

410 335 5585
APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS, APPROVALS & INSPECTIONS

DATE: 8/13/12
OEA: E.D.W.
HISTORIC DISTRICT/BLI

PERMIT #: B
RECEIPT #: A
CONTROL #: NR
XREF #:

PROPERTY ADDRESS: 11307 Magberry Ave
SUITE/SPACE/FLOOR:
SUBDIV:
TAX ACCOUNT #:
DISTRICT/PRECINCT:

FEE: 205.7107
PAID:
PAID BY:
INSPECTOR:

OWNER'S INFORMATION (LAST, FIRST)
NAME: Peter Whipple Doris Whipple
ADDR: 11 Opie Rd. White Marsh Md 21162

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

APPLICANT INFORMATION
NAME: Herbert Bush (Developer)
COMPANY: Esther Bush - Doris Whipple
STREET: 1103355585
CITY, ST, ZIP: White Marsh
PHONE #: 410 335 5585
APPLICANT: Herbert Bush
SIGNATURE: Herbert Bush
DOES THIS BLDG. HAVE SPRINKLERS YES NO

- TYPE OF IMPROVEMENT
- NEW BLDG CONST
 - ADDITION
 - ALTERATION
 - REPAIR
 - WRECKING
 - MOVING
 - OTHER

DEVELOPER: CONTR: ENG: SELLER: Modular Home

DESCRIBE PROPOSED WORK: Construct foundation and erect state approved industrialized single family dwelling with 2 bedrooms, unfinished basement 44'x27'4"x31'6"=2,827sf per plans. Sprinklers required for fire protection. Affirmation of landowner letter is attached.

TYPE OF USE

RESIDENTIAL

- ONE FAMILY
- TWO FAMILY
- THREE AND FOUR FAMILY
- FIVE OR MORE FAMILY (ENTER NO UNITS)
- SWIMMING POOL
- GARAGE
- OTHER

- TYPE FOUNDATION
- SLAB
 - BLOCK
 - CONCRETE
- BASEMENT
- FULL
 - PARTIAL
 - NONE

NON-RESIDENTIAL

- AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
- CHURCH, OTHER RELIGIOUS BUILDING
- FENCE (LENGTH HEIGHT)
- INDUSTRIAL, STORAGE BUILDING
- PARKING GARAGE
- SERVICE STATION, REPAIR GARAGE
- HOSPITAL, INSTITUTIONAL, NURSING HOME
- OFFICE, BANK, PROFESSIONAL
- PUBLIC UTILITY
- SCHOOL, COLLEGE, OTHER EDUCATIONAL
- SIGN
- STORE MERCANTILE RESTAURANT SPECIFY TYPE
- SWIMMING POOL SPECIFY TYPE
- TANK, TOWER
- TRANSIENT HOTEL, MOTEL (NO. UNITS)
- OTHER

TYPE OF CONSTRUCTION

- MASONRY
- WOOD FRAME
- STRUCTURE STEEL
- REINF. CONCRETE

TYPE OF HEATING FUEL

- GAS
- OIL
- ELECTRICITY
- COAL

TYPE OF SEWAGE DISPOSAL

- PUBLIC SEWER EXISTS PROPOSED
- PRIVATE SYSTEM SEPTIC PRIVY EXISTS PROPOSED

CENTRAL AIR: 1. 2. 3. PUBLIC SYSTEM EXISTS PROPOSED
ESTIMATED COST: \$90,000.00
OF MATERIALS AND LABOR

PROPOSED USE: Family Dwelling
EXISTING USE:

OWNERSHIP

- PRIVATELY OWNED
- PUBLICLY OWNED
- SALE
- RENTAL

RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS: 6. HIRISE
1. FAMILY BEDROOMS
GARBAGE DISPOSAL: 1. YES 2. NO BATHROOMS: 2 KITCHENS: 2 CLASS: 7 LIBER: 7 FOLIO: 187
POWDER ROOMS: 2

