

M E M O R A N D U M

DATE: May 21, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0239-A- Appeal Period Expired

The appeal period for the above-referenced case expired on May 20, 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

(2274 Monocacy Road)

15th Election District

7th Council District

David M. & Susan E. Evans

Legal Owners

Petitioners

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*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0239-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by David M. & Susan E. Evans, legal owners of the subject property (“Petitioners”). Petitioners are requesting variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”): (1) to approve an 11 ft. setback inside yard in lieu of the required 15 ft. side setback for sum of 22 ft. in lieu of the required 25 ft. total for both sides; (2) to approve lot width of 50 ft. in lieu of the required 70 ft.; and (3) to approve 9,000 sq. ft. lot area in lieu of the required 10,000 sq. ft. lot area. A revised site plan was marked as Petitioners’ Exhibit 1.

David & Susan Evans and professional engineer William 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. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Environmental Protection and Sustainability (“DEPS”).

The site is approximately 9,000 square ft. in size and is zoned DR 3.5. The property is improved with a small (901 sq. ft.) single-family dwelling constructed in 1929. Petitioners propose to raze the existing structure and construct in essentially the same location a new

ORDER RECEIVED FOR FILING

Date 4/19/19

By Sen

dwelling.

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 lot and improvements thereon long predated 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 19th day of **April, 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"): (1) to approve an 11 ft. setback inside yard in lieu of the required 15 ft. side setback for sum of 22 ft. in lieu of the required 25 ft. total for both sides; (2) to approve lot width of 50 ft. in lieu of the required 70 ft.; and (3) to approve 9,000 sq. ft. lot area in lieu of the required 10,000 sq. ft. lot area, 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 critical area regulations.

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Date 4/19/19

By Sen

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:slh:dlw

ORDER RECEIVED FOR FILING

Date 4/19/19

By slh



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 **#2274 MONOCACY ROAD**

which is presently zoned **DR 3.5**

Deed References: **40581/359**

10 Digit Tax Account # **15-13401420**

Property Owner(s) Printed Name(s) **DAVID M. EVANS & SUSAN E. EVANS**

(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) **1B02.3.C.1, BCZ12**, TO APPROVE an 11 FT setback in sideyard in lieu of the required 15 FT side setback FOR SUM of 22 FT in lieu of the required 25 FT TOTAL FOR BOTH SIDES; TO APPROVE lot width of 50 FT in lieu of the required 70 FT; TO APPROVE 9,000 SQ FT lot area in lieu of the required 10,000 SQ FT lot area

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):

DAVID M. EVANS

SUSAN E. EVANS

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

#2274 MONOCACY ROAD BALTIMORE, MD.

Mailing Address City State

21221 / 410-780-7133
Zip Code Telephone # Email Address

Representative to be contacted:

WILLIAM N. BAFITIS, P.E.

Name - Type or Print

Signature

1249 ENGLEBERTH ROAD BALTIMORE MARYLAND

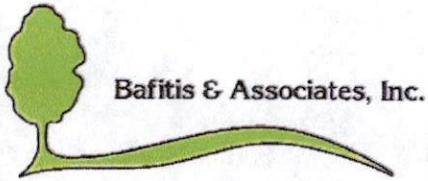
Mailing Address City State

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

CASE NUMBER **2019-0239-A** Filing Date **2/19/19**

Do Not Schedule Dates: _____

Reviewer **CF**



Bafitis & Associates, Inc.

**ZONING DESCRIPTION
FOR
#2274 MONOCACY ROAD**

BEGINNING AT A POINT ON NORTH SIDE OF MONOCACY ROAD 12' R/W,
AND 57'± NORTHWESTERLY FROM THE CENTERLINE INTERSECTION OF
WICOMICO ROAD 30' R/W;

BEING KNOWN AS LOT 1B, IN THE SUBDIVISION OF LOT 1 MIDDLEBOROUGH AS
RECORDED IN BALTIMORE COUNTY PLAT BOOK 06, FOLIO 147.

CONTAINING 9,000 S.F. OR 0.206 AC. MORE OR LESS
LOCATED IN THE 15TH ELECTION DISTRICT AND THE 7TH COUNCILMANIC DISTRICT.



SEAL

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

2019-0239-A

JB 4-18-19
1:30 PM

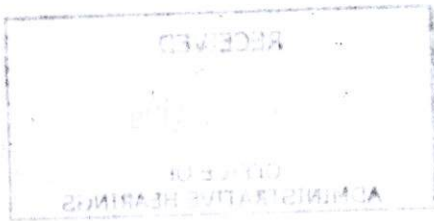
Debra Wiley

From: John Altmeyer <jaltmeyer@aol.com>
Sent: Saturday, April 13, 2019 6:08 PM
To: Administrative Hearings; Bafitisassoc@comcast.net
Subject: recheck 2274 Monocacy Rd. Case # 2019-0239-A
Attachments: Scan0022.pdf

Posting Certificates for recheck of Sign 1 & Sign 2.

John Altmeyer
410-382-6580





CERTIFICATE OF POSTING

Sign 1

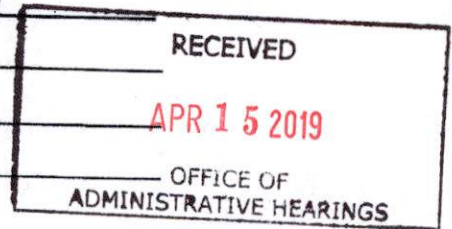
Date: recheck 04/13/2019

RE: Project Name: Public Hearing

Case Number /PAI Number: 2019-0239-A

Petitioner/Developer: David & Susan Evans

Date of Hearing/Closing: 04/18/2019



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 2274 Monocacy Rd.

