

IN RE: PETITION FOR ZONING VARIANCE  
S/S Avenue B at end of driveway,  
438' +/- W of Ross Road  
(9117 Avenue B)  
15th Election District  
5th Councilmanic District

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 90-9-A

Gordon L. Diven, et ux  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 16 feet in lieu of the required 30 feet for a proposed garage as more particularly described in Petitioner's Exhibit 1 and appended Exhibits 1A and 1B.

The Petitioners appeared and testified. Also appearing on behalf of the Petition was Gordon L. Diven, Sr., Petitioner's father. Thomas Diven, Petitioners' nephew and adjoining property owner, appeared and testified as an interested party.

Testimony indicated that the subject property, known as 9117 Avenue B, consists of 0.34 acres zoned D.R. 5.5 and is improved with a single family dwelling and detached wooden shed. Said property is located within the Chesapeake Bay Critical Areas in the subdivision known as Todd's Farm on Old Road Bay. Testimony indicated Petitioners are desirous of constructing a garage attached to the principal dwelling by a breezeway as set forth in Petitioner's Exhibit 1B. Petitioners testified the existing garage foundation was constructed on the northwesterly side of the house at a time when the front door of the house was located on the north-easterly side. Subsequent to the construction of the aforementioned foundation, the front door of the dwelling was moved to the side of the house fronting Avenue B. Testimony indicated Petitioners applied for a building

permit and received approval to construct the proposed garage, which will have no water hookup, in 1982. Prior to the foundation being poured, Petitioners were advised they needed variances due to a subsequent change in the zoning regulations. Testimony indicated the relief requested would not result in any detriment to the health, safety or general welfare of the surrounding community.

Thomas Devin testified he owns the adjoining property, known as 9124 Avenue C, and indicated the rear of his existing dwelling faces the subject garage. He indicated he would object to the garage if its height were to exceed 15 feet and re-vented that the proposed breezeway be centered, as far as practical, between the house and proposed garage.

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 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 with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights common-

ly 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:

- 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 3rd day of October, 1989 that the Petition for Zoning Variance to permit a rear yard setback of 16 feet in lieu of the required 30 feet for a proposed garage, in accordance with Petitioner's Exhibit 1 and appended Exhibits 1A and 1B, 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 responsible for returning, said property to its original condition.
- 2) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) The proposed breezeway shall be enclosed with glass, wood, or some other permanent type material other than screens.
- 4) Petitioner shall construct the proposed garage in accordance with the dimensions indicated on Petitioner's Exhibit 1B.
- 5) Petitioner shall inform the Zoning Commissioner in writing within sixty (60) days of the proposed garage becoming substantially completed.
- 6) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement

ment 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 14, 1989, attached hereto and made a part hereof.

J. Robert Haines  
Zoning Commissioner for Baltimore County

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

October 3, 1989



Dennis F. Rasmussen  
County Executive

Mr. & Mrs. Gordon L. Diven  
9117 Avenue B  
Baltimore, Maryland 21219

RE: PETITION FOR ZONING VARIANCE  
S/S Avenue B at end of driveway, 438' +/- W of Ross Road  
(9117 Avenue B)  
15th Election District - 5th Councilmanic District  
Gordon L. Diven, et ux - Petitioners  
Case No. 90-9-A

Dear Mr. & Mrs. Diven:

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 887-3391.

Very truly yours,

J. Robert Haines  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: Mr. Thomas Diven  
9124 Avenue C, Baltimore, Md. 21219

People's Counsel

File

PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-9-A CRITICAL AREA #461

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 1802.3.C.1. To allow a rear yard setback of 16 ft. in lieu of the required 30 ft.