APPROVAL SIGNATURES

DATE

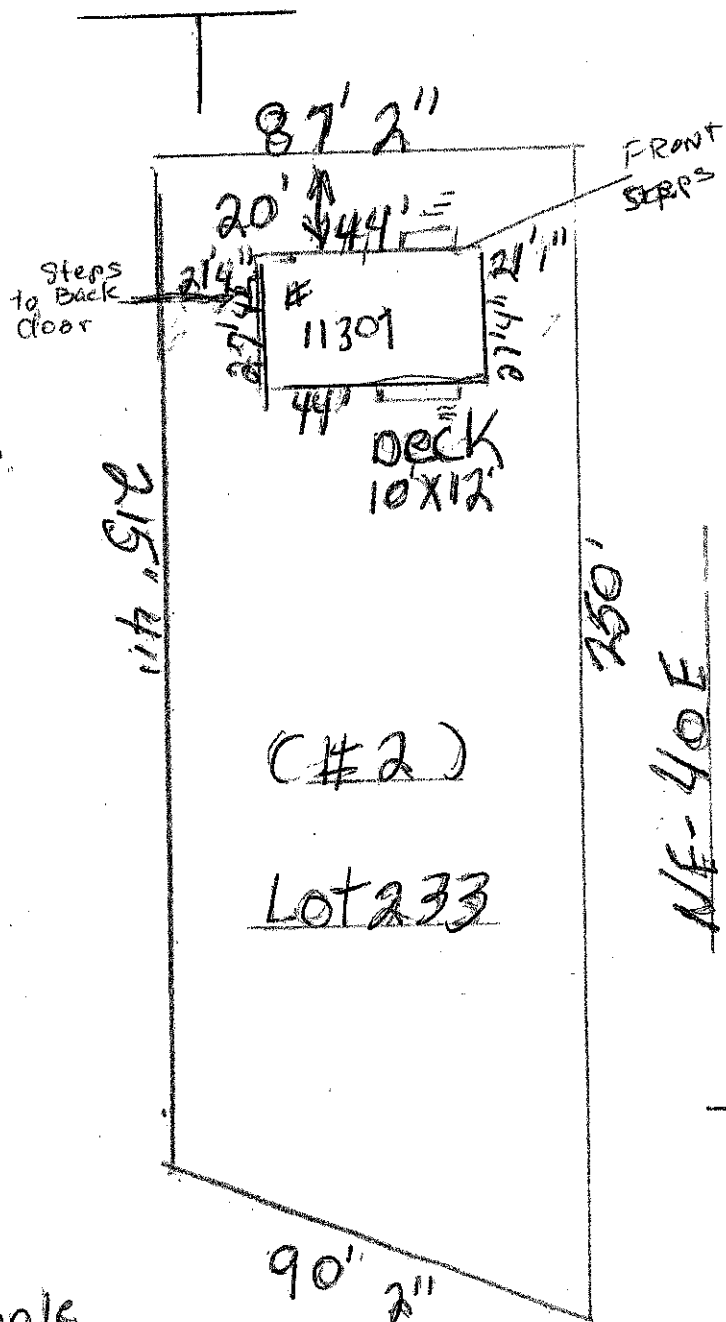
BUILDING SIZE: LOT SIZE AND SETBACKS: BLD INSP: 120
FLOOR: 28074 SIZE: 194935
WIDTH: 44 FRONT STREET: 20'
DEPTH: 274 SIDE STREET: 319
HEIGHT: FRONT SETBK: 20'
STORIES: SIDE SETBK: 21/21
LOT #'S: 232 SIDE STR SETBK: 319
CORNER LOT: REAR SETBK:
1. YES 2. NO ZONING: RC2

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

MAYberry Ave White Marsh Md 21162
40' R/W)

E

modified / approved
site plan - S + I letter.



Peter-Doris Whipple

Plot For Spirit

And Intent Letter

CASE#86-372-A

SCALE = 1/4"

file with #86-372-A

February 17, 2005

Mr. Herbert Bush
11 Opie Road
Whitemarsh, MD 21162

RE: Lots 232, 233 & 68A of Bird River
Beach

Dear Mr. Bush:

On February 9, 2005, Environmental Impact Review (EIR) of Baltimore County Dept. of Environmental Protection & Resource Management received your inquiry regarding the January 31, 2005 letter from Baltimore County Dept. of Permits & Development Management (PDM) regarding the change in zoning of the above referenced lots from RC-2 to RC-50. This letter from PDM stated that DEPRM is to determine minimum lot sizes in cases where properties do not meet RC-50 lot size standards. Upon reviewing Section 1A05.4 (C) of Baltimore County's Zoning Regulations and the lots in question, EIR has determined that there is no need to impose any minimum lot size, as no subdivision or consolidation of lots is proposed. However, please be advised that all applicable Chesapeake Bay Critical Area Regulations including, but not limited to, those limiting forest clearing, and impervious surface area on each lot and those protecting non-tidal wetlands must be met in full regardless of lot size. Consequently, the small size and forested condition of these lots will significantly limit the size of the dwellings and amount of useable yard area on each lot.

If there are any questions regarding these requirements, please contact me at (410)-887-3980.

Sincerely,

Glenn Shaffer
Environmental Impact Review

c. Jeffrey Perlow, Zoning Review, PDM

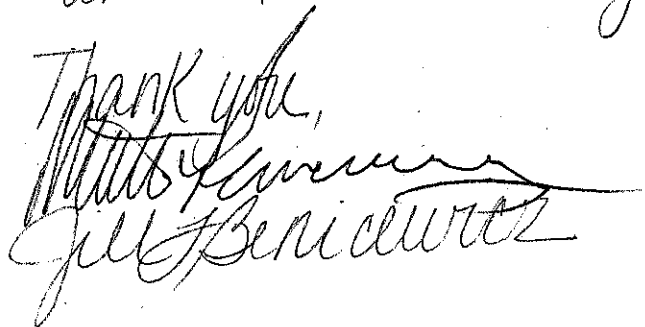
Feb 9, 2005

Mr. Jeffrey N. Perlow
Planner II
Zoning Review
Development Processing
County Office Bldg
111 W. Chesapeake Ave
TOWSON MD 21204

Re: Spirit and Intent Case # 86-372A S/S of Maple Ave
205 ft. East of Opie Rd. (Bird Ave) Concerning Lot
233 (Plot Book 7, Folio 187) and the proposed
adjustment.

