

Critical area 417  
86-115-A

### PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 258.2 (243.1) to permit front setback of 22 feet instead of the required 75 feet.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)  
 Petitioners property is approximately 60% residential and 40% commercial (C.R. 2.5 and M.R. 1M, respectively), and the variances under Section 258.2 (243.1) would render the portions owned M.R. 1M useless to the petitioners.

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.

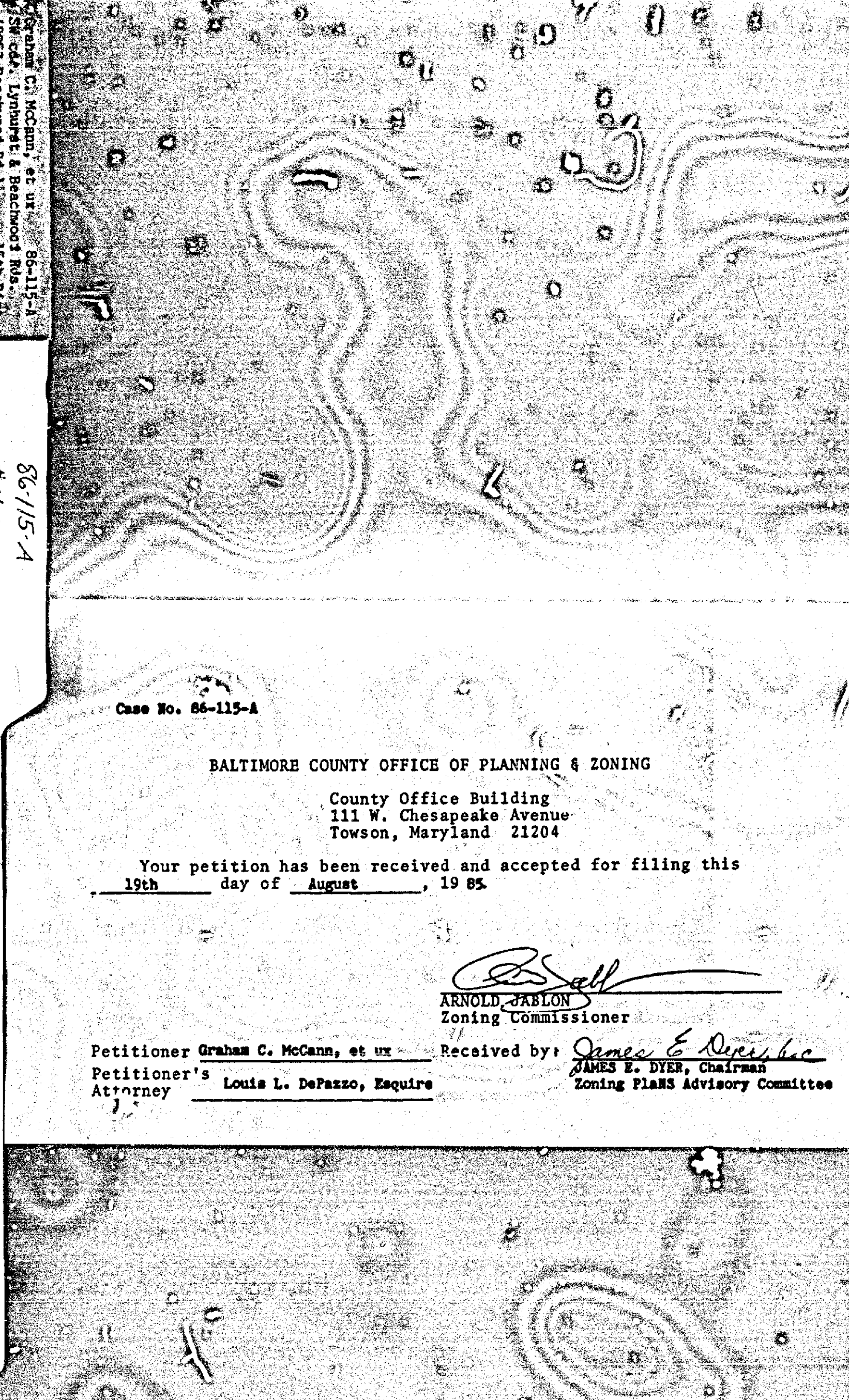
I/We do solemnly declare and affirm under the penalties of perjury, that I/we/are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_ Legal Owner(s): \_\_\_\_\_  
 (Type or Print Name) \_\_\_\_\_ (Type or Print Name) \_\_\_\_\_  
 Signature \_\_\_\_\_ Signature \_\_\_\_\_  
 Address \_\_\_\_\_ Address \_\_\_\_\_  
 City and State \_\_\_\_\_ City and State \_\_\_\_\_

Attorney for Petitioner: \_\_\_\_\_  
 (Type or Print Name) \_\_\_\_\_ Address \_\_\_\_\_ Phone No. \_\_\_\_\_  
 Signature \_\_\_\_\_ City and State \_\_\_\_\_  
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted \_\_\_\_\_  
 Address \_\_\_\_\_  
 City and State \_\_\_\_\_ Name \_\_\_\_\_  
 Attorney's Telephone No. \_\_\_\_\_ Address \_\_\_\_\_ Phone No. \_\_\_\_\_

ORDERED BY THE Zoning Commissioner of Baltimore County, this \_\_\_\_\_ 19th day of August, 1985, 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 \_\_\_\_\_ day of September, 1985, at 10:00 o'clock.

*Call Jan*  
Zoning Commissioner of Baltimore County.



### BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 17, 1985

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

RE: Item No. 417 - Case No. 86-115-A  
Petitioners - Graham C. McCann, et ux  
Variance Petition

Dear Mr. DePazzo:

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.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,  
James E. Dyer, Jr.  
Chairman  
Zoning Plans Advisory Committee

JED:mr  
Enclosures  
cc: Frank S. Lee  
1277 Neighbors Avenue  
Baltimore, Maryland 21237

AUGUST 29, 1985

Re: Zoning Advisory Meeting of July 9, 1985  
Item # 417 (CRITICAL AREA)  
Property Owner: GRAHAM C. MCCANN, et ux  
Location: S/W CORNER LYNHURST AND BEACHWOOD RDS.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable:

- There are no site planning factors requiring comment.
- A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- A record plat will be required and must be recorded prior to issuance of a building permit.
- The access is not satisfactory.
- The circulation on this site is not satisfactory.
- The parking arrangement is not satisfactory.
- Parking calculations must be shown on the plan.
- This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-28 of the Development Regulations.
- Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- The amended Development Plan was approved by the Planning Board on \_\_\_\_\_.
- Landscaping: Must comply with Baltimore County Landscape Manual. The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is \_\_\_\_\_.
- The property is located in a traffic area controlled by a "B" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Service Areas are recalculated annually by the County Council.
- Additional comments: **SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA. ADDITIONAL COMMENTS WILL BE PROVIDED BY THE COMPETITIVE PLANNING DIV. ON THE BASIS OF AN INDUSTRIAL DEVELOPMENT OF LAND INVOLVING ONLY ONE BUILDING FOR A SINGLE USE.**

James A. Rose  
Chief, Current Planning and Development

BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

August 1, 1985

Mr. Arnold Jablon  
Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Item No. 410, 412, 413, 414, 416, 417 ZAC-Meeting of July 9, 1985  
Property Owner: \_\_\_\_\_  
Location: \_\_\_\_\_  
Existing Zoning: \_\_\_\_\_  
Proposed Zoning: \_\_\_\_\_

Acres: \_\_\_\_\_  
District: \_\_\_\_\_

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 410, 412, 413, 414, 416, and 417.

*Michael S. Flanagan*  
Michael S. Flanagan  
Traffic Engineering Assoc. II

NSP/cm

BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204-2586  
494-4500

PAUL H. REINCKE  
CHIEF

August 1, 1985

Mr. Arnold Jablon  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Comandari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Graham C. McCann, et ux Critical Area  
Location: S/W Corner Lynhurst and Beachwood Roads  
Item No.: 417 Zoning Agenda: Meeting of 7/9/85

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.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 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 operation.
- (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: *Carl J. ...* Noted and Approved: *Errol M. ...*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb

BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3610

TED ZALESKI, JR.  
DIRECTOR

August 19, 1985

Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 417 Zoning Advisory Committee Meeting are as follows:  
Property Owner: Graham C. McCann, et ux (CRITICAL AREA)  
Location: S/W Corner Lynhurst and Beachwood Roads  
District: 15th.

