

M E M O R A N D U M

DATE: April 9, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0186-A - Appeal Period Expired

The appeal period for the above-referenced case expired on April 8, 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

(38 Gibbons Blvd. Lot C)

8th Election District

3rd Council District

Forte Equity II, LLC

Legal Owner

Petitioner

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2019-0186-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Forte Equity II, LLC, legal owner of the subject property (“Petitioner”). Petitioner is requesting variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”) to allow a street side setback of 20' in lieu of the required 30'. A site plan was marked as Petitioner’s Exhibit 1.

Craig Rogers appeared in support of the petition. Timothy M. Kotroco, Esq. represented Petitioner. Three members of the community attended the hearing to obtain additional information regarding the project. 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”) and the Bureau of Development Plans Review (“DPR”).

The site is approximately 0.2435 acres in size and is zoned DR 3.5. Petitioner proposes to construct a single-family dwelling on the property. Given the subject property is a corner lot adjoining two public streets (Greenside Drive & Gibbons Blvd.) the zoning regulations impose larger yard setback requirements. It is from these regulations that Petitioner seeks variance relief.

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

ORDER RECEIVED FOR FILING

Date

3/8/19

By

sen

- 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).

Mr. Rogers testified (via proffer) the property has irregular dimensions and grade changes across the site. As such the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be unable to construct the proposed single-family dwelling. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

One of the primary concerns of the community was with inadequate storm water drainage on Gibbons Boulevard. Neighbors stated this has been a long-standing problem in the area, and that the County has refused to intervene, claiming it is the owners' responsibility. I respectfully disagree. Maintenance of roadways and providing/maintaining storm drains is a non-delegable duty of Baltimore County. *Eisenstein v. City of Annapolis*, 177 Md. 222, 226 (1939) ("it is doubtless the burden of the municipality to construct and maintain drains or outlets of sufficient capacity to carry off all water diverted from its usual flow"). The construction of Gibbons Blvd. by the County obviously changed the pattern of water drainage in the area, and the law therefore places the responsibility upon it to ensure the adequacy of the drainage system. While I understand installation of new or additional storm drains would be a costly undertaking, the neighbors indicated the situation would be improved greatly by replacing the existing berms on the edges of the roadway. The existing berms are broken into fragments and are generally in poor condition. Baltimore County should repair this condition which would not only improve drainage of surface

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Date 3/8/19

By Den

water but enhance traffic safety as well.

THEREFORE, IT IS ORDERED, this 8th day of **March, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("BCZR") to allow a street side setback of 20' in lieu of the required 30', 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 its 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 must prior to issuance of permits comply with the ZAC comment submitted by the DOP, a copy of which is attached hereto and incorporated herein.
3. No fencing shall be permitted in the front yard of the proposed dwelling on the subject property.

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 3/8/19

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 38 GIBBONS BOULEVARD (LOT C) which is presently zoned DR 3.5
 Deed References: 40753/188 10 Digit Tax Account # 25 000 14856
 Property Owner(s) Printed Name(s) FORTE EQUITY II, LLC

(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 HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

Date

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

TIMOTHY KOTROCO

Name- Type or Print

Signature

305 WASHINGTON AVE, STE 502 TOWSON MD

Mailing Address

City

State

MD

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners): FOR: FORTE EQUITY II, LLC

BRENDEN CARLSON

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

P.O. Box 1168 BROOKLANDVILLE MD

Mailing Address

City

State

21022 / 410-236-6483 / mdnewhomebuilder@gmail.com

Zip Code

Telephone #

Email Address

gmail.com

Representative to be contacted:

R. CRAIG RODGERS

Name - Type or Print

Signature

7024 GREENBANK RD BALTO. MD

Mailing Address

City

State

Zip Code

Telephone #

Email Address

craigrodgers200@gmail.com

CASE NUMBER 2019-0186-A

Filing Date 12/12/18

Do Not Schedule Dates: _____

Reviewer gh

REV. 10/4/11

2019-0186-SPHA ~~4~~

Variance from section: 1B02.3.C.1, BCZR To allow a street side setback of 20 feet in lieu of the required 30 feet.



ZONING PROPERTY DESCRIPTION FOR
38 GIBBONS BOULEVARD (LOT C)

Beginning at a point on the east side of Greenside Drive which is 70 feet wide at a distance of 159.35' north of the centerline of Gibbons Boulevard which is 45 feet wide, thence the following courses and distances: 1.) S84°50'26"E 79.71'; 2.) S05°32'00"W 136.86' to the north side of Gibbons Boulevard thence running with the north side of said road; 3.) N84°28'00"W 55.50'; thence 4.) N40°00'17"W 34.23' to a point on the east side of Greenside Drive, thence running with the east of said road; 5.) N05°40'01"E 103.58'; thence 6.) by a line curving to the left, northeasterly, having a radius of 989.93' and an arc length of 8.77' to the point of beginning, as recorded in Deed Liber 40753, Folio 188, containing 10,609 square feet, located in the Eighth Council District and Third Council District.

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:

2/8/2019

Order #: 11687905
Case #: 2019-0186-A
Description:

NOTICE OF ZONING HEARING CASE NUMBER: 2019-0186-A



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: 2019-0186-A

38 Gibbons Boulevard (Lot C)

E/s Greenside Drive, north of centerline of Gibbons Boulevard

8th Election District - 3rd Councilmanic District

Legal Owners: Forte Equity II, LLC

Variance to allow a Street side Setback of 20 ft. in lieu of the required 30 ft.

Hearing: Friday, March 1, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Mike Mohler

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 410-837-3863.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-837-3391.

18

8/3 5-1-11
1:30 PM

Debra Wiley

From: Larry Pilson <lpilson@hotmail.com>
Sent: Monday, February 25, 2019 1:07 PM
To: Administrative Hearings; Timothy M. Kotroco; Kristen L Lewis
Subject: 2019-0186-A 38 Gibbons Blvd. Recert
Attachments: 38 Gibbons Recert.pdf; DSC_0786.JPG; DSC_0786.JPG; DSC_0785.JPG



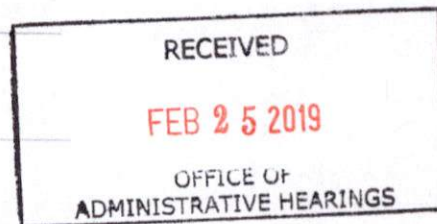
CERTIFICATE OF POSTING

Date: 2-25-19

RE: Case Number: 2019-0186-A RECERT

Petitioner/Developer: Forte Equity II LLC

Date of Hearing/Closing: 3-1-19 1:30 PM



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 38 Gibbons Blvd

The signs(s) were posted on RECERT 2-25-19
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2019-0186-A

A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: FRIDAY MARCH 1, 2019 1:30 PM

REQUEST: VARIANCE TO ALLOW A STREET SIDE
SETBACK OF 20 FT IN LIEU OF THE REQUIRED 30 FT.