The sign(s) were posted on 03/26/2019 & recheck on 04/13/2019

(Month, Day, Year)


(Signature of Sign Poster)

John M. Altmeyer

(Printed Name of Sign Poster)

21722 Orwig Rd.

(Street Address of Sign Poster)

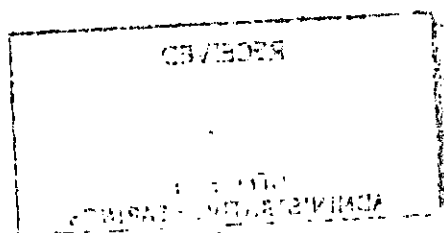
Freeland, MD. 21053

(City, State, Zip Code of Sign Poster)

410-382-6580

(Telephone Number of Sign Poster)





CERTIFICATE OF POSTING

Sign 2

Date: recheck 04/13/2019

RE: Project Name: Public Hearing

Case Number /PAI Number: 2019-0239-A

Petitioner/Developer: David & Susan Evans

Date of Hearing/Closing: 04/18/2019

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OFFICE OF
ADMINISTRATIVE HEARINGS

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(Month, Day, Year)


(Signature of Sign Poster)

John M. Altmeyer

(Printed Name of Sign Poster)

21722 Orwig Rd.

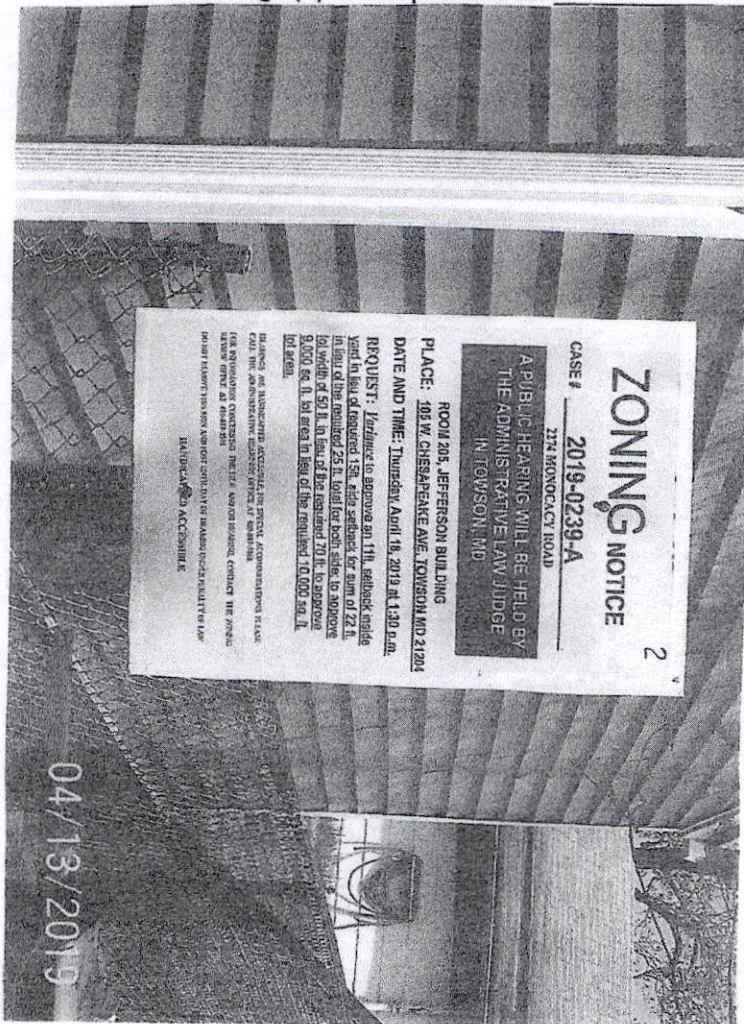
(Street Address of Sign Poster)

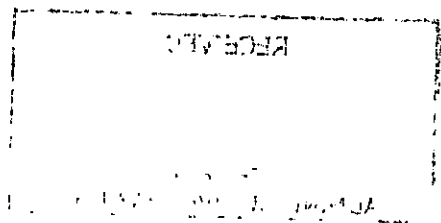
Freeland, MD. 21053

(City, State, Zip Code of Sign Poster)

410-382-6580

(Telephone Number of Sign Poster)





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:

3/29/2019

Order #: 11718396
Case #: 2019-0239-A
Description:

NOTICE OF ZONING HEARING CASE NUMBER: 2019-0239-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: 2019-0239-A

2274 Monocacy Road

North of Monocacy Road, north west of Wicomico Road

16th Election District - 7th Councilmanic District

Legal Owners: David & Susan Evans

Variance to approve an 11 ft. setback inside yard in lieu of required 15 ft. side setback for sum of 22 ft. in lieu of the required 25 ft. total for both side; to approve lot width of 50 ft. in lieu of the required 70 ft.; to approve 9,000 sq. ft. lot area in lieu of the required 10,000 sq. ft. lot area.

Hearing: Thursday, April 18, 2019 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Miko 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.

mh20

THE
OFFICE OF THE
ATTORNEY GENERAL

STATE OF NEW YORK
IN SENATE
JANUARY 1, 1907

REPORT OF THE
COMMISSIONER OF THE
LAND OFFICE
FOR THE YEAR 1906

CERTIFICATE OF POSTING

Sign 1

Date: 03/26/2019

RE: Project Name: Public Hearing
Case Number /PAI Number: 2019-0239-A
Petitioner/Developer: David & Susan Evans
Date of Hearing/Closing: 04/18/2019

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 2274 Monocacy Road

The sign(s) were posted on 03/26/2019

(Month, Day, Year)

John M. Altmeyer
(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 2

Date: 03/26/2019

RE: Project Name: Public Hearing
Case Number /PAI Number: 2019-0239-A
Petitioner/Developer: David & Susan Evans
Date of Hearing/Closing: 04/18/2019

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The sign(s) were posted on 03/26/2019

(Month, Day, Year)

John M. Altmeyer
(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)



2000-01-01

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JOHN A. OLSZEWSKI, JR.
County Executive

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

March 18, 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: 2019-0239-A

2274 Monocacy Road

North of Monocacy Road, north west of Wicomico Road

15th Election District – 7th Councilmanic District

Legal Owners: David & Susan Evans

Variance to approve an 11 ft. setback inside yard in lieu of required 15 ft. side setback for sum of 22 ft. in lieu of the required 25 ft. total for both side; to approve lot width of 50 ft. in lieu of the required 70 ft.; to approve 9,000 sq. ft. lot area in lieu of the required 10,000 sq. ft. lot area.

