MEMORANDUM

DATE:

July 5, 2019

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2019-0287-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 3, 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 (1342 Riverside Avenue)	*	BEFORE THE OFFICE
15 th Election District 7 th Council District	*	OF ADMINISTRATIVE
James F., Jr. & Kristin E. Cox Legal Owners	*	HEARINGS FOR
Petitioners	*	BALTIMORE COUNTY

* * * * * *

CASE NO. 2019-0287-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County as a Petition for Variance filed by James F., Jr. & Kristin E. Cox, legal owners of the subject property ("Petitioners"). Petitioners are requesting variance relief from Sections 1A04.3.A, 1A04.3.B.2.b and 301.1 of the Baltimore County Zoning Regulations ("BCZR") as follows: (1) to approve a new single family dwelling with a lot size of 19,760 sq. ft. in lieu of the required 1.5 acre; (2) to allow a side yard setback of 10 ft. on each side in lieu of the required 50 ft., respectively; (3) to allow a height of 45 ft., in lieu of the max height of 35 ft.; (4) to allow a covered porch on the right side of the house with a 4 ft. setback in lieu of the required 37½ ft. setback; (5) increase lot coverage to 30.9463% in lieu of the max 15% lot coverage; and (6) to allow an accessory structure (garage) in front yard in lieu of the required rear yard. A site plan was marked as Petitioners' Exhibit 1.

James F. Cox, Jr., appeared in support of the petition. There were no protestants or interested citizens in attendance. Mr. Cox presented letters of support from both of his adjoining neighbors. Pet. Ex. 3. 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") the Department of Environmental Protection and Sustainability ("DEPS"),

Date 6-3-19

and the Bureau of Development Plans Review ("DPR"). None of the agencies opposed the request.

The waterfront property is approximately 19,760 square feet in size and is zoned RC-5. The property is improved with a single-family dwelling constructed in 1939. Petitioners have a growing family and propose to raze the existing home and construct in essentially the same footprint a slightly larger dwelling. Given the significant setbacks required in the RC-5 zone Petitioners require zoning relief to construct the proposed 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 is narrow and deep and was created by a plat filed 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 a replacement dwelling on the lot. 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 <u>3rd</u> day of **June**, **2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to the Baltimore County Zoning Regulations ("BCZR") as follows: (1) to approve a new single family dwelling with a lot size of 19,760 sq. ft. in lieu of the required 1.5 acre; (2) to allow a side yard setback of 10 ft. on each side in lieu of the required 50 ft., respectively; (3) to allow a height of 45 ft., in lieu of the max height of 35 ft.; (4) to allow a covered porch on the right side of the house with a 4 ft. setback

	ORDER RECEIVED FOR FILING
2	Date 6-3-19
	By Slo

in lieu of the required 37½ ft. setback; (5) increase lot coverage to 30.9463% in lieu of the max 15% lot coverage; and (6) to allow an accessory structure (garage) in front yard in lieu of the required rear yard, 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 and flood protection regulations as well as the RC-5 performance standards.
- 3. The proposed detached garage shall not be used as a separate dwelling or for commercial purposes.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHNE. BEVERUNGEN Administrative Law Judge for

Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 0-3-

y_____



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 1342 Riverside Ave. Baltimore Md 2/22/which is presently zoned RC5 10 Digit Tax Account # 1 5 0 4 6 5 0 4 Deed References: 29993 / 00 152 Property Owner(s) Printed Name(s) James F. Cox Jr. Kristin (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:

a Special Hearing under Section 5 or not the Zoning Commissioner should a	500.7 of the Zoning Regulations of Baltimore County, to determine whether approve
2 a Special Exception under the Zo	ning Regulations of Baltimore County to use the herein described property for
3 a Variance from Section(s)	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:	Legal Owners (Petitioners):
	Name #1 - Type or Print Name #3 - Type or Print
Name- Type or Print	
Signature	Signature #1 1342 Riverside Ave. Baltimore Md
Mailing Address City State	21221, 443-570-8672, Coxjrj @ Aol.
Zip Code Telephone #	Zip Code Telephone # Email Address
Zip Code Telephone # Address Attorney for Petitioner: Name- Type or Print CENED Signature	Representative to be contacted: James F. Cox Jr.
Name- Type or Print	Name - Type or Print 9
Signature	1342 Riverside Ave. Baltimore 12d
Mailing Address City State	21221, 443-570-8672, Cox JCj@ Aol. C
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
# 2019-0287-A Clicolate 444/1	9 DOST Schedule Dostes Bossemez C

. VARIANCE from Sections(s) 1A04.3.A and 1A04.3.B.2.b and 301.1 BCZR to approve a new single family dwelling with a lot size of 19,760 sq. ft. in lieu of the required 1.5 ac.; allow a side yard setback of 10 ft. on each side in lieu of the required 50 ft. respectively; to allow a height of 45 ft. in lieu of the max height of 35 ft.; allow a covered porch on right side of house with a 4 ft. setback in lieu of the required 37 ½ ft. setback; increase lot coverage to 30.9463% in lieu of the max 15% lot coverage; and allow an accessory structure (garage) in the front yard in lieu of the required rear yard

03/20/2019

Managing Administrative Law Judge
Office of Administrative Hearings
105 West Chesapeake Avenue
Towson, MD 21204

RE: James and Kristin Cox

1342 Riverside Ave.

Proposed single family dwelling, with covered porch, and detached garage

Dear Judge,

We are requesting an administrative variance, in order to build a new single family dwelling (aka SFD), along with a detached garage. It is not feasible to make substantial improvements to our current home. Our intent is to demolish the existing structures, on our property, and build a new SFD (1st floor of living space to be 1'or more above Base Flood Elevation) and a detached garage.

The subdivision of "Back River Neck Park", in which our lot is located (known as lot #7), was created prior to current zoning regulations.

We are requesting relief to permit a new SFD on an undersized lot. All the homes on the south side of the subdivision are on undersized lots, according to current zoning regulations.

The front and rear setbacks of the proposed SFD are equal to the current SFD.

Our request of side setback relief is due to our lot being 50' wide. All of the homes in the subdivision have side setbacks less than the required 50'.

