

M E M O R A N D U M

DATE: August 13, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0347-A - Appeal Period Expired

The appeal period for the above-referenced case expired on August 12, 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

AIN RE: PETITION FOR ADMIN. VARIANCE *	BEFORE THE
(94 Delmar Avenue)	
12 th Election District *	OFFICE OF ADMINISTRATIVE
7 th Council District	
Douglas J. & Retha K. Shaw *	HEARINGS FOR
Petitioners	
	BALTIMORE COUNTY
	CASE NO. 2019-0347-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the subject property, Douglas J. and Retha K. Shaw (“Petitioners”). The Petitioners are requesting Variance relief pursuant to § 1B01.2.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”), to permit a proposed addition with street side setbacks of 10 ft. in lieu of the required 25 ft. and to allow a rear yard setback of 11 ft. in lieu of the required 30 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. The property is located within the Chesapeake Bay Critical Area (“CBCA”) and is subject to Critical Area requirements as noted in the ZAC comment dated July 11, 2019 submitted by the Department of Environmental Protection and Sustainability (“DEPS”).

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 16, 2019, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 7-12-19

By [Signature]

The Petitioners have filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code ("BCC"). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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

THEREFORE, IT IS ORDERED, this 12th day of **July, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1B01.2.3.C.1 of the Baltimore County Zoning Regulations ("BCZR"), to permit a proposed addition with street side setbacks of 10 ft. in lieu of the required 25 ft. and to allow a rear yard setback of 11 ft. in lieu of the required 30 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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.
- Petitioners must comply with the DEPS ZAC comment, dated July 11, 2019; a copy of which is attached hereto and made a part hereof.

ORDER RECEIVED FOR FILING

Date 7-12-19
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:dlw

ORDER RECEIVED FOR FILING

Date 7-1-19

By dlw



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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

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

Address 94 Delmar Ave Currently zoned DR5.5
 Deed Reference LIBER 16970 FOLIO 243 10 Digit Tax Account # 1223016080
 Owner(s) Printed Name(s) DOUGLAS J. SHAW + Retha K. SHAW

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

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

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

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

SEE Attached

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

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

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

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

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

Owner(s)/Petitioner(s):

DOUGLAS J. SHAW RETHA K. SHAW
 Name #1 – Type or Print Name #2 – Type or Print
Douglas J. Shaw Retha K. Shaw
 Signature #1 Signature #2
94 Delmar Ave Balto-Co MD
 Mailing Address City State
21222 410-627-2621 rethashaw@cyphro.cr.
 Zip Code Telephone # Email Address

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

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

Representative to be contacted:

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

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

ORDER RECEIVED FOR FILING
7-12-19
125

Administrative Law Judge for Baltimore County

CASE NUMBER 2019-0347-A Filing Date 6/3/19 Estimated Posting Date 6/16/19 Reviewer gh

Affidavit in Support of Administrative Variance

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

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

Address: 94 Delmar Ave Ba Ho. Co MD 21222
Print or Type Address of property City State Zip Code

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

House too small only 720sqft, without grown & need for additions, so we can have a more comfortable living area, If denied this would be a hardship for us.

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

Douglas J. Shaw
Signature of Owner (Affiant)

DOUGLAS J. SHAW
Name- Print or Type

Retha K. Shaw
Signature of Owner (Affiant)

Retha K. SHAW
Name- Print or Type

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

STATE OF MARYLAND, COUNTY OF Howard ~~BALTIMORE~~, to wit:

I HEREBY CERTIFY, this 15 day of May, 2019, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Douglas J. Shaw and Retha K. Shaw

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

AS WITNESS my hand and Notaries Seal



Mary Laura Ensey
Notary Public
July 21, 2020
My Commission Expires

2019-0347-A

Zoning Property description for: 94 Delmar Avenue,

Beginning on the west side of Delmar Avenue with a right of way width of 50 at a distance 155 feet ^{North} of the centerline of nearest improved intersection Delmar Circle with a right of way width of 50 feet.

Being lot 143 in the subdivision of Inverness as recorded in Baltimore County Plat Book# 0013. Folio #0027, containing 7,875 SF of lot area. Located in the 12th Election District and 7th Council District.

2019-0347-A

Zoning Property description for: 94 Delmar Avenue,

Beginning on the ^{North} west side of Delmar Avenue with a right of way width of 50 at a distance 155 feet North of the centerline of nearest improved intersection Delmar Circle with a right of way with of 50 feet.

Being lot 143 in the subdivision of Inverness as recorded in Baltimore County Plat Book# 0013. Folio #0027, containing 7,875 SF of lot area. Located in the 12th Election District and 7th Council District.

CERTIFICATE OF POSTING

CASE NO. 2019-0347-A

PETITIONER/DEVELOPER

Douglas J. Shaw

DATE OF HEARING/CLOSING

7/1/19

BALTIMORE COUNTY DEPARTMENT OF

PERMITS AND DEVELOPMENT MANAGEMENT

COUNTY OFFICE BUILDING ROOM 111

111 WEST CHESAPEAKE AVENUE

ATTENTION :

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) EQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

94 DELMAR AVE

SIGN #1

THIS SIGN(S) POSTED ON

June 16, 2019

(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 6/16/19

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

SIGN 1

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 20A-0347-A

TO PERMIT A STREET SIDE SETBACK OF 10 FEET
IN LIEU OF THE REQUIRED 25 FEET, AND REAR YARD
SETBACK OF 11 FEET IN LIEU OF THE REQUIRED 30 FEET.