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

*We are asking for a variance because the original permit was issued for a garage and foundation for a small garage was inspected and approved by (Mr. DeWitt) 11-33-82. We are asking for a setback of 16 ft. back 40 ft. on side yard garage. So we may finish the garage. It would be a hardship for us if we can't finish it.*

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

Legal Owner(s):  
GORDON L. DIVEN  
(Type or Print Name)  
Signature: \_\_\_\_\_  
ANN E. DIVEN  
(Type or Print Name)  
Signature: \_\_\_\_\_

MAP SEPT  
4A  
E. D. 7-27-90  
DATE 2-27-90  
200  
1000  
DP 5

Attorney for Petitioner: \_\_\_\_\_  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_

Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Phone No. \_\_\_\_\_

ORDERED By The Zoning Commissioner of Baltimore County, this 10 day of May 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 108 - County Office Building in Towson, Baltimore County, on the 26 day of July, 1989, at 9:30 o'clock A.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County.

(over)

Zoning Description #461 CRITICAL AREA

*Beginning at a point at the end of a driveway such driveway running 91 ft south of Ave B, and such driveway being on the south side of Avenue B, 278 ft east of Old Road Bay. Thence running east 185 ft, thence southwest 80 ft, thence west 185 ft, thence northwest 80 ft, to the point of beginning. Also known as No. 9117 Avenue B in the 15th Election District.*

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

August 28, 1989



Dennis F. Rasmussen  
County Executive

Mr. and Mrs. Gordon L. Diven  
9117 Avenue B,  
Baltimore, Maryland 21219

RE: Petition for Zoning Variance  
Case #90-9-A  
Hearing Date: July 26, 1989 at 9:30 A.M.

Dear Mr. and Mrs. Diven:

As you are aware, my decision regarding the above captioned matter is pending receipt of a "garage drawing" accurately reflecting the dimensions and placement of the proposed structure generally referenced on Petitioner's Exhibit 1. Please be advised that I have diaried this matter for October 1, 1989. If my office is not in receipt of the requested drawings by that date, I will deny the Petition for Zoning Variance.

Very truly yours,  
J. Robert Haines  
Zoning Commissioner

JRH:hm

**Public Hearing**  
 The Zoning Commission of Baltimore County, by authority of the Board of Zoning and Appeals of Baltimore County, will hold a public hearing on the proposed rezoning of the property located at 111 W. Chesapeake Avenue in Towson, Maryland, as follows:  
**Petition for Zoning Variance**  
**CASE NUMBER: 90-9-A**  
 5/5 Avenue B at end of driveway 83' driveway, 438' x W Ross Rd., 9117 Avenue B  
 15th Election District - 5th Councilmanic District  
 Petitioner(s): Gordon L. Diven, et ux  
**HEARING SCHEDULED: WEDNESDAY, JULY 26, 1989**  
 9:30 a.m.  
**VARIANCE:** To allow a rear yard setback of 16 ft. in lieu of the required 30 ft. 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**  
 Zoning Commissioner  
 Baltimore County

**The Times**

Middle River, Md., June 29, 1989  
*John*  
Reg. No. 30978  
 was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 29th day of July, 1989.  
*John*  
 Publisher.

Baltimore County  
 Zoning Commission  
 Office of Planning & Zoning  
 Towson, Maryland 21284  
 (301) 887-3363

J. Robert Haines  
 Zoning Commissioner  
 Mr. & Mrs. Gordon L. Diven  
 9117 Avenue B  
 Baltimore, Maryland 21219



Dennis F. Rasmussen  
 County Executive

Re: Petition for Zoning Variance  
 CASE NUMBER: 90-9-A  
 5/5 Avenue B at end of driveway (83' driveway), 438' x W Ross Rd., 9117 Avenue B  
 15th Election District - 5th Councilmanic District  
 Petitioner(s): Gordon L. Diven, et ux  
 HEARING SCHEDULED: WEDNESDAY, JULY 26, 1989 at 9:30 a.m.

De: Petitioner(s):  
 Please be advised that \$113.00 is due for advertising and posting of the above referenced property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE SIGN SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN AND POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21284.

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE - REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT  
 No. 088340  
 DATE: 7/26/89 ACCOUNT: 901-615-000  
 AMOUNT: \$ 113.00  
 RECEIVED FROM: Gordon L. Diven  
 FOR: P/A for 7/26/89 hearing 90-9-A  
 VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND  
 INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
 Zoning Commissioner  
 DATE: June 22, 1989

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

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 90-9-A  
 Item No. 461

Re: Gordon L. Diven, et ux

The Petitioners request a variance to allow a rear yard setback of 16 feet in lieu of the required 30 feet. In reference to this request, staff offers no comment.

