		68,000					
Total:			267,300		269,400		267,300		268,000	
Preferential Land:			0						0	
Transfer Information										
Seller: MACCREHAN MARION E TRUSTEE				Date: 02/23/2018				Price: \$160,000		
Type: ARMS LENGTH IMPROVED				Deed1: /39978/ 00001				Deed2:		
Seller: MACCREHAN WM A,JR				Date: 06/25/2004				Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /20310/ 00252				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:				

Chesapeake Bay Critical Area



Publication Date: 4/10/2018



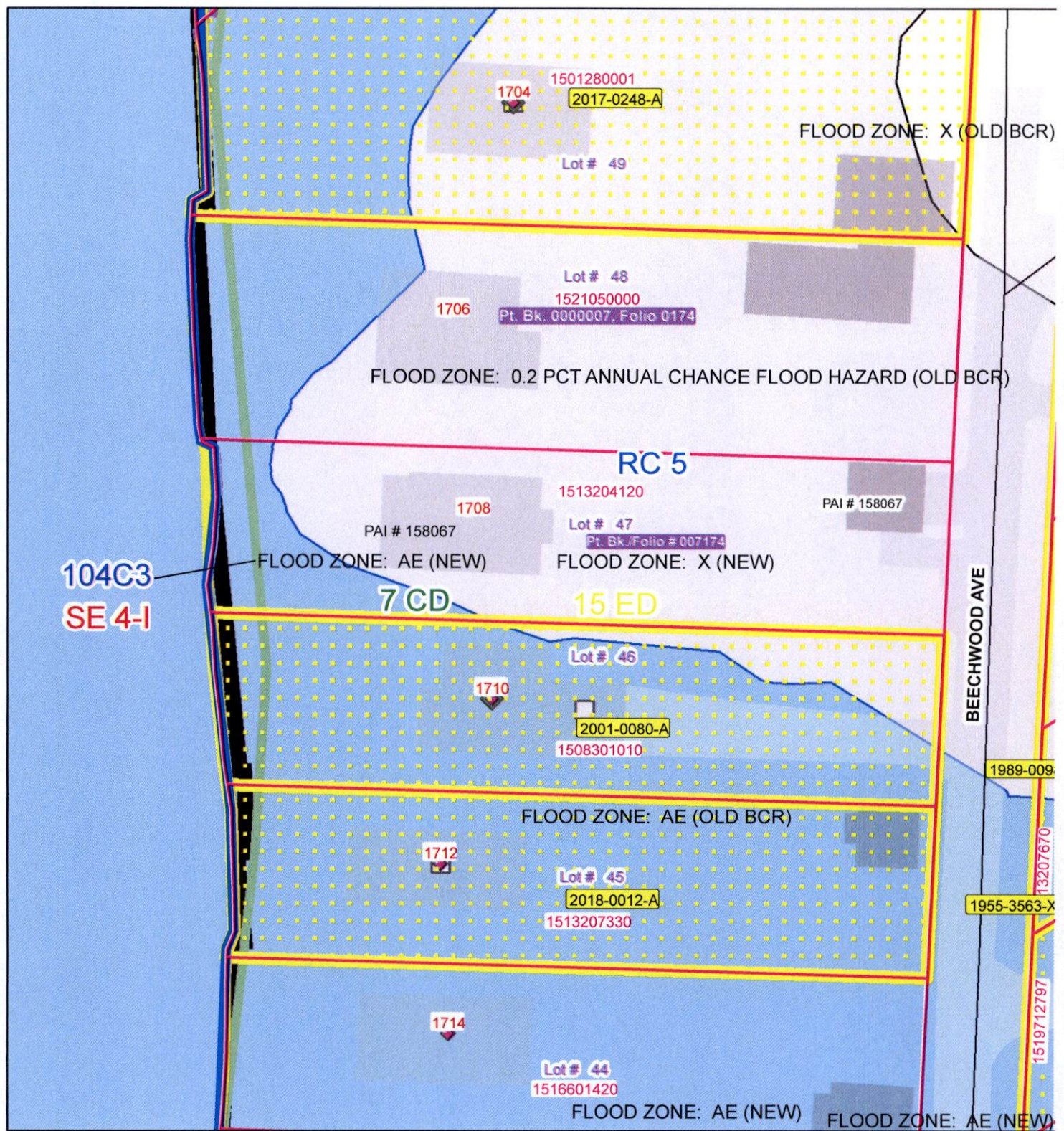
Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 10 20 40 60 80 Feet

