

IN RE: PETITION FOR ZONING VARIANCE
SE/S Sussex Road, 814' +/- SE
of Hyde Park Road
(1429 Sussex Road)
15th Election District
5th Councilmanic District

• BEFORE THE
• ZONING COMMISSIONER
• OF BALTIMORE COUNTY
• Case No. 89-272-A

Joseph T. Loverde, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a lot width of 50 feet in lieu of the minimum required 55 feet for Lot 150, and a side yard setback of 4 feet in lieu of the required 10 feet for Lot 151, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Joseph Loverde, appeared, testified and were represented by Robert B. Greenwalt, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 1429 Sussex Road (Lot 151), is an undeveloped lot containing 0.23 acres more or less, zoned D.R. 5.5. Petitioners reside on the adjoining property known as Lot 150. Testimony indicated Petitioners are desirous of developing Lot 151; however, due to the location of the existing dwelling on Lot 150 and the width of Lot 151, the requested variances are necessary. Testimony indicated the subject property would be developed to conform with other improvements in the neighborhood. Petitioners testified that to deny the requested variance would result in undue hardship and practical difficulty upon them.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore

be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas in Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

-2-

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 1B02.3.B. to permit a lot width of 50' and a side yard setback of 4' in lieu of the required 55' and 10', respectively.

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

Applicants are owners of Lots 150 and 151 on the Plat of Hyde Park. Lot 150 is improved by a residence. Lot 151 is an undersized building lot. The applicants are contiguous owners of adjoining lots. However, strict application of the Zoning Regulations would prevent improvement of the lot. Applicants desire to improve the lot with a residential structure in conformity with the neighborhood. Other improved lots in the area are undersized, as the Subdivision was created and recorded prior to 1955. The denial of a variance to applicants would create an undue hardship to them in the benefit of the property owned by them. 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)	Joseph T. Loverde
Signature	(Type or Print Name)
Address	Cynthia B. Lovards
City and State	(Type or Print Name)
Attorney for Petitioner:	Signature
Robert B. Greenwalt	611 Frederick Road
(Type or Print Name)	Address
Signature	Phone No.
Address	City and State
City and State	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Attorney's Telephone No. 247-2226	Contact attorney Name
	Address
	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day of January, 1989, 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 19th day of January, 1989 at 2 o'clock P.M.

ESTIMATED LENGTH OF HEARING - 1/2 HR. + 1HR.
AVAILABLE FOR HEARINGS MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHERS (over)
REVIEWED BY: [Signature] DATE 8-29-88

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of January, 1989 that the Petition for Zoning Variance to permit a lot width of 50 feet in lieu of the minimum required 55 feet for Lot 151, and a side yard setback of 4 feet in lieu of the required 10 feet for Lot 150, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) 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 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be respon-

-3-

#88
CRITICAL AREA

Beginning on the NE/S of Sussex Road (50' wide) at the distance of 814' SE the centerline of Hyde Park Road. Being Lot #151 in the subdivision of "Hyde Park", Plat Book No. 9, Folio 59 in the 15th Election District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th
Posted for: Notice Date of Posting: 1/1/89
Petitioner: Joseph T. Loverde, et ux
Location of property: 1429 Sussex Rd, 814' +/- SE of Hyde Park Rd
Location of Sign: 1429 Sussex Rd, across 10' from road edge, on property of Applicant
Remarks:
Posted by: [Signature] Date of return: 1/6/89
Number of Signs: 2

sible for returning, said property to its original condition.

2) Pursuant to Section 502.2 of the B.C.Z.R., a new deed incorporating a reference to this case and the restrictions and conditions set forth herein shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order and a copy of the recorded deed shall be forwarded to the Zoning Commissioner for inclusion in the case file.

3) Petitioners shall comply with the requirements of the Office of Planning as set forth in their comments dated January 18, 1989, attached hereto and made a part hereof.

4) The variance granted herein for Lot 151 is limited to that depicted in Petitioner's Exhibit 1. There shall be no further variance requests for the subject property; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated December 13, 1988, attached hereto and made a part hereof.

J. Robert Haines
Zoning Commissioner for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING
Date: 1/31/89
By: [Signature]

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(410) 887-3333

January 31, 1989

Dennis F. Rasmussen
County Executive

PETITION FOR ZONING VARIANCE
SE/S Sussex Road, 814' +/- SE of Hyde Park Road
(1429 Sussex Road)
15th Election District - 5th Councilmanic District
Joseph T. Loverde, et ux - Petitioners
Case No. 89-272-A

Dear Mr. Greenwalt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Court

File

Chesapeake Bay Critical Areas Commission
Taxes State Office Bldg., D-4, Annapolis, Md. 21404

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
494-3333

J. Robert Haines
Zoning Commissioner

Date: 1/6/89

Mr. & Mrs. Joseph T. Loverde
611 Frederick Road
Baltimore, Maryland 21228

Re: Petition for Zoning Variance
Case Number: 89-272-A
1429 Sussex Road
Hearing Date: January 19, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Loverde:

Please be advised that \$93.63 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21284, fifteen (15) minutes before the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 059729

DATE: 1/19/89 ACCOUNT: R01-615-000

AMOUNT: \$ 93.63

RECEIVED FROM: Joseph T. Loverde

FOR: 1/19/89

89-272-A

post set(s), there each set not

mer of

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 3, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on December 29, 1988.

