

**M E M O R A N D U M**

DATE: January 2, 2019  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2019-0083-A - Appeal Period Expired

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The appeal period for the above-referenced case expired on December 31, 2018. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

/dlw

c:  Case File  
Office of Administrative Hearings

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE OFFICE
(11964 Park Heights Avenue)		
4 <sup>th</sup> Election District	*	OF ADMINISTRATIVE
2 <sup>nd</sup> Council District		
Adam & Elizabeth Gerber	*	HEARINGS FOR
<i>Legal Owners</i>		
	*	BALTIMORE COUNTY
Petitioners		
	*	<b>CASE NO. 2019-0083-A</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Adam & Elizabeth Gerber, legal owners of the subject property (“Petitioners”). Petitioners are requesting variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”) to permit a proposed replacement single-family dwelling with setbacks of 25 ft. each in lieu of the minimum required 50 ft. A site plan was marked as Petitioners’ Exhibit 1.

Adam Gerber and surveyor Bruce E. Doak appeared in support of the petition. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Environmental Protection and Sustainability (“DEPS”).

The site is approximately 1.63 acres in size and zoned RC-5. The site was improved with a small cottage constructed in 1928 that was razed recently. Petitioners propose to construct a replacement single-family dwelling on the lot.

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

ORDER RECEIVED FOR FILING

Date 11/30/18

By Sen

or hardship.

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


The property is triangular in shape 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 single-family 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 30<sup>th</sup> day of **November, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to permit a proposed replacement single-family dwelling with setbacks of 25 ft. in lieu of the minimum required 50 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 DEPS ZAC comment, a copy of which is attached hereto and made a part hereof.

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

  
\_\_\_\_\_  
JOHN E. BEVERUNGEN  
Administrative Law Judge for  
Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 11/30/18  
By sln



# PETITION FOR ZONING HEARING(S)

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

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

Address 11964 PARK HEIGHTS AVENUE which is presently zoned RES  
Deed References: 37818/235 10 Digit Tax Account # 0408055611  
Property Owner(s) Printed Name(s) ELIZABETH GERBER

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

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

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

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

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

... Section 1A04.3.B.2.a – to permit a proposed replacement single family dwelling with side yard setbacks of 25 feet each in lieu of the minimum required 50 feet each.

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 THE HEARING*

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

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

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

### Contract Purchaser/Lessee:

Name- Type or Print \_\_\_\_\_  
Signature /  
Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
Zip Code \_\_\_\_\_ Telephone # \_\_\_\_\_ Email Address \_\_\_\_\_

### Attorney for Petitioner:

Name- Type or Print \_\_\_\_\_  
Signature /  
Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
Zip Code \_\_\_\_\_ Telephone # \_\_\_\_\_ Email Address \_\_\_\_\_

### Legal Owners (Petitioners):

ELIZABETH GERBER  
Name #1 – Type or Print \_\_\_\_\_ Name #2 – Type or Print \_\_\_\_\_  
 Liz Gerber  
Signature #1 \_\_\_\_\_ Signature #2 \_\_\_\_\_  
1123 N. EUTAW STREET BALTIMORE MD  
Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
21201 | 410-916-6836 | \_\_\_\_\_  
Zip Code Telephone # Email Address  
ADAM.GERBER@GMAIL.COM

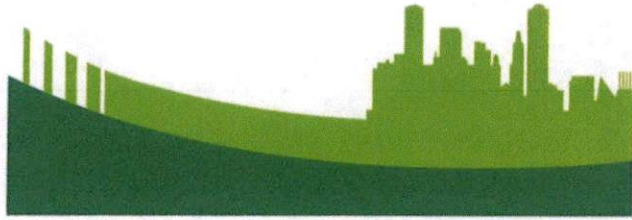
### Representative to be contacted:

BRUCE E. DOAK  
BRUCE E. DOAK CONSULTING LLC  
Name – Type or Print \_\_\_\_\_  
Bruce E. Doak  
Signature \_\_\_\_\_  
3801 BAKER SCHOOLHOUSE ROAD FREELANO MD  
Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
21053 | 410-419-4906 | \_\_\_\_\_  
Zip Code Telephone # Email Address  
BDOAK@BRUCEEDOAKCONSULTING.COM

CASE NUMBER 2019-0083-A Filing Date 9/17/19 Do Not Schedule Dates: \_\_\_\_\_ Reviewer [Signature]  
REV. 10/4/11

ORDER RECEIVED FOR FILING

Date 11/30/18  
By [Signature]



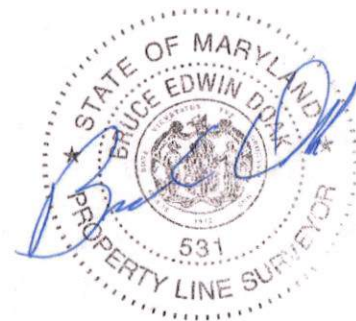
## Zoning Description

11964 Park Heights Avenue  
Fourth Election District Second Councilmanic District  
Baltimore County, Maryland

Commencing at the centerline intersection of Walnut Avenue and Park Heights Avenue and running in the centerline of Park Heights Avenue 1) Southeasterly 2,650 feet, more or less, to the centerline of a driveway, thence running in the centerline of said driveway 2) Southwesterly 730 feet, more or less, to the zoning point of beginning, thence running on the outlines of the subject property, the four following courses and distances, viz. 1) South 30 degrees West 513.80 feet, 2) North 60 degrees 12 minutes West 53.00 feet, 3) North 9 degrees 32 minutes East 503.5 feet and 4) South 70 degrees 18 minutes 47 seconds East 232.90 feet to the point of beginning.

Containing 1.63 acres of land, more or less.

**This description is part of a zoning petition and is not intended for any conveyance purposes.**



Bruce E. Doak Consulting, LLC  
3801 Baker Schoolhouse Road  
Freeland, MD 21053  
410-419-4906 cell / 443-900-5535 office  
bdoak@bruceedoakconsulting.com

*Item #0083*

# The Daily Record

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

<http://www.thedailyrecord.com>

Order #: 11630733  
Case #: 2019-0083-A  
Description:

CASE NUMBER: 2019-0083-A - NOTICE OF ZONING HEARING

## 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:

11/9/2018



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: 2019-0083-A**

11064 Park Heights Avenue

SW/s Park Heights Avenue, s/of Walnut Avenue

4th Election District - 2nd Councilmanic District

Legal owners: Elizabeth Gerber

Variance to permit a proposed replacement single family dwelling with side yard setbacks of 25 ft. each in lieu of the minimum required 60 ft. each.

Hearing: Thursday, November 29, 2018 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

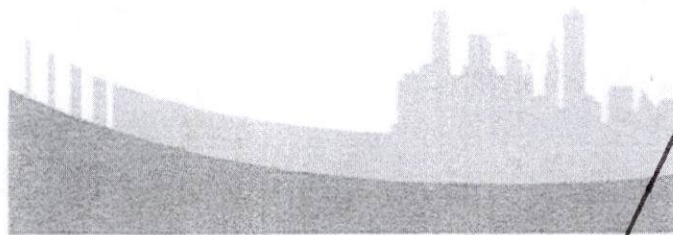
Arnold Jablon

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.

n0



RECEIVED  
NOV 28 2018  
OFFICE OF  
ADMINISTRATIVE HEARINGS

## CERTIFICATE OF POSTING

November 13, 2018  
Nov. 27, 2018 amended for second inspection

Re:  
Zoning Case No. 2019-0083-A  
Legal Owner: Elizabeth Gerber  
Hearing date: November 29, 2018

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

Attention: Kristen Lewis

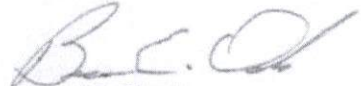
Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at 411964 Park Heights Avenue.

The signs were initially posted on November 8, 2018.

The subject property was also inspected on November 27, 2018.

Sincerely,

  
Bruce E. Doak  
MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC  
3801 Baker Schoolhouse Road  
Freeland, MD 21053  
410-419-4906 cell / 443-900-5535 office  
bdoak@bruceedoakconsulting.com

# ZONING NOTICE

CASE NO. 2019-0083-A

11964 Park Heights Avenue

A PUBLIC HEARING WILL BE HELD BY THE  
ADMINISTRATIVE LAW JUDGE  
IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING  
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Thursday November 29, 2018 10:00 AM

**REQUEST:**

VARIANCE TO PERMIT A PROPOSED REPLACEMENT SINGLE  
FAMILY DWELLING WITH SIDE YARD SETBACKS OF 25 FEET EACH  
IN LIEU OF THE MINIMUM REQUIRED 50 FEET EACH.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES  
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER  
PENALTY OF LAW.

THE HEARING IS HANDICAPPED ACCESSIBLE



# ZONING NOTICE

CASE NO. 2019-0083-A  
11664 Park Heights Avenue

A PUBLIC HEARING WILL BE HELD BY THE  
ADMINISTRATIVE LAW JUDGE

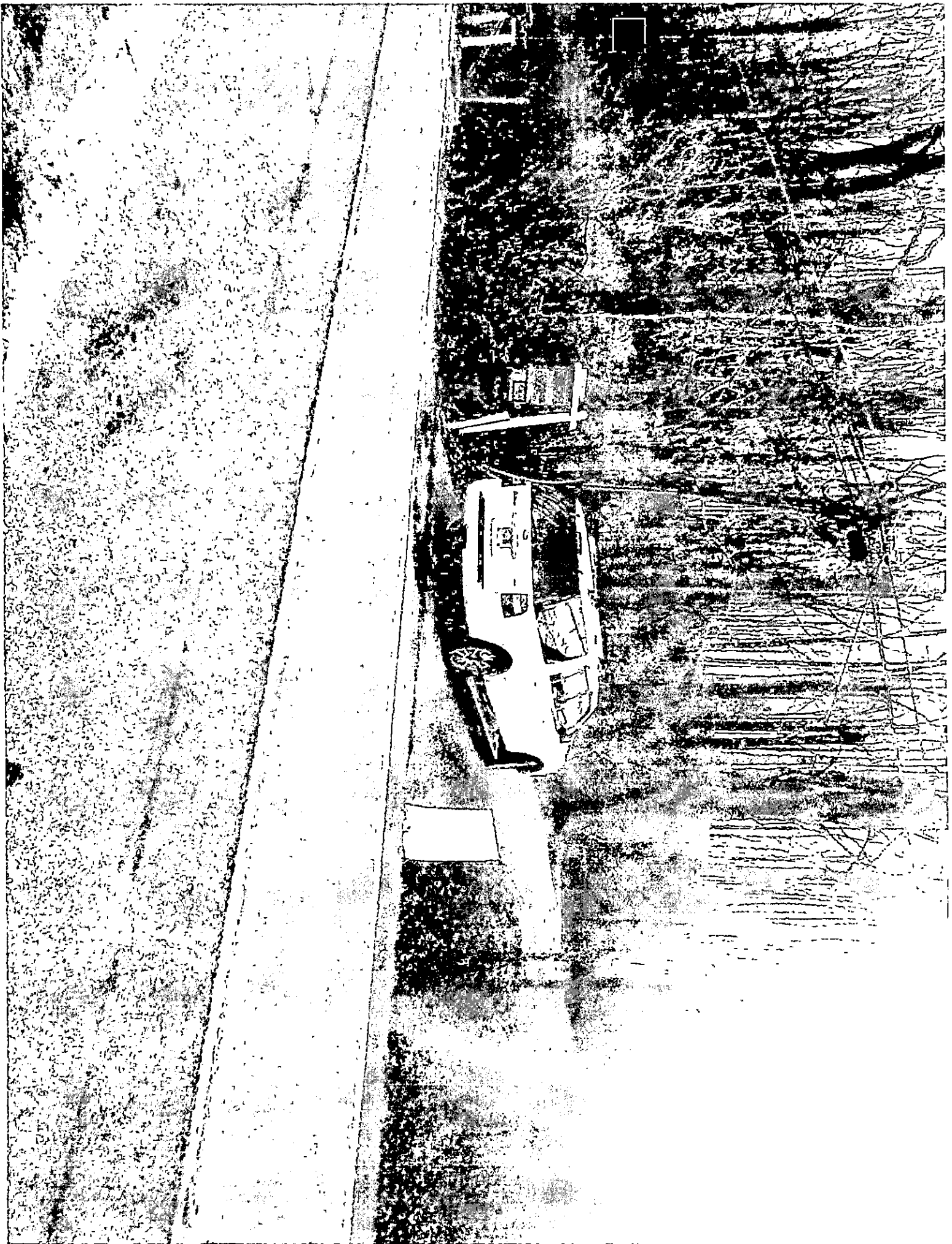
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105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

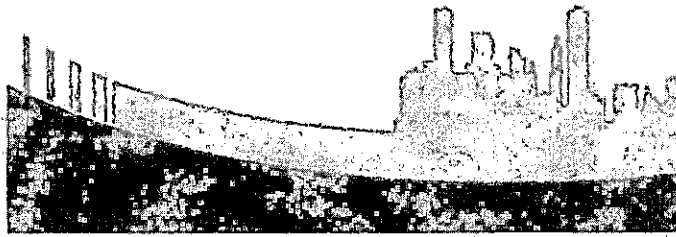
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IN LIEU OF THE MINIMUM REQUIRED 50 FEET EACH.