1 inch = 40 feet

Flood Hazard Areas



Publication Date: 4/10/2018



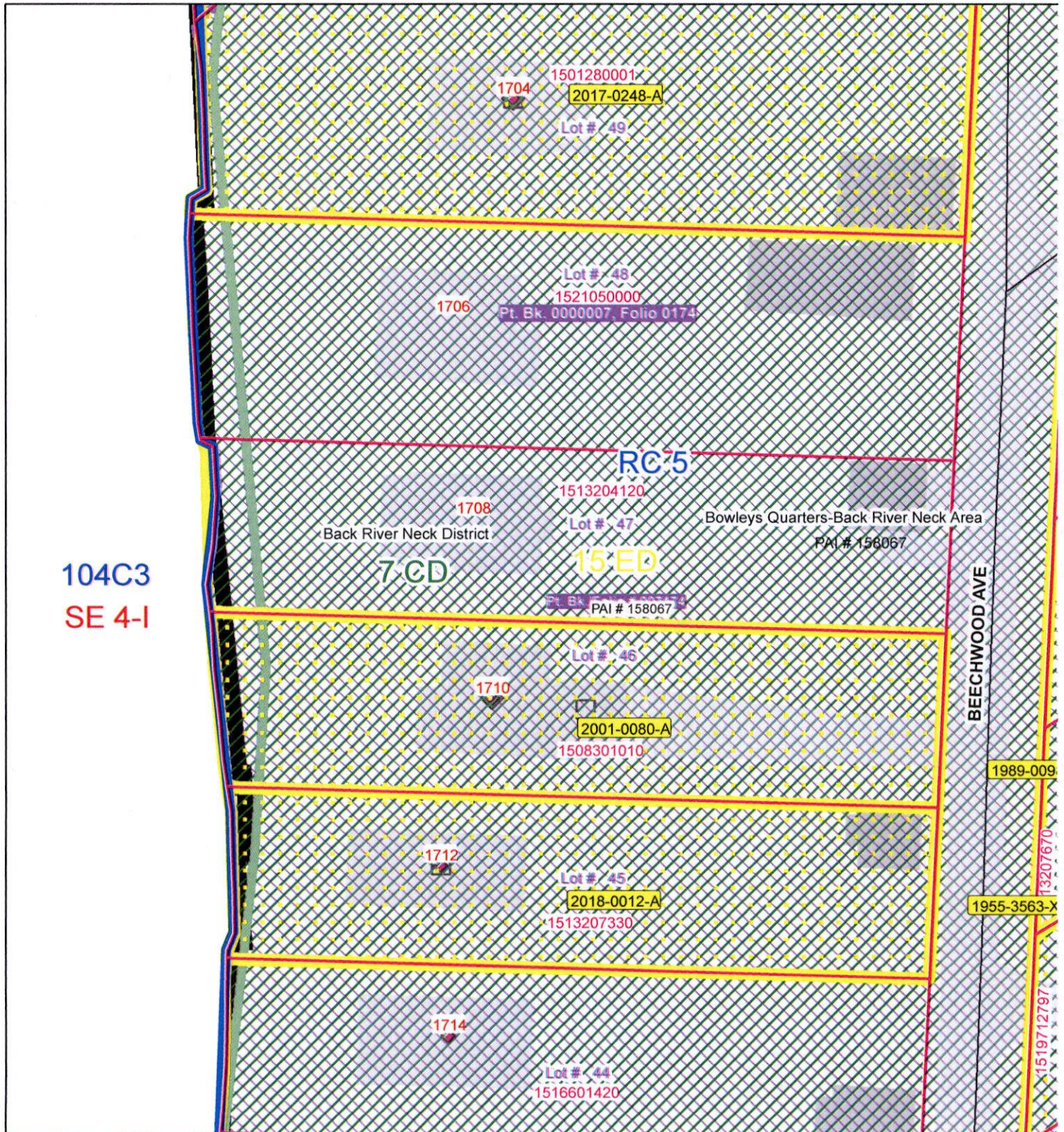
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 10 20 40 60 80 Feet

