

MEMORANDUM

DATE: December 4, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0050-A - Appeal Period Expired

The appeal period for the above-referenced case expired on December 3, 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.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(308 A Oberle Avenue)

15th Election District

7th Council District

Thomas J. Kane, III & Patrick D. Kane

Legal Owners

Petitioners

*

*

*

*

*

*

*

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0050-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Thomas J. Kane, III & Patrick D. Kane, legal owners of the subject property ("Petitioners"). Petitioners are requesting variance relief from the Baltimore County Zoning Regulations ("BCZR") to permit a proposed dwelling in a DR 5.5 zone with a lot width of 50 ft. in lieu of the minimum required 55 ft. A site plan was marked as Petitioners' Exhibit 1.

Thomas Kane and Patrick Kane appeared in support of the petition. Several neighbors attended the hearing to obtain additional information regarding the request. 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"), indicating Petitioners must comply with Chesapeake Bay Critical Area regulations.

The site is approximately 8,534 square feet in size and zoned DR 5.5. The property is unimproved and Petitioners propose to construct a new dwelling on the lot, shown as Lot No. 14 on the plat of Grafolio, recorded in 1916. Petitioners' Exhibit 2. Adjoining neighbors expressed concern that the new dwelling could create excessive water runoff onto their properties. John Motsco, a professional engineer, explained that with proper grading and small depressions (akin

ORDER RECEIVED FOR FILING

Date

11/2/18

By

Sen

to but much smaller than a swale) the runoff from the new dwelling will be directed toward the street and not the adjoining homes.

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 lot was created over 100 years ago and is therefore unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct a single-family dwelling on the lot. 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. The house will be constructed on a lot that is the same size and width as nearly all other improved building lots in the community, and I do not believe granting the request will have a negative impact upon the community.

Although the petition was filed as a variance request, I believe a single-family dwelling could lawfully be constructed on the lot without a variance, pursuant to BCZR Section 304. Petitioners satisfy each of the requirements set forth at BCZR Section 304.1:

1. The lot was created long before 1955;
2. The proposed dwelling would be constructed in compliance with the setback, height and area requirements of the DR 5.5 regulations; and
3. The owner does not own sufficient adjoining land to satisfy the lot width requirement.

That regulation was intended to be used in cases like this, where the lot width requirement is imposed upon an otherwise lawful lot created in a plat filed before the adoption of the BCZR..

ORDER RECEIVED FOR FILING

Date 11/2/18

By Sen

THEREFORE, IT IS ORDERED, this 2nd day of **November, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to permit a proposed dwelling in a DR 5.5 zone with a lot width of 50 ft. in lieu of the minimum required 55 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Prior to issuance of permits Petitioners must comply with Chesapeake Bay Critical Area regulations.
3. Petitioners must during the grading of the site and construction of the proposed dwelling use best efforts to ensure that surface water is discharged into the street and not onto adjoining properties.

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 11/2/18
By sln



CBCA

PETITION FOR ZONING HEARING(S)

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

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

Address 308A OBERLE AVENUE

which is presently zoned DR 5.5

Deed References: 40163/299

10 Digit Tax Account # 2 5 0 0 0 1 4 7 9 3

Property Owner(s) Printed Name(s) THOMAS J. KANE, III, PATRICK D. KANE

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

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

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

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

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

SEE ATTACHMENT #1

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)

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

THOMAS J. KANE, III, PATRICK D. KANE

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

19 EASTPORT COURT LUTHERVILLE MD

Mailing Address City State

21093 (410)236-2582 TOMJKANE3@COMCAST.NET

Zip Code Telephone # Email Address

Representative to be contacted:

LITTLE AND ASSOCIATES, INC., JOHN MOTSCO

Name - Type or Print

Signature

1055 TAYLOR AVENUE, SUITE 307 TOWSON MD

Mailing Address City State

21286 (410)-296-1636 JOHNMO@LITTLEASSOCIATES.COM

Zip Code Telephone # Email Address

CASE NUMBER 2019-0050-A

Filing Date 8/5/16

Do Not Schedule Dates:

Reviewer gh

REV. 10/4/11

ATTACHMENT #1
REQUESTED RELIEF

I. VARIANCES FROM BCZR§ 1B02.3.C.1 AS FOLLOWS:

"A" VARIANCE TO PERMIT A PROPOSED DWELLING IN A DR-5.5 ZONE WITH A LOT WIDTH OF 50.0 FEET IN LIEU OF THE MINIMUM REQUIRED 55.0 FEET.

II. ANY ADDITIONAL RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

August 14, 2018

ZONING DESCRIPTION FOR
#308A OBERLE AVENUE

Beginning at a point on the north side of Oberle Avenue, which is 40 feet wide, at the distance of 1,425 feet west of the centerline of Mace Avenue, which is 50 feet wide. Being Lot 14 in the subdivision of Grafolio, recorded in Baltimore County Plat Book No. 4, Folio 190, containing 8,534 square feet of land, more or less, located in the fifteenth election district and seventh council district.

2019-0050-A



1777 Reisterstown Road, Suite 375
Baltimore, MD 21208

www.gpslawgroup.com

Main 443-219-1020
Fax 443-219-1021

Benjamin L. Polakoff, Esq.
Email: Ben@GPSlawgroup.com
Direct Dial: 443-219-3067

September 26, 2018

SENT VIA EMAIL TO: KLewis@baltimorecountymd.gov

Kristen Lewis
Baltimore County Department of Permits, Approvals and Inspections

Re: Case # 2019-0050-A

Dear Ms. Lewis:

Further to our telephone conversation this afternoon, please enter my appearance as counsel to Thomas Kane and Patrick Kane in the above-referenced case.

Please contact me with any questions.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "B. Polakoff", written in a cursive style.

Benjamin L. Polakoff

Cc: Thomas Kane
Christopher M. Prescop, E.I.T.





DONALD I. MOHLER III
County Executive

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

September 26, 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: 2019-0050-A

308 A Oberle Avenue

N/s Oberle Avenue, west of Mace Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Thomas J. Kane, III, Patrick Kane

Variance to permit a proposed dwelling in a DR 5.5 zone with a lot width of 50 ft. in lieu of the minimum required 55 ft. Any additional relief as may be deemed necessary by the Administrative Law Judge.

Hearing: Thursday, November 1, 2018 at 10:00 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: Thomas Kane, Patrick Kane, 19 Eastport Court, Lutherville 21093
John Motsco, 1055 Taylor Avenue, Ste. 307, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, OCTOBER 12, 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, October 12, 2018 - Issue

Please forward billing to:
Thomas Kane
19 Eastport Court
Lutherville, MD 21093

410-236-2582

NOTICE OF ZONING HEARING

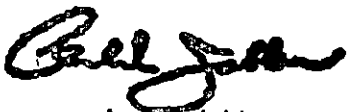
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2019-0050-A

308 A Oberle Avenue
N/s Oberle Avenue, west of Mace Avenue
15th Election District – 7th Councilmanic District
Legal Owners: Thomas J. Kane, III, Patrick Kane

Variance to permit a proposed dwelling in a DR 5.5 zone with a lot width of 50 ft. in lieu of the minimum required 55 ft. Any additional relief as may be deemed necessary by the Administrative Law Judge.