PUBLIC HEARING ?

PURSUANT TO SECTION 20-127(b) (1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE

4:30 P.M. ON MONDAY, JULY 1, 2008
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

911 W. CHESAPEAKE AVE.
TOWSON, MD 21204

TEL. 410-887-3381

WE HAVE ENLARGED THIS SIGN AND HAVE MOVED IT TO THE CORNER OF THE LOT. PLEASE RETURN IT TO THE
MEETING IS HANDICAP ACCESSIBLE

my address 6/16/19

CERTIFICATE OF POSTING

CASE NO. 2019-0347-A

PETITIONER/DEVELOPER

Douglas J. Shaw

DATE OF HEARING/CLOSING

7/1/19

BALTIMORE COUNTY DEPARTMENT OF

PERMITS AND DEVELOPMENT MANAGEMENT

COUNTY OFFICE BUILDING ROOM 111

111 WEST CHESAPEAKE AVENUE

ATTENTION :

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) EQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

94 DELMAR AVE

SIGN #2

THIS SIGN(S) POSTED ON

June 16, 2019

(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 6/16/19 6/16/19

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

SNH 2

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2019-0397-A
TO PERMIT A STREET SIDE SETBACK OF 10 FEET
IN LIEU OF THE REQUIRED 25 FEET, AND REAR YARD
SETBACK OF 11 FEET IN LIEU OF THE REQUIRED 30 FEET

PUBLIC HEARING ?

PURSUANT TO SECTION 28-127(b)(1), BALTIMORE COUNTY CODE
"AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON MONDAY, JULY 1, 2019
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHEAPPEAKE AVE.
TOWSON, MD. 21204

TEL. 410-887-3391

WE DO NOT GUARANTEE THAT OUR EMPLOYEES WILL BE AVAILABLE TO TAKE VISITOR REQUESTS BY E-MAIL

MEETING IS HANDICAP ACCESSIBLE

motion 8/6/19

Sherry Nuffer

From: Marty Ogle <mert1114@aol.com>
Sent: Sunday, June 30, 2019 6:22 PM
To: Administrative Hearings
Subject: 2019-0347-A



CAUTION: This message from mert1114@aol.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

2nd set of certificates

CERTIFICATE OF POSTING

CASE NO. 2019-0347-A
PETITIONER/DEVELOPER
Douglas J. Shaw
DATE OF HEARING/CLOSING
7/1/19

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION :
LADIES AND GENTLEMAN :
THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) EQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT
94 DEUMAR AVE

THIS SIGN(S) POSTED ON June 16, 2019 June 30, 2019
(MONTH, DAY, YEAR)

SINCERELY,
Marty Ogle
SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDBROOK ROAD
PARKVILLE, MD. 21234
443-629-3411

ZONING NOTICE
VARIANCE
PUBLIC HEARING ?
6/30/19

A photograph of a "ZONING NOTICE VARIANCE" sign posted on a chain-link fence. The sign is white with black and red text. To the right of the sign, there is a vertical white strip with the date "6/30/19" and a signature.

CERTIFICATE OF POSTING

CASE NO. 2019-0347-A

PETITIONER/DEVELOPER

DOUGLAS T. SHAW

DATE OF HEARING/CLOSING

7/1/19

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

LADIES AND GENTLEMAN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

94 DENVER AVE

SIGN #2

THIS SIGN(S) POSTED ON

June 1st 2019

(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle

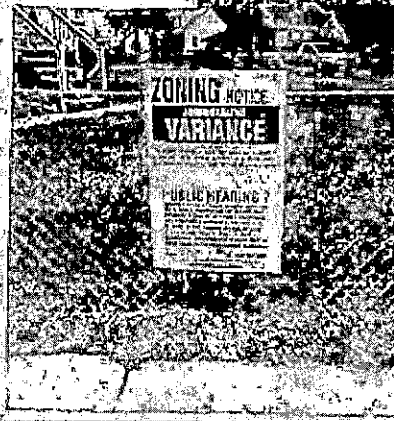
SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MALDENBROOK ROAD

PARKVILLE, MD 21234

443-629-7411



Sent from my iPhone

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2019- 0347 -A Address 94 Delmar Ave

Contact Person: Gary Hook Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6/3/19 Posting Date: 6/16/19 Closing Date: 7/1/19

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

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

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2019- 0347 -A Address 94 Delmar Ave

Petitioner's Name DOUGLAS J. Shaw Telephone 410-627-2621

Posting Date: 6/16/19 Closing Date: 7/1/19

Wording for Sign: To Permit a street side set back of 10 feet
in lieu of the required 25 feet, and rear yard set
back of 11 feet in lieu of the required 30 feet

Revised 6/30/2019

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

No. **184701**

PAID RECEIPT

Date: 6/3/19

BUSINESS ACTUAL TIME DRW
6/04/2019 6/03/2019 10:44:17 1

REG WSUI WALKIN LJR
>>RECEIPT # 010410 6/03/2019 OFLN

Dept 5 528 ZONING VERIFICATION
CR 05 184701

Receipt Tot \$ 75.00
.00 CK 75.00 CA
Baltimore County, Maryland

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

Total: 75.00

Rec From: Douglas & Retha Shaw

For: 2019-0347-A

94 De Imar Ave

**CASHIER'S
VALIDATION**

DISTRIBUTION

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



JOHN A. OLSZEWSKI, JR.
County Executive

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

July 2, 2019

Douglas J & Retha K Shaw
94 Delmar Ave
Baltimore MD 21222

RE: Case Number: 2019-0347-A, 94 Delmar 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 June 03, 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,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 6/12/19

