

**receipt**

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

Account: R001-6150  
 Number

Date: 1/31/91

	QTY	PRICE
PUBLIC HEARING FEES		
010 -ZONING VARIANCE (IRL)	1 X	\$25.00
090 -POSTING SIGNS / ADVERTISING	1 X	\$25.00
<b>TOTAL:</b>		<b>\$50.00</b>

LAST NAME OF OWNER: HARVEY

D4A04#0047WICHRC \$60.00  
 Please Make Checks Payable To Baltimore DEP#007-09#001-31-91

Cashier Validation

**Baltimore County Government**  
 Zoning Commissioner  
 Office of Planning and Zoning

111 West Chesapeake Avenue  
 Towson, MD 21204 887-3353

February 7, 1991

Robert Harvey  
 7550 Battle Grove Circle  
 Baltimore, Maryland 21222

Re: CASE NUMBER: 91-294-A  
 LOCATION: 5/2 Battle Grove Circle, 515.92' SWLY of E. Battle Grove Avenue  
 7550 Battle Grove Avenue

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 retainer regarding the administrative process.

- Your property will be posted on or before February 13, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is February 28, 1991. Should such request be filed, you will receive notification that the matter will not be decided through the administrative process. This will mean advertising of the public hearing and posting 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 posting of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign 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 sign.
- Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.
- 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.

Very truly yours,  
 J. Stephens  
 (301) 887-3391

cc: S. Eric DiNenna, Esq.  
 File

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

DATE: February 28, 1991

TO: Mr. J. Robert Haines  
 Zoning Commissioner

FROM: Mr. J. James Dieter  
 Harvey Property  
 Chesapeake Bay Critical Area Findings

**RECEIVED**  
 MAR 20 1991  
**ZONING OFFICE**

**SITE LOCATION**

The subject property is located at 7550 Battle Grove Circle. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

**APPLICANT'S NAME** Mr. Robert M. Harvey

**APPLICANT PROPOSAL**

The applicant has requested a variance from section 1802.3C.1 of the Baltimore County Zoning Regulations to permit "a side yard of 2.3 feet and 9.5 feet respectively 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:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- Conserve fish, wildlife and plant habitat; and
- 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 14.15.10.01.02

Memo to Mr. J. Robert Haines  
 February 28, 1991  
 Page 2

**REGULATIONS AND FINDINGS**

1a. 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)>.

1b. Regulation: "The natural vegetation occurring in the buffer shall remain undisturbed. Except as provided in Section 22-214, vegetation shall be planted in the buffer where necessary to protect, stabilize, or enhance the shoreline" <Baltimore County Code, Section 22-213(4)>.

Finding: This addition is located approximately 110 feet from the mean high water of Bear Creek. An additional three trees shall be planted in the 100 foot buffer to enhance the shoreline and to replace two trees that have been cut.

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: This addition creates additional impervious surfaces that sum to less than 15% of the lot. Impervious surfaces that sum to more than 15% of the lot shall not 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: 3 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  
 February 28, 1991  
 Page 3

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

- 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;
- Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and
- Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.
- 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: The applicant agrees that 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. This project proposal is in compliance with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

J. James Dieter, Director  
 Department of Environmental Protection  
 and Resource Management

JJD:NS:ju  
 Attachment  
 cc: The Honorable Vincent Gardina  
 The Honorable Donald Mason  
 Mr. Ronald B. Hickernell  
 Mrs. Janice B. Outen  
 Mr. Robert Harvey w/a  
 Mr. S. Eric DiNenna, Esq.

**DINENNA AND BRESCHI**  
 ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.  
 GEORGE A. BRESCHI, P.A.

FRANCIS X. BORGERDING, JR. :  
 ALSO MEMBER OF BARBERS OF  
 COLUMBIANA

February 1, 1991

CERTIFIED MAIL  
 RETURN RECEIPT REQUESTED

DEPRM  
 County Courts Building  
 Towson, Maryland 21204

RE: My Client: Robert M. Harvey  
 Location: 7550 Battle Grove Circle  
 Zoning Item No. 303

91-294-A

Gentlemen:

Please be advised that I represent Mr. Robert Melvin Harvey, concerning a request for a variance for property located at the above location and within the Chesapeake Bay Critical Area.

It is my understanding that the Zoning Commissioner's Office will be forwarding you copies of the Petition, and plats as well as other documentation has been filed with that office concerning same.

