

MEMORANDUM

DATE: November 1, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0031-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on October 31, 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

/dlw

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

(873 Ivy Hill Road) *
8th Election District *
2nd Council District *

George S. Nyquist, Jr. *
Legal Owner *
Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2019-0031-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of George S. Nyquist, Jr., legal owner ("Petitioner"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to permit a proposed tennis court to be constructed in a riverine floodplain. A petition for variance seeks to permit a proposed tennis court to be located in the front yard in lieu of the required rear yard placement. A site plan was marked and accepted into evidence as Petitioner's Exhibit 1.

George Nyquist, Jr. and Rick Richardson appeared in support of the requests. Two citizens attended the hearing to express concerns about flooding conditions in the area. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning ("DOP"), the Department of Environmental Protection and Sustainability ("DEPS") and the Department of Public Works ("DPW"). None of the reviewing agencies opposed the requests.

SPECIAL HEARING

Floodplain waiver requests are not "zoning" matters, although Baltimore County instructs owners to seek such waivers through the special hearing process under Section 500.7 of the

ORDER RECEIVED FOR FILING

Date 10/11/18

By sen

BCZR. I am apprehensive in reviewing these requests, which involve complex engineering principles and expertise. In addition, the myriad and byzantine flood plain regulations and codes under which such requests are to be analyzed are confusing and at times contradictory.

The Building Code states the general rule that “[n]o new buildings or additions shall be constructed in any riverine floodplain.” Building Code, Part 125.1. Petitioner is not seeking to construct a building or addition in the floodplain. The County Code utilizes different terminology and provides that the “County may not (with two exceptions not applicable here) permit **development** in a riverine floodplain.” BCC §32-4-414(c). It would seem this requires the petition to be denied, since “development” is a more comprehensive term than “buildings” and includes “any man-made change to improved or unimproved real estate including erection of buildings and other structures...grading, paving, clearing, excavation....” BCC § 32-8-101(g). But to further confuse matters the same regulations state that “all development in the floodplain area” requires a permit from the Building Engineer and shall be subject to other enumerated requirements. It seems impossible to reconcile these provisions.

The DPW submitted a ZAC comment indicating that agency did not oppose the flood plain waiver request. The Director of that agency indicated Mr. Richardson, a registered professional engineer, submitted a signed and sealed letter dated July 15, 2018 stating the project will have no impact upon the riverine flood plain. Mr. Richardson provided similar testimony at the hearing in this case.

Mike Stone, an adjoining neighbor, testified the area is subject to frequent flooding, and he indicated the private road and bridge used to access his and Petitioner’s home has been washed out by flood waters several times in recent years. As discussed at the hearing, I too am concerned about the potential for flooding in this area. But both the DPW and Mr. Richardson

ORDER RECEIVED FOR FILING

2 Date 10/1/18
By sen

have opined the tennis court will not have a negative impact upon the flood plain, and without any expert or technical testimony to the contrary I believe the request should be granted. I will incorporate in the final order below the ZAC comment submitted by the DPW to ensure that prior to issuance of any permits the necessary environmental and technical reviews are undertaken by State and local authorities.

VARIANCE

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

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

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

The large property has irregular dimensions and significant topographical features. Indeed, based on a review of the site plan it appears the only available location for the tennis court (or any accessory structure for that matter) would be the front yard of the dwelling. As such the property is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because he would be unable to construct the proposed tennis court. 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.

THEREFORE, IT IS ORDERED this 1st day of **October, 2018**, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to Section 500.7 of the BCZR for a waiver under Part 125 of the Baltimore County Building Code and Article 32 of the Baltimore County Code to construct a proposed tennis court in a riverine floodplain, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

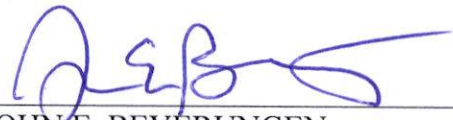
Date 10/1/18
By sen

IT IS FURTHER ORDERED that the Petition for Variance to permit a proposed tennis court to be located in the front yard in lieu of the required rear yard placement, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must comply with the DOP, DEPS and the DPW ZAC comments, copies of which are attached hereto and made a part hereof.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 10/1/18
By sln



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 873 Ivy Hill Road which is presently zoned RC-4
 Deed References: 33708/369 10 Digit Tax Account # 2200022149
 Property Owner(s) Printed Name(s) George S. Nyquist, Jr.

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

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

1. **X SPECIAL HEARING** under BCZR Section 500.7 for a waiver pursuant to Section 500.6; Part 125.2 of the International Building Code; and BCC Sections 32-4-414, 32-4-107(a)(2), 32-8-301 to permit a proposed tennis court to be located in a riverine floodplain.

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

3. **X a Variance** from Section(s)

BCZR: 400.1 → To permit a proposed tennis court to be located in the front yard in lieu of the required of the rear yard placement.

(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 THE 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):

George S. Nyquist, Jr.

Name #1 Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

6 Riderwood Station BALTIMORE MD
 Mailing Address City State

21204 / 410-218-9955 / nikipro7@aol.com
 Zip Code Telephone # Email Address

Representative to be contacted:

Richardson Engineering, LLC

Name- Type or Print

Signature

30 E. Padonia Road, Suite 500 Timonium MD
 Mailing Address City State

21093 / 410-560-1502 / Rick@RichardsonEngineering.net
 Zip Code Telephone # Email Address

CASE NUMBER 2019-0031-SP4A Filing Date 7/30/18

Do Not Schedule Dates: Reviewer JS

71001

ORDER RECEIVED FOR FILING

DATE

BY

**ZONING DESCRIPTION FOR
873 IVY HILL ROAD
8TH ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the South of Ivy Hill Road approximately 1000 feet south of the intersection with Jerome Jay Drive and south on a private panhandle drive approximately 569' to a point of beginning, thence (1) South 10 degrees 37 minutes 42 seconds East 380.29 feet, (2) South 44 degrees 46 minutes 01 seconds East 382.51 feet, (3) South 10 degrees 37 minutes 42 seconds East 380.29 feet, (4) South 53 degrees 57 minutes 08 seconds West 1750.48 feet, (5) North 72 degrees 31 minutes 31 seconds West 221.27 feet, (6) North 31 degrees 26 minutes 03 seconds East 1813.36 feet, (7) North 79 degrees 52 minutes 48 seconds East 485.71 feet; to the point of beginning;

Containing a net area of 1,112,056 square feet, or 25.53 Acres of land, more or less.