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

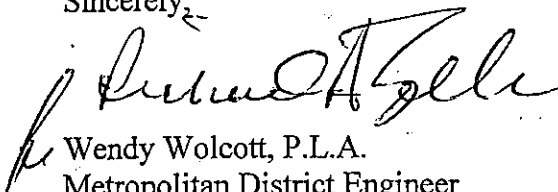
Dear Ms. Lewis:

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. 2019-0347-A

*Administrative Variance
Douglas F. Retha K Shaw
94 Delmar Avenue*

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

Sincerely,

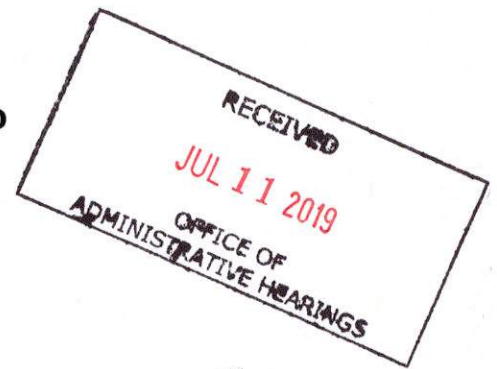


Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: July 11, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0347-A
Address 94 Delmar Avenue
(Shaw Property)

Zoning Advisory Committee Meeting of **June 17, 2019**.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

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, non-waterfront property is located within an Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area and would be subject to practices that reduce water quality impacts associated with stormwater runoff, commonly referred to as the Critical Area 10% Rule. The petitioner's request to allow two dwelling additions would increase impervious surfaces, however, any future building permit applications and/or plans received by the Environmental Impact Review Section of EPS will be reviewed for the applicability of the 10% Rule regulations and any required mitigation. Allowing the request with this petition will minimize impacts to water quality.



2. Conserve fish, wildlife, and plant habitat; and

The subject property is not a waterfront property. There is not a tidal buffer projected onto the property. Any development proposal for the property will be reviewed for application of the IDA 10% pollutant reduction requirements, which will improve buffer functions and conserve fish habitat in proximity to nearby Chink Creek and Bear Creek.

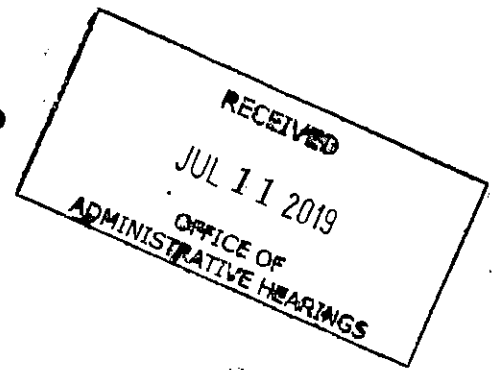
3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The applicant's request to allow two additions onto the existing dwelling is consistent with this goal, given that the project will be subject to review for application of the Critical Area IDA pollutant reduction requirements, thereby, maintaining compliance with these regulations. Allowing this request will be consistent with established land-use policies.

Reviewer: Thomas Panzarella
Environmental Impact Review

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: July 11, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0347-A
Address 94 Delmar Avenue
(Shaw Property)

Zoning Advisory Committee Meeting of **June 17, 2019**.

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ORDER RECEIVED FOR FILING

Date 7-12-19

By lwj

2. Conserve fish, wildlife, and plant habitat; and

The subject property is not a waterfront property. There is not a tidal buffer projected onto the property. Any development proposal for the property will be reviewed for application of the IDA 10% pollutant reduction requirements, which will improve buffer functions and conserve fish habitat in proximity to nearby Chink Creek and Bear Creek.

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.

The applicant's request to allow two additions onto the existing dwelling is consistent with this goal, given that the project will be subject to review for application of the Critical Area IDA pollutant reduction requirements, thereby, maintaining compliance with these regulations. Allowing this request will be consistent with established land-use policies.

Reviewer: Thomas Panzarella
Environmental Impact Review

ORDER RECEIVED FOR FILING

Date 7-12-19

By bw

(AV) 7-1

CASE NO. 2019- 0347-A

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>6-12</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING (1 st)	Date: <u>6-16-19</u>	by <u>Ogle</u>
SIGN POSTING (2 nd)	Date: <u>11</u>	by <u>11</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		

ZAC AGENDA

Case Number: 2019-0347-A **Reviewer:** Gary Hucik
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Douglas J Retha K Shaw
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 12 **Council Dist:** 7

Property Address: 94 DELMAR AVE

Location: West side of Delmar Ave North 155 feet to the centerline of Delmar Circle.

Existing Zoning: DR 5.5 **Area:** 7.875 SQ FT

Proposed Zoning:
ADMINISTRATIVE VARIANCE:

Attorney: Not Available
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: None
Closing Date: 07/01/2019

Miscellaneous Notes:

Case Number: 2019-0348-A **Reviewer:** Rosalie Johnson
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: John D & Michelle Killian
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 15 **Council Dist:** 7

Property Address: 1216 BACK RIVER NECK RD

Location: South of Bay Ave. on West side of Back River Neck Road.

Existing Zoning: RC 20 **Area:** 20,433 SF

Proposed Zoning:
ADMINISTRATIVE VARIANCE:

To permit an accessory use garage in the front yard, Prior Zoning case number 08-0165-A, granted an accessory shed in the front yard where the proposed new garage will be located. Existing shed will be relocated to the rear yard per applicant's site plan.

