

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
E/S Rocky Point Road, 2600' S of
the C/I of Harrison Point Road * ZONING COMMISSIONER
(2117 Rocky Point Road) * OF BALTIMORE COUNTY
15th Election District * Case No. 91-142-A
5th Councilmanic District *
Christopher J. Egner, et ux
Petitioners

AMENDED ORDER

WHEREAS, the Petitioners requested a variance to permit side yard setbacks of 7 feet each in lieu of the required 50 feet for a proposed dwelling reconstruction, in accordance with Petitioner's Exhibit 1; and,

WHEREAS, the relief requested was granted, subject to restrictions, on November 27, 1990; and,

WHEREAS, the Department of Environmental Protection and Resource Management (DEPREM) has advised Petitioners that the proposed dwelling reconstruction cannot be permitted as a result of there being inadequate sewage disposal for the site and has agreed to the installation of a holding tank for the existing dwelling, as permitted by the Maryland State Department of the Environment; and,

WHEREAS, DEPREM has further agreed to the construction of a maximum 12' x 12' addition to the existing dwelling, in accordance with after Received Petitioner's Exhibit A, to provide an indoor bathroom and an additional bedroom for the subject dwelling; and,

WHEREAS, by letter dated December 4, 1990, Petitioners have requested an amendment to the Order issued November 27, 1990 inasmuch as compliance with Restriction No. 2 thereof cannot be met; and,

WHEREAS, the proposed 12' x 12' addition to the existing dwelling only requires a variance of 10 feet to the side property line, and as such, is a lesser variance than that previously granted for the dwelling

reconstruction originally proposed;

IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of December, 1990 that Restriction No. 2 of the Order issued November 27, 1990 be removed and replaced with the following new Restriction No. 2:

"2) The relief granted herein is limited to the proposed construction of a 12' x 12' addition to the existing structure. No further expansion to the existing dwelling shall be permitted."

IT IS FURTHER ORDERED that, excepting Restriction No. 2 thereof, the Order issued November 27, 1990 which granted a variance to permit side yard setbacks of 7 feet each in lieu of the required 50 feet for a proposed dwelling reconstruction, in accordance with Petitioner's Exhibit 1, shall remain in effect and shall be limited to the Petitioners' only for the future reconstruction of the existing dwelling, pursuant to the receipt of written documentation from the Department of Environmental Protection and Resource Management, Bureau of Water Quality Division, or other authorized Baltimore County or Maryland State agency, that an approved method of wastewater for the subject site has been installed; and,

IT IS FURTHER ORDERED that at such time as Petitioners are able to proceed with the originally proposed dwelling reconstruction, the existing structure and its addition must be removed from the property prior to the issuance of any occupancy permits for the new dwelling; and,

IT IS FURTHER ORDERED that all other conditions and restrictions contained in the Order issued November 27, 1990 shall remain in full force and effect.

JRH:bjs
cc: Attached Addressees

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

cc: Mr. & Mrs. Christopher J. Egner
2123 Oakland Road, Baltimore, Md. 21220
Chesapeake Bay Critical Areas Commission
Towers State Office Building, D-4, Annapolis, Md. 21404
DEPREM
People's Counsel
File

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
E/S Rocky Point Road, 2600' S of
the C/I of Harrison Point Road * ZONING COMMISSIONER
(2117 Rocky Point Road) * OF BALTIMORE COUNTY
15th Election District * Case No. 91-142-A
5th Councilmanic District *
Christopher J. Egner, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit side yard setbacks of 7 feet each in lieu of the required 50 feet for a proposed dwelling reconstruction in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Sections 307.1, 307.2 and 500.14 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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;

ORDER RECEIVED FOR FILING
Date 11/27/90
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/27/90
By [Signature]

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

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

- 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 14th day of November, 1990 that the Petition for Residential Variance to permit side yard setbacks of 7 feet each in lieu of the required 50 feet for a proposed dwelling reconstruction, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The 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 relief granted herein is limited to the construction of a new dwelling following the razing of an existing dwelling. Petitioner shall not allow or cause the subject property to be converted to a second dwelling unit and/or apartments.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

ORDER RECEIVED FOR FILING
Date 11/27/90
By [Signature]

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 November 15, 1990, attached hereto and made a part hereof.

JRH:bjs

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 11/27/90
By [Signature]

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Critical Area # 144

91-142-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, petition for a Variance from Section 1A04.3B.3 to permit side yard setbacks of 7 feet respectively in lieu of the required 50 feet.

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

1. Shape of property and zoning classification prohibit reconstruction of dwelling;
2. To reconstruct larger than existing dwelling, variances needed;
3. Existing structure enjoys non-conforming setbacks;
4. Expanding family necessitates larger house.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Christopher J. Egner
Signature	Signature
Address	Address
City/State/Zip Code	City/State/Zip Code
Attorney for Petitioner:	Attorney:
S. Eric DiNenna	2123 Oakland Road
(Type or Print Name)	Baltimore, Maryland 21220
Signature	City/State/Zip Code
409 Washington Ave., Ste. 600	Name, address and phone number of legal owner, contract purchaser or representative to be contacted.
Towson, MD 21204	S. Eric DiNenna
(301) 296-6820	409 Washington Ave., Suite 600
Attorney's telephone number	Towson, MD 21204 296-6820

ORDERED by the Zoning Commissioner of Baltimore County, this 2 day of OCT, 1990, that the subject matter of this petition be posted on the property on or before the 24 day of OCT, 1990.