2019-0031-SP4A

CERTIFICATE OF POSTING

2019-0031-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

George S. Nyquist, Jr.

September 27, 2018

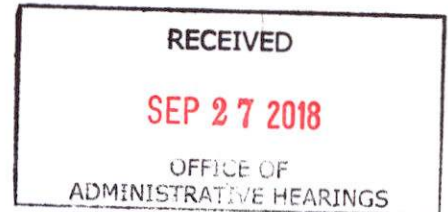
Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____



873 Ivy Hill Road

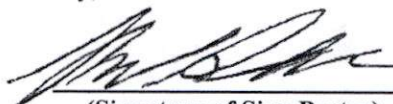
SIGN 1 Recertification

September 7, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 September 26, 2018
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0031-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

George S. Nyquist, Jr.

September 27, 2018

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

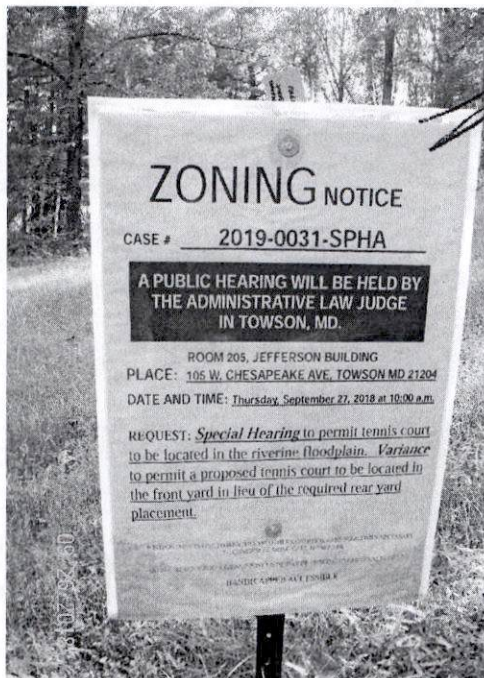
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

873 Ivy Hill Road

SIGN 2 Recertification

September 7, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

September 26, 2018

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100
<http://www.thedailyrecord.com>

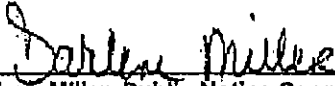
PUBLISHER'S AFFIDAVIT

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:

9/7/2018

Order #: 11614048
Case #: 2019-0031-SPHA
Description:

CASE NUMBER: 2019-0031-SPHA - Baltimore County - 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: 2019-0031-SPHA

873 Ivy Hill Road

S/s Ivy Hill Road, 1000 ft. S/of centerline of the intersection with Jerome Jay Drive

8th Election District - 2nd Councilmanic District

Legal Owners: George S. Nyquist, Jr.

Special Hearing to permit tennis court to be located in a riverine floodplain. Variance to permit a proposed tennis court to be located in the front yard in lieu of the required rear yard placement.

Hearing: Thursday, September 27, 2018 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3388.

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

57

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100

<http://www.thedailyrecord.com>

Order #: 11614048
Case #: 2019-0031-SPHA
Description:

CASE NUMBER: 2019-0031-SPHA - Baltimore County - NOTICE
OF ZONING HEARING

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9/7/2018



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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Director of Permits, Approvals and Inspections for Baltimore County

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

STUDY
AND

OF THE

THE

THE

THE

CERTIFICATE OF POSTING

2019-0031-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

George S. Nyquist, Jr.

September 27, 2018

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

873 Ivy Hill Road

SIGN 1

September 7, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 September 7, 2018
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0031-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

George S. Nyquist, Jr.

September 27, 2018

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

873 Ivy Hill Road

SIGN 2

September 7, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

September 7, 2018

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



DONALD I. MOHLER III
County Executive

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

August 28, 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:

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873 Ivy Hill Road

S/s Ivy Hill Road, 1000 ft. S/of centerline of the intersection with Jerome Jay Drive

8th Election District – 2nd Councilmanic District

Legal Owners: George S. Nyquist, Jr.

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Hearing: Thursday, September 27, 2018 at 10:00 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: George Nyquist, Jr., 6 Riderwood Station, Baltimore 21204
Patrick Richardson, 30 E. Padonia Road, Ste. 500, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, SEPTEMBER 7, 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: THE DAILY RECORD
Friday, September 7, 2018 Issue

Please forward billing to:
George Nyquist
6 Riderwood Station
Towson, MD 21204

410-218-9955

NOTICE OF ZONING HEARING

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873 Ivy Hill Road

S/s Ivy Hill Road, 1000 ft. S/of centerline of the intersection with Jerome Jay Drive

8th Election District – 2nd Councilmanic District

Legal Owners: George S. Nyquist, Jr.