Attorney: Not Available
Prior Zoning Cases: 2008-0165-A
Concurrent Cases: None
Violation Cases: None
Closing Date: 07/01/2019

Miscellaneous Notes:

2019-0347-A

Administrative Variance For Section;1B01.2.3.C.1 of the BCZR,

To permit a proposed addition with street side setbacks of 10 feet in lieu of the required 25 feet and to allow a rear yard setback of 11 feet in lieu of the required 30 feet.

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 - 12 Account Number - 1223016080
Owner Information		
Owner Name:	SHAW DOUGLAS J SHAW RETHA K	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	94 DELMAR AVE BALTIMORE MD 21222-4852	Deed Reference: /16370/ 00243
Location & Structure Information		
Premises Address:	94 DELMAR AVE 0-0000	Legal Description:
		INVERNESS
Map:	Grid:	Parcel:
0104	0013	0222
Sub District:	Subdivision:	Section:
	0000	
Block:	Lot:	Assessment Year:
	143	2018
Plat No:	Plat Ref:	
	0013/ 0027	
Special Tax Areas:		Town: NONE
		Ad Valorem:
		Tax Class:
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1949	1,124 SF	
Property Land Area	County Use	
7,875 SF	04	
Stories	Basement	Type
1 1/2	YES	STANDARD UNIT
Exterior	Full/Half Bath	Garage
SIDING	1 full	
Last Major Renovation		
Value Information		
Base Value		Value
		As of 01/01/2018
Land:	52,200	52,200
Improvements	79,700	90,600
Total:	131,900	142,800
Phase-in Assessments		
As of 07/01/2018	As of 07/01/2019	
135,533	139,167	
Preferential Land:	0	0
Transfer Information		
Seller: WELLSLAGER IRENE	Date: 05/02/2002	Price: \$75,400
Type: NON-ARMS LENGTH OTHER	Deed1: /16370/ 00243	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2018
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		

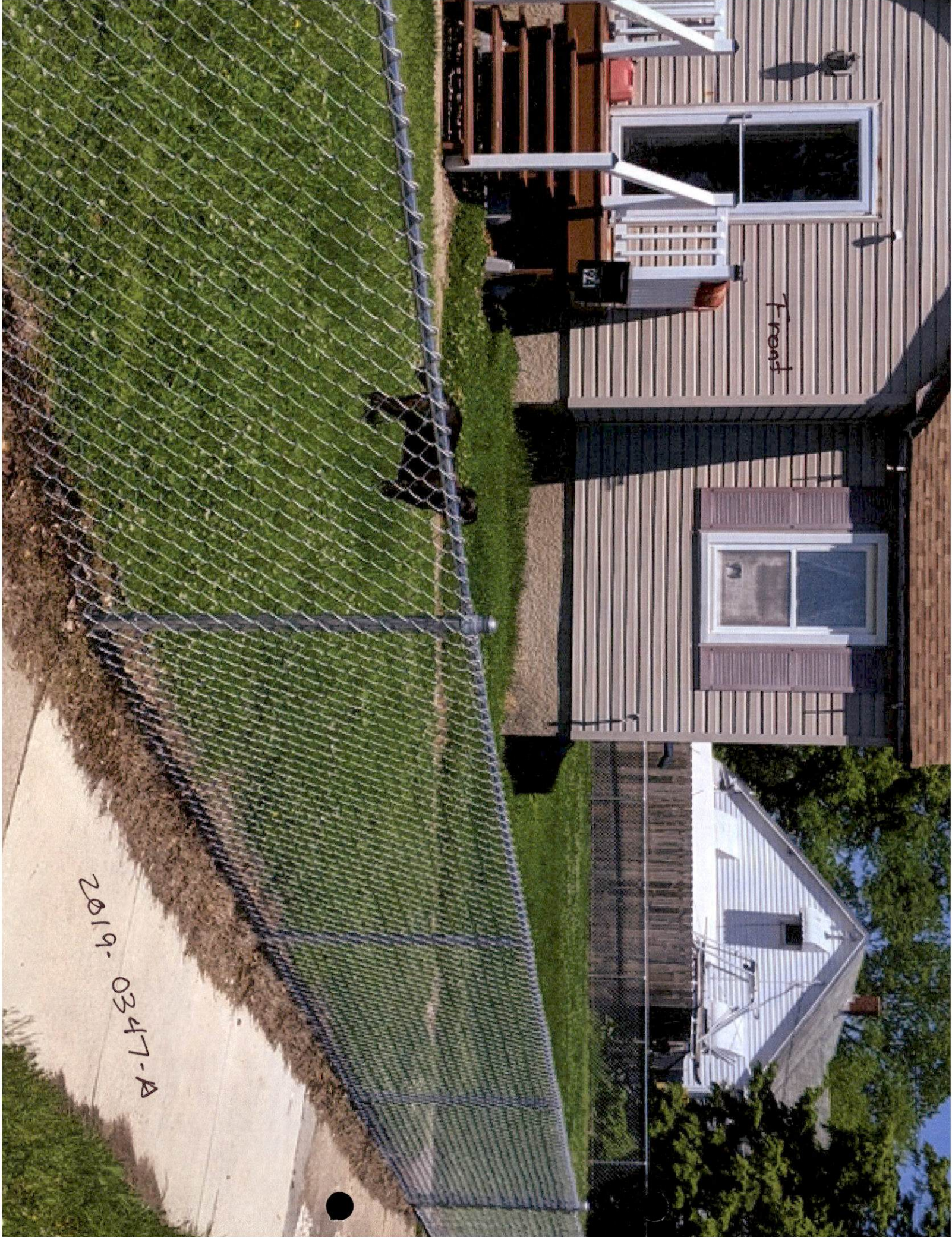
Homestead Application Status: Approved 08/02/2011

