

M E M O R A N D U M

DATE: January 22, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0122-A - Appeal Period Expired

The appeal period for the above-referenced case expired on January 18, 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: PETITION FOR VARIANCE

(7609 Fitch Lane)
14th Election District
5th Council District
Randy McMonigle
Legal Owner
Petitioner

*
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*
*

BEFORE THE OFFICE
OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2019-0122-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Randy McMonigle, legal owner of the subject property ("Petitioner"). As amended by the undersigned at the outset of the hearing (to add a second variance request pertaining to the width of an access driveway) Petitioner is requesting variance relief from Sections 255.1 & 238.2 of the Baltimore County Zoning Regulations ("BCZR") for a side yard setback of 27' in lieu of the required 30'. A site plan was marked as Petitioner's Exhibit 1.

Professional engineer Rick Richardson and Randy McMonigle 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 Bureau of Development Plans Review ("DPR").

The site is approximately 13,148 square feet in size and is zoned ML-IM. The property is improved with a small single-family dwelling (888 sq. ft.) constructed in 1908. Petitioner plans to raze the existing structure and construct on the site a one-story (1,500 sq. ft.) commercial/industrial building. Given the shape of the lot a side yard variance is required before the building can be constructed as shown on the site plan.

ORDER RECEIVED FOR FILING

Date

12/19/18

By

sen

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 an irregular 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 building. 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.

In its ZAC comment the Bureau of DPR questioned whether the property was served by public sewer. Mr. Richardson testified a public sewer main was extended to the site in or about 1988, as shown on the Department of Public Works ("DPW") drawing admitted as Petitioner's Exhibit 3. Mr. Richardson explained the prior owner of the dwelling never connected to the sewer, although Petitioner will do so when the proposed commercial building is constructed.

THEREFORE, IT IS ORDERED, this 19th day of **December, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance: (1) for a side yard setback of 27' in lieu of the required 30'; and (2) for a two-way driveway with a width of 12' in lieu of the required 20', 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

ORDER RECEIVED FOR FILING

Date 12/19/18

By sen

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.

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 12/19/18

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 7609 Fitch Lane which is presently zoned ML-IM
 Deed References: 36883/ 00405 10 Digit Tax Account # 1406020150
 Property Owner(s) Printed Name(s) Thomas E. & Louis F. Fitch, etal

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

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

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. X a **Variance** from Section(s) See Attached

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

TO BE PRESENTED AT 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:

Randy McMonigle
 Name- Type or Print
[Signature]
 Signature

7620 Lillian Holt Dr Rosedale MD
 Mailing Address City State

21237 / 443-465-1705 / randyslandscaping@verizon.net
 Zip Code Telephone # Email Address

Attorney for Petitioner:

 Name- Type or Print

 Signature

 Mailing Address City State
 / /
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Thomas Fitch / Louis F. Fitch Kimberly A. Wheeler
 Name #1 - Type or Print Name #2 - Type or Print
[Signature] [Signature] [Signature]
 Signature #1 Signature #2 Signature #3

4401 Danbury Square Belcamp, MD
 Mailing Address City State

21017 / 410- /
 Zip Code Telephone # Email Address

Representative to be contacted:

Richardson Engineering, LLC
 Name - Type or Print
[Signature]
 Signature
30 E. Padonia Road, Suite 500 Timonium MD
 Mailing Address City State
21093 / 410-560-1502 / Rick@RichardsonEngineering.net
 Zip Code Telephone # Email Address

CASE NUMBER 2019-0122-A Filing Date 10/17/18

Do Not Schedule Dates: Reviewer AT

Richardson Engineering, LLC

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

Tel: 410-560-1502
Fax: 443-901-1208

Zoning Relief: 7611 Fitch Avenue

Variance per Sections 255.1 and 238.2 for a side yard setback of 27' in lieu of the required 30'

2019-0122-A

**ZONING DESCRIPTION FOR
7609 FITCH LANE
THOMAS E. & LOUIS FITCH
14TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the East side of Fitch Lane (22' wide) at a distance of 1,575 +/- from the intersection of Fitch Lane and Fitch Avenue (40' wide) running South 68 degrees 4 minutes 0 seconds East 405' +/- along the north property line of Samuel Fitch thence point of beginning (1) South 68 degrees 4 minutes 0 seconds East 166.74 feet, (2) South 30 degrees 8 minutes 0 seconds West 107.50 feet, (3) North 51 degrees 59 minutes 0 seconds West 141.90 feet, (4) North 9 degrees 18 minutes 0 seconds East 68.85 feet: to the point of beginning.

Containing a net area of 13,148 square feet, or 0.30 acres of land, more or less.



