

IN RE: PETITION FOR ZONING VARIANCE
 S/S Greenbank Road, 500' E of
 the c/l of Choptank Road
 (7219 Greenbank Road)
 15th Election District
 5th Councilmanic District

BEFORE THE
 DEPUTY ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 90-551-A

Pauline I. Thomas
 Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a lot width of 50 feet in lieu of the required 55 feet and a side yard setback of 5 feet in lieu of the required 10 feet, in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. Also appearing on behalf of the Petition was Michael Krueger, Contract Purchaser. Appearing as Protestants in the matter were Martin G. Wertz and Brenda Griffith, adjoining property owners.

Testimony indicated that the subject property, known as 7219 Greenbank Road, consists of 12,870.75 sq. ft. zoned D.R. 5-5, and is improved with a garage. Said property is also known as Lot 60 of the Oliver Beach subdivision and is located within the Chesapeake Bay Critical Areas near the Gunpowder River. Petitioner testified she purchased the subject property approximately 44 years ago and had the existing garage constructed about 4 years later. Testimony indicated that Ms. Thomas resides across from the subject site at 7214 Greenbank Road. Mr. Krueger testified that he is desirous of constructing a single family dwelling for himself and that due to the width of the lot and the location of the existing garage thereon, the requested variances are necessary. He indicated that the proposed dwelling would have to be built 5 feet from the west

side property line in order for him to have easy access to the existing garage which was constructed 7 feet off the east side property line as depicted in Petitioner's Exhibit 1. Petitioners testified that the granting of the variances would not result in any detriment to the health, safety or general welfare of the community as most of the lots in Oliver Beach are 50 feet in width. Further testimony indicated that practical difficulty would result as there is no available adjoining land on either side of the subject property in order to bring the property into compliance with the current 55-foot lot width requirement. Mr. Krueger testified that he has reviewed the Critical Areas comments submitted by the Department of Environmental Protection and Resource Management (DEPREM) dated August 10, 1990 and that all construction will be in compliance with that agency's findings.

The Protestants acknowledge that there are existing improvements on both sides of the subject property and that the adjoining lots are 50 feet wide. Mrs. Griffith testified that in her opinion, the side yard variance should not be granted as she and other neighbors have complied with the required setbacks. She further noted that she has a garage similarly situated as the garage in this instance and is able to gain access to same without difficulty.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested, as herein after modified, 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. However, with regard to the requested variance for a side yard setback of 5 feet in lieu of the required 10 feet, there is insufficient evidence to allow a finding that the

Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. The Petitioners failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. As for the requested 50-foot lot width, there is no evidence in the record that the granting of the relief requested 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, as modified, would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and

intent of the Critical Areas legislation for Baltimore County and conforms to the requirements 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, as modified, 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 Deputy Zoning Commissioner for Baltimore County this 30th day of August, 1990 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,

ORDER RECEIVED FOR FILING

Date 8/30/90
 By [Signature]

ORDER RECEIVED FOR FILING

Date 8/30/90
 By [Signature]

ORDER RECEIVED FOR FILING

Date 8/30/90
 By [Signature]

ORDER RECEIVED FOR FILING

Date 8/30/90
 By [Signature]

PETITION FOR ZONING VARIANCE
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-551-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 500.14 of the B.C.Z.R. to permit a lot width of 50 feet in lieu of the required 55 feet and a side yard setback of 5 feet in lieu of the required 10 feet.

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.

- 1- THIS PROPERTY HAS AN EXISTING GARAGE TO BE ABLE TO USE THIS GARAGE FOR PARKING I NEED A SIDE YARD SETBACK TO MANUEVE A VEHICLE PAST THE PROPOSED HOME, THE HOME MUST BE BOUND CLOSE TO THE SIDE OPPOSITE THE DRIVE WAY.
- 2- THIS IS A 50' WIDE LOT IN A DENSE ZONE, WHICH REQUIRES 55' FRONT YARD SETBACK, I WANT TO ACQUIRE LAND, AND SO I MUST HAVE A VARIANCE TO MAKE USE OF THE LAND. 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: Michael F. Krueger
 (Type or Print Name)

Pauline I. Thomas
 (Type or Print Name)

3300 EMBREW BLVD.
 Address

Baltimore, MD 21220
 City and State

Attorney for Petitioner: 7219 GREENBANK RD.
 Address

Baltimore, MD 21220
 City and State

Attorney's Telephone No.: 391-0220
 Address

3300 EMBREW BLVD. 21220
 Address

391-0220
 Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day of August, 1990, at 2 o'clock P.M.

