

**PETITION FOR ZONING VARIANCE  
FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:  
Wanda Wall

I, or we, Loretta F. Neumyer and Wanda Wall, legal owner... of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A01.3B.3 to permit a dwelling to be located within 31 feet of a street centerline in lieu of the required 75 feet and to permit side setbacks of 16 feet in lieu of the required 35 feet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Owner wants to construct a new house on the existing lot - too small for required setbacks

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Jim Gay Contract purchaser  
Diamond Development Corp. 1301 York Rd, Lutherville, Md. 21093  
Address: 1301 York Rd Address: 7704 Eastdale Road  
Lutherville, Md. 21093 Baltimore, Md. 21224

Petitioner's Attorney  
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of January, 1980, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 11th day of March, 1980, at 10:00 o'clock A. M.

Zoning Commissioner of Baltimore County.

(over)

Loretta F. Neumyer & Wanda Wall  
N/S Bird River Grove Rd., 5700' E of Ebenezer Rd., 15th District

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER  
N/S of Bird River Grove Rd., 5700' E of Ebenezer Rd., 15th District : OF BALTIMORE COUNTY  
LORETTA F. NEUMYER, et al, : Case No. 80-180-A  
Petitioners

**ORDER TO ENTER APPEARANCE**

Mr. Commissioners:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman John W. Hession, III  
Deputy People's Counsel People's Counsel for Baltimore County  
County Office Building  
Towson, Maryland 21204  
494-2188


I HEREBY CERTIFY that on this 25th day of February, 1980, a copy of the foregoing Order was mailed to Ms. Loretta F. Neumyer and Ms. Wanda Wall, 7704 Eastdale Road, Baltimore, Maryland 21224, Petitioners.

John W. Hession, III  
John W. Hession, III

**BALTIMORE COUNTY**

**ZONING PLANS**

**ADVISORY COMMITTEE**



**PETITION AND SITE PLAN**

**EVALUATION COMMENTS**

cc: Mr. Jim Gay  
Diamond Development Corp.  
1301 York Road  
Lutherville, Md. 21093

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 22nd day of January, 1980.

William E. Hammond  
WILLIAM E. HAMMOND  
Zoning Commissioner

Petitioner Loretta F. Neumyer & Wanda Wall

Petitioner's Attorney D. S. Thaler & Assoc. Inc. Reviewed by Nicholas B. Commodari  
11 Warren Rd. Chairman, Zoning Plans  
Baltimore, Md. 21208 Advisory Committee

ORDER RECEIVED FOR FILING  
DATE March 11, 1980

3/11/80  
10:00 A.M.

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

March 7, 1980

- COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204
- MEMBERS
- Bureau of Engineering
- Department of Traffic Engineering
- State Roads Commission
- Bureau of Fire Prevention
- Health Department
- Project Planning
- Building Department
- Board of Education
- Zoning Administration
- Industrial Development

cc: M's. Loretta F. Neumyer & M's. Wanda Wall  
9704 Eastdale Road  
Baltimore, Maryland 21224

RE: Item No. 119  
Petitioners - Loretta F. Neumyer & Wanda Wall  
Variance Petition

Dear M's. Neumyer & M's. Wall:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

This current vacant property is located on the north side of Bird River Grove Road, east of Ebenezer Road, in the 15th Election District. At the time of field inspection, remnants of a previous dwelling were existing on this property, while individual dwellings exist on either side and to the south of this site.

Because of your proposal to construct a new dwelling on this site, within 16 feet of the side property line and 31 feet from the center line of Bird River Grove Road, this Variance petition is required.

Particular attention should be afforded to the comments of the Health Department, concerning the conditions of the existing septic systems, as well as those comments of the Department of Permits and Licenses.

Item No. 119  
Variance Petition  
March 7, 1980

Enclosed are all comments submitted from the Committee to this office. The remaining members felt that no comment was warranted. This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,  
Nicholas B. Commodari  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NBC:mkh

Enclosures

cc: Mr. Jim Gay  
Diamond Development Corp.  
Suite 406  
1301 York Road  
Lutherville, Maryland 21093

D.S. Thaler & Assoc. Inc.  
11 Warren Road  
Baltimore, Maryland 21208

BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204

January 24, 1980

Mr. William E. Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #119 (1979-1980)  
Property Owner: Loretta F. Neumyer  
N/S Bird River Grove Rd. 5700' E. Ebenezer Rd.  
Existing Zoning: RC 2  
Proposed Zoning: Variance to permit a setback of 31' to the centerline in lieu of the required 75' and side setbacks of 16' and 16.5' in lieu of the required 25'.  
Acres: 0.224 District: 15th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Bird River Grove Road, an existing public road, is proposed to be improved in the future as a 30-foot closed section roadway on a 40-foot (minimum) right-of-way in this vicinity. Highway right-of-way widening, including any necessary revertible easements for slopes, will be required in connection with any grading or building permit application.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

The property to be developed is located adjacent to the water front. The Petitioner is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on first floor levels of residential development and other special construction features are required.

Item #119 (1979-1980)  
Property Owner: Loretta F. Neumyer  
Page 2  
January 24, 1980

Water and Sanitary Sewer:

Baltimore County Water Plan W-17B, as amended, indicates "Final Planning" in this area; however, there is an 8-inch public water main in Bird River Grove Road (Drawing #73-0698, File 3).

Public sanitary sewerage is not available to serve this property, which is within the Baltimore County Metropolitan District and beyond the Urban-Rural Demarcation Line.

Baltimore County Sewerage Plan S-17B, as amended, indicates "Planned Service" in 11 to 30 years.

The submitted plan does not indicate the location of any private onsite water or sewage disposal facilities which served the former residence on this property. The Petitioner is responsible for the cost of plugging any existing water service connection not used to serve the proposed dwelling.

Very truly yours,  
Ellsworth N. Diver, P.E.  
ELLSWORTH N. DIVER, P.E.  
Chief, Bureau of Engineering

END:EAM:FWR:ss

cc: J. Somers  
J. Wimbley

M-NE Key Sheet  
31 NE 40 Pos. Sheet  
NE 8 J Topo  
73 Tax Map

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the petitioner(s), the Variance(s) should be had; and it further appears that the granting of the Variance(s) requested will not adversely affect the health, safety, and general welfare of the community; and, therefore,

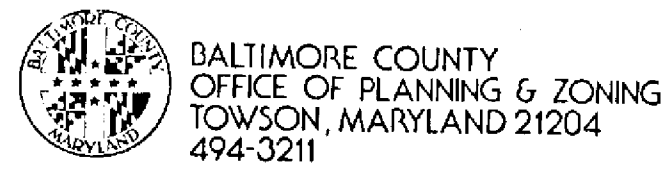
IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 12th day of March, 1980, that the herein Petition for Variances to permit a dwelling to be located within 31 feet of the centerline of Bird River Grove Road in lieu of the required 75 feet and side yard setbacks of 16 feet in lieu of the required 35 feet, all in accordance with the site plan prepared by D. S. Thaler and Associates, Inc., dated October 22, 1979, should be and the same is GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. Compliance with the comments submitted by the Department of Permits and Licenses, dated January 8, and February 4, 1980, and the Department of Health, dated February 5, 1980.
2. Approval of said site plan by the Department of Public Works and the Office of Planning and Zoning.

*William E. Hammond*  
Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of failure to show practical difficulty and/or unreasonable hardship, the Variance(s) should not be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the herein Petition for the Variance(s) to permit



JOHN L. SEYFFERT  
DIRECTOR

February 22, 1980

Mr. William Hammond, Zoning Commissioner  
Zoning Advisory Committee  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #119, Zoning Advisory Committee Meeting, December 18, 1979, are as follows:

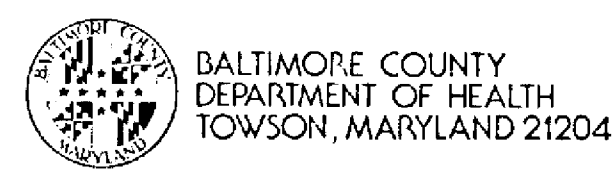
Property Owner: Loretta F. Neumyer  
Location: N/S Bird River Grove Road 5700+ E. Ebenezer Road  
Existing Zoning: RC-2  
Proposed Zoning: Variance to permit a setback of 31' to the centerline in lieu of the required 75' and side setbacks of 16' and 16.5' in lieu of the required 25'.  
Acres: 0.224  
District: 15th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

*John L. Wimbley*  
John L. Wimbley  
Planner III  
Current Planning and Development



DONALD J. ROOP, M.D., M.P.H.  
DEPUTY STATE & COUNTY HEALTH OFFICER

February 5, 1980

Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #119, Zoning Advisory Committee Meeting of December 18, 1979, are as follows:

Property Owner: Loretta F. Neumyer  
Location: N/S Bird River Rd. 5700+ E Ebenezer Rd.  
Existing Zoning: R.C. 2  
Proposed Zoning: Variance to permit a setback of 31' to the centerline in lieu of the required 75' and side setbacks of 16' & 16.5' in lieu of the required 25'.  
Acres: 0.224  
District: 15th

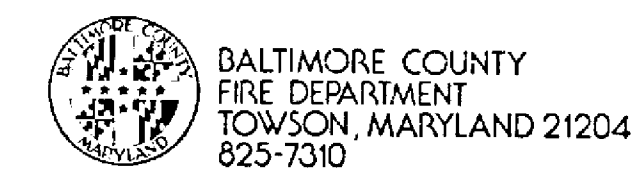
The proposed dwelling will be served by metropolitan water and a private sewage disposal system. A private sewage disposal system presently exists. Prior to application for a building permit, soil percolation tests must be conducted and the physical condition of the existing septic system inspected.