2019-0122-A

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 #: 11643638
Case #: 2019-0122-A
Description:

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:



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: 2019-0122-A

7609 Fitch Avenue

E/s Fitch Avenue, 760 ft. east of Fitch Lane

14th Election District - 5th Councilmanic District

Legal Owners: Thomas & Louis Fitch, Kimberly Wheeler

Contract Purchaser/Lessee: Randy Mononigle

Variance for a side yard setback of 27 ft. in lieu of the required 30 ft.

Hearing: Thursday, December 13, 2018 at 2:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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

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

n23

JB 12-13-18
2:30 PM

Debra Wiley

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Sunday, December 09, 2018 8:36 PM
To: Rick Richardson; Administrative Hearings
Subject: Recertification's For 2019-0122-A AND 2019-0116-A
Attachments: Re-Cert 1 2019-0122-A.doc; Re-Cert 2 2019-0122-A.doc; Re-Cert 1 2019-0116-A.doc; Re-Cert 2 2019-0116-A.doc

Recertification's for 7609 Fitch Lane and 7611 Fitch Lane



CERTIFICATE OF POSTING

2019-0122-A

RE: Case No.: _____

Petitioner/Developer: _____

**Thomas & Louis Fitch
Randy Mcmonigle**

December 13, 2018

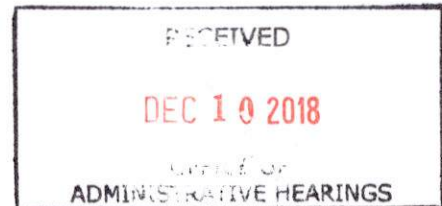
Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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



7609 Fitch Lane

SIGN 1 Recertification

November 20, 2018

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



Sincerely,

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

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0122-A

RE: Case No.: _____

Petitioner/Developer: _____

Thomas & Louis Fitch
Randy Mcmonigle

December 13, 2018

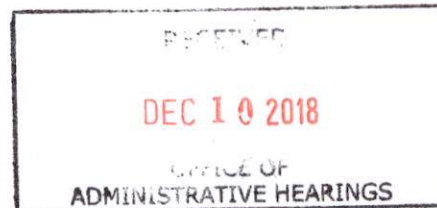
Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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



7609 Fitch Lane

SIGN 2 Recertification

November 20, 2018

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



Sincerely,

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

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0122-A

RE: Case No.: _____

Petitioner/Developer: _____

**Thomas & Louis Fitch
Randy Mcmonigle**

December 13, 2018

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

7609 Fitch Lane

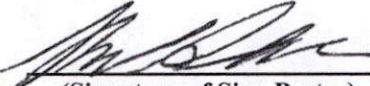
SIGN 1

November 20 2018

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



Sincerely,

 **November 20, 2018**
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0122-A

RE: Case No.: _____

Petitioner/Developer: _____

**Thomas & Louis Fitch
Randy Mcmonigle**

December 13, 2018

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

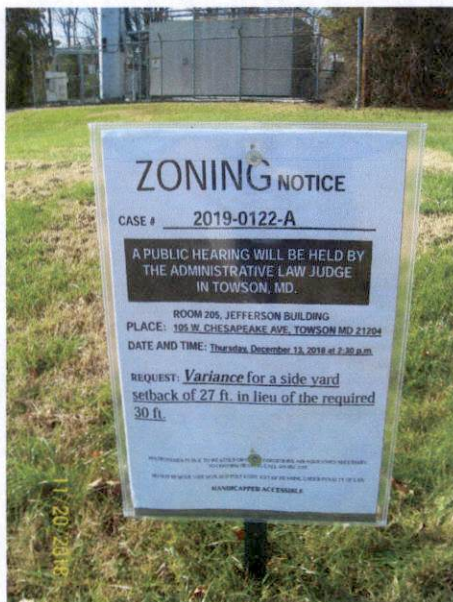
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

7609 Fitch Lane

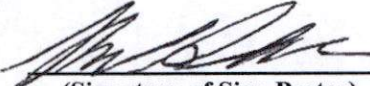
SIGN 2

November 20 2018

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



Sincerely,

 November 20, 2018
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0122-A

RE: Case No.: _____

Petitioner/Developer: _____

**Thomas & Louis Fitch
Randy Memonigle**

December 13, 2018

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

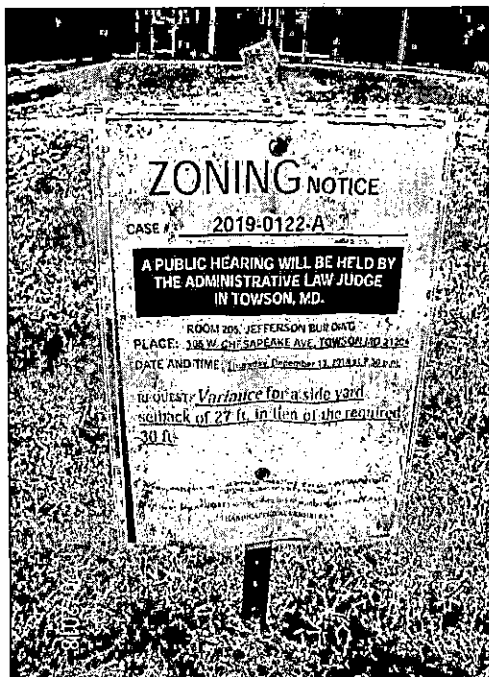
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