POSTORUMENT'S DUE TO PAYMENT OF 200% OF THE HEARING FEE AND 20% OF THE  
NECESSARY TO COVER THE HEARING COSTS OF 25 FEET EACH.  
DO NOT RECORD THIS FROM ANY POST-ORUMENT'S DUE TO PAYMENT OF 200% OF THE HEARING FEE AND 20% OF THE  
NECESSARY TO COVER THE HEARING COSTS OF 25 FEET EACH.

THE MARYLAND MANUAL OF ZONING REGULATIONS  
IS AVAILABLE FOR REVIEW AT THE OFFICE OF THE  
ADMINISTRATIVE LAW JUDGE  
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204





## CERTIFICATE OF POSTING

November 13, 2018

\_\_\_\_\_ amended for second inspection

Re:

Zoning Case No. 2019-0083-A

Legal Owner: Elizabeth Gerber

Hearing date: November 29, 2018

Baltimore County Department of Permits, Approvals & Inspections  
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NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3301.

DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER  
PENALTY OF LAW.

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PENALTY OF LAW.

THE HEARING IS HANDICAPPED ACCESSIBLE.



DONALD I. MOHLER III  
County Executive

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

October 1, 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: 2019-0083-A**

11964 Park Heights Avenue  
SW/s Park Heights Avenue, s/of Walnut Avenue  
4<sup>th</sup> Election District – 2<sup>nd</sup> Councilmanic District  
Legal owners: Elizabeth Gerber

Variance to permit a proposed replacement single family dwelling with side yard setbacks of 25 ft. each in lieu of the minimum required 50 ft. each.

Hearing: Thursday, November 29, 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: Elizabeth Gerber, 1123 N. Eutaw Street, Baltimore 21201  
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, NOVEMBER 9, 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, November 9, 2018 - Issue

Please forward billing to:  
Adam Gerber  
1123 N. Eutaw Street  
Baltimore, MD 21201

410-916-6836

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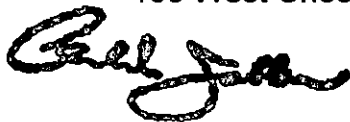
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Arnold Jablon  
Director of Permits, Approvals and Inspections for Baltimore County

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

RE: PETITION FOR VARIANCE \* BEFORE THE OFFICE  
 11964 Park Heights Avenue; SW/S Park \*  
 Heights Ave., 2650' S of c/line of Walnut Ave.\* OF ADMINISTRATIVE  
 4<sup>th</sup> Election & 2<sup>nd</sup> Councilmanic Districts \*  
 Legal Owner(s): Elizabeth Gerber \* HEARINGS FOR  
 Petitioner(s) \* BALTIMORE COUNTY  
 \* 2019-083-A

\* \* \* \* \*

**ENTRY OF APPEARANCE**

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

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
 People’s Counsel for Baltimore County

*Carole S Demilio*

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

RECEIVED  
 SEP 25 2018

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 25<sup>th</sup> day of September, 2018, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, 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.**

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**For Newspaper Advertising:**

Case Number: 2019-0083-A  
Property Address: 11964 PARK HEIGHTS AVENUE  
Property Description: 1.63 ACRES PARCEL SOUTH OF PARK HEIGHTS AVENUE  
  
Legal Owners (Petitioners): ELIZABETH GERBER  
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: ADAM GERBER  
Company/Firm (if applicable): N/A  
Address: 1123 N. EUTAW STREET BALTIMORE MD 21201  
  
Telephone Number: 410-916-6836



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

No. **173226**

Date: **9/17/18**

**PAID RECEIPT**

SUBSTRESS ACTUAL TIME DRAW  
 9/18/2018 9/17/2018 10:41:07 5

USER WALKIN LRB  
 RECEIPT # 974899 9/17/2018 OPEN

5 528 ZONING VERIFICATION

173226

Receipt Tot: \$75.00

\$75.00 - CH \$75.00 - CA

Baltimore County, Maryland

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

Total: **\$75.00**

Rec From:

For: **Zoning hearing - case # 2019-0083-A**

**DISTRIBUTION**

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S  
 VALIDATION**



DONALD I. MOHLER III  
County Executive

November 20, 2018

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

Elizabeth Gerber  
1123 N. Eutaw St.  
Baltimore, MD 21201

Dear Ms. Gerber:

RE: Case Number: 2019-0083A, Address: 11964 Park Heights Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 17, 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, appearing to read "W. Carl Richards, Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: MTC

Enclosures

c: People's Counsel  
Bruce Doak 3801 Baker Schoolhouse Rd. Freeland, MD 21053

11-29

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: October 22, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0083-A  
Address 11964 Park Heights Avenue  
(Gerber Property)

Zoning Advisory Committee Meeting of **October 1, 2018**.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

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

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code) prior to building permit approval.

Additional Comments:

Ground Water Management must review both the razing permit and the proposed new house permit for this site.

Reviewer: Dan Esser

11-29

**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: 19-083

**INFORMATION:**

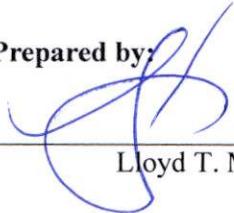
**Property Address:** 11964 Park Heights Avenue  
**Petitioner:** Elizabeth Gerber  
**Zoning:** RC 5  
**Requested Action:** Variance

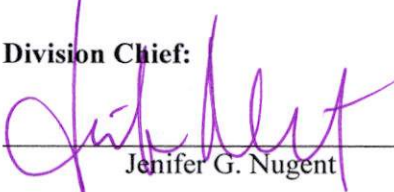
The Department of Planning has reviewed the petition for a variance to permit a replacement single family dwelling with a side yard setback of 25 feet in lieu of the required 50 feet.

A site visit was conducted on October 1, 2018.

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

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

**Prepared by:**   
\_\_\_\_\_  
Lloyd T. Moxley

**Division Chief:**   
\_\_\_\_\_  
Jenifer G. Nugent

AVA/JGN/LTM/

c: Wally Lippincott  
Bruce E. Doak, Bruce E. Doak Consulting, LLC  
Office of the Administrative Hearings  
People's Counsel for Baltimore County

OFFICE OF  
THE DIRECTOR  
OF THE BUREAU OF  
LAND MANAGEMENT

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

**TO:** Arnold Jablon, Director  
Department of Permits, Approvals

**DATE:** October 4, 2018

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For October 1, 2018  
Item No. 2019-0055-A, 0062-A, 0081-A, 0082-A, 0083-A, 0084-SPH, 0085-A and 0086-SPH

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 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: October 22, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0083-A  
Address 11964 Park Heights Avenue  
(Gerber Property)

Zoning Advisory Committee Meeting of **October 1, 2018**.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

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

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code) prior to building permit approval.

Additional Comments:

Ground Water Management must review both the razing permit and the proposed new house permit for this site.

Reviewer: Dan Esser

Date: 9/24/18

Ms. Kristen Lewis  
Baltimore County Department of  
Permits, Approvals & Inspections  
County Office Building, Room 109  
111 West Chesapeake Avenue  
Towson, Maryland 21204

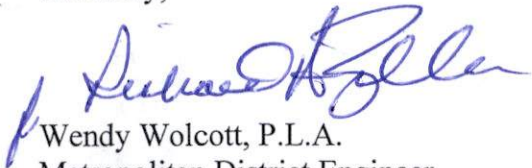
Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 9/24/18. A field inspection and internal review reveals that an entrance onto MD129 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2019-0093-A.

Elizabeth Genber  
11904 Park Heights Avenue  
MD129

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) X 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





DONALD I. MOHLER III  
County Executive

November 20, 2018

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

Elizabeth Gerber  
1123 N. Eutaw St.  
Baltimore, MD 21201

Dear Ms. Gerber:

RE: Case Number: 2019-0083A, Address: 11964 Park Heights Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 17, 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 that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: MTC

Enclosures

c: People's Counsel  
Bruce Doak 3801 Baker Schoolhouse Rd. Freeland, MD 21053

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

**TO:** Arnold Jablon, Director  
Department of Permits, Approvals

**DATE:** October 4, 2018

**FROM:** *VSD*  
Vishnu Desai, Supervisor  
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**SUBJECT:** Zoning Advisory Committee Meeting  
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The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

\* \* \* \* \*

VKD: cen  
cc: file

1. The first part of the document is a list of names and titles.



2. The second part of the document contains a list of names and titles, followed by a list of names and titles.

3. The third part of the document contains a list of names and titles.

4. The fourth part of the document contains a list of names and titles, followed by a list of names and titles.

5. The fifth part of the document contains a list of names and titles.

6. The sixth part of the document contains a list of names and titles.

7. The seventh part of the document contains a list of names and titles.

8. The eighth part of the document contains a list of names and titles.

**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: October 22, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0083-A  
Address 11964 Park Heights Avenue  
(Gerber Property)

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Additional Comments:

Ground Water Management must review both the razing permit and the proposed new house permit for this site.

Reviewer: Dan Esser





STATE HIGHWAY  
ADMINISTRATION

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

Date: 9/24/18

Ms. Kristen Lewis  
Baltimore County Department of  
Permits, Approvals & Inspections  
County Office Building, Room 109  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 9/24/18. A field inspection and internal review reveals that an entrance onto MD129 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2019-0093-A.

*Elizabeth Genbar*  
*11964 Park Heights Avenue*  
*MD129*

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) X 2332 or by email at (rzeller@sha.state.md.us).

Sincerely,

Wendy Wolcott, P.L.A.  
Metropolitan District Engineer  
Maryland Department of Transportation  
State Highway Administration  
District 4 - Baltimore and Harford Counties

WW/RAZ

**BALTIMORE COUNTY, MARYLAND**  
**INTER-OFFICE MEMORANDUM**

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

**DATE:** 10/9/2018

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 19-083

**INFORMATION:**

**Property Address:** 11964 Park Heights Avenue  
**Petitioner:** Elizabeth Gerber  
**Zoning:** RC 5  
**Requested Action:** Variance

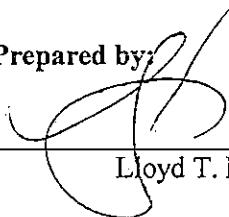
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A site visit was conducted on October 1, 2018.

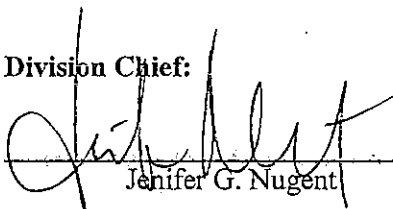
The Department has no objection to granting the petitioned zoning relief.

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

**Prepared by:**

  
\_\_\_\_\_  
Lloyd T. Moxley

**Division Chief:**

  
\_\_\_\_\_  
Jennifer G. Nugent

AVA/JGN/LTM/

c: Wally Lippincott  
Bruce E. Doak, Bruce E. Doak Consulting, LLC  
Office of the Administrative Hearings  
People's Counsel for Baltimore County

11-29

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED  
OCT 22 2018  
OFFICE OF  
ADMINISTRATIVE HEARINGS

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: October 22, 2018

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Additional Comments:

Ground Water Management must review both the razing permit and the proposed new house permit for this site.

