

MEMORANDUM

DATE: November 1⁴3, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0059-A - Appeal Period Expired

The appeal period for the above-referenced case expired on November 13, 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: PETITIONS FOR SPECIAL HEARING,
SPECIAL EXCEPTION & VARIANCE
(Perry Hall & White Marsh Boulevard)**
11th Election District
5th Council District
Perry Hall Boulevard Commercial, LLC,
Legal Owner
Two Farms, Inc.
Contract Purchaser/Lessee
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2018-0059-SPHXA**

* * * *

ORDER

WHEREAS, by an Opinion and Order dated October 16, 2017, a copy of which is attached, Administrative Law Judge John E. Beverungen granted, among other relief, a Special Exception approving a fuel station on an individual site for the above-captioned property ("Property"); and

WHEREAS, due to the time period required to obtain a permanent right-of-way to the Property from the State of Maryland off of Perry Hall Boulevard (recorded among the Land Records of Baltimore County on August 26, 2019 at Book 41775, page 185 [copy attached]), the fuel station and related improvements for such Property have not yet received a County permit and must go through the lengthy County approval process to obtain such a permit, all of which will not occur on or before the expiration of two (2) years since the date of the Order, on which date the Special Exception will expire.

NOW, THEREFORE, IT IS ORDERED this 9th day of **September, 2019**, pursuant to Baltimore County Zoning Regulations ("BCZR") Section 502.3, that the expiration of the period of time for utilization of the Special Exception be and hereby is extended for a three (3) year period, until October 16, 2022.


LAWRENCE M. STAHL
Managing Administrative Law Judge
For Baltimore County

LMS:dlw

ORDER RECEIVED FOR FILING

Date 9-9-19

By lw

IN RE: PETITION FOR VARIANCE

(6930 Gunder Avenue)

15th Election District

6th Council District

William & Mildred C. Jones

Legal Owners

Petitioners

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0059-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by William & Mildred C. Jones, legal owners of the subject property ("Petitioners"). Petitioners are requesting variance relief from the Baltimore County Zoning Regulations ("BCZR") to permit side yard setbacks of 9 ft. and 6 ft. and a side yard setback of 5 ft. for an open deck in lieu of the required 10 ft., 10 ft. and 7.5 ft., respectively, for a replacement dwelling. A site plan was marked as Petitioners' Exhibit 1.

William Jones and David Billingsley appeared in support of the petition. No protestants or interested citizens were in attendance. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability ("DEPS") and the Bureau of Development Plans Review ("DPR"). Neither agency opposed the request.

The site is approximately 11,075 square feet in size and zoned DR 5.5. The property is improved with a single-family dwelling constructed in 1924. Petitioners purchased the property last year and plan to raze the existing structure. In its place (and in essentially the same footprint) they would construct a new single-family dwelling, although zoning relief is required for deficient setbacks.

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

ORDER RECEIVED FOR FILING

Date 10/12/18

By Sen

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

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

The waterfront lot is narrow and deep (approximately 50' x 222') and is therefore unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct the proposed replacement dwelling. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

THEREFORE, IT IS ORDERED, this 12th day of **October, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to permit side yard setbacks of 9 ft. and 6 ft. and a side yard setback of 5 ft. for an open deck in lieu of the required 10 ft., 10 ft. and 7.5 ft., respectively, for a replacement dwelling, 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 critical area and flood protection regulations.

ORDER RECEIVED FOR FILING

Date 10/12/18

By Sen

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date 10/12/18

By sen



OBCA

PETITION FOR ZONING HEARING(S)

Flood

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

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

Address 6930 GUNDER AVENUE which is presently zoned DR 5.5
Deed References: L.39042 F.15 10 Digit Tax Account # 1513400533
Property Owner(s) Printed Name(s) WILLIAM AND MILORED C. JONES

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

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

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

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

3. ☒ a Variance from Section(s)

SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature Date

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2009-0059-A Filing Date 8/22/19

Legal Owners (Petitioners):

WILLIAM JONES MILORED C. JONES

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

5405 BANGERT ST. WHITE MARSH, MD.

Mailing Address City State

21162 (443)554-0417 shadowj385@comcast.net

Zip Code Telephone # Email Address

Representative to be contacted:

DAVID BILLINGSLEY

Name - Type or Print

Signature

601 CHARMWOOD CT. EDGEWOOD MD.

Mailing Address City State

21040 (410)679-8719 dwb0203@yahoo.com

Zip Code Telephone # Email Address

Do Not Schedule Dates:

Reviewer gh

REV. 10/4/11

SECTIONS 1B02.3.C.1 AND 301.1 (BCZR) TO PERMIT SIDE YARD SETBACKS OF 9 FEET AND 6 FEET AND A SIDE YARD SETBACK OF 5 FEET FOR AN OPEN DECK IN LIEU OF THE REQUIRED 10 FEET, 10 FEET AND 7.5 FEET RESPECTIVELY FOR A REPLACEMENT DWELLING.

ZONING DESCRIPTION

6930 GUNDER AVENUE

Beginning for the same at a point on the north side of Gunder Avenue (40 feet wide) said point being 65 feet easterly of its intersection with the center of Gundale Avenue, thence being all of Lots 83 and 84 as shown on the plat entitled Section A, Twin River Beach recorded among the Baltimore County plat records in Plat Book 9 Folio 33.

Containing 11,075 square feet or 0.254 acre of land, more or less.

Being known as 6930 Gunder Road. Located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, Md.

2019-0059-1A

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:

9/20/2018

Order #: 11617585
Case #: 2019-0059-A
Description:

CASE NUMBER: 2019-0059-A NOTICE OF ZONING HEARING



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County NOTICE OF ZONING HEARING The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows: CASE NUMBER: 2019-0059-A 6880 Gunder Avenue N/s Gunder Avenue, west of Bridle Avenue 15th Election District - 6th Councilmanic District Legal Owners: William & Mildred Jones Variance to permit side yard setbacks of 9 ft. and 6 ft. and a side yard setback of 5 ft. for an open deck in lieu of the required 10 ft., 10 ft., and 7.5 ft. respectively for a replacement dwelling. Hearing: Wednesday, October 10, 2018 at 2:30p.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 410-887-3301. s20
--

10/10
2:30 PM

Debra Wiley

From: David Billingsley <dwb0209@yahoo.com>
Sent: Friday, October 05, 2018 11:47 AM
To: Administrative Hearings
Cc: MITZI
Subject: 6930 GUNDEDR AVENUE CASE NO. 2019-0059-A
Attachments: Scan1412.pdf

POSTING CERTIFICATIONS ATTACHED
THANKS

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



CERTIFICATE OF POSTING

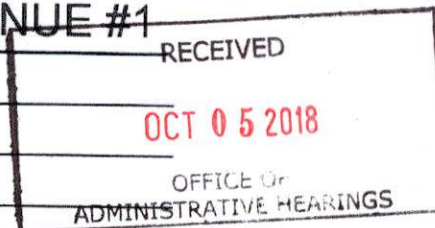
RECEIVED 10/5/18
Date: SEPTEMBER 19, 2018

RE: Project Name: 6930 GUNDER AVENUE #1

Case Number /PAI Number: 2019-0059-A

Petitioner/Developer: JONES

Date of Hearing/Closing: OCTOBER 10, 2018

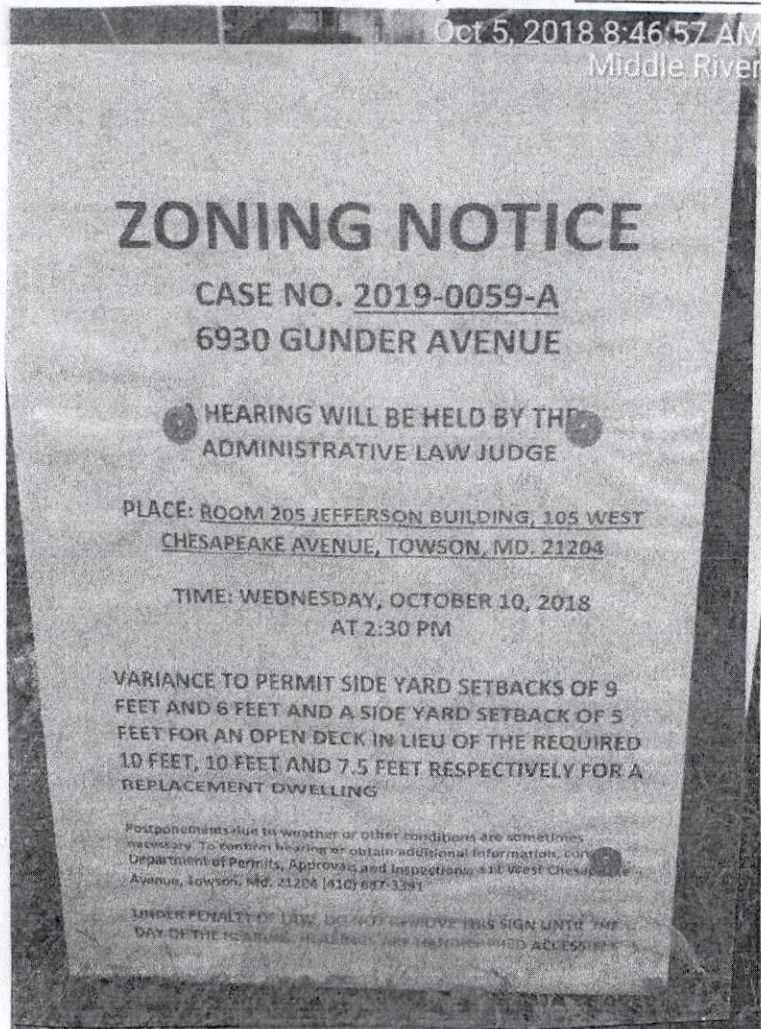


This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 6930 GUNDER AVENUE

The sign(s) were posted on _____

RECEIVED 10/5/18
SEPTEMBER 19, 2018

(Month, Day, Year)



David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

RECERTIFIED 10/5/18
Date: SEPTEMBER 19, 2018

RE: Project Name: 6930 GUNDER AVENUE #2

Case Number /PAI Number: 2019-0059-A

Petitioner/Developer: JONES

Date of Hearing/Closing: OCTOBER 10, 2018

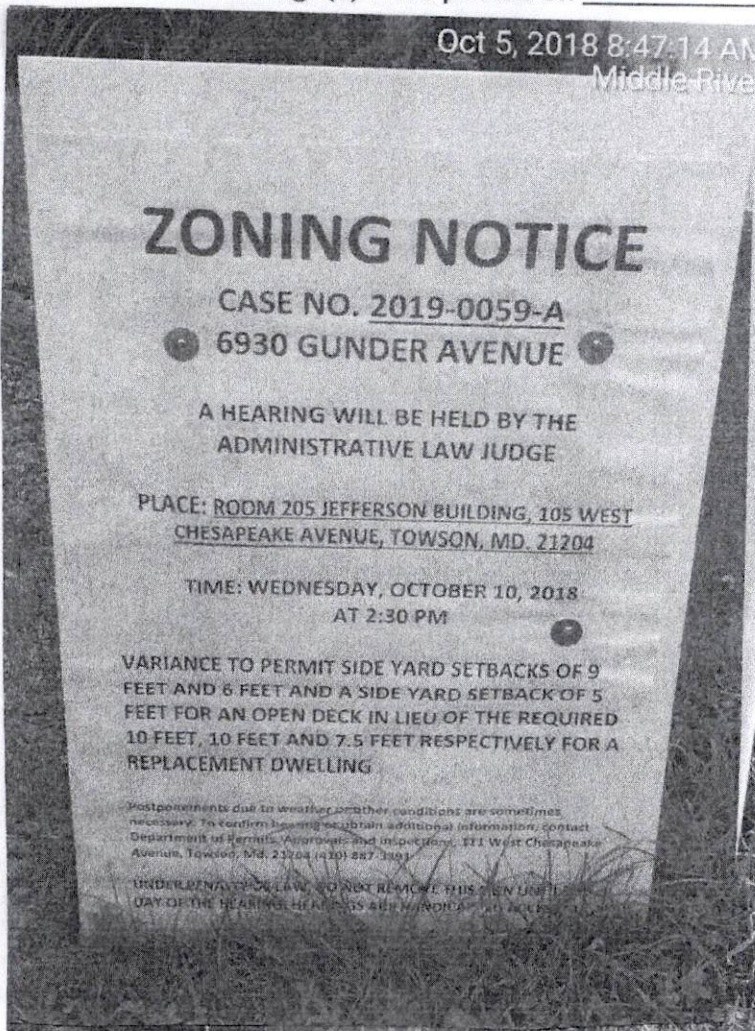


This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 6930 GUNDER AVENUE

The sign(s) were posted on

RECERTIFIED 10/5/18
SEPTEMBER 19, 2018

(Month, Day, Year)