7609 Fitch Lane

SIGN 1

November 20 2018

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



Sincerely,

 November 20, 2018
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

TO: THE DAILY RECORD
Friday, November 23, 2018 - Issue

Please forward billing to:
Randy Mcmonigle
7620 Lillian Holt Drive
Rosedale, MD 21237

443-465-1705

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: 2019-0122-A

7609 Fitch Avenue

E/s Fitch Avenue, 760 ft. east of Fitch Lane

14th Election District – 5th Councilmanic District

Legal Owners: Thomas & Louis Fitch, Kimberly Wheeler

Contract Purchaser/Lessee: Randy Mcmonigle

Variance for a side yard setback of 27 ft. in lieu of the required 30 ft.

Hearing: Thursday, December 13, 2018 at 2:30 p.m. in Room 205 Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE
7609 Fitch Lane; E/S Fitch Lane, 760' E
of Fitch Lane
14th Election & 5th Councilmanic Districts
Legal Owner(s): Thomas & Louis Fitch
& Kimberly Wheeler
Contract Purchaser(s): Randy McMonigle

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2019-122-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

OCT 29 2018

[Signature]

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of October, 2018, a copy of the foregoing Entry of Appearance was mailed to Richardson Engineering, LLC, 30 E. Padonia Road, Suite 500, Timonium, Maryland 21093, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



DONALD I. MOHLER III
County Executive

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

October 30, 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: 2019-0122-A

7609 Fitch Avenue

E/s Fitch Avenue, 760 ft. east of Fitch Lane

14th Election District – 5th Councilmanic District

Legal Owners: Thomas & Louis Fitch, Kimberly Wheeler

Contract Purchaser/Lessee: Randy Mcmonigle

Variance for a side yard setback of 27 ft. in lieu of the required 30 ft.

Hearing: Thursday, December 13, 2018 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Richardson Engineering, 30 E. Padonia Road, Ste. 500, Timonium 21093
Randy Mcmonigle, 7620 Lillian Holt Drive, Rosedale 21237
Thomas & Louis Fitch, 4401 Danbury Square, Belcamp 21017

- 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.

FILED

No. 176281

Date _____

10/17/18
REC'D
RECE

1/18 RECEIPT ACTUAL 10/17/2018 11:15:41 2
 RECEIPT WALSH DEL 05
 >>RECEIPT # 071432 10/17/2018 0515

Feet 5 539 ZIGING VERIFICATION

Amount \$176231

70	Net Tot	\$39.00
----	---------	---------

500.00	OK	1.00
--------	----	------

OSLigore County, Maryland

Total

~~500~~

Rec

From:

For:

7611 FITCH AVE

2019-0122-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD:- ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2019-0122-A
Property Address: 7611 FITCH LANE
Property Description: _____

Legal Owners (Petitioners): RANDY McMONIGLE
Contract Purchaser/Lessee: RANDY McMONIGLE

PLEASE FORWARD ADVERTISING BILL TO:

Name: RANDY McMONIGLE
Company/Firm (if applicable): RANDY'S LANDSCAPING
Address: 7620 LILLIAN HOLT DRIVE
ROSEDALE, MD 21237
Telephone Number: 443-465-1705



December 7, 2018

JOHN A. OLSZEWSKI, JR.
County Executive

DIRECTOR
*Department of Permits,
Approvals & Inspections*

Thomas Fitch & Louis Fitch
4401 Danbury Square
Belcamp, MD 21017

Dear Mr. Fitch, Ms. Fitch:

RE: Case Number: 2019-00121SPH, Address: 7609 Fitch Lane

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 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 dark ink, reading "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
Richardson Engineering, LLC 30 E. Padonia Rd. Ste 500 Timonium, MD 21093
Randy Memonigle 7620 Lillian Holt Dr. Rosedale, MD 21237

12-13

RECEIVED
NOV 16 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 11/15/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-122

INFORMATION:

Property Address: 7609 Fitch Lane
Petitioner: Thomas Fitch
Zoning: ML-IM
Requested Action: Variance

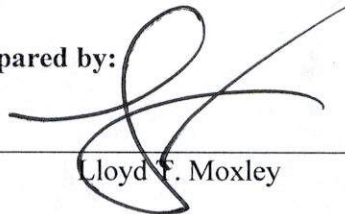
The Department of Planning has reviewed the petition for a variance for a non-residential building to have a side yard setback of 27 feet in lieu of the required 30 feet.

