

IN THE MATTER OF THE
APPLICATION OF RODNEY EARL
CORE, ET UX FOR A ZONING
VARIANCE ON PROPERTY LOCATED
ON THE WEST SIDE OF LODGE
FOREST ROAD, 91' NORTH OF THE
CENTERLINE OF SOUTH COVE ROAD
(2913 LODGE FOREST ROAD)
15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 90-107-A

OPINION

This case comes before the Board on appeal from a decision by the Deputy Zoning Commissioner dated September 28, 1989, denying a variance for a lot width of 50' in lieu of the required 55' at 2913 Lodge Forest Road in the Fifteenth Election District of Baltimore County.

In this Opinion, the Board will first give a summary of testimony that provides an overview of the specifics of this case.

The property owners in this matter, Mr. Rodney Core and Ms. Theresa Core, purchased an improved parcel of land at 2914 Lodge Forest Road in 1983, with dimensions of 70' x 160' (Lot 2914). At the time, they also purchased the adjoining unimproved lot of 50' x 160' (Lot 2913). In the Lodge Forest community the vast majority of lots were platted at 50' in width in February of 1933, as was the subject lot of this case.

As the result of a separation and anticipated divorce, the couple sold their residence and property at 2914 in March, 1988, while keeping ownership of the lot at 2913 Lodge Forest Road, pending a future sale of that parcel.

Upon obtaining an offer for the vacant lot, the separated couple learned of the required 55' width for a residential property

Rodney Earl Core, et ux, Case No. 90-107-A

in a D.R.S.S. zone and sought the variance from the Zoning Commissioner, whose denial of that Petition (9/28/89) is the subject of today's appeal.

Entered into the record of this de novo hearing, is a letter from Ms. Core to the Deputy Zoning Commissioner dated October 25, 1989, correcting testimony given at the zoning hearing by Ms. Core when she mistakenly stated that the property was purchased in 1983 "as a single lot", and later subdivided into two separate lots. In fact, the two lots (2914 and 2913 Lodge Forest Road) were platted individually and the Cores received separate deeds in 1983, although there was only one purchase price.

A question in this matter is the consideration of use of undersized single-family lots as regulated in Section 304 Baltimore County Zoning Regulations (BCZR), 1955. Testimony and exhibits in today's hearing, confirm that the subject lot was platted as a 50' parcel prior to the regulation of 1955. Nevertheless, the People's Counsel inquired of the Petitioners as to why their property holdings couldn't have been sold as the single unit they initially purchased? Also, was a consideration made to take a width of land from the improved parcel, prior to its sale, to make the subject property conform to the 55' width regulation as suggested in Section 304 (c).

In consideration of Section 304 and the Petitioners' responses, this Board is inclined to agree that sale of the combined properties was not forthcoming under the circumstances in

Rodney Earl Core, et ux, Case No. 90-107-A

which they needed to sell their residence. Also, the positioning of their masonry dwelling 10' from the property line of Lot 2913 precluded any consideration of taking 5' from the 70' width of 2914, and adding it to the 50' width of the subject lot to enable conformity to the regulations of 1955.

In applying for this variance, there was no opposition from the community, where practically every lot is of this width. Testimony revealed that several houses presently are being constructed in the neighborhood on 50' lots.

Section 307 of the BCZR stipulates that variances may be granted where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship. As testified in this case, there was no reasonable means of increasing the width of the subject lot. An inability to build on an undersized lot of 50' would leave the husband-wife ownership with little chance for a future Contract of Sale, which they presently hold pending the outcome of this case. Also, since the couple are involved in divorce proceedings, the termination of their ownership would be the logical course for them and would avoid unreasonable hardship.

Section 307.1 further mandates that any variance shall be granted only in such matters as to grant relief "without substantial injury to health, safety and general welfare." Although Counsel for the Petitioner did not raise these considerations in the course of his case presentation, the Board

Rodney Earl Core, et ux, Case No. 90-107-A

is in agreement with the assessment of People's Counsel that residents of Lodge Forest would not likely be negatively affected since most lots are the same size.

After careful consideration of the testimony in this case, particularly the fact of two separate deeds rather than the one mistakenly presented to the Zoning Commissioner, it is evident to this Board that the granting of the variance will not adversely affect the health, safety and general welfare of the neighborhood and the Board is therefore persuaded to grant this variance.

ORDER

For the reasons as set forth herein, it is this 6th day of June, 1990 by the County Board of Appeals of Baltimore County ORDERED that the requested Petition for Zoning Variance for a lot width of 50' in lieu of the required 55' be and the same is hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence E. Schmidt, Acting Chairman

Harry E. Bucheister, Jr.