Reviewer: Dan Esser

ORDER RECEIVED FOR FILING  
Date 11/30/18  
By Sen



## Sherry Nuffer

---

**From:** Sherry Nuffer  
**Sent:** Monday, December 17, 2018 2:56 PM  
**To:** 'adam.gerber@gmail.com'  
**Subject:** 2019-0083-A  
**Attachments:** 20181217145254230.pdf

Adam,

I am e-mailing the attached Order in reference to the above case number.

I put in the mail using the address that was on our sign in sheet, and as you can see it came back as undeliverable.

Should you have any questions or concerns, please feel free to contact me.

Thank you,

Sherry



DONALD I. MOHLER III  
*County Executive*

LAWRENCE M. STAHL  
*Managing Administrative Law Judge*  
JOHN E. BEVERUNGEN  
*Administrative Law Judge*

November 30, 2018

Adam & Elizabeth Gerber  
1123 N. Eutaw Street  
Baltimore, Maryland 21201

RE: Petitions for Special Hearing and Variance  
Case No. 2019-0083-A  
Property: 11964 Park Heights Avenue

Dear Petitioners:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in blue ink, appearing to read "John E. Beverungen", is written over a faint, circular stamp.

JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB: sln  
Enclosure

c: Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, MD 21053  
William Jews, 11914 Minor Jones Drive, Owings Mills, MD 21117

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(11964 Park Heights Avenue)		
4 <sup>th</sup> Election District	*	OF ADMINISTRATIVE
2 <sup>nd</sup> Council District		
Adam & Elizabeth Gerber	*	HEARINGS FOR
<i>Legal Owners</i>		
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2019-0083-A

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Adam & Elizabeth Gerber, legal owners of the subject property (“Petitioners”). Petitioners are requesting variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”) to permit a proposed replacement single-family dwelling with setbacks of 25 ft. each in lieu of the minimum required 50 ft. A site plan was marked as Petitioners’ Exhibit 1.

Adam Gerber and surveyor Bruce E. Doak appeared in support of the petition. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Environmental Protection and Sustainability (“DEPS”).

The site is approximately 1.63 acres in size and zoned RC-5. The site was improved with a small cottage constructed in 1928 that was razed recently. Petitioners propose to construct a replacement single-family dwelling on the lot.

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 property is triangular in shape 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 single-family 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 30<sup>th</sup> day of **November, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to permit a proposed replacement single-family dwelling with setbacks of 25 ft. in lieu of the minimum required 50 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 DEPS ZAC comment, a copy of which is attached hereto and made a part hereof.

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

  
\_\_\_\_\_  
JOHN E. BEVERUNGEN  
Administrative Law Judge for  
Baltimore County

JEB/sln

11-29

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED  
OCT 22 2018  
OFFICE OF  
ADMINISTRATIVE HEARINGS



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: October 22, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0083-A  
Address 11964 Park Heights Avenue  
(Gerber Property)

Zoning Advisory Committee Meeting of **October 1, 2018**.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

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Additional Comments:

Ground Water Management must review both the razing permit and the proposed new house permit for this site.

Reviewer: Dan Esser

Zoning Commissioner's Office  
105 West Chesapeake Avenue, Suite 103  
Jefferson Building  
Powson, Maryland, 21204

Master FIRST-CLASS MAIL  
12/01/2018 AUTO  
US POSTAGE \$000.37<sup>8</sup>



ZIP 21204  
011D12603654

Return Service Requested

NO5 MAILED AT 212 12-01-18 FIRST CLASS

Adam & Elizabeth Gerber  
1123 N. Eutaw Street  
Baltimore, Maryland 21201

RECEIVED  
DEC 13 2018  
OFFICE OF  
ADMINISTRATIVE HEARINGS

NIXIE 21233 12/11/2018  
RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD  
SORT IN MANUAL ONLY NO AUTOMATION  
BC: 520000000055

NO 20 44 88 88 88 88

NO 15 00 00 00 00 00

Office of Administrative Hearings  
105 West Chesapeake Avenue Suite 103  
Towson, Maryland 21204

December 10, 2018



Honorable John E. Beverungen,

I have received a copy of the decision rendered in the special Hearing and Variance Case No. 2019-0083-A for the property located at 11964 Park Heights Avenue. Thank you for your prompt reply and for the consideration given to me November 30<sup>th</sup> since I arrived at the wrong building and arrived late to the scheduled hearing.

Since receiving the decision, I reached out to the owner of the property and I am completely satisfied that the setback plans and related construction on the lot, given the setback variance, does not impact my property or site lines. I have also received a copy of the proposed site plan and feel confident that the owner will completely adhere to all county regulations and code regarding construction of this new single-family dwelling.

Thank you, again.

A handwritten signature in blue ink, appearing to read "William Jews".

William Jews  
11914 Minor Jones Drive  
Owings Mills, MD 21117

PLEASE PRINT CLEARLY

CASE NAME GERBER  
CASE NUMBER 2019-0083-A  
DATE 11/29/18

# PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
BRUCE E. DOAK	3801 BAKER SCHOOLHOUSE ROAD FREELAND MD 21053		
ADAM GERBER	1123 N. EUTAW ST.	BALTIMORE, MD 21201	BDOAK@BRUCEEDOAKCONSULTING.COM adam.gerber@gmail.com

For Order

William JENES  
 11914 JAMES JONES DRIVE  
 Owings Mills, MD 21117

410 382 7510



**C H E C K L I S T**

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/Conditions/Comments/No Comment</u>
<u>10/14</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>No Comment</u>
<u>10/22</u>	DEPS (if not received, date e-mail sent _____)	<u>Comment</u>
_____	FIRE DEPARTMENT	_____
<u>10/19</u>	PLANNING (if not received, date e-mail sent _____)	<u>No Comment</u>
<u>9/24</u>	STATE HIGHWAY ADMINISTRATION	<u>No Objections</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. \_\_\_\_\_)

PRIOR ZONING (Case No. \_\_\_\_\_)

NEWSPAPER ADVERTISEMENT Date: 11/9/18

SIGN POSTING (1<sup>st</sup>) Date: 11/8/18 by Doak

SIGN POSTING (2<sup>nd</sup>) Date: 11/27/18 by Doak

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				
<b>Tax Exempt:</b>		<b>Special Tax Recapture:</b>							
<b>Exempt Class:</b>		NONE							
<b>Account Identifier:</b>		District - 04 Account Number - 0408055611							
Owner Information									
<b>Owner Name:</b>	GERBER ELIZABETH, GERBER ADAM LEWIS			<b>Use:</b>	RESIDENTIAL				
<b>Mailing Address:</b>	11964 PARK HEIGHTS AVE OWINGS MILLS MD 21117-			<b>Principal Residence:</b>	YES				
				<b>Deed Reference:</b>	/40752/ 00208				
Location & Structure Information									
<b>Premises Address:</b>	11964 PARK HEIGHTS AVE OWINGS MILLS 21117-			<b>Legal Description:</b>	1.63 AC WSR 950 FT 11964 PARK HEIGHTS AVE 2940 S WALNUT AV				
<b>Map:</b>	<b>Grid:</b>	<b>Parcel:</b>	<b>Sub District:</b>	<b>Subdivision:</b>	<b>Section:</b>	<b>Block:</b>	<b>Lot:</b>	<b>Assessment Year:</b>	<b>Plat No:</b>
0049	0023	0047		0000				2019	Plat Ref:
<b>Special Tax Areas:</b>				<b>Town:</b>	NONE				
				<b>Ad Valorem:</b>					
				<b>Tax Class:</b>					
<b>Primary Structure Built</b>	<b>Above Grade Living Area</b>	<b>Finished Basement Area</b>	<b>Property Land Area</b>	<b>County Use</b>					
1928	1,172 SF		1.0000 AC	04					
<b>Stories</b>	<b>Basement</b>	<b>Type</b>	<b>Exterior</b>	<b>Full/Half Bath</b>	<b>Garage</b>	<b>Last Major Renovation</b>			
1	YES	STANDARD UNIT	SIDING	1 full					
Value Information									
		<b>Base Value</b>	<b>Value</b>	<b>Phase-in Assessments</b>					
			As of	As of	As of				
			01/01/2016	07/01/2018	07/01/2019				
<b>Land:</b>		90,000	90,000						
<b>Improvements</b>		67,000	67,000						
<b>Total:</b>		157,000	157,000	157,000					
<b>Preferential Land:</b>		0							
Transfer Information									
<b>Seller:</b> GERBER ELIZABETH			<b>Date:</b> 10/04/2018			<b>Price:</b> \$0			
<b>Type:</b> NON-ARMS LENGTH OTHER			<b>Deed1:</b> /40752/ 00208			<b>Deed2:</b>			
<b>Seller:</b> CUMMINGS PAUL III			<b>Date:</b> 08/01/2016			<b>Price:</b> \$215,000			
<b>Type:</b> ARMS LENGTH MULTIPLE			<b>Deed1:</b> /37818/ 00235			<b>Deed2:</b>			
<b>Seller:</b> BUCK TREVOR			<b>Date:</b> 03/17/2011			<b>Price:</b> \$0			
<b>Type:</b> NON-ARMS LENGTH OTHER			<b>Deed1:</b> /30622/ 00152			<b>Deed2:</b>			
Exemption Information									
<b>Partial Exempt Assessments:</b>	<b>Class</b>	07/01/2018			07/01/2019				
<b>County:</b>	000	0.00							
<b>State:</b>	000	0.00							
<b>Municipal:</b>	000	0.00			0.00				

**Tax Exempt:**  
**Exempt Class:**

**Special Tax Recapture:**  
NONE

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Homestead Application Information

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**Homestead Application Status:** No Application

---

Homeowners' Tax Credit Application Information

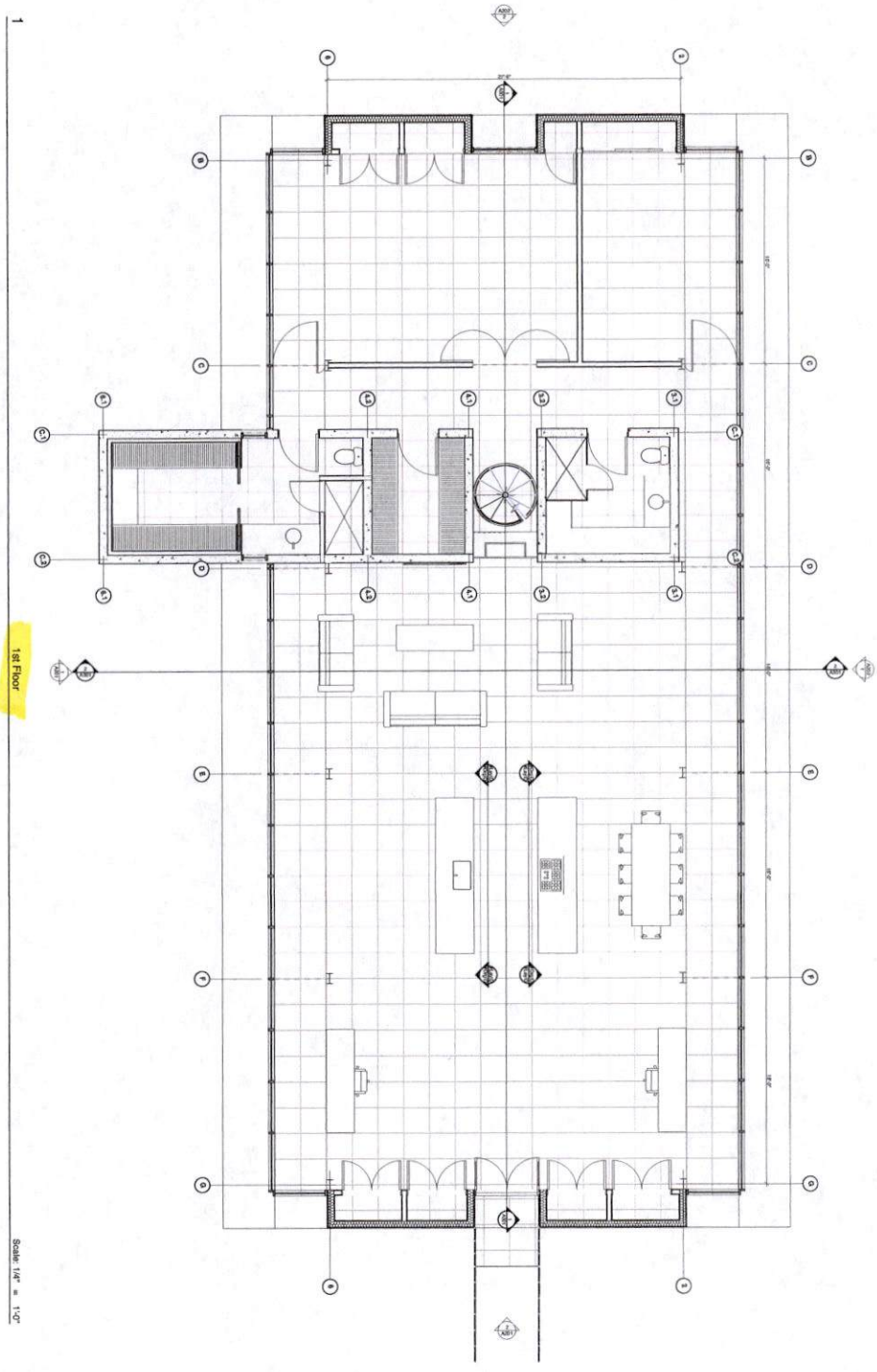
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**Homeowners' Tax Credit Application Status:** No Application

