MEMORANDUM

DATE:

January 29, 2019

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2019-0113-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on January 28, 2019. 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 *

BEFORE THE

AND VARIANCE

(2630 Masseth Avenue)

OFFICE OF

15th Election District

7th Council District

FOR BALTIMORE COUNTY

ADMINISTRATIVE HEARINGS

Vance Meyer

Legal Owner

Petitioner *

Case No. 2019-0113-SPHA

CORRECTED OPINION AND ORDER

By Order dated November 30, 2018, special hearing and variance relief was granted in this case, which involves construction of an accessory building with a footprint larger than the existing dwelling on the property. An error was discovered in that order: instead of the proposed accessory building footprint of 1,400 square feet, the figure was listed as 1,4000 square feet. As such, a corrected order appears below and all other terms and conditions of the original Order dated November 30, 2018 shall continue in full force and effect.

THEREFORE, IT IS ORDERED this <u>28th</u> day of **December**, **2018**, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to Section 500.7 of the BCZR for a proposed accessory building (garage) with a building footprint (1,400 sq. ft.) that is larger than the principal use dwelling footprint (1,050 sq. ft.), be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to permit a proposed accessory building (garage) with a height of 24 ft., in lieu of the maximum allowed 15 ft., be and is hereby GRANTED.

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 10 0

IN RE: PETITIONS FOR SPECIAL HEARING *

AND VARIANCE

(2630 Masseth Avenue) * OFFICE OF

15th Election District

7th Council District * ADMINISTRATIVE HEARINGS

Vance Meyer * FOR BALTIMORE COUNTY

Legal Owner

Petitioner * Case No. 2019-0113-SPHA

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Vance Meyer, legal owner ("Petitioner"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") for a proposed accessory building (garage) with a building footprint (1,4000 sq. ft.) that is larger than the principal use dwelling footprint (1,050 sq. ft.). A petition for variance seeks to permit a proposed accessory building (garage) with a height of 24 ft., in lieu of the maximum allowed 15 ft.

Vance Meyer appeared in support of the requests. There were no protestants or interested citizens 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 Planning ("DOP"), the Bureau of Development Plans Review ("DPR") and the Department of Environmental Protection and Sustainability ("DEPS"). None of the reviewing agencies opposed the requests.

ORDER RECEIVED FOR FILING

Date 12/19/18

By ______

SPECIAL HEARING

Under the BCZR, an "accessory building" is defined as (among other things) one that is subordinate in size to the principal building or dwelling on the property. BCZR §101.1. Here, the proposed garage is approximately 300 square feet larger than the existing single-family dwelling, which was constructed in 1921. Many homeowners today require additional living space or storage for household items, and accessory structures are commonly used for these purposes. The request is reasonable and will be granted.

VARIANCE

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

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

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

The property has a triangular shape and is therefore unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because he would be unable to construct the proposed accessory structure as planned. Finally, I find that the variances 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 lack of County and/or community opposition.

THEREFORE, IT IS ORDERED this <u>19th</u> day of **December**, **2018**, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to Section 500.7 of the BCZR for a proposed accessory building (garage) with a building footprint (1,4000 sq. ft.) that is larger than the principal use dwelling footprint (1,050 sq. ft.), be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 12 19 19

2

IT IS FURTHER ORDERED that the Petition for Variance to permit a proposed accessory building (garage) with a height of 24 ft., in lieu of the maximum allowed 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
- 2. Petitioner or subsequent owners shall not convert the proposed accessory structure (garage) into a dwelling unit or apartment. The proposed accessory structure (garage) shall not contain any sleeping quarters, living area, or kitchen facilities.
- 3. The proposed accessory structure (garage) shall not be used for commercial purposes.
- 4. Petitioner must prior to issuance of permits comply with flood protection and Critical Area regulations.

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

JOHNE. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date.

Bv.

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: which is presently zoned 10 Digit Tax Account # / 5/3 Deed References: 32078/00223 Property Owner(s) Printed Name(s) (SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST) The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for: a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore, County, to determine whether or not the Zoning Commissioner should approve a proposed accessory building (garage) with a building footprint (1,400 sq.ft.) that lis larger than the principle use dwelling a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for 3. La Variance from Section(s) 400,3, BCZR, to permit a proposed accessory building (garage) with a height of 24 feet, in lieu of the maximum allowed 15 feet. 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). Legal Owners (Petitioners): Contract Purchaser/Lessee: Name #2 - Type or Print

Name- Type or Print Signature 2630 Masset State City Mailing Address Name-Type or Print ECEVED OF Signature Email Address Telephone # Representative to be contacted: Signature Mailing Address State City Email Address Zip Code Telephone # CASE NUMBER 2019-0113-2014 Filling Date 10, 9, 2018 Do Not Schedule Dates: Reviewer Good Asia

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AMERICAN PROPERTY OF THE SAME

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Zoning property decription for 2630 Masseth Avenue

Begining at a point on the northwest side of Masseth Avenue

which is 25 Ft wide at the distance of 120 ft South of the centerline of the

nearest improved intersecting street Estelle Avenue which is 20 Ft wide.

Part of

Being lot# 12A & 10, Block N/A, Section N/A, in the subdivision of Susan W Wortman

as recorded in Baltimore County Plat Book# LMcLM # 10, Folio# 121, containing

14,835 sq ft in lot. Located in the 15ED election district and 7th council district.

