

M E M O R A N D U M

DATE: May 16, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0225-A- Appeal Period Expired

The appeal period for the above-referenced case expired on May 15, 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.'

c: Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(912 Frog Mortar Road) ✓

15th Election District

6th Council District

Richard & Connie Huber

Legal Owners

Petitioners

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2019-0225-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Richard and Connie Huber, legal owners of the subject property (“Petitioners”). Petitioners are requesting variance relief from Section 1B01.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”) to permit a proposed replacement dwelling with a side set back of 7 feet in lieu of the required minimum side setback of 10 feet with a sum of side setbacks of 14 feet in lieu of the required 25 feet, and a lot width of 50 feet in lieu of the required 70 feet. A site plan was marked as Petitioners’ Exhibit 1.

Connie Huber and professional engineer William N. Bafitis 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. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Bureau of Development Plans Review (“DPR”) and the Department of Environmental Protection and Sustainability (“DEPS”). Neither agency opposed the request.

The site is approximately 10,000 (50’ x 200’) sq. ft. in size and is zoned DR 3.5. The property is improved with a small (1,135 sq. ft.) single family dwelling constructed in 1924.

Petitioners propose to raze the existing structure and construct in its place a 1,603 sq. ft. dwelling.

ORDER RECEIVED FOR FILING

Date 4-14-19

By 123

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 lots were created by the plat of Revolea Beach, recorded in 1920 long before the adoption of the BCZR. As such the property is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to construct the proposed replacement dwelling. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

THEREFORE, IT IS ORDERED, this 16th day of **April, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to Section 1B01.3.C.1 of the Baltimore County Zoning Regulations ("BCZR") to permit a proposed replacement dwelling with a side set back of 7 feet in lieu of the required minimum side setback of 10 feet with a sum of side yard setbacks of 14 feet in lieu of the required 25 feet, and a lot width of 50 feet in lieu of the required 70 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Prior to issuance of permits, Petitioners must comply with CBCA and flood protection regulations.

ORDER RECEIVED FOR FILING

Date 4-16-19

By [Signature]

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:dlw

ORDER RECEIVED FOR FILING

Date 4-16-19

By ra



PETITION FOR ZONING HEARING

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 **#912 FROG MORTAR ROAD** which is presently zoned **DR 3.5**

Deed References: **40646/476** 10 Digit Tax Account # **15-19072140**

Property Owner(s) Printed Name(s) **RICHARD JAMES HUBER & CONNIE SCHLEGEL HUBER**

(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)

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

RICHARD HUBER

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

#3601 N. PROGRESS AVE. HARRISBURG, PA.

Mailing Address City State

17110 1-717-979-6630
Zip Code Telephone # Email Address

Representative to be contacted:

WILLIAM N. BAFTIS, P.E.

Name - Type or Print

Signature

1249 ENGLEBERTH ROAD BALTIMORE MARYLAND

Mailing Address City State

21221 410-391-2336 bafitisassoc@comcast.net
Zip Code Telephone # Email Address

CASE NUMBER **2019-0225A** Filing Date **1/30/19**

Do Not Schedule Dates:

Reviewer *gh*

REV. 10/4/11

2019-0225-A

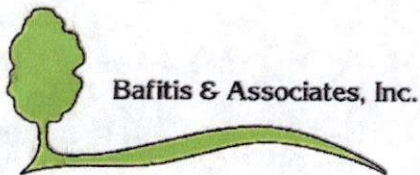
Variance from section 1B01.3.C.1 of the BCZR:

To permit a proposed replacement dwelling with a side set of 7 feet in lieu of the required minimum side setback of 10 feet with a sum 14 feet in lieu of the required 25 feet, and a lot width of 50 feet in lieu of the required 70 feet.

2019-0225-A

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To permit a proposed replacement dwelling with a side set of 7 feet in lieu of the required minimum side setback of 10 feet with a sum 14 feet in lieu of the required 25 feet, and a lot width of 50 feet in lieu of the required 70 feet.



Bafitis & Associates, Inc.

**ZONING DESCRIPTION
FOR
#912 FROG MORTAR ROAD**

BEGINNING AT A POINT ON WEST SIDE OF FROG MORTAR ROAD 40' R/W,
AND 247'± SOUTHEASTERLY FROM THE CENTERLINE INTERSECTION OF
REVOLEA BEACH ROAD 40' R/W;

BEING KNOWN AS LOT 34 & 35, IN THE SUBDIVISION REVOLEA BEACH AS
RECORDED IN BALTIMORE COUNTY PLAT BOOK 05, FOLIO 67.

CONTAINING 10,000 S.F. OR 0.229 AC. MORE OR LESS
LOCATED IN THE 15TH ELECTION DISTRICT AND THE 6TH COUNCILMANIC DISTRICT.



SEAL


WILLIAM N. BAFITIS, P.E. MD. REG. #11641

The Daily Record

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

<http://www.thedailyrecord.com>

Order #: 11714757
 Case #: 2019-0225-A
 Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0225-A

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:

3/26/2019



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: 2019-0225-A

912 Frog Mortar Road

W/s Frog Mortar Road, s/e of Revolea Beach Road

15th Election District - 6th Councilmanic District

Legal Owners: Richard Huber

Variance to permit a proposed replacement dwelling with a side setback of 7 ft. in lieu of the required minimum side setback of 10 ft. with a sum of 14 ft. in lieu of the required 25 ft., and lot width of 50 ft. in lieu of the required 70 ft.

Hearing: Monday, April 15, 2019 at 10:00 a.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.

nhh26

JS 4-15-19
10 Am

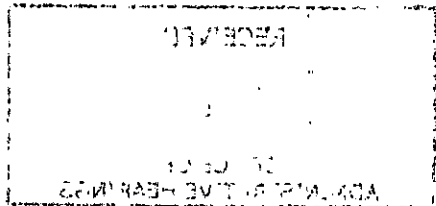
Debra Wiley

From: John Altmeyer <jaltmeyer@aol.com>
Sent: Tuesday, April 9, 2019 8:25 PM
To: Administrative Hearings; Bafitisassoc@comcast.net
Subject: recheck 912 Frog Motrar Rd. Case 2019-0225-A
Attachments: Scan0020.pdf

See attached recheck Certificates.