David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

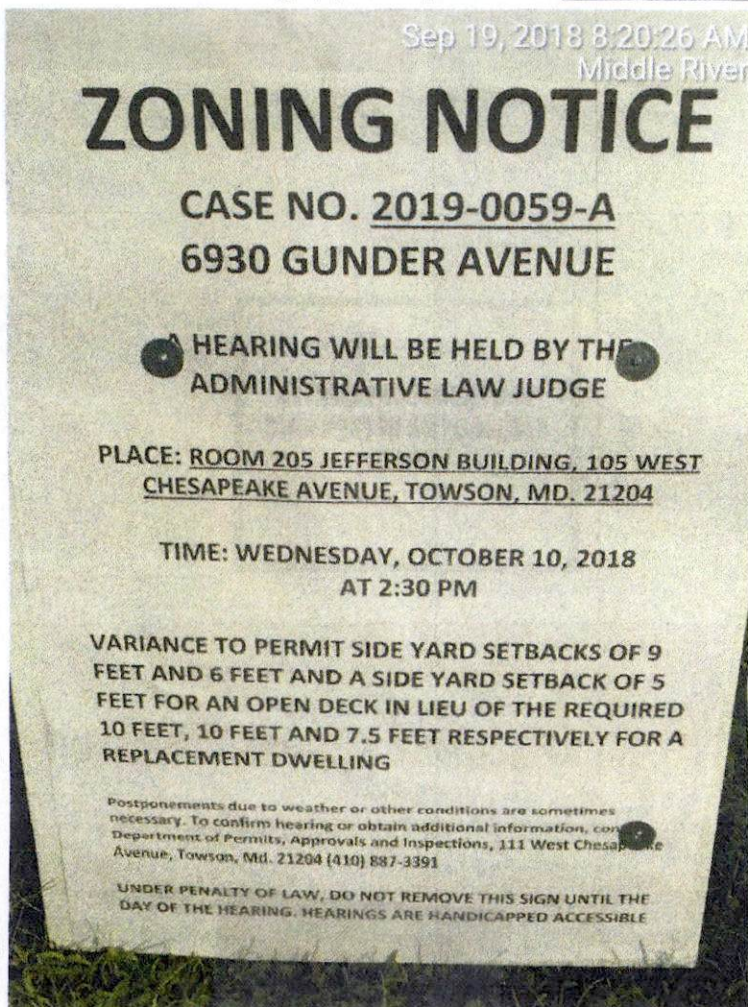
CERTIFICATE OF POSTING

Date: SEPTEMBER 19, 2018

RE: Project Name: 6930 GUNDER AVENUE #1
Case Number /PAI Number: 2019-0059-A
Petitioner/Developer: JONES
Date of Hearing/Closing: OCTOBER 10, 2018

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 6930 GUNDER AVENUE

The sign(s) were posted on SEPTEMBER 19, 2018
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

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

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

CERTIFICATE OF POSTING

Date: SEPTEMBER 19, 2018

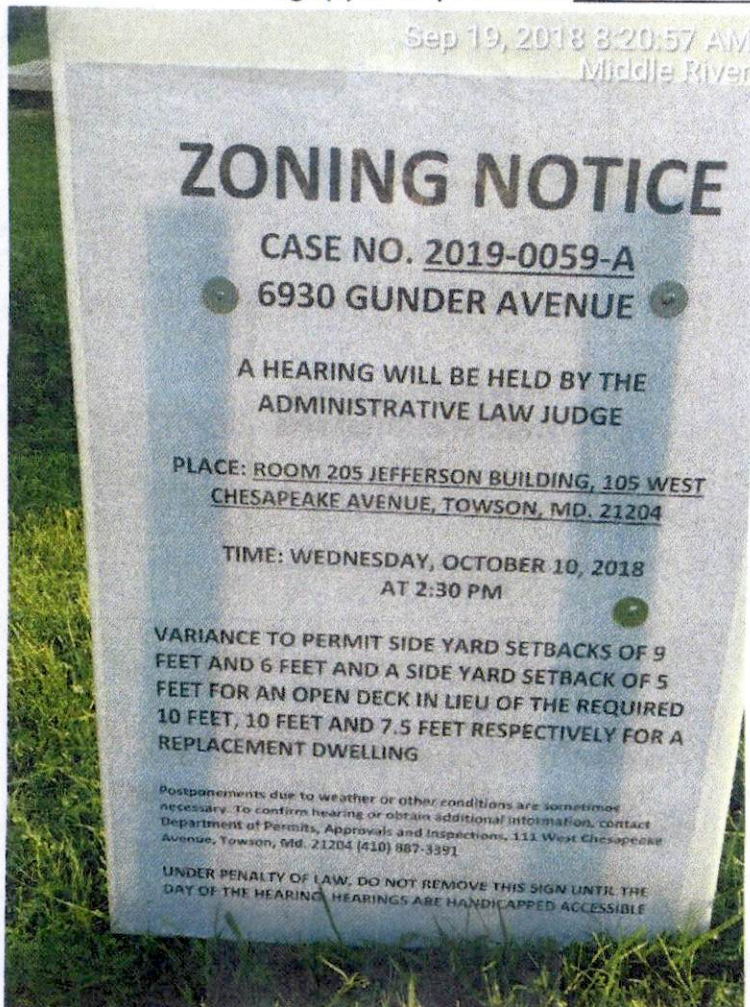
RE: Project Name: 6930 GUNDER AVENUE #2
Case Number /PAI Number: 2019-0059-A
Petitioner/Developer: JONES
Date of Hearing/Closing: OCTOBER 10, 2018

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 6930 GUNDER AVENUE

The sign(s) were posted on

SEPTEMBER 19, 2018

(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

RE: PETITION FOR VARIANCE
6930 Gunder Avenue; N/S Gunder Avenue,
W 212' to c/line of Bridle Avenue
15th Election & 6th Councilmanic Districts
Legal Owner(s): William & Mildred Jones
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2019-059-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 29 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 29th day of August, 2018, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, 601 Charwood Court, Edgewood, Maryland 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



DONALD I. MOHLER III
County Executive

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

September 6, 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: 2019-0059-A

6930 Gunder Avenue

N/s Gunder Avenue, west of Bridle Avenue

15th Election District – 6th Councilmanic District

Legal Owners: William & Mildred Jones

Variance to permit side yard setbacks of 9 ft. and 6 ft. and a side yard setback of 5 ft. for an open deck in lieu of the required 10 ft., 10 ft., and 7.5 ft. respectively for a replacement dwelling.

Hearing: Wednesday, October 10, 2018 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over a horizontal line.

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Jones, 5405 Bangert Street, White Marsh 21162
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURS., SEPTEMBER 20, 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
Thursday, September 20, 2018 Issue

Please forward billing to:
William Jones
5405 Bangert Street
White Marsh, MD 21162

443-554-0417

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: 2019-0059-A

6930 Gunder Avenue
N/s Gunder Avenue, west of Bridle Avenue
15th Election District – 6th Councilmanic District
Legal Owners: William & Mildred Jones

Variance to permit side yard setbacks of 9 ft. and 6 ft. and a side yard setback of 5 ft. for an open deck in lieu of the required 10 ft., 10 ft., and 7.5 ft. respectively for a replacement dwelling.

Hearing: Wednesday, October 10, 2018 at 2:30 p.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.

**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: 2019-0059-A
Property Address: 6930 GUNDER RD
Property Description: NS GUNDER RD. 65' E OF E
GUNDALE AVE
Legal Owners (Petitioners): WILLIAM & MILDRED JONES
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: WILLIAM JONES
Company/Firm (if applicable): _____
Address: 5405 BANGERT ST
WHITE MARSH, MD 21162
Telephone Number: (443) 554-0417

Revised 7/9/2015

**CASHIER'S
VALIDATION**



DONALD I. MOHLER III
County Executive

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

October 4, 2018

William & Mildred Jones
5405 Banger St.
White Marsh, MD 21162

RE: Case Number: 2019-0059-A, Address: 6930 Gunder Ave

To whom it may concern,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 22, 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: MK

Enclosures

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



STATE HIGHWAY
ADMINISTRATION

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

Date: 8/27/18

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2018-0059-A

Variance
William & Mildred C Jones
6930 Gunder 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

10-10

**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: 19-059



INFORMATION:

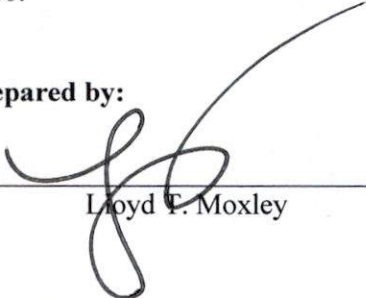
Property Address: 6930 Gunder Avenue
Petitioner: William and Wildred C. Jones
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit a proposed single family dwelling with a side yard setbacks of 9 and 6 feet with an open projection (deck) having a side yard setback of 5 feet in lieu of the required 10 feet, 10 feet and 7.5 feet respectively.

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

For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

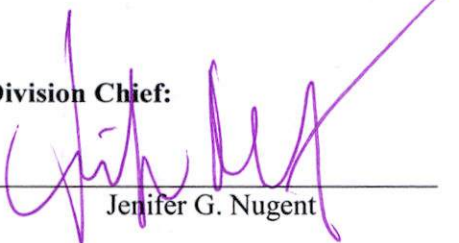
Prepared by:



Lloyd T. Moxley

AVA/JGN/LTM/

Division Chief:



Jennifer G. Nugent

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

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 9/11/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-059

INFORMATION:

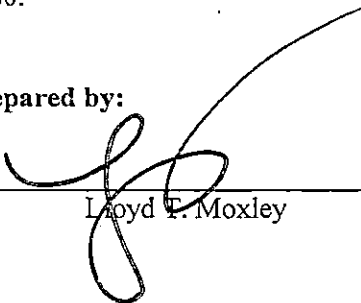
Property Address: 6930 Gunder Avenue
Petitioner: William and Wildred C. Jones
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit a proposed single family dwelling with a side yard setbacks of 9 and 6 feet with an open projection (deck) having a side yard setback of 5 feet in lieu of the required 10 feet, 10 feet and 7.5 feet respectively.

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

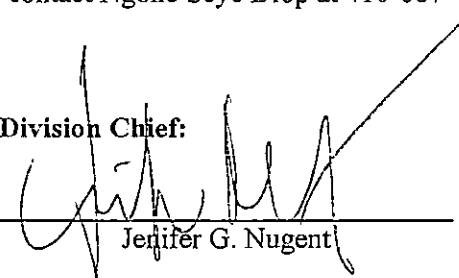
For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd F. Moxley

Division Chief:



Jennifer G. Nugent

AVA/JGN/LTM/

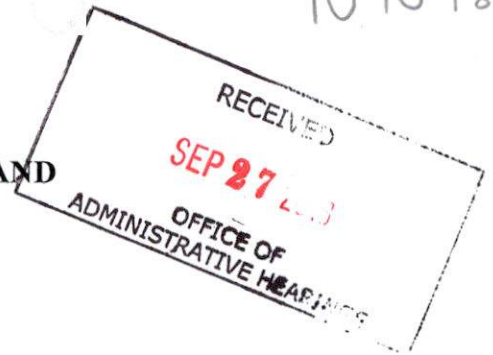
c: Ngone Seye Diop
David Billingsley, Central Drafting & Design, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

10-10-18



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: September 27, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0059-A
Address 6930 Gunder Road
(Jones Property)

Zoning Advisory Committee Meeting of **September 3, 2018.**

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

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

The subject property is located within a Limited Development Area (LDA), and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

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

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

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

(iii) "Lot coverage" does not include:

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ATTORNEY GENERAL
JAN 10 1964

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

The property is located within a Limited Development Area (LDA) and a Modified Buffer Area (MBA) of the Chesapeake Bay Critical Area. The property comprises approximately 11,075 square feet (sf), according to the plan with this petition. The petitioner is requesting side yard setback reductions associated with a proposed replacement dwelling and a proposed open deck. When a building permit or other proposed development activity is submitted, and in order to minimize impacts on water quality, the applicant must comply with the LDA lot coverage limits, which, for a property this size, is a maximum of 31 1/4% (3,461 sf), with mitigation for lot coverage between 25% (2,769 sf) and 31 1/4%. Proposed lot coverage is shown on the plan. LDA regulations also require a minimum afforestation of 15%, which equates to 3 trees for a property of this size. The MBA requirements further restrict lot coverage and other structures within the Critical Area Buffer, which on this property is measured 100 feet landward of mean high water. According to the plan, buffer impacts are proposed and will be reviewed for compliance with these requirements. Buffer impacts are not calculated on the plan. By allowing the items requested by the petitioner, impacts on water quality will be minimized.