OPTION NO.1:

THENCE THE FOLLOWING COURSES AND DISTANCES P/O LOT 12A (1ST POINT OF CALL- POC) S52* 30′ 00″E 99.00′ (#ND POC] NE′LY COMPUTED- 187′ +/_
(3RD POC) NW′LY 40.00′ AND
(4TH POC) SOUTH 58* 30′ 00″ WEST 240.00′ PLUS
THENCE THE FOLLOWING COURSES AND DISTANCES P/O LOT 10 {1ST POC} SOUTH 58* 30′ 00″ WEST 93.30′ E′LY 45.00′ N′LY 115′ +/_
DEED REFERENCE 32078/00223

PLAT BOOK 0010/0121 PLUS PLAT BOOK 7/48

14,835 SQ.FT TOTAL

LOCATED IN THE 15TH ELECTION DISTRICT OF BALTIMORE COUNTY, MARYLAND

Case No. 2019-0113-SPHA

IN RE: PETITIONS FOR SPECIAL HEARING *

AND VARIANCE

(2630 Masseth Avenue) * OFFICE OF

15th Election District

7th Council District * ADMINISTRATIVE HEARINGS

Vance Meyer * FOR BALTIMORE COUNTY

Legal Owner

Petitioner *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Vance Meyer, legal owner ("Petitioner"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") for a proposed accessory building (garage) with a building footprint (1,4000 sq. ft.) that is larger than the principal use dwelling footprint (1,050 sq. ft.). A petition for variance seeks to permit a proposed accessory building (garage) with a height of 24 ft., in lieu of the maximum allowed 15 ft.

SPECIAL HEARING

Under the BCZR, an "accessory building" is defined as (among other things) one that is subordinate in size to the principal building or dwelling on the property. BCZR §101.1. Here, the proposed garage is approximately 300 square feet larger than the existing single-family dwelling, which was constructed in 1921. Many homeowners today require additional living space or storage for household items, and accessory structures are commonly used for these purposes. The request is reasonable and will be granted.

VARIANCE

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

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
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Cromwell v. Ward, 102 Md. App. 691 (1995).

The property has a triangular shape and is therefore unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because he would be unable to construct the proposed accessory structure as planned. Finally, I find that the variances 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 lack of County and/or community opposition.

THEREFORE, IT IS ORDERED this <u>19th</u> day of **December**, **2018**, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to Section 500.7 of the BCZR for a proposed accessory building (garage) with a building footprint (1,4000 sq. ft.) that is larger than the principal use dwelling footprint (1,050 sq. ft.), be and is hereby GRANTED.

B 12-13-18

Debra Wiley

From:

Linda Okeefe < luckylinda1954@yahoo.com>

Sent:

Wednesday, December 12, 2018 10:44 PM

To:

Administrative Hearings

Subject:

Case # 2019-0113-SPHA & 2019-0121-SPH Certs.

Attachments:

Masseth Ave Photo #1..jpeg; Masseth Ave. Photos.docx; Mt Ridge Rd. .jpeg; Mt. Ridge

Rd. photo.docx

Hi Sherry, & Debbie

Just a note to let you know the signs were re-photographed and Certified 12/12/2018 for Case # 2019-0113-SPHA @ 2630 Masseth Avenue and 2019-0121-SPH @ 6305 Mt. Ridge Road. I have attached the 2nd Certifications and photos for your records. Have a nice day,

Linda

Linda O'Keefe 523 Penny Lane Hunt Valley MD 21030 Phone # 410-666-5366 Cell# 443-604-6431 Fax# 410-666-0929 luckylinda1954@yahoo.com

SECOND CERTIFICATE OF POSTING

ATTENTION: SHERRY NUFFER

DATE: 12/12/2018

Case Number: 2019-0121-SPH

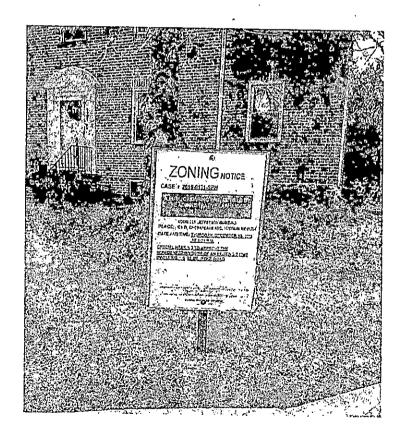
Petitioner / Developer: ROBERT & MELISSA ALDAVE

Date of Hearing: DECEMBER 13, 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: 6305 MT. RIDGE ROAD

The sign(s) were posted on: NOVEMBER 23, 2018

The sign(s) were re-photographed on: DECEMBER 12, 2018



Sunda O Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

Hunt Valley, Maryland 21030 (City, State, Zip of Sign Poster) >

410 – 666 – 5366

(Telephone Number of Sign Poster)



2nd Sign Re-Photographed 12/12/18 @ 6305 Mt. Ridge Road CASE # 2019-0121-SPH

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:

11/23/2018

Order #:

11643261

Case #:

2019-0113-SPHA

Description:

NOTICE OF ZONING HEARING CASE NUMBER:

2019-0113-SPHA

NOTICE OF ZONING HEARING

Darlene Miller, Public Notice Coordinator (Representative Signature)

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: 2019-0118-SPHA

2630 Masseth Avenue

SW/s Masseth Avenue, 120 ft. s/of Estelle Avenue 15th Election District - 7th Councilmanic District

Legal Owners: Vance Meyer

Legal Owners: vance Meyer

Special Hearing to approve a proposed accessory building (garage) with a building footprint (1400 sq. ft.) that is larger than the principle use dwelling footprint (1050 sq. ft.), Variance to permit a proposed accessory building (garage) with a height of 24 ft. in lieu of the maximum allowed 15 ft.

Hearing: Thursday, December 13, 2018 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

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.