Very truly yours,

*James J. Forrest*  
Mr. J. Forrest, Director  
BUREAU OF ENVIRONMENTAL SERVICES

LJF/lth

cc: Mr. Len Bohager  
D. S. Thaler & Associates



PAUL H. RENCKE  
CHIEF

January 24, 1980

Mr. William Hammond  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

Re: Property Owner: Loretta F. Neumyer

Location: N/S Bird River Grove Rd. 5700+ E Ebenezer Rd.  
Item No: 119 Zoning Agenda: Meeting of 12/18/79

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- ( ) 6. Site plans are approved as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *George M. Hegardt* Noted and Approved: *George M. Hegardt*  
Planning Group Fire Prevention Bureau  
Special Inspection Division



Ted Zaleski, Jr.  
DIRECTOR

February 4, 1980

Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

REVISED  
Comments on Item #119 Zoning Advisory Committee Meeting, February 5, 1980 are as follows:

Property Owner: Loretta F. Neumyer  
Location: N/S Bird River Grove Road 5700+ E Ebenezer Road  
Existing Zoning: R.C. 2  
Proposed Zoning: Variance to permit a setback of 31' to the centerline in lieu of the required 75' and side setbacks of 16' & 16.5' in lieu of the required 25'.  
Acres: 0.224  
District: 15th

The items checked below are applicable:

- A. Structure shall conform to Baltimore County Building Code (B.O.C.A.) 1978 Edition and the 1971 Supplement, State of Maryland Code for the Handicapped and aged and other applicable codes, and other applicable Codes.
- B. A building permit shall be required before construction can begin.
- C. Additional \_\_\_\_\_ Permits shall be required.
- D. Building shall be upgraded to new use - requires alteration permit.
- E. Three sets of construction drawings will be required to file an application for a building permit.
- F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- G. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- H. Requested setback variance conflicts with the Baltimore County Building Code. See Section \_\_\_\_\_.

J. Comment: Special Note - New Code Provisions - Date effective permits filed as of March 1, 1980, basements will be prohibited in tidal areas if the floor level is less than 1 foot above flood elevation - See attached Section 319.0 of Bill #199-79.  
NOTE: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not to be construed as the full extent of any permit.

Very truly yours,  
*Charles E. Burnham*  
Charles E. Burnham, Chief  
Plans Review

CEB:rrj

SPECIAL NOTE FOR CONSTRUCTION IN TIDAL OR RIVERINE AREAS

BILL 199 - 79 BALTIMORE COUNTY BUILDING CODE 1978

EFFECTIVE MARCH 1, 1980

SECTION 319.0 A new section added to read as follows:

SECTION 319.0 Construction in Areas Subject to Flooding.

319.1 Areas Subject to Inundation by Tidelwaters.

1. Where buildings or additions are built in areas subject to inundation by tidewaters, the lowest floor (including basement) shall not be lower than one (1) foot above the 100 year flood elevation, as established by the U.S. Army Corps of Engineers or the Federal Flood Insurance Study, whichever is the more restrictive. Such buildings or additions shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure, be constructed with materials resistant to flood damage.

2. Crawl spaces under buildings constructed in the tidal flood plain as determined by the U.S. Army Corps of Engineers or the federal Flood Insurance Study, whichever is the more restrictive, shall be constructed so that water will pass through without resulting debris causing damage to the improvements of any property.

3. New or replacement utility systems, including but not limited to water supply, sanitary sewage, electric, gas and oil, must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require onsite waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

319.2 Riverine areas subject to inundation by surface waters within the 100 year flood plain.

1. No structure or additions shall be allowed within the 100 year flood plain of any watercourse. The 100 year flood plain shall be based upon the Federal Flood Insurance Study or the Department of Public Works, whichever is the more restrictive; this determination shall include planned future development of the watershed area.

2. Reconstruction of residential dwelling units shall be governed by Sections 106.0 or 123.0 as applicable, except that rebuilding or residential dwellings units damaged in excess of 50 percent of physical value shall also be governed by the provisions of subsection 319.1 of this section.

3. Reconstruction of other than residential buildings or structures in the riverine areas shall be made to conform to 319.1 when damage exceeds 50 percent of physical value.

rrj/



Ted Zaleski, Jr.  
DIRECTOR

January 8, 1980

Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #119 Zoning Advisory Committee Meeting, December 18, 1979 are as follows:

Property Owner: Loretta F. Neumyer  
Location: N/S Bird River Grove Road 5700+ E Ebenezer Road  
Existing Zoning: R.C. 2  
Proposed Zoning: Variance to permit a setback of 31' to the centerline in lieu of the required 75' and side setbacks of 16' & 16.5' in lieu of the required 25'.  
Acres: 0.224  
District: 15th

The items checked below are applicable:

- A. Structure shall conform to Baltimore County Building Code (B.O.C.A.) 1970 Edition and the 1971 Supplement, and other applicable codes.
- B. A building permit shall be required before construction can begin.
- C. Additional miscellaneous Permits shall be required.
- D. Building shall be upgraded to new use - requires alteration permit.
- E. Three sets of construction drawings will be required to file an application for a building permit.
- F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal MAY be required to file an application for a building permit.
- G. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- H. Requested setback variance conflicts with the Baltimore County Building Code. See Section \_\_\_\_\_.
- X J. COMMENT: Existing fill in old foundation could require compaction. There is not sufficient information to comment on the structure proposed. It will however, be required to comply with Section 320.0 of the Baltimore County Code Supplement on Elevation 10.  
NOTE: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not to be construed as the full extent of any permit.

Very truly yours,  
*Charles E. Burnham*  
Charles E. Burnham, Chief  
Plans Review

CEB:rrj

Section 320.0 Construction in Areas Subject to Flooding

Subsection 220.1 General Requirements. All buildings and structures hereafter erected or moved in areas in Baltimore County as designated by the Department of Public Works of Baltimore County and which are subject to inundation by tidewater, surface water or running streams shall have floor elevations and water-tightness as set forth in this Code.

Subsection 320.2 Areas Subject to Inundation by Tidelwaters  
a. Where buildings are built in areas subject to inundation by tidewaters, the first or main floor elevation shall not be lower than 1 foot above mean low tide. Such buildings shall be supported on other approved means of support.  
b. Where basements or other floors are constructed below 10 feet above mean low tide, the enclosure wall and floor construction shall be of monolithic construction of concrete of sufficient strength and specifically designed for watertightness and hydrostatic pressure, as certified by a Professional Engineer registered in the State of Maryland. Such walls shall be made watertight by membrane waterproofing on the exterior face and the membrane protected by 1 inch minimum cement plaster coating. All floors below 10 feet above mean low tide shall be made watertight by membrane waterproofing on 3 inch minimum concrete floor sub-base.

c. All arcways for windows, doors, and other openings below 10 feet above mean low tide shall be made watertight as required for walls and floors as set forth in this Code.

d. All arcways for windows, doors, and other openings below 10 feet above mean low tide shall be connected by service weight vent and discharge to an adequate sump pump located in the basement or below grade at elevation not less than 10 feet above mean low tide; the said pump shall have a discharge capacity of not less than 15 gallons per minute.

e. Crawl spaces under floors of buildings or structures below 10 feet above mean low tide shall have enclosure walls conforming to the requirements of this Code except such enclosing walls may be withstanding the hydrostatic pressure. All openings to the crawl spaces, including access doors, shall be enclosed to an elevation of not less than 3 1/2 feet above mean low tide. The crawl space areas and enclosures shall be drained by cast iron soil pipe with a proper backwater valve, and shall discharge to the adjacent grade or into an approved drainage system.

Subsection 320.3 Areas Subject to Inundation by Surface Waters or Running Streams.

a. The first or main floor elevation of buildings subject to inundation by surface water or streams shall be not less than 2 feet above the flood level as determined by the Department of Public Works of Baltimore County, or at such elevation as may be necessary to grade a lot to prevent flooding of the same. Construction shall be in conformity with the requirements set forth in this Code, titled "Areas Subject to Inundation by Tidelwaters."

b. All basement or other floors below the first or main floor shall be in conformity with the requirements set forth in this Code, titled "Areas Subject to Inundation by Tidelwaters."

*80-37*  
*Henry F. Sadler*  
*1/1/80*  
**D. S. THALER & ASSOCIATES, INC.**  
 11 WARREN ROAD • BALTIMORE, MARYLAND 21206 • (301) 484-1100

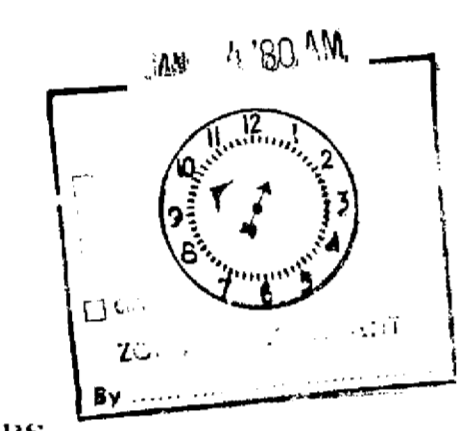
January 2, 1980  
 RE: Setback Variance  
 #11304 Bird River Grove Road  
 15th Election District  
 Baltimore County, Maryland

Dear Mr. Hammond:

I am writing to request an early hearing date for the subject property. The property is an existing lot, containing 0.224 acres ±, in the subdivision of "Bird River Grove" recorded in Plat Book 7 folio 189. The property is owned by Loretta F. Neumyer et al. The owner has sold her present home and has to vacate in the very near future, also she has ordered a new packaged home for this site which can't be delivered until the setback variance has been granted. The long time usually required to process this type of request will cause Ms. Neumyer severe financial losses and personal hardship.

Your attention to this matter will be greatly appreciated by all concerned.

Very truly yours,  
 D.S. THALER & ASSOCIATES, INC.  
*Henry F. Sadler*  
 Henry F. Sadler



CIVIL ENGINEERS • SITE PLANNERS

March 18, 1980

Mr. Jim Gay  
 Diamond Development Corporation  
 Suite 406, 1301 York Road  
 Lutherville, Maryland 21093

RE: Petition for Variances  
 N/S of Bird River Grove Road,  
 5700' E of Ebenezer Road - 15th  
 Election District  
 Loretta F. Neumyer and Wanda  
 Wall - Petitioners  
 NO. 80-180-A (Item No. 119)

Dear Mr. Gay:

I have this date passed my Order in the above referenced matter in accordance with the attached.

Very truly yours,  
 WILLIAM E. HAMMOND  
 Zoning Commissioner

WEH/erl  
 Attachments  
 cc: Ms. Loretta F. Neumyer and  
 Ms. Wanda Wall  
 7704 Eastdale Road  
 Baltimore, Maryland 21224  
 John W. Hessian, III, Esquire  
 People's Counsel

DESCRIPTION FOR VARIANCE  
 PROPERTY OF LORETTA F. NEUMYER  
 15TH ELECTION DISTRICT

Beginning at a point on the North side of Bird River Grove Road, 30 feet wide, approximately 5700 feet East of Ebenezer Road and known as Lot 11 as shown on the "Plat of Section A Bird River Grove", which is recorded in the Land Records of Baltimore County in Liber 7, Folio 189.  
 Containing 0.224 acres and known as 11304 Bird River Grove Road.