Hearing: Thursday, April 18, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script, appearing to read "Mike Mohler", is written in black ink.

Mike Mohler
Director

MM:kl

C: David & Susan Evans, 2274 Monocacy Road, Baltimore 21221
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 FRIDAY, MARCH 29, 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.

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
2274 Monocacy Road; N of Monocacy Road, * OF ADMINISTRATIVE
27' NW of Wicomico Road * HEARINGS FOR
15th Election & 7th Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): David & Susan Evans *
Petitioner(s) *
2019-239-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

MAR 08 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 8th day of March, 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 18, 2019

NOTICE OF ZONING HEARING

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CASE NUMBER: 2019-0239-A

2274 Monocacy Road
North of Monocacy Road, north west of Wicomico Road
15th Election District – 7th Councilmanic District
Legal Owners: David & Susan Evans

Variance to approve an 11 ft. setback inside yard in lieu of required 15 ft. side setback for sum of 22 ft. in lieu of the required 25 ft. total for both side; to approve lot width of 50 ft. in lieu of the required 70 ft.; to approve 9,000 sq. ft. lot area in lieu of the required 10,000 sq. ft. lot area.

Hearing: Thursday, April 18, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
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Mike Mohler
Director

MM:kl

C: David & Susan Evans, 2274 Monocacy Road, Baltimore 21221
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 FRIDAY, MARCH 29, 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, March 29, 2019 - Issue

Please forward billing to:
David & Susan Evans
2274 Monocacy Road
Baltimore, MD 21221

410-780-7133

NOTICE OF ZONING HEARING

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CASE NUMBER: 2019-0239-A

2274 Monocacy Road
North of Monocacy Road, north west of Wicomico Road
15th Election District – 7th Councilmanic District
Legal Owners: David & Susan Evans

Variance to approve an 11 ft. setback inside yard in lieu of required 15 ft. side setback for sum of 22 ft. in lieu of the required 25 ft. total for both side; to approve lot width of 50 ft. in lieu of the required 70 ft.; to approve 9,000 sq. ft. lot area in lieu of the required 10,000 sq. ft. lot area.

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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.

**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: 2019-0239-A

Property Address: #2274 MONOCACY ROAD

Property Description: EXISTING 2-STORY DWELLING

Legal Owners (Petitioners): DAVID M. EVANS & SUSAN E. EVANS

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVID M. EVANS & SUSAN E. EVANS

Company/Firm (if applicable): _____

Address: #2274 MONOCACY ROAD

BALTIMORE, MD. 21221

Telephone Number: 410-780-7133

Revised 7/9/2015



JOHN A. OLSZEWSKI, JR.
County Executive

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

April 11, 2019

David M. & Susan E. Evans
2274 Monocacy Road
Baltimore MD 21221

RE: Case Number: 2019-0239-A, 2274 Monocacy 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 February 19, 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. Bafits, P.E. 1249 Engleberth Road Baltimore MD 21221

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAR 29 2019

OFFICE OF
ADMINISTRATIVE HEARINGS

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 29, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0239-A
Address 2274 Monocacy Road
(Evans Property)

Zoning Advisory Committee Meeting of **March 11, 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 proposed development must meet LDA and MBA requirements for Critical Area lot coverage. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17). Based on the property area above mean high water, the maximum Critical Area defined lot coverage allowance for this property is 2,455 square feet with mitigation for any new amount over 25%. The proposed Critical Area lot coverage indicates an amount over the allowance and this lot coverage will need to be reduced. If the applicant can meet these requirements, and meet all mitigation requirements for lot coverage and buffer impacts, the relief requested can result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront property with the required Critical Area buffer covering about 60% of the property. Meeting the modified buffer area requirements, lot coverage requirements, tree requirements, and any mitigation requirements for buffer impacts will aid in the conservation of fish, plant, and wildlife habitat in the watershed.

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 proposed development can be designed to meet the Critical Area defined lot coverage requirements, and meet all modified buffer area, tree, and mitigation requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Paul Dennis

4-18-19 1:30 pm

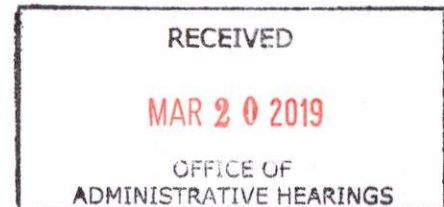
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-239

DATE: 3/19/2019



INFORMATION:

Property Address: 2274 Monacacy Road
Petitioner: David M. Evans, Susan E. Evans
Zoning: DR 3.5
Requested Action: Variance

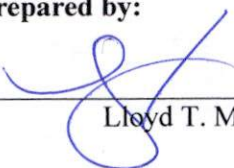
The Department of Planning has reviewed the petition variance to permit a proposed single family dwelling with a side setback of 11', a sum of side yards of 22' on a lot having a width of 50' and area of 9,000 square feet in lieu of the required 15' side setback, sum of side yards of 25' lot width of 70' and lot area of 10,000 square feet respectively.

A site visit was conducted on March 12, 2019.