Hearing: Thursday, November 1, 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 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
308A Oberle Avenue; N/S Oberle Avenue, * OF ADMINISTRATIVE
W 1,425' to the c/line of Mace Avenue * HEARINGS FOR
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Thomas J. Kane, III *
& Patrick D. Kane *
Petitioner(s) * BALTIMORE COUNTY
* 2019-050-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

AUG 23 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 23rd day of August, 2018, a copy of the foregoing Entry of Appearance was mailed to John Motsco, Little & Associates, Inc., 1055 Taylor Avenue, Suite 307, Towson, Maryland 21286, 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 fifteen (15) 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: 2019-0050-4
Property Address: 308A OBERLE AVENUE ESSEX, MD 21221
Property Description: LOT 14 WITHIN THE SUBDIVISION OF GRAFOLIO

Legal Owners (Petitioners): THOMAS AND PATRICK KANE
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: THOMAS KANE
Company/Firm (if applicable): N/A
Address: 19 EASTPORT COURT
LUTHERVILLE, MD 21093

Telephone Number: (410) 236-2582

Revised 5/20/2014

Date: 8/15/18

BUSINESS ACTUAL TIME PERIOD
15/2/18 2/15/2018 10:02:33

6/15/2012 7:06 PM

3-528 FILING VERIFICATION
17282

Heart-Ton	\$75.00
\$75.00	\$0.00

Baltimore County, Maryland

**CASHIER'S
VALIDATION**

[illegible]

	Total	75.00
--	-------	-------

Rec From: KFI Properties 3 LLC

For: 308 A. Oberle Ave

2018-2050 A

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

MB 11-1-18
10 Am

Debra Wiley

From: Larry Pilson <lpilson@hotmail.com>
Sent: Sunday, October 28, 2018 11:35 AM
To: Administrative Hearings; Chris Prescop
Subject: 2019-0050A Recert (308A Oberle Ave)
Attachments: 308A Oberle Recert.pdf; DSC_0576.JPG; DSC_0577.JPG



CERTIFICATE OF POSTING

Date: 10-28-18

RE: Case Number: 2019-0050-A

Petitioner/Developer: Kane



Date of Hearing/Closing: Thurs Nov 1, 2018 10AM

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 308A Oberle Ave

The signs(s) were posted on Sept 10-28-18
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING

#1

NOTICE

CASE # 2019-0050-A

A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE: JEFFERSON BUILDING ROOM 205

105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: THURS. NOV. 1, 2018 10AM

REQUEST: VARIANCE TO PERMIT A PROPOSED DWELL-
ING IN A DR 5.5 ZONE WITH A LOT WIDTH OF
50 FT. IN LIEU OF THE MINIMUM REQUIRED 55 FT.
ANY ADDITIONAL RELIEF AS MAY BE DEEMED
NECESSARY BY THE ADMINISTRATIVE LAW JUDGE

RECEIVED
OCT 29 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

ZONING NOTICE

CASE # 2019-0050-A

A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: THURS. NOV. 1, 2018 10 AM

REQUEST: VARIANCE TO PERMIT A PROPOSED
DWELLING IN A DR 5.5 ZONE WITH A LOT WIDTH
OF 50 FT IN LIEU OF THE MINIMUM REQUIRED 55 FT.
ANY ADDITIONAL RELIEF AS MAY BE DEEMED NECESSARY
BY THE ADMINISTRATIVE LAW JUDGE.

RECEIVED

OCT 29 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

CERTIFICATE OF POSTING

Date: 10-10-18

RE: Case Number: 2019-0050-A

Petitioner/Developer: Kane

Date of Hearing/Closing: 11-1-18 10 AM

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 308 A Oberle Ave.

The signs(s) were posted on 10-10-18

(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON

(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road

(Street Address of Sign Poster)

Parkton, MD 21120

(City, State, Zip Code of Sign Poster)

410-343-1443

(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2019-0050-A

A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: THURS. NOV. 1, 2018 10AM
REQUEST: VARIANCE TO PERMIT A PROPOSED DWELL-
ING IN A DR 5.5 ZONE WITH A LOT WIDTH OF
50 FT. IN LIEU OF THE MINIMUM REQUIRED 55 FT.
ANY ADDITIONAL RELIEF AS MAY BE DEEMED
NECESSARY BY THE ADMINISTRATIVE LAW JUDGE

PORTIONMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONSIDER HEARING CALL 866-1311

#2

ZONING NOTICE

CASE # 2019-0050-A

**A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD.**

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: THURS. NOV 14, 2019 10AM

REQUEST: VARIANCE TO PERMIT A PROPOSED DWELLING IN A DRESS ZONE WITH A LOT WIDTH OF 50 FT. IN LIEU OF THE MINIMUM REQUIRED 55 FT. AND ADDITIONAL RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE NOT NECESSARY TO CONFIRM HEARING WILL BE HELD BY 10AM ON THE DAY OF HEARING UNDER PENALTY OF LAW.

The Daily Record

11 East Saratoga Street

Baltimore, MD 21202-2199

(443) 524-8100

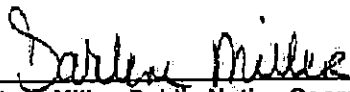
<http://www.thedailyrecord.com>**PUBLISHER'S AFFIDAVIT**

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:

10/12/2018

Order #: 11627764
Case #: 2019-0050-A
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0050-A



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: 2019-0050-A

308 A Oberle Avenue

N/s Oberle Avenue, west of Mace Avenue

15th Election District - 7th Councilmanic District

Legal Owners: Thomas J. Kane, III, Patrick Kane

Variance to permit a proposed dwelling in a Dlt 5.5 zone with a lot width of 50 ft. in lieu of the minimum required 55 ft. Any additional relief as may be deemed necessary by the Administrative Law Judge.

Hearing: Thursday, November 1, 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 410-887-3868.

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

o12



DONALD I. MOHLER III
County Executive

October 25, 2018

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

Thomas Kane III & Patrick Kane
19 Eastport Ct.
Lutherville, MD 21093

Dear Mr. Thomas Kane & Mr. Patrick Kane:

RE: Case Number: 2019-0050A, Address: 308A Oberle Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 15, 2018. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: MTC

Enclosures

c: People's Counsel
Little & Associates Inc., John Motsco 1055 Taylor Ave. Ste 307 Towson, MD 21286

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: 19-050



INFORMATION:

Property Address: 308A Oberle Avenue
Petitioner: Thomas J. Kane, III, Patrick D. Kane
Zoning: DR 5.5
Requested Action: Variance

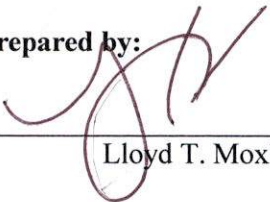
The Department of Planning has reviewed the petition variance to permit a proposed single family dwelling in a DR 5.5 zone with a lot width of 50 feet in lieu of the minimum required 55 feet.