ZONING NOTICE

CASE # 2019-0186-A

A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: FRIDAY MARCH 11, 2019 11:30 AM

REQUEST: VARIANCE TO ALLOW A STREET SIDE SETBACK
OF 20 FT. IN LIEU OF THE REQUIRED 30 FT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM (H) (C) (A) (I) (N) G CALL (887-3391)

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

HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

Date: 2-8-19

RE: Case Number: 2019-0186-A

Petitioner/Developer: Forte Equity II, LLC

Date of Hearing/Closing: March 1, 2019 1:30PM

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 38 Gibbons Blvd

The sign(s) were posted on 2-8-19
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

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CASE # 2019-0186-A

A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE. TOWSON, 21204

DATE AND TIME: FRIDAY MARCH 1, 2019 1:30 PM

REQUEST: VARIANCE TO ALLOW A STREET SIDE SETBACK
OF 20 FT. IN LIEU OF THE REQUIRED 30 FT.

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

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # 2019-0186-A

A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: FRIDAY MARCH 1, 2019 1:30 PM

REQUEST: VARIANCE TO ALLOW A STREET SIDE
SETBACK OF 20 FT. IN LIEU OF THE REQUIRED 30 FT.

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TO CONFIRM HEARING DATE CALL 887-3391

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

HANDICAPPED ACCESSIBLE



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

January 30, 2019

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: 2019-0186-A

38 Gibbons Boulevard (Lot C)

E/s Greenside Drive, north of centerline of Gibbons Boulevard

8th Election District – 3rd Councilmanic District

Legal Owners: Forte Equity II, LLC

Variance to allow a street side setback of 20 ft. in lieu of the required 30 ft.

Hearing: Friday, March 1, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Mike Mohler".

Mike Mohler
Director

AJ:kl

C: Timothy Kotroco, 305 Washington Avenue, Ste. 502, Towson 21204
Brenden Carlson, P.O. Box 1168, Brooklandville 21022
R. Craig Rodgers, 7024 Greenbank Road, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 9, 2019.**
- (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, February 8, 2019 - Issue

Please forward billing to:
Brenden Carlson
Forte Equity II, LLC
P.O. Box 1168
Brooklandville, MD 21022

410-252-3438

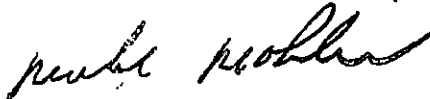
NOTICE OF ZONING HEARING

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: 2019-0186-A
38 Gibbons Boulevard (Lot C)
E/s Greenside Drive, north of centerline of Gibbons Boulevard
8th Election District – 3rd Councilmanic District
Legal Owners: Forte Equity II, LLC

Variance to allow a street side setback of 20 ft. in lieu of the required 30 ft.

Hearing: Friday, March 1, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Mike Mohler
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 * BEFORE THE OFFICE
38 Gibbons Boulevard (Lot C); E/S of Greenside *
Drive, N 159.35' to c/line Gibbons Boulevard * OF ADMINISTRATIVE
8th Election & 3rd Councilmanic Districts *
Legal Owner(s): Forte Equity II, LLC * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2019-186-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
DEC 18 2018

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of December, 2018, a copy of the foregoing Entry of Appearance was mailed to R. Craig Rodgers, 7024 Greenbank Road, Baltimore, Maryland 21220 and Timothy Kotroco, Esquire, 305 Washington Avenue, Suite 502, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least 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: 2019-0186-A

Property Address: 38 GIBBONS BLVD.

Property Description: 0.2435 AC. LOT "C" @ THE NORTHEAST
CORNER OF GREENSIDE DRIVE & GIBBONS BLVD

Legal Owners (Petitioners): FORTE EQUITY II, LLC

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: BRENDEN CARLSON

Company/Firm (if applicable): FORTE EQUITY II, LLC

Address: P.O. BOX 1168

BROOKLANDVILLE, MD. 21022

Telephone Number: 410-252-3438

Revised 7/9/2015

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

No. **177736**

Date: **12/12/18**

PAID RECEIPT

BUSINESS ACTUAL TIME
 12/13/2018 12/12/2018 09:57:25

REC W305 WALKIN, LRB
 RECEIPT # 986466 12/12/2018 0

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		0150					75.00

528 ZONING VERIFICATION
 77736
 Receipt Tot \$ 75.00
 75.00 OK .00 CA
 Baltimore County, Maryland

Total: **75.00**

Rec From: **Greenspring Valley Homes, LLC**

For: **38 G. Johns Blvd**

2019-086-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

February 22, 2019

Timothy Kotroco
305 Washington Ave, Ste 502
Towson MD 21204

RE: Case Number: 2019-0186-A, 38 Gibbons Boulevard (Lot 6)

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 12, 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/kl

Enclosures

c: People's Counsel
Forte Equity II LLC Attn: Brenden Carlson P.O Box 1168 Brooklandville MD 21022
R. Craig Rodgers 7024 Greenbank Road Baltimore MD 21220

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mohler, Acting Director
Department of Permits, Approvals

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

SUBJECT: Zoning Advisory Committee Meeting
For December 24, 2018
Item No. 2019-0186

DATE: Jan 17, 2019

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

Owner is being advised that this project will require an approved Minor-Subdivision Plan.

*

*

*

*

*

VKD: cen
cc: file

3-1

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Mike Mohler
Acting Director, Permits, Approvals and Inspections

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-186

DATE: 1/14/2019



INFORMATION:

Property Address: 38 Gibbons Boulevard (Lot C)
Petitioner: Brenden Carlson
Zoning: DR 3.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to allow a street side setback of 20 feet in lieu of the required 30 feet.

A site visit was conducted on December 21, 2018. The site is within the "Impact Area" of the Hunt Valley/Timonium Master Plan (HV/T) adopted by the Baltimore County Council on October 19, 1998. The development is subject to the Comprehensive Manual of Development Policies (CMDP). The HV/T plan sets forth as an action item to "Insure that the future redevelopment of sites in the HV/T area does not create negative impacts on existing communities (pg. 29) and the arrangement and orientation of the proposed buildings and site improvements are patterned in a similar manner to those in the neighborhood." (pg. 66)

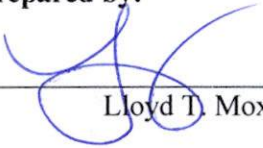
The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- Work with the Baltimore County Landscape Architect to create a planting plan that will result in a mixed deciduous/coniferous landscape screen along the Greenside Drive frontage.
- Ensure the north or Greenside Drive side façade of the proposed dwelling is finished in a similar style with like materials as the front façade.
- Investigate providing a path walk way along Gibbons Boulevard to enhance the safety of pedestrians.