BALTIMORE COUNTY, MARYLAND  
 INTER-OFFICE CORRESPONDENCE

Mr. W. E. Hammond  
 Zoning Commissioner  
 TO: John D. Seyffert, Director  
 Office of Planning and Zoning  
 FROM: Petition No. 80-180-A Item 119  
 SUBJECT: Petition for Variance  
 North side of Bird River Grove Road, 5700 feet East of Ebenezer Road  
 Petitioner - Loretta F. Neumyer, et al

Petition for Variance  
 North side of Bird River Grove Road, 5700 feet East of Ebenezer Road  
 Petitioner - Loretta F. Neumyer, et al

Fifteenth District

HEARING: Tuesday, March 11, 1980 (10:00 A.M.)

There are no comprehensive planning factors requiring comment on this petition.

*John D. Seyffert*  
 John D. Seyffert, Director  
 Office of Planning and Zoning

JDS:JGH:ob

**CERTIFICATE OF POSTING**  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland

District: 15 Date of Posting: 2/23/80  
 Posted for: Loretta F. Neumyer et al  
 Petitioner: Loretta F. Neumyer et al  
 Location of property: 5700' E of Ebenezer Rd  
 Location of Signs: 5700' E of Ebenezer Rd  
 Remarks: \_\_\_\_\_  
 Posted by: Henry F. Sadler Date of return: 2/29/80

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
 County Office Building  
 111 W. Chesapeake Avenue  
 Towson, Maryland 21204

Your Petition has been received this 6th day of December, 1979.  
 Filing Fee \$ 25.00 Received:  Check  
 Cash  
 Other  
 William E. Hammond, Zoning Commissioner  
 Petitioner: Loretta F. Neumyer Submitted by: Engr.  
 Petitioner's Attorney: None Reviewed by: GW

\*This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

**DUPLICATE CERTIFICATE OF PUBLICATION**

TOWSON, MD., February 21, 1980  
 THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 11th day of March, 1980, the first publication appearing on the 21st day of February, 1980.  
 THE JEFFERSONIAN  
 Manager  
 Cost of Advertisement, \$ 19.00

**LEGAL NOTICES**

**PETITION FOR VARIANCE**  
 15th District  
 Zoning: Petition for Variance  
 Location: North side of Bird River Grove Road, 5700 feet east of Ebenezer Road.  
 Date & Time: Tuesday, March 11, 1980 at 10:00 A.M.  
 Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.  
 The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the above-captioned petition for variance to permit a dwelling to be located within 31 feet of a street containing in lieu of the required 75 feet and to permit side yard setbacks of 18 feet in lieu of the required 30 feet.  
 The zoning regulations to be accepted as follows:  
 Section 1A01.2.B - Height and Area Regulations  
 All that parcel of land in the Fifteenth District of Baltimore County beginning at a point on the north side of Bird River Grove Road, 30 feet wide, approximately 5700 feet East of Ebenezer Road and known as Lot 11 as shown on the "Plat of Section A Bird River Grove," which is recorded in the Land Records of Baltimore County in Liber 7, Folio 189.  
 Containing 0.224 acre and known as 11304 Bird River Grove Road.  
 Being the property of Loretta F. Neumyer, et al, as shown on plat filed with the Zoning Department.  
 Hearing Date: **TUESDAY, MARCH 11, 1980 AT 10:00 A.M.**  
 Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.  
 by order of **WILLIAM E. HAMMOND**  
 Zoning Commissioner  
 of Baltimore County

**THE ESSEX TIMES REGIS**

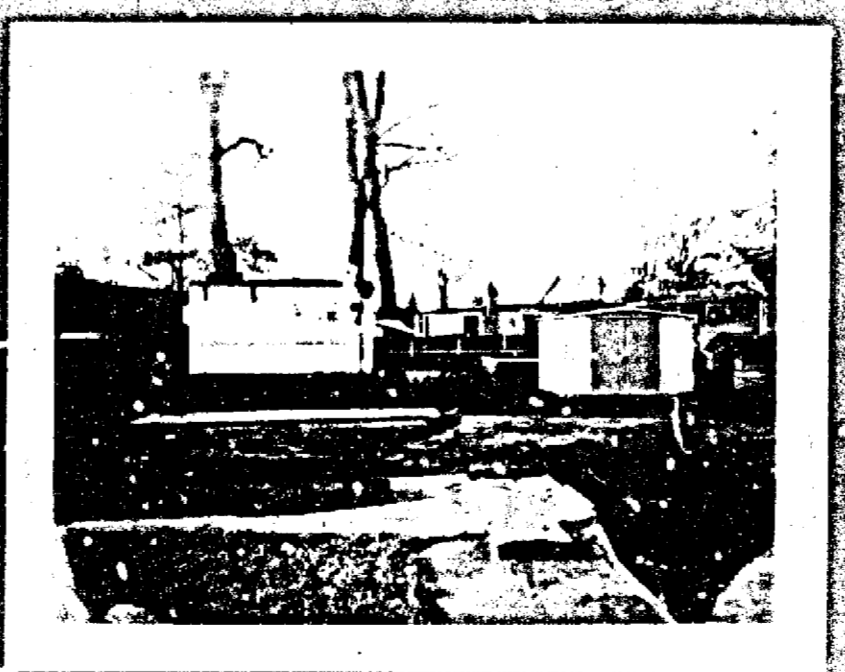
Bel Air, Md., Feb 21, 1980  
 This is to Certify That the annexed advertisement was inserted in THE ESSEX TIMES, a newspaper printed and published in Harford County, once in each of \_\_\_\_\_ successive weeks before the 11th day of March, 1980.  
 Publisher: Charles W. King

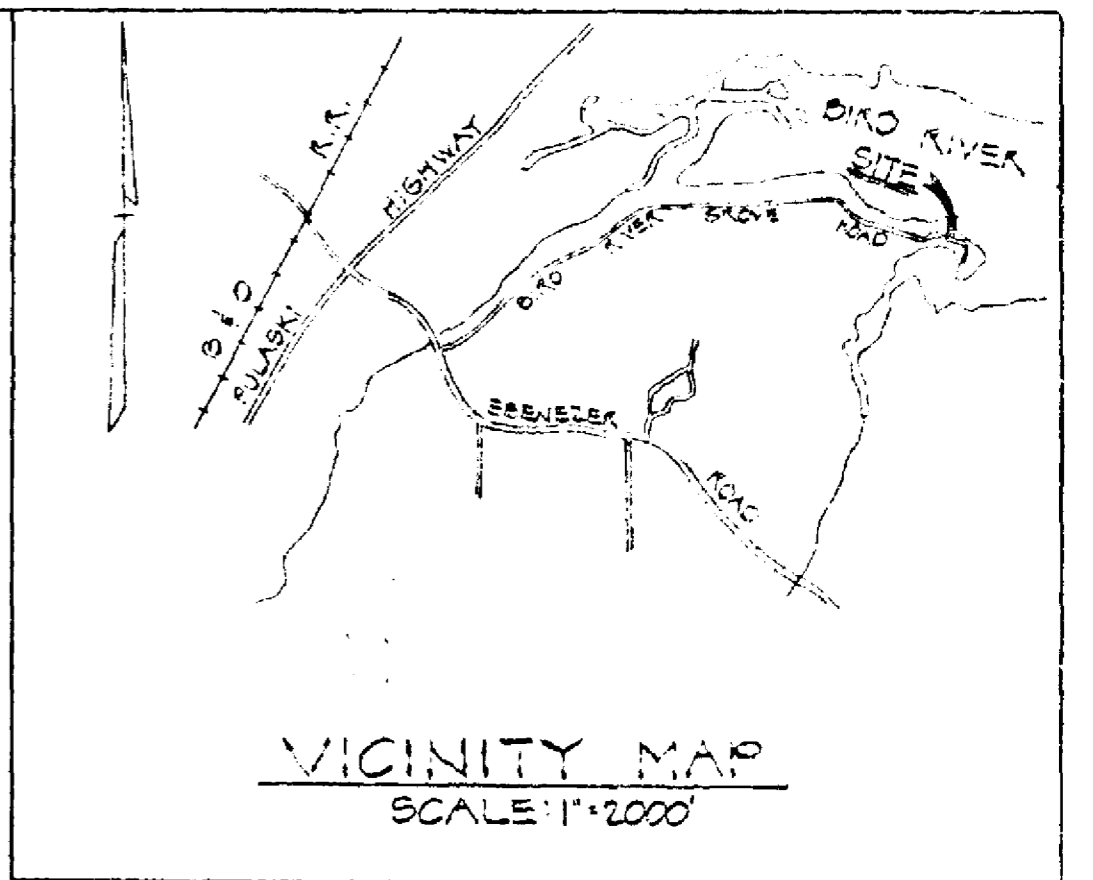
**PETITION MAPPING PROGRESS SHEET**

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>GW</u>	Revised Plans: Change in outline or description <input type="checkbox"/> Yes <input type="checkbox"/> No									
Previous case:	Map # _____									

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE - RECEIPTS DIVISION  
 MISCELLANEOUS CASH RECEIPT  
 DATE: February 12, 1980 ACCOUNT: 01-662  
 AMOUNT: \$25.00  
 RECEIVED FROM: D.S. Thaler & Associates, Inc.  
 FOR: Filing Fee for Case No. 80-180-A  
 25712 FEB 13 2500.00  
 VALIDATION OR SIGNATURE OF CARRIER

