

MEMORANDUM

DATE: December 18, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0125-A - Appeal Period Expired

The appeal period for the above-referenced case expired on December 17, 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

AIN RE: PETITION FOR ADMIN. VARIANCE *	BEFORE THE
(17 Elm Drive)	
15 th Election District *	OFFICE OF ADMINISTRATIVE
6 th Council District	
Thomas A. Leon *	HEARINGS FOR
Petitioner	
	BALTIMORE COUNTY
	CASE NO. 2019-0125-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the subject property, Thomas A. Leon (“Petitioner”). The Petitioner is requesting Variance relief pursuant to § 1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”), to permit a proposed addition with a front yard setback of 12 ft. in lieu of the required 25 feet and to permit a rear yard setback of 18 ft. in lieu of the required 30 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on October 24, 2018, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (“BCC”). Based upon the information available, there is no evidence in

the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

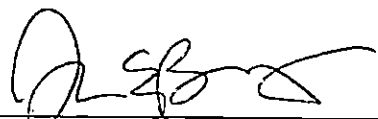
Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 16th day of **November, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations ("BCZR"), to permit a proposed addition with a front yard setback of 12 ft. in lieu of the required 25 feet and to permit a rear yard setback of 18 ft. in lieu of the required 30 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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.

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:dlw

AIN RE: PETITION FOR ADMIN. VARIANCE *

(17 Elm Drive)

15th Election District

6th Council District

Thomas A. Leon

Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0125-A

* * * * *

OPINION AND ORDER

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The Zoning Advisory Committee ("ZAC") comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on October 24, 2018, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code ("BCC"). Based upon the information available, there is no evidence in

ORDER RECEIVED FOR FILING

Date 11-16-18

By [Signature]

the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

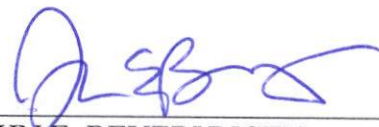
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The relief granted herein shall be subject to the following:

- 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.

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:dlw

ORDER RECEIVED FOR FILING

Date 11-16-18

By [Signature]



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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

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

Address 17 Elm Drive, Middle River MD 21220 Currently zoned DR 5.5
 Deed Reference 40542 / 59 10 Digit Tax Account # 1518472340
 Owner(s) Printed Name(s) Thomas A. Leon

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

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. **X** ADMINISTRATIVE VARIANCE from Section(s)

SEE Attached

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

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

Owner(s)/Petitioner(s):

THOMAS A. LEON / Name #1 – Type or Print Name #2 – Type or Print
Thomas A. Leon / Signature #1 Signature #2
17 ELM DR. MIDDLE RIVER MD
 Mailing Address City State
21220 / (410) 807-2593 / THOMAS A. LEON CO
 Zip Code Telephone # Email Address *611121.com*

Attorney for Owner(s)/Petitioner(s):

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

Representative to be contacted:

JOHN MELLEMA JR. / Name – Type or Print
 Signature
5409 EAST DR. ARDMORE MD
 Mailing Address City State
21227 / 410-247-7486 / JCMLEVER@AOL.NE.
 Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this 11 day of 11-16-18 that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2019-0125-A Filing Date 10/18/18 Estimated Posting Date 10/25/18 Reviewer gh

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 17 Elm Drive Middle River MD 21220
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

We are trying to double the size of our house but zoning regulations in the D.R 5.5 zone do not permit the addition because we would be in violation of the rear and front setback requirements. We are requesting a variance to permit a rear yard setback of 18' in lieu of the required 30'. And a variance to permit a front yard setback of 13' in lieu of the required 25'. The setbacks we are requesting seem to be typical of the corner lots in the neighborhood.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Thomas A. Leon
Signature of Owner (Affiant)

Signature of Owner (Affiant)

Thomas A. Leon
Name- Print or Type

Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15TH day of OCT, 2018, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Robert H. H. THOMAS LEON

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

Robert H. H.
Notary Public

8/1/2020
My Commission Expires

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 17 ELM DRIVE MIDDLE RIVER MD 21220
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

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regulations in the DR 5.5 zone do not permit the addition because
we would be in violation of the Rear and Front Setback requirements.
We are requesting a variance to permit a rear yard setback of 18'
in lieu of the required 30' and a variance to permit a front yard
setback of 13' in lieu of the required 25'. The setbacks we are requesting
seem to be typical of the corner lots in the neighborhood.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Thomas A. Leon
Signature of Owner (Affiant)

THOMAS A. LEON
Name- Print or Type

Signature of Owner (Affiant)

Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15 day of OCT, 2018, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: ROBERT HATH, THOMAS LEON

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

Robert Hath
Notary Public

8/1/2020
My Commission Expires



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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

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

Address 17 EIM DR., Middle River 21220 Currently zoned DR 5-5
Deed Reference 40542 / 59 10 Digit Tax Account # 1518472340
Owner(s) Printed Name(s) THOMAS A. LEON

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. X **ADMINISTRATIVE VARIANCE** from Section(s)

*SEE
Attached*

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

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

Owner(s)/Petitioner(s):

Thomas A. Leon /
Name #1 – Type or Print Name #2 – Type or Print
Thomas A. Leon /
Signature #1 Signature #2
17 EIM DR. Middle River MD
Mailing Address City State
21220 / (410) 807-2593
Zip Code Telephone # Email Address THOMAS.A.LEON.00@GMAIL.COM

Attorney for Owner(s)/Petitioner(s):

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

Representative to be contacted:

John Mallema Jr
Name – Type or Print
Signature
5409 EAST DR. ARBITUS MD
Mailing Address City State
21227 / 410 247 7488 / JCMLEVER@AOL.NET
Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2019-005-A Filing Date 10/18/18 Estimated Posting Date 10/28/18 Reviewer gh

2019-0125-A

Administrative Variance from section: 1B02.3.C.1

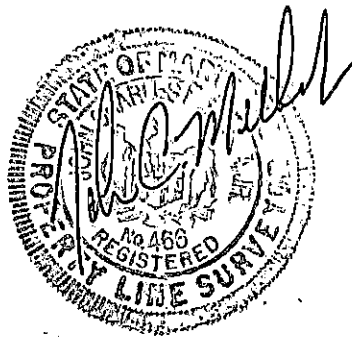
To permit a proposed addition with a front yard setback of 12 feet in lieu of the required 25 feet and to permit rear yard setback of 18 feet in lieu of the required 30 feet.