A site visit was conducted on August 22, 2018. The lot is currently vacant.

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

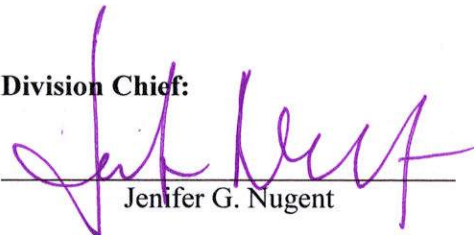
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



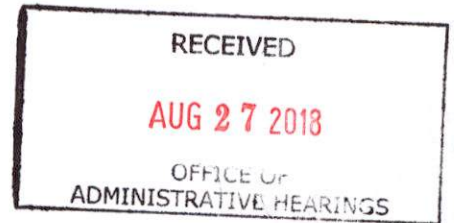
Jenifer G. Nugent

AVA/JGN/LTM/

c: Krystle Patchak
John Motsco, Little and Associates, 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: August 27, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0050-A
Address 308-A Oberle Avenue
(Kane Property)

Zoning Advisory Committee Meeting of **August 27, 2018.**

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

This property is located within an Intensely Developed Area (IDA) in the Chesapeake Bay Critical Area (CBCA) and any development will need to address the 10% pollutant reduction requirements to minimize adverse impacts on water quality that result from the development activities. The zoning relief requested for the proposed development can be supported by EPS provided that the development complies with residential 10% pollutant reduction requirements.

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

The zoning request will not result in any impacts to forest, streams, wetlands, or Critical Area buffers. By meeting the 10% pollutant reduction requirements for the proposed development, watershed impacts can be better managed, and this can aid in the conservation of fish, wildlife, and plant habitat in the area.

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

The zoning relief requested will be consistent with established land-use policies provided that the applicants meet all Critical Area requirements for the proposed development.

Paul Dennis, Environmental Impact Review

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals

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

DATE: September 11, 2018

SUBJECT: Zoning Advisory Committee Meeting
For August 27, 2018
Item No. 2019-0045-A, 0046-A, 0048-A, 0050-A and 0051-A

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: 9/24/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-050

INFORMATION:

Property Address: 308A Oberle Avenue
Petitioner: Thomas J. Kane, III, Patrick D. Kane
Zoning: DR 5.5
Requested Action: Variance

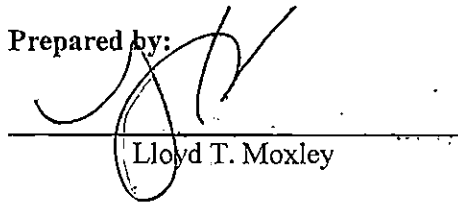
The Department of Planning has reviewed the petition variance to permit a proposed single family dwelling in a DR 5.5 zone with a lot width of 50 feet in lieu of the minimum required 55 feet.

A site visit was conducted on August 22, 2018. The lot is currently vacant.

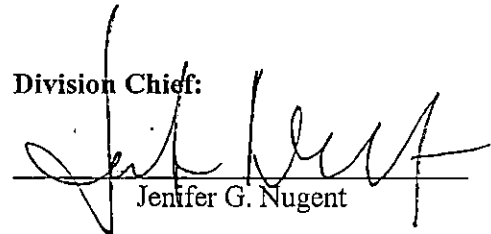
The Department has no objection to granting the petitioned zoning relief.

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

Prepared by:


Lloyd T. Moxley

Division Chief:


Jenifer G. Nugent

AVA/JGN/LTM/

c: Krystle Patchak
John Motsco, Little and Associates, 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: August 27, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0050-A
Address 308-A Oberle Avenue
(Kane Property)

Zoning Advisory Committee Meeting of **August 27, 2018.**

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

This property is located within an Intensely Developed Area (IDA) in the Chesapeake Bay Critical Area (CBCA) and any development will need to address the 10% pollutant reduction requirements to minimize adverse impacts on water quality that result from the development activities. The zoning relief requested for the proposed development can be supported by EPS provided that the development complies with residential 10% pollutant reduction requirements.

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

The zoning request will not result in any impacts to forest, streams, wetlands, or Critical Area buffers. By meeting the 10% pollutant reduction requirements for the proposed development, watershed impacts can be better managed, and this can aid in the conservation of fish, wildlife, and plant habitat in the area.

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

The zoning relief requested will be consistent with established land-use policies provided that the applicants meet all Critical Area requirements for the proposed development.

Paul Dennis, Environmental Impact Review

Date: 8/20/18

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

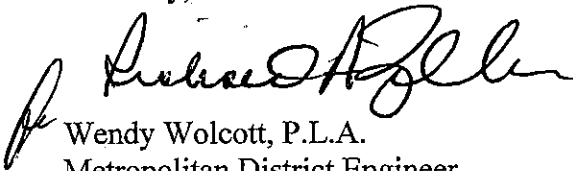
Dear Ms. Lewis:

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. **2019-0050-A**

*Variance
Thomas F. Kane III, Patrick D. Kane
308 A Oberle 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

CASE NAME 308A OBERLE AVE
CASE NUMBER 2019-0050-A
DATE 11/1/2018

NAME

CITY, STATE, ZIP

E - MAIL

[illegible]

CASE NAME 2019-0050-~~1A~~
CASE NUMBER _____
DATE 11-1-2018

[illegible]

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment9/11DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)NO Comment8/27DEPS
(if not received, date e-mail sent _____)Comment

FIRE DEPARTMENT

9/25PLANNING
(if not received, date e-mail sent _____)NO Objection8/20

STATE HIGHWAY ADMINISTRATION

NO Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

10/12/18SIGN POSTING (1st)

Date:

10/10/18

by

PulsonSIGN POSTING (2nd)

Date:

10/28/18

by

Pulson

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 - 15 Account Number - 2500014793									
Owner Information											
Owner Name:		KANE THOMAS J III KANE PATRICK D ETAL				Use:		RESIDENTIAL			
Mailing Address:		19 EASTPORT COURT LUTHERVILLE MD 21093-				Principal Residence:		NO			
						Deed Reference:		/40163/ 00299			
Location & Structure Information											
Premises Address:		OBERLE AVE BALTIMORE 21221-				Legal Description:		0.196 AC PT LT 14 OBERLE AVE NS GRAFOLIO			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:		
0090	0020	0660		0000			14	2018	Plat Ref: 0004/0190		
Special Tax Areas:				Town:				NONE			
				Ad Valorem:							
				Tax Class:							
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use			
						0.1960 AC		04			
Stories	Basement	Type	Exterior	Full/Half Bath		Garage	Last Major Renovation				
Value Information											
		Base Value		Value		Phase-in Assessments					
				As of 01/01/2018		As of 07/01/2018		As of 07/01/2019			
Land:		74,600		74,600							
Improvements		0		0							
Total:		74,600		74,600		74,600		74,600			
Preferential Land:		0						0			
Transfer Information											
Seller: KFI PROPERTIES 3 LLC				Date: 04/19/2018				Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /40163/ 00299				Deed2:			
Seller:				Date:				Price:			
Type:				Deed1:				Deed2:			
Seller:				Date:				Price:			
Type:				Deed1:				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:		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:

Case No.: 2019-0050-A

Exhibit Sheet

11-2-18
Sen

Petitioner/Developer

12-4-18

Protestant

No. 1	Plan	2 letters of opposition
No. 2	Plat	
No. 3	Aerial photo	
No. 4	site photos	
No. 5	Elevations	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



308A OBERLE AVE



308 OBERLE AVE

PET. 4



309 OBERLE AVE



311 OBERLE AVE



310 OBERLE AVE

Kimberly & Reynold Blubaugh
312 Oberle Ave. Essex, MD 21221
410-916-4128

10/23/18

Baltimore County
County Office Building, Suite 105
111 West Chesapeake Avenue
Towson, Maryland, 21204

Dear Baltimore County, Maryland,

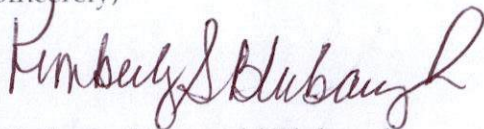
I am writing in opposition to the proposed to-be-built home at 308(a) Oberle Ave., Essex, MD 21221.

I have lived on this street since 1997 and stand firmly opposed to the over-development of this established neighborhood.

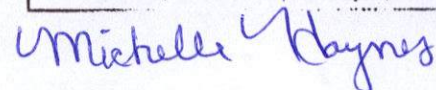
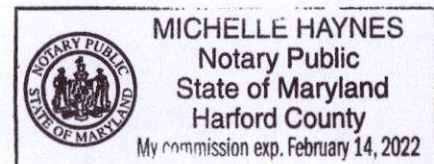
Recently, a home was built across from the proposed site which has caused water issues for neighbors. I am writing on behalf of several neighbors. As I mentioned, this neighborhood is an old, established neighborhood. Excessive development is unhealthy. I believe a house in this location would negatively impact the neighborhood.

As taxpayers, please hear our plea.

Sincerely,



Kimberly & Reynold Blubaugh



Prot. 1

10/31/18

Baltimore County Building, Suite 105

111 West Chesapeake Avenue

Towson, Maryland 21204

Dear Baltimore County, Maryland,

I am writting for the proposed to-be-built home at 308A Oberle Avenue, in Essex Maryland 21221.

My family moved to this street 21 years ago in 1997 and stand firmly opposed to the over - development of this established neighborhood.

With in the past couple months a builder bought property across the street from us and built a home from the proposed lot. This new house in the community has caused a lot of water issues, especially to the neighboring house right next door to them. I live next to the newly proposed to-be-built lot. If a home is built it is going to cause major water damage to both homes on either side of the soon to be built home. I believe that a house in this location will be a negative impact on the neighborhood.

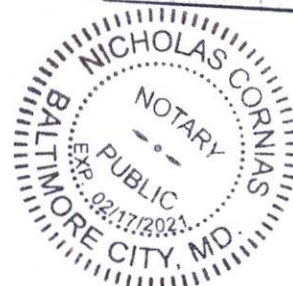
As taxpayers, please hear our plea.

Sincerely,

Tabitha & Hoffmann

Tabitha & John Hoffmann JR.