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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.
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RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
873 Ivy Hill Road; S/S Ivy Hill Road, 1000' * OF ADMINISTRATIVE
S of c/line of Jerome Jay Drive *
8th Election & 2nd Councilmanic Districts * HEARINGS FOR
Legal Owner(s): George Nyquist, Jr. *
Petitioner(s) * BALTIMORE COUNTY
* 2019-031-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED
AUG 07 2018

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of August, 2018, a copy of the foregoing Entry of Appearance was mailed to Richardson Engineering, LLC, 30 E. Padonia Road, Suite 500, Timonium, Maryland 21093, 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/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: 2019-0031-SHHA
Property Address: 873 IVY HILL R
Property Description: _____

Legal Owners (Petitioners): GEORGE NYQUIST, JR
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: GEORGE NYQUIST
Company/Firm (if applicable): _____
Address: 6 RIDERWOOD STATION
TOWSON, MD 21204

Telephone Number: 410-218-9955

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

No. **171796**

Date **7/30/18**

PAID RECEIPT

DATE: 7/31/2018 TIME: 11:41 AM
 RECEIVED BY: 7/31/2018 11:41 AM

Rev Sub
 Source/ Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount	Leg
001	806	0000		6150				\$ 75.00	

Total **\$ 75.00**

Rec From: **GEORGE WYDUST**

For: **2019-0031-SHA (RECEIPT 1 OF 2)**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**



DONALD I. MOHLER III
County Executive

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

September 20, 2018

George S. Nyquist, JR.
6 Riderwood Station
Baltimore, MD 21204

RE: Case Number: 2019-0031 SPHA, Address: 873 Ivy Hill Road

Dear Mr. Nyquist,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 30, 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
Richardson Engineering, LLC, 30 E. Padonia Road, Suite 500, Timonium, MD 21093

Date: 8/6/18

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

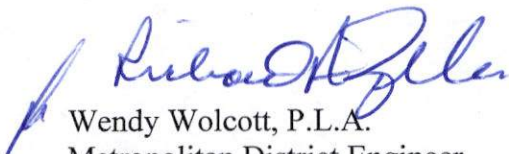
Dear Ms. Lewis:

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. 2019-0031-SPHA.

Special Hearing, Variance
George S. Nyquist, Jr.
873 Ivy Hill 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

9-27

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: August 28, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0031-SPHA
Address 873 Ivy Hill Road
(Nyquist, Jr. Property)

Zoning Advisory Committee Meeting of **August 13, 2018**.

 X The Environmental Impact Review (EIR) staff of EPS offers the following
comments on the above-referenced zoning item:

- X 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). The zoning
petition site plan shows construction to occur in FEMA 100-year
floodplain. Therefore, EIR staff will review the proposal in conjunction
with County Department of Public Works staff. Please note that this
project will also require waterway construction authorization through the
State of Maryland, Department of the Environment.
- X Development of this property must comply with the Forest
Conservation Regulations (Sections 33-6-101 through 33-6-122 of the
Baltimore County Code). This project may qualify for an exemption in
accordance with §33-6-104(b)(10) of the Code.

Reviewer: Michal S. Kulis, EIR

9-27

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 8/29/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-031



INFORMATION:

Property Address: 873 Ivy Hill Road
Petitioner: George S. Nyguist, Jr.
Zoning: RC 4
Requested Action: Special Exception, Variance

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve a waiver to permit a tennis court within a riverine floodplain.

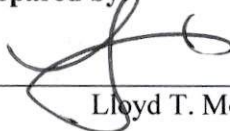
A site visit was conducted on August 6, 2018.

The Sustainable Environment Chapter contained in the Baltimore County Master Plan 2020 stresses the protection of the County's water resources by limiting point source pollution, maintaining the integrity of the stream systems and limiting the impacts of storm water runoff. The Department will defer to the recommendations of the Department of Environmental Protection and Sustainability and the decision of the Administrative Law Judge as to whether or not the grant of a waiver is appropriate in this case.

In the event a waiver is granted, the Department recommends the petitioner plant trees and shrubs to screen the view of the tennis court from the dwelling at 869 Ivy Hill Road. Consistent with its location in a rural area it is also recommended that there be no lighting of the proposed tennis court.

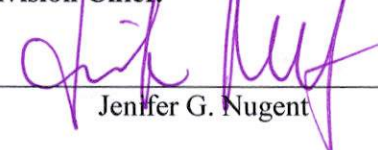
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jennifer G. Nugent

AVA/JGN/LTM/

c: Wally Lippincott

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Patrick C. Richardson, Richardson Engineering
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

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

ATTN: Kristen Lewis
MS 1105

FROM: Steven A. Walsh, Director 
Department of Public Works

DATE: August 16, 2018

SUBJECT: Case No: 2019-0031-SPHA
873 Ivy Hill Road, Cockeysville, Maryland 21030

The subject case is to determine whether or not the Administrative Law Judge should approve a Special Hearing and Variance to permit a proposed tennis court to be located in a riverine flood plain and to permit a proposed tennis court to be located in the front yard in lieu of the required rear yard placement.

During the review of this property the Department of Public Works has found that there is a riverine flood plain, Beaver Dam Run, on the property that impacts the proposed development. The riverine flood plain is shown on Flood Insurance Rate Map, FIRM, 2400100235F dated September 26, 2008. The property is in Zone A and Zone X unshaded.

The Scope of the Administrative Variance must be expanded to include:

- 1.) A waiver to Baltimore County Code Section 32-4-414 and Baltimore County Building Code Part 125 must be obtained from the Administrative Law Judge.

The Department of Public Works takes no exception to the petition based on the following:

- 1.) The attached letter dated July 15, 2018 signed and sealed by Patrick C. Richardson, Jr., a Maryland Professional Engineer, and states that the proposed development will have no impact on the riverine flood plain.
- 2.) The following condition must be met: A Waterway Construction Permit from the Maryland Department of the Environment, MDE, must be obtained and submitted to the Department of Public Works before approval of Special Hearing. All costs and permits are the responsibility of the property owner. The property owner may contact Mr. Phatta Thapa at (410) 537-3641 or phatta.thapa@maryland.gov.