John G. Blaney

IN RE: PETITION FOR ZONING VARIANCE
W/S Lodge Forest Road, 91' N
of the c/l of South Cove Road
(2913 Lodge Forest Road)
15th Election District
7th Councilmanic District

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-107-A

Rodney Earl Core, 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 required 55 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners, by Theresa Core, appeared, and testified. Also appearing on behalf of the Petition was Mr. Raymond J. Fisher, one of two Contract Purchasers. There were no Protestants.

Testimony indicated that the subject property, known as 2913 Lodge Forest Road, consists of two lots, also known as Lots 2913 and 2914, zoned D.R. S.S. Lot 2914 is improved with a single family dwelling and detached garage while Lot 2913 is unimproved and is the subject matter of this hearing. Petitioner testified that she resided in the house on Lot 2914 until March, 1988 at which time she subdivided the property, selling Lot 2914 and retaining Lot 2913. Testimony indicated Petitioners have entered into a contract of sale for Lot 2913 on which the Contract Purchaser is desirous of constructing a single family dwelling, as set forth in Petitioner's Exhibit 1; however, said property does not meet the required lot width of 55 feet. No testimony was presented to indicate that the lot, which is 50 feet wide, was created as such prior to the effective date of the zoning regulations. In fact, testimony indicated that the present lot lines were created as a result of Petitioners' subdivision. Further,

there was no testimony or evidence presented to prove hardship as required in Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

Based upon the testimony presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. Testimony indicated the need for the variance was self-created and not as a result of special conditions or circumstances unique to the subject property. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

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 28th day of September, 1989 that the Petition for Zoning Variance to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

AMN:bjg

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

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 302.3.5.1 To permit a lot width of 50' in lieu of the minimum 55'.

1. Only lot available in area where we have an interest in buying.

2. The proposed improvements on this lot will conform to the neighboring houses.

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: Raymond J. Fisher
(Type or Print Name)

Address: 1822 Rogers Rd., 1150 E. B. K. Ave.
City and State: Baltimore, MD 21219

Attorney for Petitioner: Robert J. Fisher
(Type or Print Name)

Address: 6632 Spring Mill Cr., 322-8455
City and State: Baltimore, MD 21207

Name, address and phone number of legal owner, contract purchaser or representative to be contacted: Theresa Core
Name: Theresa Core

Attorney's Telephone No.: 312-8455 Address: 6632 Spring Mill Cr. Phone No. 322-8455

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day of September, 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, through-out 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 26th day of September, 1989.

Zoning Commissioner of Baltimore County

RE: PETITION FOR VARIANCE : BEFORE THE COUNTY BOARD OF APPEALS
W/S Lodge Forest Road :
S1/4 N of C/L of South Cove Rd. : OF BALTIMORE COUNTY
(2913 Lodge Forest Road)
15th Election District
7th Councilmanic District
Case No. 90-107-A
RODNEY EARL CORE, et ux,
Petitioner

PEOPLE'S COUNSEL'S HEARING MEMORANDUM

This is a case in which the property purchased by the Petitioner, consisting of three lots, could be used without a variance. Under these circumstances, there was certainly no practical difficulty under traditional zoning principles. McLean v. Sol., 270 Md. 208 (1973).

The question then becomes whether, by the unilateral decision to sell off one of the lots, the Petitioner could create a practical difficulty on the remaining two. The answer to that is in the negative. This amounts to a "self-created hardship". Gleason v. Keswick Improvement Assn., 197 Md. 46, 78 A.2d 164 (1951). Put another way, the problems in this case relate to the personal objectives of the Petitioner and to the property itself. Puhst v. Foley, 382 N.E.2d 756 (N.Y. 1978); Biellak v. Zoning Board of Appeals, 429 N.Y.S.2d 976 (N.Y. App. 1980); McLaren v. Schick, 492 N.Y.S.2d 226 (N.Y. App. 1985).

It has been suggested that the existence of three separate lots in the deed at the time of purchase has some legal effect on the zoning petition. Once again, the answer is negative. Section 304 of the Baltimore County Zoning Regulations states:

"A one-family dwelling may be erected on a lot having an area or width at the building line less than that required by the height and area regulations, provided the lot is not less than 10,000 sq. ft. in area."

STV3447 20 OCT 1989
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- 2 -

- That such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to adoption of these Regulations; and [B.C.Z.R., 1955.]
- That all other requirements of the height and area regulations are complied with; and [B.C.Z.R., 1955.]
- That the owner of the lot does not own sufficient adjoining land to conform substantially to the width and area requirements. [B.C.Z.R., 1955.]

The grant of a variance in the case of an undersized lot depends not on deed or subdivision conditions. Most of these cases involve old subdivisions, in which the deeds refer to separate undersized lots. Rather, the critical point is whether the Petitioner owns sufficient property to comply with the regulations.