Homeowners' Tax Credit Application Information

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

2019-0347-A





2019-0347-A

21
11
10
9
8
7
6
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1



2019-0347-A

2nd floor

1000
1000

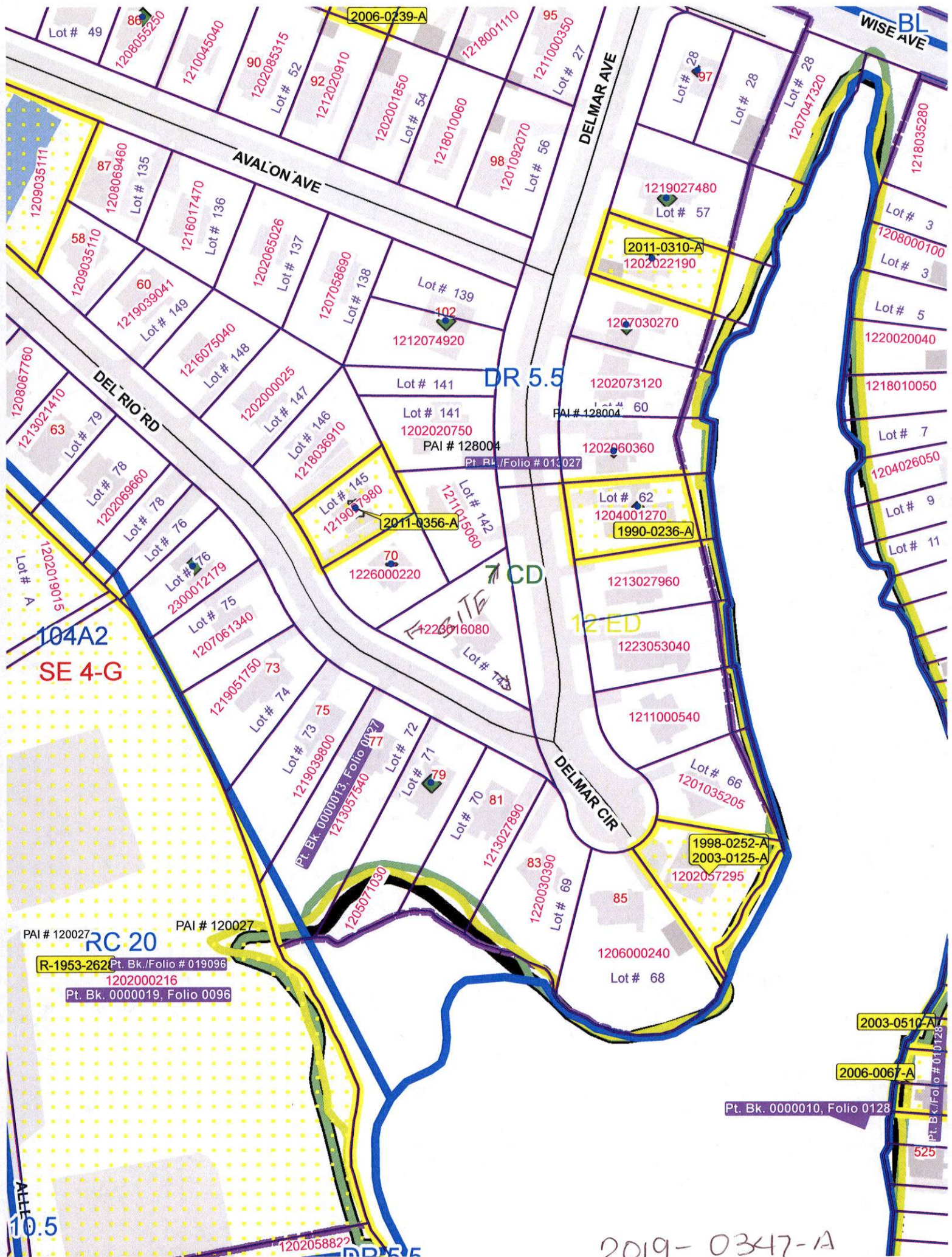
1000
1000



1953
1954
1955







2019-0347-A

Real Property Data Search (w4)