ANN M. NASTAROWICZ
 Deputy Zoning Commissioner
 for Baltimore County

386-

90-551-A

Beginning at a point on the south side of Greenbank Road on which property fronts, which is 30' wide at the distance of 500' + - west of the centerline of nearest improved intersecting street (Choptank) which is 30' wide. Being Lot #60 in the subdivision of Oliver Beach as recorded in Baltimore County Plat Book #12, Folio #56 containing 12,870.75 square foot also known as 7219 Greenbank Road and located in the second election district.

ZONING DESCRIPTION

Baltimore County
 Zoning Commissioner
 County Office Building
 112 West Chesapeake Avenue
 Towson, Maryland 21286

Account R-001-4150
 Number

Date 5/08/90 H9000386

PUBLIC HEARING FEES	QTY	PRICE
010 - ZONING VARIANCE (IRL)	1 X	\$35.00
		TOTAL: \$35.00

LAST NAME OF OWNER: MICHAEL KRUEGER

B 045*****350018 8088F
 Please make checks payable to Baltimore County

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 15th Date of Posting: 7/24/90

Posted for: Variance

Petitioner: Pauline I. Thomas - Michael F. Krueger

Location of property: 500' of prop. front, S/S Greenbank Rd
 7219 Greenbank Rd

Location of Sign: Posting Greenbank Rd, on prop. lot boundary
 on property of Baltimore

Remarks: [Signature]

Posted by: [Signature] Date of return: 7/27/90

Number of Signs: 7

be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The proposed dwelling shall be constructed in strict compliance with all building code and zoning requirements.

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 August 10, 1990, attached hereto and made a part hereof.

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit a side yard setback of 5 feet in lieu of the required 10 feet be and is hereby DENIED.

ANN M. NASTAROWICZ
 Deputy Zoning Commissioner
 for Baltimore County

ORDER RECEIVED FOR FILING
 Date 8/30/90
 By [Signature]

386

CERTIFICATE OF PUBLICATION

Office of THE AVENUE NEWS

442 Eastern Blvd. Balto., Md. 21221 July 12, 1990

THIS IS TO CERTIFY, that the annexed advertisement of Pauline I. Thomas in the matter Petition for Zoning Variance of 7219 Greenbank Rd Case #90-551-A, P.O.#0106138, Req. #M4254 98 lines @.55 or \$53.90

was inserted in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for 1 successive week(s) before the 13 day of July, 1990.

that is to say, the same was inserted in the issues of July 12, 1990.

The Avenue Inc. per publisher

By Diane Caldwell

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 21284 as follows: Petition for Zoning Variance Case Number: 90-551-A 500' E of c/l of Choptank Road, S/S of Greenbank Road, 7219 Greenbank Road 15th Election District - 5th Councilmanic District

Variance: To permit a lot width of 50 ft. in lieu of the required 55 ft. and side yard setbacks of 5 ft. in lieu of the required 10 ft. In the event that the 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 the period for good cause shown. Such request must be in writing and received in the office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County Maryland

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 13, 1990

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 July 12, 1990

THE JEFFERSONIAN,

S. Zebe Olson Publisher

PO 106137

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 21284 as follows: Petition for Zoning Variance Case Number: 90-551-A 500' E of c/l of Choptank Road, S/S of Greenbank Rd, 7219 Greenbank Road 15th Election District - 5th Councilmanic District

Baltimore County Zoning Commissioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21284

Account: R0016150 No 3213

Table with columns: Date, PUBLIC HEARING FEES, QTY, PRICE, OBO - POSTING SIGNS / ADVERTISING 1 X \$121.60, TOTAL: \$121.60, LAST NAME OF OWNER: MICHAEL KRUEGER

04A04#0123M1CHR EA C001#24PM08-17-90 \$121.60

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

DATE 7/24/90



Michael F. Krueger 3300 Eastern Boulevard Baltimore, Maryland 21220

Re: Petition for Zoning Variance CASE NUMBER: 90-551-A 500' E of c/l of Choptank Road, S/S of Greenbank Road 7219 Greenbank Road 15th Election District - 5th Councilmanic District Legal Owner(s): Pauline I. Thomas Contract Purchaser(s): Michael F. Krueger HEARINGS: FRIDAY, AUGUST 17, 1990 at 2:00 p.m.