A site visit was conducted on 11/1/2018. The site is currently improved with a single family dwelling slated to be razed.

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

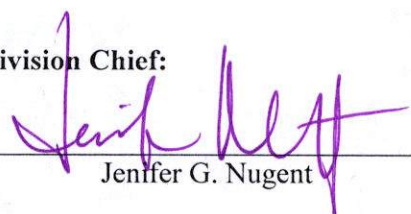
For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Lloyd F. Moxley

Division Chief:



Jennifer G. Nugent

AVA/JGN/LTM/

c: Laurie Hay
Patrick C. Richardson, Jr., Richardson Engineering, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

12-13

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 31, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0122-A
Address 7609 Fitch Avenue
(Fitch Property)

Zoning Advisory Committee Meeting of **November 5, 2018.**

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

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 31, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0122-A
Address 7609 Fitch Avenue
(Fitch Property)

Zoning Advisory Committee Meeting of **November 5, 2018**.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 10/29/18

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

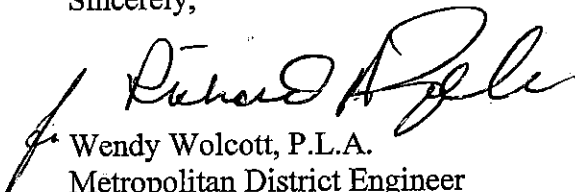
Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2018-0122-A

*Variance
Thomas & Louis Fitch
7609 Fitch Avenue*

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

Sincerely,



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

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 05, 2018
Item No. 2019-0122-A

DATE: November 15, 2018

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

Consideration should be given to extend a sewer main per the Baltimore County Design Manual, Policy Manual and the Standard Details to properties located on 7609 Fitch Lane and to upstream properties unless they and upstream properties already have public sewer or another means of access. We noticed that the developer is proposing to place a sewer house connection through a public drainage and utility easement. (See drawing number 1989-0215). Submitted drawing shall be revised.

*

*

*

*

*

VKD: cen
cc: file

Case No.: 2019-0122-A

Exhibit Sheet

Petitioner/Developer

PW
1-22-19

Protestant

Sen
12-19-18

No. 1	Plan	
No. 2	My Neighborhood Aerial	
No. 3	Sanitary Sewer drawing	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

CASE NAME 7609 FITCH LANE
CASE NUMBER 2019-0122-A
DATE 12/13/18

NAME

CITY, STATE, ZIP

E - MAIL

[illegible]

C H E C K L I S T

**Comment
Received**

Department

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

11/15

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

Comment

10/31

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

N/C

FIRE DEPARTMENT

11/16

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

NO Obj

10/29

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: 11/23/18

SIGN POSTING (1st)

Date: 11/20/18

by SSG BLACK

SIGN POSTING (2nd)