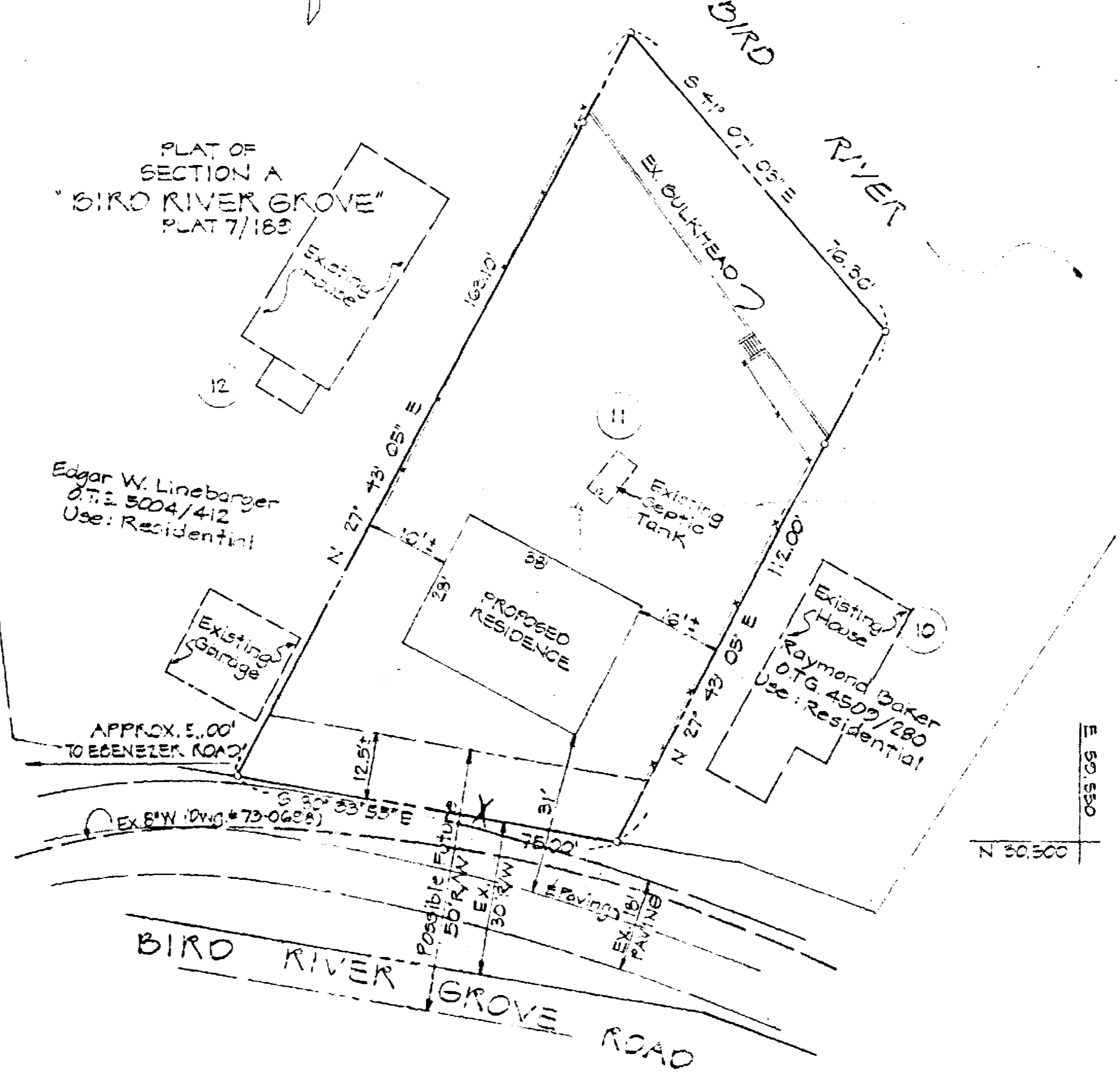
BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE - RECEIPTS DIVISION  
 MISCELLANEOUS CASH RECEIPT  
 DATE: March 11, 1980 ACCOUNT: 01-662  
 AMOUNT: \$14.88  
 RECEIVED FROM: Loretta Neumyer  
 FOR: Advertising and Posting for Case No. 80-180-A  
 289915 MAR 5 4488.00  
 VALIDATION OR SIGNATURE OF CARRIER





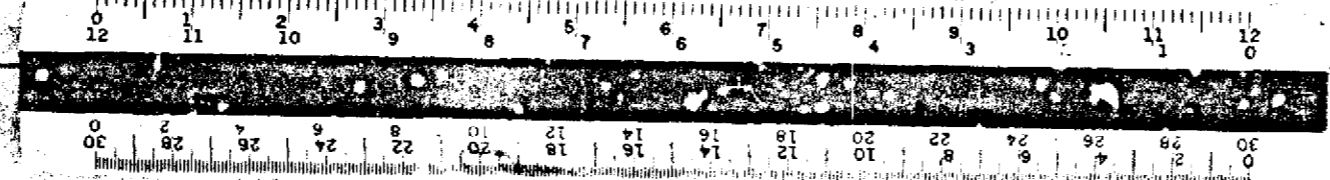
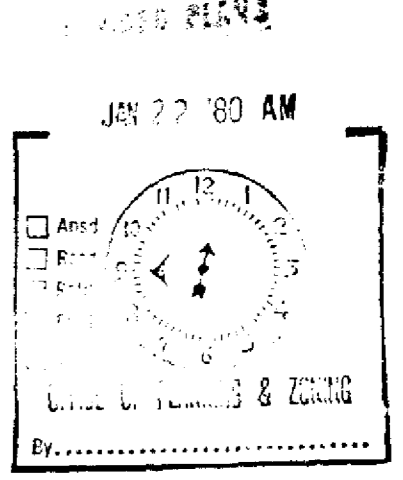
**GENERAL NOTES**

1. ZONED RC-2
2. AREA OF PROPERTY = 0.274 AC.
3. NO. OF LOTS PERMITTED = 1
4. NO. OF LOTS PROPOSED = 1
5. DEED REFERENCE E.H.K. JR. 6016 FOLIO 12

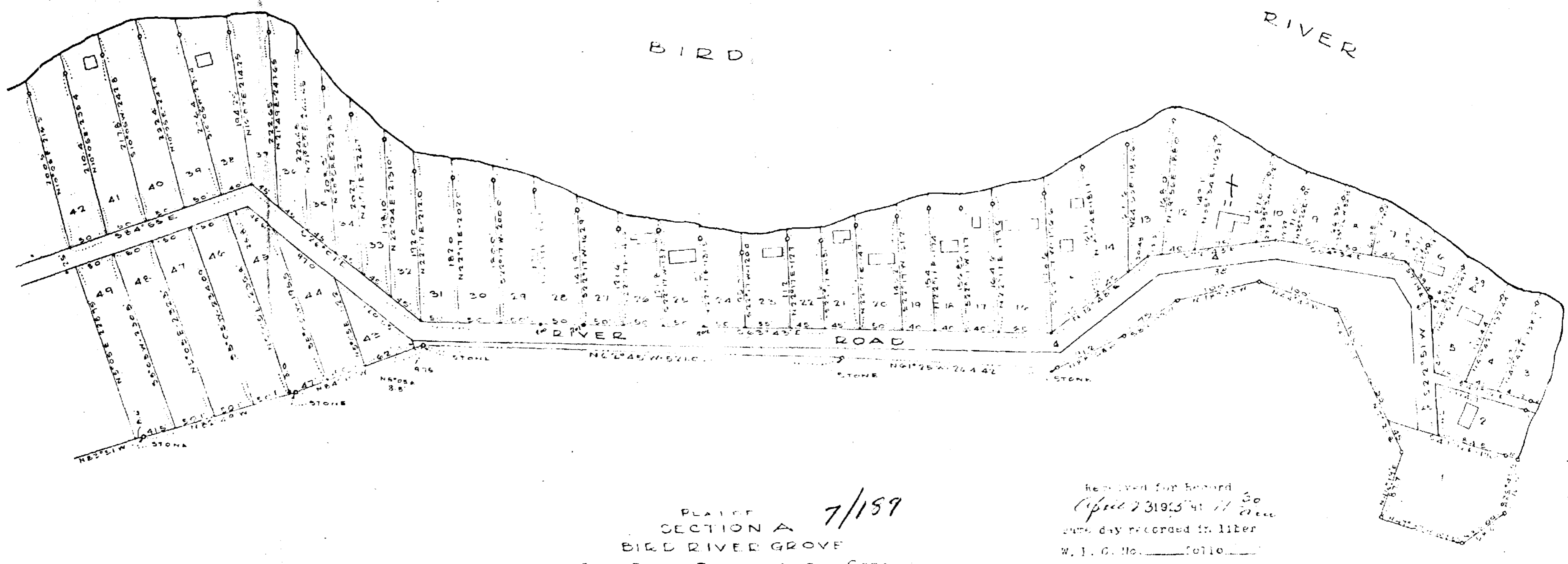


ENGINEERS  
**D. S. THALER & ASSOCIATES INC.**  
11 WARREN ROAD  
BALTIMORE, MARYLAND 21208

PLAT TO ACCOMPANY  
PETITION FOR ZONING VARIANCE  
**LORETTA F. NEUMYER ET AL**  
11304 BIRD RIVER GROVE ROAD  
ELECTION DISTRICT 15 BALTIMORE, CO. MARYLAND  
SCALE: 1" = 20' OCTOBER 22, 1979  
Revised 1/17/80 Add adjacent owners, Future 50' R.W., Ex. Septic Tank, dimension house to rd. 67.3'



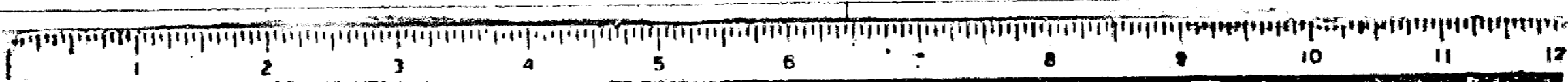
**PETITIONER'S EXHIBIT 1**



SCALE 1"=100 FT. MAR. 26, 1925.  
**E. V. COONAN & CO.**  
SURVEYORS & CIVIL ENGRS.  
231 COURTLAND ST.  
BALTIMORE, MD.

PLAT 7/159  
SECTION A  
BIRD RIVER GROVE  
BIRD RIVER DEVELOPMENT CORP.  
OWNER  
**ROBERT H. BLACKBURN & SON**  
SELLING AGENTS  
HAMILTON BANK BUILDING  
HARRIS ROAD & HAMILTON AVE.  
HAMILTON, MARYLAND

Received for Record  
April 23 1980 11:11 AM  
and duly recorded in Liber  
W. J. G. No. \_\_\_\_\_ folio \_\_\_\_\_  
One of the \_\_\_\_\_ Clerks of  
Baltimore County and exam-  
ined, per \_\_\_\_\_  
Clerk.