J. Robert Haines
ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,
IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this day of , 19 , 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 the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the day of , 19 , at o'clock, .

ORDER RECEIVED FOR FILING
Date 11/27/90
By [Signature]

ZONING COMMISSIONER OF BALTIMORE COUNTY

ORDER RECEIVED FOR FILING
Date 11/27/90
By [Signature]

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-142-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/does not presently or upon settlement will reside at _____

2117 Rocky Point Road
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

1. Shape of property and zoning classification prohibit reconstruction of dwelling;
2. To reconstruct larger than existing dwelling, variances needed;
3. Existing structure enjoys non-conforming setbacks;
4. Expanding family necessitates larger house.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Christopher J. Egner
AFFIANT (Handwritten Signature)
Kathleen E. Egner
AFFIANT (Handwritten Signature)
Christopher J. Egner
AFFIANT (Printed Name)
Kathleen E. Egner
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15th day of August, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Christopher J. Egner and Kathleen E. Egner

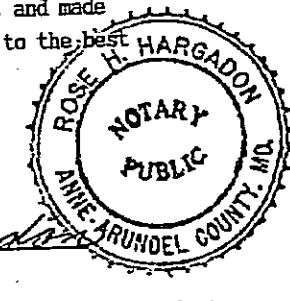
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

August 15, 1990
DATE

Notary Public
Rose H. Hargrave

My Commission Expires: January 01, 1993



Phone: 687-6922

649

FRANK S. LEE

Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

April 11, 1990

2117 Rocky Point Road
15th District Baltimore County, Maryland

Beginning for the same in the center of Rocky Point Road at the distance of 2600 feet more or less measured southerly along the center thereof from the center of Barrison Point Road, thence running and bind on the center thereof South 11 degrees 21 minutes East 55 feet, thence leaving Rocky Point Road and running North 80 degrees 48 minutes East 410.33 feet to the waters of Hawk Cove, thence binding thereon North 4 degrees 46 minutes East 56.65 feet, thence running South 80 degrees 48 minutes West 426.07 feet to the place of beginning.

Containing 0.53 acres of land more or less.

CRITICAL AREA

91-142-A

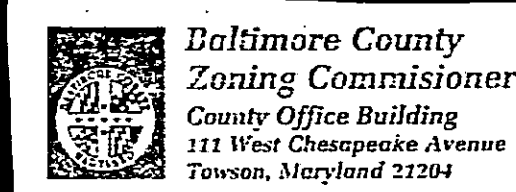
CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

91-142-19

District: 15-4 Date of Posting: 10/14/90
Posted for: variance
Petitioner: Christopher J. Egner et ux
Location of property: 2117 Rocky Point Rd., 21200
Location of Signs: Facing Rocky Point Rd. on 15th md. way
Remarks: on property of Petitioner
Posted by: M. Haines Date of return: 10/26/90
Number of Signs: 1



CRITICAL AREA

receipt

Account: R-001-6150

Number

No. 3562

Date

10/02/90

H9100144

PUBLIC HEARING FEES	QTY	PRICE
010 - ZONING VARIANCE (IRL)	1 X	\$35.00
080 - POSTING SIGNS / ADVERTISING	1 X	\$25.00
		TOTAL: \$60.00

LAST NAME OF OWNER: EGNER

BA04#0019MICRRC \$60.00

BA 003*08P#10-02-90

Please make checks payable to: Baltimore County DEPT BUSINESS DAY

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

J. Robert Haines
Zoning Commissioner

November 7, 1990

S. Eric DiNenna, Esquire
409 Washington Avenue, Suite 600
Towson, MD 21204

Dennis F. Rasmussen
County Executive

RE: Item No. 144, Case No. 91-142-A
Petitioner: Christopher J. Egner, et ux
Petition for Residential Variance

Dear Mr. DiNenna:

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

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Christopher J. Egner
2123 Oakland Road
Baltimore, MD 21220

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

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 27th day of September, 1990.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer

Chairman,
Zoning Plans Advisory Committee

Petitioner: Christopher J. Egner, et ux

Petitioner's Attorney: S. Eric DiNenna

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: October 22, 1990
Zoning Commissioner

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

SUBJECT: Christopher J. Egner, Item No. 144

The Petitioner requests a Variance to permit side yard setbacks of 7 ft., respectively, in lieu of the required 50 ft.

In reference to the Petitioner's request, staff offers no comments.

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

ITEM144/ZAC1

Baltimore County
Fire Department
700 East Joppa Road, Suite 501
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

OCTOBER 24, 1990

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

Dennis F. Rasmussen
County Executive

RE: Property Owner: CHRISTOPHER J. EGNER
Location: #2117 ROCKY POINT ROAD

Item No.: 144 Zoning Agenda: OCTOBER 23, 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: Pat Keller 10-24-90 Notes and Approved: Captain J. Brady, Jr.
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

Rec
10/24/90

Rec
10/25/90

cc: One

Very truly yours,

G. G. Stephens

(301) 887-3391



Dennis F. Rasmussen
County Executive

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

J. Robert Haines
Zoning Commissioner

October 12, 1990

Mr. & Mrs. Christopher J. Egner
2123 Oakland Road
Baltimore, Maryland 21220

Re: CASE NUMBER: 91-142-A

ITEM NUMBER: 144

LOCATION: 2/5 Rocky Point Road, 2600' S of Barrison Point Road
2117 Rocky Point Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a reference regarding the administrative process.