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

The current development proposal for the property will be reviewed for application of the LDA and MBA requirements, which will improve buffer functions, and conserve fish, wildlife and plant habitat in Bird River and the Chesapeake Bay.

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

The items requested by the petitioner will be consistent with established land use policies, provided that the applicants meet any LDA and MBA requirements applicable to the proposal. The request, if granted, will minimize environmental impacts.

Reviewer: Thomas Panzarella;
Environmental Impact Review

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: September 27, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0059-A
Address 6930 Gunder Road
(Jones Property)

Zoning Advisory Committee Meeting of **September 3, 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:

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- 2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material*

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1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
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4. A deck with gaps to allow the water to pass freely.

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The items requested by the petitioner will be consistent with established land use policies, provided that the applicants meet any LDA and MBA requirements applicable to the proposal. The request, if granted, will minimize environmental impacts.

Reviewer: Thomas Panzarella;
Environmental Impact Review

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For September 3, 2018
Item No. 2019-0059-A

DATE: September 12, 2018

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

Prior to building permit application the petitioner must contact the Office of the Director of Public Works in writing to determine the Flood Protection Elevation, so that the first floor elevation can be established.

* * * * *

VKD: cen
cc: file

§ 502.3. - Time limit for utilization of special exception; extensions.

[Bill Nos. 42-1962; 85-1967; 68-1968; 172-1993]

A special exception which has not been utilized within a period of two years from the date of the final order granting same, or such longer period not exceeding five years, as may have been specified therein, shall thereafter be void. The Zoning Commissioner or, on appeal, the County Board of Appeals, in connection with the grant of any special exception, shall fix within the foregoing limits the period of time for its utilization. Any party to the proceedings may, by so specifying, appeal from either the order of the Zoning Commissioner or of the County Board of Appeals as the case may be, solely as to the reasonableness of the period of time allowed or, alternatively, may have such question determined in conjunction with any appeal from the grant or refusal of the application for a special exception. After a final order granting a special exception, the Zoning Commissioner, at any time prior to expiration of the period of time authorized for its utilization, may grant one or more extensions of such period, provided that a maximum time for utilization of the special exception is not thereby extended for a period of more than five years from the date of the final order granting same.

A special exception which requires any construction for its utilization shall be deemed to have been used within its authorized time if such construction shall have commenced during the authorized period, or any extension thereof, provided said construction is thereafter pursued to completion with reasonable diligence.

Notwithstanding the above provisions, in any case where a special exception in effect on or after January 1, 1957, cannot be utilized within the maximum allowable time because of inadequacy or unavailability of public sewer or water facilities, the Zoning Commissioner shall extend such time for utilization to a date 18 months after such facilities become adequate and available, as evidenced by the ability to obtain a public works agreement permitting exercise of the special exception. A copy of the extension order shall be sent by the Zoning Commissioner to the Director of Public Works, who shall give certified or registered mail notice when such public works agreement is obtainable, to the party, and for the property, named in the extension order at the address shown in said order, except that the party named in the extension order, by certified or registered mail notice to the Director of Public Works and the Zoning Commissioner, may change the name of the party to receive such notice from the Public Works Director, or the address to which said notice is to be sent, or both. The date on which the notice is sent by the Director of Public Works to the last party of record within, at the last address furnished, shall be the commencement date for the running of the eighteen-month extension period in which there must be utilization of the special exception.

Debra Wiley

From: Administrative Hearings
Sent: Monday, September 9, 2019 3:06 PM
To: 'Jeffrey H. Scherr'
Subject: RE: Order - Perry Hall & White Marsh Boulevard

Mr. Scherr,

You're welcome and thank you.

Debbie

From: Jeffrey H. Scherr <JScherr@kg-law.com>
Sent: Monday, September 9, 2019 2:56 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: RE: Order - Perry Hall & White Marsh Boulevard

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Debbie,

Thank you very much. I will advise Mr. Moran and Mr. Hoover and provide them with the Order.
Jeff

Jeffrey H. Scherr

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From: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Sent: Monday, September 9, 2019 2:53 PM
To: Jeffrey H. Scherr <JScherr@kg-law.com>
Subject: RE: Order - Perry Hall & White Marsh Boulevard

Mr. Scherr,

Please find attached ALJ Stahl's signature on the presented Order. Will you advise Mr. Moran, etc. of same?

Let me know if you need anything further.

Thanks

From: Jeffrey H. Scherr <JScherr@kg-law.com>
Sent: Monday, September 9, 2019 11:23 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: RE: Order - Perry Hall & White Marsh Boulevard

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Debbie,
Thank you very much.
Jeff

Jeffrey H. Scherr

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From: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Sent: Monday, September 9, 2019 11:02 AM
To: Jeffrey H. Scherr <JScherr@kg-law.com>
Subject: RE: Order - Perry Hall & White Marsh Boulevard

Hi,

The judge has just returned from vacation. As soon as he reviews, I will reach out to you.

Thanks for your patience.

Debbie

From: Jeffrey H. Scherr <JScherr@kg-law.com>
Sent: Monday, September 9, 2019 9:38 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Cc: jmoran@moran-properties.com; dhoover@mragta.com
Subject: Order - Perry Hall & White Marsh Boulevard

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Per my conversation this morning with Debbie, please see attached.

Jeff

Jeffrey H. Scherr

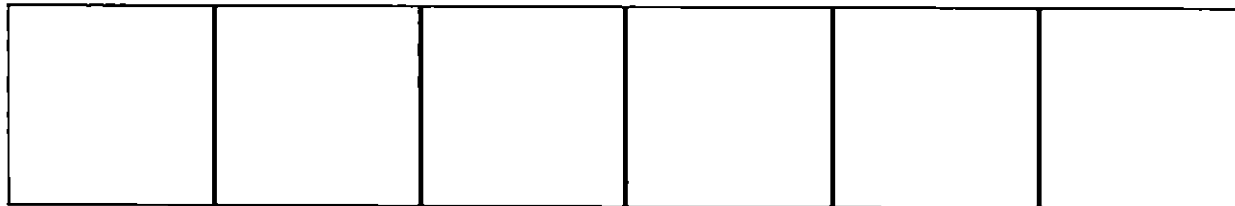
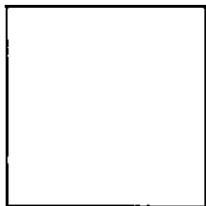
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Debra Wiley

From: Jeffrey H. Scherr <JScherr@kg-law.com>
Sent: Monday, September 9, 2019 9:38 AM
To: Administrative Hearings
Cc: jmoran@moran-properties.com; dhoover@mragta.com
Subject: Order - Perry Hall & White Marsh Boulevard
Attachments: 2019-09-6 Order (03128707-2xA0413).docx; 2018-0059-SPHXA Opinion and Order (03127874xA0413).pdf; Mutual Relinquishment of Claims-Confirmatory Agreement.White Marsh-Perry....pdf

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Per my conversation this morning with Debbie, please see attached.

Jeff

Jeffrey H. Scherr

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MORAN



PROPERTIES

Joseph M. Moran
*Residential and Commercial
Consultant • Agent • Developer*

101 W. Chesapeake Avenue
#27746
Towson, Maryland 21285

410.294.0023 cell

jmoran@moran-properties.com

IN RE: PETITIONS FOR SPECIAL HEARING,	*	BEFORE THE
SPECIAL EXCEPTION & VARIANCE		
(Perry Hall & White Marsh Boulevard)	*	OFFICE OF
11 th Election District		
5 th Council District	*	ADMINISTRATIVE HEARINGS
Perry Hall Boulevard Commercial, LLC,		
<i>Legal Owner</i>	*	FOR BALTIMORE COUNTY
Two Farms, Inc.		
<i>Contract Purchaser/Lessee</i>	*	Case No. 2018-0059-SPHXA
Petitioners		

* * * * *

ORDER

WHEREAS, by an Opinion and Order dated October 16, 2017, a copy of which is attached, Administrative Law Judge John E. Beverungen granted, among other relief, a Special Exception approving a fuel station on an individual site for the above-captioned property ("Property"); and

WHEREAS, due to the time period required to obtain a permanent right-of-way to the Property from the State of Maryland off of Perry Hall Boulevard (recorded among the Land Records of Baltimore County on August 26, 2019 at Book 41775, page 185 (copy attached)), the fuel station and related improvements for such Property have not yet received a County permit and must go through the lengthy County approval process to obtain such a permit, all of which will not occur on or before the expiration of two (2) years since the date of the Order, on which date the Special Exception will expire.

NOW, THEREFORE, IT IS ORDERED this ____ day of September, 2019, pursuant to Baltimore County Zoning Regulations Section 502.3, that the expiration of the period of time for utilization of the Special Exception be and hereby is extended for a three (3) year period, until October 16, 2022.

Lawrence M. Stahl
Managing Administrative Law Judge

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE
(Perry Hall & White Marsh Boulevard) *
11th Election District
5th Council District *
Perry Hall Boulevard Commercial, LLC, *
Legal Owner *
Two Farms, Inc., *
Contract Purchaser/Lessee *
Petitioners

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2018-0059-SPHXA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of Petitions for Special Hearing, Special Exception and Variance filed on behalf of Perry Hall Boulevard Commercial, LLC, legal owner, and Two Farms, Inc., contract purchaser/lessee ("Petitioners").

The Petition for Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to approve access to a commercial use through a residential zone (D.R.1). In addition, a Petition for Variance seeks: (1) To allow a maximum of 4 enterprise signs (1 wall-mounted and 1 canopy on front and rear facades) for a single tenant building, in lieu of the maximum permitted 3 signs with no more than 2 on a single façade; (2) To allow a freestanding enterprise sign on a lot which has a lot line that is co-terminous with a right-of-way line of a highway, but to which the premises does not have and is not allowed pedestrian or vehicular access; and (3) To allow a landscape transition area a minimum of 0 ft. in width in a side yard abutting non-residentially zoned land in lieu of the required 6 ft. Finally, a Petition for Special Exception seeks approval for a fuel station on an individual site.

Appearing at the public hearing in support of the requests was Joe Moran, Kenneth W. Schmid, Tom Ruszin and Joshua T. Sharon, with Morris & Ritchie Associates, Inc. David H. Karceski, Esq. and A. Neill Thupari, Esq. with Venable, LLP represented the Petitioners. Mike Pierce attending the hearing and expressed concern with the signage for the project. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were submitted by the Bureau of Development Plans Review (DPR), the Department of Planning (DOP), the Department of Environmental Protection and Sustainability (DEPS) and the State Highway Administration (SHA).

The subject property is approximately 2.23 acres in size and is zoned BM-CCC. The unimproved property is located at the intersection of White Marsh Boulevard and Perry Hall Boulevard. Petitioners propose to construct a Royal Farms store at the site.

Variances

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).

Petitioners have met this test. The property has an irregular shape and is bordered by two public roads to which the site does not have access. As such the property is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to construct the proposed improvements and provide appropriate signage to alert motorists to the location of the store. Finally, I find that the variances can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to

the public health, safety, and general welfare. The variances primarily concern signage at the site, but I do not believe the signs proposed will be excessive or will create visual clutter.