SAW/TWC/s

CC: Vishnubhai K. Desai, Chief, Development Plans Review and Building Plan Review
Kevin G. Wagner, Maryland Department of the Environment
Phatta Thapa, Maryland Department of Environment
Peter M. Zimmerman, People's Council

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals

DATE: August 20, 2018

FROM: *MS*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 13, 2018
Item No. 2019-0031-SPHA, 0034-A, 0035-A and 0036-SPHA

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

*

*

*

*

*

VKD: cen
cc: file

TO WCF

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 8/30/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-031

INFORMATION:

Property Address: 873 Ivy Hill Road
Petitioner: George S. Nyquist, Jr.
Zoning: RC 4
Requested Action: Special Exception, Variance

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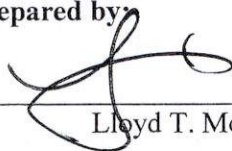
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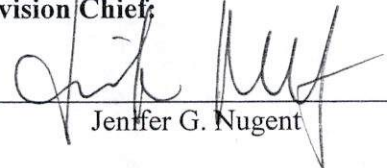
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jennifer G. Nugent

AVA/JGN/LTM/

c: Wally Lippincott

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Patrick C. Richardson, Richardson Engineering
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: August 28, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0031-SPHA
Address 873 Ivy Hill Road
(Nyquist, Jr. Property)

Zoning Advisory Committee Meeting of **August 13, 2018.**

 X The Environmental Impact Review (EIR) staff of EPS offers the following comments on the above-referenced zoning item:

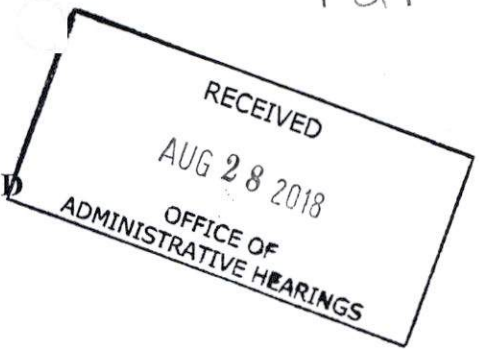
- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code). The zoning petition site plan shows construction to occur in FEMA 100-year floodplain. Therefore, EIR staff will review the proposal in conjunction with County Department of Public Works staff. Please note that this project will also require waterway construction authorization through the State of Maryland, Department of the Environment.
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code). This project may qualify for an exemption in accordance with §33-6-104(b)(10) of the Code.

Reviewer: Michal S. Kulis, EIR

4-27

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
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DATE: August 28, 2018

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Reviewer: Michal S. Kulis, EIR

ORDER RECEIVED FOR FILING

Date

10/1/18

By

sen

9-27

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 8/29/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-031



INFORMATION:

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Petitioner: George S. Nyquist, Jr.
Zoning: RC 4
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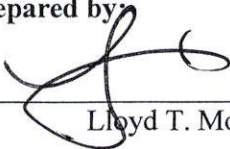
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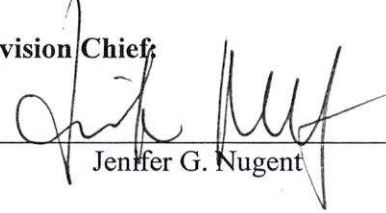
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Prepared by:


Lloyd T. Moxley

Division Chief:


Jennifer G. Nugent

AVA/JGN/LTM/

c: Wally Lippincott

James Hermann, R.L.A., Department of Permits, Approvals and Inspections

Patrick C. Richardson, Richardson Engineering

Office of the Administrative Hearings

People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date

10/1/18

By

sen

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

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

ATTN: Kristen Lewis
MS 1105

FROM: Steven A. Walsh, Director 
Department of Public Works

DATE: August 16, 2018

SUBJECT: Case No: 2019-0031-SPHA
873 Ivy Hill Road, Cockeysville, Maryland 21030

The subject case is to determine whether or not the Administrative Law Judge should approve a Special Hearing and Variance to permit a proposed tennis court to be located in a riverine flood plain and to permit a proposed tennis court to be located in the front yard in lieu of the required rear yard placement.

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SAW/TWC/s

CC: Vishnubhai K. Desai, Chief, Development Plans Review and Building Plan Review
Kevin G. Wagner, Maryland Department of the Environment
Phatta Thapa, Maryland Department of Environment
Peter M. Zimmerman, People's Council

ORDER RECEIVED FOR FILING

Date 10/1/18
By Sen

9/27
10 AM

Debra Wiley

From: Grace Scott <grace@aums.net>
Sent: Thursday, September 27, 2018 3:37 AM
To: John E. Beverungen; Administrative Hearings
Subject: Case #2019-0031-SPHA

Dear Judge Beverungen:

I am unable to attend the hearing September 27 at 10 AM. However, I would like to voice my concerns regarding the proposed tennis courts in the front yard. We live at 865 Ivy Hill Road in Cockeysville, MD 21030 between Beaver Dam Run and Baisman Run.

1. The tennis courts proposed are in the riverine floodplain right next to Beaver Dam Run. Adding this much impervious surface in an area that is already very prone to flooding is not a good idea and could increase the flooding.
2. Placing tennis courts in the front yard of this property would be an eyesore to the other homes in the area and reduce our property values.

I hope that you will take this into consideration. Thank you.

Grace Scott



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

8/20

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

NO Comment

8/28

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

Comment

FIRE DEPARTMENT

8/29

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

Comment

8/16

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

8/16

Dept. of Public Works

Comment

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

9/7/18

SIGN POSTING (1st)

Date:

9/7/18

by SSG BLACK

SIGN POSTING (2nd)

Date:

9/26/18

by SSG BLACK

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				
Tax Exempt:			Special Tax Recapture:							
Exempt Class:			NONE							
Account Identifier:			District - 08 Account Number - 2200022149							
Owner Information										
Owner Name:			NYQUIST GEORGE S JR			Use:		RESIDENTIAL		
						Principal Residence:		NO		
Mailing Address:			6 RIDERWOOD STATION BALTIMORE MD 21204-			Deed Reference:		/39708/ 00369		
Location & Structure Information										
Premises Address:			873 IVY HILL RD COCKEYSVILLE 21030-			Legal Description:		25.5293 AC ESR IVY HILL RD 3900FT S BEAVER DAM RD		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0051	0001	0689		0000				2017	Plat Ref:	
Special Tax Areas:					Town:		NONE			
					Ad Valorem:					
					Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1950		2,886 SF				25.5293 AC		04		
Stories	Basement	Type		Exterior	Full/Half Bath	Garage		Last Major Renovation		
1	NO	STANDARD UNIT		FRAME	3 full	1 Attached				
Value Information										
		Base Value		Value		Phase-in Assessments				
				As of		As of		As of		
				01/01/2017		07/01/2018		07/01/2019		
Land:		191,600		190,700						
Improvements		152,700		243,600						
Total:		344,300		434,300		404,300		434,300		
Preferential Land:		0						0		
Transfer Information										
Seller: CARR JARED S				Date: 12/05/2017			Price: \$615,000			
Type: ARMS LENGTH IMPROVED				Deed1: /39708/ 00369			Deed2:			
Seller: ZERHUSEN JEFFREY SCOTT				Date: 06/27/2016			Price: \$426,000			
Type: NON-ARMS LENGTH OTHER				Deed1: /37676/ 00365			Deed2:			
Seller: CECIL MARIE S				Date: 01/04/1995			Price: \$160,000			
Type: ARMS LENGTH IMPROVED				Deed1: /10892/ 00532			Deed2:			
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2018		07/01/2019				
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00 0.00		0.00 0.00				

Tax Exempt:
Exempt Class:

Special Tax Recapture:
NONE

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No
Application

Date:

CASE NAME 2019-0031-SPHA
CASE NUMBER _____
DATE 9-27-2018

[illegible]

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CASE NAME 2019-0031
CASE NUMBER _____
DATE 9-27-2018

| NAME | ADDRESS | CITY, STATE, ZIP | E - MAIL |
|------|---------|------------------|----------|
|------|---------|------------------|----------|

[illegible]

Sherry Nuffer

From: Grace Scott <grace@aums.net>
Sent: Friday, September 28, 2018 12:19 PM
To: Administrative Hearings
Cc: Rick Scott
Subject: Re: Case #2019-0031-SPHA



I has been brought to my attention that the address for this property on the site plan has been listed incorrectly as 837 Ivy Hill Road. The address should be 873 Ivy Hill Road. In addition the hearing was not posted online.

I would appreciate it is you would you keep me on your email mailing list as this goes forward and as to the opinion rendered.

Thank you.

Grace Scott
865 Ivy Hill Road
Cockeysville, MD 21030
410-363-7668

On Sep 27, 2018, at 8:17 AM, Administrative Hearings
<administrativehearings@baltimorecountymd.gov> wrote:

Received.

From: Grace Scott [<mailto:grace@aums.net>]
Sent: Thursday, September 27, 2018 3:32 AM
To: jbeverungen@baltimorecountymd.gov; Administrative Hearings
<administrativehearings@baltimorecountymd.gov>
Subject: Case #2019-0031-SPHA

Dear Judge Beverungen:

I am unable to attend the hearing September 27 at 10 AM. However, I would like to voice my concerns regarding the proposed tennis courts in the front yard. We live at 865 Ivy Hill Road in Cockeysville, MD 21030 between Beaver Dam Run and Baisman Run.

1. The tennis courts proposed are in the riverine floodplain right next to Beaver Dam Run. Adding this much impervious surface in an area that is already very prone to flooding is not a good idea and could increase the flooding.
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I hope that you will take this into consideration. Thank you.

CO. 2
OFFICE OF
THE
TREASURER

9/27
10Am

Debra Wiley

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Wednesday, September 26, 2018 10:13 PM
To: Rick Richardson; Administrative Hearings
Subject: Recertification's For 2019-0031-SPHA
Attachments: Re-Cert 1 2019-0031-SPHA.doc; Re-Cert 2 2019-0031-SPHA.doc