1 inch = 40 feet

1708 Beechwood Avenue



Publication Date: 4/10/2018

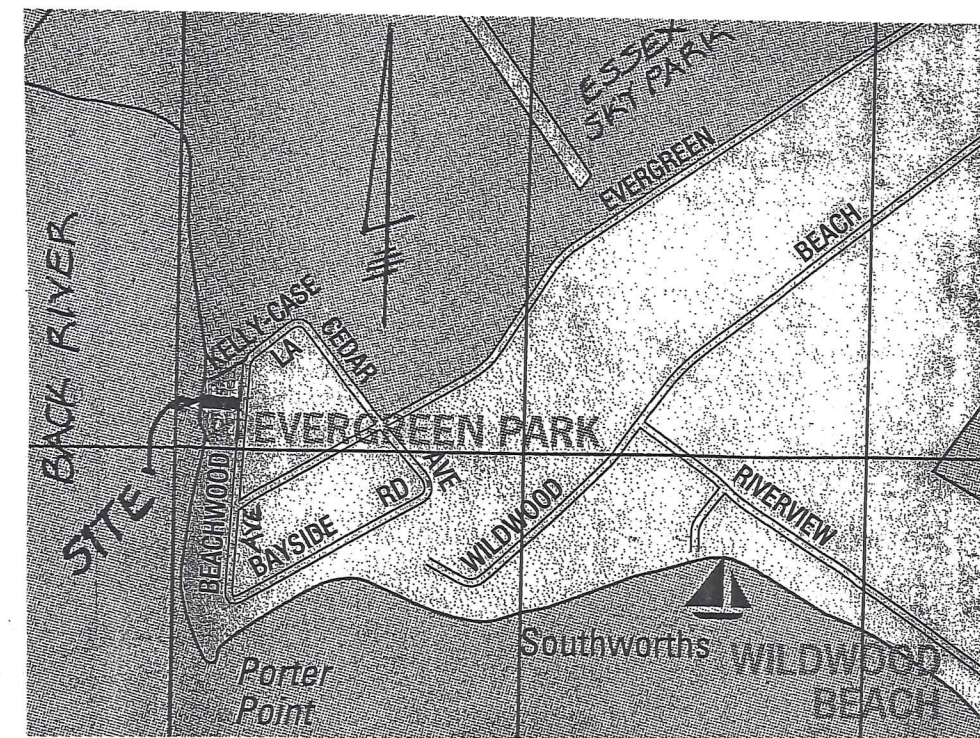
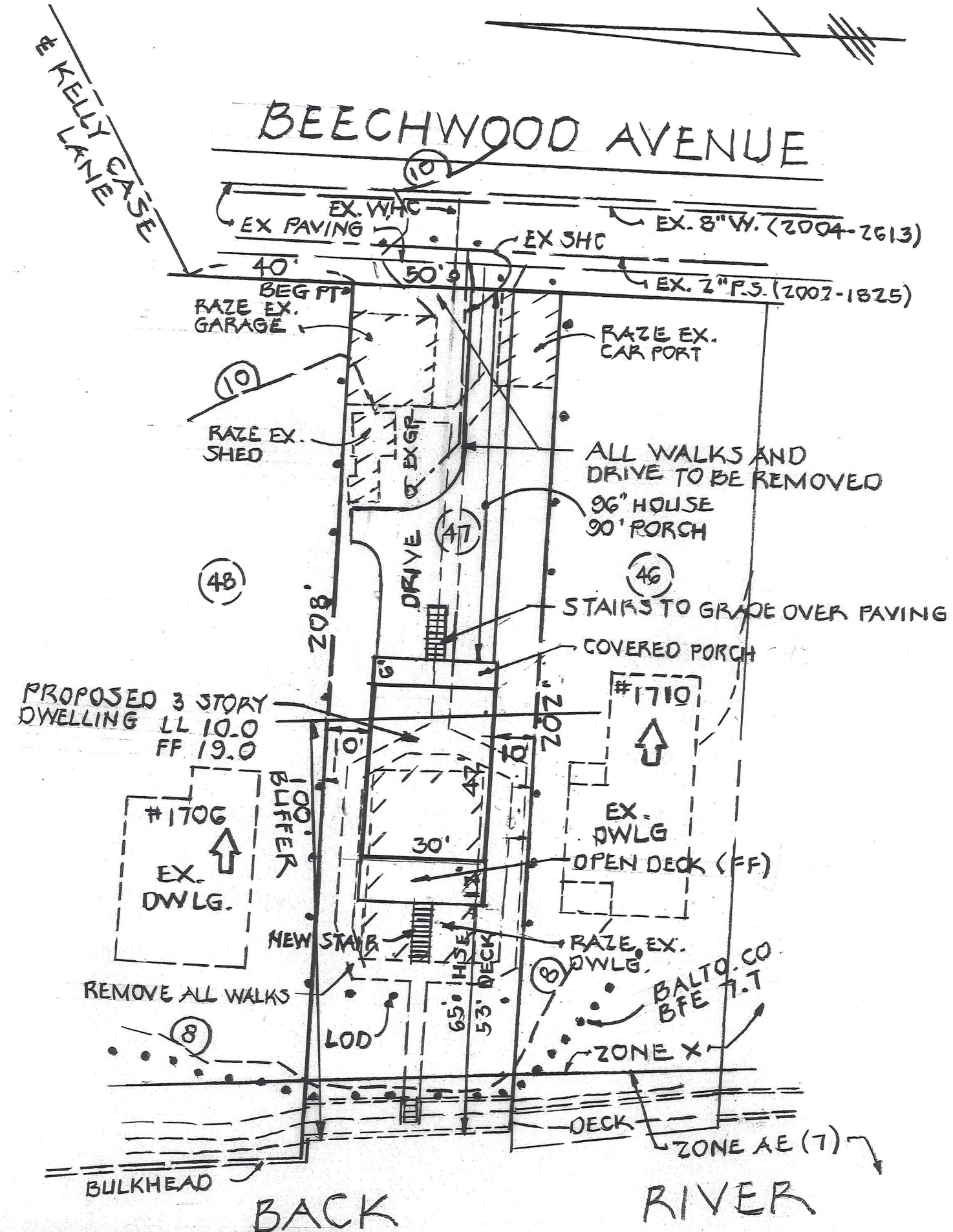


Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 10 20 40 60 80 Feet

1 inch = 40 feet



NOTES:

1. ZONING.....RC5 (MAP 104C3)
2. LOT AREA...10,200 SF = 0.234 ACRE +/-
3. PUBLIC WATER AND SEWER
4. A PORTION OF THIS SITE IS LOCATED IN THE 100 YEAR FLOOD ZONE
5. THE SITE IS LOCATED IN THE CBCA
6. NO PREVIOUS ZONING HISTORY OR VIOLATIONS ARE KNOWN TO EXIST
7. NO HISTORIC STRUCTURES OR SITES, ARCHEOLOGICAL SITES OR UNDERGROUND STORAGE TANKS ARE KNOWN TO EXIST