If your office has any questions concerning this, do not hesitate to call upon me.

Very truly yours,  
 S. ERIC DINENNA

cc: J. Robert Haines, Zoning Commissioner  
 Mr. Robert M. Harvey

**RECEIVED**  
 FEB 4 1991  
**ZONING OFFICE**

**DINENNA AND BRESCHI**  
 ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.  
 GEORGE A. BRESCHI, P.A.

FRANCIS X. BORGERDING, JR. :  
 ALSO MEMBER OF BARBERS OF  
 COLUMBIANA

February 13, 1991

SUITE 600  
 MERCANTILE TOWSON BUILDING  
 409 WASHINGTON AVENUE  
 TOWSON, MARYLAND 21204

(301) 296-6820  
 TELEFAX (301) 296-6884

February 13, 1991

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

RE: My Client: Harvey  
 Case No.: 91-294-A

**RECEIVED**  
 FEB 14 1991  
**ZONING OFFICE**

Dear Mr. Commissioner:

I am in receipt of your February 7, 1991 correspondence to me indicating that the Petition for Residential Zoning Variance has been assigned the above-captioned number and contact should be made with your office with reference to this matter.

This is to supplement the request made pursuant to the residential zoning variance process as follows:

- The property involved is narrow in size and there is an existing structure existing thereon;
- The property being the width it is, any expansion to the permitted use to the existing residence would necessitate a variance, therefore this variance is justified;
- The structure is maintaining a proper setback from the "Bear Creek" and therefore has no adverse effect upon the waterways;
- Because of the narrowness of the property and existing structure, any addition thereto would not have an adverse effect upon dwellings that exist on either side of the subject property on lots the same size as the subject property;
- As must be noted from the plats submitted herein, the front yard of the subject property will be maintained well behind the existing dwellings and therefore will not have an adverse effect upon the view of the adjoining residences in the area.

For the foregoing reasons, I request that the Petition for Residential Variance as petitioned be granted without a hearing.

Thank you for your cooperation in this matter.

Very truly yours,  
 S. ERIC DINENNA

SED:cjc  
 cc: Mr. Robert Melvin Harvey

File

DiNENNA AND BRESCHI  
ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.  
GEORGE A. BRESCHI, P.A.  
FRANCIS X. BONGERDING, JR.,  
2-ALSO MEMBER OF DISTRICT OF  
COLUMBIA BAR

SUITE 600  
MERCANTILE TOWNSHIP BUILDING  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21284  
(301) 296-6820  
TELEFAX (301) 296-6884

March 20, 1991

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

RE: Zoning Variance/Item No. 303  
Harvey Property  
Your Case No.: 91-294-A

Dear Commissioner Haines:

Would you be so kind as to advise me of your decision concerning  
the above-captioned matter.

Thank you for your cooperation.