APPLICABLE TYPES AND CIRCLES

- ( ) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Building and Code (A.S.S.C. §11-17) - 1980 and other applicable Codes and Standards.
- ( ) A building and other miscellaneous permits shall be required before the start of any construction.
- ( ) Residential: The site of construction structure are required to file a permit application. The seal of a registered in Maryland Architect or Engineer 19/8 is not required on plans and technical data.
- ( ) Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Supplemental seals are not acceptable.
- ( ) All the Groups except 2nd Single Family Detached Buildings require a minimum of 1 hour fire rating for exterior walls closer than 5'-0" to an interior lot line. For the Groups require a one hour wall if closer than 5'-0" to an interior lot line. Any wall built up to interior lot line shall require a fire or party exterior wall within 5'-0" of an interior lot line.
- ( ) The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 505 and 506 and have your Architect/Engineer contact this Department.
- ( ) The request variance appears to conflict with Section(s) \_\_\_\_\_ of the Baltimore County Building Code.
- ( ) When filing for a required Change of the Occupancy Permit, an alternate permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of the Group are from the \_\_\_\_\_ to the \_\_\_\_\_ or to Mixed Code.
- ( ) The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevation above sea level for the lot and the Flood Plain Levels including basement.
- ( ) Comments: Plans do not show the elevation above sea level. Show one handicapped space as required by State Code.
- ( ) These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any review. If details the applicant may obtain additional information by visiting Room 322 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

*Michael S. Flanagan*  
Building Plans Review

4/22/85

SPECIAL NOTE FOR CONSTRUCTION IN TIDAL OR RIVERINE AREAS  
BILL #17-85 BALTIMORE COUNTY BUILDING CODE 1984  
EFFECTIVE - APRIL 22, 1985

SECTION 516.0 A Section added to read as follows:  
SECTION 516.0 CONSTRUCTION IN AREAS SUBJECT TO FLOODING

516.1 AREAS SUBJECT TO INUNDATION BY TIDEWATERS:

1. Whenever building or additions are constructed in areas subject to inundation by tides, the building's lowest floor (including basement) shall be not 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 more restrictive. These buildings or additions shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure with materials resistant to flood damage.
- Areas beneath buildings will not be considered as basements if headroom to underside of floor joists is less than six feet or if enclosure walls are at least 50 percent open.
2. Crawl spaces under buildings constructed in the tidal plain, as determined by the U.S. Army Corp 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 on-site waste disposal systems to be located so as to avoid impoundment of them or contamination from them during flooding.

516.2 RIVERINE AREAS SUBJECT TO INUNDATION BY SURFACE WATERS WITHIN THE 100 YEAR FLOOD PLAIN.

1. No structures or additions shall be 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 103.0 or 120.0 as applicable, except that rebuilding of residential dwelling units damaged in excess of 50 percent of physical value shall also be governed by the provisions of Subsection 516.1 of this Section.
3. Reconstruction of other than residential buildings or structures in the riverine areas shall be made to conform to 516.1 when damage exceeds 50 percent of physical value.

April 1985

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner Date: September 16, 1985  
 FROM: Norman E. Gerber, Director, Office of Planning and Zoning  
 SUBJECT: Zoning Petition No. 86-115-A

Assuming compliance with the Critical Area comments dated September 12, 1985 (Gerber to Jablon), this office is not opposed to the granting of the subject request. Particular care must be shown, however, as to the usage of the site adjacent to the residential lot; a careful landscaping treatment of the site should be undertaken so as to soften the impact of the proposed development on the adjacent residential area.

*Norman E. Gerber*  
 Norman E. Gerber, Director  
 Office of Planning and Zoning

NEG:JCH:elm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: MR. ARNOLD JABLON, Zoning Commissioner Date: September 18, 1985  
 FROM: NORMAN E. GERBER, Director, Office of Planning and Zoning  
 SUBJECT: Critical Area Comments - G. C. McCann, et ux (86-115-A; 417) Lisa Rae Mintz (86-116-A; 5) and McDonald's Corp. (86-122-A; 405)

The McCann petition consists of a variance request involving a front setback for an industrial type building of 1,200 square feet. The tract of land subject to this request consists of 1.26 acres which has recently been cleared of virtually all trees. The soils on the site consist of Mattapez silt loam as indicated by the Baltimore County Soil Survey. These soils are generally level (less than 5% slope) and are well drained.

In order to satisfy the requirements of the Chesapeake Bay Critical Area Statute, it is recommended that:

- Except for the building, single parking space and access drive (approximately 2,500 square feet), the remainder of the tract should be retained in a natural state; and
- 4 major deciduous or 12 conifer or 24 minor deciduous trees be planted and maintained on the site;
- the downspouts serving the building should be discharged into an infiltration field consisting of a suitably-sized tile pipe placed in a gravel bed. An overland surcharge device should be included either on the downspout or the end of the tile field. The flow of stormwater from the access drive and parking area should be directed overland to encourage infiltration.

Petition #86-116-A (Lisa Rae Mintz) involves an addition to an existing residential lot in a large, small-lot subdivision. Petitioner's lot is 60' X 90' or 5,400 square feet. The addition is 20' X 30' or 600 square feet. The addition is the basis for a rear yard setback variance request.

In order to satisfy the requirements of the Chesapeake Bay Critical Area Statute, it is recommended that:

- 3 conifers or 6 minor deciduous trees or one major deciduous tree be planted on the lot, and

October 2, 1985

Louis L. DePazzo, Esquire  
 38 South Durdalk Avenue  
 Baltimore, Maryland 21222

Re: Case No. 86-115-A  
 Graham C. McCann,  
 Petitioner

Dear Mr. DePazzo:

In order to satisfy my Order dated September 30, 1985, the attached comment must be complied with.

Sincerely,  
*Arnold Jablon*  
 Arnold Jablon  
 Zoning Commissioner

AJ/srl

Attachment

- cc: Mr. James G. Hoswell  
 Ms. Susan S. Carrall  
 Mr. Thomas L. Vidmar  
 People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: MR. ARNOLD JABLON, Zoning Commissioner Date: September 25, 1985  
 FROM: NORMAN E. GERBER, Director, Office of Planning and Zoning  
 SUBJECT: Chesapeake Bay Critical Area Comments - Graham and Dorothy McCann (86-115-A)

As requested, please consider this as an additional comment to those dated September 12, 1985.

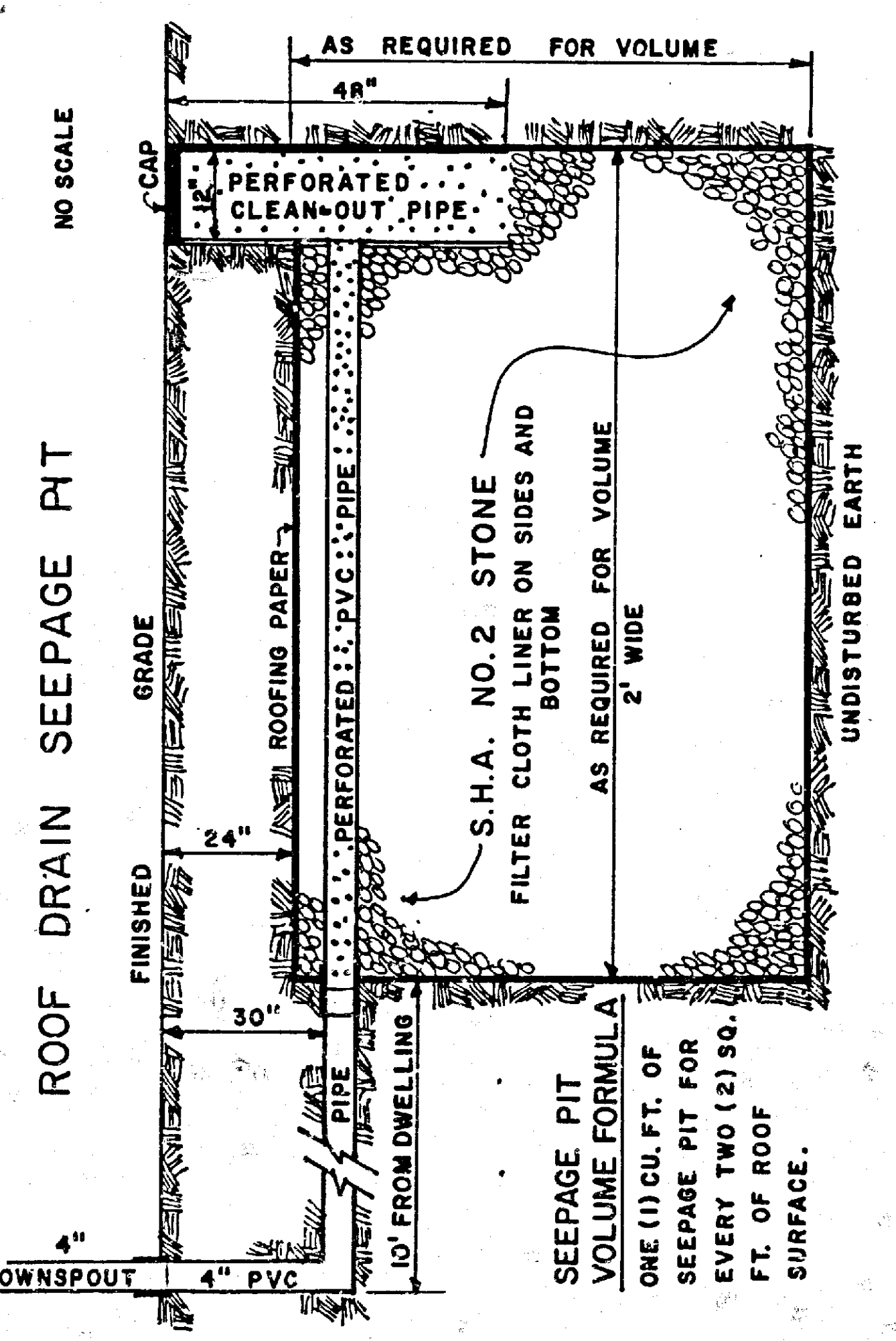
The trees should be planted along the southern and eastern borders of the site, depending upon the number of trees used. Plantings along the southern border, fronting the road, are preferable.

