

M E M O R A N D U M

DATE: September 24, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2020-0173-A – Appeal Period Expired

The appeal period for the above-referenced cases expired on September 23, 2020. 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 ADMIN. VARIANCE	*	BEFORE THE
(5625 Ashbourne Road)		
13 th Election District	*	OFFICE OF ADMINISTRATIVE
1st Council District		
Christian Clifton	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2020-0173-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 owner of the subject property, Christian Clifton (“Petitioner”). The Petitioner is requesting Variance relief pursuant to the Baltimore County Zoning Regulations (“BZCR”) § 1B02.3.1 to permit a garage addition with a side setback of 2.5 ft. in lieu of the required 10 ft. rear setback. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comments dated July 31, 2020, submitted by the Department of Environmental Protection and Sustainability (“DEPS”), were received and are made part of the record of this case. According to DEPS, there is a stream which runs along the northern boundary of the property. The site is therefore subject to Baltimore County Code §§ 33-3-101 through 33-3-120, which govern the Protection of Water Quality, Streams, Wetlands and Floodplains. As such, DEPS notes that a variance from these regulations may be required in order to build the proposed garage structure. Further, on August 20, 2020 the Office of Administrative Hearings received an email from the Office of People’s Counsel forwarding an email People’s Counsel had received from Terry Curtis, Jr., an Engineer in the Department of

ORDER RECEIVED FOR FILING

Date 8/24/20
 By W. Magon

Public Works (“DPW”). In his email, dated August 13, 2020, Mr. Curtis advises that the proposed garage structure location “is within the riverine flood plain. A flood study is required to establish the flood plain delineation and the site must adhere to the Baltimore County DPR Policy Manual, the Building Code and the Design Manual.”

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 2, 2020, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (“BCC”). However, based upon the information available, I cannot grant the requested Variance without potentially causing an adverse impact on the health, safety or general welfare of the public. As noted by DPW, the garage as proposed appears to be located within a flood plain, and under the Baltimore County Code and Baltimore County Building Code, no buildings are permitted within a riverine flood plain.

Pursuant to Baltimore County Code §32-303(c):

“Discretion of Commissioner to require a hearing. If a written request for a public hearing is not filed, the Zoning Commissioner may:

(1)

Grant the variance without a public hearing, if the requested variance is in strict harmony with the spirit and intent of the height and area requirements of the Baltimore County Zoning Regulations, and any other applicable requirement; or

(2)

Require a public hearing during which the petitioner shall be required to satisfy the burden of proof required by the Baltimore County Zoning Regulations for the variance to be granted.”

THEREFORE, IT IS ORDERED, this 24th day of **August, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Administrative Variance seeking relief from BZCR § 1B02.3.1 to permit a garage addition with a side setback of 2.5 ft. in lieu of the required 10 ft. rear setback, be and is hereby DENIED WITHOUT PREJUDICE; and it is further

ORDER RECEIVED FOR FILING

Date

8/24/20

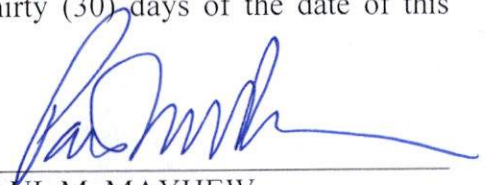
2

By

D. McManon

ORDERED, that a public hearing on the Petition be scheduled pursuant to B.C.C. §32-303(c)(2).

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm

ORDER RECEIVED FOR FILING

Date

8/24/20

By

W. Mignone



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 5625 ASHBOURNE RD BALTO MD 21227 Currently zoned DESS
Deed Reference 22490 100211 10 Digit Tax Account # 1308650390
Owner(s) Printed Name(s) CHRISTIAN CLIFTON

(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. **ADMINISTRATIVE VARIANCE** from Section(s) 1802.3.1; To permit a proposed garage addition with side setback of 2.5 feet in lieu of the required 10 feet.

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):

CHRISTIAN CLIFTON
Name #1 - Type or Print Name #2 - Type or Print
CC Signature #1 Signature #2
5625 ASHBOURNE RD HALESHORPE
Mailing Address City MD State 21227
21227 443-8656500 christianclifton
Zip Code Telephone # Email Address
2venizon.net

Representative to be contacted:

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

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

Name- Type or Print
Signature
Mailing Address City State
Date 8/24/20
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.

Administrative Law Judge for Baltimore County

CASE NUMBER 2020-0173-A Filing Date 7/29/2020 Estimated Posting Date 8/2/2020 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: 5625 ASHBORNE RD HALBTHORPE MD 21227
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)

LETTER ATTACHED (ALSO NOTARIZED)

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

[Signature]
Signature of Owner (Affiant)

CHRISTIAN CLIFTON
Name- Print or Type

Signature of Owner (Affiant)

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 BALTIMORE, to wit:

I HEREBY CERTIFY, this 19TH day of JUNE, 2020, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: CHRISTIAN CLIFTON

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

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public

01/04/2022
My Commission Expires

I am applying for a variance in order to construct a new garage that is larger than County regulations, in response to the constraints of my residence and the increasing size of my family. Currently we have 5 adults living at home and we are desperately in need of more storage. We would also like to have additional space for parking, so we do not have too many cars parked along the street. In addition, we would like to have a home fitness center in the proposed garage, since we are sheltered at home with no access to exercise facilities.