Dear Mr. Perlow:

This letter is to inform you that we have no
problem with Mr Bush building on lots 232
68A or 233-proposed adjustment being house
set back approx 6ft from garage. We live on
Opie RD and own the Property on Maple Ave
directly accross from where these buildings will
be.

Thank you,

Jill Benicewicz

**Department of Permits and
Development Management**

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

January 31, 2005

Herbert R. and Esther Bush
11 Opie Road
White Marsh, MD 21162

Dear Mr. And Mrs. Bush:

RE: Spirit and Intent, Case # 86-372-A, S/S of Maple Road, 205 feet E. of Opie Road (Bird Avenue), Lots 232, 233 and 68-A of Bird River Beach (Plat Book 7, Folio 187), 11th Election District

Your recent letter to Timothy Kotroco, Director of Permits and Development Management, was forwarded to me for reply. Based on the information provided therein and my review of the available zoning records, the following has been determined:

1. The proposed red-lined modification to Lot 232 of the site plan in Case # 86-372-A is approved as being in the spirit and intent of the Baltimore County Zoning Regulations (BCZR), subject to the restrictions as contained in the Zoning Commissioner's order. Submit a copy of this response with your building application for Lot 232.
2. However, prior to spirit and intent approval for Lots 233 and 68-A, the following additional actions will be required:
 - a. For Lot 233, you must obtain written approval from the property owner across the street on Maple Avenue as to the adjusted building setbacks and building footprint that you propose.
 - b. For Lot 68-A, the current zoning classification is now R.C. 50 (no longer R.C. 2), and as a result, you are subject to the minimum lot size requirements of the R.C. 50 zone. Since the minimum lot size is actually set by the Department of Environmental Protection and Resource Management (pursuant to section 1A05.4.C, BCZR), you must obtain written approval from that department (as to the minimum lot size) prior to the issuance of any spirit and intent approvals.

After the above requirements are met, you must submit a copy of this response and the written approval relative to that lot (Lot 233 or Lot 68-A) with your building permit application.

3. A copy of this response and the red-lined plan will be recorded and made a permanent part of the zoning case file.
4. This approval is for zoning only, and you will be required to comply with all other County and State regulations relative to this property.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