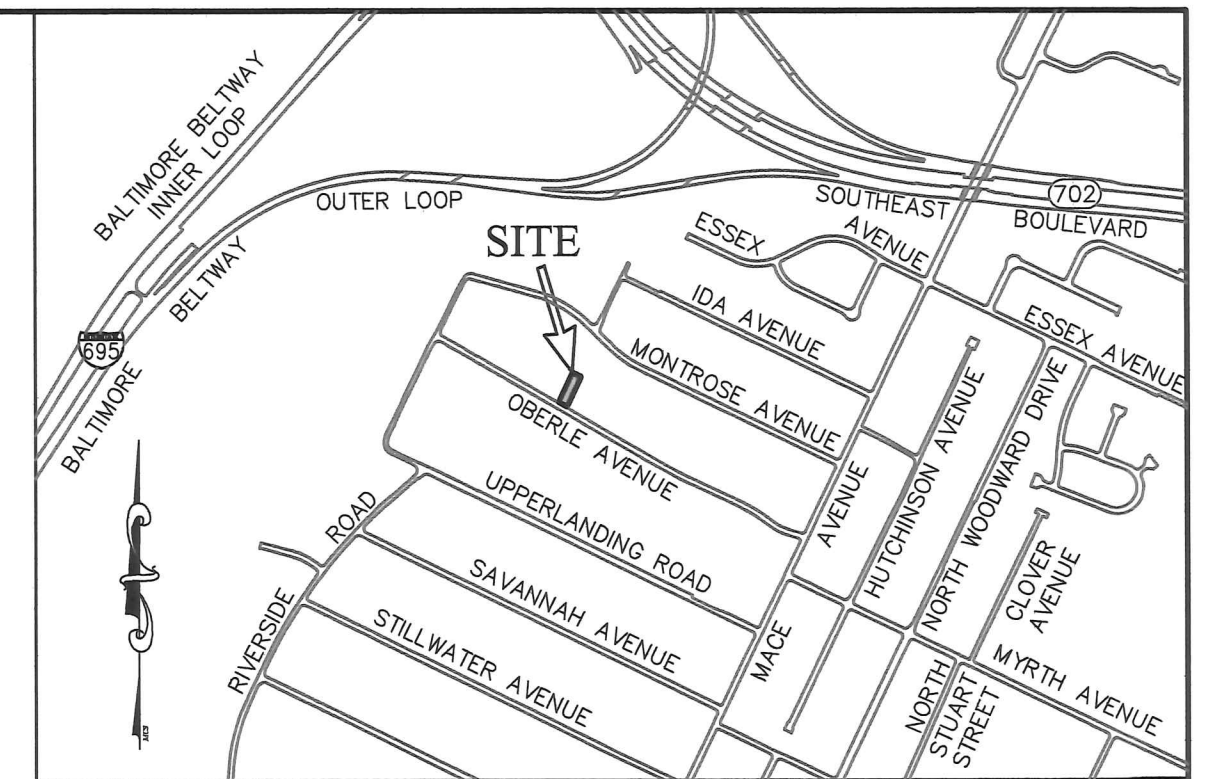
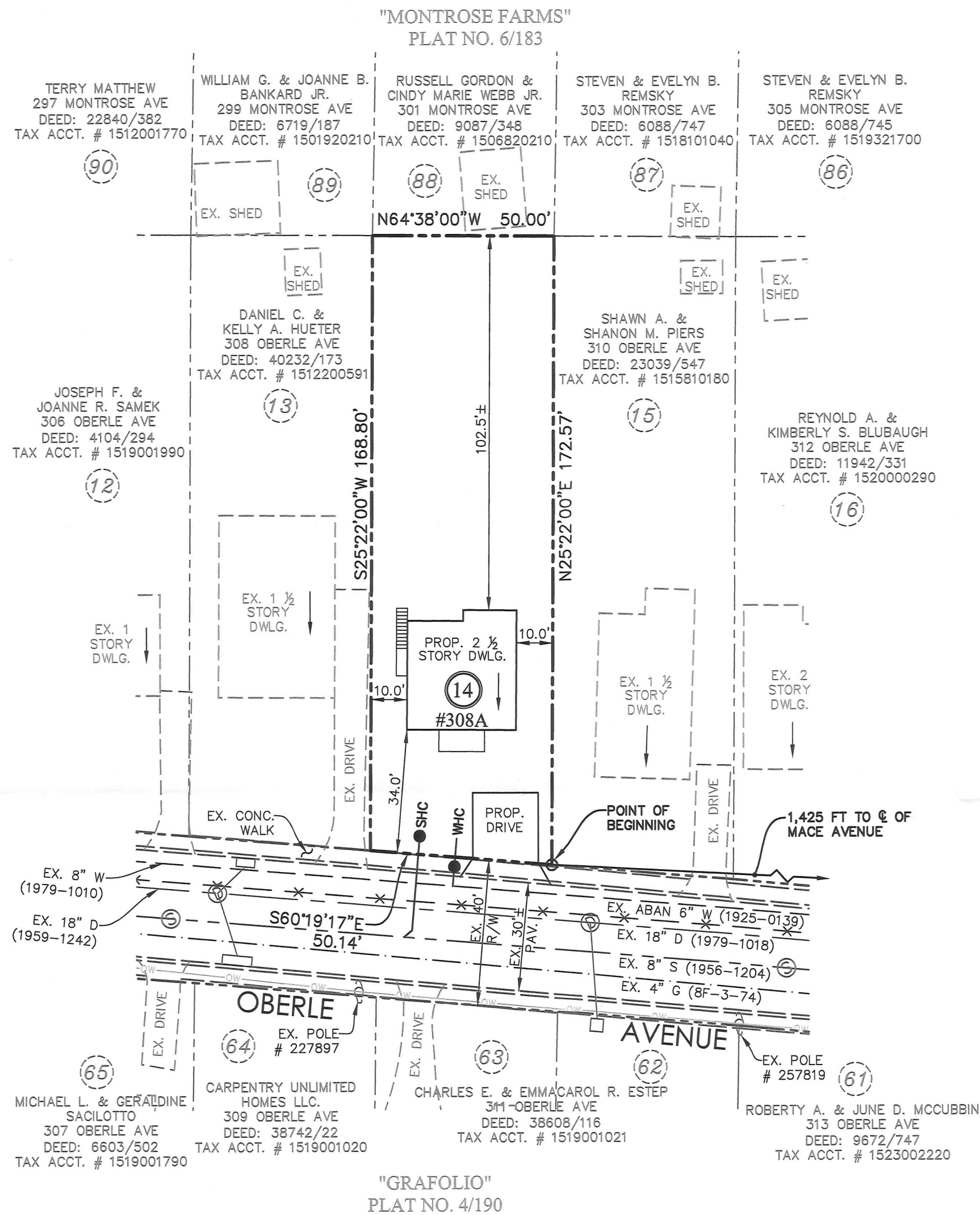
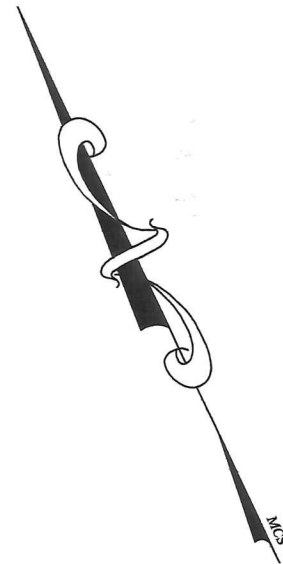
City/County of Baltimore
State of Maryland
The foregoing instrument was acknowledged before me
this 31 day of October, 2018
by Tabitha & John Hoffmann
[Signature] Notary Public
My commission expires 02/17/2021



WALTON, J. H. 1917

PA
1917

The 1917-18 season was the best season for the
State of Michigan
since 1914



VICINITY MAP

SCALE: 1"=1,000'

SITE DATA

1. NET/GROSS TRACT AREA: 0.196 AC± (8,534 SF)
2. THE SITE IS ZONED DR 5.5, 200 SCALE MAP #090A3
3. OWNER: THOMAS J. & PATRICK D. KANE
19 EASTPORT COURT
LUTHERVILLE, MD 21093
4. TAX ACCT. #: 2500014793
5. DEED: 40163/299
6. PLAT: 4/190 LOT: 14
7. MAP: 90 GRID: 20 PARCEL: 660
8. ELECTION DISTRICT: 15 COUNCILMANIC DISTRICT: 7
9. THIS SITE IS LOCATED WITHIN THE BACK RIVER WATERSHED.
10. THIS SITE IS NOT LOCATED WITHIN ANY DEFICIENT AREAS BASED ON THE 2018 BASIC SERVICES MAPS, PURSUANT TO SECTION 4A02, BCZR.
11. NO FLOOD PLAIN EXISTS ON THIS PROPERTY.
12. THIS SITE IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA AND IS DESIGNATED AS BEING IN THE INTENSELY DEVELOPED AREA.
13. THERE ARE NO KNOWN ENDANGERED SPECIES HABITATS, ARCHAEOLOGICAL OR HISTORICAL SITES, OR CONTAMINATED AREAS ON THE SUBJECT PROPERTY.
14. THIS SITE HAS NO ACTIVE ZONING VIOLATIONS.
15. CURRENT USE: VACANT
16. PROPOSED USE: RESIDENTIAL

PRIOR ZONING HISTORY

NO PRIOR ZONING HISTORY.

VARIANCE REQUESTED RELIEF

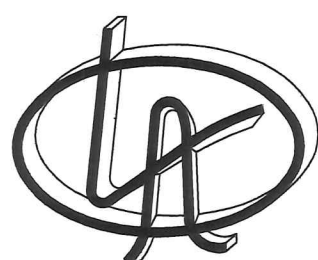
- I. VARIANCE FROM SECTION 1B02.3.C.1 BCZR AS FOLLOWS:
"A" VARIANCE TO PERMIT A PROPOSED DWELLING IN A DR-5.5 ZONE WITH A LOT WIDTH OF 50.0 FEET IN LIEU OF THE MINIMUM REQUIRED 55.0 FEET.
- II. ANY ADDITIONAL RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