Date: 1/15/2019
Subject: ZAC # 19-186
Page 2

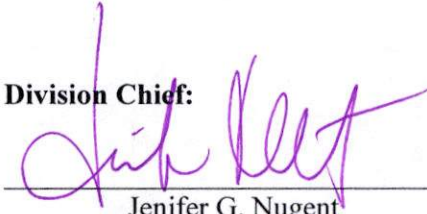
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

JM/JGN/LTM/

c: Wally Lippincott
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
R. Craig Rodgers
Timothy Kotroco, Esq.
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Mike Mohler
Acting Director, Permits, Approvals and Inspections

DATE: 1/14/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-186

INFORMATION:

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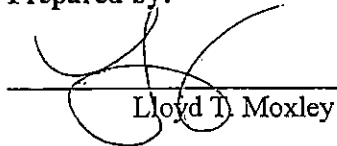
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- Work with the Baltimore County Landscape Architect to create a planting plan that will result in a mixed deciduous/coniferous landscape screen along the Greenside Drive frontage.
- Ensure the north or Greenside Drive side façade of the proposed dwelling is finished in a similar style with like materials as the front façade.
- Investigate providing a path walk way along Gibbons Boulevard to enhance the safety of pedestrians.

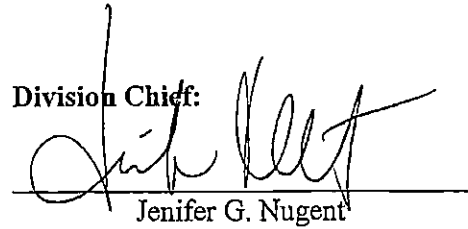
Date: 1/15/2019
Subject: ZAC # 19-186
Page 2

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

Prepared by:


Lloyd T. Moxley

Division Chief:


Jenifer G. Nugent

JM/JGN/LTM/

c: Wally Lippincott
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
R. Craig Rodgers
Timothy Kotroco, Esq.
Office of the Administrative Hearings
People's Counsel for Baltimore County

3-1

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Mike Mohler
Acting Director, Permits, Approvals and Inspections

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-186



INFORMATION:

Property Address: 38 Gibbons Boulevard (Lot C)
Petitioner: Brenden Carlson
Zoning: DR 3.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to allow a street side setback of 20 feet in lieu of the required 30 feet.

A site visit was conducted on December 21, 2018. The site is within the "Impact Area" of the Hunt Valley/Timonium Master Plan (HV/T) adopted by the Baltimore County Council on October 19, 1998. The development is subject to the Comprehensive Manual of Development Policies (CMDP). The HV/T plan sets forth as an action item to "Insure that the future redevelopment of sites in the HV/T area does not create negative impacts on existing communities (pg. 29) and the arrangement and orientation of the proposed buildings and site improvements are patterned in a similar manner to those in the neighborhood." (pg. 66)

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

- Work with the Baltimore County Landscape Architect to create a planting plan that will result in a mixed deciduous/coniferous landscape screen along the Greenside Drive frontage.
- Ensure the north or Greenside Drive side façade of the proposed dwelling is finished in a similar style with like materials as the front façade.
- Investigate providing a path walk way along Gibbons Boulevard to enhance the safety of pedestrians.

ORDER RECEIVED FOR FILING

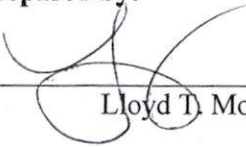
Date 3/8/19

By Den

Date: 1/15/2019
Subject: ZAC # 19-186
Page 2

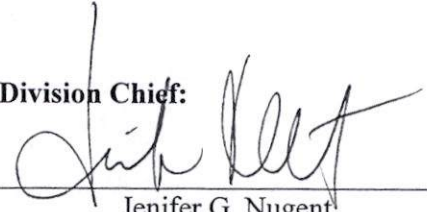
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

JM/JGN/LTM/

c: Wally Lippincott
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
R. Craig Rodgers
Timothy Kotroco, Esq.
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date 3/8/19

By Sen

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: December 27, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0186-A
Address 38 Gibbons Blvd. Lot C
(Carlson Property)

Zoning Advisory Committee Meeting of **December 24, 2018**.

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

Reviewer: Steve Ford

PLEASE-PRINT CLEARLY

CASE NAME 38 GIBBONS BLVD.
CASE NUMBER 2019-0186-A
DATE 3/1/19

PETITIONER'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

CASE NAME Gibbons Blvd.
CASE NUMBER 2019-1964187
DATE March 1, 2019

[illegible]

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

1/17

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

Comment

12/27

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

No Comment

1/14

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)No objection
w/ conditions

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 2/8/19

SIGN POSTING (1st) Date: 2/8/19

by Pulson

SIGN POSTING (2nd) Date: 2/25/19

by Pulson

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 - 08 Account Number - 2500014856			
Owner Information					
Owner Name:		FORTE EQUITY II LLC		Use:	
Mailing Address:		STE J 1810 YORK RD LUTHERVILLE MD 21093-		Principal Residence: Deed Reference:	
				RESIDENTIAL NO /40069/ 00098	
Location & Structure Information					
Premises Address:		38 GIBBONS BLVD COCKEYSVILLE 21030-		Legal Description: 0.2498 AC LOT C 38 GIBBONS BLVD NS TIMONIUM HEIGHTS LOT 21	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0051	0018	0375		0715	GG
Assessment Year:		Block:		Lot:	
2017				C	
Plat No:		Plat Ref:		Assessment Year:	
2		0007/ 0015		2017	
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
				Property Land Area 0.2498 AC	
				County Use 04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
Base Value		Value		Phase-In Assessments	
		As of		As of	
		01/01/2017		07/01/2018	
Land:	102,900	102,900		As of	
Improvements	0	0		07/01/2019	
Total:	102,900	102,900		102,900	
Preferential Land:	0			102,900	
Transfer Information					
Seller: FORTE EQUITY II LLC		Date: 03/22/2018		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /40069/ 00098		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		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:					