Should there be any questions or the need for additional information, please contact Paul Solomon at 494-3521.

NEG:PJS:vh  
 Attachment: Construction details

*Norman E. Gerber*  
 Norman E. Gerber,  
 Director of Planning  
 and Zoning

- cc: James G. Hoswell, Planner  
 Susan S. Carrall, Acting Chief, Current Planning and Development Div.  
 Thomas L. Vidmar, Bureau of Engineering, People's Counsel



IN RE: PETITION ZONING VARIANCE BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 86-115-A  
 SW/Corner of Lynhurst and Beachwood Roads (8253 Beachwood Road) 15th Election District  
 Graham C. McCann, et ux, Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a front yard setback of 22 feet instead of the required 75 feet, as more particularly described on Petitioners' Exhibit 1. The Petitioners appeared and testified and were presented by Counsel. Frank Lee, a registered land surveyor, and Roxanne Bohlen, Joseph Bruno, and Michael Elder, nea-by residents, appeared on behalf of the Petitioners. There were no Protestants.

Testimony indicated that the subject property, containing approximately 1.26 acres, is bifurcated by a D.R.5.5 and M.H.-I.M. zone line. The D.R.5.5-zoned portion is being utilized for residential purposes and is bounded by Beachwood Road, Lynhurst Road, and Morse Lane. The M.H.-zoned portion, measuring approximately 102' x 193', is presently vacant and the Petitioners wish to construct a 30' x 40' warehouse facility to store roofing materials and equipment. The building would set back 22 feet from Morse Lane instead of the required 75 feet. It would be impossible to locate any building on the property without the necessity of a variance. Frank Lee testified that, in his opinion, practical difficulty would exist if the variances were denied.

The Petitioners seek relief from Section 236.2 (243.1), pursuant to Section 307 Baltimore County Zoning Regulations (BCZR). An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property.

ORDER REVIEWED FOR FILING  
 DATE: September 29, 1985  
 BY: [Signature]

McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 30th day of September, 1985, that the Petition for Zoning Variance to permit a front yard setback of 22 feet instead of the required 75 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the

ORDER REVIEWED FOR FILING  
 DATE: September 29, 1985  
 BY: [Signature]

following restrictions which are conditions precedent to the relief granted herein:

1. A fence shall be constructed and maintained in good repair the entire length of the zone boundary line to prevent access to the M.H.-zoned portion via the D.R.5.5-zoned portion.
2. Baltimore County has reviewed this application involving property located in the Maryland Chesapeake Bay Critical Area, and as a result, the Petitioners are required to:
  - a. Retain the entire tract, except for the building, single parking space, and access drive (approximately 2,500 square feet), in a natural state.
  - b. Plant and maintain 4 major deciduous, 12 conifer, or 24 minor deciduous trees.
  - c. Make provision for the downspouts serving the building to discharge into an infiltration field consisting of a suitably-sized tile pipe placed in a gravel bed. An overland surcharge device must be included either on the downspout or the end of the tile field. The flow of stormwater from the access drive and parking area must be directed overland to encourage infiltration.
3. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

*[Signature]*  
Zoning Commissioner of Baltimore County

cc: Louis L. DePazzo, Esquire  
Mr. Frank Lee  
People's Counsel

PETITION FOR VARIANCE  
15th Election District

LOCATION: Southwest corner of Lynhurst and Beachwood Roads (8253 Beachwood Road)  
DATE AND TIME: Monday, September 23, 1985 at 10:00 a.m.  
PUBLIC HEARING: Room 106, County Office Building, 111 West 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 Zoning Variance from Section 258.2 (243.1) to permit a front setback of 22 feet in lieu of the required 75 feet.

Being the property of Graham C. McCann, et ux as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

Phone: 687-6922

FRANK S. LEE  
Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237  
June 14, 1985

No. 8253 Beachwood Road  
15th District Baltimore County, Maryland

Beginning for the same in the center of Lynhurst Road with the west side of Beachwood Road, and thence running and binding on the center line of Lynhurst Road as follows: South 77 degrees 02 minutes West 121.92 feet and South 67 degrees 08 minutes West 259 feet, thence leaving Lynhurst Road for three lines of division as follows: North 25 degrees 08 minutes West 113.50 feet, North 64 degrees 52 minutes East 193.26 feet and North 17 degrees 30 minutes West 87.76 feet to the south side of Beachwood Road, thence running and binding on the south side and west side of Beachwood Road as follows: North 72 degrees 29 minutes 30 seconds East 141.26 feet, South 23 degrees 17 minutes East 68.45 feet, South 64 degrees 52 minutes West 10.44 feet and South 41 degrees 50 minutes East 156 feet to the place of beginning.

Containing 1.26 acres of land more or less.  
Saving and excepting that portion soned DR 5.5.



RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER  
SW Corner of Lynhurst & : OF BALTIMORE COUNTY  
Beachwood Rds. (8253  
Beachwood Rd.), :  
15th District :  
GRAHAM C. McCANN, et ux, : Case No. 86-115-A  
Petitioners :  
: : : : :  
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

*[Signature]*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*[Signature]*  
Peter Max Zimmerman  
Deputy People's Counsel  
Rm. 223, Court House  
Towson, MD 21204  
494-2188

I HEREBY CERTIFY that on this 28th day of August, 1985, a copy of the foregoing Entry of Appearance was mailed to Louis L. DePazzo, Esquire, 38 S. Dundalk Avenue, Baltimore, MD 21222, Attorney for Petitioners.

*[Signature]*  
Peter Max Zimmerman

86-115-A  
CERTIFICATE OF PUBLICATION

TOWSON, MD., September 5 19 85  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on September 5, 19 85

THE JEFFERSONIAN,

*[Signature]*  
Publisher  
Cost of Advertising  
22.00

PETITION FOR VARIANCE  
15th Election District  
LOCATION: Southwest corner of Lynhurst and Beachwood Roads (8253 Beachwood Road)  
DATE AND TIME: Monday, September 23, 1985 at 10:00 a.m.  
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Zoning Variance from Section 258.2 (243.1) to permit a front setback of 22 feet in lieu of the required 75 feet.  
Being the property of Graham C. McCann, et ux as shown on the plat filed with the Zoning Office.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.  
BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

CERTIFICATE OF PUBLICATION

86-115-A  
OFFICE OF  
Dundalk Eagle

38 N. Dundalk Ave.  
Dundalk, Md. 21222 September 9, 1985

THIS IS TO CERTIFY, that the annexed advertisement of Arnold Jablon in the matter of Pet. for Var. - P.O. #67944 - Req. #L78348 - 71 lines @ \$28.40. was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 6th day of September 1985; that is to say, the same was inserted in the issues of September 5, 1985

Kimbel Publication, Inc.  
per Publisher.