A:72689.txt Pg.1

CERTIFICATE OF POSTING  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland

District: 15th Date of Posting: 7/9/89  
 Posted for: Variance  
 Petitioner: Gordon L. Diven, et ux  
 Location of property: 5/5 Avenue B, east of driveway, 438' x W Ross Rd., 9117 Avenue B  
 Location of Sign: Property of Petitioner, 15' from driveway, etc.  
 Remark: \_\_\_\_\_  
 Posted by: [Signature] Date of return: 7/14/89  
 Number of Signs: 1

Baltimore County  
 Zoning Commissioner  
 Office of Planning & Zoning  
 Towson, Maryland 21284  
 484-3363

J. Robert Haines  
 Zoning Commissioner

June 14, 1989

NOTICE OF HEARING



Dennis F. Rasmussen  
 County Executive

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: 90-9-A  
 5/5 Avenue B at end of driveway (83' driveway), 438' x W Ross Rd., 9117 Avenue B  
 15th Election District - 5th Councilmanic District  
 Petitioner(s): Gordon L. Diven, et ux  
 HEARING SCHEDULED: WEDNESDAY, JULY 26, 1989 at 9:30 a.m.

Variance: To allow a rear yard setback of 16 ft. in lieu of the required 30 ft.

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: Gordon L. Diven, et ux  
 File

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 5, 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 June 29, 1989.

THE JEFFERSONIAN,

*S. Zeke Orkin*

Publisher

NOTICE OF HEARING  
 The Zoning Commission of Baltimore County, by authority of the Board of Zoning and Appeals of Baltimore County will hold a public hearing on the property located herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21284 as follows:  
**Petition for Zoning Variance**  
**Case number: 90-9-A**  
 5/5 Avenue B at end of driveway (83' driveway), 438' x W Ross Rd., 9117 Avenue B  
 15th Election District - 5th Councilmanic District  
 Petitioner(s): Gordon L. Diven, et ux  
**HEARING SCHEDULED: WEDNESDAY, JULY 26, 1989 at 9:30 a.m.**  
**VARIANCE:** To allow a rear yard setback of 16 ft. in lieu of the required 30 ft. 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**  
 Zoning Commissioner  
 Baltimore County

P013636  
 reg H30979  
 ca 90-9-A  
 price \$39.40

PETITIONER(S) EXHIBIT ( )



90-9-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
 County Office Building  
 Chesapeake Avenue  
 Towson, Maryland 21204

Your petition has been received and accepted for filing this 10th day of May, 1989.

*J. Robert Haines*  
 J. ROBERT HAINES  
 ZONING COMMISSIONER

Petitioner: Gordon L. Diven, et ux Received by: James E. Dyer  
 Chairman, Zoning Plans  
 Petitioner's Attorney: \_\_\_\_\_ Advisory Committee

BALTIMORE COUNTY, MARYLAND  
 INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines  
 Zoning Commissioner  
 DATE: July 14, 1989

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 461  
 Diven Property  
 Chesapeake Bay Critical Area Findings

RECEIVED  
 JUL 26 1989  
 ZONING OFFICE

SITE LOCATION

The subject property is located at 9117 Avenue B. The site is within the Chesapeake Bay Critical Area and is classified as a limited development area (LDA).

APPLICANT'S NAME

Gordon L. Diven

APPLICANT'S PROPOSAL

The applicant has requested a variance from section 1502.3.C.1 of the Baltimore County Zoning Regulations to allow a rear yard setback of 16 feet in lieu of the required 30 feet.

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>

Memo to Mr. J. Robert Haines  
 July 14, 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" <Baltimore County Code Sec. 22-213(a)>.  
 Finding: The proposed garage is located approximately 400 feet from the mean high tide of Old Road Bay.