In the present case, of course, the Petitioner no longer has sufficient property to comply as to the lot at issue here. But, he created that situation by selling off the lot with the existing house. This was what the Deputy Zoning Commissioner referred to as the "subdivision" of the property which, as a practical matter, created the present lot lines.

In some jurisdictions, the law explicitly preserves the right to construct a single family dwelling on a lot of record at the effective date of adoption or amendment of an ordinance establishing stricter standards. Such laws essentially "grandfather" the nonconforming lots of record. See Anderson v. Swanson, 534 A.2d 1286 (Me. 1987). The Baltimore County Zoning Regulations do not contain such a grandfather clause in the case of old undersized lots. Rather, the intention is to permit a variance only when the property owner is put in a position where it is impossible to have any residence on his property. Implicitly, the property owner is not permitted to create that situation by his own action.

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- 3 -

For these reasons, the Deputy Zoning Commissioner was correct in her evaluation of the case. The evidence remains the same, albeit in a de novo setting. The result should be the same. The variance should be denied.

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

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 30 day of May, 1990, a copy of the foregoing People's Counsel's Hearing Memorandum was mailed to I. William Chase, Esquire, Chase & Chase, Suite 124, 1190 W. Northern Parkway, Baltimore, MD 21210.

Peter Max Zimmerman
Peter Max Zimmerman

MICROFILMED

562
CRITICAL AREA

MICROFILMED

Zoning Description

Beginning for the First and being known and designated as Lot No. Twenty-nine hundred and thirteen (2913) as laid out and shown on the revised plat of Lodge Forest, which plat is duly recorded among the Plat Records of Baltimore County in Plat Book L.M.C.M. No. 10, folio 76.

Beginning for the Second at a point on the division line between Lot Nos. 2914 and 2915 as the same are shown and designated on the revised plat of Lodge Forest, which plat is duly recorded among the Plat Records of Baltimore County in Plat Book L.M.C.M. No. 10, folio 76, said point of beginning being 5 feet south of the northwest corner of said Lot No. 2914 and running thence binding on said division line between said Lots No. 2914 and 2915 north 5 degrees 46 minutes east 5 feet to the division line between said last mentioned division line south plat and thence binding along said last mentioned division line south 84 degrees 14 minutes east 5 feet thence leaving said division line and running by a straight line to the place of beginning.

RE: PETITION FOR VARIANCE : BEFORE THE COUNTY BOARD OF APPEALS
W/S Lodge Forest Rd., :
S1/4 N of C/L of South Cove Rd. : OF BALTIMORE COUNTY
(2913 Lodge Forest Rd.)
15th Election District
7th Councilmanic District
Case No. 90-107-A
RODNEY EARL CORE, et ux,
Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

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

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
887-2188

I HEREBY CERTIFY that on this 1st day of December, 1989, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Rodney E. Core, 1 Loring Ct., Apt. F, Baltimore, MD 21219, Petitioners; and Raymond J. Fisher, 1822 Ridge Rd., Reisterstown, MD 21136, Contract Purchaser.

Peter Max Zimmerman
Peter Max Zimmerman

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

DATE 9-7-89

Dennis F. Rasmussen
County Executive

Re: Petition for Zoning Variance
CASE NUMBERS 90-107-A
W/S Lodge Forest Road, S1/4 N of C/L of South Cove Road
2913 Lodge Forest Road
15th Election District - 7th Councilmanic
Legal Owner(s): Rodney Earl Core, et ux
Contract Purchaser(s): Raymond F. Fisher & Jack W. Kincaid
HEARING SCHEDULED: TUESDAY, SEPTEMBER 26, 1989 at 9:30 a.m.

Dear Mr. Fisher:

Please be advised that \$103.40 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & 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 fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should a post set(s), there is a fee for each such set.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 071296
DATE 9/26/89 AMOUNT \$103.40
RECEIVED FROM Rodney Earl Core / Fisher
FOR P.A. Fee for Petition 90-107-A
B C13 *****103401***** 8766F
VALIDATION OR SIGNATURE OF CASHIER

MICROFILMED

To: Ann Nastasovich?
Fr: Shueca & Core
607 Mace Ave
Baltimore, Md. 21221
U. 687-6070 W. 502-8281

I wish to appeal the case dated Sept 26, 1989
Case no: 90-107-A.