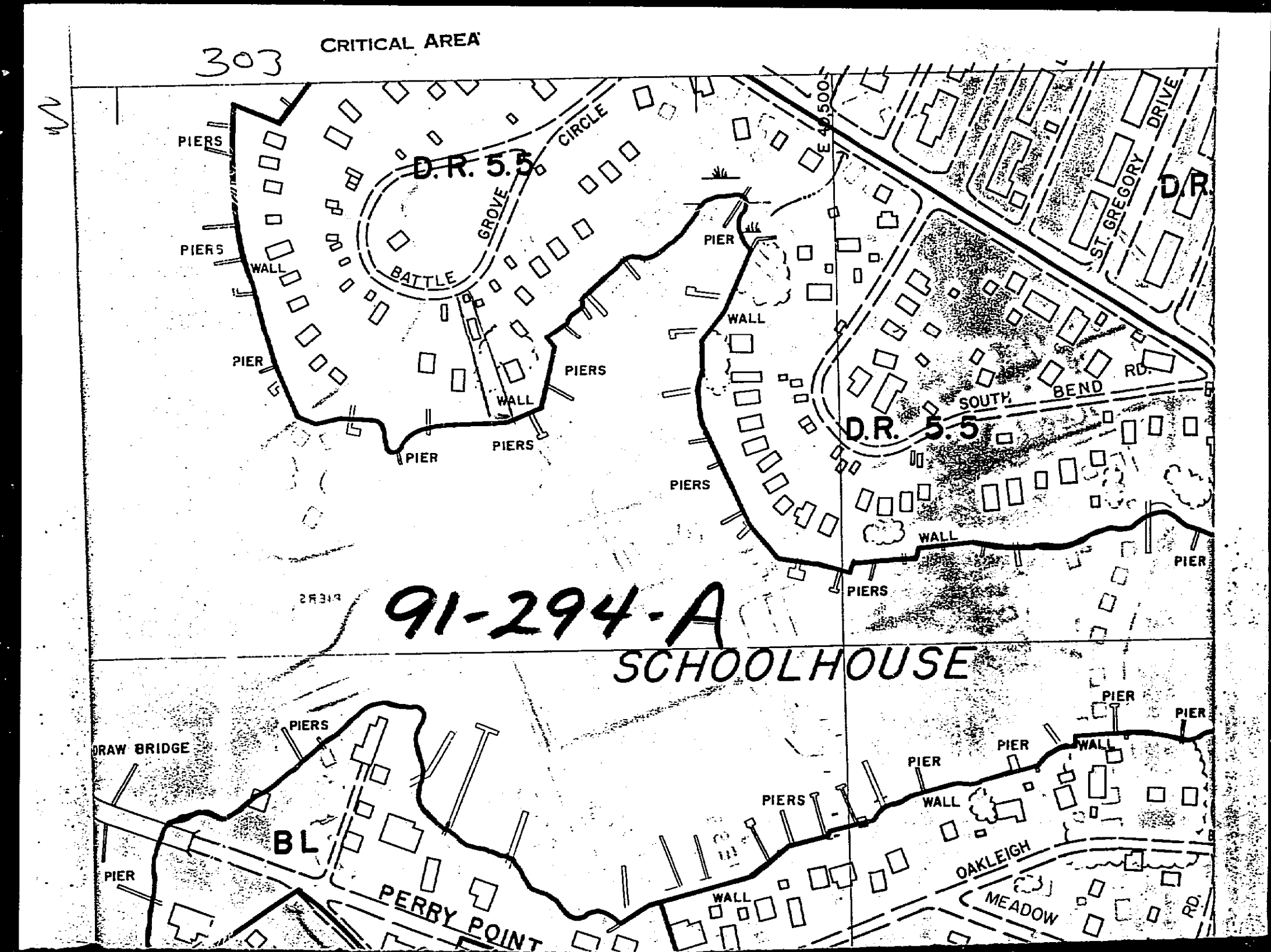