**PETITION FOR ZONING VARIANCE  
FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:  
Wanda Wall

I, or we, Loretta F. Neumyer and Wanda Wall, legal owner... of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A01.3B.3 to permit a dwelling to be located within 31 feet of a street centerline in lieu of the required 75 feet and to permit side setbacks of 16 feet in lieu of the required 35 feet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Owner wants to construct a new house on the existing lot - too small for required setbacks

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of January 1980, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 11th day of March 1980, at 10:00 o'clock A. M.

ORDER RECEIVED FOR FILING

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER  
N/S of Bird River Grove Rd., 5700' : OF BALTIMORE COUNTY  
E of Ebenezer Rd., 15th District :  
LORETTA F. NEUMYER, et al, : Case No. 80-180-A  
Petitioners

**ORDER TO ENTER APPEARANCE**


Mr. Commissioners:  
Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman John W. Hession, III  
Deputy People's Counsel People's Counsel for Baltimore County  
County Office Building  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 25th day of February, 1980, a copy of the foregoing Order was mailed to Ms. Loretta F. Neumyer and Ms. Wanda Wall, 7704 Eastdale Road, Baltimore, Maryland 21224, Petitioners.

John W. Hession, III  
John W. Hession, III

**BALTIMORE COUNTY**  
**ZONING PLANS**  
**ADVISORY COMMITTEE**



**PETITION AND SITE PLAN**  
**EVALUATION COMMENTS**

cc: Mr. Jim Gay  
Diamond Development Corp.  
1301 York Road  
Lumberville, MD. 21093

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 22nd day of January, 1980.

William E. Hammond  
WILLIAM E. HAMMOND  
Zoning Commissioner

Petitioner Loretta F. Neumyer & Wanda Wall

Petitioner's Attorney D. S. Thaler & Assoc. Inc. Reviewed by Nicholas B. Commodari  
11 Warren Rd. Chairman, Zoning Plans  
Baltimore, Md. 21208 Advisory Committee

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Chairman  
Nicholas B. Commodari

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

March 7, 1980

M's. Loretta F. Neumyer & M's. Wanda Wall  
9704 Eastdale Road  
Baltimore, Maryland 21224

RE: Item No. 119  
Petitioners - Loretta F. Neumyer & Wanda Wall  
Variance Petition

Dear M's. Neumyer & M's. Wall:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

This current vacant property is located on the north side of Bird River Grove Road, east of Ebenezer Road, in the 15th Election District. At the time of field inspection, remnants of a previous dwelling were existing on this property, while individual dwellings exist on either side and to the south of this site.

Because of your proposal to construct a new dwelling on this site, within 16 feet of the side property line and 31 feet from the center line of Bird River Grove Road, this Variance petition is required.

Particular attention should be afforded to the comments of the Health Department, concerning the conditions of the existing septic systems, as well as those comments of the Department of Permits and Licenses.

Item No. 119  
Variance Petition  
March 7, 1980

Enclosed are all comments submitted from the Committee to this office. The remaining members felt that no comment was warranted. This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,  
Nicholas B. Commodari  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

Enclosures

cc: Mr. Jim Gay  
Diamond Development Corp.  
Suite 406  
1301 York Road  
Lutherville, Maryland 21093

D.S. Thaler & Assoc. Inc.  
11 Warren Road  
Baltimore, Maryland 21208

BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204

January 24, 1980

Mr. William E. Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

RE: Item #119 (1979-1980)  
Property Owner: Loretta F. Neumyer  
N/S Bird River Grove Rd. 5700' E. Ebenezer Rd.  
Existing Zoning: RC 2  
Proposed Zoning: Variance to permit a setback of 31' to the centerline in lieu of the required 75' and side setbacks of 16' and 16.5' in lieu of the required 25'.  
Acres: 0.224 District: 15th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

**Highways:**  
Bird River Grove Road, an existing public road, is proposed to be improved in the future as a 30-foot closed section roadway on a 40-foot (minimum) right-of-way in this vicinity. Highway right-of-way widening, including any necessary revertible easements for slopes, will be required in connection with any grading or building permit application.

**Sediment Control:**  
Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

**Storm Drains:**  
The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

The property to be developed is located adjacent to the water front. The Petitioner is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on first floor levels of residential development and other special construction features are required.

Item #119 (1979-1980)  
Property Owner: Loretta F. Neumyer  
Page 2  
January 24, 1980

**Water and Sanitary Sewer:**  
Baltimore County Water Plan W-17B, as amended, indicates "Final Planning" in this area; however, there is an 8-inch public water main in Bird River Grove Road (Drawing #73-0698, File 3).  
Public sanitary sewerage is not available to serve this property, which is within the Baltimore County Metropolitan District and beyond the Urban-Rural Demarcation Line.  
Baltimore County Sewerage Plan S-17B, as amended, indicates "Planned Service" in 11 to 30 years.  
The submitted plan does not indicate the location of any private onsite water or sewage disposal facilities which served the former residence on this property. The Petitioner is responsible for the cost of plugging any existing water service connection not used to serve the proposed dwelling.

Very truly yours,  
Ellsworth N. Diver, P.E.  
ELLSWORTH N. DIVER, P.E.  
Chief, Bureau of Engineering

END:EAM:FWR:ss

cc: J. Somers  
J. Wimbley

M-NE Key Sheet  
31 NE 40 Pos. Sheet  
NE B 3 Topo  
73 Tax Map

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the petitioner(s), the Variance(s) should be had; and it further appears that the granting of the Variance(s) requested will not adversely affect the health, safety, and general welfare of the community; and, therefore,

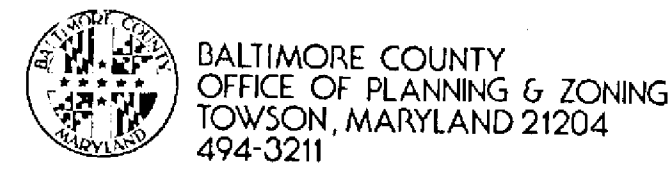
IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 12th day of March, 1980, that the herein Petition for Variances to permit a dwelling to be located within 31 feet of the centerline of Bird River Grove Road in lieu of the required 75 feet and side yard setbacks of 16 feet in lieu of the required 35 feet, all in accordance with the site plan prepared by D. S. Thaler and Associates, Inc., dated October 22, 1979, should be and the same is GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. Compliance with the comments submitted by the Department of Permits and Licenses, dated January 8, and February 4, 1980, and the Department of Health, dated February 5, 1980.
2. Approval of said site plan by the Department of Public Works and the Office of Planning and Zoning.

*William E. Hammond*  
Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of failure to show practical difficulty and/or unreasonable hardship, the Variance(s) should not be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the herein Petition for the Variance(s) to permit



JOHN L. SEYFFERT  
DIRECTOR

February 22, 1980

Mr. William Hammond, Zoning Commissioner  
Zoning Advisory Committee  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #119, Zoning Advisory Committee Meeting, December 18, 1979, are as follows:

Property Owner: Loretta F. Neumyer  
Location: N/S Bird River Grove Road 5700+ E. Ebenezer Road  
Existing Zoning: RC-2  
Proposed Zoning: Variance to permit a setback of 31' to the centerline in lieu of the required 75' and side setbacks of 16' and 16.5' in lieu of the required 25'.  
Acres: 0.224  
District: 15th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

*John L. Wimbley*  
John L. Wimbley  
Planner III  
Current Planning and Development



DONALD J. ROOP, M.D., M.P.H.  
DEPUTY STATE & COUNTY HEALTH OFFICER

February 5, 1980

Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #119, Zoning Advisory Committee Meeting of December 18, 1979, are as follows:

Property Owner: Loretta F. Neumyer  
Location: N/S Bird River Rd. 5700+ E Ebenezer Rd.  
Existing Zoning: R.C. 2  
Proposed Zoning: Variance to permit a setback of 31' to the centerline in lieu of the required 75' and side setbacks of 16' & 16.5' in lieu of the required 25'.  
Acres: 0.224  
District: 15th

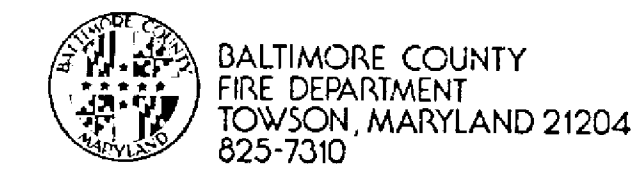
The proposed dwelling will be served by metropolitan water and a private sewage disposal system. A private sewage disposal system presently exists. Prior to application for a building permit, soil percolation tests must be conducted and the physical condition of the existing septic system inspected.

Very truly yours,

*James J. Forrest*  
Mr. J. Forrest, Director  
BUREAU OF ENVIRONMENTAL SERVICES

LJF/lt

cc: Mr. Len Bohager  
D. S. Thaler & Associates



PAUL H. RENCKE  
CHIEF

January 24, 1980

Mr. William Hammond  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

Re: Property Owner: Loretta F. Neumyer

Location: N/S Bird River Grove Rd. 5700+ E Ebenezer Rd.

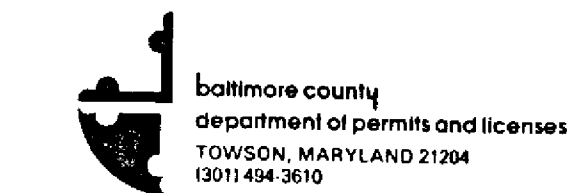
Item No: 119 Zoning Agenda: Meeting of 12/18/79

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- ( ) 6. Site plans are approved as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER *George M. Hegardt* Noted and Approved: \_\_\_\_\_  
Planning Group Fire Prevention Bureau  
Special Inspection Division



Ted Zaleski, Jr.  
DIRECTOR

February 4, 1980

Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

REVISED  
Comments on Item #119 Zoning Advisory Committee Meeting, February 5, 1980 are as follows:

Property Owner: Loretta F. Neumyer  
Location: N/S Bird River Grove Road 5700+ E Ebenezer Road  
Existing Zoning: R.C. 2  
Proposed Zoning: Variance to permit a setback of 31' to the centerline in lieu of the required 75' and side setbacks of 16' & 16.5' in lieu of the required 25'.  
Acres: 0.224  
District: 15th

The items checked below are applicable:

- A. Structure shall conform to Baltimore County Building Code (B.O.C.A.) 1978 Edition and the 1971 Supplement, State of Maryland Code for the Handicapped and aged and other applicable codes, and other applicable Codes.
- B. A building permit shall be required before construction can begin.
- C. Additional \_\_\_\_\_ Permits shall be required.
- D. Building shall be upgraded to new use - requires alteration permit.
- E. Three sets of construction drawings will be required to file an application for a building permit.
- F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- G. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- H. Requested setback variance conflicts with the Baltimore County Building Code. See Section \_\_\_\_\_.