Special Exception

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272, (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

Both Mr. Schmid and Mr. Sharon opined Petitioners satisfied each of the requirements set forth at B.C.Z.R. § 502.1, and no testimony or evidence was offered to rebut these opinions. As such, and in recognition of the presumption supplied by Maryland law, the petition for special exception will be granted.

Special Hearing

The petition for special hearing seeks approval to access the proposed Royal Farm store through a portion of land with residential (D.R.1) zoning. As shown on the site plan, only a small portion of the access drive would intrude upon the residential zone; all commercial structures, signage and related infrastructure is located in the BM-CCC zone. The access drive would be situated near (but not within) nontidal wetlands and the White Marsh Run. There are no dwellings situated in the immediate vicinity of the proposed access drive, and I do not believe granting the request would have a detrimental impact upon the community. The DEPS ZAC comment will be incorporated into the order below to ensure the environmental resources at the site are protected.

As noted at the outset Mr. Pierce expressed concern with the proliferation of illegal signage at several Royal Farm stores throughout the County. He presented a series of photos (Protestant's No. 1) which identify the stores in question, all of which have unauthorized signs (the majority of which were advertisements for cigarettes and tobacco products). I share Mr. Pierce's concern. This type of signage creates visual clutter and mars the appearance of the community, which is what the sign ordinance seeks to prevent. B.C.Z.R. § 450.1. A condition will be added in the order below to prohibit such unsightly and unauthorized signs.

The final issue concerns "the right of ingress and egress" over the BGE property which bisects this site, a point raised in the DOP ZAC comment. The owner's representative confirmed that while BGE is the fee-simple owner, it has the right (by deed and license) to access its property over and across the BGE property.

THEREFORE, IT IS ORDERED this 16th day of **October, 2017**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve access to a commercial use through a residential zone (D.R.1), be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception for a fuel station on an individual site, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) To allow a maximum of 4 enterprise signs (1 wall-mounted and 1 canopy on front and rear facades) for a single tenant building, in lieu of the maximum permitted 3 signs with no more than 2 on a single façade; (2) To allow a freestanding enterprise sign on a lot which has a lot line that is co-terminous with a right-of-way line of a highway, but to which the premises does not have and is not allowed pedestrian or vehicular access; and (3) To allow a landscape transition area a minimum of 0 ft. in

width in a side yard abutting non-residentially zoned land in lieu of the required 6 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. Petitioners must comply with the ZAC comment of DEPS, a copy of which is attached hereto and made a part hereof.
3. Petitioners must submit for approval by Baltimore County landscape and lighting plans for the site, which plans should specifically demonstrate how the proposed dumpster would satisfy the requirements of Condition "H" in the Landscape Manual.
4. Only "commercial special event" temporary signs (as described in B.C.Z.R. § 450.4, Class 17 on Table of Sign Regulations) shall be permitted at the site. Such signs shall be subject to the limitations set forth at B.C.Z.R. § 450.7.E.2.
5. Only signs for which a permit has been issued by Baltimore County may be placed or situated on the subject premises.

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

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

Rept # 12594899
Reg 4

LR - Government
Instrument 0.00
Agency Name: Maryland
State Highway
Administration
Instrument List:
Agreement / Easement
Describe Other: Perry
Hall Blvd Commercial

**MUTUAL RELINQUISHMENT OF CLAIMS
AND CONFIRMATORY AGREEMENT RELATING TO
RIGHT OF WAY LINE OF THROUGH HIGHWAY CONTROLS**

BOOK: 41775 PAGE: 185

THIS MUTUAL RELINQUISHMENT OF CLAIMS AND CONFIRMATORY AGREEMENT RELATING TO RIGHT OF WAY LINE OF THROUGH HIGHWAY CONTROLS (this "Agreement") made this 26th day of July, 2019, by and between:

The STATE HIGHWAY ADMINISTRATION OF THE MARYLAND DEPARTMENT OF TRANSPORTATION, acting for and on behalf of the State of Maryland, party of the first part, (collectively referred to as "SHA");

The BOARD OF PUBLIC WORKS OF MARYLAND, party of the second part, (referred to as "BPW"); and

PERRY HALL BOULEVARD COMMERCIAL, LLC, party of the third part.

WHEREAS, pursuant to a Deed dated June 30, 2010 and recorded in the Land Records of Baltimore County at Liber 29697, Folio 1, PERRY HALL BOULEVARD COMMERCIAL, LLC is the current owner of a 10.32 acre +/- corner parcel of land bordering the north side of White Marsh Boulevard and bordering the east side of Perry Hall Boulevard, identified with the Maryland Department of Assessments and Taxation for Baltimore County as Parcel 443, shown on Tax Map 72, as tax parcel 11-1700002380 ("Corner Parcel"); and

WHEREAS, the Corner Parcel is bisected diagonally by an electric transmission corridor approximately 150 feet wide owned by the Baltimore Gas and Electric Company that extends to the other sides of both White Marsh Boulevard and Perry Hall Boulevard beyond the Corner Parcel ("BGE Corridor"); and

WHEREAS, the conveyance of the BGE Corridor across the Corner Parcel was included in a Deed dated July 16, 1959 and recorded in the Land Records of Baltimore County at Liber 3564, Folio 340, subject to reservations to cross the parcels conveyed to BGE and other conditional rights to use the BGE Corridor as further detailed at Liber 3564, Folio 347; and

WHEREAS, in connection with SHA Right of Way Project No. B 818-302-471, Maryland Route 43 West of U.S. Route 1 to Honeygo Blvd, SHA Plats numbered 50149, 50151; and 50152 were recorded in the Land Records of Baltimore County on or about November 25,

1988 and show property and rights to be acquired by SHA from the Corner Parcel (Item 76969 – White Marsh Joint Venture) and the BGE Corridor where it bisects the Corner Parcel and crosses White Marsh Boulevard and Perry Hall Boulevard (Item 77034 – Baltimore Gas & Electric Co.); and

WHEREAS reduced-size copies of SHA Plats numbered 50149, 50151, and 50152 are attached as Exhibits 1 – 3 respectively and are incorporated herein by reference; and

WHEREAS, the conveyance to SHA of the property and rights from the Corner Parcel shown as Item 76969 – White Marsh Joint Venture, on SHA Plats numbered 50149, 50151, and 50152 were included in an Agreed Inquisition dated May 12, 1993 and recorded in the Land Records of Baltimore County at Liber 9792, Folio 742, including Right of Way Line of Through Highway Controls along all of the frontage along White Marsh Boulevard and some of the frontage along Perry Hall Boulevard; and

WHEREAS, the conveyance to SHA of the property and rights shown as Item 77034 - Baltimore Gas & Electric Co., on SHA Plats numbered 50149, 50151, and 50152 were included in a Deed and Partial Release of Mortgage dated June 5, 1991 and recorded in the Land Records of Baltimore County at Liber 8940, Folio 614, including:

Right of Way Line of Through Highway Controls shown on SHA Plat numbered 50149 along White Marsh Boulevard between Station 169+64.74 and 171+75.21; and

Right of Way Line of Through Highway Controls shown on SHA Plat numbered 50151 along Perry Hall Boulevard subject to "Baltimore Gas and Electric Co. to Ingress and Egress at this Location along Perry Hall Boulevard between Station 175+70.08 and 177+97.46"; and

WHEREAS, there is a dispute between SHA and PERRY HALL BOULEVARD COMMERCIAL, LLC regarding whether the right to cross the BGE Corridor reserved in the Deed dated July 16, 1959 recorded at Liber 3564, Folio 340 included rights of ingress and egress to White Marsh Boulevard and Perry Hall Boulevard from the BGE Corridor that needed to be and/or were acquired by SHA pursuant to instruments conveying the property and rights shown as Item 77034 – Baltimore Gas & Electric Co., and/or as Item 76969 – White Marsh Joint Venture, on SHA Plats numbered 50149, 50151, and 50152; and

WHEREAS, SHA and PERRY HALL BOULEVARD COMMERCIAL, LLC desire to resolve this dispute pursuant to this Agreement by which:

PERRY HALL BOULEVARD COMMERCIAL, LLC relinquishes all claims that it has the right to cross the Right of Way Line of Through Highway Controls shown on SHA Plat 50149 along White Marsh Boulevard between Station 169+64.74 and 171+75.21; and

SHA relinquishes all claims that PERRY HALL BOULEVARD COMMERCIAL, LLC does not have the right to cross the Right of Way Line of Through Highway Controls shown on SHA Plat 50151 along Perry Hall Boulevard between Station 175+70.08 and 177+97.46 pursuant to a right to ingress and egress reserved in favor of Baltimore Gas and Electric Co. at that location; and

WHEREAS, Section 8-309 of the Transportation Article and Section 10-305 of the State Finance and Procurement Article require the BPW to join in the conveyance of any interest in real property owned by SHA and BPW approval of this Agreement is requested because it involves the relinquishment of claims and resolves a dispute relating to interests in real property.

NOW THEREFORE, WITNESSETH: that for and in consideration of the mutual promises contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, SHA and PERRY HALL BOULEVARD COMMERCIAL, LLC do hereby agree as follows:

1. Recitals. The recitals set forth above are incorporated herein by reference and made a part of this Agreement.
2. Mutual Relinquishment of Claims.
 - a. PERRY HALL BOULEVARD COMMERCIAL, LLC relinquishes all claims that it has the right to cross the Right of Way Line of Through Highway Controls shown on SHA Plat 50149 along White Marsh Boulevard between Station 169+64.74 and 171+75.21.
 - b. SHA relinquishes all claims that PERRY HALL BOULEVARD COMMERCIAL, LLC does not have the right to the cross the Right of Way Line of Through Highway Controls shown on SHA Plat 50151 along Perry Hall Boulevard between Station 175+70.08 and 177+97.46 pursuant to a right to ingress and egress reserved in favor of Baltimore Gas and Electric Co. at that location.

3. Other Rights Not Affected.
 - a. Nothing contained in this Agreement shall be construed as a release by SHA of any other easements, fee simple rights of way, or other rights granted to SHA or the State of Maryland. Except as expressly relinquished above, all easements, fee simple rights of way, other rights and controls granted to SHA or the State of Maryland, and all other rights in favor of SHA or the State of Maryland are reserved and excepted from this Agreement.
 - b. This Agreement does not grant or convey to PERRY HALL BOULEVARD COMMERCIAL, LLC, or any other person or entity the right to cross the Right of Way Line of Through Highway Controls shown on SHA Plat 50151 along Perry Hall Boulevard between Station 175+70.08 and 177+97.46. This Agreement only relinquishes all claims by SHA that PERRY HALL BOULEVARD COMMERCIAL, LLC does not have the right to cross the Right of Way Line of Through Highway Controls shown on SHA Plat 50151 along Perry Hall Boulevard between Station 175+70.08 and 177+97.46 pursuant to the right to ingress and egress reserved in favor of Baltimore Gas and Electric Co. at that location.
 - c. Baltimore Gas and Electric Company is not a party to this Agreement and nothing contained in this Agreement shall be construed to alter the rights and obligations of the Baltimore Gas and Electric Company or PERRY HALL BOULEVARD COMMERCIAL, LLC relating to the conveyance of the BGE Corridor or the reserved conditional rights to cross and use the BGE Corridor pursuant to the terms of the Deed dated July 16, 1959 and recorded in the Land Records of Baltimore County at Liber 3564, Folio 340 or any other instrument or agreement.
4. Entire Agreement. This Agreement contains the entire understanding of the parties. There are no representations, warranties, promises, covenants or undertakings, oral or otherwise, other than those expressly set forth herein.
5. Successors and Assigns. This Agreement shall be a covenant running with the land and shall be binding upon the successors and assigns of the parties.
6. Choice of Law. This Agreement is made in the State of Maryland and shall be construed and enforced in accordance with the laws of the State of Maryland and in Maryland Courts.