Thank you
Shueca & Core

RECEIVED
PAYMENT \$150.00
10-25-89 (a.c.w.)
ZONING OFFICE

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 071577
DATE 10-25-89 AMOUNT \$150.00
RECEIVED FROM JAMES K. OLEMONS / Theresa L. Core
FOR Appeal Filing Case # 90-107-A
RODNEY E. CORE PETITIONER
B C13 *****150001***** 8266F
VALIDATION OR SIGNATURE OF CASHIER

To: Ann Nastasovich
Deputy Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

From: Theresa L. Core
607 Mace Ave.
Baltimore, MD. 21221

Date: October 25, 1989

Re: Petition for Zoning Variance
Case Number: 90-107-A

This correspondence is to inform you that I had mistakenly given you incorrect information when testifying before you on September 26, 1989, regarding the above mentioned case.

I testified that the property in question was purchased as a single lot, and then sub-divided into two separate lots.

After discussing this matter with my husband, Mr. Rodney E. Core (from whom I am now separated), I discovered that in fact, the lot on which our house was located (2914 Lodge Forest Rd.), and the lot in question in this case (2913 Lodge Forest Rd.), were deeded separately when we purchased them in July, 1983. I am unsure of the history of this property prior to Mr. Core and myself purchasing it.

Therefore, I would hope that this will show that the need for a variance is as a result of special conditions or circumstances unique to the subject property, and was not self created.

I would like to thank you for taking the time to further review this case, and would ask that you accept my sincere apologies for any inconveniences that this matter may have caused.

Please inform me at your earliest possible convenience of any change this information may have on your decision to deny the petition for Zoning Variance.

Sincerely,
Shueca & Core
Theresa L. Core

cc: Raymond F. Fisher
Jack W. Kincaid
Rodney E. Core

RECEIVED
PAYMENT \$150.00
10-25-89 (a.c.w.)
ZONING OFFICE

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CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

Date of Posting: 8/1/89
 Number of Copies: 100
 Location of Property: 106 Lodge Forest Rd. 91' N of c/l of South Cove Road
 2913 Lodge Forest Road
 15th Election District - 7th Councilmanic District
 Petitioner: Rodney Earl Core, et ux
 Attorney: J. Robert Haines
 Date of Return: 1/2/89
 Number of Pages: 1

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published at Towson, Baltimore County, Md., during the period of August 1, 1989.

THE JEFFERSONIAN
 B. Zake Olson
 Publisher

PO 16286
 10-107-A
 10-107-A
 pages 139-10

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21204
 (301) 887-3363

November 28, 1989

Baltimore County Board of Appeals
 County Office Building, Room 315
 Towson, Maryland 21204

RE: Petition for Zoning Variance
 W/S Lodge Forest Road, 91' N of the c/l of South Cove Road
 (2913 Lodge Forest Road)
 15th Election District, 7th Councilmanic District
 RODNEY EARL CORE, ET UX Petitioner
 Case No. 90-107-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on October 25, 1989 by J. Robert Haines, Esq., Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,
 J. Robert Haines
 J. ROBERT HAINES
 Zoning Commissioner

JRH:ccr
 Enclosures

cc: Rodney Earl & Theresa Core
 1 Loring Court, Apt. F, Baltimore, Maryland 21219
 Raymond J. Fisher, 1822 Ridge Road, Reisterstown, MD 21136
 People's Counsel of Baltimore County
 Rm. 304, County Office Bldg., Towson, Md. 21204
 File

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CERTIFICATE OF PUBLICATION

Office of
 Dundalk Eagle

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

August 31, 1989

THIS IS TO CERTIFY that the annexed advertisement of J. Robert Haines in the matter of Zoning Hrgs. Case # 90-107-A - P.O. #16267 - Reg. #M34146 - 78 lines of text was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one consecutive week before the 1st day of September 1989; that is to say, the same was inserted in the issues of August 31, 1989.

Kimbel Publication, Inc.
 per Publisher.
 By K.C.D.

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21204
 (301) 887-3363

J. Robert Haines
 Zoning Commissioner

August 10, 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 90-107-A
 W/S Lodge Forest Road, 91' N of c/l of South Cove Road
 2913 Lodge Forest Road
 15th Election District - 7th Councilmanic District
 Legal Owner(s): Rodney Earl Core, et ux
 Contract Purchaser(s): Raymond F. Fisher & Jack W. Kincaid
 HEARING SCHEDULED: TUESDAY, SEPTEMBER 26, 1989 at 9:30 a.m.