In addition, the garage would need to encroach on the side setback to accommodate our needs and avoid blocking the rear access from the house to the yard. The adjacent lot is very steep, state-owned property directly along I-95, therefore our infringement into that setback would not affect a private property or residence.

Thank you for your consideration.

CHRISTIAN ELIASON



SUBSCRIBED AND SWORN TO ME IN MY
OFFICE, THIS 19 DAY OF JUNE
2022. A NOTARY PUBLIC IN AND FOR
THE COUNTY (STATE) OF BALTO MD
Alice M. Gaan
(SIGNATURE) NOTARY PUBLIC
MY COMMISSION EXPIRES 01/04/2022

ZONING PROPERTY DESCRIPTION FOR 5625 ASHBOURNE RD.

Beginning at a point on the East side of Ashbourne Rd. which is 40 feet wide at the distance of 428 feet North of the centerline of Francis Ave. which is 40 feet wide.

Being Lot # 58, part lots 59, 60 and 61 in the subdivision of "Halethorpe Heights" as recorded in Baltimore County Plat Book # 0012, Folio # 0018, containing 27,833 square feet.

Located in the 13th Election District and 1st Council District.

2020-073-A

CERTIFICATE OF POSTING

Date: 8-2-20

RE: Case Number: 2020-0173-A

Petitioner/Developer: Clifton

Date of Hearing/Closing: 8-17-20

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 5625 Ashbourne Rd

The signs(s) were posted on 8-2-20
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

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

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

ZONING NOTICE

#2

ADMINISTRATIVE

VARIANCE

CASE # 2020-0173-A

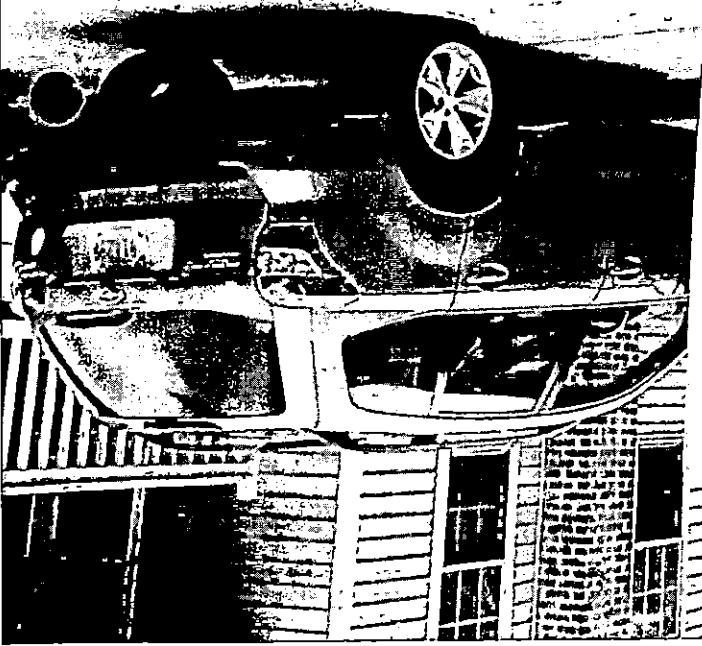
To PERMIT A PROPOSED GARAGE ADDITION WITH A SIDE YARD SETBACK OF 2.5 FEET IN LIEU OF THE REQUIRED 10 FEET

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 P.M. ON 8/17/20

ADDITIONAL INFORMATION IS AVAILABLE AT DEPT. OF PERMITS, APPROVALS AND INSPECTIONS TEL. 887-3391

111 W. CHESAPEAKE AVE. TOWSON, MD. 21204
MEETING IS HANDICAP ACCESSIBLE
DO NOT ALIGHT THIS SIGN AND POST UNTIL AFTER APPROVAL OF THE RETURN SIGN TO ADOBE, PM 10/1



ZONING NOTICE

#1

ADMINISTRATIVE VARIANCE

CASE # 2020-0173-A

TO PERMIT A PROPOSED GARAGE ADDITION
WITH A SIDE YARD SETBACK OF 2.5 FEET IN
LIEU OF THE REQUIRED 10 FEET

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON 8/17/20

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS, APPROVALS AND INSPECTIONS, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21284, (410) 887-3391
AFTER ABOVE DATE, UNDER PENALTY OF LAW,
THIS SIGN AND POST UNIT IS ACCESSIBLE

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2020- 0173 -A Address 5625 Ashbourne Road
Contact Person: Gary Herick Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/20/2020 Posting Date: 8/2/20 Closing Date: 8/17/20

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 2020- 0173 -A Address 5623 Ashbourne Road
Petitioner's Name Clifton Telephone 443-865-6500
Posting Date: 8/2/20 Closing Date: 8/17/20
Wording for Sign: To Permit a proposed garage addition
with a side yard setback of 2.5 feet in lieu
of the required 10 feet.