Recertification's for 873 Ivy Hill Road

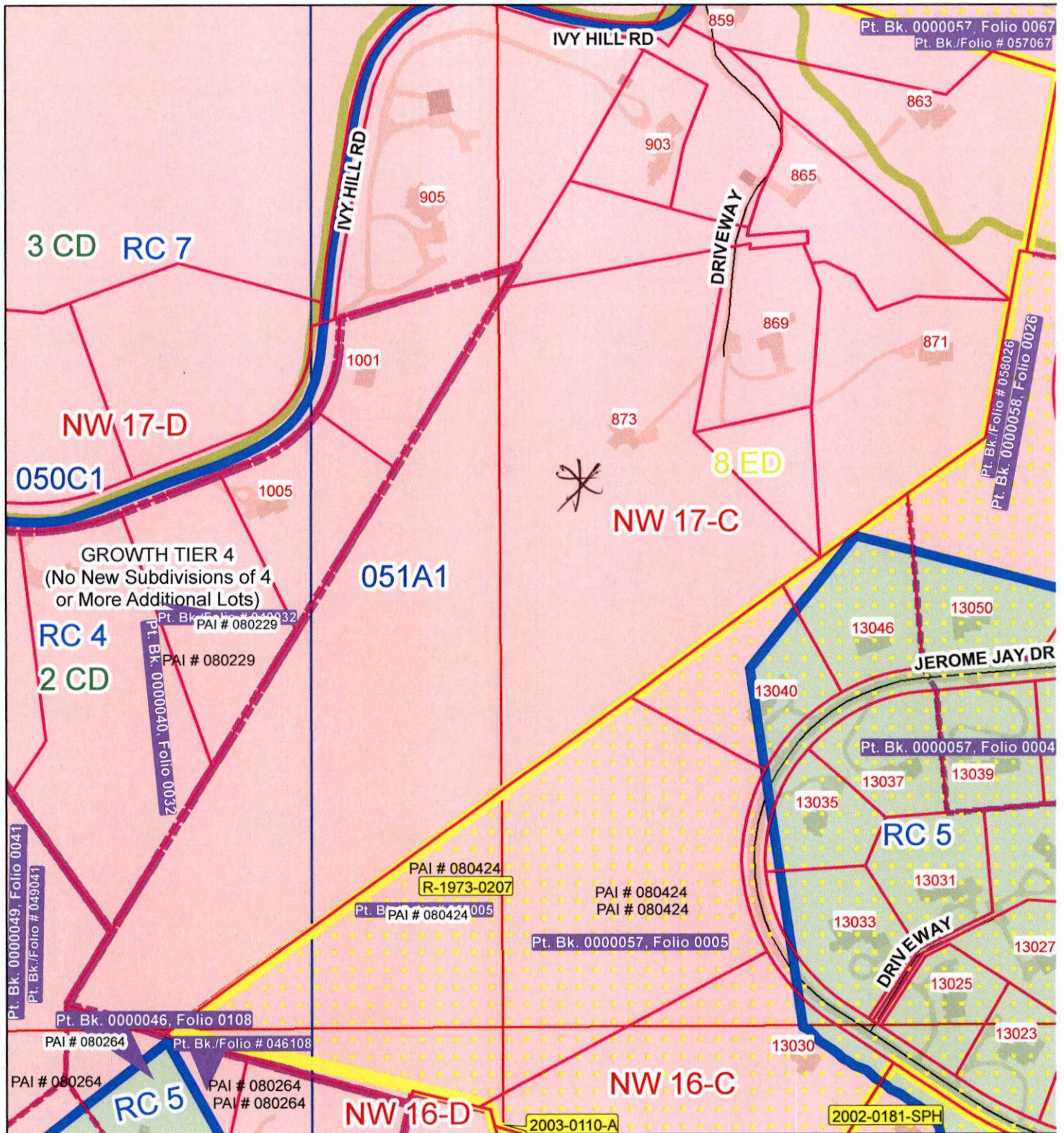


Baltimore County - My Neighborhood



PET. 2

873 Ivey Hill Road



Publication Date: 7/19/2018



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

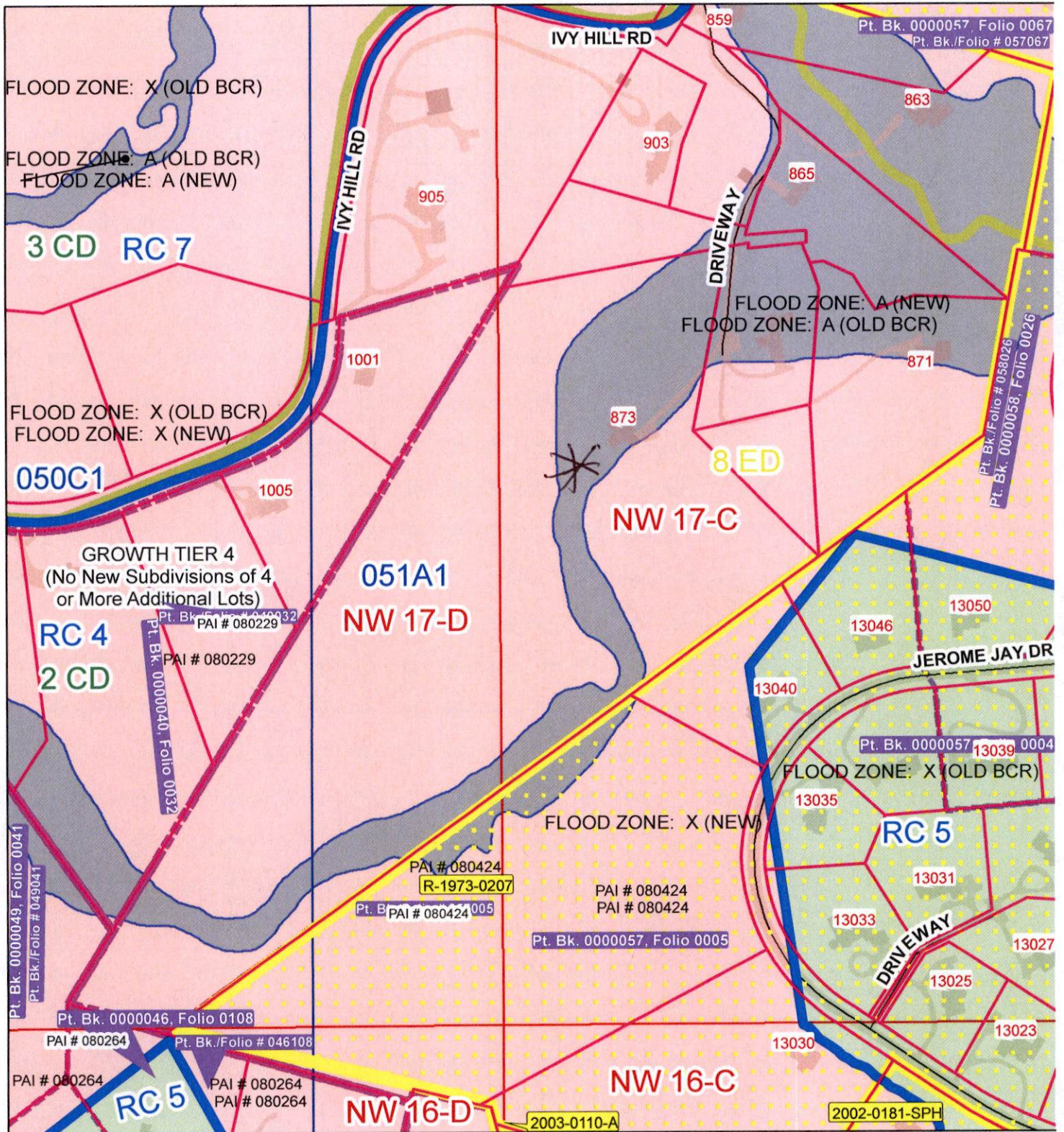