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

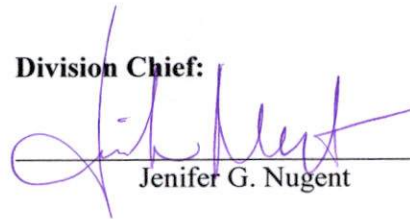
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

JM/JGN/LTM/

c: Krystle Patchak
Williams N. Bafitis, P.E.
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: 3/19/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-239

INFORMATION:

Property Address: 2274 Monacacy Road
Petitioner: David M. Evans, Susan E. Evans
Zoning: DR 3.5
Requested Action: Variance

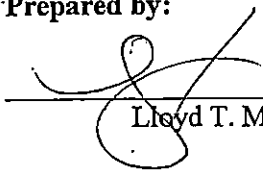
The Department of Planning has reviewed the petition variance to permit a proposed single family dwelling with a side setback of 11', a sum of side yards of 22' on a lot having a width of 50' and area of 9,000 square feet in lieu of the required 15' side setback, sum of side yards of 25' lot width of 70' and lot area of 10,000 square feet respectively.

A site visit was conducted on March 12, 2019.

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

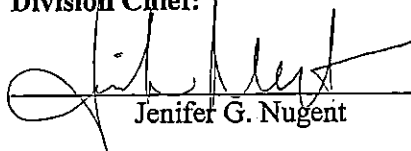
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

JM/JGN/LTM/

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

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 3/7/19

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

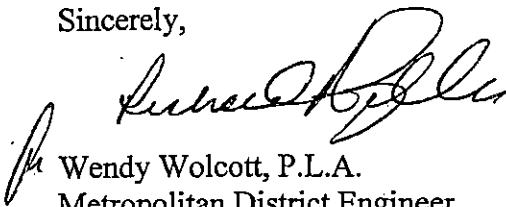
Dear Ms. Lewis:

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. 2019-0239-A

*Variance
David M. & Susan E. Evans
2274 Monocacy 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 224 MONOCACY Rd.
CASE NUMBER 2019-0239-A
DATE APRIL 18, 2019

NAME

CITY, STATE, ZIP

E - MAIL

[illegible]

4-18-19

CASE NO. 2019-

0239-A

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No CommentDEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)DEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

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

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 3/29/19

SIGN POSTING (1st) Date: 3/26/19

by Altmeyer

SIGN POSTING (2nd) Date: 4-13-19

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 - 1513401420							
Owner Information									
Owner Name:		EVANS DAVID MORGAN EVANS SUSAN ELIZABETH				Use:		RESIDENTIAL	
						Principal Residence:		YES	
Mailing Address:		2274 MONOCACY RD ESSEX MD 21221-1530				Deed Reference:		/40581/ 00359	
Location & Structure Information									
Premises Address:		2274 MONOCACY RD ESSEX 21221-1530 Waterfront				Legal Description:		2274 MONOCACY RD MIDDLEBOROUGH	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0097	0001	0387		0000			1B	2018	Plat Ref:
									0006/0147
Special Tax Areas:					Town:		NONE		
					Ad Valorem:				
					Tax Class:				
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1929		901 SF		484 SF		9,000 SF		34	
Stories	Basement	Type	Exterior		Full/Half Bath	Garage		Last Major Renovation	
1	YES	STANDARD UNIT	ASBESTOS SHINGLE		1 full	1 Detached			
Value Information									
			Base Value		Value		Phase-in Assessments		
					As of		As of		As of
					01/01/2018		07/01/2018		07/01/2019
Land:			199,500		199,500				
Improvements			63,900		70,300				
Total:			263,400		269,800		265,533		267,667
Preferential Land:			0						0
Transfer Information									
Seller: MESSICK JESSIE				Date: 08/17/2018			Price: \$255,000		
Type: ARMS LENGTH IMPROVED				Deed1: /40581/ 00359			Deed2:		
Seller: MESSICK WILLIAM J				Date: 11/08/2004			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /20976/ 00599			Deed2:		
Seller: KOLB MARK J & FLORENCE				Date: 05/08/1961			Price: \$19,000		
Type: ARMS LENGTH IMPROVED				Deed1: /03838/ 00056			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:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mohler, Acting Director
Department of Permits, Approvals
And Inspections
MS
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For March 11, 2019
Item No. 2019-0239-A

DATE: March 18, 2019

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

There is an existing sewer main on the property as shown on Baltimore County sewer drawing number 1961-0526. The Developer must demonstrate that the easement has been recorded and, if not, it is suggested that the easement with a minimum width of 20 feet be recorded. Record plat 6/147 does not show any easements.

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VKD: cen
cc: file

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 March 11, 2019
Item No. 2019-0245-XA

DATE: March 18, 2019

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

If Special Exemption and Zoning Relief is granted a Landscape Plan is required, per the requirements of the Landscape Manual. A Lighting Plan is also required.

