

IN RE: PETITION FOR ZONING VARIANCE • BEFORE THE  
86/S Northview Road, 410.54' NW • ZONING COMMISSIONER  
of the c/1 of Bullneck Road Ext. (8230 Northview Road)  
12th Election District • OF BALTIMORE COUNTY  
7th Councilmanic District • Case No. 89-520-A  
Stephen T. Kotula, et ux  
Petitioners

AMENDED ORDER

WHEREAS, the Petitioners requested a variance to permit an existing accessory building (garage) in the side yard in lieu of the required rear yard, and a front yard setback of 17 feet in lieu of the required 21 feet for a proposed addition, in accordance with the plan submitted and identified as Petitioner's Exhibit 1;

WHEREAS, by Order issued July 25, 1989, Petitioners were denied the relief requested as a result of opposition by the Department of Environmental Protection and Resource Management (DEPRM);

WHEREAS, as a result of further discussions between DEPRM and Petitioners, an agreement was reached by both parties wherein Petitioners agreed to certain terms and conditions imposed by DEPRM;

WHEREAS, DEPRM is now in favor of granting the relief requested, subject to restrictions as set forth in their supplemental comments dated July 20, 1989, received in the Office of Zoning on July 28, 1989, and a request for reconsideration of the above-captioned matter was made by DEPRM on behalf of the Petitioners;

IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of August, 1989 that the order issued July 25, 1989 be and the same is hereby AMENDED and the relief requested in the Petition for Zoning Variance to permit an existing accessory building (garage) in the

side yard in lieu of the required rear yard, and a front yard setback of 17 feet in lieu of the required 21 feet, 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:

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 responsible for returning, said property to its original condition.

2) Petitioners shall complete all improvements and/or corrections to existing improvements within 365 days of the date of this Order, unless an extension of time is granted for good cause. Petitioners shall provide written notification to the Zoning Commissioner's Office within thirty (30) days of the date of completion that the subject property is in compliance with the terms and conditions of the requirements set forth in the comments submitted by DEPRM and the restrictions imposed by this Order.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order; 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 July 20, 1989, attached hereto and made a part hereof.

JRH:bjs  
cc: Mr. & Mrs. Stephen T. Kotula  
8230 Northview Road  
Baltimore, Md. 21222

Chesapeake Bay Critical Areas Commission; DEPRM; People's Counsel  
File

- 2 -

BAITIMORE COUNTY, MARYLAND JUL 28 1989

INTER-OFFICE CORRESPONDENCE

ZONING OFFICE

TO: Mr. J. Robert Haines  
Zoning Commissioner

DATE: July 20, 1989

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

SUBJECT: Petition for Zoning Variance - Item 383  
Stephen and Louise Kotula Property

This is a second Critical Area Findings which takes into consideration additional information from the Chesapeake Bay Critical Area staff. This information pertains to existing development in Intensely Developed Areas (IDA) which are on the waterfront.

SITE LOCATION

The subject property is located at 8230 Northview Road along Bullneck Creek in Dundalk. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area.

APPLICANT'S NAME Stephen and Louise Kotula

APPLICANT'S PROPOSAL

The applicants have requested a Zoning Variance from Section 303.1 and 400.1 of the Baltimore County 1981 Zoning Regulations "To permit a front yard setback of 17' and an accessory building (garage) in the side yard in lieu of the required front yard average setback of 21' and rear yard, respectively."

The applicant proposes an addition of 520 square feet located to the rear of the structure and next to the garage.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

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.

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and

J. Robert Haines  
July 20, 1989  
Page 3

3. Regulation: "New Development and Redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment." <Baltimore County Code Sec. 22-217>

Findings:

At present rooftop runoff is directed through down-spouts and out open pipes. In order to comply with the above regulation Dutch drains or seepage pits shall be installed on all downspouts (see attached information). This will encourage maximum infiltration of stormwater and will bring this property into compliance with the 10% rule. Infiltration of storm water is a recommended Best Management Practice in a "Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area".