THE JEFFERSONIAN,

S. Zeke Orlean

Publisher

PO 07801 reg M25131 case 89-272-A Price \$ 55.63

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 on the following date:

Petition for Zoning Variance Case Number: 89-272-A SE Sussex Road 814' +/- SE Hyde Park Road 1429 Sussex Road 15th Election District 5th Councilmanic District

Such request must be in writing and received in the office of the Zoning Commissioner on or before the date of the hearing. A notice of such request must be in writing and received in the office of the Zoning Commissioner on or before the date of the hearing.

J. ROBERT HAINES Zoning Commissioner Baltimore County

CERTIFICATE OF PUBLICATION

OFFICE OF Dundalk Eagle

4 N. Center Place P.O. Box 8936 Dundalk, Md. 21222 December 30, 1988

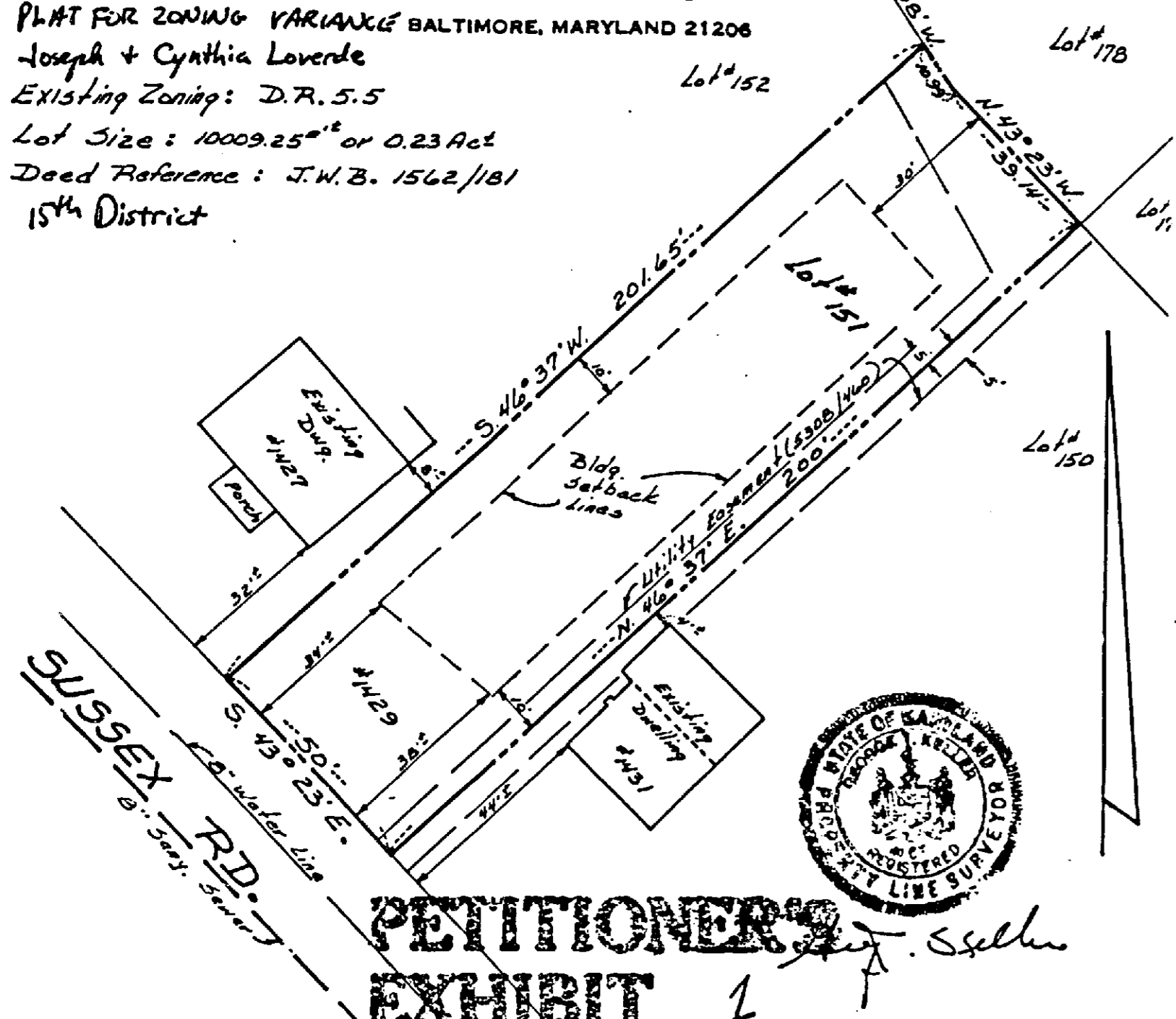
THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hearings - Case 89-272-A - P.O. #07800 - Reg. #M25132 - 86 lines was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 30th day of December 1988; that is to say, the same was inserted in the issues of Dec. 29, 1988

Kimbel Publication, Inc. per Publisher.

By K.C. Deke

PHONE: 483-5150 KELLER & KELLER

LAND SURVEYS State Registered Land Surveyors 3814 WOODLEE AVENUE BALTIMORE, MARYLAND 21206 SINCE 1924



This is to Certify that we have this day made a Plat of Lot 151, Plat of 'Hose Park', Balto. Co. Plat Book No. 3, folio 53 and that property lines are as shown on this Plat.