By *[Signature]*

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15th Date of Posting: 9/7/85  
Posted for: Variance  
Petitioner: Graham C. McCann et al  
Location of property: SW Corner Lynhurst & Beachwood Rds. 8253 Beachwood Rd.  
Location of Sign: Corner Lynhurst Rd. North of 15th E. on 15th Ave.  
Remarks: 22.00 per copy of publication  
Signed by: *[Signature]* Date of return: 9/15/85  
Number of Signs: 1

ORDER RECEIVED FOR FILING  
September 29 1985  
DATE  
BY

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

September 19, 1985

Louis L. DePazzo, Esquire  
38 S. Dundalk Avenue  
Baltimore, Maryland 21222

RE: Petition for Variance  
SW corner of Lynhurst and  
Beachwood Roads (8253 Beachwood Rd.)  
15th Election District  
Graham C. McCann, et ux, Petitioners  
Case No. 86-115-A

Dear Mr. DePazzo:

This is to advise you that \$55.40 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the hearing.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE-REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 012536  
DATE: 9-23-85 ACCOUNT: 801-615-800  
AMOUNT: 55.40  
RECEIVED BY: *[Signature]*  
FROM: *[Signature]*  
VALIDATION OR SIGNATURE OF CARRIER

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE-REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 008545  
DATE: 9/28/85 ACCOUNT: 801-615-800  
AMOUNT: 100.00  
RECEIVED BY: *[Signature]*  
FROM: *[Signature]*  
VALIDATION OR SIGNATURE OF CARRIER

NOTICE OF HEARING

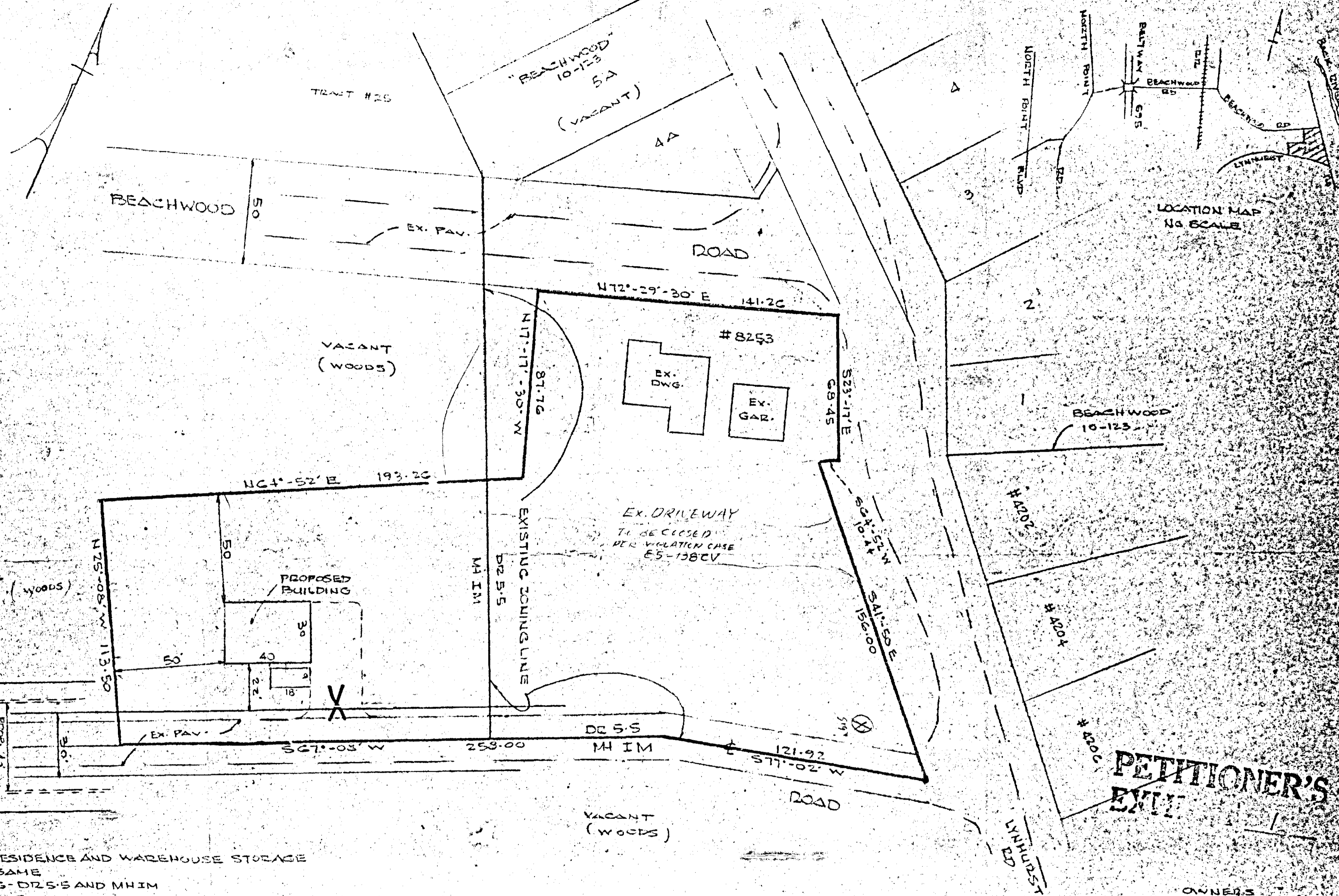
RE: PETITION FOR VARIANCE  
SW corner of Lynhurst and  
Beachwood Roads (8253 Beachwood Rd.)  
15th Election District  
Graham C. McCann, et ux, Petitioners  
Case No. 86-115-A

TIME: 10:00 a.m.  
DATE: Monday, September 23, 1985  
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

August 23, 1985

Louis L. DePazzo, Esquire  
38 S. Dundalk Avenue  
Baltimore, Maryland 21222

PETITION FOR VARIANCE  
15th Election District  
LOCATION: Southwest corner of Lynhurst and Beachwood Roads (8253 Beachwood Road)  
DATE AND TIME: Monday, September 23, 1985 at 10:00 a.m.  
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Zoning Variance from Section 258.2 (243.1) to permit a front setback of 22 feet in lieu of the required 75 feet.  
Being the property of Graham C. McCann, et ux as shown on the plat filed with the Zoning Office.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.  
BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY



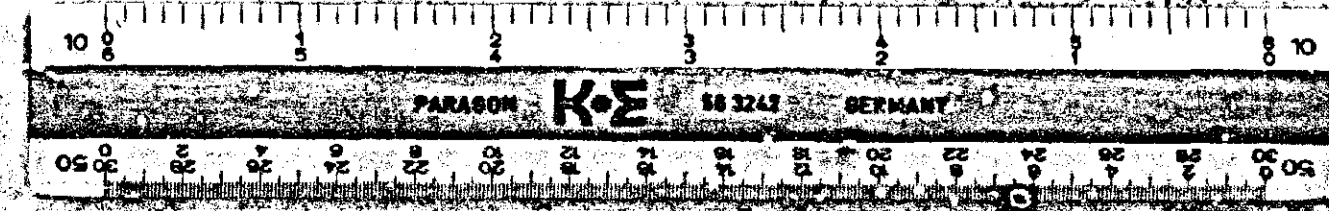
EXISTING USE - RESIDENCE AND WAREHOUSE STORAGE  
 PROPOSED USE - SAME  
 EXISTING ZONING - DR 5.5 AND MH IM  
 PROPOSED ZONING - SAME  
 AREA OF LOT - 1.26 AC.  
 AREA OF PROPOSED BLDG - 1700 SQ. FT.

#47

PARKING DATA  
 NO. OF SPACES REQ. (1/3 EMPLOYEES) (NO. OF EMPLOYEES = 3) = 1 SPACES  
 NO. OF SPACES SHOWN = 1 SPACES

NO EQUIPMENT TO BE STORED OUTSIDE

PLAT TO ACCOMPANY PETITION FOR A VARIANCE FROM SECTION 258.2 (243-1) TO PERMIT A FRONT SETBACK OF 22' IN LIEU OF THE REQ. 75'



15TH DISTRICT BALTIMORE CO., MARYLAND

**PETITIONER'S EXISTING**

OWNERS  
 GRAHAM C. & DONNA M. MCCANN  
 3016 CEDARCREST AVE  
 BALTIMORE, MARYLAND 21219  
 477-9144



FRANK J. LEB  
 1277 NEIGHBORS AVE  
 BALTIMORE, MD 21237

Critical area 417  
86-115-A

### PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 258.2 (243.1) to permit front setback of 22 feet instead of the required 75 feet.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)  
 Petitioners property is approximately 60% residential and 40% commercial (C.R. 2.5 and M.R. 1M, respectively), and the variances under Section 258.2 (243.1) would render the portions owned M.R. 1M useless to the petitioners.