CONCLUSION:

It is recommended that this variance request be conditioned with the above requirements. This will bring the property into compliance with Chesapeake Bay Critical Area Regulations. 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:KLC:ju  
Attachment

cc: The Honorable Ronald B. Hickernell  
The Honorable Norman R. Laubenstein  
The Honorable Dale T. Volz

IN RE: PETITION FOR ZONING VARIANCE • BEFORE THE  
86/S Northview Road, 410.54' NW • ZONING COMMISSIONER  
of the c/1 of Bullneck Road Ext. (8230 Northview Road)  
12th Election District • OF BALTIMORE COUNTY  
7th Councilmanic District • Case No. 89-520-A  
Stephen T. Kotula, et ux  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an existing accessory building (garage) in the side yard in lieu of the required rear yard, and a front yard setback of 17 feet in lieu of the required 21 feet for a proposed addition, as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protests.

Testimony indicated that the subject property, known as 8230 Northview Road, consists of .169 acres zoned D.R. 5-5 and is located within the Chesapeake Bay Critical Areas on Bullneck Creek. Said property is improved with a single family dwelling and detached garage. Petitioners propose constructing an addition to the rear of the existing dwelling unit to provide additional living space for their growing family. Evidence presented indicated that the existing dwelling provides less than 925 sq.ft. of living space and that the proposed addition will allow the expansion of existing living areas and an additional bedroom. There was no testimony or evidence presented to support that the relief requested would meet Critical Areas requirements.

The Department of Environmental Protection and Resource Management is opposed to the granting of the relief requested as set forth in

their comments dated May 2, 1989. At the end of the hearing held on Thursday, June 22, 1989, Petitioners were advised to contact DEPRM in an attempt to work out their differences. Petitioners were further advised to submit written documentation within seven days of the hearing evidencing a favorably conclusion. As no such written documentation has been received in this office to date, a decision is being rendered based upon the testimony and evidence presented at the hearing.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, there was no evidence to support a finding that 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. In addition, there was no testimony to support a finding that the subject variance would not adversely affect the health, safety, and/or general welfare of the public. Petitioners were granted a variance in Case No. 88-519-A for a second story addition subject to restrictions. In accordance with the comments submitted by DEPRM, Petitioners have not complied with the restrictions set forth in the previous matter, and as such, the relief requested in the instant case should be denied. In the opinion of the Zoning Commissioner, strict compliance with the B.C.Z.R. would not result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The Petitioners have the burden of proof to submit facts and evidence which will establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of 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

- 2 -

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. Further, testimony must be presented to support a finding that 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 relief requested is based upon conditions or circumstances which are the result of the Petitioners' actions and does not arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is not in harmony with the general spirit and intent of the Critical Area legislation for Baltimore County and does not conform 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:

- 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.

- 3 -

ORDER RECEIVED FOR FILING  
Date 7/25/89  
By *Robert W. Sheesley*

DEPRM has submitted comments in opposition to the granting of this variance. Said comments have been attached hereto and will become a permanent part of the decision rendered in this case. In the opinion of the Zoning Commissioner, the relief requested would adversely affect the health, safety, and/or general welfare of the public and would not be within the spirit and intent of the B.C.Z.R.

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 denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of July, 1989 that the Petition for Zoning Variance to permit an existing accessory building (garage) in the side yard in lieu of the required rear yard, and a front yard setback of 17 feet in lieu of the required 21 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the existing accessory building (garage) presently located in the side yard on the subject property be removed within One Hundred Twenty days (120) of the date of this Order.

*J. Robert Haines*  
J. Robert Haines  
Zoning Commissioner for  
Baltimore County

JRH:bjs

- 4 -

ORDER RECEIVED FOR FILING  
Date 7/25/89  
By *Robert W. Sheesley*

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By *Robert W. Sheesley*

ORDER RECEIVED FOR FILING  
Date 7/25/89  
By *Robert W. Sheesley*

**PETITION FOR ZONING VARIANCE**  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-520-A

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 1003.1 and 1003.1.1 to permit a front yard setback of 17' and an accessory building (garage) in the side yard in lieu of the required front yard average setback of 21' and rear yard, respectively.

Inadequate living space in home. Extensions needed to provide proper living space in Dining Room and Family Room and Bed Room. Presently total house square footage is less than 900 sq. ft. With family expanding the zoning variance is needed for comfortable living.

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: \_\_\_\_\_  
(Type or Print Name)

Signature: \_\_\_\_\_  
(Type or Print Name)

Address: \_\_\_\_\_  
City and State: \_\_\_\_\_

Attorney for Petitioner: \_\_\_\_\_  
(Type or Print Name)

Signature: \_\_\_\_\_  
City and State: \_\_\_\_\_

Address: \_\_\_\_\_  
City and State: \_\_\_\_\_

Attorney's Telephone No.: \_\_\_\_\_

ORDERED By the Zoning Commissioner of Baltimore County, this 22nd day of April 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of June, 1989, at 9:30 o'clock a.m.