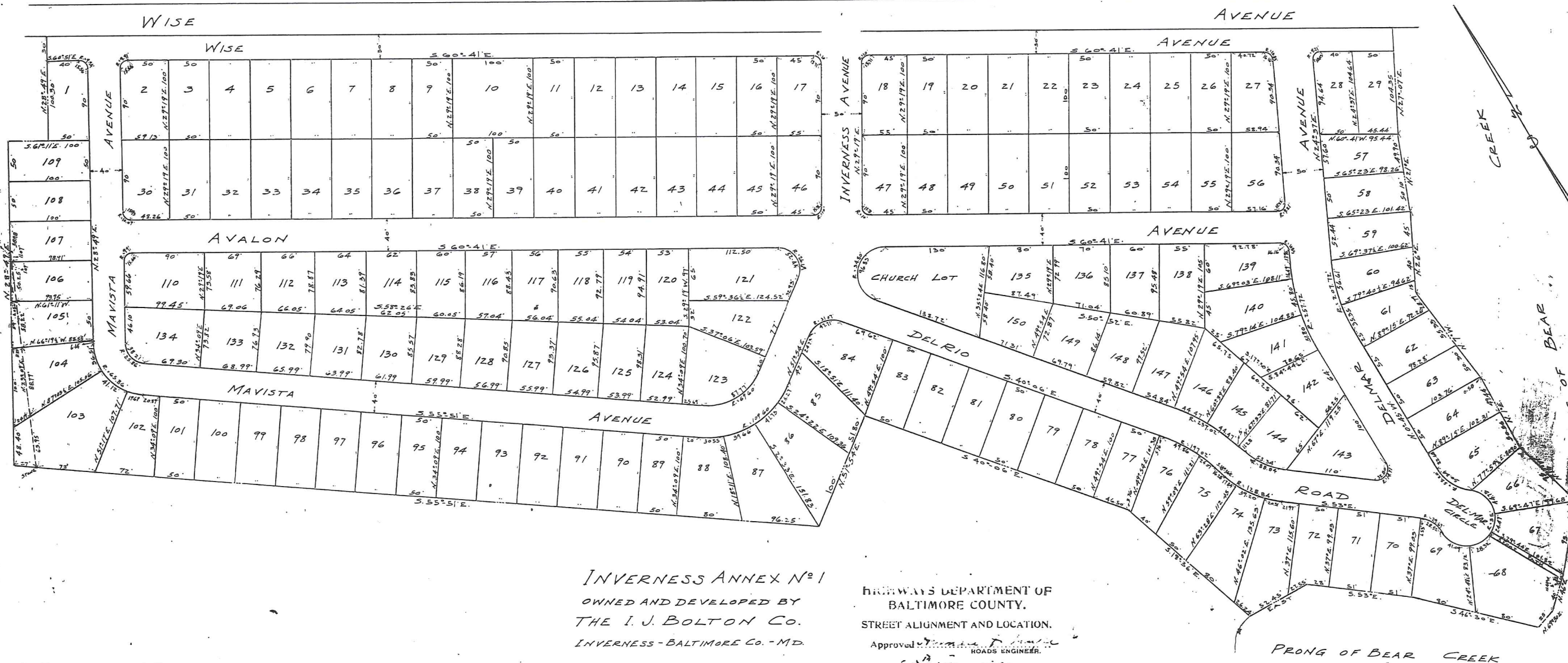
Search Result for BALTIMORE COUNTY

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Exempt Class:		NONE			
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	SHAW RETHA K		Principal Residence:	YES	
Mailing Address:	94 DELMAR AVE		Deed Reference:	/16370/ 00243	
	BALTIMORE MD 21222-4852				
Location & Structure Information					
Premises Address:	94 DELMAR AVE		Legal Description:		
	0-0000		INVERNESS		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0104	0013	0222		0000	
					Block:
					143
					Assessment Year:
					2018
					Plat No:
					Plat Ref:
					0013/ 0027
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
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Property Land Area		County Use			
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1 1/2	YES	STANDARD UNIT	SIDING	1 full	
Last Major Renovation					
Value Information					
Base Value		Value		Phase-In Assessments	
		As of		As of	
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				As of	
				07/01/2019	
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Improvements	79,700	90,600			
Total:	131,900	142,800	135,533		139,167
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Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2018		07/01/2019	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 08/02/2011					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application					
Date:					

1. This screen allows you to search the Real Property database and display property records.
2. Click here for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

2019-0347-A

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SCALE: 60 FEET TO ONE INCH.
 FRED H. DOLLENBERG & BRO.
 SURVEYORS & CIVIL ENGRS.
 DUNCAN BLDG. TOWSON, MD.
 JUNE 23, 1941.

NOTE: REVISED JULY 24, 1941.

INVERNESS ANNEX No. 1
 OWNED AND DEVELOPED BY
 THE I. J. BOLTON CO.
 INVERNESS - BALTIMORE CO. - MD.