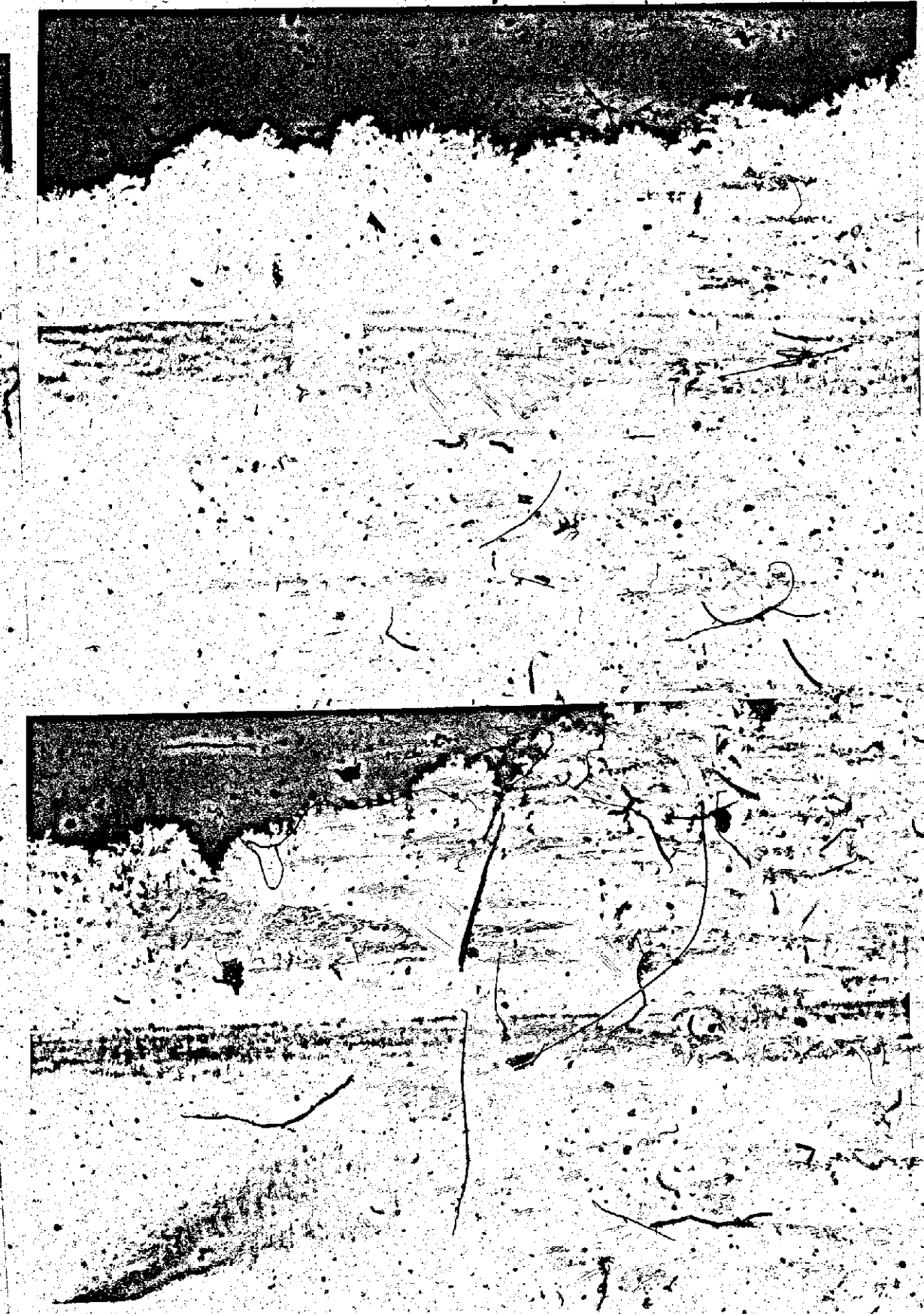
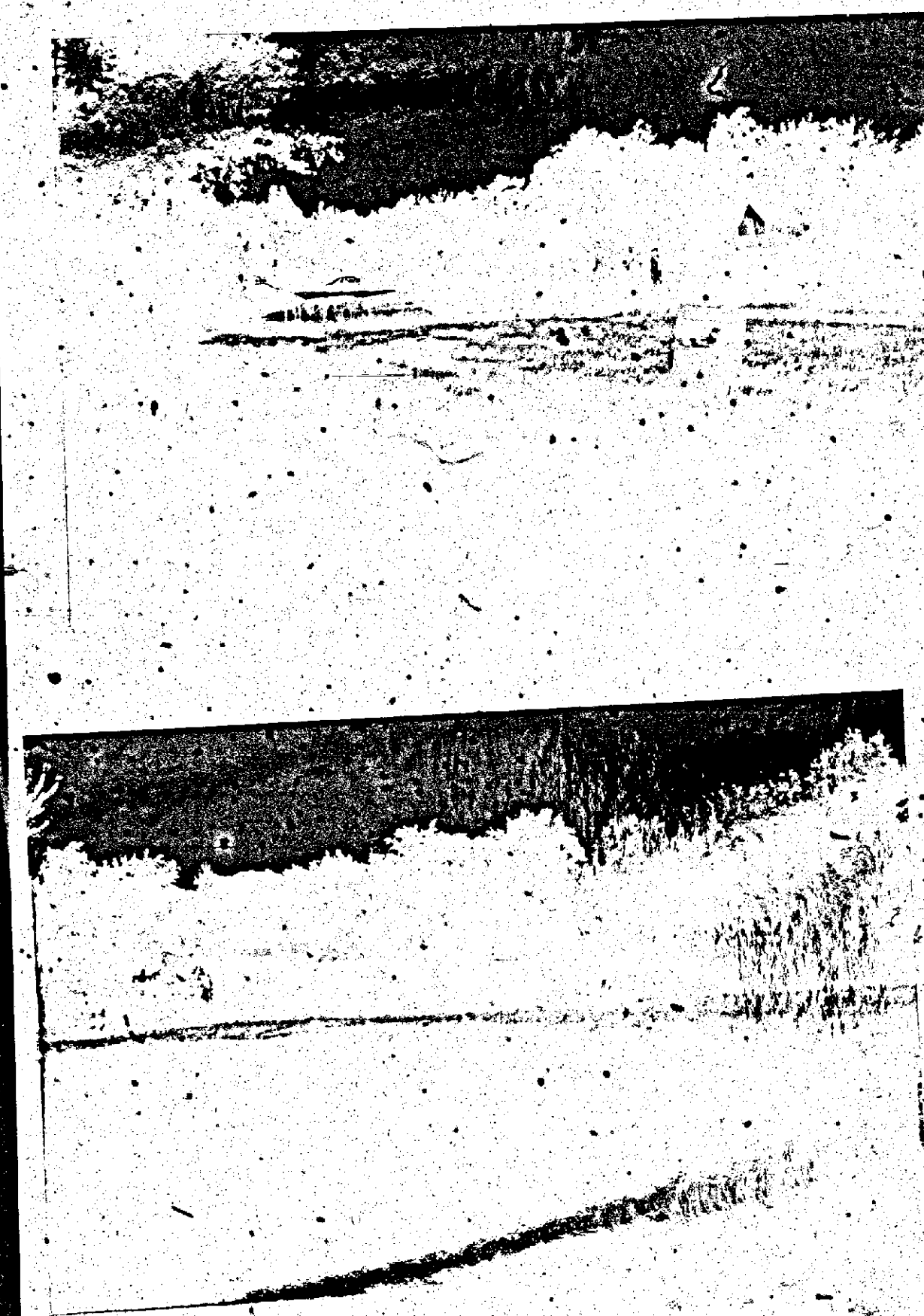