*J. Robert Haines*  
Zoning Commissioner of Baltimore County

MAP 525F  
E.D. 124  
DATE 4-23-89  
ZCD 14  
1000 14  
DP

**ZONING DESCRIPTION**  
**CRITICAL AREA**

Beginning on the NE/4 of Northview Road, 490.54' N of Bullneck Road extended 12th Election District; 7th Councilmanic District and being known and designated as Lot No. 13, Block 1 as shown on the Plat of Murray Point, Section B, received among the Land Records of Baltimore County in Plat Book No. 13, folio 19. The improvements thereon being known as No. 8230 Northview Road, Baltimore, Maryland 21222-6023.

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., May 30, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 25, 1989.

THE JEFFERSONIAN,  
S. Zabe Orlean  
Publisher

PO 12582  
reg #30908  
cs 89-520-1  
purs \$ 41.37

**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 and time:  
Petition for Zoning Variance Case Number 89-520-A Case No. 89-520-A 410.54' N of Northview Road, 490.54' N of Bullneck Road, 12th Election District, 7th Councilmanic District.  
Stephen T. Kotula Hearing Date: Thursday, June 22, 1989 at 9:30 a.m.  
Variance: To permit a front yard setback of 17 ft. and an accessory building (garage) in the side yard in lieu of the required front yard average setback of 21 ft. and rear yard, respectively. 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 the appeal 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  
5348 May 25

**CERTIFICATE OF PUBLICATION**

OFFICE OF Dundalk Eagle  
4 N. Center Place  
P.O. Box 8936  
Dundalk, Md. 21222  
May 25, 1989

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hrgs. Case #89-520-A - P.O. #12583 - Reg. #M30909 - 80 lines was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 26th day of May 1989; that is to say, the same was inserted in the issues of May 25, 1989.

Kimbel Publication, Inc.  
per Publisher.  
By *K.C. Deke*

**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 and time:  
Petition for Zoning Variance Case Number 89-520-A Case No. 89-520-A 410.54' N of Northview Road, 490.54' N of Bullneck Road, 12th Election District, 7th Councilmanic District.  
Stephen T. Kotula Hearing Date: Thursday, June 22, 1989 at 9:30 a.m.  
Variance: To permit a front yard setback of 17 ft. and an accessory building (garage) in the side yard in lieu of the required front yard average setback of 21 ft. and rear yard, respectively. 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 the appeal 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  
5348 May 25

**CERTIFICATE OF POSTING**

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 124  
Date of Posting: 6/14/89  
Posted for: *Stephen T. Kotula*  
Petitioner: *Stephen T. Kotula*  
Location of property: *NE/4 Northview Rd, 410.54' N of Bullneck Rd, 12th Election District*  
Location of Sign: *Along Northview Rd, across E. of road, on property of R. Haines*  
Remarks: \_\_\_\_\_  
Posted by: *Stephen*  
Date of return: 6/19/89  
Number of Signs: 1

**Baltimore County Zoning Commissioner Office of Planning & Zoning**

Mr. & Mrs. Stephen T. Kotula  
8230 Northview Road  
Baltimore, Maryland 21222

Date: 6/9/89

Re: Petition for Zoning Variance Case Number 89-520-A NE/4 of Northview Road, 410.54' N of c/l of Bullneck Road Ext. 12th Election District - 7th Councilmanic District  
Petitioner(s): Stephen T. Kotula  
HEARING SCHEDULED: THURSDAY, JUNE 22, 1989 at 9:30 a.m.

Dear Mr. & Mrs. Kotula:  
Please be advised that \$96.37 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 21286. 15 minutes before

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

No. \_\_\_\_\_

DATE: 6/14/89 ACCOUNT: \_\_\_\_\_

AMOUNT: \$ 96.37

RECEIVED FROM: *Stephen T. Kotula*

FOR: *P.P. by Haines Hearing 89-520-A*

VALIDATION OR SIGNATURE OF CASHIER: \_\_\_\_\_

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (410) 887-3334

April 25, 1989

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:  
The Bureau of Traffic Engineering has no comments for item numbers 274, 359, 383, 384, 389, 393, 394, 395, 396, 397, and 398.