1) Your property will be posted on or before October 24, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is November 8, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the signs and post can then be removed from the property and returned to this office. Failure to return the signs and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the signs.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commission must now decide whether to grant or deny the request. It also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
OCTOBER 12, 1990
TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT OF PERMITS & LICENSES
FROM: CHARLES E. BURHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES
SUBJECT: ZONING ITEM # 144
PROPERTY OWNER: Christopher J. Egner, et ux
LOCATION: E/S Rocky Point Rd. 2600' S of centerline
Barrison Point Road (#7117 Rocky Point Road)
ELECTION DISTRICT: 15th
CONGRESSIONAL DISTRICT: 5th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMPS (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- (X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1, CONSTRUCTION DRAWINGS MUST BE REQUIRED. A BUILDING PERMIT SHALL ALSO BE REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- (X) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE). See attachment.
- () OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

EFFECTIVE: JANUARY 19, 1989
SECTION: 516.0 CONSTRUCTION IN AREAS SUBJECT TO FLOODING

516.1 AREAS SUBJECT TO INUNDATION BY TIDEWATERS:
1. Whenever building or additions are constructed in areas subject to inundation by tides, the building's lowest floor (including basement) shall be not lower than one (1) foot above the 100-year flood elevation, as established by the U.S. Army Corps of Engineers or the Federal Flood Insurance Study, whichever is more restrictive. These buildings or additions shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure with materials resistant to flood damage.

Areas beneath buildings will not be considered as basements if headroom to underside of floor joists is less than six feet or if enclosure walls are at least 50 percent open.
Exception: Residential Storage Buildings 300 square feet or less.

2. Crawl spaces under buildings constructed in the tidal plain, as determined by the U.S. Army Corps of Engineers or the Federal Flood Insurance Study, whichever is more restrictive, shall be constructed so that water will pass through without resulting debris causing damage to the improvements of any property.

3. New or replacement utility systems, including but not limited to water supply, sanitary sewage, electric gas and oil, must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

516.2 RIVERINE AREAS SUBJECT TO INUNDATION BY SURFACE WATERS WITHIN THE 100 YEAR FLOOD PLAIN:
1. No structures or additions shall be within the 100-year flood plain of any watercourse. The 100-year flood plain shall be based upon the Federal Flood Insurance Study or the Department of Public Works, whichever is the more restrictive. This determination shall include planned future development of the watershed area.

Exception: Buildings in areas designated as "FRINGE" areas by the Department of Public Works.

2. Reconstruction of residential dwelling units shall be governed by Sections 103.0 or 120.0 as applicable, except that rebuilding of residential dwelling units damaged in excess of 50 percent of physical value shall also be governed by the provisions of Subsection 516.1 of this section.

3. Reconstruction of other than residential buildings or structures in the riverine areas shall be made to conform to 516.1 when damage exceeds 50 percent of physical value.

January 1989

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: October 18, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting for October 23, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 136, 146, 149 and 150.

For Items 140 and 145, County Review Group Meetings may be required.

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

RWB:s

Rec 10/23/90
JBW

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: October 3, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting for October 8, 1990

The Developers Engineering Division has reviewed the subject zoning item and we have no comments.

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

RWB:s

RECEIVED
10/4

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

December 13, 1990

TO: Robert Haines
Zoning Commissioner
FROM: Robert Powell
Water and Sewer Division
SUBJECT: Additional Comments - Item # 144 (2117 Rocky Point Rd.)

The existing structure on-site currently has no indoor waste plumbing fixtures. Soil conditions on-site have been found to be unfavorable for subsurface sewage disposal, therefore the owner has requested to utilize a holding tank to collect all wastes generated by occupants of the dwelling. This Department has approved this request subject to the restrictions that the existing dwelling may not be expanded in any way except that necessary for construction of a bathroom. This restriction of no additional floor space is in accordance with Maryland State Department of Environment Regulations COMAR 26.04.02.03.B. An addition not to exceed 12' x 12' shall be considered acceptable in accordance with the aforementioned regulation. Mr. Egner has submitted to this office a building inspector's report evaluating the physical and structural condition of the existing dwelling. The results of the report indicate the building is structurally sound; the only deficiency noted being inadequate attic ventilation.

JRP:mrk

RECEIVED
DEC 14 1990
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner
DATE: November 15, 1990
FROM: Mr. Robert W. Sheesley
SUBJECT: Petition for Zoning Variance - Item 144
Egner Property
Chesapeake Bay Critical Area Findings

RECEIVED
NOV 21 1990
ZONING OFFICE

SITE LOCATION
The subject property is located at 2123 Oakland Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. Christopher J. Egner
APPLICANT PROPOSAL

The applicant has requested a variance from section 1A04.3B.3 of the Baltimore County Zoning Regulations to permit side yard setbacks of seven feet respectively in lieu of the required 50 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.D>

Memo to Mr. J. Robert Haines
November 15, 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. 22-216(a)>.

Finding: This property has an existing dwelling on it that is located approximately 50 feet from the mean high tide line. The new dwelling shall not be located any closer to the shoreline than the existing dwelling.

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: "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 house in addition to existing structures does not create impervious surfaces that exceed 15% of the lot. The existing driveway shall remain as porous gravel so that the sum of impervious surfaces shall not exceed 15% of the lot.

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: 2 items - 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 phosphorus associated with them.

Memo to Mr. J. Robert Haines
November 15, 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)>.