Case No.: 2019-186

Exhibit Sheet

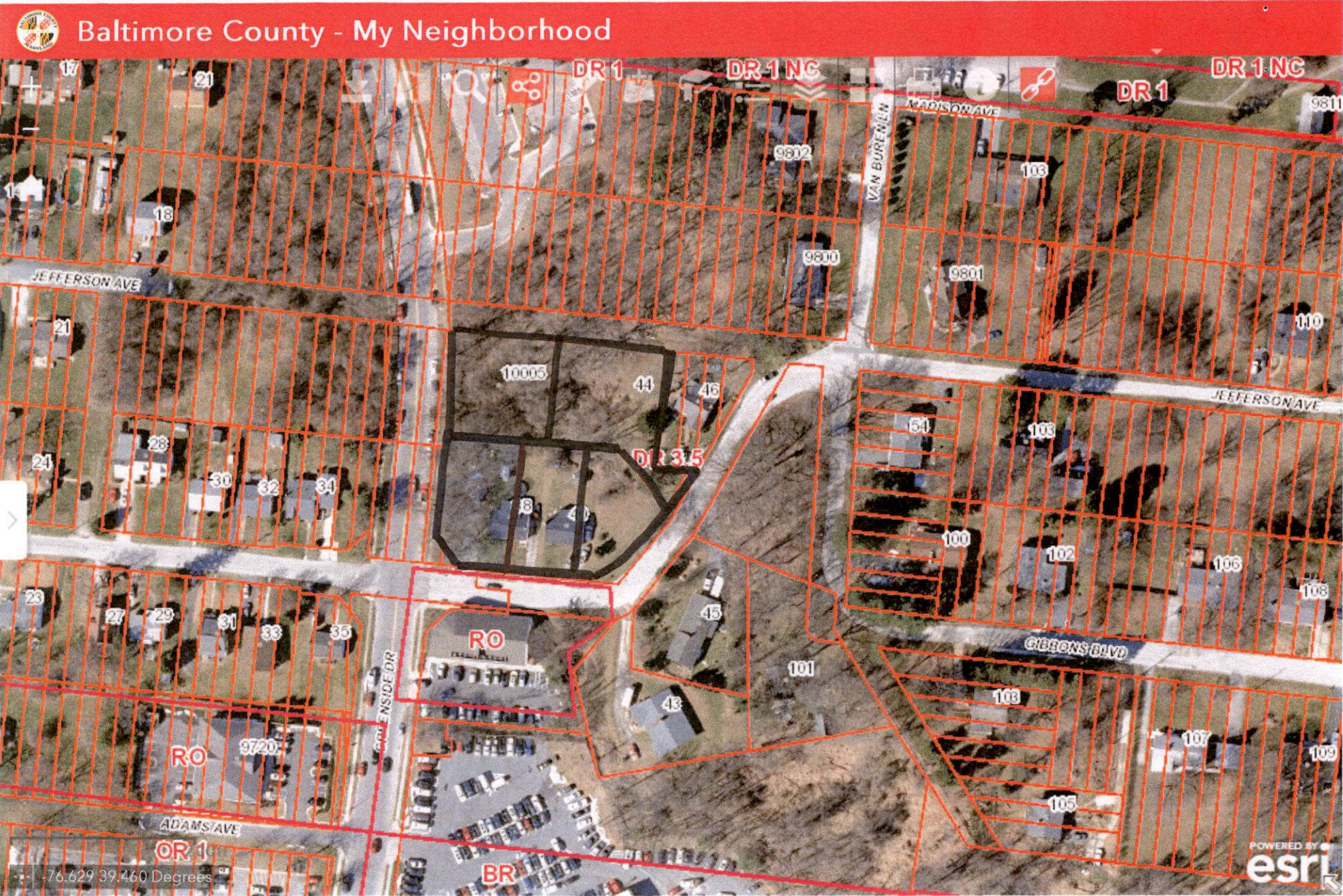
Petitioner/Developer

Protestant

D2
A-9-19

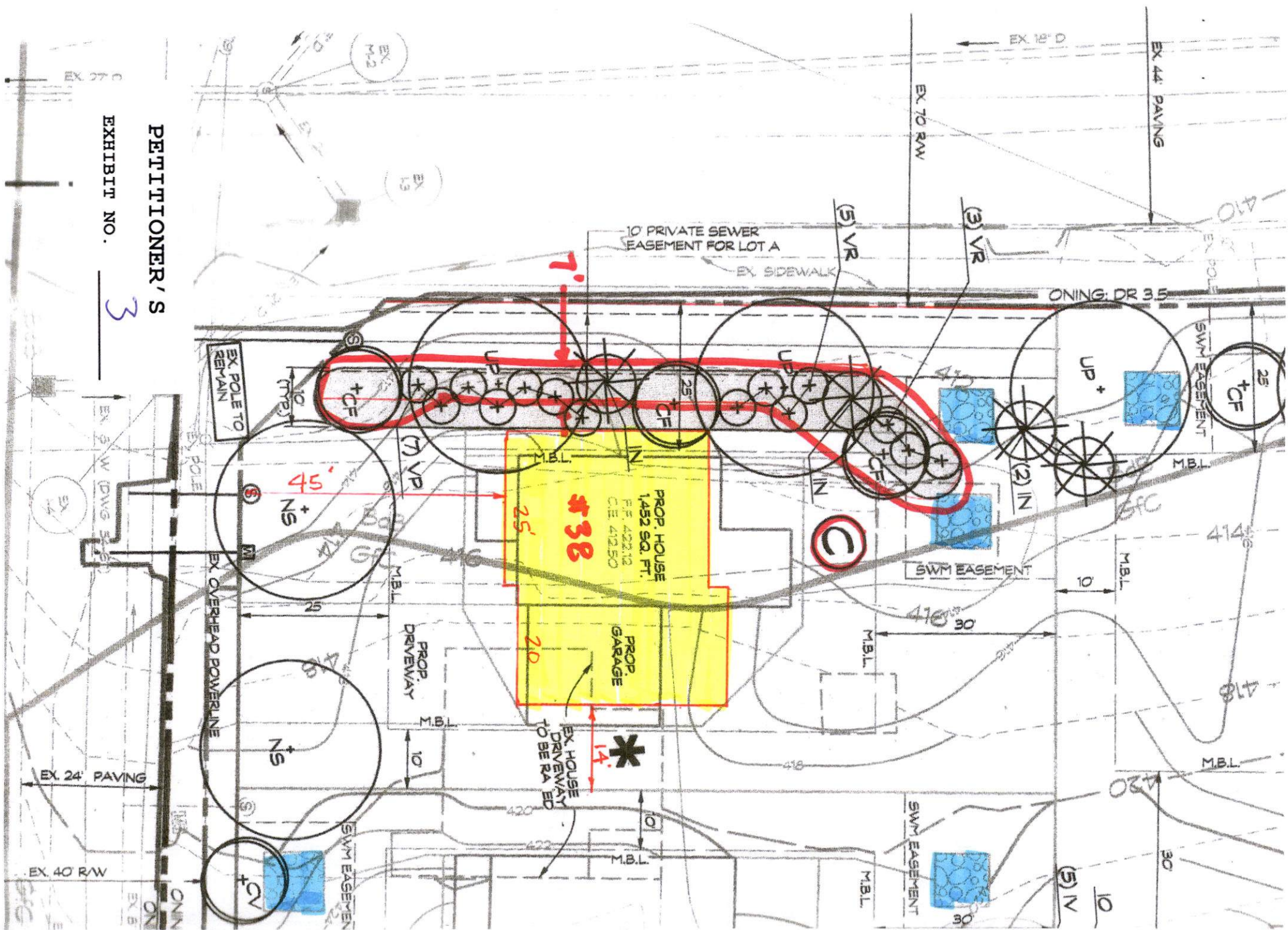
den
3/8/19

No. 1	Plan	Site photos
No. 2	My Neighborhood Map	
No. 3	Sketch - proposed landscape	
No. 4	Elevations	
No. 5	Site photos	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