Dear Mr. Krueger:

Please be advised that \$121.60 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 you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

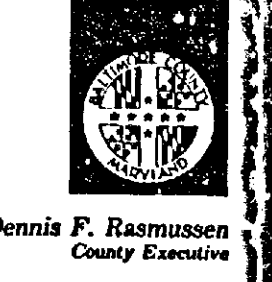
Very truly yours, J. Robert Haines ZONING COMMISSIONER

JRH:gs

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

June 22, 1990

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 21284 as follows:

Petition for Zoning Variance CASE NUMBER: 90-551-A 500' E of c/l of Choptank Road, S/S of Greenbank Road 7219 Greenbank Road 15th Election District - 5th Councilmanic District Legal Owner(s): Pauline I. Thomas Contract Purchaser(s): Michael F. Krueger HEARINGS: FRIDAY, AUGUST 17, 1990 at 2:00 p.m.

Variance to permit a lot width of 50 ft. in lieu of the required 55 ft. and side yard setbacks in lieu of the required 10 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 of Baltimore County

cc: Pauline I. Thomas Michael F. Krueger

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

August 2, 1990

Ms. Pauline I. Thomas 7219 Greenbank Road Baltimore, MD 21220

Dennis F. Rasmussen County Executive

RE: Item No. 386, Case No. 90-551-A Petitioner: Pauline I. Thomas Petition for Zoning Variance

Dear Ms. Thomas:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

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

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 Chairman Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Michael F. Krueger 3300 Eastern Blvd Baltimore, MD 21220

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

August 22, 1990

Ms. Pauline Thomas 7214 Greenbank Road Baltimore, Maryland 21220

Dennis F. Rasmussen County Executive

RE: PETITION FOR ZONING VARIANCE S/S Greenbank Road, 500' E of the c/l of Choptank Road (7219 Greenbank Road) 15th Election District - 5th Councilmanic District Pauline I. Thomas - Petitioner Case No. 90-551-A

Dear Ms. Thomas:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The petition for Zoning Variance has been granted in part and denied in part 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, ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

AMN:bjs

cc: People's Counsel File

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

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

Your petition has been received and accepted for filing this 30th day of May, 1990.

J. Robert Haines ZONING COMMISSIONER

Received By:

James E. Dyer Chairman Zoning Plans Advisory Committee

Petitioner: Pauline I. Thomas Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines Zoning Commissioner DATE: May 23, 1990 FROM: Pat Keller, Deputy Director Office of Planning and Zoning SUBJECT: Pauline I. Thomas, Item No. 386

The Petitioner is requesting a Variance to permit a 50 ft. lot width in lieu of the minimum 55 ft. required. Staff has the following comments on the above request:

- In instances such as these, staff's primary concerns are: 1. What is the impact on adjoining property? 2. Are adequate front, side and rear yard setbacks being provided on the site? 3. Will the reduced lot sizes result in requests for additional variances when subsequent lot owners try to build unsuitable homes on the lots or expand homes into required areas?

Based upon the information provided and analysis conducted, staff recommends that if the request is granted, the following conditions be attached:

- All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject property. - Any applications for building permits shall include a copy of the site plan and the Commissioner's "Findings of Fact and Conclusion of Law," provided by the applicant.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

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

June 6, 1990



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 items number 351, 381, 382, 383, 384, 386, 389, 390, 391, 392 and 393.

Very truly yours,

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

JSF/lvw

RECEIVED
JUN 13 1990
ZONING OFFICE

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reinecke
Chief

MAY 21, 1990



Dennis F. Rasmussen
County Executive

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

RE: Property Owner: PAULINE I. THOMAS
Location: #7219 GREENBANK ROAD
Item No.: 386 Zoning Agenda: MAY 29, 1990

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.
CHAPTER 22

REVIEWER: *Paul H. Reinecke* Noted and Approved *Paul H. Reinecke*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/REK

BALTIMORE COUNTY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines DATE: August 10, 1990
Zoning Commissioner

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 386
Krueger Property
Chesapeake Bay Critical Area Findings
Case 90-551-A

RECEIVED
AUG 27 1990

ZONING OFFICE

SITE LOCATION

The subject property is located at 7219 Greenbank Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. Michael F. Krueger

APPLICANT PROPOSAL

The applicant has requested a variance from section 1802.3d of the Baltimore County Zoning Regulations to permit "a lot width of 50 feet in lieu of the required 55 feet and side yard setbacks in lieu of the required 10 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>

Memo to Mr. J. Robert Haines
August 10, 1990
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: This proposed house is located approximately 250 feet from the mean high tide of the Gunpowder River. Therefore, no disturbance of the 100 foot buffer shall occur.

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. No wetlands shall be disturbed.

3. 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 sum of all existing and proposed impervious surfaces equals 15% of this site. The driveway shall be made of a porous stone surface. No additional impervious surfaces shall be allowed.

4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland of at least 15%" <COMAR 14.15.02.04 C.(5)>.