J. Comment: Special Note - New Code Provisions - Date effective permits filed as of March 1, 1980, basements will be prohibited in tidal areas if the floor level is less than 1 foot above flood elevation - See attached Section 319.0 of Bill #199-79.  
NOTE: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not to be construed as the full extent of any permit.

Very truly yours,  
*Charles E. Burnham*  
Charles E. Burnham, Chief  
Plans Review

CEB:rrj

SPECIAL NOTE FOR CONSTRUCTION IN TIDAL OR RIVERINE AREAS

BILL 199 - 79 BALTIMORE COUNTY BUILDING CODE 1978

EFFECTIVE MARCH 1, 1980

SECTION 319.0 A new section added to read as follows:

SECTION 319.0 Construction in Areas Subject to Flooding.

319.1 Areas Subject to Inundation by Tidelwaters.

1. Where buildings or additions are built in areas subject to inundation by tidewaters, the lowest floor (including basement) shall not be lower than one (1) foot above the 100 year flood elevation, as established by the U.S. Army Corps of Engineers or the Federal Flood Insurance Study, whichever is the more restrictive. Such buildings or additions shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure, be constructed with materials resistant to flood damage.

2. Crawl spaces under buildings constructed in the tidal flood plain as determined by the U.S. Army Corps of Engineers or the federal Flood Insurance Study, whichever is the more restrictive, shall be constructed so that water will pass through without resulting debris causing damage to the improvements of any property.

3. New or replacement utility systems, including but not limited to water supply, sanitary sewage, electric, gas and oil, must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require onsite waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

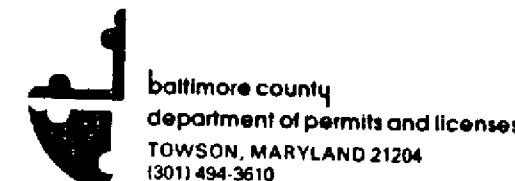
319.2 Riverine areas subject to inundation by surface waters within the 100 year flood plain.

1. No structure or additions shall be allowed within the 100 year flood plain of any watercourse. The 100 year flood plain shall be based upon the Federal Flood Insurance Study or the Department of Public Works, whichever is the more restrictive; this determination shall include planned future development of the watershed area.

2. Reconstruction of residential dwelling units shall be governed by Sections 106.0 or 123.0 as applicable, except that rebuilding or residential dwellings units damaged in excess of 50 percent of physical value shall also be governed by the provisions of subsection 319.1 of this section.

3. Reconstruction of other than residential buildings or structures in the riverine areas shall be made to conform to 319.1 when damage exceeds 50 percent of physical value.

rrj/



Ted Zaleski, Jr.  
DIRECTOR

January 8, 1980

Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #119 Zoning Advisory Committee Meeting, December 18, 1979 are as follows:

Property Owner: Loretta F. Neumyer  
Location: N/S Bird River Grove Road 5700+ E Ebenezer Road  
Existing Zoning: R.C. 2  
Proposed Zoning: Variance to permit a setback of 31' to the centerline in lieu of the required 75' and side setbacks of 16' & 16.5' in lieu of the required 25'.  
Acres: 0.224  
District: 15th

The items checked below are applicable:

- A. Structure shall conform to Baltimore County Building Code (B.O.C.A.) 1970 Edition and the 1971 Supplement, and other applicable codes.
- B. A building permit shall be required before construction can begin.
- C. Additional miscellaneous Permits shall be required.
- D. Building shall be upgraded to new use - requires alteration permit.
- E. Three sets of construction drawings will be required to file an application for a building permit.
- F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal MAY be required to file an application for a building permit.
- G. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- H. Requested setback variance conflicts with the Baltimore County Building Code. See Section \_\_\_\_\_.
- X J. COMMENT: Existing fill in old foundation could require compaction. There is not sufficient information to comment on the structure proposed. It will however, be required to comply with Section 320.0 of the Baltimore County Code Supplement on Elevation 10.  
NOTE: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not to be construed as the full extent of any permit.

Very truly yours,  
*Charles E. Burnham*  
Charles E. Burnham, Chief  
Plans Review

CEB:rrj

Section 320.0 Construction in Areas Subject to Flooding

Subsection 220.1 General Requirements. All buildings and structures hereafter erected or moved in areas in Baltimore County and designated by the Department of Public Works of Baltimore County and which are subject to inundation by tidewater, surface water or running streams shall have floor elevations and water-tightness as set forth in this Code.

Subsection 320.2 Areas Subject to Inundation by Tidelwaters  
a. Where buildings are built in areas subject to inundation by tidewaters, the first or main floor elevation shall not be lower than 10 feet above mean low tide. Such buildings shall be supported on other approved means of support.  
b. Where basements or other floors are constructed below 10 feet above mean low tide, the enclosure wall and floor construction shall be of monolithic construction of concrete of sufficient strength and specifically designed for watertightness and hydrostatic pressure, as certified by a Professional Engineer registered in the State of Maryland. Such walls shall be made watertight by membrane waterproofing on the exterior face and the membrane protected by 1 inch minimum cement plaster coating. All floors below 10 feet above mean low tide shall be made watertight by membrane waterproofing on 3 inch minimum concrete floor sub-base.

c. All arcways for windows, doors, and other openings below 10 feet above mean low tide shall be made watertight as required for walls and floors as set forth in this Code.

d. All arcways for windows, doors, and other openings below 10 feet above mean low tide shall be connected by service weight vent and discharge to an adequate sump pump located in the basement and discharging to elevation not less than 10 feet above mean low tide; the said pump shall have a discharge capacity of not less than 15 gallons per minute.

e. Crawl spaces under floors of buildings or structures below 10 feet above mean low tide shall have enclosure walls conforming to the requirements of this Code except such enclosing walls may be withstanding the hydrostatic pressure. All openings to the crawl spaces, including access doors, shall be enclosed to an elevation of not less than 3 1/2 feet above mean low tide. The crawl space areas and enclosures shall be drained by cast iron soil pipe with a proper backwater valve, and shall discharge to the adjacent grade or into an approved drainage system.

Subsection 320.3 Areas Subject to Inundation by Surface Waters or Running Streams.

a. The first or main floor elevation of buildings subject to inundation by surface water or streams shall be not less than 2 feet above the flood level as determined by the Department of Public Works of Baltimore County, or at such elevation as may be necessary to grade a lot to prevent flooding of the same. Construction shall be in conformity with the requirements set forth in this Code, titled "Areas Subject to Inundation by Tidelwaters."

b. All basement or other floors below the first or main floor shall be in conformity with the requirements set forth in this Code, titled "Areas Subject to Inundation by Tidelwaters."

*80-37*  
*Henry F. Sadler*  
*1/1/80*  
**D. S. THALER & ASSOCIATES, INC.**  
 11 WARREN ROAD • BALTIMORE, MARYLAND 21208 • (301) 484-1100

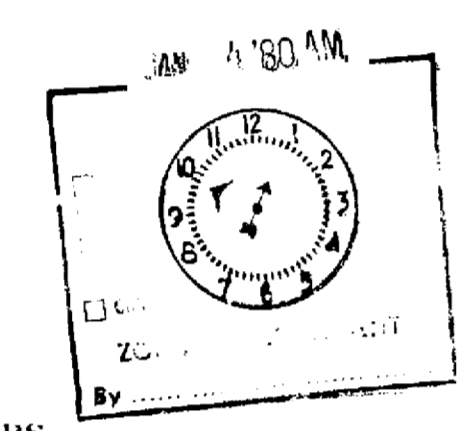
January 2, 1980  
 RE: Setback Variance  
 #11304 Bird River Grove Road  
 15th Election District  
 Baltimore County, Maryland

Dear Mr. Hammond:

I am writing to request an early hearing date for the subject property. The property is an existing lot, containing 0.224 acres ±, in the subdivision of "Bird River Grove" recorded in Plat Book 7 folio 189. The property is owned by Loretta F. Neumyer et al. The owner has sold her present home and has to vacate in the very near future, also she has ordered a new packaged home for this site which can't be delivered until the setback variance has been granted. The long time usually required to process this type of request will cause Ms. Neumyer severe financial losses and personal hardship.

Your attention to this matter will be greatly appreciated by all concerned.

Very truly yours,  
 D.S. THALER & ASSOCIATES, INC.  
*Henry F. Sadler*  
 Henry F. Sadler



CIVIL ENGINEERS • SITE PLANNERS

March 18, 1980

Mr. Jim Gay  
 Diamond Development Corporation  
 Suite 406, 1301 York Road  
 Lutherville, Maryland 21093

RE: Petition for Variances  
 N/S of Bird River Grove Road,  
 5700' E of Ebenezer Road - 15th  
 Election District  
 Loretta F. Neumyer and Wanda  
 Wall - Petitioners  
 NO. 80-180-A (Item No. 119)

Dear Mr. Gay:

I have this date passed my Order in the above referenced matter in accordance with the attached.

Very truly yours,  
 WILLIAM E. HAMMOND  
 Zoning Commissioner

WEH/erl  
 Attachments  
 cc: Ms. Loretta F. Neumyer and  
 Ms. Wanda Wall  
 7704 Eastdale Road  
 Baltimore, Maryland 21224  
 John W. Hessian, III, Esquire  
 People's Counsel

DESCRIPTION FOR VARIANCE  
 PROPERTY OF LORETTA F. NEUMYER  
 15TH ELECTION DISTRICT

Beginning at a point on the North side of Bird River Grove Road, 30 feet wide, approximately 5700 feet East of Ebenezer Road and known as Lot 11 as shown on the "Plat of Section A Bird River Grove", which is recorded in the Land Records of Baltimore County in Liber 7, Folio 189.  
 Containing 0.224 acres and known as 11304 Bird River Grove Road.

BALTIMORE COUNTY, MARYLAND  
 INTER-OFFICE CORRESPONDENCE

Mr. W. E. Hammond  
 Zoning Commissioner  
 TO: John D. Seyffert, Director  
 Office of Planning and Zoning  
 FROM: Petition No. 80-180-A Item 119  
 SUBJECT: Petition for Variance  
 North side of Bird River Grove Road, 5700 feet East of Ebenezer Road  
 Petitioner - Loretta F. Neumyer, et al  
 Date: February 22, 1980

Petition for Variance  
 North side of Bird River Grove Road, 5700 feet East of Ebenezer Road  
 Petitioner - Loretta F. Neumyer, et al  
 Fifteenth District  
 HEARING: Tuesday, March 11, 1980 (10:00 A.M.)