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.

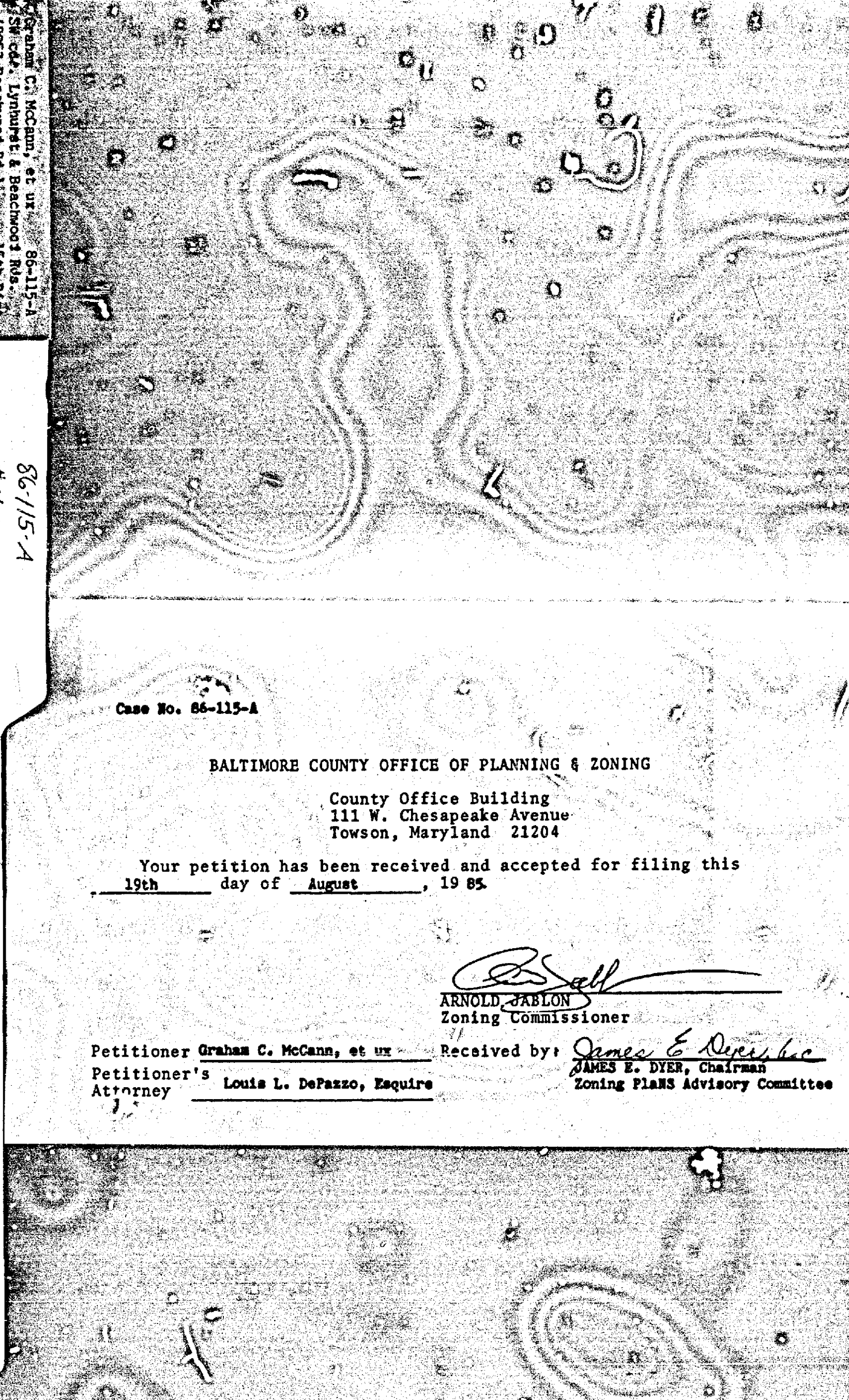
I/We do solemnly declare and affirm under the penalties of perjury, that I/we/are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_ Legal Owner(s): \_\_\_\_\_  
 (Type or Print Name) \_\_\_\_\_ (Type or Print Name) \_\_\_\_\_  
 Signature: \_\_\_\_\_ Signature: \_\_\_\_\_  
 Address: \_\_\_\_\_ Address: \_\_\_\_\_  
 City and State: \_\_\_\_\_ City and State: \_\_\_\_\_

Attorney for Petitioner: \_\_\_\_\_  
 (Type or Print Name) \_\_\_\_\_ Address \_\_\_\_\_ Phone No. \_\_\_\_\_  
 Signature: \_\_\_\_\_ City and State \_\_\_\_\_  
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted \_\_\_\_\_  
 Address \_\_\_\_\_  
 City and State \_\_\_\_\_ Name \_\_\_\_\_  
 Attorney's Telephone No. \_\_\_\_\_ Address \_\_\_\_\_ Phone No. \_\_\_\_\_

ORDERED BY The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ 19th \_\_\_\_\_ day of \_\_\_\_\_ 1985, 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 \_\_\_\_\_ day of \_\_\_\_\_, 1985, at 10:00 o'clock.

*Call Jan*  
Zoning Commissioner of Baltimore County.



### BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 17, 1985

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

Louis L. DePaszo, Esquire  
38 S. Dundalk Avenue  
Baltimore, Maryland 21222

RE: Item No. 417 - Case No. 96-115-A  
Petitioners - Graham C. McCann, et ux  
Variance Petition

Dear Mr. DePaszo:

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.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,  
James E. Dyer, Esq.  
James E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:mr  
Enclosures  
cc: Frank S. Lee  
1277 Neighbors Avenue  
Baltimore, Maryland 21237

AUGUST 29, 1985

Re: Zoning Advisory Meeting of July 9, 1985  
Item # 417 (CRITICAL AREA)  
Property Owner: GRAHAM C. MCCANN, et ux  
Location: S/W CORNER LYNHURST AND BEACHWOOD RDS.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable:

- There are no site planning factors requiring comment.
- A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- A record plat will be required and must be recorded prior to issuance of a building permit.
- The access is not satisfactory.
- The circulation on this site is not satisfactory.
- The parking arrangement is not satisfactory.
- Parking calculations must be shown on the plan.
- This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-28 of the Development Regulations.
- Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- The amended Development Plan was approved by the Planning Board on \_\_\_\_\_.
- Landscaping: Must comply with Baltimore County Landscape Manual. The property is located in a deficient service area as defined by 8111 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is \_\_\_\_\_.
- The property is located in a traffic area controlled by a "B" level intersection as defined by Bill 1187, and as conditions change traffic capacity may become more limited. The Basic Service Areas are re-evaluated annually by the County Council.
- Additional comments: **SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA. ADDITIONAL COMMENTS WILL BE PROVIDED BY THE COMPETITIVE PLANNING DIV. ON THE BASIS OF AN INDUSTRIAL DEVELOPMENT OF LAND INVOLVING ONLY ONE BUILDING FOR A SINGLE USE.**

James A. Boser  
Chief, Current Planning and Development

ORDER RECEIVED FOR FILING  
DATE September 30, 1985  
BY [Signature]

BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

August 1, 1985

Mr. Arnold Jablon  
Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Item No. 410, 412, 413, 414, 416, 417 ZAC-Meeting of July 9, 1985  
Property Owner: \_\_\_\_\_  
Location: \_\_\_\_\_  
Existing Zoning: \_\_\_\_\_  
Proposed Zoning: \_\_\_\_\_

Acres: \_\_\_\_\_  
District: \_\_\_\_\_

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 410, 412, 413, 414, 416, and 417.

*Michael S. Flanagan*  
Michael S. Flanagan  
Traffic Engineering Assoc. II

NSP/cm

BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204-2586  
494-4500

PAUL H. REINCKE  
CHIEF

August 1, 1985

Mr. Arnold Jablon  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Comandari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Graham C. McCann, et ux Critical Area  
Location: S/W Corner Lynhurst and Beachwood Roads  
Item No.: 417 Zoning Agenda: Meeting of 7/9/85

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.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 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 operation.
- (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: *Carl J. [Signature]* Noted and Approved: *Errol M. [Signature]*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb

BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3610

TED ZALESKI, JR.  
DIRECTOR

August 19, 1985

Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 417 Zoning Advisory Committee Meeting are as follows:  
 Property Owner: Graham C. McCann, et ux (CRITICAL AREA)  
 Location: S/W Corner Lynhurst and Beachwood Roads  
 District: 15th.