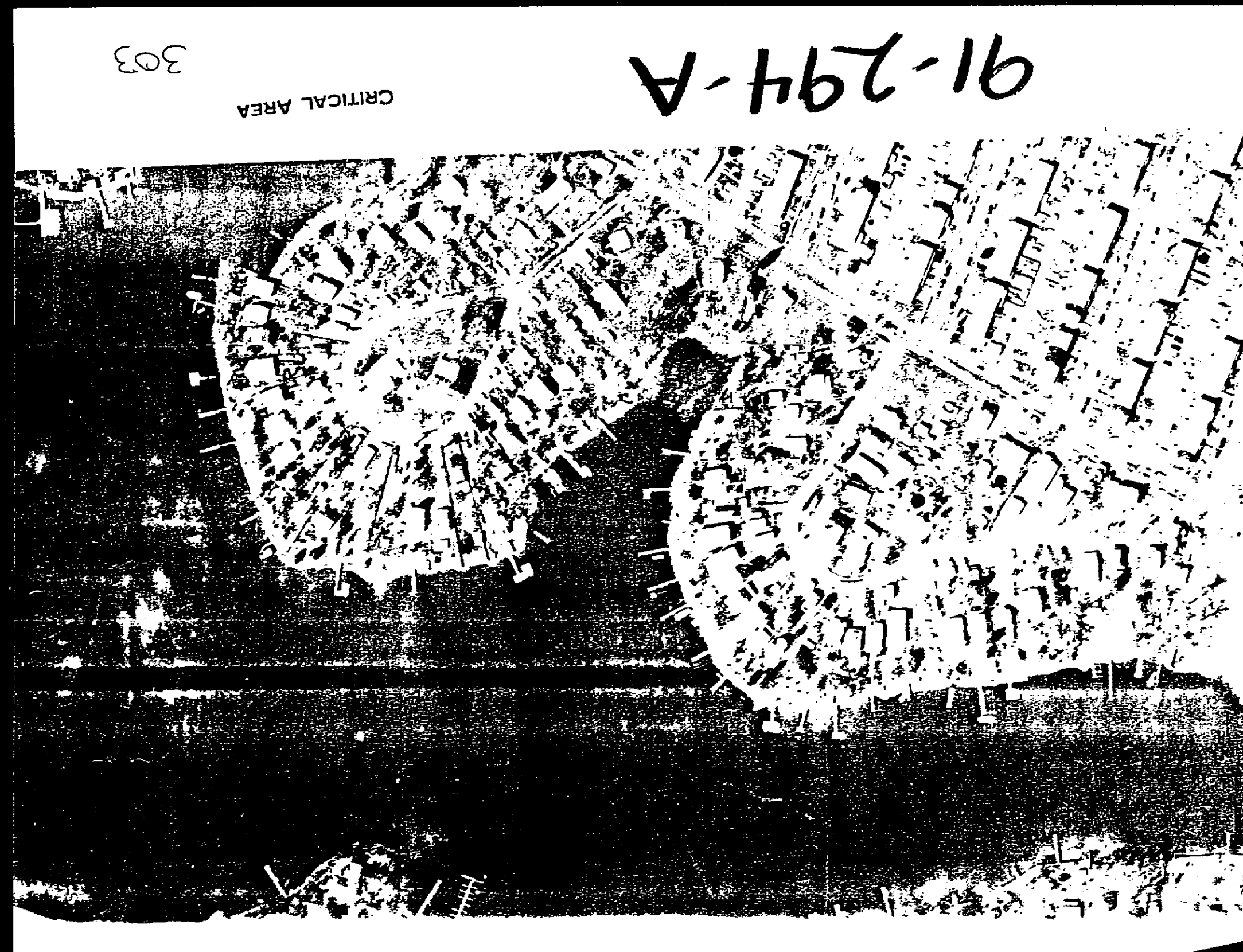
Very truly yours,