Our request for relief of maximum height is to permit a 24x20 observation room (aka widow's watch). The reasons we would like our height variance to be considered are as follows:

- -The entire subdivision was not zoned equally. The South half of the subdivision, containing lot 7, was zoned RC5. The North half of the subdivision was zoned DR3.5, which would not require a height variance.
- -A maximum height variance of 48' was granted to our neighbor, 300' from our property. Case No. 2006-0559-A. 1328 Riverside Ave. (aka lot # 14 of Back River Neck Park Subdivision). Tax # 1507471200
- -The style and height, in which we propose to build our home, is consistent with other homes in naked eyesight of our property.

We are requesting relief to permit an accessory structure (24'x30' detached garage) in the front yard in lieu of the rear yard requirement. The proposed garage cannot be placed in the rear yard without

2019-0187-A

being in the 100' buffer zone of Back River. The placement of the proposed garage is consistent with other garages of neighboring properties.

We believe the current zoning regulations, we are petitioning variances to, would unreasonably prevent the intended use of the property. The variances petitioned for are consistent with the other properties in the subdivision. The petitioned variances would pose no threat to public safety or welfare. The style and placement of the proposed SFD and detached garage are in strict harmony with the spirit and intent of the height and area regulations.

We discussed and gave copies of the variance petition, along with the site plan drawings (including all setbacks) to our adjacent neighbors. They have given us their approval of all the variances we are petitioning for. They have signed the attached letters of support for us to build a new SFD and a detached garage.

Sincerely,

James F. Cox Jr.

Kristin Cox

1342 Riverside Ave.

games To Cop gon-

Essex, MD 21221

03/22/19

Managing Administrative Law Judge Office of Administrative Hearings 105 West Chesapeake Avenue Towson, MD 21204

RE: James and Kristin Cox 1342 Riverside Ave. Essex, MD 21221 Proposed single family dwelling, with covered porch, and detached garage

Dear Judge:

I would like to express my support of my adjacent neighbors, James and Kristin Cox, at 1342 Riverside Ave. Essex, MD 21221, to build a new single family dwelling, with a height of 45', a covered porch, and a detached garage, placed as per the attached drawing titled "Drawing to Accompany Petition for Variance".

I have no objections to said structures and approval for the variance request.

Sincerely,

Raymond M. Ossie Su Jeane Dreie Raymond M. Ossie Sr. 1340 Riverside Ave.

Essex, MD 21221

Last modified: 3:24 PM

2019-0287-A

ZONING DESCRIPTION FOR 1342 RIVERSIDE AVE. BALTIMORE, MD 21221

Beginning at a point on the West side of Riverside Ave., which is 30 feet wide, at the distance of 80 feet South of the centerline of Mitchell Rd., which is 30 feet wide. Being lot # 7, Group 82, in the subdivision of Back River Neck Park as recorded in Baltimore County Plat Book # 7, Folio # 4, containing 19,760 sq. ft. Also known as 1342 Riverside Ave., and located in the 15th election district, 7th councilmanic 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:

5/10/2019

Order #:

11739030

Case #: 2019-0287-A

Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0287-A

(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: 2019-0287-A

1342 Riverside Avenue

W/side of Riverside Avenue, 80 ft. south of Mitchell Road

16th Election District - 7th Councilmante District

Legal Owners: James & Kristin Cox, Jr.

Variance to approve a new single family dwelling with a lot size of 19,760 square feet in lieu of the required 1.5 ac, allow a side yard setback of 10 feet on each side in lieu of the required 50 feet. Respectively, to allow a height of 45 feet, in lieu of the max height of 35 feet; allow a covered porch on the right side of the house with a 4 feet setback in lieu of the required 37 ½ feet setback; increase ot coverage to 30.0463% in lieu of the max 15% lot coverage; and allow an accessory structure (garage) in front yard in lieu of the required rear yard. Hearing: Friday, May 31, 2019 at 10:00 a.m. in Room 205, Jefferson Building.

105 West Chesapeake Avenue, Towson 21204

Acting 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 410-837-3391.

my 10

CENTIFICATE OF POS IG

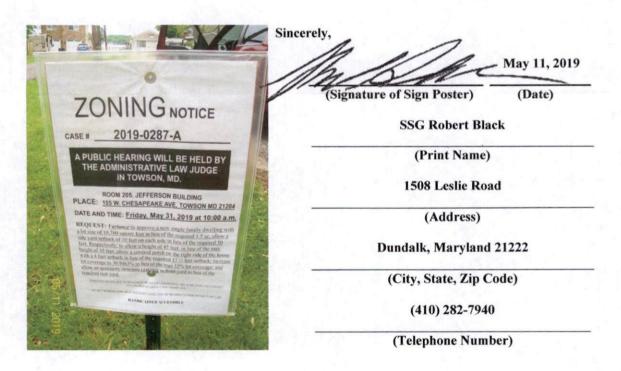
	2019-0287-A RE: Case No.:
	Petitioner/Developer:
	James & Kristin Cox, Jr.
	Date of Hearing/Closing:
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 Attn: Kristen Lewis: Ladies and Gentlemen:	RECEIVED MAY 2 7 2019 OFFICE OF ADMINISTRATIVE HEARINGS
This letter is to certify under the penalties posted conspicuously on the property loca	s of perjury that the necessary sign(s) required by law were ated at:
1342 Riverside Avenue SIO	GN 1 Recertification
The sign(s) were posted on	May 11, 2019
The sign(s) were posted on	(Month, Day, Year)
ZONING NOTICE CASE # 2019-0287-A APUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE LAW JUDGE IN TOWNON MD. IN THE ADMINISTRATIVE LAW JUDGE IN TOWNON MD.	Sincerely, May 26, 2019 (Signature of Sign Poster) (Date) SSG Robert Black (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222
Bernard Comment of the Comment of th	(City, State, Zip Code)
26/20	(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