**Date:**

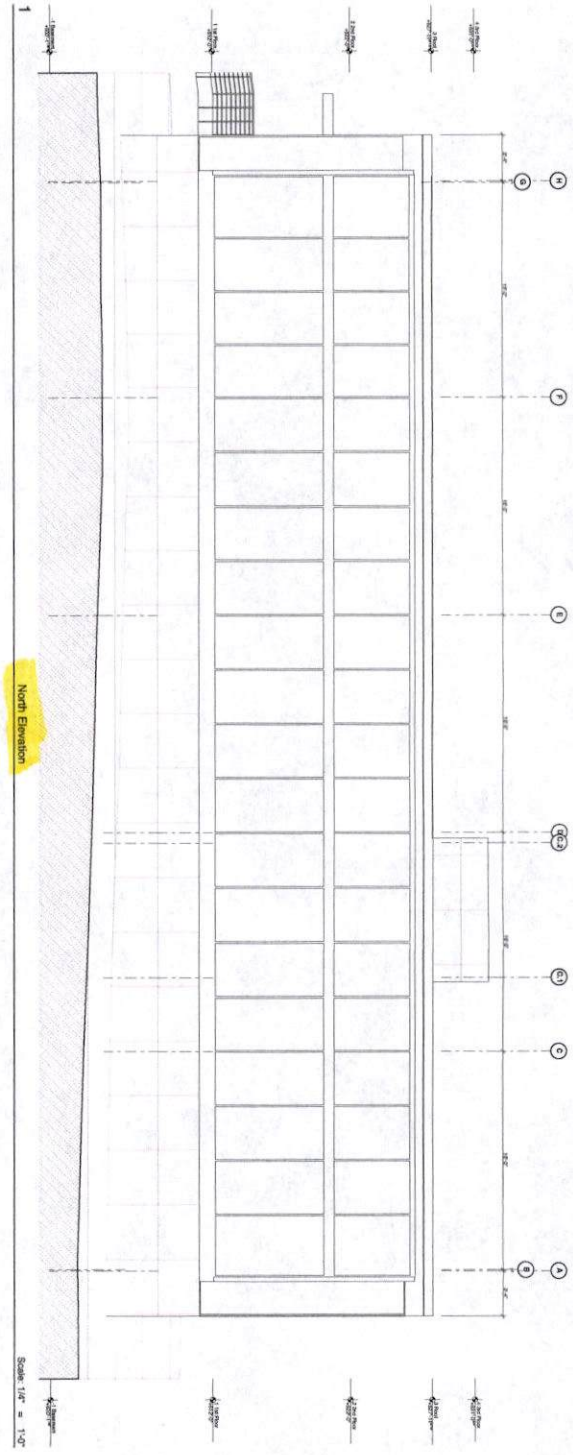
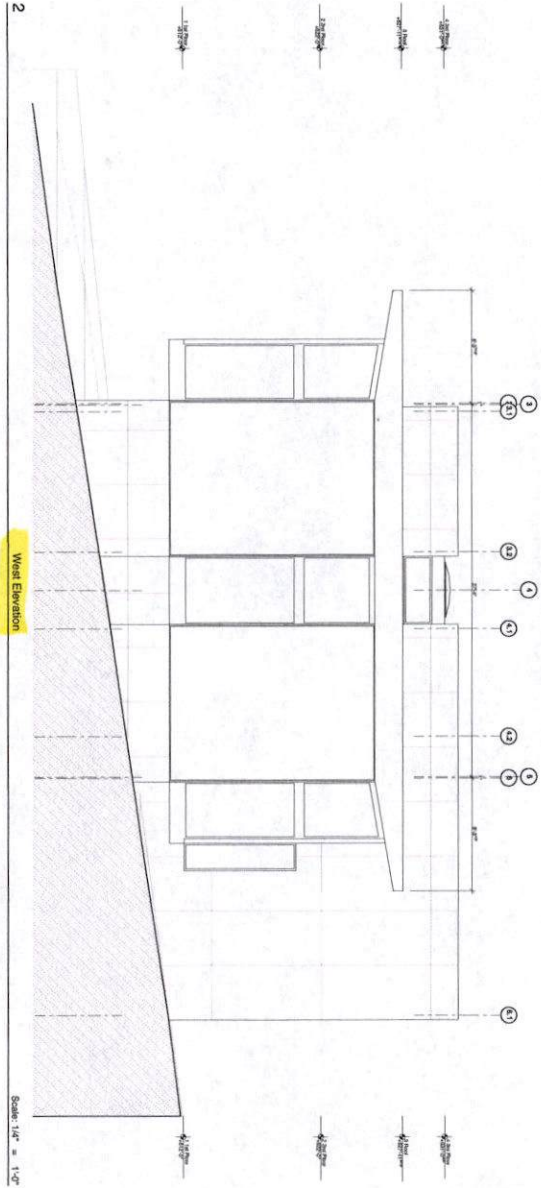
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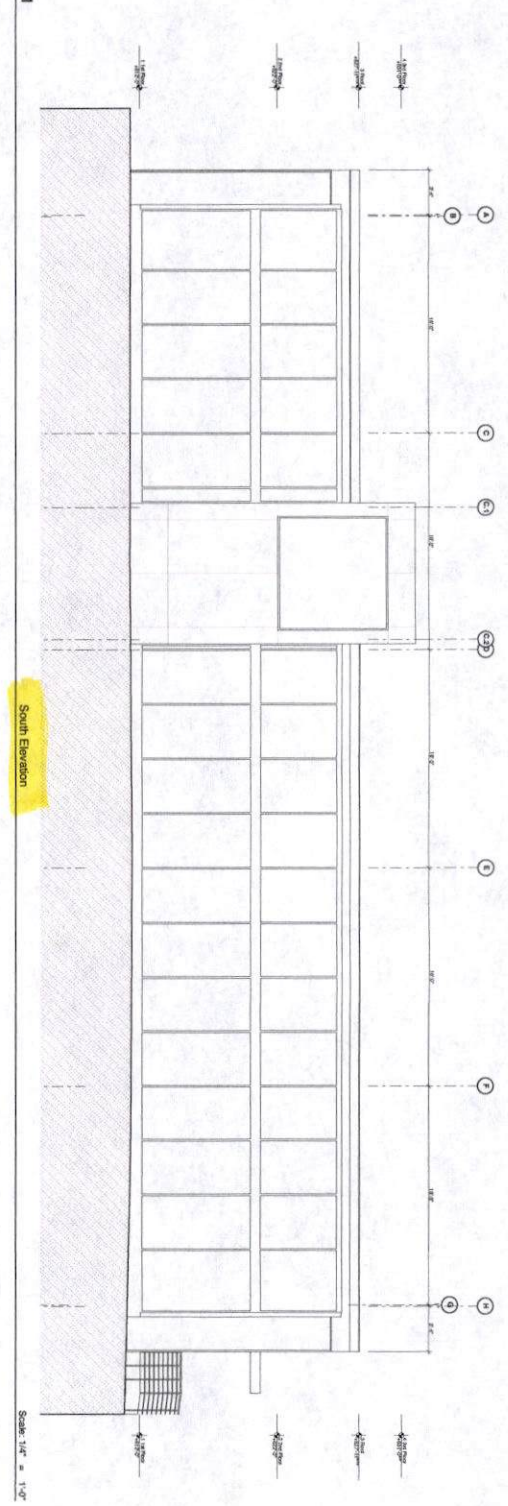
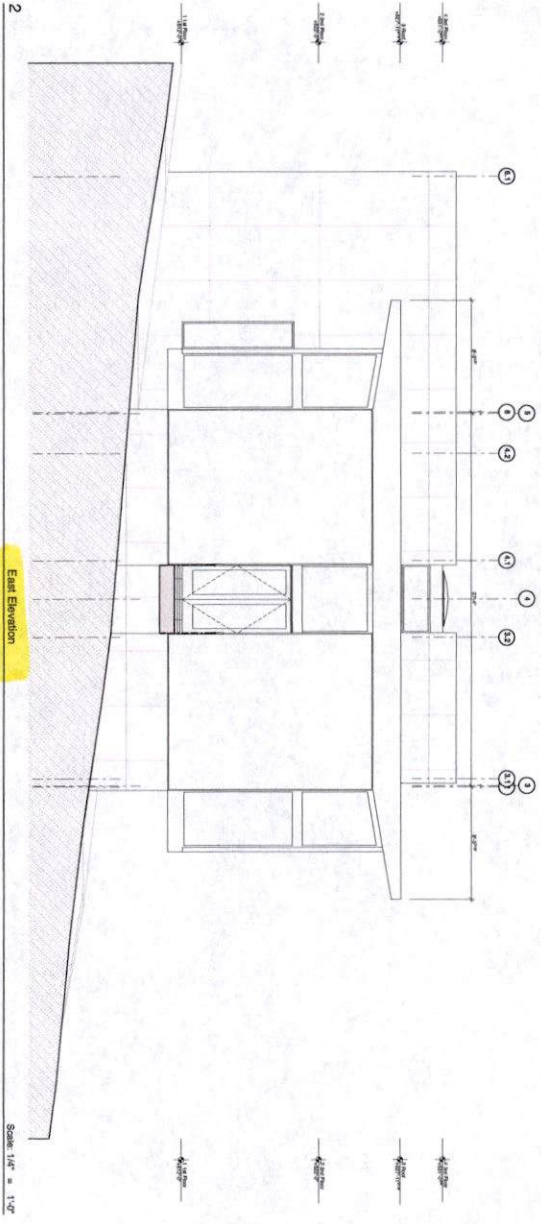