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. 22-98>  
 Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

3. Regulation: "If no forest or developed woodland exists on a developed site these sites shall be planted to provide forest or developed woodland cover of at least 15%" <COMAR 14.15.02.04 C.(5)>.  
 Finding: Planting shall be in accordance with Baltimore County's Forest Establishment Plan (Resolution 14-88). The following is the total number of plants needed to provide 15% forest cover. Plants shall be selected from the enclosed list.

- Shrub and small tree list: twenty items - ball and burlap or 2 gallon container size  
 Tree list: ten items - ball and burlap  
 1 - 1.5 inch caliper

4. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

Finding: The proposed garage will not increase the sum of impervious surfaces to exceed 15% of the lot.

Memo to Mr. J. Robert Haines  
July 14, 1989  
Page 3

5. Regulation: "Infiltration of storm water shall be maximized throughout the site, rather than directing flow to single discharge points" (Baltimore County Code, Sec. 22-21(a)2).

Findings:

- a. Storm water runoff shall be directed from impervious surfaces associated with this petition to pervious areas to encourage maximum infiltration.
- b. Rooftop runoff shall be directed through down-spouts and into a Dutch drain or seepage pit to encourage maximum infiltration (see attached information).

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project shall be approved.

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

BWS:DCF:ju  
Attachment

cc: The Honorable Ronald B. Hickernell  
The Honorable Norman K. Launstein  
The Honorable Dale T. Volz

PLANT ASSOCIATION: UPLAND MOIST

NAME	RELATIVE ABUNDANCE
VEGETATION STRATA - SHRUBS AND SMALL TREES	
<i>Asimina triloba</i>	(Paw Paw) Abundant
<i>Amelanchier canadensis</i>	(Canadian Serviceberry) Abundant
<i>Amelanchier laevis</i>	(Serviceberry) Abundant
<i>Amelanchier obovata</i>	(Obovate Serviceberry) Abundant
<i>Clethra alnifolia</i>	(Sweet Pepperbush) Abundant
<i>Cornus amomum</i>	(Silky Dogwood) Local
<i>Cornus florida</i>	(Flowering Dogwood) Freq. Abund.
<i>Gaylussacia frondosa</i>	(Huckleberry) Abundant
<i>Ilex opaca</i>	(American Holly) Abund.-Freq.
<i>Itea virginica</i>	(Tassel-White) Infrequent
<i>Kalmia angustifolia</i>	(Lamb-Kill) Abundant
<i>Kalmia latifolia</i>	(Mountain Laurel) Abundant
<i>Leucothoe racemosa</i>	(Fetter-Bush) Abundant
<i>Lindera benzoin</i>	(Common Spicebush) Frequent
<i>Lyonia ligustrina</i>	(Male-Berry) Frequent
<i>Myrica pensylvanica</i>	(Bayberry) Frequent
<i>Prunus serotina</i>	(Black Cherry) Abundant
<i>Prunus virginiana</i>	(Choke Cherry) Local
<i>Rhododendron nudiflorum</i>	(Pinkster Flower) Infrequent

**Chapter 4**  
**Rain Day Blues**

How rain water moves over and through the ground is important to those of us who have experienced flooded basements, wet yards, or brownish seepage systems. Solving the problems associated with surface water runoff and poorly drained soil is also important to improving the health of the Chesapeake Bay.

Rain from roofs and driveways runs off, often eroding yards and destroying plants. Much of the soil washed off into streams and eventually reaches the Bay. This sediment smothers fish and shellfish. Nutrients, such as nitrogen and phosphorus from fertilizer in runoff, can cause excessive algae growth, using up oxygen needed by the Bay's aquatic life. This runoff may also contain pesticides, oil, antifreeze, and other substances toxic to life in the Bay.

Pollution also occurs when the soil is too wet to filter sewage outflow. Effluent can percolate into the groundwater without proper filtration, or it can be carried into streams and drainage ways.

**Dealing with Surface Runoff**

Large tracts of land, controlling surface water flow (storm water management) is the developer's responsibility. There are inexpensive ways you can control excess runoff created by patios, driveways, sidewalks, and swimming pools. Whatever the soil drainage condition in your neighborhood, you can use swales, berms, and basins to control runoff on your property, reduce its speed, and increase the time over which the runoff is released. For example, land immediately adjacent to your house needs to have a downhill slope so that water does not seep through the foundation. Once the water has been carried ten feet from the house, you should regrade the surface so that runoff is released gradually.