John M. Altmeyer





CERTIFICATE OF POSTING

SIGN 2

Date: recheck 04/09/2019

RE: Project Name: Public Hearing

Case Number /PAI Number: 2019-0225-A

Petitioner/Developer: Richard Huber

Date of Hearing/Closing: 04/15/2019

RECEIVED

APR 10 2019

OFFICE OF
ADMINISTRATIVE HEARINGS

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 912 Frog Mortar Rd.

The sign(s) were posted on 03/24/2019 / recheck 04/09/2019

(Month, Day, Year)


(Signature of Sign Poster)

John M. Altmeyer

(Printed Name of Sign Poster)

21722 Orwig Rd.

(Street Address of Sign Poster)

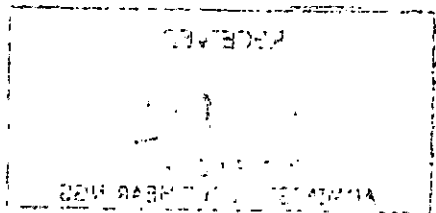
Freeland, MD. 21053

(City, State, Zip Code of Sign Poster)

410-382-6580

(Telephone Number of Sign Poster)





Sign 1

Date: recheck 04/09/2019

RE: Project Name: _____ **Public Hearing**

Case Number /PAI Number: 2019-0225-A

Petitioner/Developer: Richard Huber

Date of Hearing/Closing: 04/15/2019

RECEIVED

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(Signature of Sign Poster)

John M. Altmeyer

(Printed Name of Sign Poster)

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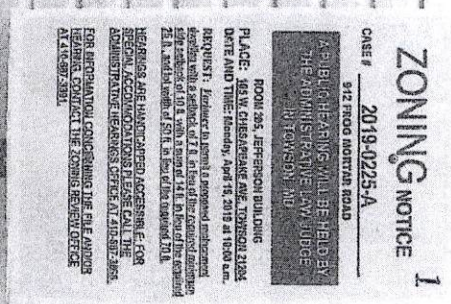
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410-382-6580

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CERTIFICATE OF POSTING

Sign 1

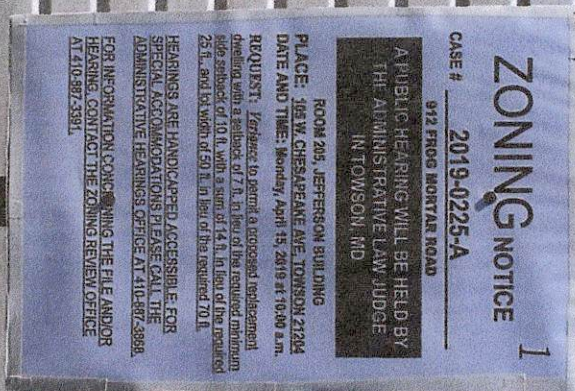
Date: 03/24/2019

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Case Number /PAI Number: 2019-0225-A
Petitioner/Developer: Richard Huber
Date of Hearing/Closing: 04/15/2019

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410-382-6580
(Telephone Number of Sign Poster)

03/24/2019

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

1

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CERTIFICATE OF POSTING

SIGN 2

Date: 03/24/2019

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Case Number /PAI Number: 2019-0225-A
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Date of Hearing/Closing: 04/15/2019

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(Month, Day, Year)



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(Signature of Sign Poster)

John M. Altmeyer
(Printed Name of Sign Poster)

21722 Orwig Rd.
(Street Address of Sign Poster)

Freeland, MD. 21053
(City, State, Zip Code of Sign Poster)

410-382-6580
(Telephone Number of Sign Poster)

and the other two are the same.

One of the main reasons for the success of the model is the fact that it is able to handle a wide range of data, including both numerical and categorical data. This is achieved by using a combination of linear and non-linear models, which allows the model to capture both the linear and non-linear relationships between the variables.

The model is also able to handle missing data, which is a common problem in many datasets. This is achieved by using a technique called imputation, which involves replacing missing values with estimated values.

Overall, the model is a powerful tool for analyzing data and making predictions. It is able to handle a wide range of data, including both numerical and categorical data, and it is also able to handle missing data. This makes it a very versatile and useful tool for data analysis.

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JOHN A. OLSZEWSKI, JR.
County Executive

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

March 8, 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:

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W/s Frog Mortar Road, s/e of Revolea Beach Road

15th Election District – 6th Councilmanic District

Legal Owners: Richard Huber

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Hearing: Monday, April 15, 2019 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Mike Mohler
Director

MM:kl

C: Richard Huber, 3601 N. Progress Avenue, Harrisburg PA 17110
William Bafitis, 1249 Engleberth Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 26, 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.**

6102-23.80 2011

gntre:11' 210du9

2011/11/20 2011/11/20

2011/11/20 2011/11/20

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
912 Frog Mortar Rd; W/S of Frog Mortar Rd, * OF ADMINISTRATIVE
SE 247' to c/line of Revolea Beach Road * HEARINGS FOR
15th Election & 6th Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Richard Huber *
Petitioner(s) *
2019-225-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

FEB 22 2019

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 22nd day of February, 2019, a copy of the foregoing Entry of Appearance was mailed to William Bafitis, P.E., 1249 Engleberth Road, Baltimore, Maryland 21221, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



JOHN A. OLSZEWSKI, JR.
County Executive

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

March 8, 2019

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A handwritten signature in black ink, appearing to read "Mike Mohler", is written over a horizontal line.