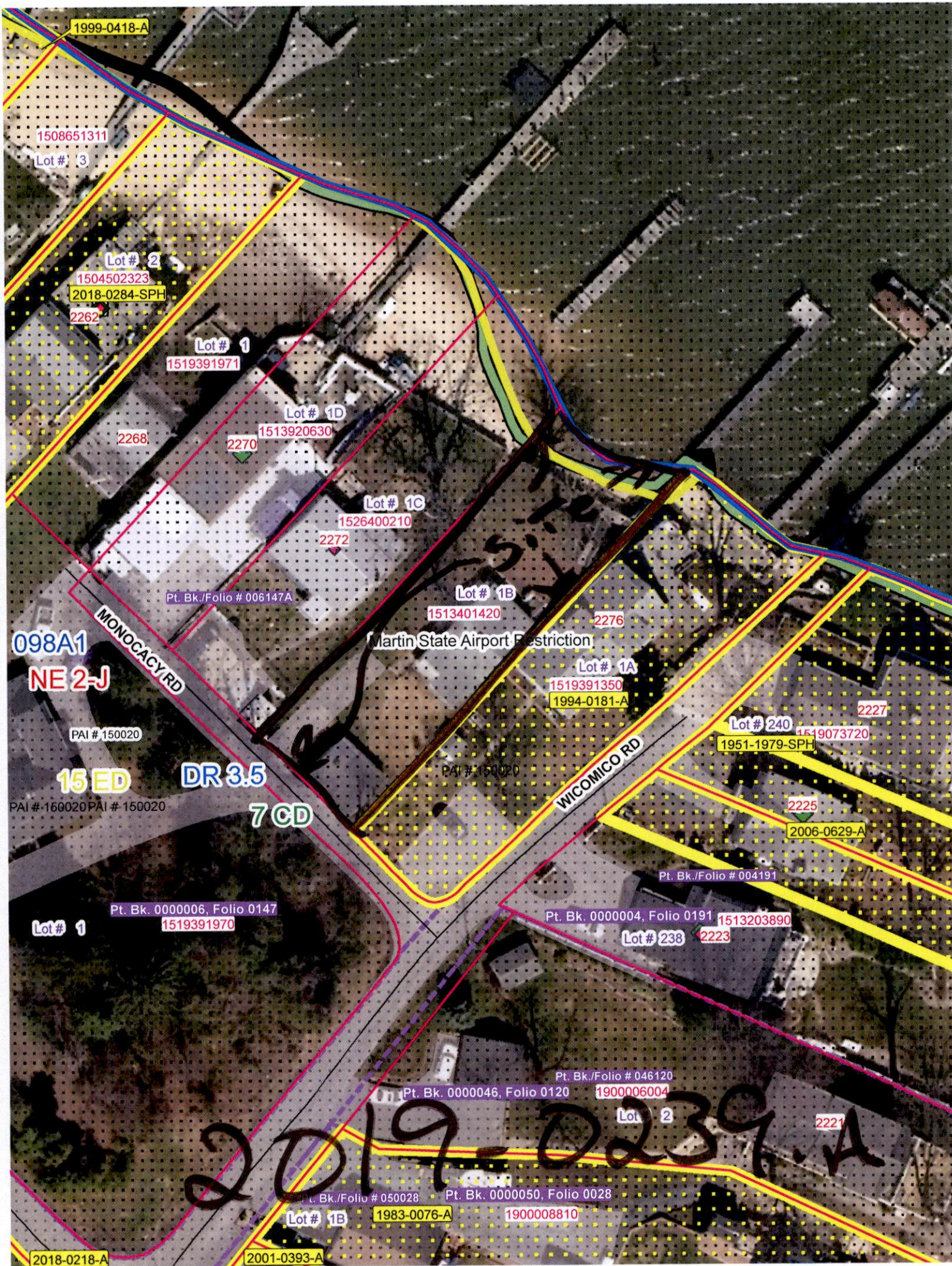
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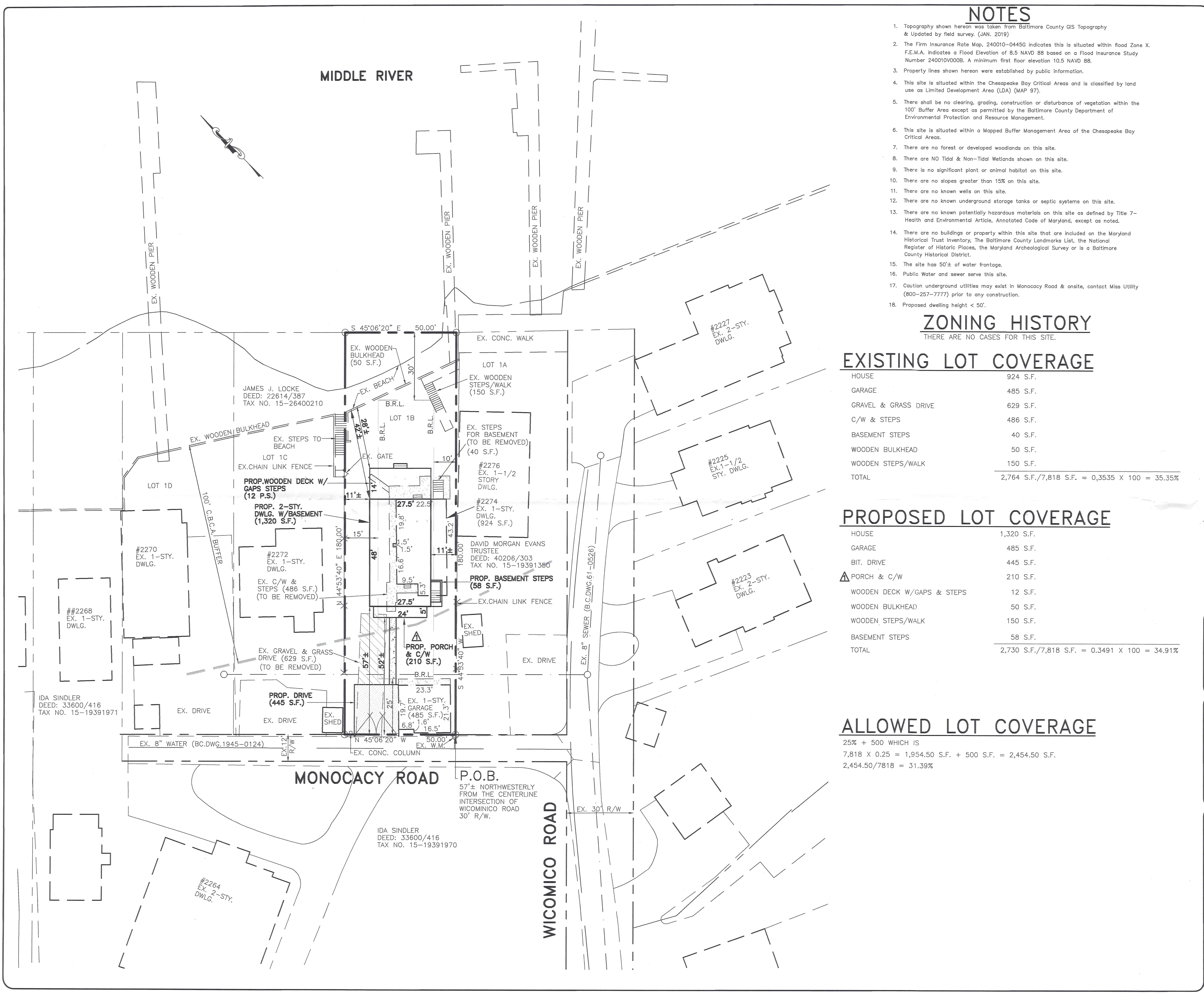
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VKD: cen
cc: file