APPLICABLE TYPES AND CIRCLES

- 1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Building and Code (A.S.S.C. §11-17) - 1980 and other applicable Codes and Standards.
- 2. A building and other miscellaneous permits shall be required before the start of any construction.
- 3. Residential: The site of construction structures are required to file a permit application. The seal of a registered in Maryland Architect or Engineer 19/8 is not required on plans and technical data.
- 4. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Supplemental seals are not acceptable.
- 5. All fire Groups except 2nd Single Family Detached Buildings require a minimum of 1 hour fire rating for exterior walls closer than 5'-0" to an interior lot line. For fire Groups require a one hour wall if closer than 5'-0" to an interior lot line. Any wall built up to an interior lot line shall require a fire or party exterior wall within 5'-0" of an interior lot line.
- 6. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 501 and 502 and have your Architect/Engineer contact Bill DePaszo.
- 7. The request variance appears to conflict with Section(s) \_\_\_\_\_ of the Baltimore County Building Code.
- 8. When filing for a required Change of the Occupancy Permit, an alternate permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of the Group are from the \_\_\_\_\_ to the \_\_\_\_\_ or to Mixed Code.
- 9. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevation above sea level for the lot and the Flood Plain Levels including basement.
- 10. Comments: Plans do not show the elevation above sea level. Show one handicapped space as required by State Code.
- 11. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any review. If details the applicant may obtain additional information by visiting Room 322 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

*Michael S. Flanagan*  
Building Plans Review

4/22/85

SPECIAL NOTE FOR CONSTRUCTION IN TIDAL OR RIVERINE AREAS  
BILL #17-85 BALTIMORE COUNTY BUILDING CODE 1984  
EFFECTIVE - APRIL 22, 1985

SECTION 516.0 A Section added to read as follows:  
SECTION 516.0 CONSTRUCTION IN AREAS SUBJECT TO FLOODING

516.1 AREAS SUBJECT TO INUNDATION BY TIDEWATERS:

1. Whenever building or additions are constructed in areas subject to inundation by tideswaters, the building's lowest floor (including basement) shall be not 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 more restrictive. These buildings or additions shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure with materials resistant to flood damage.
2. Areas beneath buildings will not be considered as basements if headroom to underside of floor joists is less than six feet or if enclosure walls are at least 50 percent open.
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 on-site waste disposal systems to be located so as to avoid impoundment of them or contamination from them during flooding.

516.2 RIVERINE AREAS SUBJECT TO INUNDATION BY SURFACE WATERS WITHIN THE 100 YEAR FLOOD PLAIN.

1. No structures or additions shall be 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 103.0 or 120.0 as applicable, except that rebuilding of residential dwelling units damaged in excess of 50 percent of physical value shall also be governed by the provisions of Subsection 516.1 of this Section.
3. Reconstruction of other than residential buildings or structures in the riverine areas shall be made to conform to 516.1 when damage exceeds 50 percent of physical value.

April 1985

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner Date: September 16, 1985  
 FROM: Norman E. Gerber, Director, Office of Planning and Zoning  
 SUBJECT: Zoning Petition No. 86-115-A

Assuming compliance with the Critical Area comments dated September 12, 1985 (Gerber to Jablon), this office is not opposed to the granting of the subject request. Particular care must be shown, however, as to the usage of the site adjacent to the residential lot; a careful landscaping treatment of the site should be undertaken so as to soften the impact of the proposed development on the adjacent residential area.

*Norman E. Gerber*  
 Norman E. Gerber, Director  
 Office of Planning and Zoning

NEG:JCH:elm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: MR. ARNOLD JABLON, Zoning Commissioner Date: September 18, 1985  
 FROM: NORMAN E. GERBER, Director, Office of Planning and Zoning  
 SUBJECT: Critical Area Comments - G. C. McCann, et ux (86-115-A; 417) Lisa Rae Mintz (86-116-A; 5) and McDonald's Corp. (86-122-A; 405)

The McCann petition consists of a variance request involving a front setback for an industrial type building of 1,200 square feet. The tract of land subject to this request consists of 1.26 acres which has recently been cleared of virtually all trees. The soils on the site consist of Mattapez silt loam as indicated by the Baltimore County Soil Survey. These soils are generally level (less than 5% slope) and are well drained.

In order to satisfy the requirements of the Chesapeake Bay Critical Area Statute, it is recommended that:

- Except for the building, single parking space and access drive (approximately 2,500 square feet), the remainder of the tract should be retained in a natural state; and
- 4 major deciduous or 12 conifer or 24 minor deciduous trees be planted and maintained on the site;
- the downspouts serving the building should be discharged into an infiltration field consisting of a suitably-sized tile pipe placed in a gravel bed. An overland surcharge device should be included either on the downspout or the end of the tile field. The flow of stormwater from the access drive and parking area should be directed overland to encourage infiltration.

Petition #86-116-A (Lisa Rae Mintz) involves an addition to an existing residential lot in a large, small-lot subdivision. Petitioner's lot is 60' X 90' or 5,400 square feet. The addition is 20' X 30' or 600 square feet. The addition is the basis for a rear yard setback variance request.

In order to satisfy the requirements of the Chesapeake Bay Critical Area Statute, it is recommended that:

- 3 conifers or 6 minor deciduous trees or one major deciduous tree be planted on the lot, and

October 2, 1985

Louis L. DePazzo, Esquire  
 38 South Durdalk Avenue  
 Baltimore, Maryland 21222

Re: Case No. 86-115-A  
 Graham C. McCann,  
 Petitioner

Dear Mr. DePazzo:

In order to satisfy my Order dated September 30, 1985, the attached comment must be complied with.

Sincerely,  
*Arnold Jablon*  
 Arnold Jablon  
 Zoning Commissioner

AJ/srl

Attachment

- cc: Mr. James G. Hoswell  
 Ms. Susan S. Carrall  
 Mr. Thomas L. Vidmar  
 People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: MR. ARNOLD JABLON, Zoning Commissioner Date: September 25, 1985  
 FROM: NORMAN E. GERBER, Director, Office of Planning and Zoning  
 SUBJECT: Chesapeake Bay Critical Area Comments - Graham and Dorothy McCann (86-115-A)

As requested, please consider this as an additional comment to those dated September 12, 1985.