Mike Mohler
Director

MM:kl

C: Richard Huber, 3601 N. Progress Avenue, Harrisburg PA 17110
William Bafitis, 1249 Engleberth Road, Baltimore 21221

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TO: THE DAILY RECORD
Tuesday, March 26, 2019 - Issue

Please forward billing to:

Richard Huber
3601 North Progress Avenue
Harrisburg PA 17110

1-717-979-6630

NOTICE OF ZONING HEARING

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Mike Mohler
Director of Permits, Approvals and Inspections for Baltimore County

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**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: 2019-0225-A

Property Address: #912 FROG MORTAR ROAD

Property Description: EXISTING 1-STORY DWELLING W/WOODEN PIER

Legal Owners (Petitioners): RICHARD HUBER & CONNIE HUBER

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: RICHARD HUBER & CONNIE HUBER

Company/Firm (if applicable): _____

Address: #3601 NORTH PROGRESS AVENUE

HARRISBURG, PENNSYLVANIA 17110

Telephone Number: 1-717-979-6630

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

No. **178973**

Date: **1/30/19**

PATH RECEIPT

BUSINESS ACTUAL TIME ORW
 1/30/2019 1/30/2019 09:02:49 1

RECEIPT # 831675 1/30/2019 CFLM
 ALKIN LJR

22 ZONING VERIFICATION

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00

Recd Tot \$ 75.00
 75.00 CR .00 CR
 BALC Baltimore County, Maryland

Total: **75.00**

Rec From: **Nick Bg Sitis**

For: **2019-0225-A**

912 Frog Mar for Rd

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

April 11, 2019

Richard Huber
3601 N. Progress Ave
Harrisburg PA 17110

RE: Case Number: 2019-0225-A, 912 Frog Mortar Road

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 January 30, 2019. 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
William N. Bafitis, P.E. 1249 Engleberth Road Baltimore MD 21221

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: March 19, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0225-A
Address 912 Frog Mortar Road
(Huber Property)

Zoning Advisory Committee Meeting of **February 25, 2019.**

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 a Limited Development Area (LDA) and a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is proposing to permit a replacement dwelling with less setbacks and lot width than permitted. The site plan shows a proposed dwelling, in-ground pool, and driveway. The lot is waterfront, and any proposed development must meet all LDA and MBA requirements, including lot coverage limits, MBA setbacks and afforestation requirements. Lot coverage is limited to a maximum of 31.25% (3,125 square feet), with mitigation required for any lot coverage between 25% and 31.25%. Proposed lot coverage is 3,158 square feet, greater than the allowable limit. 15% afforestation (3 trees) is required. Mitigation, in the form of plantings and/or fee-in-lieu, may be required to meet the MBA requirements. If the lot coverage, afforestation, and MBA requirements are met, 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 waterfront and must meet all lot coverage, MBA, and afforestation requirements. At this time proposed lot coverage is greater than the allowable limit. If it can be reduced to meet this limit, and MBA and afforestation requirements are met this request 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;

This is a grandfathered lot. Provided that the applicants meet their lot coverage, MBA, and afforestation requirements, then the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mohler, Acting Director
Department of Permits, Approvals
And Inspections
MD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For February 25, 2019
Item No. 2019-0225-A

DATE: March 13, 2019

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

Prior to building permit application the petitioner must contact the Office of the Director of Public works in writing to determine the flood protection elevation, so that the first floor elevation can be established.

* * * *

VKD: cen
cc: file

4-15

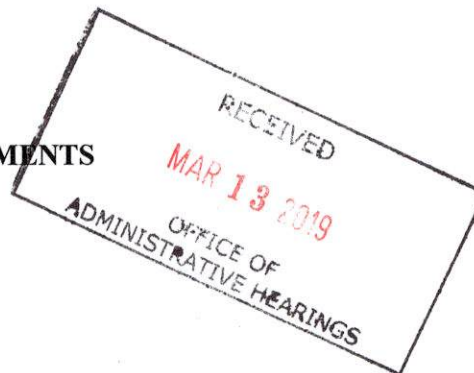
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 3/12/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-225



INFORMATION:

Property Address: 912 Frog Mortar Road
Petitioner: Richard Huber
Zoning: DR 3.5
Requested Action: Variance

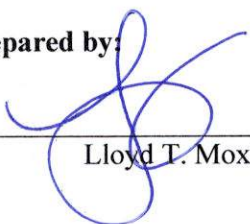
The Department of Planning has reviewed the petition for variance to permit a proposed single family dwelling with a side yard of 7' and a sum of side yards of 14' on a lot having a width of 50' in lieu of the required 10', 25' and 50' respectively.

A site visit was conducted on February 26, 2019.

The Department of Planning has no objections to granting the petitioned zoning relief.

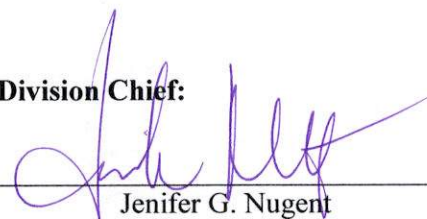
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

JM/JGN/LTM/

c: Krystle Patchak
William N. Bafitis, P.E.
Office of the Administrative Hearings
People's Counsel for Baltimore County

Date: 2/25/19

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. 2014-0225-A

*Variance
Richard Hecker
912 Frog Mortar 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

CASE NAME _____
CASE NUMBER 2019-0225-A
DATE April 15, 2019

[illegible]

4-15-19

CASE NO. 2019-

0225-A

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

3/13

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

Comment

3/19

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

Comment

3/12

FIRE DEPARTMENT

No objection

2/25

PLANNING
(if not received, date e-mail sent _____)No
Objection

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 3/26/19

SIGN POSTING (1st) Date: 3/24/19

by Altmeier

SIGN POSTING (2nd) Date: 4/9/19

by Altmeier

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 - 1519072140							
Owner Information									
Owner Name:		HUBER RICHARD JAMES HUBER CONNIE SCHLEGEL				Use:		RESIDENTIAL	
Mailing Address:		3601 N PROGRESS AVE STE 200 HARRISBURG PA 17110-				Principal Residence:		NO	
						Deed Reference:		/40646/ 00476	
Location & Structure Information									
Premises Address:		912 FROG MORTAR RD MIDDLE RIVER 21220- Waterfront				Legal Description:		LT 34,35 912 FROG MORTAR RD REVOLEA BEACH	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0091	0021	0145		0000			34	2018	Plat Ref: 0005/0067
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1924		1,056 SF				10,000 SF		34	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
1	YES	STANDARD UNIT	BRICK	1 full					
Value Information									
		Base Value	Value		Phase-in Assessments				
			As of		As of		As of		
			01/01/2018		07/01/2018		07/01/2019		
Land:		260,000	260,000						
Improvements		45,400	68,400						
Total:		305,400	328,400		313,067		320,733		
Preferential Land:		0					0		
Transfer Information									
Seller: SCOTT LINDSEY J SCOTT WAVELINE				Date: 09/10/2018			Price: \$275,000		
Type: ARMS LENGTH IMPROVED				Deed1: /40646/ 00476			Deed2:		
Seller: SCOTT LINDSEY J				Date: 08/15/2006			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /24303/ 00152			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							