0 80 160 320 480 640 Feet

1 inch = 300 feet

2019-0031-SP4A

Flood Hazard Areas



Publication Date: 7/19/2018



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



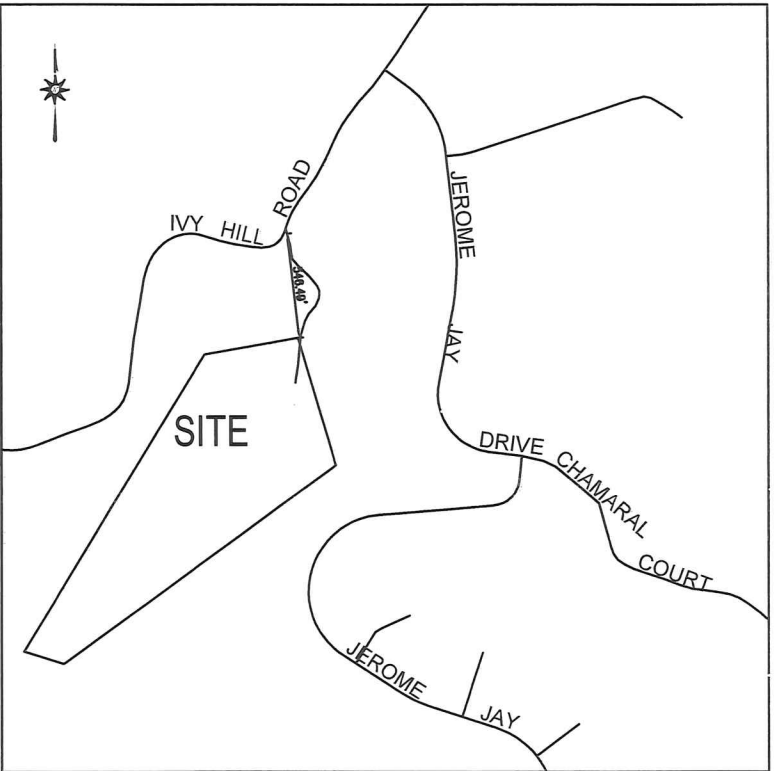
0 80 160 320 480 640 Feet

1 inch = 300 feet

2019-0031-SPHA



SCALE: 1" = 50'