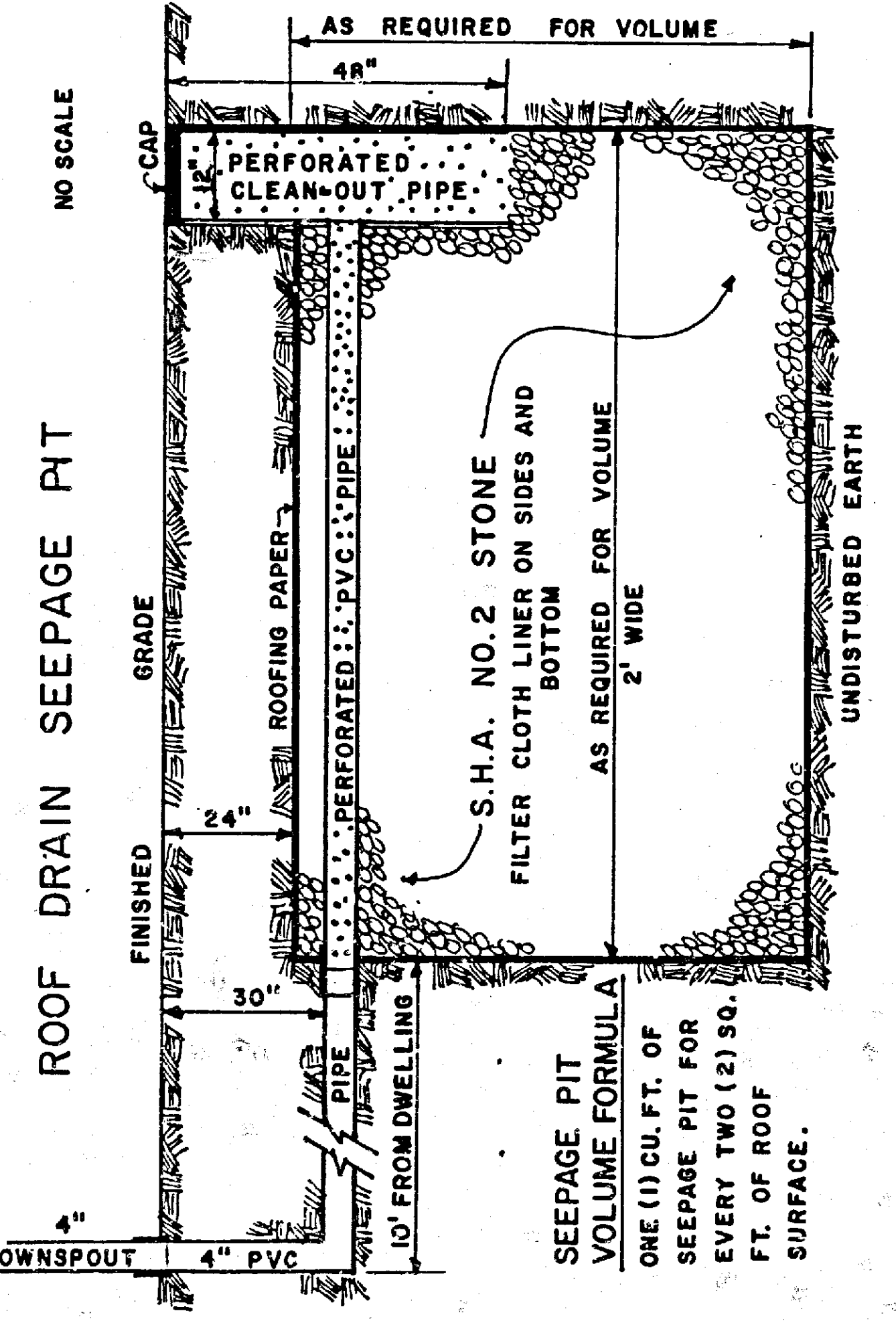
The trees should be planted along the southern and eastern borders of the site, depending upon the number of trees used. Plantings along the southern border, fronting the road, are preferable.

Should there be any questions or the need for additional information, please contact Paul Solomon at 494-3521.

NEG:PJS:vh  
 Attachment:  
 Construction details

*Norman E. Gerber*  
 Norman E. Gerber,  
 Director of Planning  
 and Zoning

- cc: James G. Hoswell, Planner  
 Susan S. Carrall, Acting Chief, Current Planning and Development Div.  
 Thomas L. Vidmar, Bureau of Engineering, People's Counsel



IN RE: PETITION ZONING VARIANCE BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 86-115-A  
 SW/Corner of Lynhurst and Beachwood Roads (8253 Beachwood Road) 15th Election District  
 Graham C. McCann, et ux, Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a front yard setback of 22 feet instead of the required 75 feet, as more particularly described on Petitioners' Exhibit 1. The Petitioners appeared and testified and were presented by Counsel. Frank Lee, a registered land surveyor, and Roxanne Bohlen, Joseph Bruno, and Michael Elder, nea-by residents, appeared on behalf of the Petitioners. There were no Protestants.

Testimony indicated that the subject property, containing approximately 1.26 acres, is bifurcated by a D.R.5.5 and M.H.-I.M. zone line. The D.R.5.5-zoned portion is being utilized for residential purposes and is bounded by Beachwood Road, Lynhurst Road, and Morse Lane. The M.H.-zoned portion, measuring approximately 102' x 193', is presently vacant and the Petitioners wish to construct a 30' x 40' warehouse facility to store roofing materials and equipment. The building would set back 22 feet from Morse Lane instead of the required 75 feet. It would be impossible to locate any building on the property without the necessity of a variance. Frank Lee testified that, in his opinion, practical difficulty would exist if the variances were denied.

The Petitioners seek relief from Section 236.2 (243.1), pursuant to Section 307 Baltimore County Zoning Regulations (BCZR). An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property.

ORDER REVIEWED FOR FILING  
 DATE: September 29, 1985  
 BY: [Signature]

McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 30th day of September, 1985, that the Petition for Zoning Variance to permit a front yard setback of 22 feet instead of the required 75 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the

ORDER REVIEWED FOR FILING  
 DATE: September 29, 1985  
 BY: [Signature]

following restrictions which are conditions precedent to the relief granted herein:

- A fence shall be constructed and maintained in good repair the entire length of the zone boundary line to prevent access to the M.H.-zoned portion via the D.R.5.5-zoned portion.
- Baltimore County has reviewed this application involving property located in the Maryland Chesapeake Bay Critical Area, and as a result, the Petitioners are required to:
  - Retain the entire tract, except for the building, single parking space, and access drive (approximately 2,500 square feet), in a natural state.
  - Plant and maintain 4 major deciduous, 12 conifer, or 24 minor deciduous trees.
  - Make provision for the downspouts serving the building to discharge into an infiltration field consisting of a suitably-sized tile pipe placed in a gravel bed. An overland surcharge device must be included either on the downspout or the end of the tile field. The flow of stormwater from the access drive and parking area must be directed overland to encourage infiltration.
- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

*[Signature]*  
Zoning Commissioner of Baltimore County

cc: Louis L. DePazzo, Esquire  
Mr. Frank Lee  
People's Counsel

PETITION FOR VARIANCE  
15th Election District

LOCATION: Southwest corner of Lynhurst and Beachwood Roads (8253 Beachwood Road)  
DATE AND TIME: Monday, September 23, 1985 at 10:00 a.m.  
PUBLIC HEARING: Room 106, County Office Building, 111 West 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 Zoning Variance from Section 258.2 (243.1) to permit a front setback of 22 feet in lieu of the required 75 feet.

Being the property of Graham C. McCann, et ux as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

Phone: 687-6922

FRANK S. LEE  
Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237  
June 14, 1985

No. 8253 Beachwood Road  
15th District Baltimore County, Maryland

Beginning for the same in the center of Lynhurst Road with the west side of Beachwood Road, and thence running and binding on the center line of Lynhurst Road as follows: South 77 degrees 02 minutes West 121.92 feet and South 67 degrees 08 minutes West 259 feet, thence leaving Lynhurst Road for three lines of division as follows: North 25 degrees 08 minutes West 113.50 feet, North 64 degrees 52 minutes East 193.26 feet and North 17 degrees 30 minutes West 87.76 feet to the south side of Beachwood Road, thence running and binding on the south side and west side of Beachwood Road as follows: North 72 degrees 29 minutes 30 seconds East 141.26 feet, South 23 degrees 17 minutes East 68.45 feet, South 64 degrees 52 minutes West 10.44 feet and South 41 degrees 50 minutes East 156 feet to the place of beginning.

Containing 1.26 acres of land more or less.  
Saving and excepting that portion soned DR 5.5.



RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER  
SW Corner of Lynhurst & : OF BALTIMORE COUNTY  
Beachwood Rds. (8253  
Beachwood Rd.), :  
15th District :  
GRAHAM C. McCANN, et ux, : Case No. 86-115-A  
Petitioners :  
: : : : :  
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

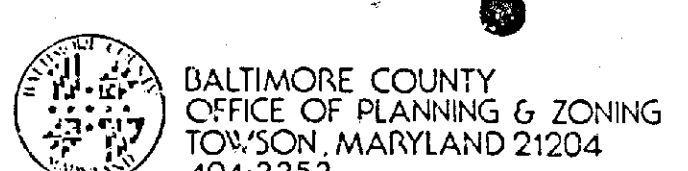
*[Signature]*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*[Signature]*  
Peter Max Zimmerman  
Deputy People's Counsel  
Rm. 223, Court House  
Towson, MD 21204  
494-2188

I HEREBY CERTIFY that on this 28th day of August, 1985, a copy of the foregoing Entry of Appearance was mailed to Louis L. DePazzo, Esquire, 38 S. Dundalk Avenue, Baltimore, MD 21222, Attorney for Petitioners.