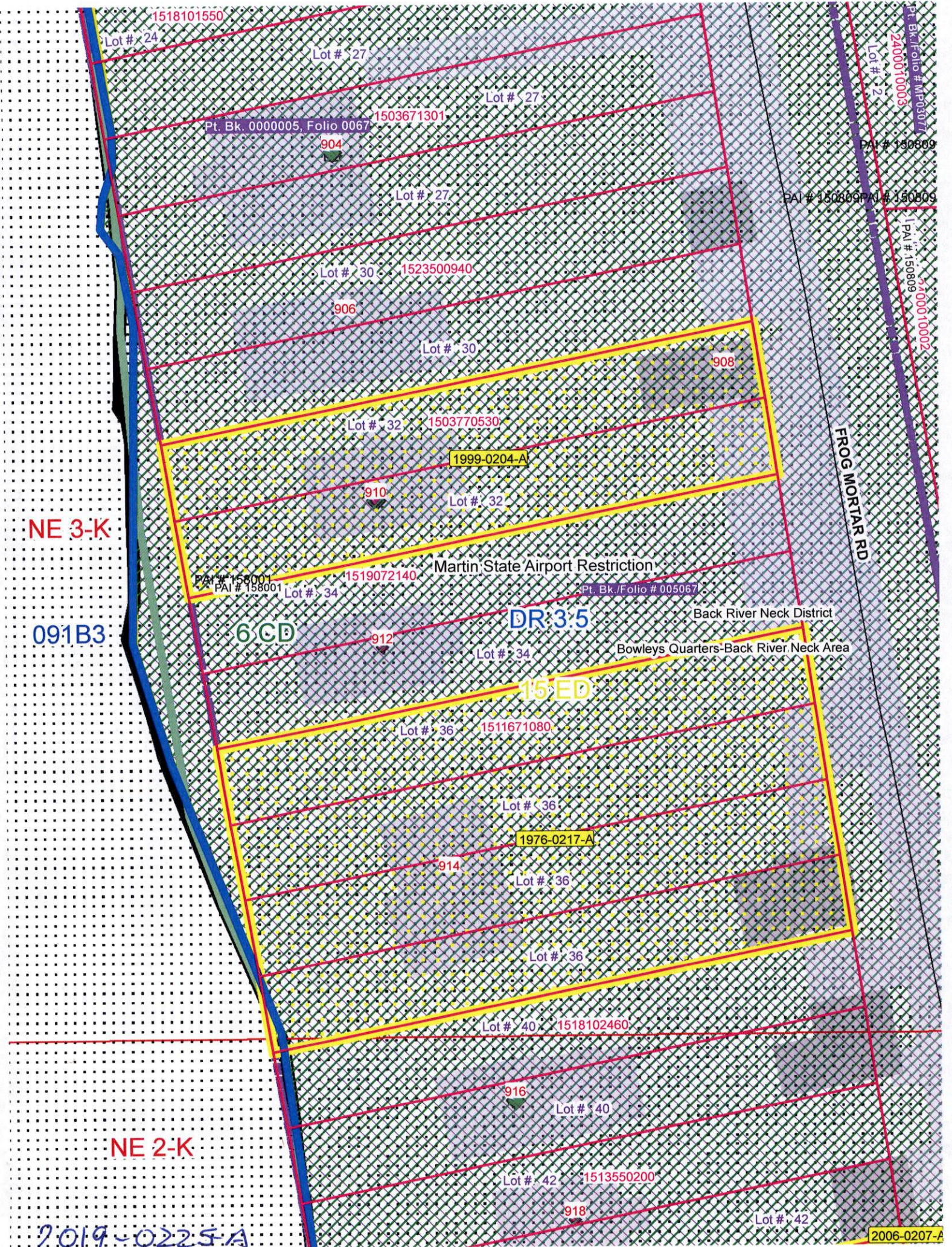
Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:



1518101550

Lot # 24

Lot # 27

Lot # 27

Pt. Bk. 0000005, Folio 0067

1503671301

904

Lot # 27

Lot # 30

1523500940

906

Lot # 30

Lot # 32

1503770530

1999-0204-A

910

Lot # 32

NE 3-K

091B3

6CD

Martin State Airport Restriction

DR 3.5

Back River Neck District

Bowleys Quarters-Back River Neck Area

15ED

Lot # 36

1511671080

Lot # 36

1976-0217-A

914

Lot # 36

Lot # 36

Lot # 40

1518102460

916

Lot # 40

NE 2-K

Lot # 42

1513550200

918

Lot # 42

2019-0225-A

2006-0207-A

Pt. Bk. Folio # MP0307
2400010003

PAI # 150809

PAI # 150809 PAI # 150809

PAI # 150809

2400010002

FROG MORTAR RD



①

#906 FROG MORTAR ROAD



②

BETWEEN #910 & #912 FROG MORTAR ROAD



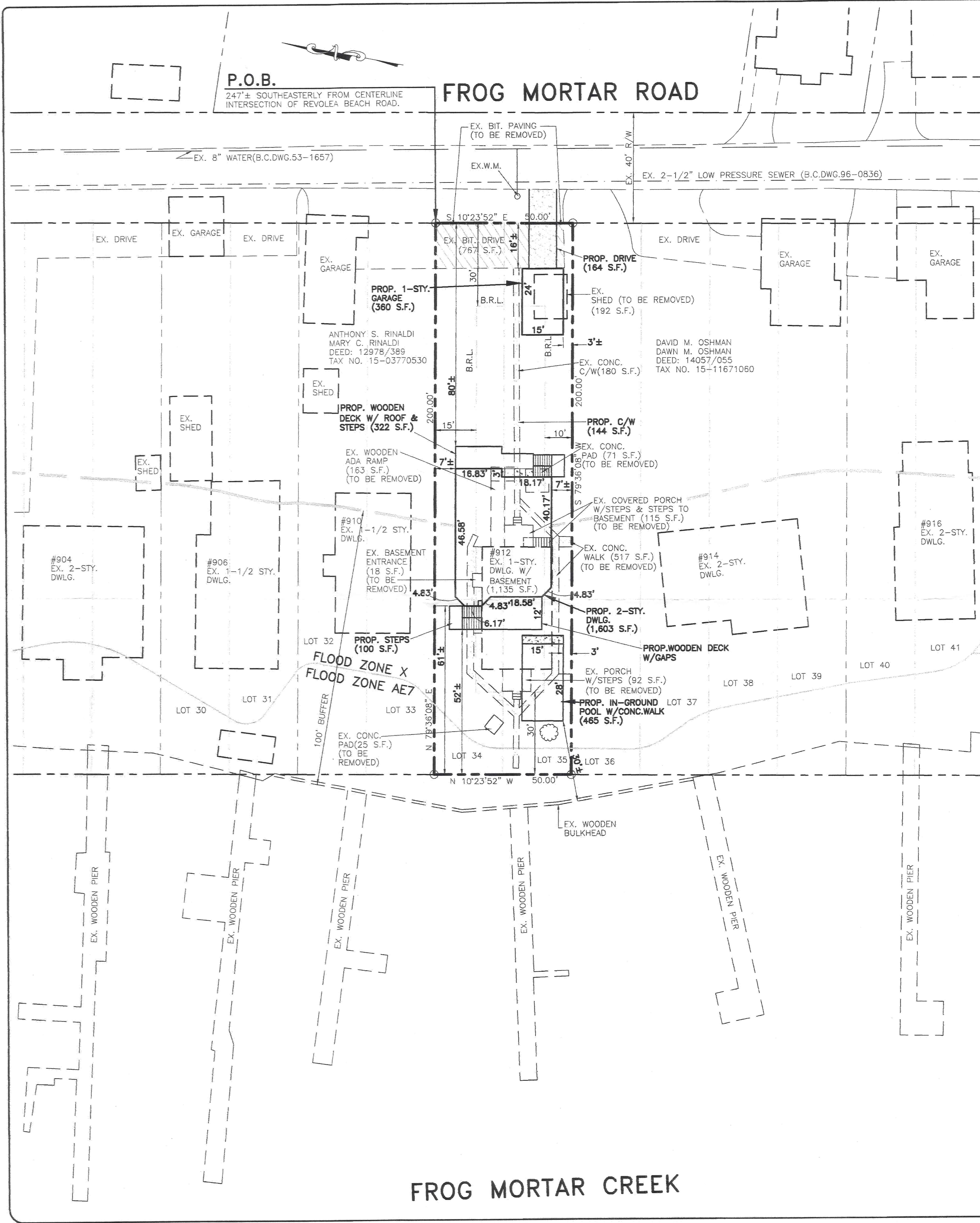
③

#912 FROG MORTAR ROAD



④

#916 FROG MORTAR ROAD



NOTES

- 1. Topography shown hereon was taken from Baltimore County GIS Topography & Updated by field survey. (Aug. 2018)
- 2. The Firm Insurance Rate Map, 240010-0435 G indicates this site is situated within flood Zone AE & X F.E.M.A. indicates a Flood Elevation of 8.5 NAVD 88 based on a Flood Insurance Study Number 240010V000B. A minimum first floor elevation 10.5 NAVD 88.
- 3. Property lines shown hereon were established by public information.
- 4. This site is situated within the Chesapeake Bay Critical Areas and is classified by land use as Limited Development Area (LDA) (MAP 91).
- 5. There shall be no clearing, grading, construction or disturbance of vegetation within the 100' Buffer Area except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.
- 6. This site is not situated within a Mapped Buffer Management Area of the Chesapeake Bay Critical Areas.
- 7. There are no forest or developed woodlands on this site.
- 8. There are No Tidal & Non-Tidal Wetlands on this site.
- 9. There is no significant plant or animal habitat on this site.
- 10. There are no known wells on this site.
- 11. There are no slopes greater than 15% on this site.
- 12. There are no known underground storage tanks or septic systems on this site.
- 13. There are no known potentially hazardous materials on this site as defined by Title 7- Health and Environmental Article, Annotated Code of Maryland, except as noted.
- 14. There are no buildings or property within this site that are included on the Maryland Historical Trust Inventory, The Baltimore County Landmarks List, the National Register of Historic Places, the Maryland Archeological Survey or is a Baltimore County Historical District.
- 15. The site has 50'± of water frontage.
- 16. Public Water and sewer serve this site.
- 17. Proposed dwelling height < 50'.
- 18. Caution underground utilities may exist in Frog Mortar Road & onsite, contact Miss Utility (800-257-7777) prior to any construction.

ZONING HISTORY

THERE ARE NO CASES FOR THIS SITE.

PREVIOUS PERMITS

THIS SITE HAS NO PERMITS.