CASE NO.: 2019-0050-A

PLAN TO ACCOMPANY
PETITION FOR VARIANCE
#308A OBERLE AVENUE

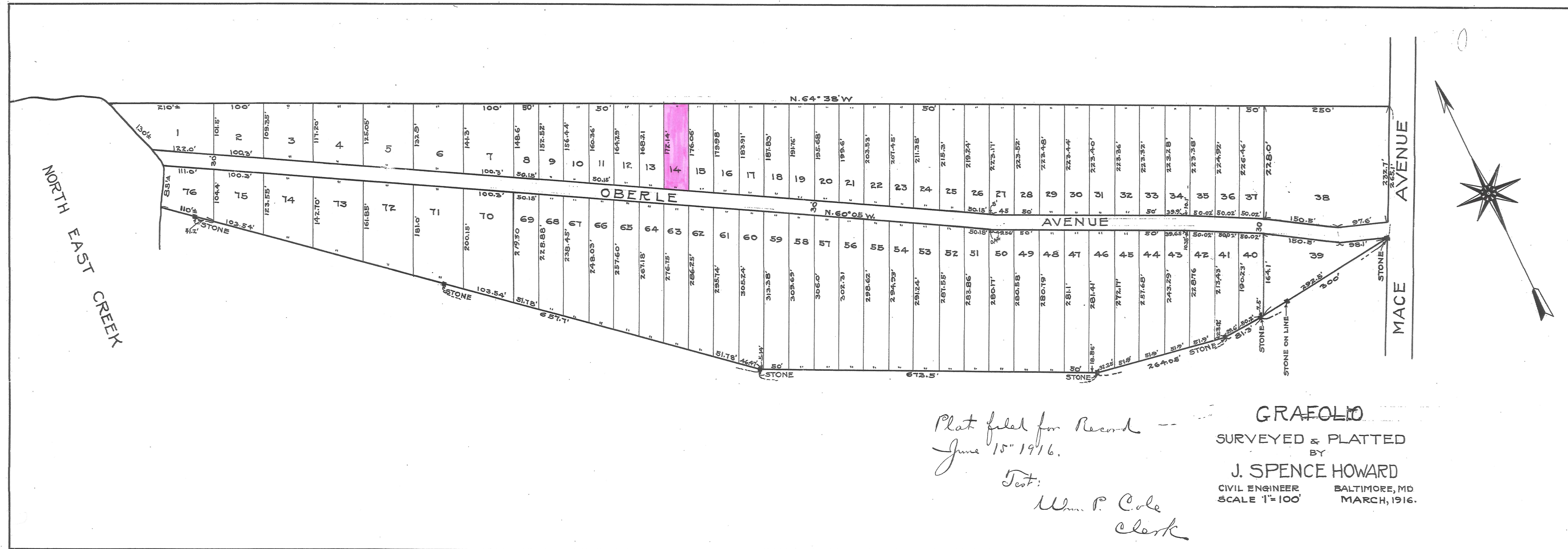
DISTRICT 15c7
SCALE: 1"=30'

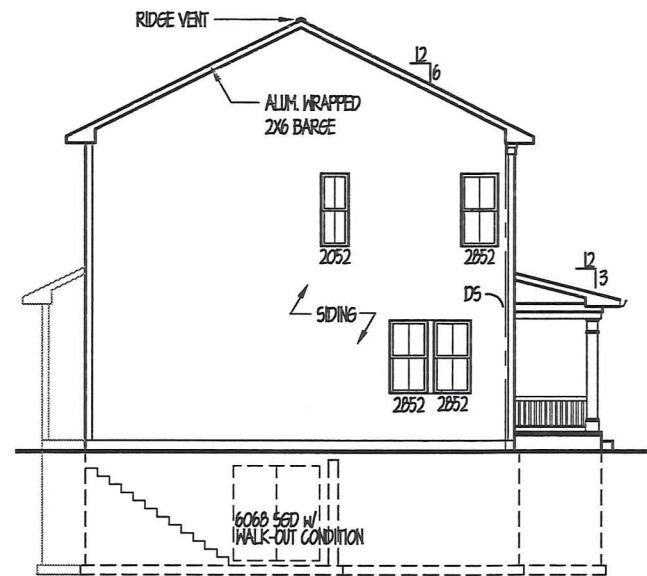
BALTIMORE COUNTY, MD
AUGUST 14, 2018



LITTLE & ASSOCIATES, INC.
ENGINEERS~LAND PLANNERS~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639

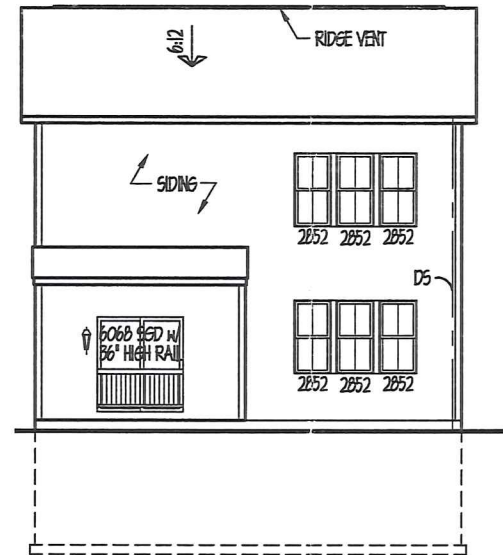
PET. EX. 1





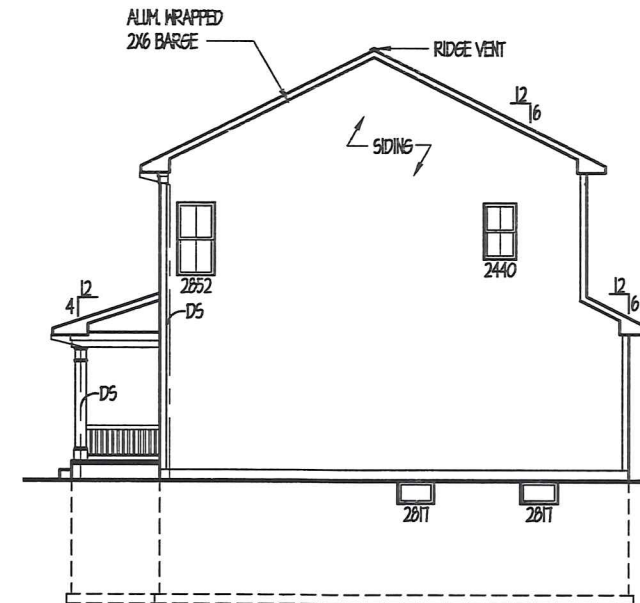
LEFT SIDE ELEVATION

1/8"=1'-0"