Finding: 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:DCF:ju
Attachment
cc: The Honorable Ronald B. Hickernell
The Honorable Norman W. Lauenstein
The Honorable Dale T. Volz
Mrs. Janice B. Outen
Mr. & Mrs. Christopher J. Egner

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
 10/23/90
 Date

Zoning Commissioner
 Office of Planning and Zoning
 County Office Building
 Towson, Maryland 21284

Zoning Item # 144. Zoning Advisory Committee Meeting of October 23, 1990
 Property Owner: Christopher J. Egner et ux District: 15
 Location: 2117 Rocky Point Road
 Water Supply: private Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for use existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of Quality Management is required for any charbroiler generation process, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other amusements pertaining to health, safety and (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been _____, must be _____ conducted.
 () The results are valid until _____.
 () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until _____. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3880.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.

Others: Prior to approval of a building permit by this Dept. to construct a new dwelling on this property, plans must be submitted for review & the issue of an approved method of wastewater disposal resolved for further information contact Mr. Kil Powell of the Water & Sewer Division at 887-2762.

BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

2123 Oakland Road
 Baltimore, Maryland 21220
 December 4, 1990

RECEIVED
 OFFICE
 ZONING OFFICE

Mr. J. Robert Haines
 Zoning Commissioner for Baltimore County
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Re: Petition for Residential Variance
 2117 Rocky Pt. Road, Case No. 91-142-A

Dear Mr. Haines:

Thank you for granting our petition for residential variance.

We are experiencing a small problem and as such are requesting an amended order. In the order, you granted the relief "limited to the construction of a new dwelling following the razing of an existing dwelling". I feel this restriction was placed in the order so that we would not have multiple dwellings on the property. We are only interested in having one single family dwelling on the property.

Our small problem is that The Baltimore County Department of Environmental Protection and Resource Management (DEPRM) will not allow us to raze the existing structure and build a new dwelling. This problem stems from adjoining properties having multiple dwellings and multiple wells. There is no area on our property far enough away from neighboring wells that is large enough for a septic system. Through much negotiation with Mr. Rob Powell, DEPRM, we were given approval to install a holding tank. Mr. Powell and Mr. John Covatt, Maryland State Department of the Environment, have informed us that it is a "Maryland State law that prohibits the construction of a new dwelling on a holding tank". A holding tank is used strictly for the correction of an existing problem". The holding tank is the only system the Department will approve for our situation.

The property is currently served by a privy. Mr. Powell has released a plumbing permit to install the holding tank to correct the existing problem (the privy). My plumber has just ordered the holding tank. Mr. Powell has given us approval to convert an existing bedroom to a bathroom and add on a new 12' by 12' bedroom. Any construction for the new house we were planning to build when we petitioned for the variance must be postponed until the County installs public sewage (approximately 5 years). Therefore, we request that the order you granted be amended to allow us to add on the 12' by 12' addition that is all that is allowed by DEPRM.

DINENNA, MANN & BRESCHI
 ATTORNEYS AT LAW

SUITE 400
 MERCANTILE TOWSON BUILDING
 400 WASHINGTON AVENUE
 TOWSON, MARYLAND 21286
 (301) 586-6820
 TELEFAX (301) 296-6884

October 16, 1990

J. Robert Haines
 Zoning Commissioner for
 Baltimore County
 County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

RE: Case No.: 91-142-A
 Your Item No.: 144
 Location: E/S Rocky Point Road,
 2600' S c/1 of Barrison Point Road

Dear Mr. Commissioner:

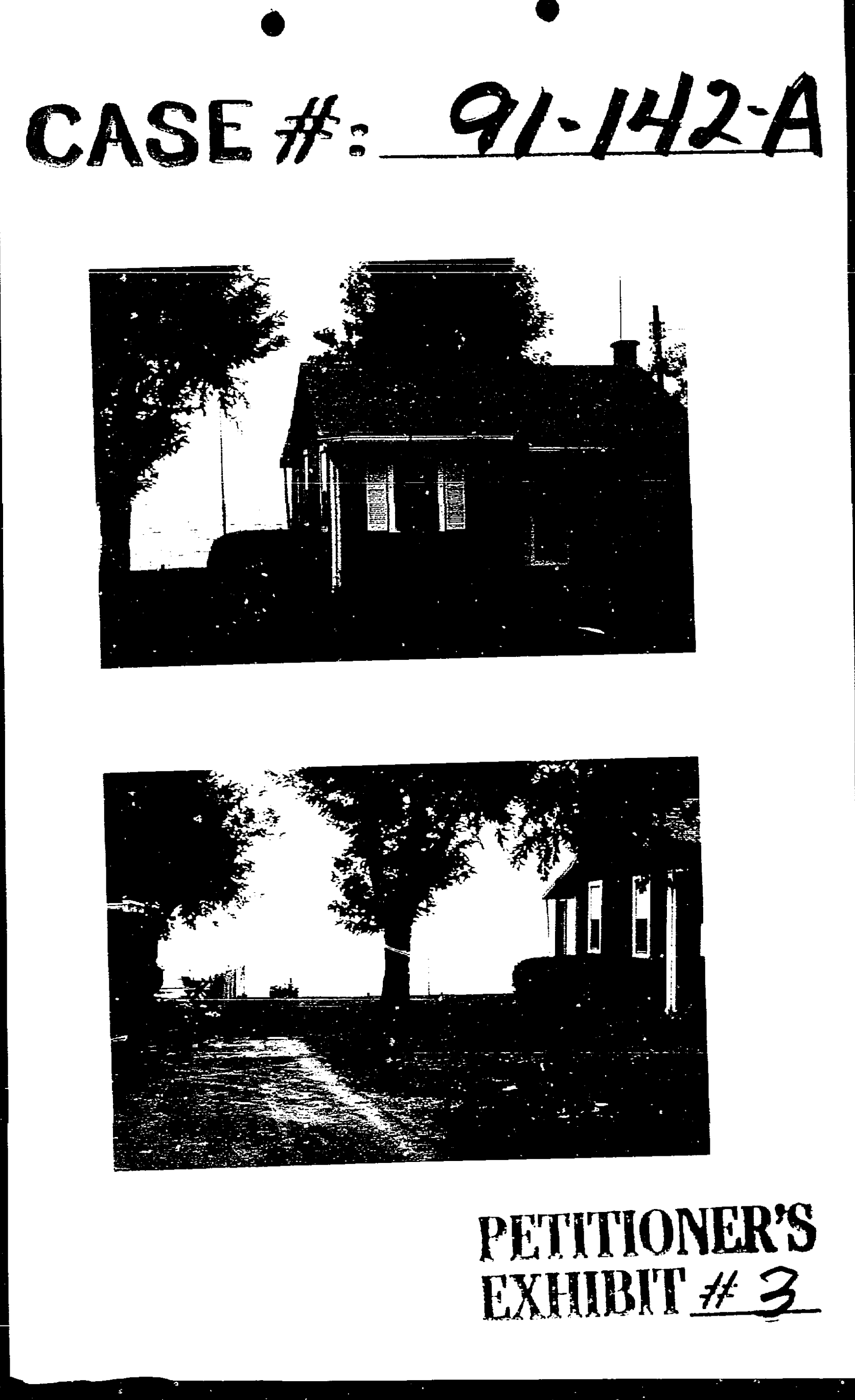
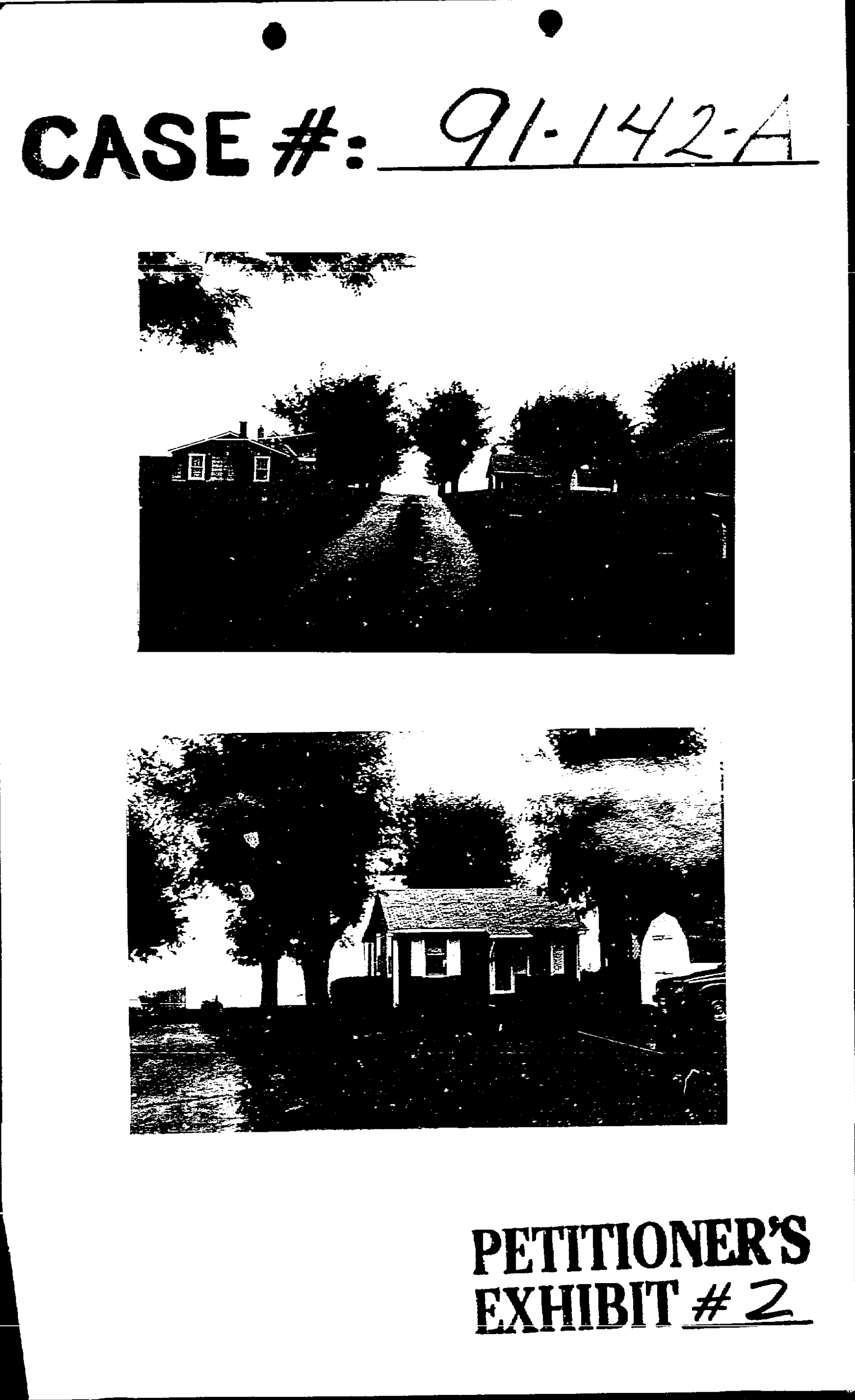
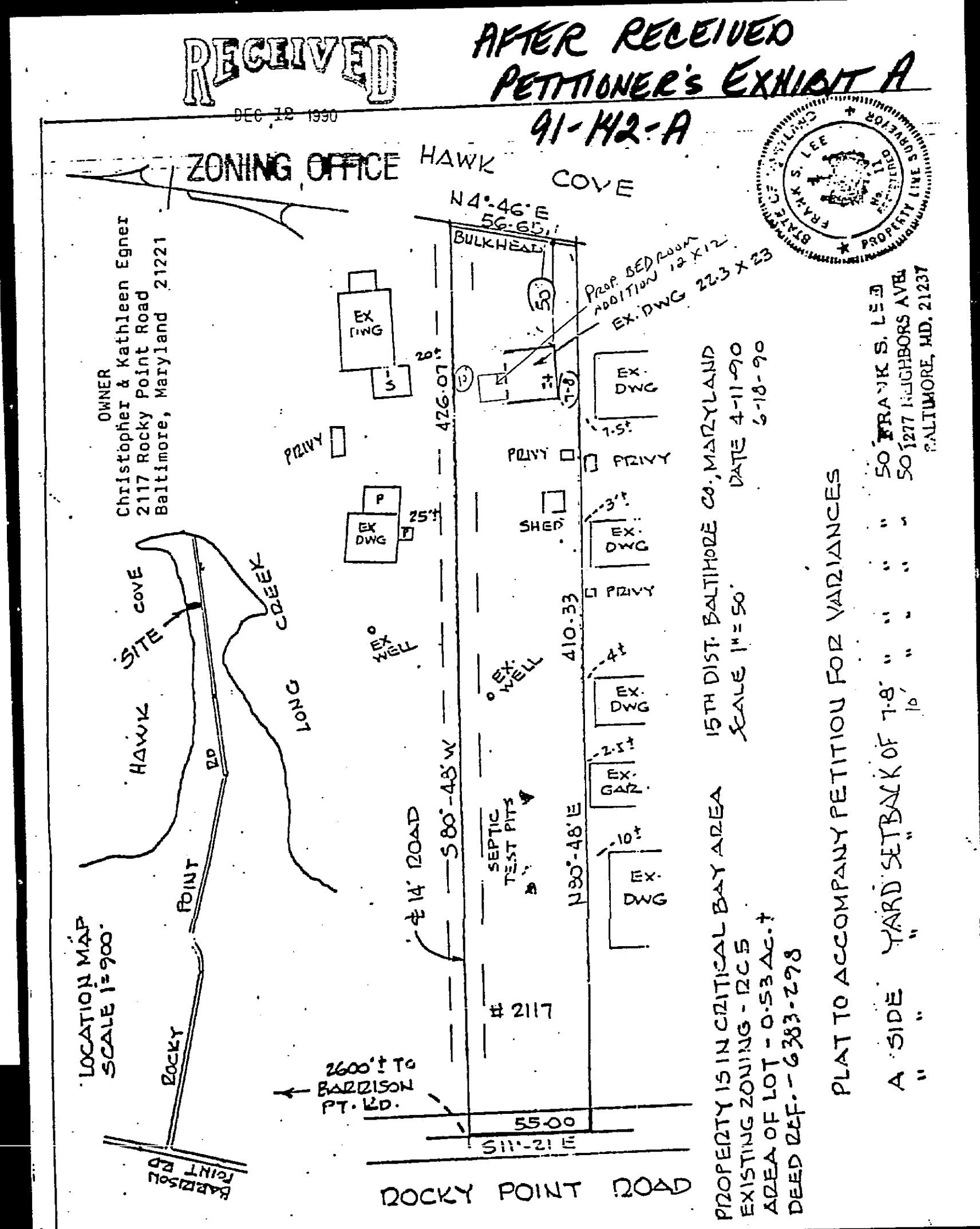