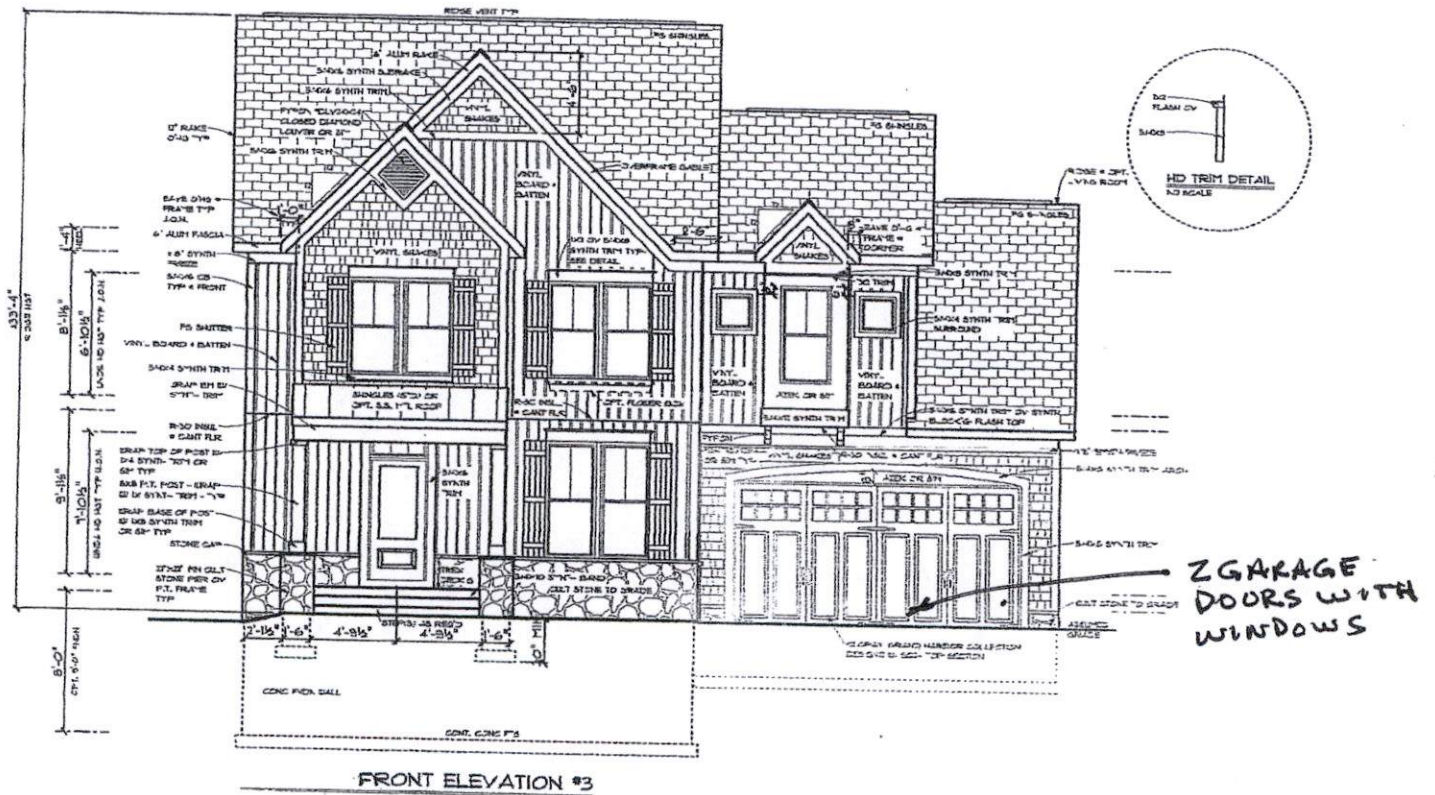


PET. No. 2

ω



LOT C
38 GIBBONS BLVD.
CASE NO. 2019-0186-A



PET. No. 4

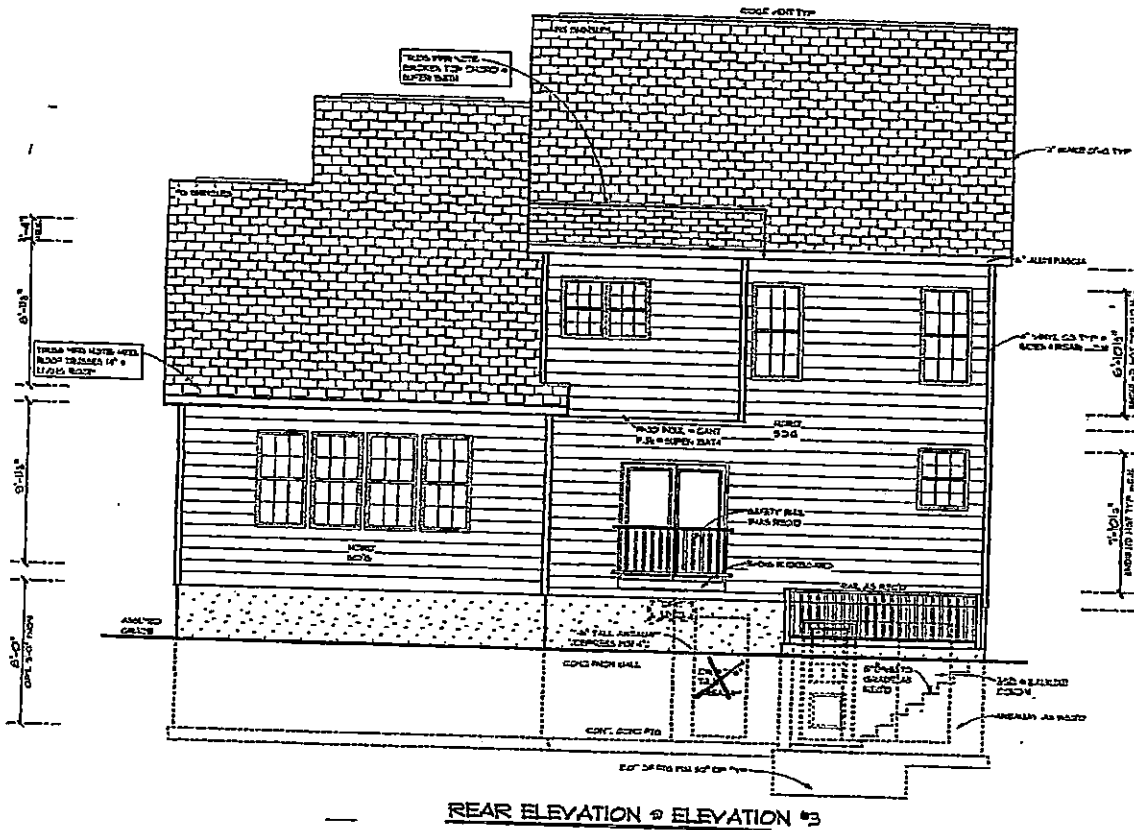
1. STONE FOUNDATION TO GRADE.
2. 2 SECOND STORY WINDOWS



[illegible]

ROOSEVELT II ELEVATION '03 WITH LIVING ROOM AND BEDROOM '05
APPROVED PERMIT SET 08/10/2016

LOT C
38 GIBBONS BLVD.
CASE NO. 2019-0186-A





PETITIONER'S

EXHIBIT NO.