п23

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/23/2018

Case Number: 2019-0113-SPHA

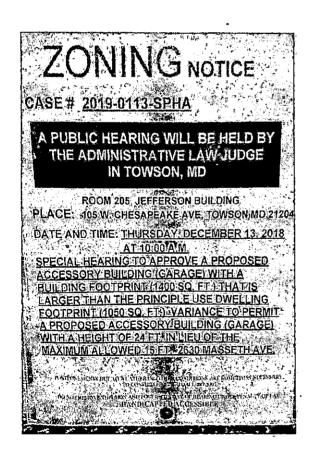
Petitioner / Developer: <u>VANCE MEYER ~ LEE GIROUX</u>

Date of Hearing: DECEMBER 13, 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:

2630 MASSETH AVENUE

The sign(s) were posted on: NOVEMBER 23, 2018



Signature of Sign Poster)

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030 (City, State, Zip of Sign Poster).

410 - 666 - 5366 (Telephone Number of Sign Poster)



DONALD I. MOHLER III County Executive

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

October 29, 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: 2019-0113-SPHA

2630 Masseth Avenue SW/s Masseth Avenue, 120 ft. s/of Estelle Avenue 15th Election District – 7th Councilmanic District Legal Owners: vance Meyer

Special Hearing to approve a proposed accessory building (garage) with a building footprint (1400 sq. ft.) that is larger than the principle use dwelling footprint (1050 sq. ft.). Variance to permit a proposed accessory building (garage) with a height of 24 ft. in lieu of the maximum allowed 15 ft.

Hearing: Thursday, December 13, 2018 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnolo Jablon Director

AJ:kl

C: Vance Meyer, 2630 Masseth Avenue, Sparrows Point 21219 Lee Giroux, 15852 Magnolia Drive, New Freedom PA 17349

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, NOVEMBER 23, 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 23, 2018 - Issue

Please forward billing to:

Vance Meyer 2630 Masseth Avenue Baltimore. MD 21219

360-813-5463

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: 2019-0113-SPHA

2630 Masseth Avenue
SW/s Masseth Avenue, 120 ft. s/of Estelle Avenue
15th Election District – 7th Councilmanic District
Legal Owners: vance Meyer

Special Hearing to approve a proposed accessory building (garage) with a building footprint (1400 sq. ft.) that is larger than the principle use dwelling footprint (1050 sq. ft.). Variance to permit a proposed accessory building (garage) with a height of 24 ft. in lieu of the maximum allowed 15 ft.

Hearing: Thursday, December 13, 2018 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

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

RE: PETITION FOR SPECIAL HEARING

AND VARIANCE

2630 Masseth Avenue; SW/S Masseth Avenue,*

120' S of Estelle Avenue

15th Election & 7th Councilmanic Districts

Legal Owner(s): Vance Meyer

Petitioner(s)

BEFORE THE OFFICE

OF ADMINSTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

2019-113-SPHA

ENTRY OF APPEARANCE

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

Peter Max Zummerman

PETER MAX ZIMMERMAN

Gente S Vemlie

People's Counsel for Baltimore County

RECEIVED

OCT 24 2018

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 24th day of October, 2018, a copy of the foregoing Entry of Appearance was mailed to Lee Giroux, 15852 Magnolia Drive, New Freedom, PA 17349, Representative for Petitioner(s).

Permy Zumerman

PETER MAX ZIMMERMAN People's Counsel for Baltimore County

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DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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 - 0113 - SPHA
Property Address: 2630 Masseth Ave
Property Description'S W/S of Masseth Ave., 120 ft. S. of Estelle Ave
Legal Owners (Petitioners): Vance Meyer
Contract Purchaser/Lessee: NA
PLEASE FORWARD ADVERTISING BILL TO:
Name: // ance Mayer
Company/Firm (if applicable):
Address: 3630 Masseth Hoe. Balt. Mo.
Telephone Number: 360-813-5463



JOHN A. OLSZEWSKI, JR. County Executive

DIRECTOR
Department of Permits,
Approvals & Inspections

Vance Meyer 2630 Masseth Ave. Sparrows Point, MD 21219

Dear Mr. Meyer:

RE: Case Number: 2019-0113SPHA, Address: 2630 Masseth Ave.

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 9, 2018. This letter is not an approval, but only a NOTIFICATION.

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

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

Very truly yours,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: MTC

Enclosures

c: People's Counsel Lee Giroux 15852 Magnolia Dr. New Freedom, PA 17349

(2-13-18 loam

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

Arnold Jablon

DATE: 11/21/2018

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: 19-113

INFORMATION:

Property Address:

2630 Masseth Avenue

Petitioner: Zoning:

Vance Meyer DR 5.5

Requested Action:

Special Hearing, Variance

RECE . ED ADMINISTRATIVE HEARINGS

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the administrative law judge should approve a proposed accessory building (garage) with a building footprint (1,400 square feet) that is larger than the principle use dwelling footprint (1,050 square feet) and a variance to permit a proposed accessory building (garage) with a height of 24 feet in lieu of the maximum allowed 15 feet.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

The accessory structure shall not be used for principal residential, office, or commercial uses.