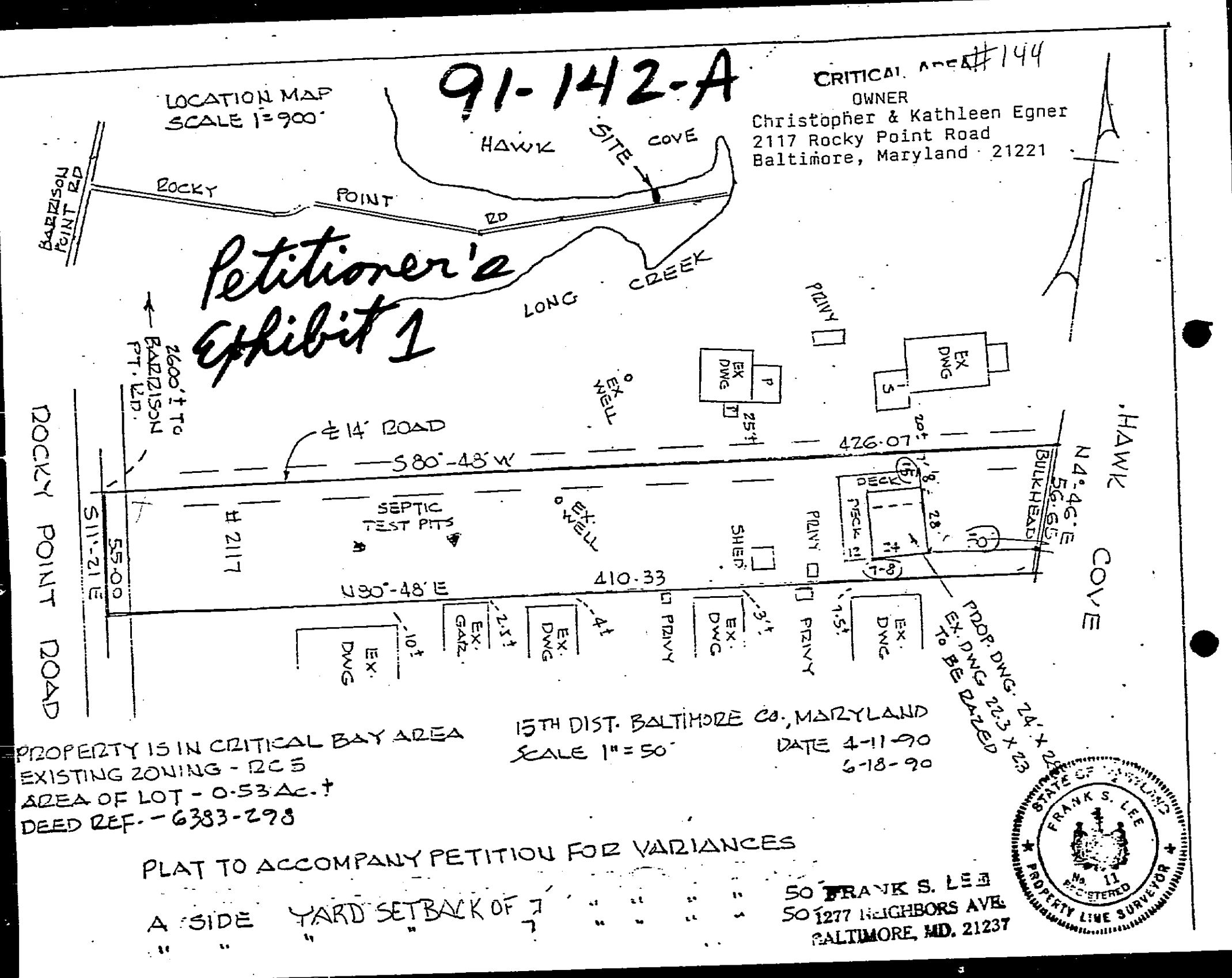
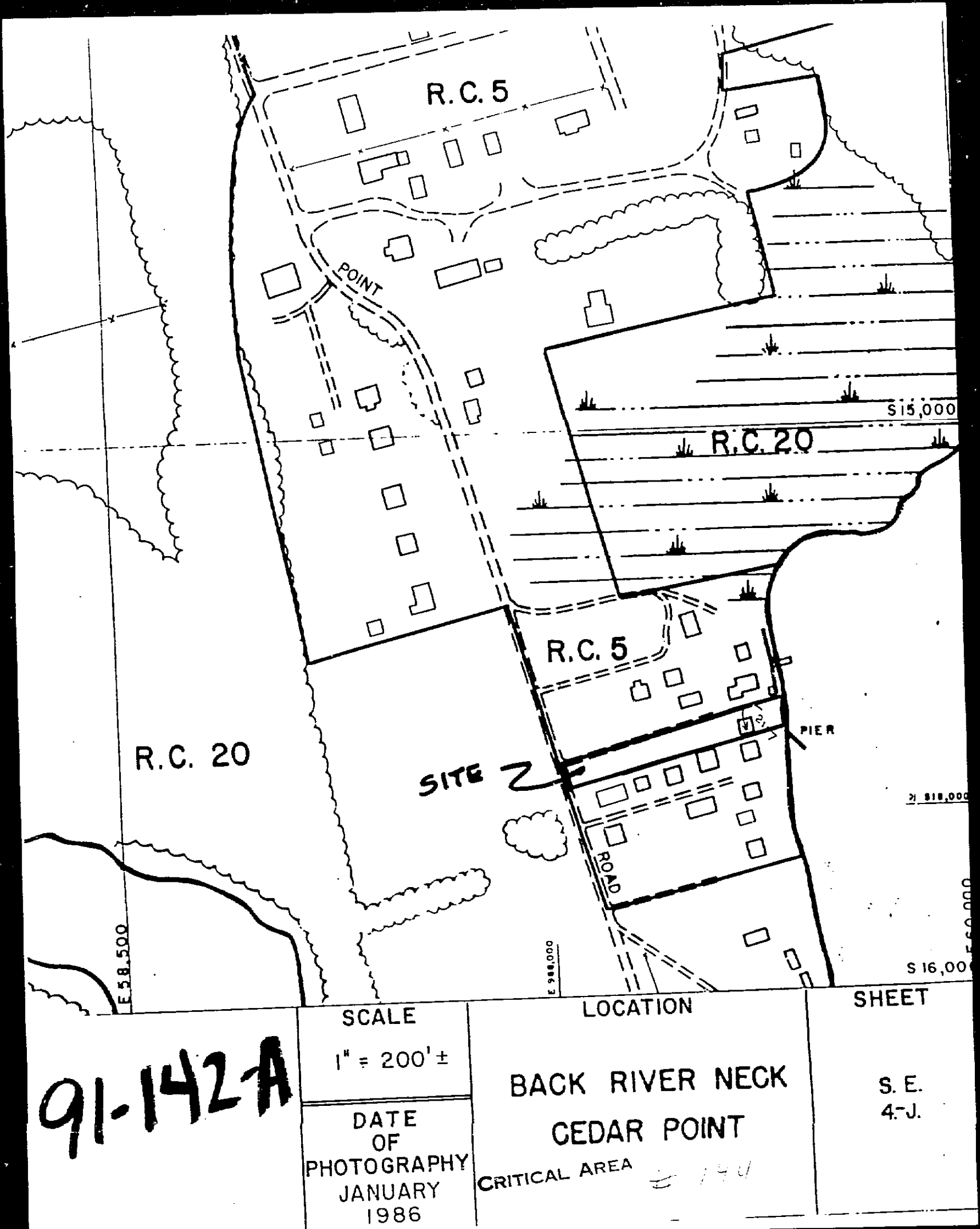
I am in receipt of your letter of October 12, 1990 to my client, concerning the above-captioned matter advising him of the dates applicable concerning his Petition.