Very truly yours,  
*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Associate II

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 5th day of April, 1989.

Very truly yours,  
*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Petitioner: \_\_\_\_\_ Received by: \_\_\_\_\_  
Petitioner's Attorney: \_\_\_\_\_ Chairman, Zoning Plans Advisory Committee

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

June 7, 1989  
COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Mr. & Mrs. Stephen T. Kotula  
8230 Northview Road  
Baltimore, MD 21222

RE: Item No. 383, Case No. 89-520-A  
Petitioner: Stephen T. Kotula, et ux  
Petition for Zoning Variance

Dear Mr. & Mrs. Kotula:  
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 petitioned 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.

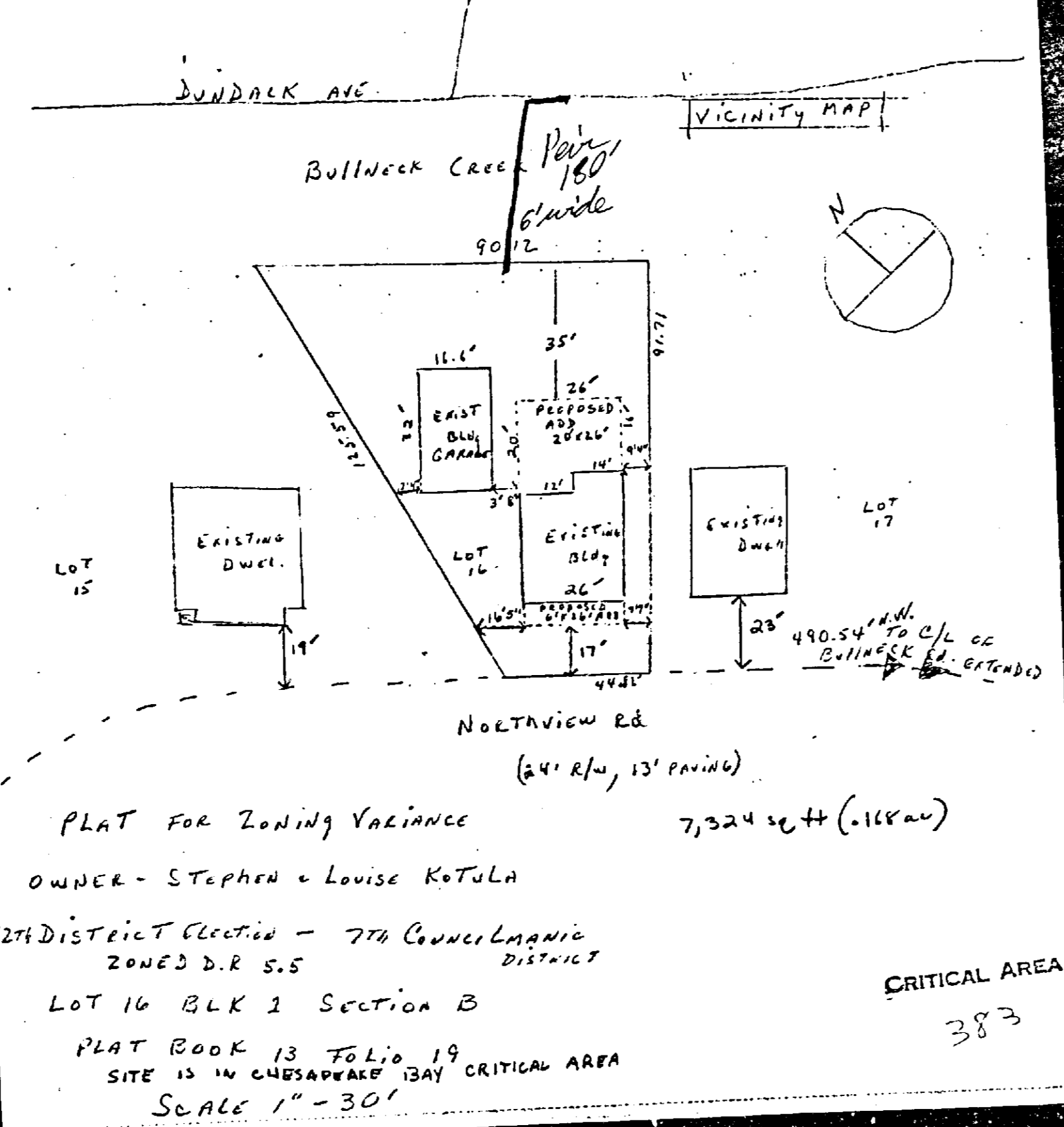
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing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