5

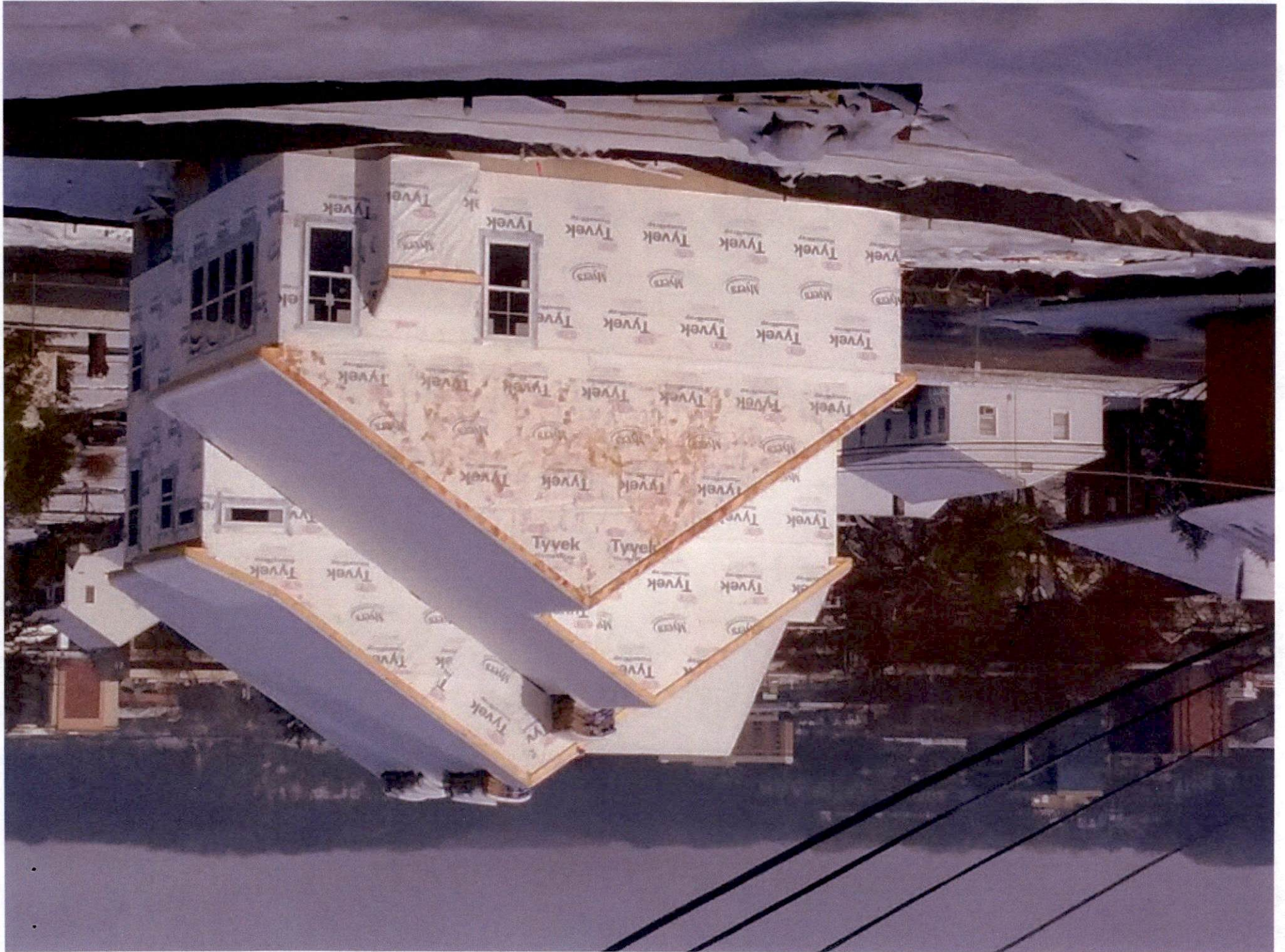






PROT. NO. 1





30 Photos

Map & Location

Street View

45 Gibbons Blvd
Cockeysville, Maryland
View on Google Maps



Google

© 2019 Google | Terms of Use



DR 3.5

PAI # 080511

44
2500014855

Lot # B

2500014858

R-1991-0116

Lot # D

0812021720

Lot #

GIBBONS BLVD

0803050370

0802069720

101

0803047501



1700012367
R-1974-0064-X
1984-0243-X

1998-0069-XA
1998-0437-SPH
2001-0373-A

Pt. Bk. 0000035, Folio 0021

R-1968-0302

Pt. Bk./Folio # 035021

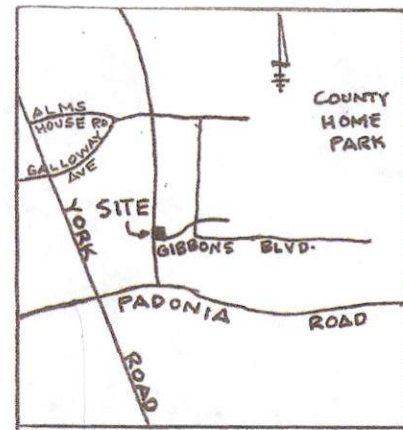
PAI # 088037

PAI # 088037

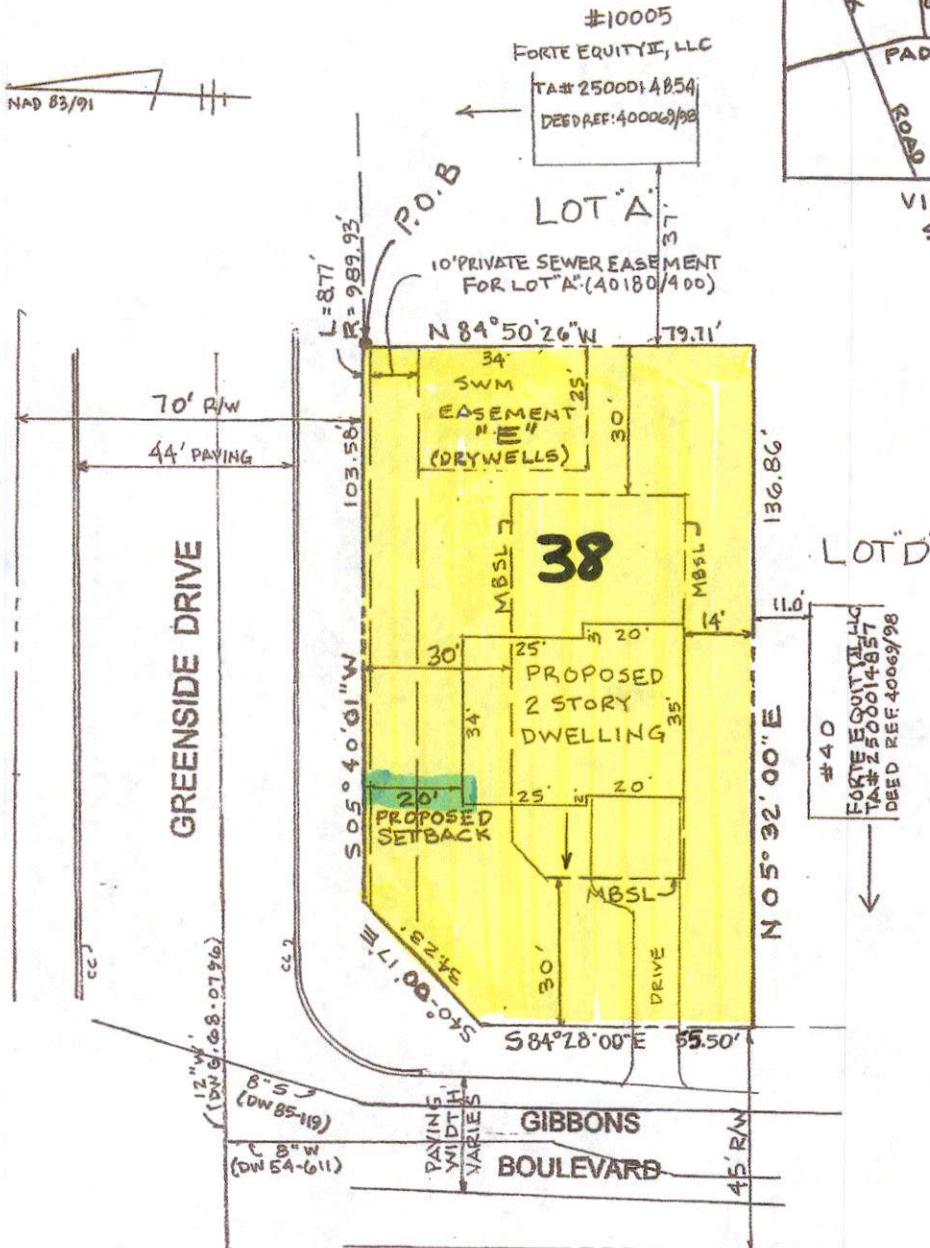
1972-0014-SPH
1972-0142-A

BR

NAD 83/91



VICINITY MAP
SCALE: 1"=2000'



OWNER:
FORTE EQUITY II, LLC