Where drainage is good or where infiltration devices are in use, you can regrade the land to create a basin, which holds all runoff and allows it to infiltrate the soil over a longer period of time. The effectiveness of a basin depends on the soil's ability to absorb and filter the surface water. Soils with less than two feet of depth to bedrock or one foot of depth to soil having a high clay content or a clay hardpan beneath the surface, and low-lying soil that receives runoff from a large land area may not have sufficient infiltration capacity. When you try to retain runoff in these situations, the soil will rapidly become saturated, and rainfall that should filter down through the soil will collect on the surface and either create health, safety, and use problems or move across the surface as excess runoff.

Be on the lookout for small wet patches in your yard. These wet spots mean that the soil around your house has settled and surface water is collecting on the ground. Plant growth is usually poor in these areas and erosion often occurs. Filling these pockets with topsoil and seeding them with grass will usually solve the problem by letting water flow on its natural path.

In some instances, you may be able to correct an existing wet soil problem by creating a system of berms and swales around your yard. When it's not feasible to avoid a wet area, you may be able to move it to a less used area of the yard (around shrubs or trees, for example) by installing a swale to carry the water across the yard. Plant the new swale with grasses and shrubs that thrive in wet soils. There are some instances where a system of swales will not solve your drainage problem, and you will have to consider installing a subsurface drainage system.