Finding: The following plant material shall be selected from the enclosed list and planted in addition to existing vegetation 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

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.

Memo to Mr. J. Robert Haines
August 10, 1990
Page 3

5. Regulation: "The stormwater management system shall be designed so that:

(1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;

(2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and

(3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.

(4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" <Baltimore County Code, Section 22-217(h)>.

Findings: In order to comply with the above regulation, rooftop runoff shall be directed through downspouts and into Dutch drains or seepage pits (see attached drainage information sheet). This will encourage maximum infiltration of stormwater and decrease the amount of runoff leaving the site.

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 will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

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

RWS:NSS:ju
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman W. Lauenstein
The Honorable Dale T. Volz
Mrs. Janice B. Outen

Baltimore County Government
Zoning Commission
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3555

December 18, 1990

William T. Poole, Jr.
Pascal-Turner, Ltd.
3300 Eastern Blvd.
Baltimore, Md. 21220

RE: 7219 Greenbank Road
Zoning Case #90-551-A
Building Permit #B-072900 NR
15th E.D.

Dear Mr. Poole:

We have reviewed your letter of November 1 and December 3, 1990, and accompanying surveys and photographs for the above captioned site.

The variance to permit a lot width of 50' in lieu of the required 55' for a proposed dwelling was granted in accordance with Petitioner's Exhibit #1 (Case #90-551-A). This exhibit shows the front setback on the proposed house lining up with the immediately adjacent dwellings.

If the front average method is used to determine the setback, this will allow a 52.5' setback for the proposed dwelling. More space in the rear can be realized by reducing the 60' length of the proposed dwelling, which is longer than either of the two adjacent properties.

If you have any questions, please do not hesitate to call me at 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Zoning Supervisor

Laurence J. Goetz
By: Laurence J. Goetz
Planning & Zoning Associate

LJG:jat
cc: File

This Deed, MADE THIS 23rd day of June

in the year one thousand nine hundred and eighty-nine by and between SAMUEL McCLELLAND MECKLEY and HELEN CANOL MECKLEY, his wife

of Baltimore County, Maryland parties of the first part, and

ROBERT GRIFFITH, JR. and BRENDA A. GRIFFITH, his wife, parties

of the second part.

WITNESSETH, That in consideration of the sum of Eighty Four Thousand Dollars (\$84,000.00), which is the actual consideration paid, the receipt and adequacy whereof is hereby acknowledged,

the said parties of the first part,

B RCF 14.00
N T Y 295.00
N RES 420.00
DEED 0.00
SM FEE 729.00
REGISTERED 06/29/90

do grant and convey to the said parties of the second part as tenants by the entireties, their assigns, and unto the survivor of them, his or her

personal representatives ~~XXXXXX~~ and assigns, in fee simple, all

that lot of ground situate in Baltimore County, Maryland

and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot No. 61, Section "B" as laid out on a Plat of Section "A" and "B" of Oliver Beach, which Plat is duly recorded among the Land Records of Baltimore County in Plat Book CWB, Jr. No. 12, folio 56.

BEING the same lot of ground which by Deed dated November 5, 1976 and recorded among the Land Records of Baltimore County in Liber ERK, Jr. No. 5705, folio 016, was granted and conveyed by Norman L. Sines and Nitia G. Sines, his wife unto the within grantors.

Pursuant to the provisions of the Tax Property Article Section 13-203B the undersigned grantees make oath that the residence on the property described in this Deed will be occupied by the grantees.

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
\$16,629.89

Robert Griffith, Jr.
ROBERT GRIFFITH, JR.
Brenda A. Griffith
BRENDA A. GRIFFITH

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE JR DATE 6/29/90

B 0 076-1344003a 82928

386
LIBER 8215 PAGE 252
90-551-A

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Michael Krueger</i>	<i>7221 Greenbank Rd.</i>
<i>Brenda A. Griffith</i>	<i>7217 Greenbank Rd.</i>

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
MICHAEL KRUEGER	7221 GREENBANK RD.
PAULINE I. THOMAS	7219 GREENBANK RD.
JEFFREY P. THOMAS	7219 GREENBANK RD.

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: **90-551-A**

Subdivision name: plat book 12, folios 56, 60, sections 13

OWNER: Pauline I. Thomas

LOT # 60

Scale of Drawing: 1" = 50'

PETITIONER'S EXHIBIT

Location Information:
 Councilmanic District: 15TH
 Election District: NE 7M
 Zoning: D.R.-S.5
 Lot size: 12,870.75 square feet

Scale: 1" = 1000'

SEWER:
 WATER:

Zoning Office USE ONLY!