	RE: Case No.:
	Petitioner/Developer:
	James & Kristin Cox, Jr
	May 31, 2019 Date of Hearing/Closing:
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Fowson, Maryland 21204	
Attn: Kristen Lewis:	
Ladies and Gentlemen:	•
This letter is to certify under the penalties of per posted conspicuously on the property located at	rjury that the necessary sign(s) required by law were
1342 Riverside Avenue SIGN	2 Recertification
The sign(s) were posted on	Month, Day, Year)
Since	May 26, 2019
	(Signature of Sign Poster) (Date)
ZONING NOTICE	SSG Robert Black
CASE # 2019-0287-A	(Print Name)
A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE LAW JUDGE IN TOWSON, MD.	1508 Leslie Road
PLACE. 105 W CHESAPEAKE AVE. TOWSON MD 21204 (F) TO DATE AND TIME. Friday, May 31, 2019 at 10:00 a.m.	(Address)
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Para and the second sec	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

	2019-0287-A
	RE: Case No.:
	Petitioner/Developer:
	James & Kristan Coc, Jr.
	Date of Hearing/Closing:
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
Attn: Kristen Lewis:	
Ladies and Gentlemen:	
	alties of perjury that the necessary sign(s) required by law were located at:
1342 Riverside Avenue	SIGN 1
The size(s) were rested on	May 11, 2019
The sign(s) were posted on	(Month, Day, Year)



	RI	E: Case No.:	
		Petitioner/Developer:	
		James	& Kristan Coc, Jr.
		Date of Hearing/Closing:	May 31, 2019
		Date of Hearing/Closing.	
Baltimore County Department of			
Permits, Approvals and Inspections			
County Office Building, Room 111			
11 West Chesapeake Avenue			
Towson, Maryland 21204			
Attn: Kristen Lewis:			
Ladies and Gentlemen:			
This letter is to certify under the pen- posted conspicuously on the property			
1342 Riverside Avenue	SIG	N 2	
	May	11, 2019	
The sign(s) were posted on			
	(Mor	nth, Day, Year)	



Sincerely,

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

2019-0287-A

CERTIFICATE OF POSTING

	2019-0287-A RE: Case No.:
	Petitioner/Developer:
	James & Kristan Coc, Jr.
	May 31, 2019 Date of Hearing/Closing:
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Fowson, Maryland 21204	
Attn: Kristen Lewis:	
Ladies and Gentlemen:	
This letter is to certify under the penalties of posted conspicuously on the property located	perjury that the necessary sign(s) required by law were at:
1342 Riverside Avenue SI	GN 2
The sign(s) were posted on	May 11, 2019 (Month, Day, Year)
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Si	ncerely,
0	May 11, 2019
ZONING NOTICE	(Signature of Sign Poster) (Date) SSG Robert Black
CASE 8	(Print Name)
A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE LAW JUDGE IN TOWSON, MD. ROOM 205, JEFFERSON BUILDING	1508 Leslie Road
PLACE: 105 VI, CHERAPEANE AVE. TOWSON MD 21204 DATE AND TIME: Friday, May 21, 2019 at 10:00 a.m.	(Address)
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a second many of the second se	(City, State, Zip Code)
	(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

	2019-0287-A RE: Case No.:
	Petitioner/Developer:
	James & Kristan Coc, Jr.
	Date of Hearing/Closing:
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 11 West Chesapeake Avenue Cowson, Maryland 21204	
Attn: Kristen Lewis:	
adies and Gentlemen:	
This letter is to certify under the penalties of penosted conspicuously on the property located at	erjury that the necessary sign(s) required by law were
342 Riverside Avenue SIC	GN 1
The sign(s) were posted on	May 11, 2019 Month, Day, Year)
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70NINO	(Signature of Sign Poster) (Date)
ZONING NOTICE	SSG Robert Black
A PUBLIC HEARING WILL BE HELD BY	(Print Name)
THE ADMINISTRATIVE LAW JUDGE IN TOWSON, MD. ROOM 205, JEFFERSON BUILDING	1508 Leslie Road
DATE AND TIME: Friday, May 31, 2019 at 10:00 a.m.	(Address)
which as the first product in the order of the product of the control of the cont	Dundalk, Maryland 21222
the management of the control of the	(City, State, Zip Code)
Anna Germani Comment	(410) 282-7940
	(Telephone Number)

RE: PETITION FOR VARIANCE

1342 Riverside Avenue; W of Riverside Ave.,

80' S of Mitchell Road

15th Election & 7th Councilmanic Districts
Legal Owner(s): James F. & Kristin E. Cox

Petitioner(s)

* BEFORE THE OFFICE

OF ADMINSTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

* 2019-287-A

ENTRY OF APPEARANCE

RECEIVED

APR 09 2010

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.

Peter Max Zummerman

PETER MAX ZIMMERMAN

Carle S Vemlie

People's Counsel for Baltimore County

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 9th day of April, 2019, a copy of the foregoing Entry of Appearance was mailed to James Cox, 1342 Riverside Avenue, Essex, Maryland 21221, Petitioner(s).

Description

**Desc

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



JOHN A. OLSZEWSKI, JR. County Executive

MICHAEL MOHLER, Director Department of Permits, Approvals & Inspections

April 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: 2019-0287-A

newle people

1342 Riverside Avenue

W/side of Riverside Avenue, 80 ft. south of Mitchell Road

15th Election District – 7th Councilmanic District

Legal Owners: James & Kristin Cox, Jr.

Variance to approve a new single family dwelling with a lot size of 19,760 square feet in lieu of the required 1.5 ac, allow a side yard setback of 10 feet on each side in lieu of the required 50 feet. Respectively; to allow a height of 45 feet, in lieu of the max height of 35 feet; allow a covered porch on the right side of the house with a 4 feet setback in lieu of the required 37 1/2 feet setback; increase lot coverage to 30.9463% in lieu of the max 15% lot coverage; and allow an accessory structure (garage) in front yard in lieu of the required rear yard.

Hearing: Friday, May 31, 2019 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Mike Mohler Acting Director

MM:kl

C: Mr. & Mrs. Cox, 1342 Riverside Avenue, Baltimore 21221

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 11, 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, May 1 2019 - Issue

Please forward billing to:

James Cox 1342 Riverside Avenue Baltimore, MD 21221

443-570-8672

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: 2019-0287-A

1342 Riverside Avenue

W/side of Riverside Avenue, 80 ft. south of Mitchell Road

15th Election District – 7th Councilmanic District

Legal Owners: James & Kristin Cox, Jr.