John C. Mellema Surveyors
5409 East Drive , 21227
Phone # 410-247-7488
Fax# 410-247-2507
October 18, 2018

**Zoning Property Description for
17 Elm Drive
Middle River , 21220**

Beginning at a point on the east side of Third Road (30' wide) at a distance of 22.5' feet Southerly from the centerline of Elm Drive (45' wide).

Being known and designated as Lot 91. as shown on a subdivision plat " Plat Of Stansbury Manor- Section 4" which is recorded among the Land Records of Baltimore County in Plat book C.H.K. liber 13 folio 138. Containing 7.770 square feet of land . Located in the 15th Election District and the 6th Councilmanic District.



CERTIFICATE OF POSTING

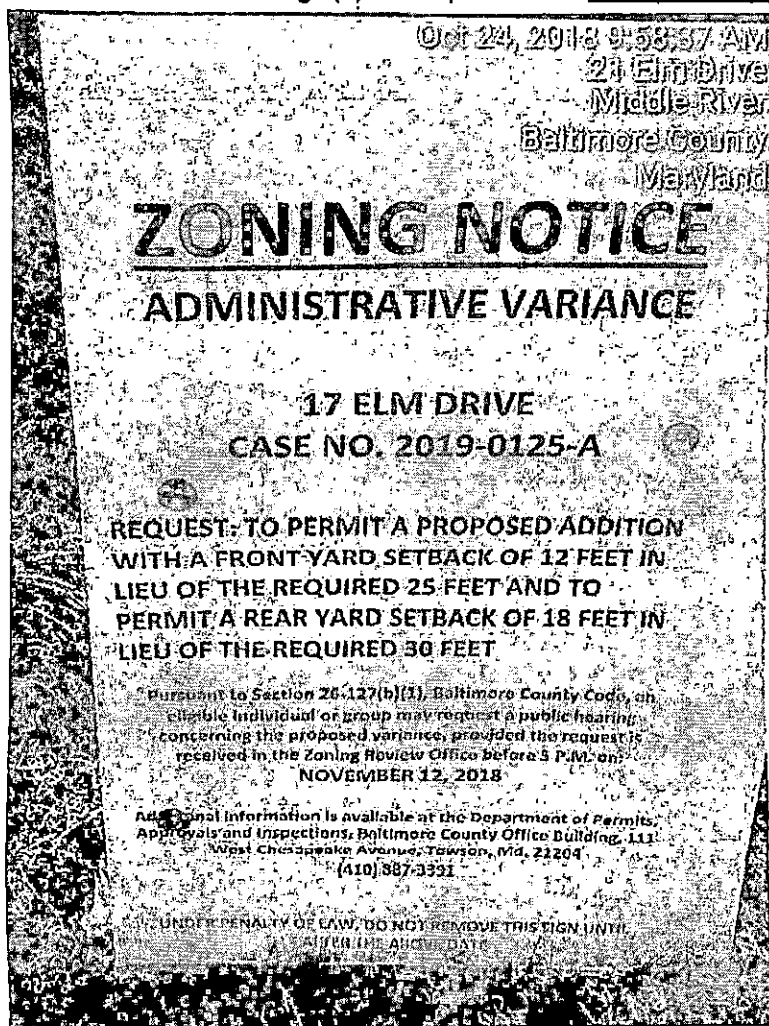
Date: OCTOBER 24, 2018

RE: Project Name: 17 ELM DRIVE # 1
Case Number /PAI Number: 2019-0125-A
Petitioner/Developer: THOMAS LEON
Date of Hearing/Closing: NOVEMBER 12, 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 17 ELM DRIVE