Jeffrey N. Perlow

Jeffrey N. Perlow
Planner II
Zoning Review

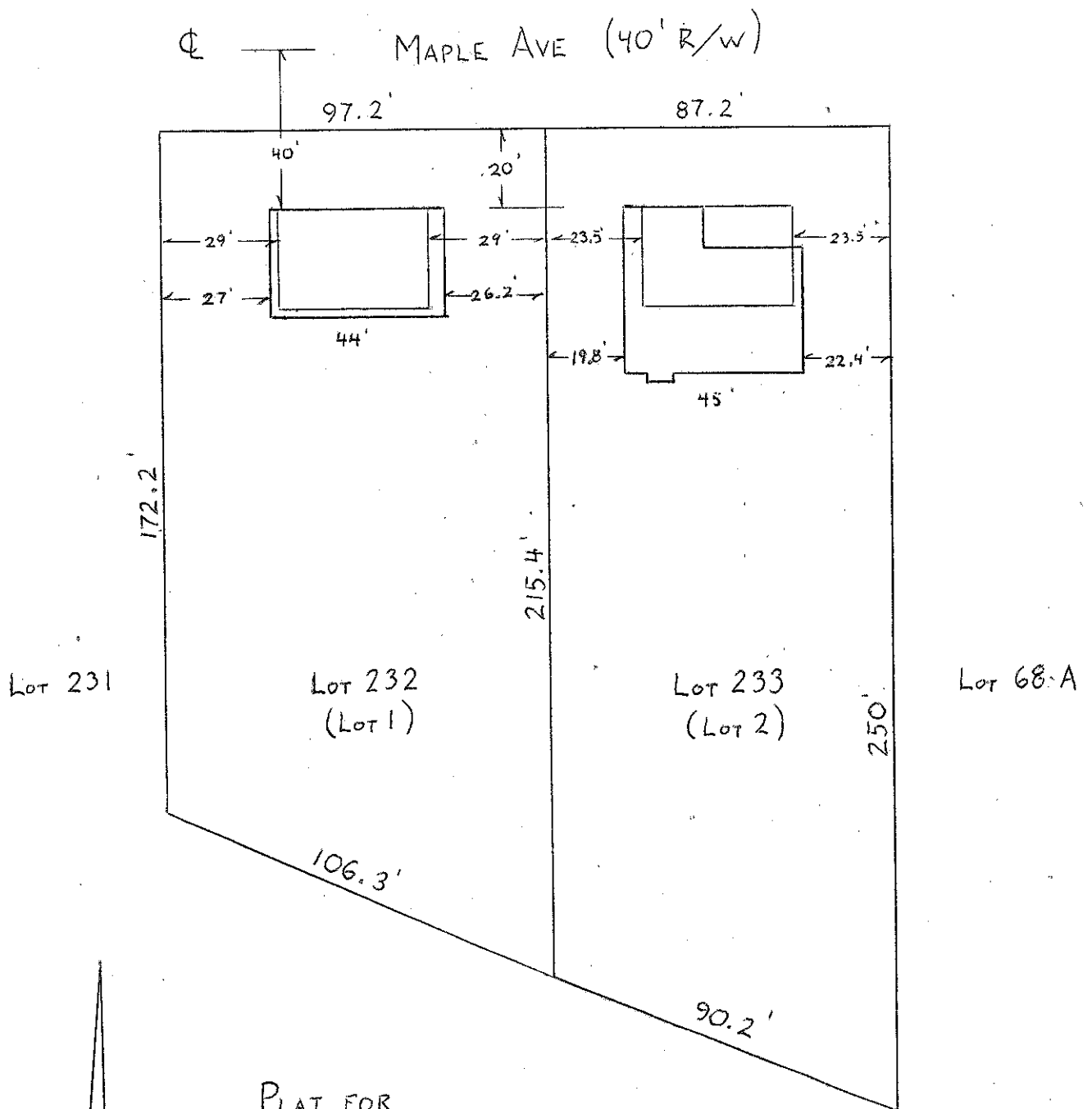
JNP

c: Zoning Hearing File 86-372-A
File-Spirit & Intent Letters

Visit the County's Website at www.baltimorecountyonline.info



Printed on Recycled Paper



PLAT FOR
SPIRIT AND INTENT LETTER
CASE # 86-372-A

SCALE 1"=40'

249 86-372-A 249 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 1A01.3.B.3 to permit minimum side yard setbacks of 24' in lieu of the required 35' and a distance of 40' to the centerline of the street in lieu of the required 75' and to determine whether dwellings can be constructed on existing lots in accordance with Section 304 of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

The lots were acquired at separate times with the intent to build houses on each lot. They are either described on one deed as separate parcels or are described under separate deeds. It is our feeling that they should be looked at as separate building lots. In view of the widths of these lots, setback variances are required to build a reasonable sized dwelling.

MAP ME 93
46
E. D. 11
DATE 1-19-87
200
1-19-87

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 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) Herbert R. Bush
Signature Herbert R. Bush
Address Esther E. Bush
(Type or Print Name)
City and State Esther E. Bush
Signature
Attorney for Petitioner: H. J. J. J.
(Type or Print Name) Address Phone No.
Signature White Marsh, Md. 21162
City and State
Address Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State Name
Attorney's Telephon. No. Address Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 26th day of February, 1986, 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 106, County Office Building in Towson, Baltimore County, on the 31st day of March, 1986, at 9:45 o'clock.

Carl J. J.
Zoning Commissioner of Baltimore County.

(over)

IN RE: PETITION ZONING VARIANCES * BEFORE THE
S/S of Maple Road, approx. * ZONING COMMISSIONER
205' E of Opie Road (Bird * OF BALTIMORE COUNTY
Avenue) (4 Opie Avenue) - *
11th Election District *
Herbert R. Bush, et ux, * Case No. 86-372-A
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit minimum side yard setbacks of 24 feet instead of the required 35 feet and distances to the centerline of the street of 40 feet instead of the required 75 feet and, additionally, approval to construct single-family dwellings on undersized lots, as more particularly described on Petitioners' Exhibit 1.

The Petitioners, by Herbert Bush, appeared and testified. There were no Protestants.

At the onset of the hearing, the Petitioners moved to amend the Petition to request minimum side yard setbacks of 23 1/2 feet instead of the requested 24 feet to enable the proposed homes to be widened from 38 feet to 40 feet. The Motion was granted.

Testimony indicated that the three lots, zoned R.C.2, are located on Maple Avenue, within the Chesapeake Bay Critical Area, and are presently vacant. The Petitioners live directly behind the lots. In 1962, they purchased two of the lots, which were described separately by metes and bounds in one deed, and the third lot was purchased about six months later by separate deed. The plat describing these lots was created in 1924 and was recorded among the Land Records of Baltimore County in 1925. All of the lots in this area are approximately the same size. Lot 1 measures 97'2" x 215'5" x 110'4" x 172'2". Lot 2 measures 87'2" x 250' x 90'2" x 215'5", and Lot 3 measures

100' x 295' x 108'9" x 250'. The Petitioners propose to develop each lot with a 26' x 40' single-family dwelling. Lot 1 would have 28 1/2-foot side yard setbacks, Lot 2 would have 23 1/2-foot side yard setbacks, and Lot 3 would have 30-foot side yard setbacks. All would be set back 20 feet from the front property line and 40 feet from the centerline of Maple Avenue. The homes could not be set back further to the rear due to the required septic reservation areas and because of the suggested recommendation by the Planning Office that one-half of the existing wooded area on each lot be permanently maintained.

The Petitioners request relief from Section 1A01.3.B.3, pursuant to Section 307, and from Section 304, 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. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. 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
3. 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 variances 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.