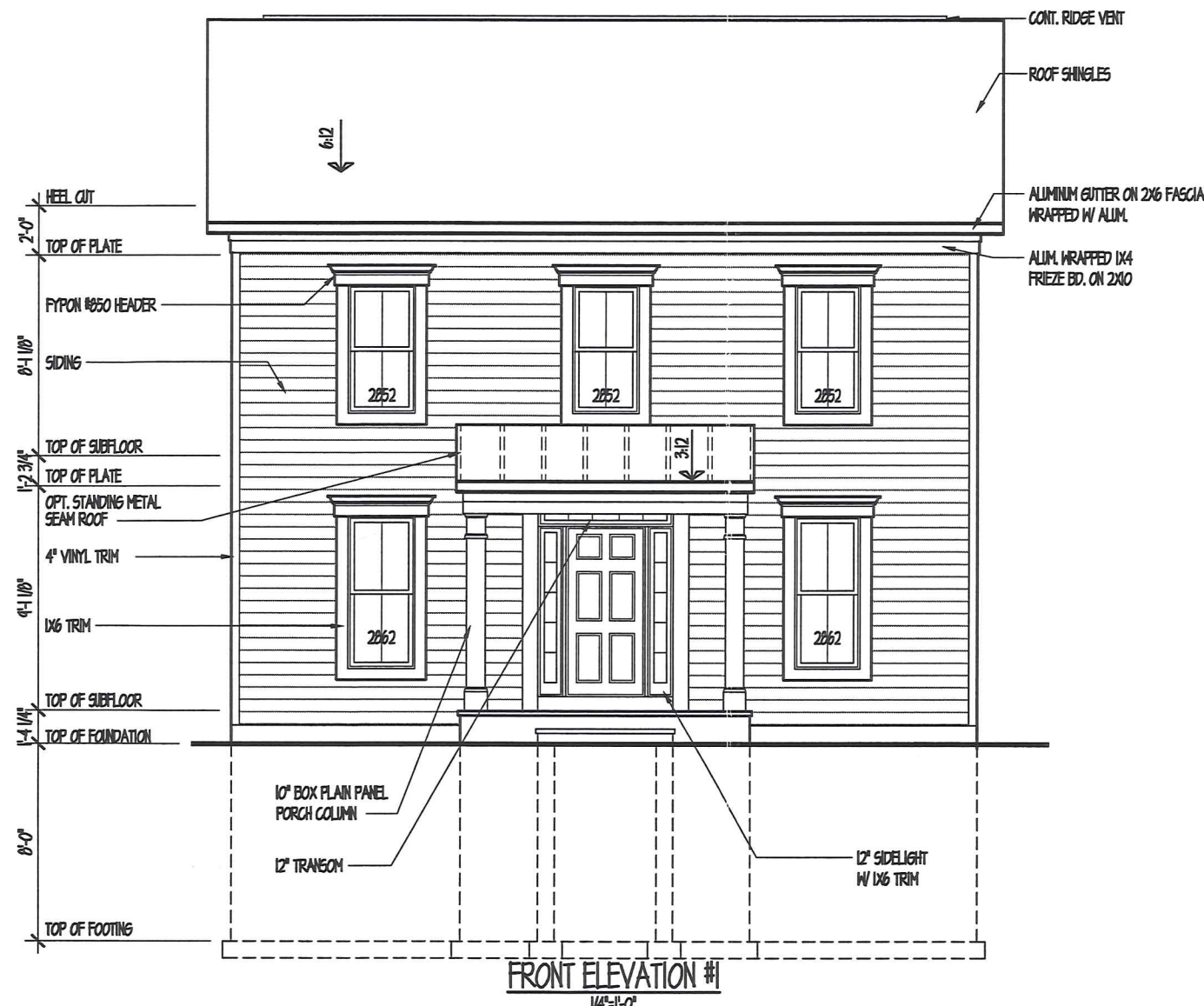
REAR ELEVATION

1/8"=1'-0"



RIGHT SIDE ELEVATION

1/8"=1'-0"



FRONT ELEVATION #1

1/4"=1'-0"