Revised 2/20/2020



JOHN A. OLSZEWSKI, JR.
County Executive

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

August 10, 2020

Christian Clifton,
5625 Ashbourne Road
Halethorpe MD 21227

RE: Case Number: 2020-0173-A, 5625 Ashbourne 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 July 29, 2020. 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 the words "Very truly yours,".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: July 31, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0173-A
Address 5625 Ashborne Road
(Clifton Property)

Zoning Advisory Committee Meeting of **August 3, 2020**.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

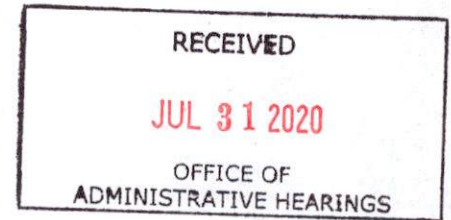
Additional Comments:

It appears a stream runs along the northern property boundary. A variance to the Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains will be required for any impact to the required forest buffer.

Reviewer: Libby Errickson

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: July 31, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0173-A
Address 5625 Ashborne Road
(Clifton Property)

Zoning Advisory Committee Meeting of **August 3, 2020**.

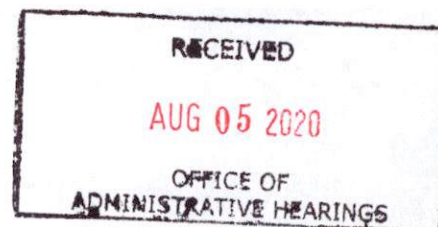
X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Additional Comments:

It appears a stream runs along the northern property boundary. A variance to the Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains will be required for any impact to the required forest buffer.

Reviewer: Libby Errickson



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: July 31, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0173-A
Address 5625 Ashborne Road
(Clifton Property)

Zoning Advisory Committee Meeting of **August 3, 2020**.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Additional Comments:

It appears a stream runs along the northern property boundary. A variance to the Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains will be required for any impact to the required forest buffer.

Reviewer: Libby Errickson

Kristen 9/23

Debra Wiley

From: Debra Wiley
Sent: Monday, August 24, 2020 11:55 AM
To: Kristen L Lewis; Jenae Johnson
Cc: Donna Mignon
Subject: Case No. 2020-0173-A - Closing Date: 8/17

Good Morning Ladies,

Please be advised that the above-referenced case was originally an Administrative Variance.

ALJ Mayhew issued an Opinion and Order, dated August 24th, and DENIED WITHOUT PREJUDICE the Administrative Variance. However, he also ORDERED that a public hearing on the Petition be scheduled pursuant to BCC Section 32-303(c)(2).

We will, of course, retain the file for the 30-day appeal period. If you find that the Petitioner reaches out to you to schedule, we will return the file to you at that time.

Thanks and let us know if you need anything further.

Debra Wiley, Legal Administrative Secretary
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Debra Wiley

From: Debra Wiley
Sent: Monday, August 24, 2020 11:55 AM
To: Kristen L Lewis; Jenae Johnson
Cc: Donna Mignon
Subject: Case No. 2020-0173-A - Closing Date: 8/17

Good Morning Ladies,

Please be advised that the above-referenced case was originally an Administrative Variance.

ALJ Mayhew issued an Opinion and Order, dated August 24th, and DENIED WITHOUT PREJUDICE the Administrative Variance. However, he also ORDERED that a public hearing on the Petition be scheduled pursuant to BCC Section 32-303(c)(2).

We will, of course, retain the file for the 30-day appeal period. If you find that the Petitioner reaches out to you to schedule, we will return the file to you at that time.

Thanks and let us know if you need anything further.

Debra Wiley, Legal Administrative Secretary
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

ZONING HEARING PLAN FOR ADMINISTRATIVE VARIANCE

ADDRESS: 5625 ASHBOURNE ROAD OWNER: ERNEST CLIFTON 10 DIGIT TAX #: 1308650390
 SUBDIVISION NAME: LOT#: 58 BLOCK#: SECTION#:
 PLAT BOOK#: 0012 FOLIO #: DEED REF#: 22490/00211