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

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

JED:jw  
Enclosures

**PETITIONER'S EXHIBIT 1**



Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3333  
J. Robert Haines Zoning Commissioner  
May 15, 1989

**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 as follows:

Petition for Zoning Variance Case Number 89-520-A NE/4 of Northview Road, 410.54' N of c/l of Bullneck Road Ext. 8230 Northview Road 12th Election District - 7th Councilmanic District  
Petitioner(s): Stephen T. Kotula  
HEARING SCHEDULED: THURSDAY, JUNE 22, 1989 at 9:30 a.m.

Variances to permit a front yard setback of 17 ft. and an accessory building (garage) in the side yard in lieu of the required front yard average setback of 21 ft. and rear yard, respectively.

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

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
cc: Mr. & Mrs. Kotula  
File

Paul H. Reinecke  
Chief

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21284



Dennis F. Haysom  
County Executive

Re: Property Owner: Stephen T. Kotula

Location: NE/S of Northview Road, 410.54' NW of centerline of Bullneck Road Ext.

Item No.: 383 Zoning Agenda: April 4, 1989

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.
- (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: *[Signature]* Noted and Approved: *[Signature]*  
Special Inspection Division Fire Prevention Bureau

BALTIMORE COUNTY, MARYLAND  
INTER OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 17, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for April 4, 1989

The Developers Engineering Division has reviewed the zoning items for the subject meeting and we have no comments for Items 274, 359, 383, 389, 392, 393, 394, 395, 396, and 398. Comments are attached for Items 384 and 397.

*[Signature]*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

Encls.

ORDER RECEIVED FOR FILING

Date \_\_\_\_\_  
By \_\_\_\_\_

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.

- 1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- 2. Conserve fish, wildlife and plant habitat; and
- 3. 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. 0>

RECEIVED  
BALTIMORE COUNTY, MARYLAND JUN 22 1989

INTER-OFFICE CORRESPONDENCE

ZONING OFFICE

TO: Mr. J. Robert Haines  
Zoning Commissioner

DATE: May 2, 1989

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 383  
Stephen and Louise Kotula Property

SITE LOCATION

The subject property is located at 8230 Northview Road along Bullneck Creek in Dundalk. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area.

APPLICANT'S NAME Stephen and Louise Kotula

APPLICANT'S PROPOSAL

The applicant has requested a Zoning Variance from Section 303.1 and 400.1 of the Baltimore County 1981 Zoning Regulations "To permit a front yard setback of 17' and an accessory building (garage) in the side yard in lieu of the required front yard average setback of 21' and rear yard, respectively."

The applicant proposes an addition of 520 square feet located to the rear of the structure and next to the garage.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

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.

- 1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- 2. Conserve fish, wildlife and plant habitat; and
- 3. 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. 0>

J. Robert Haines  
May 2, 1989  
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams." The natural vegetation occurring in the buffer shall remain undisturbed and vegetation shall be planted in the buffer where necessary to protect, stabilize, or enhance the shoreline" (Baltimore County Code Sec. 22-213(a,d)).

Findings:

- a. The existing garage is approximately 25 feet from the mean high water line. The proposed addition will be 35 feet from the mean high water line and shall be located no closer to the mean high water line than existing structures.
- b. Two major deciduous trees, or three minor deciduous trees, or four coniferous trees shall be planted along the waterfront. At maturity these trees will provide a partial buffer that will protect riparian habitat and enhance the shoreline.

Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination." (Baltimore County Code Sec. 22-9B).

Findings: A review of this site and the surrounding areas did not discover any tidal or non-tidal wetlands.

RECEIVED  
BALTIMORE COUNTY, MARYLAND JUL 28 1989

INTER-OFFICE CORRESPONDENCE

ZONING OFFICE

TO: Mr. J. Robert Haines  
Zoning Commissioner

DATE: July 20, 1989

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

SUBJECT: Petition for Zoning Variance - Item 383  
Stephen and Louise Kotula Property

This is a second Critical Area Findings which takes into consideration additional information from the Chesapeake Bay Critical Area staff. This information pertains to existing development in Intensely Developed Areas (IDA) which are on the waterfront.

SITE LOCATION

The subject property is located at 8230 Northview Road along Bullneck Creek in Dundalk. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area.