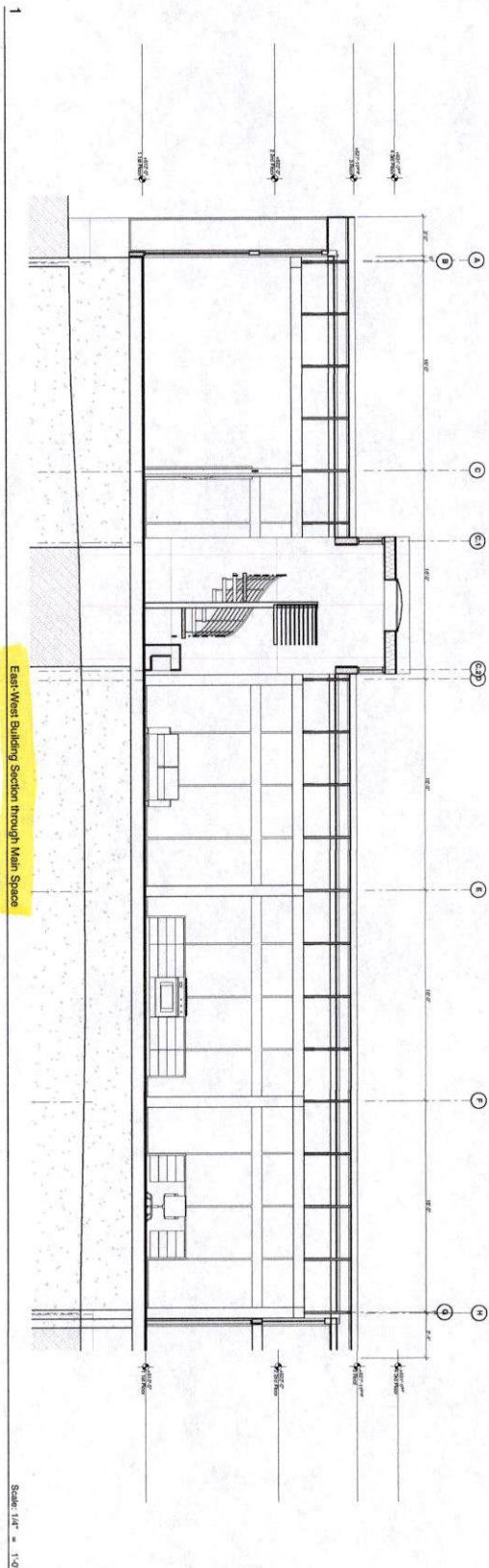
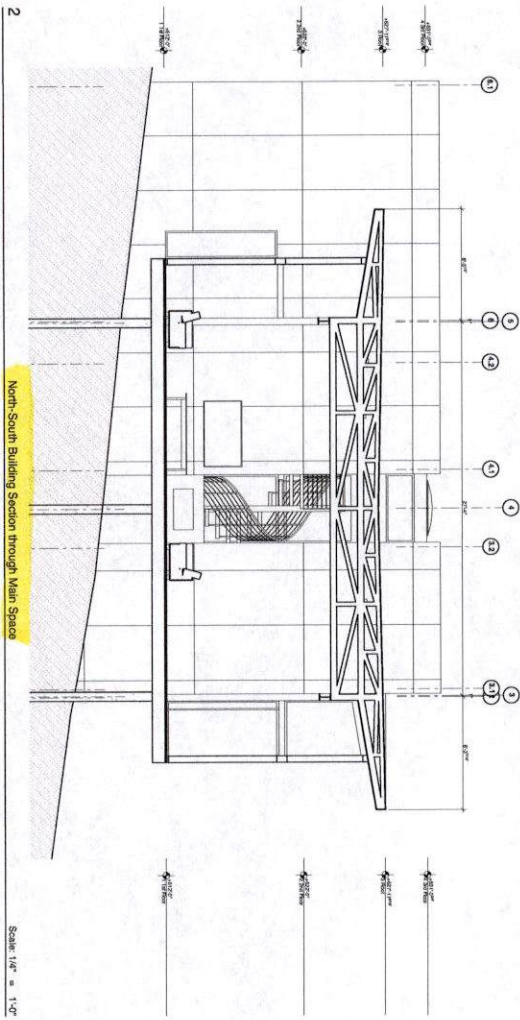


1st Floor

Scale: 1/4" = 1'-0"









2



M





















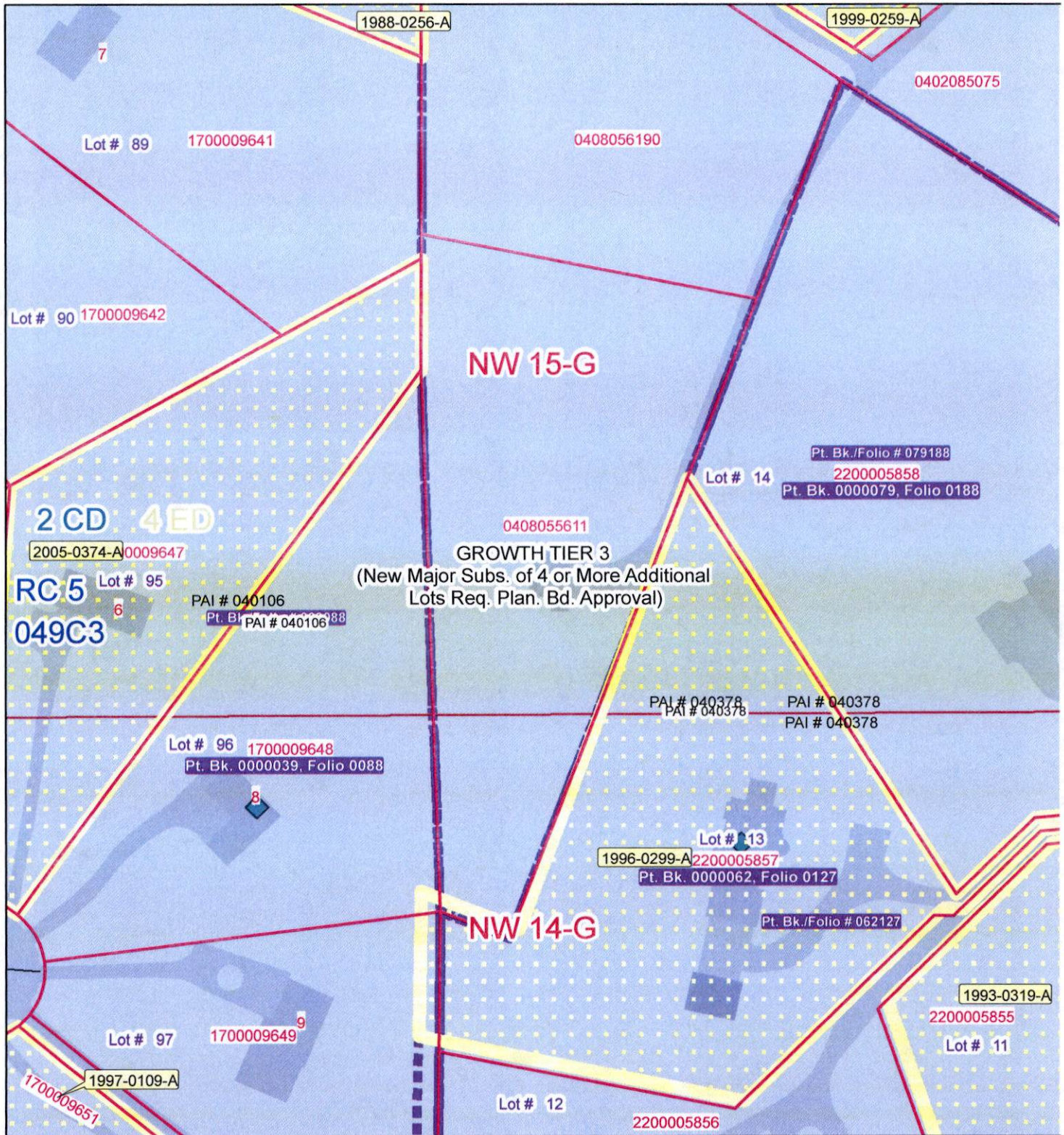








# 11964 Park Heights Avenue, Tax #04-08-055-611



Publication Date: 9/17/2018



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

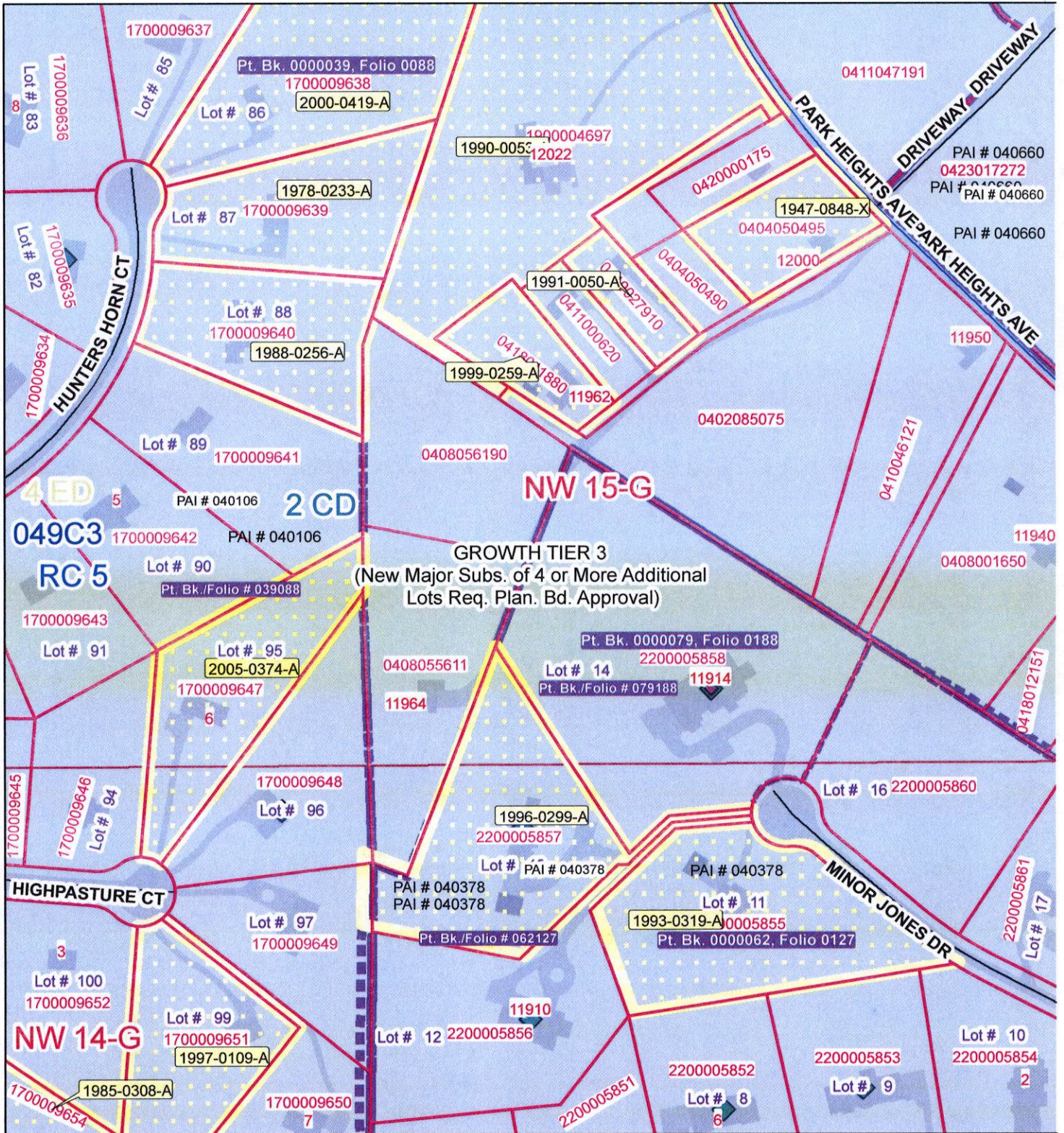


0 25 50 100 150 200 Feet

1 inch = 100 feet

*Item #0083*

# 11964 Park Heights Avenue, Tax #04-08-055-611



Publication Date: 9/17/2018



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



0 55 110 220 330 440 Feet

1 inch = 200 feet

*Item #0083*



**GENERAL SITE INFORMATION**

1. Ownership: Elizabeth Gerber
2. Address: 11964 Park Heights Avenue Owings Mills, MD 21117
3. Deed reference: ILE 37818/ 235
4. Property area: 1.63 acres (per deed)
5. Election District: 4th Councilmanic District: 2nd
6. Tax Map 49 Grid 23 Parcel 47 Tax Acc. # 04-08-055611
7. ADC Map Grid: 4458J8 Position Sheet: 56NW27
8. GIS Title Number: 049C3
9. Regional Planning District: Chestnut Ridge Regional Planning Dist. Code: 307
10. Growth Tier: 3
11. Watershed Name: Jones Falls
12. URDL Land Type: 1
13. School Districts: Garrison Forest ES Pikesville MS Owings Mills HS
14. Census Block: 24005404900 Census Tract: 404900
15. The boundary shown hereon is from the title deed.
16. The topography shown hereon is from GIS tile number 049C3.

**GROUND WATER MANAGEMENT**

1. The subject property is improved with a single family dwelling.
2. Perc tests will be performed for a replacement dwelling to be built.
3. The proposed house will utilize a private well and septic system.
4. There are no underground fuel tanks on the subject property.
5. The existing septic system will be upgraded to accommodate the new dwelling.
6. The existing well will be backfilled and a new well drilled.