STE J
1810 YORK RD
LUTHERVILLE, MD 21093

GENERAL NOTES

ZONING MAP# 051C2
SITE ZONED: DR 3.5
ELECTION DISTRICT: 8
COUNCIL DISTRICT: 3
LOT AREA: 0.2435 AC +/-
OR SQUARE FEET: 10,609±
HISTORIC: NO
IN CBCA: NO
IN FLOOD PLAIN: NO
WATER IS PUBLIC
SEWER IS PUBLIC
ZONING HISTORY

DRC NO. 030717-LLA
(2017-00023)
APPROVED 3/3/17
NONE

PRIOR
VIOLATIONS

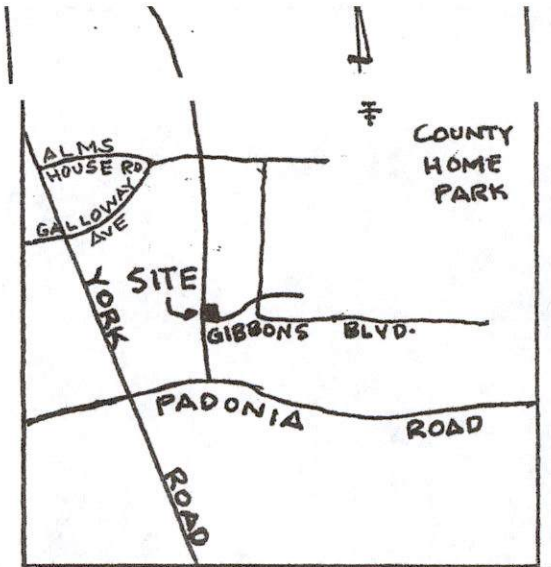
PREPARED BY:
CRAIG CONSULTING, LLC
7024 GREENBANK RD.
BALTIMORE, MD 21220

**ZONING HEARING PLAN
TO ACCOMPANY
VARIANCE FOR
38 GIBBONS BLVD.**

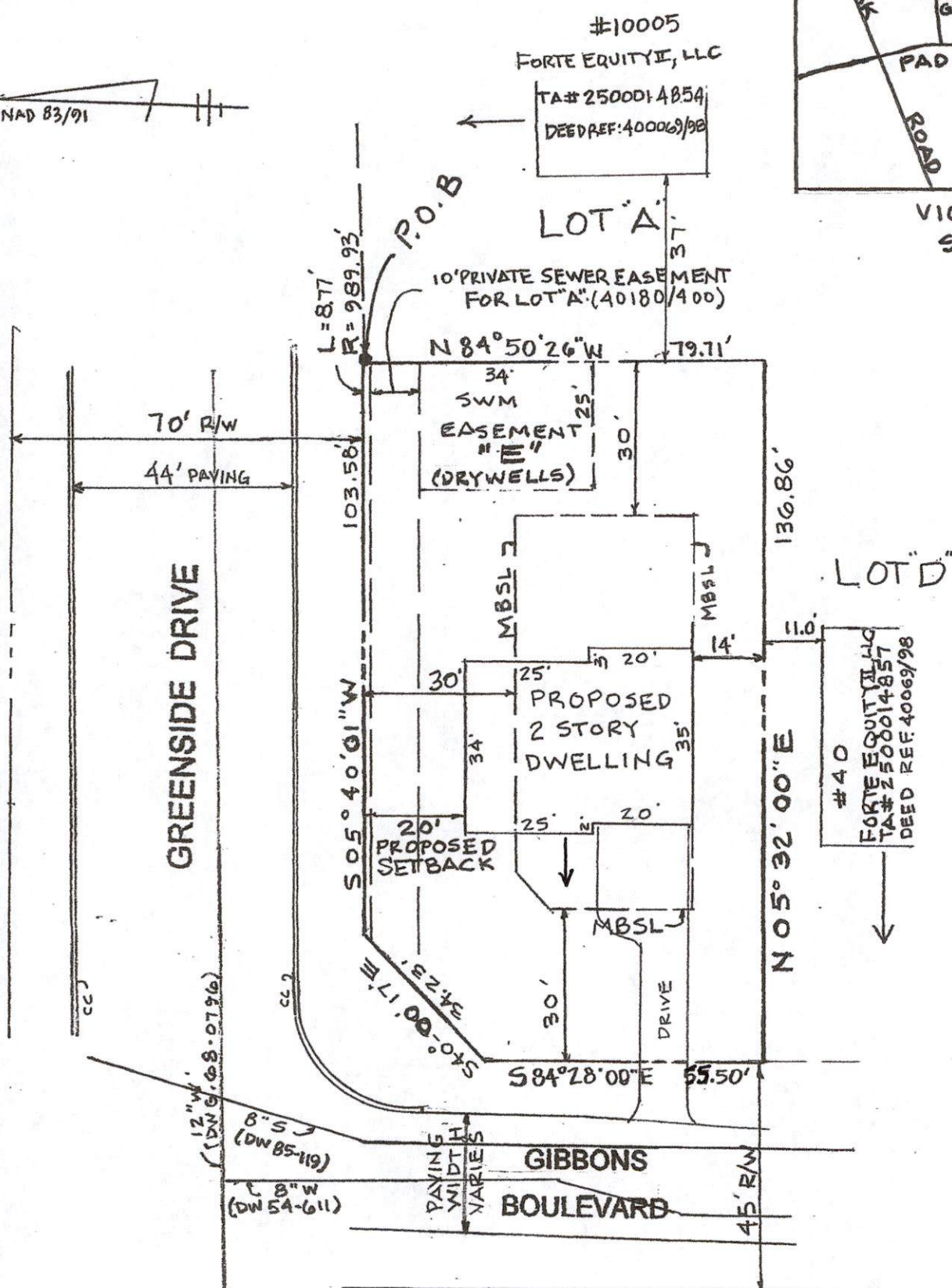
LOT "C"
BALTIMORE COUNTY, MD
DEED REF. 40753/188
TAX ACCT. NO. 2500014856
TAX MAP 51, PARCEL 375
PLAT REF: TIMONIUM HEIGHTS
SECTION GG (7/15)