Date: 12/7/18

by SSG BLACK

PEOPLE'S COUNSEL APPEARANCE

Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes ☐ No ☐

Comments, if any: _____

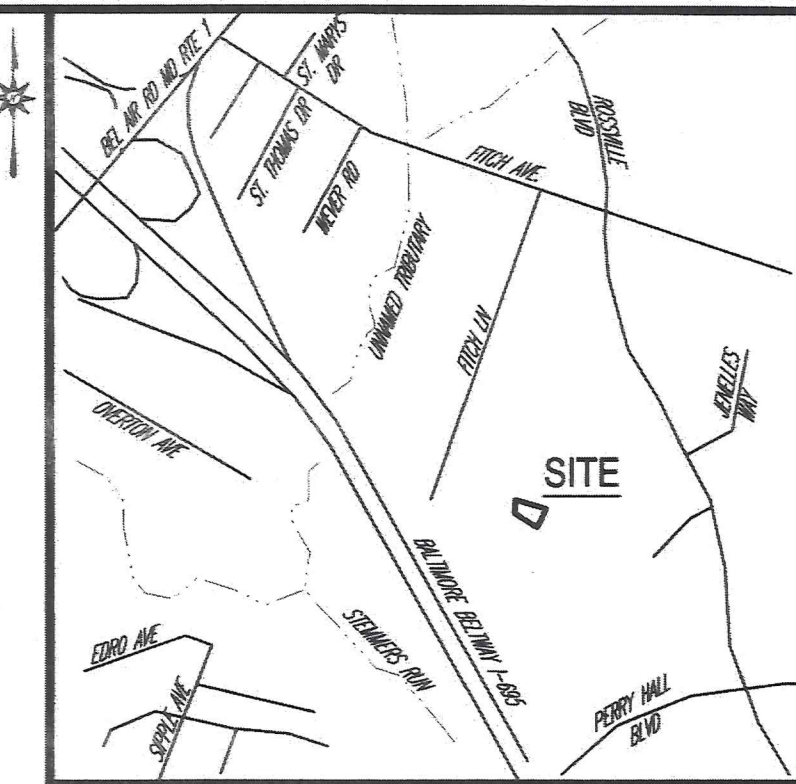
Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption			View GroundRent Registration		
Tax Exempt:			Special Tax Recapture:					
Exempt Class:			NONE					
Account Identifier:			District - 14 Account Number - 1406020150					
			Owner Information					
Owner Name:			FITCH THOMAS E			Use:		
			FITCH LOUIS F ETAL			Principal Residence:		
Mailing Address:			C/O LOUIS F FITCH			Deed Reference:		
			4401 DANBURY SQ			/36883/ 00405		
			BELCAMP MD 21017-					
			Location & Structure Information					
Premises Address:			7609 FITCH LN			Legal Description:		
			0-0000			7609 FITCH LA		
						400 E FITCH LA		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:
0081	0017	0380		0000				2019
Special Tax Areas:			Town:			NONE		
			Ad Valorem:					
			Tax Class:					
Primary Structure Built			Above Grade Living Area			Finished Basement Area		
1908			888			Property Land Area		
						0.3100 AC		
						County Use		
						07		
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation		
1	NO	STANDARD UNIT	ASBESTOS SHINGLE	1 full				
			Value Information					
			Base Value			Phase-In Assessments		
						As of		
						As of		
						07/01/2018		
						As of		
						07/01/2019		
Land:			78,700			78,700		
Improvements			33,700			33,700		
Total:			112,400			112,400		
Preferential Land:			0					
			Transfer Information					
Seller: FITCH LOUIS F			Date: 11/16/2015			Price: \$0		
Type: NON-ARMS LENGTH OTHER			Deed1: /36883/ 00405			Deed2:		
Seller: FITCH LOUIS F			Date: 11/16/2015			Price: \$0		
Type: NON-ARMS LENGTH OTHER			Deed1: /36883/ 00402			Deed2:		
Seller: FITCH LOUIS F			Date: 08/09/2007			Price: \$0		
Type: NON-ARMS LENGTH OTHER			Deed1: /26024/ 00479			Deed2:		
			Exemption Information					
Partial Exempt Assessments:			Class			07/01/2018		
County:			000			0.00		
State:			000			0.00		
Municipal:			000			0.00		
Tax Exempt:			Special Tax Recapture:					
Exempt Class:			NONE					
			Homestead Application Information					
Homestead Application Status: Denied								
			Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application			Date:					

0





LOCATION MAP
SCALE: 1" = 1,000'

1. OWNER:
THOMAS FITCH
C/O LOUIS FITCH
4401 DANBURY SQ
BELCAMP MD 21017
DEVELOPER:
RANDY MCNIKOLE
7520 LILLIAN HOLT DR.
ROSEDALE, MD 21237
2. SITE ADDRESS: 7609 FITCH LN.
3. SITE AREA: GROSS 13,148 SF or 0.30 Ac ±
NET 13,148 SF or 0.30 Ac ±
4. DEED REF: 36863/405
5. TAX MAP: #81, GRID #17, PARCEL #380
6. PLAT REF: N/A
7. PRESENT ZONING: ML IM (PER "1=200" ZONING MAP 081C2)
8. USE: COMMERCIAL
9. UTILITIES: PUBLIC WATER & PUBLIC SEWER
10. TAX ACCOUNT #1406020150
11. THE SITE DOES NOT LIE WITHIN A FLOOD ZONE (FIRM PANEL 240010041P)
12. NO PREVIOUS ZONING CASES ON FILE
13. NO PREVIOUS PERITS ON FILE
14. NO KNOWN PREVIOUS CRGS, DRCS OR WALKERS ON FILE.
15. SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
16. SITE IS NOT LOCATED IN ANY FAULTED BASIC SERVICE AREAS.
17. THE PROPERTY AND THE STRUCTURES ARE NOT HISTORIC.
18. WATERED: BACK RIVER
19. SETBACKS FOR ML IM
- | | | |
|-------|----------|------------|
| | REQUIRED | PROVIDED |
| FRONT | 30' | 25' |
| REAR | 30' | 63' 2 1/2' |
| SIDE | 30' | 30' |
- PARKING - OFFICE 500 SF
REQUIRED 500 SF @ 3.3/1,000 = 2 SPACES
PROVIDED 3 SPACES
20. FLOOR AREA RATIO F.A.R.
PERMITTED 2.0
PROVIDED 1,500 / 13,148 = 0.11