PROFESSIONAL CERTIFICATION: I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE # 3367-R, EXPIRATION DATE 10/7/17

dw taylor
associates, inc
ARCHITECT

5024 DORSEY HALL DR. SUITE 203 ELLICOTT CITY, MD 21042
P.(410) 994 1181 F. (410) 997 2824 www.dwtaylor.com

BID & PERMIT SET

REVISIONS	
date	remarks

drawn by AC	checked by
scale 1/4" = 1'-0"	date 12/22/2011

PROJECT TITLE

ENVISION BUILDERS
THE EASTON

CONTENT

ELEVATION #1

PROJECT NUMBER

2437

DRAWING NUMBER

A1

Baltimore County - My Neighborhood

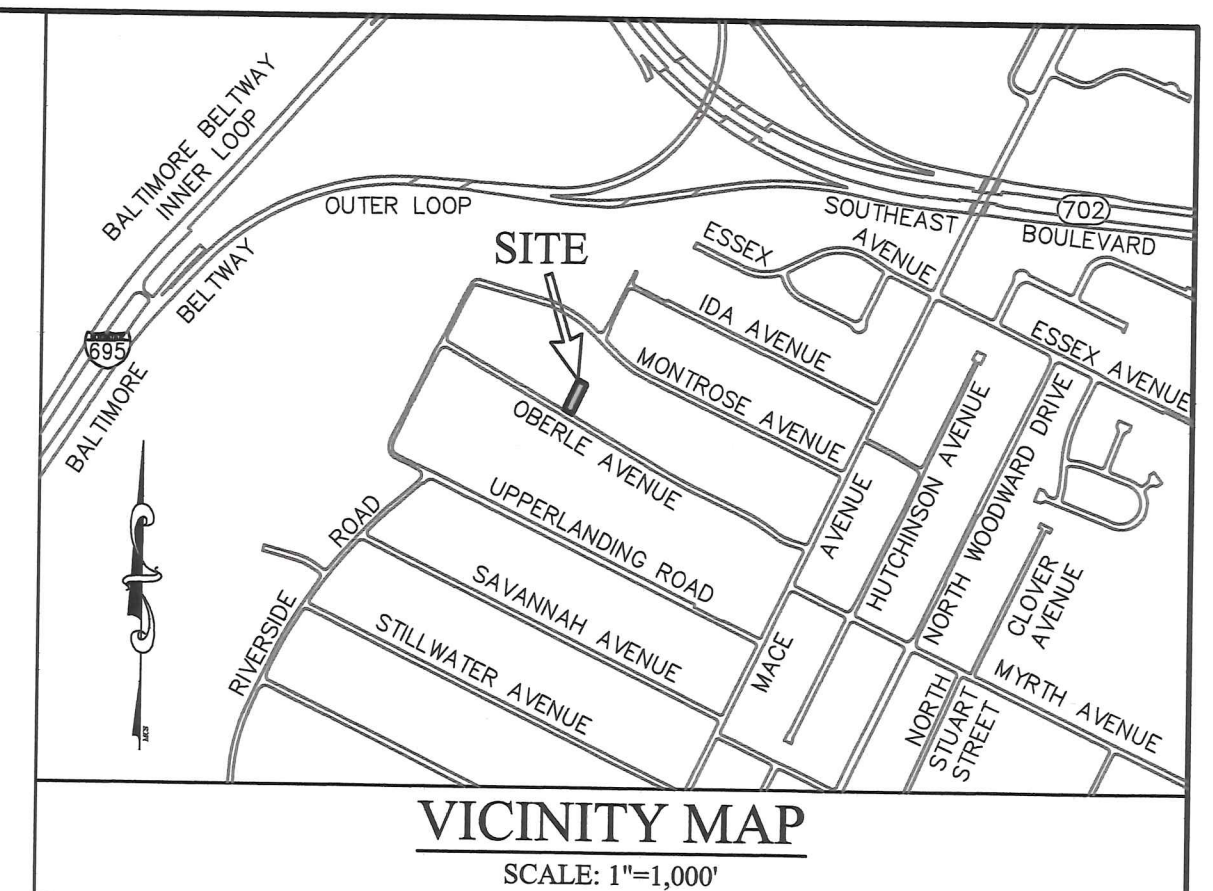
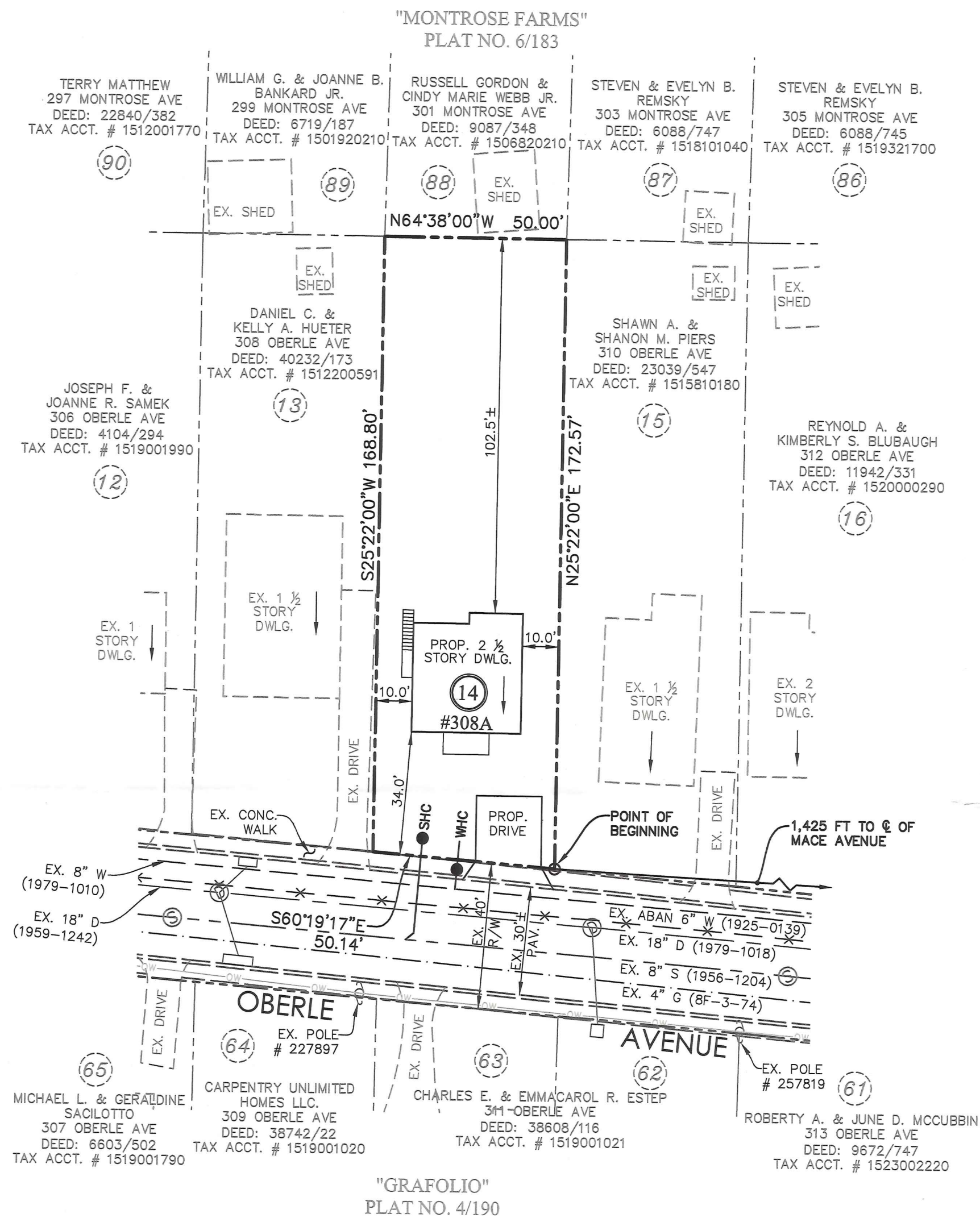
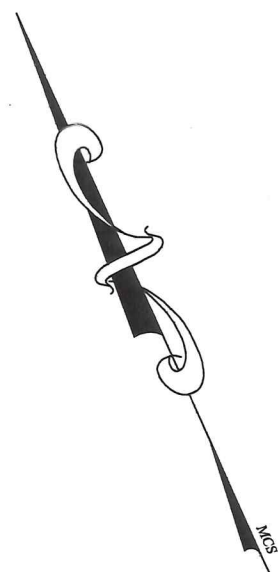
PET. 3



Legend
□ County Boundary

1:2,000
0 85 170 340 Feet
0 0.015 0.03 0.06 Miles
October 31, 2018

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



SITE DATA

1. NET/GROSS TRACT AREA: 0.196 AC± (8,534 SF)
2. THE SITE IS ZONED DR 5.5, 200 SCALE MAP #090A3
3. OWNER:
THOMAS J. & PATRICK D. KANE
19 EASTPORT COURT
LUTHERVILLE, MD 21093
TAX ACCT. #: 2500014793
4. DEED: 40163/299
5. PLAT: 4/190 LOT: 14
6. MAP: 90 GRID: 20 PARCEL: 660
7. ELECTION DISTRICT: 15 COUNCILMANIC DISTRICT: 7
8. THIS SITE IS LOCATED WITHIN THE BACK RIVER WATERSHED.
9. THIS SITE IS NOT LOCATED WITHIN ANY DEFICIENT AREAS BASED ON THE 2018 BASIC SERVICES MAPS, PURSUANT TO SECTION 4A02, BCZR.
10. NO FLOOD PLAIN EXISTS ON THIS PROPERTY.
11. THIS SITE IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA AND IS DESIGNATED AS BEING IN THE INTENSELY DEVELOPED AREA.
12. THERE ARE NO KNOWN ENDANGERED SPECIES HABITATS, ARCHAEOLOGICAL OR HISTORICAL SITES, OR CONTAMINATED AREAS ON THE SUBJECT PROPERTY.
13. CURRENT USE: VACANT
14. PROPOSED USE: RESIDENTIAL

PRIOR ZONING HISTORY

NO PRIOR ZONING HISTORY.

VARIANCE REQUESTED RELIEF

- I. VARIANCE FROM SECTION 1B02.3.C.1 BCZR AS FOLLOWS:

"A" VARIANCE TO PERMIT A PROPOSED DWELLING IN A DR-5.5 ZONE WITH A LOT WIDTH OF 50.0 FEET IN LIEU OF THE MINIMUM REQUIRED 55.0 FEET.
- II. ANY ADDITIONAL RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.



LITTLE & ASSOCIATES, INC.
ENGINEERS~~LAND PLANNERS~~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639

CASE NO.: 2019-0050-A

PLAN TO ACCOMPANY
PETITION FOR VARIANCE
#308A OBERLE AVENUE

DISTRICT 15c7
SCALE: 1"=30'

BALTIMORE COUNTY, MD
AUGUST 14, 2018