SCALE: 1"=30' DATE: DECEMBER, 2018

NAD 83/91



VICINITY MAP
SCALE: 1"=2000'



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1810 YORK RD
LUTHERVILLE, MD 21093

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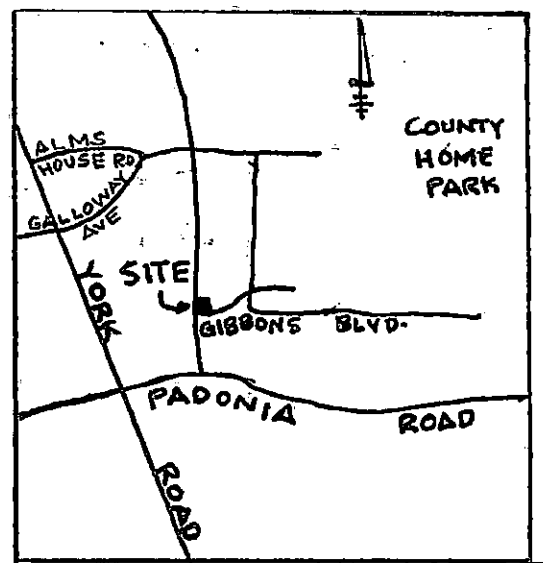
PET. No. 1

PREPARED BY:
CRAIG CONSULTING, LLC
7024 GREENBANK RD.
BALTIMORE, MD 21220

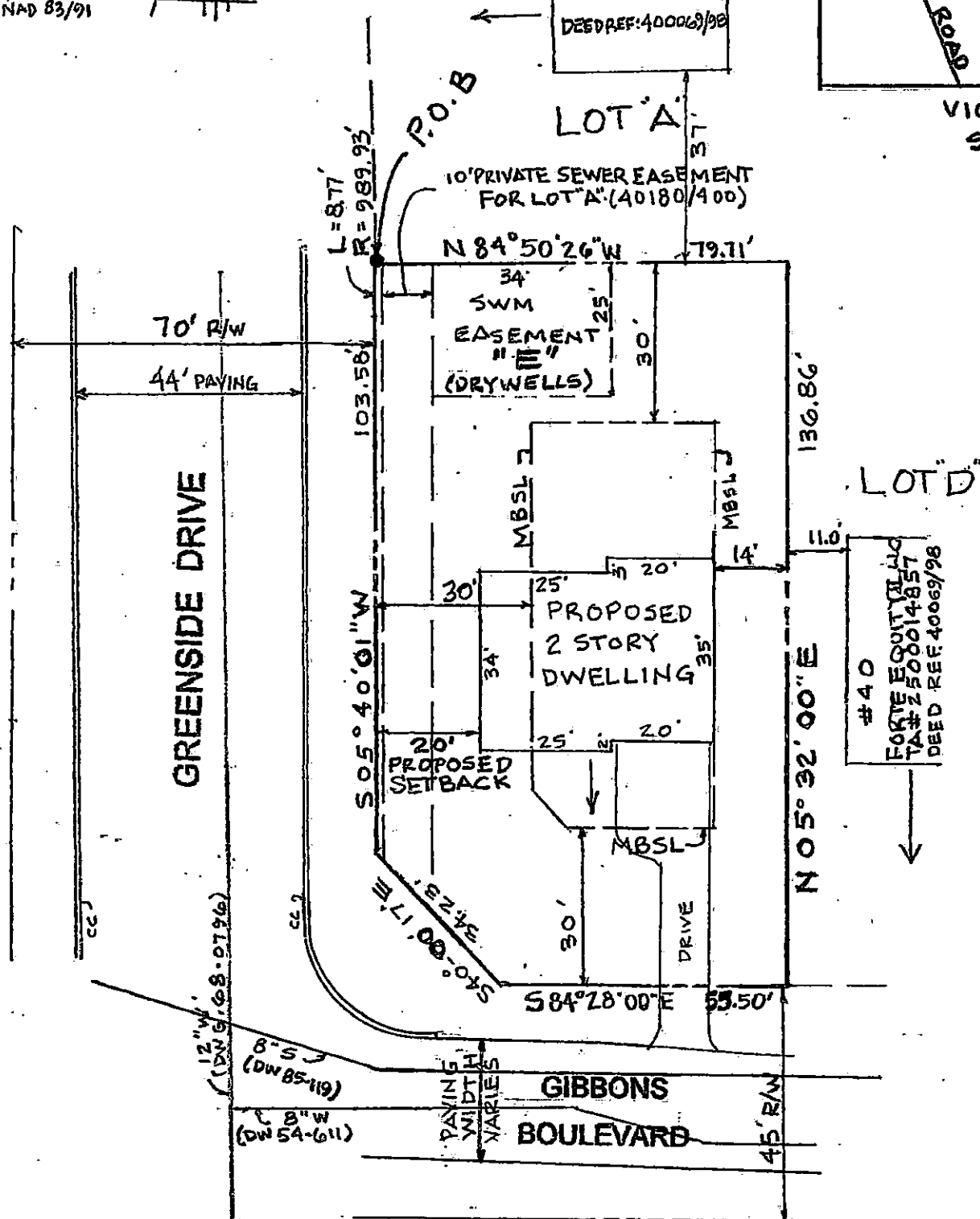
PREPARED BY:
CRAIG CONSULTING, LLC
7024 GREENBANK RD.
BALTIMORE, MD 21220

NAD 83/91

#10005
FORTE EQUITY II, LLC
TA# 2500014854
DEED REF: 400069/98



VICINITY MAP
SCALE: 1"=2000'



OWNER:
FORTE EQUITY II, LLC
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1810 YORK RD
LUTHERVILLE, MD 21093

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