Variance to approve a new single family dwelling with a lot size of 19,760 square feet in lieu of the required 1.5 ac, allow a side yard setback of 10 feet on each side in lieu of the required 50 feet. Respectively; to allow a height of 45 feet, in lieu of the max height of 35 feet; allow a covered porch on the right side of the house with a 4 feet setback in lieu of the required 37 1/2 feet setback; increase lot coverage to 30.9463% in lieu of the max 15% lot coverage; and allow an accessory structure (garage) in front yard in lieu of the required rear yard.

Hearing: Friday, May 31, 2019 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Mike Mohler

publ peoble

Acting 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.

OFFICE	E OF BUD	DGET ANI	IARYLAN D FINANC RECEIPT	E		No.	182	074	BUSINE: 4/05/20 REG MS03	9 4/04/2 WALKIN CAI	TIME 019 09:28:00	DR
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DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 2019-0287-A Property Address: 1342 Riverside Ave Property Description: West Stefrivers-le Ave 80 FT. South of M. Tchell Rd
Legal Owners (Petitioners): Thmes Lox Kristin Cok
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO: Name: James Cox Kristin Cox
Company/Firm (if applicable):
Baltimore MD 21221 :
Telephone Number: 443 - 570 - 867 2



JOHN A. OLSZEWSKI, JR. County Executive

MICHAEL D. MALLINOFF, Director Department of Permits, Approvals & Inspections

May 21, 2019

James F. Cox Jr. & Kristin E. Cox 1342 Riverside Ave Baltimore MD 21221

RE: Case Number: 2019-0287-A, 1342 Riverside Ave

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 April 04, 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

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

Mike Mohler

DATE: 4/24/2019

Acting Director, Department of Permits, Approvals and Inspections

FROM:

Jeff Mayhew

Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 19-287

INFORMATION:

Property Address:

1342 Riverside Avenue

Petitioner:

James Cox Jr., Kristin Cox

Zoning:

RC 5

Requested Action: Variance

The Department of Planning has reviewed the petition for variance from of the Baltimore County Zoning to approve a single family dwelling to be built having a lot size of 19,760 square feet, a height of 45', side yard (property line) setbacks of 10' on each side with an open projection being setback at 4' in lieu of the required 1.5 acres, 35', 50'and 37.5' respectively and to permit lot coverage as much as 30.94% with an accessory structure (garage) in the front yard in lieu of the required 15% lot coverage and rear yard only.

A site visit was conducted on April 15, 2019. The site is improved with an existing dwelling and two accessory structures which are all to be removed.

The Department has no objection to granting the petitioned zoning relief subject to the following conditions:

 The proposed detached garage shall not be used as a separate dwelling or for commercial purposes.

Please be aware this site is subject to the RC 5 performance standards as listed in Section 1A04.4 of the BCZR. Architectural elevations must be submitted to the Department of Planning for review at the time of building permit application.

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

Division Chief:

Prepared by

Lloyd T. Moxley

JM/JGN/LTM/

c: Krystle Patchak

James F. Cox, Jr.

Office of the Administrative Hearings

People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



APR 2 4 2019

ADMINISTRATIVE OF THE ARINGS

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:

April 24, 2019

SUBJECT:

DEPS Comment for Zoning Item

2019-0287-A

Address

1342 Riverside Avenue

(Cox, Jr. Property)

Zoning Advisory Committee Meeting of April 15, 2019.

EPS has reviewed the subject zoning petition for compliance with the goals of the Statemandated 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. These requirements are based on the property area above mean high water. Based on the plan, the property area used to calculate these requirements is closer to 18,000± square feet. The maximum Critical Area defined lot coverage allowance for this property is 31.25% with mitigation for any new amount over 25%. It appears that the proposed lot coverage may need to be decreased to meet requirements. 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. Critical Area Lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront property with the required Critical Area buffer covering almost one-third of the property. The required 100-foot tidal buffer is actually 5-

feet farther landward than indicated on the plan as it is measured perpendicular to mean high water. 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 development of the property can meet all modified buffer area, lot coverage, tree, and mitigation requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Paul Dennis

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: April 22, 2019

TO:

Michael Mohler, Acting Director

Department of Permits, Approvals

MC

FROM:

Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 15, 2019 Item No. 2019-0287-A

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 the Public Works in writing to determine the Flood Protection Elevation, so that the floor elevation can be established.

VKD: cen cc: file



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

Date: 4/10/19

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-D287-A

James F. Cox, Fr. 1342 Rivers, de Alaenue

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 No. 2019-038M-A

CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment			
4/22	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	Comment			
4/24	DEPS (if not received, date e-mail sent)	Comment			
	FIRE DEPARTMENT	NO Obl			
4124	PLANNING (if not received, date e-mail sent)	MC Obj			
410	STATE HIGHWAY ADMINISTRATION	NO Objection			
	TRAFFIC ENGINEERING				
ZONING VIOLATI	ON (Case No				
PRIOR ZONING	(Case No)			
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SIGN POSTING (2)	by SSG BOCK				
PEOPLE'S COUNSI	EL APPEARANCE Yes No C				
Comments, if any: _					

Real Property Data Search

Search Result for BALTIMORE COUNTY

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Homestead Application Status: No F Station

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

KI KAR

03/20/2019

Managing Administrative Law Judge
Office of Administrative Hearings
105 West Chesapeake Avenue
Towson, MD 21204

RE: James and Kristin Cox

1342 Riverside Ave.

Proposed single family dwelling, with covered porch, and detached garage

Dear Judge,

We are requesting an administrative variance, in order to build a new single family dwelling (aka SFD), along with a detached garage. It is not feasible to make substantial improvements to our current home. Our intent is to demolish the existing structures, on our property, and build a new SFD and a detached garage.

The subdivision of "Back River Neck Park", in which our lot is located (known as lot # 7), was created prior to current zoning regulations.

We are requesting relief to permit a new SFD on an undersized lot. All the homes on the south side of the subdivision are on undersized lots, according to current zoning regulations.

The front and rear setbacks of the proposed SFD are equal to the current SFD.