SITE VICINITY MAP



MAP IS NOT TO SCALE

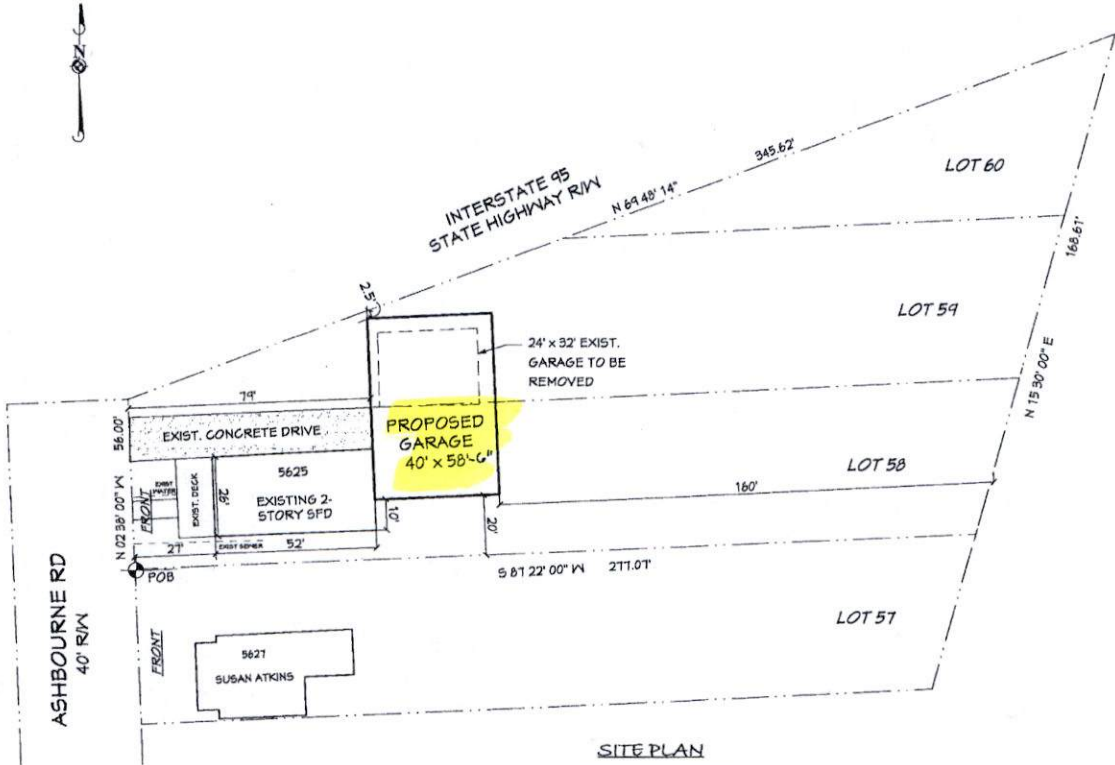


PROPOSED GARAGE FOR THE CLIFTON FAMILY
 5625 ASHBOURNE ROAD, HALETHORPE, MD 21227

SITE PLAN
 5.15.2020

A1

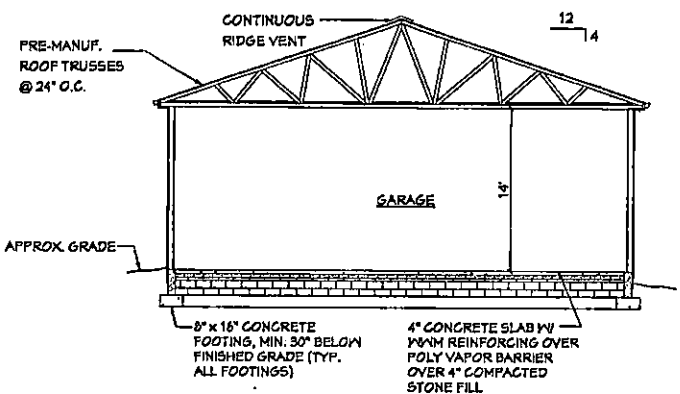
ZONING MAP: 108C1
 SITE ZONED: DR5.5
 ELECTION DISTRICT: 13
 COUNCIL DISTRICT: 1
 LOT AREA ACREAGE:
 OR SQUARE FEET: 14,535
 SQUARE FEET
 HISTORIC? NO
 IN CBCA? NO
 IN FLOOD PLAIN?
 UTILITIES: WATER IS
PUBLIC, SEWER IS PUBLIC
 PRIOR HEARING? NO
 VIOLATION CASE INFO:



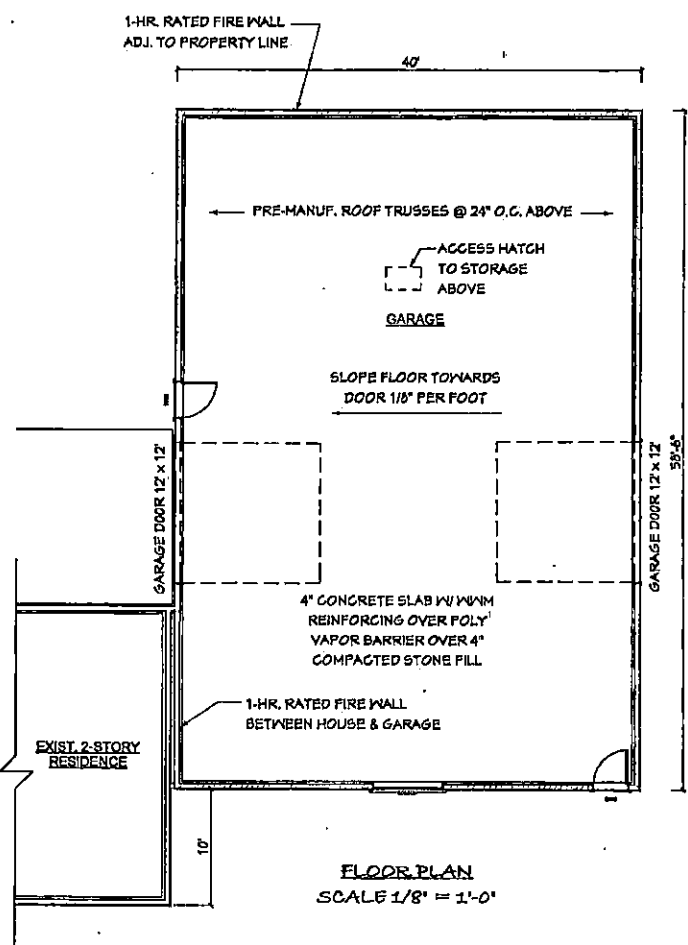
SITE PLAN
 SCALE 1" = 30'-0"

NOT A PROPERTY LINE SURVEY, LOT LINES OBTAINED FROM SUBDIVISION PLAT. STRUCTURES OBTAINED FROM FIELD MEASUREMENTS. 2020-0173-A

*Site Plan
 Exhibit I*



BUILDING SECTION
SCALE 1/8" = 1'-0"



FLOOR PLAN
SCALE 1/8" = 1'-0"