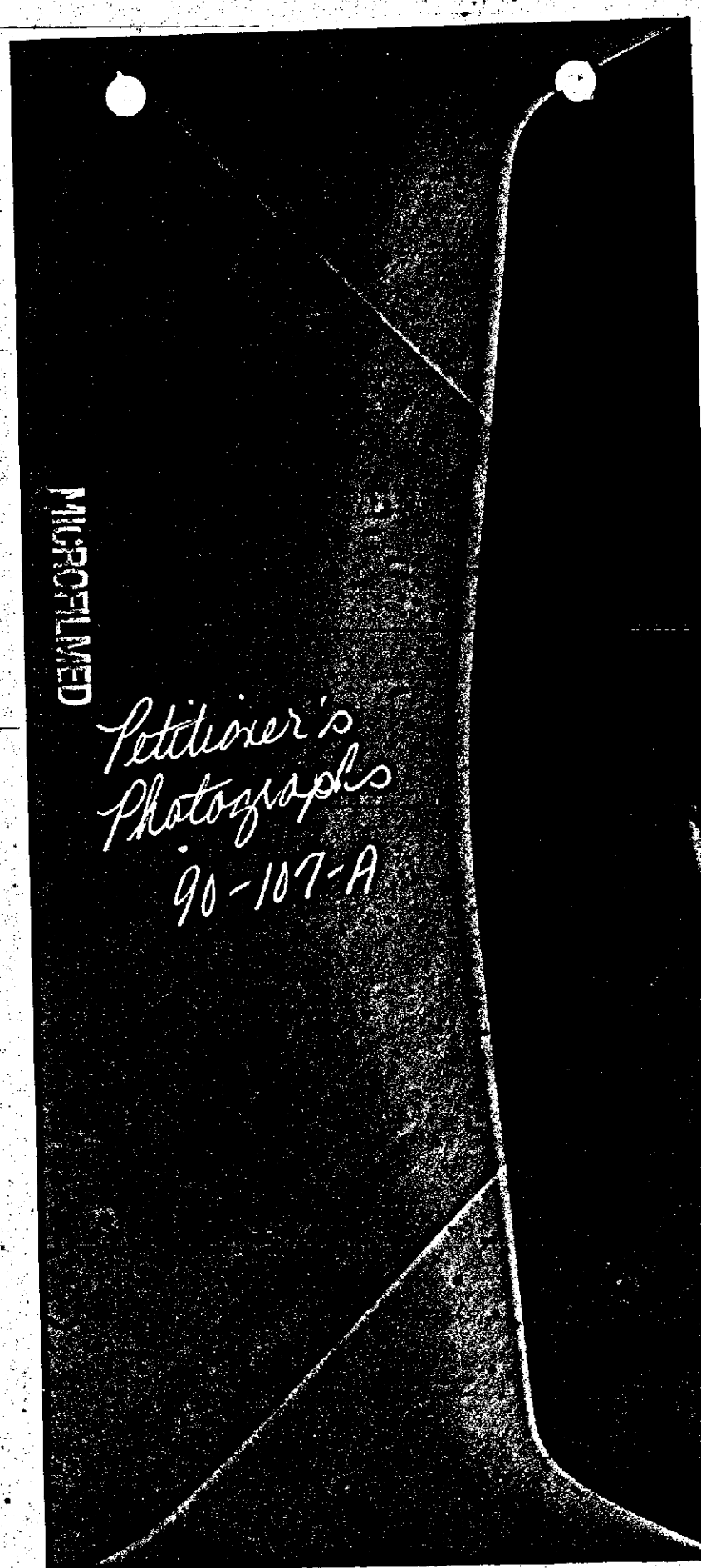
Variance to permit a lot width of 50 feet in lieu of the minimum 55 feet.