There are no comprehensive planning factors requiring comment on this petition.

*John D. Seyffert*  
 John D. Seyffert, Director  
 Office of Planning and Zoning

JDS:JGH:ob

**CERTIFICATE OF POSTING**  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland

District: 15 Date of Posting: 2/23/80  
 Posted for: Loretta F. Neumyer et al  
 Petitioner: Loretta F. Neumyer et al  
 Location of property: 5700' E of Ebenezer Rd  
 Location of Signs: 5700' E of Ebenezer Rd  
 Remarks: \_\_\_\_\_  
 Posted by: Henry F. Sadler Date of return: 2/29/80

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
 County Office Building  
 111 W. Chesapeake Avenue  
 Towson, Maryland 21204

Your Petition has been received this 6th day of December, 1979.  
 Filing Fee \$ 25.00 Received:  Check  
 Cash  
 Other  
 William E. Hammond, Zoning Commissioner  
 Petitioner: Loretta F. Neumyer Submitted by: Engr.  
 Petitioner's Attorney: None Reviewed by: GW

\*This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

**DUPLICATE CERTIFICATE OF PUBLICATION**

TOWSON, MD., February 21, 1980  
 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 11th day of March, 1980, the first publication appearing on the 21st day of February, 1980.  
 THE JEFFERSONIAN  
 Manager  
 Cost of Advertisement, \$ 19.00

**LEGAL NOTICES**

**PETITION FOR VARIANCE**  
 15th District  
 Zoning: Petition for Variance  
 Location: North side of Bird River Grove Road, 5700 feet east of Ebenezer Road.  
 Date & Time: Tuesday, March 11, 1980 at 10:00 A.M.  
 Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.  
 The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:  
 Petition for Variances to permit a dwelling to be located within 31 feet of a street containing in lieu of the required 75 feet and to permit side yard setbacks of 18 feet in lieu of the required 30 feet.  
 The Zoning Regulations to be accepted as follows:  
 Section 1A01.2.B - Height and Area Regulations  
 All that parcel of land in the Fifteenth District of Baltimore County beginning at a point on the north side of Bird River Grove Road, 30 feet wide, approximately 5700 feet East of Ebenezer Road and known as Lot 11 as shown on the "Plat of Section A Bird River Grove," which is recorded in the Land Records of Baltimore County in Liber 7, Folio 189.  
 Containing 0.224 acres and known as 11304 Bird River Grove Road.  
 Being the property of Loretta F. Neumyer, et al, as shown on plat filed with the Zoning Department.  
 Hearing Date: **TUESDAY, MARCH 11, 1980 AT 10:00 A.M.**  
 Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.  
 by order of **WILLIAM E. HAMMOND**  
 Zoning Commissioner  
 of Baltimore County

**THE ESSEX TIMES REGIS**

Bel Air, Md., Feb 21, 1980  
 This is to Certify, That the annexed advertisement was inserted in THE ESSEX TIMES, a newspaper printed and published in Harford County, once in each of one successive weeks before the 11th day of March, 1980.  
 Publisher: Charles W. ...

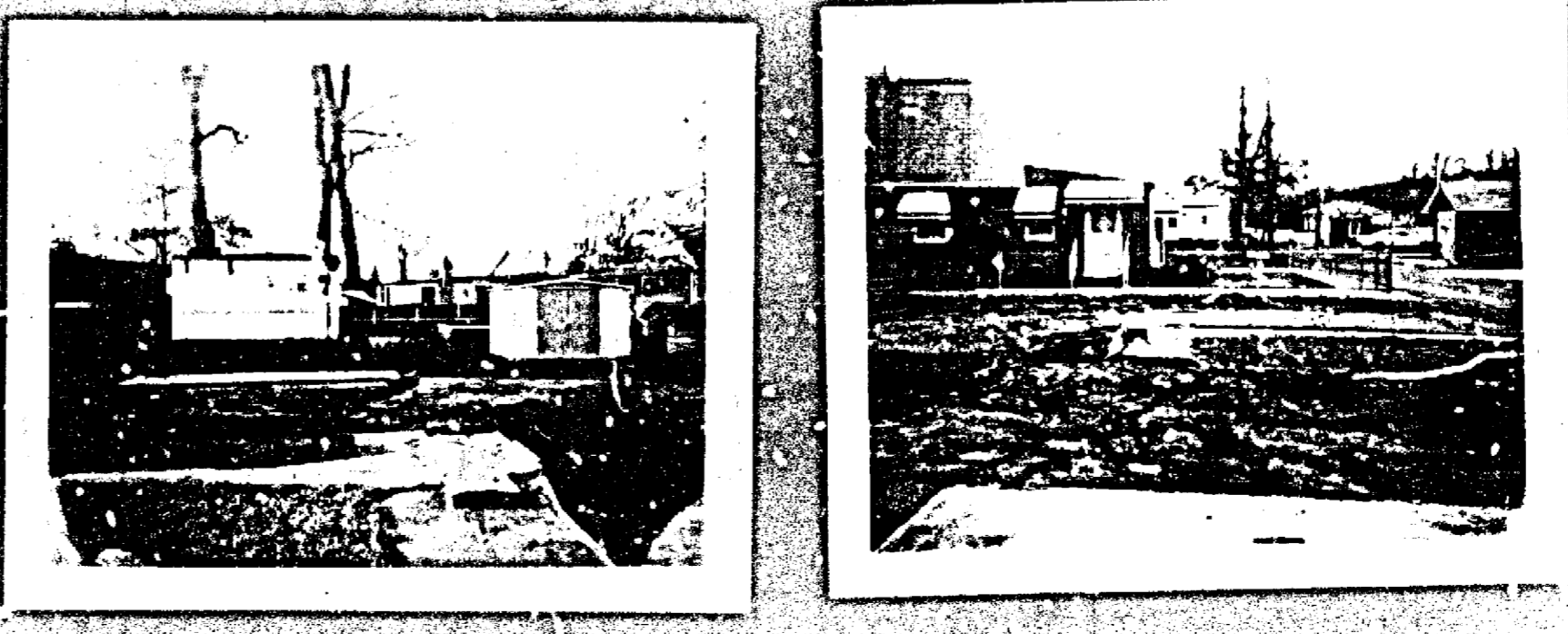
**PETITION MAPPING PROGRESS SHEET**

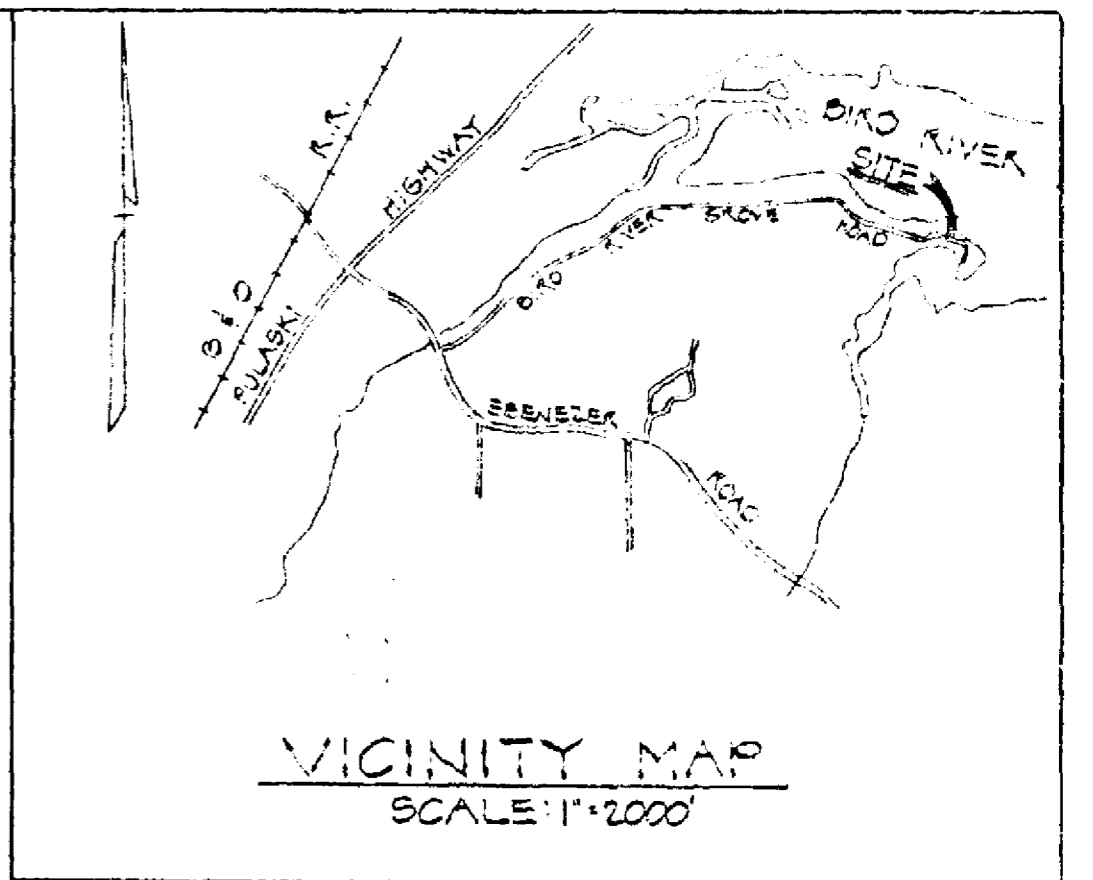
FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>GW</u>	Revised Plans: Change in outline or description <input type="checkbox"/> Yes <input type="checkbox"/> No									
Previous case:	Map # _____									

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE - RECEIPT DIVISION  
 MISCELLANEOUS CASH RECEIPT

No. 85628  
 DATE: February 12, 1980 ACCOUNT: 01-662  
 AMOUNT: \$25.00  
 RECEIVED FROM: D.S. Thaler & Associates, Inc.  
 FOR: Filing Fee for Case No. 80-180-A  
 25.00  
 VALIDATION OR SIGNATURE OF CARRIER