Scale: 1" = 30' Date: SEPT. 16th 1988 CRITICAL AREA OFFICE COPY

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3333

J. Robert Haines Zoning Commissioner

December 22, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

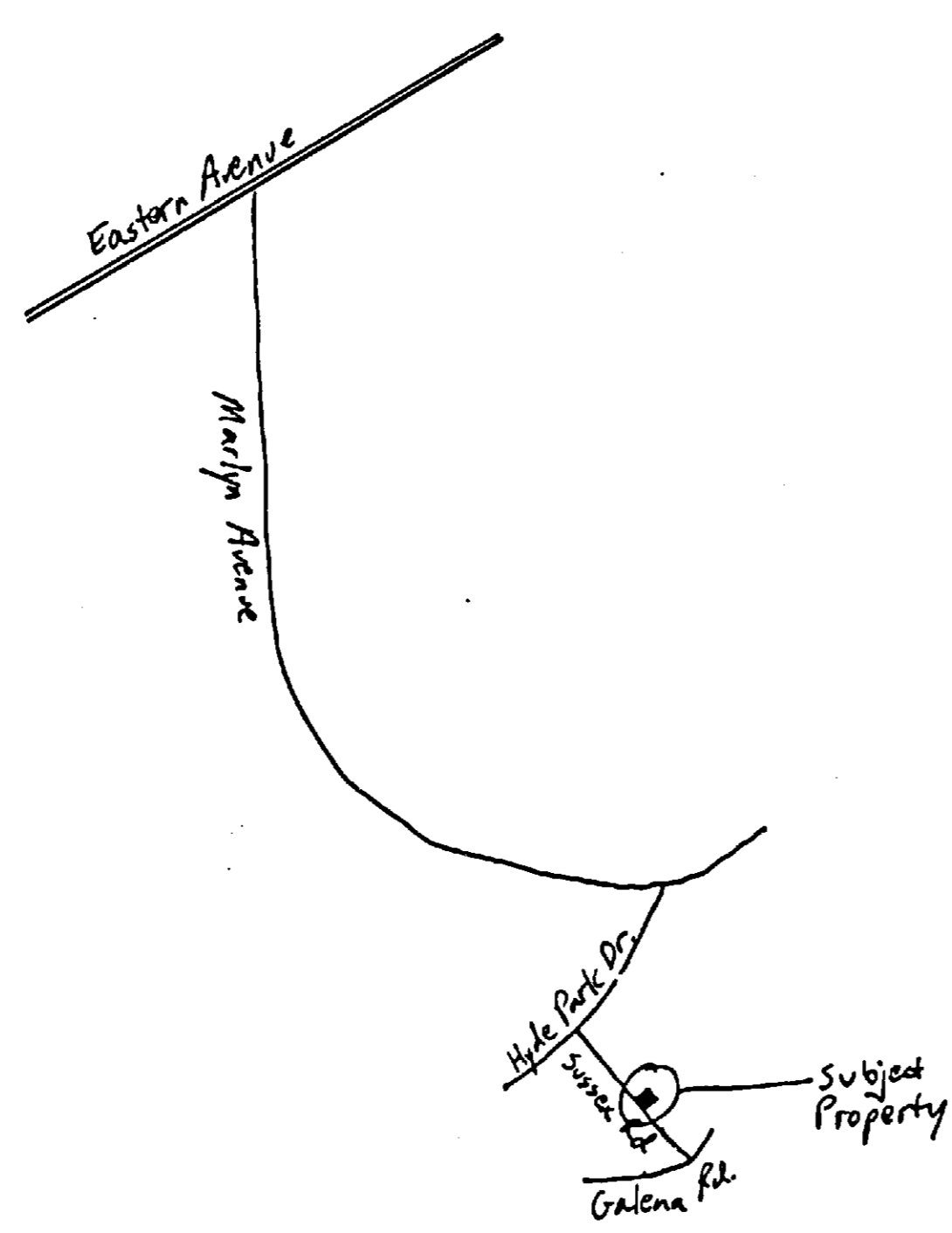
PETITION FOR ZONING VARIANCE Case Number: 89-272-A SE Sussex Road, 814' +/- SE Hyde Park Road 1429 Sussex Road 15th Election District - 5th Councilmanic District

Variance to permit a lot width of 50 feet and a side yard setback of 4 feet in lieu of the required 55 feet and 10 feet, respectively.

In the event 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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: Mr. & Mrs. Loverde Robert G. Greenwalt, Esq. Chesapeake Bay Critical Area Commission



VICINITY MAP

89-272-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 30th day of November, 1988. J. Robert Haines Zoning Commissioner Received by: James E. Dyer Chairman, Zoning Plans Advisory Committee

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3333

J. Robert Haines Zoning Commissioner

December 6, 1988

Mr. Joseph T. Loverde 611 Frederick Road Baltimore, Maryland 21228

Re: Petition for Zoning Variance 1429 Sussex Road Item #88

Dear Mr. Loverde:

Please be advised that your request for a December hearing date has been forwarded to my desk for handling. I am sorry to inform you that such is not possible. 1) The Baltimore County Zoning Regulations mandate all hearings to be advertised in two local newspapers, 15 days prior to the date of the hearing. Newspaper deadline and processing require the paperwork to leave my desk a full 30 days before the hearing in order to timely comply with this Regulation. 2) The docket has been scheduled throughout both December and January.

Additionally, I have been informed by DEPRM that they are not in receipt of the certified notification from you. Kindly, forward your letter to DEPRM, Room 416, New Courts Building, Bosley Avenue, Towson, Maryland 21204.

However, your request has been noted and should I receive a postponement request for a January hearing, I will attempt to schedule your case in that slot.

If you have any questions, please do not hesitate to telephone.