Our request of side setback relief is due to our lot being 50' wide. All of the homes in the subdivision have side setbacks less than the required 50'.

Our request for relief of maximum height is to permit a 24x20 observation room (aka widow's watch). The reasons we would like our height variance to be considered are as follows:

- -The entire subdivision was not zoned equally. The South half of the subdivision, containing lot 7, was zoned RC5. The North half of the subdivision was zoned DR3.5, which would not require a height variance.
- -A maximum height variance of 48' was granted to our neighbor, 300' from our property. Case No. 2006-0559-A. 1328 Riverside Ave. (aka lot # 14 of Back River Neck Park Subdivision). Tax # 1507471200
- -The style and height, in which we propose to build or home, is consistent with other homes in naked eyesight of our property.

We are requesting relief to permit an accessory structure (24'x30' detached garage) in the front yard in lieu of the rear yard requirement. The proposed garage cannot be placed in the rear yard without

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Office of Administrative freeings

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being in the 100' buffer zone. The placement of the proposed garage is consistent with other garages of neighboring properties.

We believe the current zoning regulations, we are petitioning variances to, would unreasonably prevent the intended use of the property. The variances petitioned for are consistent with the other properties in the subdivision. The petitioned variances would pose no threat to public safety or welfare. The style and placement of the proposed SFD and detached garage are in strict harmony with the spirit and intent of the height and area regulations.

We discussed and gave copies of the variance petition, along with the site plan drawings (including all setbacks) to our adjacent neighbors. They have given us their approval of all the variances we are petitioning for. They have signed letters of support for us to build a new SFD and a detached garage.

Sincerely,

James F. Cox Jr.

Kristin Cox

1342 Riverside Ave.

Essex, MD 21221

Managing Administrative Law Judge Office of Administrative Hearings 105 West Chesapeake Avenue Towson, MD 21204

RE: James and Kristin Cox 1342 Riverside Ave. Essex, MD 21221 Proposed single family dwelling, with covered porch, and detached garage

Dear Judge:

I would like to express my support of my adjacent neighbors, James and Kristin Cox, at 1342 Riverside Ave. Essex, MD 21221, to build a new single family dwelling, with a height of 45', a covered porch, and a detached garage, placed as per the attached drawing titled "Drawing to Accompany Petition for Variance".

I have no objections to said structures and approval for the variance request.

Sincerely.

Raymond M. Ossie Su Jeanne Dreie Raymond M. Ossie Sr. 1340 Riverside Ave.

Essex, MD 21221

Last modified: 3:24 PM

PET. NO. 3

03/22/19

Managing Administrative Law Judge Office of Administrative Hearings 105 West Chesapeake Avenue Towson, MD 21204

RE: James and Kristin Cox 1342 Riverside Ave. Essex, MD 21221 Proposed single family dwelling, with covered porch, and detached garage

Dear Judge:

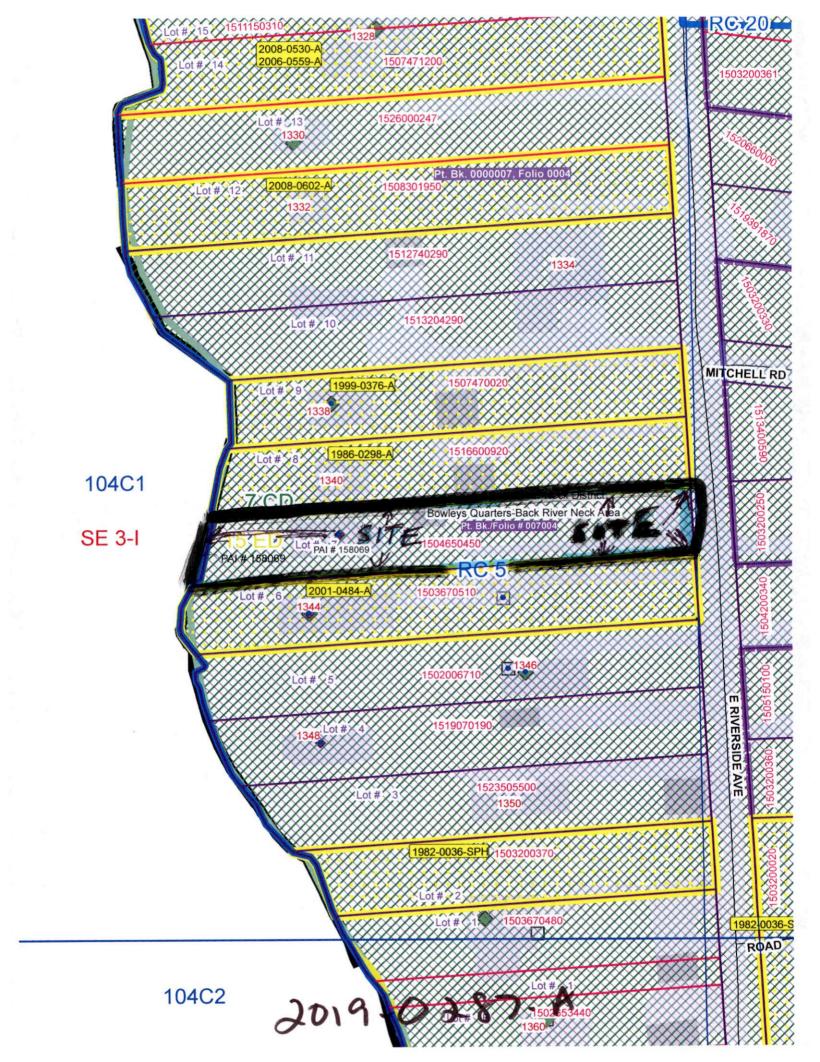
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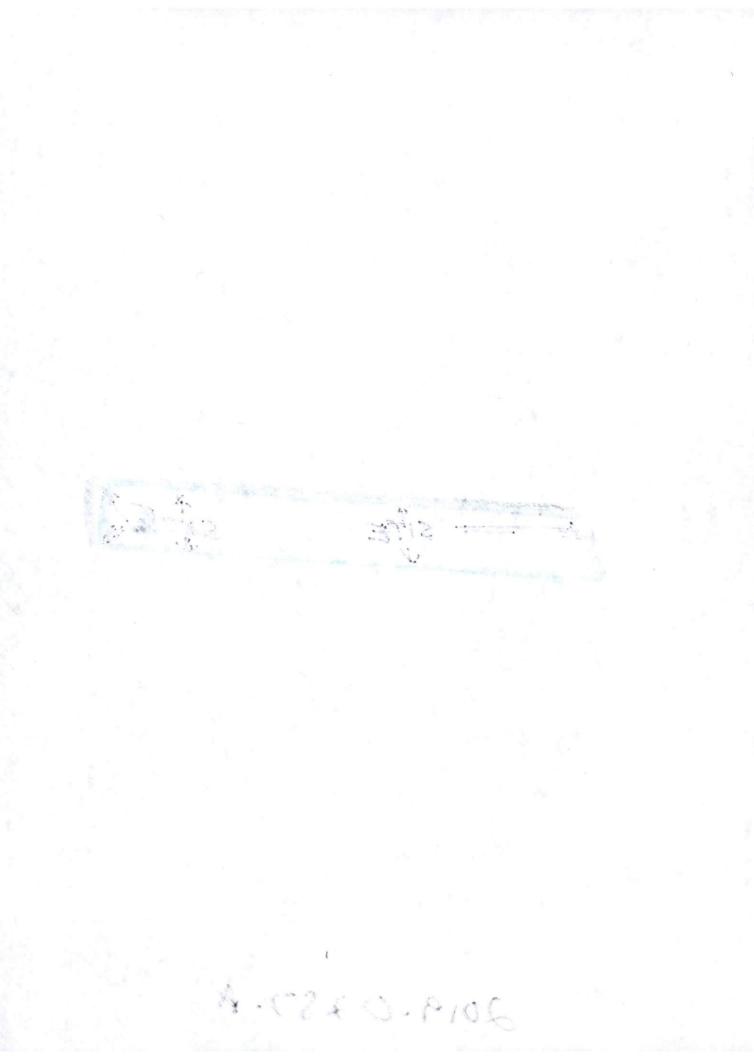
I have no objections to said structures and approval for the variance request.