**ENVIRONMENTAL IMPACT**

**Forest Conservation**

1. No forest will be disturbed in the construction of the new dwelling on the subject property. A Forest Stand Delineation will be performed and submitted to Baltimore County for review and approval. A Single Lot Declaration of Intent will be utilized.
2. A Forest Protection Plan will be prepared and submitted to Baltimore County for review and approval.
3. A Forest Conservation Declaration will be recorded as a part of the building permit process.

**Forest Buffer**

1. Wetlands exist on the subject property.
2. A wetlands delineation and a steep slopes analysis was previously performed. A wetlands report and the analysis will be submitted to Baltimore County for review and approval if required.
3. A Forest Buffer Declaration will be recorded as a part of the building permit process.
4. No flood plain for the tributary is shown on the current FEMA FIRM Map.
5. The subject parcel is not located within a 100 year flood plain.
6. The subject parcel is not in the Chesapeake Bay Critical Area.

**AGRICULTURE**

No portion of the subject property is currently being used for agricultural purposes.

**SEDIMENT CONTROL**

Sediment control provisions will be required and provided as a part of the building permit process.

**STORM WATER MANAGEMENT**

The storm water management will be required and provided as a part of the building permit process.

**OFFICE OF ZONING**

**Current Zoning RC 5**

**Evolution of Title**

The subject property as shown on this plan has been held intact since September 4, 1965 (OTG 4517/ 03). The developer's surveyor has confirmed that no part of the gross area of this property as shown on this plan has ever been utilized, recorded, or represented as density or area to support any off-site dwellings.

**Zoning History**

There have been no zoning hearings concerning the subject property.

**R.C. 5 Setbacks for Residential Single Family Dwellings**

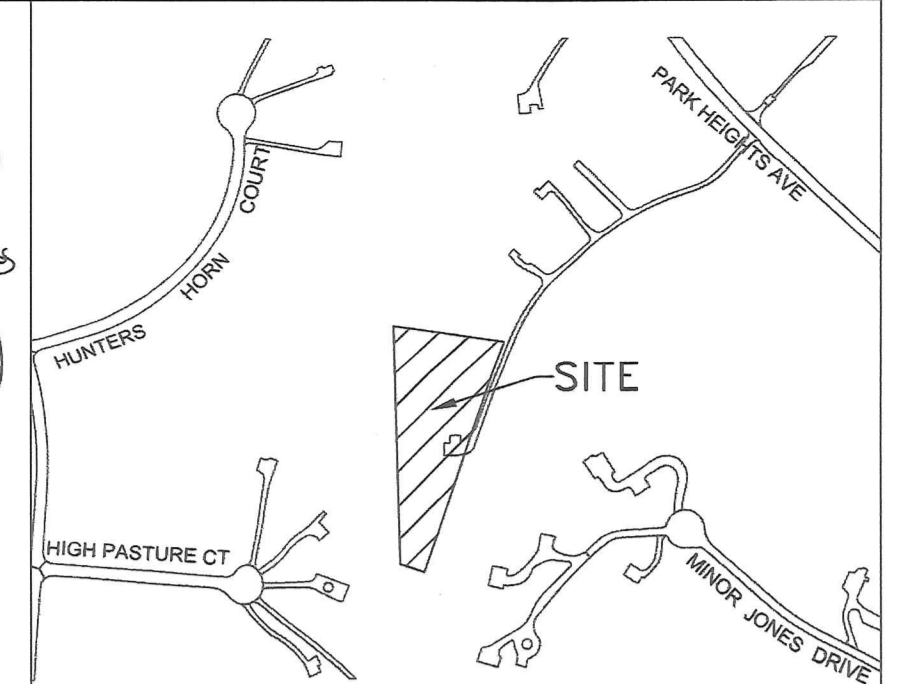
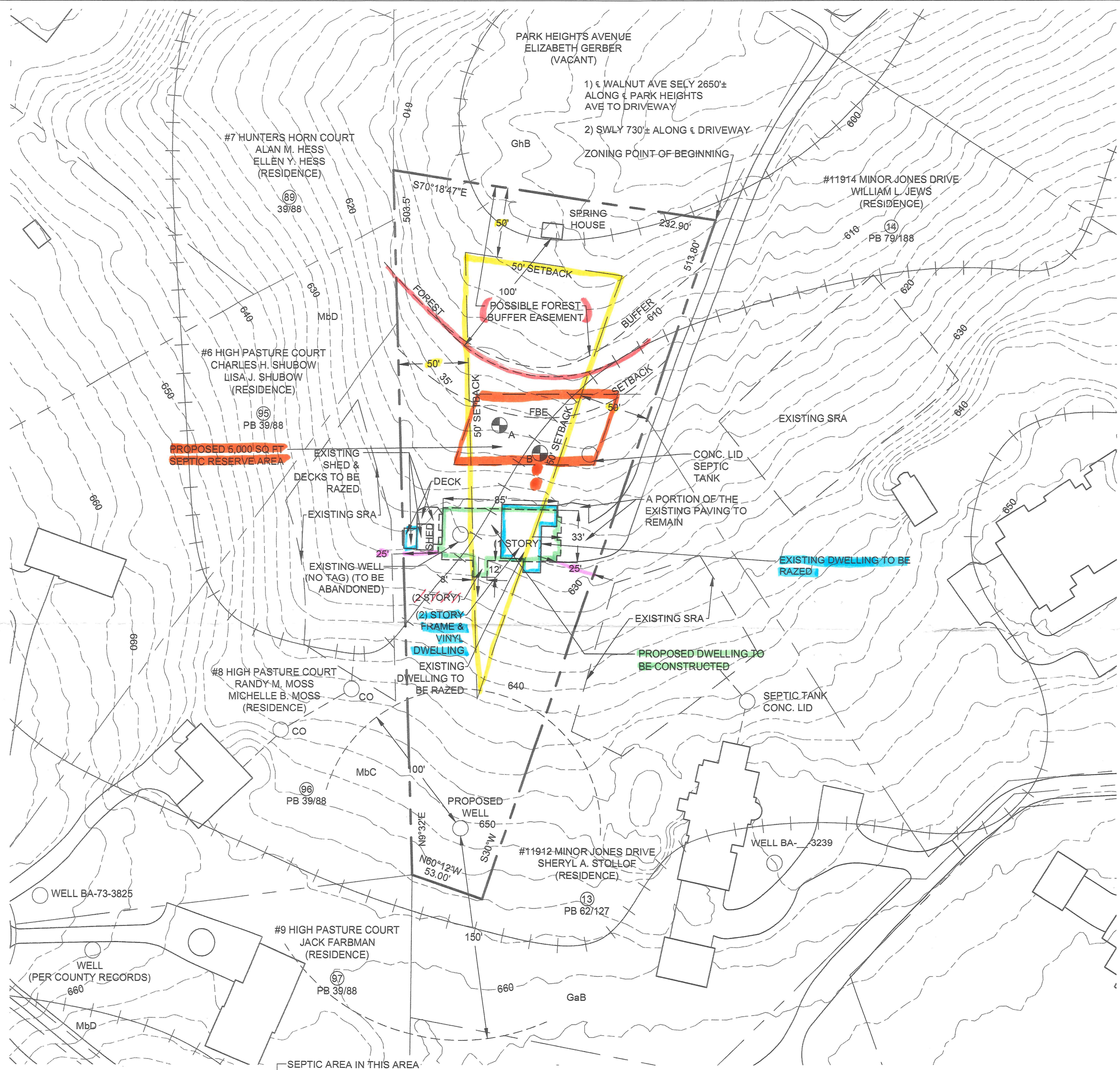
Front: 150 feet from the centerline of Park Heights Avenue  
 Side: 50 feet from any lot line other than a street or road line  
 Rear: 50 feet from any lot line other than a street or road line

**Building Heights**

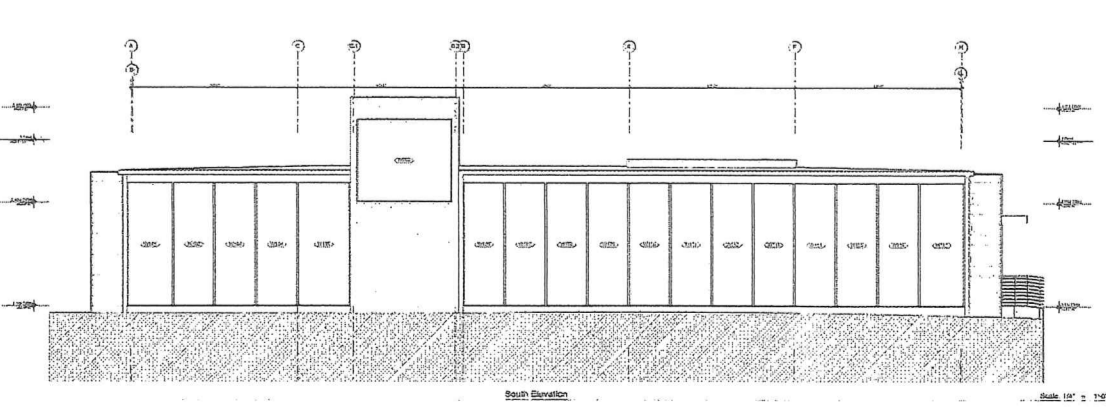
The proposed houses will not exceed 35 feet high.

**OFFICE OF PLANNING**

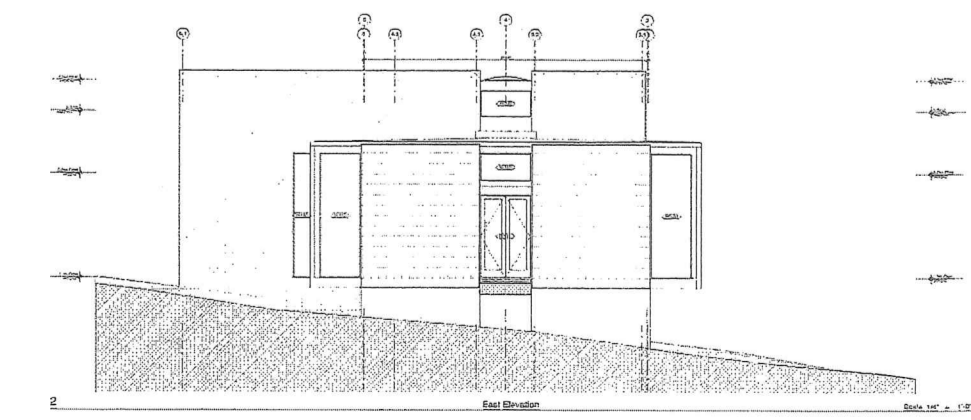
1. The subject property is not located in a National Register Historic District.
2. Park Heights Avenue is not designated as a Baltimore County scenic route.