Very truly yours,

G. G. Stephens DOCKET CLERK 887-3391

Baltimore County Fire Department Towson, Maryland 21204-2386 494-4500

Paul H. Reincke Chief

December 29, 1988

J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, Maryland 21204

Re: Property Owner: Joseph T. Loverde, et ux (Critical Area) Location: SE/S Sussex Rd, 814' +/- SE of Hyde Park Road 1429 Sussex Road Item No.: 88 Zoning Agenda: Meeting of 11/29/88

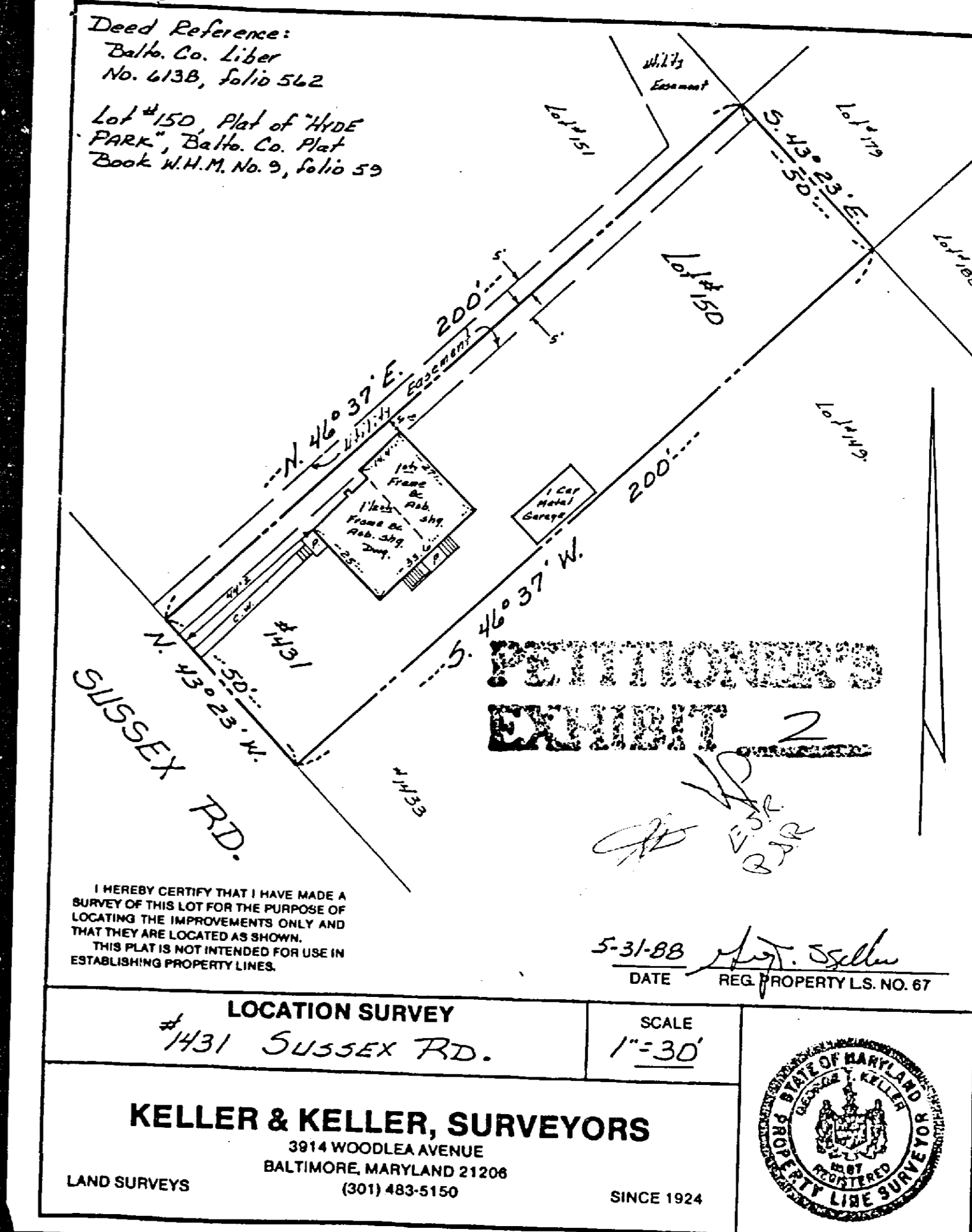
Gentlemen:

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

- 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
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: [Signature] NOTED & APPROVED: [Signature] Fire Prevention Bureau Special Inspection Division

/s/



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 11, 1989

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

Robert B. Greenwalt, Esquire Suite A, 813 Maiden Choice Lane Catonsville, Maryland 21228

RE: Item No. 88, Case No. 89-272-A Petitioner: Joseph T. Loverde, et ux Petition for Zoning Variance

- 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.

Dear Mr. Greenwalt: 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. 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:dt

Enclosures

ROBERT B. GREENWALT
ATTORNEY AT LAW

SUITE A, 813 MAIDEN CHOICE LA., BALTIMORE, MD 21228
247-2224

January 20, 1989

RECEIVED
JAN 24 1989
ZONING OFFICE

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Case No. 89-272A

Dear Mr. Haines:

As per your request at the hearing on January 20, 1989, enclosed please find the previous and current deeds to the properties subject to the variance application.

Please contact me if you require any further information.