OWNERS

CHESAPEAKE CUSTOM PROPERTIES LLC
9005 MILLERS ISLAND ROAD
BALTIMORE, MARYLAND 21219
DEED REFERENCE: L.39978 F.1
ACCT. NO. 1513204120

PETITIONER'S
EXHIBIT NO. 1

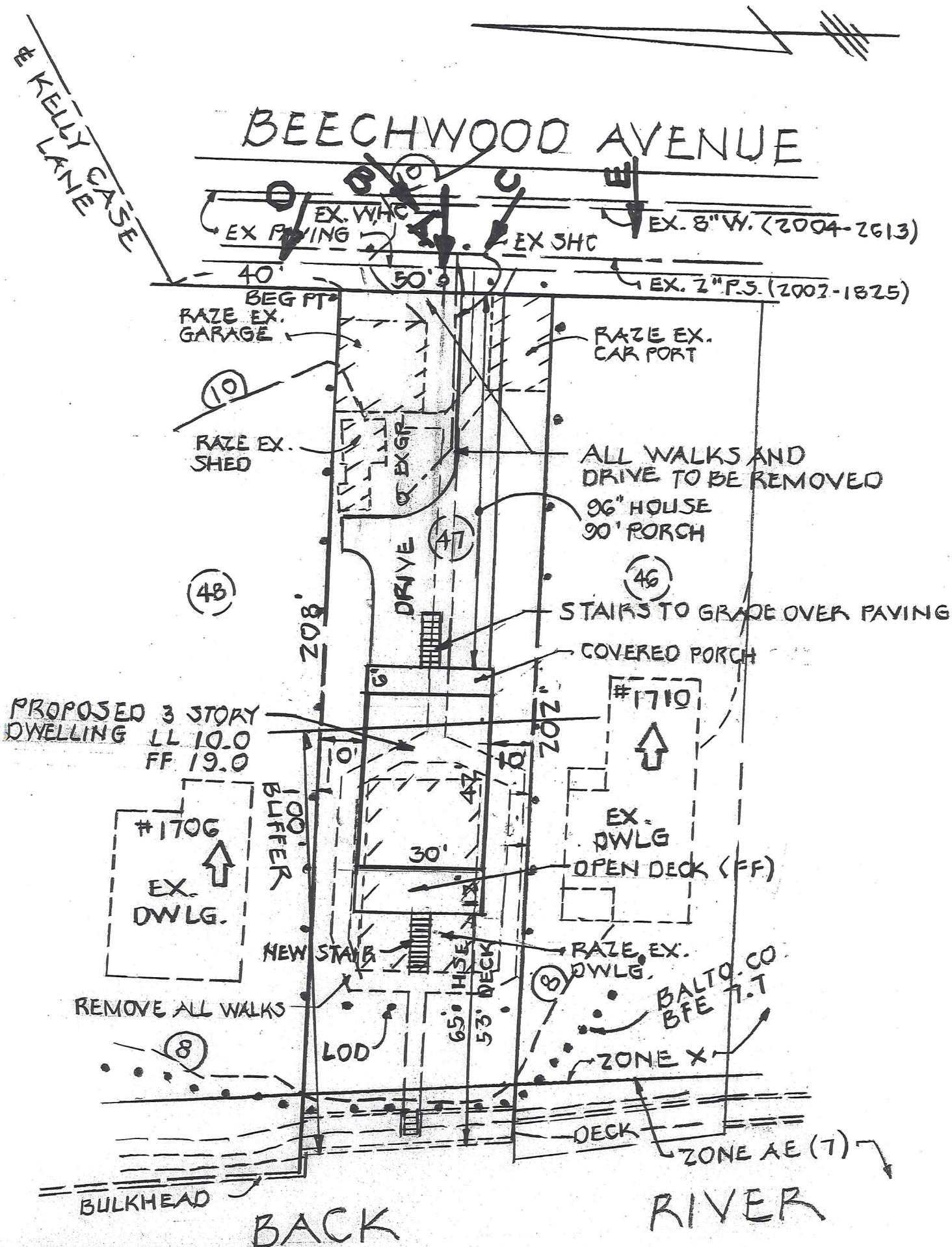
PLAT TO ACCOMPANY ZONING PETITION

1708 BEECHWOOD AVENUE

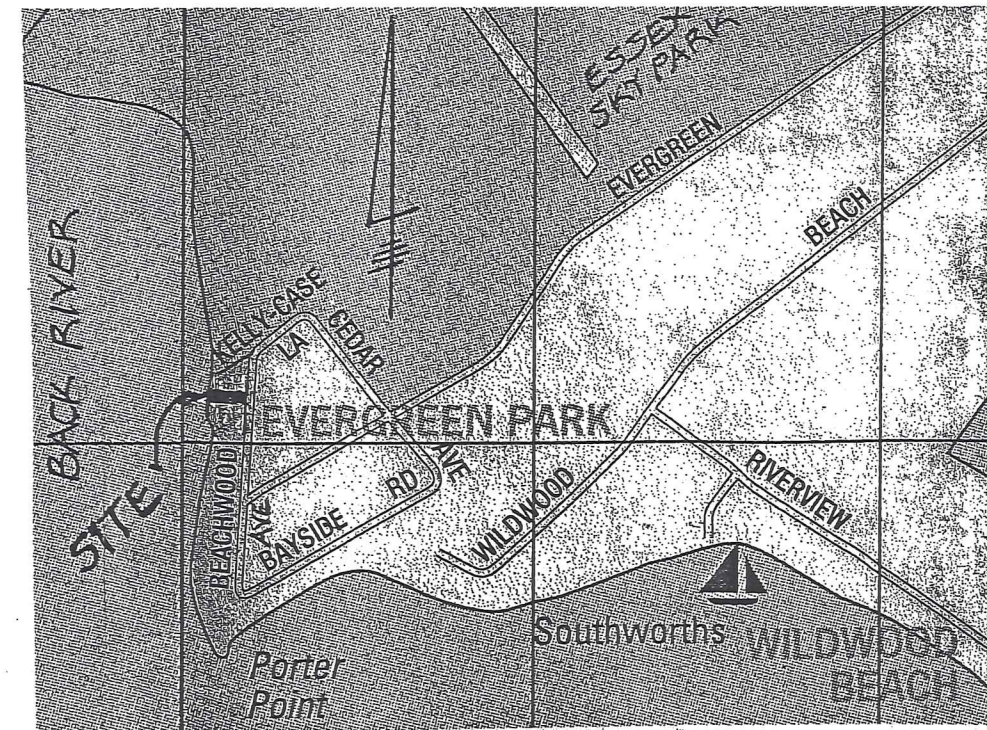
LOT 47 EVERGREEN PARK PB 7 F 174

ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MD.

SCALE: 1 INCH = 30 FEET MARCH 21, 2018



CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
410.670.8710



VICINITY MAP
SCALE: 1 INCH = 1000 FEET

NOTES:

1. ZONING.....RC5 (MAP 104C3)
2. LOT AREA...10,200 SF = 0.234 ACRE +/-
3. PUBLIC WATER AND SEWER
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OWNERS

CHESAPEAKE CUSTOM PROPERTIES LLC
9005 MILLERS ISLAND ROAD
BALTIMORE, MARYLAND 21219
DEED REFERENCE: L.39978 F.1
ACCT. NO. 1513204120

PETITIONER'S
EXHIBIT NO. **GA-E**

PHOTOS

PLAT TO ACCOMPANY ZONING PETITION

1708 BEECHWOOD AVENUE
LOT 47 EVERGREEN PARK PB 7 F 174
ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 30 FEET MARCH 21, 2018