IN TESTIMONY WHEREOF, witness the hands and seals of the parties hereto:

WITNESS:

Michael Moran

PERRY HALL BOULEVARD
COMMERCIAL LLC

By: Joseph Moran (Seal)
Joseph Moran
Title: MANAGING MEMBER

WITNESS:

Gregory Slater

STATE HIGHWAY ADMINISTRATION
OF THE MARYLAND DEPARTMENT OF
TRANSPORTATION

By: Gregory Slater (Seal)
Gregory Slater
State Highway Administrator

Approved as to Form and
Legal Sufficiency

Patricia A. O'Connell
Assistant Attorney General

Concurred in by:

Olu A. Okunola (Seal)
Olu Okunola, Director
Office of Real Estate

WITNESS:

Michael Moran
Secretary

Lawrence J. Hogan, Jr. (Seal)
Lawrence J. Hogan, Jr.
Governor of Maryland

Peter Franchot (Seal)
Peter Franchot
Comptroller of Maryland

Approved by the Maryland
Board of Public Works at
its 6-19-20 meeting as
Item 218.P (MDOT Agenda)

Nancy K. Kopp (Seal)
Nancy K. Kopp
Treasurer of Maryland

Constituting the BOARD OF
PUBLIC WORKS OF MARYLAND

STATE OF MARYLAND - COUNTY/CITY OF Baltimore, To Wit:

I HEREBY CERTIFY that, before me, the subscriber, a NOTARY PUBLIC of the STATE OF MARYLAND, in and for the County/City aforesaid, personally appeared **Joseph Moran, Managing Member**, and acknowledged the foregoing instrument to be the act of PERRY HALL BOULEVARD COMMERCIAL, LLC, and, at the same time, made oath in due form of law that he is fully authorized to execute and acknowledge the same.

AS WITNESS MY HAND AND NOTARIAL SEAL this 16 day of May in the year 2019.

STEPHEN MORRIS
NOTARY PUBLIC
CITY OF BALTIMORE
MARYLAND
MY COMMISSION EXP. MAR 22, 2021
(Seal) Notary Public

My Commission

Expires: 3/22/2020

STATE OF MARYLAND - COUNTY/CITY OF Harford, To Wit: Gregory Slater

I HEREBY CERTIFY that, before me, the subscriber, a NOTARY PUBLIC of the STATE OF MARYLAND, in and for the County/City aforesaid, personally appeared **Gregory Slater**, State Highway Administrator, and acknowledged the foregoing instrument to be the act of the State Highway Administration and, at the same time, made oath in due form of law that he is fully authorized to execute and acknowledge the same.

AS WITNESS MY HAND AND NOTARIAL SEAL this 29 day of May in the year 2019.

Mohammad Akbarish
MOHAMMAD AKBARISH
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 13, 2021

STATE OF MARYLAND, COUNTY OF ANNE ARUNDEL, To Wit:

I HEREBY CERTIFY that, before me, the subscriber, a NOTARY PUBLIC of the STATE OF MARYLAND, in and for the County aforesaid, personally appeared

Lawrence J. Hogan, Jr. - Governor of Maryland
Peter Franchot - Comptroller of Maryland
Nancy K. Kopp - Treasurer of Maryland

constituting the BOARD OF PUBLIC WORKS OF MARYLAND, and acknowledged the foregoing instrument to be the act of the said Board of Public Works of Maryland.

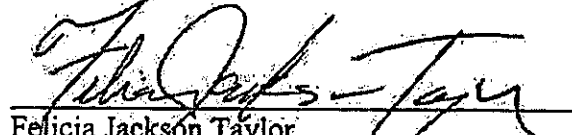
AS WITNESS MY HAND AND NOTARIAL SEAL this 26th day of July in the year 2019.

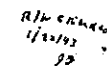

Notary Public (Seal)

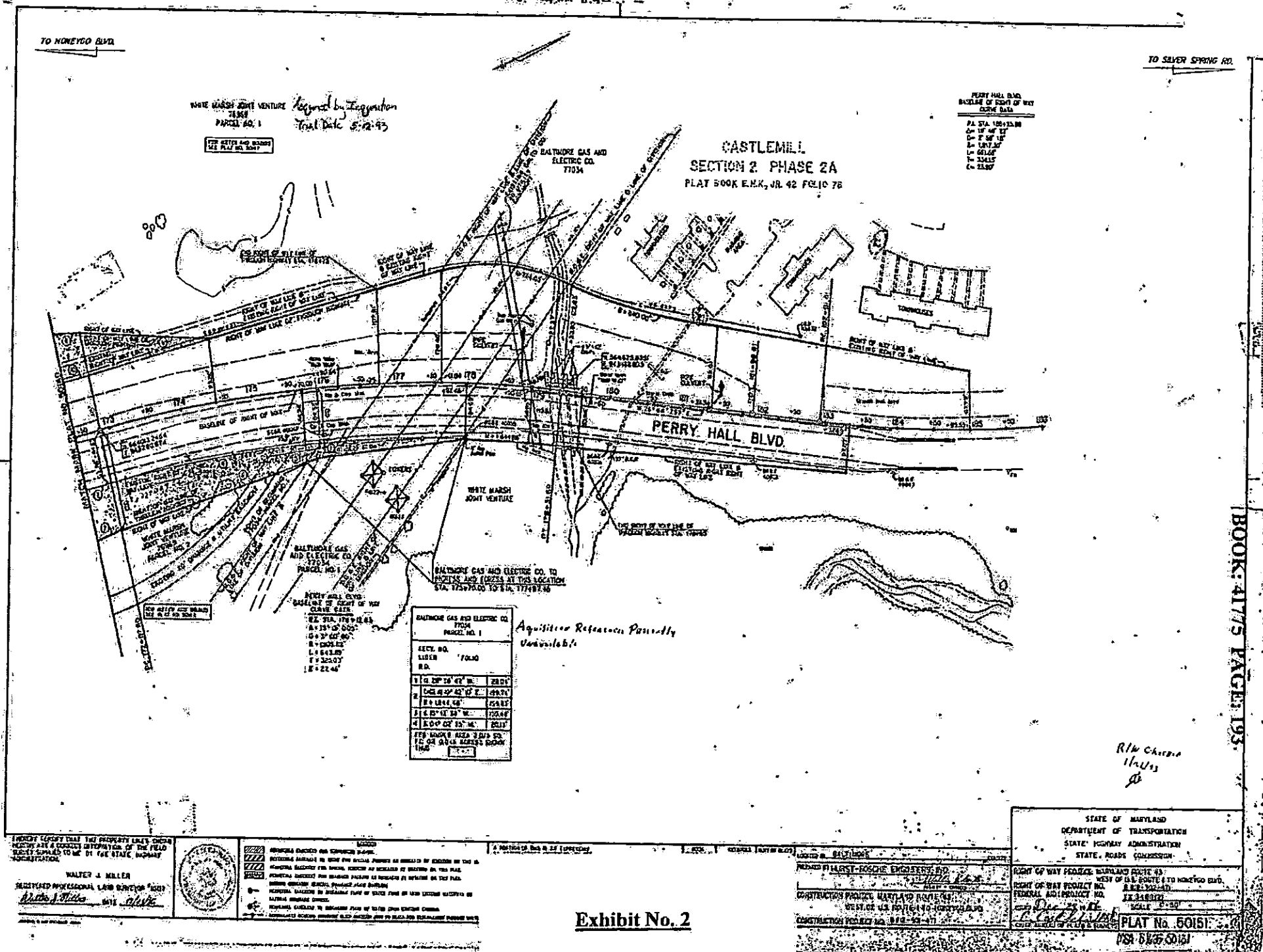
My Commission Expires:

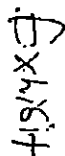
MELISSA D HODGES
Notary Public-Maryland
Anne Arundel County
My Commission Expires
October 07, 2020

I hereby certify that this instrument was prepared under my supervision, an attorney admitted to practice by the Court of Appeals of Maryland.


Felicia Jackson Taylor
Assistant Attorney General







STATE OF MARYLAND
DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION
STATE ROADS COMMISSION

RIGHT OF WAY PROJECT, MARILAND ROUTE 63
WEST OF U.S. ROUTE 1 TO JACKSONS BRIDGE
COUNTY OF WASHINGTON DISTRICT OF COLUMBIA
FEDERAL AID PROJECT NO. 7-0-189-100
on file at
District Office
DATE PLAT 1-10-62
OLD SURVEY OF PROJECT BY DATE PLAT NO. 50152-3
NSA 2455 50152

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 41775, p. 0195, MSA_CE62_41632, Date available: 08/26/2019, Printed: 09/01/2019.

OFFICE OF COUNSEL

AUG - 5 2019

RECORDED

State of Maryland Land Instrument Intake Sheet
BOOK: 41775 PAGE: 896
Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.
(Type or Print in Black Ink Only—All Copies Must Be Legible)

1	Type(s) of Instruments	☐ Check Box if addendum Intake Form is Attached.						
2	Conveyance Type Check Box	☒ Deed of Trust	☐ Mortgage Lease	☐ Other	☐ Other			
3	Tax Exemptions (if applicable) Cite or Explain Authority	Recordation	Confirmatory					
4	Consideration and Tax Calculations	Consideration Amount		Finance Office Use Only				
		Purchase Price/Consideration	\$ 0	Transfer Tax Consideration	\$			
		Any New Mortgage	\$	X() % =	\$			
		Balance of Existing Mortgage	\$	Less Exemption Amount	\$			
		Other	\$	Total Transfer Tax	\$			
		Other	\$	Recordation Tax Consideration	\$			
		Full Cash Value	\$	X() per \$500 =	\$			
5	Fees	Amount of Fees		Agent: <i>LP</i>				
		Recording Charge	\$	Doc. 1	Doc. 2			
		Surcharge	\$					
		State Recordation Tax	\$					
		State Transfer Tax	\$					
		County Transfer Tax	\$					
		Other	\$					
	Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG	
		Subdivision Name		Lot (3a)	Block (3b)	Sec/AR (3c)	Flat Ref.	SqFt/Acreage (4)
		Location/Address of Property Being Conveyed (2)						
		Northeast corner of Perry Hall Blvd & White Marsh Blvd (Ch 043) White Marsh, Baltimore County						
		Other Property Identifiers (if applicable)						
		Water Meter Account No.						
		Residential ☐ or Non-Residential ☐ Fee Simple ☐ or Ground Rent ☐ Amount:						
		Partial Conveyance? ☐ Yes ☐ No Description/Amt. of SqFt/Acreage Transferred:						
		If Partial Conveyance, List Improvements Conveyed:						
	Transferred From	Doc. 1 - Grantor(s) Name(s)		Doc. 2 - Grantor(s) Name(s)				
		Perry Hall Blvd Commercial LLC						
	Transferred To	Doc. 1 - Owner(s) of Record, if Different from Grantor(s)		Doc. 2 - Owner(s) of Record, if Different from Grantor(s)				
		State Highway Administration						
	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)		Doc. 2 - Additional Names to be Indexed (Optional)				
	Contact/Mail Information	Instrument Submitted By or Contact Person				☐ Return to Contact Person		
		Name: Andrew Mennel Firm: State Highway Administration Address: 707 N. Calvert Street, M-201 Baltimore, Maryland 21202 Phone: 410-545-2806				☐ Hold for Pickup ☒ Return Address Provided.		
	Assessment Information	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER						
		Will the property being conveyed be the grantee's principal residence?						
		Does transfer include personal property? If yes, identify:						
		Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).						
Assessment Use Only - Do Not Write Below This Line								
Terminal Verification		Agricultural Verification		Whole		Part		
Transfer Number		Date Received		Deed Reference		Trans. Process Verification		
Year	20	20		Geo.	Doc. No.	Block		
Land				Zoning	Doc. No.	Lot		
Buildings				Use	Doc. No.	Section		
Total				Town	Doc. No.	Occ. Cd.		
REMARKS:								
Per: <i>LP</i> ART. 11, TITLE 3								
SUBTITLE 2: 11-3-202								
IN RECORDATION TAX								
Per: <i>LP</i> ART. 12-108								
Date: 8/20/19								

BALTIMORE COUNTY CIRCUIT COURT (Land Records) File 41775 Doc. 41835 Filed 08/20/2019. Printed 09/01/2019.