Very truly yours,

Robert B. Greenwalt
Robert B. Greenwalt

JOSEPH T. LOVERDE

JOSEPH T. LOVERDE, CRB
3017744-8311
465-8503
Cary Hart & Associates, 611 Frederick Road, Catonsville, Maryland 21228

November 22, 1988

Mr. J. Robert Haines
Zoning Commissioner
111 W. Chesapeake Avenue
Room 109
Towson, Maryland 21204

Re: Item #88
1429 Sussex Road
Baltimore, Maryland 21221

Dear Mr. Haines:

I am writing to you to request that my 5' variance hearing be held sometime in early December. My application was finally accepted on October 28, 1988 after months of going back and forth.

I would like to move forward with my plans in January, 1989.

Please advise.

Yours truly,

Joseph T. Loverde
Joseph T. Loverde

JTL/led

RECEIVED
NOV 28 1988
ZONING OFFICE

CARY HART
REALTORS

ROBERT B. GREENWALT
ATTORNEY AT LAW

SUITE A, 813 MAIDEN CHOICE LA., BALTIMORE, MD 21228
247-2224

September 27, 1988

Office of Planning & Zoning
Baltimore County Office Bldg.
Towson, MD 21204

Attn: John J. Sullivan, Jr.

Re: Variance Petition
1429-31 Sussex Road

Dear Mr. Sullivan:

Enclosed please find the revised Plans for the above Petition, including the location of water and sewer for the property.

In regard to the side setback of the dwelling at 1431 Sussex, please note that our request is for a variance of the minimum building lot size. This request relates to 1429 Sussex only. The side setback of 1431 is not an issue.

I enclose an original signed Petition. You have apparently retained the other signed Petitions. Please file the enclosed with the Petitions you have retained.

Please contact me if you have any questions regarding this Petition.

Very truly yours,

Robert B. Greenwalt
Robert B. Greenwalt

RECEIVED
SEP 23 1988
ZONING OFFICE

ROBERT B. GREENWALT
ATTORNEY AT LAW

SUITE A, 813 MAIDEN CHOICE LA., BALTIMORE, MD 21228
247-2224

August 23, 1988

Office of Planning & Zoning
Baltimore County Office Bldg.
Towson, MD 21204

Attn: John J. Sullivan

Dear Mr. Sullivan:

Previously, I filed a Request for Variance in your office. The filing was returned to me in order to obtain approval of the Dept. of Environmental Protection.

I have been advised that the Dept. of Environmental Protection has approved the Request. Consequently, I am resubmitting the Request and ask that it be set in for hearing.

If you have any questions regarding this matter, please contact me.

Very truly yours,

Robert B. Greenwalt
Robert B. Greenwalt

RECEIVED
AUG 29 1988
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
Zoning Commissioner

Date: January 18, 1989

TO: Fat Keller, Deputy Director
Office of Planning and Zoning

FROM: Zoning Petition No. 89-272-A
SUBJECT: Loverde

The applicant is requesting a variance to permit a lot width of 50 feet and side yard of 4 feet and 8 feet respectively for existing adjoining residences. In reference to this request, staff provides the following information:

- The lot subdivision will have the greatest impact on 1427 Sussex Road (1431 Sussex Road is owned by the applicant). 1427 Sussex Road will have an 8 foot setback to the property line.
- If the variances are deemed appropriate, in order to avoid any future variances for the development of this site, the applicant should place all building restriction lines on the site plan and clearly state on the plan that all development must stay within the setbacks as shown. Any applications for building permits should be required to provide a copy of the plan and variances (if granted) with the permit.

PK/af

RECEIVED
JAN 19 1989
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: December 13, 1988

FROM: Mr. Robert W. Sheesley

SUBJECT: Loverde Property
Zoning Variance - Item #88

RECEIVED
DEC 15 1988
ZONING OFFICE

Subject property is located at lot #151 Sussex Road in Hyde Park. The site is within the Chesapeake Bay Critical Area and is classified as Limited Development Area.

The applicant has requested a zoning variance to permit a lot width of 50 feet and a side yard set back of 4 feet in lieu of the required 55 feet and 10 feet, respectively.

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- Conserve fish, wildlife and plant habitat; and
- Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01 >

The proposed development will comply with Critical Area Law provided that the zoning petition is conditioned with the following requirements:

- Two major deciduous trees or four conifer trees shall be planted and maintained on the lot. A combination of these two tree types is acceptable provided that 2,000 square feet of tree cover is provided. A major deciduous tree is estimated to cover 1,000 square feet and a conifer, 500 square feet at maturity.

Memo to Mr. J. Robert Haines
December 13, 1988
Page 2

- Storm water runoff shall be directed from impervious surfaces associated with this petition to pervious areas to encourage maximum infiltration.
- Rooftop runoff shall be directed through down-spouts and into a dry well of approved design to encourage maximum infiltration (see attached dry well design).

Upon compliance with the above requirements, this project will be approved. Please contact Mr. David C. Flowers at 887-3980 if you require additional information.