2019-0122-A

Richardson Engineering, LLC

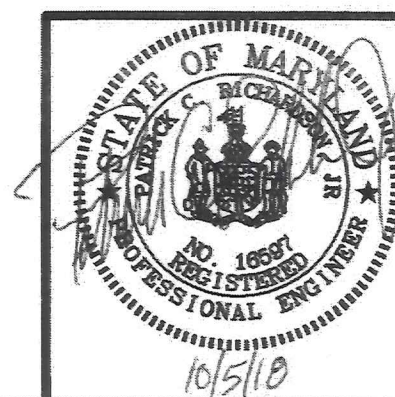
30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION
FOR
FITCH LANE PROPERTY

7609 FITCH LANE
PERRY HALL, MD 21236

BALTIMORE COUNTY	MARYLAND
14TH ELECTION DISTRICT	5TH COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY: PCR/CLB	CHECKED BY: PCR	SCALE: 1" = 30'
	DATE: 9/21/18	JOB NO.: 18094	SHEET NO.: 1 OF 1

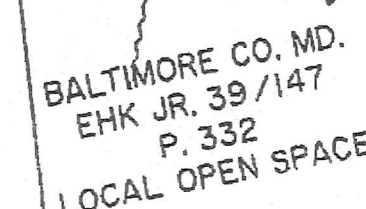
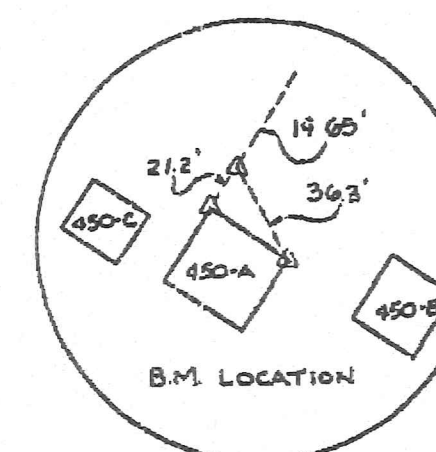


PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 16597, EXPIRATION DATE: 08-15-2019

Baltimore County - My Neighborhood



PET. 2



FULL TRENCH COMACTION SHALL BE REQUIRED OVER ALL UTILITIES. SUITABLE MATERIAL SHALL BE PLACED FOR THE FIRST TWO FEET OVER ALL PIPE AND TAMPED BY APPROVED MECHANICAL MEANS IN SIX INCH LAYERS. THE REMAINDER OF THE TRENCH BACKFILL MATERIAL IS TO BE PLACED IN TWELVE INCH LAYERS AND COMPACTED TO NOT LESS THAN 92% OF THE MAXIMUM DRY DENSITY AS DETERMINED BY THE MODIFIED PROCTOR METHOD, AASHTO DESIGNATION T-180. THE SOIL MOISTURE CONTENT SHALL BE WITHIN THREE PERCENTAGE POINTS OF THE OPTIMUM MOISTURE CONTENT FOR COMPACTION IN UNPAVED AREAS THE TOP FOOT OF THE PAVEMENT SUBGRADE SHALL BE COMPACTED TO 95% OF THE MAXIMUM DRY DENSITY DETERMINED AS NOTED ABOVE.