EXISTING LOT COVERAGE

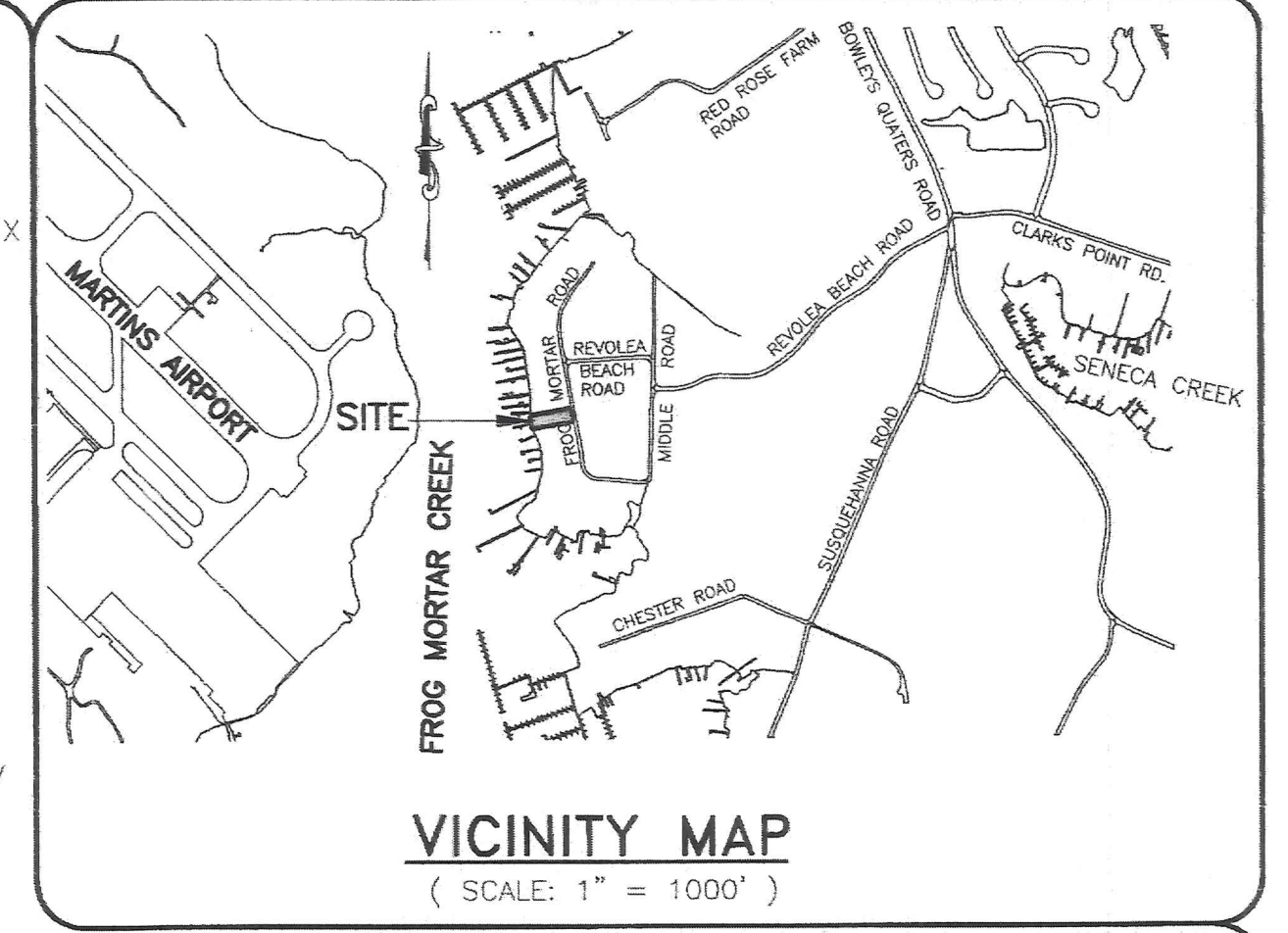
HOUSE	1,135 S.F.
SHED	192 S.F.
CONCRETE WALK	180 S.F.
CONCRETE PADS	96 S.F.
COVERED PORCH W/STEPS & STEPS TO BASEMENT	115 S.F.
CONCRETE WALKS	517 S.F.
PORCH W/STEPS	92 S.F.
WOODEN ADA RAMP	163 S.F.
BASEMENT ENTRANCE	18 S.F.
BIT. DRIVE	767 S.F.
TOTAL	3,275 S.F./10,000 S.F. = 0.3275 X 100 = 32.75%

PROPOSED LOT COVERAGE

HOUSE	1,603 S.F.
BIT. DRIVE	164 S.F.
GARAGE	360 S.F.
STEPS FOR WOODEN DECK & IN-GROUND POOL W/ CONCRETE WALK	465 S.F.
WOODEN DECK W/ROOF & STEPS	322 S.F.
WOODEN STEPS FOR DECK	100 S.F.
CONCRETE WALK	144 S.F.
TOTAL	3,158 S.F./10,000 S.F. = 0.3158 X 100 = 31.58%

LOT COVERAGE ALLOWED

THE LOT COVERAGE ALLOWED FOR THIS SITE IS 31.25%
0.3125 X 10,000 = 3,125 S.F.



SITE DATA

- 1) OWNER: RICHARD JAMES HUBER & CONNIE SCHLEGEL HUBER
#3601 N. PROGRESS AVENUE
STE. 200 HARRISBURG, PA. 17110
TELEPHONE: 1-717-979-6630
- 2) DEED REF: 40646/476
- 3) TAX ACC. NO.: 15-19072140
- 4) TAX MAP: 91 PARCEL: 145 LOT: 34.35
- 5) PLAT REF: PLAT OF REVOLEA BEACH BOOK 05 FOLIO 67
- 6) ELECTION DISTRICT: 15TH
- 7) COUNCILMANIC DISTRICT: 6TH
- 8) REGIONAL PLANNING DISTRICT: 327
- 9) CENSUS TRACT: 4516
- 10) ZONING: DR-3.5
- 11) ZONING MAP: 09183
- 12) USE: EXISTING: RESIDENTIAL, 1-STORY DWELLING
PROPOSED: RESIDENTIAL, 2-STORY DWELLING
- 13) SITE AREA: 10,000 S.F. OR 0.229 AC. +/-

Bafitis & Associates, Inc.
1249 Engleberth Rd. Baltimore, MD 21221

William N. Bafitis, P.E.
PRESIDENT
Civil Engineers/Land Planners
SURVEYORS
(410) 391-2336