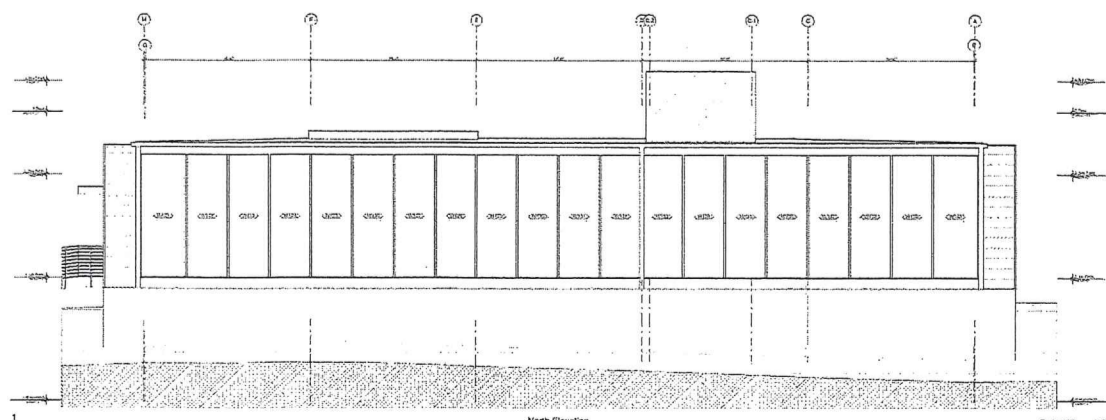
Vicinity Map - Scale: 1" = 400'



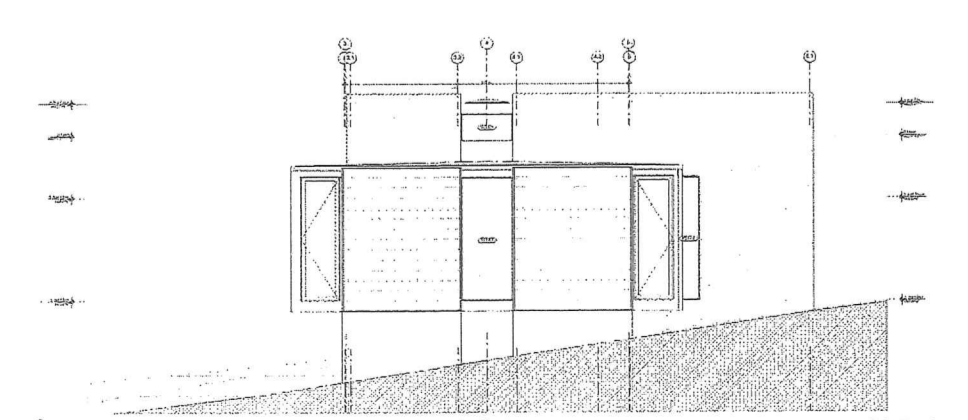
SOUTH ELEVATION



EAST ELEVATION



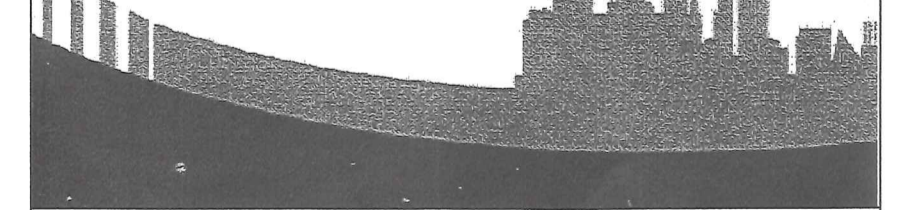
NORTH ELEVATION



WEST ELEVATION



**Bruce E. Doak Consulting, LLC**  
 Land Use Expert and Surveyor  
 3801 Baker Schoolhouse Road  
 Freeland, MD 21058  
 o 443-900-5535 m 410-419-4906  
 bdoak@bruceedoakconsulting.com



PLAN TO ACCOMPANY  
 A ZONING PETITION  
 FOR  
 #11964 PARK HEIGHTS AVENUE

BALTIMORE COUNTY, MARYLAND  
 4th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT

Date: 9/2/2018  
 Scale: 1" = 40'

PETITIONER'S  
 EXHIBIT NO. 1  
 CASE # 2019-0083-A

**GENERAL SITE INFORMATION**

1. Ownership: Elizabeth Gerber
2. Address: 11964 Park Heights Avenue Owings Mills, MD 21117
3. Deed reference: JLE 37818/235
4. Property area: 1.63 acres (per deed)
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7. ADC Map Grid: 445818 Position Sheet: 56NW27
8. GIS Title Number: 049C3
9. Regional Planning District: Chestnut Ridge Regional Planning Dist. Code: 307
10. Growth Tier: 3
11. Watershed Name: Jones Falls
12. URDL Land Type: 1
13. School Districts: Garrison Forest ES Pikesville MS Owings Mills HS
14. Census Block: 2400504900 Census Tract: 404900
15. The boundary shown hereon is from the title deed.
16. The topography shown hereon is from GIS title number 049C3.

**GROUND WATER MANAGEMENT**

1. The subject property is improved with a single family dwelling.
2. Perc tests will be performed for a replacement dwelling to be built.
3. The proposed house will utilize a private well and septic system.
4. There are no underground fuel tanks on the subject property.
5. The existing septic system will be upgraded to accommodate the new dwelling.
6. The existing well will be backfilled and a new well drilled.

**ENVIRONMENTAL IMPACT**

**Forest Conservation**

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4. No flood plain for the tributary is shown on the current FEMA FIRM Map.
5. The subject parcel is not located within a 100 year flood plain.
6. The subject parcel is not in the Chesapeake Bay Critical Area.

**AGRICULTURE**

No portion of the subject property is currently being used for agricultural purposes.

**SEDIMENT CONTROL**

Sediment control provisions will be required and provided as a part of the building permit process.

**STORM WATER MANAGEMENT**

The storm water management will be required and provided as a part of the building permit process.

**OFFICE OF ZONING**

**Current Zoning RC 5**

**Devolution of Title**

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**Zoning History**

There have been no zoning hearings concerning the subject property.

**R.C. 5 Setbacks for Residential Single Family Dwellings**

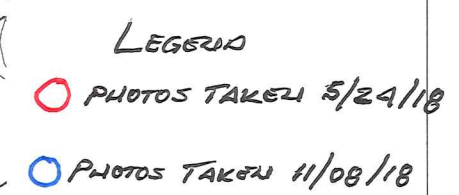
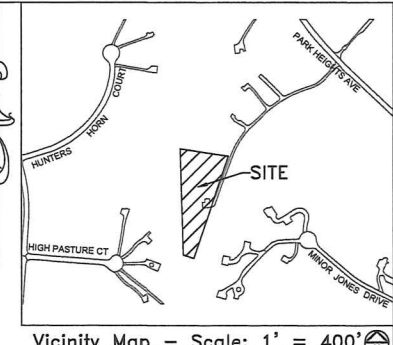
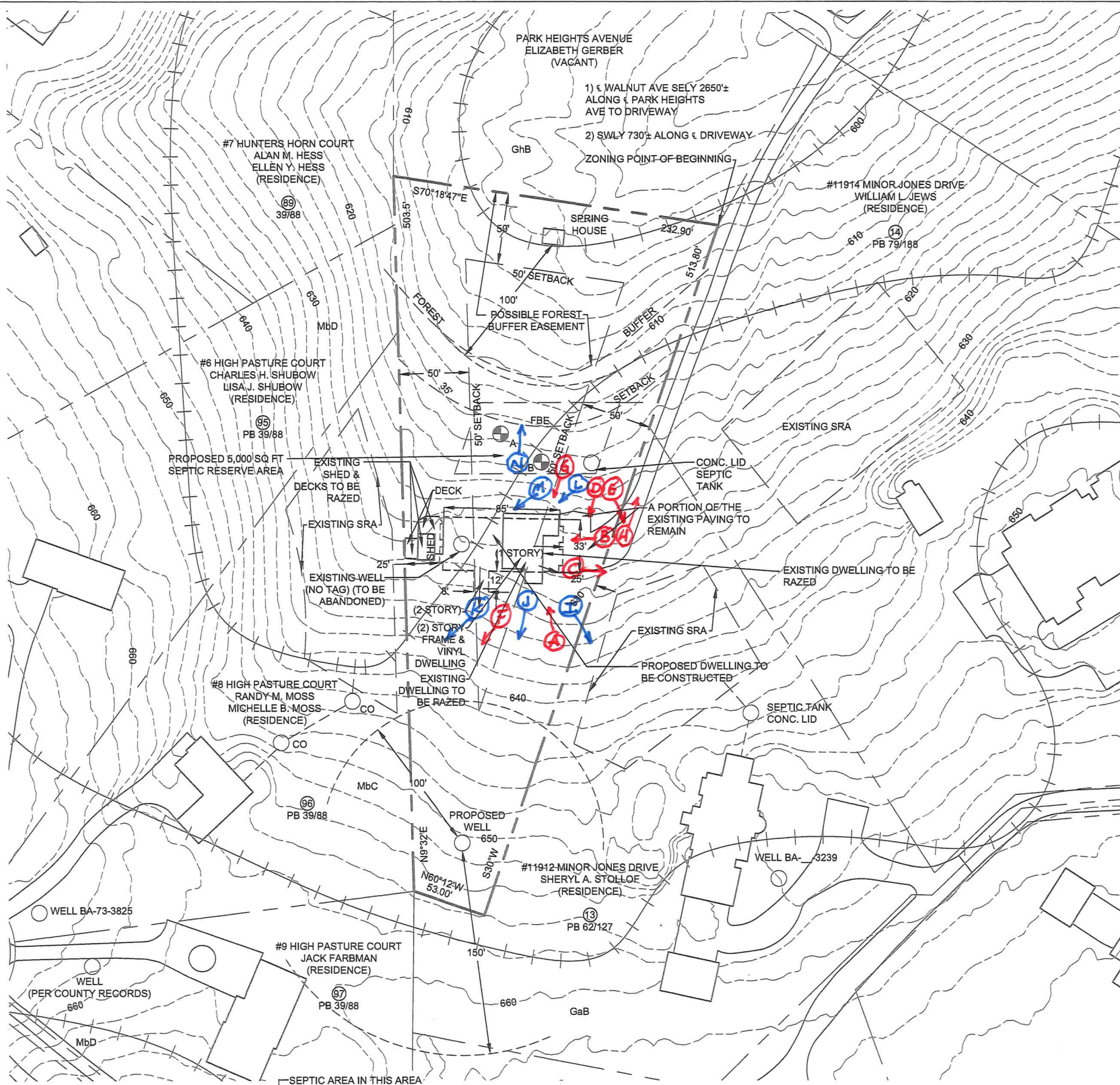
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**Building Heights**

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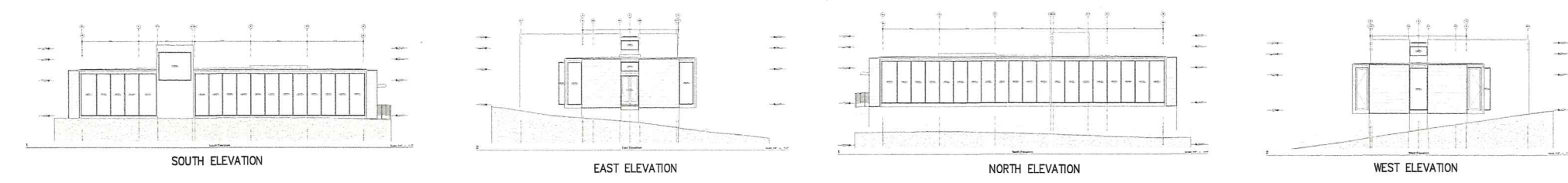
**OFFICE OF PLANNING**

1. The subject property is not located in a National Register Historic District.
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PLAN TO ACCOMPANY  
 A ZONING PETITION  
 FOR  
 #11964 PARK HEIGHTS AVENUE  
 BALTIMORE COUNTY, MARYLAND  
 4th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT  
 Date: 9/2/2018  
 Scale: 1" = 40'