Robert W. Sheesley
Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:DCF:tjg

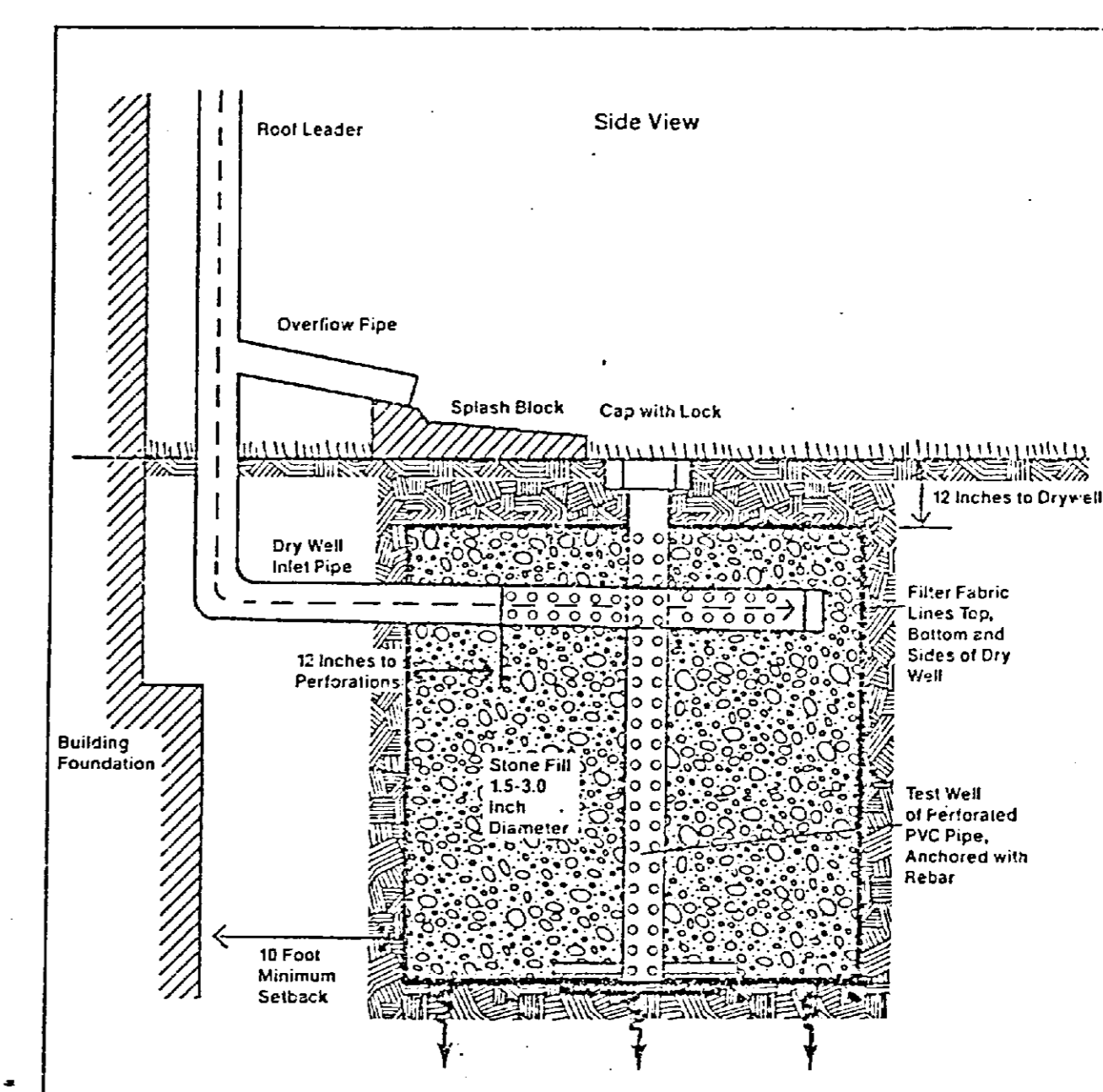
Attachment

cc: The Honorable Ronald B. Hickernell

DESIGN 4:

Dry Well Design. (Figure 5.8). Dry wells are a basic trench variation which are designed exclusively to accept rooftop runoff from residential or commercial buildings (Figure 5.8). Additional guidance on dry well design is available from Md WRA (1988). Basically, the leader from the roof is extended into an underground trench, which is situated a minimum of ten feet away from the building foundation. Rooftop gutter screens are needed to trap any particles, leaves and other debris, and must be regularly cleared.

Figure 5.8: Dry Well Design (adapted from Md WRA, 1988)



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21284
484-3333

J. Robert Haines
Zoning Commissioner

August 30, 1988

Mr. Robert B. Greenwalt, Esquire
813 Maiden Choice Lane, Suite A
Baltimore, Maryland 21228

RE: Variance Petition
1429 - 1431 Sussex Road
15th Election District

Dear Mr. Greenwalt:

I have recently received the revised forms which you mailed. Note the information which I added to these site plans (10 copies). These plans also require information as to water and sewer or well and septic. If water and sewer exists on the revised plans show the subdivision line 4 feet from the existing house (#1431) a variance (to allow a side yard setback of 4 feet in lieu of the required 10 feet) for this site is also required. This would require an additional \$35.00 fee but would be addressed on the same petition.

If the front setback of the proposed house is to be 40 or more feet please indicate same on the site plans. Otherwise, the front setback must be a front yard average on adjoining lots per Section 303.1 of the Baltimore County Zoning Regulations.

Enclosed are the 10 site plans as well as your check for \$35.00.

If you have any questions, please do not hesitate to call.