APPLICANT'S NAME Stephen and Louise Kotula

APPLICANT'S PROPOSAL

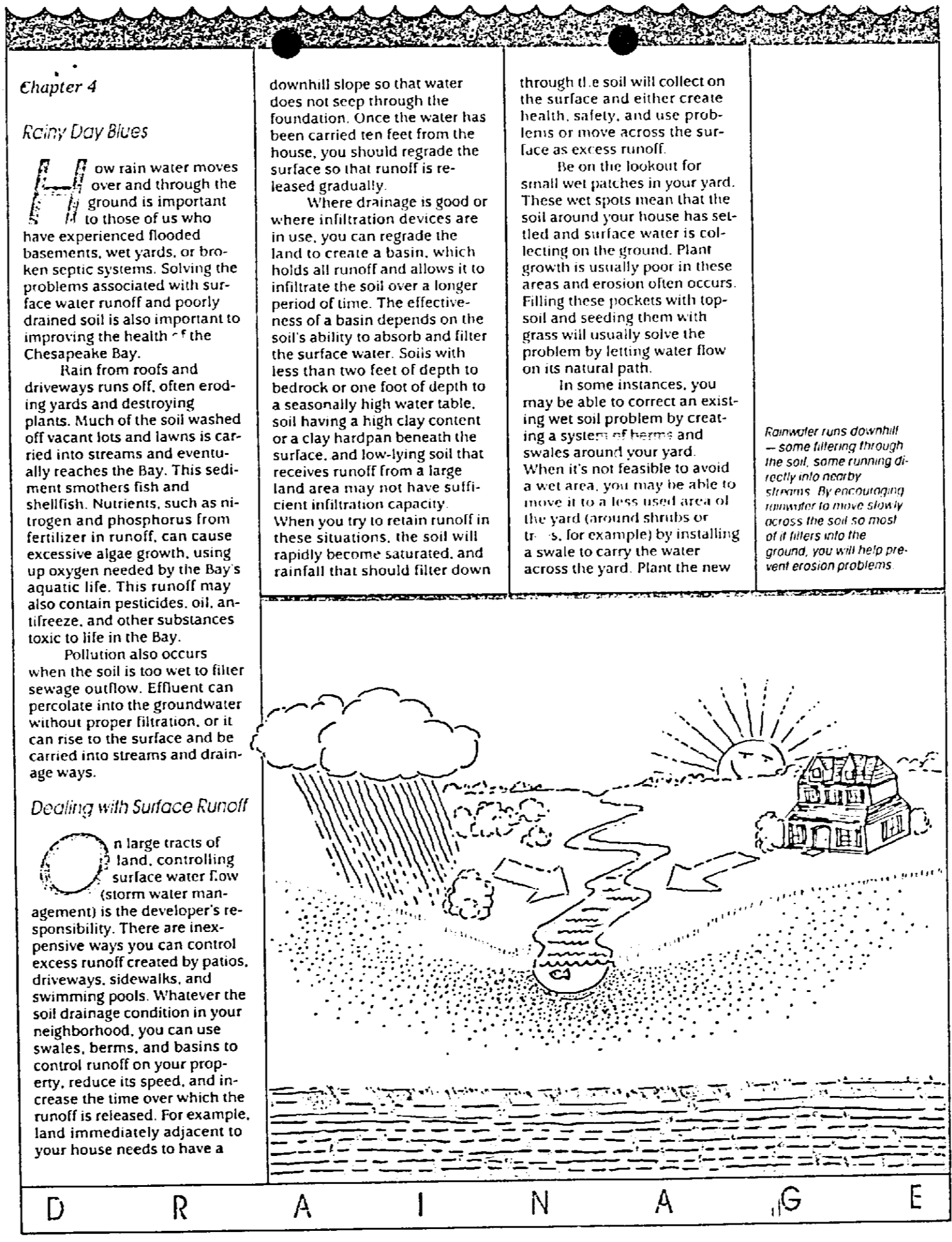
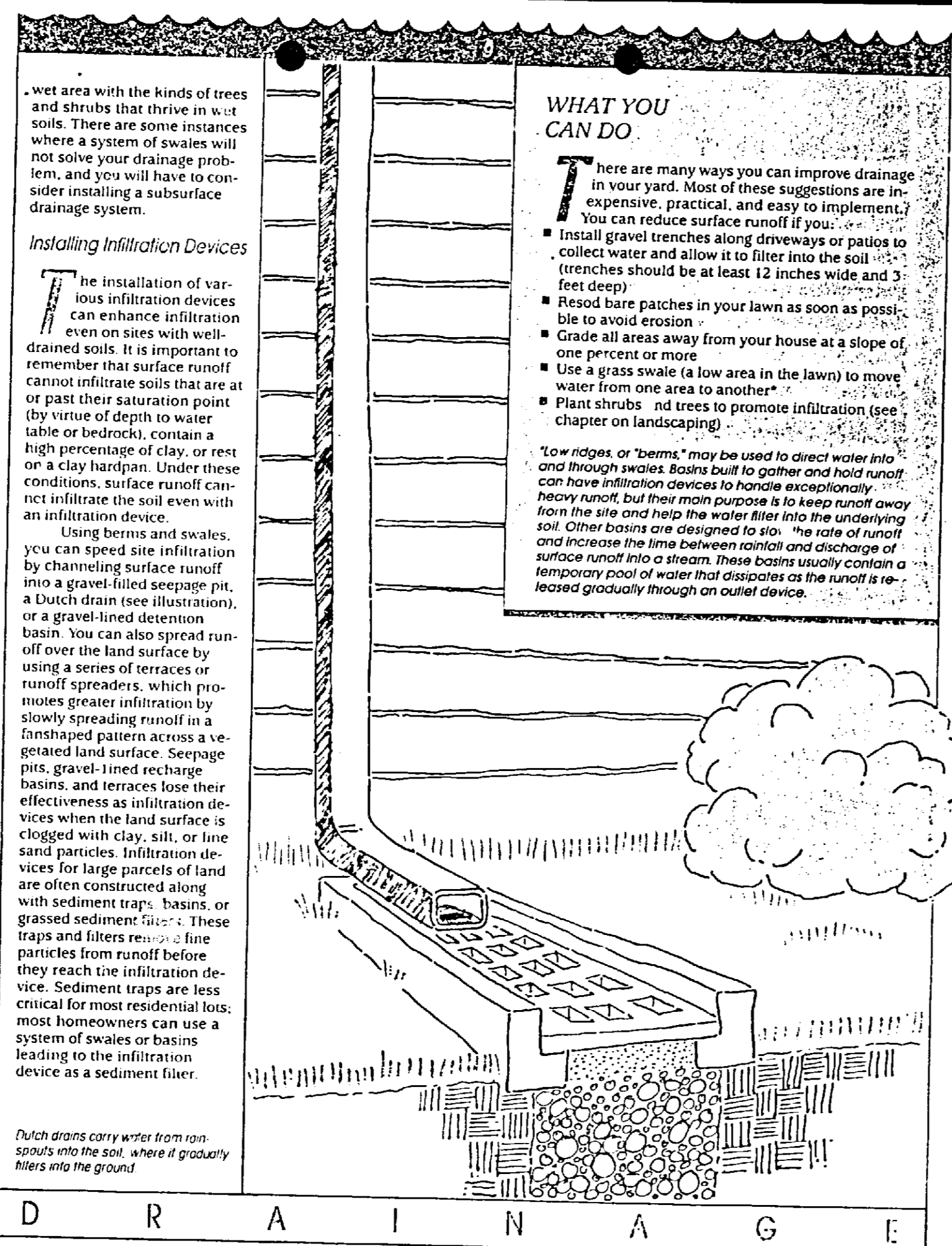
The applicants have requested a Zoning Variance from Section 303.1 and 400.1 of the Baltimore County 1981 Zoning Regulations "To permit a front yard setback of 17' and an accessory building (garage) in the side yard in lieu of the required front yard average setback of 21' and rear yard, respectively."