The sign(s) were posted on OCTOBER 24, 2018

(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

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

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

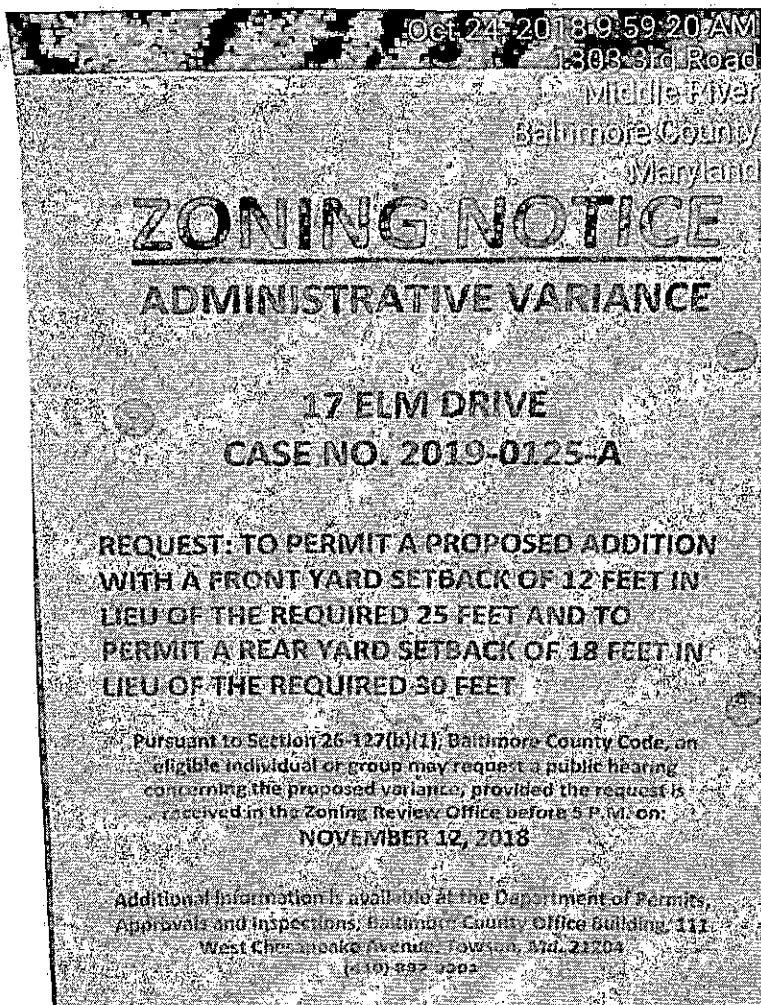
CERTIFICATE OF POSTING

Date: OCTOBER 24, 2018

RE: Project Name: 17 ELM DRIVE #2
Case Number /PAI Number: 2019-0125-A
Petitioner/Developer: THOMAS LEON
Date of Hearing/Closing: NOVEMBER 12, 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 17 ELM DRIVE

The sign(s) were posted on OCTOBER 24, 2018
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

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

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2019- 0125 -A Address 17 Elm Dr. 21222
Contact Person: Gary Hucik Phone Number: 410-887-3391
(Planner, Please Print Your Name)

Filing Date: 10/18/18 Posting Date: 10/28/18 Closing Date: 11/12/18

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for a neighbor (occupant or owner) within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- ORDER:** After the closing date, the file will be reviewed by the Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written order will be mailed to you by First Class mail.
- POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the Administrative Law Judge), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2019- 0125 -A Address 17 Elm Dr. 21222
Petitioner's Name Thomas A. Leon Telephone 410-807-2593
Posting Date: 10/28/18 Closing Date: 11/12/18
Wording for Sign: To Permit a proposed addition with front yard setback of 12 feet in lieu of the required 25 feet and to permit a rear yard set back of 18 feet in lieu of the required 30 feet.

Revised 6/30/2019

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals

DATE: November 15, 2018

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

SUBJECT: Zoning Advisory Committee Meeting
For November 05, 2018
Item No. 2019-0125-A, 0127-A and 0128-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

*

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*

*

*

VKD: cen
cc: file



DONALD I. MOHLER III
County Executive

November 14, 2018

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

Thomas Leon
17 Elm Dr.
Middle River, MD 21220

Dear Mr. Leon:

RE: Case Number: 2019-0125A, Address: 6915 Harwood Park Dr.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 18, 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." The signature is fluid and cursive.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: MTC

Enclosures

c: People's Counsel
John Mellema Jr., 5409 East Dr. Arbutus, MD 21227

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 10/24/18

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

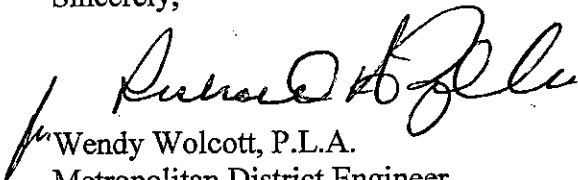
Dear Ms. Lewis:

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-Q125-A.

*Administrative Variance
Thomas A. Leon
17 Elm Drive*

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



DONALD I. MOHLER III
County Executive

November 14, 2018

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

Thomas Leon
17 Elm Dr.
Middle River, MD 21220

Dear Mr. Leon:

RE: Case Number: 2019-0125A, Address: 6915 Harwood Park Dr.

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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

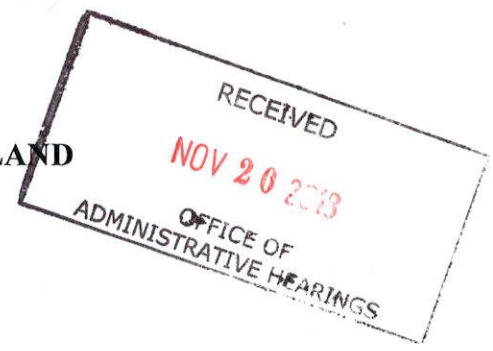
Enclosures

c: People's Counsel
John Mellema Jr., 5409 East Dr. Arbutus, MD 21227

11-12

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 # 2019-0125-A
Address 17 Elm Drive
(Leon Property)

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

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

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 an Intensely Developed Area (IDA) and is subject to Critical Area requirements. The applicant is proposing to construct an addition with less front and rear yard setbacks than permitted. The property is not waterfront. The proposed addition must meet all IDA requirements, including payment of an offset fee for any new impervious surface and replacement of any trees removed. If the offset fee is paid and any trees removed are replaced, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is not waterfront. If the offset fee for new impervious surface is paid and any trees removed are replaced, then that will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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

If the IDA requirements can be met, then the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: 10/24/18

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

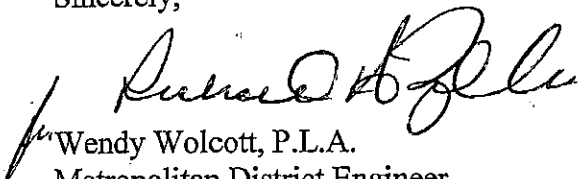
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Administrative Variance
Thomas A. Leon
17 Elm Drive