Space Reserved for County Validation

CASE NAME 6930 GUNDER RO
CASE NUMBER 2019-0259-A
DATE 10-10-18

NAME _____

CITY, STATE, ZIP

E - MAIL

DAVID BILLINGSLEY

601 CHARWOOD, CT

EDGEWOOD, MD 21040

William Townes

5405 Brought St

White Marsh MD 21162

C H E C K L I S T

**Support/Oppose/
Conditions/
Comments/
No Comment**

**Comment
Received**

Department

Comment

9/12

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

9/27

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

Comment

FIRE DEPARTMENT

9/13

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

NO Obj

8/27

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: 9/20/18

SIGN POSTING (1st)

Date: 9/19/18

by Billingsley

SIGN POSTING (2nd)

Date: 10/5/18

by Billingsley

PEOPLE'S COUNSEL APPEARANCE

Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 15 Account Number - 1513400533			
Owner Information					
Owner Name:	JONES WILLIAM JONES MILDRED C		Use:	RESIDENTIAL	
Mailing Address:	6930 GUNDER AVENUE BALTIMORE MD 21220		Principal Residence:	YES	
			Deed Reference:	/39042/ 00015	
Location & Structure Information					
Premises Address:	6930 GUNDER AVE BALTIMORE 21220- Waterfront		Legal Description:	LT 83-84 50 E GUNDALE PL TWIN RIVER BEACH	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0084	0001	0043		0000	A 83
					Assessment Year: 2018
					Plat No: 0009/ Plat Ref: 0033
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1924	1,713 SF		10,972 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1 1/2	NO	STANDARD UNIT	SIDING	1 full	
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2018	07/01/2018	07/01/2019	
Land:	170,900	170,900			
Improvements	64,400	64,400			
Total:	235,300	235,300	235,300	235,300	
Preferential Land:	0			0	
Transfer Information					
Seller: BAKER MARIE		Date: 06/07/2017		Price: \$162,500	
Type: NON-ARMS LENGTH OTHER		Deed1: /39042/ 00015		Deed2:	
Seller: BAKER MARIE		Date: 06/18/2012		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /32207/ 00456		Deed2:	
Seller: MELKA JAMES F		Date: 06/11/1973		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /05365/ 00880		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:**



6928

6930

6932

A

#0319

#0320

#0325

Y



B

Q

Q. 330

Q. 331

U



#6932

#6930

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PETITIONER'S EXHIBITS

**6930 GUNDER ROAD
CASE NO. 2019-0059-A**

bw 11-14-18

Sen
10-12-18

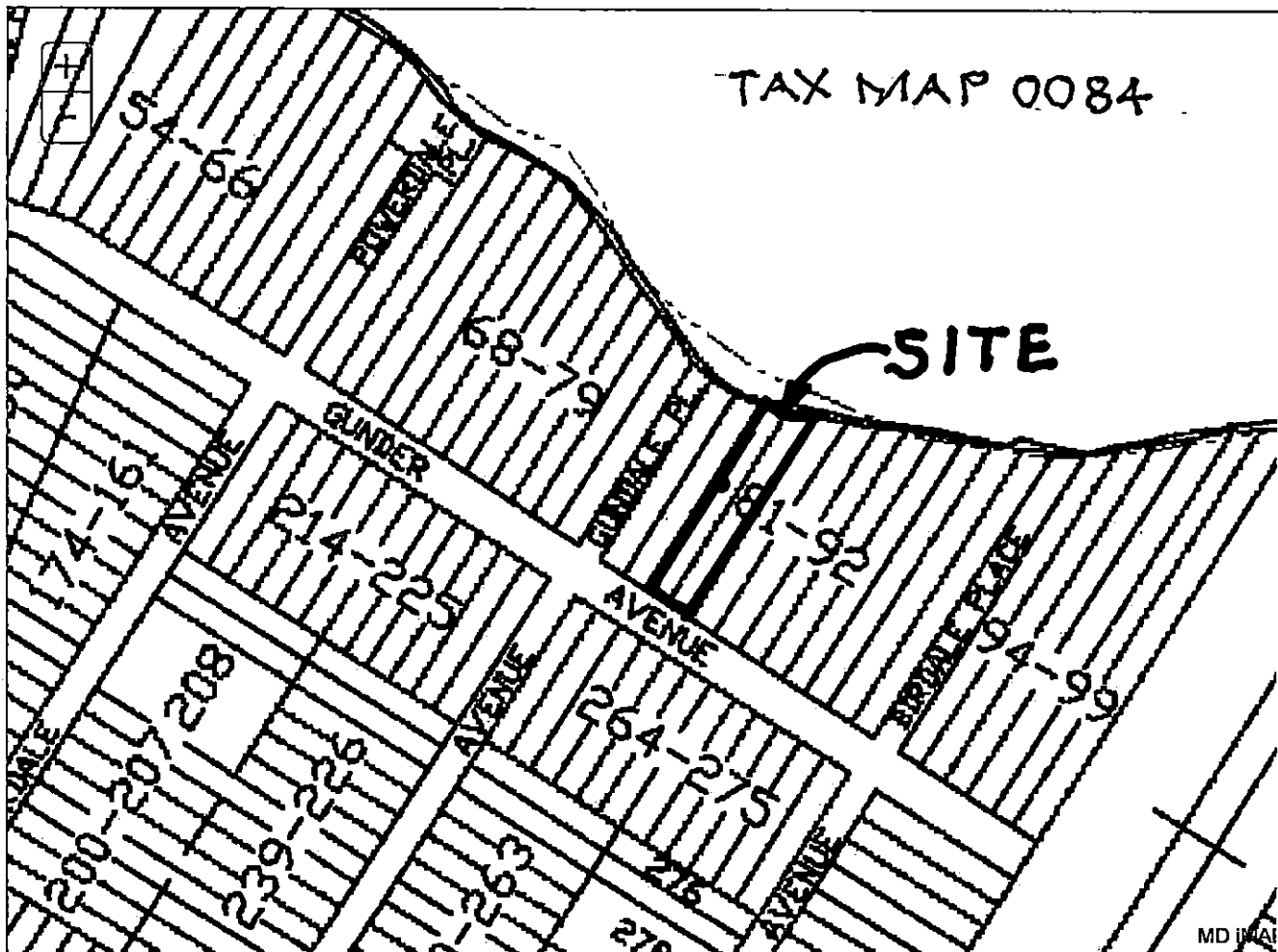
1. PLAT TO ACCOMPANY PETITION DATED AUGUST 6, 2018 (NO CHANGES)
2. SDAT REAL PROPERTY SEARCH
3. TAX MAP 0084
4. PLAT OF TWIN RIVER BEACH P.B. 9 F. 33 RECORDED APRIL 7, 1029
5. AERIAL PHOTO
- 6 A-E. PHOTOS

Search Result for BALTIMORE COUNTY

PETITIONER'S
EXHIBIT NO. **2**

Baltimore County

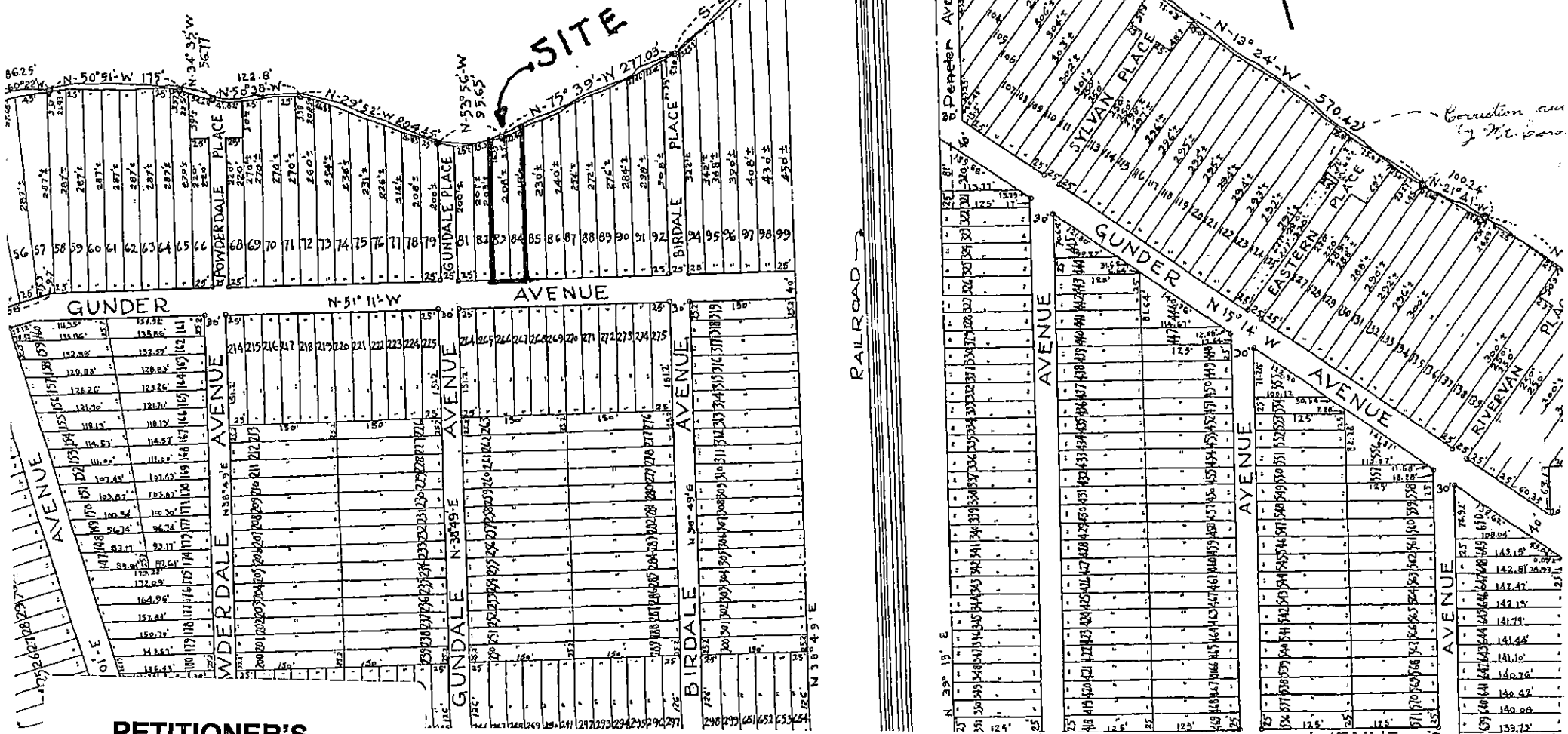
District: **15** Account Number: **1513400533**