*S. Eric Dinenna*  
S. ERIC DINENNA

SED:cjc  
cc: Mr. Robert Melvin Harvey

RECEIVED  
MAY 21 1991

ZONING OFFICE

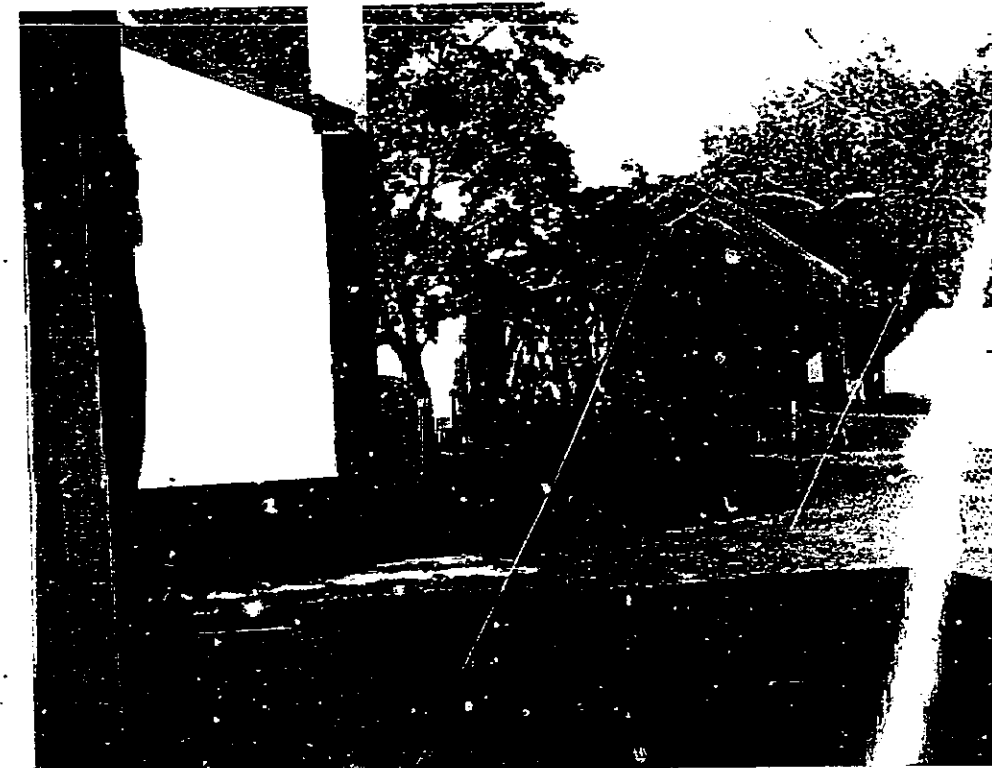


CASE #: 91-294-A



PETITIONER'S EXHIBIT #2

CASE #: 91-294-A

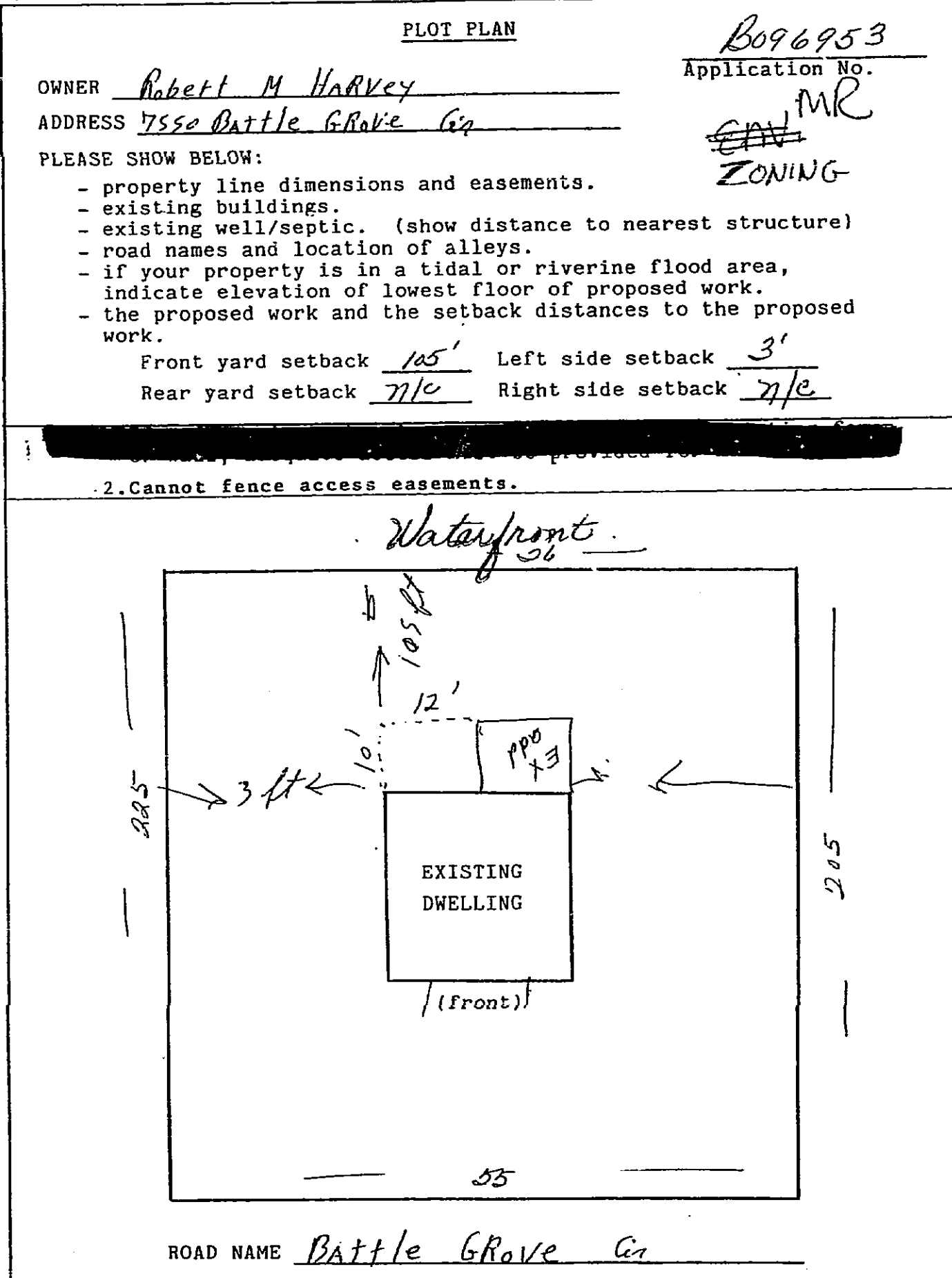


PETITIONER'S EXHIBIT #3

CASE #: 91-294-A



PETITIONER'S EXHIBIT #4



*91-294-A*

IN RE: PETITION FOR RESIDENTIAL VARIANCE BEFORE THE  
S/S Battle Grove Circle, 515.92'  
SW of E. Battle Grove Avenue  
(7550 Battle Grove Circle)  
15th Election District  
7th Councilmanic District  
OF BALTIMORE COUNTY  
Case No. 91-294-A  
Robert Harvey  
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit side yard setbacks of 2.3 feet and 9.5 feet respectively in lieu of the minimum required 10 feet for each for a proposed addition 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 struc-

tures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights 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 posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

WHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of March, 1991 that the Petition for Residential Variance to permit side yard setbacks of 2.3 feet and 9.5 feet respectively in lieu of the minimum required 10 feet for each for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartments. The addition shall contain no no kitchen facilities.
- 3) Upon completion of the proposed addition, Petitioners shall contact the Zoning Enforcement Division of this office to arrange for a mutually convenient date and time for a representative of this office to

make an inspection of the subject property to insure compliance with this Order.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.  
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 February 28, 1991, attached hereto and made a part hereof.

J. Robert Haines  
Zoning Commissioner  
for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING  
Date 3/31/91  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 3/31/91  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 3/31/91  
By [Signature]

CRITICAL AREA 303  
PETITION FOR RESIDENTIAL VARIANCE  
91-294-A

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, petition for a Variance from Section 1B02.3C.1 to allow a side yard of 2.3 feet and 9.5 feet respectively in lieu of the required 10 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. The narrowness of the lot and existing structure;
2. Improvement to existing home.

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:  
(Type or Print Name)  
Signature  
Address

Legal Owner(s):  
Robert Harvey  
(Type or Print Name)  
Signature  
(Type or Print Name)  
Signature

City/State/Zip Code  
Attorney for Petitioner:  
S. Eric DiNenna, Esquire  
(Type or Print Name)  
Signature  
409 Washington Ave., Ste. 600  
Towson, MD 21204, (301)296-6820  
Attorney's telephone number

7550 Battle Grove Circle  
Baltimore, MD 21222  
City/State/Zip Code  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted.  
S. Eric DiNenna, Esquire  
409 Washington Ave., Ste. 600  
Towson, MD 21204, 296-6820  
Name

ORDERED by the Zoning Commissioner of Baltimore County, this 31 day of Jan, 1991, that the subject matter of this petition be posted on the property on or before the 13 day of Feb, 1991.

J. Robert Haines  
ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAS/SHOULD BE HELD/SHOULD BE HELD, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be requested, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 502, County Office Building in Towson, Baltimore County, on the \_\_\_ day of \_\_\_ at \_\_\_ o'clock.

ORDER RECEIVED FOR FILING  
Date 3/31/91  
By [Signature]

ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT  
IN SUPPORT OF RESIDENTIAL ZONING VARIANCE 91-294-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/done presently or upon settlement will reside at  
7550 Battle Grove Circle  
(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)  
To make the improvements, narrowness of lot prohibits reasonable shape. Existing home built many years ago cannot make setback requirements.

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.

AFFIANT (Handwritten Signature) Robert Harvey  
AFFIANT (Printed Name) Robert HARVEY

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 31 day of Jan, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Robert Harvey

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.

Notary Public  
DATE 3/31/91  
My Commission Expires: 1/94

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

March 21, 1991

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

RE: PETITION FOR RESIDENTIAL VARIANCE  
S/S Battle Grove Circle, 515.92' SW of E. Battle Grove Avenue  
(7550 Battle Grove Circle)  
15th Election District - 7th Councilmanic District  
Robert Harvey - Petitioner  
Case No. 91-294-A

Dear Mr. DiNenna:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,  
J. Robert Haines  
Zoning Commissioner  
for Baltimore County

JRH:bjs  
cc: Chesapeake Bay Critical Areas Commission  
Tawes State Office Building, D-4, Annapolis, Md. 21404

DEPFM  
People's Counsel

File

Phone: 687-6922

CRITICAL AREA 303

FRANK S. LEE  
Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

July 30, 1990

No. 7550 Battle Grove Circle  
Lot 125, Plat No. 2, Battle Grove, 7/124  
15th District Baltimore County, Maryland

Beginning for the same on the south side of Battle Grove Cir side from the southwest side of E. Battle Grove Avenue and being known Lot 125 as laid out on Plat No. 2, Battle Grove, said plat being recorded among the land records of Baltimore County in Plat Book 7 folio 124.

Containing 9079.56 square feet of land more or less.