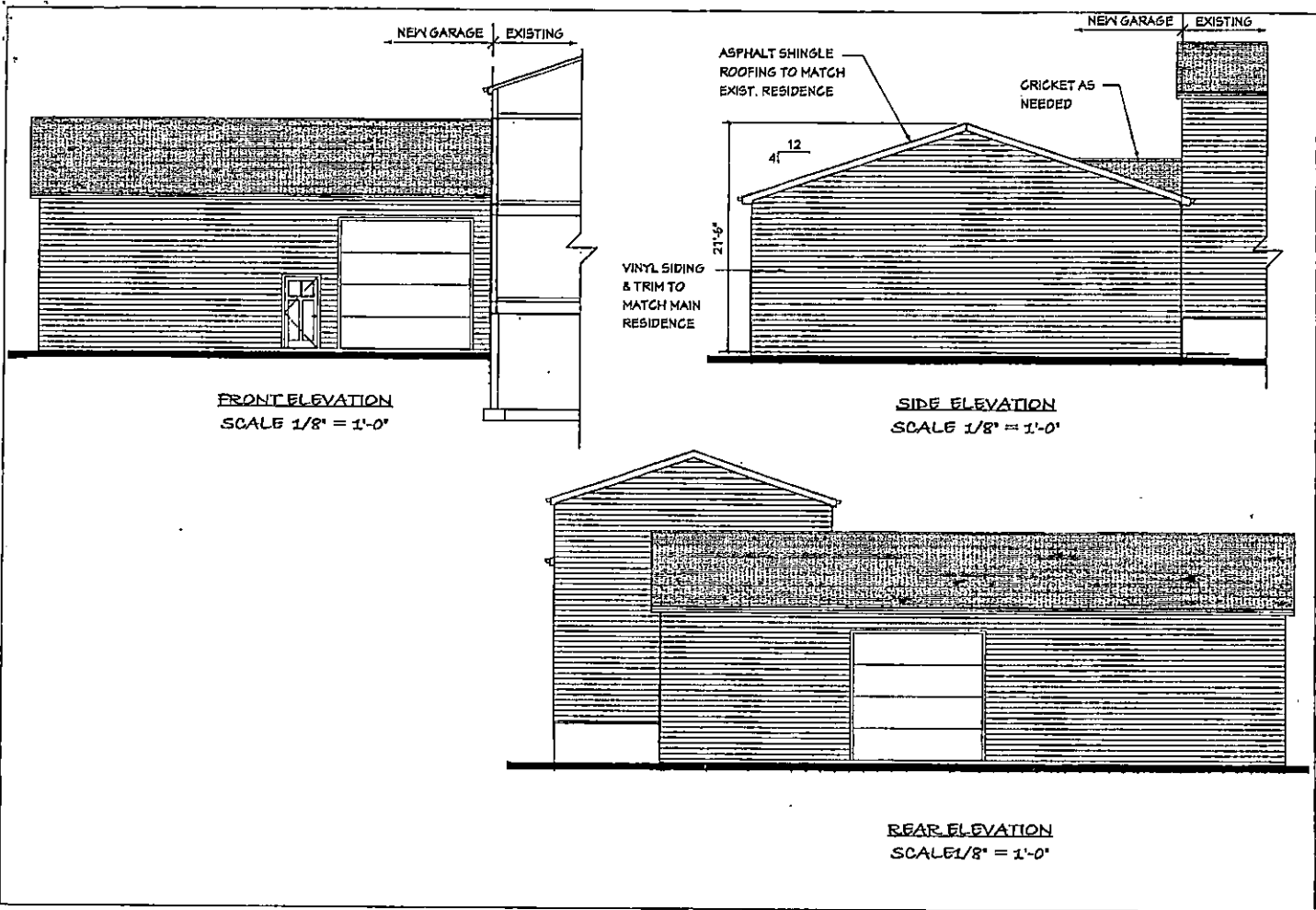


MULVEY CIVIL, INC.
111.395.9790

PROPOSED GARAGE FOR THE CLIFTON FAMILY
5625 ASHBOURNE ROAD, HALETHORPE, MD 21227

PRELIM. PLANS
5.15.2023

A1



PROPOSED GARAGE FOR THE CLIFTON FAMILY
5625 ASHBOURNE ROAD, HALETHORPE, MD 21227

PRELIM. PLANS
5.15.2020

A2

PICTURES TO ACCOMPANY VARIANCE FOR 5625 ASHBOURNE



Front view of 5625 Ashbourne



Existing driveway and garage

2020-0173-A



Looking from driveway to rear of property



View across street to 5626 Ashbourne



View of property line between 5625 & 5627 Ashbourne



View of rear of property from above

Donna Mignon

From: Peoples Counsel
Sent: Thursday, August 20, 2020 9:49 AM
To: Debra Wiley; Administrative Hearings
Subject: FW: ZAC Agenda Case #2020-0173-A, 5625 Ashbourne Road

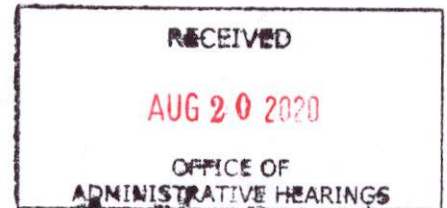
Good Morning,

We are forwarding for your file, the enclosed email from Terry Curtis relating to the above-mentioned case.

If you have any questions, please let our office know.

Thank you for your consideration.

Rebecca M. Wheatley, Legal Secretary
Office of People's Counsel for Baltimore County
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204
(410) 887-2188 – Office
(410) 823-4236 - Fax



From: Terry Curtis <tcurtis@baltimorecountymd.gov>
Sent: Thursday, August 13, 2020 11:17 AM
To: Charles Nwokoro <cnwokoro@baltimorecountymd.gov>
Cc: Vishnubhai K Desai <vdesai@baltimorecountymd.gov>; Eugene Cauley <ecauley@baltimorecountymd.gov>; Jeff Peluso <jpeluso@baltimorecountymd.gov>; Peoples Counsel <peoplescounsel@baltimorecountymd.gov>
Subject: ZAC Agenda Case #2020-0173-A, 5625 Ashbourne Road

Good morning Charles,

During my review of the ZAC Agenda for the distribution meeting of July 27, 2020, I reviewed an Administrative Variance for case number 2020-0173-A for 5625 Ashbourne Road. I noticed the watercourses by way of existing stream located on the site is a FEMA and Baltimore County regulated flood plain associated with a drainage area equal to or greater than 30 acres. The plan does not show a flood plain delineation on the property. The proposed garage addition location is within the riverine flood plain. A flood study is required to establish the flood plain delineation and the site must adhere to the Baltimore County DPR Policy Manual, the Building Code and the Design Manual.

If you have any questions please feel free to contact me anytime.

Terry Curtis, Jr.
Engineer III
Department of Public Works
111 West Chesapeake Avenue
Room 219
Towson, Maryland 21204
410-887-3117
tcurtis@baltimorecountymd.gov

Exceptional Customer Service
Safe and Efficient Operations
Reliable Infrastructure

Debra Wiley

From: Debra Wiley
Sent: Wednesday, August 19, 2020 12:16 PM
To: Jenae Johnson; Kristen L Lewis; Gary M Hucik
Subject: Admin. Var. - Case No. 2020-0173-A - Closing Date: 8/18

Hi there,

Since I'm unable to reach you via phone, could one of you please email me the site plan for the above so that I can process the order.

Thanks in advance.