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



DONALD I. MOHLER III
County Executive

November 16, 2018

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

Dennis Danielczyk, Jr.
1600 Shore Rd.
Baltimore, MD 21220

Dear Mr. Danielczyk, Jr.:

RE: Case Number: 2019-0057X, Address: 20920 Old York Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 20, 2018. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: MTC

Enclosures

c: People's Counsel
Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC 600 Washington Ave. Ste 200 Towson, MD 21204
Brian Maliszewski, Authorized Rep. of Forefront Powe, LLC. 100 Montgomery St. Ste 728 San Francisco, CA 94104

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF THE HISTORY OF ARTS

1954-1955

1954-1955

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS
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THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS
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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Jenifer Nugent
Development Review Section
Office of Planning

DATE: October 26, 2018

FROM: Wally Lippincott, Jr.
Neighborhood Response Team
Department of Planning

PROJECT NAME: 20920 Old York Road

PROJECT NO.: ZAC 2019-0057

PROPOSAL: The Office of Planning has received a Scenic Route Study for approval of the proposed solar array project to be located at 20920 Old York Road. The materials were received on October 11, 2018 from DS Thaler & Assoc., LLC.

SUBMITTAL: The Study Plan was reviewed for completeness of submission of the requirements of the Comprehensive Manual of Development Policies (CMDP) as adopted by the Baltimore County Planning Board on April 16, 1992 with Amendments September 20, 2006. The Study Plan materials are accepted as meeting the CMDP required submittals for approval (Page 185) and are listed below:

- Written narrative
- Scenic Route – Photo Exhibit that provided 6 different views of the proposed solar array.
- Plan view sections
- Aerial with proposed arrays and landscaping
- Schematic planting plan
- Existing vegetation shown on the schematic planting plan and aerial. There are no major or minor trees within the direct view of the site from Old York Road. Existing vegetation is shown on the schematic planting plan.

OBSERVATIONS: As described in the submitted narrative, verified by the topography on the submitted plans, and by the field visit on October 18, 2018 the property slopes south from Old York Road. The most evident components of the view from Old York Road is of the house, field between the house and Old York Road and the tree line in the distance to the rear of the site. The

1. The first part of the paper is devoted to the study of the properties of the function $f(x)$ defined by the equation $f(x) = \int_0^x f(t) dt$. It is shown that $f(x)$ is a constant function and that its value is zero.

2. The second part of the paper is devoted to the study of the properties of the function $f(x)$ defined by the equation $f(x) = \int_0^x f(t) dt$.

3. The third part of the paper is devoted to the study of the properties of the function $f(x)$ defined by the equation $f(x) = \int_0^x f(t) dt$.

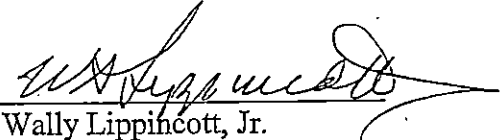
4. The fourth part of the paper is devoted to the study of the properties of the function $f(x)$ defined by the equation $f(x) = \int_0^x f(t) dt$.

5. The fifth part of the paper is devoted to the study of the properties of the function $f(x)$ defined by the equation $f(x) = \int_0^x f(t) dt$.

site is not highly visible either approaching the site from the east or west. It is currently farmed and is contiguous with other farmland to the south and east. Most of the residential in the vicinity is located along Old York Road. The site is bisected by high tension power lines. There is also a two line set of poles and wires that run on the east side of the site. The rear of the property is primarily wooded with the exception of the area under the high tension line.

RECOMMENDATIONS:

- The landscape plan should seek to obscure the view of the solar arrays from direct view from Old York Road. The schematic plan proposes plantings in a location that will accomplish this but instead of a single "row" of planting material the amount of material should be increased to give more depth to the screening and to make a more natural condition.
- The landscape plan shows proposes plant material to the east of the farm road that cuts through the site. This material should be moved to the west side of the access road. This will minimize the impact to the agricultural fields.
- The front and the field to the east of the farm road should remain in cultivation.
- The plan proposes a utility line from Old York through the front farm field to the inverter. This would impact the scenic view. In the alternative, the developer should use the existing power line that accesses the site or investigate burying the proposed line.



Wally Lippincott, Jr.

c. James Herman, Baltimore County Landscape Architect

1. The first part of the document is a list of the names of the persons who have been appointed to the various offices of the Board of Directors of the Corporation. The names are listed in alphabetical order, and each name is followed by the office to which he or she has been appointed.

2. The second part of the document is a list of the names of the persons who have been appointed to the various offices of the Board of Directors of the Corporation. The names are listed in alphabetical order, and each name is followed by the office to which he or she has been appointed.

3. The third part of the document is a list of the names of the persons who have been appointed to the various offices of the Board of Directors of the Corporation. The names are listed in alphabetical order, and each name is followed by the office to which he or she has been appointed.

4. The fourth part of the document is a list of the names of the persons who have been appointed to the various offices of the Board of Directors of the Corporation. The names are listed in alphabetical order, and each name is followed by the office to which he or she has been appointed.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 9/24/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-057

INFORMATION:

Property Address: 20920 Old York Road
Petitioner: Dennis Danielczyk, Jr., The Farm, LLC
Zoning: RC 2
Requested Action: Special Exception

The Department of Planning has reviewed the petition for a special exception to use the property for a solar facility.

A site visit was conducted on 8/29/2018.

The Department does not oppose granting the petitioned zoning relief conditioned upon the following.

Old York Road is a Baltimore County Scenic Route. When developing on a scenic route, the Comprehensive Manual of Development Policies (CMDP) development guidelines instructs one to *"maintain a buffer between the road and the new development"* (CMDP pg. 180).