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

Prepared by:

Division Chief:

AVA/JGN/JAB/

c: Josephine Selvakumar

Lee Giroux

Office of the Administrative Hearings

People's Counsel for Baltimore County



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:

November 20, 2018

SUBJECT:

DEPS Comment for Zoning Item

Address

2019-0113-SPHA

2630 Masseth Avenue

(Meyer Property)

Zoning Advisory Committee Meeting of October 29, 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:

C:\Users\snuffer\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\WPHS9SSK\ZAC 19-0113-SPHA 2630 Masseth Avenue.doc

- 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 petition, including the plan submitted with this zoning petition, requests to permit an accessory building (detached garage) with a 1,400 square foot (sf) footprint that is larger than the footprint of the principal use dwelling, and to permit the same proposed accessory structure with a height of 24 feet in lieu of the maximum allowed 15 feet. The property comprises 14,835 square feet (sf), and is located within a Limited Development Area (LDA) and Modified Buffer Area (MBA) of the Chesapeake Bay Critical Area. The LDA regulations impose lot coverage limits of 31 4% (4,636 sf), with mitigation between 25% (3,709 sf) and 31 4%. No lot coverage information was provided to EPS for this zoning petition review. Any building permit application or other development plan will be subject to compliance with the LDA lot coverage limits, therefore, by allowing the request by the petitioner, impacts on water quality will be avoided or minimized. The LDA regulations also require 15% afforestation on the property, which equates to 4 trees for a property this size. The MBA requirements regulate impacts within the Critical Area Buffer, which on this property is calculated 100 feet landward of mean high water, at the bulkhead. The plan with this petition shows the proposed garage outside of the buffer, therefore, these regulations are not applicable.

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

The request by the petitioner will be reviewed for compliance with the LDA and MBA requirements. Subsequent to verification by EPS of existing lot coverage and proposed lot coverage to be in compliance with the coverage limits, allowing the request will minimize impacts to buffer functions, and conserve fish, wildlife and plant habitat in nearby Jones Creek and Old Road 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 petitioner's request, if granted, will be consistent with established land use policies, once the property is determined to be within compliance with lot coverage limits and the afforestation requirement, by minimizing or avoiding environmental impacts.

Reviewer: <u>Thomas Panzarella</u>;

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:

November 20, 2018

SUBJECT:

DEPS Comment for Zoning Item

Address

2019-01/3-SPHA

2630 Masseth Avenue

(Meyer Property)

Zoning Advisory Committee Meeting of October 29, 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:

- 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
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The petition, including the plan submitted with this zoning petition, requests to permit an accessory building (detached garage) with a 1,400 square foot (sf) footprint that is larger than the footprint of the principal use dwelling, and to permit the same proposed accessory structure with a height of 24 feet in lieu of the maximum allowed 15 feet. The property comprises 14,835 square feet (sf), and is located within a Limited Development Area (LDA) and Modified Buffer Area (MBA) of the Chesapeake Bay Critical Area. The LDA regulations impose lot coverage limits of 31 4% (4,636 sf), with mitigation between 25% (3,709 sf) and 31 4/%. No lot coverage information was provided to EPS for this zoning petition review. Any building permit application or other development plan will be subject to compliance with the LDA lot coverage limits, therefore, by allowing the request by the petitioner, impacts on water quality will be avoided or minimized. The LDA regulations also require 15% afforestation on the property, which equates to 4 trees for a property this size. The MBA requirements regulate impacts within the Critical Area Buffer, which on this property is calculated 100 feet landward of mean high water, at the bulkhead. The plan with this petition shows the proposed garage outside of the buffer, therefore, these regulations are not applicable.

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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:

November 20, 2018

SUBJECT:

DEPS Comment for Zoning Item

Address

2019-0113-SPHA

2630 Masseth Avenue

(Meyer Property)

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Reviewer: Thomas Panzarella;

Environmental Impact Review



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

Date: 10/22/18

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2019-0113-5 PHA

Variance Specia (Hearing Vance Meyer 2630 Masseth Assence

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

Sincerely,

Wendy Wolcott, P.L.A.

Metropolitan District Engineer

Maryland Department of Transportation

State Highway Administration

District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: November 8, 2018

Department of Permits, Approvals

And Inspections

FROM:

Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 29, 2018 Item No. 2019-0113-SPHA

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

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

CASE NAME	
CASE NUMBER	
DATE	

PETITIONER'S SIGN-IN SHEET

AME	ADDRESS	CITY, STATE, ZIP	E - MAIL
a'Roux	2630 Masseth Ave 39 Bee Tree Cr. 1	Sperrows Point, MD 2/219 New Freedom, PA. 17349	Vanceme jer amen.com Cairoux Jee @ gustili Com

CASE NO. 2019- 013-5PHA

CHECKLIST

Comment Received	<u>Depa</u>	rtment			Support/Oppose/ Conditions/ Comments/ No Comment			
11/8	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)							
11190	DEPS (if not received, da	nte e-mail sent _)	Comment			
	FIRE DEPARTM	ENT			m.C. ol.			
11/23	PLANNING (if not received, day	nte e-mail sent _)	my condition			
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PRIOR ZONING	(Ca	se No)			
NEWSPAPER AD	VERTISEMENT	Date:	_11	23/18				
SIGN POSTING (1 st)	Date:	11	23/18	by O'heefe			
SIGN POSTING (2 nd)	Date:	12	-12-18	by			
PEOPLE'S COUN	SEL APPEARANCE	Yes	A	No 🗀]			
PEOPLE'S COUN	SEL COMMENT LE	TTER Yes		No				
Comments, if any:								

Real Property Data Search

Search Result for BALTIMORE COUNTY

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			Location & Struc	ure Informatio	n		-	
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Real Property Data Search