102-9102



NOTES

1. Topography shown hereon was taken from Baltimore County GIS Topography & Updated by field survey. (JAN. 2019)
2. The Firm Insurance Rate Map, 240010-04450 indicates this is situated within flood Zone 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 97).
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 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 shown on this site.
9. There is no significant plant or animal habitat on this site.
10. There are no slopes greater than 15% on this site.
11. There are no known wells 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. Caution underground utilities may exist in Monocacy Road & onsite, contact Missa Utility (800-257-7777) prior to any construction.
18. Proposed dwelling height < 50'.

ZONING HISTORY

THERE ARE NO CASES FOR THIS SITE.

EXISTING LOT COVERAGE

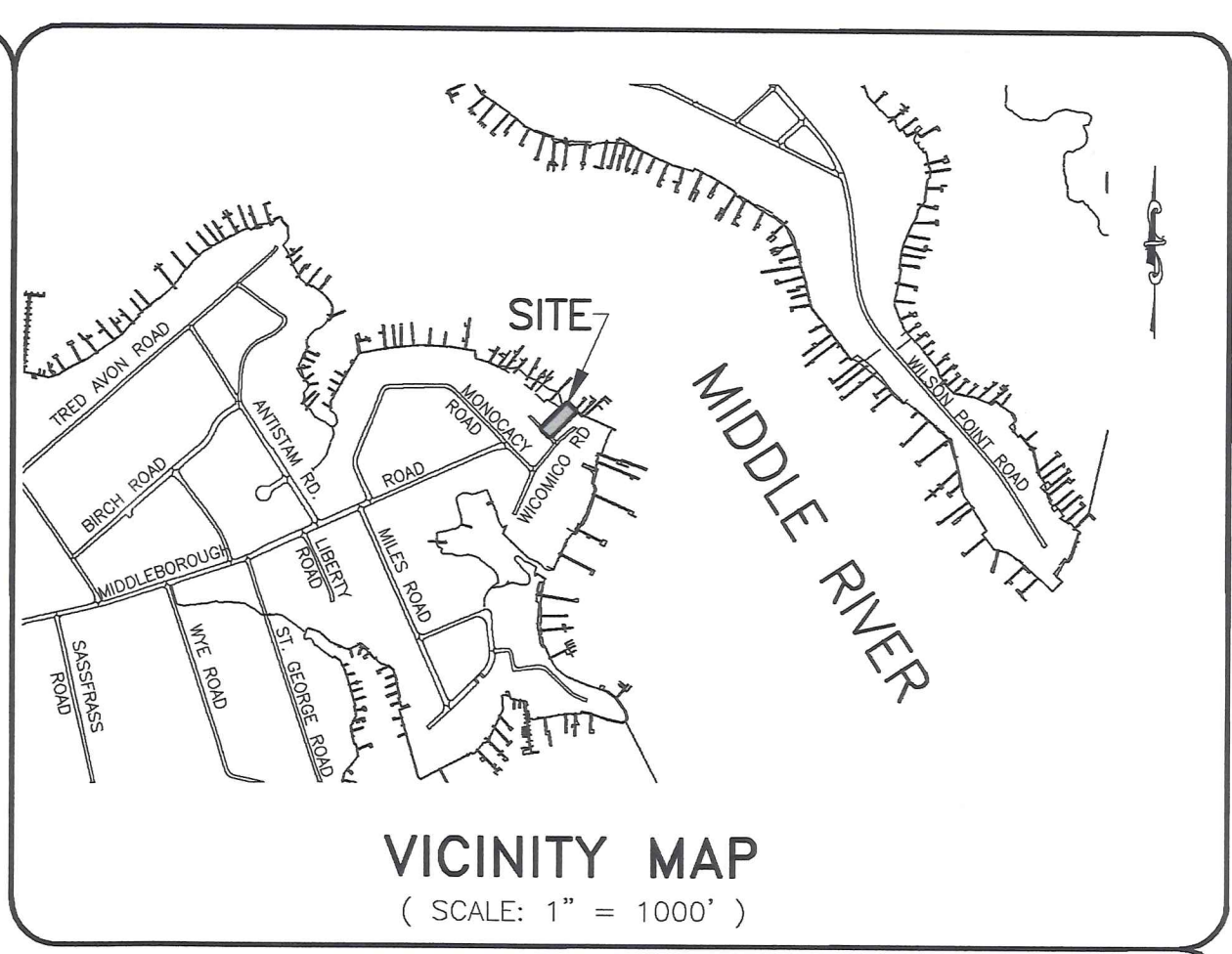
HOUSE	924 S.F.
GARAGE	485 S.F.
GRAVEL & GRASS DRIVE	629 S.F.
C/W & STEPS	486 S.F.
BASEMENT STEPS	40 S.F.
WOODEN BULKHEAD	50 S.F.
WOODEN STEPS/WALK	150 S.F.
TOTAL	2,764 S.F./7,818 S.F. = 0.3535 X 100 = 35.35%

PROPOSED LOT COVERAGE

HOUSE	1,320 S.F.
GARAGE	485 S.F.
BIT. DRIVE	445 S.F.
▲ PORCH & C/W	210 S.F.
WOODEN DECK W/GAPS & STEPS	12 S.F.
WOODEN BULKHEAD	50 S.F.
WOODEN STEPS/WALK	150 S.F.
BASEMENT STEPS	58 S.F.
TOTAL	2,730 S.F./7,818 S.F. = 0.3491 X 100 = 34.91%