*[Signature]*  
Peter Max Zimmerman

ORDER RECEIVED FOR FILING  
September 29, 1985  
DATE  
BY



ARNOLD JABLON  
ZONING COMMISSIONER

Louis L. DePazzo, Esquire  
38 S. Dundalk Avenue  
Baltimore, Maryland 21222

September 19, 1985

RE: Petition for Variance  
SW corner of Lynhurst and  
Beachwood Roads (8253 Beachwood Rd.)  
15th Election District  
Graham C. McCann, et ux, Petitioners  
Case No. 86-115-A

Dear Mr. DePazzo:  
This is to advise you that \$55.40 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the hearing.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE-REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 012536  
DATE: 9-23-85  
AMOUNT: \$55.40  
RECEIVED BY: [Signature]  
FROM: [Signature]

Louis L. DePazzo, Esquire  
38 S. Dundalk Avenue  
Baltimore, Maryland 21222  
August 23, 1985

NOTICE OF HEARING

RE: PETITION FOR VARIANCE  
SW corner of Lynhurst and  
Beachwood Roads (8253 Beachwood Rd.)  
15th Election District  
Graham C. McCann, et ux, Petitioners  
Case No. 86-115-A

TIME: 10:00 a.m.  
DATE: Monday, September 23, 1985  
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE-REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 008545  
DATE: 9/23/85  
AMOUNT: \$100.00  
RECEIVED BY: [Signature]  
FROM: [Signature]

CERTIFICATE OF PUBLICATION

OFFICE OF  
Dundalk Eagle

38 N. Dundalk Ave.  
Dundalk, Md. 21222  
September 9, 1985

THIS IS TO CERTIFY, that the annexed advertisement of Arnold Jablon in the matter of Pet. for Var. - P.O. #67944 - Req. #L78348 - 71 lines @ \$28.40. was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 6th day of September 1985; that is to say, the same was inserted in the issues of September 5, 1985

Kimbel Publication, Inc.  
per Publisher.

By *[Signature]*

PETITION FOR VARIANCE  
15th Election District  
LOCATION: Southwest corner of Lynhurst and Beachwood Roads (8253 Beachwood Road)  
DATE AND TIME: Monday, September 23, 1985 at 10:00 a.m.  
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing. Petition for Zoning Variance from Section 258.2 (243.1) to permit a front setback of 22 feet in lieu of the required 75 feet. Being the property of Graham C. McCann, et ux as shown on the plat filed with the Zoning Office. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

CERTIFICATE OF PUBLICATION

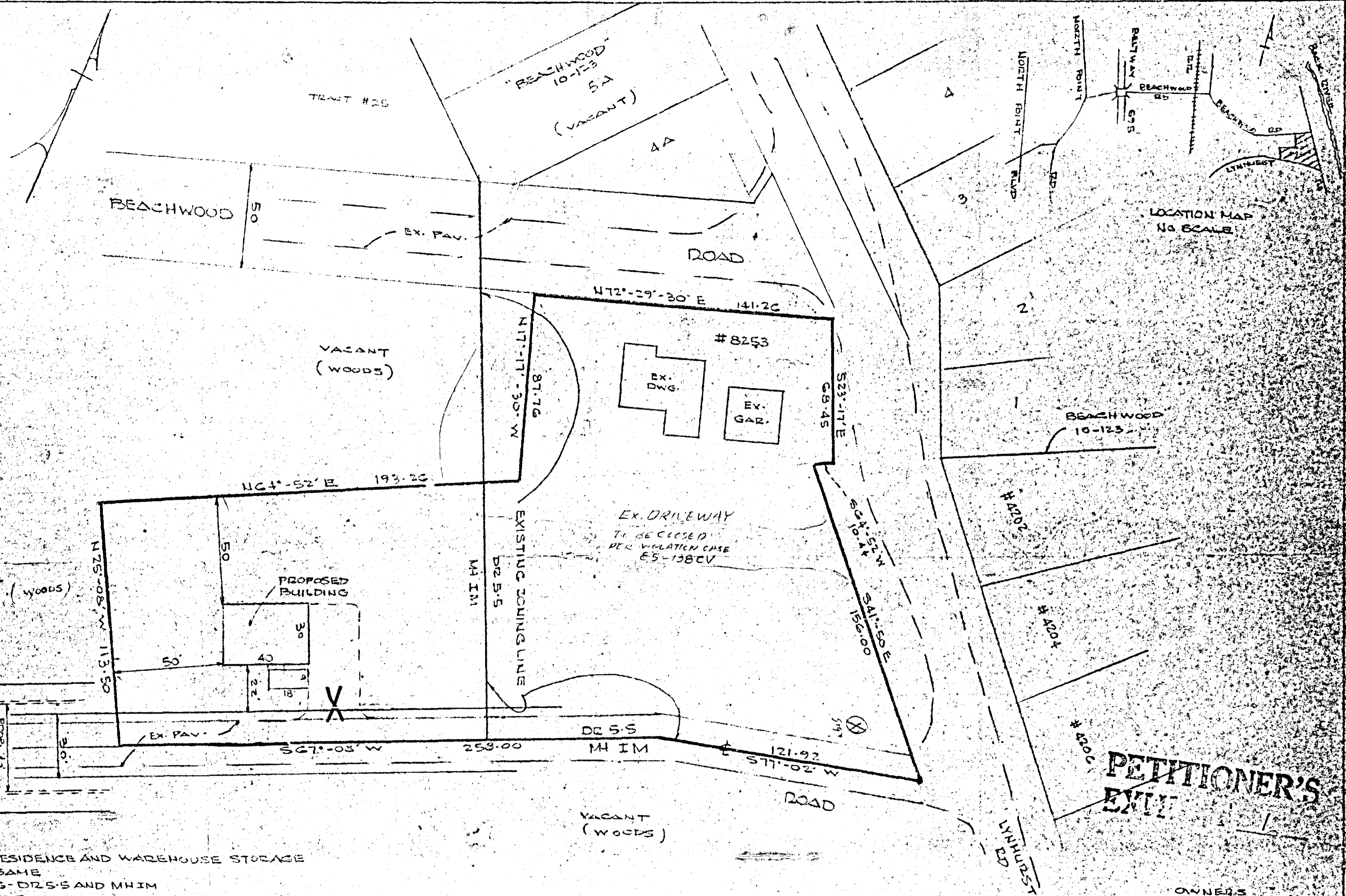
TOWSON, MD. September 5 1985  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on September 5, 1985

THE JEFFERSONIAN,  
Publisher

Cost of Advertising  
22.00

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15th  
Posted for: Variance  
Petitioner: Graham C. McCann et ux  
Location of property: SW Corner of Lynhurst & Beachwood Rds.  
Location of Sign: Beachwood Rd.  
Remarks: [Signature]  
Number of Signs: 1



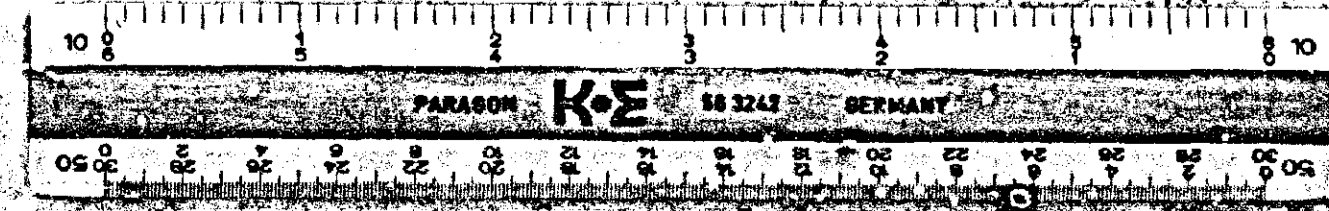
LOCATION MAP  
NO SCALE

**PETITIONER'S EXHIBIT**

EXISTING USE - RESIDENCE AND WAREHOUSE STORAGE  
 PROPOSED USE - SAME  
 EXISTING ZONING - D2.5.5 AND MH IM  
 PROPOSED ZONING - SAME  
 AREA OF LOT - 1.26 AC.  
 AREA OF PROPOSED BLDG - 1700 SQ. FT.

OWNERS  
 GRAHAM C. & DONNA M. MCCANN  
 3016 CEDARCREST AVE  
 BALTIMORE, MARYLAND 21219  
 477-9144

PLAT TO ACCOMPANY PETITION FOR A VARIANCE FROM SECTION 258.2 (243-1) TO PERMIT A FRONT SETBACK OF 22' IN LIEU OF THE REQ. 75'



#47  
 PARKING DATA  
 No. OF SPACES REQ. (1/3 EMPLOYEES) (NO. OF EMPLOYEES = 3) = 1 SPACES  
 No. OF SPACES SHOWN = 1 SPACES

NO EQUIPMENT TO BE STORED OUTSIDE

15TH DISTRICT BALTIMORE CO., MARYLAND

FRANK J. LEE  
 1277 NEIGHBORS AVE  
 BALTIMORE, MD 21237