Sincerely,

Scott M. Merbach 1344 Riverside Ave. Essex, MD 21221

Last modified: 3:23 PM





BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

Mike Mohler

DATE: 4/24/2019

Acting Director, Department of Permits, Approvals and Inspections

FROM:

Jeff Mayhew

Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 19-287

INFORMATION:

Property Address: 1342 Riverside Avenue Petitioner:

James Cox Jr., Kristin Cox

RC 5 Zoning: Requested Action: Variance

The Department of Planning has reviewed the petition for variance from of the Baltimore County Zoning to approve a single family dwelling to be built having a lot size of 19,760 square feet, a height of 45', side yard (property line) setbacks of 10° on each side with an open projection being setback at 4° in lieu of the required 1.5 acres, 35', 50' and 37.5' respectively and to permit lot coverage as much as 30.94% with an accessory structure (garage) in the front yard in lieu of the required 15% lot coverage and rear yard only.

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The Department has no objection to granting the petitioned zoning relief subject to the following conditions:

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Please be aware this site is subject to the RC 5 performance standards as listed in Section 1A04.4 of the BCZR. Architectural elevations must be submitted to the Department of Planning for review at the time of building permit application.

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

Division Chief:

Prepared by

Lloyd T. Moxley

JM/JGN/LTM/

c: Krystle Patchak James F. Cox, Jr.

Office of the Administrative Hearings People's Counsel for Baltimore County

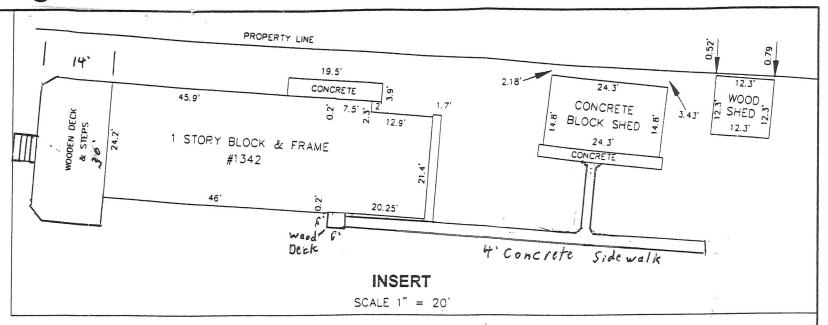
Existing Structures

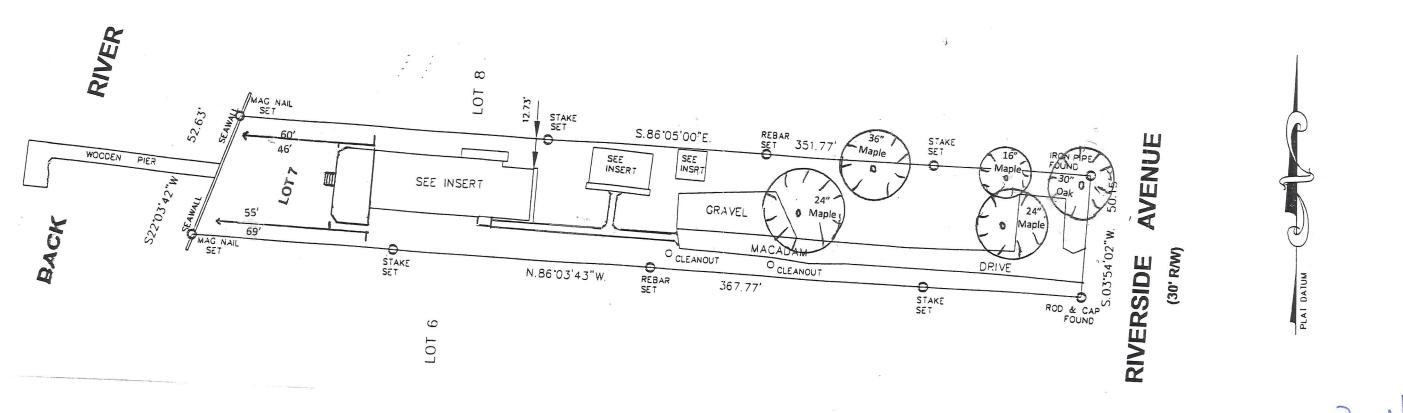
Existing Lot Coverage

SFD 1516.88sf Block Shed 359.64sf Wood Shed 151.29sf Gravel 750sf Macadam 1880sf Concrete 750sf

Total 4770.24sf

24.14% of 19,760sf





Existing Lot Coverage in MBA 876sf

Existing Pervious Deck in MBA 416sf

Pet. No.