Search Result for BALTIMORE COUNTY

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Real Property Data Search

Search Result for BALTIMORE COUNTY

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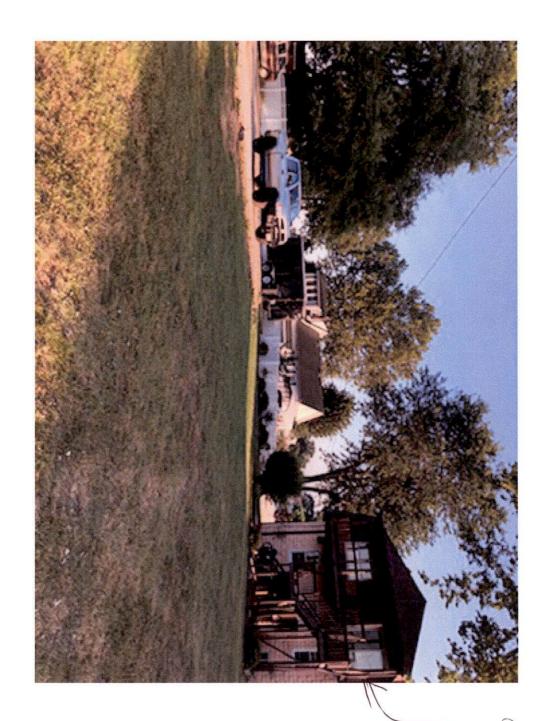
Homeowners' Tax Credit Application Status: No Application

Date:



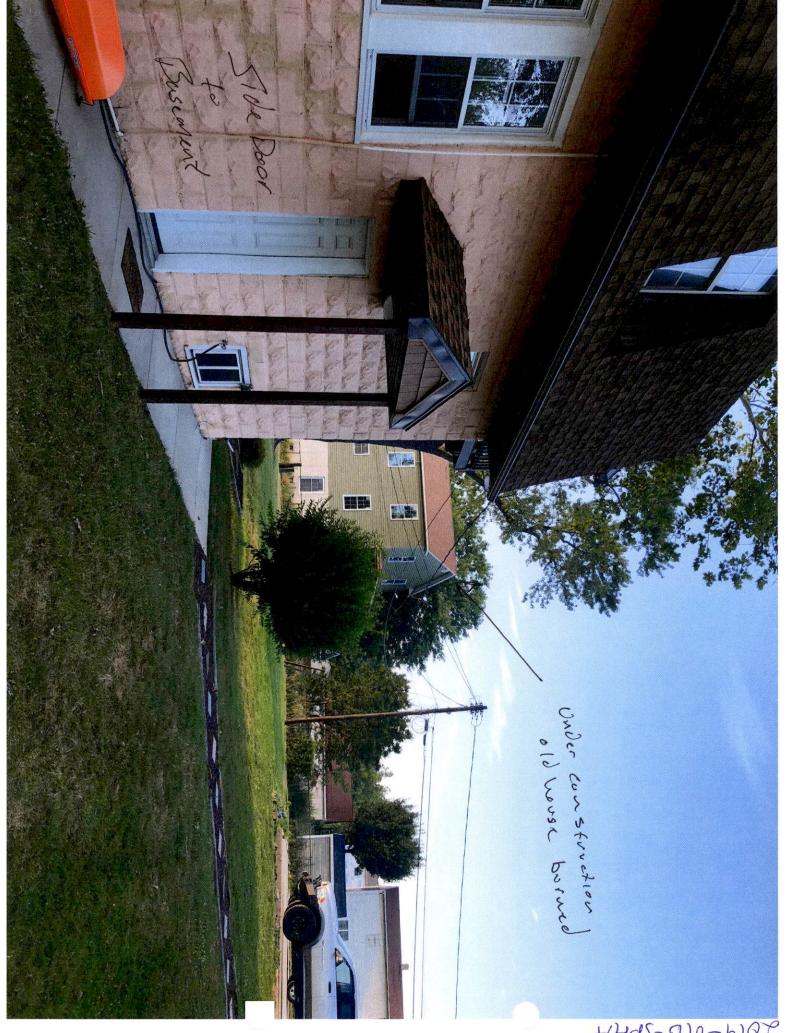
1630 West Her & Salie & property

2019-0113-SPHA

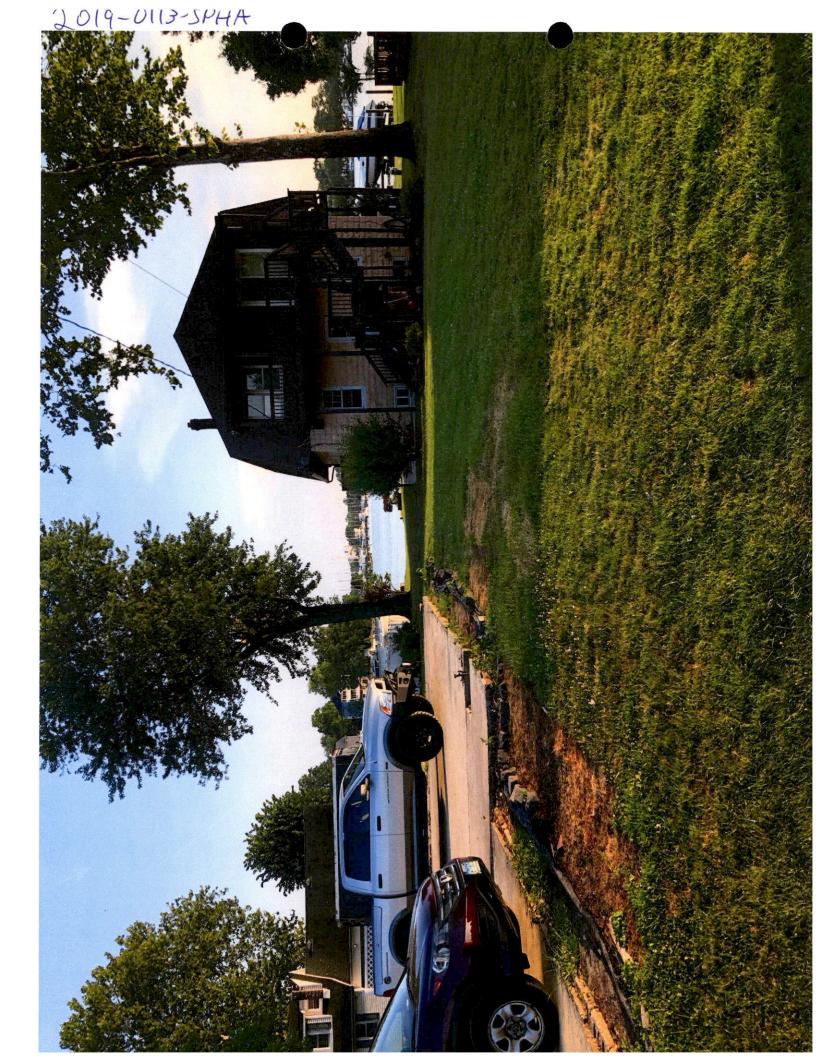


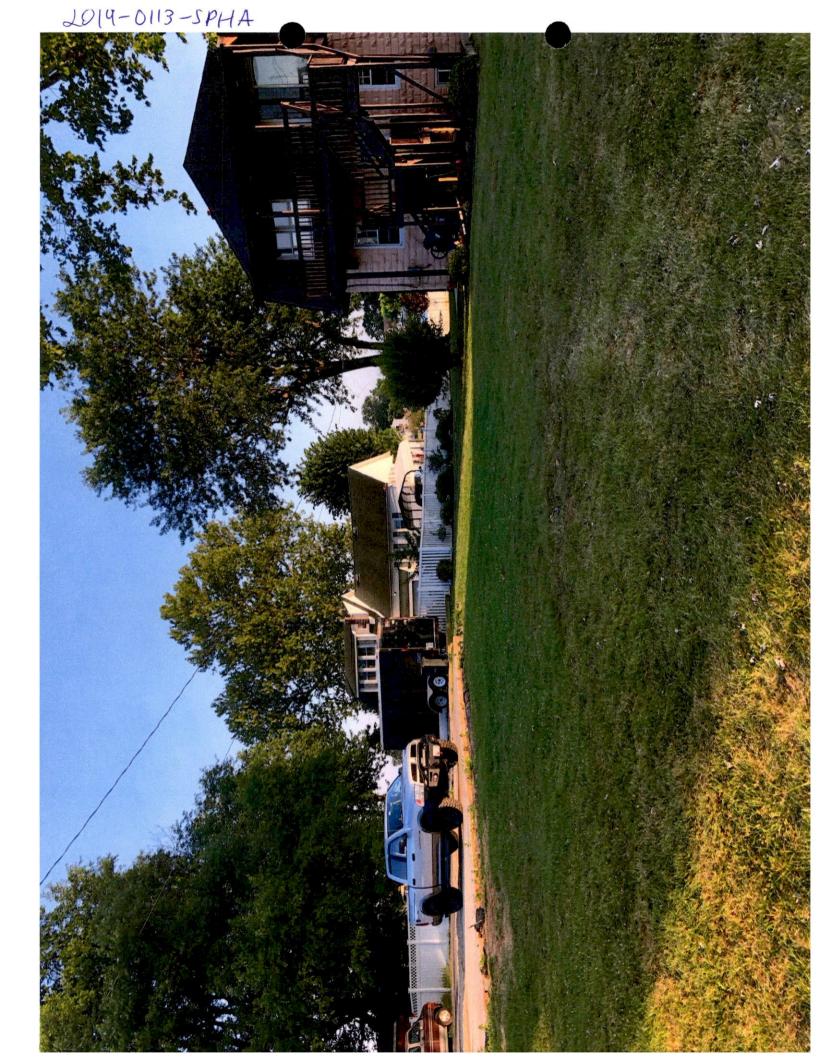
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2019-0113-SPHA