- 2 -

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances 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 variances requested will not be detrimental to the public health, safety, and general welfare.

Further, it is evident that the strictures delineated in Section 304 have been satisfied. Inasmuch as this subdivision was created 60 years ago and all of the lots are of the same size, it would be inappropriate to deny development of the aforesaid lots.

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 7th day of April, 1986, that the Petition for Zoning Variances to permit minimum side yard setbacks of 23 1/2 feet instead of the required 35 feet and distances to the centerline of the street of 40 feet instead of the required 75 feet and, additionally, approval to construct single-family dwellings on undersized lots be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall conform to the recommendations made by the Director of Planning to the Zoning Commissioner, dated March 20, 1986, relative

- 3 -

PETITION FOR ZONING VARIANCES

11th Election District

LOCATION: South Side of Maple Road, approximately 250' East of Opie Road (Bird Avenue) (4 Opie Road)

DATE AND TIME: Monday, March 31, 1986, at 9:45 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 Zoning Variances to permit minimum side yard setbacks of 24 feet in lieu of the required 35 feet, a distance of 40 feet to the centerline of the street in lieu of the required 75 feet, and to determine whether three single-family dwellings can be constructed on three existing lots

Being the property of Herbert R. Bush, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
S/S Maple Rd., approx. 205' : OF BALTIMORE COUNTY
E of Opie Rd. (Bird Ave.) :
(4 Opie Rd.), 11th District :
HERBERT R. BUSH, et ux, : Case No. 86-372-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.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 10th day of March, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Herbert R. Bush, 4 Opie Rd., White Marsh, MD 21162, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

March 24, 1986

Mr. Herbert R. Bush
Mrs. Esther E. Bush
4 Opie Road
White Marsh, Maryland 21162

RE: PETITION FOR ZONING VARIANCES
S/S Maple Rd., approx. 205' E of Opie Rd.
(Bird Ave.) (4 Opie Rd.)
11th Election District
Herbert R. Bush, et ux - Petitioners
Case No. 86-372-A

Dear Mr. and Mrs. Bush:

This is to advise you that \$65.35 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 OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

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

No. 018550

e County, Maryland, and remit
ding, Towson, Maryland

DATE 3/21/86 ACCOUNT 7-01-615-000
SIGN & POST TO BE RETURNED AMOUNT \$ 65.35
RECEIVED FROM Herbert R. Bush
FOR Advertising & Posting re Case #86-372-A
B 0020*****003513 3/24/86
VALIDATION OR SIGNATURE OF CASHIER

ORDER RECEIVED FOR FILING

DATE April 7, 1986

BY John P. J.

ADMINISTRATIVE ASSISTANT

ORDER RECEIVED FOR FILING

DATE April 7, 1986

BY John P. J.

ADMINISTRATIVE ASSISTANT

Mr. Herbert R. Bush
Mrs. Esther E. Bush
4 Opie Road
White Marsh, Maryland 21162

February 28, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCES
S/S Maple Rd., approx. 205' E of Opie Rd.
(Bird Ave.) (4 Opie Rd.)
11th Election District
Herbert R. Bush, et ux - Petitioners
Case No. 86-372-A

TIME: 9:45 a.m.

DATE: Monday, March 31, 1986

PLACE: Room 106, County Office Building, 11 West Chesapeake
Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND No. 016173

OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 12/29/85 ACCOUNT P-01-610-000

AMOUNT \$ 35.00

RECEIVED FROM: *[Signature]*

FOR: *[Signature]* *245

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Zoning Commissioner

Date: March 21, 1986

FROM: Norman E. Gerber, Director
Office of Planning and Zoning

SUBJECT: Zoning Petition Nos. 86-370-A
and 86-372-A

Please consider the Chesapeake Bay Critical Area review comments
(see memo, Gerber to Jablon dated March 20, 1986) to be the position
of this office.

[Signature]
Norman E. Gerber, AICP, Director
Office of Planning and Zoning

NEG/JGH/dmi

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

MR. ARNOLD JABLON
Zoning Commissioner

Date: March 20, 1986

NORMAN E. GERBER, AICP
FROM: Director of Planning and Zoning

Chesapeake Bay Critical Area Review - Herbert R. Bush et ux
SUBJECT: (86-372-A, Item 249) and John W. Richardson (86-370-A, Item 134)

In regard to the Herbert R. Bush et ux petition, it has been
determined and is recommended that this petition will be deemed con-
sistent with Critical Area requirements if one-half of the existing
wooded area on each lot is permanently maintained as such. These
wooded areas to be preserved must also be protected during construc-
tion. All runoff generated by impervious surfaces should be directed
towards the wooded areas of the lots in order to achieve maximum
infiltration.

The John W. Richardson petition is deemed to be consistent
with the Chesapeake Bay Critical Area requirements. A crusher run
parking lot would provide for somewhat more stormwater infiltration
and would otherwise be no more damaging environmentally than a paved
lot.