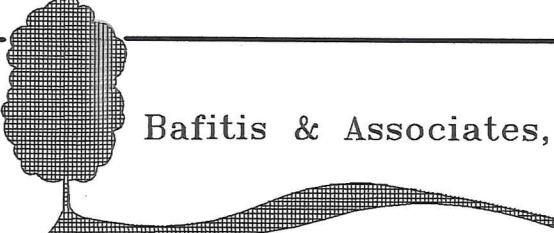
ALLOWED LOT COVERAGE

25% + 500 WHICH IS
7,818 X 0.25 = 1,954.50 S.F. + 500 S.F. = 2,454.50 S.F.
2,454.50/7818 = 31.39%



SITE DATA

- 1) OWNER: DAVID MORGAN EVANS & SUSAN ELIZABETH EVANS
#2274 MONOCACY ROAD
BALTIMORE, MARYLAND 21221
TELEPHONE NO. 410-780-7133
- 2) DEED REF: 40581/359
- 3) TAX ACC. NO.: 15-13401420
- 4) TAX MAP: 97 PARCEL: 387 LOT: 1B
- 5) PLAT REF: PLAT OF MIDDLEBOROUGH BOOK 06 FOLIO 147
- 6) ELECTION DISTRICT: 15TH
- 7) COUNCILMANIC DISTRICT: 7TH
- 8) REGIONAL PLANNING DISTRICT: 328
- 9) CENSUS TRACT: 4509
- 10) ZONING: DR-3.5
- 11) ZONING MAP: 097A1
- 12) USE: EXISTING: RESIDENTIAL, ONE STORY DWELLING
PROPOSED: RESIDENTIAL, ONE STORY DWELLING
- 13) SITE AREA:
LAND AREA: 7,818 S.F. OR 0.179 AC.
WATER AREA: 1,182 S.F. OR 0.027 AC.
TOTAL: 9,000 S.F. OR 0.206 AC.±



Bafitis & Associates, Inc.

1249 Engleberth Rd. Baltimore, MD 21221

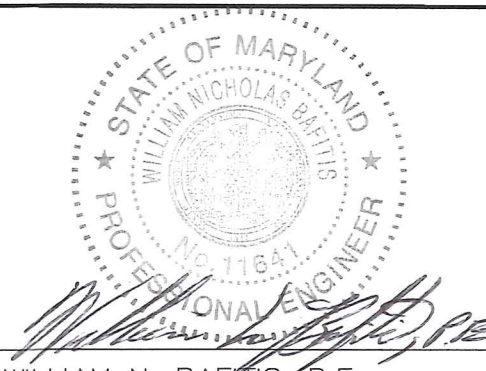
William N. Bafitis, P.E.
PRESIDENT

Civil Engineers/Land Planners
SURVEYORS

(410) 391-2336

**PLAN TO ACCOMPANY
PETITION FOR ZONING VARIANCE
FOR
#2274 MONOCACY 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" = 20'

JOB ORDER NO:
21824

DATE:
02/05/19

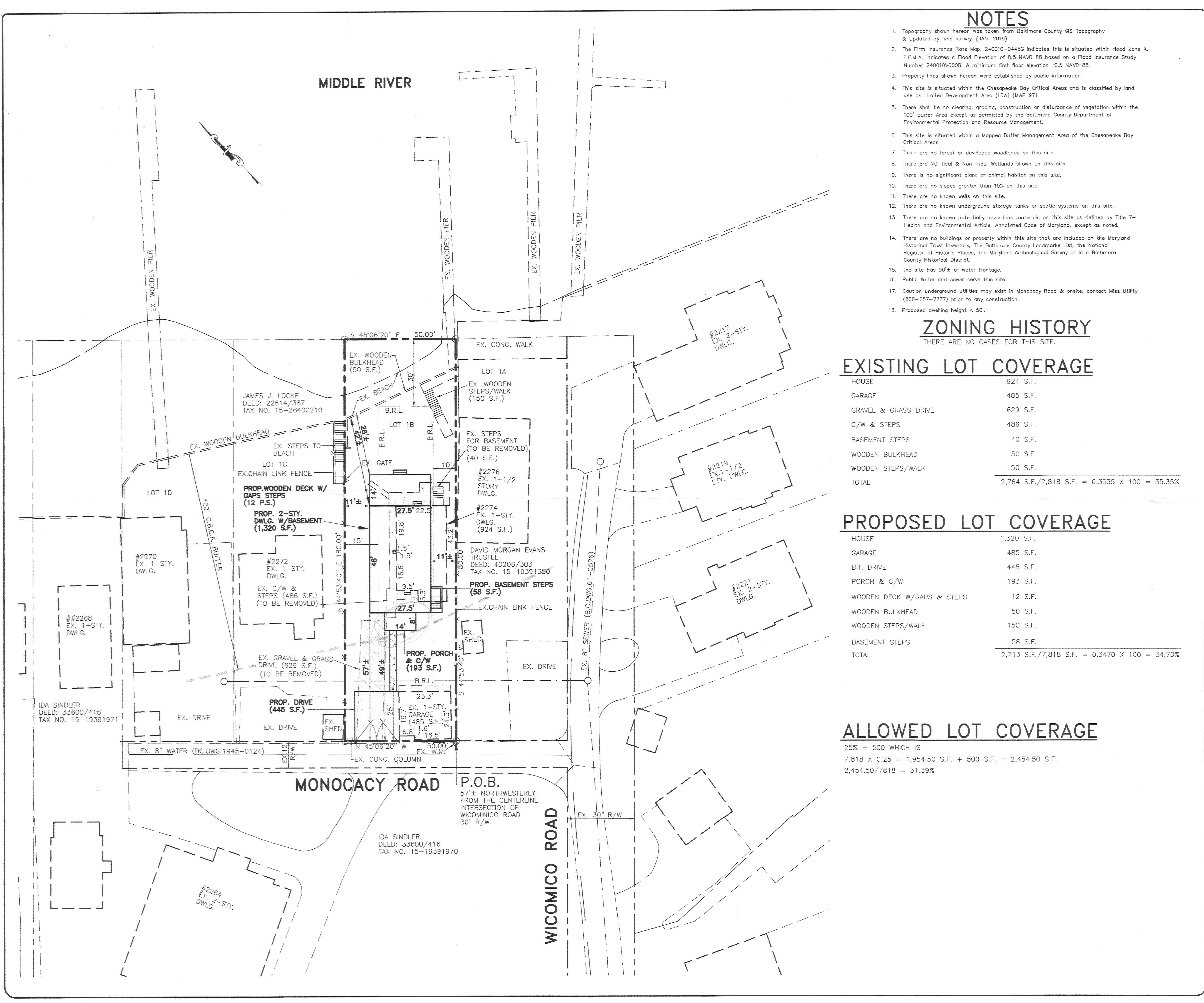
CHECKED:
W.N.B.