Exhibit A

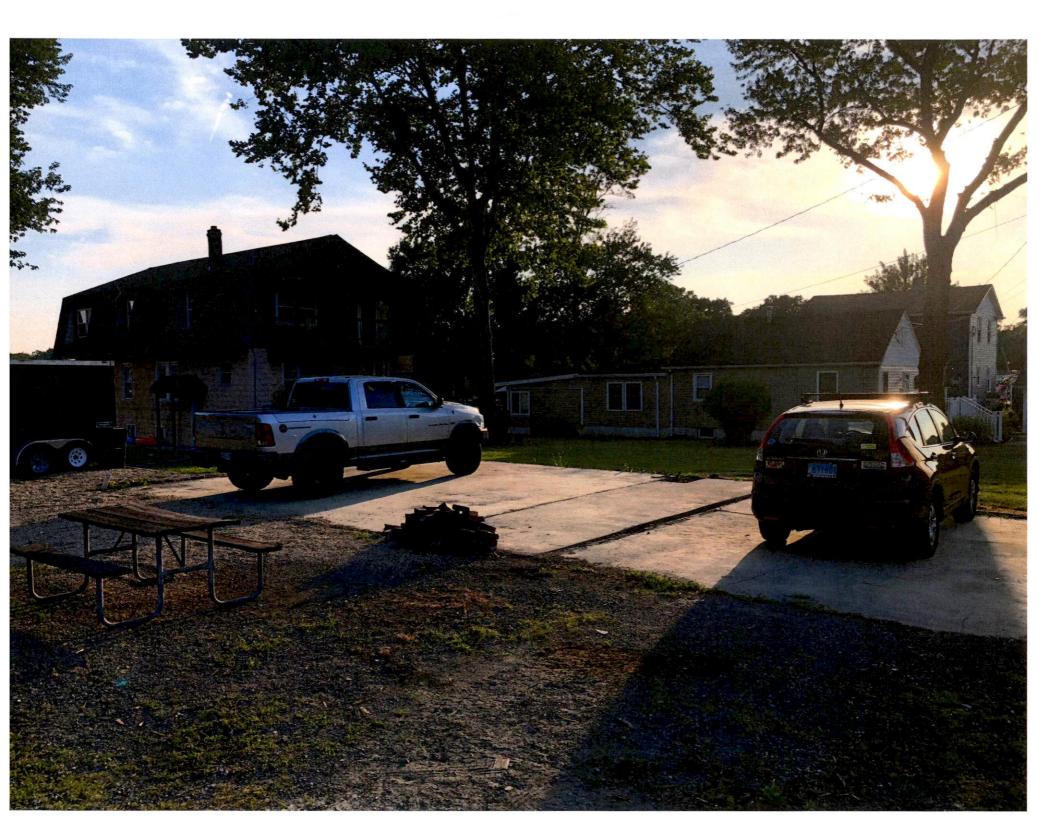
BEGINNING FOR THE FIRST at a point on the northwest side of Masseth Avenue at the easternmost corner of Lot 12 A as shown on the Plat hereinafter referred to which said point of beginning is at the intersection of the northwest side of Masseth Avenue and the northeast side of a fifteen foot roadway laid out along the northeast outline of said Lot 12 A and running thence southwesterly binding on the northwest side of Masseth Avenue one hundred twenty feet to the end of said Avenue thence south fifty-eight degrees thirty minutes west binding on the southeasternmost outline of said Lot 12 A ninety-three and three tenths feet to the waters of Jones Creek thence northwesterly binding on the waters of Jones Creek forty feet to the southeasternmost outline of the parcel of land conveyed by Roy Lupton, et al., to Milton C. Mumper and wife by Deed dated May 22, 1940, and recorded among the Land Records of Baltimore County in Liber CWB, Jr. No. 1100, folio 490, thence northeasterly binding along said southeasternmost outline by a straight line to a point in the northeast outline of said Lot 12 A at the distance of ninety-nine feet northwesterly from the northwest side of Masseth Avenue as measured along said northeast outline and thence south fifty-two degrees thirty minutes east binding on the northeast outline of said Lot 12 A and along the northeast side of the fifteen foot roadway there laid out ninety-nine feet to the place of beginning. BEING a part of Lot 12 A as designated on the Plat of Susan W. Wortman, which Plat is recorded among the Land Records of Baltimore County in Plat Book LMcLM No. 10, folio 121. TOGETHER WITH the right to use the fifteen foot road referred to in the Deed recorded as aforesaid in Liber 1028, folio 341 from Roy Lupton, et al, to Milton O. Mumper and wife, for purpose of ingress and egress and for purpose of reaching any portion of the property above described with poles. wires, pipes and conduits.

BEGINNING FOR THE SECOND at the northwest corner of Lot No. 10 as shown on the Plat hereinafter referred to which said point being at the southwesternmost extremity of Masseth Avenue and also in the southeasternmost outline of the property acquired by Roy Lupton dated October 7, 1942, and recorded among the Land Records of Baltimore County in Liber CHK No. 1250, folio 501, from Paul J. Wilkinson and wife and running thence southwesterly binding along the northwesternmost outline of said Lot No. 10 and the southernmost outline of the property of the said Roy Lupton one hundred twenty feet, more or less, to the northernmost shore line of Jones Creek thence easterly binding along the northernmost shore line of Jones' Creek forty-five feet and thence northerly by a straight line one hundred fifteen feet, more or less to the place of beginning. BEING a part of Lot 10 as laid out on a Plat of a parcel of land belonging to Charles M. Snyder, which is recorded among the Land Records of Baltimore County in Plat Book WPC No. 7, folio 48.

THE IMPROVEMENTS thereon being known as 2630 Masseth Avenue.