I 342 RIVERSIDE AVENUE BALTIMORE, MARYLAND LOT 7

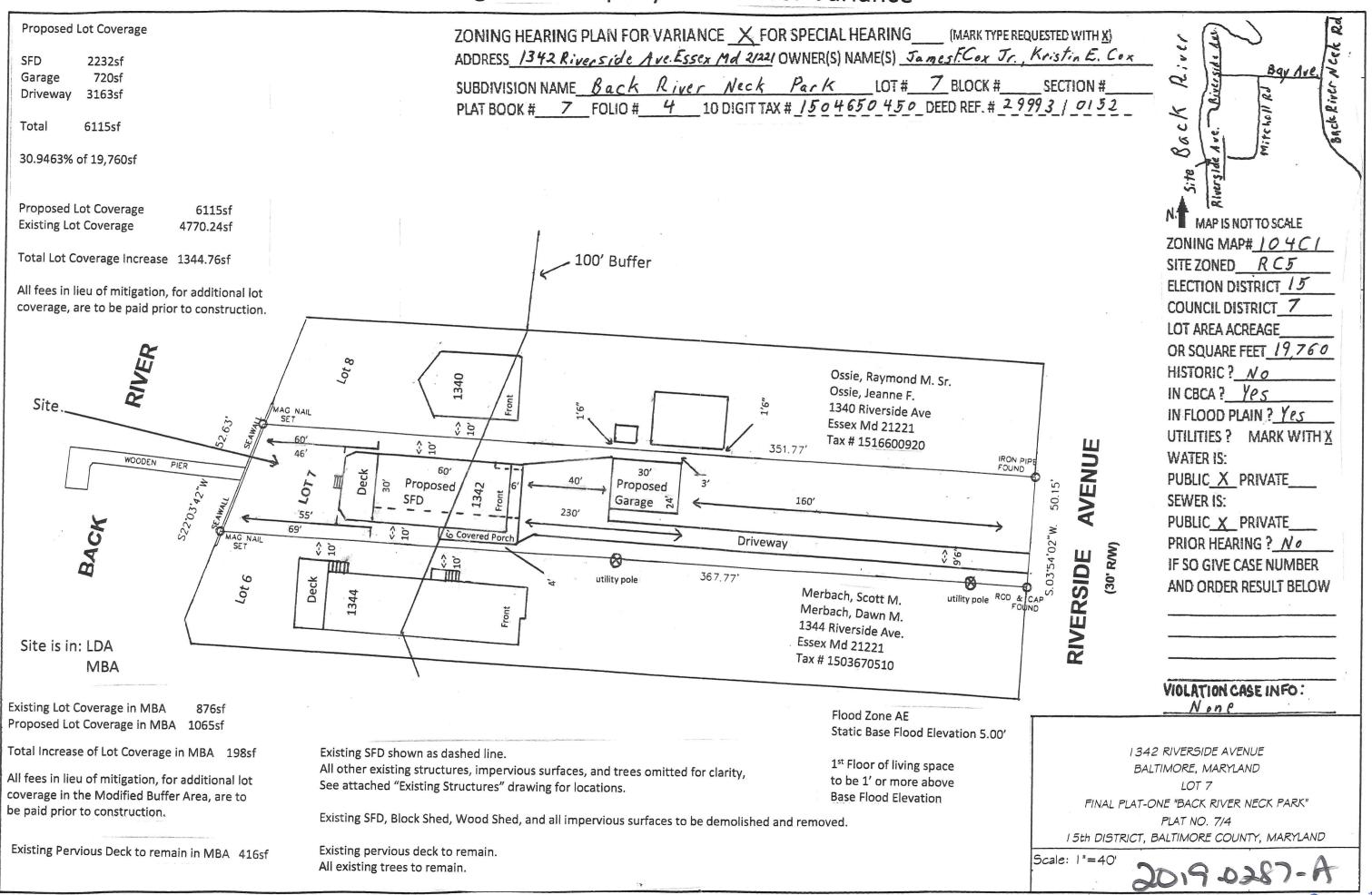
FINAL PLAT-ONE "BACK RIVER NECK PARK" PLAT NO. 7/4

15th DISTRICT, BALTIMORE COUNTY, MARYLAND

Scale: | "=40'