DRAWN:
N.W.B.

NO.	REVISIONS	DATE
▲	REVISED COVERED PORCH PER OWNER	04/16/19

SHEET 1 OF 1

PETITIONER'S
EXHIBIT NO. 1



NOTES

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- 2. The Firm Insurance Rate Map, 240010-0445G indicates this is situated within flood Zone X. F.E.M.A. indicates a Flood Elevation of 8.5 NAVD 88 based on a Flood Insurance Study Number 240010V0008. A minimum first floor elevation 10.5 NAVD 88.
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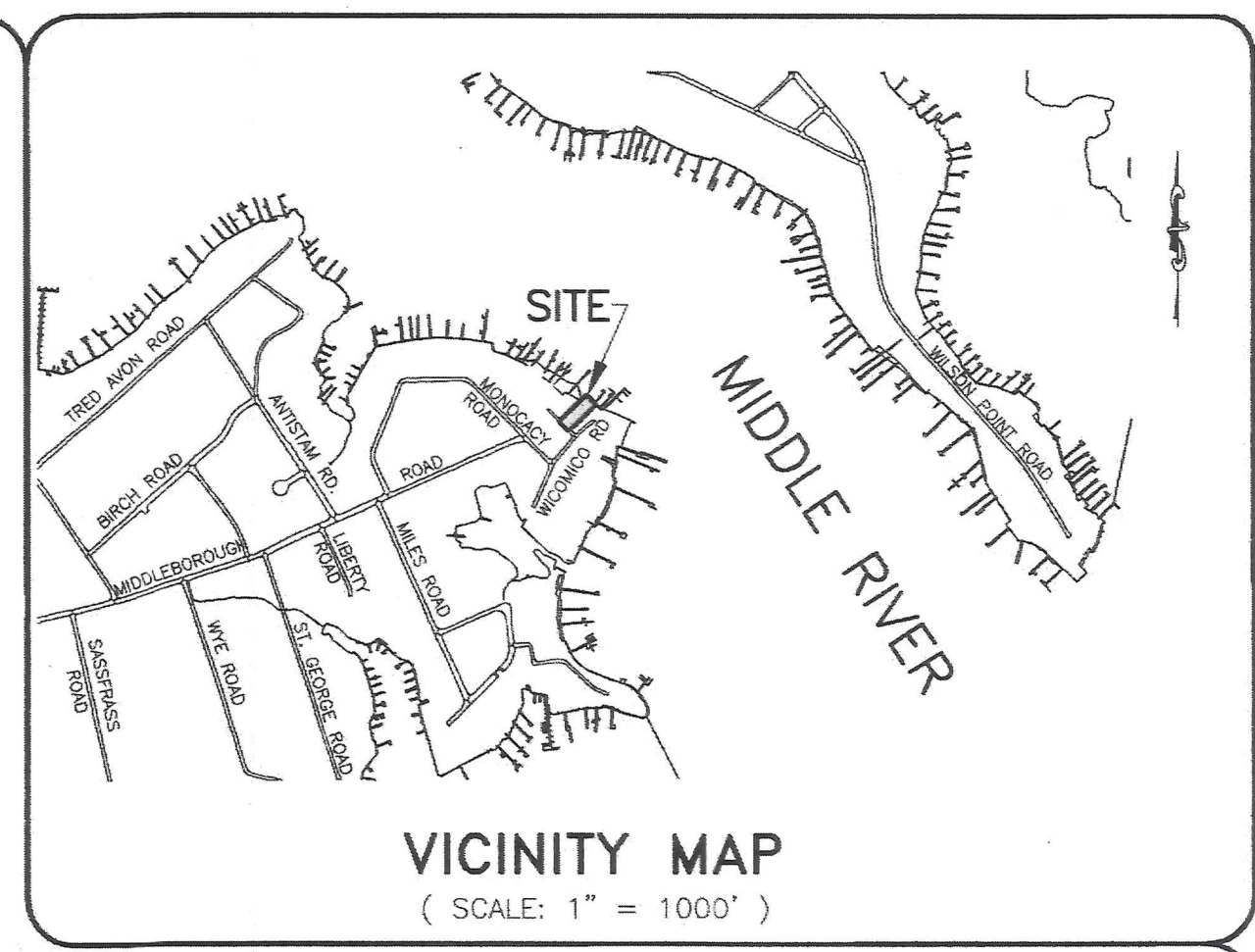
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William N. Bafitis, P.E.
PRESIDENT

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PETITION FOR ZONING VARIANCE
FOR
#2274 MONOCACY ROAD

15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

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JOB ORDER NO: 21824

DATE: 02/05/19

CHECKED: W.N.B.

DRAWN: N.W.B.

SHEET 1 OF 1

NO.	REVISIONS	DATE

2019-0239-A