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
 BALTIMORE COUNTY, MARYLAND

cc: Mr. & Mrs. Rodney Earl Core
 Raymond F. Fisher
 Jack W. Kincaid
 File

MICROFILMED



Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(301) 837-5554

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 523, 541, 550, 561, 563, 564, 565, 567, 568, 570, 571, and 572.

Very truly yours,

Michael S. Plonigan
Michael S. Plonigan
Traffic Engineer Associate II

NSF/lab

MICROFILMED

Baltimore County
Fire Department
500 York Road
Towson, Maryland 21204-6586
(301) 837-5500
Paul H. Rains
Chief

JUNE 27, 1989

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

RE: Property Owner: RODNEY EARL CORE
Location: W/S OF LODGE FOREST ROAD
Item No.: 562 Zoning Agenda: JULY 5, 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.

REVIEWER: *at 10:00 am* Noted and Approved *Cap. Wm. Rains*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/kek

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BALTIMORE COUNTY HARBORLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: August 4, 1989

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 562
Core Property
Chesapeake Bay Critical Area Findings

RECEIVED
AUG 24 1989
ZONING OFFICE

SITE LOCATION

The subject property is located at 210 Oak Road off Middleborough Road in Recreation Grove. The site is within the Chesapeake Bay Critical Area and is classified as a limited development area (LDA).

APPLICANT'S NAME: Mr. and Mrs. Rodney Earl Core

APPLICANT PROPOSAL

The applicant has requested a variance from section 1802.3.C.1 of the Baltimore County Zoning Regulations to allow a buildable lot with a width of 50 feet in lieu of the required 55 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>

MICROFILMED

Memo to Mr. J. Robert Haines
August 4, 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)).

Findings: This property is located approximately 500 feet from North Point Creek, and therefore is in compliance with the regulation stated above.

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. 22-213(b)).

Findings: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site and therefore none will be disturbed by the proposed project.

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%" (COMAP 14.15.02.04 C.(5)).

Findings: The following plant material shall be selected from the enclosed list and planted to provide a 15% forested cover.

Shrub and small tree list: 4 items - ball and burlap or 2 gallon container size

Tree list: 1 item - minimum 4 foot size

4. Regulation: "Infiltration of storm water shall be maximized throughout the site, rather than directing flow to single discharge points" (Baltimore County Code, Sec. 22-217(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 downspouts and into a Dutch drain or seepage pit to encourage maximum infiltration (see attached information).

MICROFILMED

Memo to Mr. J. Robert Haines
August 4, 1989
Page 3

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

Findings: The proposed house on this lot does not create impervious surfaces that exceed 15% of the lot. A porous stone driveway shall be used so that impervious surfaces do not exceed 15% of the lot.