Yours truly,

John J. Sullivan, Jr.
John J. Sullivan, Jr.
Planning & Zoning Assoc. III

JJS:dt

cc: File



Dennis F. Rasmussen
County Executive

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21284
484-3333

J. Robert Haines
Zoning Commissioner

September 29, 1988

Robert B. Greenwalt, Esquire
813 Maiden Choice Lane, Suite A
Baltimore, Maryland 21228

RE: Variance Petition, Item #88
1429 - 1431 Sussex Road
15th Election District

Dear Mr. Greenwalt:

I am in receipt of your letter dated September 27 and accompanying site plans. As I stated in my letter to you dated August 30 (copy attached) "Existing water and sewer in Sussex Road" if applicable must be reflected on the site plan. If well and septic serves this lot then the areas of same should be indicated on the plans. As I also stated the front setback on the two than 40 feet must equal or exceed the average of the dwellings on the two adjoining lots. Since the front yard average on the plots you mailed is 38 feet and the proposed front setback of #1429 (Lot 15) is 32 feet a variance of this setback is required. Again as previously stated a variance must be filed (requiring an additional \$35.00 filing fee) for #1431 (Lot 1507) as the proposed subdividing line will create a deficient setback (4 feet). I strongly suggest that you call 494-3391 to make an appointment to review and accept the revised plans to preclude any further waste of your and my valuable time.

Enclosed are 10 copies of the revised site plans and your check dated June 22 in the amount of \$35.00. I am retaining the three petition forms and zoning descriptions. Please sign the enclosed "Important Notice" and "Critical Area Procedure" forms on the dotted lines or have your clients do same and return to me. I will mail these forms back to you after copies for our files are made.

If you have any questions please do not hesitate to call.

Yours truly,

John J. Sullivan, Jr.
John J. Sullivan, Jr.
Planning & Zoning Assoc. III

JJS:dt

cc: File



Dennis F. Rasmussen
County Executive

LIBER 138 PAGE 62

No consideration
D.L. 12

No Title Search: THIS DEED
Made this 16th day of January in the year 1980, by and between
Dolores L. Davenport
party of the first part, and
Roland C. Davenport and Dolores L. Davenport, his wife
parties of the second part:

WITNESSETH, that in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the said party of the first part does grant and convey unto the parties of the second part, to hold as tenants by their entirety, their heirs and assigns in fee simple, the following described land and premises, with the improvements, easements and appurtenances thereto belonging, situate, lying and being in Baltimore County, State of Maryland, namely:

Known and designated as Lot No. 150 (one hundred and fifty) as shown on the Plat of Hyde Park which plat is recorded among the Land Records of Baltimore County in Plat Book W.H.M. No. 9 folio 59.

Being the same lot of ground which, by deed dated May 27, 1946 and recorded among said Land Records in Liber R.J.S. No. 1468 folio 285 etc., was granted and conveyed by Citizens Alliance Building Association, Inc., a body corporate to the grantor herein.

TRANSFER TAX NOT REQUIRED
BALTIMORE COUNTY, MARYLAND
2-15-80

005***** RECD 2 09-02-88
079***** RECD 2 09-02-88

AND the said party of the first part covenant that she will warrant specially the property hereby conveyed, and that she will execute such further assurances of said land as may be requisite.

WITNESS her hand and seal.
TEST:
Dolores L. Davenport (SEAL)
Roland C. Davenport (SEAL)

STATE OF MARYLAND
COUNTY OF BALTIMORE
I HEREBY CERTIFY that on this 16th day of January 1980, before me the undersigned officer a Notary Public in and for the State and County aforesaid, personally appeared Dolores L. Davenport, known to me to be the person (or persons) whose name is subscribed to the within instrument and did acknowledge that she (they) executed the same for the purposes therein contained.
WITNESS my hand and official seal this 16th day of January 1980.
This is to Certify that the within instrument was prepared by me, or under the supervision of the undersigned, as a Notary Public in and for the State and County aforesaid, and that I am duly qualified to practice before the Court of Appeals of Maryland.
Notary Public
My Commission expires: 1/16/89

This Deed, MADE THIS 27th day of May in the year one thousand nine hundred and eighty-eight by and between DOLORES L. DAVENPORT, Widow

of Baltimore County, State of Maryland, party of the first part, and JOSEPH T. LOVERDE and CYNTHIA B. LOVERDE, his wife, parties of the second part.

WITNESSETH, That in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the actual consideration paid or to be paid is \$30,000.00

the said party of the first part does grant and convey to the said parties of the second part, as tenants by their entirety, their assigns, and unto the survivor's personal representatives and assigns in fee simple, all those lots of ground situate in Baltimore County, State of Maryland and described as follows, that is to say:

BEGINNING FOR THE FIRST AND BEING KNOWN AND DESIGNATED as Lot No. 150 (one hundred and fifty) as shown on the Plat of Hyde Park which plat is recorded among the Land Records of Baltimore County in Plat Book W.H.M. No. 9 folio 59.

BEGINNING FOR THE SECOND AND BEING KNOWN AND DESIGNATED as Lot Number one hundred fifty-one (151) as shown on the Plat of Hyde Park said plat being recorded among the Plat Records of Baltimore County in Plat Book W.H.M. No. 9 folio 59.

The improvement thereon being known as No. 1431 Sussex Road.

BEING the same lot of ground as to parcel number one which by Deed dated January 16, 1980 and recorded among the Land Records of Baltimore County in Liber L.H.K. Jr. No. 6138 folio 562, was granted and conveyed by Dolores L. Davenport unto Roland C. Davenport and Dolores L. Davenport, his wife.

BEING also the same lot of ground as to parcel number two which by Deed dated April 22, 1947 and recorded among the Land Records of Baltimore County in Liber J.W.B. No. 1562 folio 181, was granted and conveyed by Citizens Alliance Building Association, Inc. unto Roland C. Davenport and Dolores L. Davenport, his wife.

The said Roland C. Davenport departed this life on or about June 4, 1985 thereby vesting absolute title in the said Dolores L. Davenport.