- The proposal shall minimize grading, tree and vegetation removal along Old York Road.
- The Department supports the Baltimore County Landscape Architect in planting requirements deemed necessary to include interior contour screening and other planting schemes that will mitigate the visual impact of the special exception proposal upon the scenic route.

Additional conditions are as follows:

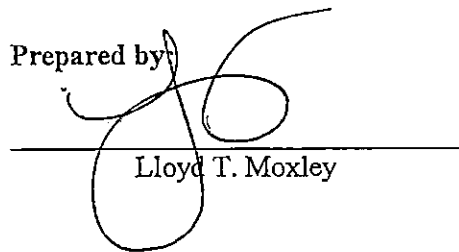
- Pursuant to BCZR §502.1.A, petitioners shall demonstrate to the satisfaction of the Administrative Law Judge that the facility will not be detrimental to the adjacent residential properties as a result of glare emanating from the facility.
- Petitioners shall note on the plan that the proposed solar facility will be subject to BCZR §4E-107.
- Petitioners shall certify by note on the plan that the proposed solar facility will not exceed the maximum permitted number of facilities allowed in its respective councilmanic district. If approved, Petitioners shall submit to this Department at the time of building permit application the final fixed location and area of the facility by coordinate data so that an inventory may be kept.
- Lighting shall be limited to what is required for security purposes only and will be sited in such a way as to have minimal spillage onto neighboring properties.

- Signage shall be limited to that which is necessary for safety and security purposes.
- No deliveries or outdoor maintenance which may generate excessive noise may occur on-site between the hours of 6 P.M. through 6 A.M.
- Indicate on the plan the means and location by which the solar facility connects to the power grid and whether grading or clearing will be involved.

Be advised that the site is within an Agricultural Priority Preservation Area as designated in the Baltimore County Master Plan 2020 (MP2020). Said plan warns that *"incremental development continues to threaten the protection of resources and the viability of the agricultural industry."* (MP2020 pg.92). The Department recommends that the future viability of commercial agricultural in Baltimore County be weighed when considering this special exception proposal within the context of 502.1.G.

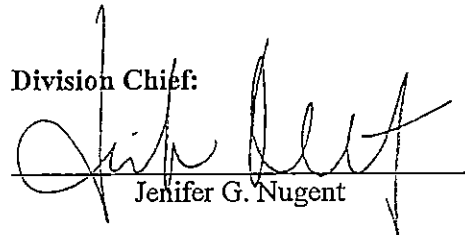
For further information concerning the matters stated herein, please contact Joseph Wiley at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

AVA/JGN/LTM/

c: Joseph Wiley

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: September 27, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0057-X
Address 20920 Old York Road
(The Farm, LLC Property)

Zoning Advisory Committee Meeting of **September 3, 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), for the entire site.
- 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), for the entire site.

Additional Comments: The plan does not contain sufficient information to determine whether or not the project, as proposed, will result in forest buffer impacts.

Reviewer: Thomas Panzarella
Environmental Impact Review

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For September 03, 2018
Item No. 2019-0057-X

DATE: September 12, 2018

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

If Special Exception is granted a landscape plan is required per the requirements of the Landscape Manual, Bill No. 37-17 and the CMDP.

Proposed gravel access road should be paved in order to be dustless and durable.

Specific landscape comments:

1. Old York Road is a Baltimore County Scenic Route,
2. Perimeter landscape buffers are required,
3. Must minimize tree and vegetation removal,
4. Solar panels are considered a utility and should be designed and located to harmonize with the surroundings and to create the least visual impact. (See Comment # 7 below),
5. More comments may be rendered during review of the landscape plan and additional landscape buffers (including contour strip buffers) may be required to address existing topography changes, Scenic Views, Scenic Routes, etc. depending on a number of items including the subject properties topography,
6. Proposed perimeter fence shall be black vinyl-coated chain-link fence,
7. Landscape screening appears to be needed to address adjacent properties views as it relates to the proposed solar facility. Including, but not limited to 20912, 20916 and 21004 Old York Road (Scenic Route).

* * * * *

VKD: cen
cc: file

Page 10

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Page 11

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 8/27/18

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

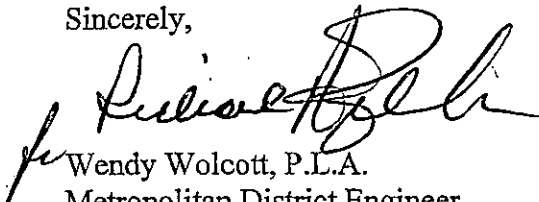
Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2019-0057-X

*Special Exception
The Farm LLC, Dennis Danielczyk
20920 Old York Road.*

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

Sincerely,


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

WW/RAZ

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 # 2019-0125-A
Address 17 Elm Drive
(Leon Property)

Zoning Advisory Committee Meeting of November 5, 2018.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

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 an Intensely Developed Area (IDA) and is subject to Critical Area requirements. The applicant is proposing to construct an addition with less front and rear yard setbacks than permitted. The property is not waterfront. The proposed addition must meet all IDA requirements, including payment of an offset fee for any new impervious surface and replacement of any trees removed. If the offset fee is paid and any trees removed are replaced, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is not waterfront. If the offset fee for new impervious surface is paid and any trees removed are replaced, then that will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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