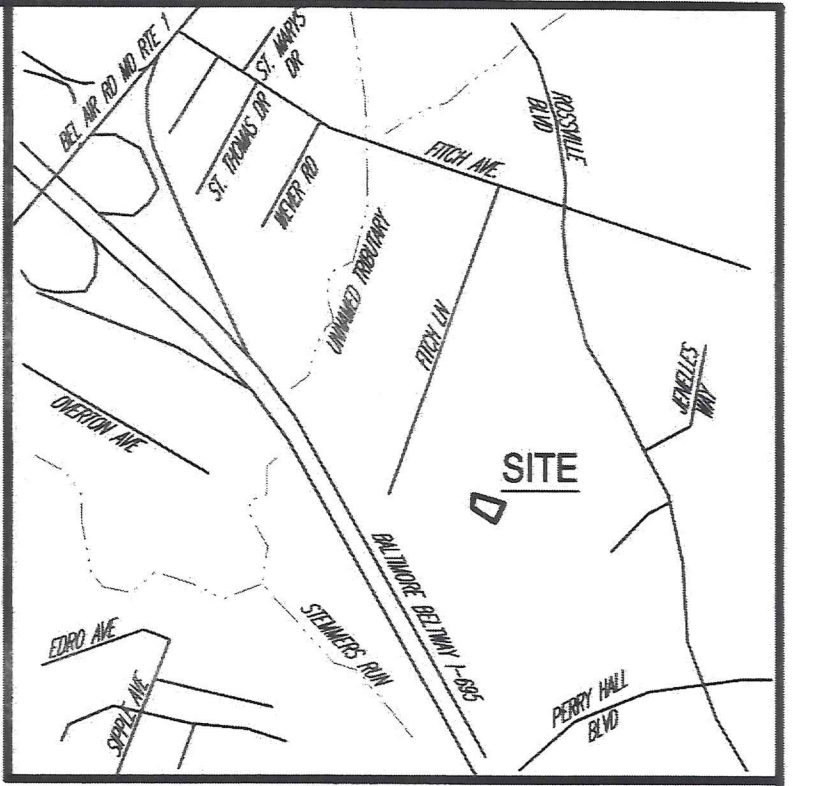
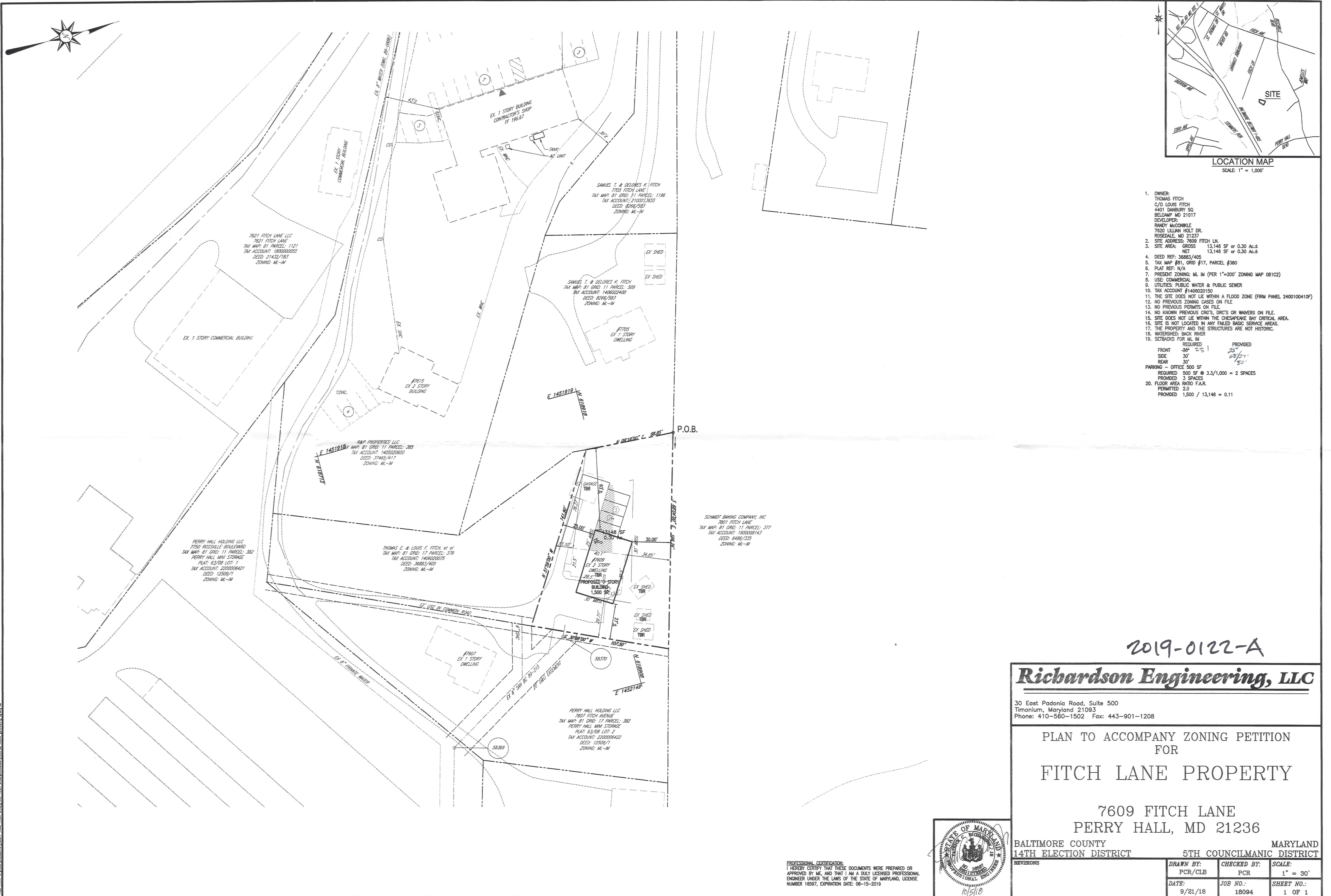
- CONSTRUCTION NOTES**
1. THE CONTRACTOR SHALL MAINTAIN, REPAIR AND/OR REPLACE ANY EXISTING SEDIMENT CONTROL DEVICES ENCOUNTERED AND DISTURBED DURING THE COURSE OF CONSTRUCTION. DURING THIS CONTRACT, ALL SUCH DISTURBED DEVICES SHALL BE REPAIRED OR REPLACED, BEFORE LEAVING THE WORK SITE AT THE END OF EACH WORKING DAY. THE COST OF PERFORMING ALL SUCH WORK, INCLUDING MATERIALS, WILL BE PAID FOR BY LUMP SUM BID FOR MAINTENANCE AND REPAIR OF SEDIMENT CONTROL DEVICES.
 2. ALL WORK UNDER THIS CONTRACT SHALL BE PERFORMED BY THE CONTRACTOR IN ACCORDANCE WITH BALTIMORE COUNTY SOIL CONSERVATION DISTRICT PERMIT NO. 195-88.
 3. ALL CONSTRUCTION WILL BE ACCOMPLISHED IN ACCORDANCE WITH BALTIMORE COUNTY STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION, DATED 1976, AS AMENDED.
 4. UNLESS OTHERWISE NOTED, THE BID LINE FOR EXCAVATION SHALL BE SUBGRADE UNDER PROPOSED ROADS, ESTABLISHED GRADE UNDER TURF AREAS AND EXISTING GRADE ALONG EXISTING PAVING.
 5. THE DEVELOPER SHALL ACCOMPLISH ALL GRADING WITHIN EASEMENT AREAS WHERE UTILITIES ARE TO BE INSTALLED BEFORE NOTICE TO PROCEED WILL BE ISSUED.
 6. THE DEVELOPER WILL PLACE ROADS TO SUBGRADE FOR THE FULL WIDTH OF THE RIGHT-OF-WAY BEFORE INSTALLATION OF UTILITIES.
 7. THE CONTRACTOR WILL EXTEND ALL HOUSE CONNECTIONS FIVE FEET INSIDE OF THE PROPERTY LINE.
 8. THE CONTRACTOR WILL NOTIFY MISS UTILITY AT (800) 257-7777 AT LEAST 48 HOURS PRIOR TO STARTING WORK.
 9. FULL TRENCH COMPACTION REQUIRED.
 10. NO GAS PROPOSED.
 11. SIX INCH SERVICE H.C. = 3.0