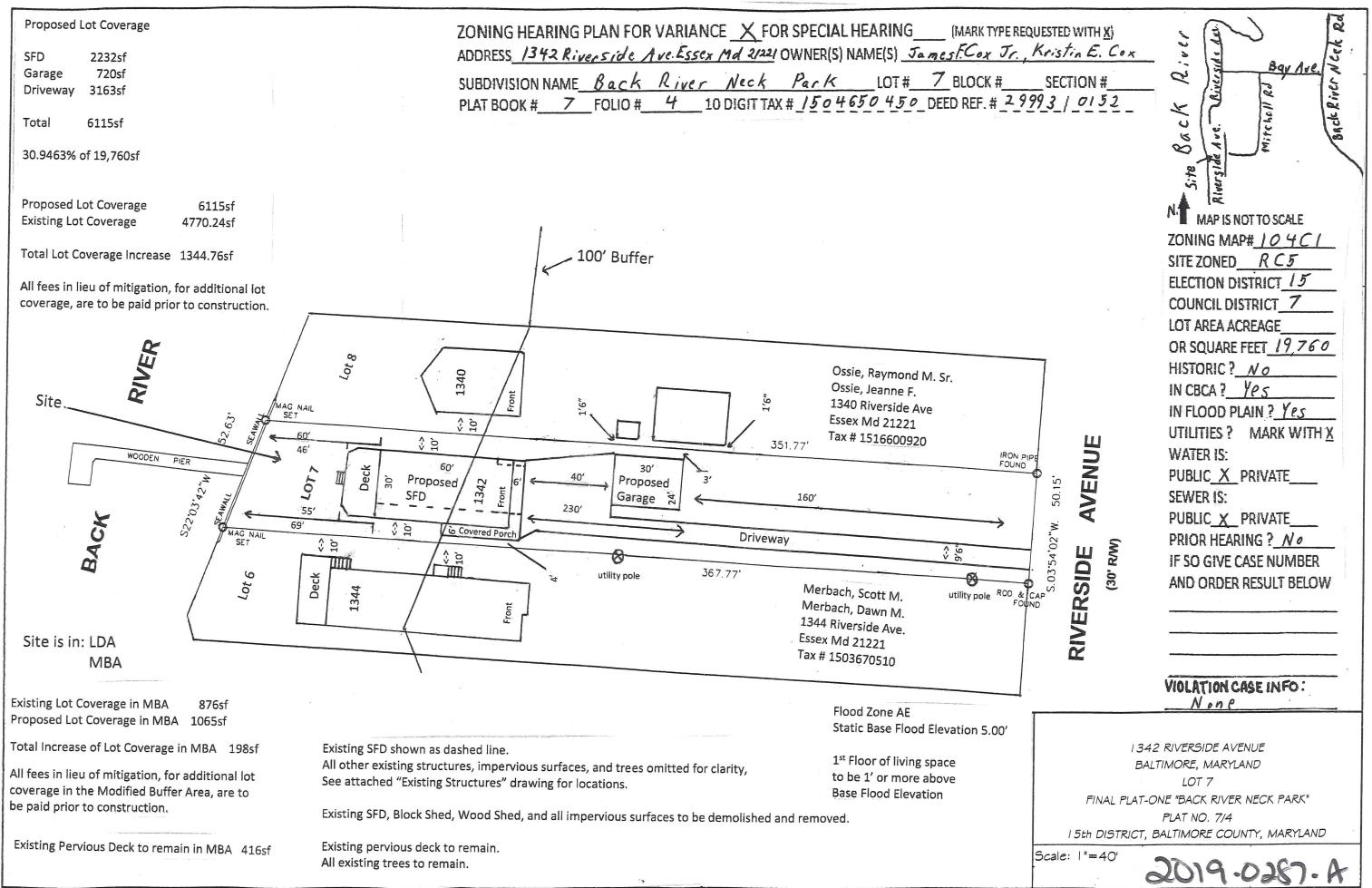
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Drawing to Accompany Petition for Variance



PET # Z

Drawing to Accompany Petition for Variance



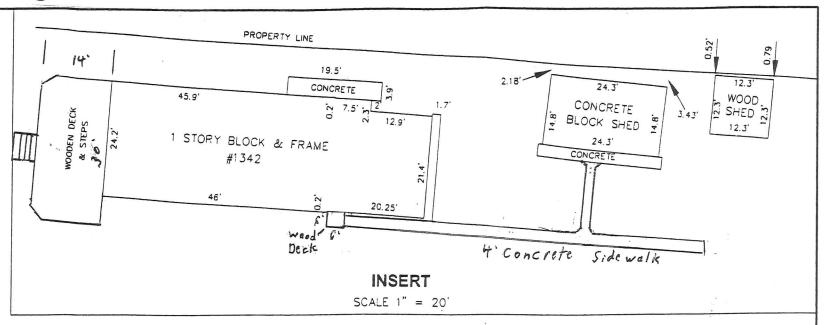
Existing Structures

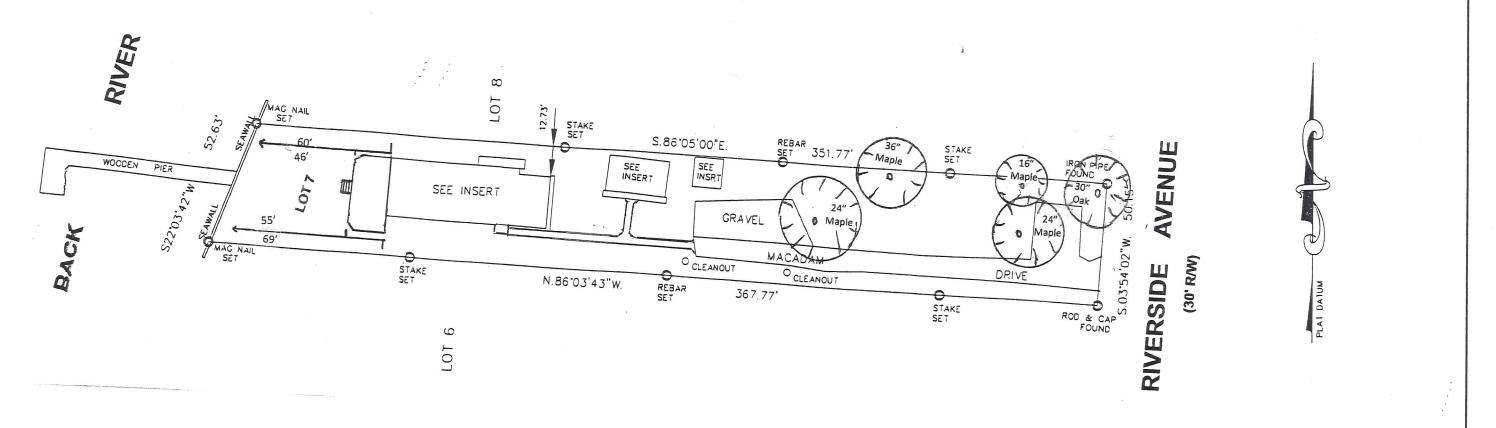
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24.14% of 19,760sf





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I 342 RIVERSIDE AVENUE BALTIMORE, MARYLAND LOT 7

FINAL PLAT-ONE "BACK RIVER NECK PARK" PLAT NO. 7/4

15th DISTRICT, BALTIMORE COUNTY, MARYLAND

Scale: | "=40"

2019-0287-A