If the IDA requirements can be met, then the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>Rec'd</u> <u>11-20</u> <u>Order completed</u> <u>11-15-18</u>	DEPS (if not received, date e-mail sent _____) <u>File + site plan did not reflect CBCA</u>	<u>C</u>
	FIRE DEPARTMENT	_____
	PLANNING (if not received, date e-mail sent _____)	_____
<u>10-29</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
	TRAFFIC ENGINEERING	_____
	COMMUNITY ASSOCIATION	_____
	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING (1 st)	Date: <u>10-24-18</u> by <u>Billingley</u>	
SIGN POSTING (2 nd)	Date: _____ by _____	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 15 Account Number - 1518472340			
Owner Information					
Owner Name:		LEON THOMAS A		Use: RESIDENTIAL	
Mailing Address:		17 ELM DR MIDDLE RIVER MD 21220-5532		Principal Residence: YES Deed Reference: /40542/ 00059	
Location & Structure Information					
Premises Address:		17 ELM DR MIDDLE RIVER 21220-5532		Legal Description: 17 ELM DR STANSBURY MANOR	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0091	0019	0253		0000	4 91 2018 0013/0138
Special Tax Areas:		Town: NONE Ad Valorem: Tax Class:			
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
1942		672 SF		7,770 SF	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1	NO	STANDARD UNIT	SIDING	1 full	
Value Information					
		Base Value		Value	
				As of 01/01/2018	
Land:		62,100		62,100	
Improvements		43,400		45,600	
Total:		105,500		107,700	
Preferential Land:		0		106,233	
				106,967	
				0	
Transfer Information					
Seller: BAKER JAMES L JR		Date: 08/07/2018		Price: \$85,000	
Type: ARMS LENGTH IMPROVED		Deed1: /40542/ 00059		Deed2:	
Seller: BAKER TIMOTHY P		Date: 07/15/2016		Price: \$77,500	
Type: NON-ARMS LENGTH OTHER		Deed1: /37753/ 00205		Deed2:	
Seller: BAKER TIMOTHY P		Date: 06/10/2009		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /28211/ 00400		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2018 07/01/2019	
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00 0.00 0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Homeowners' Tax Credit Application Information

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

17 Elm Drive



Publication Date: 10/18/2018



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



0 5 10 20 30 40 Feet

1 inch = 30 feet



①



②



③



④



5



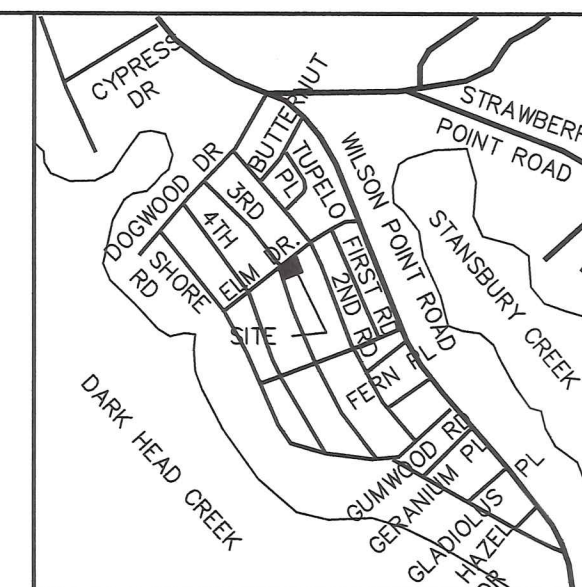
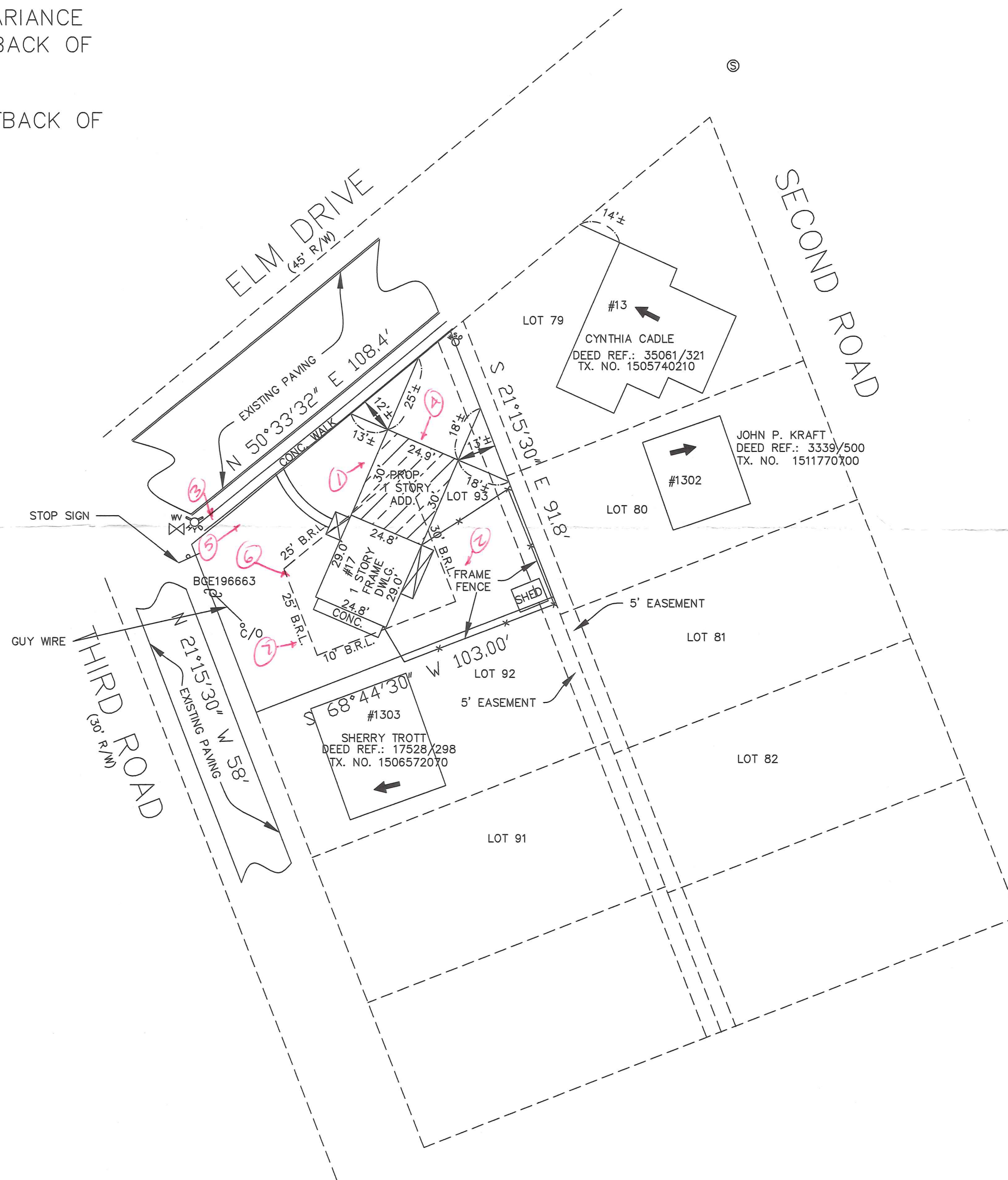