TWIN RIVER BEACH SECTION A

P.B.9 F.33

4-7-79



6930 GUNDER ROAD

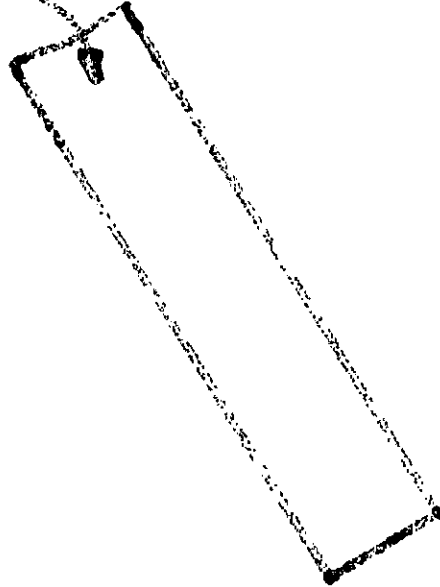


PETITIONER'S
EXHIBIT NO. 5

GALE

WEEK

DATE

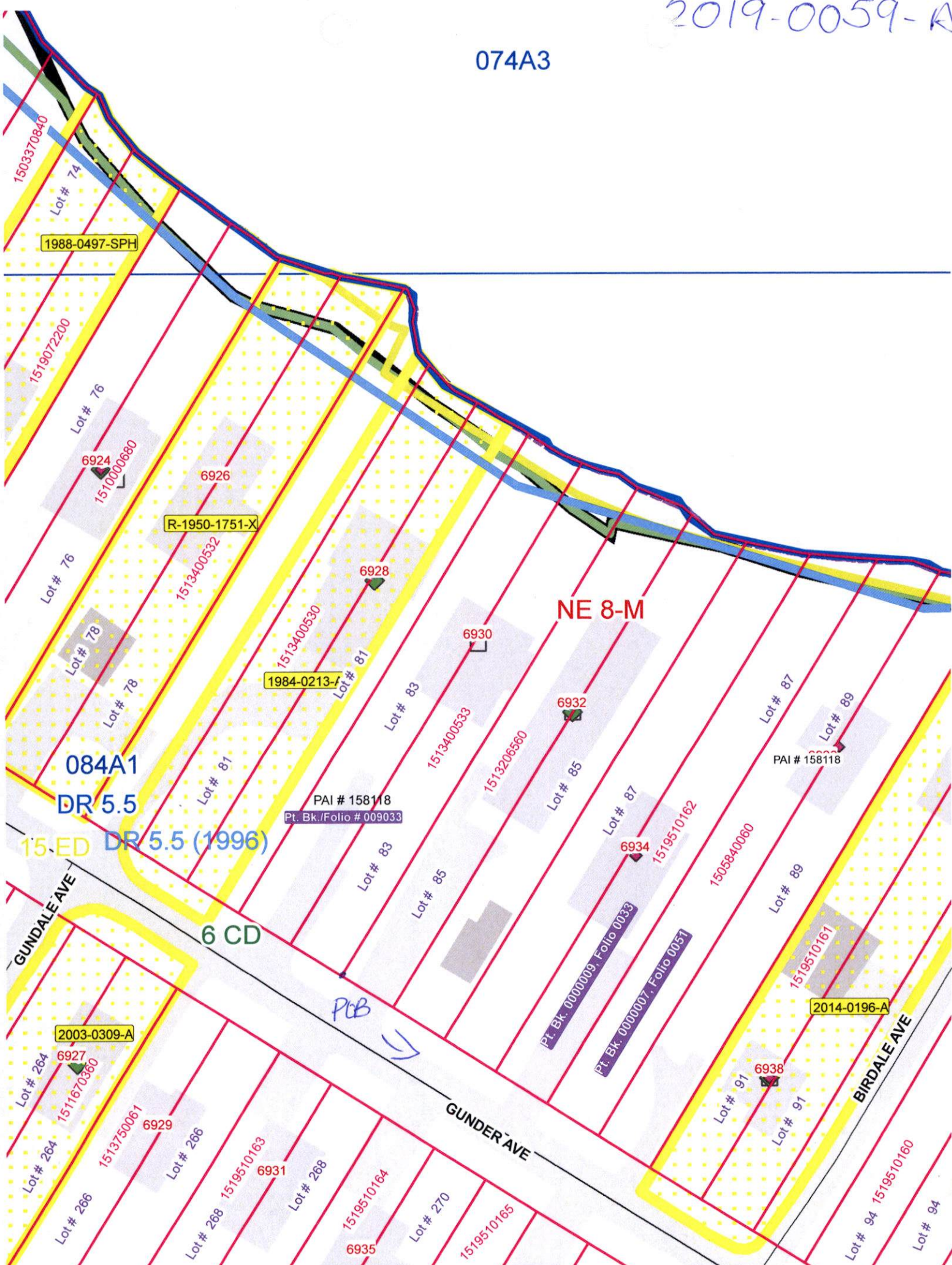


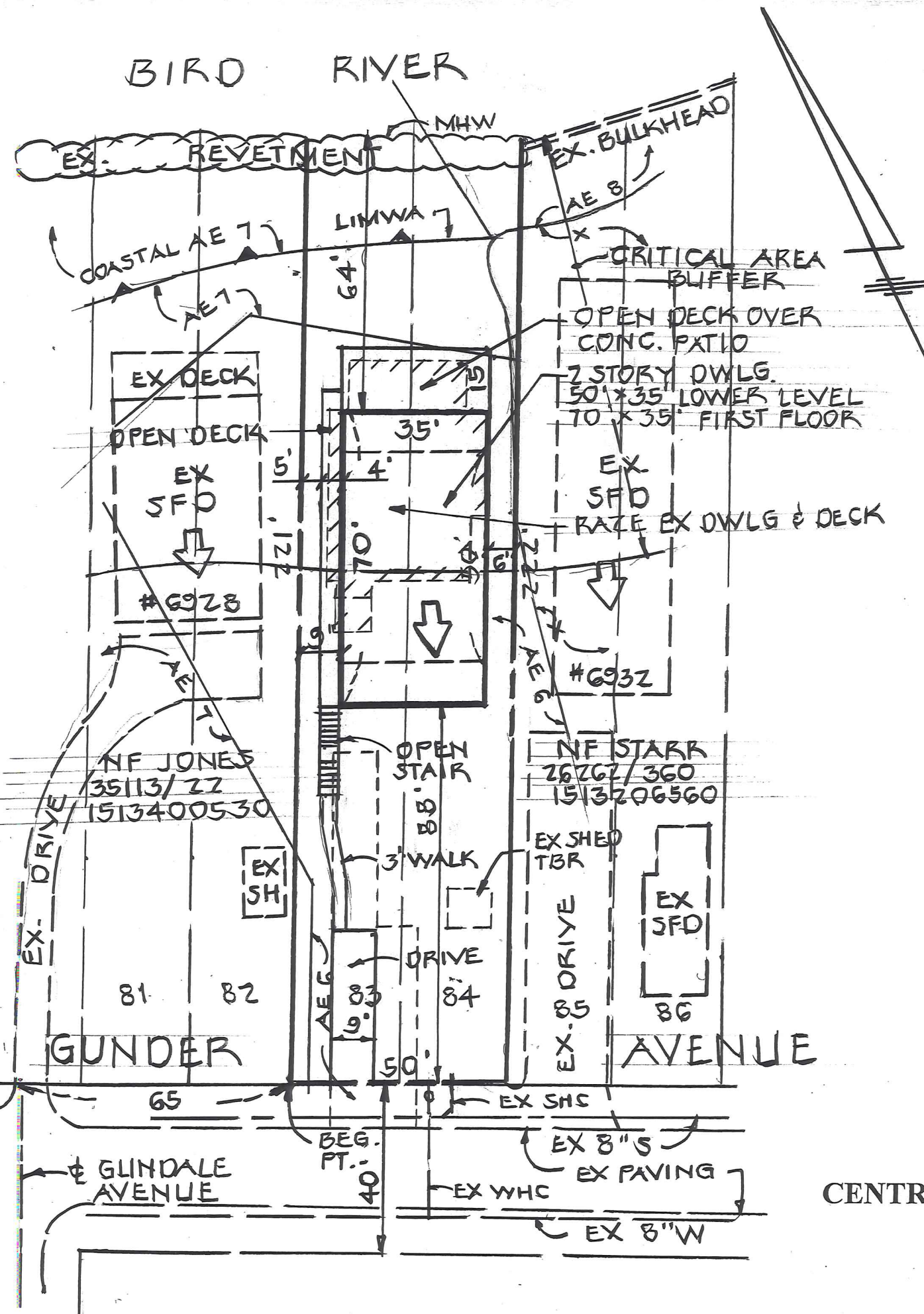
WEEK

WEEK

2019-0059-A

074A3





LOT COVERAGES

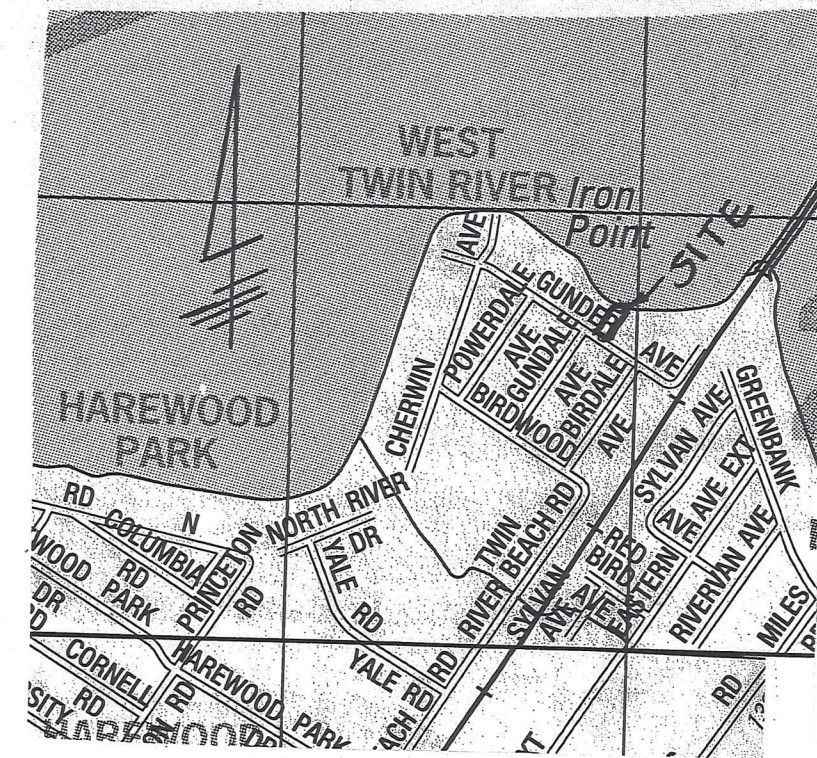
DWELLING.....	2450 SF
CONC. PATIO.....	525 SF
STAIR.....	64 SF
SIDEWALK.....	93 SF
DRIVE.....	315 SF
TOTAL.....	3447 SF

LOT COVERAGE TABLE

LOT AREA.....	11075 SF
LOT COVERAGE PERMITTED WO/ MITIGATION (25 %).....	2769 SF
LOT COVERAGE PERMITTED W/ MITIGATION.....	3461 SF
LOT COVERAGE PROPOSED.....	3447 SF
ADDITIONAL COVERAGE PERMITTED.....	14 SF

NOTES

1. ZONING.....DR5.5 (MAP 084A1)
2. LOT AREA.....11075 SF = 0.254 ACRE
3. NO PREVIOUS ZONING HISTORY OR VIOLATIONS ARE KNOWN TO EXIST
4. SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA AND 100 YEAR TIDAL FLOOD ZONE
5. PUBLIC WATER AND SEWER
6. NO HISTORIC STRUCTURES OR SITES, ARCHEOLOGIC SITES OR UNDERGROUND STORAGE TANKS ARE KNOWN TO EXIST