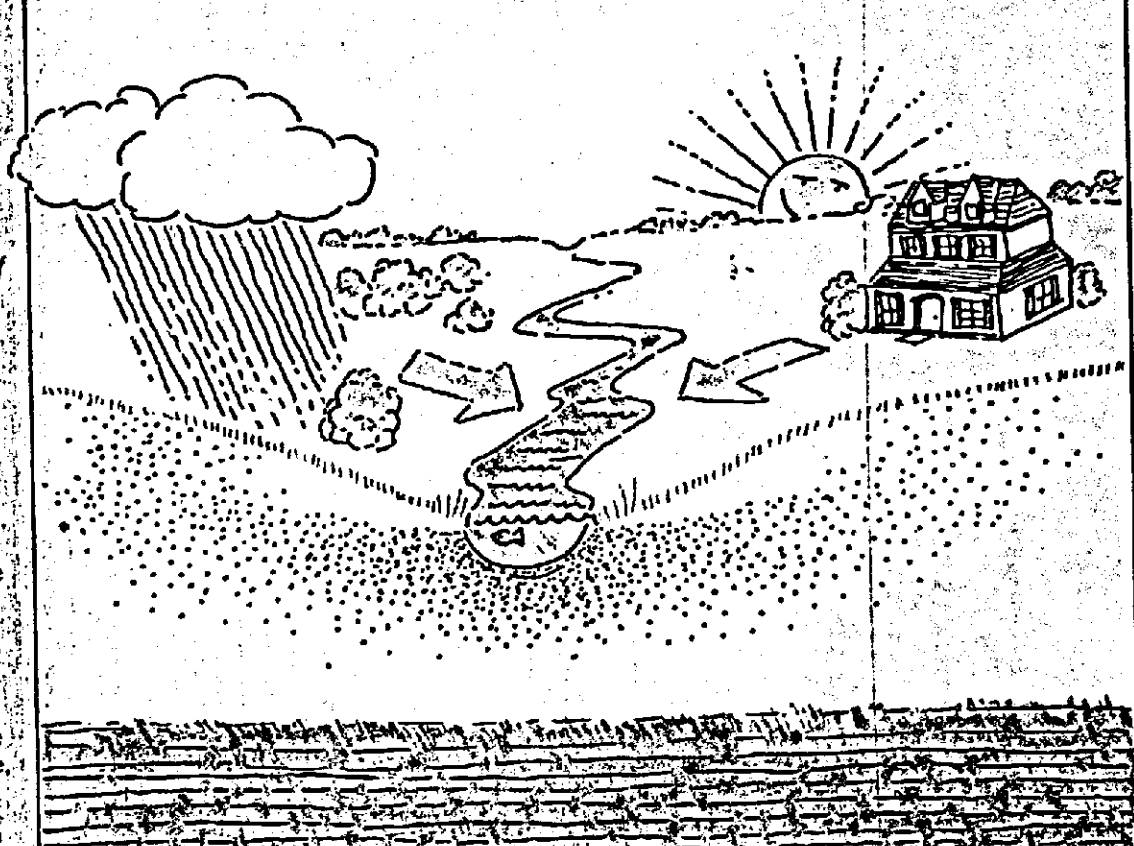
**Installing Infiltration Devices**

The installation of various infiltration devices can enhance infiltration even on sites with well-drained soils. It is important to remember that surface runoff cannot infiltrate soils that are at or past their saturation point (by virtue of depth to water table or bedrock), contain a high percentage of clay, or rest on a clay hardpan. Under these conditions, surface runoff cannot infiltrate the soil even with an infiltration device.

Using berms and swales, you can speed site infiltration by channeling surface runoff into a gravel-filled 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 promote greater infiltration by slowly spreading runoff on a finished 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.