NEG:PJS:vh

[Signature]
Norman E. Gerber, AICP

cy: Ms. Jean Jung
Dep. Zoning Commissioner

James G. Hoswell, Planner
Office of the Director

Andrea Van Arsdale
Coastal Zone Planner

People's Counsel

Thomas L. Vidmar
Bureau of Engineering, DPW

CPS-008

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 5, 1986

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

Mr. and Mrs. Herbert R. Bush
4 Opie Road
White Marsh, Maryland 21162

RE: Item No. 249 - Case No. 86-372-A
Petitioners - Herbert R. Bush, et ux
Variance Petition

Dear Mr. and Mrs. Bush:

The Zoning Plans Advisory Committee has reviewed the plan sub-
mitted 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.

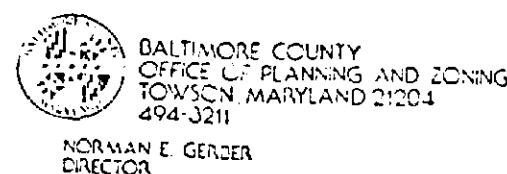
Enclosed are all comments submitted from the members of the
Committee at this time that offer or request information in your
petition. If similar comments from the remaining members are received,
I will forward them to you. Otherwise, any comment that is not infor-
mative will be placed in the hearing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

Very truly yours,

[Signature]
JAMES E. DYER, Chairman
Zoning Plans Advisory Committee

JED:nrr

Enclosures



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

MARCH 5, 1986
(CRITICAL AREA)

Re: Zoning Advisory Meeting of January 7, 1986
Item # 249, HERBERT R. BUSH, et ux
Location: SE corner Opie (Bird Ave.) Road and Maple Avenue
Road & MAPLE AVE.

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 is required.
- ☒ 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 22-98 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,
Bill 178-79. No building service area as defined by
Capacity Use Certificate has been issued. The deficient service
is _____.
- ☒ The property is located in a traffic area controlled by a "D" level
intersection as defined by Bill 178-79, and its conditions change
are re-evaluated annually by the County Council.

~~THIS SITE IS LOCATED IN THE CHESAPEAKE
BAY CRITICAL AREA. ADDITIONAL COMMENTS
WILL BE PROVIDED BY THE COMPREHENSIVE
PLANNING~~

cc: James Hoswell

Eugene A. Boler
Chief, Current Planning and Development



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

STEPHEN E. COLLINS
DIRECTOR

January 16, 1986

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

Item No. -ZAC- Meeting of January 7, 1986
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

This Department of Traffic Engineering has no comments for items
numbered 242, 243, and 249.

[Signature]
Michael S. Planigan
Traffic Engineer Associate II

MSF/bld



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

PAUL H. KENCKE
CHIEF

January 10, 1986

Mr. Arnold Jablon
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: Herbert R. Bush

Location: SE corner Opie (Bird Ave.) Road & Maple Avenue

Item No.: 249 Zoning Agenda: Meeting 1-7-86

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 150 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 on this plan.

REVIEWER: *[Signature]* Noted and Approved: *[Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb



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

February 11, 1986

TED ZALESKI JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 249 Zoning Advisory Committee Meeting are as follows:

Property Owner: Herbert R. Bush, et ux
Location: SE corner Opie (Bird Avenue) Road and Maple Avenue
District: 11th.

APPLICABLE ITEMS ARE CHECKED:

- ☒ All structure shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85,
the Maryland Code for the Handicapped and Aged (A.S.C. #17-1 - 1985) and other applicable codes and standards.
- ☒ A building and other miscellaneous permits shall be required before the start of any construction.
- ☒ Residential: Two sets of construction drawings are required to file a permit application. The seal of a
registered in Maryland Architect or Engineer is/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. Reproduced seals are not acceptable.
- ☒ All the Group except B-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for
exterior walls closer than 6'-0" to an interior lot line. B-1 The Group require a one hour wall 1' closer
than 3'-0" to an interior lot line. Any wall built up an interior lot line shall require a fire or party
wall. See Table 1101, Section 1101.2 and Table 1101.3. No openings are permitted in an
exterior wall within 3'-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 101 and 505 and have your Architect/Engineer contact this department.
- ☒ The requested variance appears to conflict with Section(s) _____ of the Baltimore
County Building Code.
- ☒ When filing for a required change of the Occupancy Permit, an alteration 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 Use Group are from Use _____ to the _____ or
to Mixed Use _____ See Section 312 of the Building Code.

NOTE:

- ☒ The proposed project appears to be located in a Flood Plain, Flood Hazard. 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
elevations above sea level for the lot and the finished floor levels including basement.
- ☒ Comments: See the attached Code requirements for flood plain areas.
Grade elevations above sea level are not shown.

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 permit. The
applicant was advised additional information by visiting Room 112 of the County Office Building at 111
W. Chesapeake Avenue, Towson, Maryland 21204.

[Signature]
Btl. C. E. Burrows, Chief
Building Plans Review

4/22/86

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.

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. Crawl spaces under buildings constructed in the tidal 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.

4. 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 impairment 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

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 1, 1986

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 March 13, 1986.