FEE SIMPLE ESTATE

TSS240-00022



Real Property Data Search

Search Result for BALTIMORE COUNTY

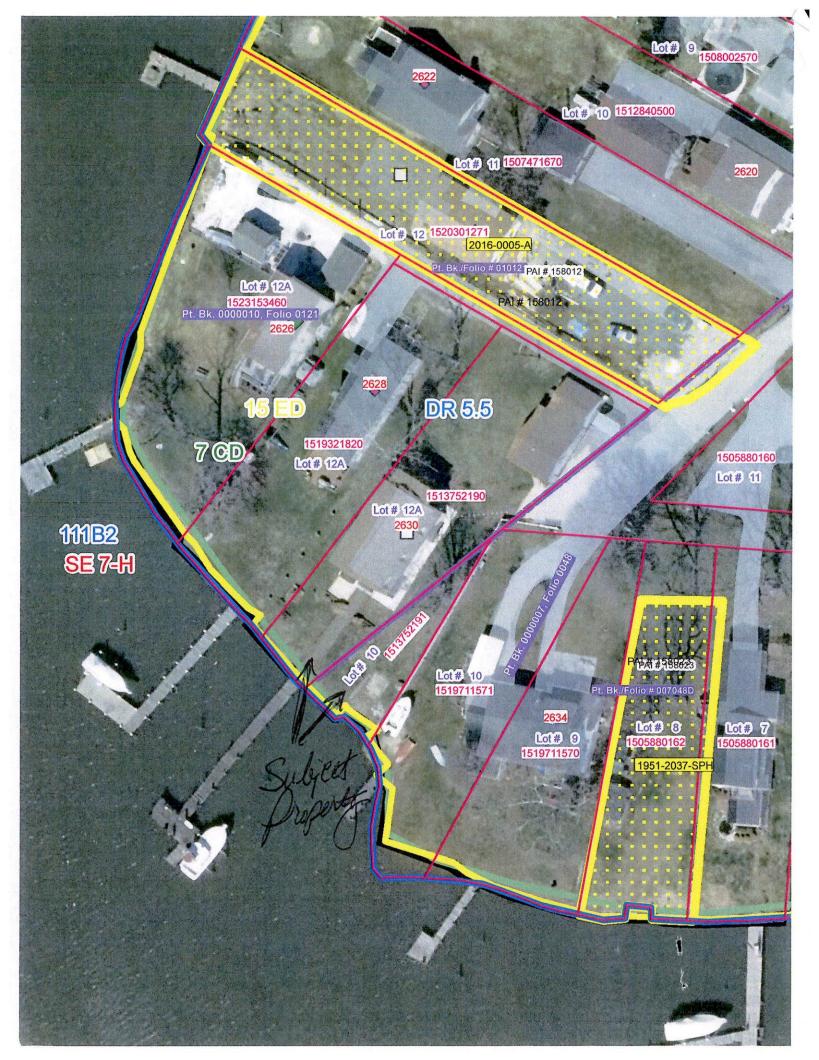
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Premises Address:		2630 MASSETH AVE Legal Descr BALTIMORE 21219-0000 Waterfront					ription: PT LT 12A 2630 MASSETH AVE SUSAN W WORTMAN				
Мар:	Grid:	Parcel:	Sub District:	Subdiv	ision:	Section:	Block:		Assessmer Year:	nt Plat No:	
0111	0016	0136		0000			/	12A / 2	2018	Plat Ref:	0010/ 0121
Special	Tax Are	as:				Town:			No	ONE	
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	/ Structu	ıre	Above Grade	Living		inished Ba	sement		erty Land	Cou	nty
Built 1921			Area 2,214 SF		A	rea		Area 14,83	5 SE	Use 34	
						· · · · · · · · · · · · · · · · · · ·				***************************************	
Stories 2	YES	ement	Type STANDARD U		Exterior BLOCK	Full/Ha	it Bath	Garage 2 Detache		Major Reno	vation
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		-	Base V	alue		Value		Phase-in A	Assessmer	ıts	
				As of			As of		As of		
						01/01/2018		07/01/2018	3	07/01/2019	
Land:		163,200			163,200						
Improvements			122,000		132,900		000 000				
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Collow	MCOLIAN	/ KENNE	~			er Informatio	n		D-i #0/	20.000	
Seller: MCQUAY KENNETH L Type: ARMS LENGTH MULTIPLE				Date: 05/21/2012 Deed1: /32078/ 00223				Price: \$300,000 Deed2:			
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Seller: EDWARDS LEWIS DOUGL Type: ARMS LENGTH MULTIPLE							355		Price: \$18 Deed2:	טטייטט	
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Seller: MORRIS EVERTON L,JR Type: NON-ARMS LENGTH OTHER				Date: 12/28/1987 Deed1: /07756/ 00614			Price: \$0 Deed2:				
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Partial Ex	cempt As	sessmei	nts: Class				01/2018		07/01/2	2019	
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7/12/2018 Google Maps

Google Maps



Imagery @2018 Google, Map data @2018 Google 50 ft



(MARK TYPE REQUESTED WITH X) ZONING HEARING PLAN FOR VARIANCE ___ FOR SPECIAL HEARING_ ADDRESS 2630 MASSETH AVE. 21219 OWNER(S) NAME(S) LOT# 12A BLOCK# ___SECTION #__ 10 DIGITTAX#/51375219 ODEED REF.#3207810023 SUBDIVISION NAME FOLIO# PLAT BOOK # 10 Accret 1520301271 ESTELLE AVE. 120' 18 MOZNIA TAPEL ROAD (ton) 200 MASSER AVE Mark Town 1519711570 Aronie Three TONES Creek SCALE: 1 INCH = 40 FEET PLAN DRAWN BY

SITE VICINITY MAP SIG ESTELLE ALC AHSSETHANG. ■ MAP IS NOT TO SCALE ZONING MAP# /// BZ SITE ZONED DR 5.5 **ELECTION DISTRICT** COUNCIL DISTRICT LOT AREA ACREAGE OR SQUARE FEET 14.833 HISTORIC? IN CBCA? IN FLOOD PLAIN? GER MARKOWITHX UTILITIES? WATER IS: PUBLIC_X PRIVATE_ SEWER IS: PUBLIC X PRIVATE PRIOR HEARING ? NO IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW VIOLATION CASE INFO: N/A

2019-0113-SPHA

SITE VICINITY MAP SIG ESTELLE ALM AMSSETHERE! MAP IS NOT TO SCALE ZONING MAP# /// BZ SITE ZONED DR 5.5 **ELECTION DISTRICT** COUNCIL DISTRICT LOT AREA ACREAGE OR SQUARE FEET 14.835 HISTORIC? IN CBCA? IN FLOOD PLAIN? GER MARKOWITH X UTILITIES? WATER IS: PUBLIC X PRIVATE SEWER IS: PUBLIC X PRIVATE PRIOR HEARING? NO IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW VIOLATION CASE INFO: N/A

2019-0113-SPHA