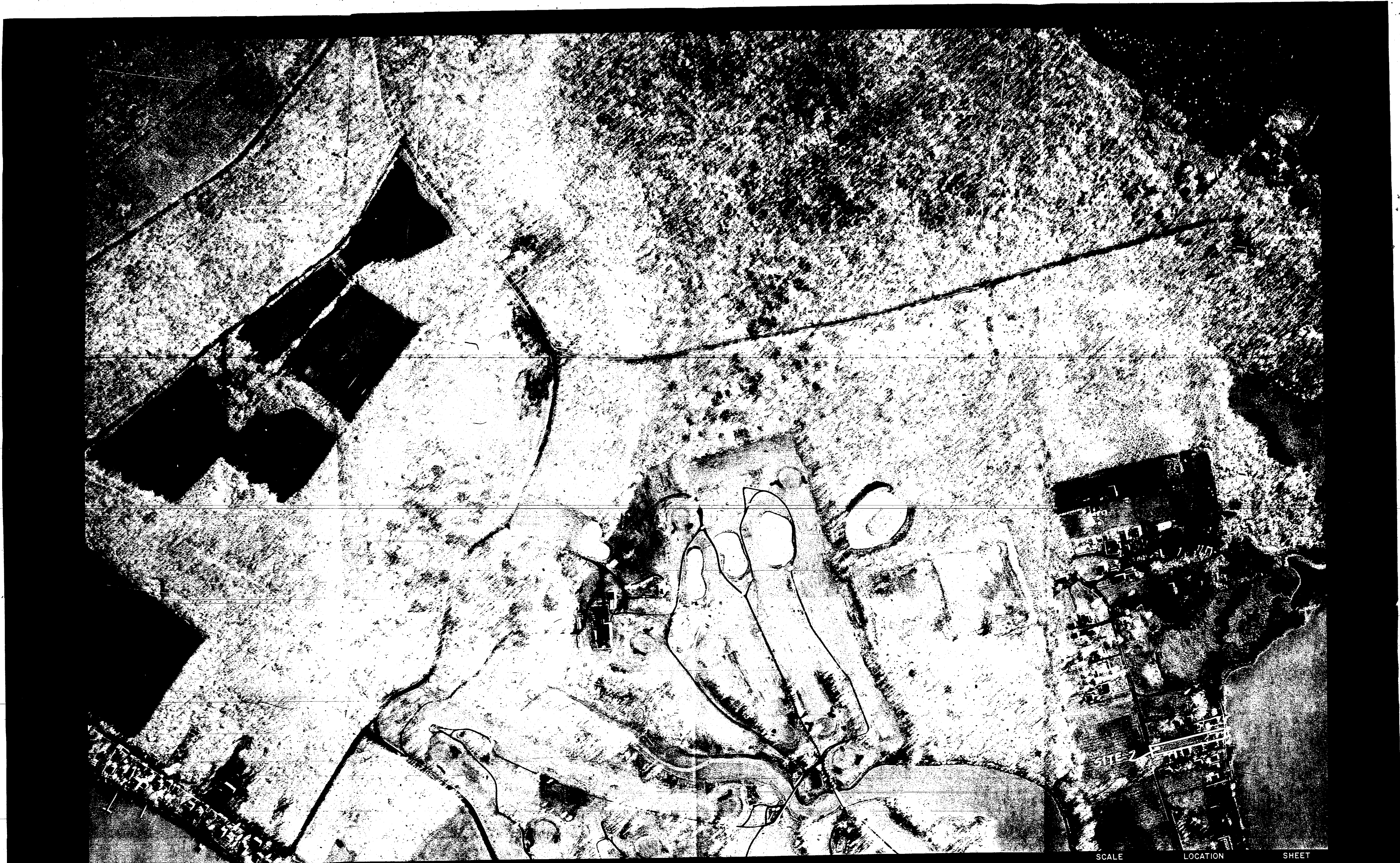
If this matter proceeds without a requested public hearing and if you need any additional information, please advise me prior to proceeding to a final decision.

Thank you for your cooperation.

Very truly yours,
 ERIC DINENNA

SED:cjc
 cc: Mr. and Mrs. Christopher J. Egner





BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	BACK RIVER NECK	S E
DATE OF PHOTOGRAPHY	CEDAR POINT	4-J

PREPARED BY AIR PHOTOGRAPHICS, INC.