Debra Wiley, Legal Administrative Secretary
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

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 _____)	_____
<u>7-31</u>	DEPS (if not received, date e-mail sent _____)	<u>c</u>
_____	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: _____	
SIGN POSTING (1 st)	Date: <u>8-2-20</u> by <u>Pilson</u>	
SIGN POSTING (2 nd)	Date: _____ by _____	
PEOPLE'S COUNSEL APPEARANCE	Yes <input type="checkbox"/> No <input type="checkbox"/>	
PEOPLE'S COUNSEL COMMENT LETTER	Yes <input type="checkbox"/> No <input type="checkbox"/>	

Comments, if any: _____

Real Property Data Search (w3)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration								
Special Tax Recapture: None										
Account Identifier: District - 13 Account Number - 1308650390										
Owner Information										
Owner Name:	CLIFTON ERNEST C	Use: RESIDENTIAL Principal Residence: YES								
Mailing Address:	5625 ASHBOURNE RD HALETHORPE MD 21227-3904	Deed Reference: /22490/ 00211								
Location & Structure Information										
Premises Address:	5625 ASHBOURNE RD HALETHORPE 21227-3904	Legal Description: 5625 ASHBOURNE RD HALETHORPE HEIGHTS								
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	2
0108	0011	0614	13040064.04	0000			58	2019	Plat Ref:	0012/ 0018
Town: None										
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use						
1939	2,721 SF	312 SF	14,535 SF	04						
Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements			
2	YES	STANDARD UNIT	SIDING/	4	2 full					
Value Information										
	Base Value	Value	Phase-in Assessments							
		As of	As of	As of						
		01/01/2019	07/01/2019	07/01/2020						
Land:	75,600	75,600								
Improvements	245,100	262,200								
Total:	320,700	337,800	326,400	332,100						
Preferential Land:	0			0						
Transfer Information										
Seller: CLIFTON CHRISTIAN		Date: 09/06/2005		Price: \$0						
Type: NON-ARMS LENGTH OTHER		Deed1: /22490/ 00211		Deed2:						
Seller: HOFF FRANK P		Date: 05/06/2005		Price: \$180,000						
Type: NON-ARMS LENGTH OTHER		Deed1: /21823/ 00213		Deed2:						
Seller:		Date:		Price:						
Type:		Deed1:		Deed2:						
Exemption Information										
Partial Exempt Assessments:	Class	07/01/2019		07/01/2020						
County:	000	0.00								
State:	000	0.00								
Municipal:	000	0.00 0.00		0.00 0.00						
Special Tax Recapture: None										
Homestead Application Information										
Homestead Application Status: Approved 12/31/2012										
Homeowners' Tax Credit Application Information										
Homeowners' Tax Credit Application Status: No Application Date:										

2020-0173-A

ZAC AGENDA

Case Number: 2020-0172-A **Reviewer:** Rosalie Johnson
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: VARIANCE
Legal Owner: Patrick & Linda Kerr
Contract Purchaser: No Contract Purchaser was set.

Critical Area: Yes **Flood Plain:** Yes **Historic:** No **Election Dist:** 15 **Council Dist:** 6

Property Address: 3500 A GALLOWAY RD
Location: At the North East intersection of Cold Spring Road and Galloway Road.

Existing Zoning: RC 5 **Area:** 26,820 SQ FT

Proposed Zoning:

VARIANCE:

Section 1A04.3.A. To allow a building height of 38' in lieu of the allowed 35'.

Section 1A04.3.B.2.b.400.1. To allow both side yard setback of 10' in lieu of the required 50'.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

Case Number: 2020-0173-A **Reviewer:** Gary Hucik
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Christian Clifton
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 13 **Council Dist:** 1

Property Address: 5625 ASHBOURNE RD
Location: East side of Ashourne Road North 428 Feet to the center line of Francis Ave.

Existing Zoning: DR 5.5 **Area:** 14,535

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

Section 1B02.3.1; To permit a proposed garage addition with side setback of 2.5 feet in lieu of the required 10 feet.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: *Aug 17th*

Miscellaneous Notes:

PICTURES TO ACCOMPANY VARIANCE FOR 5625 ASHBOURNE



Front view of 5625 Ashbourne



Existing driveway and garage

2020-0173-A



Looking from driveway to rear of property



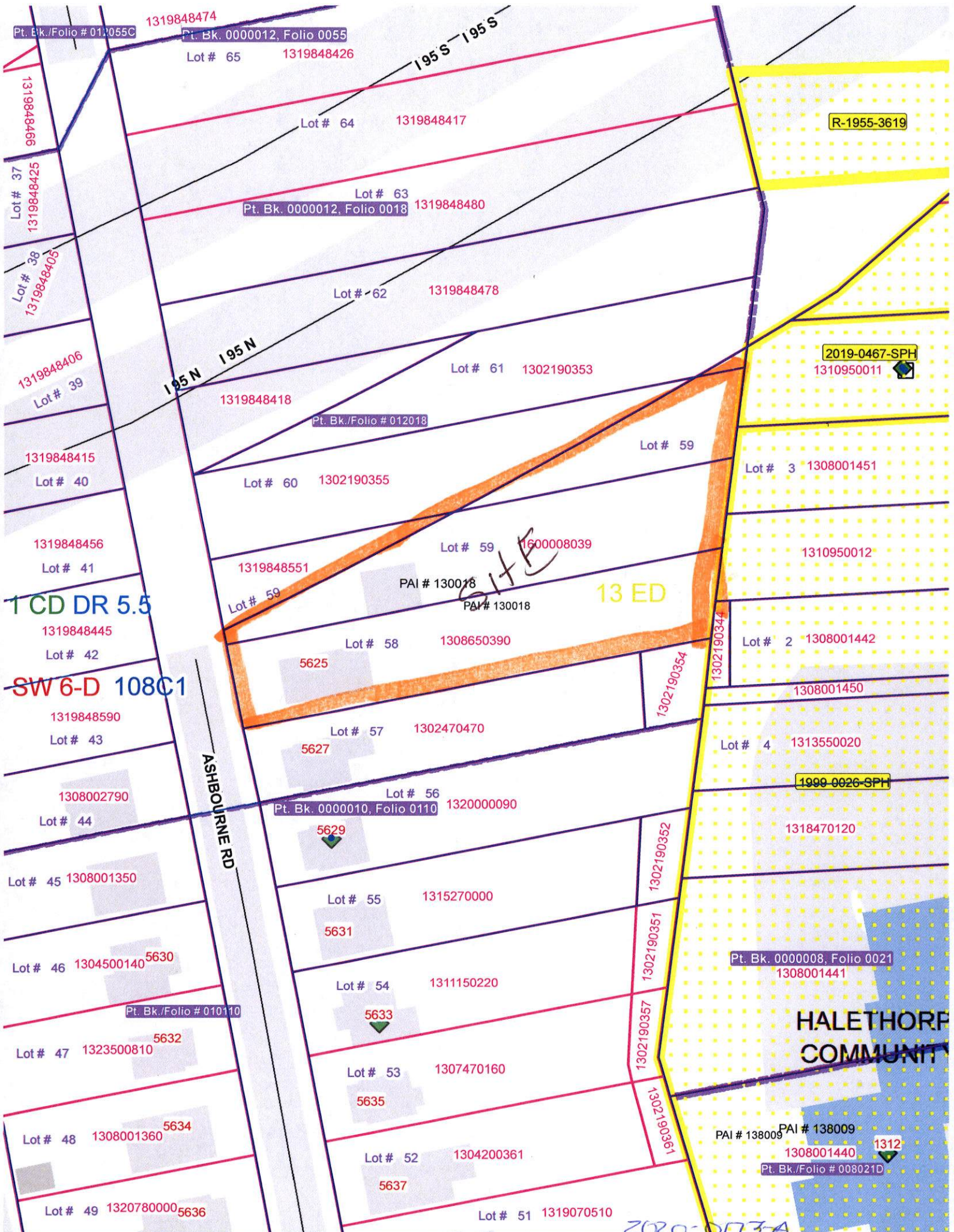
View across street to 5626 Ashbourne



View of property line between 5625 & 5627 Ashbourne



View of rear of property from above



Pt. Bk./Folio # 011055C

1319848474

Pt. Bk. 0000012, Folio 0055

Lot # 65 1319848426

Lot # 64 1319848417

Lot # 63
Pt. Bk. 0000012, Folio 0018 1319848480

Lot # 62 1319848478

Lot # 61 1302190353

1319848418

Pt. Bk./Folio # 012018

Lot # 59

Lot # 60 1302190355

Lot # 3 1308001451

Lot # 59 1600008039

1310950012

PAI # 130018

PAI # 130018

13 ED

Lot # 59

Lot # 58 1308650390

Lot # 2 1308001442

5625

1308001450

Lot # 57 1302470470

Lot # 4 1313550020

5627

1999-0026-SPH

Lot # 56

Pt. Bk. 0000010, Folio 0110 1320000090

1318470120

5629

Lot # 55 1315270000

Pt. Bk. 0000008, Folio 0021
1308001441

5631

Lot # 54 1311150220

HALETHORP
COMMUNITY

5633

Lot # 53 1307470160

5635

Lot # 47 1323500810 5632

PAI # 138009 PAI # 138009
1308001440 1312
Pt. Bk./Folio # 008021D

Lot # 48 1308001360 5634

Lot # 52 1304200361

5637

Lot # 49 1320780000 5636

Lot # 51 1319070510

2020-0173-A

1 CD DR 5.5

SW 6-D 108C1

ASHBOURNE RD

Lot # 37
1319848425

Lot # 38
1319848405

Lot # 39
1319848406

Lot # 40
1319848415

Lot # 41
1319848456

Lot # 42
1319848445

Lot # 43
1319848590

Lot # 44
1308002790

Lot # 45 1308001350

Lot # 46 1304500140 5630

Lot # 47 1323500810 5632

Lot # 48 1308001360 5634

Lot # 49 1320780000 5636

R-1955-3619

2019-0467-SPH
1310950011

1302190354

1302190344

1302190352

1302190351

1302190357

1302190361