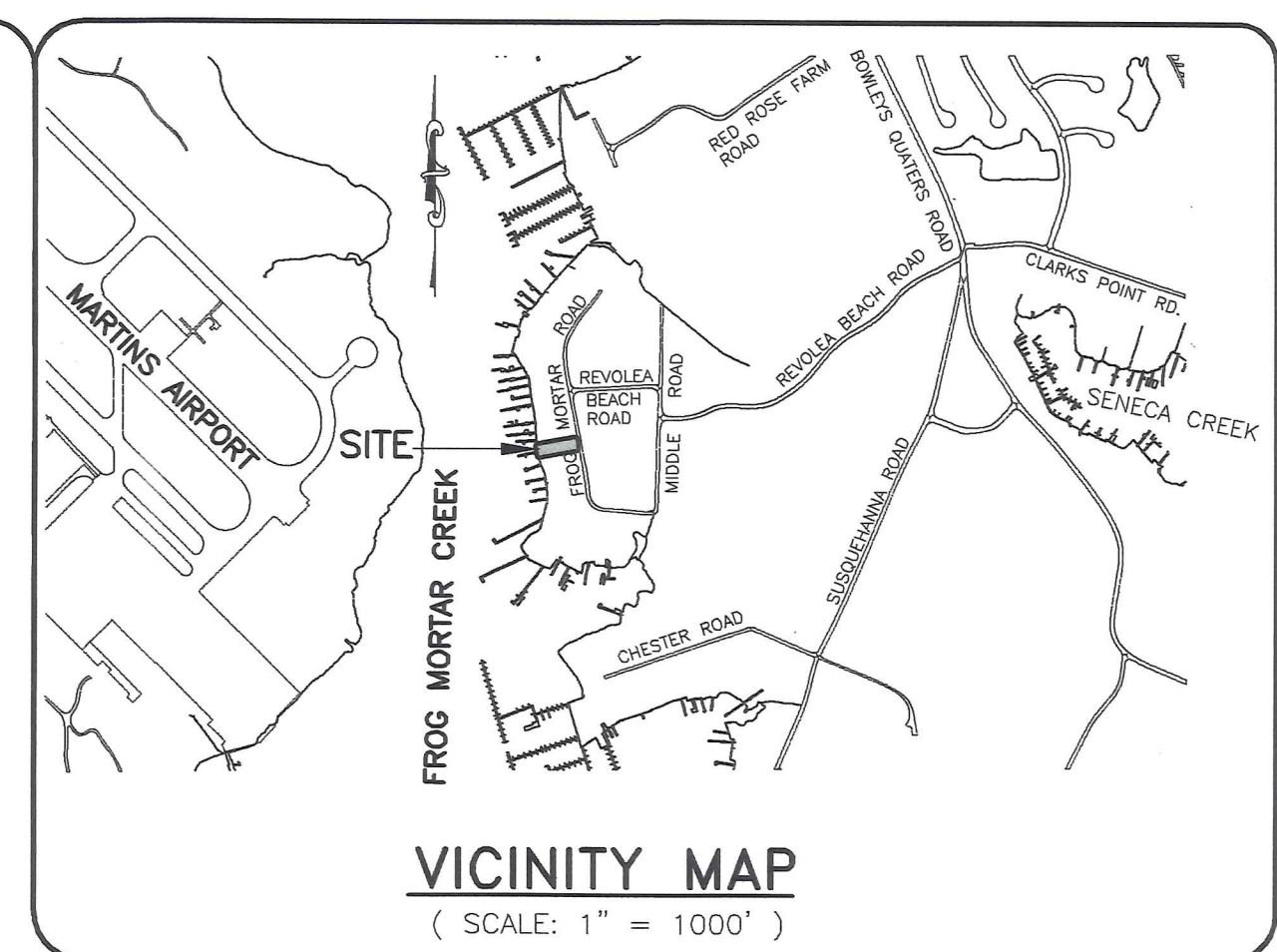
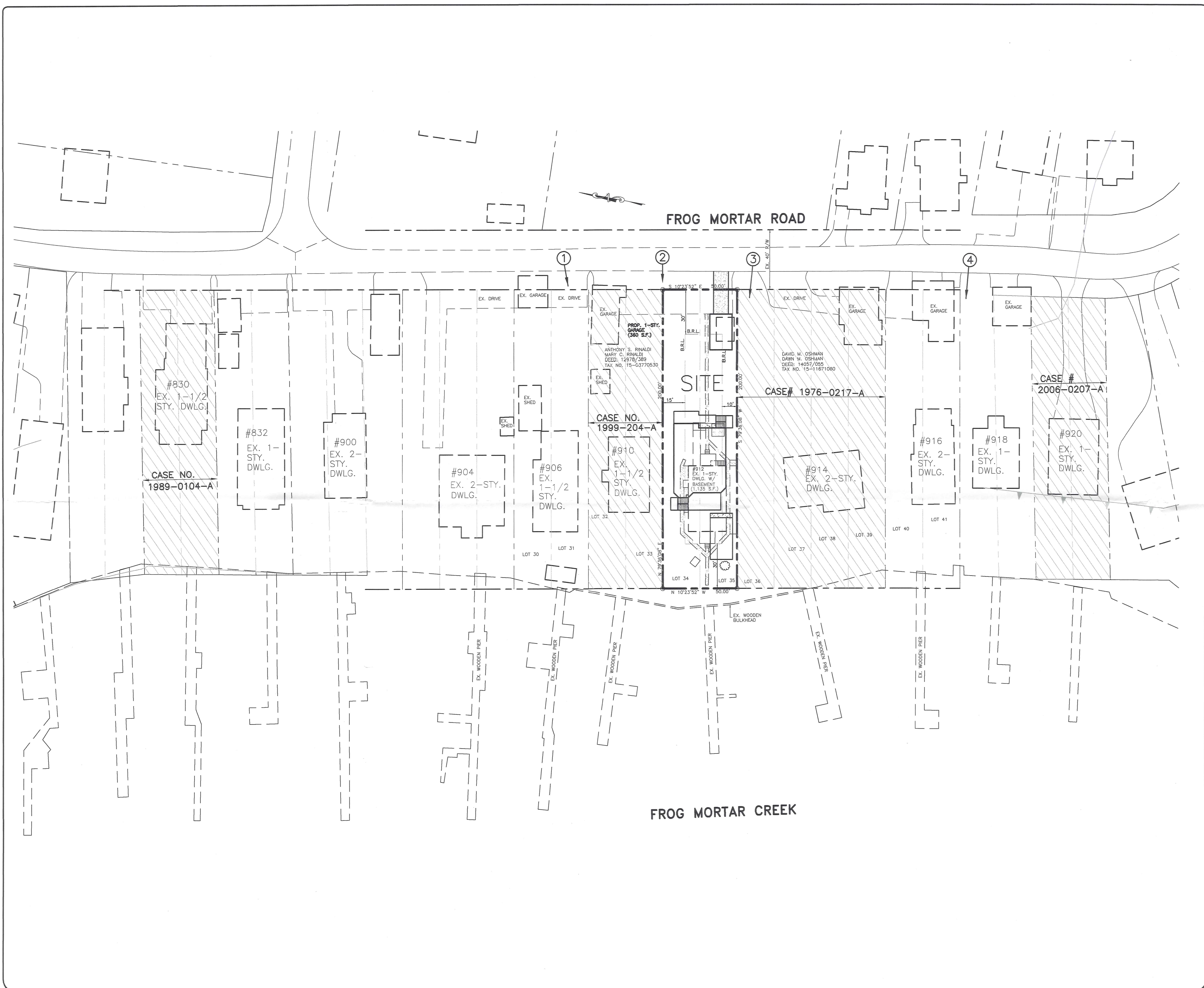
**PLAN TO ACCOMPANY
PETITION FOR ZONING VARIANCE
FOR
#912 FROG MORTAR ROAD**

15TH ELECTION DISTRICTBALTIMORE COUNTY, MARYLAND

1
SHEET 1 OF 1

NO.	REVISIONS	DATE

SCALE:
1" = 20'
JOB ORDER NO:
21811
DATE:
01/21/19
CHECKED:
W.N.B.
DRAWN:
N.W.B.