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

THIRD
ATTACHMENT

cc: The Honorable Ronald B. Hickernell
The Honorable Norman H. Weinstein
The Honorable Dale J. Vois

MICROFILMED

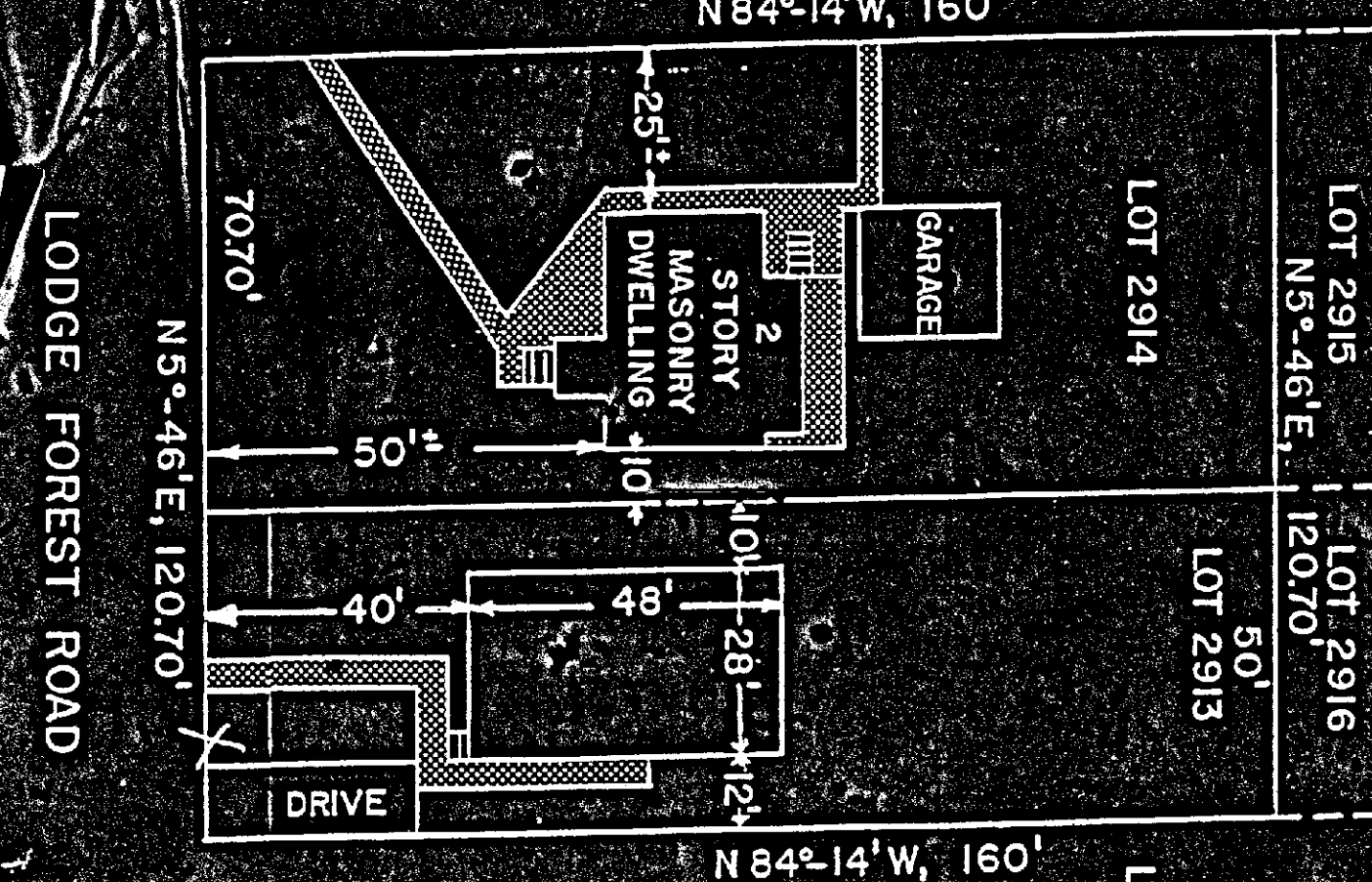
CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-107-1

Dist: 15th Date of Posting: 12/3/89
Posted for: Appeal
Petitioner: Rodney E. Core, et al
Location of property: W/S of Lodge Forest Rd, 210 W. of South Cove Rd
Lot # 562
Location of Sign: Facing S. of Front Rd, across 15th St
Remarks: masonry on property of R. Haines
Posted by: M. H. Haines Date of return: 12/8/89
Number of Signs: 7

MICROFILMED

562
CRITICAL AREA
PLAT FOR ZONING VARIANCE
OWNER - RODNEY & THERESA CORE
DISTRICT - 15 ZONED DR. 5.5
SUBDIVISION - LODGE FOREST
LOT 2913 RECORDED IN PLAT BOOK
L. MCL. M. NO. 10, FOLIO 76
LOT SIZE 50' X 160'
SOUTH COVE ROAD
N 84° 14' W, 160'



N 84° 14' W, 160'

VICINITY MAP

Scale 1" = 30'

N

LOT 2912

LOT 2916

LOT 2915

LOT 2914

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