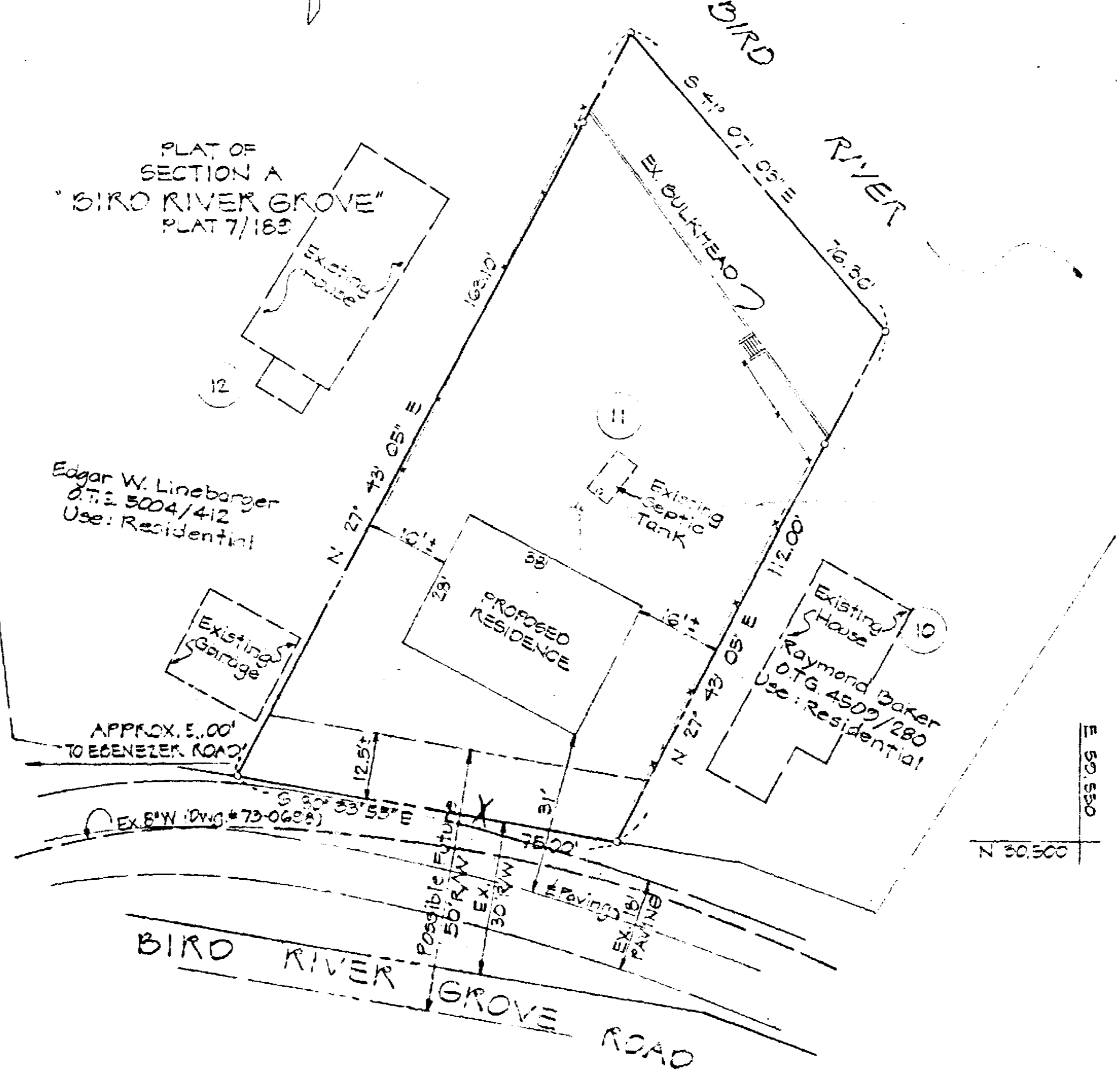
No. 86315  
 DATE: March 11, 1980 ACCOUNT: 01-662  
 AMOUNT: \$14.88  
 RECEIVED FROM: Loretta Neumyer  
 FOR: Advertising and Posting for Case No. 80-180-A  
 14.88  
 VALIDATION OR SIGNATURE OF CARRIER





**GENERAL NOTES**

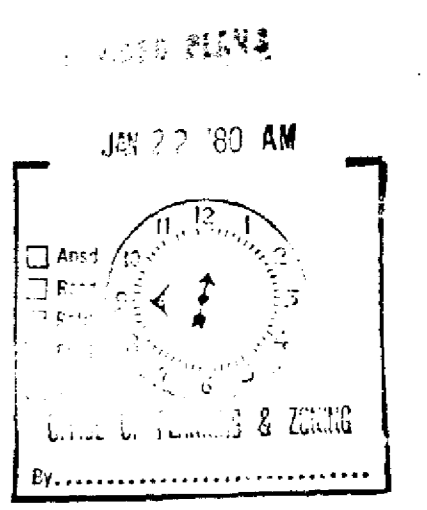
1. ZONED RC-2
2. AREA OF PROPERTY 1.0244 AC.
3. NO. OF LOTS PERMITTED 1
4. NO. OF LOTS PROPOSED 1
5. DEED REFERENCE E.H.K. JR. 6016 FOLIO 12



N 30.650  
E 50.300

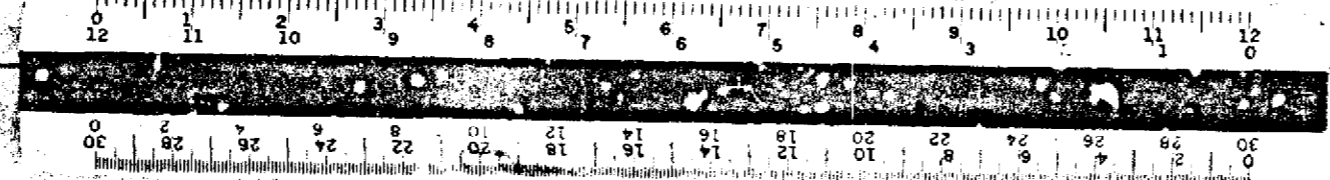
E 50.300  
N 30.500

E 50.300  
N 30.500

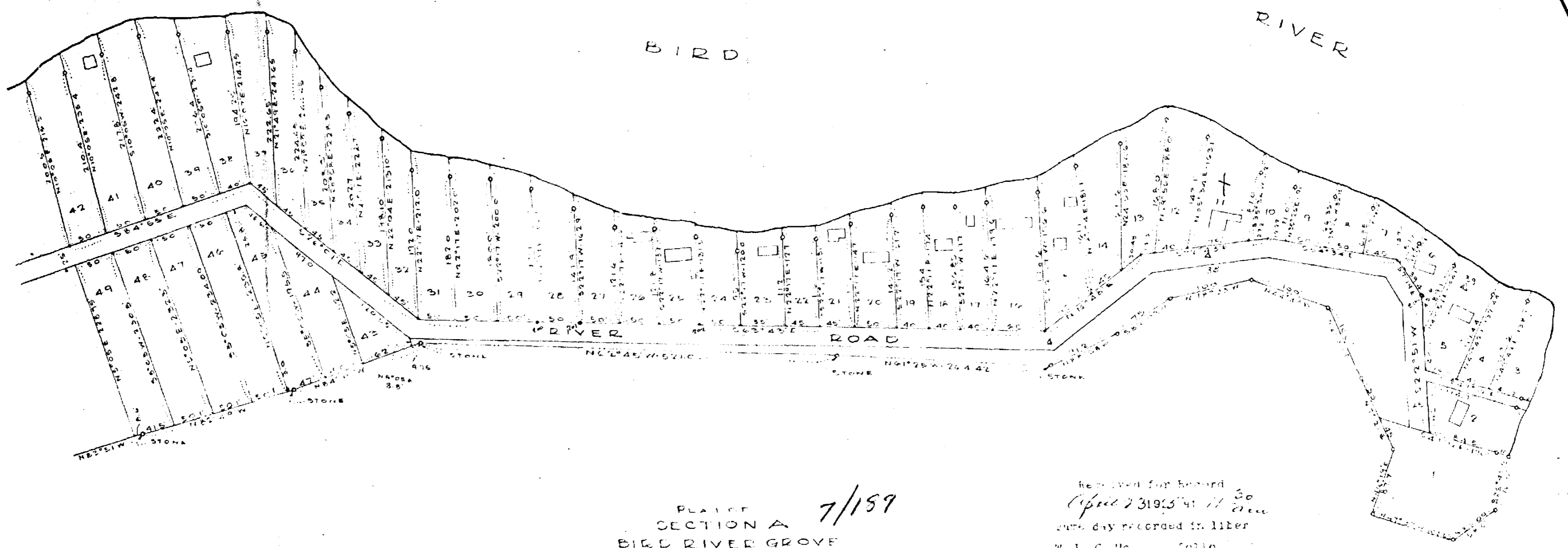


ENGINEERS  
**D. S. THALER & ASSOCIATES INC.**  
11 WARREN ROAD  
BALTIMORE, MARYLAND 21208

PLAT TO ACCOMPANY  
PETITION FOR ZONING VARIANCE  
**LORETTA F. NEUMYER ET AL**  
11304 BIRD RIVER GROVE ROAD  
ELECTION DISTRICT 15 BALTIMORE, CO MARYLAND  
SCALE: 1" = 20' OCTOBER 22, 1979  
Revised 1/17/80 Add adjacent owners, Future 50' R.W., Ex. Septic Tank, dimension house to rd. 6.73.



**PETITIONER'S EXHIBIT 1**



PLAT OF SECTION A 7/159  
BIRD RIVER GROVE  
BIRD RIVER DEVELOPMENT CORP  
OWNER OR  
ROBERT H. BLACK BURN & SON  
SELLING AGENTS  
HAMILTON BANK BUILDING  
HARRIS ROAD & HAMILTON AVE.  
HAMILTON, MARYLAND

Received for Record  
April 23 1980 11:11 AM  
and duly recorded in Liber  
W. J. G. No. \_\_\_\_\_ folio \_\_\_\_\_  
One of the \_\_\_\_\_ Clerks of  
Baltimore County and exam-  
ined, per \_\_\_\_\_  
Clerk.

SCALE IN 100 FT. MAR. 26, 1925.  
E. V. COONAN & CO.  
SURVEYORS & CIVIL ENGRS.  
231 COURTLAND ST.  
BALTIMORE, MD.