VICINITY MAP

SCALE: 1 INCH = 1000 FEET

OWNER

WILLIAM AND MILDRED JONES
5405 BANGERT STREET
WHITE MARSH, MD. 21162
DEED REF: L.39042 F.15
ACCT NO. 1513400533

PLAT TO ACCOMPANY PETITION FOR VARIANCES

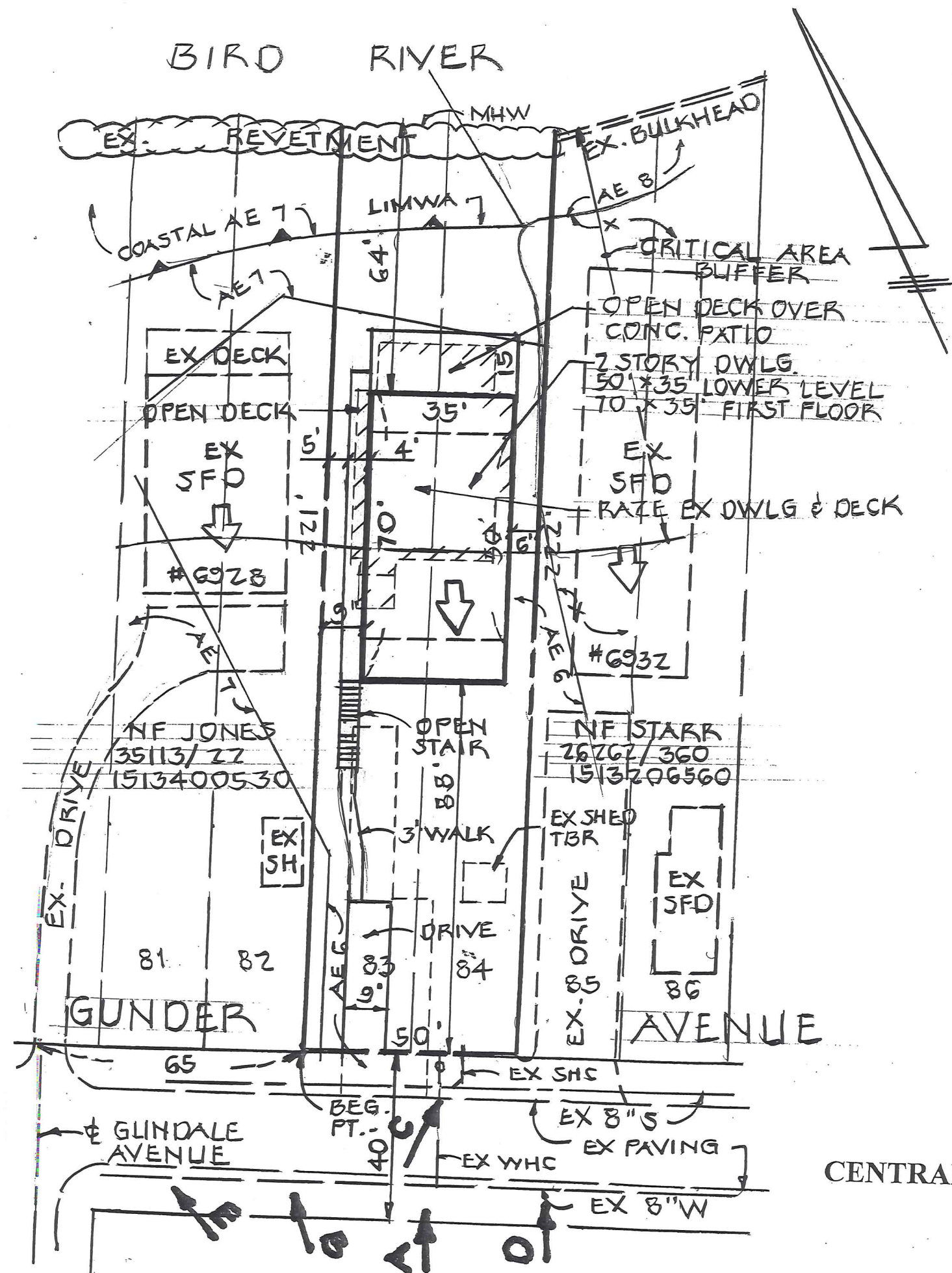
6930 GUNDER AVENUE

LOT 83 AND 84 SECTION A TWIN RIVER BEACH 9/33
ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD.

SCALE: 1 INCH = 30 FEET AUGUST 6, 2018

CENTRAL DRAFTING & DESIGN
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

2019-0059-A



LOT COVERAGES

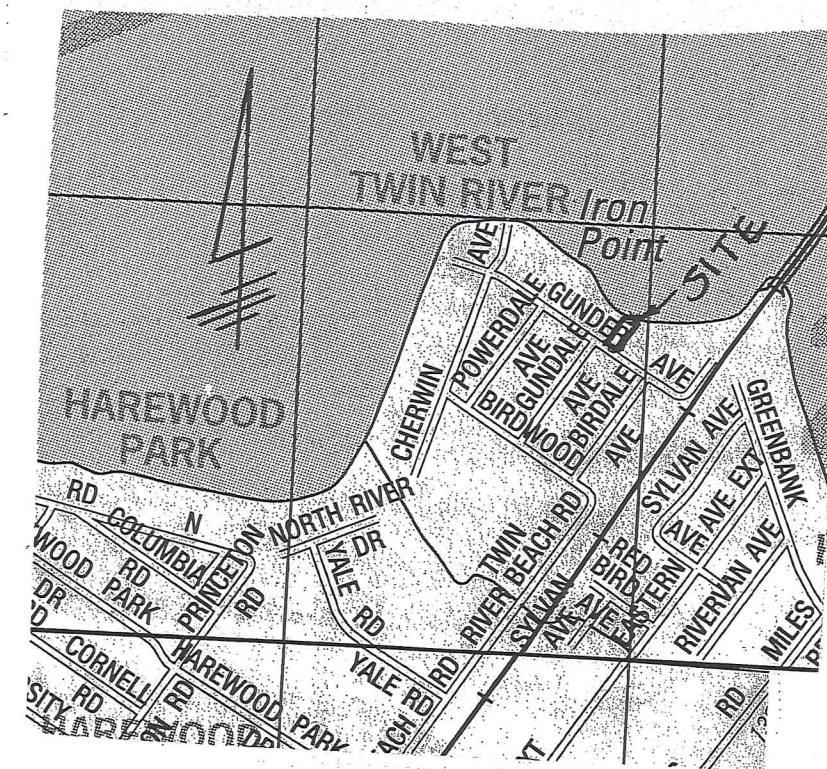
DWELLING.....	2450 SF
CONC. PATIO.....	525 SF
STAIR.....	64 SF
SIDEWALK.....	93 SF
DRIVE.....	315 SF
TOTAL.....	3447 SF

LOT COVERAGE TABLE

LOT AREA.....	11075 SF
LOT COVERAGE PERMITTED WO/ MITIGATION (25 %).....	2769 SF
LOT COVERAGE PERMITTED W/ MITIGATION.....	3461 SF
LOT COVERAGE PROPOSED.....	3447 SF
ADDITIONAL COVERAGE PERMITTED.....	14 SF

- NOTES**
1. ZONING.....DR5.5 (MAP 084A1)
 2. LOT AREA.....11075 SF = 0.254 ACRE
 3. NO PREVIOUS ZONING HISTORY OR VIOLATIONS ARE KNOWN TO EXIST
 4. SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA AND 100 YEAR TIDAL FLOOD ZONE
 5. PUBLIC WATER AND SEWER
 6. NO HISTORIC STRUCTURES OR SITES, ARCHEOLOGIC SITES OR UNDERGROUND STORAGE TANKS ARE KNOWN TO EXIST

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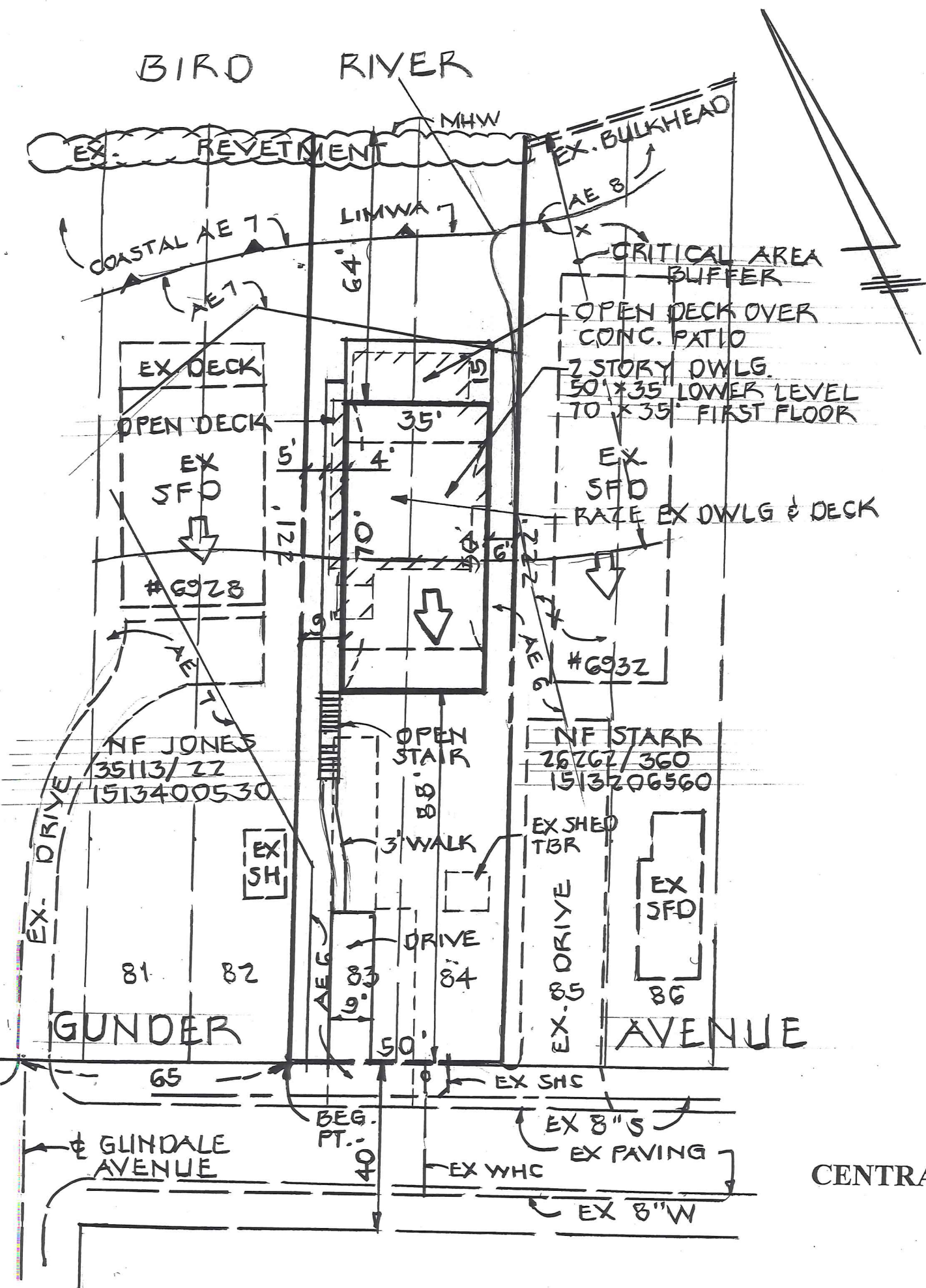


VICINITY MAP
 SCALE: 1 INCH = 1000 FEET

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

OWNER
 WILLIAM AND MILDRED JONES
 5405 BANGERT STREET
 WHITE MARSH, MD. 21162
 DEED REF: L.39042 F.15
 ACCT NO. 1513400533

PHOTOS
PLAT TO ACCOMPANY PETITION
FOR VARIANCES
6930 GUNDER AVENUE
 LOT 83 AND 84 SECTION A TWIN RIVER BEACH 9/33
 ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD.
 SCALE: 1 INCH = 30 FEET AUGUST 6, 2018



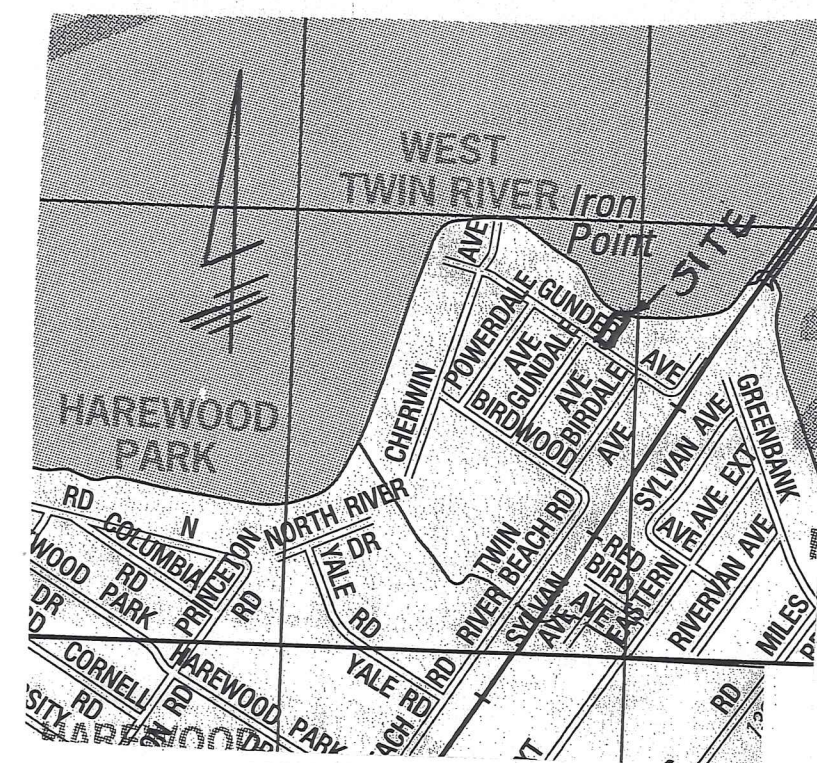
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VICINITY MAP
SCALE: 1 INCH = 1000 FEET

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