LEVEL BK.	KEY SHEET				SCALE
	M-SW				PLAN: 1"=50'
DETAIL BK.	POSITION SHEET				PROFILE: HOR. _____
	25 & 26 NE 21	DATE	REVISION	BY	VERT. _____

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING
8" SANITARY SEWER
EASEMENTS WEST OF ROSSVILLE BLVD.
N.W. OF LILLIAN HOLT AND ROSSVILLE BLVD.
SUBDIVISION PERRY HALL MINI STORAGE EL. DISTRICT NO. 14 C 6

89427 SS1
JOB ORDER NO.
1-1-6285
SHEET 1 OF 3
DWG. NO.
89-0215
FILE: 1

PETS. 3



1. OWNER:
THOMAS FITCH
C/O LOUIS FITCH
4401 DANBURY SQ
BETHESDA MD 20814
DEVELOPER:
RANDY McCONKLE
7620 LILLIAN HOLT DR.
ROSDALE, MD 21237
2. SITE ADDRESS: 7609 FITCH LN.
3. SITE AREA: GROSS 13,148 SF or 0.30 Ac.±
NET 13,148 SF or 0.30 Ac.±
4. DEED REF: 36883/405
5. TAX MAP #81, GRID #17, PARCEL #380
6. PLAT REF: N/A
7. PRESENT ZONING: ML IM (PER 1"=200' ZONING MAP 081C2)
8. USE: COMMERCIAL
9. UTILITIES: PUBLIC WATER & PUBLIC SEWER
10. TAX ACCOUNT #1406020150
11. THE SITE DOES NOT LIE WITHIN A FLOOD ZONE (FIRM PANEL 2400100410F)
12. NO PREVIOUS ZONING CASES ON FILE
13. NO PREVIOUS PERMITS ON FILE
14. NO KNOWN PREVIOUS CRG'S, DRC'S OR WAIVERS ON FILE
15. SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA
16. SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICE AREAS
17. THE PROPERTY AND THE STRUCTURES ARE NOT HISTORIC
18. WATERSHED: BACK RIVER
19. SETBACKS FOR ML IM
- | | REQUIRED | PROVIDED |
|-------|----------|----------|
| FRONT | 30' | 25' |
| SIDE | 30' | 30' |
| REAR | 30' | 30' |
- PARKING - OFFICE 500 SF
REQUIRED 500 SF @ 3.3/1,000 = 2 SPACES
PROVIDED 3 SPACES
20. FLOOR AREA RATIO F.A.R.
PERMITTED 2.0
PROVIDED 1,500 / 13,148 = 0.11

2019-0122-A

Richardson Engineering, LLC

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

PLAN TO ACCOMPANY ZONING PETITION
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FITCH LANE PROPERTY

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REVISIONS	DRAWN BY: PCR/CLB	CHECKED BY: PCR	SCALE: 1" = 30'
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