*PLAN TO ACCOMPANY PHOTOS*

**PETITIONER'S**

EXHIBIT NO. 2

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- URDL Land Type: 1
- School Districts: Garrison Forest ES Pikesville MS Owings Mills HS
- Census Block: 24005404900 Census Tract: 404900
- The boundary shown hereon is from the title deed.
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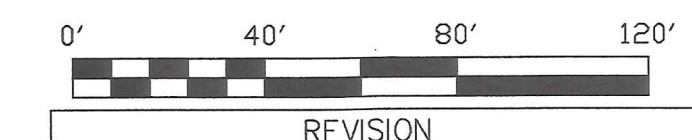
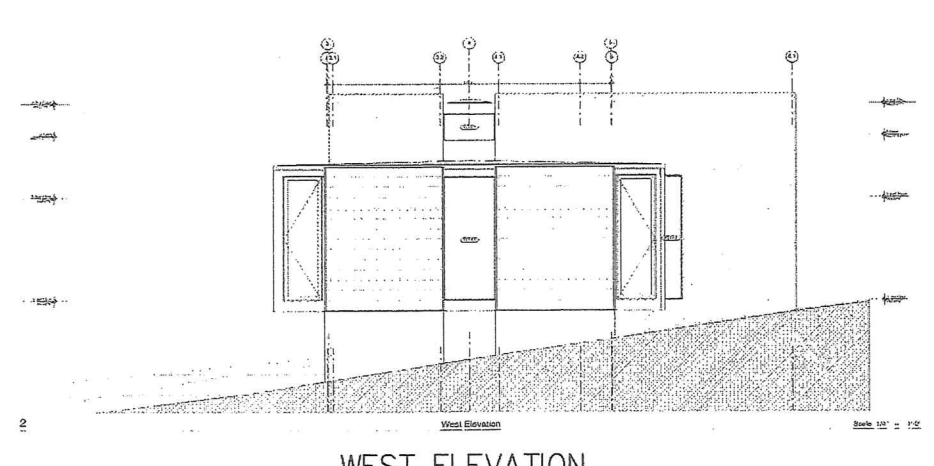
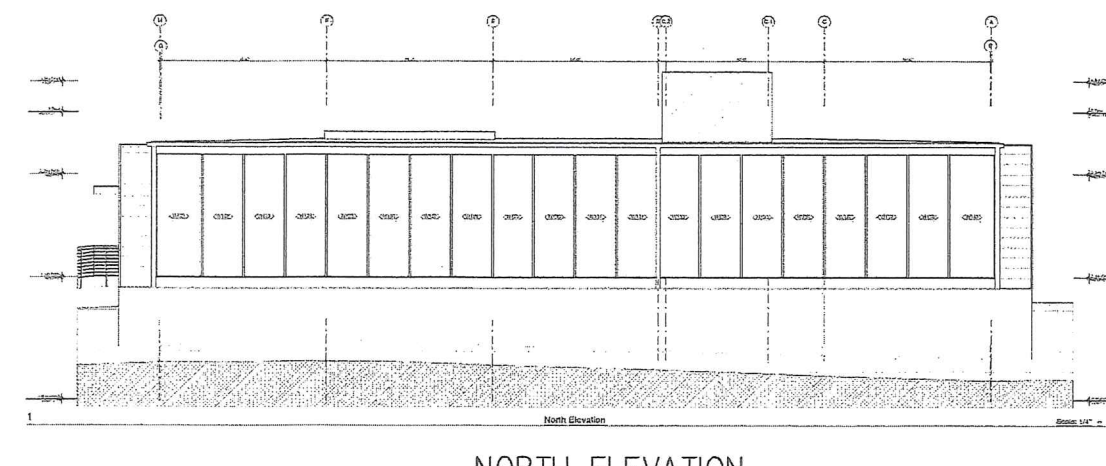
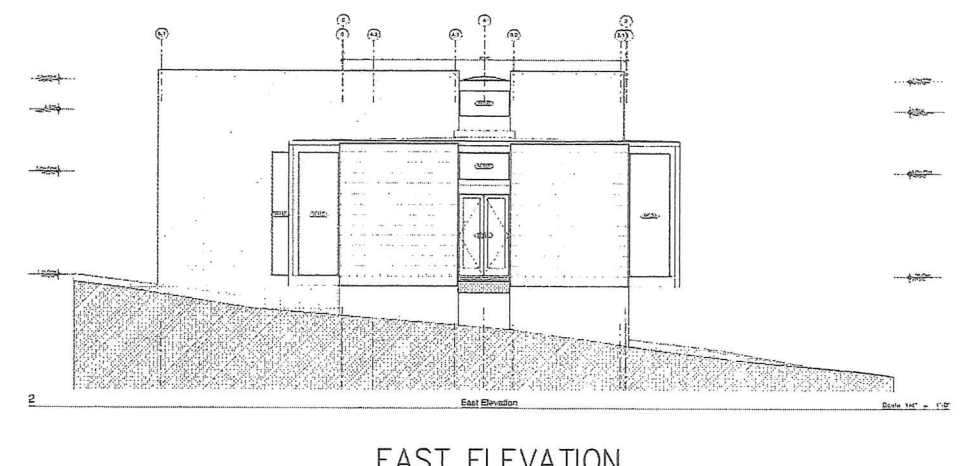
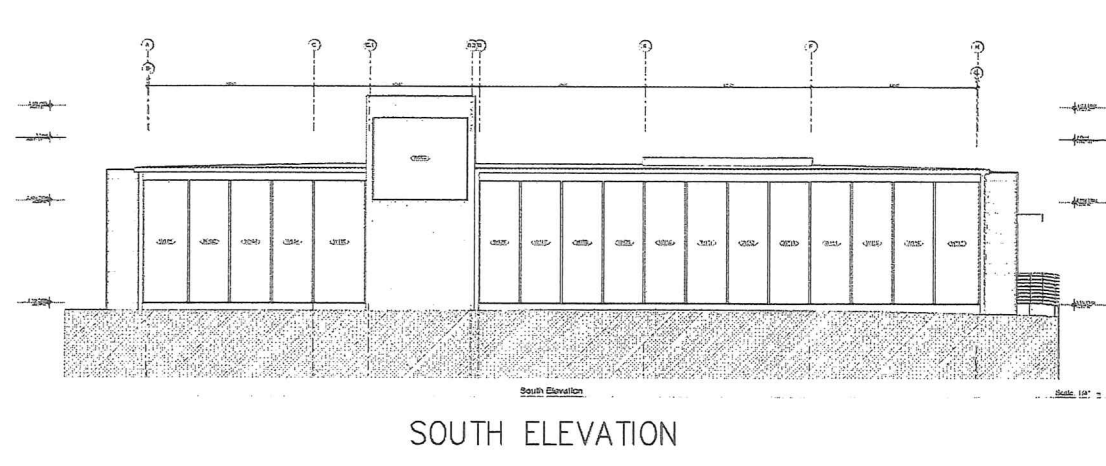
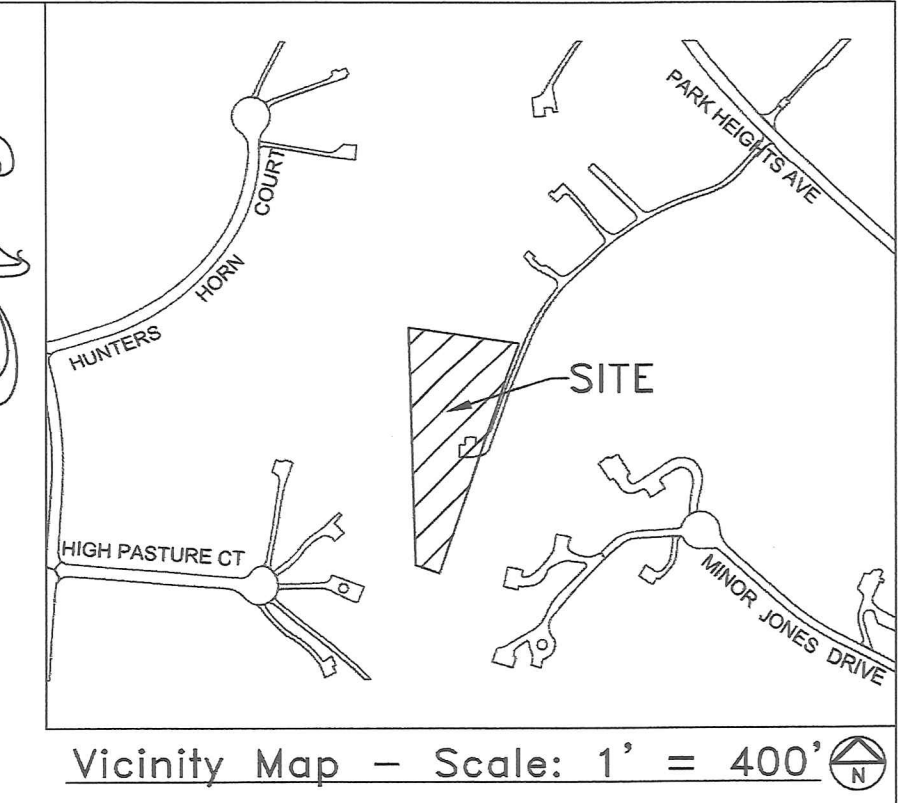
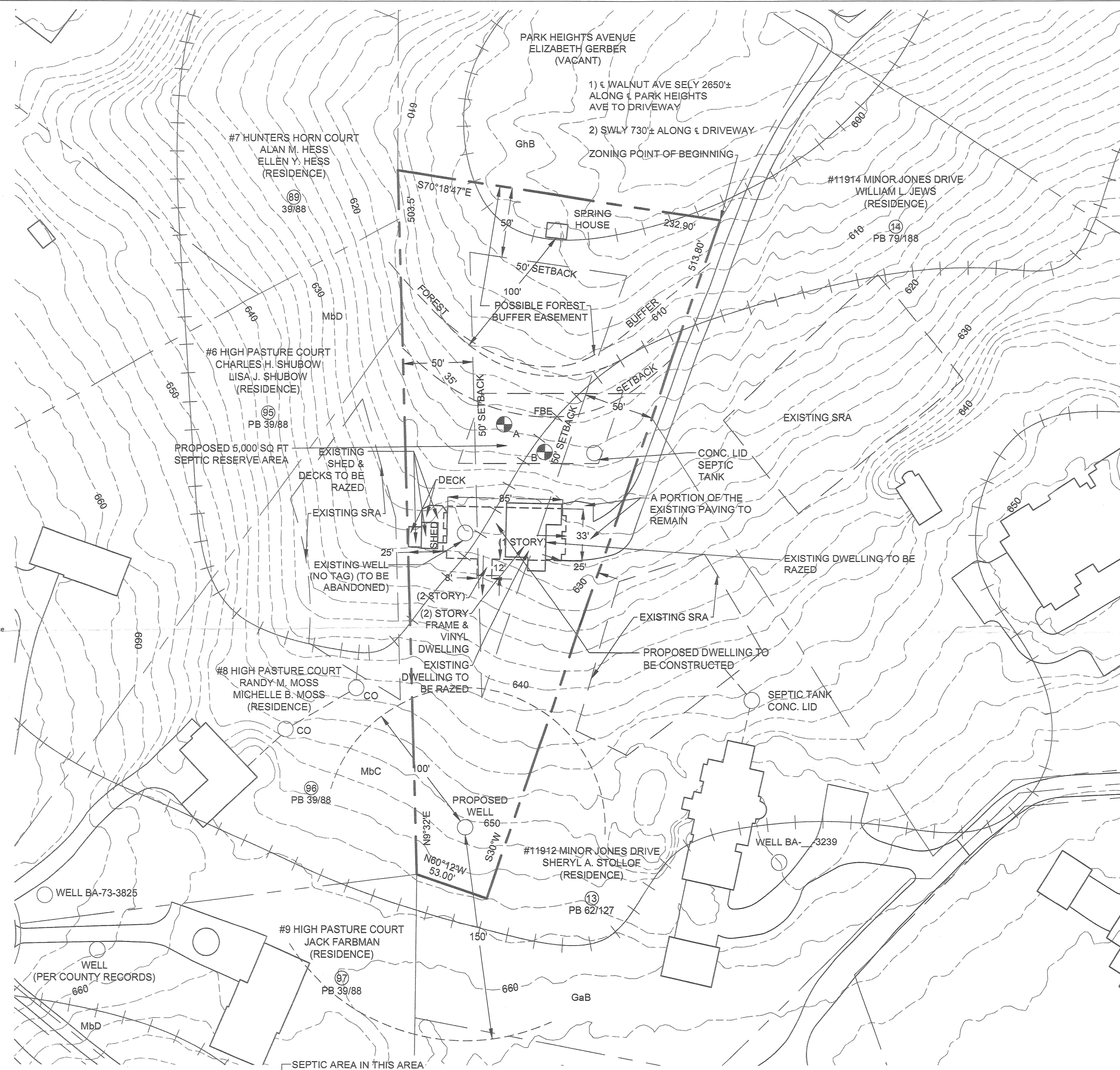
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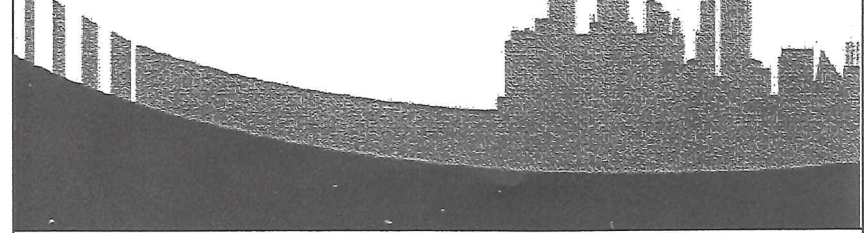
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