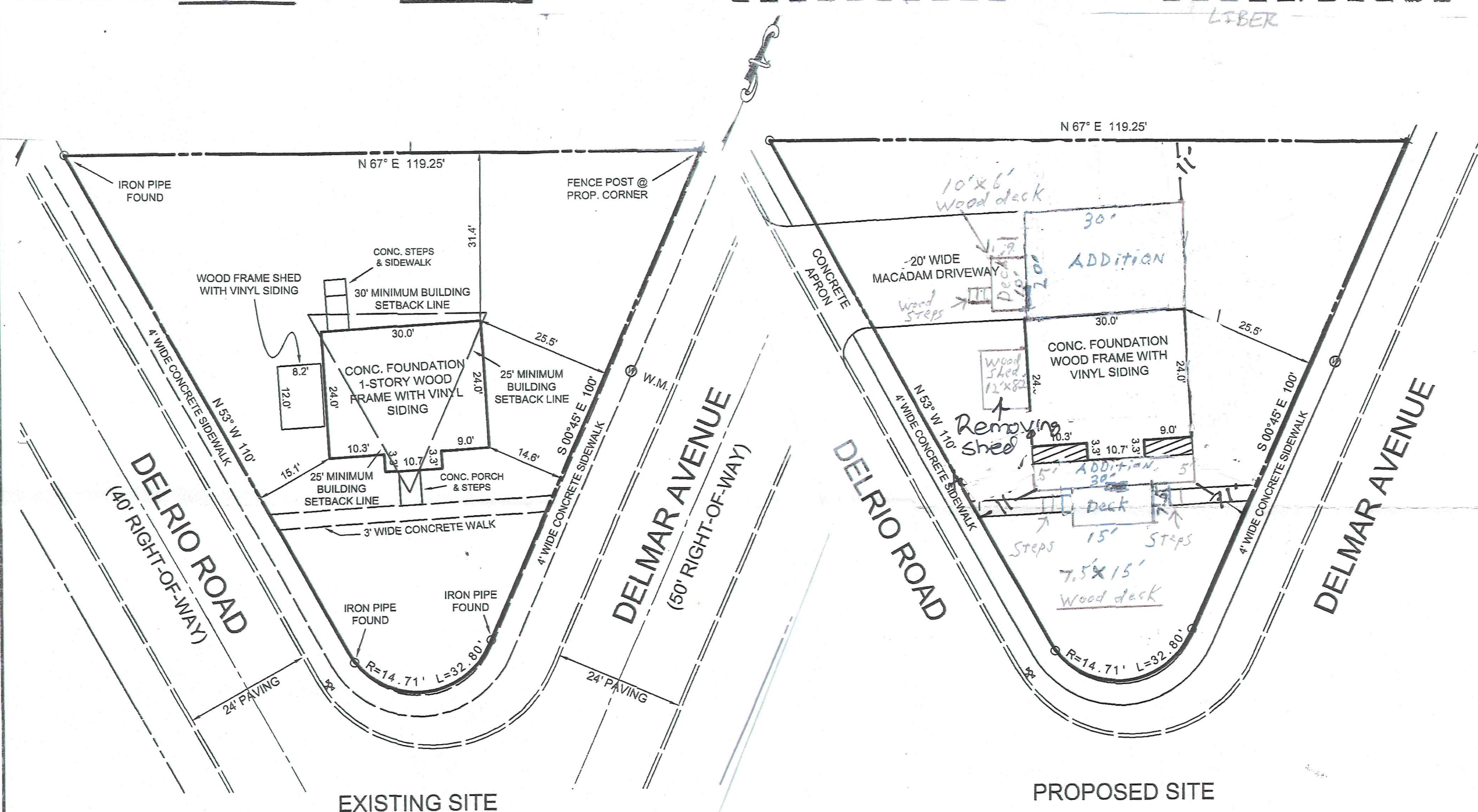
HIGHWAYS DEPARTMENT OF
 BALTIMORE COUNTY.
 STREET ALIGNMENT AND LOCATION.
 Approved: [Signature]
 Date: JUN 15, 1941.

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING --- (MARK TYPE REQUESTED WITH X)

ADDRESS 94 Delmar Ave OWNER(S) NAME(S) DOUGLAS J & RETHA K SHAW

SUBDIVISION NAME Inverness LOT # 143 BLOCK # --- SECTION # ---

PLAT BOOK # 13 FOLIO # 27 10 DIGIT TAX # 1223016080 DEED REF. # 163701



OWNERS: DOUGLAS J. SHAW & RETHA K. SHAW
DEED: LIBER 16370, FOLIO 243
TAX MAP 104, PARCEL 222
ZONING: DR5.5
FRONT-YARD SETBACK: 25'
SIDE-YARD SETBACK: 5'
REAR-YARD SETBACK: 30'

PLAT WAS PREPARED WITHOUT THE BENEFIT OF A BOUNDARY SURVEY.

PROPOSED ADDITIONS

BEING KNOWN AND DESIGNATED AS LOT 143 AS SHOWN ON PLAT ENTITLED "INVERNESS ANNEX No. 1" AS RECORDED IN PLAT BOOK 13, FOLIO 27.

IMPROVEMENTS PLAT FOR

#94 DELMAR AVENUE

12th ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 20'

DATE: 06/27/2003

DRAWN BY: JMS, Jr.

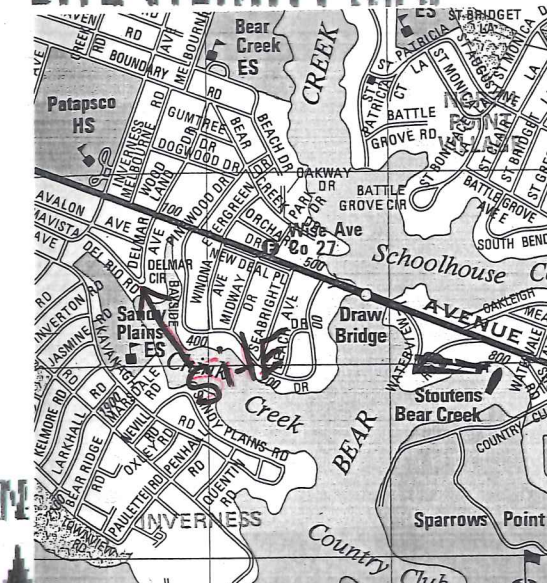
JOB NO.: N/A

PLAN DRAWN BY DOUGLAS SHAW

DATE 05/17/19 SCALE: 1 INCH = 20 FEET

2019-0347-A

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 104A2

SITE ZONED DR5.5

ELECTION DISTRICT 12

COUNCIL DISTRICT 7

LOT AREA ACREAGE N/A

OR SQUARE FEET 7875

HISTORIC? NO

IN CBCA? YES

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH

WATER IS:

PUBLIC X PRIVATE ---

SEWER IS:

PUBLIC X PRIVATE ---

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

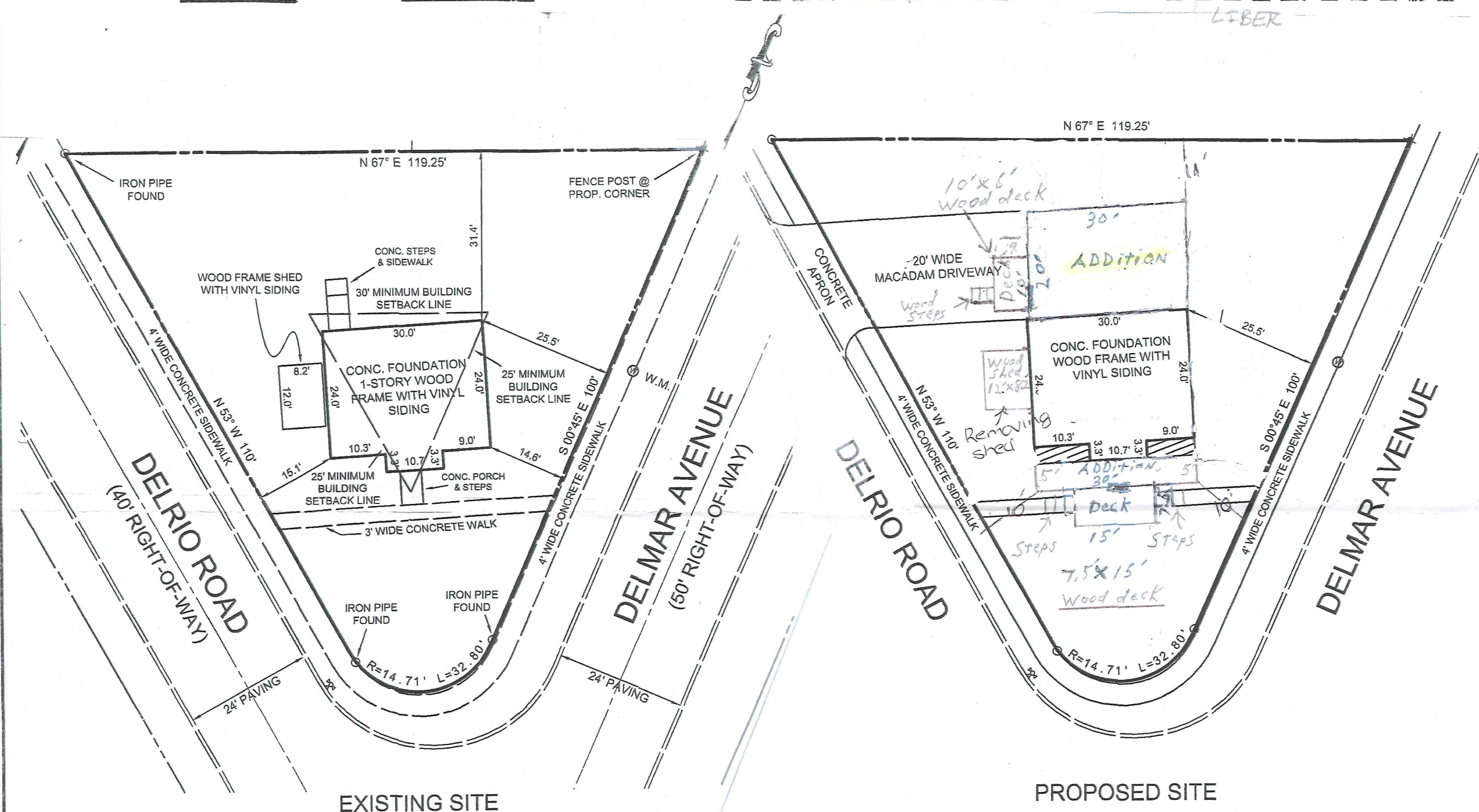
N/A

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BALTIMORE COUNTY, MARYLAND

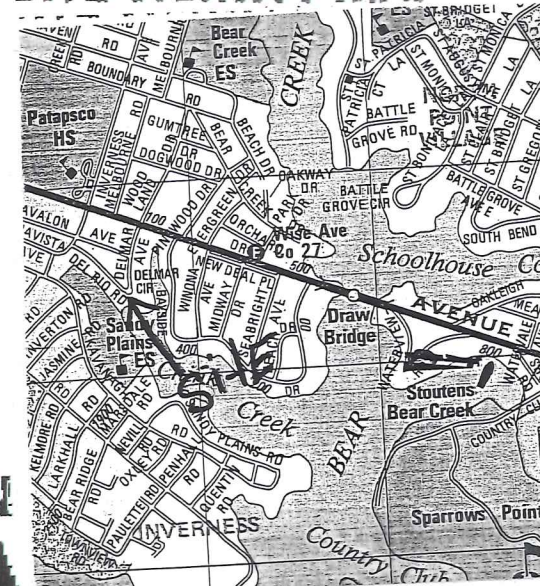
SCALE: 1" = 20' DATE: 06/27/2003 DRAWN BY: JMS, Jr. JOB NO.: N/A

PLAN DRAWN BY DOUGLAS SHAW

DATE 05/17/19 SCALE: 1 INCH = 20 FEET

2019-0347-A

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SITE ZONED DR5.5

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PUBLIC X PRIVATE ---

SEWER IS:

PUBLIC X PRIVATE ---

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

N/A

Pet. Ex. 1