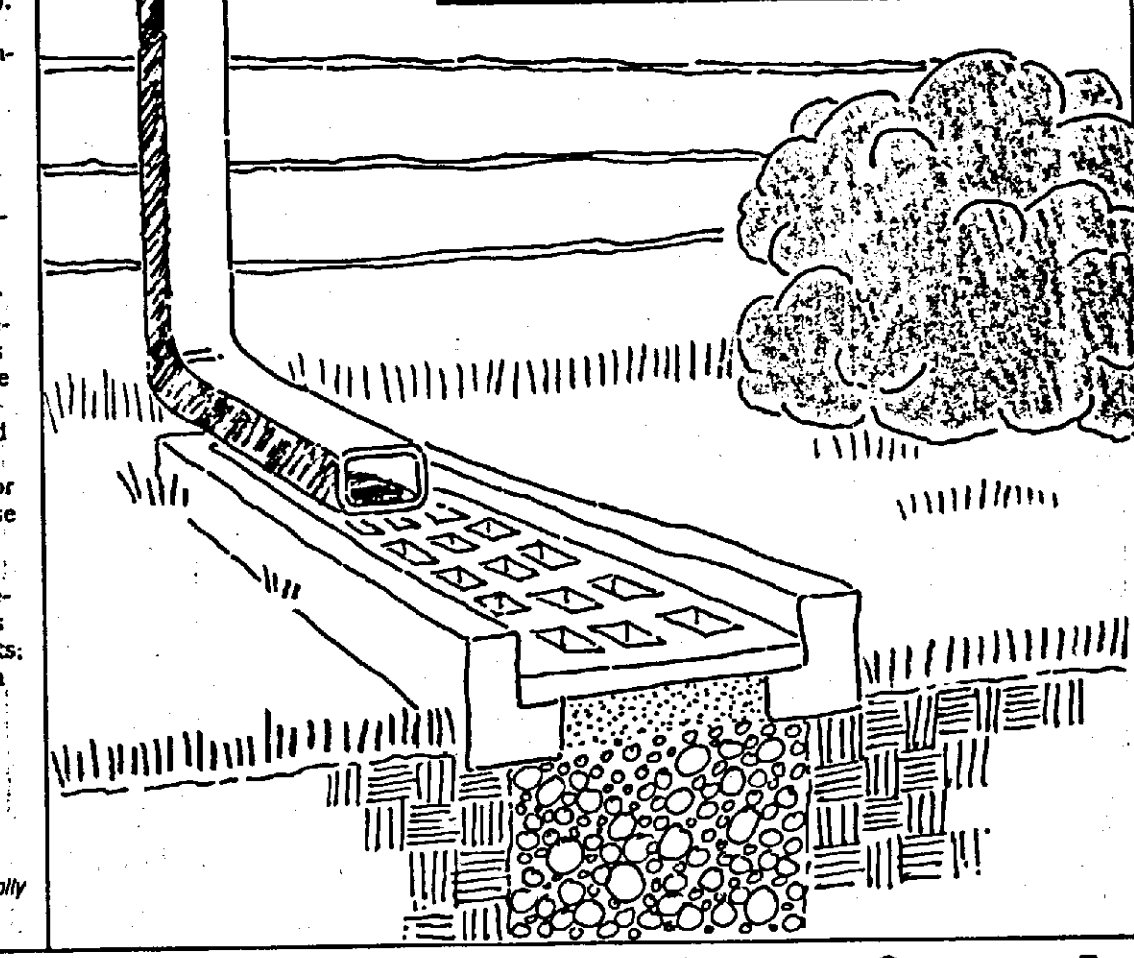
**WHAT YOU CAN DO**

There are many ways you can improve drainage in your yard. Most of these suggestions are inexpensive, practical, and easy to implement. You can reduce surface runoff if you install small gravel trenches along driveways or patios to collect water and allow it to filter into the soil. Trenches should be at least 2 inches deep and 12 inches wide. Resod bare patches in your lawn as soon as possible to avoid erosion. You can reduce runoff by grading all areas away from your house to a slope of one percent or more. Use a grass swale (a low area in the lawn) to move water from one area to another. Plant shrubs and trees to promote infiltration (see Chapter on Landscaping). Use mulch to reduce heavy runoff, but their main purpose is to keep runoff from the site and help the water filter into the underlying soil. Other basins are designed to slow the runoff of surface runoff into a stream. These basins usually contain a temporary pool of water that dissipates on the runoff if it is released gradually through an outlet device.



**WHAT YOU CAN DO**

There are many ways you can improve drainage in your yard. Most of these suggestions are inexpensive, practical, and easy to implement. You can reduce surface runoff if you install small gravel trenches along driveways or patios to collect water and allow it to filter into the soil. Trenches should be at least 2 inches deep and 12 inches wide. Resod bare patches in your lawn as soon as possible to avoid erosion. You can reduce runoff by grading all areas away from your house to a slope of one percent or more. Use a grass swale (a low area in the lawn) to move water from one area to another. Plant shrubs and trees to promote infiltration (see Chapter on Landscaping). Use mulch to reduce heavy runoff, but their main purpose is to keep runoff from the site and help the water filter into the underlying soil. Other basins are designed to slow the runoff of surface runoff into a stream. These basins usually contain a temporary pool of water that dissipates on the runoff if it is released gradually through an outlet device.



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 13, 1989

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21286

Mr. & Mrs. Gordon L. Diven  
3117 Ave B  
Baltimore, MD 21219

RE: Item No. 461, Case No. 90-9-A  
Petitioner: Gordon L. Diven, et ux  
Petition for Zoning Variance

Dear Mr. Diven:

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 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

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

June 6, 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 185, 355, 460, 463, 464, and 465.

Very truly yours,

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

MSE/lwv

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 17, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for May 9, 1989

The Developers Engineering Division has reviewed the zoning items for the subject meeting and we have no comments for Items 185, 460, 463, 464 and 465. Comments for Item 355 (County Review Group) are attached and remain valid.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

Encls.

Baltimore County  
Fire Department  
800 York Road  
Towson, Maryland 21204-2586  
(301) 887-4500

May 2, 1989

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: Gordor L. Diven

Location: #9117 Avenue B

Item No.: 461

Zoning Agenda: May 9, 1989

Gentlemen:

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

The Fire Prevention Bureau has no comments at this time.

JK/ker

REVIEWER: *John Kelly* 6-2-89  
Planning Group  
Special Inspection Division

Noted and Approved  
*Paul H. Reincke*  
Fire Prevention Bureau

Baltimore County  
Fire Department  
800 York Road  
Towson, Maryland 21204-2586  
(301) 887-4500

May 31, 1989

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: Antonino Correlli

Location: #7919 35th Street

Item No.: 462

Zoning Agenda: May 23, 1989

Gentlemen:

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

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", 1988 edition prior to occupancy.

JK/ker

REVIEWER: *John Kelly* 6-2-89  
Planning Group  
Special Inspection Division

Noted and Approved  
*Paul H. Reincke*  
Fire Prevention Bureau