THE JEFFERSONIAN,

B. Venturi
Publisher

Cost of Advertising

27.50

86-372-A

Petition for Variance

11th Election District
LOCATION: South side of Maple Road, approximately 250' East of Opie Road (Bird Avenue) (40' R/W)
DATE & TIME: 7:00 PM, March 31, 1986, at 11:00 AM
PUBLIC HEARING: Room 106, County Office Building, 111 W. 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 to permit minimum side yard setbacks of 25 feet in lieu of the required 35 feet, a distance of 40 feet to the centerline of the street in lieu of the required 75 feet, and to determine whether three single-family dwellings can be constructed on an existing lot.

Being the property of Herbert B. Bush, et ux, as shown on the plat plan 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 Commission 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 Jarlon
Zoning Commissioner
of Baltimore County

The Times

Middle River, Md., March 13, 1986

This is to Certify, That the annexed

Petition for Variance
Pg. 1 of 5

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each

of one successive

weeks before the 13th day of

March, 1986

June Brown Publisher.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 3/15/86

Posted for: *Arnold Jarlon*

Petitioner: *Herbert B. Bush*

Location of property: *250' E. of Opie Rd. (Bird Ave.)*

Location of Sign: *See attached sketch of location*

Remarks: *See attached sketch of location*

Posted by: *Arnold Jarlon* Date of return: 3/15/86

Number of Signs: 1

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By Order Of:
Arnold Jarlon
Zoning Commissioner
of Baltimore County

Case No. 86-372-A

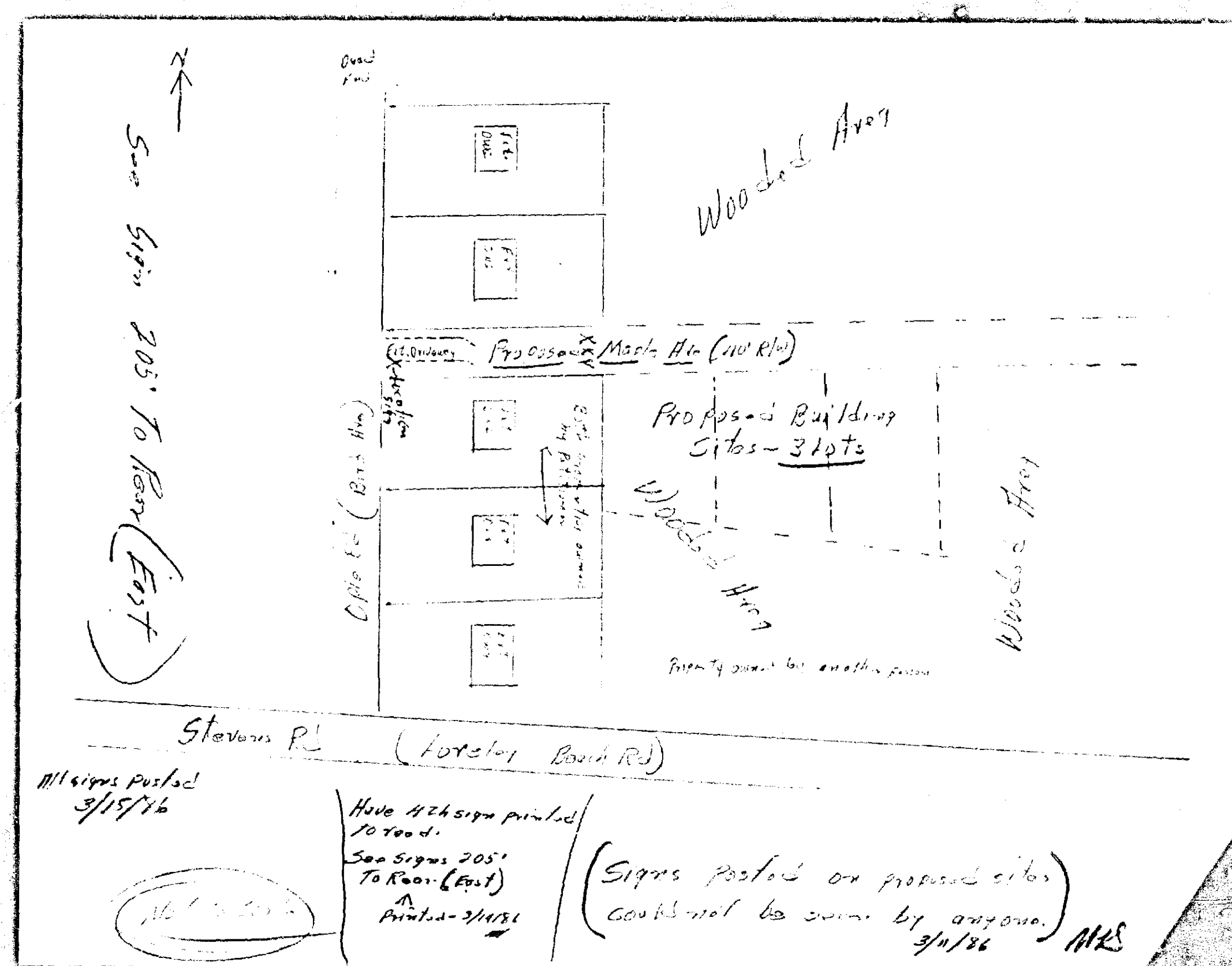
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