7

PLAT TO ACCOMPANY ADMINISTRATIVE VARIANCE
VARIANCE TO PERMIT A REAR YARD SETBACK OF
18' IN LIEU OF THE REQUIRED 30'

VARIANCE TP PERMIT A FRONT YARD SETBACK OF
12' IN LIEU OF THE REQUIRED 25'



VICINITY MAP
SCALE: 1"=1000'

LOCATION INFORMATION

COUNCILMANIC DISTRICT: 6
ELECTION DISTRICT: 15
ZONING: D.R. 5:5
1"=200' SCALE MAP: 091A3

LOT SIZE: 7,770 SQ. FT.

	YES	NO
PUBLIC SEWER	☒	☐
PUBLIC WATER	☒	☐

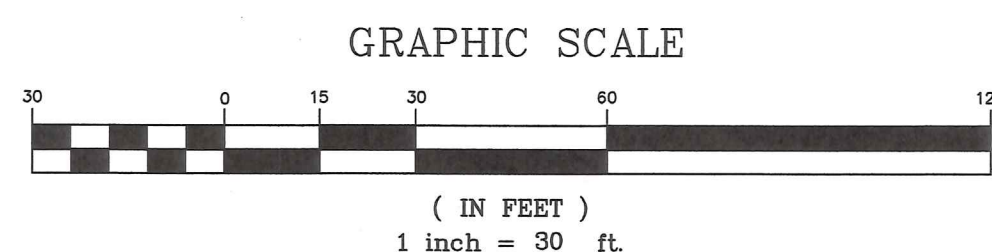
	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒

SUBDIVISION NAME: PLAT OF STANSBURY
MANOR-SECTION IV
PLAT BOOK C.H.K. NO, 13 FOLIO 138

PRIOR ZONING HEARING: N/A
DEED REFERENCE: 40542/59

OWNER: THOMAS A. LEON
17 ELM DRIVE
MIDDLE RIVER, MD. 21220

TAX NO. 1518472340
DATE: OCTOBER, 2018
SCALE: 1"=30'



PREPARED BY:
JOHN C. MELLEMA SR., INC.
LAND SURVEYORS
5409 EAST DR. BALTO., MD. 21227
PHONE: 410-247-7488 FAX: 410-247-2507

D.R.5.5 REGULATIONS
MINIMUM LOT AREA 6,000 SQ. FT.
MINIMUM LOT WIDTH 55'
MINIMUM FRONT YARD SETBACK 25'/AVERAGE
MINIMUM SIDE YARD SETBACK 10'
MINIMUM REAR YARD SETBACK 30'