The applicant proposes an addition of 520 square feet located to the rear of the structure and next to the garage.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

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.

- 1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- 2. Conserve fish, wildlife and plant habitat; and



J. Robert Haines  
May 2, 1989  
Page 3

3. Regulation: "New Development and Redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment." (Baltimore County Code Sec. 22-217)

Findings: At present rooftop runoff is directed through downspouts and out open pipes. In order to comply with the above regulation (Baltimore County Code Sec. 22-217) a gravel-lined seepage pit, a Dutch drain (see illustration), or a gravel-lined detention basin. You can also spread runoff over the land surface by using a series of terraces or runoff spreaders, which promotes greater infiltration by slowly spreading runoff in a fan-shaped pattern across a vegetated land surface. Seepage pits, gravel-lined recharge basins, and terraces lose their effectiveness as infiltration devices when the land surface is clogged with clay, silt, or fine sand particles. Infiltration devices for large parcels of land are often constructed along with sediment traps, basins, or grassed sediment filters. These traps and filters remove fine particles from runoff before they reach the infiltration device. Sediment traps are less critical for most residential lots; most homeowners can use a system of swales or basins leading to the infiltration device as a sediment filter.

CONCLUSION:

The petitioner was granted a variance in August of 1988 and the variance was then conditioned with these restrictions. At the present time the petitioner has not implemented these measures. It is therefore recommended that this variance request not be granted until the petitioner has met the requirements of the last variance which will bring the property into compliance with Chesapeake Bay Critical Area Regulations. Please contact Mr. David C. Flowers at 887-3980 if you require additional information.

*[Signature]*  
Robert W. Sheesley, Director  
Department of Environmental Protection and Resource Management

RWS:KIC:ju  
Attachment

cc: The Honorable Ronald B. Hickernell  
The Honorable Norman R. Lauenstein  
The Honorable Dale T. Volz

J. Robert Haines  
July 20, 1989  
Page 2

3. 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 14.15.10.01.0>

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams." "The natural vegetation occurring in the Buffer shall remain undisturbed and vegetation shall be planted in the Buffer where necessary to protect, stabilize, or enhance the shoreline" <Baltimore County Code Sec. 22-213(a,d)>

Finding:

The existing garage is approximately 25 feet from the mean high water line. The proposed addition will be 35 feet from the mean high water line and shall be located no closer to the mean high water line than existing structures. Mitigation for development in the Buffer shall be provided by planting the remaining buffer in accordance with the Forest establishment plan (Baltimore County Resolution 14-89). The following plant material shall be selected from the enclosed list and planted to provide a vegetated buffer.

Shrub and small tree list: four items - ball and burlap or 2 gallon container size.

Tree list: two items - ball and burlap  
1 - 1.5 inch caliper

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination." <Baltimore County Code Sec. 22-96>

Finding: A review of this site and the surrounding areas did not discover any tidal or non-tidal wetlands.

J. Robert Haines  
July 20, 1989  
Page 3

3. Regulation: New Development and Redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment." <Baltimore County Code Sec. 22-217>

Findings:

At present rooftop runoff is directed through down-spouts and out open pipes. In order to comply with the above regulation Dutch drains or seepage pits shall be installed on all downspouts (see attached information). This will encourage maximum infiltration of stormwater and will bring this property into compliance with the 10% rule. Infiltration of storm water is a recommended Best Management Practice in a "Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area".

CONCLUSION:

It is recommended that this variance request be conditioned with the above requirements. This will bring the property into compliance with Chesapeake Bay Critical Area Regulations. Please contact Mr. David C. Flowers at 887-3960 if you require additional information.

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

RWS:KLC:ju  
Attachment

cc: The Honorable Ronald B. Hickernell  
The Honorable Norman R. Lauenstein  
The Honorable Dale T. Volz

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  
5<sup>th</sup> day of April, 1989

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER  
Received by: *Norman W. Dyer*  
Norman W. Dyer  
Chairman, Zoning Plans  
Advisory Committee  
Petitioner's Attorney

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 7, 1989

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

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- 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. & Mrs. Stephen T. Kotula  
8230 Northview Road  
Baltimore, MD 21222

RE: Item No. 383, Case No. 89-520-A  
Petitioners: Stephen T. Kotula, et ux  
Petition for Zoning Variance

Dear Mr. & Mrs. Kotula:

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 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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION AULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

*James E. Dyer, Jr.*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
(301) 887-3554

April 25, 1989



Dennis F. Rasmussen  
County Executive

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 274, 359, 383, 384, 389, 393, 391, 395, 396, 397, and 398.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Associate II

MSE/lw

RECEIVED  
APR 29 1989

ZONING OFFICE

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: May 31, 1989

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-520-A  
Item No. 383

Re: Stephen T. Kotula, et ux

The Petitioners request variances to allow a front yard setback of 17 feet in lieu of the average 21 feet and an accessory structure to be located in the side yard in lieu of the required rear yard. In reference to this request, staff offers no comment.

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RECEIVED  
JUN 1 1989

ZONING OFFICE