

87-226-A

C/1 of Breezy Point Ct., 420' S of Holly Neck Rd.

15th Elec. Dist.

~~#~~ 129
10/27/86

Variance - filing fee \$35.00 - Nicholas A. Foehrkole

10/27/86

Hearing set for 12/8/86, at 10:00 a.m.

12/8/86

Advertising and Posting - \$61.40

12/9/86

Ordered by the Zoning Commissioner that the Petition for Zoning Variances to permit side yard setbacks of 27' and 33' in lieu of the required 50' is GRANTED with restrictions.

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 Commissioner of Baltimore County, this 9th day of December, 19 86, that the Petition for Zoning Variānces to permit side yard setbacks of 27 feet and 33 feet in lieu of the required 50 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Recommendations from the Office of Planning dated November 25, 1986, as to the Chesapeake Bay Critical Area findings (attached), shall be adopted in their entirety.
2. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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.



 Zoning Commissioner of
 Baltimore County

AJ/srl

Attachment

cc: Mr. Nicholas A. Foehrkole

People's Counsel

Petition for Zoning Variance

100 Election District Case No. 87-226-A LOCATION: Corner of Breezy Point Court, 420 feet South of Holly Neck Road. DATE & TIME: Monday, December 4, 1986, 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 on this petition for variance to permit side yard setbacks of 27 feet and 33 feet less of the required 50 feet. Being the property of Nicholas A. Foehrkoelb, 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

The Times

Middle River, Md., Nov 20 1986 This is to Certify, That the annexed Petition Reg. # 96992 was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 20th day of Nov, 1986. Joe P. Publisher.

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 27th day of October, 1986

ARNOLD JABLON Zoning Commissioner

Petitioner: Nicholas A. Foehrkoelb Attorney Received by: James E. Dyer Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon TO: Zoning Commissioner Date: November 25, 1986 FROM: Norman E. Gerber, AICP, Director Office of Planning and Zoning SUBJECT: Zoning Petitions No. 87-226-A and 87-227-A

Please consider the Chesapeake Bay Critical Area finding (See memoranda dated 11/25/86 from Norman E. Gerber to Arnold Jablon) to be the position of this office.

Norman E. Gerber, AICP Director

NEG:JGH:slb

RECEIVED NOV 28 1986

ZONING OFFICE

CPS-008

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING TOWSON, MARYLAND 21204

NORMAN E. GERBER DIRECTOR

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

NOVEMBER 6, 1986 (CRITICAL AREA)

Re: Zoning Advisory Meeting of OCTOBER 7, 1986 Item # 129 Property Owner: NICHOLAS A. FOEHRKOELB, et al Location: BREEZY POINT COURT, 420'S. HOLLY NECK RD.

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 [redacted]. () 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 [redacted]. () The property is located in a traffic area controlled by a "B" level intersection as defined by 8111 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.

Additional comments: THIS SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA. ADDITIONAL COMMENTS WILL BE PROVIDED BY THE COMPREHENSIVE PLANNING DIVISION.

David Fields, Acting Chief Current Planning and Development

cc: James Hoswell

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon TO: Zoning Commissioner Date: November 25, 1986 FROM: Norman E. Gerber, AICP, Director Office of Planning and Zoning SUBJECT: Chesapeake Bay Critical Area Finding Nicholas A. Foehrkoelb (87-226-A, Item 129)

This petition has been reviewed by the staff of the Office of Planning and Zoning and it has been found that it is consistent with the requirements of the Chesapeake Bay Critical Area program provided that:

- (1) Existing vegetation be maintained wherever possible and that enhancement tree plantings be made to the degree possible in order to reduce erosion, sedimentation and runoff and to provide wildlife habitat. (2) Runoff from impervious surfaces be managed to allow infiltration by spreading runoff over vegetated areas towards suitable outfall.

Norman E. Gerber, AICP Director

NEG:slb

cc: Uri Avin, Tim Dugan, Jim Hoswell, Andrea Van Arsdale, Tom Vidmar, People's Counsel

RECEIVED NOV 28 1986

ZONING OFFICE

CPS-008

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 25, 1986

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

Chairman

MEMBERS

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

Mr. Nicholas A. Foehrkoelb 350 Mye Road Baltimore, Maryland 21221

RE: Item No. 129 - Case No. 87-226-A Petitioner: Nicholas A. Foehrkoelb Petition for Zoning Variance

Dear Mr. Foehrkoelb:

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, Chairman Zoning Plans Advisory Committee

JED:kbb

Enclosures

BALTIMORE COUNTY DEPARTMENT OF TRAFFIC ENGINEERING TOWSON, MARYLAND 21204

STEPHEN E. COLLINS DIRECTOR

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

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 127, 128, 129, 130, 131, and 135.

Very truly yours,

Michael S. Flanigan Traffic Engineer Associate II

MSF:lt

11-12-86

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204

Zoning Item # 129, Zoning Advisory Committee Meeting of 10-7-86 Property Owner: Nicholas A. Foehrkoelb et al Location: Breezy Point Ct. District 15 Water Supply private Sewage Disposal private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval. () Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins. () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere. () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more. () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval. () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services. () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health. () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

WWQ 1 4/86

Zoning Item # 129, Zoning Advisory Committee Meeting of 10-7-86 Page 2

- () Prior to raising of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768. () Soil percolation tests (have been/must be) conducted. The results are valid until 4-22-89. Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required. () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled. () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until [redacted] is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications. () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples. () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.

Others: petitioner must submit revised plot plan accurately locating wetlands on lot #3. No clearing, filling or grading will be allowed on any wetland area. The design of the septic system will be completed at time of applying for a building permit.

Ian J. Forrest, Director BUREAU OF ENVIRONMENTAL SERVICES

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PAUL H. REINCKE
CHIEF

October 21, 1986

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

RE: Property Owner: Nicholas A. Foehrkoib, et al *
Location: Centerline Breezy Point Ct., 420 ft.
3 Holly Neck Road
Item No.: 129 Zoning Agenda Meeting of Oct. 7, 1986

Gentlemen:

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

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ 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: *John F. O'Neill* Noted and Approved: *John F. O'Neill*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb *CRITICAL

SPECIAL NO. 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 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

November 3, 1986

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 129 Zoning Advisory Committee Meeting are as follows:

Property Owner: Nicholas A. Foehrkoib, et al (CRITICAL)
Location: C/L Breezy Point Court, 420 ft. S Holly Neck Road
District: 15th

APPLICABLE ITEMS ARE CIRCLED:

- (1) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Annotated and Aged (A.M.S.I. #117-1 - 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: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/are 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. Reproduced seals are not acceptable.
- (5) All Use Groups except B-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 8'-0" to an interior lot line. B-1 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 1107, Section 1106.2 and Table 102. No openings are permitted in an exterior wall within 3'-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 101 and 505 and have your Architect/Engineer contact this department.
- (7) The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- (8) When filing for a required Change of Use/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 Groups are from Use _____ to Use _____ or to Mixed Use. See Section 312 of the Building 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 elevations above sea level, or the lot and the finish floor levels including basement.
- (10) Comments: Finish floor levels including a basement floor shall be 1'-0" above the 100 year flood tide. See the attached Code Section 516.0 for full information.
- (11) These abbreviated comments reflect only on the information provided by the designer submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Charles E. Dunham
By: C. E. Dunham, Chief
Building Plans Review

L/22/86