RECEIVED FOR TRANSFER
State Department of Assessments & Taxation
for Baltimore County
SIGNATURE: *Dolores L. Davenport* DATE: 5/27/88

Notary Public
Recorded May 9 1987 at 8:30 AM & exd per John W Bishop Clerk
(recorded by EMB)
12257
Citizens Alliance Bldg Assn Inc) THIS DEED Made this 22nd day of April
Deed to) in the year one thousand nine hundred
Roland C Davenport et al) and forty-seven by and between THE
US \$ 55 SS \$ 30) CITIZENS ALLIANCE BUILDING ASSOCIATION
Maryland of the first part and Roland C Davenport and Dolores L Davenport his wife of the second part
Witness my hand and notarial seal
Adam M Javoraki
Notary Public
Recorded May 9 1987 at 8:30 AM & exd per John W Bishop Clerk
(recorded by EMB)
12258
Citizens Alliance Bldg Assn Inc) THIS MORTGAGE Made this 22 day of April
Mg to) in the year nineteen hundred and forty-
Citizens' Alliance Bldg Assn Inc) seven between Roland C Davenport and
US \$ 2.10) Dolores L Davenport his wife of Baltimore
County in the State of Maryland Mortgage
Association Incorporated of the second part a body corporate duly incorporated Mortgage
WHEREAS the said Mortgagee being members of said body corporate have received
therefrom an advance of Two Thousand One Hundred Dollars (2100.00) on twenty one (21)
shares of its stock the execution of this mortgage having been a condition precedent to
the granting of said advance
NOW THEREFORE THIS MORTGAGE WITNESSETH that in consideration of the premises and
of the sum of one dollar the said Roland C Davenport and Dolores L Davenport his wife
do grant assign and convey unto the said mortgagee its successors and assigns all that
lot of ground situate and lying in Baltimore County State of Maryland and described as
follows to-wit:
Known and designated as Lot No 150 as shown on the Plat of Hyde Park which plat
is recorded among the Land Records of Baltimore County in Plat Book W H M No 9 folio 59
BEING the same lot of ground which by Deed dated May 27 1946 and recorded in the
Land Records of Baltimore County in Liber R J S N 1468 folio 285 was conveyed by The
Citizens Alliance Building Association to Elizabeth Rau recorded among the Land Records of
Baltimore County in Liber R J S N 1468 folio 285

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lots of ground and premises to the said parties of the second part, as tenants by the entireties, their assigns, and unto the survivor of them, and the survivor's personal representatives and assigns in fee simple.

And the said party of the first part hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property hereby granted, and that she will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of said grantor

TEST:
Dolores L. Davenport (SEAL)
Dolores L. Davenport

STATE OF MARYLAND, BALTIMORE COUNTY, to-wit:
I HEREBY CERTIFY, That on this 27th day of May in the year one thousand nine hundred and eighty-eight before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Dolores L. Davenport, Widow

known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same.

In Witness Whereof, I hereunto set my hand and official seal.

My Commission expires: July 1, 1990

Notary Public
Recorded May 9 1987 at 8:30 AM & exd per John W Bishop Clerk
(recorded by EMB)
12258
Citizens Alliance Bldg Assn Inc) THIS MORTGAGE Made this 22 day of April
Mg to) in the year nineteen hundred and forty-
Citizens' Alliance Bldg Assn Inc) seven between Roland C Davenport and
US \$ 2.10) Dolores L Davenport his wife of Baltimore
County in the State of Maryland Mortgage
Association Incorporated of the second part a body corporate duly incorporated Mortgage
WHEREAS the said Mortgagee being members of said body corporate have received
therefrom an advance of Two Thousand One Hundred Dollars (2100.00) on twenty one (21)
shares of its stock the execution of this mortgage having been a condition precedent to
the granting of said advance
NOW THEREFORE THIS MORTGAGE WITNESSETH that in consideration of the premises and
of the sum of one dollar the said Roland C Davenport and Dolores L Davenport his wife
do grant assign and convey unto the said mortgagee its successors and assigns all that
lot of ground situate and lying in Baltimore County State of Maryland and described as
follows to-wit:
Known and designated as Lot No 150 as shown on the Plat of Hyde Park which plat
is recorded among the Land Records of Baltimore County in Plat Book W H M No 9 folio 59
BEING the same lot of ground which by Deed dated May 27 1946 and recorded in the
Land Records of Baltimore County in Liber R J S N 1468 folio 285 was conveyed by The
Citizens Alliance Building Association to Elizabeth Rau recorded among the Land Records of
Baltimore County in Liber R J S N 1468 folio 285

STATE OF MARYLAND, Baltimore County, to-wit:
I HEREBY CERTIFY, That on this 27th day of May in the year one thousand nine hundred and forty-six before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City personally appeared Frank Penski, the President of said Citizens Alliance Building Association Inc.

the above named grantor, and he acknowledged the foregoing Deed to be his corporate act.

As Witness my hand and Notarial Seal.

A. F. Holinski Notary Public.

DEED

FROM
CITIZENS ALLIANCE BUILDING ASSOCIATION INC.
TO
DOLORES L. DAVENPORT
Lot 150 Hyde Park.
BLOCK NO.
Received for Record at 10:00 AM on 5/27/88. Same day recorded in Liber R J S N 1468 folio 285. Fee, \$1.00 and assessed per one of the Land Records of Baltimore County. Notary Public, Adam M. Javoraki, Clerk. Cost of Record, \$1.00. STATE RELIEF TAX \$1.00. The State Relief Tax Company, Baltimore, Md.