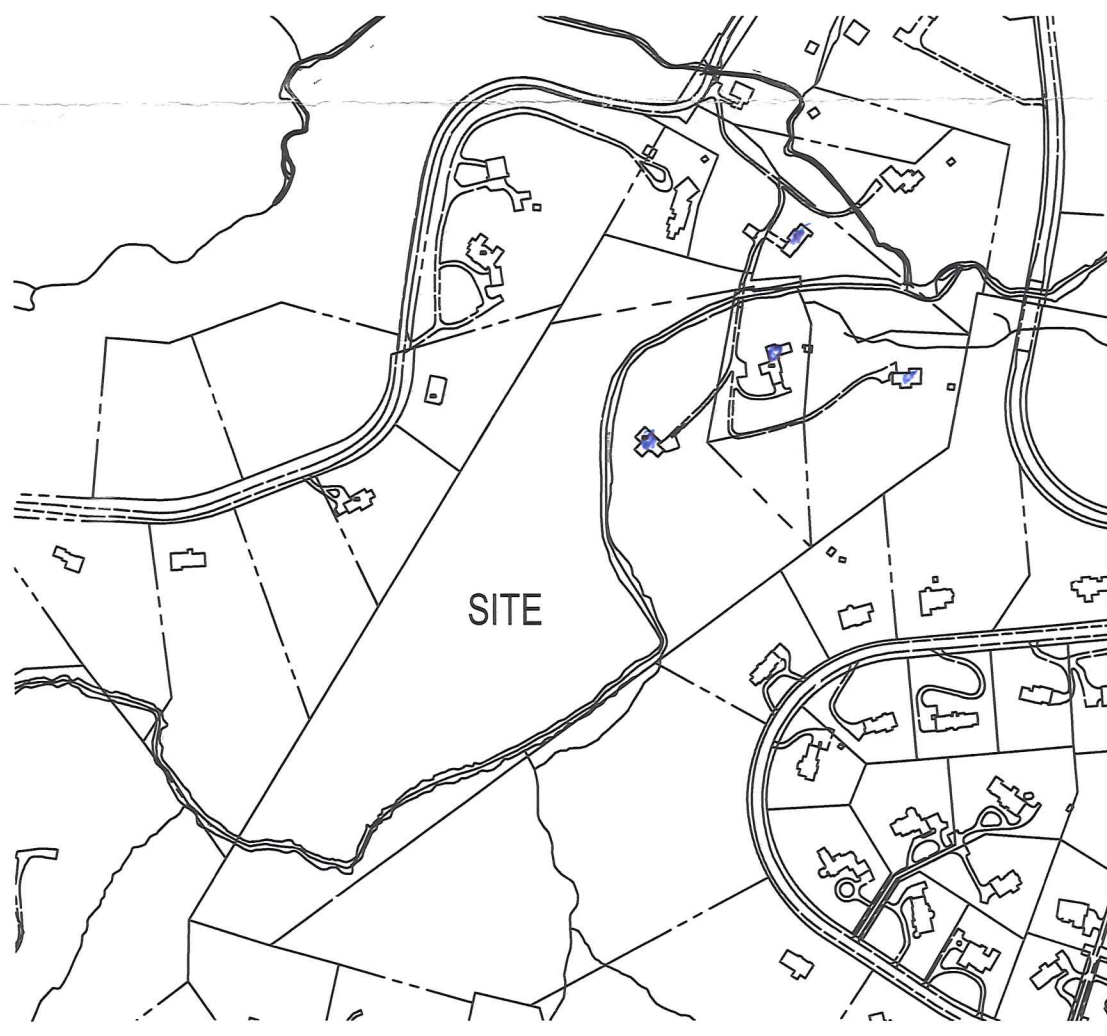


LOCATION MAP
SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER: GEORGE S. NYQUIST, JR.
873 IVY HILL ROAD
COCKEYSVILLE, MARYLAND 21030
- SITE AREA: 1,112,056 SQ.FT. OR 25.53 AC.±
- USES:
EXISTING: 1 RESIDENTIAL DWELLING
PROPOSED: 1 RESIDENTIAL DWELLING
- UTILITIES:
PUBLIC WELL & SEPTIC
- DEED REF: 39708/369
- TAX ACCOUNT #2200022149
- ZONING: RC 4
(PER 1"=200' ZONING MAP 051A1)
- TAX MAP #51, GRID 1, PARCEL #689
- PURPOSE OF PLAN IS TO CONSTRUCT A TENNIS COURT IN THE FLOODPLAIN AREA
- SITE LIES PARTIALLY WITHIN ZONE A AND ZONE X OF FLOOD INSURANCE RATE MAP (FIRM) PANEL #240010 0235 F PANEL 235 OF 580 DATED SEPT. 26, 2014.
- ZONE "A" IS BASE FLOOD ELEVATIONS NOT DETERMINED.
- PREVIOUS ZONING CASES: NONE ON FILE
- PREVIOUS PERMITS: NONE ON FILE
- SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE PROPERTY AND THE STRUCTURES ARE NOT HISTORIC.
- ALL CONSTRUCTION WILL BE PER FLOOD PLAIN REGULATIONS.
- SETBACKS FOR RC 4:

| | REQUIRED | PROVIDED |
|-------|----------|----------|
| FRONT | 50' | 199' |
| SIDE | 50' | 358' |
| REAR | 50' | 1598' |
- 2ND COUNCILMANIC DISTRICT



PROPERTY MAP: 1" = 500'

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

2019-0031-SPHA

PLAN TO ACCOMPANY ZONING PETITION
FOR
NYQUIST RESIDENCE

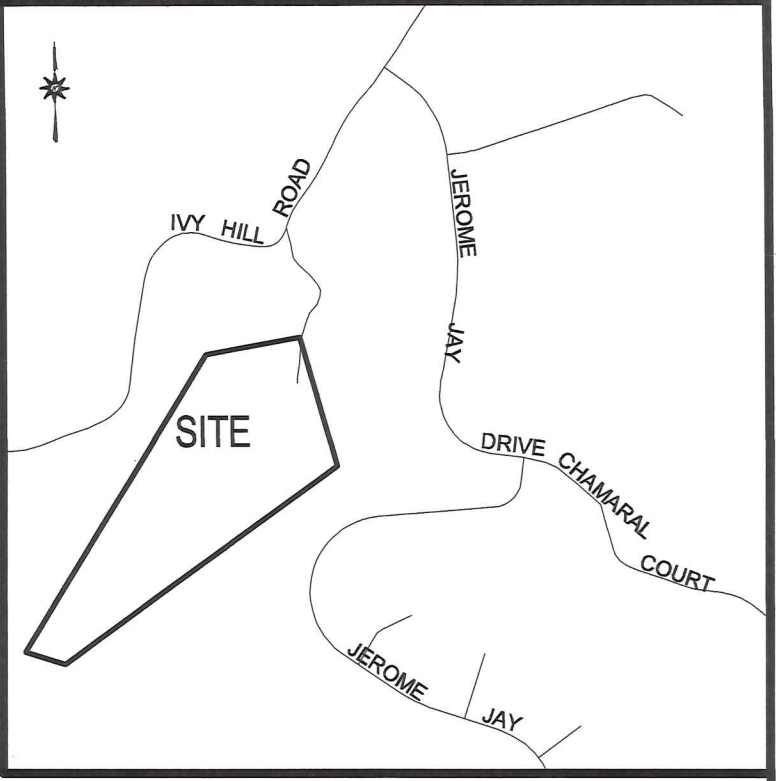
837 IVY HILL ROAD
COCKEYSVILLE, MD 21030

BALTIMORE COUNTY 8TH ELECTION DISTRICT MARYLAND 2ND COUNCILMANIC DISTRICT

| REVISIONS | DRAWN BY:
CMD | CHECKED BY:
PCR | SCALE:
1" = 50' |
|-----------|-------------------|--------------------|----------------------|
| | DATE:
07-18-18 | JOB NO.:
18040 | SHEET NO.:
1 OF 1 |

PET-Ex1

G:\Nash\Johas2018\18040-ny Hill Road\Drawings\1804001.dwg, 9/27/2018 8:00:24 AM



LOCATION MAP

SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER: GEORGE S. NYQUIST, JR.
873 IVY HILL ROAD
COCKEYSVILLE, MARYLAND 21030
 - SITE AREA: 1,112,056 SQ.FT. OR 25.53 AC.±
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 - PREVIOUS ZONING CASES: NONE ON FILE
 - PREVIOUS PERMITS: NONE ON FILE
 - SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
 - THE PROPERTY AND THE STRUCTURES ARE NOT HISTORIC.
 - ALL CONSTRUCTION WILL BE PER FLOOD PLAN REGULATIONS.
 - SETBACKS FOR RC 4
- | | REQUIRED | PROVIDED |
|-------|----------|----------|
| FRONT | 50' | 199' |
| SIDE | 50' | 358' |
| REAR | 50' | 1598' |
17. 2ND COUNCILMANIC DISTRICT



Richardson Engineering, LLC

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PLAN TO ACCOMPANY ZONING PETITION
FOR

NYQUIST RESIDENCE

837 IVY HILL ROAD
COCKEYSVILLE, MD 21030

BALTIMORE COUNTY MARYLAND
8TH ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT

| REVISIONS | DRAWN BY:
CMD | CHECKED BY:
PCR | SCALE:
1" = 50' |
|-----------|-------------------|--------------------|----------------------|
| | DATE:
07-18-18 | JOB NO.:
18040 | SHEET NO.:
1 OF 1 |

PET.3