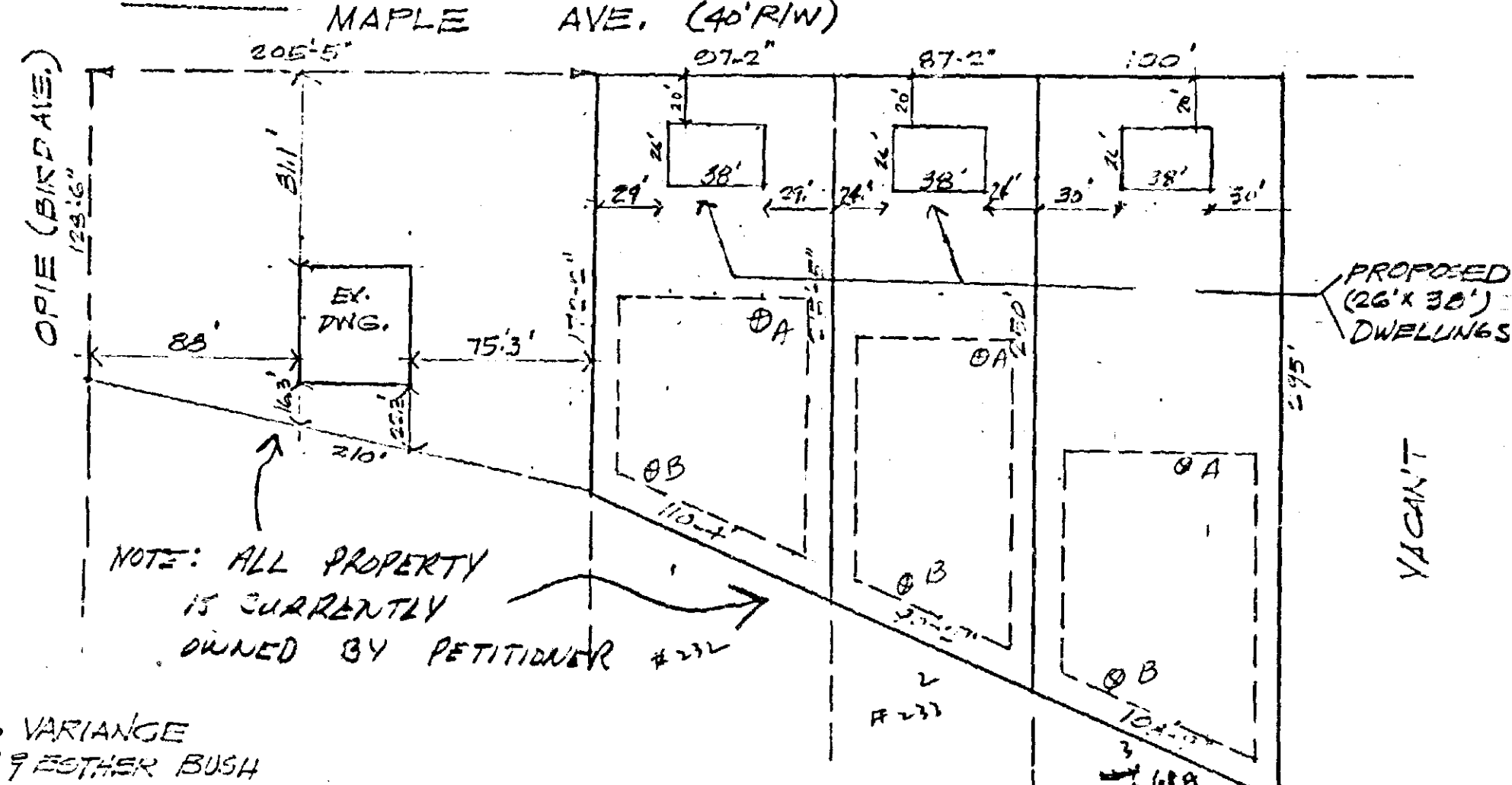
Your petition has been received and accepted for filing this 26th day of February, 1986.

Arnold Jarlon
Zoning Commissioner

Petitioner: Herbert B. Bush, et ux
Petitioner's Attorney: *James E. Brown*
Chairman, Zoning Plans Advisory Committee



PETITIONER'S EXHIBIT - 1



PLAT FOR LYING VARIANCE
OWNER: HERBERT B. BUSH
ELECT DIST. 11 ZONING
BIRD RIVER BEACH
LOTS: 230, 233 & 68-A
WPC 7/187

OWNERS WILL TAKE FULL RESPONSIBILITY AS TO THE INFORMATION PROVIDED ON SAID PLAT PREPARED BY BALTO. CO.

Herbert B. Bush 12-16-85
OWNER DATE

OWNER DATE

SCALE: 1"=60'