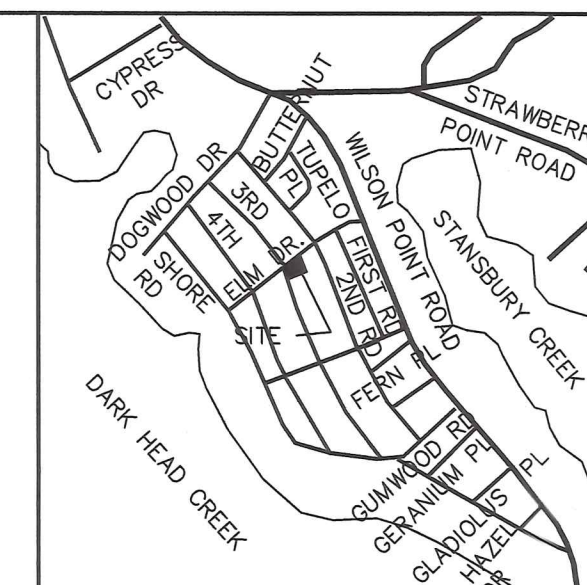
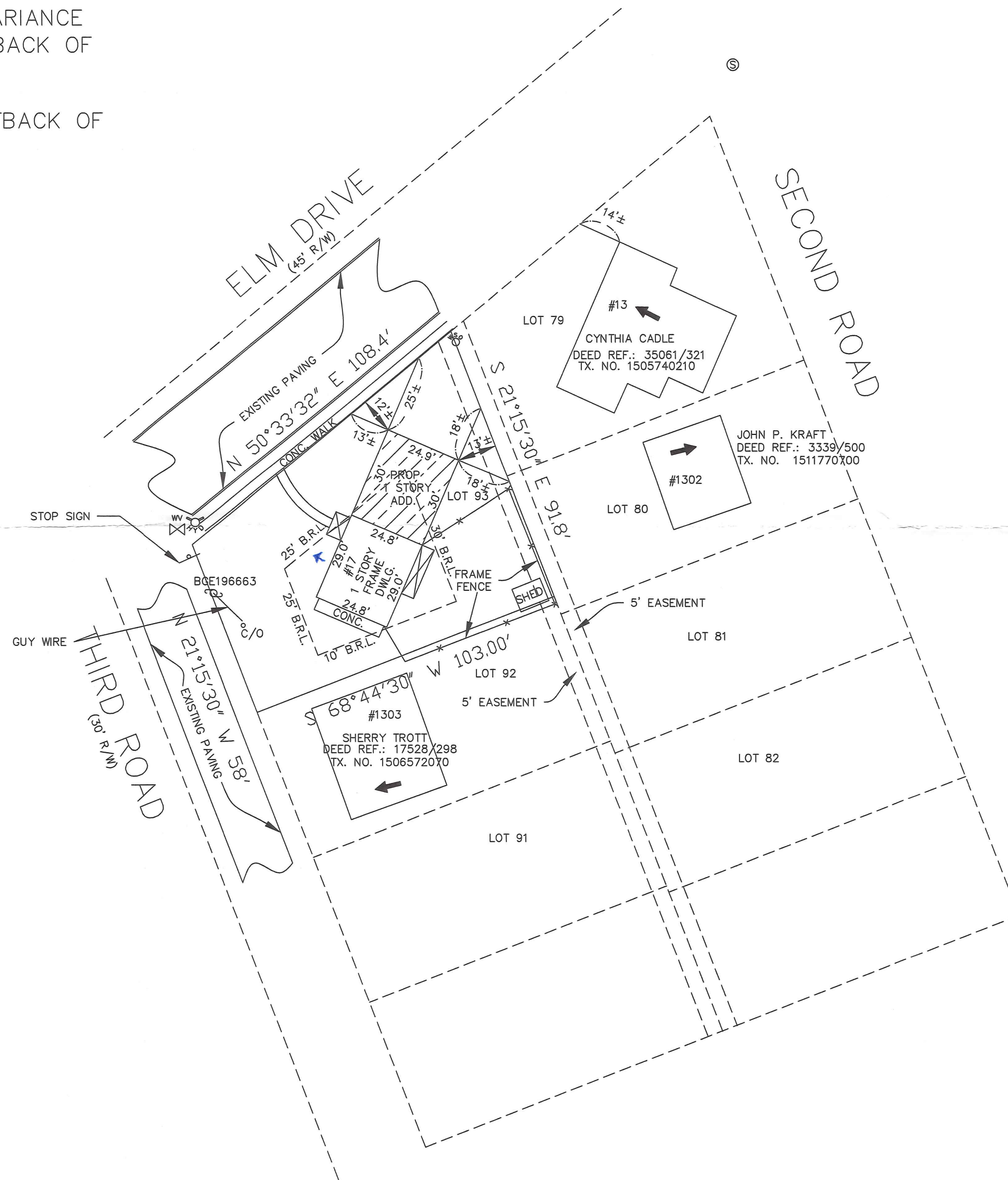
2019-0125A

17 ELM DRIVE
LOT 91
PLAT OF STANSBURY MANOR-
SECTION IV
BALTIMORE COUNTY, MARYLAND
TAX MAP 0091 GRID 19 PARCEL 253
SCALE: 1"=30' DATE: OCTOBER, 2018

Pet. Exp. 1

PLAT TO ACCOMPANY ADMINISTRATIVE VARIANCE
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VARIANCE TP PERMIT A FRONT YARD SETBACK OF
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SCALE: 1"=1000'

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ZONING: D.R. 5.5
1"=200' SCALE MAP: 091A3

LOT SIZE: 7,770 SQ. FT.

	YES	NO
PUBLIC SEWER	☒	☐
PUBLIC WATER	☒	☐

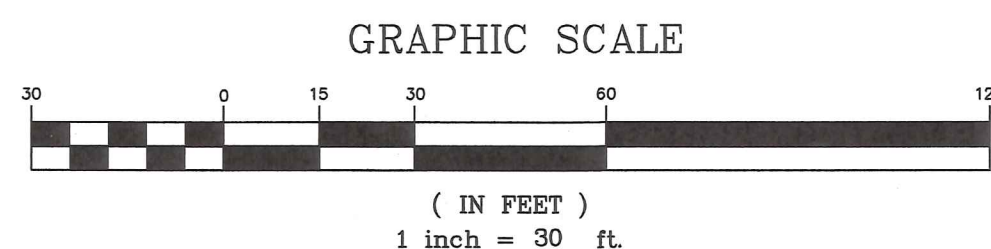
	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒

SUBDIVISION NAME: PLAT OF STANSBURY
MANOR-SECTION IV
PLAT BOOK C.H.K. NO, 13 FOLIO 138

PRIOR ZONING HEARING: N/A
DEED REFERENCE: 40542/59

OWNER: THOMAS A. LEON
17 ELM DRIVE
MIDDLE RIVER, MD. 21220

TAX NO. 1518472340
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PREPARED BY:
JOHN C. MELLEMA SR., INC.
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PHONE: 410-247-7488 FAX: 410-247-2507

D.R.5.5 REGULATIONS
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17 ELM DRIVE
LOT 91
PLAT OF STANSBURY MANOR-
SECTION IV
BALTIMORE COUNTY, MARYLAND
TAX MAP 0091 GRID 19 PARCEL 253
SCALE: 1"=30' DATE: OCTOBER, 2018

2019-0125-A