- SITE DATA**
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 - 10) ZONING: DR-3.5
 - 11) ZONING MAP: 091B3
 - 12) USE: EXISTING: RESIDENTIAL, 1-STORY DWELLING
PROPOSED: RESIDENTIAL, 2-STORY DWELLING
 - 13) SITE AREA: 10,000 S.F. OR 0.229 AC. +/-

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PRESIDENT
Civil Engineers/Land Planners
SURVEYORS

**PHOTOGRAPH PLAN
FOR
#912 FROG MORTAR ROAD**

15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

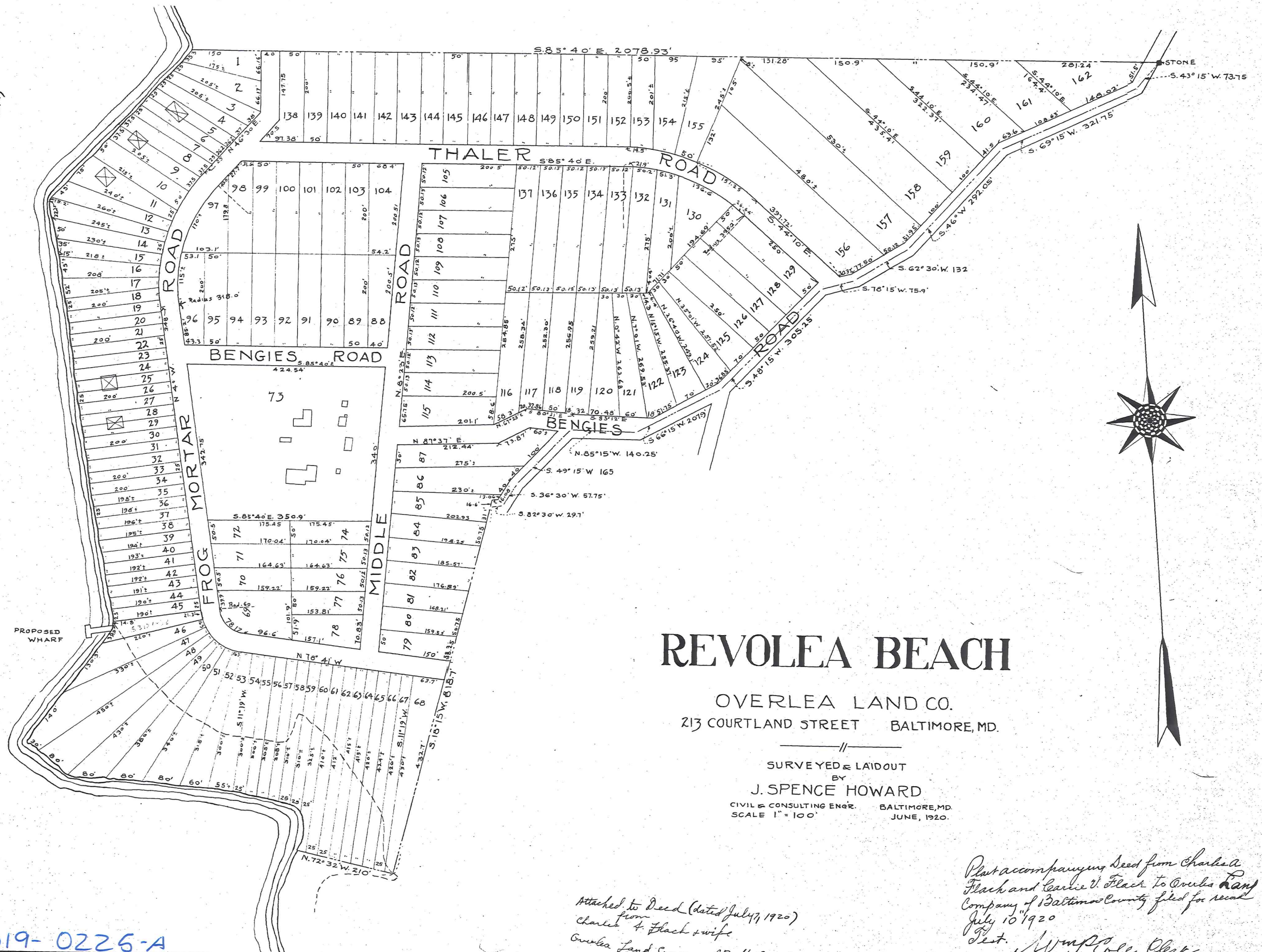
 WILLIAM N. BAFITIS, P.E. Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 11641 Expiration Date: 09/09/2019	SCALE: 1" = 30'
	JOB ORDER NO: 21811
	DATE: 04/02/19
	CHECKED: W.N.B.
	DRAWN: N.W.B.

SHEET 1 OF 1

NO.	REVISIONS	DATE

PET. No. 2

MIDDLE RIVER (FROG MORTAR CREEK)



REVOLEA BEACH

OVERLEA LAND CO.
213 COURTLAND STREET BALTIMORE, MD.

SURVEYED & LAID OUT
BY
J. SPENCE HOWARD
CIVIL & CONSULTING ENGR. BALTIMORE, MD.
SCALE 1" = 100' JUNE, 1920.

Attached to Deed (dated July 17, 1920)
from
Charles & Elsie & wife
Overlea Land Company of Balto. Co.

Plat accompanying Deed from Charles &
Elsie & wife to Overlea Land
Company of Baltimore County filed for record
July 10, 1920
Test. *Wm. Cole Clerk*

2019-0225-A